

# 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:

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

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

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

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

12 (11) Such person is not a gunsmith duly licensed pursuant to section  
13 400.00 of this chapter and possesses an unfinished frame or receiver; or

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

17 (i) this article;

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

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

22 LBD03225-01-1

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

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

5 § 265.63 Criminal sale of an unfinished frame or receiver in the third  
6 degree.

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

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

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

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

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

21 § 265.64 Criminal sale of an unfinished frame or receiver in the second  
22 degree.

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

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

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

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

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

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

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

40 § 265.65 Criminal sale of an unfinished frame or receiver in the first  
41 degree.

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

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

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

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

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

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

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

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