

# STATE OF NEW YORK

3638

2023-2024 Regular Sessions

## IN ASSEMBLY

February 3, 2023

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

AN ACT to amend the penal law, in relation to the possession of certain antique rifles or replicas thereof

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

1 Section 1. Subdivision 23 of section 265.00 of the penal law, as  
2 amended by chapter 209 of the laws of 2022, is amended to read as  
3 follows:

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

21 shall also not include an attached tubular device designed to accept,  
22 and capable of operating only with .44 caliber rimfire or .44-40 caliber  
23 ammunition if such tubular device is attached to a rifle that was manu-  
24 factured at least fifty years ago, or modern day replicas of such rifle.

25 Notwithstanding paragraph (h) of subdivision twenty-two of this section,

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

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1 such feeding devices may be transferred provided that such transfer  
2 shall be subject to the provisions of section 400.03 of this chapter  
3 including the check required to be conducted pursuant to such section.  
4 § 2. This act shall take effect immediately.