S T A T E O F N E W Y O R K

308

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to exempting wholesale distributors from complying with the provisions of the pistol and revolver ballistic identification databank

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 1, 3, 4 and 5 of section 396-ff of the general business law, as added by chapter 189 of the laws of 2000, are amended to read as follows:

(1) For the purposes of this section, the following terms shall have the following meanings:

(a) "Manufacturer" means any person, firm or corporation possessing a valid federal license that permits such person, firm or corporation to engage in the business of manufacturing pistols or revolvers or ammunition therefor for the purpose of sale or distribution.

(b) "Shell casing" means that part of ammunition capable of being used in a pistol or revolver that contains the primer and propellant powder to discharge the bullet or projectile.

(C) "WHOLESALE DISTRIBUTOR" MEANS ANY PERSON, FIRM OR CORPORATION POSSESSING VALID FEDERAL AND STATE LICENSES THAT PERMITS SUCH PERSON, FIRM OR CORPORATION TO ENGAGE IN THE BUSINESS OF SELLING OR DISTRIBUTING PISTOLS OR REVOLVERS OR AMMUNITION AND SUCH PERSON, FIRM OR CORPORATION SELLS OR DISTRIBUTES PISTOLS, REVOLVERS OR AMMUNITION ONLY TO LICENSED DEALERS, LAW ENFORCEMENT OR GOVERNMENT AGENCIES.

(3) A gunsmith or dealer in firearms licensed in this state, EXCEPT FOR A WHOLESALE DISTRIBUTOR, shall, within ten days of the receipt of any pistol or revolver from a manufacturer that fails to comply with the provisions of this section, either (a) return such pistol or revolver to such manufacturer, or (b) notify the division of state police of such

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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noncompliance and thereafter obtain a substitute sealed container through participation in a program operated by the state police as provided in subdivision four of this section.

(4) The division of state police shall no later than October first, two thousand, promulgate rules and regulations for the operation of a program which provides a gunsmith or a dealer in firearms licensed in this state, EXCEPT FOR A WHOLESALE DISTRIBUTOR, with a sealed container enclosing the items specified in subdivision two of this section. The program shall at a minimum:

(a) be operational by January first, two thousand one;

(b) operate in at least five regional locations within the state; and

(c) specify procedures by which such gunsmith or dealer is to deliver a pistol or revolver to the regional program location closest to his or her place of business for testing and prompt return of such pistol or revolver.

(5) On and after March first, two thousand one, a gunsmith or dealer in firearms licensed in this state, EXCEPT FOR A WHOLESALE DISTRIBUTOR, shall, within ten days of delivering to any person a pistol or revolver received by such gunsmith or dealer in firearms on or after such date, forward to the division of state police, along with the original transaction report required by subdivision twelve of section 400.00 of the penal law, the sealed container enclosing the shell casing from such pistol or revolver either (a) received from the manufacturer, or (b) obtained through participation in the program operated by the division of state police in accordance with subdivision four of this section.

S 2. This act shall take effect immediately.