STATE OF NEW YORK

13--A

Cal. No. 311

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KAPLAN, HOYLMAN, BIAGGI, BROOKS, COONEY, GAUGHRAN, GOUNARDES, JACKSON, KAVANAGH, LIU, MAY, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

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

32. "Unfinished frame or receiver" means any 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.

§ 3. Section 265.01 of the penal law is amended by adding two new subdivisions 9 and 10 to read as follows:

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

LBD03225-03-1

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

(i) this article;

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

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

(10) Such person is not required to be a gunsmith licensed pursuant to section 400.00 of this chapter and, knowing it is an unfinished frame or receiver, such person possesses an unfinished frame or receiver, provided that for a period of six months after the effective date of this subdivision, a person shall not be guilty under this subdivision when such person: (a) voluntarily surrenders such 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 unfinished frame or receiver prior to serialization of such 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.

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

§ 265.63 Criminal sale of an unfinished frame or receiver in the second degree.

A person is guilty of criminal sale of an unfinished frame or receiver in the second degree when, knowing it is an unfinished frame or receiver, such person unlawfully sells, exchanges, gives or disposes of an 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 frame or receiver in the second degree if such person: (a) voluntarily surrenders such 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 unfinished frame or receiver to a gunsmith licensed pursuant to section 400.00 of this chapter.

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

§ 265.64 Criminal sale of an unfinished frame or receiver in the first degree.

A person is guilty of criminal sale of an unfinished frame or receiver in the first degree when, knowing they are unfinished frames or receivers, such person unlawfully sells, exchanges, gives or disposes of a total of ten or more 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 frame or receiver in the first degree if such person: (a) voluntarily surrenders such 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 unfinished frames or

receivers to a gunsmith licensed pursuant to section 400.00 of this chapter.

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

§ 5. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 6. This act shall take effect on the one hundred twentieth 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.