STATE OF NEW YORK

10194

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Solages) -- read once and referred 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:

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

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

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

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

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

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

(11) Such person knowingly possesses any pistol converter.

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

1. Any person who manufactures or causes to be manufactured any 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

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 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 slungshot is guilty of a class A misdemeanor.

2. Any person who transports or ships any machine-gun, **pistol converter,** 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 as merchandise any firearm, other than an assault weapon, switchblade knife, pilum ballistic knife, undetectable knife, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag or slungshot is guilty of a class A misdemeanor.

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

§ 4. Section 265.20 of the penal law is amended by adding a new subdivision f to read as follows:

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

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

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

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

4. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

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

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

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