STATE OF NEW YORK

6918

2017-2018 Regular Sessions

IN SENATE

October 16, 2017

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

AN ACT to amend the penal law and the general business law, in relation to the possession, manufacture or sale of a trigger crank, a bump-fire device or other firing accelerators

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

Section 1. Section 265.01 of the penal law is amended by adding a new subdivision 9 to read as follows:

(9) A person is guilty of criminal possession of a weapon in the fourth degree when, with knowledge of the character thereof, he possesses a trigger crank, a bump-fire device, or any part, combination of parts, component, device, attachment, or accessory which is designed or functions to accelerate the rate of fire of a semi-automatic rifle in such a way so as to approximate the operation of a machine-gun.

§ 2. Subdivisions 1 and 2 of section 265.10 of the penal law, as amended by chapter 257 of the laws of 2008, are amended to read as follows:

1. Any person who manufactures or causes to be manufactured any machine-gun, assault weapon, large capacity ammunition feeding device or disguised gun is guilty of a class D felony. **Any person who manufactures or causes to be manufactured a trigger crank, a bump-fire device, or any part, combination of parts, component, device, attachment, or accessory which is designed or functions to accelerate the rate of fire of a semi-automatic rifle in such a way so as to approximate the operation of a machine-gun is guilty of a class E felony.** Any person who manufactures or causes to be manufactured any switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag, sandclub or slungshot is guilty of a class A misdemeanor.

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

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2. Any person who transports or ships any machine-gun, firearm silencer, assault weapon or large capacity ammunition feeding device or disguised gun, or who transports or ships as merchandise five or more firearms, is guilty of a class D felony. **Any person who transports or ships a trigger crank, a bump-fire device, or any part, combination of parts, component, device, attachment, or accessory which is designed or functions to accelerate the rate of fire of a semi-automatic rifle in such a way so as to approximate the operation of a machine-gun is guilty of a class E felony.** Any person who transports or ships as merchandise any firearm, other than an assault weapon, switchblade knife, gravity knife, pilum ballistic knife, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag or slungshot is guilty of a class A misdemeanor.

§ 3. Subdivision 3 of section 897 of the general business law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. No trigger crank, a bump-fire device, or any part, combination of parts, component, device, attachment, or accessory which is designed or functions to accelerate the rate of fire of a semi-automatic rifle in such a way so as to approximate the operation of a machine-gun shall be sold in this state to any person, firm, association or corporation except that nothing in this section shall be construed to forbid the sale of such goods to the state or any political subdivision thereof for a law enforcement agency.

§ 4. Subdivision 6 of section 898 of the general business law is renumbered subdivision 7 and a new subdivision 6 is added to read as follows:

6. No trigger crank, a bump-fire device, or any part, combination of parts, component, device, attachment, or accessory which is designed or functions to accelerate the rate of fire of a semi-automatic rifle in such a way so as to approximate the operation of a machine-gun shall be sold in this state to any person, firm, association or corporation except that nothing in this section shall be construed to forbid the sale of such goods to the state or any political subdivision thereof for a law enforcement agency.

§ 5. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the one hundred twentieth day after it shall have become a law.