

STATE OF NEW YORK

7365

2023-2024 Regular Sessions

IN SENATE

May 22, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the general business law, in relation to rapid fire modification devices

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

1 Section 1. Subdivisions 26, 29, 30, 32 and 32 of section 265.00 of the
2 penal law, subdivisions 26, 29 and 30 as added by chapter 130 of the
3 laws of 2019, subdivision 32 as amended by chapter 94 of the laws of
4 2022 and subdivision 32 as added by chapter 520 of the laws of 2021, are
5 amended to read as follows:

6 26. "Rapid-fire modification device" means any bump stock, trigger
7 crank, binary trigger system, burst trigger system, auto-sear, forced
8 reset trigger, or any other device that is designed to accelerate the
9 rate of fire of a semi-automatic firearm, rifle or shotgun.

10 29. "Binary trigger system" means any device that, when installed in
11 or attached to a semi-automatic firearm rifle, or shotgun, causes that
12 weapon to fire once when the trigger is pulled and again when the trig-
13 ger is released.

14 30. "Burst trigger system" means any device that, when installed in or
15 attached to a semi-automatic firearm, rifle, or [~~shot-gun~~] shotgun,
16 allows that weapon to discharge two or more shots with a single pull
17 [~~or~~] of the trigger by altering the trigger reset.

18 32. (a) "Unfinished frame or receiver" means any unserialized material
19 that does not constitute the frame or receiver of a firearm, rifle or
20 shotgun but that has been shaped or formed in any way for the purpose of
21 becoming the frame or receiver of a firearm, rifle or shotgun, and which
22 may readily be made into a functional frame or receiver through milling,
23 drilling or other means.

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

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1 ~~[32-]~~ (b) "Ghost gun" means a firearm, rifle or shotgun that does not
2 comply with the provisions of section 265.07 of this article and is not
3 serialized.

4 § 2. Section 265.00 of the penal law is amended by adding two new
5 subdivisions 36 and 37 to read as follows:

6 36. "Auto-sear" means a device that disrupts the trigger bar of a
7 semi-automatic firearm, rifle, or shotgun from performing the function
8 of limiting that weapon to firing only one round each time the trigger
9 is pulled.

10 37. "Forced reset trigger" means any device that, when installed in or
11 attached to a semi-automatic firearm, rifle, or shotgun, allows that
12 weapon to automatically expel more than one shot with a single, contin-
13 uous pull of the trigger.

14 § 3. Subdivisions 2 and 6 of section 898-a of the general business
15 law, as added by chapter 237 of the laws of 2021, are amended to read as
16 follows:

17 2. "Reasonable controls and procedures" shall mean policies that
18 include, but are not limited to: (a) instituting screening, security,
19 inventory and other business practices to prevent thefts of qualified
20 products as well as sales of qualified products to straw purchasers,
21 traffickers, persons prohibited from possessing firearms under state or
22 federal law, or persons at risk of injuring themselves or others; ~~and~~
23 (b) preventing deceptive acts and practices and false advertising and
24 otherwise ensuring compliance with all provisions of article
25 twenty-two-A of this chapter; and (c) taking reasonable steps to prevent
26 the installation or use of a rapid-fire modification device, as defined
27 in section 265.00 of the penal law, on qualified products.

28 6. "Qualified product" shall ~~[have the same meaning as defined in 15~~
29 ~~U.S.C. section 7903(4)]~~ mean a firearm (as defined in subparagraph (A)
30 or (B) of 18 U.S.C. § 921(a)(3)), including any antique firearm (as
31 defined in 18 U.S.C. § 921(a)(16)), or ammunition (as defined in 18
32 U.S.C. § 921(a)(17)(A)), or a component part of a firearm or ammunition.

33 § 4. This act shall take effect immediately.