



## Legislation Text

---

**File #:** Int 0469-2004, **Version:** A

---

Int. No. 469-A

By Council Members Yassky, The Speaker (Council Member Miller), Addabbo, Brewer, Clarke, Comrie, Fidler, Gennaro, Gerson, Gonzalez, James, Koppell, Liu, Martinez, Nelson, Quinn, Reed, Sanders, Stewart, Weprin, Recchia, Vallone, Foster, Katz, Felder, Seabrook, Sears, Perkins, Lopez and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to assault weapons.

Be it enacted by the Council as follows:

Section 1. Subparagraph 7 of paragraph (a) of subdivision 16 of section 10-301 of the administrative code of the city of New York, as added by local law number 78 for the year 1991, is amended to read as follows:

7. modifications of such features, or other features, determined by rule of the commissioner to be particularly suitable for military and not sporting purposes. In addition, the commissioner shall, by rule, designate specific semiautomatic centerfire or rimfire rifles or semiautomatic shotguns, identified by make, model and/or manufacturer's name, as within the definition of assault weapon, if the commissioner determines that such weapons are particularly suitable for military and not sporting purposes. The commissioner shall inspect such specific designated semiautomatic centerfire or rimfire rifles or semiautomatic shotguns at least three times per year, and shall revise or update such designations as he or she deems appropriate.

§ 2. Paragraph 3 of subdivision b of section 10-302 of the administrative code of the city of New York is amended to read as follows:

(3) who has stated whether he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness and who is free from any mental disorder, defects or diseases that would impair the ability safely to possess or use a firearm, rifle or shotgun; [and]

§ 3. Paragraph 4 of subdivision b of section 10-302 of the administrative code of the city of New York is renumbered paragraph 5, and a new paragraph 4 is added to read as follows:

(4) who has not been convicted of violating section 10-303.1 of this chapter; and

§ 4. Paragraph 1 of subdivision a of section 10-303 of the administrative code of the city of New York is amended to read as follows:

(1) is under the age of [eighteen] twenty-one; or

§ 5. Paragraph 8 of subdivision a of section 10-303 the administrative code of the city of New York, as renumbered by local law number 44 for the year 2002, is renumbered paragraph 9, and a new paragraph 8 is added, to read as follows:

(8) has been convicted of violating section 10-303.1 of this chapter; or

§ 6. Subdivision c of section 10-303.1 of the administrative code of the city of New York as added by local law number 78 for the year 1991, is amended, to read as follows:

c. Civil penalty. In addition to the penalties prescribed in subdivision b of this section, any person who shall violate subdivision a of this section shall be liable for a civil penalty of not more than [ten] twenty-five thousand dollars for each assault weapon disposed of or possessed, to be recovered in a civil action brought by the corporation counsel in the name of the city in any court of competent jurisdiction, provided that the first violation by any person of subdivision a of this section involving possession of an assault weapon as defined in paragraph c of subdivision [16] sixteen of section 10-301 shall subject such person to a civil penalty of not more than [one] five thousand dollars on condition that (1) such first violation is not in conjunction with the commission of a crime and (2) the possessor has not been previously convicted of a felony or a serious offense.

§ 7. Section 10-303.1 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. Surrender of firearms. At the discretion of the police commissioner, any person convicted of violating this section may be subject to immediate surrender of all firearms in his or her possession.

§ 8. This local law shall take effect ninety days after its enactment into law.