STATE OF NEW YORK

S. 2448 A. 2684

2019-2020 Regular Sessions

SENATE - ASSEMBLY

January 24, 2019

IN SENATE -- Introduced by Sens. SEPULVEDA, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BRESLIN, BROOKS, CARLUCCI, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, KENNEDY, KRUEGER, LIU, MAY, MAYER, MONTGOMERY, MYRIE, PARKER, PERSAUD, RAMOS, SALAZAR, SANDERS, SAVINO, SERRANO, SKOUFIS, STAVISKY, STEWART-COUSINS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. FAHY, HEASTIE, LENTOL, PEOPLES-STOKES, SIMOTAS, STECK, MOSLEY, McDONALD, GOTTFRIED, ABBATE, ORTIZ, NIOU, ZEBROWSKI, SOLAGES, BUCHWALD, LUPARDO, THIELE, SIMON, ENGLEBRIGHT, D'URSO, QUART, GALEF, GLICK, DINOWITZ, COLTON, L. ROSENTHAL, JAFFEE, WEPRIN, ABINANTI, BRAUNSTEIN, SEAWRIGHT, LAVINE, PERRY, PAULIN, RAMOS, ARROYO, PICHARDO, VANEL, DE LA ROSA, HYNDMAN, O'DONNELL, TAYLOR, BLAKE, BICHOTTE, OTIS, BURKE, CRUZ, FRONTUS, GRIFFIN, JACOBSON, McMAHON, REYES, SAYEGH, STERN, BUTTENSCHON, EPSTEIN, D. ROSENTHAL -- Multi-Sponsored by -- M. of A. HEVESI, JEAN-PIERRE, LIFTON -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting the possession, manufacture, transport and disposition of rapid-fire modification devices

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 five new subdivisions 26, 27, 28, 29, and 30 to read as follows:

26. "Rapid-fire modification device" means any bump stock, trigger crank, binary trigger system, burst trigger system, or any other device that is designed to accelerate the rate of fire of a semi-automatic firearm, rifle or shotgun.

27. "Bump stock" means any device or instrument that increases the rate of fire achievable with a semi-automatic firearm, rifle or shotgun

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

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by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger.

28. "Trigger crank" means any device or instrument that repeatedly activates the trigger of a semi-automatic firearm, rifle or shotgun through the use of a lever or other part that is turned in a circular motion and thereby accelerates the rate of fire of such firearm, rifle or shotgun, provided, however, that "trigger crank" shall not include any weapon initially designed and manufactured to fire through the use of a crank or lever.

29. "Binary trigger system" means any device that, when installed in or attached to a semi-automatic firearm rifle, or shotgun causes that weapon to fire once when the trigger is pulled and again when the trigger is released.

30. "Burst trigger system" means any device that, when installed in or attached to a semi-automatic firearm, rifle, or shot gun, allows that weapon to discharge two or more shots with a single pull or the trigger by altering the trigger reset.

§ 2. The penal law is amended by adding a new section 265.01-c to read as follows:

§ 265.01-c Criminal possession of a rapid-fire modification device.

A person is guilty of criminal possession of a rapid-fire modification device when he or she knowingly possesses any rapid-fire modification device.

Criminal possession of a rapid-fire modification device is a class A misdemeanor.

§ 3. Subdivisions 1, 2 and 3 of section 265.10 of the penal law, subdivisions 1 and 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:

1. Any person who manufactures or causes to be manufactured any machine-gun, assault weapon, large capacity ammunition feeding device or disguised gun is guilty of a class D felony. Any person who manufactures or causes to be manufactured any rapid-fire modification device is guilty of a class E felony. Any person who manufactures or causes to be manufactured any switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag, sandclub or slungshot is guilty of a class A misdemeanor.

2. Any person who transports or ships any machine-gun, firearm silencer, 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 any rapid-fire modification device is guilty of a class E 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.

3. Any person who disposes of any machine-gun, assault weapon, large capacity ammunition feeding device or firearm silencer is guilty of a class D felony. Any person who disposes of any rapid-fire modification device is guilty of a class E 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. The opening paragraph of subdivision a of section 265.20 of the penal law, as amended by section 1 of part FF of chapter 57 of the laws of 2013, is amended to read as follows:

Paragraph (h) of subdivision twenty-two of section 265.00 and sections 265.01, 265.01-a, subdivision one of section 265.01-b, **265.01-c,** 265.02, 265.03, 265.04, 265.05, 265.10, 265.11, 265.12, 265.13, 265.15, 265.36, 265.37 and 270.05 shall not apply to:

§ 5. The opening paragraph of paragraph 1 of subdivision a of section 265.20 of the penal law, as amended by chapter 1041 of the laws of 1974, is amended to read as follows:

Possession of any of the weapons, instruments, appliances or substances specified in sections 265.01, **265.01-c,** 265.02, 265.03, 265.04, 265.05 and 270.05 by the following:

§ 6. Paragraphs 2 and 8 of subdivision a of section 265.20 of the penal law, paragraph 2 as amended by chapter 189 of the laws of 2000 and paragraph 8 as amended by chapter 476 of the laws of 2018, are amended to read as follows:

2. Possession of a machine-gun, large capacity ammunition feeding device, **rapid-fire modification device,** firearm, switchblade knife, gravity knife, pilum ballistic knife, billy or blackjack by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

8. The manufacturer of machine-guns, firearm silencers, assault weapons, large capacity ammunition feeding devices, **rapid-fire modification devices,** disguised guns, pilum ballistic knives, switchblade or gravity knives, billies or blackjacks as merchandise, or as a transferee recipient of the same for repair, lawful distribution or research and development, and the disposal and shipment thereof direct to a regularly constituted or appointed state or municipal police department, sheriff, police officer or other peace officer, or to a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, or to the military service of this state or of the United States; or for the repair and return of the same to the lawful possessor or for research and development.

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