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:

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

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

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

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

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

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

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

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

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

(a) Investigate and prosecute any individual seller of firearms or retail firearms dealer who knowingly sells an illegal firearm or rapid-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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individual who purchases a firearm or rapid-fire modification device on behalf of a New York state resident or who knowingly sells a firearm or rapid-fire modification device to a resident of the state of New York or to an individual who purchases a firearm or rapid-fire modification device on behalf of a New York state resident without contacting the New York state police for authorization pursuant to section two hundred twenty-eight of this chapter and any other law, rule or regulation.

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

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

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

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

§ 3. Severability clause. If any clause, sentence, paragraph, subdivision, 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, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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