STATE OF NEW YORK

13

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KAPLAN, HOYLMAN, BIAGGI, BROOKS, GAUGHRAN, GOUNARDES, KAVANAGH, LIU, MAY, THOMAS -- read twice and ordered printed, and when printed to be committed 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:

Section 1. This act shall be known and may be cited as the "Scott J. Beigel unfinished receiver act".

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

32. "Unfinished frame or receiver" means a piece of any 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 term shall not include a piece of material that has had its size or external shape altered to facilitate transportation or storage or has had its chemical composition altered.

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

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

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

(i) this article;

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

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

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

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

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

1. Except as otherwise provided in subdivision two of this section, a person is guilty of criminal sale of an unfinished frame or receiver in the third degree when such person sells, exchanges, gives or disposes of an unfinished frame or receiver.

2. A person shall not be guilty of criminal sale of an unfinished frame or receiver in the third degree if such person:

(a) sells, exchanges, gives or disposes of such unfinished frame or receiver to a gunsmith duly licensed pursuant to section 400.00 of this chapter; or

(b) voluntarily surrenders such unfinished frame or receiver to any law enforcement official designated pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 of this article.

Criminal sale of an unfinished frame or receiver in the third degree is a class E felony.

§ 265.64 Criminal sale of an unfinished frame or receiver in the second degree.

1. Except as otherwise provided in subdivision two of this section, a person is guilty of criminal sale of an unfinished frame or receiver in the second degree when such person:

(a) sells, exchanges, gives or disposes of five or more unfinished frames or receivers; or

(b) sells, exchanges, gives or disposes of a total of five or more unfinished frames or receivers in a period of not more than one year.

2. A person shall not be guilty of criminal sale of an unfinished frame or receiver in the second degree if such person:

(a) sells, exchanges, gives or disposes of such unfinished frames or receivers to a gunsmith duly licensed pursuant to section 400.00 of this chapter; or

(b) voluntarily surrenders such unfinished frames or receivers to any law enforcement official designated pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 of this article.

Criminal sale of an unfinished frame or receiver in the second degree is a class D felony.

§ 265.65 Criminal sale of an unfinished frame or receiver in the first degree.

1. A person is guilty of criminal sale of an unfinished frame or receiver in the first degree when such person:

(a) sells, exchanges, gives or disposes of ten or more unfinished frames or receivers; or

(b) sells, exchanges, gives or disposes of a total of ten or more unfinished frames or receivers in a period of not more than one year.

2. A person shall not be guilty of criminal sale of an unfinished frame or receiver in the first degree if such person:

(a) sells, exchanges, gives, or disposes of such unfinished frames or receivers to a gunsmith duly licensed pursuant to section 400.00 of this chapter; or

(b) voluntarily surrenders such unfinished frames or receivers to any law enforcement official designated pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 of this article.

Criminal sale of an unfinished frame or receiver in the first degree is a class C felony.

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.