

# STATE OF NEW YORK

7414

2021-2022 Regular Sessions

## IN ASSEMBLY

May 7, 2021

Introduced by M. of A. SILLITTI -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of criminal possession of a weapon in a polling place

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 6 of section 400.00 of the penal law, as  
2 amended by chapter 104 of the laws of 2019, is amended to read as  
3 follows:

4 6. License: validity. Any license issued pursuant to this section  
5 shall be valid notwithstanding the provisions of any local law or ordi-  
6 nance. No license shall be transferable to any other person or prem-  
7 ises. A license to carry or possess a pistol or revolver, not otherwise  
8 limited as to place or time of possession, shall be effective throughout  
9 the state, except that the same shall not be valid within the city of  
10 New York unless a special permit granting validity is issued by the  
11 police commissioner of that city. A license issued under this section  
12 does not authorize any person to carry a pistol or revolver into any  
13 polling place on the day of an election or while early voting is in  
14 progress. Such license to carry or possess shall be valid within the  
15 city of New York in the absence of a permit issued by the police commis-  
16 sioner of that city, provided that (a) the firearms covered by such  
17 license have been purchased from a licensed dealer within the city of  
18 New York and are being transported out of said city forthwith and imme-  
19 diately from said dealer by the licensee in a locked container during a  
20 continuous and uninterrupted trip; or provided that (b) the firearms  
21 covered by such license are being transported by the licensee in a  
22 locked container and the trip through the city of New York is continuous  
23 and uninterrupted; or provided that (c) the firearms covered by such  
24 license are carried by armored car security guards transporting money or  
25 other valuables, in, to, or from motor vehicles commonly known as

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 armored cars, during the course of their employment; or provided that  
2 (d) the licensee is a retired police officer as police officer is  
3 defined pursuant to subdivision thirty-four of section 1.20 of the crim-  
4 inal procedure law or a retired federal law enforcement officer, as  
5 defined in section 2.15 of the criminal procedure law, who has been  
6 issued a license by an authorized licensing officer as defined in subdi-  
7 vision ten of section 265.00 of this chapter; provided, further, howev-  
8 er, that if such license was not issued in the city of New York it must  
9 be marked "Retired Police Officer" or "Retired Federal Law Enforcement  
10 Officer", as the case may be, and, in the case of a retired officer the  
11 license shall be deemed to permit only police or federal law enforcement  
12 regulations weapons; or provided that (e) the licensee is a peace offi-  
13 cer described in subdivision four of section 2.10 of the criminal proce-  
14 dure law and the license, if issued by other than the city of New York,  
15 is marked "New York State Tax Department Peace Officer" and in such case  
16 the exemption shall apply only to the firearm issued to such licensee by  
17 the department of taxation and finance. A license as gunsmith or dealer  
18 in firearms shall not be valid outside the city or county, as the case  
19 may be, where issued. Notwithstanding any inconsistent provision of  
20 state or local law or rule or regulation, the premises limitation set  
21 forth in any license to have and possess a pistol or revolver in the  
22 licensee's dwelling or place of business pursuant to paragraph (a) or  
23 (b) of subdivision two of this section shall not prevent the transport  
24 of such pistol or revolver directly to or from (i) another dwelling or  
25 place of business of the licensee where the licensee is authorized to  
26 have and possess such pistol or revolver, (ii) an indoor or outdoor  
27 shooting range that is authorized by law to operate as such, (iii) a  
28 shooting competition at which the licensee may possess such pistol or  
29 revolver consistent with the provisions of subdivision a of section  
30 265.20 of this chapter or consistent with the law applicable at the  
31 place of such competition, or (iv) any other location where the licensee  
32 is lawfully authorized to have and possess such pistol or revolver;  
33 provided however, that during such transport to or from a location spec-  
34 ified in clauses (i) through (iv) of this paragraph, the pistol or  
35 revolver shall be unloaded and carried in a locked container, and the  
36 ammunition therefor shall be carried separately; provided further,  
37 however, that a license to have and possess a pistol or revolver in the  
38 licensee's dwelling or place of business pursuant to paragraph (a) or  
39 (b) of subdivision two of this section that is issued by a licensing  
40 officer other than the police commissioner of the city of New York shall  
41 not authorize transport of a pistol or revolver into the city of New  
42 York in the absence of written authorization to do so by the police  
43 commissioner of that city. The term "locked container" shall not include  
44 the glove compartment or console of a vehicle.

45 § 2. The penal law is amended by adding a new section 265.01-d to read  
46 as follows:

47 § 265.02-d Criminal possession of a weapon at a polling place.

48 A person is guilty of criminal possession of a weapon at a polling  
49 place when he or she knowingly has in his or her possession a rifle,  
50 shotgun, or firearm in or within one hundred feet of a polling place on  
51 the day of a primary, special or general election or while early voting  
52 is in progress. Nothing in this section shall apply to a police officer  
53 in the performance of his or her duties.

54 Criminal possession of a weapon at a polling place is a class E felo-  
55 ny.

56 § 3. This act shall take effect immediately.