

STATE OF NEW YORK

S. 3898

A. 5944

2019-2020 Regular Sessions

SENATE - ASSEMBLY

February 20, 2019

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

IN ASSEMBLY -- Introduced by M. of A. QUART -- read once and referred 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:

1 Section 1. Subdivision 1 of section 265.01 of the penal law, as
2 amended by chapter 1 of the laws of 2013, is amended to read as follows:
3 (1) He or she possesses any firearm, electronic dart gun, electronic
4 stun gun, [~~gravity knife,~~] switchblade knife, pilum ballistic knife,
5 metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic
6 knuckles, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace
7 type slingshot or slungshot, shirken, or "Kung Fu star"; [~~ex~~]
8 § 2. Subdivision 12 of section 10.00 of the penal law, as amended by
9 chapter 257 of the laws of 2008, is amended to read as follows:
10 12. "Deadly weapon" means any loaded weapon from which a shot, readily
11 capable of producing death or other serious physical injury, may be
12 discharged, or a switchblade knife, [~~gravity knife,~~] pilum ballistic
13 knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles,
14 or metal knuckles.
15 § 3. Subdivision 5-c of section 265.00 of the penal law, as added by
16 chapter 510 of the laws of 2007, is amended to read as follows:
17 5-c. "Automatic knife" includes a stiletto, a switchblade knife, [~~a~~
18 ~~gravity knife,~~] a cane sword, a pilum ballistic knife, and a metal
19 knuckle knife.
20 § 4. Subdivisions 1 and 2 of section 265.10 of the penal law, as
21 amended by chapter 257 of the laws of 2008, are amended to read as
22 follows:

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

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1 1. Any person who manufactures or causes to be manufactured any
2 machine-gun, assault weapon, large capacity ammunition feeding device or
3 disguised gun is guilty of a class D felony. Any person who manufactures
4 or causes to be manufactured any switchblade knife, [~~gravity knife~~],
5 pilum ballistic knife, metal knuckle knife, billy, blackjack, bludgeon,
6 plastic knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag,
7 sandclub or slungshot is guilty of a class A misdemeanor.

8 2. Any person who transports or ships any machine-gun, firearm silenc-
9 er, assault weapon or large capacity ammunition feeding device or
10 disguised gun, or who transports or ships as merchandise five or more
11 firearms, is guilty of a class D felony. Any person who transports or
12 ships as merchandise any firearm, other than an assault weapon, switch-
13 blade knife, [~~gravity knife~~], pilum ballistic knife, billy, blackjack,
14 bludgeon, plastic knuckles, metal knuckles, Kung Fu star, chuka stick,
15 sandbag or slungshot is guilty of a class A misdemeanor.

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

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

36 § 6. Paragraphs 2 and 6 of subdivision a of section 265.20 of the
37 penal law, paragraph 2 as amended by chapter 189 of the laws of 2000 and
38 paragraph 6 as amended by chapter 1041 of the laws of 1974, are amended
39 to read as follows:

40 2. Possession of a machine-gun, large capacity ammunition feeding
41 device, firearm, switchblade knife, [~~gravity knife~~], pilum ballistic
42 knife, billy or blackjack by a warden, superintendent, headkeeper or
43 deputy of a state prison, penitentiary, workhouse, county jail or other
44 institution for the detention of persons convicted or accused of crime
45 or detained as witnesses in criminal cases, in pursuit of official duty
46 or when duly authorized by regulation or order to possess the same.

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

50 § 7. This act shall take effect immediately.