STATE OF NEW YORK

4863

2019-2020 Regular Sessions

IN SENATE

March 28, 2019

Introduced by Sens. SAVINO, JACKSON -- 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 gravity knives

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

Section 1. Subdivision 1 of section 265.01 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

(1) He or she possesses any firearm, electronic dart gun, electronic stun gun, [~~gravity knife,~~] switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken, or "Kung Fu star"; [~~or~~]

§ 2. Subdivision 12 of section 10.00 of the penal law, as amended by chapter 257 of the laws of 2008, is amended to read as follows:

12. "Deadly weapon" means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, [~~gravity knife,~~] pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.

§ 3. Subdivision 5-c of section 265.00 of the penal law, as added by chapter 510 of the laws of 2007, is amended to read as follows:

5-c. "Automatic knife" includes a stiletto, a switchblade knife, [~~a gravity knife,~~] a cane sword, a pilum ballistic knife, and a metal knuckle knife.

§ 4. 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,~~]

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

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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 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.

§ 5. Subdivision 3 of section 265.15 of the penal law, as amended by chapter 257 of the laws of 2008, is amended to read as follows:

3. The presence in an automobile, other than a stolen one or a public omnibus, of any firearm, large capacity ammunition feeding device, defaced firearm, defaced rifle or shotgun, defaced large capacity ammunition feeding device, firearm silencer, explosive or incendiary bomb, bombshell, [~~gravity knife,~~] switchblade knife, pilum ballistic knife, metal knuckle knife, dagger, dirk, stiletto, billy, blackjack, plastic knuckles, metal knuckles, chuka stick, sandbag, sandclub or slungshot is presumptive evidence of its possession by all persons occupying such automobile at the time such weapon, instrument or appliance is found, except under the following circumstances: (a) if such weapon, instrument or appliance is found upon the person of one of the occupants therein; (b) if such weapon, instrument or appliance is found in an automobile which is being operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his or her trade, then such presumption shall not apply to the driver; or (c) if the weapon so found is a pistol or revolver and one of the occupants, not present under duress, has in his or her possession a valid license to have and carry concealed the same.

§ 6. Paragraphs 2 and 6 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 6 as amended by chapter 1041 of the laws of 1974, are amended to read as follows:

2. Possession of a machine-gun, large capacity ammunition feeding 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.

6. Possession of a switchblade [~~or gravity knife~~] for use while hunting, trapping or fishing by a person carrying a valid license issued to him pursuant to section 11-0713 of the environmental conservation law.

§ 7. This act shall take effect immediately.