

**NEW YORK STATE
DEALER IN
FIREARMS AND GUNSMITH'S
HANDBOOK**

PDCS-4006c



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

**GUIDE FOR NEW YORK STATE
DEALERS IN FIREARMS AND GUNSMITHS**

Handbook Updated March 2014

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INTRODUCTION

Federal and New York State Laws mandate certain administrative procedures that must be followed when licensed as a dealer in firearms and/or gunsmith. This handbook has been prepared as a guide for those gun dealers and gunsmiths. It provides information as to the laws, rules, regulations, procedures, duties and responsibilities as a license holder. 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 Also be aware that since rules, regulations and laws will inevitably be modified, created or repealed after the printing of this booklet, it will be your responsibility to keep up-to-date on those changes.** The most up to date version of the Pistol License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

For answers to questions concerning dealer and gunsmith licenses, you may contact a bureau representative at the following numbers: (631) 852-6703 or (631) 852-6330. If you are calling in response to a correspondence mailed to you by this office, you should use the telephone number found in the last paragraph in that correspondence.

You will find throughout this book the term "firearm". Normally that term includes shotguns, rifles and other types of long guns. However, that term in this book, unless otherwise indicated, shall be used to mean handguns only.

PISTOL LICENSING BUREAU

New York State Penal Law Section 400 mandates certain administrative procedures concerning the issuance, renewing, filing, cancellation and revocation of licenses to possess, carry and deal in firearms. New York State Penal Law Section 265.00 sub. 10 defines the Suffolk County Police Commissioner as the Licensing Officer of the five (5) western towns, Babylon, Islip, Huntington, Smithtown and Brookhaven. The Pistol Licensing Bureau was created to carry out the Commissioner's responsibilities as mandated by law.

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TERMS AND DEFINITIONS

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.

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.

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)

BLACK POWDER FIREARM: Any unloaded pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system.

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.

COMMERCIAL 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.

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.

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)

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.

DELIVERED: To give, give away, lease-loan, sell, transfer, or otherwise dispose of.

EMPLOYEE: One employed by another for wages or salary, and in a position below the executive level.

FIREARM (As defined by NYS Penal Law): Means (a) any pistol or revolver; or (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)

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))

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.

FFL: Federal Firearm License issued by the Department of the Treasury, Alcohol, Tobacco and Firearms.

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, large capacity ammunition feeding device or machine-gun.

GUN LOCKING DEVICE: 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.

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 where firearms, rifles or shotguns are offered for sale or transfer, and any grounds used in connection with the event.

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.

IMMEDIATE FAMILY MEMBER: Spouse, domestic partner, child and step-child.

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)

PERSON: Any human being, and where appropriate a public or private corporation, an unincorporated association, a partnership, a government, or a government instrumentality.

POSSESS: To have physical possession or otherwise to exercise dominion or control over tangible property, other than incidentally.

QUALIFIED RETIRED NEW YORK OR FEDERAL LAW ENFORCEMENT OFFICER: 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.

RECEIVE: To come into possession of.

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.

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 in stock as well as all dealer records. 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 handguns for the purpose of the immediate surrender of same to a law enforcement entity.

CHAPTER 1

DEALER AND GUNSMITH LICENSE

NO PERSON MAY LAWFULLY ENGAGE IN THE BUSINESS OF GUNSMITHING, OR BE A DEALER IN FIREARMS, UNLESS LICENSED PURSUANT TO SECTION 400.00 OF THE NEW YORK STATE PENAL LAW.

LICENSE FORM

As per Section 400.00 sub. 7 of the New York State Penal Law, the New York State Dealer and/or Gunsmith license contains the address for which the license was issued, and is valid **only** at that address. 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)

LICENSE EXHIBITION AND DISPLAY

As per Section 400.00 sub. 8 of the New York State Penal Law, the dealer or gunsmith license shall be prominently displayed on the licensed premise. You must also prominently display the license 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.

LICENSING RENEWAL

As per Section 400.00 sub. 10 of the New York State Penal Law, Gunsmith and New York State Dealer in Firearms Licenses shall expire not more than three (3) years from date of issuance. When submitting your renewal, you must also submit a photocopy of your Federal Firearms License.

LICENSE 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 defined in Section 265 of the New York State Penal Law.
- 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 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.
- N)** Not have been convicted of a misdemeanor crime of domestic violence.

- O)** Maintain a place of business within the confines of the five (5) western towns of Suffolk County (Babylon, Huntington, Islip, Smithtown and Brookhaven).
- P)** Obtain a State Sales Tax Certificate, and a Suffolk County Business Certificate.
- Q)** If dealing in second-hand rifles, shotguns, or antique firearms, obtain a license for such activity from the Suffolk County Department of Labor, Licensing & Consumer Affairs.
- R)** Obtain or possess a Federal Firearms License, (FFL) issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms.

IN ADDITION: If the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in New York State Penal Law Section 400.00 sub. 1. And if the applicant is a corporation, each officer thereof shall so comply.

REQUIRED POSTING

Any person, firm or corporation engaged in the retail business of selling rifles, shotguns or firearms, as such terms are defined in New York State Penal Law Section 265.00, 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:

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.

FEDERAL LAWS AND REGULATIONS

All gun dealers under Federal Law must possess a Federal Firearm License (FFL). Violations of the Federal Laws come under "The Gun Control Act" 18 U.S.C.

FFL DEALERS LICENSED IN NEW YORK STATE

[18 U.S.C. 923 (J), 27 CFR 178.100]

Dealers licensed in this state:

- (I) Must comply with all record keeping requirements of ATF concerning acquisition and disposition of firearms, including recording the place of sale.

- (II) May dispose of handguns to individuals, if the individuals are residents of this state, and they possess a New York State pistol license.
- (III) May dispose of long guns to residents of any state, provided the laws of both states are complied with.
- (IV) May dispose of handguns to any federal firearm licensee (FFL) in New York State, provided the receiving dealer also possesses a New York State Dealers License.
- (V) May acquire handguns from any FFL licensed in this state who also possesses a New York State Dealer in Firearms License.
- (VI) May acquire handguns from any non-licensed (no FFL) individual who possesses a New York State Pistol License.
- (VII) Cannot dispose of handguns directly to out-of-state residents.
- (VIII) Must have FFL license clearly displayed at a gun show.
- (IX) Must have a New York State Dealer in Firearms License to acquire and/or dispose of handguns.

FFL DEALERS NOT LICENSED IN NEW YORK STATE

[18 U.S.C. 921 (a)(3), 922 (b)(3), 923 (a)]

All gun dealers **not** licensed in this state:

- (I) Must comply with all ATF record keeping requirements concerning acquisitions of firearms.
- (II) May only display firearms – no physical transactions allowed. Must make arrangements to ship rifles, shotguns and handguns from his licensed place of business to a licensed New York State dealer in firearms.

NON-FFL LICENSED RESIDENTS FROM ANOTHER STATE

Out-of-state persons that do not have a FFL:

- (I) May acquire or dispose of long guns, provided laws from both states are complied with.
- (II) Cannot acquire handguns directly. Such transactions must be conducted through a FFL holder in the state of the individual's residence.

CHAPTER 2

LICENSED PREMISE

BUILDING SECURITY

The minimum acceptable security for a gunsmith and or dealer in their licensed premise is as follows:

The building must be adequately secured and alarmed with a system that is connected to an alarm company central station with twenty-four hour monitoring. A safe or vault room must be large enough to accommodate all handguns on the premise during closed hours. All handgun display cases will be emptied prior to the securing of the building or business for the day. All handgun stock will be secured, and remain in a safe or vault room until the licensee or employees return to re-open the building or business.

All glass display cases with a glass countertop will have the top glass sealed in such a way as to prevent its lifting and the theft of handguns. All display cabinets when containing firearms must be locked when left unattended.

COMMERCIALLY ZONED LOCATION/MULTIPLE BUSINESSES

A dealer/gunsmith, or an employee thereof who shares space with an unrelated business, **MUST BE PRESENT**, at all times, when such unrelated business is open. The business must be in compliance with all town or incorporated village zoning, including fire and building codes.

DEALER/GUNSMITH INSPECTIONS

A dealer in firearms and/or gunsmith can expect periodic inspections by members of the Pistol Licensing Bureau. An inspection will consist of, but is not limited to, premise and handgun security, maintenance and accuracy of records, compliance with federal, state and local laws, and compliance with administrative rules and regulations contained in this manual.

EMPLOYEES

Employees of a dealer in firearms and/or gunsmith, who will have access to, or possession of, a firearm, **must** be eligible to possess a New York State Pistol License and/or a firearm. The employment of an individual whose pistol license is under suspension will be at the discretion of the Pistol Licensing Bureau.

CHAPTER 3

RECORDS AND REPORTING

BRADY LAW REQUIREMENTS

As per Federal Law, a NICS (National Instant Criminal Background Check Systems) 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 is required 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 License Bureau of a NICS **denial** within one (1) business day of same.

FIREARM ACQUISITION AND DISPOSITION REQUIREMENTS

Rifles, shotguns or pistols purchased outside of New York State must be shipped from an authorized gun dealer in the originating state to an authorized dealer in New York State. The possession of a Federal Firearms License (F.F.L.) does not authorize someone 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 from a dealer, a pistol license holder 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 New York State Dealer in Firearms from which the handgun is being purchased, as well as a \$5.00 check or money order for each 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****

NOTE: If a firearm is not acquired 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.

Whenever a pistol license holder sells or disposes of a firearm to a dealer, a bill of sale or a receipt must be obtained from said dealer. Original copies of these documents must be submitted in person, along with the license and a \$5.00 check or money order for each firearm, to the Suffolk County Police Department Pistol Licensing Bureau, within twenty (20) days of the disposition, so that the licensee's 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.

Whenever a firearm is given to a gunsmith to be rendered permanently inoperable or destroyed, a receipt must be provided to the licensee 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. Please see "Gunsmith Records" for further information.

CONVERSION KITS

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 an individual's 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 License 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.

AMMUNITION SALES

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. All commercial ammunition transactions require prior authorization and entry into a statewide database created and monitored by the NYSP. 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 for the purposes of contacting the statewide license and record database 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.

CONSIGNMENT

The act of giving a dealer in firearms a handgun to display for sale requires the handgun licensee to respond within twenty (20) days to the Licensing Bureau to file a Notification of Amendment form to

delete the gun from their license. The dealer must issue a receipt, and is also required to enter the handgun transaction in the Federal, New York State, and Suffolk County handgun books. New York State does not directly address the use of consignment in any laws or regulations that pertain to firearms. Although this type of transaction often does not involve money or trade, the Pistol Licensing Bureau considers that type of transaction a sale. Therefore, should the owner want the handgun returned, he or she would be required to obtain a purchase document and pass a NICS check prior to its return.

DEALERS IN SECONDHAND ARTICLES

Section 563-50 of Suffolk County Code establishes the requirement for license display for a dealer in secondhand articles. According to that section:

- A. No person shall engage in any business as a dealer in secondhand articles without obtaining a license therefor from the Suffolk County Department of Labor, Licensing & Consumer Affairs.
- B. A licensee shall display in the establishment, the license obtained pursuant to this article. If a licensee shall maintain more than one establishment within the County of Suffolk, he shall obtain duplicate licenses.

Section 563-54 of Suffolk County Code establishes the required holding period for articles obtained by a dealer in secondhand articles. For the purposes of this manual, those articles shall include rifles, shotguns, and antique firearms. The holding period is not required for secondhand handguns. According to that section:

- A. No article purchased by a dealer in secondhand articles shall be sold or otherwise disposed of until the expiration of at least 21 business days from the date of purchase.
- B. All articles subject to this holding period shall be available for inspection by the Director of the Office of Consumer Affairs, the Police Commissioner, the Chief of Police or any officer duly authorized by them.
- C. Purchases or sales between licensed secondhand dealers shall be exempt from the provisions of this section only if evidence of full compliance with all provisions and conditions set forth in this article is obtained by the purchasing secondhand dealer from the selling secondhand dealer in the form of a receipt. This receipt

shall be retained by the purchasing secondhand dealer for the period required by Section 563-52C of Suffolk County Code.

DEALER RECORDS

New York State law requires gunsmiths and dealers in firearms keep record books regarding firearm transactions. These record books are approved as to form by the Superintendent of State Police. The Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms also requires an FFL record book.

As per Article 400 of the New York State Penal Law, at the time of every transaction involving a firearm, an entry shall be made into the record book. The entry must include the following information:

- the date of transaction,
- the name, date of birth, occupation and residential address of any person from whom a firearm is received, or to whom a firearm is delivered,
- the caliber, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on the firearm being received or delivered.

Before delivering a handgun to any person, the licensee shall require him to produce either a license valid under Section 400.00 of the New York State Penal Law, or proof of lawful authority as an exempt person pursuant to Section 265.20 of the New York State Penal Law. In addition, before delivering a firearm to a peace officer, the licensee shall verify that person's status as a peace officer with the division of State Police.

Upon completing the foregoing, the dealer will retain one copy of the licensee's purchase document (County Seal affixed), and attach same to the appropriate page in his or her New York State record book. The dealer must enter in the record book the following information:

- the expiration date of such license,
- the license number, and name of the licensing officer (in the case of the holder of a license to carry or possess), or the shield or other number, if any, assignment, and department, unit or agency (in the case of an exempt person).

The remaining copy of the purchase document (also with County

seal affixed) will be returned by the licensee to the Pistol Licensing Bureau upon registering the handgun. The original transaction report, in the dealer record book, shall indicate whether the handgun was NEW or USED and the document must be forwarded to: NEW YORK STATE POLICE, CoBIS Center Bldg. #30, 1220 Washington Avenue Albany, New York 12226-3000, within ten (10) days of receiving or delivering a firearm to any person. A duplicate copy shall be kept by the dealer. The record book shall be maintained on the premise that is mentioned and described on the dealer license, and shall be available at all reasonable hours for inspection by any member of the Pistol Licensing Bureau, police officer, or peace officer, acting pursuant to his special duties. In the event of cancellation, suspension or revocation of the license for gunsmith or dealer in firearms, or discontinuance of business by a licensee, such record book shall be immediately surrendered to The Pistol Licensing Bureau.

Besides the Federal and State record books, the Pistol Licensing Bureau requires a separate bound book to be used for handguns only. Columns shall be drawn in the book for the purpose of entering the following information in the following order:

1. Serial number of handgun,
2. Make of handgun,
3. Caliber of handgun,
4. Handgun type,
5. Model of handgun,
6. New York State dealer record book and page number used for receiving the handgun,
7. New York State dealer record book and page number used for delivery of the handgun, when such delivery takes place,
8. An individual log number for the handgun (A corresponding tag must be attached to the handgun).

Entries regarding the receipt and/or disposition of firearms at an authorized gun show or event shall be made in the permanent records of the gunsmith or dealer in firearms. These entries shall include the location of the acquisition or disposition. The record books must be retained on the location specified on the license.

Licensees are instructed to designate a "safeguard person" who will facilitate the surrender of the dealer/gunsmith record books in the event of the licensee's death or incapacitation.

GUNSMITH RECORDS

A bound gunsmith record book must be utilized to log in and out all firearms received for repairs and alterations. Columns shall be drawn in the book for the purpose of entering the following information in the following order:

1. Serial number of handgun,
2. Make of handgun,
3. Caliber of handgun,
4. Handgun type,
5. Model of handgun,
6. Nature of repair or alteration being made,
7. New York State dealer record book and page number used for receiving the handgun,
8. New York State dealer record book and page number used for delivery of the handgun, when such delivery takes place,
9. An individual log number for the handgun. (A corresponding tag must be attached to the handgun while it is in the gunsmith's possession.)

A receipt must be given to the licensee indicating the date the firearm was received by the gunsmith, and the nature of the repair or alteration to be done. In addition, the appropriate entries must be entered in the state dealer record book. Instead of forwarding the original copy to the State Police within ten (10) days, as you would for a sale or purchase, you are required to forward the copy within that time after the repair or alteration is completed. If a licensee turns in a firearm for the purpose of making it harmless, by the removal of the firing pin and plugging the barrel, or soldering the internal mechanisms to prevent the operation of the firearm, the gunsmith must certify, with a notarized statement, or receipt, the nature of the work done and that the firearm was made harmless. The licensee may, at their option, present this to the Pistol Licensing Bureau to have the firearm removed from their license.

ESTATE FIREARMS

New York State Penal Law Section 265.20 sub. 1(f) allows the executor or administrator of the estate of a deceased pistol license holder fifteen (15) days to lawfully dispose of a deceased's handguns. **After legally disposing of the firearm(s), the executor of the estate or a family member of the deceased must surrender, to the Pistol Licensing Bureau, in person or by mail, the deceased's pistol license with a document showing the disposition of the

firearm(s). If the handguns are not legally disposed of within the required 15 day period, they must be surrendered to any precinct of the Suffolk County Police Department or to the Pistol Licensing Bureau. If the weapons are in the possession of the Police Department, one of the following documents must be obtained before the firearm(s) will be released:

- 1) Copy of preliminary letters of administration or testamentary.
- 2) Copy of letters of administration for testamentary.
- 3) Certified short certificate.

The above documents may be obtained from the Surrogate Court in Riverhead.

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.

INCIDENTS THAT REQUIRE NOTIFICATION TO THE SUFFOLK COUNTY POLICE PISTOL LICENSING BUREAU

The Suffolk County Police Pistol Licensing Bureau must be notified of the following incidents:

1. Loss or theft of a firearm.
2. Loss or theft of any dealer book.
3. Receipt of any forged documentation for the purpose of selling or purchasing a firearm.
4. Discharge of a firearm (other than practice at an authorized range)
5. Loss, theft or mutilation of the dealer/gunsmith license.

6. Change of telephone number and/or address.
7. If any employee of a dealer in firearms or gunsmith, or officer of the firm, corporation or company is:
 - a) Arrested, indicted or convicted in any jurisdiction.
 - b) Issued a Warrant, Field Appearance Ticket (F.A.T.), Criminal Summons or Order of Protection.
 - c) Rendered incapable of properly safeguarding the dealer stock due to any incapacitating illness, injury, or condition.
 - d) Admitted into any state or private hospital for mental illness.
 - e) Rendered ineligible to receive or possess a license and/or firearm for any reason.
 - f) No longer employed by the dealer or gunsmith.
8. The confiscation of record books by any ATF employee or state or local law enforcement agency.

All notifications must be made within twenty-four (24) hours of occurrence.

Although you may have notified the local police precinct and/or the Detective Division, do not assume they made the necessary notification for you.

INCIDENTS THAT REQUIRE POLICE REPORTS

You must immediately report to any precinct of the Suffolk County Police Department or, local police agency where the incident occurred, the following:

1. Loss or theft of a firearm.
2. Burglary or attempted burglary of licensed establishment.
3. Receipt of any forged documentation for the purpose of selling or purchasing a firearm.
4. Discharge of a firearm (other than practice at an authorized range)

REPORTING MULTIPLE SALES OF HANDGUNS

The Brady Law also requires a dealer to report to ATF and to the State Police the disposition of two (2) or more handguns within five (5) consecutive business days to a non-licensee (FFL). The regulations require that the reports are to be made on ATF Form 3310.4, Report of Multiple Sale or Disposition of Pistols and

Revolvers, and sent no later than the close of business on the day the multiple sales or other dispositions occur. Copy 1 of the form is to be sent to ATF at the address on the form. **Copy 2 of the form is to be sent to the NEW YORK STATE POLICE, CoBIS Center Bldg. #30, 1220 Washington Avenue Albany, New York 12226.** Copy 3 of the form is to be attached to the ATF Form 4473 used to complete the transaction and retained by the dealer.

CHAPTER 4

RANGES AND GUN SHOWS

GUN SHOW OR EVENT

New York State Penal Law Section 400.00 sub. 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. **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.**

Records of receipt and disposition of firearm transactions conducted at such temporary location shall include the location of the sale or other disposition, and shall be entered in the permanent records of the gunsmith or dealer of firearms. These records shall be retained on the location specified on the license. 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.

Nothing in this section shall authorize any licensee to conduct business from any motorized or towed vehicle.

General Business Law Section 897. Sale of a firearm, rifle, or shotgun at a gun show:

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, and transfer or deliver such firearm, rifle or shotgun to such person or person acting on his or her behalf thereafter, at a location other than the gun show, for the purpose of evading or avoiding a compliance with 18 U.S.C. 922 (T) (Brady Bill NICS check.)
3. Any person who knowingly violates any of the provisions

of this section shall be guilty of a class (A) misdemeanor.

General Business Law Article 39-DD. Sale of firearms, rifles or shotguns at gun shows.

875. Definitions. For the purposes of this article:

1. "Gun Show" means 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 where firearms, rifles or shotguns are offered for sale or transfer, and any grounds used in connection with the event.
2. "Firearm Exhibitor" means any person, firm, partnership, corporation or company that exhibits sells, offers for sale, transfers, or exchanges firearms, rifles or shotguns at a gun show.
3. "Gun Show Operator" means any person, firm, partnership, corporation or company that organizes, produces, sponsors or operates a gun show.
4. "Firearm" has the same meaning as that term is defined in 18 U.S.C. 921 (A) (3), but shall not include an "antique firearm" as that term is defined in 18 U.S.C. 921 (A) (16).
5. "Rifle" has the same meaning as that term is defined in 18 U.S.C. 921 (A) (7).
6. "Shotgun" has the same meaning as that term is defined in 18 U.S.C. 921 (A) (5).

896. OPERATION OF A GUN SHOW.

1. A gun show operator shall:
 - (A) At all times during such show, conspicuously post and maintain signs stating "a national instant criminal background check must be completed prior to all firearm sales or transfers, including sales or transfers of rifles or shotguns". Signs must be posted at all entrances to the gun show, at all places where

admission tickets to the gun show are sold, and no fewer than four additional locations within the grounds of the gun show;

- (B) Notify all firearm exhibitors in writing that a national instant criminal background check must be completed prior to all firearm sales or transfers, including sales or transfers of rifles or shotguns; and
 - (C) Provide access at the gun show to a firearm dealer licensed under federal law who is authorized to perform a national instant criminal background check where the seller or transferor of a firearm, rifle or shotgun is not authorized to conduct such a check by: (I) requiring firearm exhibitors who are firearm dealers licensed under federal law and who are authorized to conduct a national instant criminal background check, to provide such a check at cost, or (II) designating a specific location at the gun show where a firearm dealer licensed under federal law who is authorized to conduct a national instant criminal background check will be present to perform such a check at cost. Any firearm dealer licensed under federal law who performs a national instant criminal background check pursuant to this paragraph shall provide the seller or transferor of the firearm, rifle or shotgun with a copy of the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms form ATF F 4473, and such dealer shall maintain such form and make such form available for inspection by law enforcement agencies for a period of ten years thereafter.
2. Whenever the Attorney General shall believe from evidence satisfactory to him or her that a gun show operator has violated any of the provisions of this section, the Attorney General may bring an action or special proceeding in the Supreme Court for a judgment enjoining the continuance of such violation, and for a civil penalty in an amount not to exceed ten thousand dollars.
 3. Any person who knowingly violates any of the provisions of this section shall be guilty of a class A misdemeanor.

INDOOR OR OUTDOOR PISTOL RANGES

Possession and use of a pistol or revolver by unlicensed individuals at an indoor or outdoor pistol range is governed by Section 265.20 of the New York State Penal Law. Please consult that section for further information.

DEALER GUN RENTALS AT RANGES

Gun dealers may rent handguns to licensees as long as the range at which they will be shooting is on the premise of the dealer. The handgun may not leave the premise 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.

CHAPTER 5

EQUIPMENT/HARDWARE

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.

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

As a result of legislation passed January 15, 2013, rifles, shotguns and handguns designated as “assault weapons” may only be acquired by individuals who are outlined in Section 265.20 sub. 1 of the New York State Penal Law. As per Section 265.00 sub. 22 of the New York State Penal Law, an assault weapon is defined as:

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 New York State Penal Law Section 265.00 (22)**

Assault weapons that were lawfully possessed prior to January 15, 2013 must be registered no later than April 15, 2014.

LARGE CAPACITY AMMUNITION FEEDING DEVICE

As a result of legislation passed January 15, 2013, large capacity ammunition feeding devices may only be acquired by individuals who are outlined in Section 265.20 sub. 1 of the New York State Penal Law.

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 3rd, 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 3rd, 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)

***For full definition, see New York State Penal Law Section 265.00 (23)**

CURIO OR RELIC FEEDING DEVICE

As mentioned above, 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. Section 265.00 sub. 23 of the New York State Penal Law defines a curio or relic feeding devices as:

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 the New York State Penal Law, 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 New York State Penal Law Section 265.00 (23)**

GUN LOCKING DEVICE

General Business law section 396-EE. Sale of certain weapons; locking devices. (1) No 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 sell, deliver or transfer any such rifle, shotgun or firearm to another person, unless the transferee is provided at the time of sale, delivery or transfer with a gun locking device, and a label containing the quoted language specified in subdivision two of section 396-EE is either affixed to such rifle, shotgun or firearm, or placed in the container in which such rifle, shotgun or firearm is sold.

The label, as required by subdivision two of section 396-EE, must contain the following announcement:

“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.”

CHAPTER 6

LICENSE SUSPENSION/REVOCAION

GROUND FOR SUSPENSION OR REVOCATION

The most common circumstances for suspension and/or revocation of a dealer in firearm and/or gunsmith license include, but are not limited to:

1. Refusal of a licensee to submit to a dealer in firearm and/or gunsmith inspection by any of the following:
 - a) Members of the Suffolk County Police Department while in performance of their duties.
 - b) Members of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms while in performance of their duties.
2. Failure to make proper and timely entries in the dealer record books.
3. Conducting transactions at any location other than the licensed premise, with the exception of the gun show and event exemption.
4. Failure to give proper receipts for firearms received or delivered.
5. Falsification of any documentation submitted to the Pistol Licensing Bureau, or of any information entered in the dealer books.
6. Failure to comply with the regulations and restrictions in this handbook.

PISTOL LICENSE SUSPENSIONS

On occasion, a pistol licensee may receive correspondence from the Pistol Licensing Bureau notifying them of a suspension of their pistol license. They are instructed in the correspondence that they must surrender their handguns to a precinct of the Suffolk County Police Department or to the Pistol Licensing Bureau. If a licensee should instead attempt to give possession of their firearms to a dealer in firearms, that dealer is to refuse acceptance of those firearms. Only after firearms are first surrendered to the Police Department, may they then be properly disposed of by the licensee.

Knowingly acquiring or disposing of a suspended licensee's handguns will be grounds for the suspension and/or revocation of a Dealer in Firearms and/or Gunsmith License.

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

CHAPTER 7

MISCELLANEOUS INFORMATION

EXEMPTED PERSONS

New York State Penal Law Section 265.20 exempts certain persons from the Unlawful Possession of Weapons sections of the New York State Penal Law. Please consult that section for further information.

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. They should be made out to: **S.C.P.D.**

NOTARY

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

FEES

Dealer License Renewal:	\$10.00	every three (3) years each applicant
Gunsmith Renewal:	\$10.00	every three (3) years each applicant
Dealer Books:	\$5.00	each

OTHER GENERAL INFORMATION

1. A dealer selling a rifle, shotgun, handgun or assault weapon must always verify the identity and legal status of a purchaser.
2. At no time, including during a sale, will a handgun be given to a person to handle unless they first produce their license or display proof they are an exempted person.
3. A licensee must produce a valid (unexpired) purchase

- document (official seal affixed) authorizing the release of a handgun.
4. No "house gun" is authorized. No handgun will be set aside, loaded and kept on the premise for the use of employees or anyone else.
 5. Dealers in firearms or gunsmiths and their licensed employees may carry an exposed, properly licensed handgun while conducting business in a licensed dealer in firearms retail store. If the primary function on the premise is not as a dealer in firearms, carried handguns must be concealed. The licensee must possess a valid class five (5), class six (6) or class two (2) business license in order to carry a handgun. Exposed handguns are **only** authorized on the licensed premise in accordance with the provisions of the individual's pistol license.
 6. A dealer in firearms or gunsmith license DOES NOT substitute for a pistol license. The possession of handguns owned as part of "dealer stock" off the licensed premise is unlawful. The only exception to this is at a gun show.
 7. The holder of a dealer in firearms and/or gunsmith license is responsible to know the content of the following sections of law.
 - A) New York State Penal Law Section 265
 - B) New York State Penal Law Section 400
 - C) New York State Criminal Procedure Law Section 1.20, Section 2.10 and Section 2.15.
 8. Handguns acquired from out-of-state must be shipped to a New York State dealer in firearms by an FFL holder in the originating state.
 9. Any reported violations of law involving pistol license holders, dealers in firearms, gunsmiths, firearm exhibitors or gun show operators should be reported to the Pistol Licensing Bureau.

CHAPTER 8

QUESTIONS AND ANSWERS

1. **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, it is not an “antique firearm,” in New York State.

2. **Can I operate a dealer in firearms business from my home?**

No.

3. **As a New York State Gun Dealer, must I wait a 5-day waiting period before I sell a handgun to a pistol license holder?**

No. ATF has determined that New York State has a license system that subjects handgun purchasers to a prior background check, eliminating the requirement for a waiting period. However, a N.I.C.S. check must be conducted at the time of the sale. If the sale is made, the license must have been issued or reissued within 5 years of the date of purchase. You are required, however, to maintain a copy of

both the license and the purchase document to demonstrate the sale was made under the Brady Bill exempt system.

4. May I take weapons from an estate into stock?

Yes, New York State Penal Law Section 265.20 sub. 1(f) allows the executor, administrator or any other lawful possessor fifteen (15) days to lawfully dispose of a firearm belonging to the estate of a deceased pistol licensee. Such time period shall begin from the time said administrator takes possession of the firearm. After 15 days, the firearm(s) must be surrendered to any precinct of the Suffolk County Police Department or to the Pistol Licensing Bureau.

5. What is CLEO?

CLEO is an acronym for Chief Law Enforcement Officer. In the five western towns of Suffolk County it is the Police Commissioner of the Suffolk County Police Department, located at 30 Yaphank Ave., Yaphank NY 11980.

6. What firearms may I receive with an FFL?

You may receive shotguns, rifles and “antique firearms” as defined in the New York State Penal Law. For all other firearms you must also have a New York State Dealer in Firearms License.

7. Am I responsible to post any signs at a gun show?

No, other than your state and federal dealer’s license being clearly displayed, no other sign is necessary. The gun show operator is responsible for posting signs stating, “A national instant criminal background check must be completed prior to all firearms sales or transfers, including sales or transfers of rifles and shotguns.”

8. Do I have to sell a locking device with all handguns sold?

Yes, General Business Law Section 396-ee states no 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 New York State Penal law, shall sell, deliver or transfer any rifle, shotgun or firearm to another person unless the transferee is provided, at the time of sale,

delivery or transfer, with a GUN LOCKING DEVICE.

9. **I know I can't sell handguns to anyone not in possession of a pistol license, but are there any restrictions for selling handgun ammunition?**

Yes. New York State Penal Law Section 270.00 sub. 5 makes it unlawful for a dealer in firearms to sell ammunition, designed exclusively for use in a pistol or revolver, to an individual who is not authorized to possess a pistol or revolver. Additionally, as per New York State Penal Law 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. Please refer to Chapter 3 for further information regarding ammunition sales.

10. **If I make an out-of-state purchase and I send a photocopy of my FFL to the seller, do I have to sign the photocopy in other than black ink?**

Yes. It can be signed in any color but black. This is so the seller will know that when they receive the photocopy of the FFL, the signature is an original and not part of a photocopy.

11. **If I decide to cancel my dealer's license, what becomes of my gun records that are required by state and federal laws?**

State dealer record books together with any purchase documents must be forwarded to the Pistol Licensing Bureau. Federal dealer records are forwarded to ATF or the Firearms Out-Of-business Records Center, 3361F 75th Avenue, Landover, Maryland 20785.

12. **If a transaction is recorded in the record book and I forward the transaction report to the State Police, is there a procedure to void that transaction?**

No, you would have to correct the transaction, such as weapon returned, replaced, etc., by re-entering it into the dealer book as a new transaction.

13. **If I want to move my business to another location, what do I have to do?**

A dealer's license is not transferable from one premise to another. You must discontinue any dealings in handguns until a new license is issued for the new location. The issuance of a new license will require a new application and all documentation and requirements outlined in Chapter 1 of this manual must be submitted and satisfied.

14. What happens if I fail to renew my license on time?

The Licensing Bureau is under no obligation to keep licensees informed as to the renewal status of their business license. That said, we do mail a renewal application approximately two months prior to the license expiration. If the application to renew an existing license is made prior to the expiration date or within 30 days thereafter, the term of the existing license is extended until acted upon by us. If we receive no application within this time frame, there is no extension authorized, and your old license will be cancelled. In such a case, you would be out of business and could not have firearms on the premise. In that situation, you would have to re-apply for a new license.

15. What is the minimum age of a person who can purchase an air rifle or air pistol?

Existing state laws prohibit the possession of airguns by juveniles under the age of 16.