

STATE OF NEW YORK

5961

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law and the penal law, in relation to the exchange or transfer of firearms, rifles and shotguns pursuant to a decedent's will and/or probate order

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

1 Section 1. Subdivision 1 of section 898 of the general business law,
2 as added by chapter 1 of the laws of 2013, is amended to read as
3 follows:

4 1. In addition to any other requirements pursuant to state and feder-
5 al law, all sales, exchanges or disposals of firearms, rifles or shot-
6 guns shall be conducted in accordance with this section unless such
7 sale, exchange or disposal is conducted by a licensed importer, licensed
8 manufacturer or licensed dealer, as those terms are defined in 18 USC §
9 922, when such sale, exchange or disposal is conducted pursuant to that
10 person's federal firearms license or such sale, exchange or disposal is
11 between members of an immediate family or such exchange or transfer is
12 pursuant to decedent's will and/or probate order, directing such
13 exchange or transfer to a person who qualifies under this section. For
14 purposes of this section, "immediate family" shall mean spouses, domes-
15 tic partners, children and step-children.

16 § 2. Paragraph (h) of subdivision 22 of section 265.00 of the penal
17 law, as added by chapter 1 of the laws of 2013, is amended to read as
18 follows:

19 (h) Any weapon defined in paragraph (e) or (f) of this subdivision and
20 any large capacity ammunition feeding device that was legally possessed
21 by an individual prior to the enactment of the chapter of the laws of
22 two thousand thirteen which added this paragraph, may only be sold to,
23 exchanged with or disposed of to a purchaser authorized to possess such
24 weapons or to an individual or entity outside of the state provided that

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

LBD10525-01-9

1 any such transfer to an individual or entity outside of the state must
2 be reported to the entity wherein the weapon is registered within seven-
3 ty-two hours of such transfer. Such permissible sale, exchange or
4 disposal of any weapon defined in paragraph (e) or (f) of this subdivi-
5 sion that was legally possessed by an individual prior to the enactment
6 of chapter one of the laws of two thousand thirteen which added this
7 paragraph shall also include a member of the transferor's immediate
8 family, who resides either within or outside the state of New York, and
9 shall include transfers made pursuant to a decedent's will and/or
10 probate order, directing such exchange or transfer to a person who qual-
11 ifies under this section, whether that person resides inside or outside
12 the state of New York. Such permissible sale, exchange or disposal of
13 any weapon defined in paragraph (e) or (f) of this subdivision, to an
14 immediate family member as defined in section eight hundred ninety-eight
15 of the general business law, and such permissible transfers made pursu-
16 ant to a decedent's will and/or probate order, directing such exchange
17 or transfer to a person who qualifies under this section, shall not
18 include transfers of large capacity ammunition feeding devices as the
19 expression, 'large capacity ammunition feeding device' is defined in
20 subdivision twenty-three of this section. An individual who transfers
21 any such weapon or large capacity ammunition device to an individual
22 inside New York state or without complying with the provisions of this
23 paragraph shall be guilty of a class A misdemeanor unless such large
24 capacity ammunition feeding device, the possession of which is made
25 illegal by the chapter of the laws of two thousand thirteen which added
26 this paragraph, is transferred within one year of the effective date of
27 the chapter of the laws of two thousand thirteen which added this para-
28 graph.

29 § 3. This act shall take effect immediately.