

# STATE OF NEW YORK

9945

## IN ASSEMBLY

February 27, 2020

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

AN ACT to amend the penal law, in relation to enacting the "Scott J. Beigel unfinished receiver act" in relation to unfinished frames or receivers

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

1 Section 1. This act shall be known and may be cited as the "Scott J.  
2 Beigel unfinished receiver act".

3 § 2. Section 265.00 of the penal law is amended by adding a new subdivi-  
4 sion 32 to read as follows:

5 32. "Unfinished frame or receiver" means a piece of any material that  
6 does not constitute the frame or receiver of a firearm, rifle or shotgun  
7 but that has been shaped or formed in any way for the purpose of becom-  
8 ing the frame or receiver of a firearm, rifle or shotgun, and which may  
9 readily be made into a functional frame or receiver through milling,  
10 drilling or other means. The term shall not include a piece of material  
11 that has had its size or external shape altered to facilitate transpor-  
12 tation or storage or has had its chemical composition altered.

13 § 3. Section 265.02 of the penal law is amended by adding two new  
14 subdivisions 12 and 13 to read as follows:

15 (12) Such person is not a gunsmith duly licensed pursuant to section  
16 400.00 of this chapter and possesses an unfinished frame or receiver; or

17 (13) Such person possesses a major component of a firearm, rifle, or  
18 shotgun and such person is prohibited from possessing a shotgun or rifle  
19 pursuant to:

20 (i) this article;

21 (ii) subsection (g) of section 922 of title 18 of the United States  
22 Code; or

23 (iii) a temporary or final extreme risk protection order issued under  
24 article sixty-three-A of the civil practice law and rules.

25 § 4. The penal law is amended by adding three new sections 265.63,  
26 265.64 and 265.65 to read as follows:

27 § 265.63 Criminal sale of an unfinished frame or receiver in the third  
28 degree.

29 1. Except as otherwise provided in subdivision two of this section, a  
30 person is guilty of criminal sale of an unfinished frame or receiver in

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

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1 the third degree when such person sells, exchanges, gives or disposes of  
2 an unfinished frame or receiver.

3 2. A person shall not be guilty of criminal sale of an unfinished  
4 frame or receiver in the third degree if such person:

5 (a) sells, exchanges, gives or disposes of such unfinished frame or  
6 receiver to a gunsmith duly licensed pursuant to section 400.00 of this  
7 chapter; or

8 (b) voluntarily surrenders such unfinished frame or receiver to any  
9 law enforcement official designated pursuant to subparagraph (f) of  
10 paragraph one of subdivision a of section 265.20 of this article.

11 Criminal sale of an unfinished frame or receiver in the third degree  
12 is a class E felony.

13 § 265.64 Criminal sale of an unfinished frame or receiver in the second  
14 degree.

15 1. Except as otherwise provided in subdivision two of this section, a  
16 person is guilty of criminal sale of an unfinished frame or receiver in  
17 the second degree when such person:

18 (a) sells, exchanges, gives or disposes of five or more unfinished  
19 frames or receivers; or

20 (b) sells, exchanges, gives or disposes of a total of five or more  
21 unfinished frames or receivers in a period of not more than one year.

22 2. A person shall not be guilty of criminal sale of an unfinished  
23 frame or receiver in the second degree if such person:

24 (a) sells, exchanges, gives or disposes of such unfinished frames or  
25 receivers to a gunsmith duly licensed pursuant to section 400.00 of this  
26 chapter; or

27 (b) voluntarily surrenders such unfinished frames or receivers to any  
28 law enforcement official designated pursuant to subparagraph (f) of  
29 paragraph one of subdivision a of section 265.20 of this article.

30 Criminal sale of an unfinished frame or receiver in the second degree  
31 is a class D felony.

32 § 265.65 Criminal sale of an unfinished frame or receiver in the first  
33 degree.

34 1. A person is guilty of criminal sale of an unfinished frame or  
35 receiver in the first degree when such person:

36 (a) sells, exchanges, gives or disposes of ten or more unfinished  
37 frames or receivers; or

38 (b) sells, exchanges, gives or disposes of a total of ten or more  
39 unfinished frames or receivers in a period of not more than one year.

40 2. A person shall not be guilty of criminal sale of an unfinished  
41 frame or receiver in the first degree if such person:

42 (a) sells, exchanges, gives, or disposes of such unfinished frames or  
43 receivers to a gunsmith duly licensed pursuant to section 400.00 of this  
44 chapter; or

45 (b) voluntarily surrenders such unfinished frames or receivers to any  
46 law enforcement official designated pursuant to subparagraph (f) of  
47 paragraph one of subdivision a of section 265.20 of this article.

48 Criminal sale of an unfinished frame or receiver in the first degree  
49 is a class C felony.

50 § 5. This act shall take effect on the one hundred twentieth day after  
51 it shall have become a law. Effective immediately, the addition, amend-  
52 ment and/or repeal of any rule or regulation necessary for the implemen-  
53 tation of this act on its effective date are authorized to be made and  
54 completed on or before such effective date.