STATE OF NEW YORK

7076

2025-2026 Regular Sessions

IN SENATE

April 1, 2025

Introduced by Sen. GRIFFO -- 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 penalties for certain crimes involving criminal possession of a weapon or firearm; to amend the criminal procedure law and the family court act, in relation to the release of information pertaining to youthful and adolescent offenders; to amend the penal law, in relation to establishing the crime of criminal solicitation of a minor in a violent felony; and to repeal certain provisions of the public officers law relating to disclosure of law enforcement arrest or booking photographs of an individual

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

Section 1. The closing paragraph of section 265.01 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

Criminal possession of a weapon in the fourth degree is a class [~~A misdemeanor~~] **E felony**.

§ 2. The second undesignated paragraph of section 265.01-a of the penal law, as separately amended by chapters 138 and 354 of the laws of 2019, is amended to read as follows:

Criminal possession of a weapon on school grounds is a class [~~E~~] **D** felony.

§ 3. The closing paragraph of section 265.01-b of the penal law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

Criminal possession of a firearm is a class [~~E~~] **D** felony.

§ 4. The closing paragraph of section 265.02 of the penal law, as amended by chapter 764 of the laws of 2005, is amended to read as follows:

Criminal possession of a weapon in the third degree is a class [~~D~~] **C** felony.

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

LBD11416-01-5

§ 5. The closing paragraph of section 265.03 of the penal law, as amended by chapter 742 of the laws of 2006, is amended to read as follows:

Criminal possession of a weapon in the second degree is a class [~~C~~] **B** felony.

§ 6. The closing paragraph of section 265.04 of the penal law, as amended by chapter 764 of the laws of 2005, is amended to read as follows:

Criminal possession of a weapon in the first degree is a class [~~B~~] **A-I** felony.

§ 7. The closing paragraph of section 265.08 of the penal law, as added by chapter 233 of the laws of 1980, is amended to read as follows:

Criminal use of a firearm in the second degree is a class [~~C~~] **B** felony.

§ 8. Section 265.09 of the penal law, as amended by chapter 650 of the laws of 1996, and subdivision 2 as amended by chapter 1 of the laws of 2013, is amended to read as follows:

§ 265.09 Criminal use of a firearm in the first degree.

(1) A person is guilty of criminal use of a firearm in the first degree when [~~he~~] **such person** commits any class B violent felony offense as defined in paragraph (a) of subdivision one of section 70.02 **of this chapter** and [~~he~~] **such person** either:

(a) 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) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm.

Criminal use of a firearm in the first degree is a class [~~B~~] **A-I** felony.

(2) Sentencing. Notwithstanding any other provision of law to the contrary, when a person is convicted of criminal use of a firearm in the first degree as defined in subdivision one of this section, the court shall impose an additional consecutive sentence of five years to the sentence imposed on the underlying class B violent felony offense where the person convicted of such crime displays a loaded weapon from which a shot, readily capable of producing death or other serious injury may be discharged, in furtherance of the commission of such crime, provided, however, that such additional sentence shall not be imposed if the court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, finds on the record that such additional consecutive sentence would be unduly harsh and that not imposing such sentence would be consistent with the public safety and would not deprecate the seriousness of the crime. Notwithstanding any other provision of law to the contrary, the aggregate of the five year consecutive term imposed pursuant to this subdivision and the minimum term of the indeterminate sentence imposed on the underlying class B violent felony shall constitute the new aggregate minimum term of imprisonment, and a person subject to such term shall be required to serve the entire aggregate minimum term and shall not be eligible for release on parole or conditional release during such term. This subdivision shall not apply where the defendant's criminal liability for displaying a loaded weapon from which a shot, readily capable of producing death or other serious injury may be discharged, in furtherance of the commission of crime is based on the conduct of another pursuant to section 20.00 of this chapter.

§ 9. The second undesignated paragraph of section 265.19 of the penal law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

Aggravated criminal possession of a weapon is a class [~~C~~] B felony.

§ 10. Paragraphs (a), (b), (c), and (d) of subdivision 1 of section 70.02 of the penal law, paragraphs (a) and (c) as amended by chapter 23 of the laws of 2024, paragraph (b) as amended by chapter 94 of the laws of 2020, and paragraph (d) as amended by chapter 7 of the laws of 2007, are amended to read as follows:

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20[~~:~~], manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, rape in the first degree as defined in section 130.35, a crime formerly defined in section 130.50, aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75, assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, sex trafficking as defined in paragraphs (a) and (b) of subdivision five of section 230.34, sex trafficking of a child as defined in section 230.34-a, incest in the first degree as defined in section 255.27, [~~criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09~~] criminal possession of a weapon in the second degree as defined in section 265.03, criminal use of a firearm in the second degree as defined in section 265.08, aggravated criminal possession of a weapon as defined in section 265.19, criminal sale of a firearm in the first degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section 120.07, intimidating a victim or witness in the first degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, [~~and~~] criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47, and criminal solicitation of a minor in a violent felony as defined in section 100.14.

(b) Class C violent felony offenses: an attempt to commit any of the class B felonies set forth in paragraph (a) of this subdivision; aggravated criminally negligent homicide as defined in section 125.11, aggravated manslaughter in the second degree as defined in section 125.21, aggravated sexual abuse in the second degree as defined in section 130.67, assault on a peace officer, police officer, firefighter or emergency medical services professional as defined in section 120.08, assault on a judge as defined in section 120.09, gang assault in the second degree as defined in section 120.06, strangulation in the first degree as defined in section 121.13, aggravated strangulation as defined in section 121.13-a, burglary in the second degree as defined in section 140.25, robbery in the second degree as defined in section 160.10, [~~criminal possession of a weapon in the second degree as defined in section 265.03, criminal use of a firearm in the second degree as~~

~~defined in section 265.08~~] criminal possession of a weapon in the third degree as defined in section 265.02, criminal sale of a firearm in the second degree as defined in section 265.12, criminal sale of a firearm with the aid of a minor as defined in section 265.14, [~~aggravated criminal possession of a weapon as defined in section 265.19,~~] soliciting or providing support for an act of terrorism in the first degree as defined in section 490.15, hindering prosecution of terrorism in the second degree as defined in section 490.30, and criminal possession of a chemical weapon or biological weapon in the third degree as defined in section 490.37.

(c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); reckless assault of a child as defined in section 120.02, assault in the second degree as defined in section 120.05, menacing a police officer or peace officer as defined in section 120.18, stalking in the first degree, as defined in subdivision one of section 120.60, strangulation in the second degree as defined in section 121.12, rape in the second degree as defined in section 130.30, a crime formerly defined in section 130.45, sexual abuse in the first degree as defined in section 130.65, course of sexual conduct against a child in the second degree as defined in section 130.80, aggravated sexual abuse in the third degree as defined in section 130.66, facilitating a sex offense with a controlled substance as defined in section 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdivision three of section 135.35, [~~criminal possession of a weapon in the third degree as defined in subdivision five, six, seven, eight, nine or ten of section 265.02,~~] criminal sale of a firearm in the third degree as defined in section 265.11, intimidating a victim or witness in the second degree as defined in section 215.16, soliciting or providing support for an act of terrorism in the second degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18, and criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun as defined in section 265.50.

(d) Class E violent felony offenses: an attempt to commit any of the felonies of [~~criminal possession of a weapon in the third degree as defined in subdivision five, six, seven or eight of section 265.02 as a lesser included offense of that section as defined in section 220.20 of the criminal procedure law,~~] persistent sexual abuse as defined in section 130.53, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, falsely reporting an incident in the second degree as defined in section 240.55 and placing a false bomb or hazardous substance in the second degree as defined in section 240.61.

§ 11. Paragraph (b) of subdivision 2 of section 70.02 of the penal law, as amended by section 122 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

(b) Except as provided in paragraph (b-1) of this subdivision, subdivision six of section 60.05 and subdivision four of this section, the sentence imposed upon a person who stands convicted of a class D violent felony offense, other than the offense of [~~criminal possession of a weapon in the third degree as defined in subdivision five, seven or eight of section 265.02 or~~] criminal sale of a firearm in the third

degree as defined in section 265.11, must be in accordance with the applicable provisions of this chapter relating to sentencing for class D felonies provided, however, that where a sentence of imprisonment is imposed which requires a commitment to the state department of corrections and community supervision, such sentence shall be a determinate sentence in accordance with paragraph (c) of subdivision three of this section.

§ 12. The opening paragraph of paragraph (c) of subdivision 2 of section 70.02 of the penal law, as amended by chapter 134 of the laws of 2019, is amended to read as follows:

Except as provided in subdivision six of section 60.05, the sentence imposed upon a person who stands convicted of the class D violent felony offenses of [~~criminal possession of a weapon in the third degree as defined in subdivision five, seven, eight or nine of section 265.02,~~] criminal sale of a firearm in the third degree as defined in section 265.11, the class E violent [~~felonies of attempted criminal possession of a weapon in the third degree as defined in subdivision five, seven, eight or nine of section 265.02, or~~] **felony offense of** criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun as defined in section 265.50 must be a sentence to a determinate period of imprisonment, or, in the alternative, a definite sentence of imprisonment for a period of no less than one year, except that:

§ 13. Paragraphs (b) and (c) of subdivision 3 of section 70.02 of the penal law, as amended by chapter 1 of the laws of 2013, are amended to read as follows:

(b) For a class C felony, the term must be at least three and one-half years and must not exceed fifteen years, provided, however, that the term must be: (i) at least seven years and must not exceed twenty years where the sentence is for the crime of aggravated manslaughter in the second degree as defined in section 125.21 of this chapter; (ii) at least seven years and must not exceed twenty years where the sentence is for the crime of attempted aggravated assault upon a police officer or peace officer as defined in section 120.11 of this chapter; **and** (iii) at least three and one-half years and must not exceed twenty years where the sentence is for the crime of aggravated criminally negligent homicide as defined in section 125.11 of this chapter[~~; and (iv) at least five years and must not exceed fifteen years where the sentence is imposed for the crime of aggravated criminal possession of a weapon as defined in section 265.19 of this chapter~~];

(c) For a class D felony, the term must be at least two years and must not exceed seven years, provided, however, that the term must be[~~: (i)~~] at least two years and must not exceed eight years where the sentence is for the crime of menacing a police officer or peace officer as defined in section 120.18 of this chapter[~~; and (ii) at least three and one-half years and must not exceed seven years where the sentence is imposed for the crime of criminal possession of a weapon in the third degree as defined in subdivision ten of section 265.02 of this chapter~~];

§ 14. Subparagraph viii of paragraph (b) of subdivision 2 of section 89 of the public officers law is REPEALED.

§ 15. Section 720.15 of the criminal procedure law is amended by adding two new subdivisions 5 and 6 to read as follows:

5. Notwithstanding any other provision of law, where an eligible youth is charged with a violent felony offense as defined in section 70.02 of the penal law, the arresting agency shall be authorized to release to the public identifying information including the name and booking photograph of the youth.

6. Notwithstanding any other provision of law, where an eligible youth is charged with an offense defined in article two hundred sixty-five of the penal law where allegations involve the use, possession or sale of a firearm, the arresting agency shall be authorized to release to the public identifying information including the name and booking photograph of the youth.

§ 16. Section 722.21 of the criminal procedure law is amended by adding a new subdivision 1-a to read as follows:

1-a. Notwithstanding any other provision of law, when an adolescent offender is arraigned on a felony complaint alleging a felony offense involving the illegal use or possession of a firearm, rifle or shotgun, the adolescent offender shall be detained pursuant to the provisions of this article where the court finds that release of the adolescent offender would pose a threat to the safety of the community or another person. In making such determination, the court shall consider:

(a) the adolescent offender's history of involvement in the criminal justice system or as a juvenile delinquent;

(b) whether the adolescent offender has any history of violent behavior;

(c) whether the adolescent offender has any known affiliations with street gangs or other organized crime groups; and

(d) the nature of the conduct alleged in the felony complaint.

§ 17. Subparagraphs (i) and (ii) of paragraph (c) of subdivision 2 of section 722.23 of the criminal procedure law, as added by section 1-a of part WWW of chapter 59 of the laws of 2017, are amended to read as follows:

(i) the defendant caused [~~significant~~] **or attempted to cause** physical injury to a person other than a participant in the offense; or

(ii) the defendant **illegally used, possessed, sold or** displayed a firearm, shotgun, rifle or deadly weapon as defined in the penal law [~~in furtherance of such offense~~]; or

§ 18. Subdivision 3 of section 380.1 of the family court act, as amended by chapter 181 of the laws of 2000, is amended to read as follows:

3. Except where specifically required by statute, no person shall be required to divulge information pertaining to the arrest of the respondent or any subsequent proceeding under this article; provided, however, whenever a person adjudicated a juvenile delinquent [~~has been placed with the office of children and family services pursuant to section 353.3 of this article, and~~] is [~~thereafter~~] enrolled as a student in a public or private elementary or secondary school, the court that has adjudicated such person shall provide notification of such adjudication **and provide records related to such adjudication necessary to ascertain the nature of the conduct leading to the adjudication, including but not limited to delinquency petitions, orders of the family court pursuant to sections 352.1 and 352.2 of this article, and probation reports,** to the designated educational official of the school in which such person is enrolled as a student. Such notification shall be used by the designated educational official only for purposes related to the execution of the student's educational plan, where applicable, successful school adjustment**, developing a safety plan to ensure such student does not create a risk for the community,** and reentry into the community. Such notification shall be kept separate and apart from such student's school records and shall be accessible only by the designated educational official. Such notification shall not be part of such student's permanent school record and shall not be appended to or included in any documentation

regarding such student and shall be destroyed at such time as such student is no longer enrolled in the school district. At no time shall such notification be used for any purpose other than those specified in this subdivision. **An order by the family court to seal records pursuant to section 375.2 of this article or to expunge records pursuant to section 375.3 of this article shall not impact the obligation of the family court to provide such notification and records.**

§ 19. Subdivisions 2 and 3 of section 720.35 of the criminal procedure law, subdivision 2 as amended by section 87 of subpart B of part C of chapter 62 of the laws of 2011 and subdivision 3 as added by chapter 181 of the laws of 2000, are amended to read as follows:

2. Except where specifically required or permitted by statute or upon specific authorization of the court, all official records and papers, whether on file with the court, a police agency or the division of criminal justice services, relating to a case involving a youth who has been adjudicated a youthful offender, are confidential and may not be made available to any person or public or private agency, other than the designated educational official of the public or private elementary or secondary school in which the youth is enrolled as a student [~~**provided that such local educational official shall only have made available a notice of such adjudication and shall not have access to any other official records and papers**~~], such youth or such youth's designated agent (but only where the official records and papers sought are on file with a court and request therefor is made to that court or to a clerk thereof), **law enforcement for the purpose of investigating and prosecuting crimes subsequently committed by the youthful offender,** an institution to which such youth has been committed, the department of corrections and community supervision and a probation department of this state that requires such official records and papers for the purpose of carrying out duties specifically authorized by law; provided, however, that information regarding an order of protection or temporary order of protection issued pursuant to section 530.12 of this chapter or a warrant issued in connection therewith may be maintained on the statewide automated order of protection and warrant registry established pursuant to section two hundred twenty-one-a of the executive law during the period that such order of protection or temporary order of protection is in full force and effect or during which such warrant may be executed. Such confidential information may be made available pursuant to law only for purposes of adjudicating or enforcing such order of protection or temporary order of protection and, where provided to a designated educational official, as defined in section 380.90 of this chapter, for purposes related to the execution of the student's educational plan, where applicable, successful school adjustment**, developing a safety plan to ensure such student does not create a safety risk for the community,** and reentry into the community. Such notification shall be kept separate and apart from such student's school records and shall be accessible only by the designated educational official. Such notification shall not be part of such student's permanent school record and shall not be appended to or included in any documentation regarding such student and shall be destroyed at such time as such student is no longer enrolled in the school district. At no time shall such notification be used for any purpose other than those specified in this subdivision.

3. If a youth who has been adjudicated a youthful offender is enrolled as a student in a public or private elementary or secondary school the court that has adjudicated the youth as a youthful offender shall provide notification of such adjudication **and provide records related to**

such adjudication necessary to ascertain the nature of the conduct leading to the conviction and adjudication of the youth, including but not limited to accusatory instruments, certificates of disposition, and probation reports, to the designated educational official of the school in which such youth is enrolled as a student. Such notification shall be used by the designated educational official only for purposes related to the execution of the student's educational plan, where applicable, successful school adjustment, developing a safety plan to ensure such student does not create a risk for the community, and reentry into the community. Such notification shall be kept separate and apart from such student's school records and shall be accessible only by the designated educational official. Such notification shall not be part of such student's permanent school record and shall not be appended to or included in any documentation regarding such student and shall be destroyed at such time as such student is no longer enrolled in the school district. At no time shall such notification be used for any purpose other than those specified in this subdivision.

§ 20. The penal law is amended by adding a new section 100.14 to read as follows:

§ 100.14 Criminal solicitation of a minor in a violent felony.

A person is guilty of criminal solicitation of a minor in a violent felony when, being over eighteen years of age, with intent that another person under eighteen years of age engage in conduct that would constitute a violent felony, as defined in section 70.02 of this chapter, such person solicits, requests, commands, importunes or otherwise attempts to cause such other person to engage in such conduct.

Criminal solicitation of a minor in a violent felony is a class B felony.

§ 21. This act shall take effect immediately.