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

1084

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. HOYT, J. RIVERA, TOWNSEND, PEOPLES, MARKEY, EDDINGTON, LAVINE -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, BROOK-KRASNY, COOK, DIAZ, GLICK, GOTTFRIED, JOHN, KOON, V. LOPEZ, PHEFFER, ROSENTHAL, TOWNS, WEISENBERG -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general business law, in relation to the exchange of firearms, rifles and shotguns by second-hand dealers

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

Section 1. The general business law is amended by adding a new section 392-j to read as follows:

S 392-J. SECOND-HAND DEALERS; PROHIBITION ON EXCHANGE OF FIREARMS, RIFLES OR SHOTGUNS. 1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "SECOND-HAND DEALERS" SHALL MEAN ANY PERSON, FIRM, PARTNERSHIP, CORPORATION OR ASSOCIATION WHO, EITHER WHOLLY OR IN PART, ENGAGES IN OR OPERATES THE TRADE OR BUSINESS OF BUYING, SELLING, TRADING, BARTERING OR EXCHANGING SECOND-HAND PERSONAL ITEMS.

(B) "FIREARM" HAS THE SAME MEANING AS THAT TERM IS DEFINED IN 18 U.S.C. 921(A)(3), BUT SHALL NOT INCLUDE AN "ANTIQUE FIREARM" AS THAT TERM IS DEFINED IN 18 U.S.C. 921(A)(16).

(C) "RIFLE" HAS THE SAME MEANING AS THAT TERM IS DEFINED IN 18 U.S.C. 921(A)(7).

(D) "SHOTGUN" HAS THE SAME MEANING AS THAT TERM IS DEFINED IN 18 U.S.C. 921(A)(5).

2. SECOND-HAND DEALERS ARE PROHIBITED FROM BUYING, SELLING, TRADING, BARTERING OR EXCHANGING FIREARMS, RIFLES OR SHOTGUNS.

3. VIOLATION OF THIS SECTION SHALL BE PUNISHABLE BY A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS FOR THE FIRST OFFENSE, NOT MORE THAN

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

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TWO HUNDRED FIFTY DOLLARS FOR THE SECOND OFFENSE AND NOT MORE THAN FIVE HUNDRED DOLLARS FOR ANY SUBSEQUENT OFFENSE.

4. NOTHING IN THIS SECTION SHALL APPLY TO FIREARM DEALERS LICENSED UNDER FEDERAL LAW.

S 2. This act shall take effect immediately.