

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:

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

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

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

14 [~~(b)~~] (ii) is constructed entirely of transparent or translucent mate-
15 rials which permits unmistakable observation of the imitation or toy
16 firearm's complete contents; and

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

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

23 [~~(e)~~] (d) does not have attached thereto a laser pointer, defined for
24 the purpose of this section as any device that emits light amplified by
25 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.

LBD03990-01-3

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

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