

STATE OF NEW YORK

8443

2023-2024 Regular Sessions

IN ASSEMBLY

December 29, 2023

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

AN ACT to amend the executive law, in relation to enacting the New York State Attorney General Firearms Enforcement act

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York State Attorney General Firearms Enforcement act".

3 § 2. The executive law is amended by adding a new section 76 to read
4 as follows:

5 § 76. Firearm enforcement. 1. For purposes of this section, the
6 following terms shall have the following meanings:

7 (a) "Firearm" has the same meaning as that term is defined in 18
8 U.S.C. 921(a)(3), but shall not include an "antique firearm" as that
9 term is defined in 18 U.S.C. 921(a)(16).

10 (b) "Illegal firearm" means any firearm that is prohibited from being
11 possessed or sold in the state of New York pursuant to state or federal
12 law.

13 (c) "Individual seller of firearms" means any person who sells or
14 transfers a firearm to another person without being a licensed firearms
15 dealer.

16 (d) "Rapid-fire modification device" means any bump stock, trigger
17 crank, binary trigger system, burst trigger system, or any other device
18 that is designed to accelerate the rate of fire of a semi-automatic
19 firearm, rifle or shotgun.

20 (e) "Retail firearms dealer" means any person who is licensed to sell
21 firearms at retail.

22 2. The attorney general shall have the power and duty to:

23 (a) Investigate and prosecute any individual seller of firearms or
24 retail firearms dealer who knowingly sells an illegal firearm or rapid-
25 fire modification device to a resident of the state of New York or to an

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

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1 individual who purchases a firearm or rapid-fire modification device on
2 behalf of a New York state resident or who knowingly sells a firearm or
3 rapid-fire modification device to a resident of the state of New York or
4 to an individual who purchases a firearm or rapid-fire modification
5 device on behalf of a New York state resident without contacting the New
6 York state police for authorization pursuant to section two hundred
7 twenty-eight of this chapter and any other law, rule or regulation.

8 (b) Seek and obtain injunctive relief to prevent any individual seller
9 of firearms or retail firearms dealer from knowingly selling an illegal
10 firearm or rapid-fire modification device to a resident of the state of
11 New York or to an individual who purchases a firearm or rapid-fire
12 modification device on behalf of a New York state resident or to prevent
13 any individual seller of firearms or retail firearms dealer from know-
14 ingly selling a firearm or rapid-fire modification device to a resident
15 of the state of New York or to an individual who purchases a firearm or
16 rapid-fire modification device on behalf of a New York state resident
17 without contacting the New York state police for authorization pursuant
18 to section two hundred twenty-eight of this chapter and any other law,
19 rule or regulation.

20 (c) Investigate and prosecute any individual seller of firearms or
21 retail firearms dealer should they knowingly sell ammunition to a resi-
22 dent of the state of New York or to an individual who purchases ammu-
23 nition on behalf of a New York state resident without contacting the New
24 York state police for authorization pursuant to section two hundred
25 twenty-eight of this chapter and any other law, rule or regulation.

26 (d) Seek and obtain injunctive relief to prevent any individual seller
27 of firearms or retail firearms dealer from knowingly selling ammunition
28 to a resident of the state of New York or to an individual who purchases
29 ammunition on behalf of a New York state resident without contacting the
30 New York state police for authorization pursuant to section two hundred
31 twenty-eight of this chapter and any other law, rule or regulation.

32 3. The attorney general shall have the power to enforce the provisions
33 of this section by bringing civil and criminal actions in the state
34 courts of New York.

35 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
36 sion, section or part of this act shall be adjudged by any court of
37 competent jurisdiction to be invalid, such judgment shall not affect,
38 impair, or invalidate the remainder thereof, but shall be confined in
39 its operation to the clause, sentence, paragraph, subdivision, section
40 or part thereof directly involved in the controversy in which such judg-
41 ment shall have been rendered. It is hereby declared to be the intent of
42 the legislature that this act would have been enacted even if such
43 invalid provisions had not been included herein.

44 § 4. This act shall take effect on the one hundred eightieth day after
45 it shall have become a law.