

STATE OF NEW YORK

4970

2021-2022 Regular Sessions

IN SENATE

February 19, 2021

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

AN ACT to amend the executive law, in relation to requiring reporting on a seized or recovered gun to the criminal gun clearinghouse

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

1 Section 1. Subdivisions 4 and 5 of section 230 of the executive law,
2 as added by chapter 189 of the laws of 2000, are amended and three new
3 subdivisions 6, 7 and 8 are added to read as follows:

4 4. The superintendent of the division of state police shall establish
5 and maintain within the division a criminal gun clearinghouse as a
6 central repository of information regarding all guns seized, forfeited,
7 found or otherwise coming into the possession of any state or local law
8 enforcement agency which are believed to have been used in the commis-
9 sion of a crime. The superintendent of the division of state police
10 shall adopt and promulgate regulations prescribing reporting procedures
11 for such state or local law enforcement agencies, including the form for
12 reporting such information. In addition to any other information which
13 the superintendent of the division of state police may require, the form
14 shall require (a) the serial number or other identifying information on
15 the gun, if available and (b) a brief description of the circumstances
16 under which the gun came into the possession of the law enforcement
17 agency, including the crime which was or may have been committed with
18 the gun. Whenever a state or local law enforcement agency seizes or
19 recovers a gun that was unlawfully possessed, recovered from a crime
20 scene, or is reasonably believed to have been used in or associated with
21 the commission of a crime or is otherwise recovered as an abandoned or
22 discarded gun, the agency shall report such seized or recovered gun to
23 the criminal gun clearinghouse as soon as practicable, but in no case
24 more than twenty-four hours after the agency has taken possession of
25 such gun. Every report made to the criminal gun clearinghouse will

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

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1 result in the prompt submission of a request to the national tracing
2 center of the bureau of alcohol, tobacco, firearms and explosives to
3 trace the movement of the subject gun and such federal agency will be
4 requested to provide the results of such a trace to the superintendent
5 of the division of state police and to the law enforcement agency that
6 submitted the clearinghouse report.

7 ~~5. [In any case where a state or local law enforcement agency investi-~~
8 ~~gates the commission of a crime in this state and a specific gun is~~
9 ~~known to have been used in such crime, such agency shall submit a~~
10 ~~request to the national tracing center of the United States Department~~
11 ~~of Treasury, bureau of alcohol, tobacco and firearms to trace the move-~~
12 ~~ment of such gun and such federal agency shall be requested to provide~~
13 ~~the superintendent of the division of state police and the local law~~
14 ~~enforcement agency with the results of such a trace. This subdivision~~
15 ~~shall not apply where the source of a gun is already known to a local~~
16 ~~law enforcement agency.]~~ All state and local law enforcement agencies
17 shall participate in the bureau of alcohol, tobacco, firearms and
18 explosives collective data sharing program for the purpose of sharing
19 gun trace reports among all law enforcement agencies in the state on a
20 reciprocal basis.

21 6. (a) Whenever a state or local law enforcement agency seizes or
22 recovers a gun that was unlawfully possessed, recovered from the scene
23 of a crime, or is reasonably believed to have been used or associated
24 with the commission of a crime, or is recovered by the agency as an
25 abandoned or discarded gun, the agency shall arrange for every such gun
26 that is determined to be suitable for test-firing and of a type that is
27 eligible for national integrated ballistic information network data
28 entry and correlation to be test-fired as soon as practicable, and the
29 results of that test-firing shall be submitted forthwith to the national
30 integrated ballistic information network to determine whether the gun is
31 associated or related to a crime, criminal event, or any individual
32 associated or related to a crime or criminal event or reasonably
33 believed to be associated or related to a crime or criminal event.

34 (b) Whenever a state or local law enforcement agency recovers any
35 ammunition cartridge case that is of a type that is eligible for
36 national integrated ballistic information network data entry and corre-
37 lation at a crime scene, or has reason to believe that such recovered
38 ammunition cartridge case is related to or associated with the commis-
39 sion of a crime or the unlawful discharge of a gun, the agency shall, as
40 soon as practicable, arrange for the ballistics information to be
41 submitted to the national integrated ballistic information network.

42 7. Whenever a state or local law enforcement agency seizes or recovers
43 any gun, the agency shall promptly enter the make, model, caliber, and
44 serial number of the gun into the national crime information center
45 (NCIC) system to determine whether the gun was reported stolen.

46 8. The superintendent may adopt rules and regulations to effectuate
47 the provisions of this section.

48 § 2. This act shall take effect on the one hundred eightieth day after
49 it shall have become a law.