

STATE OF NEW YORK

8050

2023-2024 Regular Sessions

IN ASSEMBLY

September 27, 2023

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

AN ACT to amend the penal law, in relation to classifying possession of a firearm on school or municipal park property grounds as a class B felony

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

1 Section 1. Section 265.04 of the penal law, as amended by chapter 764
2 of the laws of 2005, is amended to read as follows:

3 § 265.04 Criminal possession of a weapon in the first degree.

4 A person is guilty of criminal possession of a weapon in the first
5 degree when such person:

6 (1) possesses any explosive substance with intent to use the same
7 unlawfully against the person or property of another; [~~or~~]

8 (2) possesses ten or more firearms; or

9 (3) possesses any firearm on municipal park property.

10 Criminal possession of a weapon in the first degree is a class B felo-
11 ny.

12 § 2. Section 265.01-a of the penal law, as separately amended by chap-
13 ters 138 and 354 of the laws of 2019, is amended to read as follows:

14 § 265.01-a Criminal possession of a weapon on school grounds.

15 A person is guilty of criminal possession of a weapon on school
16 grounds when he or she knowingly has in his or her possession a rifle,
17 shotgun, or firearm in or upon school grounds, or a building or grounds,
18 used for educational purposes, of any school, college, or university,
19 except the forestry lands, wherever located, owned, maintained or held
20 in trust for the benefit of the New York State College of Forestry at
21 Syracuse University, now known as the State University of New York
22 college of environmental science and forestry, or upon a school bus as
23 defined in section one hundred forty-two of the vehicle and traffic law,
24 without the written authorization of such educational institution;

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

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1 provided, however no school, as defined in subdivision ten of section
2 eleven hundred twenty-five of the education law, shall issue such writ-
3 ten authorization to any teacher, school administrator, or other person
4 employed at the school who is not primarily employed as a school
5 resource officer, police officer, peace officer, or security guard who
6 has been issued a special armed guard registration card as defined in
7 section eighty-nine-f of the general business law, regardless of whether
8 the person is employed directly by such school or by a third party.

9 Criminal possession of a weapon on school grounds is a class ~~[E]~~ B
10 felony.

11 § 3. Section 265.00 of the penal law is amended by adding a new subdi-
12 vision 36 to read as follows:

13 36. "School grounds" means (a) in or on or within any building, struc-
14 ture, athletic playing field, playground, or land contained within the
15 real property boundary line of a public or private elementary, parochi-
16 al, intermediate, junior high, vocational, or high school; or (b) any
17 area accessible to the public within three thousand feet of the real
18 property boundary line comprising any such school.

19 § 4. This act shall take effect immediately.