

Legislation: **The 50-Caliber Weapons Ban, Assembly Bill A3211**

Status: [A3122: 01/23/2009 referred to codes].

Sponsors: Assemblywoman Patricia A. Edenton, 3rd Assembly District.

Website: <http://assembly.state.ny.us/mem/?ad=003>

Action: Opposed – Protest by letter, petition, and/or phone.

JUSTIFICATION: 50-caliber or larger weapons having the capacity for rapidly discharging ammunition have no acceptable purpose. Additionally, these weapons pose such an imminent threat and danger to the safety and security of the people of this state that it is necessary to ban the possession and use of such weapons.

EFFECT: Bans the sale, use, or possession of 50-caliber weapons, including shotguns having a rifled barrel whose gauge measures 20 or larger as defined in New York State Penal Law, Article 265, definition 11.

1. Defines a new class of firearm, a 50-caliber weapon, as a rifle capable of firing a center-fire cartridge in 50-caliber or larger, .50 BMG caliber or larger, any other variant of 50-caliber or larger, or any other metric equivalent of such caliber, provided, however, that nothing in this subdivision shall be construed to include any muzzle loading rifle which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition.
2. Provides penalties for the possession and use of such weapons, and additional penalties are levied for possession or use of such weapons during any criminal act.
3. Waivers for possession or use of 50-caliber weapon(s) owned prior to the passage of this bill are absent from this legislation. Waivers for the possession of rifled barreled shotguns 20 gauge or larger are absent from this legislation
4. Provides state police the ability to take such actions as necessary in order to bring persons and firearm dealers who lawfully possess such 50-caliber weapons into compliance. Owners shall personally surrender, within 30 days of passage of this legislation, all 50-caliber weapons to the division of the state police and receive in return payment at fair market value for such weapon(s) not to exceed \$8500.00.
5. This act shall take effect immediately; provided that individuals are granted 30 days to surrender such weapons, and provided that it is unlawful for gunsmiths or dealers in firearms to sell, exchange, give, or dispose of, other than to return to the manufacturer or distributor of origin, any 50-caliber weapon the fifth day after this act shall have become a law.

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