

# STATE OF NEW YORK

4808

2019-2020 Regular Sessions

## IN ASSEMBLY

February 5, 2019

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

AN ACT to amend the penal law, in relation to the definition of an assault weapon

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

1 Section 1. Paragraphs (a), (b) and (c) of subdivision 22 of section  
2 265.00 of the penal law, as added by chapter 1 of the laws of 2013, are  
3 amended to read as follows:

4 (a) a semiautomatic rifle that has an ability to accept a detachable  
5 magazine, has a pistol grip that protrudes conspicuously beneath the  
6 action of the weapon, and has at least one of the following character-  
7 istics:

8 (i) a folding or telescoping stock;

9 (ii) [~~a pistol grip that protrudes conspicuously beneath the action of~~  
10 ~~the weapon,~~

11 ~~(iii)]~~ a thumbhole stock;

12 [~~(iv)]~~ (iii) a second handgrip or a protruding grip that can be held  
13 by the non-trigger hand;

14 [~~(v)]~~ (iv) a bayonet mount;

15 [~~(vi)]~~ (v) a flash suppressor[, muzzle break, muzzle compensator,] or  
16 threaded barrel designed to accommodate a flash suppressor[, muzzle  
17 break, or muzzle compensator];

18 [~~(vii)]~~ (vi) a grenade launcher; or

19 (b) a semiautomatic shotgun that has at least one of the following  
20 characteristics:

21 (i) a folding or telescoping stock;

22 (ii) [~~a thumbhole stock,~~

23 ~~(iii)]~~ a second handgrip or a protruding grip that can be held by the  
24 non-trigger hand;

25 [~~(iv)]~~ (iii) a fixed magazine capacity in excess of seven rounds;

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

LBD08700-01-9

1     [~~(v)~~] **(iv)** an ability to accept a detachable magazine; or  
2     (c) a semiautomatic pistol that has an ability to accept a detachable  
3 magazine and has at least one of the following characteristics:  
4     (i) a folding or telescoping stock;  
5     (ii) a thumbhole stock;  
6     (iii) a second handgrip or a protruding grip that can be held by the  
7 non-trigger hand;  
8     (iv) capacity to accept an ammunition magazine that attaches to the  
9 pistol outside of the pistol grip;  
10    (v) a threaded barrel capable of accepting a barrel extender, flash  
11 suppressor, forward handgrip, or silencer;  
12    (vi) [~~a shroud that is attached to, or partially or completely encir-  
13 cles, the barrel and that permits the shooter to hold the firearm with  
14 the non-trigger hand without being burned,~~  
15 ~~(vii)~~] a manufactured weight of fifty ounces or more when the pistol  
16 is unloaded; or  
17    [~~(viii)~~] **(vii)** a semiautomatic version of an automatic rifle, shotgun  
18 or firearm;  
19    § 2. This act shall take effect immediately.