



NEW YORK STATE SENATOR

William Larkin

Larkin Announces Passage Of Legislation To Protect Police Officers

[WILLIAM J. LARKIN JR.](#) January 5, 2006

Senator Bill Larkin (R-C, Cornwall-on-Hudson) today announced that the Legislature and the Governor have approved two pieces of legislation that will increase penalties for those who injure or kill police officers, and toughen current laws to keep illegal guns off our streets.

The Governor has already signed the bills.

"The penalties cannot be stiff enough for anyone who would threaten the life or safety of a police officer," said Senator Larkin. "Let anyone who would cross that line know that they will face life without parole. These new laws will also give the police better ability to go after illegal gun traffickers and get these weapons off our streets."

The Crimes Against Police Act:

Murder of a Police Officer, Peace Officer or Corrections Employee: The new law guarantees Life Without Parole for the intentional murder of these law enforcement officers. When the sentencing judge does not opt for Life Without Parole, current law allows for a sentence of life, with a minimum of 20 - 25 years.

Attempted Murder of a Police Officer, Peace Officer or Corrections Employee: Current law allows for a sentence of life, with a minimum of 15 - 25 years. The new law increases the

minimums to 20- 40 to life.

The Illegal Firearms (Anti-Gun Trafficking) Bill:

Criminal Sale of Firearms

Currently, the criminal sale of a weapon offenses are graded in the Penal Law by three degrees ranging in seriousness from a Class D felony to a Class B felony. The illegal sale of a single firearm is a Class D non-violent felony [Penal Law §265.11]; the illegal sale of 10 or more firearms is a Class C violent felony offense [Penal Law §265.12]; and the illegal sale of 20 or more firearms is a Class B violent felony offense [Penal Law §265.13].

The new law will amend these provisions by (1) classifying the Class D felony offense of the illegal sale of even one firearm as a violent felony offense; (2) punishing as a Class C violent felony the illegal sale of 5 or more firearms; and (3) punishing as a Class B violent felony the illegal sale of 10 or more firearms.

Criminal Possession of Multiple Firearms

Under current law, the criminal possession of a weapon is penalized by four offenses which range in seriousness from a Class A misdemeanor to a Class B felony.

With respect to the illegal possession of multiple firearms, the current Penal Law does not include similar gradations. The Penal Law [Penal Law 265.02(5)] sanctions the illegal possession of 20 or more firearms as a Class D violent felony offense punishable by a minimum determinate sentence of 2 years and a maximum of 7 years. An offender who possesses 19 or fewer firearms can be charged only with a mere Class A misdemeanor, punishable by up to a year in jail.

The new law will strengthen existing law by: 1) reducing from 20 to 3 the number of firearms required to be possessed for the Class D violent felony offense; 2) creating a new Class C violent felony offense for the illegal possession of 5 or more firearms [carrying a determinate sentence of at least 3 ½ years and up to 15 years]; and (3) creating a new Class B violent felony offense for the illegal possession of 10 or more firearms [carrying a determinate sentence of at least 5 years or up to 25 years].

Closing the Loophole

In addition, the new law recognizes the fact that gun traffickers often evade the strict felony penalties for multiple illegal sales by intentionally restricting the number of firearms that they sell in a single transaction.

This measure amends the law to eliminate this loophole by augmenting the "single transaction" standard with a one-year rule. For example, under current law, a gun trafficker who illegally sells one gun each month over the course of a year could only be charged with a D non-violent felony for each of those transactions. Under the new law, the trafficker would be charged with a B violent felony offense.