

4175

2013-2014 Regular Sessions

I N S E N A T E

March 12, 2013

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to the possession of armor piercing, frangible or devastator ammunition

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

1 Section 1. Subdivision 18 of section 265.00 of the penal law, as added
2 by chapter 646 of the laws of 1986, is amended to read as follows:

3 18. "Armor piercing ammunition" means any ammunition [capable of being
4 used in pistols or revolvers] containing a projectile or projectile
5 core[, or a projectile or projectile core for use in such ammunition,
6 that is] constructed entirely (excluding the presence of traces of other
7 substances) from one or a combination of any of the following: tungsten
8 alloys, steel, iron, brass, bronze, beryllium copper, [or] uranium,
9 CERAMICS, OR POLYMER PLASTICS AND CAPABLE OF BEING USED IN PISTOLS AND
10 REVOLVERS.

11 S 2. Section 265.00 of the penal law is amended by adding two new
12 subdivisions 25 and 26 to read as follows:

13 25. "FRANGIBLE AMMUNITION" MEANS ANY AMMUNITION WITH A PROJECTILE OR
14 PROJECTILE CORE COMPOSED OF HYBRID MATERIALS, EITHER PRESSED TOGETHER AT
15 HIGH PRESSURE OR GLUED TOGETHER WITH ADHESIVES, WHICH IS CAPABLE OF
16 BEING USED IN PISTOLS OR REVOLVERS AND IS DESIGNED TO FRACTURE OR DISIN-
17 TEGRATE UPON IMPACT.

18 26. "DEVASTATOR AMMUNITION" MEANS ANY AMMUNITION WITH A PROJECTILE OR
19 PROJECTILE CORE WHICH IS CAPABLE OF BEING USED IN PISTOLS OR REVOLVERS
20 AND DESIGNED TO EXPLODE OR DETONATE UPON IMPACT.

21 S 3. Subdivisions 7 and 8 of section 265.01 of the penal law, subdivi-
22 sion 7 as added by chapter 807 of the laws of 1981 and subdivision 8 as
23 added by chapter 646 of the laws of 1986, are amended to read as
24 follows:

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

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1 (7) He [knowingly] possesses [a bullet containing an explosive
2 substance designed to detonate upon impact] ANY DEVASTATOR AMMUNITION.

3 (8) He possesses any armor piercing ammunition OR FRANGIBLE AMMUNITION
4 with intent to use the same unlawfully against another.

5 S 4. Subdivisions 7 and 8 of section 265.01 of the penal law, as
6 amended by chapter 1 of the laws of 2013, are amended to read as
7 follows:

8 (7) He [knowingly] possesses [a bullet containing an explosive
9 substance designed to detonate upon impact] ANY DEVASTATOR AMMUNITION.

10 (8) He possesses any armor piercing ammunition OR FRANGIBLE AMMUNITION
11 with intent to use the same unlawfully against another.

12 S 5. Subdivision 8 of section 265.02 of the penal law, as amended by
13 chapter 764 of the laws of 2005, is amended and two new subdivisions 9
14 and 10 are added to read as follows:

15 (8) Such person possesses a large capacity ammunition feeding
16 device[.]; OR

17 (9) SUCH PERSON KNOWINGLY POSSESSES ANY DEVASTATOR AMMUNITION WITH THE
18 INTENT TO USE THE SAME UNLAWFULLY AGAINST ANOTHER PERSON OR HIS OR HER
19 PROPERTY; OR

20 (10) SUCH PERSON KNOWINGLY POSSESSES ANY ARMOR PIERCING AMMUNITION OR
21 FRANGIBLE AMMUNITION WITH INTENT TO USE THE SAME UNLAWFULLY AGAINST
22 ANOTHER.

23 S 6. Subdivision 10 of section 265.02 of the penal law, as added by
24 chapter 1 of the laws of 2013, is amended and two new subdivisions 11
25 and 12 are added to read as follows:

26 (10) Such person possesses an unloaded firearm and also commits any
27 violent felony offense as defined in subdivision one of section 70.02 of
28 this chapter as part of the same criminal transaction[.] : OR

29 (11) SUCH PERSON KNOWINGLY POSSESSES ANY DEVASTATOR AMMUNITION WITH
30 THE INTENT TO USE THE SAME UNLAWFULLY AGAINST ANOTHER PERSON OR HIS OR
31 HER PROPERTY; OR

32 (12) SUCH PERSON KNOWINGLY POSSESSES ANY ARMOR PIERCING AMMUNITION OR
33 FRANGIBLE AMMUNITION WITH INTENT TO USE THE SAME UNLAWFULLY AGAINST
34 ANOTHER.

35 S 7. This act shall take effect on the first of November next succeed-
36 ing the date on which it shall have become a law; provided, however,
37 that if sections 40 and 41-b of chapter 1 of the laws of 2013 are not in
38 effect on such date then sections three and five of this act are in
39 effect only until sections 40 and 41-b of chapter 1 of the laws of 2013
40 take effect when upon such date sections four and six of this act shall
41 take effect.