

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:

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

3 § 2. Section 265.00 of the penal law is amended by adding a new subdi-
4 vision 32 to read as follows:

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

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

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

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

4 (i) this article;

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

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

9 (10) Such person is not required to be a gunsmith licensed pursuant to
10 section 400.00 of this chapter and, knowing it is an unfinished frame or
11 receiver, such person possesses an unfinished frame or receiver,
12 provided that for a period of six months after the effective date of
13 this subdivision, a person shall not be guilty under this subdivision
14 when such person: (a) voluntarily surrenders such unfinished frame or
15 receiver to any law enforcement official designated pursuant to subpara-
16 graph (f) of paragraph one of subdivision (a) of section 265.20 of this
17 article; or (b) possesses such unfinished frame or receiver prior to
18 serialization of such unfinished frame or receiver in accordance with
19 the requirements imposed on licensed importers and licensed manufactur-
20 ers pursuant to subsection (i) of Section 923 of Title 18 of the United
21 States Code and regulations issued pursuant thereto, except for antique
22 firearms as defined in subdivision fourteen of section 265.00 of this
23 article, as added by chapter nine hundred eighty-six of the laws of
24 nineteen hundred seventy-four, or any firearm, rifle or shotgun manufac-
25 tured prior to nineteen hundred sixty-eight.

26 § 4. The penal law is amended by adding two new sections 265.63 and
27 265.64 to read as follows:

28 § 265.63 Criminal sale of an unfinished frame or receiver in the second
29 degree.

30 A person is guilty of criminal sale of an unfinished frame or receiver
31 in the second degree when, knowing it is an unfinished frame or receiv-
32 er, such person unlawfully sells, exchanges, gives or disposes of an
33 unfinished frame or receiver, provided that for a period of six months
34 after the effective date of this section, a person shall not be guilty
35 of criminal sale of an unfinished frame or receiver in the second degree
36 if such person: (a) voluntarily surrenders such unfinished frame or
37 receiver to any law enforcement official designated pursuant to subpara-
38 graph (f) of paragraph one of subdivision (a) of section 265.20 of this
39 article; or (b) sells, exchanges, gives, or disposes of such unfinished
40 frame or receiver to a gunsmith licensed pursuant to section 400.00 of
41 this chapter.

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

44 § 265.64 Criminal sale of an unfinished frame or receiver in the first
45 degree.

46 A person is guilty of criminal sale of an unfinished frame or receiver
47 in the first degree when, knowing they are unfinished frames or receiv-
48 ers, such person unlawfully sells, exchanges, gives or disposes of a
49 total of ten or more unfinished frames or receivers in a period of not
50 more than one year, provided that for a period of six months after the
51 effective date of this section, a person shall not be guilty of criminal
52 sale of an unfinished frame or receiver in the first degree if such
53 person: (a) voluntarily surrenders such unfinished frames or receivers
54 to any law enforcement official designated pursuant to subparagraph (f)
55 of paragraph one of subdivision (a) of section 265.20 of this article;
56 or (b) sells, exchanges, gives or disposes of such unfinished frames or

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

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

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

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