



## Division of Criminal Justice Services

As signed by Governor Kathy Hochul on June 6, 2022, Chapter 209 of the Laws of 2022 requires the Division of Criminal Justice Services and the Division of State Police to promote public awareness of upcoming changes to the Penal Law regarding large capacity ammunition feeding devices. Please be advised that the below changes will take effect on July 6, 2022, and September 4, 2022.

Effective July 6, 2022, two definitions in the Penal Law are amended. The definition of “assault weapon<sup>1</sup>” has been changed, removing language related to a “large capacity ammunition feeding device” legally possessed prior to January 2013. The definition of “large capacity ammunition device<sup>2</sup>” has also been changed, removing language related to the number of rounds allowable, and the time when the device was obtained.

Effective September 4, 2022, Penal Law Section 265.02(8) (criminal possession of a weapon in the third degree), a class D felony, was amended to remove language that allowed for the possession of certain large capacity ammunition feeding devices obtained prior to January 2013. Also effective September 4, 2022, Penal Law Section 265.36 (unlawful possession of a large capacity ammunition feeding device), a class A misdemeanor, is repealed.

The repeal of the misdemeanor-level offense and the changes to criminal possession of a weapon in the third degree<sup>3</sup> and associated definitions, now provide that any ammunition feeding device that will accept, or can be readily restored or converted to accept, more than 10 rounds of ammunition, is a class D felony offense in all cases.

To avoid potential criminal liability, any individual in the state currently in possession of such a large capacity magazine should prepare to surrender or voluntarily deliver such device to a law enforcement agency or a Federal Firearms Licensee (FFL) pursuant to Sections 265.20 and 400.05 of the Penal Law by the effective dates noted here. The Division of Criminal Justice Services, in consultation with the Division of State Police, will continue to provide guidance regarding these statutory changes.

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<sup>1</sup> Penal Law §265.00(22)(h)

<sup>2</sup> Penal Law §265.00(23)

<sup>3</sup> Penal Law §265.08(8)