

# 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.