STATE OF NEW YORK

8786

IN ASSEMBLY

January 12, 2022

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

AN ACT to amend the penal law, in relation to criminalizing the sale of ghost guns

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

Section 1. Subdivision 9 of section 265.01 of the penal law, as added by a chapter of the laws of 2021 amending the penal law relating to enacting the Jose Webster untraceable firearms act, as proposed in legislative bills numbers S. 14-A and A. 613-A, is amended to read as follows:

(9) Such person is not [~~required to be a gunsmith~~] licensed **as a gunsmith or a dealer in firearms** pursuant to section 400.00 of this chapter and, knowing it is a ghost gun, such person possesses a ghost gun, provided that a person shall not be guilty under this subdivision when he or she (a) voluntarily surrenders such ghost gun to any law enforcement official designated pursuant to subparagraph (f) of paragraph one of subdivision (a) of section 265.20 of this article; or (b) for a period of six months after the effective date of this section possesses a ghost gun prior to serialization and registration of such ghost gun pursuant to section 265.07 of this article.

§ 2. Section 265.07 of the penal law, as added by a chapter of the laws of 2021 amending the penal law relating to enacting the Jose Webster untraceable firearms act, as proposed in legislative bills numbers S. 14-A and A. 613-A, is amended to read as follows:

§ 265.07 Registration and serialization of firearms, rifles, shotguns, finished frames or receivers, and unfinished frames or receivers.

(1) For the purposes of this section, "unfinished frame or receiver" means any **unserialized** material that does not constitute the frame or receiver of a firearm, rifle or shotgun but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm, rifle or shotgun, and which may readily be made into a functional frame or receiver through milling, drilling or other means. [~~The~~

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

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~~term shall not include material that has had its size or external shape altered to facilitate transportation or storage or has had its chemical composition altered.~~]

(2) On or before the effective date of this section, and promptly upon taking possession thereof at any time thereafter, any person **licensed as a gunsmith, or** required to be [~~a gunsmith licensed~~]**, or a dealer in firearms** pursuant to section 400.00 of this chapter, who is in possession of an unserialized firearm, rifle, shotgun, finished frame or receiver, or unfinished frame or receiver shall:

(a) engrave, cast, stamp or otherwise conspicuously place both a unique serial number and his or her name (or recognized abbreviation) on such firearm, rifle, shotgun, finished frame or receiver, or unfinished frame or receiver, in a manner that satisfies or exceeds the requirements imposed on licensed importers and manufacturers pursuant to section (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto at the time of such assembly; and

(b) register with the division of [~~state police~~] **criminal justice services in accordance with regulations promulgated by such division** any such firearm, rifle or shotgun, finished frame or receiver, or unfinished frame or receiver.

Any person **licensed as a gunsmith, or** required to be [~~a gunsmith licensed~~]**, or a dealer in firearms** pursuant to section 400.00 of this chapter who fails to comply with the provisions of this section shall be guilty of a class E felony.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 amending the penal law relating to enacting the Jose Webster untraceable firearms act, as proposed in legislative bills numbers S. 14-A and A. 613-A, takes effect.