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

5078--A

Cal. No. 358

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. LENTOL -- Multi-Sponsored by -- M. of A. TOWNS -- read once and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the penal law, in relation to redefining the term "disguised gun" to include any rifle, pistol, shotgun or machine-gun resembling a toy gun and prohibiting the possession, manufacture or design thereof

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

Section 1. Subdivision 20 of section 265.00 of the penal law, as added by chapter 378 of the laws of 1998, is amended to read as follows:

20. "Disguised gun" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive and is designed and intended to appear to be EITHER; (A) something other than a gun; OR (B) A TOY GUN THAT SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY RIFLE, PISTOL, SHOTGUN OR MACHINE-GUN DISPLAYING A COLOR FINISH OTHER THAN THE ORIGINAL MANUFACTURE COLOR, A DECORATIVE PATTERN OR PLASTIC LIKE SURFACE; PROVIDED, HOWEVER, THAT ANY RIFLE OR SHOTGUN DISPLAYING A CAMOUFLAGE COLOR FINISH OR PATTERN THAT IS INTENDED FOR HUNTING, AS DEFINED BY ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVATION LAW, SHALL NOT BE CONSIDERED A "DISGUISED GUN" FOR PURPOSES OF THIS SECTION.

S 2. Section 265.10 of the penal law is amended by adding a new subdivision 8 to read as follows:

8. ANY PERSON, DEALER, FIRM, PARTNERSHIP OR CORPORATION WHO INTENTIONALLY DESIGNS OR TRANSFORMS A RIFLE, PISTOL, SHOTGUN OR MACHINE-GUN TO RESEMBLE A TOY GUN BY EITHER ALTERING OR CONCEALING THE ORIGINAL COLOR OR SURFACE OF THE GUN WITH THE PURPOSE OF SELLING SUCH WEAPON IS GUILTY OF A CLASS D FELONY.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD05837-02-0