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

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, RAIA, 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:

Section 1. Section 399-qq of the general business law, as added by chapter 243 of the laws of 2005, is amended to read as follows:

S 399-qq. Sale or promotional distribution of MACHETES, utility knives, box cutters, or box cart cutters. 1. No person, firm, or corporation shall sell or offer to sell or give away as either a retail or wholesale promotion a MACHETE, utility knife, box cutter, or box cart cutter to any person under eighteen years of age.

2. For purposes of this section, the term "utility knife", "box cutter", or "box cart cutter" means a knife consisting of a razor blade, retractable or non-retractable, attached to or contained within a plastic or metal housing. THE TERM "MACHETE" SHALL MEAN ANY HEAVY BLADED SINGLE EDGED KNIFE WITH A BLADE OF TWELVE INCHES OR MORE DESIGNED PRIMARILY FOR CUTTING BRUSH OR VEGETATION.

3. The provisions of this section shall not preclude the temporary transfer of a MACHETE, utility knife, box cutter, or box cart cutter to a person under eighteen years of age by such person's employer where such device is possessed only on the employer's premises and only during the course and scope of such person's employment.

4. No provision of this section shall be deemed to restrict the authority of any county, city, town or village to enact and enforce additional local laws, ordinances or codes, or portions thereof, provided the provisions thereof are not inconsistent with the provisions of this section.

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

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

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

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

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