

# STATE OF NEW YORK

8870

2019-2020 Regular Sessions

## IN ASSEMBLY

December 18, 2019

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

AN ACT to amend the general business law, in relation to the sale of unfinished frames or receivers

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

Section 1. The general business law is amended by adding a new article 39-DDDD to read as follows:

### ARTICLE 39-DDDD

#### SALE OF UNFINISHED FRAMES OR RECEIVERS

#### Section 898-f. Definitions.

#### 898-g. Sale of unfinished frames or receivers.

#### § 898-f. Definitions. For the purposes of this article:

1. "Unfinished frame or receiver" means a frame or receiver of a firearm, rifle or shotgun whose fire-control cavity is completely solid and un-machined, and which may readily be made into a functional frame or receiver through milling, drilling or other means and includes any other object, part or combination of parts which is not a functional frame or receiver but is designed or intended to be used for that purpose and can be readily made into a functional frame or receiver.

2. "Firearm" has the same meaning as that term is defined in 18 U.S.C. 921(a)(3).

3. "Rifle" has the same meaning as that term is defined in 18 U.S.C. 921(a)(7).

4. "Shotgun" has the same meaning as that term is defined in 18 U.S.C. 921(a)(5).

§ 898-g. Sale of unfinished frames or receivers. 1. In addition to any other requirements pursuant to state and federal law, all sales, including, but not limited to, sales from online retailers, of any unfinished frame or receiver shall be conducted in accordance with this section.

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

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1     2. Before any sale pursuant to this article, a national instant criminal background check shall be completed by a dealer, licensed pursuant  
2 to section 400.00 of the penal law, who consents to conduct such check,  
3 and upon completion of such background check, shall complete a document,  
4 the form of which shall be approved by the superintendent of state  
5 police, that identifies and confirms that such check was performed.  
6 Before a dealer who consents to conduct a national instant criminal  
7 background check delivers an unfinished frame or receiver to any person:  
8 either (a) the national instant criminal background check system (NICS)  
9 or its successor shall have issued a "proceed" response to the dealer,  
10 or (b) thirty calendar days shall have elapsed since the date the dealer  
11 contacted NICS to initiate a national instant criminal background check  
12 and NICS has not notified the dealer that the transfer of the unfinished  
13 frame or receiver to such person should be denied. Such background check  
14 shall be conducted as if such unfinished frame or receiver was a  
15 complete firearm, rifle or shotgun of the same model.

17     3. In addition to the background check required pursuant to subdivi-  
18 sion two of this section, before a dealer delivers an unfinished frame  
19 or receiver to any person, if such unfinished frame or receiver does not  
20 have a serial number, such dealer shall conspicuously engrave, cast or  
21 stamp such unfinished frame or receiver with a serial number the form  
22 and content of which shall be approved by the superintendent of state  
23 police.

24     4. All dealers shall maintain a record of such transactions conducted  
25 pursuant to this section and such record shall be maintained on the  
26 premises mentioned and described in the license and shall be open at all  
27 reasonable hours for inspection by any peace officer, acting pursuant to  
28 his or her special duties, or police officer.

29     5. Any record produced pursuant to this section and any transmission  
30 thereof to any government agency shall not be considered a public record  
31 for purposes of article six of the public officers law.

32     6. Any person who knowingly violates the provisions of this article  
33 shall be guilty of a class A misdemeanor punishable as provided for in  
34 the penal law.

35     § 2. This act shall take effect on the sixtieth day after it shall  
36 have become a law.