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

435

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. LENTOL -- Multi-Sponsored by -- M. of A. CUSICK -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the possession of disguised knives

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

Section 1. Section 265.00 of the penal law is amended by adding a new subdivision 24 to read as follows:

24. "DISGUISED KNIFE" MEANS ANY KNIFE WHICH IS DESIGNED TO APPEAR AS AN OBJECT OTHER THAN A KNIFE, SUCH AS A COMB, WRITING INSTRUMENT, CIGARETTE LIGHTER OR OTHER OBJECT COMMONLY CARRIED ON THE PERSON, AND WHICH INCLUDES A BLADE CONCEALED WITHIN SUCH OBJECT.

S 2. Subdivisions 6, 7 and 8 of section 265.01 of the penal law, subdivision 6 as added by chapter 1041 of the laws of 1974, subdivision 7 as added by chapter 807 of the laws of 1981 and subdivision 8 as added by chapter 646 of the laws of 1986, are amended and a new subdivision 9 is added to read as follows:

(6) He OR SHE 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 suitable 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headquarters of such police department, or state police, and there retained until the aforesaid certificate has been rescinded by the director or physician in charge, or other disposition of such rifle or shotgun has been ordered or authorized by a court of competent jurisdiction[.]; OR

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

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

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

(9) HE OR SHE POSSESSES ANY DISGUISED KNIFE.

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