

# STATE OF NEW YORK

4761

2019-2020 Regular Sessions

## IN ASSEMBLY

February 5, 2019

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

AN ACT to amend the penal law, in relation to large capacity ammunition feeding devices; and to repeal section 265.37 of such law relating thereto

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

1 Section 1. Subdivision 23 of section 265.00 of the penal law, as  
2 amended by chapter 1 of the laws of 2013, is amended to read as follows:  
3 23. "Large capacity ammunition feeding device" means a magazine, belt,  
4 drum, feed strip, or similar device, that [~~(a)~~] has a capacity of, or  
5 that can be readily restored or converted to accept, more than ten  
6 rounds of ammunition[~~, or (b) contains more than seven rounds of ammunition,~~  
7 ~~or (c) is obtained after the effective date of the chapter of the~~  
8 ~~laws of two thousand thirteen which amended this subdivision and has a~~  
9 ~~capacity of, or that can be readily restored or converted to accept,~~  
10 ~~more than seven rounds of ammunition]; provided, however, that such term  
11 does not include an attached tubular device designed to accept, and  
12 capable of operating only with, .22 caliber rimfire ammunition or a  
13 feeding device that is a curio or relic. A feeding device that is a  
14 curio or relic is defined as a device that (i) was manufactured at least  
15 fifty years prior to the current date, (ii) is only capable of being  
16 used exclusively in a firearm, rifle, or shotgun that was manufactured  
17 at least fifty years prior to the current date, but not including repli-  
18 cas thereof, (iii) is possessed by an individual who is not prohibited  
19 by state or federal law from possessing a firearm and (iv) is registered  
20 with the division of state police pursuant to subdivision sixteen-a of  
21 section 400.00 of this chapter, except such feeding devices transferred  
22 into the state may be registered at any time, provided they are regis-  
23 tered within thirty days of their transfer into the state. Notwithstand-  
24 ing paragraph (h) of subdivision twenty-two of this section, such feed-~~

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

LBD05302-01-9

1 ing devices may be transferred provided that such transfer shall be  
2 subject to the provisions of section 400.03 of this chapter including  
3 the check required to be conducted pursuant to such section.

4 § 2. Subdivision 8 of section 265.02 of the penal law, as amended by  
5 chapter 1 of the laws of 2013, is amended to read as follows:

6 (8) Such person possesses a large capacity ammunition feeding device[  
7 ~~For purposes of this subdivision, a large capacity ammunition feeding~~  
8 ~~device shall not include an ammunition feeding device lawfully possessed~~  
9 ~~by such person before the effective date of the chapter of the laws of~~  
10 ~~two thousand thirteen which amended this subdivision, that has a capaci-~~  
11 ~~ty of, or that can be readily restored or converted to accept more than~~  
12 ~~seven but less than eleven rounds of ammunition, or that was manufac-~~  
13 ~~tured before September thirteenth, nineteen hundred ninety-four, that~~  
14 ~~has a capacity of, or that can be readily restored or converted to~~  
15 ~~accept, more than ten rounds of ammunition]; or~~

16 § 3. Section 265.37 of the penal law is REPEALED.

17 § 4. This act shall take effect immediately.