

**PRESUMPTION OF POSSESSION
FROM PRESENCE OF
MACHINE-GUN IN ROOM,
DWELLING, STRUCTURE OR VEHICLE
PENAL LAW 265.15(1)**

Under our law, the presence in any room, dwelling, or structure [*or vehicle*] of any machine-gun is presumptive evidence of its unlawful possession by all persons occupying the place where such machine-gun is found. What this means is that if the People have proven beyond a reasonable doubt that the machine-gun was present in a room, dwelling, or structure [*or vehicle*] and that the defendant was occupying such room, dwelling, or structure [*or vehicle*], then you may, but you are not required to, infer from those facts that the defendant unlawfully possessed such machine-gun.