

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:

1 Section 1. The closing paragraph of section 265.01 of the penal law,
2 as amended by chapter 1 of the laws of 2013, is amended to read as
3 follows:
4 Criminal possession of a weapon in the fourth degree is a class [~~A~~
5 ~~misdemeanor~~] E felony.
6 § 2. The second undesignated paragraph of section 265.01-a of the
7 penal law, as separately amended by chapters 138 and 354 of the laws of
8 2019, is amended to read as follows:
9 Criminal possession of a weapon on school grounds is a class [~~E~~] D
10 felony.
11 § 3. The closing paragraph of section 265.01-b of the penal law, as
12 added by chapter 1 of the laws of 2013, is amended to read as follows:
13 Criminal possession of a firearm is a class [~~E~~] D felony.
14 § 4. The closing paragraph of section 265.02 of the penal law, as
15 amended by chapter 764 of the laws of 2005, is amended to read as
16 follows:
17 Criminal possession of a weapon in the third degree is a class [~~D~~] C
18 felony.

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

LBD11416-01-5

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

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

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

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

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

13 Criminal use of a firearm in the second degree is a class [C] B felo-
14 ny.

15 § 8. Section 265.09 of the penal law, as amended by chapter 650 of the
16 laws of 1996, and subdivision 2 as amended by chapter 1 of the laws of
17 2013, is amended to read as follows:

18 § 265.09 Criminal use of a firearm in the first degree.

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

23 (a) possesses a deadly weapon, if the weapon is a loaded weapon from
24 which a shot, readily capable of producing death or other serious injury
25 may be discharged; or

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

28 Criminal use of a firearm in the first degree is a class [B] A-I felo-
29 ny.

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

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

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

5 § 10. Paragraphs (a), (b), (c), and (d) of subdivision 1 of section
6 70.02 of the penal law, paragraphs (a) and (c) as amended by chapter 23
7 of the laws of 2024, paragraph (b) as amended by chapter 94 of the laws
8 of 2020, and paragraph (d) as amended by chapter 7 of the laws of 2007,
9 are amended to read as follows:

10 (a) Class B violent felony offenses: an attempt to commit the class
11 A-I felonies of murder in the second degree as defined in section
12 125.25, kidnapping in the first degree as defined in section 135.25, and
13 arson in the first degree as defined in section 150.20[+], manslaughter
14 in the first degree as defined in section 125.20, aggravated manslaught-
15 er in the first degree as defined in section 125.22, rape in the first
16 degree as defined in section 130.35, a crime formerly defined in section
17 130.50, aggravated sexual abuse in the first degree as defined in
18 section 130.70, course of sexual conduct against a child in the first
19 degree as defined in section 130.75, assault in the first degree as
20 defined in section 120.10, kidnapping in the second degree as defined in
21 section 135.20, burglary in the first degree as defined in section
22 140.30, arson in the second degree as defined in section 150.15, robbery
23 in the first degree as defined in section 160.15, sex trafficking as
24 defined in paragraphs (a) and (b) of subdivision five of section 230.34,
25 sex trafficking of a child as defined in section 230.34-a, incest in the
26 first degree as defined in section 255.27, [~~criminal possession of a
27 weapon in the first degree as defined in section 265.04, criminal use of
28 a firearm in the first degree as defined in section 265.09~~] criminal
29 possession of a weapon in the second degree as defined in section
30 265.03, criminal use of a firearm in the second degree as defined in
31 section 265.08, aggravated criminal possession of a weapon as defined in
32 section 265.19, criminal sale of a firearm in the first degree as
33 defined in section 265.13, aggravated assault upon a police officer or a
34 peace officer as defined in section 120.11, gang assault in the first
35 degree as defined in section 120.07, intimidating a victim or witness in
36 the first degree as defined in section 215.17, hindering prosecution of
37 terrorism in the first degree as defined in section 490.35, criminal
38 possession of a chemical weapon or biological weapon in the second
39 degree as defined in section 490.40, [~~and~~] criminal use of a chemical
40 weapon or biological weapon in the third degree as defined in section
41 490.47, and criminal solicitation of a minor in a violent felony as
42 defined in section 100.14.

43 (b) Class C violent felony offenses: an attempt to commit any of the
44 class B felonies set forth in paragraph (a) of this subdivision; aggra-
45 vated criminally negligent homicide as defined in section 125.11, aggra-
46 vated manslaughter in the second degree as defined in section 125.21,
47 aggravated sexual abuse in the second degree as defined in section
48 130.67, assault on a peace officer, police officer, firefighter or emer-
49 gency medical services professional as defined in section 120.08,
50 assault on a judge as defined in section 120.09, gang assault in the
51 second degree as defined in section 120.06, strangulation in the first
52 degree as defined in section 121.13, aggravated strangulation as defined
53 in section 121.13-a, burglary in the second degree as defined in section
54 140.25, robbery in the second degree as defined in section 160.10,
55 [~~criminal possession of a weapon in the second degree as defined in
56 section 265.03, criminal use of a firearm in the second degree as~~

1 ~~defined in section 265.08~~ criminal possession of a weapon in the third
2 degree as defined in section 265.02, criminal sale of a firearm in the
3 second degree as defined in section 265.12, criminal sale of a firearm
4 with the aid of a minor as defined in section 265.14, [~~aggravated crimi-~~
5 ~~nal possession of a weapon as defined in section 265.19,~~] soliciting or
6 providing support for an act of terrorism in the first degree as defined
7 in section 490.15, hindering prosecution of terrorism in the second
8 degree as defined in section 490.30, and criminal possession of a chemi-
9 cal weapon or biological weapon in the third degree as defined in
10 section 490.37.

11 (c) Class D violent felony offenses: an attempt to commit any of the
12 class C felonies set forth in paragraph (b); reckless assault of a child
13 as defined in section 120.02, assault in the second degree as defined in
14 section 120.05, menacing a police officer or peace officer as defined in
15 section 120.18, stalking in the first degree, as defined in subdivision
16 one of section 120.60, strangulation in the second degree as defined in
17 section 121.12, rape in the second degree as defined in section 130.30,
18 a crime formerly defined in section 130.45, sexual abuse in the first
19 degree as defined in section 130.65, course of sexual conduct against a
20 child in the second degree as defined in section 130.80, aggravated
21 sexual abuse in the third degree as defined in section 130.66, facili-
22 tating a sex offense with a controlled substance as defined in section
23 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdi-
24 vision three of section 135.35, [~~criminal possession of a weapon in the~~
25 ~~third degree as defined in subdivision five, six, seven, eight, nine or~~
26 ~~ten of section 265.02,~~] criminal sale of a firearm in the third degree
27 as defined in section 265.11, intimidating a victim or witness in the
28 second degree as defined in section 215.16, soliciting or providing
29 support for an act of terrorism in the second degree as defined in
30 section 490.10, and making a terroristic threat as defined in section
31 490.20, falsely reporting an incident in the first degree as defined in
32 section 240.60, placing a false bomb or hazardous substance in the first
33 degree as defined in section 240.62, placing a false bomb or hazardous
34 substance in a sports stadium or arena, mass transportation facility or
35 enclosed shopping mall as defined in section 240.63, aggravated unper-
36 mitted use of indoor pyrotechnics in the first degree as defined in
37 section 405.18, and criminal manufacture, sale, or transport of an unde-
38 tectable firearm, rifle or shotgun as defined in section 265.50.

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

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

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

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

8 § 12. The opening paragraph of paragraph (c) of subdivision 2 of
9 section 70.02 of the penal law, as amended by chapter 134 of the laws of
10 2019, is amended to read as follows:

11 Except as provided in subdivision six of section 60.05, the sentence
12 imposed upon a person who stands convicted of the class D violent felony
13 offenses of [~~criminal possession of a weapon in the third degree as~~
14 ~~defined in subdivision five, seven, eight or nine of section 265.02,~~
15 criminal sale of a firearm in the third degree as defined in section
16 265.11, the class E violent [~~felonies of attempted criminal possession~~
17 ~~of a weapon in the third degree as defined in subdivision five, seven,~~
18 ~~eight or nine of section 265.02, or~~] felony offense of criminal manufac-
19 ture, sale, or transport of an undetectable firearm, rifle or shotgun as
20 defined in section 265.50 must be a sentence to a determinate period of
21 imprisonment, or, in the alternative, a definite sentence of imprison-
22 ment for a period of no less than one year, except that:

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

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

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

48 § 14. Subparagraph viii of paragraph (b) of subdivision 2 of section
49 89 of the public officers law is REPEALED.

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

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

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

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

9 1-a. Notwithstanding any other provision of law, when an adolescent
10 offender is arraigned on a felony complaint alleging a felony offense
11 involving the illegal use or possession of a firearm, rifle or shotgun,
12 the adolescent offender shall be detained pursuant to the provisions of
13 this article where the court finds that release of the adolescent offen-
14 der would pose a threat to the safety of the community or another
15 person. In making such determination, the court shall consider:

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

18 (b) whether the adolescent offender has any history of violent behav-
19 ior;

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

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

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

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

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

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

35 3. Except where specifically required by statute, no person shall be
36 required to divulge information pertaining to the arrest of the respond-
37 ent or any subsequent proceeding under this article; provided, however,
38 whenever a person adjudicated a juvenile delinquent [~~has been placed~~
39 ~~with the office of children and family services pursuant to section~~
40 ~~353.3 of this article, and~~] is [~~thereafter~~] enrolled as a student in a
41 public or private elementary or secondary school, the court that has
42 adjudicated such person shall provide notification of such adjudication
43 and provide records related to such adjudication necessary to ascertain
44 the nature of the conduct leading to the adjudication, including but not
45 limited to delinquency petitions, orders of the family court pursuant to
46 sections 352.1 and 352.2 of this article, and probation reports, to the
47 designated educational official of the school in which such person is
48 enrolled as a student. Such notification shall be used by the designated
49 educational official only for purposes related to the execution of the
50 student's educational plan, where applicable, successful school adjust-
51 ment, developing a safety plan to ensure such student does not create a
52 risk for the community, and reentry into the community. Such notifica-
53 tion shall be kept separate and apart from such student's school records
54 and shall be accessible only by the designated educational official.
55 Such notification shall not be part of such student's permanent school
56 record and shall not be appended to or included in any documentation

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

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

12 2. Except where specifically required or permitted by statute or upon
13 specific authorization of the court, all official records and papers,
14 whether on file with the court, a police agency or the division of crim-
15 inal justice services, relating to a case involving a youth who has been
16 adjudicated a youthful offender, are confidential and may not be made
17 available to any person or public or private agency, other than the
18 designated educational official of the public or private elementary or
19 secondary school in which the youth is enrolled as a student [~~provided~~
20 ~~that such local educational official shall only have made available a~~
21 ~~notice of such adjudication and shall not have access to any other offi-~~
22 ~~cial records and papers~~], such youth or such youth's designated agent
23 (but only where the official records and papers sought are on file with
24 a court and request therefor is made to that court or to a clerk there-
25 of), law enforcement for the purpose of investigating and prosecuting
26 crimes subsequently committed by the youthful offender, an institution
27 to which such youth has been committed, the department of corrections
28 and community supervision and a probation department of this state that
29 requires such official records and papers for the purpose of carrying
30 out duties specifically authorized by law; provided, however, that
31 information regarding an order of protection or temporary order of
32 protection issued pursuant to section 530.12 of this chapter or a
33 warrant issued in connection therewith may be maintained on the state-
34 wide automated order of protection and warrant registry established
35 pursuant to section two hundred twenty-one-a of the executive law during
36 the period that such order of protection or temporary order of
37 protection is in full force and effect or during which such warrant may
38 be executed. Such confidential information may be made available pursu-
39 ant to law only for purposes of adjudicating or enforcing such order of
40 protection or temporary order of protection and, where provided to a
41 designated educational official, as defined in section 380.90 of this
42 chapter, for purposes related to the execution of the student's educa-
43 tional plan, where applicable, successful school adjustment, developing
44 a safety plan to ensure such student does not create a safety risk for
45 the community, and reentry into the community. Such notification shall
46 be kept separate and apart from such student's school records and shall
47 be accessible only by the designated educational official. Such notifi-
48 cation shall not be part of such student's permanent school record and
49 shall not be appended to or included in any documentation regarding such
50 student and shall be destroyed at such time as such student is no longer
51 enrolled in the school district. At no time shall such notification be
52 used for any purpose other than those specified in this subdivision.

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

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

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

20 § 100.14 Criminal solicitation of a minor in a violent felony.

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

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

29 § 21. This act shall take effect immediately.