

McKinney's Consolidated Laws of New York Annotated
Penal Law (Refs & Annos)
Chapter 40. Of the Consolidated Laws (Refs & Annos)
Part Three. Specific Offenses
Title P. Offenses Against Public Safety
Article 265. Firearms and Other Dangerous Weapons (Refs & Annos)

McKinney's Penal Law § 265.01

§ 265.01 Criminal possession of a weapon in the fourth degree

Effective: March 16, 2013

[Currentness](#)

A person is guilty of criminal possession of a weapon in the fourth degree when:

(1) He or she possesses any firearm, electronic dart gun, electronic stun gun, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken or “Kung Fu star”; or

(2) He possesses any dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or

(3) ;¹ or

(4) He possesses a rifle, shotgun, antique firearm, black powder rifle, black powder shotgun, or any muzzle-loading firearm, and has been convicted of a felony or serious offense; or

(5) He possesses any dangerous or deadly weapon and is not a citizen of the United States; or

(6) He is a person who has been certified not suitable to possess a rifle or shotgun, as defined in [subdivision sixteen of section 265.00](#), and refuses to yield possession of such rifle or shotgun upon the demand of a police officer. Whenever a person is certified not suitable to possess a rifle or shotgun, a member of the police department to which such certification is made, or of the state police, shall forthwith seize any rifle or shotgun possessed by such person. A rifle or shotgun seized as herein provided shall not be destroyed, but shall be delivered to the headquarters of such police department, or state police, and there retained until the aforesaid certificate has been rescinded by the director or physician in charge, or other disposition of such rifle or shotgun has been ordered or authorized by a court of competent jurisdiction.

(7) He knowingly possesses a bullet containing an explosive substance designed to detonate upon impact.

(8) He possesses any armor piercing ammunition with intent to use the same unlawfully against another.

Criminal possession of a weapon in the fourth degree is a class A misdemeanor.

Credits

(Added L.1974, c. 1041, § 3. Amended L.1976, c. 217, § 2; L.1981, c. 807, § 1; L.1982, c. 840, § 1; L.1983, c. 621, § 1; L.1985, c. 61, § 2; L.1986, c. 328, § 3; L.1986, c. 646, § 2; L.1988, c. 220, §§ 1, 2; L.1990, c. 264, § 2; L.1995, c. 219, § 3; L.2006, c. 199, § 1, eff. Nov. 1, 2006; L.2008, c. 257, § 4, eff. Nov. 1, 2008; L.2011, c. 357, § 1, eff. Jan. 30, 2012; L.2013, c. 1, § 40, eff. March 16, 2013.)

Editors' Notes

SUPPLEMENTARY PRACTICE COMMENTARY

by William C. Donnino

See Supplementary Practice Commentary at the end of [Penal Law § 265.00](#).

PRACTICE COMMENTARY

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[Notes of Decisions \(275\)](#)

Footnotes

1 So in original.

McKinney's Penal Law § 265.01, NY PENAL § 265.01

Current through L.2014, chapters 1 to 504, 506 to 508, 510 to 523, 525 to 533.