

# **PISTOL LICENSE INFORMATION HANDBOOK**

**PDCS-4000o**



**POLICE DEPARTMENT COUNTY OF SUFFOLK, NEW YORK**

***ACCREDITED LAW ENFORCEMENT AGENCY***



# **PISTOL LICENSE INFORMATION HANDBOOK**

September 2016

Pistol Licensing Bureau  
Suffolk County Police Department  
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## INTRODUCTION

This handbook has been prepared as a guide for pistol license holders. It provides information pertaining to the laws, rules, procedures, and regulations governing pistol licensing as well as duties and responsibilities of a licensee. It is your responsibility to read and know the contents of this booklet. **Be aware, however, this booklet is not all-inclusive. Also be aware that since rules, regulations and laws will inevitably be modified, created or repealed after the printing of this booklet, it will be your responsibility to keep up to date on those changes.** The most up to date version of the Pistol License Information Handbook can be found at:

**[www.suffolkcountyny.gov/police](http://www.suffolkcountyny.gov/police)**

Also available on the SCPD Website is the most up to date version of the New York State Dealer in Firearms and Gunsmith's Handbook. This booklet is a guide to the laws, rules, regulations and procedures governing gun dealers and gunsmiths.

The Pistol Licensing Bureau is located in the John L. Barry Police Headquarters building at 30 Yaphank Ave. in Yaphank, NY. For answers to questions concerning pistol licensing, you may contact a bureau representative at the following number: (631) 852-6311. Answers to many questions can be found on the Suffolk County Police website. Many of the required forms and answers to frequently asked questions can also be obtained via the website. If you are calling in response to a letter mailed to you by this office, you should use the telephone number provided within the correspondence.

Section 400 of the New York State Penal Law mandates certain administrative procedures concerning the issuance, renewal, filing, cancellation and revocation of licenses. Over the years, the Courts have made rulings and interpretations that have had an impact on how the law is currently interpreted.

New York State currently has 59 pistol licensing jurisdictions. Suffolk County is unique because it is the only county in the state that has two (2) separate licensing jurisdictions. The Suffolk County Police Commissioner is the Licensing Officer of the five (5) western towns; Babylon, Islip, Huntington, Smithtown and Brookhaven. The County Sheriff is the Licensing Officer for the remaining towns on the east end of Suffolk County.

## TERMS AND DEFINITIONS

- 1) **ANTIQUÉ FIREARM:** Any unloaded muzzle-loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.
- 2) **ARMOR PIERCING AMMUNITION:** Any ammunition capable of being used in pistols or revolvers containing a projectile or projectile core, or a projectile or projectile core for use in such ammunition, that is constructed entirely (excluding the presence of traces of other substances) from one or a combination of any of the following: tungsten alloys, steel, iron, brass, bronze, beryllium, copper, or uranium.
- 3) **ASSAULT WEAPON:** A semiautomatic rifle, able to accept a detachable magazine having at least one of the following characteristics:
  - a. Folding or Telescoping Stock
  - b. Protruding Pistol Grip
  - c. Thumbhole Stock
  - d. Second Handgrip or Protruding Grip that can be held by non-shooting hand
  - e. Bayonet Mount
  - f. Flash Suppressor
  - g. Muzzle Brake
  - h. Muzzle Compensator
  - i. A threaded barrel designed to accommodate the above
  - j. Grenade Launcher

A semiautomatic shotgun having at least one of the following characteristics:

- a. Folding or Telescoping Stock

- b. Thumbhole Stock
- c. Second Handgrip or Protruding Grip that can be held by non-trigger hand
- d. Fixed magazine capacity in excess of seven rounds
- e. An ability to accept a detachable magazine

A semiautomatic pistol, able to accept a detachable magazine having at least one of the following characteristics:

- a. Folding or Telescoping Stock
- b. Thumbhole Stock
- c. Second Handgrip or Protruding Grip that can be held by non-trigger hand
- d. Capacity to accept an ammunition magazine that attaches to the pistol outside the pistol grip
- e. A threaded barrel capable of accepting a barrel extender, flash suppressor, forward hand grip or silencer
- f. A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned
- g. A manufactured weight of fifty ounces or more when the pistol is unloaded

\*For full definition, see NYS PL 265.00 (22)

- 4) **BLACK POWDER FIREARM:** Any unloaded pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system.
- 5) **BUILDING:** In addition to its ordinary meaning, includes any structure, vehicle or watercraft used for overnight lodging of persons, or used by persons for carrying on business therein or any enclosed motor truck, or an enclosed motor truck trailer. Where a building consists of two or more units separately secured or occupied, each unit shall be deemed both a

separate building in itself and a part of the main building.

- 6) **CERTIFIED NOT SUITABLE TO POSSESS A RIFLE OR SHOTGUN:** Means that the director or physician in charge of any hospital or institution for mental illness, public or private, has certified to the Superintendent of State Police or to any organized police department of a county, city, town or village of this state, that a person who has been judicially adjudicated incompetent, or who has been confined to such institution for mental illness pursuant to judicial authority, is not suitable to possess a rifle or shotgun.
- 7) **COMMERCIALY ZONED:** A location that is zoned by the town or incorporated village as commercial, and is principally occupied by buildings used for, but not limited to, business, industrial and storage purposes.
- 8) **CONSIGNMENT:** For our purposes, it would entail the “sale” of a handgun to a dealer in firearms. The handgun may then be displayed for sale to another person authorized to possess same.
- 9) **CURIO OR RELIC FEEDING DEVICE:** A device that:
  - (a) was manufactured at least fifty years prior to the current date,
  - (b) is only capable of being used exclusively in a firearm, rifle, or shotgun that was manufactured at least fifty years prior to the current date, but not including replicas thereof,
  - (c) is possessed by an individual who is not prohibited by state or federal law from possessing a firearm and
  - (d) is registered with the division of state police pursuant to subdivision sixteen-a of section 400.00 of this chapter, except such feeding devices transferred into the state may be registered at any time, provided they are registered within thirty days of their transfer into the state. Notwithstanding paragraph (h) of subdivision twenty-two

(22) of section 265.00 of the New York State Penal Law, such feeding devices may be transferred provided that such transfer shall be subject to the provisions of section 400.03 of the New York State Penal Law including the check required to be conducted pursuant to such section.

\*For full definition, see NYS PL 265.00 (23)

- 10) **DEADLY PHYSICAL FORCE:** Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury to the person.
- 11) **DEADLY WEAPON:** Any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.
- 12) **DEALER IN FIREARMS:** Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any assault weapon, large capacity ammunition feeding device, pistol or revolver.
- 13) **DWELLING:** A building, which is usually occupied by a person lodging therein at night.
- 14) **FIREARM (As defined by NYS Penal Law):** Means (a) any pistol or revolver; (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified or otherwise has an overall length of less than twenty-six inches; or (e) an assault weapon. For the purpose of this subdivision the length

of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breechlock when closed and when the shotgun or rifle is cocked: the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm. (New York State Penal Law Section 265.00 sub. 3)

- 15) **FIREARM (As defined by the Federal Gun Control Act):** Means (a) Any weapon (including a starter gun) which will or is designated to, or may readily be converted to, expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device. (FEDERAL GUN CONTROL ACT OF 1968, PUBLIC LAW 90-618, CHAPTER 44, SECTION 921 (a) (3))
- 16) **FIREARM EXHIBITOR:** Any person, firm, partnership, corporation or company that exhibits, sells, offers for sale, transfers, or exchanges firearms, rifles or shotguns at a gun show.
- 17) **FFL:** Federal Firearm License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.
- 18) **GUNSMITH:** Any person, firm, partnership, corporation or company which engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engaging or trueing, or who performs any mechanical operation on any firearm or machine-gun.
- 19) **GUN LOCKING DEVICE:** Shall mean an integrated design feature or an attachable accessory that is resistant to tampering and is effective in preventing the discharge of such rifle, shotgun or firearm by a person who does not have access to the key, combination or other mechanism used to disengage the device.

- 20) GUN SHOW:** An event sponsored, whether for profit or not, by an individual, national, state or local organization, association or other entity devoted to the collection, competitive use, sporting use, or any other legal use of firearms, rifles or shotguns, or an event at which:
- (a) twenty percent or more of the total number of exhibitors are firearm exhibitors, or
  - (b) ten or more firearm exhibitors are participating, or
  - (c) a total of twenty-five or more pistols or revolvers are offered for sale or transfer, or
  - (d) a total of fifty or more firearms, rifles or shotguns are offered for sale or transfer.

The term gun show shall include any building, structure or facility when firearms, rifles or shotguns are offered for sale or transfer, and any grounds used in connection with the event.

- 21) GUN SHOW OPERATOR:** Any person, firm, partnership, corporation or company that organizes, produces, sponsors, or operates a gun show. This includes any individual, national, state or local organization, association or other entity devoted to the collection, competitive use, sporting use, or any other legal use of firearms, rifles or shotguns.
- 22) IMMEDIATE FAMILY MEMBER:** Spouse, domestic partner, child and step-child.
- 23) LARGE CAPACITY AMMUNITION FEEDING DEVICE:** A magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition; provided, however, that such term does not include an attached tubular device designed to accept, and capable of operating only

with, .22 caliber rimfire ammunition or a feeding device that is a curio or relic.

\*For full definition, see NYS PL 265.00 (23)

- 24) LICENSING OFFICER:** In the county of Suffolk the sheriff of that county, except in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown, where it is the commissioner of police of that county.
- 25) POSSESS:** To have physical possession or otherwise to exercise dominion or control over tangible property, other than incidentally.
- 26) PREMISE:** Includes the term “building” as defined herein, and any real property.
- 27) QUALIFIED RETIRED NEW YORK OR FEDERAL LAW ENFORCEMENT OFFICER: (For the purpose of retaining a duty Assault Weapon and/or high capacity duty magazine)** An individual who is a retired police officer as police officer is defined in subdivision thirty-four of section 1.20 of the criminal procedure law, a retired peace officer as peace officer is defined in section 2.10 of the criminal procedure law or a retired federal law enforcement officer as federal law enforcement officer is defined in section 2.15 of the criminal procedure law, who:
- (a) separated from service in good standing from a public agency located in New York State in which such person served as either a police officer, peace officer or federal law enforcement officer; and
  - (b) before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had

statutory powers of arrest, pursuant to their official duties, under the criminal procedure law; and

- (c) (i) before such separation, served as either a police officer, peace officer or federal law enforcement officer for five years or more and at the time of separation, is such an officer; or
- (ii) separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency at or before the time of separation; and
- (d) (i) has not been found by a qualified medical professional employed by such agency to be unqualified for reasons relating to mental health; or
- (ii) has not entered into an agreement with such agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified for reasons relating to mental health; and
- (e) is not otherwise prohibited by New York or federal law from possessing any firearm.

**28) RESIDENTIALLY ZONED:** A location that is zoned by the town or incorporated village as residential, and is principally occupied by buildings used as, but not limited to, a one or two-family dwelling, garden apartments and town houses, churches or similar places of worship and parish houses, public, parochial and private schools and open farming.

**29) SAFEGUARD PERSON:** An individual, at least twenty-one (21) years of age, appointed by the licensee who, in the event of the licensee's inability to safeguard his or her firearms due to incapacitation or death,

will surrender or facilitate the surrender of all firearms listed on the license. This individual should be a Suffolk County resident, and does not need to possess a pistol license, but must be eligible to possess a firearm. A safeguard person may ONLY possess the licensee's registered handguns for the purpose of the immediate surrender of same to a law enforcement entity.

- 30) **SEMIAUTOMATIC:** Means any repeating rifle, shotgun or pistol, regardless of barrel or overall length, which utilizes a portion of the energy of a firing cartridge or shell to extract the fired cartridge case or spent shell and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge or shell.
  
- 31) **SERIOUS PHYSICAL INJURY:** Physical injury which creates a substantial risk of death, or which causes death or serious protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

# CHAPTER 1

## DEFENSE OF JUSTIFICATION

As a pistol licensee you are required to understand the laws relating to the use of deadly physical force. This chapter, titled Defense of Justification, is meant to inform you about “deadly physical force,” specifically, force caused by the use of a firearm.

### USE OF PHYSICAL FORCE IN DEFENSE OF A PERSON

(New York State Penal Law Section 35.15)

1. A person may, subject to the provisions of subdivision two, use physical force upon another person when and to the extent he reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by such other person, unless:
  - (a) The latter’s conduct was provoked by the actor himself with intent to cause physical injury to another person; or
  - (b) The actor was the initial aggressor; except that in such case his use of physical force is nevertheless justifiable if he has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened imminent use of unlawful physical force; or
  - (c) The physical force involved is the product of a combat by agreement not specifically authorized by law.
  
2. A person may not use deadly physical force upon another person under circumstances specified in subdivision one unless:
  - (a) He reasonably believes that such other person is using or is about to use deadly physical force. Even in such case however, the actor may not use deadly physical force if he knows that he can with complete safety as to himself and others avoid the necessity of so doing by retreating; except that he is under no duty to retreat if he is:
    - (i) In his dwelling and not the initial aggressor; or
    - (ii) A police officer or peace officer or a person assisting a police officer or a peace officer at the latter’s direction, acting pursuant to Section 35.30 NYS Penal Law; or
  - (b) He reasonably believes that such other person is committing or attempting to commit a kidnapping, forcible rape, forcible criminal sexual act or robbery; or
  - (c) He reasonably believes that such other person is committing or attempting to commit a burglary, and the circumstances are such that the use of deadly physical force is authorized by subdivision three of Section 35.20 NYS Penal Law.

## **USE OF PHYSICAL FORCE IN DEFENSE OF PREMISES AND IN DEFENSE OF A PERSON IN THE COURSE OF A BURGLARY**

(New York State Penal Law Section 35.20)

1. Any person may use physical force upon another person when he reasonably believes such to be necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission by such other person of a crime involving damage to premises. He may use any degree of physical force, other than deadly physical force, which he reasonably believes to be necessary for such purpose, and he may use deadly physical force if he reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of arson.
2. A person in possession or control of any premises, or a person licensed or privileged to be thereon or therein, may use physical force upon another person when he reasonably believes such to be necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission by such other person of a criminal trespass upon such premises. He may use any degree of physical force, other than deadly physical force, which he reasonably believes to be necessary for such purpose, and he may use deadly physical force in order to prevent or terminate the commission or attempted commission of arson, as prescribed in subdivision one, or in the course of a burglary or attempted burglary, as prescribed in subdivision three.
3. A person in possession or control of, or licensed or privileged to be in, a dwelling or an occupied building, who reasonably believes that another person is committing or attempting to commit a burglary of such dwelling or building, may use deadly physical force upon such other person when he reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of such burglary.
4. As used in this section, the following terms have the following meanings:
  - (a) The terms “premises,” “building” and “dwelling” have the meanings prescribed in Section 140.00 NYS Penal Law.
  - (b) Persons “licensed or privileged” to be in buildings or upon other premises include, but are not limited to, police officers or peace officers acting in the performance of their duties.

## **USE OF PHYSICAL FORCE TO PREVENT OR TERMINATE LARCENY OR CRIMINAL MISCHIEF**

(New York State Penal Law Section 35.25)

A person may use physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes such to be necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission by such other person of larceny or of criminal mischief with respect to property other than premises.

## **USE OF PHYSICAL FORCE IN MAKING AN ARREST OR IN PREVENTING AN ESCAPE**

(New York State Penal Law Section 35.30)

1. A person who has been directed by a police officer or a peace officer to assist such police officer or peace officer to effect an arrest or to prevent an escape from custody may use physical force, other than deadly physical force, when and to the extent that he reasonably believes such to be necessary to carry out such police officer or peace officer's direction, unless he knows that the arrest or prospective arrest is not or was not authorized and he may use deadly physical force under such circumstances when:
  - (a) He reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
  - (b) He is directed or authorized by such police officer or peace officer to use deadly physical force unless he knows that the police officer or peace officer himself is not authorized to use deadly physical force under the circumstances.
  
2. A private person acting on his own account may use physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of a person whom he reasonably believes to have committed an offense and who in fact has committed such offense; and he may use deadly physical force for such purpose when he reasonably believes such to be necessary to:
  - (a) Defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
  - (b) Effect the arrest of a person who has committed murder, manslaughter in the first degree, robbery, forcible rape or forcible criminal sexual act, and who is in immediate flight therefrom.

**NOTE:** Changes in the law concerning the use of physical force and deadly physical force may be made from time to time. **You are responsible to know the current laws.**

**\*WARNING: DEFENSE OF JUSTIFICATION**

Section 35 of the New York State Penal Law authorizes the use of deadly physical force to effect the arrest of a person who has committed murder, robbery, manslaughter 1<sup>st</sup> degree, forcible rape or forcible criminal sexual act and who is in immediate flight therefrom. You must have reasonable cause to believe deadly physical force is necessary to apprehend the person who in fact has committed the offense.

**WARNING:** It is strongly recommended that you **DO NOT** use deadly physical force unless it absolutely necessary to protect yourself or another person from deadly physical force.

**REMEMBER:** Your actions may be authorized by the penal law, but you can still be held accountable for your actions and sued civilly for same.

**CHAPTER 2**  
**PISTOL LICENSE**  
**APPLICANT REQUIREMENTS**

**AN APPLICANT MUST:**

- A)** Be at least twenty-one (21) years of age. No such age restriction shall apply when such applicant has been honorably discharged from the United States Army, Navy, Marine Corps, Air Force or Coast Guard, or the National Guard of the State of New York.
- B)** Be of good moral character.
- C)** Have no prior conviction for a felony or other serious offense\*, as serious offense is defined in Section 265 of the NYS Penal Law.  
\*See appendix A for a list of serious offenses.
- D)** Not be a fugitive from justice.
- E)** Not be an unlawful user of or addicted to any controlled substance as defined in section 21 U.S.C. 802.
- F)** Not be residing in the United States illegally or unlawfully.
- G)** Not have been admitted to the United States under a nonimmigrant visa subject to the exception in 18 U.S.C. 922(y)(2).
- H)** Not have been discharged from the Armed Forces under dishonorable conditions.
- I)** Not have renounced his/her United States Citizenship.
- J)** Disclose any history of mental illness.
- K)** Be free from any mental disorders, defects or diseases that would impair his or her ability to safely possess or use a firearm.
- L)** Not have been involuntarily committed to a facility under the jurisdiction of an office of the Department of Mental Hygiene pursuant to article nine or fifteen of the Mental Hygiene Law, article seven hundred thirty or section 330.20 of the criminal procedure law, section four hundred two or five hundred eight of the correction law, section 322.2 or 353.4 of the Family Court Act, or has not been civilly confined in a secure treatment facility pursuant to article ten of the Mental Hygiene Law.

- M) Not have had a guardian appointed for him or her pursuant to any provision of state law, based on a determination that as a result of marked subnormal intelligence, mental illness, incapacity, condition or disease, he or she lacks the mental capacity to contract or manage his or her own affairs.
- N) Not have had a license revoked or be under a suspension or ineligibility order issued pursuant to the provisions of section 530.14 of the criminal procedure law or section eight hundred forty-two-a of the Family Court Act.
- O) Maintain a residence and/or maintain a principal place of business within the confines of the five (5) western towns of Suffolk County.
- P) Not have been convicted of a misdemeanor crime of domestic violence.
- Q) Be a person for whom no good cause exists for the denial of a license.

\* Please see Appendix A for a complete list of reasons for license disapproval.

### **TYPES OF PISTOL LICENSES**

- (1) **SPORTSMAN** – (Premise/Dwelling, Target and Hunting) – A Sportsman endorsement entitles a licensee to possess a firearm within his/her home for the purpose of home protection, at a designated firing range for the purpose of target shooting, and in the field while actively engaged in lawful hunting. Firearms may only be transported between your residence and an authorized target shooting range and/or a legal hunting area in New York State. For the purpose of hunting, you are reminded that you must also possess a valid New York State hunting license and comply with DEC hunting regulations. **When carrying a firearm in accordance with the above restrictions, the handgun must be carried concealed except when in the field hunting or on the target range for the purpose of target shooting.**

A Sportsman license will be canceled if you relocate to another state. If you relocate outside the five western towns of Suffolk County but continue to reside in New York State your records can be transferred to the appropriate licensing agency upon payment of the requisite transfer fee.

For the purpose of firearm training: a pistol license holder who has a valid Hunter Safety Education Instructor Certificate issued by the New York State Department of Environmental Conservation and/or is a National Rifle Association of America certified instructor and is instructing a firearm

safety class, may possess for demonstration purposes, a licensed firearm. An instructor, if carrying a licensed firearm, must have in their possession while traveling to, during and from the training class, documentation showing the type, location and time of the class scheduled and proof of their instructor certification.

**NOTE:** Licensees are authorized to stop only for nonalcoholic refreshments and/or a meal on the way to and from their shooting destination. You are authorized to do this only during the period between leaving your residence and arriving at your shooting destination or during the return trip. You are not authorized to take your firearm to any establishment used primarily for alcohol consumption. You are not authorized to conduct any other non-target shooting or hunting activity while in possession of your handgun. In the event a licensee does choose to break for a refreshment and/or meal, they are responsible for the concealment and safeguarding of their firearms.

(2) **BUSINESS LICENSE** – Licenses which are issued for business carry purposes are limited to the concealed carrying of the firearm while in the normal course of business for which it was issued. A business classification will be removed if employment is terminated, or the business is dissolved. If the business relocates outside of the five western towns of Suffolk County and is within another licensing jurisdiction in New York State, a copy of your records can be transferred to the appropriate officer in the new place of business or residence upon paying the appropriate transfer fee. A business license will be issued only for a documented legitimate business. If you operate a business from a residence, you will be required to submit proof from the attorney's office of the local village, town or city government stating that the business is not prohibited by zoning or building codes. You must show proof of State and Federal Tax Certificates and a Suffolk County Business Certificate where appropriate.

\* Please see Appendixes B and C for a complete list of business requirements.

(3) **SECURITY- Prior to obtaining a Security Endorsement, you must first apply for and obtain a Sportsman License.** You must be working, in uniform, for a state licensed security company and reside within the five (5) western towns of Suffolk County. The company for which you work must be incorporated in the five (5) western towns of Suffolk, or Nassau County and must be registered with the Suffolk County Police Department Pistol Licensing Bureau. Separate forty-seven (47) hour and eight (8) hour training courses are required in order to qualify for a Security License. All individuals employed by a security company in an armed capacity must re-qualify with their weapon every twelve (12) calendar months. A copy of

your most recent firearm training certificate must be submitted, by mail or in person, to the Pistol Licensing Bureau within ten (10) days of qualification.

The firearm may be carried only:

- (a) **WHILE ACTUALLY ENGAGED IN EMPLOYMENT:** The firearm may be carried while performing the duties for which the license was issued. This means that you may not carry the firearm at any other time, or for any employment not listed on the license. As the licensing agency, the Suffolk County Police Pistol Licensing Bureau will determine the purposes for which a handgun may be carried in the performance of your duties. These purposes cannot be changed or expanded by your employer without the authorization of the Pistol Licensing Bureau. Further, you are required to keep the Pistol Licensing Bureau informed of all current employers for whom the firearm will be carried.
- (b) **WHILE TRAVELING FROM RESIDENCE TO PLACE OF EMPLOYMENT:** The firearm may be carried from your residence directly to your place of employment or assignment for that day.
- (c) **WHILE TRAVELING FROM PLACE OF EMPLOYMENT BACK TO RESIDENCE:** The firearm may be carried from your place of employment directly to your residence.

When transporting the firearm between your residence and place of employment, it **may not** be carried openly.

Carrying a firearm outside of the above restrictions or, for an employer not listed on the license, or any unreasonable delay in responding to work and/or returning home, will equate to a violation of licensing restrictions and punitive action will result.

Failure to qualify, or submit evidence of qualification will result in the removal of a security endorsement.

\* Please see Appendixes D and E for a complete list of Security License application and renewal requirements.

- (4) **EMPLOYMENT- Prior to obtaining an Employment Endorsement, you must first apply for and obtain a Sportsman License.** You must be working in an armed capacity for a town, village, or municipality located within the five (5) western towns of Suffolk County. Separate forty-seven (47) hour and eight (8) hour training courses are required. All individuals

employed by a municipality in an armed capacity must re-qualify with their weapon annually. A copy of your most recent firearm training certificate must be submitted, by mail or in person, to the Pistol Licensing Bureau within ten (10) days of qualification.

The firearm may be carried only:

- (a) **WHILE ACTUALLY ENGAGED IN EMPLOYMENT:** The firearm may be carried while performing the duties for which the license was issued. This means that you may not carry the firearm at any other time, or for any employment not listed on the license. As the licensing agency, the Suffolk County Police Pistol Licensing Bureau will determine the purposes for which a handgun may be carried in the performance of your duties. These purposes cannot be changed or expanded by your employer without the authorization of the Pistol Licensing Bureau. Further, you are required to keep the Suffolk County Police Department Pistol Licensing Bureau informed of all current employers for whom the firearm will be carried.
- (b) **WHILE TRAVELING FROM RESIDENCE TO PLACE OF EMPLOYMENT:** The firearm may be carried from your residence directly to your place of employment or assignment for that day.
- (c) **WHILE TRAVELING FROM PLACE OF EMPLOYMENT BACK TO RESIDENCE:** The firearm may be carried from your place of employment directly to your residence.

When transporting the firearm between your residence and place of employment, it **may not** be carried openly.

Carrying a firearm outside of the above restrictions or, for an employer not listed on the license, or any unreasonable delay in responding to work and/or returning home, will equate to a violation of licensing restrictions and punitive action will result.

Failure to qualify, or submit evidence of qualification will result in the removal of an employment endorsement.

\* Please see Appendixes F and G for a complete list of Employment License application and renewal requirements.

- (5) **AUXILIARY POLICE** – The firearm may only be carried while working assigned duties as an auxiliary police officer, while in uniform, with your auxiliary police unit, or traveling directly to or from your residence and

your assigned post.

**(6) RETIRED LAW ENFORCEMENT OFFICER**

**RETIRED PEACE OFFICER-** Full carry, valid throughout New York State, **NOT** including New York City.

**RETIRED POLICE OFFICER-** Full carry, valid throughout New York State, including New York City.

**RETIRED FEDERAL LAW ENFORCEMENT OFFICER-** Full carry, valid throughout New York State, including New York City.

- (7) CARRY** - Full carry license, for the purpose of self-protection. If a licensee is seeking a self-protection license, they will be required to show "proper cause" pursuant to Penal Law Section 400.00 Sub. 2 (f). "Proper cause" is determined by a review of all relevant information bearing on their claimed need. They must show that they are exposed to extraordinary personal danger, documented by proof of recurrent threats to life or safety requiring authorization to carry a firearm.

These factors are not all inclusive, and the Police Commissioner and/or his designee will consider all evidence, including Suffolk County Police Department records when making a determination whether proper cause exists. It should be noted, however, the mere fact that they have been the victim of a crime or reside or are employed in a "high crime area" does not establish "proper cause" for the issuance of a self-protection license.

If a self-protection license is approved, the Suffolk County Police Pistol Licensing Bureau may withdraw that classification at any time if it finds proper cause no longer exists. Proper cause will have to be demonstrated by the licensee each time the license is renewed and at any time when requested by Licensing Bureau personnel. If proper cause is no longer proven, the license will be changed to a different classification.

- \* Please see Appendix H for a complete list of Self-Protection License requirements.

In addition to the above, firearm(s) may be transported, unloaded, directly from your residence to the Suffolk County Police Department Pistol Licensing Bureau or Suffolk County Police Precincts for the purpose of surrender.

**IMPORTANT NOTE:** A New York State pistol license is only valid in the State of New York. Unless it is validated by New York City, license holders

may not take their handguns into the Five Boroughs of the City of New York, other than for the purpose of passing directly through that city while travelling to or from upstate. This includes self-protection licensees. New York City mandates pistol license holders transport their handguns in a locked box separate from the ammunition and in the trunk of the vehicle, or in a location not readily accessible to any occupant in the vehicle, other than the glove compartment or center console. Your travel through city limits must be continuous with no extraneous stops. These restrictions do not apply to retired police officers or retired federal law enforcement officers. As per section 400.00 sub. 6, retired police officers and retired federal law enforcement officers, as defined in sections 1.20 and 2.15 in the Criminal Procedure Law, are authorized to carry in New York City. Other than in New York City, firearms, when possessed in accordance with the restrictions of the license, may be carried loaded, concealed on the person.

Firearm(s) may only be carried for the purpose which appears on the license. When authorized to carry on their person, the firearm must be carried concealed. The only exception to the concealment requirement will be the following:

- a) While working Uniformed Security.
- b) While working Uniformed Auxiliary.
- c) While working Uniformed Employment.
- d) While on a target range for the purpose of target shooting.
- e) While in the field hunting.

### **LICENSE RENEWAL**

Licenses expire every five (5) years and shall expire not more than five (5) years after the date of issuance. The renewal period generally commences sixty (60) days before the expiration date. A renewal application will be mailed with the instructions necessary to complete this process.

**NOTE:** If you have not received the renewal application thirty (30) days prior to the expiration date, you must call the Suffolk County Police Pistol Licensing Bureau at (631) 852-6311.

Renewals are sent by mail to the most recent address on file. The post office is not authorized to forward to any other address, even upon your request.

All Business License renewals require a notarized letter of necessity on business letterhead indicating the licensee is still actively participating in the business for which the business classification was issued. If you showed a large cash flow as justification for a Business License classification, you must also submit a bank letter with your renewal application stating you still maintain an

active business account. If no cash flow was required due to the nature of the business endorsement, you must indicate that in your letter of necessity.

If your license is under suspension, you are still required to complete and submit a renewal application. If your renewal is not received within the designated statutory period, your license will automatically be cancelled.

If you anticipate problems renewing, such as an extended vacation out of the area, lengthy hospitalization or other extenuating circumstances, notify the Suffolk County Police Pistol Licensing Bureau by letter explaining the reasons. We will make every effort to see your license is renewed within the time frame authorized by law.

If you are untruthful, improperly alter or refuse to sign any part of your renewal application, your renewal application will be disapproved and your license will be cancelled. You may properly modify inaccurate information including, but not limited to, registered gun information, by putting a single line through the incorrect information, placing the correct information above, below or next to it.

### **LOST, STOLEN OR MUTILATED LICENSE**

If your license is stolen, you must immediately report such information to the precinct of occurrence or local police agency where the theft occurred and obtain a complaint number.

If your license has been lost, stolen or mutilated, you must notify the Pistol Licensing Bureau immediately after notifying the appropriate authorities as indicated above, and respond to the office for a replacement license. You will be required to submit a \$5.00 check or money order for a replacement license.

### **HOW TO CANCEL A PISTOL LICENSE**

If you are canceling a pistol license issued by the Suffolk County Police Department you must:

- 1) Legally dispose of the firearm(s) listed on the license.
- 2) Return the license to the Suffolk County Police Pistol Licensing Bureau. Documentation of the lawful disposition of all firearms must be presented, in person, to the Pistol Licensing Bureau within twenty (20) days of same.

If you should move to another state, you must check with the local authorities to ensure compliance with any existing local or state laws governing the

possession of handguns. As per the Federal Firearms Regulation 926A, you may legally transport your handguns to your new residence during your final move. The handguns must be unloaded, and neither the firearm nor any ammunition being transported may be readily accessible from the passenger compartment of the transporting vehicle. In the case a vehicle has no other compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console. Within ten (10) days of your relocation you must return your pistol license to the Pistol Licensing Bureau and attach a letter advising us of your new address, telephone number and the disposition of your handguns.

## **LICENSING FEES**

### **FEES MUST BE PAID BY CHECK OR MONEY ORDER ONLY**

License renewal	\$ 10.00 every five (5) years*
Dealer License renewal	\$ 10.00 every three (3) years, each applicant
Gunsmith renewal	\$ 10.00 every three (3) years, each applicant
Amendments	\$ 5.00 every amendment made to the license

\* The renewal fee is waived for qualified retired Police Officers, Peace Officers and Federal Law Enforcement Officers as per New York State Penal Law. Suffolk County Auxiliary Police Officers are only required to pay a \$3.00 license renewal fee, as per Suffolk County Resolution No. 586-1994.

## **CHAPTER 3**

### **FIREARMS**

**ALL HANDGUNS MUST BE UNLOADED PRIOR TO ENTRY INTO SUFFOLK COUNTY POLICE HEADQUARTERS AND/OR POLICE PRECINCTS. GUNS MUST BE CARRIED IN A CASE, BOX OR BAG.**

#### **PURCHASING FIREARMS**

You are not required to purchase or own a firearm to receive or maintain a pistol license. You are only authorized to possess the handguns listed on your pistol license. All rifle, shotgun and handgun purchases require the purchaser submit to, and pass a NICS check conducted by a Federal Firearms License holder. This requirement does not apply to transfers between members of an immediate family as defined by NYS General Business Law. The SCPD Pistol Licensing Bureau does not authorize the “co-ownership” of handguns. A handgun may only be registered on one (1) license.

You may not purchase a rifle, shotgun or pistol outside of New York State and have it shipped directly to you. To purchase such a weapon outside New York State, it must be done through an authorized gun dealer in the originating state who must ship the weapon to an authorized dealer in New York State. The possession of a Federal Firearms License (F.F.L.) does not authorize you to operate as a handgun dealer in the State of New York. Only a New York State Dealer in Firearms may conduct handgun transactions.

Whenever making a handgun purchase, you must obtain a purchase document from the Suffolk County Police Pistol Licensing Bureau prior to taking possession of the firearm. In order to obtain a purchase document, the licensee will need to submit an original bill of sale from the dealer from which the handgun is being purchased as well as a \$5.00 check or money order per firearm. The bill of sale must indicate the name, address, and license number of both the dealer and the purchaser, as well as the make, model, type, caliber and serial number of the firearm. Faxes, copies, pictures or other duplicates of bills of sale will not be accepted. Purchase documents are valid for twenty (20) days from the date of issuance. After the purchase of a firearm, it must be presented to the Pistol Licensing Bureau before the expiration of the twenty (20) day period, so that the firearm may be inspected and the appropriate information entered on the license. **THE FIREARM MUST BE UNLOADED PRIOR TO BEING PRESENTED FOR INSPECTION.** You must be present at the time of inspection and must also have the purchase document and a copy of the bill of sale. Handguns must be inspected and listed on your pistol license prior to being used, possessed or carried in accordance with the provisions of this handbook and the restrictions of your license.

**NOTE:** If a firearm is not purchased within the twenty (20) day period, the purchase document must be returned to the Suffolk County Police Pistol Licensing Bureau within ten (10) days of expiration.

New York State Penal Law Section 400.00 (7) states any license issued pursuant to that section shall contain the caliber, make, model, manufacturer's name, and serial number of all firearms possessed on authority of same. As such, any and all conversion kits, conversion barrels or other caliber conversion devices must be listed on your pistol license. Purchase of said conversion devices does not require a Dealer in Firearms as an intermediary and, as such, does not require a purchase document. They must, however, be presented in person to the Pistol Licensing Bureau within twenty (20) days of purchase with a bill of sale and a \$5.00 check or money order per device. Additionally, the pistol for which the device is being purchased must be presented, unloaded, at the time of the registration of the conversion device. Should the licensee decide to sell a conversion device listed on his/her license, a bill of sale indicating same must be provided, in person, with a \$5.00 check or money order within twenty (20) days of occurrence.

### **TRANSACTIONS BETWEEN IMMEDIATE FAMILY MEMBERS**

Firearm transactions between immediate family members, as defined by the New York State General Business Law, do not require a dealer in firearms as an intermediary.

If both the seller and the purchaser are immediate family members and are both Suffolk County pistol license holders, the transaction can take place at the Suffolk County Pistol Licensing Bureau. Both license holders must respond together with their licenses, the firearm, and a \$5.00 check or money order per person for each firearm being transferred.

If the seller and purchaser are immediate family members and the seller is licensed by another agency or is a law enforcement officer, the transaction can take place at the Suffolk County Pistol Licensing Bureau. Both the buyer and the seller must respond together with their licenses or law enforcement credentials, the firearm, and a \$5.00 check or money order per firearm being transferred.

If a Suffolk County pistol license holder is selling or disposing of a handgun to an immediate family member who is licensed by another agency or is a law enforcement officer, the buyer must comply with the purchasing requirements of their licensing agency or employer, as appropriate, and the seller must respond to the Suffolk County Pistol Licensing Bureau with their license, a

copy of the buyer's purchase document or "C" form, and a \$5.00 check or money order per firearm being transferred within twenty (20) days of the transaction.

### **PURCHASING AMMUNITION**

As per New York State Penal Law Section 400.03, all commercial ammunition purchases must be made from or conducted through a New York State Dealer in Firearms or New York State Seller of Ammunition as defined by that section. No commercial transfer of ammunition shall take place unless a licensed Dealer in Firearms or registered Seller of Ammunition acts as an intermediary between the transferor and the ultimate transferee of the ammunition pursuant to New York State Penal Law Section 400.03. Such transfer between the dealer or seller, and transferee must occur in person.

As per New York State Penal Law Section 270.00 sub. 5, it is unlawful for a dealer in firearms to sell any ammunition, designed exclusively for the use in a pistol or revolver, to an individual not authorized to possess a pistol or revolver.

### **BRADY HANDGUN VIOLENCE PREVENTION ACT**

As per Federal Law, a NICS (National Instant Criminal Background Check System) check must be completed in order for a Federal Firearms License holder to transfer any rifle, shotgun or handgun. It may take up to three (3) business days to receive a response from 'NICS', which will either authorize or deny the release of the weapon to an individual.

As per New York State Law, a NICS check must be performed on the purchaser of a rifle, shotgun or handgun prior to the completion of a private transfer. This check must be performed by a Federal Firearms License holder at his/her place of business and will require the dealer to "acquire" and "dispose" of the gun via his/her dealer books. In the case of a handgun transfer, the NICS check and transfer may only be completed by an individual or firm who possesses a New York State Dealer in Firearms License. If the purchaser is denied access to the weapon as a result of the NICS check, a NICS check will need to be performed on the original owner prior to the return of said weapon to same. The NICS check requirement does not apply to transfers between members of an immediate family as defined by New York State General Business Law.

**NOTE:** Pistol License holders are required to notify the Pistol Licensing Bureau of a NICS **denial** within one (1) business day of same.

## **REGISTERING A DECEASED'S FIREARMS**

Penal Law Section 265.20 (f) allows the executor or administrator of the estate of a deceased pistol license holder fifteen (15) days to lawfully dispose of the deceased's handguns. If they are not legally disposed of within that time, they must be surrendered to any precinct of the Suffolk County Police Department or to the Pistol Licensing Bureau. After legally disposing of the firearm(s), the executor of the estate or a family member of the deceased must surrender, in person or by mail, the deceased's pistol license with a document showing the disposition of the firearm(s) to the Pistol Licensing Bureau.

In order to lawfully dispose of a decedent's firearms, the following documentation must be obtained from the Surrogate Court in Riverhead:

- 1) Letters of Administration/Certificate of Appointment of Administrator; or
- 2) Letters Testamentary/Certificate of Appointment of Executor; or
- 3) Certificate of Voluntary Administration

## **REPORTING LOST OR STOLEN FIREARMS**

According to Section 400.10 of the New York State Penal Law: Any owner or other person lawfully in possession of: (i) a firearm, rifle or, shotgun who suffers the loss or theft of said weapon; (ii) ammunition as well as a firearm, rifle or shotgun who suffers the loss or theft of such ammunition as well as a firearm, rifle or shotgun; shall within twenty-four (24) hours of the discovery of the loss or theft report the facts and circumstances of the loss or theft to a police department or sheriff's office.

**NOTE:** Notwithstanding any other provision of law, a violation of this section shall be a class A misdemeanor and may result in the suspension and/or revocation of your pistol licensing privileges.

## **SELLING OR DISPOSING OF FIREARMS**

To legally dispose of firearm(s), you must either:

1. Surrender the firearm(s), **UNLOADED**, to any Suffolk County Police Precinct or the Pistol Licensing Bureau, or
2. Sell or transfer the firearm(s) to a NYS Dealer in Firearms or member of your immediate family, or
3. Sell a handgun to a FFL holder in another State. You may do this by common carrier or by having a local Dealer in Firearms transfer same to a

FFL out of state, or

4. Surrender the firearm(s) to a licensed Gunsmith to be rendered permanently inoperable or for destruction, or
5. Place same on consignment by transferring (“selling”) firearm(s) to a licensed gun dealer to display and sell.

All licensed firearm(s) must be legally disposed of, and notification of such disposal must be made to the Pistol Licensing Bureau.

If you sell or dispose of a firearm, a bill of sale or a receipt from a licensed firearms dealer or gunsmith must be obtained. Original copies of these documents must be submitted in person, along with the license, to Suffolk County Police Department Pistol Licensing Bureau, within twenty (20) days of the disposition, so that your records may be amended accordingly, and the State Police may be notified as required. Faxes, copies, pictures or other duplicates of bills of sale will not be accepted.

If you dispose of a firearm by giving it to a gunsmith to be rendered permanently inoperable or destroyed, a receipt must be obtained from the gunsmith indicating the date of service as well as the nature of service performed. The receipt must also indicate the name, address and license number of both the gunsmith and the license holder, as well as the make, model, type, caliber and serial number of the firearm. Faxes, copies, pictures or other duplicates of bills of sale will not be accepted.

## **CONSIGNMENT**

Placing firearms on consignment entails selling same to a licensed gun dealer to display and sell. The law requires that such transactions are entered into his or her New York State and Federal Dealer Record Books. The dealer must also give the licensee a receipt for the handgun. Although no money may have changed hands, the licensee must, within twenty (20) days of this transaction, respond to the Pistol Licensing Bureau and file an Amendment Form to remove the handgun from their license. If the licensee later changes his/her mind and wants the return of the handgun, they must obtain a Purchase Document and submit to, and pass a NICS check prior to the return.

**NOTE:** Gun “amnesty” programs or “guns for cash” programs are not considered acceptable methods of disposal for registered handguns.

If your license has expired, licensed firearm(s) must be surrendered to the Suffolk County Police Department. All other firearm(s) transactions must occur prior to the expiration of the license. If you sell or dispose of a firearm, a bill of sale or a receipt from a licensed firearms dealer or gunsmith must be

obtained. These documents must be submitted in person, along with the license, to the Suffolk County Police Pistol Licensing Bureau, within twenty (20) days, so records may be amended accordingly and NYS Police may be notified.

## **ANTIQUÉ FIREARMS**

Current Statutes exempt UNLOADED antique firearms and replicas thereof from the existing licensing requirements. In order to fall within such category, muzzle loaders cannot be possessed loaded, or together with materials for loading. Persons who intend to shoot these weapons, or possess the components required to do so, must have a pistol license, and the weapon concerned must be registered. A purchase document does not need to be obtained prior to obtaining an antique firearm.

Once an antique firearm is registered on a Suffolk County Pistol License, disposal of said firearm shall follow the same rules and guidelines as any other registered pistol.

## **ASSAULT WEAPONS**

New York State Penal Law Section 265.00 (22) defines what is considered to be an “assault weapon” within the state of New York. New York State Penal Law Section 400.00 (16-a) authorizes individuals who lawfully possessed an assault weapon prior to January 15, 2013 to continue to possess said weapon provided they register it in accordance with that chapter on, or before April 15, 2014. The registration of rifles and shotguns that are considered to be assault weapons can be completed by submitting the requisite form via mail or online through the NYSP at <https://firearms.troopers.ny.gov/safeact/welcome.faces>. Previously possessed handguns that are considered to be assault weapons should already be listed on your pistol license and do not require additional or further registration.

**Failure to Register an Assault Weapon** (class A misdemeanor). A person who knowingly fails to register an assault weapon by April 15, 2014 may be charged with Section 400.00 (16-a) (c) of the New York State Penal Law for their failure to register said firearm.

**Criminal Possession of a Firearm** (class E felony). A person who lawfully possessed an assault weapon prior to January 15, 2013, and knowingly failed to register said weapon may be charged with PL 265.01-b if they continue to possess the weapon after April 15, 2014.

**Criminal Possession of a Weapon 3rd** (class D felony). A person who acquires an assault weapon after January 15, 2013 is subject to full criminal liability for possessing the weapon unless he or she is covered by one of the

exemptions in Section 265.20 of the New York State Penal Law.

Assault weapons may only be disposed of directly to a New York State Dealer in Firearms, a law enforcement officer who is an immediate family member, or to a Federal Firearms License holder in another state. Notification of the lawful disposal of an assault weapon must be made to the NYSP and/or Suffolk County Pistol Licensing Bureau, as appropriate, within seventy-two (72) hours of the disposal.

Qualified Retired New York or Federal Law Enforcement Officers, as defined by New York State Penal Law Section 265.00 (25), are authorized to register any assault weapon within sixty (60) days of retirement if:

- (a) The weapon was issued to the officer, or
- (b) The weapon was purchased by the officer prior to retirement and in the course of his/her official duties, AND
- (c) The officer was qualified with the weapon by the agency from which he retired during the year before retirement.

## **LARGE CAPACITY AMMUNITION FEEDING DEVICES**

**Other than a Curio or Relic Feeding Device, possession of any feeding device with the ability to accept more than ten (10) rounds is illegal. See New York State Penal Law Section 265.20 for exceptions.**

An individual, who lawfully possessed a large capacity ammunition feeding device prior to January 15, 2013 and knowingly failed to dispose of it, can be arrested for Unlawful Possession of a Large Capacity Ammunition Feeding Device, a class A misdemeanor.

An individual, who acquired a large capacity ammunition feeding device after January 15, 2013, regardless of the date of manufacture, can be arrested for Criminal Possession of a Weapon 3<sup>rd</sup>, a class D felony. Additionally, an individual, who possesses any large capacity ammunition feeding device manufactured after September 13, 1994, regardless of the date of acquisition, can be arrested for Criminal Possession of a Weapon 3<sup>rd</sup>, a class D felony.

The restrictions applicable to large capacity ammunition feeding devices set forth by the New York State Penal Law shall not apply to a curio or relic feeding device.

Qualified Retired New York or Federal Law Enforcement Officers, as defined by New York State Penal Law Section 265.00 (25), are exempt from the restrictions on high capacity ammunition feeding devices provided:

- (a) The magazine was issued to the officer, or
- (b) The magazine was purchased by the officer in the course of his/her official duties, and
- (c) The magazine “or a comparable replacement for such device” was possessed by the officer at the time of his/her retirement, and
- (d) The employing agency had qualified the officer in the use of the weapon that accepts the magazine in accordance with applicable state or federal law enforcement qualification standards within the year prior to retirement, and
- (e) The retired officer meets, at his/her own expense, the applicable standards for the weapon again within three (3) years after retirement and every three (3) years thereafter. (Officers who have already retired will have eighteen (18) months from the date of enactment to qualify)

## **CHAPTER 4**

### **DEALER, RANGE AND GUN SHOW INFORMATION**

#### **DEALER LICENSE FORM**

The New York State Dealer and Gunsmith license issued by the Suffolk County Police Department is valid only for the address for which it was issued. All dealer transactions must be done at the licensed premise. A Gunsmith or Dealer in Firearms License is not transferable to any other person or premise. (See GUN SHOW OR EVENT for premise exception)

#### **DEALER LICENSE/SIGN EXHIBITION AND DISPLAY**

A license as Gunsmith or Dealer in Firearms shall be prominently displayed at the licensed premise. The license must also be prominently displayed at an authorized gun show or event. The failure of any licensee to exhibit or display his or her license shall be presumptive evidence that he or she is not duly licensed.

Any person, firm or corporation engaged in the retail business of selling rifles, shotguns or firearms, as such terms are defined in section 265.00 of the Penal law, shall, in the place where such rifles, shotguns or firearms are displayed or transferred to the purchaser, post a notice conspicuously stating in bold print that:

**THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE. FOR INCREASED SAFETY FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN AND ANY OTHER UNAUTHORIZED PERSON.**

#### **DEALER GUN RENTALS AT RANGES**

Gun dealers may rent handguns to licensees as long as the range they will be shooting at is on the premises of the dealer. The handgun may not leave the premises while under the rental agreement. Additionally, the dealer must utilize a log that will contain the date, name and license or shield number of the shooter, and the make, model, and serial number of the handgun.

## **GUN SHOW OR EVENT**

New York State Penal Law Section 400.00 (8) allows a Gunsmith or Dealer in Firearms to conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, state, or local organization, or any affiliate of any such organization devoted to the collection, competitive use or other sporting use of firearms. The license, or a photocopy of same, must be prominently displayed while at the temporary location. Records of receipt and disposition of firearm transactions conducted at such temporary locations shall include the location of the sale or other disposition and shall be entered in the permanent records of the Gunsmith or Dealer in Firearms and retained on the location specified on the license. Nothing in this section shall authorize any licensee to conduct business from any motorized or towed vehicle. Any inspection or examination of inventory or records under this section at such temporary location shall be limited to inventory consisting of, or records related to, firearms held or disposed at such temporary locations. **Failure of any licensee to so exhibit or display his license, as the case may be, shall be presumptive evidence that he is not duly licensed.**

### **As per New York State General Business Law Section 897:**

1. A national instant criminal background check shall be conducted and no person shall sell or transfer a firearm, rifle or shotgun at a gun show, except in accordance with the provisions of 18 U.S.C. 922 (T) (Brady Bill)
2. No person shall offer or agree to sell or transfer a firearm, rifle or shotgun to another person at a gun show or dealer show location and transfer or deliver such firearm, rifle or shotgun to such person or person acting on his or her behalf thereafter for the purpose of evading or avoiding compliance with 18 U.S.C. 922 (T)
3. Any person who knowingly violates any of the provisions of this section shall be guilty of a class (A) misdemeanor.

# **CHAPTER 5**

## **ADMINISTRATIVE PROCEDURES**

### **NAME CHANGE**

If your name changes because of marriage, or for any other reason, you must, within ten (10) days, provide the Pistol Licensing Bureau with information necessary to change your records accordingly. The required information must be submitted in person and an Amendment Form must be filed to effect the change. There will also be a \$5.00 fee payable by check or money order required.

### **ADDRESS CHANGE**

Should you change your residence from the address listed on the license to a new address in the five western towns of Suffolk County, you must personally appear with your license for the filing of an Amendment Form at the Suffolk County Police Pistol Licensing Bureau no later than ten (10) days after this change becomes effective. You must change the address on your New York State Driver License prior to responding to the Pistol Licensing Bureau, at which time you will have to submit proof of your relocation, and supply the requisite fee.

If you should move out of the five western towns of Suffolk County and relocate within New York State, Penal Law Section 400 allows you to transfer your records to the appropriate licensing officer in your new licensing jurisdiction. In order to accomplish this, you must, in person, notify the Suffolk County Police Pistol Licensing Bureau within ten (10) days of your move and file an Amendment Form and supply the requisite fee.

**FIREARMS REGISTERED ON A SUFFOLK COUNTY PISTOL LICENSE MUST BE SECURED AT THE RESIDENCE LISTED ON THE LICENSE.**

### **BUSINESS NAME CHANGE**

If you have a “business” endorsement and the name, address and/or nature of the business has changed, you must contact the Suffolk County Police Pistol Licensing Bureau, and submit an Amendment Form in person showing the change, no later than ten (10) days after it becomes effective. Supplementary documents will be required to verify the change. The onus is on the licensee to show proof of necessity for the continuation of the endorsement. The requirements for a business endorsement, or the continuation thereof, are available on the Suffolk County Police website.

## **CHAPTER 6**

### **DUTIES AND RESPONSIBILITIES OF A LICENSE HOLDER**

#### **INCIDENTS THAT REQUIRE POLICE REPORTS**

You must **immediately** report to the Suffolk County Police Precinct of occurrence or local police agency where the incident occurred, the following:

- 1) The loss or theft of a firearm.
- 2) Theft of a pistol license.
- 3) The discharge of a firearm (other than practice at an authorized range or while lawfully hunting).

#### **INCIDENTS THAT REQUIRE NOTIFICATION TO THE PISTOL LICENSING BUREAU**

- 1) Loss or theft of a firearm within twenty-four (24) hours of incident.
- 2) Discharge of a firearm (other than practice at an authorized range or while lawfully hunting) within twenty-four (24) hours of incident.
- 3) Loss, theft or mutilation of a pistol license within twenty-four (24) hours of incident.
- 4) Change of business or residential address within ten (10) days of change.
- 5) Change of residential telephone number within ten (10) days of change.
- 6) Change of name within ten (10) days of change.
- 7) Change, termination, or cessation of employment for individuals with a Business, Security or Employment endorsement within ten (10) days of occurrence.
- 8) Any arrest, indictment or conviction in any jurisdiction within twenty-four (24) hours of incident or occurrence.
- 9) Issuance of a warrant, Field Appearance Ticket, Criminal Summons or Order of Protection against the licensee or household member within twenty-four (24) hours of issuance.
- 10) When any member of the pistol license holder's household is issued a criminal summons, arrested, indicted or convicted by, or in any jurisdiction within twenty-four (24) hours of incident or occurrence.
- 11) Any incapacitating illness or injury that would preclude the proper safeguarding of your firearms, as soon as feasible.
- 12) When the license holder receives professional treatment for mental health issues (including depression), notification must be made within twenty-four (24) hours of the initiation of treatment.
- 13) When any member of the license holder's household receives professional treatment for mental health issues (including depression), notification must be made within twenty-four (24) hours of the initiation of treatment.

- 14) When the pistol license holder is admitted into any public or private hospital for treatment of mental health issues (including depression), notification must be made within twenty-four (24) hours of the licensee's release.
- 15) When any member of the pistol license holder's household is admitted into any public or private hospital for treatment of mental health issues (including depression), notification must be made within twenty-four (24) hours of admission.
- 16) Within twenty-four (24) hours of the confiscation of a pistol license and/or handgun by a police officer or any other law enforcement official.
- 17) The sale of a handgun, within twenty (20) days.
- 18) Within twenty-four (24) hours of the surrender of your handguns to any law enforcement department or agency for any reason.
- 19) Within twenty-four (24) hours of a domestic incident requiring the intervention of law enforcement personnel.
- 20) Should it become apparent that a member of the licensee's household is the unlawful user of marijuana or its derivatives, narcotics or any controlled substances as defined by Section 21 U.S.C. 802 and/or section 220.00 of the New York State Penal Law, or is arrested in connection with same, the licensee is required to notify the Pistol Licensing Bureau within twenty-four (24) hours.

You will be responsible for making proper notifications to the Suffolk County Police Pistol Licensing Bureau. Do not assume that other law enforcement agencies or officers of the Suffolk County Police Department will make the necessary notification for you. Failure to make proper notification may be cause for suspension and/or revocation of your pistol license.

## **GROUND FOR LICENSE SUSPENSION AND/OR REVOCATION**

The most common circumstances for suspension and/or revocation include, but are not limited to:

- 1) Improper use of a firearm.
- 2) Unnecessary display of a firearm.
- 3) Failure to properly safeguard a firearm.
- 4) Failure to report a lost or stolen firearm.
- 5) Failure to properly register a firearm in a licensee's possession.
- 6) Failure to make the necessary notifications listed in INCIDENTS THAT REQUIRE NOTIFICATION TO THE SUFFOLK COUNTY POLICE PISTOL LICENSING BUREAU.
- 7) Carrying a firearm out of classification of license.
- 8) Failing to comply with the regulations and restrictions in this handbook.
- 9) When a licensee, or member of their household becomes the subject of an

Arrest, Indictment, Field Appearance Ticket, Order of Protection or any conviction, other than a traffic summons, in any jurisdiction.

- 10) Falsification of any documentation submitted to the Pistol Licensing Bureau including, but not limited to: statements, Amendment Forms and license renewal applications.
- 11) Possession of a loaded handgun containing armor piercing ammunition outside a designated firing range.
- 12) A psychiatric episode or psychiatric history of a licensee or his/her cohabitants that may limit the ability to properly handle, possess or safeguard a handgun, and/or could be detrimental to public safety or the safety of household members.
- 13) The illegal use or possession of a controlled substance as defined in Section 21 U.S.C. 802 and/or Section 220.00 of the New York State Penal Law by a licensee or a member of his/her household.
- 14) The conviction of the licensee or a household member for a felony or other serious offense, as defined in Section 265.00 Definitions, Sub. 17.
- 15) The licensee or a member of his/her household becomes subject to a court order restraining him or her from harassing, stalking, threatening or any acts of physical violence directed towards another person.
- 16) Failure to cooperate and comply with requests by the Pistol Licensing Bureau and/or law enforcement personnel.
- 17) Carrying a handgun in an area prohibited by local, state or federal law.
- 18) Entering a federal facility while they have on or about their person a firearm. This includes Postal property and Federal Court property, 18 U.S.C. Section 930. POSSESSION OF FIREARMS AND DANGEROUS WEAPONS IN FEDERAL FACILITIES. This prohibition does not apply to licensees that are exempt as per Section 930. (c)(1)(2)(3).
- 19) Entering any court facility while they have on or about their person a firearm. This prohibition does not apply to licensees employed at the court and/or the carrying of the firearm is authorized by the District Administrative Judge for Suffolk County.
- 20) Going through or attempting to go through a weapons screening area at an airport terminal, or board, or attempt to board an aircraft operated by an air carrier in air transportation, when the licensee has on or about their person or property, or the property of another, a firearm which is or could be accessible to them beyond the screening area or on board an aircraft. This prohibition does not apply to licensees employed at the airport or by an airline and the carrying of a handgun is a condition of that employment.
- 21) Incidents where the licensee or a member of his or her household:
  - (a) Is intoxicated and/or could be a threat to himself or another person; or
  - (b) Has caused or threatened bodily harm to themselves or another person; or

- (c) Is behaving in a manner that causes a normal, rational person to be fearful or threatened by the licensee.

22) Volatile domestic situations.

IF A POLICE OFFICER OR MEMBER OF THE PISTOL LICENSING BUREAU REQUESTS YOU TO SURRENDER YOUR LICENSE AND FIREARM(S), AND YOU REFUSE, SUCH CONDUCT WILL BE SUFFICIENT CAUSE FOR THE REVOCATION OF YOUR LICENSE, AND YOU MAY BE ARRESTED AND CHARGED WITH A VIOLATION OF SECTION 400.00, SUB. 11(c), A CLASS A MISDEMEANOR.

Most licensees are notified by mail of any suspension or revocation of their license. Failure to cooperate with the investigation can result in the revocation of your license. Turning your handguns over to a gun dealer upon notification of a suspension is not permitted and will substantially lengthen the duration of your suspension and may constitute cause for the revocation of your license.

In addition to the above contents of this chapter, licensees:

- 1) Must be in possession of their license at all times while carrying a firearm in conformance with the restrictions of their license.
- 2) Shall not draw or otherwise display a firearm unjustifiably, unnecessarily or carelessly.
- 3) Shall not be in possession of their firearm while consuming or while they are impaired by or under the influence of alcohol.
- 4) Shall not acquire a firearm prior to obtaining a purchase document from the Suffolk County Police Pistol Licensing Bureau.
- 5) Are authorized to possess **ONLY** the firearm(s) that are endorsed on their license or unexpired purchase document.
- 6) Are required to take proper safeguards at all times to keep firearms away from unauthorized persons, **ESPECIALLY CHILDREN**.
- 7) Are expected to advise those individuals they have designated as “safeguard persons”, as well as family and friends, of their responsibilities in the event of the licensee’s death or incapacitation.

The following safety measures will be accepted as standard practice for the securing of firearms:

- i. **UNLOADED** and locked in a metal container.
- ii. **UNLOADED** and secured in a safe.

**ALL LAWS, RULES, REGULATIONS, AND REQUIREMENTS CONTAINED IN THIS HANDBOOK ARE APPLICABLE TO ALL LICENSEES, INCLUDING WHILE UNDER SUSPENSION.**

## **CHAPTER 7**

### **MISCELLANEOUS INFORMATION**

#### **SAFETY TRAINING**

Safety training is extremely important and every licensee is encouraged to participate in some type of handgun safety training.

#### **OFFICE STAFF AVAILABILITY**

The Pistol Licensing Bureau is open Monday – Friday, 9:00 AM to 4:30 PM. The main telephone number is 852-6311. The office is also closed on certain holidays based upon staff availability.

#### **CURRENCY**

The Pistol Licensing Bureau does not accept cash. We accept bank or personal checks and money orders only, which should be made out to: **S.C.P.D.**

#### **NOTARY**

The Pistol Licensing Bureau does not have a Notary Public on staff.

#### **PUBLIC RECORDS EXEMPTION**

Section 400.00 (5)(a) of the New York State Penal Law states that the name and address of any individual to whom a pistol license has been issued shall be a public record. Section 400.00 (5)(b) of the New York State Penal Law offers an applicant for a pistol license, or a current pistol license holder the ability to request exception to their information becoming a public record. The application for public records exemption is available for download on the SCPD website. Completed forms can be submitted in person at the SCPD Pistol Licensing Bureau or faxed to (631) 852-6670.

## **CHAPTER 8**

### **QUESTIONS AND ANSWERS**

The following is a list of common questions that are asked by pistol license holders.

**1. Do I have to own a handgun to maintain my pistol license?**

No.

**2. May I carry my gun loaded on my person when I go to the range?**

Yes, but it is not recommended that you do so. It is recommended that a license holder transport their firearm, unloaded, in a box or a bag. However, if you do choose to carry the firearm, it must be carried concealed and in compliance with the restrictions applicable to your endorsement.

**3. Do I have to secure my gun in a locked box when traveling through NYC?**

NYC mandates pistol license holders transport their handguns in a locked box separate from the ammunition and in the trunk or in a location not readily accessible to any occupant in the vehicle. Your travel through city limits must be continuous with no extraneous stops.

**4. What if I move from the address listed on my pistol license to a new address in the five western towns of Suffolk County?**

You must personally appear with your license for the filing of an Amendment Form at the Suffolk County Police Pistol Licensing Bureau no later than ten (10) days after this change becomes effective. You must change the address on your New York State Driver License prior to responding to the Pistol Licensing Bureau, at which time you will have to submit proof of your relocation, and supply the requisite fee.

**5. What if I am going to move out of my current licensing jurisdiction and my new residence will still be in New York State?**

You are required to respond to the Pistol Licensing Bureau and fill out an Amendment Form. Your license file will then be forwarded to your new licensing jurisdiction. Some jurisdictions will accept the file and issue you a new license, some will make you go through a new application process

immediately, and others will make you wait until your current license is about to expire and will require you to file a new application several months prior to its expiration date.

**6. If I plan on moving out of state, how can I legally transport my firearms to my new home?**

Federal Law allows you to transport your firearms during your final move, unloaded and stored in a location not readily accessible to any occupant in the vehicle. Within ten (10) days of said move you must notify this office of your new address, telephone number and the disposition of all your registered handguns. We strongly recommend you check with local authorities before you relocate to determine what licensing laws you must comply with, if any.

**7. As a New York State pistol license holder, how do I buy a handgun from someone in another state and register it in New York State?**

The handgun must be shipped from a licensed gun dealer in the originating state to a licensed New York State Dealer in Firearms. You will have to obtain a purchase document from the Pistol Licensing Bureau and submit to and pass a NICS check before you can take possession of the handgun from that New York State dealer.

**8. Can anyone with a Federal Firearms License receive a handgun for me?**

No, although a Federal Firearms License (FFL) may be all a person needs in some states, New York State also requires in addition to the FFL, a New York State Dealer in Firearms License when receiving and shipping handguns. The only exception to that rule is the shipping to and from a gun manufacturer i.e., Smith & Wesson or Glock, for repairs. A handgun can be shipped directly to a manufacturer by its registered owner via common carrier, second-day air, or faster. The repaired firearm can then be shipped directly back to the registered owner. A replacement firearm for one that cannot be repaired **must** be shipped to a New York State Dealer in Firearms.

**9. What do I need to purchase a handgun?**

You must respond to the Pistol Licensing Bureau with a bank check, personal check or money order as well as a receipt from a NYS Dealer in Firearms indicating the make, model, type, caliber and serial number of the firearm(s) being purchased to obtain purchase documents for same. The cost is \$5.00 for each handgun and an additional \$5.00 for any other

applicable amendment to the license.

**10. Do you take cash?**

No, we are not authorized to take any form of payment other than a bank check, personal check or money order.

**11. Who do I make out the check to?**

Checks must be made out to SCPD.

**12. My license is under suspension, am I still required to abide by the handbook?**

Yes. The laws, rules, regulations, and requirements of this handbook apply to all licensees, including while under suspension.

**13. I just received a Notice of Suspension. Can I sell my handguns to a gun dealer or transfer them to an immediate family member?**

No. Only after the handguns have been surrendered may they be transferred in accordance with state and federal law.

**14. When are pistol license renewal applications mailed?**

Renewal applications are generally mailed two (2) months prior to the license expiration date. You are responsible to know when your license is about to expire. Renewing a pistol license is your responsibility. If your license is not renewed within thirty days after its expiration, the license will be cancelled and you will be required to surrender all handguns.

**15. If I change my residence, will the Post Office forward my renewal package?**

No, renewal packages will not be forwarded. If you change your residence, you are required by law to file an amendment form within ten (10) days of your move. If you make the proper notification, the package will be mailed to your current address.

**16. On my renewal application, who do I list as the person to safeguard my weapons? Do they have to have a license?**

You are to designate a responsible person who will agree to surrender or facilitate the surrender of your handguns for safekeeping in the event of your hospitalization, and/or incapacitation. In the event of your death

such designee must legally dispose of your guns within fifteen (15) days. It is NOT necessary such person has a pistol license.

**17. For a renewal, what do I need for proof of residency? Can I show my Driver License?**

A Driver License alone is not an acceptable document to confirm residency. You must additionally produce a voter registration card, tax statement, utility bill, cable bill, telephone bill, etc.

**18. What does the NYSID box represent that I see on my renewal application?**

That number is issued by the New York State Department of Criminal Justice to identify you from the thousands of other residents that have had their fingerprints submitted to the state for criminal history searches. Your NYSID number is listed on the rear of your renewal instructions.

**19. On your renewal application you have a question that asks if I have been arrested or summoned to court. What if I was arrested since my last renewal and I already notified you about it. Do I still have to indicate it on the application?**

Yes, indicate the nature of the charge and insert in the space after that question: "ALREADY INVESTIGATED BY YOUR OFFICE". No additional notarized statement will be necessary.

**20. Do I have to bring my guns in for inspection when I renew my pistol license?**

No, unless specifically requested to do so.

**21. Is there a limit to the number of guns I can own?**

No.

**22. What if I plan on going to a gun show upstate and I don't know what gun I want to buy; can I still get a purchase document?**

Yes. You must respond to the Pistol Licensing Bureau with documentation of the gun show and apply for a blank purchase document.

**23. If I report one of my handguns lost or stolen and the police officer tells me he or she will notify the Pistol Licensing Bureau, do I still have to notify the Bureau anyway?**

Yes you do! Under any of the circumstances listed in Chapter 6 in the section heading: “INCIDENTS THAT REQUIRE NOTIFICATION TO THE PISTOL LICENSING BUREAU”, you are also required to make the notification to this office within the specified time frame.

**24. Can a family member and I put the same gun on our licenses so we don't have to be together to fire the weapon?**

No. A handgun may only be registered to one (1) person.

**25. Are firearms defined under federal law as “antique firearms” automatically considered “antique firearms” under New York State Law?**

Not necessarily.

Federal law defines an “antique firearm” as:

- a.) Any firearm manufactured on or before 1898, or
- b.) Any replica of any firearm described in subparagraph (A) if such replica is not designed or redesigned for using rim fire or conventional center fire fixed ammunition, or uses rim fire or conventional center fire fixed ammunition which is no longer manufactured in the U.S. and which is not readily available in the ordinary channels of trade.

State law defines an “antique firearm” as:

Any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or a revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.

In plain language, if ammunition is readily available or if you possess the ammunition or components required to fire the weapon, it is not an “antique firearm” in New York State and it must be registered.

# APPENDIX A

## REASONS FOR LICENSE DISAPPROVAL

License applications will automatically be disapproved for the following reasons:

### AUTOMATIC PISTOL LICENSE DISQUALIFIERS PURSUANT TO NEW YORK STATE LAW

1. Failing to indicate on the application that the applicant has been confined to any hospital or institution, public or private for mental illness.
2. Being convicted anywhere of a felony or serious offense.

**SERIOUS OFFENSES, AS DEFINED BY §265.00 (17) OF THE NYS PENAL LAW, ARE AS FOLLOWS:**

### PRESENT PENAL LAW

- |          |  |
|----------|--|
| 120.45   | Stalking in the fourth degree  |
| 120.50   | Stalking in the third degree   |
| 125.60   | Issuing abortifacient articles.  |
| 130.00   | Offenses defined in Art. 130. (Sex Offenses), sections 130.20 Sexual Misconduct; Rape, all degrees; Consensual Sodomy; Sodomy, all degrees; Sexual Abuse, all degrees; Aggravated Sexual Abuse, all degrees; Course of Sexual Conduct Against a Child, all degrees.  |
| 140.45   | Possession of Burglar's Tools.   |
| 165.25   | Jostling   |
| 165.30   | Fraudulent Accosting   |
| 165.40   | Criminal Possession of Stolen Property 3rd.  |
| 220.00   | Criminal Possession of a Controlled Substance, all degrees; Criminal Sale of a Controlled Substance, all degrees, Criminal Sale of a Controlled Substance in or Near School Grounds, Criminal Possession Hypodermic Instrument; Criminal Injection of a Narcotic Drug; Criminally Using Drug Paraphernalia, all degrees; Criminal Possession of Precursors of Controlled Substances; Criminal Sale of a Prescription for a Controlled Substance. |
| 230.40   | Promoting Prostitution 3rd;  |
| 235.00   | Obscenity, and related offenses defined in section 235, sections 235.05 Obscenity 3rd; 235.06 2nd; 235.07 1st; 235.10 Obscenity; presumptions; 235.15 Obscenity or disseminating indecent material to minors 2nd; 235.21 Disseminating indecent material to minors 2nd; 235.22 1st;  |
| 240.35.3 | Loitering - public place for engaging, or soliciting to engage with another, in deviate sexual intercourse or other sexual behavior of a deviate nature.   |
| 260.10   | Endangering the Welfare of a Child.  |
| 265.01   | Criminal Possession of a Weapon 4th; - Possesses any firearm, electronic dart gun, gravity knife, switchblade knife, pilum ballistic knife, cane sword, billy, blackjack, bludgeon, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shiriken or "Kung Fu star. 265.01 sub.2 Criminal Possession of a weapon 4th; - Possession with   |

intent to use against another, dagger, dangerous knife, dirk, razor, stiletto, imitation pistol.

For the purposes of section 400.00, the term Serious Offense shall include a willful failure to obey a lawful Order of Protection issued under article eight of the Family Court Act or section 530.12 of the Criminal Procedure Law, where such willful failure involves the infliction of serious physical injury, or the use or threatened use of a deadly weapon or dangerous instrument.

**OLD PENAL LAW - PRIOR TO SEPTEMBER 1, 1967**

- 33 Public Health Law relating to narcotic drugs which was defined as a misdemeanor by section 1751a.
  - 33A Public Health Law relating to depressant and stimulant drugs defined as a misdemeanor by section 1747b.
  - 106 Sodomy or rape which was designated as a misdemeanor.
  - 235.20 Disseminating indecent material to minors. (old 484 sub. h).
  - 405 Unlawful entry of a building.
  - 408 Making or Possession of Burglar Instruments.
  - 483 Endangering life or health of a child.
  - 483 sub.b Carnal abuse of child over 10 and under 16 years of age.
  - 690 See Art. 106.
  - 722 sub.6 Disorderly Conduct (Jostling.)
  - 722 sub.8 Disorderly Conduct (Loiters for purpose of committing a crime against nature or other lewdness.)
  - 1308 Buying or Receiving Stolen Property.
  - 1696 Aiding Escape from Prison.
  - 1751 sub.a See Art. 33
  - 1747 sub.b See Art. 33A
  - 1897 sub.1 Illegally using, carrying or possessing a pistol or other dangerous weapon.
3. Having had a license revoked or being under a suspension or ineligibility order issued pursuant to the provisions of section 530.14 of the Criminal Procedure Law (Mandatory and permissive suspension of firearms license and issuance of temporary Order of Protection by the courts pursuant to subdivision one of section 530.12 or subdivision one of section 530.13) or section 842(a) of the Family Court Act (court order of protection).
4. Having been involuntarily committed to a facility under the jurisdiction of an office of the Department of Mental Hygiene pursuant to article nine or fifteen of the Mental Hygiene Law, article seven hundred thirty or section 330.20 of the Criminal Procedure Law, section four hundred two or five hundred eight of the Correction Law, section 322.2 or 353.4 of the Family Court Act, or having been civilly confined in a secure treatment facility pursuant to article ten of the Mental Hygiene Law.
5. Having had a guardian appointed pursuant to any provision of state law, based on a determination that as a result of marked subnormal intelligence, mental illness, incapacity, condition or disease, an individual lacks the mental capacity to contract or manage his or her own affairs.

## AUTOMATIC PISTOL LICENSE DISQUALIFIERS PURSUANT TO FEDERAL LAW

1. Being convicted of a misdemeanor crime of domestic violence.
2. Being a fugitive from justice.
3. Being an unlawful user of or addicted to any controlled substance.
4. Being an alien who is illegally or unlawfully in the United States.
5. Having been discharged from the Armed Forces under dishonorable conditions.
6. Being an individual who, having been a citizen of the United States, has renounced his citizenship.
7. Being subject to a court order that:
  - (A) Was issued after a hearing of which such person received actual notice, and at which such person has an opportunity to participate;
  - (B) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
  - (C)
    - (i) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or
    - (ii) By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

### DOMESTIC VIOLENCE

Federal Law prohibits anyone from possessing firearms or ammunition if they are, or have been convicted of a misdemeanor crime of domestic violence. The term misdemeanor crime of domestic violence means "any offense defined as a State or Federal misdemeanor, whether or not explicitly described in a statute as a crime of domestic violence, which has, as its factual basis, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by the victim's current or former domestic partner, parent or guardian." The term, "convicted" is generally defined in the statute as excluding anyone whose conviction has been expunged or been set aside, or anyone who has received a pardon.

### ADDITIONAL REASONS FOR DISAPPROVAL

**The lack of an “automatic bar” in your background does not guarantee the issuance or renewal of a pistol license. There are many other factors that are considered in the investigation into an individual’s qualification to possess a pistol license. Reasons for disapproval, other than the above referenced automatic bars include, but are not limited to:**

1. Having had a pistol license revoked in the last five years.
2. Falsification of any part of the application or accompanying paperwork.
3. The concealment or omission of any information during the application process.
4. A lack of truthfulness on the application and any accompanying paperwork.
5. If the director of community services or his or her designee has made a report pursuant to section 9.46 of the Mental Hygiene Law indicating that the applicant, or a

member of his/her household is likely to engage in conduct that would result in serious harm to self or others.

6. Lack of good moral character.

7. Other good cause.

### **CERTIFICATE OF RELIEF FROM DISABILITIES**

On occasion, an applicant who was convicted for a felony or serious offense submits, pursuant to Correction Law Section 701, a certificate of relief from disabilities. This certificate neither requires nor prevents the issuance of a pistol license. The Penal Law, Sec. 400(1) provides that a pistol license may not be issued to a person who has been convicted of a felony or serious offense, but Correction Law Sec. 701 states that, once a certificate is granted, the conviction to which it relates may no longer be considered a conviction for purposes of that Penal Law provision. Thus, the certificate removes the absolute disqualification established for convicted persons in Penal Law Sec. 400(1). **This does not mean, however, that the license must be issued.** The applicant's background, including the conviction, may still be evaluated and considered in determining the applicant's qualification to possess a pistol license. The certificate must be checked off in box (C), and the details for box (C) must indicate, "For the purpose of obtaining a pistol license", Correction Law Section 701(3) states: A certificate of relief from disabilities shall not, however, in any way prevent any judicial, administrative, licensing or other body, board or authority from relying upon the conviction specified therein as the basis for the exercise of its discretionary power to suspend, revoke, refuse to issue or refuse to renew any license, permit or other authority or privilege.

# APPENDIX B

## BUSINESS LICENSE APPLICATION REQUIREMENTS

In order to establish Proper Cause for the issuance of a Suffolk County Pistol License endorsed for business purposes, an individual must establish that the business for which he/she is applying is more susceptible to robbery than the general population. The following information and documentation must be submitted, in person, to the Pistol Licensing Bureau in support of an application for a Business License:

### 1. NOTARIZED BUSINESS LETTER (ON BUSINESS STATIONERY):

- (A) Your reason(s) for requesting the business endorsement
- (B) Amount of weekly cash flow
- (C) Number of **CASH** deposits per week:
  - 1. Include copies of deposit slips totaling **\$4000.00** per week in cash, for a twelve (12) consecutive week period.
  - 2. Include a copy of the most recent tax returns for the business.
  - 3. Additional documentation may be required.
- (D) Distance from business to bank
- (E) Number of hours engaged in the business per week
- (F) Location of business: Residential/Commercial/Industrial
- (G) Statement indicating the applicant has read and is familiar with the provisions of §35, §265, and §400 of the New York State Penal Law, as well as the Pistol License Information Handbook.
- (H) Statement acknowledging the handgun may **ONLY** be carried during the normal course of the business for which the license was issued.
- (I) Statement indicating that a permanently affixed safe, to which only the licensee has access, is present at the business location; and that the licensee understands that their weapon must be safeguarded in said safe in the event that they engage in non-business related activities. A photo of the safe must also be included.

Cash deposit requirements may be waived if it is determined you are at grave risk of being a victim of a robbery due to the nature of your business activity.

### 2. NOTARIZED BANK LETTER (ON BANK STATIONERY):

- (A) Stating you have a business account, including account number.
- (B) Frequency and average amount of **CASH** deposits.

### 3. COPY OF THE BUSINESS CERTIFICATE OR CORPORATE FILING RECEIPT.

### 4. NOTARIZED LETTER OF NECESSITY (ON BUSINESS STATIONERY):

- (A) Signed by a corporate officer, partner, or owner.
- (B) Contents of letter **MUST INCLUDE**:
  - 1. Reason(s) for requesting business endorsement.
  - 2. Description of the applicant's employment and an explanation of why the employment requires the carrying of a handgun.

3. Statement acknowledging the handgun may ONLY be carried during the normal course of the applicant's employment.
4. Statement explaining the manner in which the handgun will be safeguarded when not in use.
5. Statement acknowledging that the applicant's employer, or if self-employed, the applicant, is aware of their responsibility to properly dispose of the handgun and return the license to the Pistol Licensing Bureau upon termination of employment or the cessation of the business.

# APPENDIX C

## BUSINESS LICENSE RENEWAL REQUIREMENTS

In order to establish Proper Cause for the renewal of a Suffolk County Pistol License endorsed for business purposes, an individual must establish that the business for which he/she is licensed is more susceptible to robbery than the general population. The following information and documentation must be submitted to the Pistol Licensing Bureau in addition to the standard renewal paperwork in order to renew a business endorsed pistol license.

### 1. NOTARIZED BUSINESS LETTER (ON BUSINESS STATIONERY):

- A. Your reason(s) for requesting the business endorsement
- B. Amount of weekly cash flow
- C. Number of **CASH** deposits per week:
- D. Distance from business to bank
- E. Number of hours engaged in the business per week
- F. Location of business: Residential/Commercial/Industrial
- G. Statement indicating the applicant has read and is familiar with the provisions of §35, §265, and §400 of the New York State Penal Law, as well as the Pistol License Information Handbook.
- H. Statement acknowledging the handgun may **ONLY** be carried during the normal course of the business for which the license was issued.
- I. Statement indicating that a permanently affixed safe, to which only the licensee has access, is present at the business location; and that the licensee understands that their weapon must be safeguarded in said safe in the event that they engage in non-business related activities. A photo of the safe must also be included.

Cash deposit requirements may be waived if it is determined you are at grave risk of being a victim of a robbery due to the nature of your business activity.

### 2. NOTARIZED BANK LETTER (ON BANK STATIONERY):

- A. Stating you have a business account, including account number.
- B. Frequency and average amount of **CASH** deposits.

### 3. NOTARIZED LETTER OF NECESSITY (ON BUSINESS STATIONERY):

- A. Signed by a corporate officer, partner, or owner.
- B. Contents of letter **MUST INCLUDE**:
  - 1. Reason(s) for requesting business endorsement.
  - 2. Description of the applicant's employment and an explanation of why the employment requires the carrying of a handgun.
  - 3. Statement acknowledging the handgun may **ONLY** be carried during the normal course of the applicant's employment.
  - 4. Statement explaining the manner in which the handgun will be safeguarded when not in use.
  - 5. Statement acknowledging that the applicant is aware of their responsibility to properly dispose of the handgun and return the license to the Pistol Licensing Bureau upon termination of employment or the cessation of the business.

## **APPENDIX D**

### **SECURITY LICENSE APPLICATION REQUIREMENTS**

If you wish to amend your current Suffolk County Pistol License to be endorsed to work as an armed security guard, the following information must be submitted to the SCPD Pistol Licensing Bureau, in person, with a five (5) dollar check or money order.

- 1.** A letter from your employer indicating:
  - A)** Licensee's name
  - B)** Licensee's address
  - C)** Licensee's pistol license number
  - D)** Working full or part time and number of hours per week
  - E)** Unique ID# from New York State
  - F)** Indicate if working in Civilian or uniform attire
- 2.** Copy of the forty-seven (47) hour firearms training course certificate or a Conditional letter of authority\*.
- \* Conditional letter of authority is a notice from New York State allowing someone to work in an armored car guard capacity prior to taking the forty-seven (47) hour firearms training course. This letter gives the licensee 180 days from the date of the issuance of the letter to take the forty-seven (47) hour course.
- 3.** Eight (8) hour refresher course certificate required annually after the issuance of the forty-seven (47) hour course.

# **APPENDIX E**

## **SECURITY LICENSE RENEWAL REQUIREMENTS**

In order to renew a pistol license with a Security Endorsement, the following documentation must be submitted along with the standard renewal application.

1. A copy of your eight (8) hour pre-assignment training course certificate.
2. State Law requires an annual eight (8) hour in service training course after one year upon completion of the forty-seven (47) hour training course. If the documents described above are already on file at the Pistol Licensing Bureau, you need only to submit a photocopy of your annual eight (8) hour in-service training course certificate if one year has lapsed since taking the forty-seven (47) hour course.
3. Indicate your Unique Identification Number obtained from the Department of State when you applied for a special armed guard certification card.
4. Letter from your employer stating the nature of your employment, whether you work in a uniformed or plain clothes capacity, and the number of hours worked per week.

## **APPENDIX F**

### **EMPLOYMENT LICENSE APPLICATION REQUIREMENTS**

If you wish to amend your current Suffolk County Pistol License to be endorsed to work in an armed and uniformed capacity for a town, village, or municipality, the following information must be submitted to the SCPD Pistol Licensing Bureau, in person, with a five (5) dollar check or money order.

1. A letter from your employer indicating:
  - A) Licensee's name
  - B) Licensee's address
  - C) Licensee's pistol license number
  - D) Licensee's position, rank, and title with the agency
  - E) Whether the licensee is working full or part time and number of hours per week
2. Copy of licensee's agency identification.
3. Copy of the forty-seven (47) hour firearms training course certificate or a Conditional letter of authority.
4. Eight (8) hour refresher course certificate required annually after the issuance of the forty-seven (47) hour course.

## **APPENDIX G**

### **EMPLOYMENT LICENSE RENEWAL REQUIREMENTS**

In order to renew a pistol license with an Employment Endorsement, the following documentation must be submitted along with the standard renewal application.

- 1.** A letter from your employer indicating:
  - A)** Licensee's name
  - B)** Licensee's address
  - C)** Licensee's pistol license number
  - D)** Licensee's position, rank, and title with the agency
  - E)** Whether the licensee is working full or part time and number of hours per week.
- 2.** Copy of licensee's agency identification.
- 3.** Eight (8) hour refresher course certificate, required annually after the issuance of the forty-seven (47) hour course.

# APPENDIX H

## SELF-PROTECTION LICENSE REQUIREMENTS

If you are seeking a SELF-PROTECTION license, you will be required to show "proper cause" pursuant to Penal Law Section 400.00 Sub. 2 (f). "Proper cause" is determined by a review of all relevant information bearing on your claimed need. You must show that you are exposed to extraordinary personal danger, documented by proof of recurrent threats to life or safety, requiring authorization to carry a firearm.

These factors are not all-inclusive, and the Police Commissioner will consider other proof, including Suffolk County Police Department records. It should be noted, however, that the fact that you have been the victim of a crime or reside or are employed in a "high crime area" or participate in a controversial activity does not, in itself, establish "proper cause" for the issuance of a self-protection license.

The following information must be submitted to the Suffolk County Police Department Pistol Licensing Bureau in support of your request for a Self-Protection license:

### 1. NOTARIZED LETTER OF NECESSITY

- A) Articulate your reason(s) for requesting SELF-PROTECTION license, including all of the following information:
  - a. Circumstances behind the request.
  - b. Name, address, telephone number and employer of person(s) that you need protection from, if known.
  - c. Is the person you fear related to you?
  - d. When did the first incident occur?
  - e. Number and type of threats and when they occurred.
  - f. Number, type(s) of complaint(s) and date(s) of previous police report(s) made.
  - g. List all previous arrests and charges relating to the incidents or threats, if any.
  - h. List all previous court actions and their results relating to the incidents or threats, if any.
  - i. Statement indicating the applicant has read and is familiar with the provisions of the NEW YORK STATE PENAL LAW, ART. 35 (USE OF FORCE), ART. 265 (CRIMINAL POSSESSION AND USE OF A FIREARM), ART. 400 (RESPONSIBILITIES OF A HANDGUN LICENSEE) AND THE PISTOL LICENSE INFORMATION HANDBOOK.

### 2. SUPPORTING LETTERS OF WITNESSES

- A) Name, address, telephone number and notarized statements or letters of actual witnesses that can confirm that recurrent threats have occurred to your life or safety.
- B) Documentation from District Attorney's Office or other law enforcement or governmental agency that recommends and can support your request for a self-protection license.

If a Self-Protection license is approved, the Suffolk County Police Pistol Licensing Bureau may withdraw that classification at any time if it finds proper cause no longer exists. Proper cause will have to be demonstrated by you each time the license is renewed, every five years. If proper cause is no longer proven, the license will be changed to a different classification of license.

**FAILURE TO SUPPLY ALL INFORMATION REQUESTED WILL NOT ONLY DELAY THIS ENDORSEMENT REQUEST, IT MAY RESULT IN A DENIAL. IF ANY INFORMATION REQUESTED IS NOT KNOWN, SO INDICATE.**

If you are applying for a new license - submit all the above documentation with your application.

If you are amending a current license - submit the above documentation, in person, with a check or money order for \$5.00 payable to the Suffolk County Police Department. Upon completion of the investigation, you will be notified of the results by mail.