

STATE OF NEW YORK

9517

IN ASSEMBLY

March 20, 2024

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

AN ACT to amend the penal law, in relation to criminal possession of a ghost gun; and repealing certain provisions of such law relating thereto

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

1 Section 1. Section 265.03 of the penal law, as amended by chapter 742
2 and subdivisions 1 and 3 as amended by chapter 745 of the laws of 2006,
3 is amended to read as follows:

4 § 265.03 Criminal possession of a weapon in the second degree.

5 A person is guilty of criminal possession of a weapon in the second
6 degree when:

7 (1) with intent to use the same unlawfully against another, such
8 person:

9 (a) possesses a machine-gun; or

10 (b) possesses a loaded firearm; or

11 (c) possesses a disguised gun; or

12 (2) such person possesses five or more firearms; or

13 (3) such person possesses any loaded firearm. Such possession shall
14 not, except as provided in subdivision one or seven of section 265.02 of
15 this article, constitute a violation of this subdivision if such
16 possession takes place in such person's home or place of business[-]; or

17 (4) such person is not licensed as a gunsmith or a dealer in firearms
18 with intent to manufacture and/or distribute such firearms pursuant to
19 section 400.00 of this chapter and, knowing it is a ghost gun, such
20 person possesses a ghost gun, provided that a person shall not be guilty
21 under this section when he or she voluntarily surrenders such ghost gun
22 to any law enforcement official designated pursuant to subparagraph (f)
23 of paragraph one of subdivision (a) of section 265.20 of this article.
24 In conjunction with the attorney general's office, educational materials
25 relating to this subdivision shall be made available to the public for
26 no less than two years following the effective date of this subdivision.

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

LBD13734-02-4

1 Criminal possession of a weapon in the second degree is a class C
2 felony.
3 § 2. Subdivision 9 of section 265.01 of the penal law, as amended by
4 chapter 149 of the laws of 2022, is REPEALED.
5 § 3. This act shall take effect immediately.