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

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:

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

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

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

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

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

S 3. Subdivisions 7 and 8 of section 265.01 of the penal law, 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 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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