

LOCAL LAW “K” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY BANNING DEADLY WEAPONS, DANGEROUS INSTRUMENTS, EXPLOSIVE DEVICES, AND POISONOUS GASES FROM ALBANY COUNTY FACILITIES

Introduced: 9/12/22

By Messrs. Reidy, A. Joyce, Feeney, Beston, Ms. Chapman, Messrs. Clay, Cleary, Commisso, Domalewicz, Ethier, Fein, Kuhn, Ms. Lekakis, Mr. Mayo, Mss. McLaughlin, McLean Lane, Messrs. Miller, O'Brien, Peter, Ms. Plotsky, Messrs. Reinhardt, Ricard, Simpson and Ward:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

SECTION 1. Title.

This Local Law shall be known as the “Albany County Safe Employees Law.”

SECTION 2. Legislative Intent.

The Albany County Legislature finds that: (1) deadly weapons and dangerous instruments often cause unintentional [accidental] deaths and injuries and are frequently used in the commission of crimes, particularly homicides and assaults; (2) physical possession of deadly weapons and dangerous instruments in County buildings by persons other than those on official business with authorization to carry such weapons or instruments poses a serious threat to the health, safety and general welfare of County public servants and other persons lawfully in County buildings; and (3) the presence of deadly weapons and dangerous instruments in County buildings, except by certain authorized officials, may seriously impair the performance of essential government functions.

In order to ensure essential government functions without fear, threat, intimidation, or harm to any person or function therein, the Albany County Legislature finds it necessary for the security, safety, protection and well-being of its employees, its property, and any individuals present thereupon, to place restrictions on the possession of deadly weapons and dangerous instruments by individuals in buildings owned, leased, operated, or controlled by Albany County.

SECTION 3. Definitions.

Whenever used in this Local Law, the following terms shall have the following meanings:

a. "Deadly Weapon" shall be defined as set forth in New York Penal Law Section 10.00 (12), and means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilium ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.

b. "Dangerous Instrument" shall be defined as set forth in New York Penal Law Section 10.00 (13), and means any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury (as those terms are defined in New York Penal Law Section 10). Dangerous Instruments include, but are not limited to, such items as knives, dirks, razors, stilettos, imitation pistols, or any other weapons. [, whether loaded or unloaded.]

c. "Explosive device or material" shall be defined as any chemical compound, mechanical mixture, substance, or device that is commonly used or can be used for the purpose of producing an explosion and which contains any oxidizing and combustive agents or other ingredients in such proportions, quantities or packaging that an ignition by fire, friction, concussion, percussion, detonation or by any part of the compound, substance, or mixture may cause a sudden generation of highly heated gases. These materials include, but are not limited to, gunpowder, powders for blasting, high explosives, blasting materials, fuses (other than electric circuit breakers), detonators, and other detonating agents and smokeless powder.

d. "Lethal or debilitating chemical or gas" shall be defined as any chemical substance whose toxic properties are meant to kill, injure or incapacitate human beings. This shall include chemical weapons, toxic industrial and commercial chemicals (including, but not limited to, cyanide, chlorine, and pesticides), and chemical toxins of biological origin (including, but not limited to, ricin).

e. "Firearm" shall be defined as set forth in New York Penal Law Section 265.00 (3), and means (a) any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches; or (e) an assault weapon. For the purpose of this subdivision the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breechlock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm.

e. "County Building" means any portion of any building owned, leased, operated, or controlled by Albany County.

f. "Police Officer" shall be defined as set forth in New York Criminal Procedure Law Section 1.20.

g. "Peace Officer" shall be defined as set forth in New York Criminal Procedure Law Section 2.10.

SECTION 4. Physical Possession of Deadly Weapons or Dangerous Instruments in County Buildings Prohibited.

No person shall knowingly enter into and/or remain in a County Building while in possession of a firearm, rifle, shotgun, deadly weapon, dangerous instrument, explosive device or material [substance], and/or lethal or debilitating chemical or gas. For the purposes of this law, both loaded and unloaded firearms shall be banned.

SECTION 5. Exceptions.

This Local Law shall not apply to any authorized peace officer or police officer, as defined in the New York Criminal Procedure Law, or any other official of the County, State or Federal Government who is duly authorized to possess such firearm, rifle, shotgun, deadly weapon, dangerous instrument, explosive device or material [substance], and/or lethal or debilitating chemical or gas while acting within the scope of their official duties [employment].

SECTION 6. Signs.

The Commissioner of Public Works shall cause signs to be posted at all public entrances of County buildings, on walls, windows, or other locations where such signs are plainly [as the Commissioner shall deem most] visible to members of the general public entering the building, a sign with a red background and white lettering in no less than 9/16" size type reading as follows:

NOTICE:
POSSESSING A FIREARM, RIFLE, SHOTGUN, OR OTHER
DEADLY WEAPON, DANGEROUS INSTRUMENT,
EXPLOSIVE DEVICE, AND/OR POISONOUS GAS IN COUNTY
BUILDINGS IS PROHIBITED. VIOLATORS WILL BE
SUBJECT TO REMOVAL AND PROSECUTION
[PROSECUTED].

SECTION 7. Penalties.

A. Any person who knowingly carries or possesses a firearm, rifle, shotgun, deadly weapon, dangerous instrument, explosive device or substance, and/or lethal or debilitating chemical or gas in a County Building [in violation of this Local Law] shall be guilty of [trespass, as] an unclassified misdemeanor, and subject to punishment by a fine not to exceed \$1,000 or by imprisonment for a term not to exceed 90 days, or both. Each day or part of a day which a violation continues shall constitute a separate violation.

B. In addition to any other penalties, Albany County may also maintain a civil trespass action and/or seek civil injunctions against violators of this Local Law.

C. In addition to any other penalties or civil actions, any person found to be in violation of this Local Law may be denied permission to enter or remain in any building owned, leased, or operated by Albany County or at any worksite of Albany County, or in a vehicle owned or leased by Albany County.

SECTION 8. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 9. Effective Date

This law shall take effect immediately upon its filing with the Secretary of State.

Referred to Law and Public Safety Committees – 9/12/22

Favorable Recommendation Law Committee – 10/26/22

Favorable Recommendation Public Safety Committee – 10/27/22