

RULE 18 COMBINED BALLISTIC IDENTIFICATION SYSTEM (CoBIS) RULES

18.1(9 NYCRR Section 493.1) Purpose And Scope

- (a) The Division of State Police is responsible for the establishment and operation of a pistol and revolver ballistic databank pursuant to the provisions of Section 396-ff of the New York State General Business Law. This automated electronic ballistic databank shall be known as the Combined Ballistic Identification System (CoBIS).

18.2(9 NYCRR Section 493.2) Definitions

As used in this Rule, the following terms shall mean and include:

- (a) Approved Container

Approved Container means a paper coin envelope, kraft #5, measuring 2 7/8 by 5 1/4 inches, imprinted with information as prescribed by the Superintendent of State Police in Section 4(c) of this Rule.

- (b) Ballistic Sample

For purposes of a manufacturer's requirements under this Rule, a Ballistic Sample is a shell casing of a bullet or projectile discharged from a specific, identified pistol or revolver. Provided, however, that a Ballistic Sample obtained by a dealer participation at a regional CoBIS center shall consist of two shell casings of bullets or projectiles discharged from a specific, identified pistol or revolver.

- (c) Certificate of Compliance

A document issued by the New York State Police certifying that a ballistic sample has been secured from a pistol or revolver at a regional CoBIS center for entry into the CoBIS databank and identifying the firearm by make, model, caliber, serial number, and gun type.

- (d) CoBIS Headquarters

CoBIS Headquarters means the facility at the New York State Police Forensic Investigation Center, Building 30, 1220 Washington Avenue, Albany, New York, 12226-3000.

- (e) CoBIS Officer

CoBIS Officer means the State Police employee designated by the Superintendent having an office at CoBIS Headquarters.

- (f) Dealer in Firearms

Dealer in firearms means any person who holds a valid New York State license to operate as a gunsmith or dealer in firearms, properly issued or renewed pursuant to the provisions of Penal Law Section 400.00.

- (g) Drop-Ship

Drop-ship means a method of delivery wherein pistols or revolvers purchased through a dealer in firearms are delivered by common carrier directly from a manufacturer to a state, county or local law enforcement agency in this state, without such dealer taking physical possession of them.

- (h) Manufacturer

Manufacturer means any person, firm or corporation engaged in the business of manufacturing pistols or revolvers or ammunition therefore for the purpose of sale or distribution.

- (i) Reduced Lead Ammunition

Reduced lead ammunition means ammunition manufactured with lead free primers and full metal jacketed (FMJ) or total metal jacketed (TMJ) projectiles.

(j) Shell Casing

Shell casing means that part of ammunition capable of being used in a pistol or revolver that contains the primer and propellant powder to discharge the bullet or projectile.

18.3(9 NYCRR Section 493.3) Applicability

(a) Application Only to New Pistols and Revolvers

The provisions of this Rule shall apply only to new pistols and revolvers received by a licensed dealer in firearms from a manufacturer on or after March 1, 2001, and shall not apply to any pistol or revolver possessed by any licensed dealer in firearms prior to that date nor to any pistol or revolver legally possessed prior to that date by any person in this state under the provisions of Sections 400.00 or 265.20 of the New York State Penal Law.

(b) Application Only to Guns to be Delivered to a Person in this State

The provisions of this Rule shall apply only to pistols and revolvers received by a dealer in firearms in this state for delivery or sale to a person in this state. The provisions of this Rule shall not apply to pistols or revolvers received by a dealer in firearms in this state specifically for delivery or sale to a person or entity outside this state; provided that the original transaction reports required by subdivision 12 of section 400.00 of the Penal Law indicate on them that the pistols or revolvers are not for delivery or sale to a person in this state.

18.4(9 NYCRR Section 493.4) Responsibilities of Manufacturers

(a) On or after March 1, 2001, any manufacturer that ships, transports or delivers a pistol or revolver to any person in this state shall include in the container with such pistol or revolver, a ballistic sample discharged from such firearm. Ballistic samples shall be enclosed in an approved container properly completed and sealed in accordance with the instructions outlined in this section.

(b) Manufacturers shall be responsible for ensuring that each ballistic sample is properly identified and packaged with the weapon from which it was discharged.

(c) Instructions for Imprinting Information Upon Approved Container

The information imprinted upon an approved container shall be completed in the following manner. It may be placed directly on the envelope or on a non-removable sticker or label securely affixed to the envelope. Additional information may be included if necessary to fulfill requirements imposed by other jurisdictions. The following are minimum requirements under this Rule. Except for the signature, all information **MUST** be machine printed.

(1) The manufacturer shall not write nor place any sticker, label or item upon the space within one inch from the top of the envelope.

(2) A line labeled "Make" shall identify the make or brand name under which the firearm is marketed and which is displayed on such firearm.

(3) A line labeled "Model" shall identify the model name or number assigned by the manufacturer and under which the firearm is marketed.

(4) A line labeled "Caliber" shall identify the caliber of ammunition the firearm is designed to discharge.

(5) A line labeled "Serial#" shall identify the unique serial number assigned to the firearm by the manufacturer as required by federal regulation.

(6) A line labeled "Gun Type" shall identify the firearm as either a **Pistol** or a **Revolver**.

(7) A line labeled "Collector" shall identify the name of the person collecting the ballistic sample.

(8) A line labeled "Signature" shall contain the signature of the person collecting the ballistic sample. The signature appearing on this line shall signify that the enclosed ballistic sample is the one discharged by the manufacturer from the identified firearm and that all information on the container is accurate.

(9) A line labeled "Date" shall identify the date of collection of the ballistic sample.

(d) Instructions for Sealing Approved Container

An approved container shall be properly sealed by closing the envelope flap and affixing sealing tape across the flap in such a manner as to prevent the opening of such flap. The person collecting the ballistic sample shall then place his or her initials across the sealing tape.

18.5(9 NYCRR Section 493.5) Responsibilities of Dealers in Firearms

***NOTE:** As used in this Section only, the term "Manufacturer," in addition to the meaning set forth in Section 2 of this Rule, shall also include any person, firm or corporation outside this state engaged in the business of supplying pistols or revolvers to licensed dealers in firearms in this state.*

(a) Actions Required Upon Receipt of a New Pistol or Revolver

- (1) A dealer in firearms that receives a new pistol or revolver from a manufacturer on or after March 1, 2001, shall upon receipt, ensure that the firearm is accompanied by a properly completed and sealed approved container enclosing a ballistic sample.
- (2) If the pistol or revolver is accompanied by an appropriate ballistic sample the dealer shall retain such sample with the firearm until the firearm is transferred to another person.
- (3) If the pistol or revolver is not accompanied by an appropriate ballistic sample the dealer shall within 10 days either:
 - Return the firearm to the manufacturer and notify the manufacturer of the requirement to provide a ballistic sample in compliance with this Rule and with General Business Law Section 396-ff. (*Under this option notification to the Division of State Police of such manufacturer's non compliance is not required*); OR
 - Contact a Regional CoBIS center to arrange an appointment for the New York State Police to secure the appropriate ballistic sample and thereby make notification to the Division of State Police of the manufacturer's non compliance with this Rule and with General Business Law Section 396-ff. Upon securing a ballistic sample, the New York State Police will issue the dealer a Certificate of Compliance. (Information pertaining to the operation of regional CoBIS centers is contained in Section 6 of this Rule.)

(b) Actions Required Upon Transfer of a New Pistol or Revolver Between Licensed Dealers

***NOTE:** After a Certificate of Compliance is issued to any dealer in firearms for a specific pistol or revolver, subsequent transfers of such firearm between dealers do not require submission of additional ballistic samples.*

On or after March 1, 2001, any dealer in firearms that transfers a pistol or revolver to another dealer in firearms shall include in the container with such pistol or revolver the ballistic sample received from the manufacturer, or the Certificate of Compliance issued by the New York State Police. The dealer to whom the firearm is transferred shall retain such sample or certificate with the firearm until the firearm is transferred to another person.

(c) Actions Required Upon Retail Sale of a New Pistol or Revolver

On or after March 1, 2001, any dealer in firearms that delivers a pistol or revolver to any person other than another dealer in firearms shall within 10 days forward to the CoBIS Officer by certified US mail or by a parcel delivery service that maintains package tracking capabilities either:

- (1) The ballistic sample received from the manufacturer, packaged in a manner suitable to protect the sample from damage, along with the original transaction report required by subdivision 12 of section 400.00 of the Penal Law; or
- (2) The Certificate of Compliance issued by the New York State Police upon collection of the ballistic sample for such firearm at a regional CoBIS center, which shall also serve as the original transaction report required by subdivision 12 of section 400.00 of the Penal Law.

(d) Actions Required Upon Drop-Shipment of Pistols or Revolvers to a Law Enforcement Agency

For purposes of this Section, a dealer in firearms shall be deemed in compliance with this Rule if:

- (1) The dealer in firearms makes arrangements to drop-ship pistols or revolvers to a regularly constituted or appointed law enforcement agency in this state, and such agency shall maintain ownership of such firearms for use by police officers or peace officers entitled to possess firearms pursuant to Sections 265.20a 1 (a), (b) or (c) of the New York State Penal Law; AND
- (2) The dealer enters into a written agreement with the chief executive officer of such regularly constituted or appointed law enforcement agency, which agreement provides that the agency will forward the required ballistic samples to the CoBIS Officer as described in paragraph (c) of this Section, or will contact a regional CoBIS center to procure such samples if not supplied by the manufacturer; AND
- (3) The dealer notifies the Superintendent in writing (attention CoBIS Officer at CoBIS Headquarters) within 10 days of completing the drop-shipment. Such notification shall identify the law enforcement agency receiving the shipment and provide a list of all firearms included in such shipment by make, model, caliber and serial number, and shall include a copy of the written agreement between the dealer and the chief executive officer of the law enforcement agency.

18.6 (9 NYCRR 493.6) Responsibilities of the Division of State Police

- (a) On and after January 1, 2001, the New York State Police will operate an automated electronic databank containing pertinent data and other ballistic information relevant to the identification of shell casings, and the pistols and revolvers from which they were discharged, for all new pistols and revolvers delivered to a dealer in firearms on or after March 1, 2001.
- (b) On and after January 1, 2001, the New York State Police will operate a minimum of six regional CoBIS centers, which shall provide services to dealers in firearms for the collection of ballistic samples as required by Section 396-ff of the New York State General Business Law.

18.7(9 NYCRR 493.7) Operation of Regional CoBIS Centers

(a) Locations

Regional CoBIS centers shall be maintained and operated at the following locations and at other permanent or temporary locations deemed appropriate by the Superintendent:

New York State Police
Forensic Investigation Center
Building 30, 1220 Washington Avenue
Albany, New York 12226-3000
(518) 486-9799

New York State Police Troop D Headquarters
Route 5, P.O. Box 30
Oneida, New York 13421-0030
(315) 366-6116

New York State Police Troop A Headquarters
4525 West Saile Drive
Batavia, New York 14020-1095
(716) 344-6269

New York State Police Troop F Headquarters
Crystal Run Road
Middletown, New York 10941-9755
(845) 344-5395

New York State Police Troop B Headquarters
Route 86, Box 100
Ray Brook, New York 12977-0100
(518) 897-2061

New York State Police Troop L Headquarters
7140 Republic Airport
Farmingdale, New York 11735-1597
(631) 756-3343

New York State Police Troop C Headquarters
Route 7, P.O. Box 3000
Sidney, New York 13838-0300
(607) 561-7415

(b) Hours of Operation

Regional CoBIS centers shall operate between the hours of 8:00 AM and 4:30 PM, except on Saturdays, Sundays and Holidays.

(c) Scheduling Appointments

Dealers shall contact a regional CoBIS center to arrange an appointment prior to collection of any ballistic sample. The regional CoBIS staff may limit the number of firearms to be processed to ensure that all dealers receive equal access.

(d) Upon arrival at a regional CoBIS center, dealers shall:

- (1) Transfer all firearms to CoBIS personnel in a safe and unloaded condition. All firearms must be operable and include any magazine, ammunition feeding device or other parts required for safe operation; AND
- (2) Provide two (2) rounds of reduced lead ammunition for each firearm in the appropriate caliber. All ammunition must be certified by the Sporting Arms and Ammunition Manufacturers' Institute (SAAMI), OR
- (3) Provide two (2) rounds of ammunition with standard primers and full metal jacketed (FMJ) or total metal jacketed (TMJ) projectiles for each firearm for which reduced lead ammunition is not commercially available in the appropriate caliber. All ammunition must be certified by SAAMI; AND
- (4) Return to the regional CoBIS center at a predetermined time to retrieve the firearm(s) and certificate(s) of Compliance. Dealers will not be allowed into the ballistic sample collection area.

(e) Issuance of Certificates of Compliance

After a pistol or revolver is transferred to a member of the CoBIS staff it will be test fired, the ballistic sample will be collected, and the collection will be recorded in a computer system. Upon completion of this process the firearm will be returned to the submitting dealer, who will be provided with a Certificate of Compliance certifying that a ballistic sample has been secured at the CoBIS center. The ballistic sample will be forwarded to CoBIS Headquarters and will not be returned to the dealer.

18.8(9 NYCRR 493.8) Inquiries Regarding CoBIS

Questions regarding this Rule and other inquiries regarding the CoBIS program may be directed to the CoBIS Officer at CoBIS Headquarters.

Authority: General Business Law § 396-ff.