STATE OF NEW YORK

5396

2019-2020 Regular Sessions

IN ASSEMBLY

February 11, 2019

Introduced by M. of A. DiPIETRO -- 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:

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

(vii) any weapon legally possessed and validly registered pursuant to subdivision sixteen-a of section 400.00 of this chapter prior to such person's death and bequeathed or passed through intestacy to an immediate family member of the deceased. Such weapons shall be subject to the provisions of paragraph (h) of this subdivision. For purposes of this subparagraph, the meaning of immediate family member is as defined by subdivision one of section eight hundred ninety-eight of the general business law;

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

(h) **(i)** Any weapon defined in paragraph (e) or (f) of this subdivision and any large capacity ammunition feeding device that was legally possessed by an individual prior to the enactment of [~~the chapter of the laws of two thousand thirteen which added~~] this paragraph, may only be sold to, exchanged with or disposed of to a purchaser authorized to possess such weapons or to an individual or entity outside of the state provided that any such transfer to an individual or entity outside of the state must be reported to the entity wherein the weapon is registered within seventy-two hours of such transfer. An individual who transfers any such weapon or large capacity ammunition device to an

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

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individual inside New York state or without complying with the provisions of this paragraph shall be guilty of a class A misdemeanor unless such large capacity ammunition feeding device, the possession of which is made illegal by [~~the chapter of the laws of two thousand thirteen which added~~] this paragraph, is transferred within one year of the effective date of [~~the chapter of the laws of two thousand thirteen which added~~] this paragraph.

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, any weapon defined in paragraph (e) or (f) of this subdivision that was legally possessed and validly registered by an individual prior to his or her death may be transferred by the estate of such individual to one of his or her immediate family members. For purposes of this subparagraph, the meaning of immediate family member is as defined by subdivision one of section eight hundred ninety-eight of the general business law.

§ 3. This act shall take effect immediately.