

**DEFINITION OF FIREARM
AS OTHER THAN A PISTOL OR REVOLVER
PENAL LAW § 265.00(3)**

NOTE: If the definition of firearm as other than a pistol or revolver is in issue, then substitute the following for the definition of firearm in the existing charges:

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.

(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.)¹

¹ See Penal Law § 265.00(3)(firearm) and 265.00(14)(antique firearm).