STATE OF NEW YORK

6716

2019-2020 Regular Sessions

IN SENATE

September 13, 2019

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

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

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

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

§ 3. Section 265.00 of the penal law is amended by adding a new subdivision 31 to read as follows:

31. "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

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

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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.

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

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

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

§ 265.07 Criminal sale of an unfinished frame or receiver.

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

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

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