

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:

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

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

18 § 2. Subdivision 8 of section 265.10 of the penal law, as added by a
19 chapter of the laws of 2021 amending the penal law relating to redefin-
20 ing the term "disguised gun" to include any rifle, pistol, shotgun or
21 machine-gun resembling a toy gun and prohibiting the possession, manu-
22 facture or design thereof, as proposed in legislative bills numbers S.
23 7152 and A. 6522, is amended to read as follows:

24 8. Any person, dealer, firm, partnership or corporation who inten-
25 tionally designs or transforms a firearm, rifle, [~~pistol~~] shotgun or
26 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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1 original color or surface of the gun with the purpose of selling such
2 weapon is guilty of a class D felony.
3 § 3. This act shall take effect on the same date and in the same
4 manner as a chapter of the laws of 2021 amending the penal law relating
5 to redefining the term "disguised gun" to include any rifle, pistol,
6 shotgun or machine-gun resembling a toy gun and prohibiting the
7 possession, manufacture or design thereof, as proposed in legislative
8 bills numbers S. 7152 and A. 6522, takes effect.