

§ 871. Definitions

1. "Firearm" as used in this section shall have the same meaning as that term is defined by subdivision three of section 265.00 of the penal law and shall include machine guns, rifles and shotguns as those terms are defined by subdivisions one, eleven and twelve, respectively, of section 265.00 of the penal law.

2. "Imitation weapon" means any device or object made of plastic, wood, metal or any other material which substantially duplicates or can reasonably be perceived to be an actual firearm, air rifle, pellet gun, or "B-B" gun; unless such imitation weapon:

(a) is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple on the entire exterior surface or as the predominant color in combination with other colors in any pattern; or

(b) is constructed entirely of transparent or translucent materials which permits unmistakable observation of the imitation or toy firearm's complete contents;

(c) has a barrel that is closed for a distance of not less than one-half inch from the front-end of its barrel with the same material of which the imitation weapon is made, unless it is a water gun;

(d) has legibly stamped thereon, the name of the manufacturer or some trade name, mark or brand by which the manufacturer can be readily identified; and

(e) does not have attached thereto a laser pointer, defined for the purpose of this section as any device that emits light amplified by the stimulated emission of radiation that is visible to the human eye. "Imitation weapon" does not include any nonfiring replica of an antique firearm, the original of which was designed, manufactured and produced prior to eighteen hundred ninety-eight.

History:

Amended by New York Laws 2022, ch. 501, Sec. 1, eff. 11/14/2022.