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:

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

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

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

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

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

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

LBD11326-02-3

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

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

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

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

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

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

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

§ 4. This act shall take effect immediately.