

REVISED

Guide to

The New York Safe Act

for

Members of the Division of State Police



Prepared by

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New York State Police

3. Certain Tubular Devices / Curios and Relic Exemptions

Possession of an ammunition feeding device that has a capacity of more than 10 rounds is still legal under the Safe Act if:

- a. It is an attached **tubular device** designed to accept, and capable of operating only with .22 caliber rimfire ammunition; or,
- b. It qualifies as a **curio or relic**. In order for a magazine to be a curio or relic it must:
 - i. Have been manufactured at least 50 years prior to the current date; and,
 - ii. Is capable of being used exclusively in a weapon that was manufactured at least 50 years prior to the current date; and,
 - iii. The possessor is not prohibited from possessing a firearm; and,
 - iv. The magazine is registered with the State Police

Curios and relics may still be legally purchased and brought into the State but they must be registered within 30 days of their transfer into New York. The restrictions on transfers, applicable to Assault Weapons, do not apply to relics or curios.

4. Possessing a magazine loaded with more than 7 rounds / New PL section 265.37

New PL section 265.37 had made it a crime to load any magazine with more than 7 rounds of ammunition, regardless of the capacity of the magazine. On December 31st, the United States District Court for the Western District of New York issued a decision as a result of challenges to various provisions of the New York Safe Act. While the federal district court upheld most of its provisions, the Court held that this section, "Unlawful Possession of Certain Ammunition Feeding Devices," was unconstitutional. As a result of the Court's decision members are instructed not to enforce PL 265.37 at this time.

EFFECT ON POLICE (Magazine Laws)

A. Police exemptions

Police officers remain exempt from the provisions of 265.02 and may continue to possess large capacity ammunition feeding devices for as long as they are serving police officers. In addition, a new exemption has been created to exempt police officers from the provisions of PL 265.36 (unlawful possession of a pre-94 magazine).

B. Visiting police officers from other states

Police officers from other states who are conducting business within New York have been exempt from the laws relating to the possession of firearms and magazines under PL 265.20 (11). This exemption also covers the new crimes and offenses created by the Safe Act.

C. Retired police exemption

For a discussion of the retired police exemption, see page 5.