STATE OF NEW YORK

8741

IN ASSEMBLY

January 11, 2022

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

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:

Section 1. Subdivision 32 of section 265.00 of the penal law, as added by 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, is amended to read as follows:

32. "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 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. Subdivision 10 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 "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, is amended to read as follows:

(10) Such person is not [~~**required to be a gunsmith**~~] licensed **as a gunsmith or dealer in firearms** pursuant to section 400.00 of this chapter and, knowing it is an **unserialized frame or receiver or** unfinished frame or receiver, such person possesses an **unserialized frame or receiver or** unfinished frame or receiver, provided that for a period of 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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not be guilty under this subdivision when such person: (a) voluntarily surrenders such **unserialized frame or receiver or** 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; or (b) possesses such **unserialized frame or receiver or** unfinished frame or receiver prior to serialization of such **unserialized frame or receiver or** unfinished frame or receiver in accordance with the requirements imposed on licensed importers and licensed manufacturers pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto, except for antique firearms as defined in subdivision fourteen of section 265.00 of this article, as added by chapter nine hundred eighty-six of the laws of nineteen hundred seventy-four, or any firearm, rifle or shotgun manufactured prior to nineteen hundred sixty-eight.

§ 3. Sections 265.63 and 265.64 of the penal law, as added by 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, are amended to read as follows:

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

A person is guilty of criminal sale of [~~an unfinished~~] **a** frame or receiver in the second degree when, knowing it is an **unserialized frame or receiver or an** unfinished frame or receiver, such person unlawfully sells, exchanges, gives or disposes of [~~an~~] **such unserialized frame or receiver or** unfinished frame or receiver, provided that for a period of six months after the effective date of this section, a person shall not be guilty of criminal sale of [~~an unfinished~~] **a** frame or receiver in the second degree if such person: (a) voluntarily surrenders such [~~unfinished~~] **unserialized** frame or receiver **or 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; or (b) sells, exchanges, gives, or disposes of such **unserialized frame or receiver or** unfinished frame or receiver to a gunsmith licensed pursuant to section 400.00 of this chapter.

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

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

A person is guilty of criminal sale of [~~an unfinished~~] **a** frame or receiver in the first degree when, knowing they are **unserialized frames or receivers or** unfinished frames or receivers, such person unlawfully sells, exchanges, gives or disposes of a total of ten or more **unserialized frames or receivers or** unfinished frames or receivers in a period of not more than one year, provided that for a period of six months after the effective date of this section, a person shall not be guilty of criminal sale of [~~an unfinished~~] **a** frame or receiver in the first degree if such person: (a) voluntarily surrenders such **unserialized frames or receivers or** 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; or (b) sells, exchanges, gives or disposes of such **unserialized frames or receivers or** unfinished frames or receivers to a gunsmith licensed pursuant to section 400.00 of this chapter.

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

§ 4. Section 6 of 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, is amended to read as follows:

§ 6. This act shall take effect on the one hundred [~~twentieth~~] **eightieth** 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.

§ 5. This act shall take effect immediately; provided, however, that sections one, two and three of 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 "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, takes effect.