

CRIMINAL SALE OF A SEMIAUTOMATIC RIFLE
Penal Law § 265.66
(Committed on or after October 4, 2022)

The (specify) count is Criminal Sale of a Semiautomatic Rifle.

Under our law, a person is guilty of Criminal Sale of a Semiautomatic Rifle when knowing or having reason to know it is a semiautomatic rifle, that person sells, exchanges, gives or disposes of a semiautomatic rifle to another individual and such other individual does not possess a license to purchase or take possession of a semiautomatic rifle.¹

The following terms used in that definition have a special meaning:

SEMIAUTOMATIC RIFLE means any repeating rifle . . . regardless of barrel or overall length, which utilizes a portion of the energy of a firing cartridge or shell to extract the fired cartridge case or spent shell and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge or shell." ²

DISPOSES OF means to dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.³

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, each of the following three elements:

¹ At this point, the statute continues: "as provided in" Penal Law § 400.00(2). The word "individual" has been substituted for the statutory word "person" in order to distinguish between the "person" who is liable for the offense and the "person" to whom the semiautomatic rifle is transferred.

² Penal Law § 265.00(21). The omitted words between "rifle" and "regardless" are: "shotgun or pistol."

³ Penal Law § 265.00(6).

1. That on or about (date), in the County of (County), the defendant, (defendant's name)⁴ sold, exchanged, gave, or disposed of a semiautomatic rifle to another individual (if known: specify name of the individual);
2. That the defendant did so knowing or having reason to know that it was a semiautomatic rifle; and
3. That the other individual (if known: specify name of the individual) did not possess a license to purchase or take possession of a semiautomatic rifle.

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.

⁴ When the defendant is charged in whole or in part as an accomplice, Court will add: Apersonally, or by acting in concert with another person.@ See Accomplice charge.