

**ADDITIONAL DEFINITIONS OF FIREARM
PENAL LAW 265.00 (3)**

A FIREARM means:

Select appropriate alternative:

a shotgun having one or more barrels less than eighteen (18) inches in length.

a rifle having one or more barrels less than sixteen (16) inches in length.

any weapon made from a shotgun or rifle whether by alteration, modification or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six (26) inches.

an assault weapon ¹

NOTE: If the weapon is “not otherwise defined in this section” [i.e. Penal Law § 265.03(3)]:²

any . . . weapon . . . containing any component that provides housing or a structure designed to hold or integrate any fire control component that is designed to or may readily be converted to expel a projectile by action of explosive.

Add if barrel length is in issue:

The length of the barrel on a shotgun [**or** rifle] is the distance between the muzzle and the face of the bolt, breech, or breechlock when closed and when the shotgun [**or** rifle] is cocked.]

Add if overall length is in issue:

The overall length of a weapon made from a shotgun [or rifle] is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore.

Add if antique firearm is in issue:

A firearm does not include an antique firearm. An ANTIQUE FIREARM means any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.³

¹ “Assault weapon” is defined in Penal Law § 265.00 (22) (added by L 2000, ch. 189 § 10, effective November 1, 2000; amended by L 2013, ch. 1, § 37, effective March 16, 2013.) The applicable portions of that definition should be inserted.

² Added by L. 2022, ch. 211, effective July 6, 2022.

The full statutory language, with the words omitted in the instruction underlined, reads as follows (with emphasis added):

“any other weapon that is not otherwise defined in this section containing any component that provides housing or a structure designed to hold or integrate any fire control component that is designed to or may readily be converted to expel a projectile by action of explosive.”

The language “designed to or may readily be converted to expel a projectile by action of explosive” was drawn from a federal statute and federal circuit courts have interpreted the language not to require that the weapon be operable. *United States v Dotson*, 712 F3d 369, 370-72 [7th Cir 2013].

³ See Penal Law § 265.00 (3) (firearm) and § 265.00 (14) (antique firearm).