

STATE OF NEW YORK

4573

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

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

AN ACT to amend the penal law, in relation to ammunition capacity in firearms; and to repeal certain provisions of the penal law relating to possession of ammunition and ammunition feeding devices

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2 penal law is REPEALED.

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

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

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

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1 ~~tered within thirty days of their transfer into the state. Notwithstand-~~
2 ~~ing paragraph (h) of subdivision twenty two of this section, such feed-~~
3 ~~ing devices may be transferred provided that such transfer shall be~~
4 ~~subject to the provisions of section 400.03 of this chapter including~~
5 ~~the check required to be conducted pursuant to such section].~~

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

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

18 § 4. The opening paragraph of subdivision a of section 265.20 of the
19 penal law, as separately amended by chapters 130 and 134 of the laws of
20 2019, is amended to read as follows:

21 ~~[Paragraph (h) of subdivision twenty two of section 265.00 and~~
22 ~~sections] Sections~~ 265.01, 265.01-a, 265.01-b, 265.01-c, 265.02, 265.03,
23 265.04, 265.05, 265.10, 265.11, 265.12, 265.13, 265.15, ~~[265.36,~~
24 ~~265.37,]~~ 265.50, 265.55 and 270.05 shall not apply to:

25 § 5. Sections 265.36 and 265.37 of the penal law are REPEALED.

26 § 6. This act shall take effect immediately.