



NEW YORK STATE SENATOR

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Attorney General James Sues National Gun Distributors for Fueling Gun Violence Crisis and Endangering New Yorkers

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NEW YORK – New York Attorney General Letitia James today **filed a landmark lawsuit against multiple gun distributors for fueling the gun violence crisis and endangering New Yorkers**. In her nation-leading lawsuit, Attorney General James alleges that 10 gun distributors sold tens of thousands of illegal, unfinished frames and receivers to New Yorkers that were then converted into unserialized, untraceable handguns and assault-style weapons, known as ghost guns. These gun distributors violated several laws, including New York’s licensing laws, by selling weapons to felons and others without a background check. Attorney General James’ lawsuit stands out by detailing how these businesses repeatedly undermined the law and flooded New York’s streets with illegal ghost guns that harmed New Yorkers. For the first time, Attorney General James is invoking a newly enacted Public Nuisance statute to hold these gun distributors responsible. Following the U.S. Supreme Court’s decision on New York’s gun laws, Attorney General James is taking action to protect New Yorkers and combat the gun violence crisis.

The businesses named in Attorney General James’ lawsuit are among the nation’s leading gun distributors. They include Brownells, Inc. (Brownells), Blackhawk Manufacturing Group (80 Percent Arms), Salvo Technologies, Inc. (80 P Builder or 80P Freedom Co), G.S. Performance, LLC (Glockstore), Indie Guns, LLC (Indie Guns), Primary Arms, LLC (Primary Arms), Arm or Ally, LLC (Arm or Ally), Rainier Arms, LLC (Rainier Arms), KM Tactical LLC, and Rock Slide USA, LLC (Rock Slide).

“While families mourned loved ones lost to senseless gun violence, gun sellers avoided accountability for the illegal and dangerous weapons they sold,” said **Attorney General James**. “There should be no more immunity for gun distributors bringing harm and havoc to New York. Today’s lawsuit holds 10 gun sellers accountable for fueling the gun violence crisis and endangering New Yorkers. Illegal guns do not belong on our streets or in our communities and we will use every tool necessary to root them out.”

New York City Mayor Eric Adams today simultaneously filed a lawsuit against five of these gun distributors, Arm or Ally, 80P Builder, Rockslide USA, Rainier Arms, and Indie Guns, in federal court.

“We are not going to let gun companies turn New York City into a city of mail-order murder,” said **New York City Mayor Eric Adams**. “Whether they are hidden in the trunks of cars or packed in a plain brown box, ghost guns are illegal in our city, and we will take every lawful action possible to stop gun retailers from profiting at the expense of the safety of our city. That’s why, this morning, the City of New York filed its own lawsuit against five online gun retailers that are illegally selling and delivering ghost gun components to addresses here in this city. We will not stand by while illegal operators flout the law, endanger our communities, and kill our young people.”

An investigation by the Office of the Attorney General (OAG) linked tens of thousands of shipments to New York addresses to these businesses dating back to 2017. Undercover OAG and New York City investigators were recently able to purchase unfinished frames online from three distributors, who shipped them into New York without serial numbers or a background check. Based on the weight and size of the packages sent to the undercover investigators, OAG has reason to believe tens of thousands of shipments sent by these businesses contain unfinished frames and receivers. Local, state, and federal laws prohibit the sale of unfinished frames and receivers.

New York is grappling with a gun violence public health and safety crisis. A significant part of that crisis is attributable to an influx of homemade, unserialized guns, commonly known as “ghost guns,” which are created using unfinished frames and receivers.

Unfinished frames and receivers do not have serial numbers and can easily be used to make untraceable guns at home using basic tools. Unfinished receivers hold the upper, lower, and

rear portions of a semiautomatic rifle together. Purchasers of unfinished receivers only have to make a few small changes with a common drill press to transform an unfinished receiver into an operational one. Once milled, a receiver may be readily turned into a fully-assembled, illegal assault weapon. Similarly, a purchaser of an unfinished frame can use commonly available tools to finish the frame, which may then be readily assembled into an untraceable handgun. The process can be completed in less than an hour, even by an amateur.

These weapons are just as lethal as any other handgun or rifle but are sold directly to consumers without a background check or any federally-required record of their sale. In many cases, the businesses named in Attorney General James' lawsuit sold illegal unfinished frames and receivers to consumers with criminal records or other disqualifying conditions.

In May 2022, an individual with a criminal background, who was legally ineligible to own or operate a firearm, received shipments from Brownells after previously receiving shipments from Glockstore and Primary Arms. That same month, that individual allegedly used a ghost gun in a triple shooting that killed one person and injured two others in the Bronx.

The OAG and New York City Law Department's investigation found that Brownells and two other gun distributors, 80 Percent Arms and KM Tactical, known for their unfinished frames, receivers, and ghost gun kits, delivered orders to an individual living in New York who was a member of a far-right militia-style organization with a history of political violence. NYPD investigators later recovered two unserialized completed guns, 11 high-capacity magazines, four additional unfinished frames and receivers, as well as other gunmaking tools, from where he was staying.

The businesses named in Attorney General James' lawsuit acknowledge in their marketing that the unfinished frames and receivers evade public safety measures. In fact, in many instances they use that as a selling point. In clear violation of federal law, 80 Percent Arms

writes on its website, “This means no RED TAPE including: NO Registering an 80% Lower, NO Transfer fees like a typical firearm, NO FFL Required, Ships right to your door.” In addition, Glockstore touts on its website, “You can build a completely legal handgun without any ‘government oversight’ aka interference...No fuss, no muss, no registration, no records.”

These prohibited products are routinely bought online and shipped to addresses across the city and state. Some are also bought in neighboring states and driven into New York. For example, in November 2021, law enforcement officials seized \$16,200 worth of unfinished frames and receivers from an individual who bought the illegal products at a gun show in Pennsylvania and was later apprehended in the Bronx. Law enforcement officials claim that the individual planned to assemble the unfinished frames and receivers into complete, usable firearms and resell them illegally.

Unfinished frames and receivers are unquestionably illegal. Under New York’s Jose Webster Untraceable Firearms Act and the Scott J. Beigel Unfinished Receiver Act, possession or sale of an unfinished frame or receiver is a felony, as is the possession or sale of a ghost gun made from one. These distributors are legally obligated to reasonably ensure that their illegal products do not enter New York.

Ghost guns are proliferating across the nation and are being used in crimes at an exponential rate. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, the number of ghost guns recovered at crime scenes nationwide has increased more than elevenfold in just six years, from 1,758 in 2016 to 19,344 in 2021. Throughout New York, including New York City’s five boroughs, the number of assembled ghost guns law enforcement recovered and properly identified, increased from just 44 in 2018 to 641 in 2021 — a 1,357% increase. Moreover, as of June 17, 2022, there have been 373 recoveries of assembled ghost guns, putting New York on pace to recover over 800 ghost guns in 2022. The rise in ghost guns coincides with the rise in homicide and suicide rate across the state and nation.

Attorney General James' lawsuit demonstrates how these businesses' harmful practices evaded laws meant to protect New Yorkers and contributed to the overall gun violence epidemic in the state, including rising suicides, homicides, and domestic violence rates.

Attorney General James brings six claims against the distributors and invokes the Public Nuisance law for the first time. Under the Public Nuisance claim, Attorney General James asserts that these distributors have endangered the safety and health of the public by selling and bringing dangerous and illegal products into New York and by failing to adopt reasonable controls and procedures to prevent their products from falling into improper hands.

Through her lawsuit filed in New York County Supreme Court, Attorney General James is seeking to ban each business from selling, shipping, distributing, or otherwise supplying unfinished frames or receivers lacking serial numbers to New Yorkers; as well as to obtain restitution and damages; elicit public corrective statements from the businesses regarding their false and misleading statements and omissions; and obtain disgorgement.

In addition, Attorney General James' lawsuit seeks to require each business to contribute to an abatement fund to eliminate the public nuisance for which they are responsible. The abatement fund would be used to combat New York's gun violence crisis.

"New York's public nuisance law is a powerful tool for prosecutors and our communities to hold corporations accountable for irresponsible and reckless behavior, and today's filing shows our attorney general will use these powers against businesses that knowingly flood our streets with deadly, untraceable weapons," said **State Senator Zellnor Y. Myrie**. "We passed this law to put bad actors in the gun industry on notice: You can no longer operate with impunity in our state. I'm proud of Attorney General James for today's filing on behalf of all New Yorkers, and look forward to working with her, Governor Hochul, and my other

partners across government to take actions that protect New Yorkers from gun violence.”

“Uvalde. Buffalo. Sunset Park. New Yorkers are sick to their stomachs from bearing witness to horrific tragedies because of our federal government’s failure to properly regulate guns,” said **State Senator Brad Hoylman**. “In the federal void, New York is leading the way. Last year, we made ghost guns illegal. They are dangerous, untraceable firearms bought by people looking to evade New York’s robust background check requirements. Thanks to the leadership of Attorney General James, now the 10 firearm sellers across the state that sold tens of thousands of illegal, unfinished frames and receivers to New Yorkers will be brought to justice. I am proud of the progress we made and are continuing to make throughout New York state to help prevent further gun violence.”

“With the Supreme Court declaring open season for gun violence in our communities, it’s more important than ever that the state of New York and our law enforcement have every tool available to stop the senseless tragedy and get dangerous guns off the street,” said **State Senator Anna M. Kaplan**. “Attorney General James’ latest action to get ghost guns out of our community is vital to keeping our families safe, and I’m proud to have sponsored the new law that’s helping her to stem the flow of untraceable firearms into New York.”

“As the first lawsuit brought by the Attorney General’s office under New York’s landmark Gun Industry Liability Law, it sends a crystal clear message to gun distributors and manufacturers across the state,” said **Assemblymember Patricia Fahy**. “If you engage in activities that exacerbate the proliferation of illegal weapons and accessories coming into New York, you will be held accountable. As the nation grapples with the scourge of gun violence, I am immensely proud to have sponsored this gun liability legislation last year with Senator Zellnor Myrie targeting these distributors, and commend Attorney General Letitia James for her aggressive action in pursuing this reckless conduct. This lawsuit will reverberate across the country.”

“As the sponsor of the Scott J. Beigel Unfinished Receivers Act banning the sale and possession of ghost guns, I commend the office of Attorney General Letitia James for taking this vital action which will save lives,” said **Assemblymember Charles D. Lavine**. “We must continue to do whatever is necessary to stop the flow of untraceable weapons flooding into our communities.”

“For decades, New Yorkers have paid for the gun industry’s reckless, dangerous, and illegal business practices with their lives, while the industry has gotten off scot free,” said **Nick Suplina, senior vice president of law and policy, Everytown for Gun Safety**. “But now that we have the tools to hold rogue gun suppliers accountable, those days are drawing to a close. Today’s lawsuit from New York state is another example of how New York is combating our gun violence epidemic at its roots. As a New Yorker and as an advocate for gun violence prevention, I want to thank Attorney General James for her leadership.”

“To end the gun violence epidemic, we must hold accountable the bad actors who aren’t interested in responsible gun safety and who are willing to risk human lives in order to make a buck,” said **Daud Mumin, board co-chair, March For Our Lives**. “Gun sellers and manufacturers fuel the gun violence epidemic with their callous disregard for life, and they aren’t above the law. Attorney General Letitia James’ actions to enforce gun safety laws will save lives and we’re glad that young people and New Yorkers have a partner in her.”

“This lawsuit is historic and a shining example for states across the country to act immediately and forcefully to address gun trafficking and properly enforce our nation’s gun laws,” said **Kris Brown, president, Brady**. “This action will help stem the supply of deadly, untraceable, and illegal ghost guns that have proliferated across New York and the country. It will save lives and prevent these lethal weapons from fueling violence and crime. Brady applauds Attorney General James for her clear leadership in bringing this suit.”

“As New Yorkers confront the devastation of gun violence every single day in this state, nefarious gun dealers have been illegally flooding our New York communities with untraceable, unserialized firearm frames and receivers,” said **Rebecca Fischer, executive director, New Yorkers Gun Violence**. “For years, the gun industry has been profiting off of New Yorkers’ lives with zero accountability but now, thanks to New York's exceptional leadership, this state has a strong gun industry liability law. Today, we applaud New York Attorney General James and the city of New York for standing up to the gun lobby and filing this lawsuit to hold dangerous businesses liable for the death, harm, and trauma they have caused to New Yorkers.”

“The rapid proliferation of ghost guns poses a grave and growing threat to public safety,” said **David Pucino, deputy chief counsel, Giffords Law Center**. “These 10 gun distributors have endangered lives and have acted recklessly — and, as this lawsuit shows, illegally. We are grateful to Attorney General James and the New York City Law Department for investigating the tens of thousands of shipments that broke local, state, and federal laws. We stand with the Office of the Attorney General in their lawsuit against these distributors using New York's gun industry liability law. This lawsuit shows that this first-in-the-nation law will be a powerful tool to bring accountability to corrupt and irresponsible companies.”

Today’s action builds on Attorney General James’ efforts to crack down on ghost guns and combat the gun violence crisis. Earlier this month, [Attorney General James demanded that 28 statewide firearms sellers immediately stop advertising ghost gun parts](#). In April 2021, [Attorney General James sent a letter to U.S. DOJ urging them to strengthen federal regulations on ghost guns](#). In February 2021, [Attorney General James led a coalition of 21 attorneys general from around the nation in filing an amicus brief in the case *Grewal v. Defense Distributed* before the U.S. Supreme Court](#), where the coalition fought a lawsuit that seeks to stop states from enforcing their laws against a company disseminating

dangerous 3D-printed gun files on the internet.

In September 2019, [Attorney General James](#) sent cease and desist letters to the companies behind a number of websites selling incomplete weaponry pieces to New Yorkers that could be easily assembled into illegal assault weapons. In July 2020, [Attorney General James](#) announced that all the companies behind the sale of these firearms or firearms components had complied with her cease and desist letters and ended the sale of these weapons to New Yorkers.

This litigation is led by Special Counsel James Thompson and Special Counsel Monica Hanna with support from Data Scientist Kenneth Morales, Director of Research and Analytics Jonathan Werberg, and interns Nick Leiber, Gertrude Abarentos, and Harry Reis, all under the supervision of First Deputy Attorney General Jennifer Levy. Chief Deputy Attorney General for Economic Justice Chris D'Angelo, Consumer Frauds Bureau Chief Jane Azia, Organized Crime and Drug Taskforce Bureau Chief Nicole Keary, Deputy Solicitor General Ester Murdukhayeva, Assistant Solicitor General Eric del Pozo, and Assistant Attorney General Ezra Sternstein also supported this matter. The investigation was conducted by investigators Chad Shelmidine, Peter Schottenfeld, and Paul Matthews, all under the supervision of Deputy Chief Investigator Jonathan Wood and Deputy Chief Investigator Edward Carrasco.

RELATED LEGISLATION

2021-S13A

[Ghost Guns](#), [Gun Violence](#), [Gun Violence Prevention](#), [Scott J. Beigel Unfinished Receiver Act](#)

- 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

December 17, 2020

Signed by Governor

Sponsored by **Anna M. Kaplan**

Do you support this bill?