# STATE OF NEW YORK

10451

# IN ASSEMBLY

May 24, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Anderson) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to enacting "Francesco's law"

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

Section 1. Short title. This act shall be known and may be cited as "Francesco's law".

§ 2. The penal law is amended by adding a new section 265.51 to read as follows:

**§ 265.51 Failure to safely store rifles, shotguns, and firearms in the presence of a minor in the second degree.**

**1. A person is guilty of failure to safely store rifles, shotguns, and firearms in the presence of a minor in the second degree when:**

**(a) such person stores or otherwise leaves such rifle, shotgun or firearm out of such person's immediate possession or control without having first securely locked such rifle, shotgun or firearm in an appropriate safe storage depository or rendered it incapable of being fired by use of a gun locking device appropriate to that weapon when such person resides with an individual under eighteen years of age or knows or has reason to know that an individual who is under eighteen years of age will be able to access such rifle, shotgun or firearm; and**

**(b) such individual under eighteen years of age uses such rifle, shotgun or firearm to injure themselves or another.**

**Failure to safely store rifles, shotguns, and firearms in the presence of a minor in the second degree is a class D felony.**

§ 3. The penal law is amended by adding a new section 265.52 to read as follows:

**§ 265.52 Failure to safely store rifles, shotguns, and firearms in the presence of a minor in the first degree.**

**1. A person is guilty of failure to safely store rifles, shotguns, and firearms in the presence of a minor in the first degree when:**

**(a) such person stores or otherwise leaves such rifle, shotgun or firearm out of such person's immediate possession or control without having first securely locked such rifle, shotgun or firearm in an appro-**

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

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priate safe storage depository or rendered it incapable of being fired by use of a gun locking device appropriate to that weapon when such person resides with an individual under eighteen years of age or knows or has reason to know that an individual who is under eighteen years of age will be able to access such rifle, shotgun or firearm; and

(b) such individual under eighteen years of age uses such rifle, shotgun or firearm to cause the death of themselves or another.

Failure to safely store rifles, shotguns, and firearms in the presence of a minor in the first degree is a class C felony.

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