

Shooters Committee on Political Education

Position Paper



A 3485 Lentol (MS)

No same as

Amends the definition of a disguised gun to include guns intended to appear as toys.

PURPOSE

This bill is intended to expand the penal law definition of a “disguised gun” to include pistols, rifles, shotguns, and machine guns designed intended to appear as toys.

POSITION

We support the purpose of this proposal. However, we cannot support the text of current proposal. It should be amended prior to adoption.

The proffered wording suffers from “definitional distress.” It consists of one long sentence that conflicts with itself and is so vague as to include virtually any refinished or engraved rifle, pistol, or shotgun. Presumably, the sponsor intended to include revolvers but used “pistol” instead of the fully inclusive term “firearm.”

Many firearms, rifles, and shotguns, after leaving the manufacturer, are highly decorated and have glossy, colored surfaces. This is done without any intention to conceal their functionality and their original design remains clear.

The current definition of “disguised gun” only applies to weapons capable of being concealed on the person. The definition should include any weapon disguised to look like something else, especially toy guns.

It is suggested that the current text be amended as follows:

PL265.00(20)

“Disguised gun” means any weapon or device ~~capable of being concealed on the person~~ from which a shot can be discharged through the energy of an explosive and is designed and intended to appear to be either (a) something other than a ~~gun~~ firearm, rifle, or shotgun; or (b) a toy firearm, rifle, or shotgun. Disguised gun does not include a device defined as an “antique weapon” in 27 CFR §478.11.

Many of these weapons were manufactured in the 18th and 19th centuries and are collectable antiques. The exclusion for antique weapons would permit pieces of historical interest to be retained but not carried or used as weapons. We do not believe that this would impede the effectiveness of this legislation with respect to its intended purpose.