STATE OF NEW YORK

5377

2023-2024 Regular Sessions

IN ASSEMBLY

March 9, 2023

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

AN ACT to amend the penal law, in relation to prohibiting the promotion or sale of a weapon on public property

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

Section 1. The penal law is amended by adding a new section 265.36 to read as follows:

§ 265.36 Unlawful promotion or sale of a weapon on public property.

A person is guilty of unlawful promotion or sale of a weapon on public property when he or she promotes, sells, transfers, exchanges, gives or disposes of any weapon situated upon property owned by the state or any political subdivision thereof.

Unlawful promotion or sale of a weapon on public property is a class A misdemeanor.

§ 2. Subdivision 8 of section 400.00 of the penal law, as amended by chapter 212 of the laws of 2022, is amended to read as follows:

8. License: exhibition and display. Every licensee while carrying a pistol or revolver shall have on his or her person a license to carry the same. Every person licensed to possess a pistol or revolver on particular premises shall have the license for the same on such premises. Every person licensed to purchase or take possession of a semiautomatic rifle shall have the license for the same on his or her person while purchasing or taking possession of such weapon. Upon demand, the license shall be exhibited for inspection to any peace officer, who is acting pursuant to his or her special duties, or police officer. A license as gunsmith or dealer in firearms shall be prominently displayed on the licensed premises. A gunsmith or dealer of firearms may conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, state, or local organization, or any

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

LBD09653-01-3

affiliate of any such organization devoted to the collection, competitive use or other sporting use of firearms **, provided that such show or event is not located on property owned by the state or any political subdivision thereof**. Any sale or transfer at a gun show must also comply with the provisions of article thirty-nine-DD of the general business law. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the gunsmith or dealer of firearms and retained on the location specified on the license. Nothing in this section shall authorize any licensee to conduct business from any motorized or towed vehicle. A separate fee shall not be required of a licensee with respect to business conducted under this subdivision. Any inspection or examination of inventory or records under this section at such temporary location shall be limited to inventory consisting of, or records related to, firearms held or disposed at such temporary locations. Failure of any licensee to so exhibit or display his or her license, as the case may be, shall be presumptive evidence that he or she is not duly licensed.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.