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

3686

2013-2014 Regular Sessions

I N S E N A T E

February 11, 2013

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to possession of a gravity knife for purposes of criminal possession of a weapon in the fourth degree

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

Section 1. Section 265.01 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

S 265.01 Criminal possession of a weapon in the fourth degree.

A person is guilty of criminal possession of a weapon in the fourth degree when:

(1) He or she possesses any firearm, electronic dart gun, electronic stun gun, [gravity knife,] switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken or "Kung Fu star"; or

(2) He OR SHE possesses any dagger, dangerous knife, dirk, razor, stiletto, GRAVITY KNIFE, imitation pistol, or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or

[(3); or

(4)] (3) He possesses a rifle, shotgun, antique firearm, black powder rifle, black powder shotgun, or any muzzle-loading firearm, and has been convicted of a felony or serious offense; or

[(5)] (4) He possesses any dangerous or deadly weapon and is not a citizen of the United States; or

[(6)] (5) He is a person who has been certified not suitable to possess a rifle or shotgun, as defined in subdivision sixteen of section 265.00, and refuses to yield possession of such rifle or shotgun upon the demand of a police officer. Whenever a person is certified not suit-

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

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able to possess a rifle or shotgun, a member of the police department to which such certification is made, or of the state police, shall forthwith seize any rifle or shotgun possessed by such person. A rifle or shotgun seized as herein provided shall not be destroyed, but shall be delivered to the headquarters of such police department, or state police, and there retained until the aforesaid certificate has been rescinded by the director or physician in charge, or other disposition of such rifle or shotgun has been ordered or authorized by a court of competent jurisdiction.

[(7)] (6) He knowingly possesses a bullet containing an explosive substance designed to detonate upon impact.

[(8)] (7) He possesses any armor piercing ammunition with intent to use the same unlawfully against another.

Criminal possession of a weapon in the fourth degree is a class A misdemeanor.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law; provided, however, that if section 40 of chapter 1 of the laws of 2013 shall not have taken effect on or before such date then the amendments made to section 265.01 of the penal law by section 1 of this act shall take effect on the same date and in the same manner as section 40 of chapter 1 of the laws of 2013, takes effect.