STATE OF NEW YORK

8736

IN ASSEMBLY

January 11, 2022

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

AN ACT to amend the penal law, in relation to redefining the term "disguised gun" to include any firearm resembling a toy gun and prohibiting the possession, manufacture or design thereof

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

Section 1. Subdivision 20 of section 265.00 of the penal law, as amended by a chapter of the laws of 2021 amending the penal law relating to redefining the term "disguised gun" to include any rifle, pistol, shotgun or machine-gun resembling a toy gun and prohibiting the possession, manufacture or design thereof, as proposed in legislative bills numbers S. 7152 and A. 6522, is amended to read as follows:

20. "Disguised gun" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive and is designed and intended to appear to be either; (a) something other than a gun; or (b) a toy gun that shall include, but not be limited to, any *firearm,* rifle, [~~pistol,~~] shotgun or machine-gun displaying a color finish other than the original manufacture color, a decorative pattern or plastic like surface; provided, however, that any rifle or shotgun displaying a camouflage color finish or pattern that is intended for hunting, as defined by article eleven of the environmental conservation law, shall not be considered a "disguised gun" for purposes of this section.

§ 2. Subdivision 8 of section 265.10 of the penal law, as added by a chapter of the laws of 2021 amending the penal law relating to redefining the term "disguised gun" to include any rifle, pistol, shotgun or machine-gun resembling a toy gun and prohibiting the possession, manufacture or design thereof, as proposed in legislative bills numbers S. 7152 and A. 6522, is amended to read as follows:

8. Any person, dealer, firm, partnership or corporation who intentionally designs or transforms a *firearm,* rifle, [~~pistol,~~] shotgun or machine-gun to resemble a toy gun by either altering or concealing the

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

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original color or surface of the gun with the purpose of selling such weapon is guilty of a class D felony.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 amending the penal law relating to redefining the term "disguised gun" to include any rifle, pistol, shotgun or machine-gun resembling a toy gun and prohibiting the possession, manufacture or design thereof, as proposed in legislative bills numbers S. 7152 and A. 6522, takes effect.