

# STATE OF NEW YORK

10557

## IN ASSEMBLY

July 6, 2022

Introduced by M. of A. STECK -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the general business law, in relation to requiring firearms, rifles and shotguns to be manufactured or modified to be permanently incompatible with a rapid-fire modification device

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

1 Section 1. Subdivisions 1, 2 and 3 of section 265.10 of the penal law,  
2 subdivisions 1 and 2 as separately amended by chapters 34, 130 and 146  
3 and subdivision 3 as amended by chapter 130 of the laws of 2019, are  
4 amended to read as follows:

5 1. Any person who manufactures or causes to be manufactured any  
6 machine-gun, assault weapon, large capacity ammunition feeding device or  
7 disguised gun is guilty of a class D felony. Any person who manufactures  
8 or causes to be manufactured any rapid-fire modification device is guilty  
9 of a class E felony. Any person who manufactures or causes to be  
10 manufactured a firearm, rifle or shotgun that is not made or modified to  
11 be permanently incompatible with a rapid-fire modification device is  
12 guilty of a class E felony. Any person who manufactures or causes to be  
13 manufactured any switchblade knife, pilum ballistic knife, metal knuckle  
14 knife, undetectable knife, billy, blackjack, bludgeon, plastic knuckles,  
15 metal knuckles, Kung Fu star, chuka stick, sandbag, sandclub or slung-  
16 shot is guilty of a class A misdemeanor.

17 2. Any person who transports or ships any machine-gun, firearm silenc-  
18 er, assault weapon or large capacity ammunition feeding device or  
19 disguised gun, or who transports or ships as merchandise five or more  
20 firearms, is guilty of a class D felony. Any person who transports or  
21 ships any rapid-fire modification device is guilty of a class E felony.  
22 Any person who transports or ships any firearm, rifle or shotgun that is  
23 not made or modified to be permanently incompatible with a rapid-fire  
24 modification device is guilty of a class E felony. Any person who trans-  
25 ports or ships as merchandise any firearm, other than an assault weapon,  
26 switchblade knife, pilum ballistic knife, undetectable knife, billy,

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

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1 blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star,  
2 chuka stick, sandbag or slungshot is guilty of a class A misdemeanor.

3 3. Any person who disposes of any machine-gun, assault weapon, large  
4 capacity ammunition feeding device or firearm silencer is guilty of a  
5 class D felony. Any person who disposes of any rapid-fire modification  
6 device is guilty of a class E felony. Any person who disposes of any  
7 firearm, rifle or shotgun that is not made or modified to be permanently  
8 incompatible with a rapid-fire modification device is guilty of a class  
9 E felony. Any person who knowingly buys, receives, disposes of, or  
10 conceals a machine-gun, firearm, large capacity ammunition feeding  
11 device, rifle or shotgun which has been defaced for the purpose of  
12 concealment or prevention of the detection of a crime or misrepresenting  
13 the identity of such machine-gun, firearm, large capacity ammunition  
14 feeding device, rifle or shotgun is guilty of a class D felony.

15 § 2. Section 265.01-c of the penal law, as added by chapter 130 of the  
16 laws of 2019, is amended to read as follows:

17 § 265.01-c Criminal possession of a rapid-fire modification device.

18 A person is guilty of criminal possession of a rapid-fire modification  
19 device when he or she knowingly possesses any (1) rapid-fire modifica-  
20 tion device; or (2) firearm, rifle or shotgun that is not made or modi-  
21 fied to be permanently incompatible with a rapid-fire modification  
22 device.

23 Criminal possession of a rapid-fire modification device is a class A  
24 misdemeanor.

25 § 3. Subdivision 26 of section 265.00 of the penal law, as added by  
26 chapter 130 of the laws of 2019, is amended to read as follows:

27 26. "Rapid-fire modification device" means any bump stock, trigger  
28 crank, binary trigger system, burst trigger system, or any other device  
29 that is designed (a) to accelerate the rate of fire of a semi-automatic  
30 firearm, rifle or shotgun; or (b) for use in converting a firearm, rifle  
31 or shotgun to shoot automatically more than one shot, without manual  
32 reloading, by a single function of the trigger.

33 § 4. The general business law is amended by adding a new section 369-  
34 ee to read as follow:

35 § 396-eee. Recall of certain weapons; rapid-fire modification. 1. Any  
36 manufacturer of firearms, rifles, and/or shotguns shall modify, or cause  
37 to be modified, any firearm, rifle or shotgun manufactured and/or sold  
38 prior to the effective date of this section, to be permanently incompat-  
39 ible with a rapid-fire modification device, at no cost to the owner  
40 and/or dealer of such firearm, rifle or shotgun. Such manufacturer shall  
41 return, or cause to be returned, such firearm, rifle or shotgun to the  
42 legal owner and/or dealer within thirty days of the completion of such  
43 modification pursuant to this subdivision.

44 2. Manufacturers of firearms, rifles and/or shotguns shall make every  
45 reasonable effort to notify owners and dealers of firearms, rifles  
46 and/or shotguns in this state of a mandatory recall of such firearms,  
47 rifles and shotguns to a New York state dealer of firearms, rifles  
48 and/or shotguns to make the modifications required pursuant to subdivi-  
49 sion one of this section.

50 3. "Rapid-fire modification device" means any bump stock, trigger  
51 crank, binary trigger system, burst trigger system, or any other device  
52 that is designed (a) to accelerate the rate of fire of a semi-automatic  
53 firearm, rifle or shotgun; or (b) for use in converting a firearm, rifle  
54 or shotgun to shoot automatically more than one shot, without manual  
55 reloading, by a single function of the trigger.

1 § 5. This act shall take effect on the first of November next succeed-  
2 ing the date upon which it shall have become a law; provided, however  
3 that sections one, two and three of this act shall take effect one year  
4 after such date.