STATE OF NEW YORK

1209--A

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law and the penal law in relation to removing prohibition on possession and use of firearm silencers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 11-0931 of the environmental conservation law, the opening paragraph and subparagraph 1 of paragraph c as amended by chapter 135 of the laws of 1982, is amended to read as follows:

1. No person except a law enforcement officer in the performance of his official duties shall use in hunting or possess in the fields or forests or on the waters of the state for any purpose:

a. [~~the apparatus known as a silencer;~~

~~b.~~] any automatic firearm, or any firearm which has been converted to an automatic type, or any firearm which has a built-in mechanical adjustment which will permit it to function as an automatic arm; or

[~~c.~~] **b.** any auto-loading firearm of a construction to contain more than six shells in the magazine and chamber combined, except

(1) such a firearm using twenty-two caliber rim-fire ammunition, or

(2) such a firearm which has been altered so as to reduce its capacity to not more than six shells at one time in the magazine and chamber combined, or

(3) an auto-loading pistol having a barrel less than eight inches in length.

[~~d. An~~] **c. an** automatic firearm is defined as one which will continue to fire as long as the trigger is held back. An auto-loading firearm is

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

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defined as one which reloads itself after each shot and requires that the trigger be pulled back for each shot.

§ 2. Paragraphs (a) and (c) of subdivision 22 of section 265.00 of the penal law, as added by chapter 1 of the laws of 2013, are amended to read as follows:

(a) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least one of the following characteristics:

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a thumbhole stock;

(iv) a second handgrip or a protruding grip that can be held by the non-trigger hand;

(v) a bayonet mount;

(vi) [~~a flash suppressor, muzzle break, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle break, or muzzle compensator;~~

~~(vii)~~] a grenade launcher; or

(c) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least one of the following characteristics:

(i) a folding or telescoping stock;

(ii) a thumbhole stock;

(iii) a second handgrip or a protruding grip that can be held by the non-trigger hand;

(iv) capacity to accept an ammunition magazine that attaches to the pistol outside of the pistol grip;

(v) [~~a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;~~

~~(vi)~~] a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;

[~~(vii)~~] **(vi)** a manufactured weight of fifty ounces or more when the pistol is unloaded; or

[~~(viii)~~] **(vii)** a semiautomatic version of an automatic rifle, shotgun or firearm;

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

(2) Such person possesses any explosive or incendiary bomb, bombshell, [~~firearm silencer,~~] machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use**. An individual in lawful possession of a device that will silence, suppress, or muffle the sound or natural report of a firearm when the firearm is discharged may use such device to hunt any game for which the individual is licensed, provided the host firearm to which the device is attached is allowed**; or

§ 4. This act shall take effect immediately.