

# STATE OF NEW YORK

8913

## IN ASSEMBLY

January 8, 2018

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to defining and prohibiting an accessory to accelerate the firing rate of a semiautomatic weapon

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 26 to read as follows:

3 26. "Accessory to accelerate the firing rate of a semiautomatic weap-  
4 on" means any instrument, attachment, weapon or appliance causing or  
5 intended to cause the firing rate of a semiautomatic weapon to increase.

6 § 2. Subdivision 2 of section 265.02 of the penal law, as amended by  
7 chapter 764 of the laws of 2005, is amended to read as follows:

8 (2) Such person possesses any explosive or incendiary bomb, bombshell,  
9 firearm silencer, accessory to accelerate the firing rate of a semiauto-  
10 matic weapon, machine-gun or any other firearm or weapon simulating a  
11 machine-gun and which is adaptable for such use; or

12 § 3. Subdivisions 2 and 3 of section 265.10 of the penal law, subdivi-  
13 sion 2 as amended by chapter 257 of the laws of 2008 and subdivision 3  
14 as amended by chapter 189 of the laws of 2000, are amended to read as  
15 follows:

16 2. Any person who transports or ships any machine-gun, firearm silenc-  
17 er, accessory to accelerate the firing rate of a semiautomatic weapon,  
18 assault weapon or large capacity ammunition feeding device or disguised  
19 gun, or who transports or ships as merchandise five or more firearms, is  
20 guilty of a class D felony. Any person who transports or ships as  
21 merchandise any firearm, other than an assault weapon, switchblade  
22 knife, gravity knife, pilum ballistic knife, billy, blackjack, bludgeon,  
23 plastic knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag or  
24 slungshot is guilty of a class A misdemeanor.

25 3. Any person who disposes of any machine-gun, assault weapon, large  
26 capacity ammunition feeding device [~~or~~], firearm silencer or accessory  
27 to accelerate the firing rate of a semiautomatic weapon is guilty of a  
28 class D felony. Any person who knowingly buys, receives, disposes of, or

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

LBD13586-01-7

1 conceals a machine-gun, firearm, large capacity ammunition feeding  
2 device, rifle or shotgun which has been defaced for the purpose of  
3 concealment or prevention of the detection of a crime or misrepresenting  
4 the identity of such machine-gun, firearm, large capacity ammunition  
5 feeding device, rifle or shotgun is guilty of a class D felony.

6 § 4. Subdivision 3 of section 265.15 of the penal law, as amended by  
7 chapter 257 of the laws of 2008, is amended to read as follows:

8 3. The presence in an automobile, other than a stolen one or a public  
9 omnibus, of any firearm, large capacity ammunition feeding device,  
10 defaced firearm, defaced rifle or shotgun, defaced large capacity ammu-  
11 nition feeding device, firearm silencer, accessory to accelerate the  
12 firing rate of a semiautomatic weapon, explosive or incendiary bomb,  
13 bombshell, gravity knife, switchblade knife, pilum ballistic knife,  
14 metal knuckle knife, dagger, dirk, stiletto, billy, blackjack, plastic  
15 knuckles, metal knuckles, chuka stick, sandbag, sandclub or slungshot is  
16 presumptive evidence of its possession by all persons occupying such  
17 automobile at the time such weapon, instrument or appliance is found,  
18 except under the following circumstances: (a) if such weapon, instrument  
19 or appliance is found upon the person of one of the occupants therein;  
20 (b) if such weapon, instrument or appliance is found in an automobile  
21 which is being operated for hire by a duly licensed driver in the due,  
22 lawful and proper pursuit of his or her trade, then such presumption  
23 shall not apply to the driver; or (c) if the weapon so found is a pistol  
24 or revolver and one of the occupants, not present under duress, has in  
25 his or her possession a valid license to have and carry concealed the  
26 same.

27 § 5. This act shall take effect on the ninetieth day after it shall  
28 have become a law.