

S T A T E O F N E W Y O R K

S. 2448

A. 2684

2019-2020 Regular Sessions

S E N A T E - A S S E M B L Y

January 24, 2019

IN SENATE -- Introduced by Sens. SEPULVEDA, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BRESLIN, BROOKS, CARLUCCI, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, KENNEDY, KRUEGER, LIU, MAY, MAYER, MYRIE, PARKER, PERSAUD, RAMOS, SALAZAR, SANDERS, SAVINO, SERRANO, SKOUFIS, STAVISKY, STEWART-COUSINS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. FAHY, HEASTIE, LENTOL, PEOPLES-STOKES, SIMOTAS, STECK, MOSLEY, McDONALD, GOTTFRIED, ABBATE, ORTIZ, NIOU, ZEBROWSKI, SOLAGES, BUCHWALD, LUPARDO, THIELE, SIMON, ENGLEBRIGHT, D'URSO, QUART, GALEF, GLICK, DINOWITZ, COLTON, L. ROSENTHAL, JAFFEE, WEPRIN, ABINANTI, BRAUNSTEIN, SEAWRIGHT, LAVINE, PERRY, PAULIN, RAMOS, ARROYO, PICHARDO, VANEL, DE LA ROSA, HYNDMAN, O'DONNELL, TAYLOR, BLAKE, BICHOTTE, OTIS, BURKE, CRUZ, FRONTUS, GRIFFIN, JACOBSON, McMAHON, REYES, SAYEGH, STERN -- Multi-Sponsored by -- M. of A. HEVESI, JEAN-PIERRE, LIFTON -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting the possession, manufacture, transport and disposition of rapid-fire modification devices

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 265.00 of the penal law is amended by adding five
2 new subdivisions 26, 27, 28, 29, and 30 to read as follows:

3 26. "RAPID-FIRE MODIFICATION DEVICE" MEANS ANY BUMP STOCK, TRIGGER
4 CRANK, BINARY TRIGGER SYSTEM, BURST TRIGGER SYSTEM, OR ANY OTHER DEVICE
5 THAT IS DESIGNED TO ACCELERATE THE RATE OF FIRE OF A SEMI-AUTOMATIC
6 FIREARM, RIFLE OR SHOTGUN.

7 27. "BUMP STOCK" MEANS ANY DEVICE OR INSTRUMENT THAT INCREASES THE
8 RATE OF FIRE ACHIEVABLE WITH A SEMI-AUTOMATIC FIREARM, RIFLE OR SHOTGUN

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

LBD08847-03-9

1 BY USING ENERGY FROM THE RECOIL OF THE WEAPON TO GENERATE A RECIPROCAT-
2 ING ACTION THAT FACILITATES REPEATED ACTIVATION OF THE TRIGGER.

3 28. "TRIGGER CRANK" MEANS ANY DEVICE OR INSTRUMENT THAT REPEATEDLY
4 ACTIVATES THE TRIGGER OF A SEMI-AUTOMATIC FIREARM, RIFLE OR SHOTGUN
5 THROUGH THE USE OF A LEVER OR OTHER PART THAT IS TURNED IN A CIRCULAR
6 MOTION AND THEREBY ACCELERATES THE RATE OF FIRE OF SUCH FIREARM, RIFLE
7 OR SHOTGUN, PROVIDED, HOWEVER, THAT "TRIGGER CRANK" SHALL NOT INCLUDE
8 ANY WEAPON INITIALLY DESIGNED AND MANUFACTURED TO FIRE THROUGH THE USE
9 OF A CRANK OR LEVER.

10 29. "BINARY TRIGGER SYSTEM" MEANS ANY DEVICE THAT, WHEN INSTALLED IN
11 OR ATTACHED TO A SEMI-AUTOMATIC FIREARM RIFLE, OR SHOTGUN CAUSES THAT
12 WEAPON TO FIRE ONCE WHEN THE TRIGGER IS PULLED AND AGAIN WHEN THE TRIG-
13 GER IS RELEASED.

14 30. "BURST TRIGGER SYSTEM" MEANS ANY DEVICE THAT, WHEN INSTALLED IN OR
15 ATTACHED TO A SEMI-AUTOMATIC FIREARM, RIFLE, OR SHOT GUN, ALLOWS THAT
16 WEAPON TO DISCHARGE TWO OR MORE SHOTS WITH A SINGLE PULL OR THE TRIGGER
17 BY ALTERING THE TRIGGER RESET.

18 § 2. The penal law is amended by adding a new section 265.01-c to read
19 as follows:

20 § 265.01-C CRIMINAL POSSESSION OF A RAPID-FIRE MODIFICATION DEVICE.

21 A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A RAPID-FIRE MODIFICATION
22 DEVICE WHEN HE OR SHE KNOWINGLY POSSESSES ANY RAPID-FIRE MODIFICATION
23 DEVICE.

24 CRIMINAL POSSESSION OF A RAPID-FIRE MODIFICATION DEVICE IS A CLASS A
25 MISDEMEANOR.

26 § 3. Subdivisions 1, 2 and 3 of section 265.10 of the penal law,
27 subdivisions 1 and 2 as amended by chapter 257 of the laws of 2008, and
28 subdivision 3 as amended by chapter 189 of the laws of 2000, are amended
29 to read as follows:

30 1. Any person who manufactures or causes to be manufactured any
31 machine-gun, assault weapon, large capacity ammunition feeding device or
32 disguised gun is guilty of a class D felony. ANY PERSON WHO MANUFAC-
33 TURES OR CAUSES TO BE MANUFACTURED ANY RAPID-FIRE MODIFICATION DEVICE IS
34 GUILTY OF A CLASS E FELONY. Any person who manufactures or causes to be
35 manufactured any switchblade knife, gravity knife, pilum ballistic
36 knife, metal knuckle knife, billy, blackjack, bludgeon, plastic knuck-
37 les, metal knuckles, Kung Fu star, chuka stick, sandbag, sandclub or
38 slungshot is guilty of a class A misdemeanor.

39 2. Any person who transports or ships any machine-gun, firearm silenc-
40 er, assault weapon or large capacity ammunition feeding device or
41 disguised gun, or who transports or ships as merchandise five or more
42 firearms, is guilty of a class D felony. ANY PERSON WHO TRANSPORTS OR
43 SHIPS ANY RAPID-FIRE MODIFICATION DEVICE IS GUILTY OF A CLASS E FELONY.
44 Any person who transports or ships as merchandise any firearm, other
45 than an assault weapon, switchblade knife, gravity knife, pilum ballis-
46 tic knife, billy, blackjack, bludgeon, plastic knuckles, metal knuckles,
47 Kung Fu star, chuka stick, sandbag or slungshot is guilty of a class A
48 misdemeanor.

49 3. Any person who disposes of any machine-gun, assault weapon, large
50 capacity ammunition feeding device or firearm silencer is guilty of a
51 class D felony. ANY PERSON WHO DISPOSES OF ANY RAPID-FIRE MODIFICATION
52 DEVICE IS GUILTY OF A CLASS E FELONY. Any person who knowingly buys,
53 receives, disposes of, or conceals a machine-gun, firearm, large capaci-
54 ty ammunition feeding device, rifle or shotgun which has been defaced
55 for the purpose of concealment or prevention of the detection of a crime
56 or misrepresenting the identity of such machine-gun, firearm, large

1 capacity ammunition feeding device, rifle or shotgun is guilty of a
2 class D felony.

3 § 4. The opening paragraph of subdivision a of section 265.20 of the
4 penal law, as amended by section 1 of part FF of chapter 57 of the laws
5 of 2013, is amended to read as follows:

6 Paragraph (h) of subdivision twenty-two of section 265.00 and sections
7 265.01, 265.01-a, subdivision one of section 265.01-b, 265.01-C, 265.02,
8 265.03, 265.04, 265.05, 265.10, 265.11, 265.12, 265.13, 265.15, 265.36,
9 265.37 and 270.05 shall not apply to:

10 § 5. The opening paragraph of paragraph 1 of subdivision a of section
11 265.20 of the penal law, as amended by chapter 1041 of the laws of 1974,
12 is amended to read as follows:

13 Possession of any of the weapons, instruments, appliances or
14 substances specified in sections 265.01, 265.01-C, 265.02, 265.03,
15 265.04, 265.05 and 270.05 by the following:

16 § 6. Paragraphs 2 and 8 of subdivision a of section 265.20 of the
17 penal law, paragraph 2 as amended by chapter 189 of the laws of 2000 and
18 paragraph 8 as amended by chapter 476 of the laws of 2018, are amended
19 to read as follows:

20 2. Possession of a machine-gun, large capacity ammunition feeding
21 device, RAPID-FIRE MODIFICATION DEVICE, firearm, switchblade knife,
22 gravity knife, pilum ballistic knife, billy or blackjack by a warden,
23 superintendent, headkeeper or deputy of a state prison, penitentiary,
24 workhouse, county jail or other institution for the detention of persons
25 convicted or accused of crime or detained as witnesses in criminal
26 cases, in pursuit of official duty or when duly authorized by regulation
27 or order to possess the same.

28 8. The manufacturer of machine-guns, firearm silencers, assault weap-
29 ons, large capacity ammunition feeding devices, RAPID-FIRE MODIFICATION
30 DEVICES, disguised guns, pilum ballistic knives, switchblade or gravity
31 knives, billies or blackjacks as merchandise, or as a transferee recipi-
32 ent of the same for repair, lawful distribution or research and develop-
33 ment, and the disposal and shipment thereof direct to a regularly
34 constituted or appointed state or municipal police department, sheriff,
35 police officer or other peace officer, or to a state prison, penitenti-
36 ary, workhouse, county jail or other institution for the detention of
37 persons convicted or accused of crime or held as witnesses in criminal
38 cases, or to the military service of this state or of the United States;
39 or for the repair and return of the same to the lawful possessor or for
40 research and development.

41 § 7. This act shall take effect immediately; provided, however, that
42 section two of this act shall take effect on the one hundred twentieth
43 day after it shall have become a law.