

STATE OF NEW YORK

399--B

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. MYRIE, ADDABBO, BAILEY, BOTTCHEER, BROUK, BYNOE, CLEARE, COMRIE, COONEY, FAHY, FERNANDEZ, GONZALEZ, GOUNARDES, HARCKHAM, JACKSON, KAVANAGH, LIU, MARTINS, MAY, MAYER, PERSAUD, RAMOS, RIVERA, SALAZAR, SANDERS, SERRANO, STAVISKY, WEBB, ZELLNER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Subdivision 1 of section 265.00 of the penal law is amended
2 and a new subdivision 37 is added to read as follows:

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

9 37. "Convertible pistol" means any semi-automatic pistol with a cruci-
10 form trigger bar that can be readily altered by hand or with common
11 household tools so that it can be converted into a machine-gun by the
12 installation or attachment of a pistol converter. As used in this subdi-
13 vision, "cruciform trigger bar" means a component in a semi-automatic
14 pistol that serves as a linkage between the trigger and firing pin and
15 has its sear incorporated in a cross-shaped surface and "common house-

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

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1 hold tools" means screwdrivers, pipe wrenches, pliers, hacksaws, crow-
2 bars, electric drills or rotary tools, hammers, chisels, and crescent
3 wrenches.

4 "Convertible pistol" does not include hammer-fired semi-automatic
5 pistols. A tab or other piece of material on a pistol frame is not
6 sufficient to prevent ready alteration so that the pistol can be
7 converted into a machine-gun by the installation or attachment of a
8 pistol converter and will not prevent such pistol from qualifying as a
9 "convertible pistol" under this subdivision if that tab or other piece
10 of material can be readily removed with common household tools.

11 § 2. Subdivisions 1 and 2 of section 265.10 of the penal law, as
12 amended by chapter 481 of the laws of 2024, are amended and a new subdi-
13 vision 10 is added to read as follows:

14 1. Any person who manufactures or causes to be manufactured any
15 machine-gun, pistol converter, assault weapon, large capacity ammunition
16 feeding device or disguised gun is guilty of a class D felony. Any
17 person who manufactures or causes to be manufactured any rapid-fire
18 modification device is guilty of a class E felony. Any person who manu-
19 factures or causes to be manufactured any switchblade knife, pilum
20 ballistic knife, metal knuckle knife, undetectable knife, billy,
21 blackjack, bludgeon, plastic knuckles, metal knuckles, throwing star,
22 chuka stick, sandbag, sandclub or slungshot is guilty of a class A
23 misdemeanor.

24 2. Any person who transports or ships any machine-gun, pistol convert-
25 er, firearm silencer, assault weapon or large capacity ammunition feed-
26 ing device or disguised gun, or who transports or ships as merchandise
27 five or more firearms, is guilty of a class D felony. Any person who
28 transports or ships any rapid-fire modification device is guilty of a
29 class E felony. Any person who transports or ships as merchandise any
30 firearm, other than an assault weapon, switchblade knife, pilum ballis-
31 tic knife, undetectable knife, billy, blackjack, bludgeon, plastic
32 knuckles, metal knuckles, throwing star, chuka stick, sandbag or slung-
33 shot is guilty of a class A misdemeanor.

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

37 § 3. Section 265.20 of the penal law is amended by adding a new subdi-
38 vision f to read as follows:

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

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

46 2. Police officers as defined in subdivision thirty-four of section
47 1.20 of the criminal procedure law.

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

50 4. Persons in the military or other service of the United States, in
51 pursuit of official duty or when duly authorized by federal law, regu-
52 lation or order to possess the same.

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

1 6. Persons engaging in the business of gunsmith or dealer in firearms
2 to whom a valid license therefor has been issued pursuant to section
3 400.00 of this chapter.

4 § 4. Subdivision 36 of section 265.00 of the penal law, as added by
5 chapter 429 of the laws of 2024, is amended to read as follows:

6 36. "Pistol converter" means any device or instrument that when
7 installed in or attached to the rear of the slide of a semi-automatic
8 pistol, replaces the backplate, and interferes with the trigger mech-
9 anism and thereby enables the pistol to discharge a number of shots or
10 bullets rapidly or automatically with one continuous pull of the trig-
11 ger.

12 § 5. The superintendent of the division of state police is authorized
13 to promulgate rules, regulations, and policies necessary to effectuate
14 the provisions of this act. Such superintendent shall, prior to the
15 effective date of this act and annually thereafter, publish a list of
16 pistols that the superintendent has determined to be convertible
17 pistols, as defined in section 265.00 of the penal law.

18 § 6. This act shall take effect on the one hundred eightieth day after
19 it shall have become a law. Effective immediately, the addition, amend-
20 ment and/or repeal of any rule or regulation necessary for the implemen-
21 tation of this act on its effective date are authorized to be made and
22 completed on or before such effective date.