STATE OF NEW YORK

399--B

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. MYRIE, ADDABBO, BAILEY, BOTTCHER, 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:

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

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

37. "Convertible pistol" means any semi-automatic pistol with a cruciform trigger bar that can be readily altered by hand or with common household tools so that it can be converted into a machine-gun by the installation or attachment of a pistol converter. As used in this subdivision, "cruciform trigger bar" means a component in a semi-automatic pistol that serves as a linkage between the trigger and firing pin and 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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hold tools" means screwdrivers, pipe wrenches, pliers, hacksaws, crowbars, electric drills or rotary tools, hammers, chisels, and crescent wrenches.

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

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

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

2. Any person who transports or ships any machine-gun, pistol converter, firearm silencer, assault weapon or large capacity ammunition feeding device or disguised gun, or who transports or ships as merchandise five or more firearms, is guilty of a class D felony. Any person who transports or ships any rapid-fire modification device is guilty of a class E felony. Any person who transports or ships as merchandise any firearm, other than an assault weapon, switchblade knife, pilum ballistic knife, undetectable knife, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, throwing star, chuka stick, sandbag or slungshot is guilty of a class A misdemeanor.

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

§ 3. Section 265.20 of the penal law is amended by adding a new subdivision f to read as follows:

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

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

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

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

4. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

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

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

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

36. "Pistol converter" means any device or instrument that when installed in or attached to the **rear of the** slide of a semi-automatic pistol, **replaces the backplate, and** interferes with the trigger mechanism and thereby enables the pistol to discharge a number of shots or bullets rapidly or automatically with one continuous pull of the trigger.

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

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.