STATE OF NEW YORK

5105

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

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:

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

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

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

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

(a) possesses a machine-gun; or

(b) possesses a loaded firearm; or

(c) possesses a disguised gun; or

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

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

(4) such person is not licensed as a gunsmith or a dealer in firearms with intent to manufacture and/or distribute such firearms pursuant to section 400.00 of this chapter and, knowing it is a ghost gun, such person possesses a ghost gun, provided that a person shall not be guilty under this section when such person voluntarily surrenders such ghost gun to any law enforcement official designated pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 of this article. In conjunction with the attorney general's office, educational materials

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

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relating to this subdivision shall be made available to the public for no less than two years following the effective date of this subdivision.

Criminal possession of a weapon in the second degree is a class C felony.

§ 2. Subdivision 9 of section 265.01 of the penal law, as amended by chapter 149 of the laws of 2022, is REPEALED.

§ 3. This act shall take effect immediately.