STATE OF NEW YORK

9958

IN ASSEMBLY

March 1, 2018

Introduced by M. of A. FAHY, HEASTIE, LENTOL, SIMOTAS, STECK, MOSLEY, McDONALD, GOTTFRIED, ABBATE, SEPULVEDA, MAYER, ORTIZ, NIOU, ZEBROWSKI, SOLAGES, BUCHWALD, LUPARDO, THIELE, SIMON, ENGLEBRIGHT, D'URSO, QUART, GALEF, GLICK, DINOWITZ, McDONOUGH, COLTON, TITONE, L. ROSENTHAL, JAFFEE, WEPRIN, ABINANTI, BRAUNSTEIN, SEAWRIGHT, HARRIS, LAVINE, HOOPER, PERRY, PAULIN, MORELLE, RAMOS, ARROYO, PICHARDO, VANEL, DE LA ROSA, HYNDMAN, O'DONNELL, PELLEGRINO, TAYLOR -- Multi-Sponsored by -- M. of A. CROUCH, HEVESI, JEAN-PIERRE, LIFTON, SKARTADOS -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting the possession, manufacture, transport and disposition of trigger modification devices

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

Section 1. The penal law is amended by adding a new section 265.01-c to read as follows:

§ 265.01-c Criminal possession of a trigger modification device.

A person is guilty of criminal possession of a trigger modification device when, with knowledge of the character thereof, he or she possesses a trigger crank, a bump-fire device, or other combination of parts, component, device, attachment or accessory, which is designed or intended to function to accelerate the rate of fire of a firearm, rifle or shotgun in such a way so as to operate in the same manner as a machine-gun.

Criminal possession of a trigger modification device is a class A misdemeanor.

§ 2. Subdivisions 1, 2 and 3 of section 265.10 of the penal law, subdivisions 1 and 2 as amended by chapter 257 of the laws of 2008, and subdivision 3 as amended by chapter 189 of the laws of 2000, 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**

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

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other combination of parts, component, device, attachment or accessory, which is designed or intended to function to accelerate the rate of fire of a firearm, rifle or shotgun in such a way so as to operate in the same manner as 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.

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 other combination of parts, component, device, attachment or accessory, which is designed or intended to function to accelerate the rate of fire of a firearm, rifle or shotgun in such a way so as to operate in the same manner as 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. Any person who disposes of any machine-gun, assault weapon, large capacity ammunition feeding device or firearm silencer is guilty of a class D felony. Any person who disposes of a trigger crank, a bump-fire device, or other combination of parts, component, device, attachment or accessory, which is designed or intended to function to accelerate the rate of fire of a firearm, rifle or shotgun in such a way so as to operate in the same manner as a machine-gun is guilty of a class E felony. Any person who knowingly buys, receives, disposes of, or conceals a machine-gun, firearm, large capacity ammunition feeding device, rifle or shotgun which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun, firearm, large capacity ammunition feeding device, rifle or shotgun is guilty of a class D felony.

§ 3. The opening paragraph of subdivision a of section 265.20 of the penal law, as amended by section 1 of part FF of chapter 57 of the laws of 2013, is amended to read as follows:

Paragraph (h) of subdivision twenty-two of section 265.00 and sections 265.01, 265.01-a, subdivision one of section 265.01-b, 265.01-c, 265.02, 265.03, 265.04, 265.05, 265.10, 265.11, 265.12, 265.13, 265.15, 265.36, 265.37 and 270.05 shall not apply to:

§ 4. The opening paragraph of paragraph 1 of subdivision a of section 265.20 of the penal law, as amended by chapter 1041 of the laws of 1974, is amended to read as follows:

Possession of any of the weapons, instruments, appliances or substances specified in sections 265.01, 265.01-c, 265.02, 265.03, 265.04, 265.05 and 270.05 by the following:

§ 5. Paragraphs 2 and 8 of subdivision a of section 265.20 of the penal law, paragraph 2 as amended by chapter 189 of the laws of 2000 and paragraph 8 as amended by chapter 61 of the laws of 2010, are amended to read as follows:

2. Possession of a machine-gun, large capacity ammunition feeding device, trigger modification device as described in section 265.01-c of this article, firearm, switchblade knife, gravity knife, pilum ballistic knife, billy or blackjack by a warden, superintendent, headkeeper or

deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

8. The manufacturer of machine-guns, firearm silencers, assault weapons, large capacity ammunition feeding devices, **trigger modification devices as described in section 265.01-c of this article,** disguised guns, pilum ballistic knives, switchblade or gravity knives, billies or blackjacks as merchandise, or as a transferee recipient of the same for repair, lawful distribution or research and development, and the disposal and shipment thereof direct to a regularly constituted or appointed state or municipal police department, sheriff, policeman or other peace officer, or to a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, or to the military service of this state or of the United States; or for the repair and return of the same to the lawful possessor or for research and development.

§ 6. 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.