STATE OF NEW YORK

4202

2019-2020 Regular Sessions

IN SENATE

March 4, 2019

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

AN ACT to amend the penal law, in relation to prohibiting the manufacture, transport or shipment of undetectable knives and prohibiting the possession of such knives

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 a new subdivision 5-d to read as follows:

5-d. "Undetectable knife" means any knife or other instrument, which does not utilize materials that are detectable by a metal detector or magnetometer when set at a standard calibration, that is capable of ready use as a stabbing or cutting weapon and was commercially manufactured to be used as a weapon.

§ 2. Subdivision 2 of section 265.01 of the penal law, as amended by chapter 269 of the laws of 2016, is amended to read as follows:

(2) He or she possesses any dagger, dangerous knife, dirk, machete, razor, stiletto, imitation pistol, **undetectable knife** or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or

§ 3. Subdivisions 1 and 2 of section 265.10 of the penal law, as amended by chapter 257 of the laws of 2008, 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 switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, **undetectable knife,** billy, blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag, sandclub 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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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 as merchandise any firearm, other than an assault weapon, switchblade knife, gravity knife, pilum ballistic knife, **undetectable knife,** billy, blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag or slungshot is guilty of a class A misdemeanor.

§ 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.