STATE OF NEW YORK

S. 6230 A. 7847

2019-2020 Regular Sessions

SENATE - ASSEMBLY

May 24, 2019

IN SENATE -- Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. O'DONNELL -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the manufacture, assembly, possession, license and disposal of ghost guns, the establishment of the offense of unlawful dissemination of instructions for the assembly of a weapon and the sentencing for certain offenses regarding ghost guns; to amend the general business law, in relation to the suspension and revocation of certain licenses or registrations; to amend the criminal procedure law, in relation to adding the offense of unlawful dissemination of instructions for the assembly of a weapon to the list of designated offenses for the purpose of obtaining eavesdropping and video surveillance warrants; and to amend the administrative code of the city of New York, in relation to including the offense of unlawful dissemination of instructions for the assembly of a weapon in the definition of violent or serious crime

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

Section 1. Section 265.00 of the penal law is amended by adding four new subdivisions 26, 27, 28 and 29 to read as follows:

26. "Major component" means, in the case of a firearm, rifle or shotgun the slide or cylinder, or the frame or receiver, and, in the case of a shotgun, the barrel.

27. "Additive manufacturing" means a manufacturing process in which material is added in order to produce the product, including but not limited to three-dimensional printing in which layers of material are laid down in succession.

28. "Unfinished firearm frame or receiver" means a piece of any material that does not constitute the frame or receiver of a firearm, rifle

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

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or shotgun but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm, rifle or shotgun. The term shall not include a piece of material that has had its size or external shape altered to facilitate transportation or storage or has had its chemical composition altered.

29. "Ghost gun" means a firearm, rifle or shotgun that is:

(a) manufactured using additive manufacturing; or

(b) assembled from a frame or receiver that was marketed and/or sold (either separately or as part of a kit) as an unfinished firearm frame or receiver that the recipient could use to assemble a firearm, rifle or shotgun.

§ 2. Subdivision 10 of section 265.02 of the penal law, as added by chapter 1 of the laws of 2013, is amended and two new subdivisions 11 and 12 are added to read as follows:

(10) Such person possesses an unloaded firearm and also commits any violent felony offense as defined in subdivision one of section 70.02 of this chapter as part of the same criminal transaction[~~.~~]; or

(11) Such person, if not a gunsmith or dealer duly licensed pursuant to section 400.00 of this chapter, possesses a ghost gun that has not been registered with a licensing officer and engraved or permanently affixed with a serial number as provided in subdivision ten of section 265.10 of this article; or

(12) Such person possesses a firearm, rifle or shotgun manufactured or assembled as a ghost gun that does not comply with the provisions of subdivision nine of section 265.10 of this article.

§ 3. Section 265.10 of the penal law is amended by adding three new subdivisions 8, 9 and 10 to read as follows:

8. Any person, other than a gunsmith duly licensed pursuant to section 400.00 of this chapter, who assembles, manufactures, or causes to be assembled or manufactured, a firearm, rifle or shotgun is guilty of a class C felony.

9. For all firearms, rifles and shotguns manufactured, assembled, or caused to be manufactured or assembled, sold, exchanged, disposed of or possessed: (a) each major component must be detectable by a metal detector calibrated to detect 3.7 ounces of type 17-4 PH stainless steel; and (b) each major component, if subject to the types of detection devices commonly used at airports for security screening, must generate an image that adequately depicts the shape of the component. Any gunsmith who fails to comply with this subdivision shall be guilty of a class C felony.

10. All ghost guns manufactured, assembled, or caused to be manufactured or assembled by a gunsmith shall be registered with the licensing officer in the city or county where the gunsmith is located. Such licensing officer, in consultation with the division of state police, shall issue a unique serial number for each firearm, rifle or shotgun so registered. For each such ghost gun, records reflecting the identity of the manufacturing or assembling gunsmith and the serial number of the ghost gun shall be included in the statewide license and record database established pursuant to section 400.02 of this chapter. The manufacturing or assembling gunsmith shall engrave or permanently affix the serial number to the firearm, rifle or shotgun in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of shotguns pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto. Any gunsmith who fails to comply with this subdivision shall be guilty of a class C felony.

§ 4. Section 265.11 of the penal law, as amended by chapter 764 of the laws of 2005, is amended to read as follows:

§ 265.11 Criminal sale of a firearm in the third degree.

A person is guilty of criminal sale of a firearm in the third degree when:

(1) such person is not authorized pursuant to law to possess a firearm and such person unlawfully either:

[~~(1)~~] (a) sells, exchanges, gives or disposes of a firearm or large capacity ammunition feeding device to another person; or

[~~(2)~~] (b) possesses a firearm with the intent to sell it[~~.~~];

(2) such person is not a gunsmith or dealer duly licensed pursuant to section 400.00 of this chapter and such person sells, exchanges, gives or disposes of a firearm, rifle or shotgun manufactured or assembled as a ghost gun, unless such sale, exchange, gift or disposal is in compliance with all requirements under state and federal law relating to the sale, exchange, gift or disposal of firearms, rifles and shotguns and:

(a) the recipient holds a federal firearms license issued pursuant to Section 923 of Title 18 of the United States Code;

(b) the recipient is a peace officer, as described in section 2.10 of the criminal procedure law;

(c) the recipient is a federal law enforcement officer, as described in section 2.15 of the criminal procedure law; or

(d) the sale, exchange, gift, or disposal is between members of an immediate family, as defined in section eight hundred ninety-eight of the general business law; or

(3) such person sells, exchanges, gives or disposes of an unfinished firearm frame or receiver, unless:

(a) the recipient is a gunsmith duly licensed pursuant to section 400.00 of this chapter;

(b) the recipient is a peace officer, as described in section 2.10 of the criminal procedure law; or

(c) the recipient is a federal law enforcement officer, as described in section 2.15 of the criminal procedure law.

Criminal sale of a firearm in the third degree is a class D felony.

§ 5. Section 265.12 of the penal law, as amended by chapter 764 of the laws of 2005, is amended to read as follows:

§ 265.12 Criminal sale of a firearm in the second degree.

A person is guilty of criminal sale of a firearm in the second degree when such person:

(1) unlawfully sells, exchanges, gives or disposes of to another five or more firearms; [~~or~~]

(2) unlawfully sells, exchanges, gives or disposes of to another person or persons a total of five or more firearms in a period of not more than one year[~~.~~];

(3) being a gunsmith or dealer duly licensed pursuant to section 400.00 of this chapter, sells, exchanges, gives or disposes of a ghost gun that has not been registered with a licensing officer and engraved or permanently affixed with a serial number as provided in subdivision ten of section 265.10 of this article; or

(4) being a gunsmith or dealer duly licensed pursuant to section 400.00 of this chapter, sells, exchanges, gives or disposes of a firearm, rifle or shotgun manufactured or assembled as a ghost gun that does not comply with the provisions of subdivision nine or ten of section 265.10 of this article.

Criminal sale of a firearm in the second degree is a class C felony.

§ 6. The penal law is amended by adding a new section 265.38 to read as follows:

§ 265.38 Unlawful dissemination of instructions for the assembly of a weapon.

It shall be unlawful for any person to intentionally publish, over the internet or by means of the world wide web, digital instructions in the form of computer aided design files or other code that can automatically program a three-dimensional printer or similar device to produce a firearm, rifle or shotgun.

Unlawful dissemination of instructions for the assembly of a weapon is a class D felony.

§ 7. Paragraph (c) of subdivision 1, paragraph (b) and the opening paragraph of paragraph (c) of subdivision 2 of section 70.02 of the penal law, paragraph (c) of subdivision 1 as amended by chapter 368 of the laws of 2015, paragraph (b) of subdivision 2 as amended by section 122 of subpart B of part C of chapter 62 of the laws of 2011, and the opening paragraph of paragraph (c) of subdivision 2 as amended by chapter 1 of the laws of 2013, are amended to read as follows:

(c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); reckless assault of a child as defined in section 120.02, assault in the second degree as defined in section 120.05, menacing a police officer or peace officer as defined in section 120.18, stalking in the first degree, as defined in subdivision one of section 120.60, strangulation in the second degree as defined in section 121.12, rape in the second degree as defined in section 130.30, criminal sexual act in the second degree as defined in section 130.45, sexual abuse in the first degree as defined in section 130.65, course of sexual conduct against a child in the second degree as defined in section 130.80, aggravated sexual abuse in the third degree as defined in section 130.66, facilitating a sex offense with a controlled substance as defined in section 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdivision three of section 135.35, criminal possession of a weapon in the third degree as defined in subdivision five, six, seven, eight, nine or ten of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, **unlawful dissemination of instructions for the assembly of a weapon as defined in section 265.38,** intimidating a victim or witness in the second degree as defined in section 215.16, soliciting or providing support for an act of terrorism in the second degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, and aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18.

(b) Except as provided in paragraph (b-1) of this subdivision, subdivision six of section 60.05 and subdivision four of this section, the sentence imposed upon a person who stands convicted of a class D violent felony offense, other than the offense of criminal possession of a weapon in the third degree as defined in subdivision five, seven or eight of section 265.02 [~~or~~], criminal sale of a firearm in the third degree as defined in section 265.11 **or unlawful dissemination of instructions for the assembly of a weapon as defined in section 265.38**, must be in accordance with the applicable provisions of this chapter relating to sentencing for class D felonies provided, however, that where a sentence

of imprisonment is imposed which requires a commitment to the state department of corrections and community supervision, such sentence shall be a determinate sentence in accordance with paragraph (c) of subdivision three of this section.

Except as provided in subdivision six of section 60.05, the sentence imposed upon a person who stands convicted of the class D violent felony offenses of criminal possession of a weapon in the third degree as defined in subdivision five, seven, eight or nine of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11**, unlawful dissemination of instructions for the assembly of a weapon as defined in section 265.38** or the class E violent felonies of attempted criminal possession of a weapon in the third degree as defined in subdivision five, seven, eight or nine of section 265.02 must be a sentence to a determinate period of imprisonment, or, in the alternative, a definite sentence of imprisonment for a period of no less than one year, except that:

§ 8. Paragraph (a) of subdivision 1 of section 460.10 of the penal law, as amended by chapter 189 of the laws of 2018, is amended to read as follows:

(a) Any of the felonies set forth in this chapter: sections 120.05, 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relating to strangulation; sections 125.10 to 125.27 relating to homicide; sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and 135.25 relating to kidnapping; sections 135.35 and 135.37 relating to labor trafficking; section 135.65 relating to coercion; sections 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12 relating to criminal mischief; article one hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health care fraud; article one hundred sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of stolen property; sections 165.72 and 165.73 relating to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating to criminal diversion of prescription medications and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 200.56, 215.00, 215.05 and 215.19 **relating to bribery**; sections 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage fraud, sections 190.40 and 190.42 relating to criminal usury; section 190.65 relating to schemes to defraud; any felony defined in article four hundred ninety-six; sections 205.60 and 205.65 relating to hindering prosecution; sections 210.10, 210.15, and 215.51 relating to perjury and contempt; section 215.40 relating to tampering with physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60, 220.65 and 220.77 relating to controlled substances; sections 225.10 and 225.20 relating to gambling; sections 230.25, 230.30, and 230.32 relating to promoting prostitution; section 230.34 relating to sex trafficking; section 230.34-a relating to sex trafficking of a child; sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10 and 263.15 relating to promoting a sexual performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the provisions of section 265.10 which constitute a felony relating to firearms and other dangerous weapons;

sections 265.14 and 265.16 relating to criminal sale of a firearm; **section 265.38 relating to unlawful dissemination of instructions for the assembly of a weapon;** section 275.10, 275.20, 275.30, or 275.40 relating to unauthorized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

§ 9. Paragraph f of subdivision 1 of section 410 of the general business law, as amended by chapter 189 of the laws of 2018, is amended to read as follows:

f. Conviction of any of the following crimes subsequent to the issuance of a license or registration pursuant to this article: fraud pursuant to sections 170.10, 170.15, 176.15, 176.20, 176.25, 176.30 and 190.65; falsifying business records pursuant to section 175.10; grand larceny pursuant to article [~~155~~] **one hundred fifty-five**; bribery pursuant to sections 180.03, 180.08, 180.15, 180.25, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.45, 200.50; perjury pursuant to sections 210.10, 210.15, 210.40; assault pursuant to sections 120.05, 120.10, 120.11, 120.12; robbery pursuant to article [~~160~~] **one hundred sixty**; homicide pursuant to sections 125.25 and 125.27; manslaughter pursuant to sections 125.15 and 125.20; kidnapping and unlawful imprisonment pursuant to sections 135.10, 135.20 and 135.25; unlawful weapons possession pursuant to sections 265.02, 265.03 and 265.04; criminal use of a weapon pursuant to sections 265.08 and 265.09; criminal sale of a weapon pursuant to sections 265.11 and 265.12; **unlawful dissemination of instructions for the assembly of a weapon as defined in section 265.38;** compelling prostitution pursuant to section 230.33; sex trafficking pursuant to section 230.34; sex trafficking of a child pursuant to section 230.34-a; and sex offenses pursuant to article [~~130~~] **one hundred thirty** of the penal law. Provided, however, that for the purposes of this article, none of the following shall be considered criminal convictions or reported as such: (i) a conviction for which an executive pardon has been issued pursuant to the executive law; (ii) a conviction which has been vacated and replaced by a youthful offender finding pursuant to article seven hundred twenty of the criminal procedure law, or the applicable provisions of law of any other jurisdiction; or (iii) a conviction the records of which have been expunged or sealed pursuant to the applicable provisions of the laws of this state or of any other jurisdiction; and (iv) a conviction for which other evidence of successful rehabilitation to remove the disability has been issued.

§ 10. Paragraph (b) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 1 of the laws of 2019, is amended to read as follows:

(b) Any of the following felonies: assault in the second degree as defined in section 120.05 of the penal law, assault in the first degree as defined in section 120.10 of the penal law, reckless endangerment in the first degree as defined in section 120.25 of the penal law, promoting a suicide attempt as defined in section 120.30 of the penal law, strangulation in the second degree as defined in section 121.12 of the penal law, strangulation in the first degree as defined in section 121.13 of the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, manslaughter in the second degree as defined in section 125.15 of the penal law, manslaughter in the first degree as defined in section 125.20 of the penal law, murder in the second degree as defined in section 125.25 of the penal law, murder in the first degree as defined in section 125.27 of the penal law, rape in the third degree as defined in section 130.25 of the penal law, rape in the second degree as defined in section 130.30 of the penal law, rape in

the first degree as defined in section 130.35 of the penal law, criminal sexual act in the third degree as defined in section 130.40 of the penal law, criminal sexual act in the second degree as defined in section 130.45 of the penal law, criminal sexual act in the first degree as defined in section 130.50 of the penal law, sexual abuse in the first degree as defined in section 130.65 of the penal law, unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, kidnapping in the second degree as defined in section 135.20 of the penal law, kidnapping in the first degree as defined in section 135.25 of the penal law, labor trafficking as defined in section 135.35 of the penal law, aggravated labor trafficking as defined in section 135.37 of the penal law, custodial interference in the first degree as defined in section 135.50 of the penal law, coercion in the first degree as defined in section 135.65 of the penal law, criminal trespass in the first degree as defined in section 140.17 of the penal law, burglary in the third degree as defined in section 140.20 of the penal law, burglary in the second degree as defined in section 140.25 of the penal law, burglary in the first degree as defined in section 140.30 of the penal law, criminal mischief in the third degree as defined in section 145.05 of the penal law, criminal mischief in the second degree as defined in section 145.10 of the penal law, criminal mischief in the first degree as defined in section 145.12 of the penal law, criminal tampering in the first degree as defined in section 145.20 of the penal law, arson in the fourth degree as defined in section 150.05 of the penal law, arson in the third degree as defined in section 150.10 of the penal law, arson in the second degree as defined in section 150.15 of the penal law, arson in the first degree as defined in section 150.20 of the penal law, grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, grand larceny in the second degree as defined in section 155.40 of the penal law, grand larceny in the first degree as defined in section 155.42 of the penal law, health care fraud in the fourth degree as defined in section 177.10 of the penal law, health care fraud in the third degree as defined in section 177.15 of the penal law, health care fraud in the second degree as defined in section 177.20 of the penal law, health care fraud in the first degree as defined in section 177.25 of the penal law, robbery in the third degree as defined in section 160.05 of the penal law, robbery in the second degree as defined in section 160.10 of the penal law, robbery in the first degree as defined in section 160.15 of the penal law, unlawful use of secret scientific material as defined in section 165.07 of the penal law, criminal possession of stolen property in the fourth degree as defined in section 165.45 of the penal law, criminal possession of stolen property in the third degree as defined in section 165.50 of the penal law, criminal possession of stolen property in the second degree as defined by section 165.52 of the penal law, criminal possession of stolen property in the first degree as defined by section 165.54 of the penal law, trademark counterfeiting in the second degree as defined in section 165.72 of the penal law, trademark counterfeiting in the first degree as defined in section 165.73 of the penal law, forgery in the second degree as defined in section 170.10 of the penal law, forgery in the first degree as defined in section 170.15 of the penal law, criminal possession of a forged instrument in the second degree as defined in section 170.25 of the penal law, criminal possession of a forged instrument in the first degree as defined in section 170.30 of the penal law, criminal possession of forgery devices as defined in section 170.40 of the penal

law, falsifying business records in the first degree as defined in section 175.10 of the penal law, tampering with public records in the first degree as defined in section 175.25 of the penal law, offering a false instrument for filing in the first degree as defined in section 175.35 of the penal law, issuing a false certificate as defined in section 175.40 of the penal law, criminal diversion of prescription medications and prescriptions in the second degree as defined in section 178.20 of the penal law, criminal diversion of prescription medications and prescriptions in the first degree as defined in section 178.25 of the penal law, residential mortgage fraud in the fourth degree as defined in section 187.10 of the penal law, residential mortgage fraud in the third degree as defined in section 187.15 of the penal law, residential mortgage fraud in the second degree as defined in section 187.20 of the penal law, residential mortgage fraud in the first degree as defined in section 187.25 of the penal law, escape in the second degree as defined in section 205.10 of the penal law, escape in the first degree as defined in section 205.15 of the penal law, absconding from temporary release in the first degree as defined in section 205.17 of the penal law, promoting prison contraband in the first degree as defined in section 205.25 of the penal law, hindering prosecution in the second degree as defined in section 205.60 of the penal law, hindering prosecution in the first degree as defined in section 205.65 of the penal law, sex trafficking as defined in section 230.34 of the penal law, sex trafficking of a child as defined in section 230.34-a of the penal law, criminal possession of a weapon in the third degree as defined in subdivisions two, three and five of section 265.02 of the penal law, criminal possession of a weapon in the second degree as defined in section 265.03 of the penal law, criminal possession of a weapon in the first degree as defined in section 265.04 of the penal law, manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances defined as felonies in subdivisions one, two, and three of section 265.10 of the penal law, sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use of weapons as defined in subdivision two of section 265.35 of the penal law, relating to firearms and other dangerous weapons, **unlawful dissemination of instructions for the assembly of a weapon as defined in section 265.38 of the penal law,** or failure to disclose the origin of a recording in the first degree as defined in section 275.40 of the penal law;

§ 11. Subparagraph i of paragraph 7 of subdivision a of section 9-131 of the administrative code of the city of New York, as amended by chapter 189 of the laws of 2018, is amended to read as follows:

i. a felony defined in any of the following sections of the penal law: 120.01, 120.02, 120.03, 120.04, 120.04-a(4), 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55, 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, [~~125.40, 125.45,~~] 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65, 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90, 130.95, 130.96, 135.10, 135.20, 135.25, 135.35, 135.50, 135.65(2)(b), 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05, 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15, 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43, 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30, 230.32, 230.33, 230.34, 230.34-a, 235.22, 240.06, 240.55, 240.60, 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32, 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a,

265.01-b, 265.02(2) through (8), 265.03, 265.04, 265.08, 265.09, 265.10, 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19, 265.35(2), **265.38,** 270.30, 270.35, 405.16(1), 405.18, 460.22, 470.21, 470.22, 470.23, 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40, 490.45, 490.47, 490.50, or 490.55;

§ 12. Subparagraph i of paragraph 6 of subdivision a of section 14-154 of the administrative code of the city of New York, as amended by chapter 189 of the laws of 2018, is amended to read as follows:

i. a felony defined in any of the following sections of the penal law: 120.01, 120.02, 120.03, 120.04, 120.04-a(4), 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55, 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, [~~125.40, 125.45,~~] 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65, 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90, 130.95, 130.96, 135.10, 135.20, 135.25, 135.35, 135.50, 135.65(2)(b), 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05, 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15, 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43, 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30, 230.32, 230.33, 230.34, 230.34-a, 235.22, 240.06, 240.55, 240.60, 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32, 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a, 265.01-b, 265.02 (2) through (8), 265.03, 265.04, 265.08, 265.09, 265.10, 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19, 265.35(2), **265.38,** 270.30, 270.35, 405.16(l), 405.18, 460.22, 470.21, 470.22, 470.23, 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40, 490.45, 490.47, 490.50, or 490.55;

§ 13. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.