

STATE OF NEW YORK

4761

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. WALLACE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to large capacity ammunition feeding devices; and to repeal section 265.37 of such law relating thereto

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

1 Section 1. Subdivision 23 of section 265.00 of the penal law, as
2 amended by chapter 1 of the laws of 2013, is amended to read as follows:

3 23. "Large capacity ammunition feeding device" means a magazine, belt,
4 drum, feed strip, or similar device, that [~~(a)~~] has a capacity of, or
5 that can be readily restored or converted to accept, more than ten
6 rounds of ammunition~~[, or (b) contains more than seven rounds of ammunition,~~
7 ~~or (c) is obtained after the effective date of the chapter of the~~
8 ~~laws of two thousand thirteen which amended this subdivision and has a~~
9 ~~capacity of, or that can be readily restored or converted to accept,~~
10 ~~more than seven rounds of ammunition]~~; provided, however, that such term
11 does not include an attached tubular device designed to accept, and
12 capable of operating only with, .22 caliber rimfire ammunition or a
13 feeding device that is a curio or relic. A feeding device that is a
14 curio or relic is defined as a device that (i) was manufactured at least
15 fifty years prior to the current date, (ii) is only capable of being
16 used exclusively in a firearm, rifle, or shotgun that was manufactured
17 at least fifty years prior to the current date, but not including repli-
18 cas thereof, (iii) is possessed by an individual who is not prohibited
19 by state or federal law from possessing a firearm and (iv) is registered
20 with the division of state police pursuant to subdivision sixteen-a of
21 section 400.00 of this chapter, except such feeding devices transferred
22 into the state may be registered at any time, provided they are regis-
23 tered within thirty days of their transfer into the state. Notwithstand-
24 ing paragraph (h) of subdivision twenty-two of this section, such feed-

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

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ing devices may be transferred provided that such transfer shall be subject to the provisions of section 400.03 of this chapter including the check required to be conducted pursuant to such section.

§ 2. Subdivision 8 of section 265.02 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

(8) Such person possesses a large capacity ammunition feeding device[~~For purposes of this subdivision, a large capacity ammunition feeding device shall not include an ammunition feeding device lawfully possessed by such person before the effective date of the chapter of the laws of two thousand thirteen which amended this subdivision, that has a capacity of, or that can be readily restored or converted to accept more than seven but less than eleven rounds of ammunition, or that was manufactured before September thirteenth, nineteen hundred ninety-four, that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition~~]; or

§ 3. Section 265.37 of the penal law is REPEALED.

§ 4. This act shall take effect immediately.