

4057

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting firearms not readily detectable by standard security equipment

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

- 1 Section 1. Section 265.02 of the penal law is amended by adding a new
2 subdivision 4 to read as follows:
3 (4) HE OR SHE KNOWINGLY POSSESSES ANY FIREARM PREDETERMINED BY THE
4 SUPERINTENDENT OF STATE POLICE TO BE NOT READILY DETECTABLE AS A FIREARM
5 IN EITHER ITS ASSEMBLED OR DISASSEMBLED STATE BY THE STANDARD SECURITY
6 EQUIPMENT COMMONLY USED AT AIRPORTS, PRISONS OR OTHER SECURE FACILITIES.
7 THE SUPERINTENDENT OF STATE POLICE SHALL PROMULGATE STANDARDS, RULES AND
8 REGULATIONS TO IMPLEMENT THIS SUBDIVISION, WHICH SHALL INCLUDE A LIST OF
9 THOSE FIREARMS DETERMINED TO BE VIOLATIVE OF THIS SUBDIVISION. SUCH LIST
10 SHALL BE MADE PUBLIC AND AVAILABLE UPON REQUEST; OR
11 S 2. Subdivision 3 of section 265.03 of the penal law, as amended by
12 chapter 745 of the laws of 2006, is amended and a new subdivision 4 is
13 added to read as follows:
14 (3) such person possesses any loaded firearm. Such possession shall
15 not, except as provided in subdivision one or seven of section 265.02 of
16 this article, constitute a violation of this subdivision if such
17 possession takes place in such person's home or place of business[.]; OR
18 (4) SUCH PERSON POSSESSES A FIREARM LISTED BY THE SUPERINTENDENT OF
19 STATE POLICE PURSUANT TO SUBDIVISION FOUR OF SECTION 265.02 OF THIS
20 ARTICLE.
21 S 3. Subdivisions 1 and 2 of section 265.10 of the penal law, as
22 amended by chapter 257 of the laws of 2008, are amended to read as
23 follows:
24 1. Any person who manufactures or causes to be manufactured any
25 machine-gun, assault weapon, large capacity ammunition feeding device

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

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1 [or], disguised gun OR FIREARM LISTED BY THE SUPERINTENDENT OF STATE
2 POLICE PURSUANT TO SUBDIVISION FOUR OF SECTION 265.02 OF THIS ARTICLE is
3 guilty of a class D felony. Any person who manufactures or causes to be
4 manufactured any switchblade knife, gravity knife, pilum ballistic
5 knife, metal knuckle knife, billy, blackjack, bludgeon, plastic knuck-
6 les, metal knuckles, Kung Fu star, chuka stick, sandbag, sandclub or
7 slungshot is guilty of a class A misdemeanor.

8 2. Any person who transports or ships any machine-gun, firearm silenc-
9 er, assault weapon or large capacity ammunition feeding device [or],
10 disguised gun, FIREARM LISTED BY THE SUPERINTENDENT OF STATE POLICE
11 PURSUANT TO SUBDIVISION FOUR OF SECTION 265.02 OF THIS ARTICLE, or who
12 transports or ships as merchandise five or more firearms, is guilty of a
13 class D felony. Any person who transports or ships as merchandise any
14 firearm, other than an assault weapon, switchblade knife, gravity knife,
15 pilum ballistic knife, billy, blackjack, bludgeon, plastic knuckles,
16 metal knuckles, Kung Fu star, chuka stick, sandbag or slungshot is guil-
17 ty of a class A misdemeanor.

18 S 4. This act shall take effect on the one hundred twentieth day after
19 it shall have become a law, except that any rules and regulations neces-
20 sary for the timely implementation of this act on its effective date
21 shall be promulgated on or before such date.