STATE OF NEW YORK

5482

2023-2024 Regular Sessions

IN ASSEMBLY

March 13, 2023

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

AN ACT to amend the penal law, in relation to ammunition capacity in firearms; and to repeal certain provisions of the penal law relating to possession of ammunition and ammunition feeding devices

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

Section 1. Paragraph (h) of subdivision 22 of section 265.00 of the penal law is REPEALED.

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

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

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

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~~provisions of section 400.03 of this chapter including the check required to be conducted pursuant to such section~~].

§ 3. The opening paragraph of subdivision a of section 265.20 of the penal law, as separately amended by chapters 130 and 134 of the laws of 2019, is amended to read as follows:

[~~Paragraph (h) of subdivision twenty-two of section 265.00 and sections~~] **Sections** 265.01, 265.01-a, 265.01-b, 265.01-c, 265.02, 265.03, 265.04, 265.05, 265.10, 265.11, 265.12, 265.13, 265.15, [~~265.36, 265.37,~~] 265.50, 265.55 and 270.05 shall not apply to:

§ 4. Section 265.37 of the penal law is REPEALED.

§ 5. This act shall take effect immediately.