STATE OF NEW YORK

11322

IN ASSEMBLY

September 19, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Simon) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to reporting duties of law enforcement with respect to certain seized and recovered firearms and spent shell casings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The section heading of section 400.10 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:
Report of theft or loss of a firearm, rifle or shotgun**; additional reporting duties of law enforcement**.

§ 2. Subdivision 3 of section 400.10 of the penal law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. (a) Whenever a law enforcement agency seizes or recovers a firearm, rifle or shotgun, the agency shall, within twenty-four hours of seizure, enter the make, model, caliber and serial number of such firearm into the National Crime Information Center to determine whether such firearm, rifle or shotgun was reported stolen.

(b) Whenever a law enforcement agency seizes or recovers a firearm, rifle or shotgun that was unlawfully possessed, used for an unlawful purpose, recovered from the scene of a crime, is reasonably believed to have been used or associated with the commission of a crime, or is acquired by the agency as an abandoned or discarded firearm, rifle or shotgun, the agency shall, arrange for every such firearm, rifle or shotgun that is determined to be suitable for National Integrated Ballistics Identification Network data entry and examination to be test-fired as soon as may be practicable and the results of the test-firing be submitted to the National Integrated Ballistics Identification Network to determine whether the firearm, rifle or shotgun is associated or related to a crime, criminal event, or any individual associated or related to a crime or criminal event or reasonably believed to be associated or related to a crime or criminal event.

(c) Whenever a law enforcement agency recovers any spent shell casing at a crime scene or has reason to believe that the recovered spent shell

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

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casing is related to or associated with the commission of a crime or the unlawful discharge of a firearm, rifle or shotgun, the agency shall, as soon as may be practicable, submit the ballistic information to the National Integrated Ballistics Identification Network.

(d) For purposes of this subdivision, "shell casing" means that part of ammunition capable of being used in a firearm, rifle or shotgun that contains the primer and propellant powder to discharge the bullet or projectile.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.