

STATE OF NEW YORK

1962

2025-2026 Regular Sessions

IN ASSEMBLY

January 14, 2025

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

AN ACT to amend the penal law and the education law, in relation to enacting "Francesco's law"; and providing for the repeal of certain provisions of the penal law relating to safely storing rifles, shotguns, and firearms

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

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

3 § 2. Section 265.45 of the penal law, as amended by chapter 371 of
4 the laws of 2022 and subdivision 2 as amended by section 3 of part F of
5 chapter 55 of the laws of 2023, is amended to read as follows:

6 § 265.45 Failure to safely store rifles, shotguns, and firearms [~~in the~~
7 ~~first degree~~].

8 1. No person who owns or is custodian of a rifle, shotgun or firearm
9 [~~who resides with an individual who: (i) is under eighteen years of age;~~
10 ~~(ii) such person knows or has reason to know is prohibited from possess-~~
11 ~~ing a rifle, shotgun or firearm pursuant to a temporary or final extreme~~
12 ~~risk protection order issued under article sixty-three-A of the civil~~
13 ~~practice law and rules or 18 U.S.C. § 922(g) (1), (4), (8) or (9); or~~
14 ~~(iii) such person knows or has reason to know is prohibited from~~
15 ~~possessing a rifle, shotgun or firearm based on a conviction for a felo-~~
16 ~~ny or a serious offense,~~] shall store or otherwise leave such rifle,
17 shotgun or firearm out of [~~his or her~~] such person's immediate
18 possession or control without having first securely locked such rifle,
19 shotgun or firearm in an appropriate safe storage depository or rendered
20 it incapable of being fired by use of a gun locking device appropriate
21 to that weapon.

22 2. No person shall store or otherwise leave a rifle, shotgun, or
23 firearm out of such person's immediate possession or control inside a

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

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1 vehicle without first removing the ammunition from and securely locking
2 such rifle, shotgun, or firearm in an appropriate safe storage deposito-
3 ry out of sight from outside of the vehicle; provided, however, this
4 subdivision shall not apply to a police officer as such term is defined
5 in subdivision thirty-four of section 1.20 of the criminal procedure
6 law, a qualified law enforcement officer authorized to carry concealed
7 firearms pursuant to 18 U.S.C. 926B, or a person in the military service
8 of the United States or the state of New York when such police officer,
9 qualified law enforcement officer, or person in such military service is
10 acting in the course of such person's official duty or employment and
11 otherwise complying with any applicable standards or requirements
12 pertaining to the storage of such rifle, shotgun, or firearm.

13 3. For purposes of this section "safe storage depository" shall mean a
14 safe or other secure container which, when locked, is incapable of being
15 opened without the key, keypad, combination or other unlocking mechanism
16 and is capable of preventing an unauthorized person from obtaining
17 access to and possession of the weapon contained therein and shall be
18 fire, impact, and tamper resistant. Nothing in this section shall be
19 deemed to affect, impair or supersede any special or local act relating
20 to the safe storage of rifles, shotguns or firearms which impose addi-
21 tional requirements on the owner or custodian of such weapons. For the
22 purposes of subdivision two of this section, a glove compartment or
23 glove box shall not be considered an appropriate safe storage deposito-
24 ry.

25 ~~[4. It shall not be a violation of this section to allow a person less~~
26 ~~than eighteen years of age access to: (i) a firearm, rifle or shotgun~~
27 ~~for lawful use as authorized under paragraph seven or seven e of subdi-~~
28 ~~vision a of section 265.20 of this article, or (ii) a rifle or shotgun~~
29 ~~for lawful use as authorized by article eleven of the environmental~~
30 ~~conservation law when such person less than eighteen years of age is the~~
31 ~~holder of a hunting license or permit and such rifle or shotgun is used~~
32 ~~in accordance with such law.]~~

33 Failure to safely store rifles, shotguns, and firearms [~~in the first~~
34 ~~degree~~] is [~~a class A misdemeanor~~]:

35 (i) for a first offense, a violation;

36 (ii) for a second offense, a class B misdemeanor; and

37 (iii) for a third offense, a class A misdemeanor.

38 § 3. Section 265.46 of the penal law is REPEALED.

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

41 § 265.51 Failure to safely store rifles, shotguns, and firearms when
42 accessible by a minor or prohibited person in the third
43 degree.

44 1. For the purposes of this section, the following terms shall have
45 the following meanings:

46 (a) "prohibited person" shall mean any person who is prohibited from
47 possessing a rifle, shotgun or firearm under state or federal law; and

48 (b) "minor" shall mean an individual under eighteen years of age.

49 2. A person is guilty of failure to safely store rifles, shotguns, and
50 firearms accessible to a minor or a prohibited person in the third
51 degree when:

52 (a) such person stores or otherwise leaves any rifle, shotgun or
53 firearm in violation of section 265.45 of this article in any location
54 where the owner or custodian of the rifle, shotgun, or firearm knows or
55 has reason to know that a minor or a prohibited person is likely to gain
56 access to such rifle, shotgun or firearm; and

1 (b) a minor or a prohibited person gains access to such rifle, shotgun
2 or firearm.

3 3. It shall not be a violation of this section:

4 (a) if the minor or prohibited person obtained the firearm, rifle, or
5 shotgun as a result of unlawful entry by any person; or

6 (b) if the minor or prohibited person obtains the firearm, rifle, or
7 shotgun in a lawful act of self-defense or defense of another person.

8 Failure to safely store rifles, shotguns, and firearms when accessible
9 by a minor or prohibited person in the third degree is a class A misde-
10 meanor.

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

13 § 265.52 Failure to safely store rifles, shotguns, and firearms when
14 accessible by a minor or prohibited person in the second
15 degree.

16 1. For the purposes of this section, the following terms shall have
17 the following meanings:

18 (a) "prohibited person" shall mean any person who is prohibited from
19 possessing a rifle, shotgun or firearm under state or federal law; and

20 (b) "minor" shall mean an individual under eighteen years of age.

21 2. A person is guilty of failure to safely store rifles, shotguns, and
22 firearms accessible to a minor or a prohibited person in the second
23 degree when:

24 (a) such person recklessly stores or otherwise leaves any rifle, shot-
25 gun or firearm in violation of section 265.45 of this article in any
26 location where the owner or custodian of the rifle, shotgun, or firearm
27 knows or has reason to know that a minor or a prohibited person is like-
28 ly to gain access to such rifle, shotgun or firearm; and

29 (b) a minor or a prohibited person gains access to such rifle, shotgun
30 or firearm and uses it to injure themselves or another in the commission
31 of a crime.

32 3. It shall not be a violation of this section:

33 (a) if the minor or prohibited person obtained the firearm, rifle, or
34 shotgun as a result of unlawful entry by any person; or

35 (b) if the minor or prohibited person obtains the firearm, rifle, or
36 shotgun in a lawful act of self-defense or defense of another person.

37 Failure to safely store rifles, shotguns, and firearms when accessible
38 by a minor or prohibited person in the second degree is a class D felo-
39 ny.

40 § 6. The penal law is amended by adding a new section 265.53 to read
41 as follows:

42 § 265.53 Failure to safely store rifles, shotguns, and firearms when
43 accessible by a minor or prohibited person in the first
44 degree.

45 1. For the purposes of this section, the following terms shall have
46 the following meanings:

47 (a) "prohibited person" shall mean any person who is prohibited from
48 possessing a rifle, shotgun or firearm under state or federal law; and

49 (b) "minor" shall mean an individual under eighteen years of age.

50 2. A person is guilty of failure to safely store rifles, shotguns, and
51 firearms accessible to a minor or a prohibited person in the first
52 degree when:

53 (a) such person recklessly stores or otherwise leaves any rifle, shot-
54 gun or firearm in violation of section 265.45 of this article in any
55 location where the owner or custodian of the rifle, shotgun, or firearm

1 knows or has reason to know that a minor or a prohibited person is like-
2 ly to gain access to such rifle, shotgun or firearm; and

3 (b) a minor or a prohibited person gains access to such rifle, shotgun
4 or firearm and uses it to cause the death of themselves or another
5 person.

6 3. It shall not be a violation of this section:

7 (a) if the minor or prohibited person obtained the firearm, rifle, or
8 shotgun as a result of unlawful entry by any person; or

9 (b) if the minor or prohibited person obtains the firearm, rifle, or
10 shotgun in a lawful act of self-defense or defense of another person.

11 Failure to safely store rifles, shotguns, and firearms when accessible
12 by a minor or prohibited person in the first degree is a class C felony.

13 § 7. The education law is amended by adding a new section 808-a to
14 read as follows:

15 § 808-a. Firearms; child access prevention and safe storage. 1. For
16 the purposes of this section the following terms shall have the follow-
17 ing meanings:

18 a. "school district" shall mean any city school district, common
19 school district, union free school district, central school district or
20 central high school district;

21 b. "school" shall mean any public school district, charter school,
22 private school, parochial school, or board of cooperative educational
23 services;

24 c. "private school" shall mean a person, firm, association, partner-
25 ship, or corporation offering or conducting private school instruction
26 in the state;

27 d. "notice" shall mean written information of the model content
28 outlined in subdivision two of this section, produced in a concise,
29 publishable format, such as a brochure, flier, handbill, leaflet,
30 letter, or pamphlet, that is intended to be provided directly to
31 parents, guardians, or persons in parental relation to a student of the
32 school, delivered to a receptacle designated for a student, mailed to a
33 student's last known address, emailed to a person in parental relation
34 to a student of the school, and delivered by any other reasonable meth-
35 ods authorized by the commissioner; and

36 e. "school year" shall mean the period commencing on the first day of
37 regular instruction and shall end on the last day of instruction.

38 2. On or before July first of the year next succeeding the effective
39 date of this section, the division of criminal justice services (herein-
40 after the "division") shall develop model content for notice, which
41 shall include, at a minimum, information outlining New York's child
42 access prevention laws and laws relating to the safe storage of
43 firearms, including, but not limited to, sections 265.45, 265.51,
44 265.52, and 265.53 of the penal law. The department shall coordinate
45 with the division to include in the model content relevant statewide
46 resources and information related to child access prevention, the safe
47 storage of firearms, and firearm violence prevention. The department
48 shall produce the model content in the English language and in common
49 non-English languages spoken in the state. On or before July first of
50 the second year next succeeding the effective date of this section, and
51 each July first thereafter the division and the department shall update,
52 as necessary, the model content developed pursuant to this subdivision.
53 The department shall publish the model content developed and updated
54 pursuant to this subdivision on its website.

55 3. a. On or before May first of the year next succeeding the effective
56 date of this section, every county shall submit to the department all

information of county-and-local-specific laws and regulations related to child access prevention and the safe storage of firearms.

b. On or before May first of the second year next succeeding the effective date of this section, and every May first thereafter, every county shall submit to each school district any updated information, insofar as it exists, of the county-and-local-specific laws and regulations related to child access prevention and the safe storage of firearms to be provided as part of the notice pursuant to subdivision four of this section.

4. Beginning on July first of the year next succeeding the effective date of this section, all school districts shall provide notice, at the beginning of the first semester or quarter of the regular school year, of the model content outlined in subdivision two of this section, and all information of county-and-local-specific laws and regulations related to child access prevention and the safe storage of firearms outlined in paragraphs a and b of subdivision three of this section; provided, however, that if a child enrolls after the beginning of the school year, notice of the model content shall be provided within one week of such enrollment. Notice of the model content may be provided as a single notice for multiple students living in the same household.

5. Beginning on July first of the year next succeeding the effective date of this section, all school districts shall maintain, through their website or affiliated social media presences, the model content outlined in subdivision two of this section. The model content shall be updated, as necessary, pursuant to such subdivision of this section.

6. Local schools, school districts, the division and the department are immune from civil liability for any damages allegedly caused by, arising out of, or relating to the notice of the entity provided notice using the model content provided to it by the department.

§ 8. This act shall take effect immediately; provided, however, sections two, three, four, five, six and seven of this act shall take effect on the ninetieth day after it shall have become a law.