

STATE OF NEW YORK

1553

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. BLANKENBUSH, ANGELINO, BRABENEC, BYRNES, DeSTEFANO, GOODELL, HAWLEY, McDONOUGH, MILLER, SMULLEN, TAGUE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to authorizing the transfer of certain weapons from an estate to an immediate member of the decedent's family

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

1 Section 1. Paragraph (g) of subdivision 22 of section 265.00 of the
2 penal law is amended by adding a new subparagraph (vii) to read as
3 follows:

4 (vii) any weapon legally possessed and validly registered pursuant to
5 subdivision sixteen-a of section 400.00 of this chapter prior to such
6 person's death and bequeathed or passed through intestacy to an immedi-
7 ate family member of the deceased. Such weapons shall be subject to the
8 provisions of paragraph (h) of this subdivision. For purposes of this
9 subparagraph, immediate family member means a child or spouse;

10 § 2. Paragraph (h) of subdivision 22 of section 265.00 of the penal
11 law, as amended by chapter 209 of the laws of 2022, is amended to read
12 as follows:

13 (h) (i) Any weapon defined in paragraph (e) or (f) of this subdivision
14 may only be sold to, exchanged with or disposed of to a purchaser
15 authorized to possess such weapons or to an individual or entity outside
16 of the state provided that any such transfer to an individual or entity
17 outside of the state must be reported to the entity wherein the weapon
18 is registered within seventy-two hours of such transfer. An individual
19 who transfers any such weapon to an individual inside New York state or
20 without complying with the provisions of this paragraph shall be guilty
21 of a class A misdemeanor.

22 (ii) Notwithstanding the provisions of subparagraph (i) of this para-
23 graph, any weapon defined in paragraph (e) or (f) of this subdivision

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

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1 that was legally possessed and validly registered by an individual prior
2 to his or her death may be transferred by the estate of such individual
3 to one of his or her immediate family members. For purposes of this
4 subparagraph, immediate family member means a child or spouse.

5 § 3. This act shall take effect immediately.