

10051

I N A S S E M B L Y

February 26, 2010

Introduced by M. of A. J. MILLER, CALHOUN, FINCH, McDONOUGH, POWELL, RAI, WEISENBERG -- Multi-Sponsored by -- M. of A. CASTRO, CROUCH, MAYERSOHN, McKEVITT, OAKS, SALADINO, TOWNSEND, ZEBROWSKI -- read once and referred to the Committee on Codes

AN ACT to amend the general business law, in relation to the sale or promotional distribution of machetes; and to amend the penal law, in relation to including possession of a machete under the crime 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:

- 1 Section 1. Section 399-qq of the general business law, as added by
2 chapter 243 of the laws of 2005, is amended to read as follows:
3 S 399-qq. Sale or promotional distribution of MACHETES, utility
4 knives, box cutters, or box cart cutters. 1. No person, firm, or corpo-
5 ration shall sell or offer to sell or give away as either a retail or
6 wholesale promotion a MACHETE, utility knife, box cutter, or box cart
7 cutter to any person under eighteen years of age.
8 2. For purposes of this section, the term "utility knife", "box
9 cutter", or "box cart cutter" means a knife consisting of a razor blade,
10 retractable or non-retractable, attached to or contained within a plas-
11 tic or metal housing. THE TERM "MACHETE" SHALL MEAN ANY HEAVY BLADED
12 SINGLE EDGED KNIFE WITH A BLADE OF TWELVE INCHES OR MORE DESIGNED PRIMA-
13 RILY FOR CUTTING BRUSH OR VEGETATION.
14 3. The provisions of this section shall not preclude the temporary
15 transfer of a MACHETE, utility knife, box cutter, or box cart cutter to
16 a person under eighteen years of age by such person's employer where
17 such device is possessed only on the employer's premises and only during
18 the course and scope of such person's employment.
19 4. No provision of this section shall be deemed to restrict the
20 authority of any county, city, town or village to enact and enforce
21 additional local laws, ordinances or codes, or portions thereof,
22 provided the provisions thereof are not inconsistent with the provisions
23 of this section.

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

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1 5. Any person, firm, or corporation who violates the provisions of
2 this section shall be subject to a civil penalty of not more than five
3 hundred dollars.

4 S 2. Subdivision 2 of section 265.01 of the penal law, as amended by
5 chapter 220 of the laws of 1988, is amended to read as follows:

6 (2) He possesses any dagger, dangerous knife, dirk, razor, stiletto,
7 imitation pistol, MACHETE, or any other dangerous or deadly instrument
8 or weapon with intent to use the same unlawfully against another; or

9 S 3. This act shall take effect immediately, provided, however, that
10 section two of this act shall take effect on the first of November next
11 succeeding the date on which it shall have become a law.