

STATE OF NEW YORK

8096

IN SENATE

March 28, 2018

Introduced by Sen. BROOKS -- 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 adding possession of a flamethrower to the crime of criminal possession of a weapon in the fourth degree

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 four
2 new subdivisions 26, 27, 28 and 29 to read as follows:

3 26. "Flamethrower" means a device capable of projecting a stream of
4 burning fuel a distance of at least three feet. Inoperable display units
5 shall not be considered "flamethrowers" for the purposes of this
6 section.

7 27. "Historical flamethrower" means a flamethrower constructed, in
8 whole or in substantial part, of components manufactured prior to nine-
9 teen hundred sixty-six.

10 28. "Substantial part" means constructed with at least five signif-
11 icant components manufactured prior to nineteen hundred sixty-six.

12 29. "Significant components" means fully functional and necessary
13 parts for the operation of a flamethrower including:

14 (a) fuel cell;

15 (b) gas caps;

16 (c) pressure regulator;

17 (d) pressure bottle;

18 (e) hose;

19 (f) wand fuel valve;

20 (g) barrel;

21 (h) front grip;

22 (i) ignition shield; and

23 (j) rear grip.

24 § 2. The penal law is amended by adding a new section 265.41 to read
25 as follows:

26 § 265.41 Criminal possession of a flamethrower.

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

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1 A person is guilty of criminal possession of a flamethrower when he or
2 she possesses a flamethrower; provided, however, that nothing in this
3 section shall prohibit the manufacture, remanufacture, restoration or
4 alteration of flamethrower components. This section shall not apply to
5 historical flamethrowers, flamethrowers used for agricultural or
6 construction purposes or any flamethrower lawfully acquired and
7 possessed prior to the effective date of this section.

8 Criminal possession of a flamethrower is a class E felony.

9 § 3. This act shall take effect on the one hundred twentieth day after
10 it shall have become a law.