



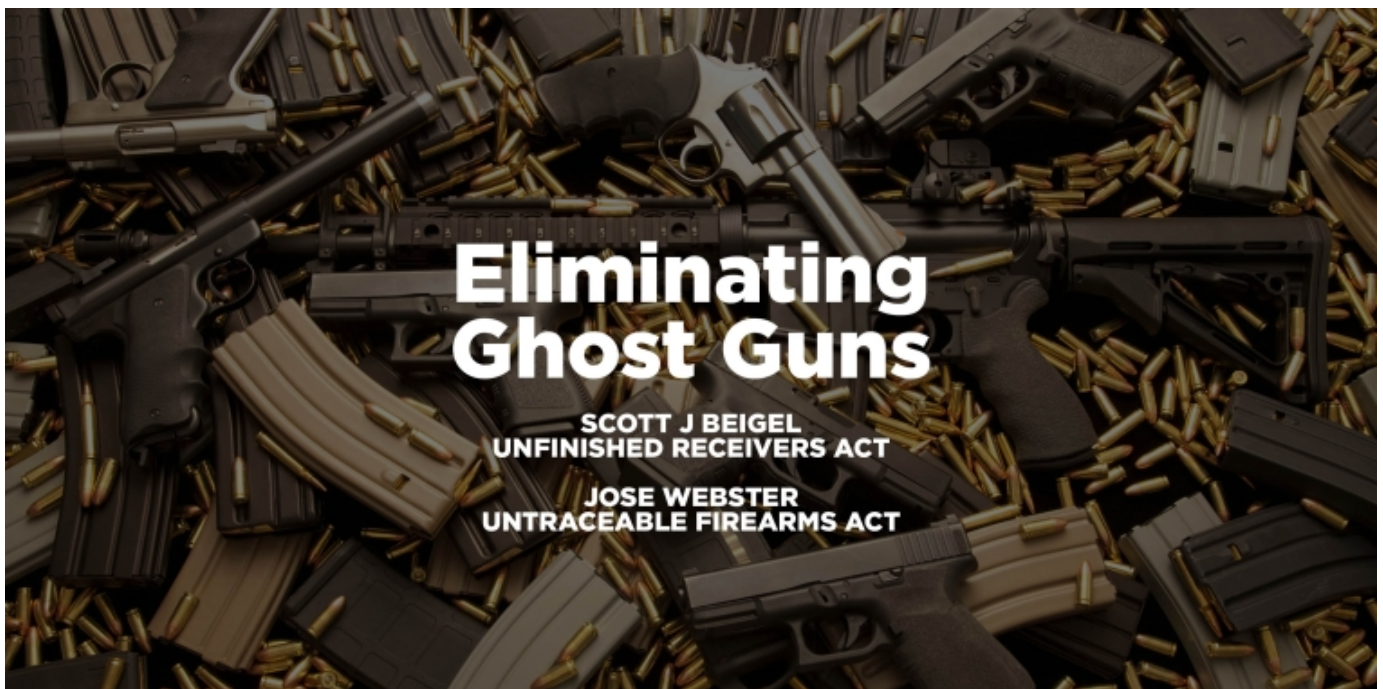
NEW YORK STATE SENATOR

Anna M. Kaplan

Senators Anna Kaplan and Brad Hoylman Pass Comprehensive Legislation Package to Eliminate Dangerous Ghost Guns Amid National Surge of Gun Violence

SENATOR ANNA M. KAPLAN July 24, 2020

| ISSUE: **GHOST GUNS, UNFINISHED RECEIVERS, UNTRACEABLE GUNS, SCOTT J. BEIGEL UNFINISHED RECEIVER ACT, GUN VIOLENCE PREVENTION**



The legislation passes at a time when the nation is seeing a surge in gun violence due to the coronavirus pandemic

Senator Kaplan's bill, the "Scott J. Beigel Unfinished Receivers Act," named for the Hero Teacher of Marjory Stoneman Douglas High School, would expressly ban the sale and possession of "unfinished receivers" which can be easily built into an AR-15 in about an hour

Senator Hoylman's bill, the "Jose Webster Untraceable Firearms Act," named for 16-year-old New Yorker who died from gun violence, would ban sale and possession of "ghost guns" and require all guns to be serialized so law enforcement can trace their sale

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ALBANY, NY (July 23, 2020) – The New York State Senate today passed comprehensive legislation to crack down on the proliferation of dangerous, untraceable weapons and "ghost guns" that do not have serial numbers and therefore cannot be traced by law enforcement, and which routinely are purchased by individuals who would otherwise be unable to obtain a legal firearm. As a package, [S.7762](#), the Scott J. Beigel Unfinished Receiver Act, sponsored by **Senator Anna M. Kaplan** (D-Great Neck), and [S.7763](#), the Jose Webster Untraceable Firearms Act, sponsored by **Senator Brad Hoylman** (D/WF-Manhattan) prohibit the possession, manufacture, and sale of ghost guns, as well as the major component parts that can be easily turned into functioning firearms.

Ghost guns are unserialized homemade firearms that are constructed from nearly-finished parts that are widely available online. These parts can be purchased without a background check and are often sold as kits that enable a person to easily build a firearm in as little as one hour with no technical skill or expertise. Because they are unregulated and untraceable they are quickly becoming the favorite choice of violent criminals, gun traffickers, dangerous extremists, and other people legally prohibited from having guns.

Senator Anna M. Kaplan said "For years, New Yorkers have demanded action from Albany to close the dangerous loopholes that allow untraceable ghost guns to be obtained by people who would otherwise be unable to obtain a legal firearm, and with the Coronavirus

pandemic exacerbating our existing gun violence epidemic, we need to take action to protect our community. The Scott J. Beigel Unfinished Receiver Act, which I'm proud to sponsor, along with the Jose Webster Untraceable Firearms Act, sponsored by Senator Brad Hoylman, will close these dangerous loopholes, and ensure that all guns have a serial number, and that no gun buyer can evade the legal background check process. I'm proud to pass this bill honoring Scott J. Beigel, the hero teacher of Parkland Florida, who senselessly lost his life to gun violence at Marjory Stoneman Douglas High School while protecting his students, because I know this bill will save lives, just like Scott did. I'm so grateful to Scott's parents Linda and Michael for their passionate advocacy for sensible gun safety laws, to Senator Hoylman for his leadership and partnership on this legislation, and I'm thankful for the leadership of Senate Majority Leader Andrea-Stewart Cousins for always ensuring that this body is responsive to the needs of New Yorkers.

Senator Brad Hoylman said "The COVID-19 crisis has made our nation's epidemic of gun violence even worse. Manufacturers report sky-high demand for ghost guns, untraceable weapons that can evade even New York's historically strong gun safety regulations. The Jose Webster Untraceable Firearms Act, which I'm proud to sponsor with Assembly Member Rosenthal, will ban the sale and possession of ghost guns and ensure law enforcement has the necessary tools to track the manufacture and sale of all guns in New York. Together with the Scott J. Beigel Unfinished Receiver Act sponsored by Senator Kaplan and Assembly Member Lavine, our bills form a comprehensive package of legislation to crack down on ghost guns. I'm honored to pass this bill today in memory of Jose Webster, a teenager from New York City who lost his life due to gun violence, and I'm deeply grateful for the advocacy and support of his sister Nathalie and for the leadership of Senate Majority Leader Andrea Stewart-Cousins."

"The Scott J. Beigel Unfinished Receivers Act", sponsored by Senator Anna M. Kaplan, specifically addresses the proliferation of "unfinished receivers" or "80% Receivers" which can be purchased online without a background check and which are easily converted into operable firearms by people with limited skills. The legislation:

- Defines what constitutes an unfinished frame or receiver
- Makes it illegal to possess an unfinished frame or receiver without a gunsmith license
- Prohibits the possession of major components of a firearm, rifle, or shotgun by persons who are otherwise lawfully prohibited from possessing such weapons
- Makes it illegal to sell or transfer an unfinished frame or receiver to anyone other than a licensed gunsmith

"The Jose Webster Untraceable Firearms Act" sponsored by Senator Brad Hoylman, prohibits the sale and possession of ghost guns and ensures law enforcement will be able to track the manufacture and sale of all guns in New York. The legislation:

- Defines a "ghost gun" as any firearm, rifle, or shotgun that isn't serialized and registered in accordance with either state or federal law
- Prohibits the possession of ghost guns by anyone but a licensed gunsmith
- Prohibits the sale of ghost guns entirely
- Prohibits the manufacture or assembly of a firearm, rifle, or shotgun by anyone other than a licensed gunsmith
- Requires New York gunsmiths to serialize all firearms, rifles, shotguns, or unfinished frames or receivers they manufacture or assemble, and to register any such gun, or unfinished frame or receiver that isn't otherwise covered by federal serialization law with the Division of State Police

Dix Hills, NY native Scott J. Beigel tragically lost his life due to senseless gun violence at Marjory Stoneman Douglas High School in Parkland, Florida, on February 14, 2018. Scott was a hero, an MSD teacher who gave his life to heroically protect his students. Scott was the truest of heroes in life, and remains one now. The Scott J. Beigel Unfinished Receiver Act is dedicated to his honor and in his memory, and is intended, just as Scott intended, to save lives.

In 2011, Jose Webster was shot 15 times while walking with his girlfriend near their home in the South Bronx. He had celebrated his 16th birthday just ten days earlier. Bullets from two different guns were pulled from his back and legs during the autopsy. Jose was a smart kid who got good grades; his sister Nathalie Arzu says "he had a smile that would light up the room."

Under the Gun Control Act (GCA) of 1968, it is illegal for an unlicensed person to make a firearm for sale or distribution. However, it has been interpreted that since these receivers are "unfinished," lacking holes necessary to attach a trigger mechanism and lacking necessary grooves to create a fire control cavity, they are not classified as firearms under the GCA.

Drilling and milling of these unfinished receivers can be done at home by anyone using simple tools, allowing someone to circumvent the background check process that would normally be required in order to purchase a firearm or a finished frame or receiver, and ultimately obtain an untraceable, unregistered firearm.

In recent months, law enforcement has identified ghost guns as a significant safety threat in New York that has only gotten worse since the outbreak of the coronavirus. Individuals who are otherwise legally prohibited from owning guns are able to evade background checks and access untraceable firearms without serial numbers.

Police departments from Rochester to Syracuse to Albany to New York City have seized these weapons from those looking to use them to do harm, but our law enforcement community continues to sound the alarm about the need to crack down on these guns through legislation.

Linda Beigel Schulman, mother of Scott J. Beigel, said "On February 14, 2018, my son Scott J. Beigel was murdered during the Marjory Stoneman Douglas High School Massacre while protecting and saving the lives of his students. Since that horrible day, I have made my life's mission to work to protect people from senseless and preventable gun violence through the enactment of reasonable gun safety legislation. I am truly overwhelmed and humbled by the actions of Senator Anna Kaplan, Senator Brad Hoylman, and the New York State Senate today in honoring Scott with the passage of Scott J. Beigel Unfinished Receiver Act. The Scott J. Beigel Unfinished Receiver Act addresses the latest continuing threat from gun violence, Ghost Guns. Ghost Guns are untraceable firearms. The only person who would purchase a Ghost Gun is someone who cannot pass a background check. Senator Anna Kaplan is by far one of the most honest, dedicated and caring individuals we have working for us in our government. My sentiments are not because this bill is named in honor of my son Scott. My sentiments come from working with and knowing the person, Anna Kaplan. Anna Kaplan fights for what she believes in. Anna Kaplan fights for the good for all of us. Anna Kaplan fights for what she knows will keep us all safe from totally unnecessary and preventable gun violence. We all need to give thanks to Senator Anna Kaplan for her caring, listening, and continuous fighting, against all odds, for all of us. That being said, this legislation is only the first step. When passed by the New York State Assembly and signed by Governor Cuomo, this legislation will save lives. This legislation will help keep us all safe from senseless and preventable gun violence."

"With gun violence surging in New York due to the pandemic, our state must take action again to strengthen our gun safety laws," said **Rebecca Fischer, Executive Director of New Yorkers Against Gun Violence**. "The number of untraceable ghost-gun cases in New York and across the country has continued to grow, and the Scott J. Beigel Unfinished Receiver Act would help stop the flow of unserialized ghost guns and prevent gun violence within our communities. We applaud Senator Anna Kaplan, Senator Brad Hoylman, and the NYS Senate for their leadership and for keeping our communities safe during this unprecedented period of upheaval."

According to current law:



This is a firearm



But this is not

 
Senator Brad Hoylman
Assembly Member Linda B. Rosenthal
THE JOSE WEBSTER UNTRACEABLE FIREARMS ACT

 
Senator Anna M. Kaplan
Assembly Member Charles D. Lavine
THE SCOTT J. BEIGEL UNFINISHED RECEIVER ACT

RELATED LEGISLATION

2019-S7762

Ghost Guns, Unfinished Receivers, Scott J. Beigel Unfinished Receiver Act, Untraceable Firearms

- Introduced
 - ◦ In Committee Assembly
 - In Committee Senate
 - ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate
 - ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Enacts the "Scott J. Beigel unfinished receiver act" in relation to unfinished frames or receivers

February 14, 2020

In Assembly Committee

Sponsored by [Anna M. Kaplan](#)

Do you support this bill?

2019-S7763

-
- Introduced
 - - In Committee Assembly
 - In Committee Senate
 - - On Floor Calendar Assembly
 - On Floor Calendar Senate
 - - Passed Assembly
 - Passed Senate
 - Delivered to Governor
 - Signed By Governor
 -

Enacts the Jose Webster untraceable firearms act

February 14, 2020

In Assembly Committee

Sponsored by **Brad Hoylman-Sigal**

Do you support this bill?