Committee on Public Safety

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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEE REPORT OF THE JUSTICE DIVISION**

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**COMMITTEE ON PUBLIC SAFETY**

*Hon. Donovan Richards, Jr., Chair*

**June 27, 2019**

**PRECONS. INT. NO. T2018-2223** By Council Member Richards

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to providing notice to minors included in the criminal groups database

**ADMINISTRATIVE CODE:** Adds section 14-176

**INT. NO. 567:** By Council Member Treyger, Maisel, Deutsch, Brannan, Rosenthal

**TITLE:**  A Local Law to amend the administrative code of the city of New York, in relation to internet purchase exchange locations

**ADMINISTRATIVE CODE:** Adds section 10-179

**INT. NO. 635**: By Council Member Dromm

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting staged perp walks

**ADMINISTRATIVE CODE:** Adds Section 14-175

**INT. NO. 1244:** By Council Members Borelli, Richards, Brannan, Maisel, Yeger, Holden, Ulrich

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting certain unsolicited disclosures of intimate images

**ADMINISTRATIVE CODE:** Adds section 10-179

**INT. NO. 1553:** By Council Member Rosenthal, Miller, Richards, The Public Advocate (Mr. Williams), Levine

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting unfinished frames or receivers

**ADMINISTRATIVE CODE:** Adds subdivisions 21, 22, and 23of section 10-301 and adds section 10-314

**INT. NO. 1548**: By Council Member Miller, Richards, The Public Advocate (Mr. Williams), Rosenthal, Levine

**TITLE:** A Local law to amend the administrative code of the city of New York, in relation to reporting on the seizure of three-dimensional printed guns and ghost guns, or any piece or part thereof

**ADMINISTRATIVE CODE:** Amends Section 14-150

**RES. NO. 866:** By Council Members Miller, Rosenthal, Richards, and the Public Advocate (Mr. Williams)

**TITLE:** Resolution calling on the United States Congress to pass, and the President to sign, H.R. 7115 also referred to as the 3-D Firearms Prohibition Act

1. **INTRODUCTION**

On June 27, 2019 the Committee on Public Safety, chaired by Council Member Donovoan Richards, Jr. will hold a hearing on the following legislation: Preconsidered Introduction Number T2018-2223, a local law to amend the administrative code of the city of New York, in relation to providing notice to minors included in the criminal groups database; Introduction Number 567 (“Int. No. 567”), a local law to amend the administrative code of the city of New York, in relation to internet purchase exchange locations; Introduction Number 635 (“Int. No. 635”), a local law to amend the administrative code of the city of New York, in relation to prohibiting staged perp walks; Introduction Number 1244 (“Int. No. 1244”), a local law to amend the administrative code of the city of New York, in relation to prohibiting certain unsolicited disclosures of intimate images; Introduction Number 1553 (“Int. No. 1553”), a local law to amend the administrative code of the city of New York, in relation to prohibiting unfinished frames or receivers; and Introduction Number 1548 (“Int. No. 1548”), a Local Law to amend the administrative code of the city of New York, in relation to reporting on the seizure of three-dimensional printed guns and ghost guns, or any piece or part thereof. Witnesses invited to testify include representatives from the New York City Police Department (NYPD) as well as advocates and members of the public.

1. **PRE-CONSIDERED INT. NO. T2018-2223**
2. *NYPD’S Criminal Group Database*

On June 13, 2018 the Committee held an oversight hearing on the NYPD’s gang takedown efforts, in which the department’s Criminal Group Database was discussed. The Criminal Group Database, also referred to as the “gang database,” is part of the NYPD’s electronic case management system, and is one of the many tools the department uses to determine when crimes may be gang-related, how to solve them, and prevent their occurrence.[[1]](#footnote-1) While the NYPD tracks the membership of organized crime groups, such as the Russian and Albanian criminal organizations, motorcycle gangs, street gangs, and terrorist organizations, the Criminal Group Database primarily contains intelligence related to street gangs.[[2]](#footnote-2) Unlike other jurisdictions, entry into the NYPD’s database does not require evidence of criminality or suspicion of wrongdoing.[[3]](#footnote-3) According to the department, a person can be added to the database if they meet the following criteria[[4]](#footnote-4):

1. Self-admission of gang membership to a member of the NYPD; or
2. Being identified as a gang member by two independent and reliable sources or social media posts admitting to membership in a gang, and meets two of the below mentioned criteria:

* Frequent presence at a known gang location
* Possesses gang-related documents
* Association with known gang members
* Social media posts with known gang members while possessing known gang paraphernalia
* Scares and tattoos associated with a particular gang
* Frequent wearing of colors and use of hand signs that are associated with particular gangs

Additionally, specific members of the department, including precinct field intelligence officers, gang detectives, and investigators in the Social Media Analysis and Research Team, may recommend a person be entered into the database.[[5]](#footnote-5) Officers must provide a written narrative as well as supporting documentation that justifies each recommendation, which is then reviewed by a supervisor in the Gang Squad who approves or rejects the recommendation.[[6]](#footnote-6) According to the department each entry in the database is reviewed every three years, and on the 23rd and 28th birthday of every individual to determine if they should be removed. Based on these guidelines the department removed over 3,477 entries from the database within a 4 year period.[[7]](#footnote-7)

As of June 13, 2018 the database contained the personal information of 17,441 individuals, 95% of whom are Black or Latinx and are on average 27 years old.[[8]](#footnote-8) According to testimony before the Council by NYPD Chief of Detectives Dermot Shea, individuals under 18 years of age comprised just two percent of the database.[[9]](#footnote-9) However, the data provided by Chief Shea indicated that 1,460 individuals under 18 were included in the database, which is 8.3% of the reported total number of individuals in the database.[[10]](#footnote-10) According to Chief Shea, the youngest individual in the database was 13 years old.[[11]](#footnote-11)

While the NYPD maintains that it has protocols to review persons entered into the Criminal Group Database, there is currently no notification process to anyone included in the database and no way for an individual to contest his or her inclusion.

1. *ANALYSIS OF PRECONSIDERED INT. NO. T2018-2223*

Section 1 of this bill would require the NYPD to provide written notice to any minor included in the criminal groups database as well as the minor’s parent or guardian. It would also require the department to accept a written petition from the minor, the minor’s parent or guardian, or an attorney working on behalf of the minor to contest the minor’s inclusion in the database. It would also require the department to review such a petition within 30 days and provide a written decision stating the action by the department in response to the petition and the reasons for a denial of the petition, if applicable. It would also require the department to publicly report the number of persons included in the criminal groups database, the number of people added to the database, the number of people removed from the database, and the number of petitions received pursuant to this bill.

Section 2 of the bill would have it take effect 120 days after it becomes law.

1. **INT. NO 567**
2. *INTERNET PURCHASE EXCHANGE LOCATIONS*

Many person-to-person transactions initiated online are conducted between strangers. Such transactions have been reported to pose the danger that one of the parties intends to commit a crime rather than conduct a transaction.[[12]](#footnote-12) In order to reduce the danger posed by these transactions, some jurisdictions have created safe internet exchange locations that are under constant police surveillance in order to minimize the risk of agreeing to meet a stranger for the purpose of conducting a transaction.[[13]](#footnote-13)

1. *ANALYSIS OF INT. NO. 567*

Section 1 of this bill would require each NYPD precinct station house to designate a publicly accessible internet purchase exchange location that is monitored by human or video surveillance where goods can be safely exchanged between individuals and post the hours of operation on the precinct website.

Section 2 would have this bill take effect 120 days after becoming law.

1. **INT. NO. 635**
2. *STAGED PERP WALKS*

‘Perp walk’ is a colloquial term for the informal practice of police department personnel notifying the media and other interested parties when officers intend to transport a suspect from the police precinct to central booking in order to make a public spectacle of the individual.[[14]](#footnote-14) Reporters who wish to cover the story assemble outside the precinct house in order to take photographs of the suspect, who is usually handcuffed, and occasionally shout questions.[[15]](#footnote-15) In 1999, a federal judge allowed a lawsuit against the department for conducting “perp walks” to proceed, ruling that in the case in question the walk was conducted “in a manner designed to cause humiliation to [the suspect] with no legitimate law enforcement objective or justification”.[[16]](#footnote-16) The charges against the suspect in that case were dismissed.[[17]](#footnote-17) Soon after the ruling, the police department indicated it would no longer engage in the practice.[[18]](#footnote-18) However, there are countless examples of perp walks since 1999.[[19]](#footnote-19) The case of Dominique Struss Kahn is a particularly noteworthy example: the former chief of the International Monetary Fund was subjected to a perp walk in a high profile sexual assault case. The charges were later dismissed by prosecutors, but the damage to Mr. Strauss Kahn’s reputation resulting from the public media attention originating from the perp walk was permanent.[[20]](#footnote-20) The practice continues for less prominent figures as well: in May, 2019 a teenager accused of assaulting a firefighter was subjected to a perp walk involving not just the news media but a crowd of assembled firefighters staring at the teen from around the car he in which he was to be transported.[[21]](#footnote-21)

1. *ANALYSIS OF INT. NO. 635*

Section 1 of this bill would make it unlawful for the police department to enable or conduct a staged perp walk in which an arrestee, defendant or suspect is escorted into a public place for the purpose of allowing the individual to be photographed or filmed for the benefit of the media.

Section 2 of the bill would have it take effect immediately.

1. **INT. NO. 1244**
2. *UNSOLITICTED DISCLOSURES OF INTIMATE IMAGES*

News reports of lewd images being sent to strangers’ telephones have recently become more common. Victims have reported that photos of, for example, male genitalia appeared on their phones without warning.[[22]](#footnote-22) In addition to subway passengers, restaurant servers, taxi passengers, and other unsuspecting individuals have been subjected to viewing these unsolicited images.[[23]](#footnote-23) The perpetrators typically use AirDrop, a function on the iPhone that allows an individual to transmit files between phones that are in close proximity to each other through Bluetooth.[[24]](#footnote-24) While default phone settings may prevent unwanted images from being sent to someone’s phone, many people use more open settings for professional purposes.[[25]](#footnote-25)

1. *ANALYSIS OF INT. NO. 1244*

Section 1 of the bill would make it a misdemeanor punishable by up to one year in jail or a fine of up to $1,000, or both, to send by electronic device an unsolicited intimate image to another person with intent to harass, annoy, or alarm the other person.

Section 2 of the bill would renumber the administrative code provision added by local law number 229 of 2017.

Section 3 of the bill would renumber the administrative code provision added by local law number 242 of 2017.

Section 4 of the bill would have it take effect immediately.

1. **INT. NO. 1553**
2. *UNTRACEABLE FIREARMS*

“Ghost Guns” are unlicensed and untraceable firearms made from incomplete frames and lower receivers that can be legally purchased without a license and transformed into an operable firearm using tools available in most hardware stores. Under federal law, only the frame of a firearm, the key component that houses the firing mechanism, must carry a serial number.[[26]](#footnote-26) Several online retailers sell incomplete frames and tools that can be used to assemble a functioning firearm, allowing customers to bypass background checks and gun licensing.[[27]](#footnote-27) According to the Gifford Law Center to Prevent Gun Violence, Ghost Guns, unlike traditional firearm manufacturing, are undetectable because they do not include a unique serial number that identifies its manufacturer, make, model, caliber used by law enforcement to trace its ownership.[[28]](#footnote-28)

1. *ANALYSIS OF INT. NO. 1553*

Section 1 of this bill would add definitions for the term “frame or receiver” and “unfinished frame or receiver”.

Section 2 of the bill would make the possession or disposal of an unfinished frame or receive a misdemeanor punishable by imprisonment for up to one year, or a fine of up to $1,000, or both.

Section 3 of the bill would have it take effect 120 says after it becomes law except that the police commissioner may take all actions necessary to implement the law prior to such effective date.

1. **INT. NO. 1548**
2. *THREE-DIMENSIONAL PRINTED GUNS*

Three-dimensional (“3-D”) printing, also known as additive manufacturing, is a process of using computer control, guided by a digital blueprint, to direct the laying of a material, most commonly plastic, to make a three-dimensional solid object.[[29]](#footnote-29) 3-D printing technology has been employed in numerous industries, including medicine, music, culinary arts, home construction, automotive, and aerospace, among many others including the making of firearms.[[30]](#footnote-30) 3-D printed firearms are unlicensed, untraceable, and can be undetectable as they are typically made of plastic. While the United States Undetectable Firearms Act of 1988 requires guns to be detectable by metal screening machines, it does not require firearms to have a major component made of metal.[[31]](#footnote-31) Several 3-D firearms bypass metal detection, as they are designed only to include a removable metal block that is not necessary for its functionality.[[32]](#footnote-32)

According to experts, 3-D printed guns tend to fail, jam, and explode at higher rates than regular firearms, presenting a significantly higher danger to users and bystanders than a firearm made through regular production means.[[33]](#footnote-33) As 3-D printed firearms become more accessible, public safety concerns have grown. In 2013, the Texas-based nonprofit Defense Distributed was the first to create a three-dimensional printed firearm, called “the Liberator,” but was temporarily prohibited from making blueprints for such firearms publically available.[[34]](#footnote-34) In May of 2019, both chambers of the New York State Legislature have passed a ban on the manufacture, sale, and possession of 3D printed guns and other undetectable firearms, and the bill is pending review by the Governor’s office.[[35]](#footnote-35)

1. *ANALYSIS OF INT. NO. 1548*

Section 1 of this bill would add ghost guns and firearms created using a 3D printer to the reporting requirements under section 14-150 of the administrative code relating to seized firearms.

Section 2 of the bill would add definitions of “frame or receiver,” “ghost gun,” “three dimensional printer” and “unfinished frame or receiver”.

Section 3 of the bill would have it take effect immediately.

Int. No.

By Council Member Richards

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to providing notice to minors included in the criminal groups database

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-176 to read as follows:

§ 14-176 Criminal groups database. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Criminal groups database. The term “criminal groups database” means any database maintained by the department that designates a person as a gang member or associate, or includes or points to information that reflects a designation of that person as a gang member or associate.

Gang. The term “gang” means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities, the commission of one or more criminal acts, having a common name or common identifying sign or symbol, or whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

b. The department shall provide written notice to any minor under the age of 18 who has been entered into the criminal groups database, and the minor’s parent or guardian, unless providing such notification would compromise an active criminal investigation or the department has specific reason to believe that providing such notification would compromise the health or safety of the minor or another person. The notice shall inform the minor of the reasons for the minor’s inclusion in the criminal groups database and shall describe the process for the person, the person’s parent or guardian, or an attorney working on behalf of the person, to contest the inclusion of the person in the database, as described in subdivision c.

c. After receiving the notice described in subdivision b, the minor, an attorney working on behalf of the minor, or the minor’s parent or guardian may submit to the department a written petition contesting the inclusion of the minor in the database. The department shall review the petition, and if the department determines that the person should not be designated a suspected gang member, associate, or affiliate, the department shall immediately remove the person from the criminal groups database. Within 30 days, the department shall provide the minor and his or her parent or guardian with a written decision stating the action taken by the department. If the department denies the petition, the written decision shall state the reason for the denial.

d. By March 31, 2020, and no later than March 31 of each calendar year thereafter, the department shall report to the council and post on its website:

1. The number of persons included in the criminal groups database, in total and disaggregated by race, age, and gender;

2. The number of people added to the gang database during the prior calendar year, in total and disaggregated by race, age, and gender;

3. The number of people removed from the gang database during the prior calendar year, in total and disaggregated by race, age, and gender; and

4. The number of petitions received pursuant to subdivision c, in total and disaggregated by whether the petition was granted or denied.

§ 2. This local law takes effect 120 days after it becomes law.

NB/D.A

LS #7083

5/21/2019

Int. No. 567

By Council Members Treyger, Maisel, Deutsch, Brannan and Rosenthal

A Local Law to amend the administrative code of the city of New York, in relation to internet purchase exchange locations

Be it enacted by the Council as follows:

                     Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended to add a new section 10-179, to read as follows:

§ 10-179 Internet purchase exchange locations. Each precinct station house shall designate a publicly accessible internet purchase exchange location within or upon the grounds of such station house, or in a publicly accessible area within that precinct, where goods may be exchanged and transactions may be conducted safely between private individuals. Such locations shall be monitored by human or video surveillance and indicated by signage containing the hours of operation, provided that such hours may be limited at the discretion of the department. The location and hours of operation for each internet purchase exchange location shall be posted on that precinct’s website.

§ 2. This local law takes 120 days after becoming law.

BJR

LS 962

Int. 1626-2017

1/3/18  12:34PM

Int. No. 635

By Council Member Dromm

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting staged perp walks

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

§ 14-175 Perp walks. a. Definitions. As used in this section, the term “staged perp walk” means escorting an arrestee, defendant or suspect into a public place at a particular time or in a particular manner with the purpose of allowing the arrestee, defendant or suspect to be photographed or filmed for the benefit of the media.

b. It is unlawful to enable or conduct a staged perp walk.

c. Notwithstanding subdivision b of this section, nothing herein shall prevent any law enforcement officer from transporting an arrestee, defendant or suspect in the normal course of performing one’s duties and responsibilities.

§ 3. This local law takes effect immediately after it becomes law.

BG

LS 2390

1/31/18

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| --- |
| Int. No. 1244    By Council Members Borelli, Richards, Brannan, Maisel, Yeger, Holden and Ulrich    A Local Law to amend the administrative code of the city of New York, in relation to prohibiting certain unsolicited disclosures of intimate images    Be it enacted by the Council as follows:    Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-179 to read as follows:  § 10-179 Unsolicited disclosure of an intimate image. a. Definitions. As used in this section, the following terms have the following meanings:  Intent to harass, annoy or alarm. The term “intent to harass, annoy or alarm” has the same meaning as used in section 240.26 of the penal law.  Intimate body parts. The term “intimate body parts” means the genitals, pubic area or anus of any person.  Intimate image. The term “intimate image” means a photograph, film, videotape, recording or any other reproduction of an image of an individual with fully or partially exposed intimate body parts or engaged in sexual activity.  Send by electronic device. The term “send by electronic device” means to send using a cellular telephone or any other electronic communication device, including devices capable of sending text messages or e-mails.  Sexual activity. The term “sexual activity” means sexual intercourse as defined in subdivision 1 of section 130.00 of the penal law, oral sexual conduct or anal sexual conduct as those terms are defined in subdivision 2 of section 130.00 of the penal law, touching of the intimate body parts of a person for the purpose of gratifying sexual desire, sexual penetration with any object or the transmission or appearance of semen upon any part of the depicted individual’s body.  b. Unsolicited disclosure of an intimate image. It is unlawful for a person, with the intent to harass, annoy or alarm another person, to send by electronic device an unsolicited intimate image to such other person.  c. Criminal penalty. Any person who violates subdivision b of this section shall be guilty of a misdemeanor punishable by up to one year in jail, or a fine of up to $1,000, or both.  § 2. Section 10-177 of the administrative code of the city of New York, as added by local law number 229 for the year 2017, is renumbered as section 10-177.1.  § 3 Section 10-177 of the administrative code of the city of New York, as added by local law number 242 for the year 2017, is renumbered as section 10-177.2.  § 4. This local law takes effect immediately, except that section one of this local law takes effect 60 days after it becomes law.    AS  LS # 7937  11/15/18 |

Int. No. 1553

By Council Members Rosenthal, Miller, Richards, the Public Advocate (Mr. Williams) and Levine

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting unfinished frames or receivers

Be it enacted by the Council as follows:

Section 1. Section 10-301 of the administrative code of the city of New York is amended by adding new subdivisions 21, 22 and 23 to read as follows:

21. “Frame or receiver.” Part of a firearm, rifle, shotgun or assault weapon that provides housing for the hammer, bolt or breechblock, and firing mechanism, and that is usually threaded at its forward portion to receive the barrel.

22. “Unfinished frame or receiver.” A piece of any material that does not constitute the frame or receiver of a firearm, rifle, shotgun or assault weapon but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm, rifle, shotgun or assault weapon with modification by the user and that is not engraved with a serial number that meets or exceeds requirements pursuant to subsection (i) of section 923 of title 18 of the United States code and regulations issued pursuant thereto.

§ 2. Chapter 3 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-314 to read as follows:

§ 10-314 Prohibition on unfinished frames or receivers. a. Restriction of possession. Notwithstanding any other provision of this chapter, no person shall possess or dispose of an unfinished frame or receiver.

b. Penalties. The violation of this section constitutes a misdemeanor punishable by a fine of not more than $1,000 or by imprisonment of not more than one year, or both, for each prohibited item possessed or disposed.

§ 3. This local law takes effect 120 days after it becomes law, except that the police commissioner may take all actions necessary to implement this local law, including the promulgation of rules, prior to such effective date.

DFC

LS #8404

03/01/19, 2:30 p.m.

Int. No. 1548

By Council Members Miller, Richards, the Public Advocate (Mr. Williams), Rosenthal and Levine

A Local Law to amend the administrative code of the city of New York, in relation to reporting on the seizure of three-dimensional printed guns and ghost guns, or any piece or part thereof

Be it enacted by the Council as follows:

Section 1. Paragraph 8 of subdivision a of section 14-150 of the administrative code of the city of New York, as added by local law number 57 for the year 2008, is amended to read as follows:

8. A report of the number of firearms, including ghost guns and firearms created using a three-dimensional printer, or any piece or part thereof, possessed in violation of law that have been seized, disaggregated by precinct and type of firearm. Such report shall also include, disaggregated by precinct: (i) the number of arrests made and type of crimes charged involving firearms possessed in violation of law, including arrests for the distribution and sale of such firearms; and (ii) the total number and type of firearms recovered in the course of arrests made.

§ 2. Paragraph 8 of subdivision b of section 14-150 of the administrative code of the city of New York, as added by local law number 1 for the year 2009, is amended to read as follows:

8. For purposes of this section, the following terms shall have the following meanings:

[(i)] (a) “firearms incident” means any incident during which one or more New York city police officers discharge any firearm, or when a firearm belonging to a New York city police officer is discharged by any person, except for a discharge during an authorized training session, or while lawfully engaged in target practice or hunting, or at a firearms safety station within a department facility;

[(ii)] (b) “subject” means a person engaged in adversarial conflict with an officer or third party, in which the conflict results in a firearms discharge;

[(iii)] (c) “civilian” means a person who is not the subject in the adversarial conflict but is included as a victim, bystander, and/or injured person;

[(iv)] (d) “officer” means a uniformed member of the department, at any rank;

[(v)] (e) “intentional firearms discharge” means a firearms discharge in which an officer intentionally discharges a firearm, which may include firearms discharges that are determined to be legally justified but outside department guidelines;

[(vi)] (f) “adversarial conflict” means an incident in which an officer acts in defense of self or another during an adversarial conflict with a subject and does not include an animal attack or situations in which an officer only intentionally discharges a firearm to summon assistance;

[(vii)] (g) “unintentional firearms discharge” means a firearms discharge in which an officer discharges a firearm without intent, regardless of the circumstance, commonly known as an accidental discharge; [and]

[(viii)] (h) “unauthorized use of a firearm” means a firearms discharge that is considered unauthorized and is not listed as an intentional firearms discharge, is being discharged without proper legal justification, and includes instances when an unauthorized person discharges an officer's firearm[.] ;

(i) “frame or receiver” means a part of a firearm that provides housing for the hammer, bolt or breechblock, and firing mechanism, and that is usually threaded at its forward portion to receive the barrel;

(j)  “ghost gun” means any firearm that is assembled from a frame or receiver that has been marketed or sold, either individually or as part of a kit, as an unfinished frame or receiver that could be used to assemble a firearm;

(k) “three-dimensional printer” means a computer-driven machine capable of producing a three-dimensional object from a digital model by adding layers of material in succession; and

(l) “unfinished frame or receiver” means a piece of any material that does not constitute the frame or receiver of a firearm but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm with modification by the user.

§ 3. This local law takes effect immediately.

DFC

LS # 8981

January 17, 2019, 11:00 a.m.

Res. No. 866

..Title

Resolution calling on the United States Congress to pass, and the President to sign, H.R. 7115 also referred to as the 3-D Firearms Prohibition Act.

..Body

By Council Members Miller, Rosenthal, Richards and the Public Advocate (Mr. Williams)

Whereas, 3-D printed firearms are unlicensed, untraceable, and can be undetectable as they are typically made of plastic; and

Whereas, While the United States Undetectable Firearms Act of 1988 requires guns to be detectable by metal screening machines, it does not require firearms to have a major component made of metal; and

Whereas, Several 3-D firearms bypass metal detection as they are designed to only include a removable metal block that is not necessary for its functionality; and

Whereas, According to experts, 3-D printed guns tend to fail, jam, and explode at higher rates than regular firearms, presenting a significantly higher danger to users and bystanders than a firearm made through regular production means; and

Whereas, As 3-D printers have become more accessible and widespread, the dangers posed by 3-D firearms is growing rapidly; and

Whereas, In August 2018, Judge Robert S. Lasnik of the United States District Court issued a temporary nationwide injunction barring the online publication of a 3-D gun blueprint and design; and

Whereas, Law enforcement and gun control activists have raised concerns about 3-D printed firearms, as they allow criminals to bypass background checks and ignore gun licensing laws that require unique serial numbers; and

Whereas, New York City has already seen the problems posed by these guns; and

Whereas, In September 2018, a puppet specialist for a Broadway musical was arrested and charged with manufacturing a 3-D printed gun in the play’s prop room using designs he found online; and

Whereas, “Ghost Guns” are firearms made from incomplete gun frames or lower receivers that can be legally purchased without a license and transformed into an operable firearm using tools available in most hardware stores; and

Whereas, Under federal law, completed lower receivers are considered firearms, however incomplete lower receivers are unregulated; and

Whereas, Ghost guns present similar dangers as 3-D guns as they too can go undetected; and

Whereas, The 3-D Firearms Prohibition Act, sponsored by United States Representative Frank Joseph Pallone Jr., would prohibit the sale, acquisition, distribution in commerce, or import of “do-it yourself” firearm parts and kits, the marketing of such kits, and would require homemade firearms to have serial numbers; and

Whereas, Pursuant to the 3-D Firearms Prohibition Act, firearm receiver casting, blanks, and unfinished handgun frames would be considered banned hazardous products under the Consumer Product Safety Act; and

Whereas, Pursuant to the 3-D Firearms Prohibition Act, the advertising of marketing of on any medium, including the Internet, for the sale of do-it yourself assault weapons parts or kits would be unlawful; and

Whereas, Further, the 3-D Firearms Prohibition Act would require the attainment of a serial number and identifying mark for a firearm prior to making it; and

Whereas, The manufacturing and possession of 3-D printed firearms and Ghost Guns should be banned as they present serious safety hazardous to New Yorkers and the rest of the nation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, H.R. 7115 also referred to as the 3-D Firearms Prohibition Act.

LS 8982

CMA

1. Council of the City of New York, *Testimony of Chief Dermot Shea, Chief of Detectives, NYPD* before the Committee on Public Safety (June 13, 2019), *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3506401&GUID=43D779AF-FAC6-4122-9886-87F19EAE5CC6&Options=&Search=> [↑](#footnote-ref-1)
2. Council of the City of New York, *Testimony of Chief Dermot Shea, Chief of Detectives, NYPD* before the Committee on Public Safety (June 13, 2019), *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3506401&GUID=43D779AF-FAC6-4122-9886-87F19EAE5CC6&Options=&Search=> [↑](#footnote-ref-2)
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