

STATE OF NEW YORK

9225

IN SENATE

May 7, 2024

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

AN ACT to amend the penal law, in relation to the regulation of pistol converters and convertible pistols

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

1 Section 1. Subdivision 1 of section 265.00 of the penal law is amended
2 and two new subdivisions 36 and 37 are added to read as follows:

3 1. "Machine-gun" means a weapon of any description, irrespective of
4 size, by whatever name known, loaded or unloaded, from which a number of
5 shots or bullets may be rapidly or automatically discharged from a maga-
6 zine with one continuous pull of the trigger and includes a sub-machine
7 gun, and also includes any convertible pistol that is equipped with a
8 pistol converter.

9 36. "Pistol converter" means any device or instrument that when
10 installed in or attached to the slide of a semi-automatic pistol inter-
11 feres with the trigger mechanism and thereby enables the pistol to
12 discharge a number of shots or bullets rapidly or automatically with one
13 continuous pull of the trigger.

14 37. "Convertible pistol" means any semi-automatic pistol that can be
15 converted into a machine-gun solely by the installation or attachment of
16 a pistol converter.

17 § 2. Subdivision 10 of section 265.02 of the penal law, as added by
18 chapter 1 of the laws of 2013, is amended and a new subdivision 11 is
19 added to read as follows:

20 (10) Such person possesses an unloaded firearm and also commits any
21 violent felony offense as defined in subdivision one of section 70.02 of
22 this chapter as part of the same criminal transaction[-]; or

23 (11) Such person knowingly possesses any pistol converter.

24 § 3. Subdivisions 1 and 2 of section 265.10 of the penal law, as sepa-
25 rately amended by chapters 34, 130, and 146 of the laws of 2019, are
26 amended and a new subdivision 10 is added to read as follows:

27 1. Any person who manufactures or causes to be manufactured any
28 machine-gun, pistol converter, assault weapon, large capacity ammunition

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

LBD15291-02-4

1 feeding device or disguised gun is guilty of a class D felony. Any
2 person who manufactures or causes to be manufactured any rapid-fire
3 modification device is guilty of a class E felony. Any person who manu-
4 factures or causes to be manufactured any switchblade knife, pilum
5 ballistic knife, metal knuckle knife, undetectable knife, billy,
6 blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star,
7 chuka stick, sandbag, sandclub or slungshot is guilty of a class A
8 misdemeanor.

9 2. Any person who transports or ships any machine-gun, pistol convert-
10 er, firearm silencer, assault weapon or large capacity ammunition feed-
11 ing device or disguised gun, or who transports or ships as merchandise
12 five or more firearms, is guilty of a class D felony. Any person who
13 transports or ships any rapid-fire modification device is guilty of a
14 class E felony. Any person who transports or ships as merchandise any
15 firearm, other than an assault weapon, switchblade knife, pilum ballis-
16 tic knife, undetectable knife, billy, blackjack, bludgeon, plastic
17 knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag or slung-
18 shot is guilty of a class A misdemeanor.

19 10. Any person, dealer, firm, partnership, or corporation who disposes
20 of or who transports or ships as merchandise a convertible pistol is
21 guilty of a class D felony.

22 § 4. Section 265.20 of the penal law is amended by adding a new subdivi-
23 sion f to read as follows:

24 f. Subdivision ten of section 265.10 of this article shall not apply
25 to the disposition of a convertible pistol to, nor to the transport or
26 shipping as merchandise of a convertible pistol for disposition to the
27 following:

28 1. Persons in the military service of the state of New York when duly
29 authorized by regulations issued by the adjutant general to possess the
30 same.

31 2. Police officers as defined in subdivision thirty-four of section
32 1.20 of the criminal procedure law.

33 3. Peace officers as defined by section 2.10 of the criminal procedure
34 law.

35 4. Persons in the military or other service of the United States, in
36 pursuit of official duty or when duly authorized by federal law, regu-
37 lation or order to possess the same.

38 5. Persons employed in fulfilling defense contracts with the govern-
39 ment of the United States or agencies thereof when possession of the
40 same is necessary for manufacture, transport, installation and testing
41 under the requirements of such contract.

42 6. Persons engaging in the business of gunsmith or dealer in firearms
43 to whom a valid license therefor has been issued pursuant to section
44 400.00 of this chapter.

45 § 5. This act shall take effect on the thirtieth day after it shall
46 have become a law.