

STATE OF NEW YORK

3196

2021-2022 Regular Sessions

IN SENATE

January 28, 2021

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the penal law, in relation to removing prohibition on possession and use of firearm silencers

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

1 Section 1. Subdivision 1 of section 11-0931 of the environmental
2 conservation law, the opening paragraph and subparagraph 1 of paragraph
3 c as amended by chapter 135 of the laws of 1982, is amended to read as
4 follows:

5 1. No person except a law enforcement officer in the performance of
6 his official duties shall use in hunting or possess in the fields or
7 forests or on the waters of the state for any purpose:

8 a. [~~the apparatus known as a silencer,~~
9 ~~b.~~] any automatic firearm, or any firearm which has been converted to
10 an automatic type, or any firearm which has a built-in mechanical
11 adjustment which will permit it to function as an automatic arm; or

12 [~~e.~~] b. any auto-loading firearm of a construction to contain more
13 than six shells in the magazine and chamber combined, except

14 (1) such a firearm using twenty-two caliber rim-fire ammunition, or

15 (2) such a firearm which has been altered so as to reduce its capacity
16 to not more than six shells at one time in the magazine and chamber
17 combined, or

18 (3) an auto-loading pistol having a barrel less than eight inches in
19 length.

20 [~~d. An~~] c. an automatic firearm is defined as one which will continue
21 to fire as long as the trigger is held back. An auto-loading firearm is
22 defined as one which reloads itself after each shot and requires that
23 the trigger be pulled back for each shot.

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

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1 § 2. Paragraphs (a) and (c) of subdivision 22 of section 265.00 of the
2 penal law, as added by chapter 1 of the laws of 2013, are amended to
3 read as follows:

4 (a) a semiautomatic rifle that has an ability to accept a detachable
5 magazine and has at least one of the following characteristics:

6 (i) a folding or telescoping stock;

7 (ii) a pistol grip that protrudes conspicuously beneath the action of
8 the weapon;

9 (iii) a thumbhole stock;

10 (iv) a second handgrip or a protruding grip that can be held by the
11 non-trigger hand;

12 (v) a bayonet mount;

13 (vi) [~~a flash suppressor, muzzle break, muzzle compensator, or thread-~~
14 ~~ed barrel designed to accommodate a flash suppressor, muzzle break, or~~
15 ~~muzzle compensator,~~

16 ~~(vii)] a grenade launcher; or~~

17 (c) a semiautomatic pistol that has an ability to accept a detachable
18 magazine and has at least one of the following characteristics:

19 (i) a folding or telescoping stock;

20 (ii) a thumbhole stock;

21 (iii) a second handgrip or a protruding grip that can be held by the
22 non-trigger hand;

23 (iv) capacity to accept an ammunition magazine that attaches to the
24 pistol outside of the pistol grip;

25 (v) [~~a threaded barrel capable of accepting a barrel extender, flash~~
26 ~~suppressor, forward handgrip, or silencer,~~

27 ~~(vi)] a shroud that is attached to, or partially or completely encir-~~
28 ~~cles, the barrel and that permits the shooter to hold the firearm with~~
29 ~~the non-trigger hand without being burned;~~

30 [~~(vii)] (vi) a manufactured weight of fifty ounces or more when the~~
31 ~~pistol is unloaded; or~~

32 [~~(viii)] (vii) a semiautomatic version of an automatic rifle, shotgun~~
33 ~~or firearm;~~

34 § 3. Subdivision 2 of section 265.02 of the penal law, as amended by
35 chapter 764 of the laws of 2005, is amended to read as follows:

36 (2) Such person possesses any explosive or incendiary bomb, bombshell,
37 [~~firearm silencer,~~ machine-gun or any other firearm or weapon simulat-
38 ing a machine-gun and which is adaptable for such use. An individual in
39 lawful possession of a device that will silence, suppress, or muffle the
40 sound or natural report of a firearm when the firearm is discharged may
41 use such device to hunt any game for which the individual is licensed,
42 provided the host firearm to which the device is attached is allowed; or

43 § 4. This act shall take effect immediately.