

STATE OF NEW YORK

8719

IN SENATE

May 10, 2018

Introduced by Sen. SEPULVEDA -- 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 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:

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

3 § 265.01-c Criminal possession of a trigger modification device.
4 A person is guilty of criminal possession of a trigger modification
5 device when, with knowledge of the character thereof, he or she
6 possesses a trigger crank, a bump-fire device, or other combination of
7 parts, component, device, attachment or accessory, which is designed or
8 intended to function to accelerate the rate of fire of a firearm, rifle
9 or shotgun in such a way so as to operate in the same manner as a
10 machine-gun.

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

13 § 2. Subdivisions 1, 2 and 3 of section 265.10 of the penal law,
14 subdivisions 1 and 2 as amended by chapter 257 of the laws of 2008, and
15 subdivision 3 as amended by chapter 189 of the laws of 2000, are amended
16 to read as follows:

17 1. Any person who manufactures or causes to be manufactured any
18 machine-gun, assault weapon, large capacity ammunition feeding device or
19 disguised gun is guilty of a class D felony. Any person who manufactures
20 or causes to be manufactured a trigger crank, a bump-fire device, or
21 other combination of parts, component, device, attachment or accessory,
22 which is designed or intended to function to accelerate the rate of fire
23 of a firearm, rifle or shotgun in such a way so as to operate in the
24 same manner as a machine-gun is guilty of a class E felony. Any person
25 who manufactures or causes to be manufactured any switchblade knife,
26 gravity knife, pilum ballistic knife, metal knuckle knife, billy,
27 blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star,

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

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1 chuka stick, sandbag, sandclub or slungshot is guilty of a class A
2 misdemeanor.

3 2. Any person who transports or ships any machine-gun, firearm silenc-
4 er, assault weapon or large capacity ammunition feeding device or
5 disguised gun, or who transports or ships as merchandise five or more
6 firearms, is guilty of a class D felony. Any person who transports or
7 ships a trigger crank, a bump-fire device, or other combination of
8 parts, component, device, attachment or accessory, which is designed or
9 intended to function to accelerate the rate of fire of a firearm, rifle
10 or shotgun in such a way so as to operate in the same manner as a
11 machine-gun is guilty of a class E felony. Any person who transports or
12 ships as merchandise any firearm, other than an assault weapon, switch-
13 blade knife, gravity knife, pilum ballistic knife, billy, blackjack,
14 bludgeon, plastic knuckles, metal knuckles, Kung Fu star, chuka stick,
15 sandbag or slungshot is guilty of a class A misdemeanor.

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

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

32 Paragraph (h) of subdivision twenty-two of section 265.00 and sections
33 265.01, 265.01-a, subdivision one of section 265.01-b, 265.01-c, 265.02,
34 265.03, 265.04, 265.05, 265.10, 265.11, 265.12, 265.13, 265.15, 265.36,
35 265.37 and 270.05 shall not apply to:

36 § 4. The opening paragraph of paragraph 1 of subdivision a of section
37 265.20 of the penal law, as amended by chapter 1041 of the laws of 1974,
38 is amended to read as follows:

39 Possession of any of the weapons, instruments, appliances or
40 substances specified in sections 265.01, 265.01-c, 265.02, 265.03,
41 265.04, 265.05 and 270.05 by the following:

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

46 2. Possession of a machine-gun, large capacity ammunition feeding
47 device, trigger modification device as described in section 265.01-c of
48 this article, firearm, switchblade knife, gravity knife, pilum ballistic
49 knife, billy or blackjack by a warden, superintendent, headkeeper or
50 deputy of a state prison, penitentiary, workhouse, county jail or other
51 institution for the detention of persons convicted or accused of crime
52 or detained as witnesses in criminal cases, in pursuit of official duty
53 or when duly authorized by regulation or order to possess the same.

54 8. The manufacturer of machine-guns, firearm silencers, assault weap-
55 ons, large capacity ammunition feeding devices, trigger modification
56 devices as described in section 265.01-c of this article, disguised

1 guns, pilum ballistic knives, switchblade or gravity knives, billies or
2 blackjacks as merchandise, or as a transferee recipient of the same for
3 repair, lawful distribution or research and development, and the
4 disposal and shipment thereof direct to a regularly constituted or
5 appointed state or municipal police department, sheriff, policeman or
6 other peace officer, or to a state prison, penitentiary, workhouse,
7 county jail or other institution for the detention of persons convicted
8 or accused of crime or held as witnesses in criminal cases, or to the
9 military service of this state or of the United States; or for the
10 repair and return of the same to the lawful possessor or for research
11 and development.

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