

**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, as applicable, 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

an assault weapon.¹

[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

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.

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.]²

² See Penal Law § 265.00 (3) (firearm) and § 265.00 (14) (antique firearm).