

# STATE OF NEW YORK

8650

2019-2020 Regular Sessions

## IN ASSEMBLY

October 2, 2019

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 unfinished frames and receivers

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

1 Section 1. Subdivision 8 of section 265.00 of the penal law, as  
2 amended by chapter 189 of the laws of 2000, is amended to read as  
3 follows:

4 8. "Gunsmith" means any person, firm, partnership, corporation or  
5 company who engages in the business of repairing, altering, assembling,  
6 manufacturing, cleaning, polishing, engraving or trueing, or who  
7 performs any mechanical operation on, any firearm, large capacity ammu-  
8 nition feeding device or machine-gun and shall also include assembling,  
9 manufacturing, fabricating, building, or fitting together the component  
10 parts of a firearm, rifle or shotgun, regardless of whether the firearm,  
11 rifle or shotgun is intended for personal use, commercial sale, or any  
12 other purpose.

13 § 2. The opening paragraph of subdivision a of section 265.20 of the  
14 penal law, as separately amended by chapters 130 and 134 of the laws of  
15 2019, is amended to read as follows:

16 Paragraph (h) of subdivision twenty-two of section 265.00 and sections  
17 265.01, 265.01-a, subdivision one of section 265.01-b, 265.01-c, 265.02,  
18 265.03, 265.04, 265.05, 265.07, 265.10, 265.11, 265.12, 265.13, 265.15,  
19 265.36, 265.37 and 270.05 shall not apply to:

20 § 3. Section 265.00 of the penal law is amended by adding a new subdi-  
21 vision 31 to read as follows:

22 31. "Unfinished frame or receiver" means a frame or receiver of a  
23 firearm, rifle or shotgun whose fire-control cavity is completely solid  
24 and un-machined, and which may readily be made into a functional frame  
25 or receiver through milling, drilling or other means and includes any

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

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1 other object, part or combination of parts which is not a functional  
2 frame or receiver but is designed or intended to be used for that  
3 purpose and can be readily made into a functional frame or receiver.

4 § 4. Section 265.01 of the penal law is amended by adding a new subdi-  
5 vision 9 to read as follows:

6 (9) He or she possesses an unfinished frame or receiver.

7 § 5. The penal law is amended by adding a new section 265.07 to read  
8 as follows:

9 § 265.07 Criminal sale of an unfinished frame or receiver.

10 A person is guilty of criminal sale of an unfinished frame or receiver  
11 when he or she sells, exchanges, gives, disposes of, purchases, or  
12 otherwise obtains an unfinished frame or receiver.

13 Criminal sale of an unfinished frame or receiver is a class E felony.

14 § 6. This act shall take effect on the one hundred eightieth day after  
15 it shall have become a law; provided however that if section 3 of chap-  
16 ter 134 of the laws of 2019 is not in effect on such date then section  
17 two of this act shall take effect on the same date and in the same  
18 manner as section 3 of chapter 134 of the laws of 2019 takes effect.