STATE OF NEW YORK

3420

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sen. O'MARA -- 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 stolen firearms, shotguns and rifles; and to repeal certain provisions of such law relating thereto

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

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

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

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

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

(2) possesses ten or more firearms[~~.~~]**; or**

(3) knowingly possesses a firearm, rifle or shotgun that was stolen.

Criminal possession of a weapon in the first degree is a class B felony.

§ 2. Subdivision 1 of section 265.09 of the penal law, as amended by chapter 650 of the laws of 1996, is amended to read as follows:

(1) A person is guilty of criminal use of a firearm in the first degree when he **or she:**

(a) commits any class B violent felony offense as defined in paragraph (a) of subdivision one of section 70.02 and he **or she** either:

[~~(a)~~]**(i)** possesses a deadly weapon, if the weapon is a loaded weapon from which a shot, readily capable of producing death or other serious injury may be discharged; or

[~~(b)~~]**(ii)** displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm[~~.~~]**; or**

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

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(b) commits any felony offense defined in article 120, 125, 130, 135, 140, 155, or 160 of the penal law while knowingly possessing a firearm, rifle or shotgun that is stolen.

Criminal use of a firearm in the first degree is a class B felony.

§ 3. Section 265.13 of the penal law, as amended by section 1 of subpart A of part UU of chapter 56 of the laws of 2022, is amended to read as follows:

§ 265.13 Criminal sale of a firearm in the first degree.

A person is guilty of criminal sale of a firearm in the first degree when such person:

(1) unlawfully sells, exchanges, gives or disposes of to another ten or more firearms; [~~or~~]

(2) unlawfully sells, exchanges, gives or disposes of to another person or persons a total of three or more firearms in a period of not more than one year**; or**

(3) unlawfully sells, exchanges, gives or disposes of to another person or persons a firearm, rifle or shotgun that he or she knows to be stolen.

Criminal sale of a firearm in the first degree is a class B felony.

§ 4. Subdivision 7 of section 155.30 of the penal law is REPEALED.

§ 5. Section 155.42 of the penal law, as added by chapter 515 of the laws of 1986, is amended to read as follows:

§ 155.42 Grand larceny in the first degree.

A person is guilty of grand larceny in the first degree when he **or she** steals property and when [~~the~~]**:**

1. The value of the property exceeds one million dollars**; or**

2. The property consists of one or more firearms, rifles or shotguns, as such terms are defined in section 265.00 of this chapter.

Grand larceny in the first degree is a class B felony.

§ 6. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law.