

# STATE OF NEW YORK

1337

2019-2020 Regular Sessions

## IN SENATE

January 14, 2019

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the general business law, in relation to the possession, manufacture or sale of a trigger crank, a bump-fire device or other firing accelerators

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

1 Section 1. Section 265.01 of the penal law is amended by adding a new  
2 subdivision 9 to read as follows:

3 (9) A person is guilty of criminal possession of a weapon in the  
4 fourth degree when, with knowledge of the character thereof, he  
5 possesses a trigger crank, a bump-fire device, or any part, combination  
6 of parts, component, device, attachment, or accessory which is designed  
7 or functions to accelerate the rate of fire of a semi-automatic rifle in  
8 such a way so as to approximate the operation of a machine-gun.

9 § 2. Subdivisions 1 and 2 of section 265.10 of the penal law, as  
10 amended by chapter 257 of the laws of 2008, are amended to read as  
11 follows:

12 1. Any person who manufactures or causes to be manufactured any  
13 machine-gun, assault weapon, large capacity ammunition feeding device or  
14 disguised gun is guilty of a class D felony. Any person who manufactures  
15 or causes to be manufactured a trigger crank, a bump-fire device, or any  
16 part, combination of parts, component, device, attachment, or accessory  
17 which is designed or functions to accelerate the rate of fire of a semi-  
18 automatic rifle in such a way so as to approximate the operation of a  
19 machine-gun is guilty of a class E felony. Any person who manufactures  
20 or causes to be manufactured any switchblade knife, gravity knife, pilum  
21 ballistic knife, metal knuckle knife, billy, blackjack, bludgeon, plas-  
22 tic knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag, sand-  
23 club 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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1 2. Any person who transports or ships any machine-gun, firearm silenc-  
2 er, assault weapon or large capacity ammunition feeding device or  
3 disguised gun, or who transports or ships as merchandise five or more  
4 firearms, is guilty of a class D felony. Any person who transports or  
5 ships a trigger crank, a bump-fire device, or any part, combination of  
6 parts, component, device, attachment, or accessory which is designed or  
7 functions to accelerate the rate of fire of a semi-automatic rifle in  
8 such a way so as to approximate the operation of a machine-gun is guilty  
9 of a class E felony. Any person who transports or ships as merchandise  
10 any firearm, other than an assault weapon, switchblade knife, gravity  
11 knife, pilum ballistic knife, billy, blackjack, bludgeon, plastic knuck-  
12 les, metal knuckles, Kung Fu star, chuka stick, sandbag or slungshot is  
13 guilty of a class A misdemeanor.

14 § 3. Subdivision 3 of section 897 of the general business law is  
15 renumbered subdivision 4 and a new subdivision 3 is added to read as  
16 follows:

17 3. No trigger crank, a bump-fire device, or any part, combination of  
18 parts, component, device, attachment, or accessory which is designed or  
19 functions to accelerate the rate of fire of a semi-automatic rifle in  
20 such a way so as to approximate the operation of a machine-gun shall be  
21 sold in this state to any person, firm, association or corporation  
22 except that nothing in this section shall be construed to forbid the  
23 sale of such goods to the state or any political subdivision thereof for  
24 a law enforcement agency.

25 § 4. Subdivision 6 of section 898 of the general business law is  
26 renumbered subdivision 7 and a new subdivision 6 is added to read as  
27 follows:

28 6. No trigger crank, a bump-fire device, or any part, combination of  
29 parts, component, device, attachment, or accessory which is designed or  
30 functions to accelerate the rate of fire of a semi-automatic rifle in  
31 such a way so as to approximate the operation of a machine-gun shall be  
32 sold in this state to any person, firm, association or corporation  
33 except that nothing in this section shall be construed to forbid the  
34 sale of such goods to the state or any political subdivision thereof for  
35 a law enforcement agency.

36 § 5. This act shall take effect immediately; provided, however, that  
37 section one of this act shall take effect on the one hundred twentieth  
38 day after it shall have become a law.