

# STATE OF NEW YORK

8454

2023-2024 Regular Sessions

## IN ASSEMBLY

December 29, 2023

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

AN ACT to amend the penal law, the general business law and the executive 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 slung-shot 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

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

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1 modification device is guilty of a class E felony. Any person who trans-  
2 ports or ships as merchandise any firearm, other than an assault weapon,  
3 switchblade knife, pilum ballistic knife, undetectable knife, billy,  
4 blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star,  
5 chuka stick, sandbag or slungshot is guilty of a class A misdemeanor.

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

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

20 § 265.01-c Criminal possession of a rapid-fire modification device.

21 A person is guilty of criminal possession of a rapid-fire modification  
22 device when he or she knowingly possesses any (1) rapid-fire modifica-  
23 tion device; or (2) firearm, rifle or shotgun that is not made or modi-  
24 fied to be permanently incompatible with a rapid-fire modification  
25 device.

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

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

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

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

38 § 396-fff. Recall of certain weapons; rapid-fire modification. 1. Any  
39 manufacturer of firearms, rifles, and/or shotguns shall modify, or cause  
40 to be modified, any firearm, rifle or shotgun manufactured and/or sold  
41 prior to the effective date of this section, to be permanently incompat-  
42 ible with a rapid-fire modification device, at no cost to the owner  
43 and/or dealer of such firearm, rifle or shotgun. Such manufacturer shall  
44 return, or cause to be returned, such firearm, rifle or shotgun to the  
45 legal owner and/or dealer within thirty days of the completion of such  
46 modification pursuant to this subdivision.

47 2. Manufacturers of firearms, rifles and/or shotguns shall make every  
48 reasonable effort to notify owners and dealers of firearms, rifles  
49 and/or shotguns in this state of a mandatory recall of such firearms,  
50 rifles and shotguns to a New York state dealer of firearms, rifles  
51 and/or shotguns to make the modifications required pursuant to subdivi-  
52 sion one of this section.

53 3. "Rapid-fire modification device" means any bump stock, trigger  
54 crank, binary trigger system, burst trigger system, or any other device  
55 that is designed (a) to accelerate the rate of fire of a semi-automatic  
56 firearm, rifle or shotgun; or (b) for use in converting a firearm, rifle

1 or shotgun to shoot automatically more than one shot, without manual  
2 reloading, by a single function of the trigger.

3 § 5. The executive law is amended by adding a new section 236 to read  
4 as follows:

5 § 236. Public awareness; rapid-fire modification devices. Within nine-  
6 ty days following the effective date of this section, the superintendent  
7 shall establish and maintain a public awareness campaign to educate the  
8 public regarding rapid-fire modification devices as defined in subdivi-  
9 sion twenty-six of section 265.00 of the penal law. Such campaign shall,  
10 at a minimum, include information to assist the public in recognizing  
11 the relevant features of such modification devices, the dangers such  
12 modification devices present to the public, the current laws regarding  
13 such modification devices and any additional information the superinten-  
14 dent deems important. Such information shall be made available on the  
15 New York state police website.

16 § 6. This act shall take effect on the first of November next succeed-  
17 ing the date upon which it shall have become a law; provided, however  
18 that sections one, two and three of this act shall take effect one year  
19 after such date.