

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:

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

4 (h) Any weapon defined in paragraph (e) or (f) of this subdivision
5 [~~and any large capacity ammunition feeding device that was legally~~
6 ~~possessed by an individual prior to the enactment of the chapter of the~~
7 ~~laws of two thousand thirteen which added this paragraph,~~] may only be
8 sold to, exchanged with or disposed of to a purchaser authorized to
9 possess such weapons or to an individual or entity outside of the state
10 provided that any such transfer to an individual or entity outside of
11 the state must be reported to the entity wherein the weapon is regis-
12 tered within seventy-two hours of such transfer. An individual who
13 transfers any such weapon [~~or large capacity ammunition device~~] to an
14 individual inside New York state or without complying with the
15 provisions of this paragraph shall be guilty of a class A misdemeanor
16 [~~unless such large capacity ammunition feeding device, the possession of~~
17 ~~which is made illegal by the chapter of the laws of two thousand thir-~~
18 ~~teen which added this paragraph, is transferred within one year of the~~
19 ~~effective date of the chapter of the laws of two thousand thirteen which~~
20 ~~added this paragraph~~].

21 § 2. Subdivision 23 of section 265.00 of the penal law, as amended by
22 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.

LBD15596-05-2

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

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

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

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

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

46 § 6. This act shall take effect immediately; provided however that
47 sections one, two, and three of this act shall take effect on the thir-
48 tieth day after it shall have become a law; and provided further, that
49 section four of this act shall take effect on the ninetieth day after it
50 shall have become a law.