STATE OF NEW YORK

2538

2019-2020 Regular Sessions

IN ASSEMBLY

January 23, 2019

Introduced by M. of A. ABINANTI, MOSLEY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to defining and prohibiting an accessory to accelerate the firing rate of a semiautomatic weapon

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

Section 1. Section 265.00 of the penal law is amended by adding a new subdivision 26 to read as follows:

26. "Accessory to accelerate the firing rate of a semiautomatic weapon" means any instrument, attachment, weapon or appliance causing or intended to cause the firing rate of a semiautomatic weapon to increase.

§ 2. 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, **accessory to accelerate the firing rate of a semiautomatic weapon,** machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use; or

§ 3. Subdivisions 2 and 3 of section 265.10 of the penal law, subdivision 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:

2. Any person who transports or ships any machine-gun, firearm silencer, **accessory to accelerate the firing rate of a semiautomatic weapon,** 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 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.

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

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3. Any person who disposes of any machine-gun, assault weapon, large capacity ammunition feeding device [~~or~~], firearm silencer **or accessory to accelerate the firing rate of a semiautomatic weapon** is guilty of a class D 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.

§ 4. Subdivision 3 of section 265.15 of the penal law, as amended by chapter 257 of the laws of 2008, is amended to read as follows:

3. The presence in an automobile, other than a stolen one or a public omnibus, of any firearm, large capacity ammunition feeding device, defaced firearm, defaced rifle or shotgun, defaced large capacity ammunition feeding device, firearm silencer, **accessory to accelerate the firing rate of a semiautomatic weapon,** explosive or incendiary bomb, bombshell, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, dagger, dirk, stiletto, billy, blackjack, plastic knuckles, metal knuckles, chuka stick, sandbag, sandclub or slungshot is presumptive evidence of its possession by all persons occupying such automobile at the time such weapon, instrument or appliance is found, except under the following circumstances: (a) if such weapon, instrument or appliance is found upon the person of one of the occupants therein; (b) if such weapon, instrument or appliance is found in an automobile which is being operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his or her trade, then such presumption shall not apply to the driver; or (c) if the weapon so found is a pistol or revolver and one of the occupants, not present under duress, has in his or her possession a valid license to have and carry concealed the same.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law.