

STATE OF NEW YORK

4277

2025-2026 Regular Sessions

IN SENATE

February 3, 2025

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the executive law, in relation to banning 50 caliber weapons

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

1 Section 1. Legislative findings and declaration. The legislature here-
2 by finds and declares that 50 caliber or larger weapons having the
3 capacity for rapidly discharging ammunition have no acceptable purpose.
4 The legislature additionally finds and declares that such weapons pose
5 such an imminent threat and danger to the safety and security of the
6 people of this state that it is necessary to ban the possession and use
7 of such weapons.

8 § 2. Short title. This act shall be known and may be cited as the "50
9 Caliber Threat Reduction Act".

10 § 3. Section 265.00 of the penal law is amended by adding a new subdi-
11 vision 37 to read as follows:

12 37. "50 caliber weapon" means:

13 (a) any rifle capable of firing a center-fire cartridge:

14 (i) of a caliber of 50 or greater, which shall include any metric
15 equivalent of 50 caliber or greater; or

16 (ii) that is capable of firing a projectile that attains a muzzle
17 energy of twelve thousand foot-pounds or greater in any combination of
18 bullet, propellant, case, or primer; or

19 (iii) any copy or duplicate of any such weapon that is capable of
20 firing a projectile that attains a muzzle energy of twelve thousand
21 foot-pounds or greater regardless of caliber;

22 (b) any rifle capable of firing a center-fire cartridge defined in
23 paragraph (a) of this subdivision, possessed prior to the effective date
24 of this subdivision;

25 (c) provided, however, that such term does not include:

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

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1 (i) any weapon capable of firing a center-fire cartridge that has been
2 rendered permanently inoperable;

3 (ii) any weapon capable of firing a center-fire cartridge that is an
4 antique firearm as defined in clause sixteen of paragraph (a) of section
5 nine hundred twenty-one of title eighteen of the United States code;

6 (iii) any weapon validly registered pursuant to subdivision twenty-one
7 of section 400.00 of this chapter. Such weapons shall be subject to the
8 provisions of paragraph (d) of this subdivision;

9 (iv) any weapon that was manufactured at least fifty years prior to
10 the current date, but not including replicas thereof, that is validly
11 registered pursuant to subdivision twenty-one of section 400.00 of this
12 chapter;

13 (v) any muzzle-loading rifle or shotgun with a rifled bore.

14 (d) Any weapon defined in paragraph (b) of this subdivision may only
15 be sold to, exchanged with or disposed of to a purchaser authorized to
16 possess such weapons or to an individual or entity outside of the state
17 provided that any such transfer to an individual or entity outside of
18 the state must be reported to the entity wherein the weapon is regis-
19 tered within seventy-two hours of such transfer. An individual who
20 transfers any such weapon to an individual inside New York state or
21 without complying with the provisions of this paragraph shall be guilty
22 of a class A misdemeanor unless transferred within one year of the
23 effective date of this subdivision.

24 § 4. Section 400.00 of the penal law is amended by adding two new
25 subdivisions 21 and 22 to read as follows:

26 21. Registration of 50 caliber weapons. (a) An owner of a weapon
27 defined in paragraph (b) of subdivision thirty-seven of section 265.00
28 of this chapter, possessed before the effective date of this subdivi-
29 sion, must make an application to register such weapon with the super-
30 intendent of state police, in the manner provided by the superintendent,
31 or by amending a license issued pursuant to this section within one year
32 of the effective date of this subdivision except any weapon defined
33 under subparagraph (iv) of paragraph (c) of subdivision thirty-seven of
34 section 265.00 of this chapter transferred into the state may be regis-
35 tered at any time, provided such weapons are registered within thirty
36 days of their transfer into the state. Registration information shall
37 include the registrant's name, date of birth, gender, race, residential
38 address, social security number and description of each weapon being
39 registered. A registration of any weapon defined under subparagraph
40 (iv) of paragraph (c) of subdivision thirty-seven of section 265.00 of
41 this chapter shall be transferable, provided that the seller notifies
42 the state police within seventy-two hours of the transfer and the buyer
43 provides the state police with information sufficient to constitute a
44 registration under this section. Such registration shall not be valid if
45 such registrant is prohibited or becomes prohibited from possessing a
46 firearm pursuant to state or federal law. The superintendent shall
47 determine whether such registrant is prohibited from possessing a
48 firearm under state or federal law. Such check shall be limited to
49 determining whether the factors in paragraph (g) of section nine hundred
50 twenty-two of title eighteen of the United States code apply or whether
51 a registrant has been convicted of a serious offense as defined in
52 subdivision seventeen of section 265.00 of this chapter, so as to
53 prohibit such registrant from possessing a firearm, and whether a report
54 has been issued pursuant to section 9.46 of the mental hygiene law. All
55 registrants shall recertify to the division of state police every five

1 years thereafter. Failure to recertify shall result in a revocation of
2 such registration.

3 (b) Notwithstanding any inconsistent provisions of paragraph (a) of
4 this subdivision, an owner of a 50 caliber weapon as defined in subdivi-
5 sion thirty-seven of section 265.00 of this chapter, who is a qualified
6 retired New York or federal law enforcement officer as defined in subdivi-
7 vision twenty-five of section 265.00 of this chapter, where such weapon
8 was issued to or purchased by such officer prior to retirement and in
9 the course of such officer's official duties, and for which such officer
10 was qualified by the agency that employed such officer within twelve
11 months prior to such officer's retirement, must register such weapon
12 within sixty days of retirement.

13 (c) The superintendent of state police shall create and maintain a "50
14 caliber weapons" page or section on the existing internet website,
15 created pursuant to paragraph (b) of subdivision sixteen-a of this
16 section, to educate the public as to which 50 caliber weapons are ille-
17 gal as a result of the enactment of this subdivision, as well as such 50
18 caliber weapons which are illegal pursuant to article two hundred
19 sixty-five of this chapter. Such website shall contain information to
20 assist the public in recognizing the relevant features proscribed by
21 such article two hundred sixty-five, as well as which make and model of
22 weapons require registration.

23 (d) A person who knowingly fails to apply to register such weapon, as
24 required by this section, within one year of the effective date of this
25 subdivision shall be guilty of a class A misdemeanor and such person who
26 unknowingly fails to validly register such weapon within such one year
27 period shall be given a warning by an appropriate law enforcement
28 authority about such failure and given thirty days in which to apply to
29 register such weapon or to surrender it. A failure to apply or surrender
30 such weapon within such thirty-day period shall result in such weapon
31 being removed by an appropriate law enforcement authority and declared a
32 nuisance.

33 (e) The cost of the software, programming and interface required to
34 transmit any record that must be electronically transmitted by the deal-
35 er or licensing officer to the division of state police pursuant to this
36 chapter shall be borne by the state.

37 22. Applicability of section. The provisions of article two hundred
38 sixty-five of this chapter relating to illegal possession of a firearm,
39 shall not apply to an offense which also constitutes a violation of this
40 section by a person holding an otherwise valid license under the
41 provisions of this section and such offense shall only be punishable as
42 a class A misdemeanor pursuant to this section. In addition, the
43 provisions of such article two hundred sixty-five shall not apply to the
44 possession of a firearm in a place not authorized by law, by a person
45 who holds an otherwise valid license or possession of a firearm by a
46 person within a one year period after the stated expiration date of an
47 otherwise valid license which has not been previously cancelled or
48 revoked shall only be punishable as a class A misdemeanor pursuant to
49 this section.

50 § 5. Section 265.02 of the penal law is amended by adding a new subdivi-
51 vision 11 to read as follows:

52 (11) Such person possesses a 50 caliber weapon.

53 § 6. Subdivision 3 of section 265.00 of the penal law, as amended by
54 chapter 211 of the laws of 2022, is amended to read as follows:

55 3. "Firearm" means (a) any pistol or revolver; or (b) a shotgun having
56 one or more barrels less than eighteen inches in length; or (c) a rifle

1 having one or more barrels less than sixteen inches in length; or (d)
2 any weapon made from a shotgun or rifle whether by alteration, modifica-
3 tion, or otherwise if such weapon as altered, modified, or otherwise has
4 an overall length of less than twenty-six inches; or (e) an assault
5 weapon; or (f) a 50 caliber weapon; or (g) any other weapon that is not
6 otherwise defined in this section containing any component that provides
7 housing or a structure designed to hold or integrate any fire control
8 component that is designed to or may readily be converted to expel a
9 projectile by action of explosive. For the purpose of this subdivision
10 the length of the barrel on a shotgun or rifle shall be determined by
11 measuring the distance between the muzzle and the face of the bolt,
12 breech, or breechlock when closed and when the shotgun or rifle is
13 cocked; the overall length of a weapon made from a shotgun or rifle is
14 the distance between the extreme ends of the weapon measured along a
15 line parallel to the center line of the bore. Firearm does not include
16 an antique firearm.

17 § 7. Subdivisions 1, 2, 3 and 6 of section 265.10 of the penal law,
18 subdivisions 1 and 2 as amended by chapter 481 of the laws of 2024,
19 subdivision 3 as amended by chapter 130 of the laws of 2019, and subdi-
20 vision 6 as amended by chapter 189 of the laws of 2000, are amended to
21 read as follows:

22 1. Any person who manufactures or causes to be manufactured any
23 machine-gun, assault weapon, 50 caliber weapon, large capacity ammuni-
24 tion feeding device or disguised gun is guilty of a class D felony. Any
25 person who manufactures or causes to be manufactured any rapid-fire
26 modification device is guilty of a class E felony. Any person who manu-
27 factures or causes to be manufactured any switchblade knife, pilum
28 ballistic knife, metal knuckle knife, undetectable knife, billy,
29 blackjack, bludgeon, plastic knuckles, metal knuckles, throwing star,
30 chuka stick, sandbag, sandclub or slungshot is guilty of a class A
31 misdemeanor.

32 2. Any person who transports or ships any machine-gun, firearm silenc-
33 er, assault weapon, 50 caliber weapon or large capacity ammunition feed-
34 ing device or disguised gun, or who transports or ships as merchandise
35 five or more firearms, is guilty of a class D felony. Any person who
36 transports or ships any rapid-fire modification device is guilty of a
37 class E felony. Any person who transports or ships as merchandise any
38 firearm, other than an assault weapon or 50 caliber weapon, switchblade
39 knife, pilum ballistic knife, undetectable knife, billy, blackjack,
40 bludgeon, plastic knuckles, metal knuckles, throwing star, chuka stick,
41 sandbag or slungshot is guilty of a class A misdemeanor.

42 3. Any person who disposes of any machine-gun, assault weapon, 50
43 caliber weapon, large capacity ammunition feeding device or firearm
44 silencer is guilty of a class D felony. Any person who disposes of any
45 rapid-fire modification device is guilty of a class E felony. Any person
46 who knowingly buys, receives, disposes of, or conceals a machine-gun, 50
47 caliber weapon, firearm, large capacity ammunition feeding device, rifle
48 or shotgun which has been defaced for the purpose of concealment or
49 prevention of the detection of a crime or misrepresenting the identity
50 of such machine-gun, 50 caliber weapon, firearm, large capacity ammuni-
51 tion feeding device, rifle or shotgun is guilty of a class D felony.

52 6. Any person who wilfully defaces any machine-gun, 50 caliber weapon,
53 large capacity ammunition feeding device or firearm is guilty of a class
54 D felony.

§ 8. Paragraph 8 of subdivision a of section 265.20 of the penal law, as amended by chapter 130 of the laws of 2019, is amended to read as follows:

8. The manufacturer of machine-guns, firearm silencers, assault weapons, large capacity ammunition feeding devices, 50 caliber weapons, rapid-fire modification devices, disguised guns, pilum ballistic knives, switchblade or gravity knives, billies or blackjacks as merchandise, or as a transferee recipient of the same for repair, lawful distribution or research and development, and the disposal and shipment thereof direct to a regularly constituted or appointed state or municipal police department, sheriff, police officer or other peace officer, or to a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, or to the military service of this state or of the United States; or for the repair and return of the same to the lawful possessor or for research and development.

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

f. The terms "pistol," "revolver," "rifle," and "shotgun" as used in paragraphs three through five, seven through seven-b, twelve, thirteen and thirteen-a of subdivision a of this section shall not include a 50 caliber weapon as defined in subdivision thirty-seven of section 265.00 of this article.

§ 10. The executive law is amended by adding a new section 236 to read as follows:

§ 236. Compliance with the ban on the sale, possession or use of 50 caliber weapons. 1. From within amounts appropriated therefor, the division of state police shall take such action as is necessary to implement a program whereby persons, including dealers of firearms, in lawful possession of 50 caliber weapons may bring themselves into compliance with the provisions of the penal law which bans the sale, possession or use of such weapons.

2. Within thirty days of the effective date of this section, any licensed firearm dealer who has in such dealer's possession a new 50 caliber weapon shall be entitled to return such weapon to the distributor or manufacturer, and shall be entitled to a full refund, or credit, in an amount equal to the purchase price of such weapon. In any case where a distributor or manufacturer fails or refuses to so refund or credit such dealer, the dealer shall notify the division of state police, and it shall immediately notify the attorney general so that such attorney general may intercede and take such actions on behalf of the dealer to secure such refund or credit.

3. Within thirty days of the effective date of this section, any person, including a licensed firearm dealer, who has in such dealer's legal possession a used 50 caliber weapon shall personally deliver such weapon to the division of state police, and upon transferring ownership and possession to a duly designated officer thereof, shall be entitled to receive payment in an amount equal to the fair market value of such weapon, but not to exceed eight thousand five hundred dollars.

4. The division of state police shall take such action, including a public campaign using the print media, television, radio or other means to notify persons of the existence of the program established in this section.

§ 11. This act shall take effect immediately; provided, however, that sections one through nine of this act shall take effect on the thirtieth day after this act shall have become a law.