

7587

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 23, 2013

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Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to a ban on undetectable firearms, undetectable firearm receivers and undetectable ammunition magazines

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

1     Section 1. Short title. This act shall be known as the "undetectable  
2 firearms act".  
3     S 2. Findings. The legislature finds that:  
4     (1) Federal Bureau of Investigation data shows that more than fifty-  
5 seven percent of the murders that occurred in New York state in 2011  
6 were perpetrated with a firearm;  
7     (2) digital manufacturing technologies, including computer numerical  
8 control mills, 3-dimensional printers and laser cutting machines are  
9 quickly advancing so that they may soon be used to fabricate fully oper-  
10 ational firearm components; and  
11     (3) some commercially available digital manufacturing technologies can  
12 manufacture these components using materials that cannot be detected by  
13 traditional metal detectors or x-ray imaging machines.  
14     S 3. The penal law is amended by adding a new section 265.50 to read  
15 as follows:  
16 S 265.50 BAN ON UNDETECTABLE FIREARMS, UNDETECTABLE FIREARM RECEIVERS  
17 AND UNDETECTABLE AMMUNITION MAGAZINES.  
18     1. IT SHALL BE UNLAWFUL FOR ANY PERSON TO KNOWINGLY MANUFACTURE,  
19 IMPORT, SELL, SHIP, DELIVER, TRANSFER, RECEIVE OR POSSESS:  
20     (A) ANY FIREARM:  
21     (I) THAT, AFTER REMOVAL OF GRIPS, STOCKS AND MAGAZINES, IS NOT DETECT-  
22 ABLE BY WALK-THROUGH METAL DETECTORS; OR

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

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1 (II) ANY MAJOR COMPONENT OF WHICH DOES NOT GENERATE AN IMAGE THAT  
2 ACCURATELY DEPICTS THE SHAPE OF THE COMPONENT WHEN SUBJECTED TO  
3 INSPECTION BY THE TYPES OF X-RAY MACHINES COMMONLY USED AT AIRPORTS; OR

4 (B) ANY RECEIVER FOR A RIFLE OR HANDGUN MANUFACTURED BY A PERSON WHO  
5 IS NOT A LICENSED MANUFACTURER:

6 (I) THAT IS NOT DETECTABLE AS A RIFLE OR HANDGUN BY WALK-THROUGH METAL  
7 DETECTORS; OR

8 (II) WHICH DOES NOT GENERATE AN IMAGE THAT ACCURATELY DEPICTS THE  
9 SHAPE OF THE RECEIVER WHEN SUBJECTED TO INSPECTION BY THE TYPES OF X-RAY  
10 MACHINES COMMONLY USED AT AIRPORTS; OR

11 (C) ANY AMMUNITION MAGAZINE MANUFACTURED BY A PERSON WHO IS NOT A  
12 LICENSED MANUFACTURER:

13 (I) THAT, AFTER REMOVAL OF THE SPRING AND FOLLOWER, IS NOT DETECTABLE  
14 BY WALK-THROUGH METAL DETECTORS; OR

15 (II) WHICH DOES NOT GENERATE AN IMAGE THAT ACCURATELY DEPICTS THE  
16 SHAPE OF THE MAGAZINE WHEN SUBJECTED TO INSPECTION BY THE TYPES OF X-RAY  
17 MACHINES COMMONLY USED AT AIRPORTS.

18 2. FOR THE PURPOSES OF THIS SECTION:

19 (A) THE TERM "FIREARM" DOES NOT INCLUDE THE FRAME OR RECEIVER OF ANY  
20 SUCH WEAPON; AND

21 (B) THE TERM "MAJOR COMPONENT" OF A FIREARM MEANS THE BARREL, THE  
22 SLIDE OR CYLINDER, OR THE FRAME OR RECEIVER OF THE FIREARM.

23 3. THIS SECTION SHALL NOT APPLY TO ANY FIREARM WHICH HAS BEEN CERTI-  
24 FIED BY AN AGENCY OF THE UNITED STATES AS NECESSARY FOR MILITARY INTEL-  
25 LIGENCE APPLICATIONS AND IS MANUFACTURED FOR AND SOLD EXCLUSIVELY TO  
26 MILITARY OR INTELLIGENCE AGENCIES OF THE UNITED STATES.

27 4. A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE GUIL-  
28 TY OF A CLASS E FELONY.

29 S 4. The New York state police shall promulgate rules and regulations  
30 necessary for the implementation of this act.

31 S 5. This act shall take effect on the ninetieth day after it shall  
32 have become a law.