STATE OF NEW YORK

S. 8173   A. 9041

SENATE - ASSEMBLY

January 31, 2022
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IN SENATE -- Introduced by Sen. THOMAS -- read twice and ordered print-
  ed, and when printed to be committed to the Committee on Codes

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

AN ACT to amend the penal law, in relation to criminal sale of firearms

**The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:**

1   Section 1. Sections 265.12 and 265.13 of the penal law, as amended by
2 chapter 764 of the laws of 2005, are amended to read as follows:
3 § 265.12 Criminal sale of a firearm in the second degree.
4   A person is guilty of criminal sale of a firearm in the second degree
5 when such person:
6   (1) unlawfully sells, exchanges, gives or disposes of to another five
7 or more firearms; or
8   (2) unlawfully sells, exchanges, gives or disposes of to another
9 person or persons a total of [~~five~~] **two** or more firearms in a period of
10 not more than one year.
11   Criminal sale of a firearm in the second degree is a class C felony.
12 § 265.13 Criminal sale of a firearm in the first degree.
13   A person is guilty of criminal sale of a firearm in the first degree
14 when such person:
15   (1) unlawfully sells, exchanges, gives or disposes of to another ten
16 or more firearms; or
17   (2) unlawfully sells, exchanges, gives or disposes of to another
18 person or persons a total of [~~ten~~] **three** or more firearms in a period of
19 not more than one year.
20   Criminal sale of a firearm in the first degree is a class B felony.
21   § 2. Subdivision 6 of section 265.15 of the penal law, as added by
22 chapter 233 of the laws of 1980, is amended to read as follows:
23   6. The possession of [~~five~~] **three** or more firearms by any person is
24 presumptive evidence that such person possessed the firearms with the
25 intent to sell same.
26   § 3. This act shall take effect on the thirtieth day after it shall
27 have become a law.

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

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