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:

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

1. In addition to any other requirements pursuant to state and federal law, all sales, exchanges or disposals of firearms, rifles or shotguns shall be conducted in accordance with this section unless such sale, exchange or disposal is conducted by a licensed importer, licensed manufacturer or licensed dealer, as those terms are defined in 18 USC § 922, when such sale, exchange or disposal is conducted pursuant to that person's federal firearms license or such sale, exchange or disposal is between members of an immediate family **or such exchange or transfer is pursuant to decedent's will and/or probate order, directing such exchange or transfer to a person who qualifies under this section**. For purposes of this section, "immediate family" shall mean spouses, domestic partners, children and step-children.

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

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

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any such transfer to an individual or entity outside of the state must be reported to the entity wherein the weapon is registered within seventy-two hours of such transfer. **Such permissible sale, exchange or disposal of any weapon defined in paragraph (e) or (f) of this subdivision that was legally possessed by an individual prior to the enactment of chapter one of the laws of two thousand thirteen which added this paragraph shall also include a member of the transferor's immediate family, who resides either within or outside the state of New York, and shall include transfers made pursuant to a decedent's will and/or probate order, directing such exchange or transfer to a person who qualifies under this section, whether that person resides inside or outside the state of New York. Such permissible sale, exchange or disposal of any weapon defined in paragraph (e) or (f) of this subdivision, to an immediate family member as defined in section eight hundred ninety-eight of the general business law, and such permissible transfers made pursuant to a decedent's will and/or probate order, directing such exchange or transfer to a person who qualifies under this section, shall not include transfers of large capacity ammunition feeding devices as the expression, 'large capacity ammunition feeding device' is defined in subdivision twenty-three of this section.** An individual who transfers any such weapon or large capacity ammunition device to an individual inside New York state or without complying with the provisions of this paragraph shall be guilty of a class A misdemeanor unless such large capacity ammunition feeding device, the possession of which is made illegal by the chapter of the laws of two thousand thirteen which added this paragraph, is transferred within one year of the effective date of the chapter of the laws of two thousand thirteen which added this paragraph.

§ 3. This act shall take effect immediately.