STATE OF NEW YORK

10428--A

IN ASSEMBLY

May 18, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Peoples-Stokes) -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to the definition of large capacity ammunition feeding device for purposes of the offense of criminal possession of a weapon in the third degree; and to repeal section 265.36 of the penal law relating to unlawful possession of a large capacity ammunition feeding device

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

Section 1. 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 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. 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~~].

§ 2. Subdivision 23 of section 265.00 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

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

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23. "Large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device, that [~~(a)~~] has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition[~~, or (b) contains more than seven rounds of ammunition, or (c) is obtained after the effective date of the chapter of the laws of two thousand thirteen which amended this subdivision and has a capacity of, or that can be readily restored or converted to accept, more than seven rounds of ammunition~~]; provided, however, that such term does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition or a feeding device that is a curio or relic. A feeding device that is a curio or relic is defined as a device that (i) was manufactured at least fifty years prior to the current date, (ii) is only capable of being used exclusively in a firearm, rifle, or shotgun that was manufactured at least fifty years prior to the current date, but not including replicas thereof, (iii) is possessed by an individual who is not prohibited by state or federal law from possessing a firearm and (iv) is registered with the division of state police pursuant to subdivision sixteen-a of section 400.00 of this chapter, except such feeding devices transferred into the state may be registered at any time, provided they are registered within thirty days of their transfer into the state. Notwithstanding paragraph (h) of subdivision twenty-two of this section, such feeding devices may be transferred provided that such transfer shall be subject to the provisions of section 400.03 of this chapter including the check required to be conducted pursuant to such section.

§ 3. Subdivision 8 of section 265.02 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

(8) Such person possesses a large capacity ammunition feeding device[~~. For purposes of this subdivision, a large capacity ammunition feeding device shall not include an ammunition feeding device lawfully possessed by such person before the effective date of the chapter of the laws of two thousand thirteen which amended this subdivision, that has a capacity of, or that can be readily restored or converted to accept more than seven but less than eleven rounds of ammunition, or that was manufactured before September thirteenth, nineteen hundred ninety-four, that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition~~]; or

§ 4. Section 265.36 of the penal law is REPEALED.

§ 5. The division of criminal justice services in conjunction with the state police shall create an awareness and notification program to make people aware of the change in the law regarding the possession of large capacity ammunition feeding devices and shall issue guidance regarding the surrender of such devices. Nothing shall preclude the utilization of any buy back programs to facilitate compliance with such changes.

§ 6. This act shall take effect immediately; provided however that sections one, two, and three of this act shall take effect on the thirtieth day after it shall have become a law; and provided further, that section four of this act shall take effect on the ninetieth day after it shall have become a law.