

1467

2011-2012 Regular Sessions

I N   S E N A T E

January 7, 2011

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Introduced by Sen. PARKER -- 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 a firearm ballistic identification databank

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

- 1     Section 1. Section 396-ff of the general business law, as added by  
2 chapter 189 of the laws of 2000, is amended to read as follows:  
3     S 396-ff. [Pistol and revolver] FIREARM ballistic identification data-  
4 bank. (1) For the purposes of this section, the following terms shall  
5 have the following meanings:  
6     (a) "Manufacturer" means any person, firm or corporation possessing a  
7 valid federal license that permits such person, firm or corporation to  
8 engage in the business of manufacturing [pistols or revolvers] FIREARMS  
9 or ammunition therefor for the purpose of sale or distribution.  
10    (b) "Shell casing" means that part of ammunition capable of being used  
11 in a [pistol or revolver] FIREARM that contains the primer and propel-  
12 lant powder to discharge the bullet or projectile.  
13    (C) "FIREARM" MEANS A PISTOL, REVOLVER, OR ASSAULT WEAPON AS DEFINED  
14 IN SECTION 265.00 OF THE PENAL LAW, RIFLE, OR OTHER LONG-BARRELED WEAP-  
15 ON.  
16    (2) [On and after March first, two thousand one, any] ANY manufacturer  
17 that ships, transports or delivers a [pistol or revolver] FIREARM to any  
18 person in this state shall, in accordance with rules and regulations  
19 promulgated by the division of state police, include in the container  
20 with such [pistol or revolver] FIREARM a separate sealed container that  
21 encloses:  
22    (a) a shell casing of a bullet or projectile discharged from such  
23 [pistol or revolver] FIREARM; and  
24    (b) any additional information that identifies such [pistol or revol-  
25 ver] FIREARM and shell casing as required by such rules and regulations.

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

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1 (3) A gunsmith or dealer in firearms licensed in this state shall,  
2 within ten days of the receipt of any [pistol or revolver] FIREARM from  
3 a manufacturer that fails to comply with the provisions of this section,  
4 either (a) return such [pistol or revolver] FIREARM to such manufactur-  
5 er, or (b) notify the division of state police of such noncompliance and  
6 thereafter obtain a substitute sealed container through participation in  
7 a program operated by the state police as provided in subdivision four  
8 of this section.

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

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

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

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

20 (5) [On and after March first, two thousand one, a] A gunsmith or  
21 dealer in firearms licensed in this state shall, within ten days of  
22 delivering to any person a [pistol or revolver] FIREARM received by such  
23 gunsmith or dealer in firearms [on or after such date], forward to the  
24 division of state police, along with the original transaction report  
25 required by subdivision twelve of section 400.00 of the penal law, the  
26 sealed container enclosing the shell casing from such [pistol or revol-  
27 ver] FIREARM either (a) received from the manufacturer, or (b) obtained  
28 through participation in the program operated by the division of state  
29 police in accordance with subdivision four of this section.

30 (6) Upon receipt of the sealed container, the division of state police  
31 shall cause to be entered in an automated electronic databank pertinent  
32 data and other ballistic information relevant to identification of the  
33 shell casing and to the [pistol or revolver] FIREARM from which it was  
34 discharged. The automated electronic databank will be operated and  
35 maintained by the division of state police, in accordance with its rules  
36 and regulations adopted after consultation with the Federal Bureau of  
37 Investigation and the United States Department of Treasury, Bureau of  
38 Alcohol, Tobacco and Firearms to ensure compatibility with national  
39 ballistic technology.

40 (7) Any person, firm or corporation who knowingly violates any of the  
41 provisions of this section shall be guilty of a violation, punishable as  
42 provided in the penal law. Any person, firm or corporation who knowingly  
43 violates any of the provisions of this section after having been previ-  
44 ously convicted of a violation of this section shall be guilty of a  
45 class A misdemeanor, punishable as provided in the penal law.

46 S 2. This act shall take effect on the sixtieth day after it shall  
47 have become a law.