

# STATE OF NEW YORK

7736

## IN SENATE

January 7, 2022

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 possession or sale of unserialized frames or receivers; and to amend a chapter of the laws of 2021 amending the penal law relating to enacting the "Scott J. Beigel unfinished receiver act" in relation to unfinished frames or receivers, as proposed in legislative bills numbers S. 13-A and A. 2666-A, in relation to the effectiveness of such chapter

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

1 Section 1. Subdivision 32 of section 265.00 of the penal law, as added  
2 by a chapter of the laws of 2021 amending the penal law relating to  
3 enacting the "Scott J. Beigel unfinished receiver act" in relation to  
4 unfinished frames or receivers, as proposed in legislative bills numbers  
5 S. 13-A and A. 2666-A, is amended to read as follows:

6 32. "Unfinished frame or receiver" means any unserialized material  
7 that does not constitute the frame or receiver of a firearm, rifle or  
8 shotgun but that has been shaped or formed in any way for the purpose of  
9 becoming the frame or receiver of a firearm, rifle or shotgun, and which  
10 may readily be made into a functional frame or receiver through milling,  
11 drilling or other means. [~~The term shall not include material that has  
12 had its size or external shape altered to facilitate transportation or  
13 storage or has had its chemical composition altered.~~]

14 § 2. Subdivision 10 of section 265.01 of the penal law, as added by a  
15 chapter of the laws of 2021 amending the penal law relating to enacting  
16 the "Scott J. Beigel unfinished receiver act" in relation to unfinished  
17 frames or receivers, as proposed in legislative bills numbers S. 13-A  
18 and A. 2666-A, is amended to read as follows:

19 (10) Such person is not [~~required to be a gunsmith~~] licensed as a  
20 gunsmith or dealer in firearms pursuant to section 400.00 of this chap-  
21 ter and, knowing it is an unserialized frame or receiver or unfinished  
22 frame or receiver, such person possesses an unserialized frame or  
23 receiver or unfinished frame or receiver, provided that for a period of  
24 six months after the effective date of this subdivision, a person shall

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

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1 not be guilty under this subdivision when such person: (a) voluntarily  
2 surrenders such unserialized frame or receiver or unfinished frame or  
3 receiver to any law enforcement official designated pursuant to subpara-  
4 graph (f) of paragraph one of subdivision (a) of section 265.20 of this  
5 article; or (b) possesses such unserialized frame or receiver or unfin-  
6 ished frame or receiver prior to serialization of such unserialized  
7 frame or receiver or unfinished frame or receiver in accordance with the  
8 requirements imposed on licensed importers and licensed manufacturers  
9 pursuant to subsection (i) of Section 923 of Title 18 of the United  
10 States Code and regulations issued pursuant thereto, except for antique  
11 firearms as defined in subdivision fourteen of section 265.00 of this  
12 article, as added by chapter nine hundred eighty-six of the laws of  
13 nineteen hundred seventy-four, or any firearm, rifle or shotgun manufac-  
14 tured prior to nineteen hundred sixty-eight.

15 § 3. Sections 265.63 and 265.64 of the penal law, as added by a chap-  
16 ter of the laws of 2021 amending the penal law relating to enacting the  
17 "Scott J. Beigel unfinished receiver act" in relation to unfinished  
18 frames or receivers, as proposed in legislative bills numbers S. 13-A  
19 and A. 2666-A, are amended to read as follows:

20 § 265.63 Criminal sale of [~~an unfinished~~] a frame or receiver in the  
21 second degree.

22 A person is guilty of criminal sale of [~~an unfinished~~] a frame or  
23 receiver in the second degree when, knowing it is an unserialized frame  
24 or receiver or an unfinished frame or receiver, such person unlawfully  
25 sells, exchanges, gives or disposes of [~~an~~] such unserialized frame or  
26 receiver or unfinished frame or receiver, provided that for a period of  
27 six months after the effective date of this section, a person shall not  
28 be guilty of criminal sale of [~~an unfinished~~] a frame or receiver in the  
29 second degree if such person: (a) voluntarily surrenders such [~~unfin-~~  
30 ~~ished~~] unserialized frame or receiver or unfinished frame or receiver to  
31 any law enforcement official designated pursuant to subparagraph (f) of  
32 paragraph one of subdivision (a) of section 265.20 of this article; or  
33 (b) sells, exchanges, gives, or disposes of such unserialized frame or  
34 receiver or unfinished frame or receiver to a gunsmith licensed pursuant  
35 to section 400.00 of this chapter.

36 Criminal sale of [~~an unfinished~~] a frame or receiver in the second  
37 degree is a class E felony.

38 § 265.64 Criminal sale of [~~an unfinished~~] a frame or receiver in the  
39 first degree.

40 A person is guilty of criminal sale of [~~an unfinished~~] a frame or  
41 receiver in the first degree when, knowing they are unserialized frames  
42 or receivers or unfinished frames or receivers, such person unlawfully  
43 sells, exchanges, gives or disposes of a total of ten or more unserial-  
44 ized frames or receivers or unfinished frames or receivers in a period  
45 of not more than one year, provided that for a period of six months  
46 after the effective date of this section, a person shall not be guilty  
47 of criminal sale of [~~an unfinished~~] a frame or receiver in the first  
48 degree if such person: (a) voluntarily surrenders such unserialized  
49 frames or receivers or unfinished frames or receivers to any law  
50 enforcement official designated pursuant to subparagraph (f) of para-  
51 graph one of subdivision (a) of section 265.20 of this article; or (b)  
52 sells, exchanges, gives or disposes of such unserialized frames or  
53 receivers or unfinished frames or receivers to a gunsmith licensed  
54 pursuant to section 400.00 of this chapter.

55 Criminal sale of [~~an unfinished~~] a frame or receiver in the first  
56 degree is a class D felony.

1 § 4. Section 6 of a chapter of the laws of 2021, amending the penal  
2 law relating to enacting the "Scott J. Beigel unfinished receiver act"  
3 in relation to unfinished frames or receivers, as proposed in legisla-  
4 tive bills numbers S. 13-A and A. 2666-A, is amended to read as follows:  
5 § 6. This act shall take effect on the one hundred [~~twentieth~~ eight-  
6 ieth day after it shall have become a law. Effective immediately, the  
7 addition, amendment and/or repeal of any rule or regulation necessary  
8 for the implementation of this act on its effective date are authorized  
9 to be made and completed on or before such effective date.

10 § 5. This act shall take effect immediately; provided, however, that  
11 sections one, two and three of this act shall take effect on the same  
12 date and in the same manner as a chapter of the laws of 2021 amending  
13 the penal law relating to enacting the "Scott J. Beigel unfinished  
14 receiver act" in relation to unfinished frames or receivers, as proposed  
15 in legislative bills numbers S. 13-A and A. 2666-A, takes effect.