

2092--A

Cal. No. 118

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. COLTON, WEPRIN, ZEBROWSKI, JAFFEE, SCARBOROUGH, LAVINE, HOOPER, MILLER -- Multi-Sponsored by -- M. of A. MONTESANO, WEISENBERG -- read once and referred to the Committee on Codes -- ordered to a third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the penal law, in relation to prohibiting the manufacture, transport or shipment of undetectable knives and prohibiting the possession of such knives

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

1     Section 1. Section 265.00 of the penal law is amended by adding a new  
2     subdivision 5-d to read as follows:  
3     5-D. "UNDETECTABLE KNIFE" MEANS ANY KNIFE OR OTHER INSTRUMENT, WHICH  
4     DOES NOT UTILIZE MATERIALS THAT ARE DETECTABLE BY A METAL DETECTOR OR  
5     MAGNETOMETER WHEN SET AT A STANDARD CALIBRATION, THAT IS CAPABLE OF  
6     READY USE AS A STABBING OR CUTTING WEAPON AND WAS COMMERCIALY MANUFAC-  
7     TURED TO BE USED AS A WEAPON.  
8     S 2. Subdivision 2 of section 265.01 of the penal law, as amended by  
9     chapter 1 of the laws of 2013, is amended to read as follows:  
10    (2) He OR SHE possesses any dagger, dangerous knife, dirk, razor,  
11    stiletto, imitation pistol, UNDETECTABLE KNIFE or any other dangerous or  
12    deadly instrument or weapon with intent to use the same unlawfully  
13    against another; or  
14    S 3. Subdivisions 1 and 2 of section 265.10 of the penal law, as  
15    amended by chapter 257 of the laws of 2008, are amended to read as  
16    follows:  
17    1. Any person who manufactures or causes to be manufactured any  
18    machine-gun, assault weapon, large capacity ammunition feeding device or  
19    disguised gun is guilty of a class D felony. Any person who manufactures

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

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1 or causes to be manufactured any switchblade knife, gravity knife, pilum  
2 ballistic knife, metal knuckle knife, UNDETECTABLE KNIFE, billy,  
3 blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star,  
4 chuka stick, sandbag, sandclub or slungshot is guilty of a class A  
5 misdemeanor.

6 2. Any person who transports or ships any machine-gun, firearm silenc-  
7 er, assault weapon or large capacity ammunition feeding device or  
8 disguised gun, or who transports or ships as merchandise five or more  
9 firearms, is guilty of a class D felony. Any person who transports or  
10 ships as merchandise any firearm, other than an assault weapon, switch-  
11 blade knife, gravity knife, pilum ballistic knife, UNDETECTABLE KNIFE,  
12 billy, blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu  
13 star, chuka stick, sandbag or slungshot is guilty of a class A misdemea-  
14 nor.

15 S 4. This act shall take effect on the first of November next succeed-  
16 ing the date on which it shall have become a law.