

STATE OF NEW YORK

2693

2021-2022 Regular Sessions

IN SENATE

January 22, 2021

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to removing the maximum age limit for firearms instruction exemptions

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

1 Section 1. Paragraph 7 of subdivision (a) of section 265.20 of the
2 penal law, as amended by chapter 150 of the laws of 2020, is amended to
3 read as follows:
4 7. Possession, at an indoor or outdoor shooting range for the purpose
5 of loading and firing, of a rifle or shotgun, the propelling force of
6 which is gunpowder by a person [~~under sixteen years of age but~~] not
7 under twelve years of age, under the immediate supervision, guidance and
8 instruction of (a) a duly commissioned officer of the United States
9 army, navy, air force, marine corps or coast guard, or of the national
10 guard of the state of New York; or (b) a duly qualified adult citizen of
11 the United States who has been granted a certificate as an instructor in
12 small arms practice issued by the United States army, navy, air force or
13 marine corps, or by the adjutant general of this state, by the national
14 rifle association of America, a not-for-profit corporation duly organ-
15 ized under the laws of this state, or by a New York state 4-H certified
16 shooting sports instructor; or (c) a parent, guardian, or a person over
17 the age of eighteen designated in writing by such parent or guardian who
18 shall have a certificate of qualification in responsible hunting,
19 including safety, ethics, and landowner relations-hunter relations,
20 issued or honored by the department of environmental conservation; or
21 (d) an agent of the department of environmental conservation appointed
22 to conduct courses in responsible hunting practices pursuant to article
23 eleven of the environmental conservation law.

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

LBD02191-01-1

1 § 2. Paragraph 7-c of subdivision (a) of section 265.20 of the penal
2 law, as amended by chapter 150 of the laws of 2020, is amended to read
3 as follows:

4 7-c. Possession for the purpose of loading and firing, of a rifle,
5 pistol or shotgun, the propelling force of which may be either air,
6 compressed gas or springs, by a person [~~under sixteen years of age but~~
7 not under twelve years of age, under the immediate supervision, guidance
8 and instruction of (a) a duly commissioned officer of the United States
9 army, navy, marine corps or coast guard, or of the national guard of the
10 state of New York; or (b) a duly qualified adult citizen of the United
11 States who has been granted a certificate as an instructor in small arms
12 practice issued by the United States army, navy or marine corps, or by
13 the adjutant general of this state, by the national rifle association of
14 America, a not-for-profit corporation duly organized under the laws of
15 this state, or by a New York state 4-H certified shooting sports
16 instructor; or (c) a parent, guardian, or a person over the age of eigh-
17 teen designated in writing by such parent or guardian who shall have a
18 certificate of qualification in responsible hunting, including safety,
19 ethics, and landowner relations-hunter relations, issued or honored by
20 the department of environmental conservation.

21 § 3. Paragraph 7-e of subdivision (a) of section 265.20 of the penal
22 law, as amended by chapter 281 of the laws of 2006, is amended to read
23 as follows:

24 7-e. Possession and use of a pistol or revolver, at an indoor or
25 outdoor pistol range located in or on premises owned or occupied by a
26 duly incorporated organization organized for conservation purposes or to
27 foster proficiency in small arms or at a target pistol shooting competi-
28 tion under the auspices of or approved by an association or organization
29 described in paragraph [~~7-a~~] seven-a of this subdivision for the purpose
30 of loading and firing the same by a person at least fourteen years of
31 age [~~but under the age of twenty-one~~] who has not been previously
32 convicted of a felony or serious offense, and who does not appear to be,
33 or pose a threat to be, a danger to himself or to others; provided
34 however, that such possession shall be of a pistol or revolver duly
35 licensed to and shall be used under the immediate supervision, guidance
36 and instruction of, a person specified in paragraph seven of this subdi-
37 vision.

38 § 4. This act shall take effect immediately.