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:

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

(a) a semiautomatic rifle that has an ability to accept a detachable magazine**, has a pistol grip that protrudes conspicuously beneath the action of the weapon,** and has at least one of the following characteristics:

(i) a folding or telescoping stock;

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

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

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

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

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

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

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

(i) a folding or telescoping stock;

(ii) [~~a thumbhole stock;~~

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

[~~(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.

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[~~(v)~~] **(iv)** an ability to accept a detachable magazine; or

(c) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least one of the following characteristics:

(i) a folding or telescoping stock;

(ii) a thumbhole stock;

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

(iv) capacity to accept an ammunition magazine that attaches to the pistol outside of the pistol grip;

(v) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

(vi) [~~a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;~~

~~(vii)~~] a manufactured weight of fifty ounces or more when the pistol is unloaded; or

[~~(viii)~~] **(vii)** a semiautomatic version of an automatic rifle, shotgun or firearm;

§ 2. This act shall take effect immediately.