STATE OF NEW YORK

816

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general business law, in relation to clarifying the definition of "imitation weapon"

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

Section 1. Subdivision 2 of section 871 of the general business law, as amended by a chapter of the laws of 2022 amending the general business law relating to clarifying the definition of "imitation weapon", as proposed in legislative bills numbers S. 687 and A. 3998, is amended to read as follows:

2. "Imitation weapon" means any device or object made of plastic, wood, metal or any other material which substantially duplicates or can reasonably be perceived to be an actual firearm, air rifle, pellet gun, or "B-B" gun; unless such imitation weapon:

(a) **either (i)** is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple on the entire exterior surface or as the predominant color in combination with other colors in any pattern; or

[~~(b)~~] **(ii)** is constructed entirely of transparent or translucent materials which permits unmistakable observation of the imitation or toy firearm's complete contents; **and**

[~~(c)~~] **(b)** has a barrel that is closed for a distance of not less than one-half inch from the front-end of its barrel with the same material of which the imitation weapon is made, unless it is a water gun; **and**

[~~(d)~~] **(c)** has legibly stamped thereon, the name of the manufacturer or some trade name, mark or brand by which the manufacturer can be readily identified; and

[~~(e)~~] **(d)** does not have attached thereto a laser pointer, defined for the purpose of this section as any device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

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

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"Imitation weapon" does not include any nonfiring replica of an antique firearm, the original of which was designed, manufactured and produced prior to eighteen hundred ninety-eight.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the general business law relating to clarifying the definition of "imitation weapon", as proposed in legislative bills numbers S. 687 and A. 3998, takes effect.