

# STATE OF NEW YORK

837

2019-2020 Regular Sessions

## IN SENATE

January 9, 2019

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

AN ACT to amend the penal law, in relation to authorizing the transfer of certain weapons from an estate to an immediate member of the decedent's family

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

1 Section 1. Paragraph (g) of subdivision 22 of section 265.00 of the  
2 penal law is amended by adding a new subparagraph (vii) to read as  
3 follows:

4 (vii) any weapon legally possessed and validly registered pursuant to  
5 subdivision sixteen-a of section 400.00 of this chapter prior to such  
6 person's death and bequeathed or passed through intestacy to an immedi-  
7 ate family member of the deceased. Such weapons shall be subject to the  
8 provisions of paragraph (h) of this subdivision. For purposes of this  
9 subparagraph, the meaning of immediate family member is as defined by  
10 subdivision one of section eight hundred ninety-eight of the general  
11 business law;

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

15 (h) (i) Any weapon defined in paragraph (e) or (f) of this subdivision  
16 and any large capacity ammunition feeding device that was legally  
17 possessed by an individual prior to the enactment of [~~the chapter of the~~  
18 ~~laws of two thousand thirteen which added~~] this paragraph, may only be  
19 sold to, exchanged with or disposed of to a purchaser authorized to  
20 possess such weapons or to an individual or entity outside of the state  
21 provided that any such transfer to an individual or entity outside of  
22 the state must be reported to the entity wherein the weapon is regis-  
23 tered within seventy-two hours of such transfer. An individual who  
24 transfers any such weapon or large capacity ammunition device to an

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

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1 individual inside New York state or without complying with the  
2 provisions of this paragraph shall be guilty of a class A misdemeanor  
3 unless such large capacity ammunition feeding device, the possession of  
4 which is made illegal by [~~the chapter of the laws of two thousand thir-~~  
5 ~~teen which added~~] this paragraph, is transferred within one year of the  
6 effective date of [~~the chapter of the laws of two thousand thirteen~~  
7 ~~which added~~] this paragraph.

8 (ii) Notwithstanding the provisions of subparagraph (i) of this para-  
9 graph, any weapon defined in paragraph (e) or (f) of this subdivision  
10 that was legally possessed and validly registered by an individual prior  
11 to his or her death may be transferred by the estate of such individual  
12 to one of his or her immediate family members. For purposes of this  
13 subparagraph, the meaning of immediate family member is as defined by  
14 subdivision one of section eight hundred ninety-eight of the general  
15 business law.

16 § 3. This act shall take effect immediately.