STATE OF NEW YORK

7456

2021-2022 Regular Sessions

IN SENATE

October 20, 2021

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

AN ACT to amend the executive law, in relation to requiring the division of criminal justice services to establish and maintain a database of information relating to the sale or use of microstamped guns in the state and to promulgate regulations regarding the provision of information pertaining to the sale, delivery or use of such guns within the state

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

Section 1. Section 837 of the executive law is amended by adding a new subdivision 23 to read as follows:

23. (a) The department shall establish, maintain and update on a quarterly basis an electronic database of information relating to the manufacture, sale, offer for sale, exchange, giving, transfer, delivery or use of microstamped guns in the state. Such database shall be implemented within one hundred twenty days of the effective date of a New York state or federal law, rule or regulation mandating the microstamping of any type of gun.

(b) As used in this subdivision, "microstamped gun" means a gun that has been manufactured, equipped with or modified to contain a component or mechanism that is intended to produce a unique alpha-numeric or geometric code on at least one location on each expended cartridge case fired from the gun that identifies the make, model, and serial number of the gun.

(c) Such database shall contain, at a minimum and as applicable:

(i) the make, model and serial number of the gun;

(ii) the identity and address of the dealer in firearms licensed under section 400.00 of the penal law conveying the gun;

(iii) the identity and address of the manufacturer delivering or causing the delivery of the gun to a person or entity within the state;

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

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(iv) the name and address of the person or entity to whom the gun has been conveyed or delivered;

(v) the name and address of the person in whose possession the gun was discovered by a police or peace agency; and

(vi) such other identifying information as determined by the commissioner.

(d) The division shall promulgate rules and regulations requiring:

(i) each dealer in firearms licensed under section 400.00 of the penal law who sells, offers for sale, exchanges, gives, transfers or delivers a gun, knowing that such gun contains a microstamping component or mechanism, to report such conveyance to the division for inclusion in the database;

(ii) any manufacturer or wholesale dealer that delivers or causes to be delivered a gun to a person or entity within the state, knowing that such gun contains a microstamping component or mechanism, to report information regarding the gun or guns so delivered to the division for inclusion in the database;

(iii) requiring each police agency or peace officer agency within the state to report information regarding the discovery of a microstamped gun during any investigation or arrest to the division for inclusion in the database; and

(iv) regulating the disclosure of such information.

§ 2. This act shall take effect on the thirtieth 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 date.