

**CRIMINAL POSSESSION OF A RAPID-FIRE
MODIFICATION DEVICE**
Penal Law § 265.01-c
(Committed on or after Nov. 26, 2019)

The (*specify*) count is Criminal Possession of a Rapid-fire Modification Device.

Under our law, a person is guilty of Criminal Possession of a Rapid-fire Modification Device when he or she knowingly possesses any rapid-fire modification device.

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

RAPID-FIRE MODIFICATION DEVICE means any

Select appropriate alternative:

bump stock,
trigger crank,
binary trigger system,
burst trigger system,

[or] any [other] device that is designed to accelerate the rate of fire of a semi-automatic firearm, rifle or shotgun.

Select as appropriate:

BUMP STOCK means any device or instrument that increases the rate of fire achievable with a semi-automatic firearm, rifle or shotgun by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger.

TRIGGER CRANK means any device or instrument that repeatedly activates the trigger of a semi-automatic firearm, rifle

or shotgun through the use of a lever or other part that is turned in a circular motion and thereby accelerates the rate of fire of such firearm, rifle or shotgun, provided, however, that "trigger crank" shall not include any weapon initially designed and manufactured to fire through the use of a crank or lever.

BINARY TRIGGER SYSTEM means any device that, when installed in or attached to a semi-automatic firearm rifle, or shotgun causes that weapon to fire once when the trigger is pulled and again when the trigger is released.

BURST TRIGGER SYSTEM means any device that, when installed in or attached to a semi-automatic firearm, rifle, or shotgun, allows that weapon to discharge two or more shots with a single pull or the trigger by altering the trigger reset.

POSSESS means to have physical possession or otherwise to exercise dominion or control over tangible property.¹

A person **KNOWINGLY** possesses a rapid-fire modification device when that person is aware that he or she possesses a rapid-fire modification device.²

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 two elements:

1. That on or about (date), in the County of (County), the

¹ Penal Law § 10.00(8). If necessary, an expanded definition of "possession" is available in the section on Instructions of General Applicability under Possession.

² See Penal Law § 15.05(2). If necessary, an expanded definition of "knowingly" is available in the section on Instructions of General Applicability under Culpable Mental States.

defendant, (defendant's name)³ possessed a rapid-fire modification device; and

2. That the defendant did so knowingly.

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

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

³ When the defendant is charged in whole or in part as an accomplice, Court will add: “personally, or by acting in concert with another person.” See Accomplice charge.