



NEWS FROM
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FACT SHEET
NEW YORK'S NEW GUN CONTROL LAW

This is a summary. It is not exhaustive



The legislation (S. 2230) passed by the legislature and signed by the governor contains the following key components of significance to law abiding gun owners and pistol licensees.

Redefines and Bans “Assault Weapons.” An ‘assault weapon’ is now defined as any semiautomatic rifle or pistol capable of accepting a detachable magazine with ONE military style feature (folding stock, pistol grip, thumbhole stock, second grip that can be held by the weak hand, bayonet mount, flash suppressor, muzzle brake, compensator or threaded barrel or grenade launcher); any semiautomatic shotgun with ONE of the following: folding or thumbhole stock; second grip that can be held by the weak hand; a fixed magazine in excess of seven rounds; ability to accept a detachable magazine; A semiautomatic pistol that can accept a detachable magazine and has at least one of the following: folding or thumbhole stock; second grip that can be held by the weak hand; capacity to accept a magazine that attaches to the pistol outside of the pistol grip, threaded barrel, barrel shroud, weight of 50 oz or more when unloaded.

Within one year, all “assault weapons” under the new definition (pre-1994 and now pre-2013 semi-autos as defined above) must be registered with the state police at no cost. This will trigger a NICS check. Current owners may transfer these semi-autos only to a dealer or sell them out of state. Intentional failure to register will be a class A misdemeanor. Unintentional failure will trigger a 30 day grace period to register, after which the gun will be confiscated. Knowing possession of an unregistered assault weapon will be a felony.

The law does not distinguish between rimfire or centerfire firearms. Even .22s are covered by the law.

Exempt: the following are not ‘assault weapons’ and are not affected by this law: bolt action or pump rifles and shotguns; antiques; revolvers; semi-automatic rifles that cannot accept a detachable magazine; semi-auto shotguns holding five or fewer shotgun shells in a fixed or detachable magazine.

Magazines. The law bans all magazines in excess of ten rounds, including “pre-ban” magazines of 20 or 30 rounds previously possessed lawfully. High capacity magazines possessed lawfully heretofore must be disposed of out of state or to someone authorized to possess them within one year or rendered incapable of accepting more than seven cartridges. Ten round magazines are grandfathered, but it will be a crime to load them in excess of seven rounds, except at a shooting range. Magazines older than 50 years old – curios and relics – are exempt. No new ten round magazines may be sold or possessed in New York.

Pistol licenses. All pistol licenses will have to be recertified (not renewed) every five years. Licensees will have to confirm to the state police that their information is current and that their registered pistols are still the only ones possessed. Pistol licensees will be able to request that their names be withheld from public disclosure, and state police will compile a statewide database of pistol license holders.

Ammunition. All ammunition purchasers must undergo an instant background check at the point of sale when the new state check system takes effect. This provision does not take effect for a year. A buyer will need to show a valid NYS driver’s license. Internet sales of ammo are banned except in the presence of a gun dealer where a NICS check is required.

Gun sales. A NICS background check will be required for all private sales of long guns in New York, except transfers to immediate family members. A gun dealer is authorized to charge up to \$10 for each transaction.

Gun storage. The new law requires the safe storage of guns in a house where the gun owner knows someone in the house is mentally ill, prohibited from possessing a gun, is a convicted criminal or subject to an order of protection.