

STATE OF NEW YORK

5092

2019-2020 Regular Sessions

IN ASSEMBLY

February 7, 2019

Introduced by M. of A. BLANKENBUSH, HAWLEY, CROUCH, GIGLIO, BARCLAY, McDONOUGH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to authorizing the transfer of certain weapons from an estate to an immediate member of the decedent's family

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

1 Section 1. Paragraph (g) of subdivision 22 of section 265.00 of the
2 penal law is amended by adding a new subparagraph (vii) to read as
3 follows:

4 (vii) any weapon legally possessed and validly registered pursuant to
5 subdivision sixteen-a of section 400.00 of this chapter prior to such
6 person's death and bequeathed or passed through intestacy to an immedi-
7 ate family member of the deceased. Such weapons shall be subject to the
8 provisions of paragraph (h) of this subdivision. For purposes of this
9 subparagraph, immediate family member means a child or spouse;

10 § 2. Paragraph (h) of subdivision 22 of section 265.00 of the penal
11 law, as added by chapter 1 of the laws of 2013, is amended to read as
12 follows:

13 (h) (i) Any weapon defined in paragraph (e) or (f) of this subdivision
14 and any large capacity ammunition feeding device that was legally
15 possessed by an individual prior to the enactment of [~~the~~] chapter one
16 of the laws of two thousand thirteen [~~which added this paragraph~~], may
17 only be sold to, exchanged with or disposed of to a purchaser authorized
18 to possess such weapons or to an individual or entity outside of the
19 state provided that any such transfer to an individual or entity outside
20 of the state must be reported to the entity wherein the weapon is regis-
21 tered within seventy-two hours of such transfer. An individual who
22 transfers any such weapon or large capacity ammunition device to an
23 individual inside New York state or without complying with the
24 provisions of this paragraph shall be 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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1 unless such large capacity ammunition feeding device, the possession of
2 which is made illegal by [~~the~~] chapter one of the laws of two thousand
3 thirteen which added this paragraph, is transferred within one year of
4 the effective date of [~~the~~] chapter one of the laws of two thousand
5 thirteen [~~which added this paragraph~~].

6 (ii) Notwithstanding the provisions of subparagraph (i) of this para-
7 graph, any weapon defined in paragraph (e) or (f) of this subdivision
8 that was legally possessed and validly registered by an individual prior
9 to his or her death may be transferred by the estate of such individual
10 to one of his or her immediate family members. For purposes of this
11 subparagraph, immediate family member means a child or spouse.

12 § 3. This act shall take effect immediately.