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:

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

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

2. Any person who transports or ships any machine-gun, firearm silencer, assault weapon or large capacity ammunition feeding device or disguised gun, or who transports or ships as merchandise five or more firearms, is guilty of a class D felony. Any person who transports or ships any rapid-fire modification device is guilty of a class E felony. **Any person who transports or ships any firearm, rifle or shotgun that is not made or modified to be permanently incompatible with a rapid-fire modification device is guilty of a class E felony.** Any person who transports or ships as merchandise any firearm, other than an assault weapon, 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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blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag or slungshot is guilty of a class A misdemeanor.

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

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

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

A person is guilty of criminal possession of a rapid-fire modification device when he or she knowingly possesses any **(1)** rapid-fire modification device**; or (2) firearm, rifle or shotgun that is not made or modified to be permanently incompatible with a rapid-fire modification device.**

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

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

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

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

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

2. Manufacturers of firearms, rifles and/or shotguns shall make every reasonable effort to notify owners and dealers of firearms, rifles and/or shotguns in this state of a mandatory recall of such firearms, rifles and shotguns to a New York state dealer of firearms, rifles and/or shotguns to make the modifications required pursuant to subdivision one of this section.

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

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