

STATE OF NEW YORK

1772

2023-2024 Regular Sessions

IN ASSEMBLY

January 20, 2023

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 unlawful dissemination or publication of files or instructions for the digital manufacture of a firearm or components

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

Section 1. The penal law is amended by adding a new section 265.67 to read as follows:

§ 265.67 Unlawful dissemination or publication of files or instructions for the digital manufacture of a firearm or components.

1. A person is guilty of unlawful dissemination or publication of files or instructions for the digital manufacture of a firearm or components when:

(a) he or she disseminates or publishes files or instructions for the digital manufacture of a firearm or components without being licensed as a gunsmith or dealer in firearms under article four hundred of this chapter; or

(b) he or she disseminates or publishes files or instructions for the digital manufacture of a firearm or components without performing a background check on the purchaser or downloader of such instructions through the National Instant Criminal Background Check System (NICS), or its successor.

2. For purposes of this section "firearm" means the same as section 265.00 of this article.

3. For purposes of this section "digital manufacture of a firearm or components" means the production of any firearm or the major component of a firearm, rifle or shotgun using additive manufacturing or digital manufacturing technologies including, but not limited to, computer numerical control mills, three-dimensional printers, and laser cutting machines.

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

LBD03304-01-3

1 4. Nothing in this section shall be construed to limit, or to enlarge,
2 the protections that 47 U.S.C § 230 confers on an interactive computer
3 service for content provided by another information content provider, as
4 such terms are defined in 47 U.S.C. § 230.

5 Unlawful dissemination or publication of files or instructions for the
6 digital manufacture of a firearm or components is a class C felony.

7 § 2. Subdivision 3 of section 265.00 of the penal law, as amended by
8 chapter 211 of the laws of 2022, is amended to read as follows:

9 3. "Firearm" means (a) any pistol or revolver; or (b) a shotgun having
10 one or more barrels less than eighteen inches in length; or (c) a rifle
11 having one or more barrels less than sixteen inches in length; or (d)
12 any weapon made from a shotgun or rifle whether by alteration, modifica-
13 tion, or otherwise if such weapon as altered, modified, or otherwise has
14 an overall length of less than twenty-six inches; or (e) an assault
15 weapon; or (f) a digitally manufactured firearm or component of a
16 firearm, rifle or shotgun as defined in section 265.67 of this article;
17 or (g) any other weapon that is not otherwise defined in this section
18 containing any component that provides housing or a structure designed
19 to hold or integrate any fire control component that is designed to or
20 may readily be converted to expel a projectile by action of explosive.
21 For the purpose of this subdivision the length of the barrel on a shot-
22 gun or rifle shall be determined by measuring the distance between the
23 muzzle and the face of the bolt, breech, or breechlock when closed and
24 when the shotgun or rifle is cocked; the overall length of a weapon made
25 from a shotgun or rifle is the distance between the extreme ends of the
26 weapon measured along a line parallel to the center line of the bore.
27 Firearm does not include an antique firearm.

28 § 3. This act shall take effect immediately.