

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. Beigel unfinished receiver act".

2 § 2. Section 265.00 of the penal law is amended by adding a new subdivision 32 to read as follows:

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

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

12 (12) Such person is not a gunsmith duly licensed pursuant to section
13 400.00 of this chapter and possesses an unfinished frame or receiver; or

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

17 (i) this article;

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

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

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

23 § 265.63 Criminal sale of an unfinished frame or receiver in the third
24 degree.

25 1. Except as otherwise provided in subdivision two of this section, a
26 person is guilty of criminal sale of an unfinished frame or receiver in
27

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.