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

2145

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. ENGLEBRIGHT, ESPAILLAT, EDDINGTON, KOON, DINOWITZ, ORTIZ -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, CARROZZA, COLTON, CYMBROWITZ, GALEF, GOTTFRIED, MAYERSOHN, McENENY, MILLMAN, PHEFFER, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to labeling of certain shipments of firearms, rifles and shotguns and reporting certain information

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

Section 1. Paragraph 9 of subdivision a of section 265.20 of the penal law, as amended by chapter 1041 of the laws of 1974, is amended to read as follows:

9. The regular and ordinary transport of firearms as merchandise, provided that the person transporting such firearms, where he OR SHE knows or has reasonable means of ascertaining what he OR SHE is transporting, CARRIES IN HIS OR HER POSSESSION A MANIFEST WHICH CLEARLY AND CONSPICUOUSLY SHOWS THE NAME AND ADDRESS OF THE SHIPPER, THE SHIPPING NUMBER, MAKE, MODEL AND MANUFACTURER'S NAME OF EACH FIREARM, THE SERIAL NUMBER FOR EACH FIREARM SOLD OR EXCHANGED ON THE INTERNET AND INFORMATION IDENTIFYING THE INTERNET WEBSITE OF THE SELLER OF SUCH FIREARM, AND THE NAME AND ADDRESS OF THE CONSIGNEE AND THE PLACE OF DELIVERY, AND HE OR SHE notifies in writing the police commissioner, police chief or other law enforcement officer performing such functions at the place of delivery AND THE SUPERINTENDENT OF STATE POLICE, of the name and address of the SHIPPER AND consignee [and], the place of delivery, THE SHIPPING NUMBER, MAKE, MODEL AND MANUFACTURER'S NAME OF EACH FIREARM, THE SERIAL NUMBER FOR EACH FIREARM SOLD OR EXCHANGED ON THE INTERNET AND INFORMATION IDENTIFYING THE INTERNET WEBSITE OF THE SELLER OF SUCH FIREARM, and withholds delivery to the consignee for such reasonable period of time designated in writing by such police commissioner, police chief or other

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

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law enforcement officer AND THE SUPERINTENDENT OF STATE POLICE as such official may deem necessary for investigation as to whether the consignee may lawfully receive and possess such firearms. THE PERSON TRANSPORTING SUCH FIREARMS SHALL PRODUCE SUCH MANIFEST FOR INSPECTION AT THE REQUEST OF A PEACE OFFICER, ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES, A POLICE OFFICER OR ANY OTHER PERSON AUTHORIZED BY LAW TO INQUIRE INTO OR INVESTIGATE THE TRANSPORTATION OF FIREARMS.

S 2. The penal law is amended by adding a new section 265.45 to read as follows:

S 265.45 TRANSPORTATION OF RIFLES OR SHOTGUNS; MANIFEST AND REPORTING REQUIRED.

EVERY PERSON TRANSPORTING RIFLES OR SHOTGUNS AS MERCHANDISE INTO OR WITHIN ANY JURISDICTION IN THIS STATE WHICH REQUIRES A PERMIT OR LICENSE TO PURCHASE, CARRY OR POSSESS A RIFLE OR SHOTGUN:

1. SHALL NOT ACCEPT FOR SUCH TRANSPORT ANY RIFLES OR SHOTGUNS AS MERCHANDISE WHERE HE OR SHE KNOWS OR HAS REASONABLE MEANS OF ASCERTAINING WHAT HE OR SHE IS TRANSPORTING, UNLESS HE OR SHE CARRIES IN HIS OR HER POSSESSION A MANIFEST WHICH CLEARLY AND CONSPICUOUSLY SHOWS THE NAME AND ADDRESS OF THE SHIPPER, THE SHIPPING NUMBER, MAKE, MODEL AND MANUFACTURER'S NAME OF EACH RIFLE OR SHOTGUN, THE SERIAL NUMBER FOR EACH RIFLE OR SHOTGUN SOLD OR EXCHANGED ON THE INTERNET AND INFORMATION IDENTIFYING THE INTERNET WEBSITE OF THE SELLER OF SUCH RIFLE OR SHOTGUN, AND THE NAME AND ADDRESS OF THE CONSIGNEE AND THE PLACE OF DELIVERY, AND HE OR SHE NOTIFIES IN WRITING THE POLICE COMMISSIONER, POLICE CHIEF OR OTHER LAW ENFORCEMENT OFFICER PERFORMING SUCH FUNCTIONS AT THE PLACE OF DELIVERY AND THE SUPERINTENDENT OF STATE POLICE, OF THE NAME AND ADDRESS OF THE SHIPPER AND CONSIGNEE, THE PLACE OF DELIVERY, THE SHIPPING NUMBER, MAKE, MODEL AND MANUFACTURER'S NAME OF EACH RIFLE OR SHOTGUN, THE SERIAL NUMBER FOR EACH RIFLE OR SHOTGUN SOLD OR EXCHANGED ON THE INTERNET AND INFORMATION IDENTIFYING THE INTERNET WEBSITE OF THE SELLER OF SUCH RIFLE OR SHOTGUN;

2. SHALL WITHHOLD DELIVERY TO THE CONSIGNEE FOR SUCH REASONABLE PERIOD OF TIME DESIGNATED IN WRITING BY SUCH POLICE COMMISSIONER, POLICE CHIEF OR OTHER LAW ENFORCEMENT OFFICER AND THE SUPERINTENDENT OF STATE POLICE AS SUCH OFFICIAL MAY DEEM NECESSARY FOR INVESTIGATION AS TO WHETHER THE CONSIGNEE MAY LAWFULLY RECEIVE AND POSSESS SUCH RIFLES OR SHOTGUNS; AND

3. SHALL PRODUCE SUCH MANIFEST FOR INSPECTION AT THE REQUEST OF A PEACE OFFICER, ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES, A POLICE OFFICER OR ANY OTHER PERSON AUTHORIZED BY LAW TO INQUIRE INTO OR INVESTIGATE THE TRANSPORTATION OF RIFLES OR SHOTGUNS.

A KNOWING VIOLATION OF THIS SECTION IS A CLASS E FELONY.

S 3. Section 265.00 of the penal law is amended by adding a new subdivision 24 to read as follows:

24. "INTERNET" MEANS THE COMBINATION OF COMPUTER FACILITIES AND ELECTROMAGNETIC TRANSMISSION MEDIA, AND RELATED EQUIPMENT AND SOFTWARE, COMPRISING THE INTERCONNECTED WORLDWIDE NETWORK OF COMPUTER NETWORKS THAT EMPLOY THE TRANSMISSION CONTROL PROTOCOL/INTERNET PROTOCOL OR ANY SUCCESSOR PROTOCOL TO TRANSMIT INFORMATION.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.