

# STATE OF NEW YORK

7271

2019-2020 Regular Sessions

## IN ASSEMBLY

April 18, 2019

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

AN ACT to amend the penal law, in relation to adding possession of a flamethrower to the crime of criminal possession of a weapon in the fourth degree

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

Section 1. Section 265.00 of the penal law is amended by adding four new subdivisions 26, 27, 28 and 29 to read as follows:

26. "Flamethrower" means a device capable of projecting a stream of burning fuel a distance of at least three feet. Inoperable display units shall not be considered "flamethrowers" for the purposes of this section.

27. "Historical flamethrower" means a flamethrower constructed, in whole or in substantial part, of components manufactured prior to nineteen hundred sixty-six.

28. "Substantial part" means constructed with at least five significant components manufactured prior to nineteen hundred sixty-six.

29. "Significant components" means fully functional and necessary parts for the operation of a flamethrower including:

(a) fuel cell;

(b) gas caps;

(c) pressure regulator;

(d) pressure bottle;

(e) hose;

(f) wand fuel valve;

(g) barrel;

(h) front grip;

(i) ignition shield; and

(j) rear grip.

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

LBD06904-01-9

1 § 2. The penal law is amended by adding a new section 265.41 to read  
2 as follows:

3 § 265.41 Criminal possession of a flamethrower.

4 A person is guilty of criminal possession of a flamethrower when he or  
5 she possesses a flamethrower; provided, however, that nothing in this  
6 section shall prohibit the manufacture, remanufacture, restoration or  
7 alteration of flamethrower components. This section shall not apply to  
8 historical flamethrowers, flamethrowers used for agricultural or  
9 construction purposes or any flamethrower lawfully acquired and  
10 possessed prior to the effective date of this section.

11 Criminal possession of a flamethrower is a class E felony.

12 § 3. This act shall take effect on the one hundred twentieth day after  
13 it shall have become a law.