STATE OF NEW YORK

6150

2021-2022 Regular Sessions

IN SENATE

April 12, 2021

Introduced by Sen. BOYLE -- 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 possession of weapons by certain persons; and to amend the general business law, in relation to making technical corrections thereto

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

Section 1. Section 265.05 of the penal law, as amended by chapter 56 of the laws of 1985, is amended to read as follows:

§ 265.05 Unlawful possession of weapons by persons under [~~sixteen~~] **seventeen**.

It shall be unlawful for any person under the age of [~~sixteen~~] **seventeen** to possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any dangerous knife; provided that the possession of rifle or shotgun or ammunition therefor by the holder of a hunting license or permit issued pursuant to article eleven of the environmental conservation law and used in accordance with said law shall not be governed by this section.

A person who violates the provisions of this section shall be adjudged a juvenile delinquent.

§ 1-a. Section 265.05 of the penal law, as amended by section one of this act, is amended to read as follows:

§ 265.05 Unlawful possession of weapons by persons under [~~seventeen~~] **eighteen**.

It shall be unlawful for any person under the age of [~~seventeen~~] **eighteen** to possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any

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

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dangerous knife; provided that the possession of rifle or shotgun or ammunition therefor by the holder of a hunting license or permit issued pursuant to article eleven of the environmental conservation law and used in accordance with said law shall not be governed by this section.

A person who violates the provisions of this section shall be adjudged a juvenile delinquent.

§ 2. Subdivision 5 of section 265.10 of the penal law, as amended by chapter 189 of the laws of 2000, is amended to read as follows:

5. Any person who disposes of any of the weapons, instruments, appliances or substances specified in section 265.05 to any other person under the age of [~~sixteen~~] **seventeen** years is guilty of a class A misdemeanor.

§ 2-a. Subdivision 5 of section 265.10 of the penal law, as amended by section two of this act, is amended to read as follows:

5. Any person who disposes of any of the weapons, instruments, appliances or substances specified in section 265.05 to any other person under the age of [~~seventeen~~] **eighteen** years is guilty of a class A misdemeanor.

§ 3. Subdivision 1 of section 399-s of the general business law, as added by chapter 313 of the laws of 1989, is amended to read as follows:

1. In each mercantile establishment in this state where air rifles or air guns are sold, a notice must be posted in a conspicuous place, and in close proximity to any air rifle or air gun displayed for sale, that in legible format states: "Except under supervision at a shooting range or for hunting pursuant to license, Section 265.05 of the New York State Penal Law makes it unlawful for any person under the age of [~~sixteen~~] **seventeen** years to possess an air rifle or air gun."

§ 3-a. Subdivision 1 of section 399-s of the general business law, as amended by section three of this act, is amended to read as follows:

1. In each mercantile establishment in this state where air rifles or air guns are sold, a notice must be posted in a conspicuous place, and in close proximity to any air rifle or air gun displayed for sale, that in legible format states: "Except under supervision at a shooting range or for hunting pursuant to license, Section 265.05 of the New York State Penal Law makes it unlawful for any person under the age of [~~seventeen~~] **eighteen** years to possess an air rifle or air gun."

§ 4. This act shall take effect October 1, 2021; provided, however, sections one-a, two-a, and three-a of this act shall take effect October 1, 2022.