

§ 265.45. Failure to safely store rifles, shotguns, and firearms in the first degree

1. No person who owns or is custodian of a rifle, shotgun or firearm who resides with an individual who:

(i) is under eighteen years of age;

(ii) such person knows or has reason to know is prohibited from possessing a rifle, shotgun or firearm pursuant to a temporary or final extreme risk protection order issued under article sixty-three-A of the civil practice law and rules or 18 U.S.C. §922(g) (1), (4), (8) or (9); or

(iii) such person knows or has reason to know is prohibited from possessing a rifle, shotgun or firearm based on a conviction for a felony or a serious offense, shall store or otherwise leave such rifle, shotgun or firearm out of his or her immediate possession or control without having first securely locked such rifle, shotgun or firearm in an appropriate safe storage depository or rendered it incapable of being fired by use of a gun locking device appropriate to that weapon.

2. No person shall store or otherwise leave a rifle, shotgun, or firearm out of his or her immediate possession or control inside a vehicle without first removing the ammunition from and securely locking such rifle, shotgun, or firearm in an appropriate safe storage depository out of sight from outside of the vehicle.

3. For purposes of this section "safe storage depository" shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, keypad, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the weapon contained therein and shall be fire, impact, and tamper resistant. Nothing in this section shall be deemed to affect, impair or supersede any special or local act relating to the safe storage of rifles, shotguns or firearms which impose additional requirements on the owner or custodian of such weapons. For the purposes of

subdivision two of this section, a glove compartment or glove box shall not be considered an appropriate safe storage depository.

4. It shall not be a violation of this section to allow a person less than eighteen years of age access to:

(i) a firearm, rifle or shotgun for lawful use as authorized **under paragraph seven or seven-e of subdivision a of section 265.20** of this article, or

(ii) a rifle or shotgun for lawful use as authorized by article eleven of the environmental conservation law when such person less than eighteen years of age is the holder of a hunting license or permit and such rifle or shotgun is used in accordance with such law.

Failure to safely store rifles, shotguns, and firearms in the first degree is a class A misdemeanor.

History:

Amended by New York Laws 2022, ch. 371, Sec. 9, eff. 9/1/2022. Amended by New York Laws 2019, ch. 135, Sec. 1-a, eff. 9/28/2019. Amended by New York Laws 2019, ch. 135, Sec. 1, eff. 9/28/2019. Amended by New York Laws 2019, ch. 133, Sec. 1, eff. 9/28/2019. Amended by New York Laws 2019, ch. 19, Sec. 2, eff. 8/24/2019. Amended by New York Laws 2013, ch. 57, Sec. FF-3, eff. 3/29/2013. Added by New York Laws 2013, ch. 1, Sec. 47, eff. 3/16/2013.