

# STATE OF NEW YORK

5019

2019-2020 Regular Sessions

## IN SENATE

April 3, 2019

Introduced by Sens. PARKER, COMRIE -- read twice and ordered printed,  
and when printed to be committed to the Committee on Consumer  
Protection

AN ACT to amend the general business law, in relation to a firearm  
ballistic identification databank

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

1 Section 1. The general business law is amended by adding a new section  
2 396-ff to read as follows:

3 § 396-ff. Firearm ballistic identification databank. (1) For the  
4 purposes of this section, the following terms shall have the following  
5 meanings:

6 (a) "Manufacturer" means any person, firm or corporation possessing a  
7 valid federal license that permits such person, firm or corporation to  
8 engage in the business of manufacturing firearms or ammunition therefor  
9 for the purpose of sale or distribution.

10 (b) "Shell casing" means that part of ammunition capable of being used  
11 in a firearm that contains the primer and propellant powder to discharge  
12 the bullet or projectile.

13 (c) "Firearm" means a pistol, revolver, or assault weapon as defined  
14 in section 265.00 of the penal law, rifle, or other long-barreled weap-  
15 on.

16 (2) Any manufacturer that ships, transports or delivers a firearm to  
17 any person in this state shall, in accordance with rules and regulations  
18 promulgated by the division of state police, include in the container  
19 with such firearm a separate sealed container that encloses:

20 (a) a shell casing of a bullet or projectile discharged from such  
21 firearm; and

22 (b) any additional information that identifies such firearm and shell  
23 casing as required by such rules and regulations.

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

LBD09923-01-9

1     (3) A gunsmith or dealer in firearms licensed in this state shall,  
2 within ten days of the receipt of any firearm from a manufacturer that  
3 fails to comply with the provisions of this section, either (a) return  
4 such firearm to such manufacturer, or (b) notify the division of state  
5 police of such noncompliance and thereafter obtain a substitute sealed  
6 container through participation in a program operated by the state  
7 police as provided in subdivision four of this section.

8     (4) The division of state police shall no later than October first,  
9 two thousand twenty, promulgate rules and regulations for the operation  
10 of a program which provides a gunsmith or a dealer in firearms licensed  
11 in this state with a sealed container enclosing the items specified in  
12 subdivision two of this section. The program shall at a minimum:

13     (a) be operational by January first, two thousand twenty-one;  
14     (b) operate in at least five regional locations within the state; and  
15     (c) specify procedures by which such gunsmith or dealer is to deliver  
16 a firearm to the regional program location closest to his or her place  
17 of business for testing and prompt return of such firearm.

18     (5) A gunsmith or dealer in firearms licensed in this state shall,  
19 within ten days of delivering to any person a firearm received by such  
20 gunsmith or dealer in firearms, forward to the division of state police,  
21 along with the original transaction report required by subdivision  
22 twelve of section 400.00 of the penal law, the sealed container enclos-  
23 ing the shell casing from such firearm either (a) received from the  
24 manufacturer, or (b) obtained through participation in the program oper-  
25 ated by the division of state police in accordance with subdivision four  
26 of this section.

27     (6) Upon receipt of the sealed container, the division of state police  
28 shall cause to be entered in an automated electronic databank pertinent  
29 data and other ballistic information relevant to identification of the  
30 shell casing and to the firearm from which it was discharged. The auto-  
31 ated electronic databank will be operated and maintained by the divi-  
32 sion of state police, in accordance with its rules and regulations  
33 adopted after consultation with the Federal Bureau of Investigation and  
34 the United States Department of Justice, Bureau of Alcohol, Tobacco,  
35 Firearms and Explosives to ensure compatibility with national ballistic  
36 technology.

37     (7) Any person, firm or corporation who knowingly violates any of the  
38 provisions of this section shall be guilty of a violation, punishable as  
39 provided in the penal law. Any person, firm or corporation who knowingly  
40 violates any of the provisions of this section after having been previ-  
41 ously convicted of a violation of this section shall be guilty of a  
42 class A misdemeanor, punishable as provided in the penal law.

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