

NEW YORK CITY POLICE DEPARTMENT

Notice of Adoption of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE POLICE COMMISSIONER OF THE NEW YORK CITY POLICE DEPARTMENT by Sections 434(b) and 1043 of the New York City Charter that the New York City Police Department has amended Chapters 1, 2, 3, 4, 5, 13, 15 and 16 of Title 38 of the Rules of the City of New York pertaining to Handgun Licenses, Dealer Licenses, Rifle/Shotgun Permits, Organizations Possessing Rifles and Shotguns, Special Patrolman Designations, License Division Hearings, and Transport of Weapons through New York City.

1 Chapter 1 of Title 38 of the Rules of the City of New York is amended to
2 read as follows:

3
4 **Chapter 1 Dealers in Rifles and Shotguns**

5
6 **§ 1-01 Introduction.** The following rules and regulations are hereby
7 promulgated for the licensing and regulating of dealers in rifles and
8 shotguns. Licensees are held responsible for the strict enforcement of and
9 adherence to these rules. Any violation thereof is cause for suspension and/or
10 revocation of the subject license.

11
12 **§ 1-02 Definitions.**

13 **Ammunition.** The term "ammunition" shall mean any explosives suitable to be
14 fired from a [firearm] rifle or shotgun.

15 **Certificate of registration.** The term "certificate of registration" shall mean
16 the Certificate of Registration of Rifles and Shotguns issued by the New York
17 City Police Department.

18 **Dealer in [firearms] rifles and shotguns.** The term "dealer in [firearms]
19 rifles and shotguns" shall mean any person, firm, partnership, corporation or
20 company who engages in the business of purchasing, selling, keeping for sale,
21 loaning, leasing, or in any manner disposing of any [firearm] rifle or
22 shotgun. Dealer in [firearms] rifles and shotguns shall not include a
23 wholesale dealer.

24 **Dispose of.** The term "dispose of" shall mean to dispose of, give away, give,
25 lease, loan, keep for sale, offer, offer for sale, sell, transfer, and
26 otherwise dispose.

27 **Employee.** The term "employee" shall mean [all persons employed in any capacity
28 whatsoever, except that in the case of a licensee whose business of dealing in
29 firearms is secondary or incidental to its main merchandising operations. The
30 term shall include only those employees who have physical access to the
31 firearms; in the latter case, this shall include, but not be limited to
32 clerks, salesmen, buyers, porters and cleaners] any person who is employed by
33 a licensed dealer in rifles and shotguns and who has access in any manner to
34 rifles and shotguns.

35 **Fire Commissioner.** The term "Fire Commissioner" shall mean the Fire
36 Commissioner of the City of New York.

37 **[Firearm.** The term "firearm" shall mean any rifle or shotgun.

38 **Permit.** The term "permit" shall mean the license issued for the purchase and
39 possession of firearms by the New York City Police Department.]

40 **Police Commissioner.** The term "Police Commissioner" shall mean the Police
41 Commissioner of the City of New York.

42 **Police officer, peace officer.** The terms "police officer" and "peace officer"
43 shall mean [those individuals duly authorized to possess firearms pursuant to]
44 "police officer" and "peace officer" as those terms are defined in §§ 1.20 and
45 2.10 of the New York State Criminal Procedure Law, respectively.

46 **Principal agent.** The term "principal agent" refers to the person who is in
47 active charge of the dealership. [Dealers] Dealer's licenses are issued to
48 individuals. Every premises in which [firearms] rifles and shotguns are sold
49 requires an individual [permit] dealer's license. Thus if a company owns
50 several stores each store would require its own individual [permit] dealer's
51 license and the manager of the store would normally be considered the
52 principal agent. Individual owners of stores who do not actively participate
53 in the operation of their store may designate a responsible person as the
54 "principal agent." [This should be explained by appending an additional sheet
55 to the application.]

56 **Rifle.** [In accordance with the provisions and standards presented in § 265.00
57 of the New York Penal Law, the] The term "rifle" shall mean a [weapon
58 designed or redesigned, made or remade, and intended to be fired from the
59 shoulder, and designed or redesigned, and made or remade, to use the energy of
60 the explosive metallic cartridge to fire only a single projectile through a
61 rifled bore] "rifle" as defined in § 265.00 of the New York State Penal Law,
62 except that for purposes of this chapter a rifle shall have a barrel length of
63 no less than sixteen inches and an overall length of no less than twenty-six
64 inches.

65 **Rifle/Shotgun Section.** The term "Rifle/Shotgun Section" shall mean the
66 Rifle/Shotgun Section of the License Division of the New York City Police

1 Department. The "Rifle/Shotgun Section" was at one time known as the
2 "Firearms Control Section."

3 Rifle/shotgun permit. The term "rifle/shotgun permit" shall mean the permit
4 issued by the New York City Police Department for the purchase and possession
5 of rifles or shotguns.

6 Shotgun. [In accordance with the provisions and standards presented in §
7 265.00 of the New York Penal Law Code, the] The term "shotgun" shall mean a
8 [weapon designed or redesigned, made or remade, and intended to be fired from
9 the shoulder, and designed or redesigned, and made or remade to use the energy
10 of the explosive in a fixed shotgun shell to fire through a smooth bore either
11 a number of ball shot or a single projectile for each single pull of the
12 trigger] "shotgun" as defined in § 265.00 of the New York State Penal Law,
13 except that for purposes of this chapter a shotgun shall have a barrel length
14 of no less than eighteen inches and an overall length of no less than twenty-
15 six inches. [A rifle shall have a barrel length of no less than sixteen
16 inches. A shotgun shall have a barrel length of no less than eighteen inches.
17 Both rifles and shotguns shall have an overall length of no less than
18 twenty-six inches. Any firearm with an overall length of less than twenty-six
19 inches shall be classified as a "concealed" and illegal weapon.]

20 Storage permit. The term "[Storage] storage permit" shall mean the permit for
21 the storage of more than two hundred (200) rounds of ammunition issued by the
22 [New York City] Fire [Department] Commissioner.

23
24 **§ 1-03 Applications.** (a) A fee of \$150 [must] shall accompany the application.
25 All permits expire on [December 31st of each year] the first day of the second
26 January following the date of issuance of the permit and [must] may be renewed
27 thereafter. The renewal fee is also \$150. The applicant [must make the]
28 shall pay the applicable fee with a certified check or money order payable to
29 "N.Y.C. Police Department."

30 (b) All applications, renewals, inquiries and information concerning
31 licenses for dealers in [firearms] rifles and shotguns shall be made to the
32 [Firearms Control] Rifle/Shotgun Section, License Division, New York City
33 Police Department, 120-55 Queens Blvd., Kew Gardens, New York, 11424, (718)
34 520-9300. The [Firearms Control] Rifle/Shotgun Section shall prescribe the
35 manner by which such license is issued.

36 (c) A valid license must contain the validation [stamp and] seal of the
37 [Firearm Control] Rifle/Shotgun Section.

38 (d) No license shall be issued or renewed pursuant to these rules except
39 by the Police Commissioner, and then only after investigation of the
40 application including a review of the circumstances relevant to the answers
41 provided in the application, and finding that all statements in a proper
42 application for a license or renewal are true. The application may be
43 disapproved if a false statement is made therein. No license shall be issued
44 or renewed except for [any] an applicant:

45 (1) of good moral character;

46 (2) who has not been convicted anywhere of a felony or of any
47 serious offense, as defined in § 265.00(17) of the New York State Penal Law,
48 or of a misdemeanor crime of domestic violence as defined in § 921(a) of title
49 18, United States Code;

50 (3) who has stated whether s/he [or she] has ever suffered any
51 mental illness or been confined to any hospital or institution, public or
52 private, for mental illness and who is free from any [mental disorder, defects
53 or diseases] disability or condition that would impair the ability to safely
54 possess or use a [firearm] rifle or shotgun; [and]

55 (4) who has stated whether s/he is or has been the subject or
56 recipient of an order of protection or a temporary order of protection, or the
57 subject of a suspension or ineligibility order issued pursuant to § 530.14 of
58 the New York State Criminal Procedure Law or § 842-a of the New York State
59 Family Court Act; and

60 (5) concerning whom no good cause exists for the denial of a
61 license.

62 (e) An application for a license shall be made to the [Firearms Control]
63 Rifle/Shotgun Section by submitting two copies of the prescribed form [P.D.
64 641-041] by the applicant, or in the case of a corporation or partnership, by
65 a principal agent thereof. [This] All entries on this official form [must]
66 shall be typewritten.

67 (f) An applicant, or principal agent, shall certify upon the application

1 that s/he has been issued a [shotgun and] rifle/shotgun permit, the
2 identification number thereof, that s/he maintains a regular place of business
3 within New York City, the address of the same, that s/he is over the age of
4 twenty-one, that s/he undertakes to supervise the acts of her/his, or in the
5 case of a corporation or partnership, its employees, and that the applicant
6 has not previously been refused a license as a dealer in [shotguns and] rifles
7 and shotguns, and that no such license issued to her/him has been revoked.

8 (g) The [Firearms Control] Rifle/Shotgun Section shall reserve the right
9 to require that every applicant for dealership and also any officer, partner,
10 agent or employee of the proposed dealership be fingerprinted in contemplation
11 of issuing a dealer's license. The [Firearms Control] Rifle/Shotgun Section
12 shall also reserve the right to require photographs of all applicants and also
13 of any officer, partner, agent, or employee of the proposed dealership.

14 (h) During the pendency of the application, the applicant shall notify
15 the Rifle/Shotgun Section of any necessary correction to or modification of
16 the information provided in the original application, or any change in her/his
17 status or circumstances, which may be relevant to the application.

18 (i) If her/his license application is disapproved the applicant shall
19 receive a written "Notice of Application Disapproval" from the Rifle/Shotgun
20 Section indicating the reason(s) for the disapproval. If the applicant wishes
21 to appeal the decision s/he shall submit a sworn written statement, which
22 shall be known as an "Appeal of Application Disapproval," to the Division
23 Head, License Division, One Police Plaza, Room 110A, New York, New York 10038
24 within thirty (30) calendar days of the date on the "Notice of Application
25 Disapproval" requesting an appeal of the denial, and setting forth the reasons
26 supporting the appeal. The Appeal of Application Disapproval shall become part
27 of the application. It shall state the grounds for the appeal and shall
28 contain the following statement to be signed by the applicant and notarized:
29 "Under penalty of perjury, deponent being duly sworn, says that s/he is
30 familiar with all of the statements contained herein and that each of these
31 statements is true, and no pertinent facts have been omitted." Appeals that
32 are unsworn by the applicant or submitted by individuals or business entities
33 other than the applicant or her/his New York State licensed attorney shall not
34 be accepted. All timely appeals shall receive a complete review of the
35 applicant's entire file by the Division Head, License Division, who shall
36 notify the applicant of her/his determination. The Division Head, License
37 Division shall not consider any documentation that was not submitted during
38 the initial background investigation. There shall be no personal interviews to
39 discuss appeals. If the appeal of her/his disapproval is denied, the applicant
40 shall receive a "Notice of Disapproval After Appeal" letter from the Division
41 Head, License Division. This notice concludes the Police Department's
42 administrative review procedure.

43
44 **§ 1-04 Licenses and Licensees.** (a) [All] For purposes of this section, all
45 employees of a licensed dealer in [firearms] rifles and shotguns shall
46 personally be in possession of a valid [firearms license] rifle/shotgun permit
47 to purchase and possess rifles and shotguns issued by the [Firearms Control]
48 Rifle/Shotgun Section. [This regulation shall not apply to a licensee whose
49 business of dealing with firearms is secondary or incidental to its main
50 merchandising operations. In such a business establishment, it shall apply
51 only to those employees who have physical access to the firearms; this shall
52 include, but not be limited to, clerks, salesmen, buyers, porters and
53 cleaners.] Applications for dealer in [firearms] rifles and shotguns and for
54 possession of [firearms licenses will] rifles and/or shotguns shall be
55 processed together if submitted together.

56 (b) A dealer's license shall be valid for one year and may be renewed
57 under the same conditions as for original issuance. All licensees shall be
58 held responsible for renewing their licenses upon expiration. Any application
59 to renew a license that has not previously expired, been revoked, suspended or
60 cancelled shall thereby extend the term of the license until disposition is
61 made of the application. Failure to renew a license after expiration shall
62 result in [its] the cancellation [and revocation] of the license.

63 (c) [All licensees shall abide by the laws, rules, regulations,
64 standards, and procedures promulgated by federal and state firearms
65 enforcement agencies applicable to the licensee. Any violation thereof is
66 cause for suspension and/or revocation of a license issued by the New York
67 City Police Department.] Federal law requires that [firearms] dealers [must]

1 in rifles and shotguns shall be licensed by the United States Government
2 Bureau of Alcohol, Tobacco and Firearms (ATF). [If an applicant does not have
3 a license from the ATF, he shall take steps to secure one before doing any
4 business.] The New York City Police Department [will] shall notify the ATF of
5 all dealer's [permits] licenses that are issued by the [Firearms Control]
6 Rifle/Shotgun Section. The Police Department reserves the right to withhold a
7 dealer's [permit] license from any applicant who does not have a federal
8 license.

9 (d) All licensees shall be required to sign an acknowledgment that they
10 shall be responsible for compliance with all laws, rules, regulations,
11 standards, and procedures promulgated by federal, state, or local
12 jurisdictions, and by federal, state, or local law enforcement agencies, that
13 are applicable to each type of license or permit issued to them. The
14 Rifle/Shotgun Section shall provide the licensee with the acknowledgment
15 statement to be executed. This acknowledgment statement shall be notarized.
16 Failure to execute the acknowledgment statement and to have it notarized shall
17 result in the license application being denied.

18 (e) The licensee shall immediately notify the Rifle/Shotgun Section by
19 telephone, followed by written notice within ten (10) calendar days, of any
20 incident or violation of law or rules of federal, state, or local
21 jurisdictions regarding her/himself, partners, officers, directors or
22 stockholders of the licensed corporation or entity, or affecting the premises
23 or business operations. For purposes of this subdivision, an incident
24 includes:

25 (1) arrest, indictment or conviction in any jurisdiction;
26 (2) summons (except traffic infraction);
27 (3) suspension or ineligibility order issued pursuant to § 530.14
28 of the New York State Criminal Procedure Law or § 842-a of the New York State
29 Family Court Act;

30 (4) the fact that the individual is or becomes the subject or
31 recipient of an order of protection or a temporary order of protection;

32 (5) admission to any psychiatric institution, sanitarium and/or
33 the receipt of psychiatric treatment;

34 (6) receipt of treatment for alcoholism or drug abuse;

35 (7) the presence or occurrence of a disability or condition that
36 may affect the handling of a rifle/shotgun, including but not limited to
37 epilepsy, diabetes, fainting spells, blackouts, temporary loss of memory, or
38 nervous disorder;

39 (8) altered or mutilated license; or

40 (9) discharge of a rifle/shotgun on the licensee's premises.

41 (f) A dealer's license may be suspended and/or revoked [and repossessed]
42 by the [Firearms Control] Rifle/Shotgun Section for good cause by the issuance
43 of a Notice of Determination Letter to the licensee, which shall state in
44 brief the grounds for the suspension or revocation and notify the licensee of
45 the opportunity for a hearing [following notice and hearing]. The conviction
46 of a licensee anywhere of a felony or serious offense as defined in §
47 265.00(17) of the Penal Law of New York State, or of a misdemeanor crime of
48 domestic violence as defined in § 921(a) of title 18, United States Code,
49 shall operate as a revocation of the license. [The licensee shall promptly
50 report in writing to the Firearms Control Section any violations of law as
51 regards himself, partners, officers, directors or stockholders of the licensed
52 corporation, or any violation of law, rules of federal, state, or city
53 jurisdictions affecting the premises or business operations.]

54 (g) If her/his license is suspended or revoked, the licensee shall be
55 required to deposit any rifles or shotguns as well as any handgun license and
56 any handguns in her/his possession with her/his local police precinct and
57 forward a copy of the voucher together with her/his permit to the
58 Rifle/Shotgun Section, 120-55 Queens Boulevard, Kew Gardens, N.Y. 11424, Room
59 B-11. Her/his failure to comply within ten (10) calendar days from the date
60 of suspension or revocation may result in the arrest of the licensee.

61 [(e)] (h) A license issued shall be valid only for the premises
62 mentioned and described in the license. No license is transferable to another
63 person or location. The license shall be prominently displayed on such
64 premises, and available at all times for inspection by members of the New York
65 City Police Department. Failure of any licensee to so exhibit or display
66 her/his license shall be presumptive evidence that s/he is not duly licensed.

67 [(f) Licensees shall be held responsible to have knowledge of all new

1 laws and/or amendments or regulations that may be enacted by the legislature
2 or the New York City Police Department affecting dealers in firearms.] (i)
3 Upon issuance of a written Notice of Determination Letter from the
4 Rifle/Shotgun Section notifying the licensee of suspension or of revocation of
5 the license, a suspended/former licensee shall have thirty (30) calendar days
6 from the date of the notice to submit a written request for a hearing to the
7 Commanding Officer, License Division, One Police Plaza, Room 110A, New York,
8 New York, 10038. A licensee whose arrest or summons resulted in suspension or
9 revocation of her/his license may only submit a written request for a hearing
10 within thirty (30) calendar days after the termination of the criminal action,
11 as defined in New York State Criminal Procedure Law § 1.20(16)(c). If the
12 suspension or revocation resulted from the licensee becoming the subject of
13 an order of protection or a temporary order of protection, the licensee may
14 only submit a written request for a hearing within thirty (30) calendar days
15 after the expiration or voiding of the order of protection or temporary order
16 of protection. If the suspension or revocation was related to both a criminal
17 action and an order of protection or temporary order of protection, then the
18 later of the two waiting periods shall apply.

19 (j) Licensees shall be held responsible for having knowledge of all new
20 laws and/or amendments or regulations that may be enacted through legislation
21 or promulgated by the New York City Police Department affecting dealers in
22 rifles and shotguns.

23 (k) Licensees shall cooperate with all reasonable requests by the Police
24 Department for information and assistance in matters relating to the license.

25
26 **§ 1-05 [Firearms] Rifles/Shotguns and Ammunition.** (a) No rifle or shotgun
27 shall be sold, or given away, or disposed of, unless the transferee is
28 authorized by law to possess such [firearm] rifle or shotgun. Any police
29 officer[,] or peace officer [must] shall produce a shield and proper
30 identification before purchasing a rifle or shotgun. A peace officer whose
31 status does not confer authorization to possess firearms pursuant to § 2.10 of
32 the New York State Criminal Procedure Law shall possess a rifle/shotgun permit
33 in order to be a lawful transferee. Therefore, before delivering a rifle or
34 shotgun to a peace officer without a rifle/shotgun permit, the licensee shall
35 verify that person's status as a peace officer by telephoning the License
36 Division Incident Section at (212) 374-5538 or 5539.

37 (b) Every dealer in [firearms] rifles and shotguns shall keep a record
38 book provided by the [Firearms Control] Rifle/Shotgun Section (P.D. 641-50).
39 This book shall contain a record of all dispositions and registrations of
40 [firearms] rifles and shotguns purchased and disposed of by the dealer. Such
41 records shall be maintained on the premises stated in the license and
42 permanently preserved thereat. In the event of cancellation and/or revocation
43 of the license, or discontinuance of business by a licensee, such records, as
44 well as [firearms] rifles and shotguns stored on the premises, shall be
45 surrendered to the New York City Police Department.

46 (c) In the event of loss or theft of any [longarm] rifle or shotgun,
47 ammunition, dealer's license, or record, the licensee is required to report
48 the loss or theft to her/his local precinct, and notify the [Firearm Control]
49 Rifle/Shotgun Section by telephone on the next business day after discovery of
50 the loss or theft. The licensee [must] shall follow up with a written
51 notification to the [Firearm Control] Rifle/Shotgun Section within 10 calendar
52 days of discovery of the loss or theft.

53 (d) In the event that any individual lacking authority to possess such
54 weapon [leaves] attempts to leave any rifle or shotgun with a licensee for
55 cleaning, repairing, or other processing, the licensee may accept the rifle or
56 shotgun and obtain the name, address, telephone number, etc. of the person
57 leaving the weapon. The licensee shall immediately report the incident to the
58 precinct wherein the premises is located. If the licensee does not accept the
59 rifle or shotgun for cleaning, repairing, or other processing, s/he shall
60 report the incident to the precinct wherein the premises is located as soon as
61 the individual possessing the weapon leaves the premises. [or in] In the event
62 that such an individual offers to sell or otherwise dispose of such a weapon
63 to a licensee, the licensee shall [immediately notify the Police Department]
64 attempt to obtain the name, address, and telephone number of said individual
65 and shall notify the precinct wherein the premises is located as soon as said
66 individual leaves the premises.

67 (e) Any dealer who sells, offers to sell, stores, or otherwise disposes

1 of ammunition in excess of two hundred (200) cartridges shall be required to
2 obtain a storage permit from the Fire [Department] Commissioner. Dealer's
3 licenses issued by the [Firearms Control] Rifle/Shotgun Section shall not be
4 valid for the sale of ammunition unless the dealership is also in possession
5 of a storage permit from the Fire Department. Upon receipt of an application
6 which indicates an intention to sell or store ammunition, the [Firearms
7 Control] Rifle/Shotgun Section [will] shall notify the Fire Department and ask
8 them to conduct an inspection of the premises. The sale or storage of
9 ammunition without a valid Fire Department permit [will] shall be deemed
10 sufficient cause to revoke a dealer's license.

11 (f) No ammunition shall be stored, exhibited, or displayed in the
12 windows, showcases, or doors of the licensee's premises.

13 (g) All other ammunition shall be stored in an area of the premises that
14 can be reasonably secured, and is not in view of the public. Only the licensee
15 and authorized employees shall have access to this storage area.

16 (h) (1) The quantities of cartridges and other ammunition stored on
17 the premises shall not exceed the amounts fixed by the Fire Commissioner for
18 storage of ammunition. These quantities so fixed shall be stated in the
19 storage permit.

20 (2) All ammunition kept on the licensee's premises shall not be
21 stored in an area where other materials of a highly flammable nature are
22 manufactured, stored, or kept for sale. This restriction shall not apply to
23 any person duly authorized to keep and sell gunpowder.

24 (i) (1) A record of all ammunition received and dispensed shall be
25 registered in a bound book with pages consecutively numbered. This record book
26 shall be separately maintained from the record book noting all [firearms]
27 rifle and shotgun transactions. It shall be the responsibility of the licensee
28 or a designated employee to make entries in this recordbook. This book,
29 together with all invoices received, shall be kept in the ammunition storage
30 area.

31 (2) This record shall be arranged in columnar form as outlined
32 below. The first page of this book shall have an inscription bearing the name
33 and address of the premises, license number, name of owner of premises, name
34 of employee designated to make entries, and date of book being opened.
35 Beginning with page 2, each even numbered page shall contain a record of
36 ammunition received, and starting with page 3, each odd numbered page shall
37 contain a record of ammunition dispensed or sold.

38 (j) In the event of cancellation or revocation of the license or
39 discontinuance of business by a licensee, such records shall be surrendered to
40 the New York City Police Department.

41 (k) No ammunition suitable for use in a rifle of any [caliber] calibre,
42 or for a shotgun of any gauge, shall be sold, given away, or otherwise
43 disposed of to any person who has not been issued a rifle[and]/shotgun permit
44 and a certificate of registration, and who does not exhibit the same to the
45 dealer at the time of purchase. Rifle or shotgun ammunition shall not be sold
46 to any such person except for the shotgun[,] or for the specific [caliber]
47 calibre of rifle for which the certificate of registration has been issued.

48 (l) The [Firearms Control] Rifle/Shotgun Section advises all dealers
49 that certain ammunition [calibers] calibres are considered to be
50 interchangeable between rifles and handguns. Sales of ammunition in these
51 [calibers must] calibres shall be recorded by dealers. The following list
52 includes most of the [calibers] calibres likely to be sold as pistol,
53 revolver, or interchangeable ammunition; however, it is not necessarily
54 inclusive:

- 55 .4mm Rimfire
- 56 .17 Bumble Bee and Ackley Bee
- 57 .17 Hornet and "K" Hornet
- 58 .17 Mach IV
- 59 .17-222 and .17-223
- 60 5mm Remington Mag. Rimfire
- 61 .22, .25 and .32 Rimfire
- 62 .22 Rem. Jet Mag. and .22 Win. Mag.
- 63 .22 Hornet and .22 "K" Hornet
- 64 .221 Remington Fireball
- 65 .222 Remington
- 66 .223 Remington
- 67 .25 (6.35mm) ACP

- 1 25-35 Winchester
- 2 .256 Winchester Mag.
- 3 7.5mm revolver
- 4 .30 Luger (7.65mm)
- 5 .30 Mauser (7.63mm)
- 6 7.62mm Tokarev
- 7 7.65mm French Long
- 8 .30-30 (.30 WCF)
- 9 .30 [caliber] calibre Carbine
- 10 .32 revolver (all types)
- 11 .32 (7.65ww) ACP
- 12 .32-20 Winchester
- 13 .357 Mag.
- 14 .357-44 B&D
- 15 9mm pistol and revolver (all types)
- 16 .38 revolver (all types)
- 17 .38 Special pistol and revolver (all types)
- 18 .38-40 Winchester
- 19 .38-44 special
- 20 .38 Super
- 21 .38 AMU
- 22 .38 ACP
- 23 .380 ZACP
- 24 .41 revolver (all types)
- 25 .41 Mag.
- 26 .44 revolver (all types)
- 27 .45-38 automatic
- 28 .45 pistol and revolver (all types)
- 29 .455 pistol and revolver (all types)

30 Below is a sample outline for a licensee's book recording ammunition received,
 31 dispensed or sold. While slight variations may be permitted to accommodate
 32 clarity and page size, all dealers in ammunition shall provide all information
 33 indicated below. Any deviations from this form [must] shall be approved by the
 34 [Firearms Control] Rifle/Shotgun Section of the New York City Police
 35 Department.

36 -----
 37 AMMUNITION RECEIVED(*)
 38 -----

39 Date- 40 Time	Manf.	Invoice	[Caliber] Calibre/Gauge	Type	Quant.	Signa- ture	Comments
41	42 --	43 --	44 --	45 --	46 --	47 --	48 --

49 -----
 50 AMMUNITION SOLD(**)
 51 -----

52 Date- 53 Time	Manf.	[Caliber] Calibre/Gauge	Quant.	Name	Address	Date of Birth	License No.
54	55 --	56 --	57 --	58 --	59 --	60 --	61 --

62 * Records for ammunition received shall be placed on all even numbered
 63 pages beginning with page 2.

64 ** Records for ammunition sold and disposed of shall be placed on all
 65 odd numbered pages beginning with page 3.

66 (m) Prospective buyers shall not be allowed to load weapons upon the
 67 premises of the licensee. If the sale of [both firearms and] one or more
 rifles and/or shotguns as well as ammunition is consummated, the ammunition
 box shall be sealed prior to the sale and the buyer shall be instructed that
 the [firearm] rifle or shotgun is not to be loaded on the premises. [This
 restriction is not meant to apply to a duly authorized rifle and shotgun
 range.]

(n) Pursuant to New York City Administrative Code § 10-312, it shall be
 a criminal violation for any person who is the lawful owner or lawful
 custodian of a rifle or shotgun to store or otherwise place or leave such
 weapon in such a manner or under circumstances that it is out of her/his
 immediate possession or control, without having rendered such weapon

1 inoperable by employing a safety locking device as defined in subdivision (o)
2 of this section. Such offense shall constitute a misdemeanor if the offender
3 has previously been found guilty of such violation or if the violation is
4 committed under circumstances which create a substantial risk of physical
5 injury to another person. The New York City Police Department recognizes that
6 all licensees have incurred an obligation by being issued a dealer's [permit]
7 license to maintain and dispose of [firearms] rifles and shotguns in a
8 responsible fashion. In order to assist licensees, the [Firearms Control]
9 Rifle/Shotgun Section has issued the following safety requirements in response
10 to past incidents involving [firearm] dealers in rifles and shotguns:

11 (1) No weapons [should] shall be stored, exhibited or displayed in
12 windows, [or] showcases, or doors of the premises. [Firearms] Rifle/shotgun
13 storage or inventory areas [should] shall be physically separated from counter
14 and display areas and access to these areas [should] shall be carefully
15 controlled.

16 (2) All [firearm] rifle/shotgun display cases [should] shall be
17 kept locked and secured at all times and not readily accessible to the public.
18 All keys to such display cases [should] shall not leave the control of
19 authorized personnel.

20 (3) All rifles and shotguns shall not be readily capable of
21 firing. They shall be temporarily deactivated by removing magazines or bolts;
22 or by securing with bars or chains through the trigger guard; or by using
23 individual trigger locks or other safety locking devices composed primarily of
24 steel or other metal of significant gauge to inhibit breaking.

25 (4) All [firearms] rifles and shotguns within a licensee's
26 inventory [should] shall be tagged and cross referenced to the appropriate
27 entry in the acquisition records.

28 (o) Pursuant to New York City Administrative Code § 10-311(a), it shall
29 be unlawful for any person or business enterprise to dispose of any rifle or
30 shotgun which does not contain a safety locking device, defined as a design
31 adaptation or attachable accessory that will prevent the use of the weapon by
32 an unauthorized user. The following types of safety locking devices will be
33 deemed to comply with this provision:

34 (1) a trigger lock, which prevents the pulling of the trigger
35 without the use of a key; or

36 (2) a combination handle, which prevents the use of the weapon
37 without the alignment of the combination tumblers; or

38 (3) a detachable or non-detachable locking device, composed
39 primarily of steel or other metal of significant gauge to inhibit breaking,
40 utilizing a metallic key or combination lock, rendering the weapon inoperable
41 until the locking device is removed by an authorized person.

42 (p) Pursuant to New York City Administrative Code § 10-311(b), it shall
43 be unlawful for any licensed manufacturer, licensed importer, or licensed
44 dealer to dispose of any rifle or shotgun in New York City unless it is
45 accompanied by the following warning, which shall appear in conspicuous and
46 legible type in capital letters, and which shall be printed on a label affixed
47 to the rifle or shotgun and on a separate sheet of paper included within the
48 packaging enclosing the rifle or shotgun: "THE USE OF A LOCKING DEVICE OR
49 SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE WEAPON STORAGE. ALL WEAPONS
50 SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM
51 THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN AND ANY OTHER UNAUTHORIZED
52 PERSONS."

53 (q) Pursuant to New York City Administrative Code § 10-311(c), any
54 person who applies for and obtains authorization to purchase, or otherwise
55 lawfully obtains, a rifle or shotgun shall be required to purchase or obtain a
56 safety locking device at the time s/he purchases or obtains the rifle or
57 shotgun.

58 (r) Pursuant to New York City Administrative Code § 10-311(d), the City
59 of New York and its agencies, officers or employees shall not be liable to any
60 party by reason of any incident involving, or the use or misuse of a safety
61 locking device that may have been purchased in compliance with these rules.

62
63 **§ 1-06 Security.** A licensee [should] shall take all reasonable precautions to
64 make the premises secure. These precautions [may] shall include but not be
65 limited to all [or several of the following] applicable measures as listed
66 below:

67 (a) Securing windows at or near ground level with expanded metal welded

1 to bolted angle-iron frames.

2 (b) Securing the front of the premises with a metal folding scissors
3 gate, roll-down door, or another similar device.

4 (c) Adequately protecting and securing all rear windows and doors, and
5 skylights.

6 (d) Allowing the interior of the premises to be visible at all times; no
7 drapes or blinds [should] shall be used that would block the view of police or
8 passersby who might observe unusual activity within the premises.

9 (e) Illuminating fully the exterior and interior of the premises at
10 night, and during the hours when business is not conducted within.

11 (f) Installing alarms, or other appropriate security/service systems
12 upon the premises.

13 (g) Posting signs prominently on the premises warning of the presence of
14 electronic or other types of security systems and containing penalties for
15 criminal violations.

16 (h) [*Installing high-security cylinder locks in all doors.*] Installing
17 high-security cylinder locks in all doors.

18 (i) In order to properly protect a licensee's premises and the weapons
19 and ammunition stored within, the New York City Police Department requires
20 that dealers [take advantage of] utilize its "Crime Prevention Security
21 Survey." [This program, sponsored by the Department, has been proven effective
22 in establishing a comprehensive security plan for both commercial and
23 residential premises.] A member of the New York City Police Department[, who
24 is an expert in crime prevention,] will come to a licensee's business
25 establishment and inspect the building for security measures. After the
26 inspection, the officer will recommend and suggest various methods in order to
27 better protect the premises. These recommendations may include the choice of
28 locks, gates, and alarm systems suitable for the licensee's premises. The
29 inspection is free of charge. Licensees [should] shall contact their local
30 [Police Precinct] police precinct, and [ask for] request an appointment with
31 the Crime Prevention Officer or the Community Policing Supervisor for [an
32 appointment] a survey of the premises.

33
34 Note: References within this chapter to masculine shall be presumed to include
35 the feminine and neuter. References to the singular shall be
36 presumed to include the plural.

37
38 * * *

39
40 Chapter 2 of Title 38 of the Rules of the City of New York is amended to
41 read as follows:

42 43 **Chapter 2 Organizations Possessing Rifles and Shotguns**

44
45 **§ 2-01 Introduction.** The following rules have been promulgated by the Police
46 Commissioner for the registration and regulation of organizations possessing
47 rifles and shotguns. Such organizations are held responsible for the strict
48 enforcement of and adherence to these rules. Any violation thereof is cause
49 for suspension or revocation of the privilege to possess [longarms] rifles and
50 shotguns.

51 52 **§ 2-02 Definitions.**

53 **Ammunition.** The term "ammunition" shall mean any explosives suitable to be
54 fired from a [longarm] rifle or shotgun.

55 **Certificate of registration.** The term "certificate of registration" shall mean
56 the Certificate of Registration of Rifles and Shotguns issued by the New York
57 City Police Department.

58 **Custodian.** The term "custodian" shall mean an individual personally possessing
59 a rifle[and]/shotgun permit, and designated by an organization to be held
60 responsible for the safeguarding and supervision of any [longarm] rifle or
61 shotgun owned by the organization.

62 **Alternate custodian.** The term "alternate custodian" shall mean an individual
63 personally possessing a rifle/shotgun permit, and designated by an
64 organization to be held responsible for the safeguarding and supervision of
65 any rifle or shotgun owned by the organization when the custodian is
66 unavailable to perform her/his duties.

67 **Fire Commissioner.** The term "Fire Commissioner" shall mean the Fire

1 Commissioner of the City of New York.

2 [Longarm. The term "longarm" shall mean any rifle or shotgun.]

3 **Organization.** The term "organization" shall mean any firm, partnership,
4 corporation, company or other entity, association, educational institution,
5 cultural institution, or paramilitary organization registered by the [Firearms
6 Control] Rifle/Shotgun Section to possess [longarms] rifles and/or shotguns
7 for the purpose of holding itself out to the general public as a business
8 providing security or protection services for compensation; or instructing
9 individuals in the use of [longarms] rifles and/or shotguns; or organizing and
10 supervising a competition or target practice involving the use of [longarms]
11 rifles and/or shotguns.

12 **Organization registration certificate.** The term "organization registration
13 certificate" shall mean the certificate issued by the [Firearms Control]
14 Rifle/Shotgun Section to approved organizations registered to possess
15 [longarms] rifles and shotguns.

16 **Rifle.** [In accordance with the provisions and standards in § 265.00 of the New
17 York State Penal Law, the] The term "rifle" shall mean a [weapon designed or
18 redesigned, made or remade, and intended to be fired from the shoulder, and
19 designed or redesigned, and made or remade, to use the energy of the explosive
20 in a fixed metallic cartridge to fire only a single projectile through a rifle
21 bore for each single pull of the trigger. A] "rifle" as defined in § 265.00
22 of the New York State Penal Law, except that for purposes of this chapter, a
23 rifle shall have a barrel length of no less than sixteen inches, and an
24 overall length of no less than twenty-six inches.

25 **Rifle/Shotgun Section.** The term "Rifle/Shotgun Section" shall mean the
26 Rifle/Shotgun Section of the License Division of the New York City Police
27 Department. The "Rifle/Shotgun Section" was at one time known as the
28 "Firearms Control Section."

29 **Rifle[and]/shotgun permit.** The term "rifle[and]/shotgun permit" shall mean the
30 [license] permit issued by the [Firearms Control] Rifle/Shotgun Section for
31 the possession and purchase of [longarms] rifles and shotguns.

32 **Shotgun.** [In accordance with the provisions and standards in § 265.00 of the
33 New York State Penal Law, the] The term "shotgun" shall mean a [weapon
34 designed or redesigned, and made or remade, and intended to be fired from the
35 shoulder; and designed or redesigned, and made or remade, to use the energy of
36 the explosive in a fixed shotgun to fire through a smooth bore either a number
37 of ball shot or a single projectile for each single pull of the trigger. A]
38 "shotgun" as defined in § 265.00 of the New York State Penal Law, except that
39 for purposes of this chapter, a shotgun shall have a barrel length of no less
40 than eighteen inches and an overall length of no less than twenty-six inches.

41 **Storage permit.** The term "storage permit" shall mean the permit for the
42 storage of more than two hundred (200) rounds of ammunition issued by the Fire
43 Commissioner.

44
45 **§ 2-03 Applicability.** These rules shall apply to any person, firm,
46 partnership, corporation, company or other entity, association, educational
47 institution, cultural institution, or paramilitary organization possessing
48 rifles and/or shotguns for the purpose of holding itself out to the general
49 public as a business providing security or protection services for
50 compensation; or instructing individuals in the use of rifles and/or shotguns;
51 or engaging in a military drill or parade with rifles and/or shotguns; or
52 organizing and supervising a competition or target practice involving the use
53 of rifles and/or shotguns.

54
55 **§ 2-04 Original Applications and Renewals.** (a) All applications, renewals,
56 requests for information and inquiries by an organization pursuant to these
57 regulations shall be made to the [Firearms Control] Rifle/Shotgun Section,
58 License Division, New York City Police Department, [City of New York,] 120-55
59 Queens Blvd., Kew Gardens, N.Y. 11424, (718) 520-9300. The [Firearms Control]
60 Rifle/Shotgun Section shall prescribe and enforce the manner in which an
61 organization may be registered to possess [longarms] rifles and shotguns.

62 (b) A letter prepared on the letterhead of the organization [must] shall
63 accompany the official application. In addition to a request to be designated
64 an organization to possess [longarms] rifles and shotguns, this letter [must]
65 shall set forth:

- 66 (1) the [name] names of the custodian and alternate custodian;
67 (2) the manner in which the [longarms will] rifles and shotguns

1 shall be secured when not in use.

2 The applicant [must] shall also submit two (2) [recent] color photographs each
3 of the designated custodian and alternate custodian, size 1-1/2 X 1-1/2
4 inches, taken within the past thirty (30) days, front view from the chest up,
5 with the application.

6 (c) During the pendency of the application, the applicant shall notify
7 the Rifle/Shotgun Section of any necessary correction to or modification of
8 the information provided in the original application, or any change in her/his
9 status or circumstances, which may be relevant to the application.

10 (d) If the application is disapproved the organization shall receive a
11 written "Notice of Application Disapproval" from the Rifle/Shotgun Section
12 indicating the reason(s) for the disapproval. If the organization wishes to
13 appeal the decision it shall submit a sworn written statement, which shall be
14 known as an "Appeal of Application Disapproval," to the Division Head, License
15 Division, One Police Plaza, Room 110A, New York, New York 10038 within thirty
16 (30) calendar days of the date on the "Notice of Application Disapproval"
17 requesting an appeal of the denial, and setting forth the reasons supporting
18 the appeal. The Appeal of Application Disapproval shall become part of the
19 application. It shall state the grounds for the appeal and shall contain the
20 following statement to be signed by the applicant and notarized: "Under
21 penalty of perjury, deponent being duly sworn, says that s/he is familiar with
22 all of the statements contained herein and that each of these statements is
23 true, and no pertinent facts have been omitted." Appeals that are unsworn by
24 the applicant or submitted by individuals or business entities other than the
25 organization or its New York State licensed attorney shall not be accepted.
26 All timely appeals shall receive a complete review of the applicant's entire
27 file by the Division Head, License Division, who shall notify the organization
28 of her/his determination. The Division Head, License Division shall not
29 consider any documentation that was not submitted during the initial
30 background investigation. There shall be no personal interviews to discuss
31 appeals. If the appeal of the disapproval is denied, the organization shall
32 receive a "Notice of Disapproval After Appeal" letter from the Division Head,
33 License Division. This notice concludes the Police Department's administrative
34 review procedure.

35 (e) An organization registration certificate shall expire on the last
36 day of the third [31st day of] December after the date of issue and [shall]
37 may be renewed [for each additional year] every three (3) years thereafter. A
38 renewal application shall be forwarded to the organization at least thirty
39 (30) calendar days prior to the expiration date. If the renewal application
40 is not received in a timely manner, the custodian or alternate custodian shall
41 so notify the Rifle/Shotgun Section by telephone. Certificates may be renewed
42 under the same conditions as original issuance. An application for issuance or
43 renewal of a certificate may be disapproved if a false statement is made
44 therein. All organizations shall be held responsible for renewing a
45 certificate upon expiration. [Any application to renew a certificate that has
46 not previously expired, been revoked, or cancelled shall extend the term of
47 the registration until disposition is made of the application for renewal.]
48 Failure to renew a registration [within thirty (30) days after] prior to its
49 expiration date shall result in its cancellation [and revocation].

50 [(d)] (f) An organization registration certificate issued shall be valid
51 only for the organization, [and] custodian and alternate custodian mentioned
52 and described in the certificate. A certificate shall not be transferable to
53 another organization. The certificate and all [longarms] rifles and shotguns
54 possessed by an organization shall be available for inspection by members of
55 the New York City Police Department. Failure by any organization to so exhibit
56 a registration certificate shall be presumptive evidence that it is not duly
57 registered.

58 [(e)] (g) All organizations shall abide by the laws, rules, standards,
59 and procedures promulgated by federal, state and local [firearms]
60 jurisdictions and law enforcement agencies applicable to the organization. A
61 violation thereof is cause for suspension or revocation of a registration
62 certificate issued by the [Firearms Control] Rifle/Shotgun Section. Upon
63 suspension or revocation of a registration certificate, the custodian or
64 alternate custodian shall deposit all rifles/shotguns in the organization's
65 possession with her/his local police precinct and forward a copy of the
66 voucher together with the registration certificate to the Rifle/Shotgun
67 Section, 120-55 Queens Boulevard, Kew Gardens, N.Y. 11424, Room B-11. Her/his

1 failure to comply within ten (10) calendar days from the date of suspension or
2 revocation may result in arrest or other action by the Police Department.

3 [(f)] (h) An organization registration certificate may be revoked or
4 suspended by the [Firearms Control] Rifle/Shotgun Section for good cause by
5 the issuance of a Notice of Determination Letter to the organization, which
6 shall state in brief the grounds for the suspension or revocation and notify
7 the organization of the opportunity for a hearing [following notice and a
8 hearing, or as provided in § 2-04(c)].

9 (i) Upon issuance of a written Notice of Determination Letter from the
10 Rifle/Shotgun Section notifying the organization of suspension or revocation
11 of a registration certificate by the Rifle/Shotgun Section, the organization
12 shall have thirty (30) calendar days from the date of the notice to submit a
13 written request for a hearing to the Commanding Officer, License Division, One
14 Police Plaza, Room 110A, New York, New York 10038.

15
16 **§ 2-05 Custodian Appointment and Duties.** (a) Upon application an organization
17 shall appoint [an] two (2) active [member] members or [employee] employees of
18 the organization to be personally responsible for all [longarms] rifles and
19 shotguns possessed by the organization, its employees or members. [This
20 individual] These individuals shall be known as the custodian and alternate
21 custodian.

22 (b) It shall be certified upon an application for registration that the
23 custodian [is a] and alternate custodian are rifle[and]/shotgun permit
24 [holder] holders; the identification [number] numbers thereof; that [he is an]
25 they are active [member] members or [employee] employees of the organization;
26 that [he undertakes] they undertake to supervise the acts of the employees and
27 members of the organization while they use any [longarms] rifles or shotguns
28 possessed by the organization; and that [he has] they have not been previously
29 denied or had revoked appointment as a custodian or alternate custodian for
30 the applicant or any other organization. If the organization does not have
31 two active members or employees, the custodian shall be an active member or
32 employee and the alternate custodian shall be a suitable designated individual
33 who possesses a rifle/shotgun permit.

34 (c) The [Firearms Control] Rifle/Shotgun Section reserves the right to
35 require [a] the custodian and alternate custodian to be fingerprinted and/or
36 photographed in contemplation of issuing an organization registration
37 certificate.

38 (d) The custodian and alternate custodian shall ensure that all members
39 or employees using [longarms] rifles and shotguns registered by the
40 organization are licensed by the [Firearms Control] Rifle/Shotgun Section to
41 possess rifles and shotguns. The provisions of § 2-05(d) shall not be
42 applicable to the following organizations:

43 (1) An organization actively engaged in the instruction of minors
44 in the use of [longarms] rifles and/or shotguns or the supervision of a
45 competition or target practice for minors. A custodian and alternate
46 custodian, designated by an organization of this nature, shall closely
47 supervise all minors using [longarms] rifles and/or shotguns registered by
48 the organization, and ensure that such minors are instructed in the safe use
49 of [longarms] rifles and/or shotguns.

50 (2) A paramilitary organization actively engaged in the
51 presentation of military drill or parade. A custodian and alternate custodian
52 designated by an organization of this nature shall closely supervise all
53 individuals using [longarms] rifles and/or shotguns during all military drills
54 or parades. The custodian and alternate custodian shall also ensure that such
55 [longarms] rifles and/or shotguns are not loaded during such events.

56 (e) The conviction of a custodian or alternate custodian anywhere of a
57 felony or serious offense as defined in § 265.00(17) of the New York State
58 Penal Law, or of a misdemeanor crime of domestic violence as defined in § 921
59 (a) of title 18, United States Code, [shall operate as a] may require
60 suspension or revocation of an organization's registration certificate. An
61 organization's registration certificate may be suspended or revoked if the
62 custodian or alternate custodian is the subject or recipient of an order of
63 protection or a temporary order of protection, or the subject of an
64 ineligibility order issued pursuant to § 530.14 of the New York State Criminal
65 Procedure Law or § 842-a of the New York State Family Court Act.

66 (f) A custodian or alternate custodian shall [promptly report]
67 immediately notify the Rifle/Shotgun Section by telephone, followed by written

1 notice within ten (10) calendar days, of [in writing to the Firearms Control
2 Section] any incident or violation of law[,] or rules [or regulations] of
3 federal, state, or [municipal] local jurisdictions regarding the custodian or
4 alternate custodian, or affecting the premises or business [operation]
5 operations. For purposes of this subdivision, an incident includes:
6 (1) arrest, indictment or conviction in any jurisdiction;
7 (2) summons (except traffic infraction);
8 (3) suspension or ineligibility order issued pursuant to § 530.14
9 of the New York State Criminal Procedure Law or § 842-a of the New York State
10 Family Court Act;
11 (4) the fact that the custodian or alternate custodian is or
12 becomes the subject or recipient of an order of protection or a temporary
13 order of protection;
14 (5) admission to any psychiatric institution, sanitarium and/or
15 the receipt of psychiatric treatment;
16 (6) receipt of treatment for alcoholism or drug abuse;
17 (7) the presence or occurrence of a disability or condition that
18 may affect the handling of a rifle/shotgun, including but not limited to
19 epilepsy, diabetes, fainting spells, blackouts, temporary loss of memory, or
20 nervous disorder;
21 (8) lost, stolen, altered or mutilated certificate of registration
22 or organization registration certificate; or
23 (9) unlawful discharge of a rifle/shotgun.
24 (g) An organization shall inform the [Firearms Control] Rifle/Shotgun
25 Section in writing of any proposed change of custodianship or any other
26 amendment of its registration. An organization shall not alter a registration
27 certificate [of registration] without the permission of the [Firearms Control]
28 Rifle/Shotgun Section.
29 (h) The custodian and alternate custodian shall each be required to sign
30 an acknowledgment that s/he shall be responsible for compliance with all laws,
31 rules, regulations, standards, and procedures promulgated by federal, state,
32 or local jurisdictions, and by federal, state, or local law enforcement
33 agencies, that are applicable to each type of license or permit issued to
34 her/him and to the organization. The Rifle/Shotgun Section shall provide the
35 custodian and alternate custodian with the acknowledgment statement. These
36 acknowledgment statements shall be notarized. Failure to sign the
37 acknowledgment statements and have them notarized shall result in denial of
38 the application for the organization registration certificate. Upon
39 appointment, each successive custodian and alternate custodian shall be
40 required to sign an acknowledgment statement and have it notarized. Failure
41 to do so shall result in the suspension or revocation of the organization's
42 registration certificate. Custodians and alternate custodians shall be held
43 responsible [to have] for having knowledge of all new laws and rules that may
44 be enacted by [Municipal] local, [State] state, or [Federal] federal
45 legislatures or promulgated by the New York City Police Department affecting
46 their organization.
47 (i) The custodian and alternate custodian shall be responsible for
48 securing all rifles and shotguns and all ammunition possessed by the
49 organization at the close of business/activities every day. Failure to do so
50 shall constitute good cause for suspension or revocation of the organization's
51 registration certificate.
52 (j) Pursuant to New York City Administrative Code § 10-311(a), it shall
53 be unlawful for any person or business enterprise to dispose of any rifle or
54 shotgun which does not contain a safety locking device, defined as a design
55 adaptation or attachable accessory that will prevent the use of the weapon by
56 an unauthorized user. The following types of safety locking devices will be
57 deemed to comply with this provision:
58 (1) a trigger lock, which prevents the pulling of the trigger
59 without the use of a key; or
60 (2) a combination handle, which prevents the use of the weapon
61 without the alignment of the combination tumblers; or
62 (3) a detachable or non-detachable locking device, composed
63 primarily of steel or other metal of significant gauge to inhibit breaking,
64 utilizing a metallic key or combination lock, rendering the weapon inoperable
65 until the locking device is removed by an authorized person.
66 (k) Pursuant to New York City Administrative Code § 10-311(b), it shall
67 be unlawful for any licensed manufacturer, licensed importer, or licensed

1 dealer to dispose of any rifle or shotgun in New York City unless it is
2 accompanied by the following warning, which shall appear in conspicuous and
3 legible type in capital letters, and which shall be printed on a label affixed
4 to the rifle or shotgun and on a separate sheet of paper included within the
5 packaging enclosing the rifle or shotgun: "THE USE OF A LOCKING DEVICE OR
6 SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE WEAPON STORAGE. ALL WEAPONS
7 SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM
8 THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN AND ANY OTHER UNAUTHORIZED
9 PERSONS."

10 (l) Pursuant to New York City Administrative Code § 10-311(c), any
11 person who applies for and obtains authorization to purchase, or otherwise
12 lawfully obtains, a rifle or shotgun shall be required to purchase or obtain a
13 safety locking device at the time s/he purchases or obtains the rifle or
14 shotgun.

15 (m) Pursuant to New York City Administrative Code § 10-311(d), the City
16 of New York and its agencies, officers or employees shall not be liable to any
17 party by reason of any incident involving, or the use or misuse of a safety
18 locking device that may have been purchased in compliance with these rules.

19 (n) Organizations, custodians and alternate custodians shall cooperate
20 with all reasonable requests by the Police Department for information and
21 assistance in matters relating to the certificate.

22
23 **§ 2-06 Storage of [Firearms] Rifles and Shotguns and Ammunition.** (a) Pursuant
24 to New York City Administrative Code § 10-312, it shall be a criminal
25 violation for any person who is the lawful owner or lawful custodian of a
26 rifle or shotgun to store or otherwise place or leave such weapon in such a
27 manner or under circumstances that it is out of her/his immediate possession
28 or control, without having rendered such weapon inoperable by employing a
29 safety locking device as defined in section 2-05(j) of this chapter. Such
30 offense shall constitute a misdemeanor if the offender has previously been
31 found guilty of such violation or if the violation is committed under
32 circumstances which create a substantial risk of physical injury to another
33 person. The [Firearms Control] Rifle/Shotgun Section recognizes that all
34 organizations have incurred an obligation by being registered to maintain and
35 use [longarms] rifles and shotguns in a responsible fashion. In order to
36 assist organizations, the [Firearms Control] Rifle/Shotgun Section has issued
37 the following safety guidelines for storing [longarms] rifles and shotguns on
38 the premises:

39 (1) All rifle and shotgun cases shall be kept locked and secured
40 at all times and shall be inaccessible to unauthorized individuals. All keys
41 to such cases [should] shall not leave the control of the custodian or
42 alternate custodian.

43 (2) Rifles and shotguns shall be incapable of firing when not in
44 use. Rifles and shotguns may be temporarily deactivated by removing magazines
45 or bolts; by securing with bars or chains through the trigger guard; or by
46 using individual trigger locks or other safety locking devices composed
47 primarily of steel or other metal of significant gauge to inhibit breaking.

48 (3) A custodian and alternate custodian shall keep [an] one
49 updated inventory of all [longarms] rifles and shotguns possessed by the
50 organization in the event of loss or theft. Such inventory shall include a
51 full description of each [longarm] rifle and shotgun including manufacturer,
52 model, serial number, if applicable, and calibre or gauge. The certificate of
53 registration issued for each [longarm should] rifle and shotgun shall
54 accompany these records.

55 (4) In the event of loss or theft of any [longarm] rifle or
56 shotgun, certificate of registration, ammunition, or [Organization
57 Certificate] organization registration certificate, the custodian or alternate
58 custodian is required to report the loss or theft to her/his local precinct
59 and notify the [Firearm Control] Rifle/Shotgun Section by telephone on the
60 next business day after discovery of the loss or theft. Follow up with a
61 written notification to the [Firearm Control] Rifle/Shotgun Section within 10
62 calendar days of discovery of the loss or theft is also required.

63 (b) Any organization that stores in excess of two hundred (200)
64 cartridges shall be required to obtain a storage permit from the Fire
65 Commissioner. The storage of ammunition without a valid permit issued by the
66 Fire Commissioner [will] shall be deemed sufficient cause to revoke an
67 organization's registration certificate.

1 (c) The quantities of cartridges and other ammunition stored on the
2 premises shall not exceed the amounts fixed by the Fire Commissioner for
3 storage of ammunition. The quantities so fixed shall be stated in the storage
4 permit.

5 (d) All ammunition kept on the premises shall not be stored in an area
6 where other materials of a highly flammable nature are manufactured or stored.

7 (e) Ammunition shall be stored in an area of the premises that can be
8 reasonably secured. Only the custodian, alternate custodian, and authorized
9 members or employees shall have access to this storage area.

10 (f) A custodian and alternate custodian shall take reasonable
11 precautions to make the premises secure. These precautions [may] shall include
12 but not be limited to all applicable measures as listed below:

13 (1) Adequately protecting and securing all rear windows, doors and
14 skylights.

15 (2) Securing windows at or near ground level with expanded metal
16 welded to belted angle-iron frames.

17 (3) Installing alarms or other appropriate security/service
18 systems upon the premises.

19 (4) Posting signs prominently on the premises warning of the
20 presence of electronic or other types of security systems and containing
21 penalties for criminal violations.

22 (5) Installing high-security cylinder locks in all doors.

23 (6) Illuminating fully the exterior and interior of the premises
24 at night, and during the hours when business is not conducted within.
25

26 **§ 2-07 Security Plan.** In order to properly protect an organization's premises
27 and the [longarms] rifles, shotguns and ammunition stored within, the
28 [Firearms Control] Rifle/Shotgun Section requires that custodians [take
29 advantage of] utilize the New York City Police Department's Crime Prevention
30 Security Survey. [This program, sponsored by the Police Department, has proven
31 effective in establishing a comprehensive security plan for both commercial
32 and residential premises.] A member of the New York City Police Department[,
33 qualified as an expert in crime prevention,] will come to an organization's
34 premises and inspect the building for security measures. After the inspection,
35 the officer will recommend and suggest various methods designed to better
36 protect the premises. These recommendations may include the choice of locks,
37 gates, and alarm systems suitable for the premises. The inspection is free of
38 charge. An organization [should] shall contact its local police precinct, and
39 request an appointment with the Crime Prevention Officer or the Community
40 Policing Supervisor for a survey of the premises of the organization.
41

42 **§ 2-08 Separability.** If any clause, sentence, paragraph, or part of these
43 rules of the application to any organization, custodian, or circumstances
44 shall be determined to be invalid, such determination shall not affect, impair
45 or invalidate the remainder thereof.
46

47 Note: References within this chapter to the masculine shall be presumed to
48 include the feminine and neuter. References to the singular shall
49 be presumed to include the plural.
50

51 * * *

52
53 Chapter 3 of Title 38 of the Rules of the City of New York is amended to
54 read as follows:
55

56 **Chapter 3 Rifle[and]/Shotgun [Licensees] Permits**
57

58 **§ 3-01 Introduction.** All New York City rifle and shotgun [licensees must]
59 permittees shall be aware of the responsibilities incurred by accepting a
60 permit. The [licensee] permittee should especially be familiar with the rules
61 applicable to the possession of a rifle or shotgun or both. The following
62 rules for the proper and safe use of rifles and shotguns have been promulgated
63 by the Police Commissioner of the New York City Police Department. A violation
64 of these provisions may be cause for suspension or revocation of a
65 rifle/shotgun permit.
66

67 **§ 3-02 Application for Permit.** (a) The applicant [must] shall complete the

1 application supplied to her/him by the Police Department.

2 (b) The minimum age for obtaining a permit is 18 years of age.

3 (c) (1) If the applicant was ever arrested for any crime or violation
4 s/he [must] shall submit a certificate of disposition indicating the offense
5 and final disposition of the charges. The applicant [must] shall do this even
6 if the case was dismissed, the record sealed or the case nullified by
7 operation of law ([i.e.] e.g., Youthful Offender Status). Any omission of a
8 previous arrest may result in the [rejection] denial of the application.

9 (2) [If the applicant was ever convicted of a felony in the U.S.
10 District Court or a court of another state, before his application can be
11 considered the applicant must apply for a Certificate of Relief from
12 Disabilities from the Bureau of Alcohol, Tobacco and Firearms, United States
13 Department of Treasury.

14 (3) If the applicant was ever convicted in New York State of a
15 felony or a serious offense as defined in [§ 265.00, subdivision 17,] §
16 265.00(17) of the New York State Penal Law, s/he [must] shall get a New York
17 State Certificate of Relief from [Forfeitures and] Disabilities.

18 (3) No permit shall be issued or renewed to any applicant who has
19 been convicted of a misdemeanor crime of domestic violence, as defined in §
20 921(a) of title 18 of the United States Code, or who is the subject of a
21 suspension or ineligibility order issued pursuant to § 530.14 of the New York
22 State Criminal Procedure Law or § 842-a of the New York State Family Court
23 Act.

24 (d) If the applicant was discharged from the Armed Forces under other
25 than honorable conditions s/he [must] shall submit a copy of her/his
26 separation papers and a notarized statement explaining the reason for
27 discharge.

28 (e) If the applicant's answer to Question 2, 3 or 4 on the application
29 is YES s/he [must] shall submit a letter from a licensed physician stating
30 that s/he[/she] has examined the applicant within the last 30 days, that the
31 examination included a review of the applicant's medical record and all
32 pertinent hospital and institutional records, and [must] shall conclude that
33 the applicant is capable of possessing a rifle or a shotgun without presenting a
34 danger of harm to the applicant or to others. Further evidence may be
35 requested.

36 (f) Four color photographs, [full face,] 1-1/2["] X 1-1/2["] inches, of
37 the applicant, from the chest up, taken within the past thirty (30) days
38 [must] shall accompany the application. The wearing of any article of
39 clothing or other adornment obscuring the identification of the wearer is not
40 acceptable.

41 (g) Payment of applicable fees shall be made by certified check or money
42 order, made payable to the N.Y.C. Police Department or to the N.Y.S. Division
43 of Criminal Justice Services, respectively.

44 (h) All permittees shall be required to sign an acknowledgment that they
45 shall be responsible for compliance with all laws, rules, regulations,
46 standards, and procedures promulgated by federal, state, or local
47 jurisdictions, and by federal, state, or local law enforcement agencies, that
48 are applicable to this permit. The Rifle/Shotgun Section shall provide the
49 permittee with the acknowledgment statement. This acknowledgment statement
50 shall be notarized. Failure to sign the acknowledgment statement and have it
51 notarized shall result in denial of the permit application.

52 (i) During the pendency of the application, the applicant shall notify
53 the Rifle/Shotgun Section of any necessary correction to or modification of
54 the information provided in the original application, or any change in her/his
55 status or circumstances, which may be relevant to the application.

56
57 **§ 3-03 Grounds for Denial of Permit.** An application for rifle/shotgun permit
58 may be denied if:

59 (a) The applicant has been arrested, indicted or convicted for any crime
60 or violation except minor traffic violations, in any jurisdiction, federal,
61 state or local.

62 (b) The applicant has been other than honorably discharged from the
63 [armed forces] Armed Forces of this country.

64 (c) The applicant has [suffered from any physical defect or sickness
65 which interferes with or handicaps him in the handling of] or has had any
66 disability or condition that may affect the ability to safely possess or use a
67 rifle or a shotgun.

1 (d) The applicant has received psychiatric treatment or been confined
2 for alcoholism, mental illness or drug addiction.

3 (e) The applicant makes a [material] false statement on her/his
4 application.

5 (f) The applicant is the subject or recipient of an order of protection
6 or a temporary order of protection.

7
8 **§ 3-04 Right to Appeal Following Denial of Permit.** If for any reason her/his
9 application is denied the applicant has the right to an appeal.

10 (a) If the applicant's original application is denied, [he has the right
11 to appeal the decision within twenty (20) days from the date of notice of
12 denial. An appeal must be made in writing to the Commanding Officer, License
13 Division, One Police Plaza, Room 110, New York, New York, 10038. This request
14 must outline the grounds upon which the applicant's appeal is based] the
15 applicant shall receive a written "Notice of Application Disapproval" from the
16 Rifle/Shotgun Section indicating the reason(s) for the disapproval. If the
17 applicant wishes to appeal the decision s/he shall submit a sworn written
18 statement, which shall be known as an "Appeal of Application Disapproval," to
19 the Division Head, License Division, One Police Plaza, Room 110A, New York,
20 New York 10038 within thirty (30) calendar days of the date on the "Notice of
21 Application Disapproval" requesting an appeal of the denial, and setting forth
22 the reasons supporting the appeal. The Appeal of Application Disapproval shall
23 become part of the application. It shall state the grounds for the appeal and
24 shall contain the following statement to be signed by the applicant and
25 notarized: "Under penalty of perjury, deponent being duly sworn, says that
26 s/he is familiar with all of the statements contained herein and that each of
27 these statements is true, and no pertinent facts have been omitted." Appeals
28 that are unsworn by the applicant or submitted by individuals or business
29 entities other than the applicant or her/his New York State licensed attorney
30 shall not be accepted.

31 (b) [If the appeal of his denial is unsuccessful, the applicant will
32 receive a "Notice of Disapproval After Appeal" letter from the Commanding
33 Officer, License Division.] All timely appeals shall receive a complete review
34 of the applicant's entire file by the Division Head, License Division, who
35 shall notify the applicant of her/his determination. The Division Head,
36 License Division shall not consider any documentation that was not submitted
37 during the initial background investigation. There shall be no personal
38 interviews to discuss appeals. If the appeal of her/his disapproval is denied,
39 the applicant shall receive a "Notice of Disapproval After Appeal" letter from
40 the Division Head, License Division. This notice concludes the Police
41 Department's administrative review procedure.

42
43 **§ 3-05 Suspension or Revocation of Permit.** (a) The permittee shall immediately
44 notify the Rifle/Shotgun Section by telephone, followed by written notice
45 within ten (10) calendar days, of any incident or violation of law or rules of
46 federal, state, or local jurisdictions. For purposes of this subdivision, an
47 incident includes:

48 (1) arrest, indictment or conviction in any jurisdiction;
49 (2) summons (except traffic infraction);
50 (3) suspension or ineligibility order issued pursuant to § 530.14
51 of the New York State Criminal Procedure Law or § 842-a of the New York State
52 Family Court Act;

53 (4) the fact that the permittee is or becomes the subject or
54 recipient of an order of protection or a temporary order of protection;

55 (5) admission to any psychiatric institution, sanitarium and/or
56 the receipt of psychiatric treatment;

57 (6) receipt of treatment for alcoholism or drug abuse; or

58 (7) the presence or occurrence of a disability or condition that
59 may affect the handling of a rifle/shotgun, including but not limited to
60 epilepsy, diabetes, fainting spells, blackouts, temporary loss of memory, or
61 nervous disorder; or

62 (8) unlawful discharge of a rifle/shotgun.

63 (b) The permittee's rifle/shotgun permit may be subject to suspension or
64 revocation if:

65 [(a)] (1) The permittee is arrested, indicted or convicted for any
66 crime or violation, except minor traffic violations, in any jurisdiction,
67 federal, state or local, or is the subject or recipient of an order of

1 protection or a temporary order of protection, or is the subject of a
2 suspension or ineligibility order issued pursuant to § 530.14 of the New York
3 State Criminal Procedure Law or § 842-a of the New York State Family Court
4 Act.

5 [(b)] (2) The permittee is other than honorably discharged.

6 [(c)] (3) The permittee [suffers from any physical defect or
7 sickness which interferes with or handicaps him in the handling of] has or has
8 had any disability or condition that may affect the ability to safely possess
9 or use a rifle or a shotgun.

10 [(d)] (4) The permittee has received or is receiving psychiatric
11 treatment or is or has been confined for alcoholism, mental illness or drug
12 addiction.

13 [(e)] (5) The permittee violates any of the rules pertaining to
14 the [license] permit to possess rifles and shotguns.

15 (c) If her/his [license] permit is suspended or revoked, the permittee
16 [will] shall be required to deposit any [longarms] rifles or shotguns as well
17 as any handgun license and any handguns in her/his possession with her/his
18 local police precinct and forward a copy of the voucher together with her/his
19 permit to the [Firearms Control] Rifle/Shotgun Section, 120-55 Queens
20 Boulevard, Kew Gardens, N.Y. 11424, Room B-11. [His] Her/his failure to
21 comply within ten (10) calendar days from the date of suspension or revocation
22 may result in [legal action being taken by the Police Department] the arrest
23 of the permittee.

24 [(f)] (d) If her/his [license] permit is suspended or revoked, the
25 suspended/former permittee [will] shall be issued a Notice of Determination
26 Letter by the Rifle/Shotgun Section, which shall state in brief the grounds
27 for the suspension or revocation and notify the permittee of the opportunity
28 for a hearing. The permittee shall have a right to submit a written request
29 for a hearing[. A request for a hearing must be made in writing] within thirty
30 (30) calendar days from the date of the Notice of Determination Letter
31 [suspension to Firearms Control Section] to the Commanding Officer, License
32 Division, One Police Plaza, Room 110A, New York 10038. Before a hearing is
33 scheduled the permittee [will] shall be required to submit the above documents
34 and any additional documents requested in the suspension or revocation notice.
35 [Failure to request a hearing will result in the revocation of the permittee's
36 permit and the cancellation of his file.] A permittee whose arrest or summons
37 resulted in suspension or revocation of her/his permit may only submit a
38 written request for a hearing within thirty (30) calendar days after the
39 termination of the criminal action, as defined in New York State Criminal
40 Procedure Law § 1.20(16)(c). If the suspension or revocation resulted from
41 the permittee becoming the subject of an order of protection or a temporary
42 order of protection, the permittee may only submit a written request for a
43 hearing within thirty (30) calendar days after the expiration or voiding of
44 the order of protection or temporary order of protection. If the suspension
45 or revocation was related to both a criminal action and an order of protection
46 or temporary order of protection, then the later of the two waiting periods
47 shall apply.

48 (e) Upon receipt of the permittee's letter, the License Division shall
49 schedule the permittee for a hearing and notify the permittee by mail.
50 However, requests for hearings shall not be entertained, and a hearing shall
51 not be scheduled, unless the permittee complies with the provisions of
52 subdivision (c) above, and forwards a Certificate of Final Disposition or
53 Certificate of Relief from Disabilities, if applicable, to the License
54 Division.

55 [(g) If after a hearing the permittee wishes to appeal the decision he
56 may do so in the same manner as set forth for denial of original
57 applications.]

58
59 **§ 3-06 Renewal of Permit.** Prior to the expiration of her/his rifle/shotgun
60 permit the permittee [will] shall be sent a renewal notice. The permittee
61 [must] shall answer all questions, comply with all instructions, submit a
62 certified check or money order made payable to the N.Y.C. Police Department as
63 required, sign and date the notice and forward it to the [Firearms Control]
64 Rifle/Shotgun Section. In the event the permittee does not wish to renew
65 her/his permit, s/he [must] shall surrender her/his permit and all [firearms]
66 rifles/shotguns to her/his local precinct or otherwise lawfully dispose of the
67 rifles/shotguns in accordance with § 3-10 or § 3-12 below. Any delays in

1 renewing the permit may result in confiscation of all the permittee's
2 rifles/shotguns by the New York City Police Department. Renewal of the permit
3 may be disapproved if the permittee makes a false statement in connection with
4 the renewal.

5
6 **§ 3-07 Possession and Registration of Permit.** (a) The [license] permit issued
7 to the permittee by the [Firearms Control] Rifle/Shotgun Section enables the
8 permittee to possess only rifles or shotguns that are properly registered
9 under her/his permit.

10 (b) The permittee [must] shall have the permit to possess rifles and
11 shotguns in her/his possession at all times when in possession or carrying a
12 rifle and/or shotgun in addition to a separate certificate of registration for
13 that particular rifle and/or shotgun.

14 (c) Permittees are not permitted to purchase, acquire, sell, transfer or
15 otherwise dispose of any rifle and/or shotgun and ammunition from or to gun
16 dealers or individuals without exhibiting a [Firearms Control Section]
17 Rifle/Shotgun Permit.

18 (d) The permit is not transferable.
19

20 **§ 3-08 Change of Address.** The permittee [must] shall notify [Firearms Control]
21 the Rifle/Shotgun Section of any change in address within ten (10) calendar
22 days. [The permittee must cross out old address and print new address and new
23 police precinct using ink in space provided.]
24

25 **§ 3-09 Lost or Stolen Documents and [Longarms] Rifles/Shotguns.** All lost or
26 stolen documents and [longarms must] rifles/shotguns shall be reported to the
27 precinct in which the [licensee] permittee resides or the theft or loss was
28 discovered. The permittee [must] shall obtain a complaint number from the
29 precinct and report in person the loss or theft to the [Firearms Control]
30 Rifle/Shotgun Section [on form PD 641-151] within [5] five (5) calendar
31 days of the loss. [A separate report must be made for each lost or stolen
32 firearms/document.] A fee of two (2) dollars is charged for each document for
33 which a replacement is requested. This fee [must] shall be paid by certified
34 check or money order made payable to the N.Y.C. Police Department and shall
35 accompany the report. The permittee [should] shall not send cash. For lost
36 permits two color [full face] photos of permittee, 1-1/2["] X 1-1/2["] inches,
37 [must] from the chest up, taken within the past thirty (30) days shall also be
38 provided. The wearing of any article of clothing or other adornment obscuring
39 the identification of the wearer is not acceptable.
40

41 **§ 3-10 Request to Cancel Permit.** The permittee [must] shall notify the
42 [Firearms Control] Rifle/Shotgun Section if s/he wishes to cancel or decline
43 to renew her/his rifle/shotgun permit by forwarding the permit, certificate(s)
44 of registration, and a notarized letter to the Rifle/Shotgun Section. The
45 letter shall inform the [Firearms Control] Rifle/Shotgun Section [will supply
46 a form to assist the permittee in cancelling his permit] where the
47 rifles/shotguns are located or how they have otherwise been disposed of.
48

49 **§ 3-11 Purchase of Ammunition.** The certificate of registration [must] shall be
50 presented to a [gun] dealer in rifles and shotguns at time of purchase of
51 ammunition [for caliber] to confirm calibre or gauge of said specified rifle
52 or shotgun.
53

54 **§ 3-12 Disposal of Rifles and Shotguns.** (a) The permittee may sell or dispose
55 of her/his [firearm] rifle/shotgun only to a licensed dealer in rifles and
56 shotguns, to the holder of a valid rifle[and]/shotgun permit, or to an
57 individual who is exempt from [needing a permit by law (i.e. police officers)
58 or to a nonresident not subject to] the permit requirements of the City of New
59 York. When the permittee sells her/his rifle or shotgun, s/he [must] shall
60 complete a certificate of registration. These forms may be obtained from the
61 [Firearms Control] Rifle/Shotgun Section or the licensed dealer purchasing the
62 [firearm] rifle/shotgun and [must] shall be forwarded to the [Firearms
63 Control] Rifle/Shotgun Section within 72 hours of disposition.

64 (b) Pursuant to New York City Administrative Code § 10-311(a), it shall
65 be unlawful for any person or business enterprise to dispose of any rifle or
66 shotgun which does not contain a safety locking device, defined as a design
67 adaptation or attachable accessory that will prevent the use of the weapon by

1 an unauthorized user. The following types of safety locking devices will be
2 deemed to comply with this provision:

3 (1) a trigger lock, which prevents the pulling of the trigger
4 without the use of a key; or

5 (2) a combination handle, which prevents the use of the weapon
6 without the alignment of the combination tumblers; or

7 (3) a detachable or non-detachable locking device, composed
8 primarily of steel or other metal of significant gauge to inhibit breaking,
9 utilizing a metallic key or combination lock, rendering the weapon inoperable
10 until the locking device is removed by an authorized person.

11 (c) Pursuant to New York City Administrative Code § 10-311(b), it shall
12 be unlawful for any licensed manufacturer, licensed importer, or licensed
13 dealer to dispose of any rifle or shotgun in New York City unless it is
14 accompanied by the following warning, which shall appear in conspicuous and
15 legible type in capital letters, and which shall be printed on a label affixed
16 to the rifle or shotgun and on a separate sheet of paper included within the
17 packaging enclosing the rifle or shotgun: "THE USE OF A LOCKING DEVICE OR
18 SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE WEAPON STORAGE. ALL WEAPONS
19 SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM
20 THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN AND ANY OTHER UNAUTHORIZED
21 PERSONS."

22
23 **§ 3-13 Transfer of [Longarm] Rifles/Shotguns from an Estate.** The following
24 procedures [must] shall be followed to dispose of any [longarms]
25 rifles/shotguns belonging to an estate:

26 (a) A copy of the death certificate [must] shall be provided.

27 (b) The legal heir, executor, executrix, administrator or administratrix
28 [must] shall establish [his/] her/his claim to be legal heir, executor or
29 administrator. This is done by one of the following means:

30 (1) [If there is no will but there is a surviving spouse then the
31 surviving spouse will be required to submit a notarized statement indicating
32 that he or she is the legal heir by reason of being the surviving spouse, that
33 there is no will and concluding how the longarms will be disposed of.

34 (2) If there is no [will] Will [and no surviving spouse], then
35 any person claiming to be the administrator or administratrix [must] shall
36 submit Letters [Testamentary] of Administration from the Surrogate's Court.

37 [(3)] (2) If there is a [will] Will then the executor or executrix
38 [must] shall submit Letters Testamentary issued by the Surrogate's Court.

39 [(4)] (3) All requests for transfer of [longarms must]
40 rifles/shotguns shall be made on [PD 641-121,] Police Department Disposition
41 Report.

42 (c) If any [longarms] rifles/shotguns are to be transferred to a New
43 York City resident the person receiving the [longarms must] rifles/shotguns
44 shall have a valid New York City rifle/shotgun permit.

45
46 **§ 3-14 Supplemental Rules.** (a) The permittee's rifle or shotgun [cannot] shall
47 not be loaded in a public place within New York City at any time except when
48 using it at a licensed rifle and shotgun range.

49 (b) When the permittee travels to and from a licensed range or hunting
50 area, or transports her/his [firearm] rifle/shotgun for any reason, it [must]
51 shall be carried unloaded in a locked, non-transparent case, and the
52 ammunition [must] shall be carried separately. If the permittee is
53 transporting her/his [firearm] rifle/shotgun in a vehicle, it [should] shall
54 be kept locked in the trunk or equivalent space, not in plain view. The
55 permittee [must] shall never leave her/his [firearm] rifle/shotgun in a
56 vehicle [unattended] unless s/he is physically present in or in close
57 proximity to the vehicle.

58 (c) The permittee [may] shall never alter, remove, obliterate or deface
59 any of the following markings that may be on her/his [firearm] rifle/shotgun:

60 (1) name of the manufacturer;

61 (2) model;

62 (3) serial number. This information identifies the rifle or
63 shotgun in the permittee's possession.

64 (d) Pursuant to New York City Administrative Code § 10-311(c), any
65 person who applies for and obtains authorization to purchase, or otherwise
66 lawfully obtains, a rifle or shotgun shall be required to purchase or obtain a
67 safety locking device at the time s/he purchases or obtains the rifle or

1 shotgun. Pursuant to New York City Administrative Code § 10-311(d), the City
2 of New York and its agencies, officers or employees shall not be liable to any
3 party by reason of any incident involving, or the use or misuse of a safety
4 locking device that may have been purchased in compliance with these rules.
5 The permittee [must] shall take proper safety measures at all times to keep
6 her/his [firearm(s)] rifle/shotgun from unauthorized persons -- especially
7 children. The permittee's rifle or shotgun should be kept unloaded and locked
8 in a secure location in her/his home. Ammunition [should] shall be stored
9 separately from her/his rifle or shotgun.

10 Note: Many [firearms] rifles/shotguns that are stolen in residential
11 burglaries are taken from bedroom closets.

12 (e) [A particularly effective safety measure when storing a
13 rifle/shotgun, especially in homes with small children, is the use of a safety
14 locking device on the rifle/shotgun, such as a trigger lock or other
15 detachable or non-detachable locking device composed primarily of steel or
16 other metal of significant gauge to inhibit breaking, utilizing a metallic key
17 or combination lock, rendering the weapon inoperable until the locking device
18 is removed by an authorized person. Safety locking devices may be obtained
19 from most dealers in rifles and shotguns.] Pursuant to New York City
20 Administrative Code § 10-312, it shall be a criminal violation for any person
21 who is the lawful owner or lawful custodian of a rifle or shotgun to store or
22 otherwise place or leave such weapon in such a manner or under circumstances
23 that it is out of her/his immediate possession or control, without having
24 rendered such weapon inoperable by employing a safety locking device as
25 defined in section 3-12(b) of this chapter. Such offense shall constitute a
26 misdemeanor if the offender has previously been found guilty of such violation
27 or if the violation is committed under circumstances which create a
28 substantial risk of physical injury to another person.

29 (f) While there is no limit in the number of rifles or shotguns the
30 permittee may possess, s/he should be advised that [licensees] permittees who
31 own several [firearms will] rifles/shotguns shall be expected to safeguard and
32 maintain each rifle or shotgun.

33 (g) Minors under the age of eighteen may carry or use the permittee's
34 rifle or shotgun only in [his] the permittee's actual presence. The [licensee
35 will] permittee shall be held responsible [to supervise] for supervising
36 closely any minor using her/his [firearm] rifle/shotgun. The minor, in turn,
37 [will] shall be expected to abide by the same rules and restrictions as a
38 [licensee] permittee.

39 (h) It is recommended that new [licensees] permittees take advantage of
40 instruction and safety courses in the use of [firearms] rifles/shotguns that
41 are offered by the rifle ranges and clubs within the New York area. The
42 [licensee] permittee should consult the local consumer telephone directory to
43 find out more about a course offered in her/his area.

44 (i) New laws or amendments of existing rules may be enacted by [the
45 Legislature] a legislature or promulgated by the Police Department affecting
46 the ownership or use of [firearms] rifles/shotguns. The [licensee will]
47 permittee shall be held responsible [to know of] for knowing any modification
48 of rules pertaining to her/his permit.

49 (j) The [license] permit to possess a rifle or shotgun [is valid for
50 three years after the date it is] expires three years after the last day of
51 the month in which the permit was issued. The [licensee] permittee is held
52 responsible [to] for applying to renew her/his [license] permit when it
53 expires. Failure to apply to renew the permit at such time [will] shall result
54 in [confiscation] cancellation of the [license] permit and confiscation of any
55 [firearms] rifles/shotguns the permittee may possess.

56 (k) Permittees shall cooperate with all reasonable requests by the
57 Police Department for information and assistance in matters relating to the
58 permit.

59 Note: References within these rules to the masculine shall be presumed to
60 include the feminine and neuter. References to singular shall be
61 presumed to include the plural.

62 * * *

63 Chapter 4 of Title 38 of the Rules of the City of New York is amended to
64 read as follows:
65
66
67

1
2 **Chapter 4 Gunsmiths and Dealers in Firearms**
3

4 **§ 4-01 Introduction.** The following rules are hereby promulgated for the
5 licensing and regulation of gunsmiths, manufacturers, [and] dealers in
6 firearms and dealers in air pistols, air rifles or similar instruments.
7 Licensees are held responsible for the strict enforcement of and adherence to
8 these rules. Any violation thereof is cause for suspension and/or revocation
9 of the subject license.

10
11 **§ 4-02 Definitions.**

12 **Air pistols, air rifles, or similar instruments.** ["Air] The terms "air
13 pistols," "air rifles," or "similar instruments" shall mean[,] any instrument
14 designed or redesigned, made or remade to use the energy of a spring or air to
15 fire a projectile.

16 **Ammunition.** ["Ammunition"] The term "ammunition" shall mean any explosives
17 suitable to be fired from a firearm, machine-gun, [pistol, revolver,] rifle,
18 shotgun or other dangerous [weapons] weapon.

19 **Antique firearm.** "Antique firearm" shall mean any unloaded muzzle loading
20 pistol or revolver with a matchlock, flintlock, percussion cap, or similar
21 type of ignition system, or a pistol or revolver which uses fixed cartridges
22 which are no longer available in the ordinary channels of commercial trade.]

23 **Applicant, licensee or license.** ["Applicant"] The terms "applicant," "licensee"
24 or "license" shall mean and refer to gunsmiths, manufacturers, [and] dealers
25 in firearms and dealers in air pistols, air rifles, or similar instruments
26 unless expressly restricted.

27 **Assault weapon.** The term "assault weapon" shall mean an "assault weapon" as
28 defined in § 10-301(16) of the New York City Administrative Code.

29 **Assembler.** ["Assembler"] The term "assembler" shall include any person, firm,
30 partnership, corporation or company who engages in the business of joining or
31 fitting together any firearm or parts thereof.

32 **Commissioner.** The term "Commissioner" shall mean the Police Commissioner of
33 the City of New York.

34 **Dealer in air pistols, air rifles or similar instruments.** The term "Dealer in
35 air pistols, air rifles or similar instruments" shall mean any person, firm,
36 partnership, corporation or company who engages in the business of purchasing,
37 selling, keeping for sale, loaning, leasing, or in any manner disposing of,
38 any air pistol, air rifle or similar instrument. Dealer in air pistols, air
39 rifles or similar instruments shall not include a wholesale dealer.

40 **Dealer in firearms.** ["Dealer"] The term "dealer in firearms" shall mean any
41 person, firm, partnership, corporation or company who engages in the business
42 of purchasing, selling, keeping for sale, loaning, leasing, or in any manner
43 disposing of, any pistol[,] or revolver [or firearm]. Dealer in firearms shall
44 not include a wholesale dealer.

45 **Employee.** ["Employee"] The term "employee" shall mean [all persons employed in
46 any capacity whatsoever, except that in the case of a licensee whose business
47 of dealing in pistols is secondary or incidental to its main merchandising
48 operations, the term shall include only those employees who have physical
49 access to the firearms. In the latter case this shall include, but not be
50 limited to clerks, salesmen, buyers, porters and cleaners] any person who is
51 employed by a licensed gunsmith, manufacturer or dealer in firearms and who
52 has access in any manner to firearms, rifles, shotguns, machine-guns, or
53 assault weapons.

54 **Firearm.** ["Firearm"] The term "firearm" shall mean [any pistol, revolver,
55 sawed-off shotgun or other firearm of a size] a "firearm" as defined in §
56 265.00 of the New York State Penal Law and shall include a pistol, a revolver,
57 and any firearm which may be concealed upon the person.

58 **Gunsmith.** ["Gunsmith"] The term "gunsmith" shall mean any person, firm,
59 partnership, corporation or company who engages in the business of repairing,
60 altering, assembling, manufacturing, cleaning, polishing, engraving or
61 trueing, or who performs any mechanical operation on any rifle, shotgun,
62 firearm, [or] machine-gun, or assault weapon.

63 **Machine-gun.** ["Machine-gun"] The term "machine-gun" shall mean a weapon of any
64 description, irrespective of size, by whatever name known, loaded or unloaded,
65 from which a number of shots or bullets may be rapidly or automatically
66 discharged from a magazine with one continuous pull of the trigger and
67 includes a submachine gun.

1 **Manufacturer.** ["Manufacturer"] The term "manufacturer" shall include any
2 person, firm, partnership, corporation or company who engages in the business
3 of machining, producing, constructing, or making any firearm, rifle, shotgun,
4 machine-gun, assault weapon, firearm frames or receivers. The term
5 "manufacturer" shall include "assembler".

6 **Rifle.** ["Rifle"] The term "rifle" shall mean a [weapon designed or redesigned,
7 made or remade, and intended to be fired from the shoulder and designed or
8 redesigned and made or remade to use the energy of the explosive in a fixed
9 metallic cartridge to fire only a single projectile through a rifle bore for
10 each pull of the trigger] "rifle" as defined in § 265.00 of the New York State
11 Penal Law, except that for purposes of this chapter a rifle shall have a
12 barrel length of no less than sixteen inches and an overall length of no less
13 than twenty-six inches.

14 **Shotgun.** ["Shotgun"] The term "shotgun" shall mean a [weapon designed or
15 redesigned, made or remade, and intended to be fired from the shoulder and
16 designed or redesigned and made or remade to use the energy of the explosive
17 in a fixed shotgun shell to fire through a smooth bore either a number of ball
18 shot or a single projectile for each single pull of the trigger] "shotgun" as
19 defined in § 265.00 of the New York State Penal Law, except that for purposes
20 of this chapter a shotgun shall have a barrel length of no less than eighteen
21 inches and an overall length of no less than twenty-six inches.

22
23 **§ 4-03 Requirements of Applicants.** (a) Applications for [firearms] dealer in
24 firearms, gunsmith, manufacturer and dealer in air pistols and air rifles
25 shall be filed in the precinct in which the business premises is located.

26 (b) An applicant [must] shall be over 21 years of age and maintain a
27 place of business in the city, and if the applicant is a partnership, each
28 member [must] shall be over 21 years of age; if the applicant is a corporation
29 each officer [must] shall be over 21 years of age.

30 (c) Each applicant [must] shall be a citizen of the United States[,
31 except aliens who are citizens of nations with which the United States has
32 commercial treaties].

33 (d) Each applicant shall be of good moral character.

34 (e) Each applicant shall never have been convicted anywhere of a felony
35 or any other "serious offense" as [listed] defined in [Article] § 265.00[,
36 subdivision 17](17) of the New York State Penal Law, or of a misdemeanor crime
37 of domestic violence, as defined in § 921(a) of title 18 of the United States
38 Code.

39 (f) No license shall be issued or renewed to any applicant who has not
40 disclosed whether s/he is or has been the subject or recipient of an order of
41 protection or a temporary order of protection, or the subject of a suspension
42 or ineligibility order issued pursuant to § 530.14 of the New York State
43 Criminal Procedure Law or § 842-a of the New York State Family Court Act.

44 (g) No license shall be issued or renewed to any applicant unless s/he
45 has stated whether s/he has ever suffered any mental illness or been confined
46 to any hospital or institution, public or private, for mental illness.

47 (h) Each applicant shall be free from any disability or condition that
48 may affect the ability to safely possess or use a rifle, shotgun, firearm,
49 machine-gun, assault weapon, air pistol or air rifle.

50 [(g)] (i) No license shall be transferable to any other person or
51 premises. The license shall mention and describe the premises for which it is
52 issued and shall be valid only for such premises.

53 [(h)] (j) A license issued pursuant to this section shall be prominently
54 displayed on the licensed premises. Failure of any licensee to so exhibit or
55 display her/his license shall be presumptive evidence that s/he is not duly
56 licensed.

57 [(i)] (k) If applicant has any branch units in the [city] City of New
58 York where any firearms, rifles, shotguns, machine-guns, assault weapons, air
59 pistols, or air rifles are stored or any activities requiring a license are
60 conducted, a separate application [must] shall be filed with the precinct
61 where each branch is located and a separate license secured for each premises.

62 [(j)] (l) Each applicant [must] shall be fingerprinted[, but the Police
63 Commissioner may waive the fingerprinting of directors and stockholders]
64 pursuant to the provisions of New York State Penal Law § 400.00.

65 [(k)] (m) A corporation [must] shall file a certified copy of its
66 articles of incorporation with application.

67 [(l)] (n) If names of current officers do not appear in articles, a

1 certified copy of the minutes of the directors' meeting at which current
2 officers were elected [will] shall be submitted with application.

3 [(m)] (o) If there is a change of officers in a corporation, the
4 corporation [will] shall send to the License Division, One Police Plaza, Room
5 110A, New York, New York 10038, a certified copy of the minutes showing names
6 of new officers.

7 [(n)] (p) If applicant represents a partnership or uses a trade name, a
8 certificate from the county clerk of the county in which the certificate is
9 recorded [will] shall be filed with application.

10 [(o)] The conviction of a licensee anywhere of a felony or any other
11 "Serious Offense" as listed in Article 265.00, subdivision 17 of the Penal
12 Law shall operate as a revocation of the license. (p)] (q) Change of
13 residence address for any individual licensee, partner, officer, stockholder,
14 or director of a corporation, except those stockholders or directors whose
15 fingerprints are waived, shall be filed with the [commanding officer]
16 Commanding Officer of the precinct wherein the premises is located, within 48
17 hours after change becomes effective.

18 [(q)] (r) Applications shall be submitted together with the application
19 fee on forms supplied by the Commissioner and shall be subscribed and sworn to
20 by all individual applicants, partners, stockholders or officers of the
21 corporation as the case may be. The [application] annual fee, to be submitted
22 with the application, by certified check or money order payable to the N.Y.C.
23 Police Department, shall be twenty-five (\$25) dollars for a gunsmith
24 [application] or manufacturer, [and] fifty (\$50) dollars for a dealer in
25 firearms [application] and ten (\$10) dollars for a dealer in air pistols and
26 air rifles.

27 [(r)] (s) A [material] false statement on the application shall be
28 grounds for disapproval.

29 [(s)] (t) Plans and Permits. (1) Applicant shall submit [such]
30 architectural plans of the premises proposed to be licensed and such plans
31 shall be prepared by a registered architect.

32 (2) Applicant shall submit a current class (1) Federal Firearms
33 License.

34 (3) Applicant shall submit a Certificate of Occupancy (C of O)
35 zoned for gun dealers business. The C of O will state if [premise] premises is
36 approved for more or less than 200 rounds of ammunition. If approved for more
37 than 200 rounds a Fire [Department's] Department permit is required.

38 (4) Applicant shall submit a current lease or deed for license
39 location.

40 (5) Commanding [Office] Officer or designee (crime prevention
41 officer or community policing supervisor) of the local precinct [will] shall
42 inspect premises to ensure that security measures are adequate. A central
43 station alarm [must] shall be in place and operable.

44 (6) Applicant shall submit any and all licenses issued to her/him
45 by the License Division, including a [N.Y.C. Firearms Control Board Dealers]
46 New York City Rifle/Shotgun Dealer's License, [for longarms] handgun license,
47 or rifle/shotgun permit [if applicable].

48 (7) [Applicant shall submit a N.Y.C. Tax card.

49 (8) Applicant shall submit a Second-Hand [Dealers] Dealer's
50 License issued by the Department of Consumer Affairs, if applicable.

51 (u) During the pendency of the application, the applicant shall notify
52 the License Division of any necessary correction to or modification of the
53 information provided in the original application, or any change in her/his
54 status or circumstances, which may be relevant to the application.

55 (v) If her/his license application is disapproved the applicant shall
56 receive a written "Notice of Application Disapproval" from the License
57 Division indicating the reason(s) for the disapproval. If the applicant wishes
58 to appeal the decision s/he shall submit a sworn written statement, which
59 shall be known as an "Appeal of Application Disapproval," to the Division
60 Head, License Division, within thirty (30) calendar days of the date on the
61 "Notice of Application Disapproval" requesting an appeal of the denial, and
62 setting forth the reasons supporting the appeal. The Appeal of Application
63 Disapproval shall become part of the application. It shall state the grounds
64 for the appeal and shall contain the following statement to be signed by the
65 applicant and notarized: "Under penalty of perjury, deponent being duly sworn,
66 says that s/he is familiar with all of the statements contained herein and
67 that each of these statements is true, and no pertinent facts have been

1 omitted." Appeals that are unsworn by the applicant or submitted by
2 individuals or business entities other than the applicant or her/his New York
3 State licensed attorney shall not be accepted. All timely appeals shall
4 receive a complete review of the applicant's entire file by the Division Head,
5 License Division, who shall notify the applicant of her/his determination.
6 The Division Head, License Division shall not consider any documentation that
7 was not submitted during the initial background investigation. There shall be
8 no personal interviews to discuss appeals. If the appeal of her/his
9 disapproval is denied, the applicant shall receive a "Notice of Disapproval
10 After Appeal" letter from the Division Head, License Division. This notice
11 concludes the Police Department's administrative review procedure.

12
13 **§ 4-04 Licensee Requirements.** (a) [Prior to employment each prospective
14 employee shall be fingerprinted at the precinct wherein the business is
15 located; each prospective employee shall submit one photograph, not machine
16 type, of recent date, 2" X 2"; written verification of fingerprinting shall be
17 given to each prospective employee.] For purposes of this section, all
18 employees, as defined in § 4-02 of this chapter, of a licensed gunsmith or
19 dealer in firearms, shall personally be in possession of the required, valid
20 license(s) or permit(s) issued by the License Division to possess handguns,
21 rifles and/or shotguns. No person shall be employed who has been convicted
22 [in this state, or elsewhere,] anywhere of a felony [or a] misdemeanor [or],
23 serious offense as [listed in § 400.00 of the Penal Law] defined in §
24 265.00(17) of the New York State Penal Law, or a misdemeanor crime of domestic
25 violence, as defined in § 921(a) of title 18 of the United States Code. No
26 person shall be employed who is the subject of a suspension or ineligibility
27 order issued pursuant to § 530.14 of the New York State Criminal Procedure Law
28 or § 842-a of the New York State Family Court Act. The fitness of any employee
29 for continued employment is subject to review by the Commissioner. The
30 licensee may be directed to terminate such employment if such employment
31 involves access in any manner to firearms, rifles, shotguns, machine-guns, or
32 assault weapons, based upon [a conviction] an arrest for any offense, or upon
33 previous connection with a premises wherein the license was revoked or denied,
34 or on said employee's character or reputation, or upon the employee's being or
35 becoming the recipient or subject of an order of protection or a temporary
36 order of protection. Licensees shall submit a roster of employees in
37 triplicate on a form prescribed by the Commissioner, together with original
38 application and with each renewal application. A report of any change of
39 personnel, or change of residence address of an employee shall be filed in
40 writing with the [commanding officer] Commanding Officer of the precinct
41 wherein the [premise] premises is located, within 48 hours after such change
42 becomes effective.

43 (b) No firearms shall be sold, or given away, or otherwise disposed of,
44 except to a person expressly authorized under the [provision] provisions of
45 [§§ 265.00 and 400.00] Articles 265 and 400 of the New York State Penal Law
46 and [§§ 1.20] §§ 1.20 and 2.10 of the [C.P.L.] New York State Criminal
47 Procedure Law to possess and have such firearm. Any police officer or [a]
48 peace officer as defined in the Criminal Procedure Law[, must] shall produce
49 her/his shield and proper identification card before purchasing a pistol or
50 revolver. [In addition,] A peace officer whose status does not confer
51 authorization to possess firearms pursuant to § 2.10 of the New York State
52 Criminal Procedure Law shall possess a handgun license or rifle/shotgun permit
53 in order to be a lawful transferee. Therefore, before delivering a firearm,
54 rifle, shotgun, machine-gun or assault weapon to a peace officer, the licensee
55 shall verify that person's status as a peace officer with the [division of
56 State Police] License Division Incident Section at (212) 374-5538 or 5539.
57 [No sale of a pistol or revolver shall be made to a special patrolman except
58 upon presentation of form P.D. 643-053, Pistol Purchase Authorization.]

59 (c) Pursuant to New York City Administrative Code § 10-311(a), it shall
60 be unlawful for any person or business enterprise to dispose of any [pistol or
61 revolver] firearm which does not contain a safety locking device, defined as a
62 design adaptation or attachable accessory that will prevent the use of the
63 weapon by an unauthorized user. The following types of safety locking devices
64 will be deemed to comply with this provision:

- 65 (1) a trigger lock, which prevents the pulling of the trigger
- 66 without the use of a key; or
- 67 (2) a combination handle, which prevents the use of the weapon

1 without the alignment of the combination tumblers; or

2 (3) a detachable or non-detachable locking device, composed
3 primarily of steel or other metal of significant gauge to inhibit breaking,
4 utilizing a metallic key or combination lock, rendering the weapon inoperable
5 until the locking device is removed by an authorized person.

6 (d) Pursuant to New York City Administrative Code § 10-311(b), it shall
7 be unlawful for any licensed manufacturer, licensed importer, or licensed
8 dealer to [sell, deliver or transfer] dispose of any [pistol or revolver]
9 firearm in New York City unless it is accompanied by the following warning,
10 which shall appear in conspicuous and legible type in capital letters, and
11 which shall be printed on a label affixed to the [handgun] firearm and on a
12 separate sheet of paper included within the packaging enclosing the [handgun]
13 firearm: "THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF
14 RESPONSIBLE [FIREARM] WEAPON STORAGE. [FIREARMS] ALL WEAPONS SHOULD BE STORED
15 UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION
16 AND INACCESSIBLE TO CHILDREN AND ANY OTHER UNAUTHORIZED PERSONS."

17 (e) Pursuant to New York City Administrative Code § 10-311(c), any
18 person who applies for and obtains authorization to purchase, or otherwise
19 lawfully obtains, a firearm shall be required to purchase or obtain a safety
20 locking device at the time s/he purchases or obtains the firearm.

21 (f) Pursuant to New York City Administrative Code § 10-311(d), the City
22 of New York and its agencies, officers or employees shall not be liable to any
23 party by reason of any incident involving, or the use or misuse of a safety
24 locking device that may have been purchased in compliance with these rules.

25 (g) In the event that any individual lacking authority to possess [such
26 weapon leaves any] a firearm, rifle, [or] shotgun, machine-gun or assault
27 weapon attempts to leave such weapon with a licensee for cleaning, repairing
28 or other processing, [or in the event that such an individual offers to sell
29 or otherwise disposes of such weapon to a licensee, the licensee shall attempt
30 to detain such individual and immediately notify the precinct wherein the
31 premises is located. If the licensee believes that attempting to detain such
32 individual might endanger his life or that of his employees, he may refrain
33 from such action; however, he shall report the incident to the precinct
34 wherein the premises is located as soon as the threat of bodily harm has been
35 removed] the licensee may accept the firearm, rifle, shotgun, machine-gun or
36 assault weapon and obtain the name, address, telephone number, etc. of the
37 person leaving the weapon. The licensee shall immediately report the incident
38 to the precinct wherein the premises is located. If the licensee does not
39 accept the firearm, rifle, shotgun, machine-gun or assault weapon for
40 cleaning, repairing, or other processing, s/he shall report the incident to
41 the precinct wherein the premises is located as soon as the individual
42 possessing the weapon leaves the premises.

43 In the event that any individual lacking authority to possess a firearm,
44 rifle, shotgun, machine-gun or assault weapon offers to sell or otherwise
45 dispose of such weapon to a licensee, the licensee shall attempt to obtain the
46 name, address, and telephone number of said individual and shall notify the
47 precinct wherein the premises is located as soon as said individual leaves the
48 premises. [(f)] (h) The licensee and all stockholders, officers, directors,

49 applicants, agents and employees shall at all times comply with all laws,
50 rules, regulations and requirements of all federal, state and [city] local
51 jurisdictions and agencies having authority with respect to the premises and
52 conduct and operation of the licensed business, now in effect or hereafter
53 adopted.

54 [(g)] (i) The licensee shall [promptly report in writing to the
55 commanding officer] immediately make a telephone notification to the Division
56 Head, License Division and the Commanding Officer of the precinct wherein the
57 premises is located, followed by written notice to both within ten (10)
58 calendar days [with a copy to the commanding officer, License Division], of
59 any incident or violations of law [as regards] or rules of federal, state or
60 local jurisdictions regarding her/himself, partners, officers, directors, [or]
61 stockholders, agents or employees of the licensed corporation[, or any
62 violation of law, rules or regulations of federal, state or city
63 jurisdictions] affecting the premises or business operations. For purposes of
64 this subdivision, an incident includes:

65 (1) arrest, indictment or conviction in any jurisdiction;

66 (2) summons (except traffic infraction);

67 (3) suspension or ineligibility order issued pursuant to § 530.14

1 of the New York State Criminal Procedure Law or § 842-a of the New York State
2 Family Court Act;

3 (4) the fact that the individual is or becomes the subject or
4 recipient of an order of protection or a temporary order of protection;

5 (5) admission to any psychiatric institution, sanitarium and/or
6 the receipt of psychiatric treatment;

7 (6) receipt of treatment for alcoholism or drug abuse;

8 (7) the presence or occurrence of a disability or condition that
9 may affect the handling of a firearm, rifle, shotgun, machine-gun or assault
10 weapon including but not limited to epilepsy, diabetes, fainting spells,
11 blackouts, temporary loss of memory, or nervous disorder;

12 (8) lost, stolen, altered or mutilated license; or

13 (9) unauthorized discharge of a firearm, rifle, shotgun, machine-
14 gun or assault weapon on the licensee's premises.

15 (j) The conviction of a licensee anywhere of a felony or any other
16 "Serious Offense" as defined in § 265.00(17) of the New York State Penal Law,
17 or of a misdemeanor crime of domestic violence, as defined in § 921(a) of
18 title 18 of the United States Code, shall operate as a revocation of the
19 license. A license may also be revoked or suspended by a court pursuant to §
20 530.14 of the New York State Criminal Procedure Law or § 842-a of the New York
21 State Family Court Act.

22 (k) If her/his license is suspended or revoked, the licensee shall be
23 required to deposit any firearms, rifles, shotguns, machine-guns and assault
24 weapons as well as any handgun license or rifle/shotgun permit in her/his
25 possession with her/his local police precinct and forward a copy of the
26 voucher together with her/his license to the License Division. Her/his
27 failure to comply within ten (10) calendar days from the date of suspension or
28 revocation may result in the arrest of the licensee.

29 (l) A license may be suspended and/or revoked by the License Division
30 for good cause by the issuance of a Notice of Determination Letter to the
31 licensee, which shall state in brief the grounds for the suspension or
32 revocation and notify the licensee of the opportunity for a hearing. Upon
33 issuance of a written Notice of Determination Letter notifying the licensee of
34 suspension or revocation of the license, a suspended/former licensee shall
35 have thirty (30) calendar days from the date of the notice of determination to
36 submit a written request for a hearing to the Commanding Officer, License
37 Division, One Police Plaza, Room 110A, New York, New York, 10038. A licensee
38 whose arrest or summons resulted in suspension or revocation of her/his
39 license may only submit a written request for a hearing within thirty (30)
40 calendar days after the termination of the criminal action, as defined in New
41 York State Criminal Procedure Law § 1.20(16)(c). If the suspension or
42 revocation resulted from the licensee becoming the subject of an order of
43 protection or a temporary order of protection, the licensee may only submit a
44 written request for a hearing within thirty (30) calendar days after the
45 expiration or voiding of the order of protection or temporary order of
46 protection. If the suspension or revocation was related to both a criminal
47 action and an order of protection or temporary order of protection, then the
48 later of the two waiting periods shall apply.

49 [(h)] (m) A license issued shall be valid only for the premises
50 mentioned and described in the license and shall be prominently displayed on
51 such premises.

52 [(i) Serviceable small arms] (n) Pursuant to New York City
53 Administrative Code § 10-312, it shall be a criminal violation for any person
54 who is the lawful owner or lawful custodian of a firearm to store or otherwise
55 place or leave such weapon in such a manner or under circumstances that it is
56 out of her/his immediate possession or control, without having rendered such
57 weapon inoperable by employing a safety locking device as defined in
58 subdivision (c) of this section. Such offense shall constitute a misdemeanor
59 if the offender has previously been found guilty of such violation or if the
60 violation is committed under circumstances which create a substantial risk of
61 physical injury to another person. Firearms may be displayed so long as the
62 firearms are enclosed in a glass case within the premises and are removed and
63 adequately safeguarded during the hours the business is closed. [Firearm]
64 Firearms dealers may not display firearms or ammunition in the store windows
65 or doors. Licensees are responsible for the safeguarding of their firearm
66 inventory and the loss of firearm(s) may result in the revocation of the
67 [firearm] firearms dealer's license. All [serviceable small arms] firearms

1 shall be locked in an enclosed security room or safe, when not properly
2 displayed.

3 [(j)] (o) Each licensee shall cause a physical inventory to be taken
4 prior to making application for renewal of her/his license, which shall
5 include a listing of each firearm by make, calibre and serial number and shall
6 be prepared in triplicate. The original copy of the inventory shall be
7 maintained on the premises, the duplicate forwarded to the License Division
8 and the triplicate filed in the precinct. In addition to the annual inventory,
9 the licensee shall maintain a perpetual inventory and establish an internal
10 security system acceptable to the Commissioner.

11 [(k)] (p) Ammunition shall not be displayed in any area. Any ammunition
12 required in the selling area shall be kept in a locked container not visible
13 to the public. All other ammunition shall be stored in an area of the premises
14 that can be secured and is not in view of the public. Only the licensee and
15 authorized employees shall have access to this area.

16 [(l)] (q) A record of all ammunition received and dispensed shall be
17 maintained in a bound book with pages consecutively numbered. It shall be the
18 responsibility of the licensee or a designated employee to make entries in
19 this record. This book together with all invoices received shall be kept in
20 the ammunition storage area.

21 [(m)] (r) This record shall be arranged in columnar form as outlined
22 below. The first page of this book shall have an inscription bearing the name
23 and address of the premises, license number, name of the owner of the
24 premises, name of employee designated to make entries, and the date of the
25 book being opened. Beginning on page 2, each even numbered page shall contain
26 a record of ammunition received and starting with page 3, each odd numbered
27 page shall contain a record of ammunition dispersed.

28 -----
29 -----
30 -----
31 AMMUNITION RECEIVED
32 -----
33

Date	Time	Trans- porter/ Manufac- turer	Invoice	Gauge/ Calibre	Type	Quan- tity	Signa- ture	Com- ments
--	--	--	--	--	--	--	--	--
--	--	--	--	--	--	--	--	--

34
35
36
37
38
39
40
41
42
43
44 -----
45

46 AMMUNITION SOLD
47 -----
48

Date	Time	Manu- facturer	Gauge/ Calibre	Quan- tity	Name	Add- ress	Date of Birth	Identifi- cation
--	--	--	--	--	--	--	--	--
--	--	--	--	--	--	--	--	--

49
50 (how determined)
51 -----
52
53
54
55
56
57

58 [(n)] (s) Permission to deviate from the above indicated procedure shall
59 be requested from the [Commanding Officer] Division Head, License Division,
60 through the Commanding Officer of the precinct in which the licensed premises
61 is located.

62 (t) Licensees shall cooperate with all reasonable requests by the Police
63 Department for information and assistance in matters relating to the license.
64

65 **§ 4-05 Rules Affecting Gunsmiths Only.** (a) Every gunsmith shall keep a bound
66 record book with pages numbered consecutively, in which the following
67 information shall be entered:

1 (1) The name, address, age and occupation of every person for whom
2 any work is performed on a rifle, shotgun, firearm, [or] machine-gun, or
3 assault weapon.

4 (2) Make, model, calibre, serial number of the rifle, shotgun,
5 firearm, [or] machine-gun, or assault weapon, and time, date and nature of the
6 work performed.

7 (3) The authority to carry or possess such rifle, shotgun,
8 firearm, [or] machine-gun, or assault weapon; enter date and number of license
9 or permit, if any. If the owner is a police officer or a peace officer as
10 defined in the New York State Criminal Procedure Law, enter rank, shield
11 number, agency, unit assigned, identification number, and license/permit
12 number or License Division notification reference in addition to other
13 captioned information as required.

14 (b) Such records shall be maintained at the premises stated in the
15 license and permanently preserved thereat. Such records, as well as the
16 premises and all rifles, shotguns, firearms, [and] machine-guns, and assault
17 weapons thereat, shall be subject to inspection at all times by members of the
18 [N.Y.C.] New York City Police Department.

19 (c) In the event of cancellation, suspension or revocation of the
20 license or discontinuance of the business by a licensee, such records shall be
21 delivered to the precinct through which the license was issued and the license
22 forwarded to the License Division.

23 (d) A gunsmith shall not engage in the licensed activities of a dealer
24 in firearms, unless s/he has first obtained a license as a dealer in firearms.
25

26 **§ 4-06 Rules Affecting Dealers in Firearms Only.** (a) Every dealer in firearms
27 shall keep a bound record book with pages numbered consecutively, in which the
28 following information shall be entered:

29 (1) The date, time, name, address, age, occupation, and authority
30 to possess, of every person or firm from whom a [pistol, revolver or] firearm
31 is received, together with the make, calibre and serial number of each such
32 [pistol, revolver or] firearm and the name of the employee of the dealer
33 making the purchase. If the owner is a police officer or a peace officer as
34 defined in the New York State Criminal Procedure Law, enter rank, shield
35 number, agency, unit assigned, [and] identification number, and license/permit
36 number or License Division notification reference, in addition to other
37 captioned information as required.

38 (2) When a [pistol, revolver or] firearm[,] is sold, exchanged, or
39 in any manner disposed of by the dealer, the name, age, occupation and address
40 of the person accepting same, her/his authority to purchase, carry or possess,
41 enter date, name of issuing officer and number of license, if any, the make,
42 model, calibre and serial number, time and name of the dealer or person in
43 her/his employ effecting the transaction. If the purchaser is a police officer
44 or a peace officer, as defined in the New York State Criminal Procedure Law,
45 rank, shield number, agency, unit assigned, [and] identification number and
46 license/permit number or License Division notification reference, shall be
47 entered in addition to other required information.

48 (3) Such records shall be maintained on the premises stated in the
49 license and permanently preserved thereat. Such records, as well as the
50 premises and firearms, shall be subject to inspection at all times by members
51 of the Police Department.

52 (4) In the event of cancellation, suspension or revocation of the
53 license, or discontinuance of business by a licensee, such records as well as
54 the permanent inventory records, shall be delivered to the precinct through
55 which license was issued and the license shall be forwarded to the [Commanding
56 Officer] Division Head, License Division.

57 (b) Every licensed dealer who sells, gives or otherwise provides any
58 authorized person with a [pistol, revolver or] firearm[,] shall prepare and
59 forward to Stolen Property Inquiry Section, Pistol Index, [1] One Police
60 Plaza, New York [City], [N.Y.] New York 10038 within 72 hours, Form P.D.
61 524-101 (Pistol Index Card).

62 (c) Every acquisition of a second-hand [pistol, revolver or] firearm by
63 a licensed dealer, by trade-in or otherwise, shall be reported and forwarded
64 to Stolen Property Inquiry Section, Pistol Index, [1] One Police Plaza, New
65 York [City], [N.Y.] New York 10038, within 72 hours on Form P.D. 524-151,
66 Dealer's Report on Second-Hand Guns. Each report shall give the date, hour,
67 name and address of each person from whom a [pistol, revolver or] firearm is

1 received, the authority to possess and dispose of same, and the make, model,
2 calibre and serial number of each such [pistol, revolver or] firearm. No
3 second-hand [pistol, revolver or] firearm shall be sold or disposed of until
4 the expiration of fifteen (15) days after its acquisition. The date and hour
5 of transmission of each report required hereunder shall be entered in the
6 permanent record book which each licensed dealer is required to maintain under
7 these rules.

8 [(d) Subject to the discretion of the Commissioner, dealers who engage
9 in both wholesale and retail fields of operation may be permitted a variance
10 to the listed requirements based upon their degree of operation in the retail
11 field. Any request for a variance shall be submitted in writing to the
12 commanding officer of the precinct through which the license was issued.]
13

14 **§ 4-07 Rules Affecting Air Pistol and Air Rifle Dealers Only.**

15 [(a)] Every dealer shall keep a record of the name and address of each
16 person purchasing [such instrument or] air pistols, air rifles, or similar
17 instruments, together with place of delivery and said record shall be open to
18 inspection during regular business hours by a member of the [N.Y.C.] New York
19 City Police Department.

20 [(b) Every person to whom a license shall be granted to sell, possess
21 and deliver air pistols/air rifles shall pay therefor the appropriate annual
22 fee.]
23

24 **§ 4-08 Validity of Licenses.** (a) A license issued to a dealer in firearms,
25 [or] gunsmith or manufacturer shall be valid until the 1st day of the second
26 January after date of issuance, and may be renewed annually thereafter.

27 (b) A license for dealers in air pistols/air rifles is an annual license
28 which may [shall] be renewed [annually] thereafter.
29

30 **§ 4-09 Familiarity with Rules and Law.** All licensees shall be required to sign
31 an acknowledgment that they shall be responsible for compliance with all laws,
32 rules, regulations, standards, and procedures promulgated by federal, state,
33 or local jurisdictions, and by federal, state, or local law enforcement
34 agencies, that are applicable to each type of license or permit issued to
35 them. Licensees are specifically reminded of the prohibitions against
36 possession of assault weapons in New York City pursuant to New York City
37 Administrative Code, Title 10, Chapter 3. The License Division shall provide
38 the licensee with the acknowledgment statement to be executed. This
39 acknowledgment statement shall be notarized. Failure to execute the
40 acknowledgment statement and to have it notarized shall result in the license
41 application being denied.
42

43 Note: Reference within this chapter to the masculine shall be presumed to
44 include the feminine and neuter. Reference to singular shall be
45 presumed to include the plural.
46

47 * * *

48
49 Chapter 5 of Title 38 of the Rules of the City of New York is amended to
50 read as follows:
51

52 **Chapter 5 Handgun Licenses**

53 **Subchapter A Issuance Of Handgun Licenses**
54

55 **§ 5-01 Types of Handgun Licenses.** As used in this chapter, the term "handgun"
56 shall mean a pistol or revolver. This section contains a description of the
57 various types of handgun licenses issued by the Police Department. Section 5-
58 09 of this subchapter contains a description of the procedure for obtaining an
59 exemption from New York State Penal Law Article 265, allowing pre-license
60 possession of a handgun for the purpose of possessing and using a handgun for
61 instructional purposes with a certified instructor in small arms at an
62 authorized small arms range/shooting club.

63 (a) Premises License -- Residence or Business. This is a restricted
64 handgun license, issued for a specific business or residence location. The
65 handgun shall be safeguarded at the specific address indicated on the license.
66 This license permits the transporting of an unloaded handgun directly to and
67 from an authorized small arms range/shooting club, secured unloaded in a

1 locked container. Ammunition shall be carried separately.

2 (b) [Target License. This is a handgun license which permits the
3 transporting of an unloaded handgun in a locked container to and from an
4 authorized range.

5 (c) Carry Business License. This is an unrestricted class of license
6 which permits the carrying of a handgun concealed on the person. In the event
7 that an applicant is not found by the License Division to be qualified for a
8 Carry Business License, the License Division, based on its investigation of
9 the applicant, may offer a Limited Carry Business License or a Business
10 Premises License to an applicant.

11 [(d)] (c) Limited Carry Business License. This is a restricted handgun
12 license which permits the licensee to carry the handgun listed on the license
13 concealed on the person to and from specific locations during the specific
14 days and times set forth on the license. Proper cause, as defined in § 5-03,
15 shall need to be shown only for that specific time frame that the applicant
16 needs to carry a handgun concealed on her/his person. At all other times the
17 handgun shall be safeguarded at the specific address indicated on the license,
18 and secured unloaded in a locked container.

19 [(e)] (d) [Security] Carry Guard License [Courier/Private
20 Investigator]/Gun Custodian License. These are restricted types of carry
21 licenses, valid when the holder is actually engaged in a work assignment as a
22 security guard[, courier, private investigator] or gun custodian.

23 [(f)] (e) Special Licenses. Special licenses are issued according to
24 the provisions of § 400.00 of the New York State Penal Law, to persons in
25 possession of a valid New York State County License. The revocation,
26 cancellation, suspension or surrender of [his] such person's County License
27 automatically renders her/his [N.Y.C.] New York City license void. The holder
28 of a Special License [must] shall carry her/his County License at all times
29 when possessing a handgun pursuant to such Special License.

30 (1) [Special Target License. This is a restricted type of special
31 license, permitting the transportation of an unloaded handgun in a locked
32 container to and from an authorized range.

33 (2) Special [Limited] Carry Business License. This is a special
34 license, [limited to] permitting the carrying of a concealed handgun on the
35 person [only] while the licensee is [actually engaged in the performance of
36 his duties] in New York City.

37 [(3)] (2) Special Carry Guard License [-- Security
38 Guard/Courier/Private Investigator]/Gun Custodian License. [This is a type]
39 These are restricted types of special [license] licenses that [permits] permit
40 the carrying of a concealed handgun on the person only when the licensee is
41 actually engaged in the performance of her/his duties as a security guard[,
42 courier, private investigator] or gun custodian.

43
44 **§ 5-02 Premises [and Target] Licenses.** The requirements for the issuance of a
45 [premises and/or target license] Premises License are [as follows:] listed
46 below. The license application shall be investigated, including a review of
47 the circumstances relevant to the information provided in the application.
48 During the pendency of the application, the applicant shall notify the License
49 Division of any necessary correction to or modification of the information
50 provided in the original application, or any change in her/his status or
51 circumstances, which may be relevant to the application.

52 The applicant [must] shall:

53 (a) Be of good moral character;

54 (b) Have no prior conviction for a felony or other serious offense, as
55 defined in § 265.00(17) of the New York State Penal Law, or of a misdemeanor
56 crime of domestic violence, as defined in § 921(a) of title 18 of the United
57 States Code;

58 (c) Disclose whether s/he is or has been the subject or recipient of an
59 order of protection or a temporary order of protection;

60 (d) Have no prior revocation of a license nor be the subject of a
61 suspension or ineligibility order issued pursuant to § 530.14 of the New York
62 State Criminal Procedure Law or § 842-a of the New York State Family Court
63 Act;

64 (e) Disclose any history of mental illness;

65 [(d)] (f) Be free from any [mental disorders, defects, or disease]
66 disability or condition that [would impair] may affect the ability to safely
67 possess or use [firearm] a handgun;

- 1 [(e)] (g) Reside or maintain a principal place of business within the
2 confines of New York City;
3 [(f)] (h) Be an applicant concerning whom no good cause exists for the
4 denial of such license;
5 [(g)] (i) Be at least 21 years of age.
6

7 **§ 5-03 Carry [Business] and Special [Validation Carry Business] Handgun**

8 **Licenses.** In addition to the requirements in § 5-02, an applicant seeking a
9 carry or special [business] handgun license [will] shall be required to show
10 "proper cause" pursuant to § 400.00(2)(f) of the New York State Penal Law.
11 "Proper cause" is determined by a review of all relevant information bearing
12 on the claimed need of the applicant for the license. The following are
13 examples of factors which [will] shall be considered in such a review.

14 (a) Exposure of the applicant by reason of employment or business
15 necessity to extraordinary personal danger requiring authorization to carry a
16 [firearm] handgun.

17 *Example:* Employment in a position in which the applicant routinely
18 engages in transactions involving substantial amounts of
19 cash, jewelry or other valuables or negotiable items. In
20 these instances, the applicant [must] shall furnish
21 documentary proof that her/his employment actually requires
22 that s/he be authorized to carry a [firearm] handgun, [or]
23 and that s/he routinely engages in such transactions.

24 (b) Exposure of the applicant to extraordinary personal danger,
25 documented by proof of recurrent threats to life or safety requiring
26 authorization to carry a [firearm] handgun.

27 *Example:* Instances in which Police Department records demonstrate
28 that the life and well-being of an individual is endangered,
29 and that s/he should, therefore, be authorized to carry a
30 [firearm] handgun. The factors listed above are not all
31 inclusive, and the [Police Commissioner] License Division
32 will consider any proof, including New York City Police
33 Department records, which document the need for a [firearm]
34 handgun license. It should be noted, however, that the mere
35 fact that an applicant has been the victim of a crime or
36 resides in or is employed in a "high crime area," does not
37 establish "proper cause" for the issuance of a carry
38 [business license] or special [validation carry business]
39 handgun license.
40

41 **§ 5-04 [Limited Carry Business, Special Limited Carry Business Licenses.** Since
42 this is a restricted class of carry license proper cause will need to be shown
43 only for that specific time frame that the applicant needs to carry a firearm
44 concealed on his/her person. Proper cause is described in § 5-03.
45

46 **§ 5-05 Special Target Licenses.** In addition to the requirements in § 5-02, an
47 applicant must present satisfactory evidence that he/she will utilize the
48 facilities of an authorized New York City range.
49

50 **§ 5-06] Carry Guard License/Gun Custodian [Handgun Licenses] License and**
51 **Special Carry Guard License/Gun Custodian License.** (a) In addition to the
52 requirements in § 5-02 [a corporation/] an applicant [must show a] shall
53 demonstrate the employer's need to employ armed security
54 guards/[couriers/private investigators]gun custodians.

55 (b) Such need may be shown and documented by memorandum, letters or
56 contract(s) for the hiring of said [corporation/applicant] employer to provide
57 armed security personnel[, couriers or private investigators] or otherwise
58 require the services of gun custodians.

59 (c) Additionally, such need may be shown by other documentation or
60 acceptable form as required by the License Division.

61 (d) If applicable, [a corporation/] an applicant [must] shall show
62 satisfactory evidence that such business possesses a professional license,
63 relevant to the need for a handgun, issued by the State of New York.

64 (e) In addition to the requirements in § 5-06 an applicant shall show
65 proof of current employment which requires the need for a handgun license.

66 (f) If applicable, an applicant shall show satisfactory evidence of
67 having a professional license, relevant to the need for a handgun issued by

1 the State of New York.

2
3 **[§ 5-07 Security Guard, Couriers, Private Investigator, Handgun License.**

4 (a) In addition to the requirements in § 5-02 an applicant must show
5 proof of current employment which requires the need for a handgun license.

6 (b) If applicable, an applicant must show satisfactory evidence of
7 having a professional license, relevant to the need for a handgun issued by
8 the State of New York.]

9
10 **§ [5-08] 5-05 Application Form.** (a) [Application forms will] An application
11 form shall be distributed, one per person, at the License Division during
12 normal business hours. Assistance in completing the form [will] shall be made
13 available at the License Division. The application form [must] shall be
14 completely filled out and submitted in person at the License Division, and
15 only an original application form [will] shall be accepted. Special license
16 applicants should also specifically refer to paragraph (9) of subdivision (b)
17 of this section for application requirements.

18 (b) The applicant [must] shall furnish the items listed below which are
19 applicable, either at the time s/he completes and submits her/his application
20 in person, or [subsequent to such time] no later than fourteen (14) calendar
21 days after the date of submission of the application, either in person or by
22 mail. All documents, certificates, licenses, etc., [must] shall be submitted
23 in the original. A copy certified by the issuing agency as true and complete
24 is also acceptable. In addition, a legible photocopy of each item submitted
25 [must] shall accompany the original or certified copy. Originals and certified
26 copies [will] shall be returned. The application [will] shall not be accepted
27 or processed without the required fee payments described in paragraph (10) of
28 this subdivision.

29 (1) *Photographs.* Two (2) [recent black and white or] color
30 photographs of the applicant taken within the past thirty (30) days. They
31 should measure 1-1/2 X 1-1/2 inches and show applicant from the chest up. The
32 wearing of any article of clothing or adornment that obscures identification
33 is not acceptable. Special license applicants should refer to paragraph (9) of
34 this subdivision[(b)].

35 (2) *Birth certificate.* If there is no record of the applicant's
36 birth on file with the New York City Department of Health [or Bureau] Office
37 of Vital Statistics, some other proof of applicant's birth date, [e.g.] e.g.,
38 a military record, U.S. passport or baptismal certificate, [must] shall be
39 submitted.

40 (3) *Proof of citizenship/alien registration.* If the applicant was
41 born outside the United States, s/he [must] shall submit her/his
42 naturalization papers or evidence of citizenship if derived from her/his
43 parents. All other applicants born outside the United States [must] shall
44 submit their Alien Registration Card. Additionally, applicants who are aliens
45 and have resided in the United States for less than seven (7) years shall
46 submit a good conduct certificate, or the equivalent thereof, from their
47 country of origin and two (2) letters of reference which identify the writer's
48 relationship to the applicant and which certify to the good character of the
49 applicant. Inability to provide [these] the documents mentioned in this
50 paragraph shall not operate as an absolute bar to issuance of a [pistol]
51 handgun license.

52 (4) *Military discharge.* If the applicant served in the armed
53 forces of the United States, s/he [must] shall submit her/his separation
54 papers (DD 214) and her/his discharge papers.

55 (5) *Proof of residence.* The applicant [must] shall submit proof of
56 [his or] her/his present address. Proof may consist of one of the following,
57 but is not limited to[,]; a real estate tax bill, a copy of a lease indicating
58 ownership shares in a cooperative or condominium or a current residential
59 lease. [If the applicant cannot supply the aforementioned proof, he/she must
60 submit a signed and notarized statement from the person with whom the
61 applicant resides attesting to the fact that the applicant resides with
62 him/her.] The [applicant's investigator] License Division may request further
63 documentation, [e.g.] e.g., a New York State Driver's License, a New York
64 State Income Tax Return, a current utility bill, etc.

65 (6) *Arrest information.* If the applicant was ever arrested for any
66 reason s/he [must] shall submit a Certificate of Disposition showing the
67 offense and disposition of the charges. Also, the applicant [must] shall

1 submit a detailed, notarized statement describing the circumstances
2 surrounding each arrest. The applicant [must] shall do this even if the case
3 was dismissed, the record sealed or the case nullified by operation of law.
4 The New York State Division of Criminal Justice Services [will] shall report
5 to the Police Department every instance involving the arrest of an applicant.
6 The applicant [must] shall not rely on anyone's representation that s/he need
7 not list a previous arrest. If the applicant was ever convicted or pleaded
8 guilty to a felony [offense] or a serious offense, as defined in New York
9 State Penal Law § 265.00(17), an original Certificate of Relief [of] from
10 Disabilities, signed by a judge, [must] shall be submitted. [Box "C" of the
11 certificate must be checked and the] The certificate [must] shall contain a
12 statement granting the applicant firearm privileges under Penal Law Articles
13 265 and 400.

14 (7) *Proof of business ownership.* If the applicant is making
15 application for a license in connection with a business, s/he [must] shall
16 submit proof of ownership for that business. Such proof [must] shall clearly
17 state the [names] name(s) of the owner(s), or, if a corporation, the [names]
18 name(s) of the corporate officer(s). A corporation [must] shall submit its
19 corporate book to include Filing Receipt, Certificate of Incorporation and
20 minutes of the corporate meeting reflecting current corporate officers; others
21 [must] shall provide their business certificate or partnership agreement,
22 whichever is applicable. If the business requires a license or permit from any
23 government agency, [e.g.] e.g., alcohol or firearms sales, gunsmith, private
24 investigation and guard agencies, the applicant [must] shall submit the
25 license or permit or a certified copy thereof.

26 (8) *Letter of necessity.* (i) A letter of necessity explains the
27 need for the license. It shall be typewritten on current letterhead
28 stationery; signed by a corporate officer, partner, or in the case of a sole
29 proprietorship, the owner of the business. Self-employed applicants may submit
30 such letter under their own signature. The letter of necessity shall be
31 notarized. A [notarized] letter of necessity [must] shall be submitted by the
32 following applicants:

33 [(i)] (A) All applicants [for a Carry Business or
34 Limited Carry/Business license] except applicants for a Premises Residence
35 License.

36 [(ii)] (B) All employees seeking a [premises license]
37 Premises Business License for use in connection with their employment [must]
38 shall submit a letter of authorization signed by the owner of the business.

39 (ii) Regardless of whether a handgun license was previously
40 issued by the New York City Police Department or any other issuing authority,
41 the letter of necessity shall contain the following information:

42 (A) A detailed description of the applicant's
43 employment and an explanation of why the employment requires the carrying of a
44 concealed handgun.

45 (B) A statement acknowledging that the handgun shall
46 only be carried during the course of and strictly in connection with the
47 applicant's job, business or occupational requirements, as described herein.

48 (C) A statement explaining the manner in which the
49 handgun shall be safeguarded by the employer and/or applicant when not being
50 carried.

51 (D) A statement indicating that the applicant has been
52 trained or shall receive training in the use and safety of a handgun.

53 (E) A statement acknowledging that the applicant's
54 employer or, if self-employed, the applicant, is aware of its or her/his
55 responsibility to properly dispose of the handgun and return the license to
56 the License Division upon the termination of the applicant's employment or the
57 cessation of business.

58 (F) A statement indicating that the applicant, and if
59 other than self-employed, a corporate officer, general partner or proprietor,
60 has read and is familiar with the provisions of New York State Penal Law
61 Articles 35 (use of deadly force), 265 (criminal possession and use of a
62 firearm), and 400 (responsibilities of a handgun licensee).

63 (G) At the time of the applicant's interview, the
64 applicant shall be advised whether any additional forms or documents are
65 required. Failure to provide the information requested may result in the
66 disapproval of the applicant's application.

67 (9) *Special license applicants [must] shall submit the items*

1 listed below:

2 (i) All applicants [must] shall submit two (2) application
3 forms, to be filled out completely and presented by the applicant in person.
4 The applicant [must] shall not mail the application forms.

5 (ii) All applicants [must] shall submit three (3) 1-1/2[" X
6 1-1/2[" front view] inch color photographs showing the applicant from the
7 chest up, taken within the past 30 days. The wearing of any article of
8 clothing or adornment that obscures identification is not permitted.

9 (iii) The applicant [must] shall bring her/his current
10 [county pistol license] County Handgun License with her/him to have her/his
11 application processed.

12 (10) Upon application, required fees are payable to the New York
13 City Police Department and the New York State Division of Criminal Justice
14 [Service] Services. Fees to the New York City Police Department shall be paid
15 by certified check or money order made payable to the N.Y.C. Police
16 Department.

17 Note: The fee payable to N.Y.S. Division of Criminal Justice
18 Services applies to all applicants. These fees [must]
19 shall be paid separately. Only U.S. Postal or bank
20 drawn money orders [will] shall be accepted. If the
21 applicant has any questions concerning her/his
22 application, s/he may call (212) 374-5553.
23 Applications [must] shall be submitted in person at
24 the License Division, Room 110A, Monday through
25 Friday, 8:30 A.M. to 4:00 P.M. The License Division is
26 closed on all legal holidays. [If the applicant has a
27 question regarding the License Division's hours, he
28 may call (212) 374-7619.] All fees are non-refundable.

29 [(c) *Additional instructions for carry license applicants.* Letter of
30 Necessity:

31 (1) All applications for a Carry Business license, Limited Carry
32 Business license, and Special license except Target license must submit a
33 notarized letter of necessity explaining their need for the license. This
34 letter must be typewritten on current letterhead stationery and must be signed
35 by a corporate officer, partner, or, in the case of a sole proprietorship, the
36 owner of the business. Self-employed applicants may submit a letter under
37 their own signature.

38 (2) Regardless of whether a handgun license was previously issued,
39 the letter of necessity must contain the following information:

40 (i) A detailed description of the applicant's employment and
41 an explanation of why the employment requires the carrying of a concealed
42 handgun.

43 (ii) A statement acknowledging that the handgun may only be
44 carried during the course of and strictly in connection with the applicant's
45 job, business or occupational requirements, as described herein.

46 (iii) A statement explaining the manner in which the handgun
47 will be safeguarded by the employer and/or applicant when not being carried.

48 (iv) A statement indicating that the applicant has been
49 trained or will receive training in the use and safety of a firearm.

50 (v) A statement acknowledging that the applicant's employer
51 or, if self-employed, the applicant, is aware of its or his responsibility to
52 properly dispose of the handgun and return the license to the License Division
53 upon the termination of the applicant's employment or the cessation of
54 business.

55 (vi) A statement indicating that the applicant, and if other
56 than self-employed, a corporate officer, general partner or proprietor, has
57 read and is familiar with the provisions of Penal Law Articles 35 (use of
58 deadly force), 265 (criminal possession and use of a firearm), and 400
59 (responsibilities of a handgun licensee).

60 (vii) At the time of the applicant's interview, his
61 investigating officer will advise the applicant if any additional forms or
62 documents are required. Failure to provide the information requested may
63 result in the disapproval of the applicant's application.]
64

65 **§ [5-09] 5-06 Gun Custodian, [Security] Carry Guard[, Courier, Private**
66 **Investigator] and Special Licenses. Establishing company need for handgun**
67 **licensing.** (a) [A principal of the company must] An applicant shall initially

1 submit a typed and notarized license application [as per] in accordance with
2 general handgun license rules, including all personal and business
3 documentation requested. Examples of business documentation would be a
4 company's corporate book, including filing receipt; certificate of
5 incorporation; minutes of the corporate meeting reflecting current corporate
6 officers; business certificate or partnership agreement, whichever is
7 applicable.

8 (b) [Two photos, 1 1/2 X 1 1/2 inch, bust type, and the necessary fees
9 must accompany the application, along with a notarized letter of necessity
10 containing the following information:

11 (1) a detailed description of the applicant's employment and an
12 explanation of why such employment requires the carrying of a concealed
13 handgun.

14 (2) a statement acknowledging that the handgun may only be carried
15 during the course of and strictly in connection with the applicant's job,
16 business or occupational requirements.

17 (3) a statement explaining the manner in which the handgun will be
18 safeguarded by the employer and/or applicant when not being used.

19 (4) a statement indicating that the applicant has been trained or
20 will receive training in the use and safety of a firearm.

21 (5) a statement acknowledging responsibility to properly dispose
22 of the handgun and return the license to the License Division upon the
23 termination of the applicant's employment.

24 (6) a statement indicating that the applicant has read and is
25 familiar with the provisions of Penal Law articles 35, 265, and 400.

26 (c) Where the applicant for a handgun license is an owner of a security
27 guard, courier or private investigation company, or a company providing
28 similar services, and desires the license in connection with such business,
29 the applicant [must] shall:

30 (1) present satisfactory evidence that such business is licensed
31 by the State of New York, and;

32 (2) present satisfactory evidence of contracts [or letters of
33 intent] for armed services to be performed within the City of New York.

34 [(d)] (c) Where an applicant for a handgun license is an owner of a
35 check cashing business and desires the license for use in connection with such
36 business, the applicant [must] shall: present satisfactory evidence that such
37 business is licensed by the State of New York Banking Department.

38 [(e)] Upon approval of the principal of the company, he/she must appear
39 at the License Division within thirty (30) days to obtain his license.

40 (f) Security guard (d) Carry Guards [couriers/private investigators].

41 (1) Once [a company has been approved and] a gun [custodians] custodian's
42 license has been issued in connection with a particular employer, applications
43 for individual security guards/personnel for the same employer may be
44 submitted.

45 (2) In addition to the handgun license application required of all
46 license applicants, carry [security] guard/personnel applicants [must] shall
47 submit the form Handgun License Application Company and a specific letter of
48 necessity following the format supplied by the License Division.

49
50 **§ [5-10] 5-07 License Approval/Disapproval Procedures.** (a) It takes
51 approximately [four to] six months to process an application. If her/his
52 application is approved the applicant [will] shall receive a "Notice of
53 Application Approval" in the mail. If the applicant moves during the time
54 her/his application is being processed, the applicant [must] shall immediately
55 notify the License Division's Handgun License Application Section, Room 110A,
56 [1] One Police Plaza, New York [City], New York 10038, 212-374-5553, and be
57 guided by their instructions. Failure to make timely notification may result
58 in the disapproval/cancellation of the applicant's application.

59 (b) To receive her/his license the applicant [must] shall report in
60 person with her/his "Notice of Application Approval" letter, to the [License
61 Processing Section] Issuing Unit -- Room 152, [1] One Police Plaza, New York
62 [City], New York 10038 -- within thirty (30) calendar days of the date on the
63 "Notice of Application Approval" letter. Licenses [will] shall only be
64 issued between the hours of 9:00 a.m. and 12:00 p.m., Monday through Thursday.
65 The applicant should note that the [License Processing Section] Issuing Unit
66 is closed on all legal holidays.

67 (c) If the applicant does not appear to pick up her/his license within

1 thirty (30) calendar days of the date on the "Notice of Application Approval,"
2 her/his license and application [will] shall be cancelled.

3 (d) With her/his license the applicant [will] shall receive a copy of
4 the "New York City Handgun License Rules" (Subchapter B of this chapter). The
5 applicant [must] shall become knowledgeable regarding these handgun rules, as
6 any violation of these rules may result in the suspension or revocation of
7 her/his handgun license.

8
9 **[§ 5-11 License Disapproval Procedures.** (a)] (e) If [his/] her/his license
10 application is disapproved the applicant [will] shall receive a written
11 ["Disapproval Notice"] "Notice of Application Disapproval" from the License
12 Division indicating the reason(s) for the disapproval. If the applicant wishes
13 to appeal the decision [he/she must] s/he shall submit a sworn written
14 statement, which shall be known as an "Appeal of [License] Application
15 Disapproval["],"" to the [Commanding Officer -] Division Head, License
16 Division, within thirty (30) calendar days of the date on the "Notice of
17 Application Disapproval [Notice]" requesting an appeal of the denial, and
18 setting forth the reasons supporting the appeal. The Appeal of [License]
19 Application Disapproval shall become part of the application. It shall state
20 the grounds for the appeal and shall contain the following statement to be
21 signed by the applicant [in the presence of a Notary Public] and notarized:
22 "Under penalty of perjury, deponent being duly sworn, says that [he/she] s/he
23 is familiar with all of the statements contained herein and that each of these
24 statements is true, and no pertinent facts have been omitted." Appeals that
25 are unsworn by the applicant or submitted by individuals or business entities
26 other than the applicant [(or [an applicant's] her/his New York State
27 licensed attorney [who is duly licensed to practice law in the State of New
28 York) will] shall not be accepted.

29 [(b)] (f) All timely appeals [will] shall receive a complete review of
30 the applicant's entire file by the Division Head, License Division, who shall
31 notify the applicant of her/his determination. [However, the appeal will] The
32 Division Head, License Division shall not consider [additional] any
33 documentation that was not submitted during the initial background
34 investigation[, e.g. deposit slips, tax records, etc., unless it is
35 established that such documentation was unavailable during or prior to the
36 initial background investigation. Requests to make personal appearances to
37 discuss appeals will not be honored]. There shall be no personal interviews to
38 discuss appeals. If the appeal of her/his disapproval is denied, the applicant
39 [will] shall receive a "Notice of Disapproval After Appeal" letter from the
40 [Commanding Officer] Division Head, License Division. This notice concludes
41 the Police Department's administrative review procedure.

42
43 **§ [5-12] 5-08 Limitations.** Applicants issued licenses pursuant to this
44 subchapter [will] shall be subject to such conditions and limitations as
45 established by the Police Commissioner regarding, but not necessarily limited
46 to the permissible number, type, transportation and safeguarding of handguns.

47
48 **§ 5-09 Application for Pre-License Exemption.** Each applicant desiring to
49 obtain the exemption set forth in New York State Penal Law § 265.20(a) (7-b),
50 allowing pre-license possession of a handgun for the purpose of possessing and
51 using a handgun for instructional purposes with a certified instructor in
52 small arms at an authorized small arms range/shooting club, shall make such
53 request in writing to the Division Head, License Division at the time the
54 application for a handgun license is filed. Such request shall include a
55 signed and verified statement by the person authorized to instruct and
56 supervise the applicant, that s/he has met with the applicant and s/he has
57 determined that, in her/his judgment, said applicant does not appear to be or
58 pose a threat to be a danger to her/himself or others. S/he shall include a
59 copy of her/his certificate as an instructor in small arms, if s/he is
60 required to be certified, and state her/his address and telephone number.
61 S/he shall specify the exact location by name, address and telephone number
62 where such instruction shall take place. The Division Head, License Division
63 shall, no later than ten (10) business days after such filing, commence an
64 investigation and ascertain whether the applicant has a criminal record. The
65 Division Head, License Division shall no later than ten (10) business days
66 after the completion of such investigation determine if the applicant has been
67 previously denied a license, been convicted of a felony, been convicted of a

1 serious offense as defined in Penal Law § 265.00(17), been convicted of a
2 misdemeanor crime of domestic violence, as defined in § 921(a) of Title 18 of
3 the United States Code, been the subject or recipient of an order of
4 protection or a temporary order of protection, been the subject of a
5 suspension or ineligibility order issued pursuant to § 530.14 of the New York
6 State Criminal Procedure Law or § 842-a of the New York State Family Court
7 Act, or appears to be, or poses a threat to be, a danger to her/himself or
8 others, and either approve or disapprove the applicant for exemption purposes
9 based upon such determinations. If the applicant is approved for the
10 exemption, the Division Head, License Division shall notify the applicant.
11 Such exemption shall terminate if the application for the license is denied,
12 or at any earlier time based upon any information obtained by the Division
13 Head, License Division which would cause the application to be rejected. The
14 applicant shall be notified of any such rejection.

15 **Subchapter B Licensee Responsibilities**

16
17
18 **§ 5-21 Introduction.** Any violation of this subchapter and/or the restrictions
19 of the license, if any, may result in the suspension and/or revocation of the
20 license.

21
22 **§ 5-22 Conditions of Issuance.** (a) A handgun license is issued under the
23 following conditions:

24 (1) It is revocable at any time.
25 (2) It is not transferable to any other person or location.
26 (3) Any mutilation, alteration, or lamination of the license shall
27 render it void. The licensee may not make any additions, deletions, or other
28 changes on her/his license. Only License Division personnel may make changes
29 on the license.

30 (4) If the license is mutilated, altered, laminated, lost, or
31 destroyed an additional fee [will] shall be required for replacement. If any
32 of these circumstances occur, the licensee [must] shall notify the License
33 Division.

34 (5) When the license expires, and if the licensee has not renewed
35 it, or if it is suspended, or revoked, the licensee [must] shall immediately
36 surrender the license with the [firearms] handgun(s) to the precinct of
37 her/his place of business or residence.

38 (6) The licensee [must] shall be in possession of her/his license
39 at all times while carrying, transporting, possessing at residence, business,
40 or authorized small arms range/shooting club, the handgun(s) indicated on said
41 license.

42 (7) If the licensee has a "Carry" or "Special Carry" type license
43 only one (1) handgun may be carried on her/his person at any time.

44 (8) The licensee is authorized to own only the handgun(s) that are
45 listed on her/his license.

46 (9) The licensee shall not purchase or replace a [firearm] handgun
47 prior to obtaining written permission from the [Commanding Officer] Division
48 Head, License Division (see Handgun Purchase [Orders] Authorizations).

49 (10) A [firearm] handgun may be replaced or purchased only by
50 requesting permission in writing from the [Commanding Officer] Division Head,
51 License Division.

52 (11) The licensee shall not draw, expose or display [firearm(s)]
53 handgun(s) unnecessarily.

54 (12) The licensee shall not leave handgun(s) in [Firearm(s) are
55 not to be left in the glove compartment or trunk of] an auto, or in any place
56 where [a thief or other] an unauthorized person may readily obtain them.

57 (13) To assure maximum safety, proper safeguards [must] shall be
58 taken at all times to keep [firearms] handguns away from unauthorized persons,
59 especially children. Pursuant to New York City Administrative Code § 10-312,
60 it shall be a criminal violation for any person who is the lawful owner or
61 lawful custodian of a handgun to store or otherwise place or leave such weapon
62 in such a manner or under circumstances that it is out of her/his immediate
63 possession or control, without having rendered such weapon inoperable by
64 employing a safety locking device as defined in section 5-25(a)(2) of this
65 chapter. Such offense shall constitute a misdemeanor if the offender has
66 previously been found guilty of such violation or if the violation is
67 committed under circumstances which create a substantial risk of physical

1 injury to another person.

2 (14) The licensee should endeavor to engage in periodic handgun
3 practice at an authorized small arms range/shooting club.

4 (15) Any misuse of the purpose for which the license was issued,
5 or any action or misconduct on the part of the licensee which may constitute
6 just cause, [will] shall result in the suspension or revocation of the
7 license.

8 (16) [Persons with "Target" licenses, and/or with "Premise"
9 licenses and prior written approval, are restricted to transporting their
10 firearm(s) unloaded in a locked container directly to and from an authorized
11 range. Ammunition will be carried separately.] Except for licensees with
12 unrestricted Carry Business licenses or Special Carry Business Licenses, a
13 licensee wishing to transport her/his handgun to a gunsmith shall request
14 permission in writing from the Division Head, License Division. Authorization
15 shall be provided in writing. The licensee shall carry this authorization
16 with her/him when transporting the handgun to the gunsmith, and shall
17 transport the handgun directly to and from the gunsmith. The handgun shall be
18 secured unloaded in a locked container during transport.

19 (17) Licensees shall cooperate with all reasonable requests by the
20 Police Department for information and assistance in matters relating to the
21 license.

22 (b) In the following instances the licensee [must] shall make an
23 immediate report to the License Division -- Incident Section, telephone #(212)
24 374-5538, 5539, and to the precinct where the incident occurred. (See
25 additional requirements under "Incident [Unit] Section" -- § 5-30).

26 (1) Theft/loss of [firearm] handgun.

27 (2) Discharge of [firearm] handgun other than during practice at
28 an authorized small arms range/shooting club.

29 (3) Theft/loss of handgun license.

30 (4) Improper use/safeguarding of handgun(s).

31 (5) Public display of an unholstered handgun.

32 (c) In the following instances, the licensee [must] shall make an
33 immediate report to the License Division -- Incident [Unit] Section (see
34 Incident [Unit] Section -- § 5-30).

35 (1) Arrest, indictment, or conviction in any jurisdiction; summons
36 other than traffic infraction; suspension or ineligibility order issued
37 pursuant to § 530.14 of the New York State Criminal Procedure Law or § 842-a
38 of the New York State Family Court Act.

39 (2) Change of business or residence address (see Address Changes
40 -- § 5-29).

41 (3) Change of business, occupation or employment (see Name Changes
42 -- § 5-29).

43 (4) [If any] Any change in the circumstances for which the
44 licensee received the license. [occurs, the] The licensee [must] shall
45 immediately notify the License Division[. The licensee will] and shall then be
46 instructed on how to proceed. The licensee may be required to report to the
47 License Division with required documentation to have the change reviewed and
48 effected by License Division personnel.

49 (5) Alteration, mutilation, destruction of handgun license.

50 (6) Intent to dispose of [firearm] handgun. Failure to notify in
51 writing [Licensing Officer] the Division Head, License Division prior to
52 disposing of [firearm] handgun is a Class A Misdemeanor pursuant to New York
53 State Penal Law § 265.10(7).

54 (7) Receipt of psychiatric treatment or treatment for alcoholism
55 or drug abuse, or the presence or occurrence of any disability or condition
56 that may affect the ability to safely possess or use a handgun.

57 (8) Licensee is or becomes the subject or recipient of an order of
58 protection or a temporary order of protection.

59
60 **§ 5-23 Types of Handgun Licenses.** (a) *Premises License -- Residence or*
61 *Business.* This is a restricted handgun license, issued for the protection of a
62 business or residence [premise] premises.

63 (1) The [weapon(s)] handguns listed on this license may not be
64 removed from the address specified on the license [without the expressed
65 written permission of the Commanding Officer -- License Division and then
66 only in the manner prescribed] except as otherwise provided in this chapter.

67 (2) The possession of the handgun for protection is restricted to

1 the inside of the premises which address is specified on the license.

2 (3) To maintain proficiency in the use of the handgun, the
3 licensee may transport her/his handgun(s) directly to and from an authorized
4 small arms range/shooting club, unloaded, in a locked container, the
5 ammunition to be carried separately[, after the licensee has requested and
6 received written permission from the Commanding Officer, License Division].

7 (4) A licensee may transport her/his handgun(s) directly to and
8 from an authorized area designated by the New York State Fish and Wildlife Law
9 and in compliance with all pertinent hunting regulations, unloaded, in a
10 locked container, the ammunition to be carried separately, after the licensee
11 has requested and received a "Police Department -- City of New York Hunting
12 Authorization" Amendment attached to her/his license.

13 (b) [*Target License*. This is a Handgun License which permits the
14 transporting of an unloaded handgun in a locked container to and from an
15 authorized range.

16 (1) Target license applicants shall provide evidence of intention
17 to use licensed handguns for regular recreational target shooting purposes,
18 which indicates where and when the handgun(s) will be used, e.g.,
19 documentation of participation or membership at a pistol range which is duly
20 certified by the New York City Police Commissioner pursuant to the New York
21 City Administrative Code. When a licensee is applying for renewal of such
22 license, he/she must demonstrate that the license has been used for regular
23 recreational target shooting purposes during the prior license period.

24 (2) Handgun(s) shall be stored only at the address indicated on
25 the license.

26 (3) Handgun(s) must be stored unloaded, in a locked container,
27 with the ammunition stored separately.

28 (4) When going to an authorized range, the handgun(s) must be
29 transported unloaded, in a locked container, with the ammunition transported
30 separately.

31 (5) The licensee may only remove the handgun(s) from his residence
32 to transport them directly to and from an authorized range.

33 (6) A licensee may transport his handgun(s) directly to and from
34 an authorized area designated by the New York State Fish and Wildlife Law and
35 in compliance with all pertinent hunting regulations, unloaded, in a locked
36 container, the ammunition to be carried separately, after the licensee has
37 requested and received a "Police Department -- City of New York Hunting
38 Authorization" Amendment attached to his license.

39 (c) [*Carry Business License*. This is an unrestricted class of license
40 which permits the carrying of a handgun concealed on the person.

41 [(d)] (c) [*Limited Carry Business License*. This is a restricted handgun
42 license which permits the licensee to carry a handgun listed on the license
43 concealed on the person to and from specific locations during the specific
44 days and times set forth on the license. Proper cause, as defined in § 5-03,
45 shall need to be shown only for that specific time frame that the applicant
46 needs to carry a handgun concealed on her/his person. At all other times the
47 handgun shall be safeguarded at the specific address indicated on the license
48 and secured unloaded in a locked container.

49 [(e)] (d) [*Security Carry Guard License*]/*Courier/Private*
50 *Investigator*]/*Gun Custodian License*. These are restricted types of carry
51 licenses, valid when the holder is actually engaged in a work assignment as a
52 security guard[, courier, private investigator] or gun custodian.

53 [(f)] (e) [*Special Licenses*. Special licenses are issued according to
54 the provisions of § 400.00 of the New York State Penal Law, to persons in
55 possession of a valid County License. The revocation, cancellation, suspension
56 or surrender of her/his County License automatically renders her/his [N.Y.C.]
57 New York City license void. The holder of a Special License [must] shall carry
58 her/his County License at all times when possessing a handgun pursuant to such
59 Special License.

60 (1) [*Special Target License*. This is a restricted type of special
61 license. In New York City the handgun(s) listed on the license may only be
62 transported unloaded in a locked container while going directly to and from an
63 authorized range.

64 (2) [*Special [Limited] Carry Business*. This is a class of special
65 license permitting the carrying of a concealed handgun on the person [only
66 when] while the licensee is [actually engaged in the performance of his
67 duties] in New York City.

1 [3] (2) Special Carry Guard License[-Security/Courier/ Private
2 Investigator/Other Business]/Gun Custodian License. [This is a type] These are
3 restricted types of Special Carry [License] Licenses. The handgun listed on
4 the license may only be carried concealed on the licensee's person while the
5 licensee is actively on duty and engaged in the work assignment which formed
6 the basis for the issuance of the license. The licensee may only transport the
7 handgun concealed on her/his person when travelling directly to and from home
8 to a work assignment[, unless otherwise authorized by the Commanding Officer,
9 License Division].

10
11 **§ 5-24 [Security] Gun Custodians and Carry Guards[, Couriers and Private**
12 **Investigators].**

13 (a) Gun custodian. (1) Once a company employs and intends to arm
14 additional employees, a gun custodian [must] and alternate custodian shall be
15 designated by the company.

16 (2) [The] Each designee [must] shall submit to the License
17 Division an additional handgun license application for gun custodian, typed
18 and notarized, along with two (2) color photos, 1- 1/2["] X 1-1/2[" bust type]
19 inches, taken within the past thirty (30) days, showing the applicant from the
20 chest up, and the necessary fees.

21 (3) The responsibilities of the gun custodian and alternate
22 custodian are as follows:

23 (i) To insure that an applicant works a minimum of twenty
24 (20) hours per week for the company.

25 (ii) To insure that an applicant commences work within
26 fifteen (15) days of issuance of license.

27 (iii) On a semiannual basis, the gun custodian [will] or
28 alternate custodian shall be required to submit the following reports to the
29 License Division:

30 (A) Employment Report -- indicating hours worked by
31 each licensee per month.

32 (B) Employee Termination Report.

33 [(iv)] (C) Annual [Weapon] Handgun Inventory Report.

34 [(v)] (iv) The gun custodian or alternate custodian or an
35 authorized designee of the company [will] shall be required to permit properly
36 identified representatives of the New York City Police Department to examine
37 company records pertaining to handgun licensees.

38 [(vi)] (v) During those periods that a security guard will
39 not be reporting to work due to illness or vacation, the gun custodian or
40 alternate custodian [will] shall be responsible for the security of the
41 [weapon] handgun.

42 [(vii)] (vi) In the event of termination of employment, the
43 custodian [must] or alternate custodian shall see to the immediate surrender
44 of the licensee's handgun license to the New York City Police Department
45 License Division and return of [gun] the handgun to the company.

46 [(viii)] (vii) In the event of a licensee's death, the gun
47 custodian or alternate custodian is responsible for the security of the [gun]
48 handgun and for the immediate notification, in writing, to the New York City
49 Police Department License Division.

50 [(ix)] (viii) Where a licensee becomes involved in an incident or
51 suffers a condition which shall be reported to the License Division and/or the
52 precinct of occurrence pursuant to subdivision (b) of this section, the gun
53 custodian or alternate custodian shall ensure that such report is made
54 immediately.

55 (4) When appearing at the License Division to pick up a license,
56 an applicant [must] shall present a [gun] handgun assignment letter from the
57 gun custodian or alternate custodian. If no [weapon] handgun is available from
58 the company [weapons] handgun inventory, the gun custodian [will] or alternate
59 custodian shall request, in writing, a purchase order by following the rules
60 set forth in § 5-25, "Handgun Purchase Authorizations," to obtain a new
61 [weapon] handgun.

62 (5) The purchase order [will] shall be valid for only thirty (30)
63 calendar days from the date of issuance.

64 (6) After the gun custodian or alternate custodian has purchased
65 the handgun, s/he [must] shall return to the License Division within 72 hours
66 to have the handgun inspected. This handgun [must] shall be unloaded in a
67 locked container and accompanied by the purchase order authorization and a

1 photocopy of the bill of sale. This handgun may not be carried or transported
2 except as indicated in this paragraph before it has been inspected.

3 (7) If the gun custodian or alternate custodian makes her/his
4 purchase from other than an authorized dealer, the seller [must] shall be
5 either a New York City or New York State licensee, Police Officer or a Peace
6 Officer.

7 (8) A [firearm] handgun may be replaced by requesting permission,
8 in writing, from the [Commanding Officer] Division Head, License Division.

9 (b) [Security/Guard/Courier/Private Investigator Licensee] Carry Guard
10 Licensee. (1) This license[, if granted,] is restricted to [when] the days and
11 hours that the licensee is actually engaged in employment, or when a licensee
12 is travelling from her/his residence to employment, or from employment to
13 her/his residence. These restrictions [will] shall be [literally] strictly
14 interpreted by the New York City Police Department and violation of these
15 rules [will] shall result in the immediate suspension of the pistol license.
16 [Point number 1 indicates] This means that the handgun may be carried [while]
17 only when the licensee is actually engaged in employment[. This means while
18 the licensee is employed for] by the [guard or] security company the name of
19 which appears on the face of the license. This [statement] does not permit
20 "freelancing" on the licensee's day off. [Point number 2 indicates that the]
21 The handgun may only be carried from the licensee's residence [to the place of
22 employment. This means from the licensee's residence, where the licensee
23 indicated] as listed on the application [the handgun would be secured], to the
24 licensee's place of employment or assignment for that particular day.

25 [Example: If the licensee does not intend to stay at his residence the
26 evening prior to working at his place of assignment, he will
27 be obligated to return home to pick up his gun just prior to
28 going to work. Carrying his gun with him the entire evening
29 preceding his next work day is a distinct violation of
30 license restrictions.]

31 [Point number 3 indicates that the] The licensee may carry her/his handgun
32 from employment back to her/his residence. This means that there [will] shall
33 be no unreasonable delay in returning to the licensee's residence where the
34 handgun [will] shall be secured.

35 Example: If the licensee does not intend to stay at her/his residence
36 the evening prior to working at her/his place of assignment,
37 s/he will be obligated to return home to pick up her/his
38 handgun just prior to going to work. Carrying her/his
39 handgun with her/him the entire evening preceding her/his
40 next work day is a distinct violation of license
41 restrictions.

42 Example: If the licensee finishes a 4 p.m. to midnight shift and
43 takes action involving the handgun at 3:30 a.m. in a local
44 tavern, s/he is in violation of license restrictions and the
45 New York State Penal Law.

46 (2) A licensee has the responsibility [to make] of making an
47 immediate report to the [Commanding Officer] Division Head, License Division,
48 the precinct where the incident occurred, and the gun custodian or alternate
49 custodian in the following instances:

- 50 (i) Loss or theft of [firearm] handgun.
51 (ii) Discharge of [firearm] handgun (other than practice at
52 an authorized small arms range/shooting club).
53 (iii) Loss or theft of handgun license.
54 (iv) Improper use/safeguarding of handgun(s).
55 (v) Public display of an unholstered handgun.

56 (3) An immediate report [must] shall be made in the following
57 instances to the [Commanding Officer] Division Head, License Division and the
58 gun custodian or alternate custodian:

- 59 (i) Change of residence.
60 (ii) Mutilation, alteration or destruction of handgun
61 license.
62 (iii) Arrest, indictment, summons other than a traffic
63 summons, or conviction in any jurisdiction; suspension or ineligibility order
64 issued pursuant to § 530.14 of the New York State Criminal Procedure Law or
65 § 842-a of the New York State Family Court Act.
66 (iv) Receipt of psychiatric treatment or treatment for
67 alcoholism or drug abuse, or the presence or occurrence of any disability or

1 condition that may affect the ability to safely possess or use a handgun.

2 (v) Licensee is or becomes the subject or recipient of an
3 order of protection or a temporary order of protection.

4 (4) The license [must] shall be in the possession of the licensee
5 at all times while the licensee is carrying the [firearm] handgun.

6 (5) Misconduct or misuse of the purpose for which this license is
7 issued may result in the suspension or revocation of the license.

8 (6) A handgun licensee is authorized to use only the [firearm]
9 handgun that is endorsed on her/his license.

10 (c) Failure to comply with all of the above conditions set forth herein
11 may result in the suspension, revocation, or cancellation of any/or all
12 handgun licenses issued to employees of [this] the subject company.

13
14 **§ 5-25 Handgun Purchase Authorizations.** (a) The licensee may not obtain a
15 handgun without prior written authorization from the [Commanding Officer]
16 Division Head, License Division. This authorization [will] shall be provided
17 in the nature of a "Handgun Purchase Authorization" form. The following are
18 the rules concerning [firearms] handgun acquisition:

19 (1) The "Handgun Purchase Authorization" form is valid only for
20 thirty (30) calendar days from the issuance date.

21 (2) Pursuant to New York City Administrative Code § 10-311(a), it
22 shall be unlawful for any person or business enterprise to dispose of any
23 [pistol or revolver] handgun which does not contain a safety locking device,
24 defined as a design adaptation or attachable accessory that will prevent the
25 use of the weapon by an unauthorized user. The following types of safety
26 locking devices will be deemed to comply with this provision:

27 (i) a trigger lock, which prevents the pulling of the
28 trigger without the use of a key; or

29 (ii) a combination handle, which prevents the use of the
30 weapon without the alignment of the combination tumblers; or

31 (iii) a detachable or non-detachable locking device,
32 composed primarily of steel or other metal of significant gauge to inhibit
33 breaking, utilizing a metallic key or combination lock, rendering the weapon
34 inoperable until the locking device is removed by an authorized person.

35 (3) Pursuant to New York City Administrative Code § 10-311(b), it
36 shall be unlawful for any licensed manufacturer, licensed importer, or
37 licensed dealer to dispose of any handgun in New York City unless it is
38 accompanied by the following warning, which shall appear in conspicuous and
39 legible type in capital letters, and which shall be printed on a label affixed
40 to the handgun and on a separate sheet of paper included within the packaging
41 enclosing the handgun: "THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE
42 ASPECT OF RESPONSIBLE WEAPON STORAGE. ALL WEAPONS SHOULD BE STORED UNLOADED
43 AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND
44 INACCESSIBLE TO CHILDREN AND ANY OTHER UNAUTHORIZED PERSONS."

45 (4) Pursuant to New York City Administrative Code § 10-311(c), any
46 person who applies for and obtains authorization to purchase, or otherwise
47 lawfully obtains, a handgun shall be required to purchase or obtain a safety
48 locking device at the time s/he purchases or obtains the handgun.

49 (5) Pursuant to New York City Administrative Code § 10-311(d), the
50 City of New York and its agencies, officers or employees shall not be liable
51 to any party by reason of any incident involving, or the use or misuse of a
52 safety locking device that may have been purchased in compliance with these
53 rules.

54 (6) Once the licensee has purchased the handgun, s/he [must] shall
55 return to the License Division -- Room 152, One Police Plaza, New York, New
56 York 10038, within 72 hours to have the handgun and safety locking device
57 inspected. The handgun may not be utilized before it has been inspected by
58 License Division personnel and entered on the license.

59 [(4)] (7) [Gun] Handgun inspections are conducted only between the
60 hours of 12 to 2 p.m., Monday through Friday.

61 Note: The License Division is closed on all legal holidays.

62 [(5)] (8) The licensee may only purchase a handgun from the
63 following:

- 64 (i) A licensed New York State Firearms Dealer.
65 (ii) The holder of a current, valid, New York State, or New
66 York City Handgun License.
67 (iii) A New York State or New York City Police Officer or

1 Peace Officer, as defined under the New York State Criminal Procedure Law.
2 (iv) Estate of deceased New York City/New York State handgun
3 licensee.

4 [(6)] (9) If the licensee purchases a handgun from a licensed
5 [N.Y.S.] New York State Firearms Dealer, s/he [must] shall submit the
6 following documents when s/he presents the handgun for inspection:
7 (i) Completed "Handgun Purchase Authorization" form.
8 (ii) Original Bill of Sale and a clear carbon copy or
9 photocopy of same.

10 [(7)] (10) If the licensee purchases a handgun from the holder of
11 a valid [N.Y.S.] New York State or [N.Y.C.] New York City handgun license,
12 s/he [must] shall also submit the following documents when s/he presents the
13 handgun for inspection:
14 (i) Completed "Handgun Purchase Authorization" form.
15 (ii) A signed and notarized Bill of Sale and a clear
16 photocopy by the seller which includes the following information: [Make] make,
17 model, calibre, and serial number of handgun sold; [Sellers] Seller's: [Name]
18 name, [Address] address, license number; [Buyers] Buyer's: [Name] name,
19 [Address] address, license number, date of sale.
20 (iii) Clear photocopy of the seller's valid, current
21 [handgun] Handgun [license] License, listing the handgun to be purchased
22 thereon. The front and back of the license [must] shall be photocopied.

23 [(8)] (11) If the licensee purchases a handgun from a [N.Y.S.] New
24 York State or [N.Y.C.] New York City Police Officer or Peace Officer, s/he
25 [must] shall submit the following documents when s/he presents the handgun for
26 inspection:
27 (i) Completed "Handgun Purchase Authorization" form.
28 (ii) A signed and notarized Original Bill of Sale and a
29 clear photocopy. Bill of Sale [must] shall include: [Date] date of [Sale]
30 sale; Seller's: [Name] name, [Address] address, [Agency] agency, including
31 command, and shield number; Buyer's: [Name] name, [Address] address, [License]
32 license number; [Make] make, [Model] model, calibre and serial number of
33 handgun.

34 [(9)] (12) The aforementioned transaction [will] shall not be
35 permitted if the seller is a [N.Y.C.] New York City Police Officer who has not
36 complied with Police Department guidelines regarding the sale of firearms to a
37 handgun licensee.

38 [(10)] (13) If the seller is a Police Officer or Peace Officer
39 from [another] a jurisdiction other than New York City, the License Division
40 requires prior written notification as to the seller, so that verification of
41 employment, etc., can be obtained. This information [must] shall be listed in
42 the "Handgun Purchase Authorization" request submitted by licensee.

43 [(11)] (14) If the licensee wishes to purchase a handgun from the
44 Estate of a deceased [N.Y.C.] New York State/[N.Y.S.] New York City licensee,
45 s/he [must] shall provide the below specified documents prior to obtaining a
46 "Handgun Purchase Authorization" form. This transaction [must] shall be
47 conducted in person at the License Division, Room 152, between the hours of 9
48 a.m. and 12 p.m., Monday through Thursday only.
49 (i) A written request for purchase authorization for the
50 desired [weapon(s)] handgun(s) including make, model, calibre and reason for
51 request; the licensee's name, address, and license number.
52 (ii) The license is required for this transaction.
53 (iii) A copy of the voucher for the [weapon(s)] handgun(s).
54 (iv) The decedent's license, if not previously surrendered,
55 showing registration of the [weapon(s)] handgun(s) in question.
56 (v) A copy of the death certificate.
57 (vi) If there is a Will: The License Division requires a
58 short certificate of Letters Testamentary, that gives the Executor or
59 Executrix the authority to dispose of the property. Letters can be obtained
60 from the Surrogate's Court, of the borough in which the deceased lived.
61 (vii) If there is no Will: [If there is an Administrator,
62 the] The License Division requires a short certificate of Letters of
63 Administration that gives the administrator the authority to dispose of the
64 property. Letters can be obtained from the Surrogate's Court, of the borough
65 in which the deceased lived.
66 (viii) A notarized Bill of Sale from the Executor or
67 Administrator of the decedent's estate, indicating the weapon, make, model,

1 calibre and serial number, and stating that they are being sold to: the
2 licensee's name, address and license number.

3 (ix) Once purchased, the [weapon] handgun [must] shall be
4 presented for inspection within seventy-two (72) hours; Monday through Friday
5 12 to 2 p.m. [(see General Gun Inspection rules).]

6 (b) *New licensees.* A "Handgun Purchase Authorization" form [will] shall
7 be issued to the licensee with her/his new handgun license. As indicated
8 previously this form is only valid for thirty (30) calendar days from the date
9 of issuance.

10 (1) If the licensee does not purchase a handgun within the
11 specified period of time, s/he [must] shall within ten (10) calendar days of
12 the expiration date of the "Handgun Purchase Authorization" form, surrender
13 said form and her/his [Handgun] handgun license to the License Division
14 [Issuance Section] Issuing Unit.

15 (2) The license is only valid if there is a handgun listed
16 thereon.

17 (3) Requests for extensions for Handgun Purchase Authorizations
18 [must] shall be made by written request to the [Commanding Officer] Division
19 Head, License Division.

20 (c) *Purchasing an additional [weapon] handgun.* (1) Requests for the
21 purchase of an additional [weapon must] handgun shall be made in writing to
22 the License Division -- [Purchase Authorization] Issuing Unit -- [Room 152, 1]
23 One Police Plaza, [N.Y.C.] Room 152, New York, [N.Y.] New York, 10038.
24 Pre-printed request forms are available at the Reception Desk [of this office]
25 in Room 152.

26 (2) The written request [must] shall include: the licensee's name,
27 address and license number, and the make, model and calibre of the handgun
28 s/he wishes to purchase.

29 (3) The licensee [will] shall be notified in writing [within
30 approximately one month] of the approval or disapproval of her/his request for
31 an additional [weapon] handgun. If the request has been approved, the licensee
32 [will] shall receive [via] by mail, a "Notice of Handgun Purchase
33 Authorization Approval." To receive the purchase document the licensee [must]
34 shall appear at the [Handgun License Section] License Division, Room 152, by
35 the date indicated on the notice. The licensee [must] shall bring the approval
36 notice and her/his license with her/him to receive her/his purchase document.

37 (4) Purchase documents are issued only between the hours of 9 AM
38 to 12 Noon, Monday through Thursday.

39 Note: The License Division is closed on all legal holidays.

40 (5) "Handgun Purchase Authorizations" [must] shall be returned to
41 the License Division within ten (10) calendar days of their expiration date.
42 Failure to return the document within the specified time [will] shall result
43 in the suspension and/or revocation of the handgun license(s).

44 (6) All purchasers of handguns [will] shall also be required to
45 prepare a "Handgun Index Card," at the License Division.

46 (d) *Number of handguns allowed on a handgun license.* (1) When the
47 [licensee or a member of his] total number of handguns possessed by
48 licensee(s) residing in or located in the same household/business[, possesses
49 a total number of guns in excess of four on any handgun license(s), he must]
50 exceeds four, the licensee(s) shall utilize a safe when handguns are stored at
51 the premises.

52 (2) Requests for handguns in excess of four [will] shall not be
53 entertained without [a] proof of the ownership of a safe in which the [weapons
54 will] handguns shall be safeguarded when not in use. Proof of ownership
55 consists of a Bill of Sale for the safe and two color photos of the safe, one
56 with the door open and one with the door closed.

57 (3) The [Commanding Officer] Division Head, License Division
58 reserves the right to accept or reject the type of safe proposed for
59 safeguarding the [weapons] handguns.

60 (4) [Number] The number of handguns allowed[:] under each type of
61 handgun license is listed below. Requests for additional handguns shall be
62 reviewed on an individual basis. More than four handguns requires
63 satisfactory evidence of safeguarding to prevent theft, as approved by the
64 Division Head, License Division - see above.

65 (i) [Target License. One handgun. Requests for additional
66 handguns will be reviewed on an individual basis and will be approved
67 consistent with the demonstrated needs of the applicant. More than four

1 handguns requires satisfactory evidence of safeguarding to prevent theft, as
2 approved by the Commanding Officer, License Division -- see above.

3 (ii) Carry Business and Special Carry Business -- Two
4 handguns. The [Commanding Officer] Division Head of the License Division may
5 in her/his discretion limit to one the number of handguns that appear on
6 the carry handgun license when the licensee's needs do not require possession
7 of two handguns.

8 (ii) Limited Carry Business -- One handgun.

9 (iii) Carry Guard and Special Carry Guard -- One handgun.

10 (iv) Gun Custodian -- Number of handguns shall be determined
11 by the Division Head, License Division, consistent with the demonstrated needs
12 of the applicant.

13 [(iii)] (v) [Premise] Premises Business -- One handgun.

14 [(iv)] (vi) [Premise] Premises Residence -- [Same as
15 Target] One handgun.

16 [(v) Special Carry -- Same as Requirements as Carry.

17 [(vi) Special Target -- Same as Target above.]

18 (e) *Requests for additional [weapons] handguns for "Special Handgun*
19 *Licenses."*

20 (1) Holders of "Special Handgun Licenses" [must] shall comply with
21 the purchase authorization request guidelines of the county in which they hold
22 their basic handgun license. Once the addition has been made to their basic
23 [county] County [license] License, a request to add the [weapon] handgun to
24 their [N.Y.C. special license] New York City Special License may be made in
25 writing to the [Commanding Officer] Division Head, License Division.

26 [Providing the weapon is acceptable and within the allowable weapons limit] If
27 the Division Head, License Division approves the request, the licensee [will]
28 shall be notified when to report to the License Division to effect the
29 addition. The following documents [will] shall be required at that time:

30 (i) The basic [county] County [license] License.

31 (ii) A copy of the county Handgun Purchase Authorization
32 form.

33 (iii) A copy of the Bill of Sale.

34 (iv) The [N.Y.C.] New York City Special Handgun License.

35 (2) Inquiries concerning this type of transaction may be made to
36 the Issuing Unit at telephone numbers (212) 374-5522[,] or 5523[, 5538, and

37 5539].
38
39 **§ 5-26 Disposal of a Handgun Listed on the License.** (a) Any person lawfully in
40 possession of a handgun who disposes of the same without first notifying the
41 License Division in writing shall be guilty of Class A Misdemeanor in
42 accordance with the provisions of [N.Y.S.] New York State Penal Law §
43 265.10(7). Pursuant to New York City Administrative Code § 10-311(a), it
44 shall be unlawful for any person or business enterprise to dispose of any
45 [pistol or revolver] handgun which does not contain a safety locking device,
46 defined as a design adaptation or attachable accessory that will prevent the
47 use of the weapon by an unauthorized user. The following types of safety
48 locking devices will be deemed to comply with this provision:

49 (1) a trigger lock, which prevents the pulling of the trigger
50 without the use of a key; or

51 (2) a combination handle, which prevents the use of the weapon
52 without the alignment of the combination tumblers; or

53 (3) a detachable or non-detachable locking device, composed
54 primarily of steel or other metal of significant gauge to inhibit breaking,
55 utilizing a metallic key or combination lock, rendering the weapon inoperable
56 until the locking device is removed by an authorized person.

57 [Important] Note: The license becomes invalid if the licensee sells the
58 one and only handgun on her/his license. Should
59 the licensee wish to sell it without cancelling
60 her/his license, s/he [must] shall first follow
61 the instructions to add a handgun.

62 (b) Pursuant to New York City Administrative Code § 10-311(b), it shall
63 be unlawful for any licensed manufacturer, licensed importer, or licensed
64 dealer to dispose of any handgun in New York City unless it is accompanied by
65 the following warning, which shall appear in conspicuous and legible type in
66 capital letters, and which shall be printed on a label affixed to the handgun
67 and on a separate sheet of paper included within the packaging enclosing the

1 handgun: "THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF
2 RESPONSIBLE WEAPON STORAGE. ALL WEAPONS SHOULD BE STORED UNLOADED AND LOCKED
3 IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO
4 CHILDREN AND ANY OTHER UNAUTHORIZED PERSONS."

5 (c) Pursuant to New York City Administrative Code § 10-311(c), any
6 person who applies for and obtains authorization to purchase, or otherwise
7 lawfully obtains, a handgun shall be required to purchase or obtain a safety
8 locking device at the time s/he purchases or obtains the handgun.

9 (d) Pursuant to New York City Administrative Code § 10-311(d), the City
10 of New York and its agencies, officers or employees shall not be liable to any
11 party by reason of any incident involving, or the use or misuse of a safety
12 locking device that may have been purchased in compliance with these rules.

13 [(b)] (e) The buyer may only be a:

14 (1) Licensed [N.Y.S.] New York State Firearms Dealer.

15 (2) A [N.Y.C.] New York State/[N.Y.S.] New York City Handgun
16 License Holder.

17 (3) A [N.Y.S.] New York State/[N.Y.C.] New York City Police
18 Officer or Peace Officer.

19 [(c)] (f) If the licensee sells to a licensed [N.Y.S.] New York State
20 Firearms Dealer the following documentation [will] shall be required to
21 process the transaction:

22 (1) The "Original Bill of Sale" from the dealer and photocopy.

23 (2) The "Bill of Sale" [must] shall show the Dealer's License
24 [Number] number, [Name] name, [Address] address; the [Make] make, [Model]
25 model, [Calibre] calibre and [Serial] serial [Number] number of the [weapon]
26 handgun sold; [The] the licensee's name, address, [License] license number and
27 expiration date of the [licensee] license; the date of sale; the bill [must]
28 shall clearly indicate that the Dealer [Purchased] purchased the [weapon(s)]
29 handgun(s).

30 (3) The licensee [must] shall appear at the License Division, Room
31 152, with her/his license to process this transaction.

32 [(4) The licensee must also bring with him a copy of his
33 "Permission to Sell Notice."]

34 [(d)] (g) If the licensee sells to a [N.Y.C.] New York State/[N.Y.S.]
35 New York City Handgun license holder, the following documentation [will] shall
36 be required to process the transaction:

37 (1) An "Original Bill of Sale," signed by the seller and the
38 purchaser, with both signatures notarized.

39 (2) The "Bill of Sale" [must] shall include: the seller's name,
40 address and license number, expiration date of license; the purchaser's name,
41 address, license number[, include] and expiration date; the make, model,
42 calibre, and serial number of the [firearm(s)] handgun(s) sold, the date of
43 sale.

44 (3) A copy of the purchaser's handgun license, front and back.

45 {4) A copy of the [buyers] buyer's "Handgun Purchase Authorization
46 form."

47 (5) The licensee [will] shall be required to appear at the License
48 Division -- Room 152, with her/his license, to process this transaction.

49 [(6) The licensee must also bring with him a copy of his
50 "Permission to Sell Notice."]

51 [(e)] (h) Once the licensee has sold her/his [firearm(s)] handgun(s),
52 s/he [must] shall appear in person to delete them from her/his license within
53 ten (10) calendar days of the transaction.

54 [(f)] (i) If the licensee wishes to sell her/his handgun to a [N.Y.C.]
55 New York State/[N.Y.S.] New York City Police Officer or Peace Officer the
56 following documentation [will] shall be required to process the transaction:

57 (1) [The licensee's copy of the "Permission to Sell Notice."]

58 (2) A notarized "Bill of Sale" showing the make, model, calibre
59 and serial number of the [weapon] handgun sold; the name, address, shield
60 number, Agency and Command of the Police Officer/Peace Officer. The bill of
61 sale [must] shall be signed by both the seller and the purchaser, dated, and
62 each signature [must] shall be notarized.

63 [(3)](2) If the purchaser is a [N.Y.C.] New York City Police
64 Officer or Peace Officer, the License Division requires prior written
65 notification relative to the purchaser so that verification of employment,
66 etc. can be obtained. [This information must be contained on the request for
67 permission to sell the weapon.]

1 [(4)](3) Once the licensee has sold her/his [weapon] handgun s/he
2 [must] shall appear at the License Division, Room 152, with her/his license
3 and the aforementioned documentation to process this transaction.

4 [(g)] (j) If the licensee wants to transfer her/his [firearm(s)]
5 handgun(s) to another [N.Y.C.] New York State/[N.Y.S.] New York City license
6 s/he also possesses s/he [must] shall make a written request to the
7 [Commanding Officer] Division Head, License Division. The request [must] shall
8 include the following information:

9 (1) The licensee's name, address and telephone number.

10 (2) The license number; make, model, calibre, and serial number of
11 the [firearm] handgun the licensee wishes transferred; and the number of the
12 license to which the licensee [want] wants to transfer the [firearm] handgun.

13 (3) The licensee [must] shall enclose copies of both licenses
14 front and back.

15 (4) The licensee [will] shall receive a written response. If the
16 request is approved, the licensee [will] shall have to appear at the License
17 Division with both licenses to process the transaction.

18 [(h)] (k) If the licensee wishes to sell all of her/his [firearms]
19 handguns and cancel her/his license, s/he may do so by submitting the
20 applicable documentation and her/his handgun license, by mail. (See
21 Cancellation Procedures below.)
22

23 **§ 5-27 Cancellation of the Handgun License.** (a) Anyone cancelling a New York
24 City Handgun License [must] shall:

25 (1) Legally dispose of handgun(s). To legally dispose of her/his
26 handgun(s) the licensee shall either:

27 (i) Voucher the handgun at her/his local precinct, or

28 (ii) Sell to a licensed Firearms Dealer, or

29 (iii) Sell to a Police Officer or Peace Officer, or

30 (iv) Transfer handgun(s) to another license s/he may
31 possess, if authorized to do so, or

32 (v) Sell to a licensee, if the licensee is authorized to
33 purchase.

34 (2) Return license to the License Division and attach a copy of
35 voucher or Bill of Sale.

36 (3) Attach letter briefly giving reason for cancellation.

37 (b) [To legally dispose of his handgun(s) the licensee must either:

38 (1) Voucher at his local precinct.

39 (2) Sell to Firearms Dealer.

40 (3) Sell to Police Officer or Peace Officer.

41 (4) Transfer handgun(s) to another license he may possess, if
42 authorized to do so.

43 (5) Sell to a licensee, if authorized to purchase.

44 (c) If the licensee intends to relocate out of State, the License
45 Division requests verification from the local authorities of that particular
46 jurisdiction that the licensee has notified them that s/he is in possession of
47 the handgun listed on her/his N.Y. license.

48 [(d)] (c) To document proper disposal of the handgun, follow the
49 [guidelines] rules listed in [section] § 5-26 concerning "Disposal of a
50 [handgun(s)] Handgun [listed] Listed on the [license] License."

51 [(e)] (d) All documents and the license [must] shall be returned to the
52 License Division -- Cancellation [Section] Unit -- [Room 152, 1] One Police
53 Plaza, [N.Y.C.] Room 152, New York, [N.Y.] New York 10038, within ten (10)
54 calendar days of the disposal of [weapons] handguns, relocation, etc. If the
55 licensee has any questions concerning these procedures s/he may call telephone
56 number (212) 374-5531 or 5532.

57 Note: If the licensee relocates out of [N.Y.C.] New York City or
58 [N.Y.S.] New York State, s/he [must] shall immediately
59 contact her/his new local Police Department and receive
60 instructions on how to legally possess her/his handgun(s) in
61 their jurisdiction.
62

63 **§ 5-28 Renewal of the [Pistol] Handgun License.** The licensee is required to
64 renew her/his handgun license every [two] three (3) years. The license expires
65 on the licensee's birthday.

66 (a) The renewal process generally begins sixty (60) calendar days prior
67 to the licensee's month of birth. The licensee [will] shall receive her/his

1 renewal application, instructions, and other required forms and her/his
2 invalidated license in the mail. As part of the renewal process, the License
3 Division may require that the licensee produce all licensed handguns for
4 inspection, either using a random selection procedure or when a review of the
5 renewal package discloses the need for such an inspection, as directed by the
6 Commanding Officer, License Division. The licensee shall receive appropriate
7 instructions and a form, Affidavit of Handgun Possession, to be completed and
8 notarized as part of the renewal package. If so directed, the licensee shall
9 transport all licensed handguns to the License Division, One Police Plaza,
10 Room 152, New York, New York or otherwise make the handguns available for
11 inspection, in the manner directed by the instructions. The licensee [must]
12 shall examine the license, complete all required forms including providing
13 color photos, forwarding fees (payable by certified check or money order
14 only), etc., and return [them] the renewal package to the License Division
15 [via] by mail, as soon as possible. Upon receipt of the renewal material, the
16 License Division [will] shall process the renewal and return the validated
17 license to the [License Division] licensee [via] by mail.

18 (b) The license is not valid unless stamped and sealed by the License
19 Division. The licensee [must] shall sign her/his license in the designated
20 area on the back of the license.

21 (c) The renewal application and related documents [will] shall be mailed
22 to the address on the license. If the licensee has moved and has not notified
23 the License Division, the renewal documents [will] shall be returned to the
24 License Division and her/his license [will] shall be [suspended] cancelled for
25 failure to notify the License Division of an address change (see Address
26 Change -- § 5-29).

27 (d) If the licensee has not received her/his renewal documents thirty
28 calendar days prior to her/his birth date, s/he [must] shall contact the
29 Renewal Unit at telephone number (212) 374-5531, or 5532, for instructions.
30 [(Special Licenses (212) 374-5522 or 5523.)]

31 (e) If the licensee has extenuating circumstances which prevent her/him
32 from renewing prior to her/his birth date, s/he [must] shall submit a
33 notarized letter to the Renewal Unit explaining the circumstances. The License
34 Division [will] shall contact the licensee and advise her/him on how to
35 proceed. However, if the licensee [does not hear from] is not notified by the
36 License Division by her/his birth date, s/he [must] shall voucher her/his
37 [weapon(s)] handgun(s) at her/his local precinct until the matter is resolved.

38 (f) Licensees [must] shall carefully read and comply with the
39 instructions on their renewal documents.

40 (g) Incomplete or incorrectly prepared renewal documents [will] shall
41 not be processed, and [will] shall be returned to the licensee for
42 completion/correction, with a letter indicating the problem, information
43 omitted, etc. Consequently, if as a result of the licensee's error, the
44 licensee fails to submit the required material, fees, etc., by her/his
45 birthday, s/he [will] shall be required to voucher her/his [firearm(s)]
46 handgun(s) at her/his local precinct until the renewal process is completed.

47 (h) If the licensee's birthday has passed and s/he has not yet renewed,
48 s/he [must] shall immediately voucher her/his [firearm(s)] handgun(s) at
49 her/his local precinct. The License Division [will] shall not process any late
50 renewals unless a copy of the voucher is [provided. This will require that the
51 licensee appear in person with the required renewal documents and the voucher
52 at the License Division] attached to the complete renewal application which is
53 to be submitted by mail.

54 (i) Failure to renew the license on time is cause for
55 [suspension/]cancellation of the license.

56 (j) Possession of any unlicensed [firearm] handgun is a violation of [§]
57 Article 265 of the [N.Y.S.] New York State Penal Law, and may subject the
58 licensee to arrest.

59 (k) Renewal fees [must] shall be in the form of a money order or a
60 certified check made payable to the N.Y.C. Police Department. Cash and
61 personal checks [will] shall not be accepted.

62 [(1) When a licensee is applying for renewal of such license, he must
63 demonstrate that the license has been used for regular recreational target
64 shooting purposes in accordance with the provisions of § 5-23(b)(1).]

65 **§ 5-29 License Amendments.** (a) Originals of all verifying documents [must]
66 shall be presented along with photocopies. After the original documents have
67

1 been reviewed, they [will] shall be returned to the licensee.

2 (1) [*Target/Premise*] Premises Residence License -- address
3 *changes.*

4 (i) If the licensee has moved, s/he [must] shall change the
5 address listed on her/his license. To do so the licensee [must] shall come to
6 the License Division no later than ten (10) calendar days after her/his change
7 becomes effective. [He must] S/he shall bring her/his license and verifying
8 documents such as current utility bills. Any and all verifying documents
9 [must] shall include the licensee's name and the licensee's new address.

10 (ii) [If the licensee resides with someone and the utility
11 bills are not in his name, the licensee must provide a dated notarized letter
12 from the owner/lessee, stating that the licensee resides with them and that
13 they are aware that the licensee possesses a firearm, along with a current
14 utility bill showing their name and address.

15 (iii) [If the licensee has relocated outside of New York
16 City, s/he [must] shall follow the instructions for "Cancellation."

17 (2) All Carry/[Premise]Premises Business Licenses -- address
18 *changes.* If the licensee's business name, principals, corporate [officer,]
19 officers (if [Corp.] a corporation), and the nature of her/his business remain
20 the same, but s/he has changed her/his business location, the licensee [must]
21 shall within ten (10) calendar days, provide the License Division with a copy
22 of a current utility bill verifying the name and new address of the business,
23 and other verifying documents substantiating the move. [The licensee must
24 contact the License Division for instruction as to what documents are
25 required.] This transaction [must] shall be conducted in person. If the nature
26 of the licensee's business has changed, s/he [must] shall follow the
27 instructions for "Cancellation."

28 (3) [*Premise*] Premises/business name changes.

29 (i) If the licensee has a [*Premise*] Premises Business License
30 and changes her/his business name, but her/his business is of the same nature
31 and at the same location, s/he [must] shall provide the License Division with
32 Amended Business Certificate, verifying documents, etc. within ten (10)
33 calendar days.

34 (ii) If the licensee is an employee of a company, in
35 addition to the documentation required in subparagraph (i) above, the licensee
36 [must] shall submit a letter on company stationery signed by the company
37 president or owner, which states that the licensee is still employed by them
38 in the same capacity for which the license was issued, and that the licensee
39 still requires the handgun license for her/his employment.

40 (iii) If the nature of the licensee's business has changed
41 s/he [must] shall follow the instructions for Cancellation.

42 (4) Carry Business License name changes. If the licensee has a
43 Carry Business [*Permit*] License and s/he changes her/his business name -- but
44 not the nature of the business, the [*Corporate Officers*] corporate officers,
45 or the location, s/he [must] shall contact the License Division immediately at
46 telephone #(212) 374-[5538] 5531 or [5539] 5532 for instructions on how to
47 proceed.

48 (5) "Special" Carry Handgun License Changes. Licensees [must]
49 shall call telephone number (212) 374-[5538] 5531 or [5539] 5532, for specific
50 instructions. However, the licensee's basic [county handgun license must]
51 County Handgun License shall be amended prior to requesting any amendment of
52 her/his [N.Y.C.] New York City "Special Handgun License."

53 (6) Individual name changes.

54 (i) If the licensee has changed her/his name because of
55 marriage, registration of a domestic partnership, or for other reasons, s/he
56 [must] shall provide the License Division with a Marriage Certificate,
57 affidavit or legal court documents verifying the change. Where an affidavit
58 is provided, the [department] Department may require additional evidence that
59 the affiant has changed her/his name, including but not limited to a
60 certificate of domestic partnership registration, credit cards issued to the
61 affiant, or bills addressed to the affiant. For purposes of this
62 subparagraph, "domestic partnership" shall mean a domestic partnership
63 registered in accordance with applicable law with the City Clerk, or a
64 domestic partnership registered with the former City Department of Personnel
65 pursuant to Executive Order 123 (dated August 7, 1989) during the period
66 August 7, 1989 through January 7, 1993. (The records of domestic partnerships
67 registered at the former City Department of Personnel have been transferred to

1 the City Clerk.)

2 (ii) The aforementioned document(s) [must] shall be
3 submitted in the original, with a copy attached. The License Division [will]
4 shall return the original document to the licensee.

5 (iii) The licensee [must] shall appear in person at the
6 License Division -- Room 152, with the required documents and her/his license
7 to effect this change.

8 (b) *New business.* (1) If the licensee has changed her/his business from
9 the one for which s/he was originally licensed, or her/his current business
10 has had a change of name and/or corporate officers, owners, etc., or the
11 nature of her/his business or responsibilities have changed; or if s/he has
12 ended her/his association with the business, [i.e.] i.e., retired, terminated,
13 resigned, the licensee [must] shall within ten (10) calendar days of the
14 change surrender her/his [weapon(s)] handgun(s) and license to her/his local
15 precinct for safekeeping. [His] Her/his license may be subject to
16 cancellation. (See § 5-27) -- Cancellation of the [handgun license] Handgun
17 License). Questions may be directed to the Incident Section (212) 374-5538 or
18 5539.

19 (2) Handgun licenses are not transferable to new businesses. The
20 licensee [must] shall re-apply for a new handgun license for her/his new
21 business.

22 (3) New applications [will] shall not be accepted without proof of
23 the surrender of the old license and proof of the proper disposal or surrender
24 of the [firearm(s)] handgun(s).

25 (4) Failure to make proper notification of any of the above
26 changes to the License Division [may] shall result in immediate cancellation
27 of the license.
28

29 **§ 5-30 Incidents Involving Suspension.** (a) Whenever a handgun licensee is
30 involved in an "Incident," the licensee [must] shall immediately report said
31 incident to the License Division's Incident [Unit] Section -- Telephone number
32 (212) 374-5538[,] or 5539. Certain "Incidents" [must] shall also be reported
33 to the "Precinct of Occurrence" (where the incident took place).

34 (b) The following "Incidents" [must] shall be immediately reported to
35 the "Precinct of Occurrence" and the License Division Incident Section:

36 (1) Lost [firearm(s)] handgun(s).

37 (2) Stolen [firearm(s)] handgun(s).

38 (3) Discharge of [firearm] handgun -- other than at [a licensed
39 firearms] an authorized small arms range/shooting club.

40 (4) Lost handgun license (see lost/stolen license).

41 (5) Stolen handgun license (see lost/stolen license).

42 (6) Improper use/safeguarding of [firearm(s)] handgun(s).

43 (7) [Unnecessary] Public display of [firearm] an unholstered
44 handgun.

45 (c) The following "Incidents" [must] shall be immediately reported to
46 the License Division's Incident [Unit] Section:

47 (1) Arrest, summons, (except traffic infractions), [Indictment]
48 indictment, or [Conviction] conviction of licensee, in any jurisdiction,
49 federal, state, local, etc.; suspension or ineligibility order issued pursuant
50 to § 530.14 of the New York State Criminal Procedure Law or § 842-a of the New
51 York State Family Court Act.

52 (2) Admission of licensee to any psychiatric institution,
53 sanitarium, and/or the receipt of psychiatric treatment by licensee.

54 (3) The receipt of treatment for alcoholism or drug abuse by
55 licensee.

56 (4) [The suffering of the following conditions by the licensee:

57 (i) Epilepsy.

58 (ii) Diabetes.

59 (iii) Fainting spells.

60 (iv) Blackouts.

61 (v) Temporary loss of memory.

62 (vi) Nervous disorder.

63 (vii) Or any handicap that may effect the handling of a
64 firearm.] The presence or occurrence of a disability or condition that may
65 affect the handling of a handgun, including but not limited to epilepsy,
66 diabetes, fainting spells, blackouts, temporary loss of memory, or nervous
67 disorder.

1 (5) Licensee is or becomes the subject or recipient of an order of
2 protection or a temporary order of protection.

3 (6) Alteration, mutilation or destruction of handgun license.

4 Note: The above "Incidents" [must] shall be reported if they were
5 not previously disclosed by licensee to the License
6 Division, or if previously disclosed, circumstances
7 have changed.

8 (d) In addition to the aforementioned "Incidents," whenever the holder
9 of a handgun license becomes involved in a situation which comes to the
10 attention of any police department, or other [Law] law enforcement agency, the
11 licensee [must] shall immediately notify the License Division's Incident
12 [Unit] Section of the details.

13 (e) All "Incidents" [will] shall be reviewed and evaluated by License
14 Division investigators. If, as a result of the "Incident," the License
15 Division finds it necessary to suspend or revoke the license, the licensee
16 [will] shall receive notification by mail. Said notification [will] shall
17 advise the licensee of the status of her/his license and the reason for the
18 suspension/revocation.

19 (f) The licensee [will] shall be directed to immediately voucher for
20 safekeeping all [firearms(s)] handguns, rifles and/or shotguns listed on any
21 license and any rifle/shotgun permit s/he possesses. After the [firearm(s)]
22 handguns, rifles and/or shotguns have been vouchered, the licensee [must]
23 shall immediately send her/his handgun license and any rifle/shotgun permit
24 s/he possesses and a copy of the "Voucher" to the License Division's Incident
25 [Unit] Section.

26 (g) Failure to comply with these directions is a violation of the
27 [N.Y.S.] New York State Penal Law, and [will] shall result in summary action
28 by the Police Department. Possession of an unlicensed [firearm(s)] handgun is
29 a crime. If a license is suspended or revoked, the [firearm(s)] handgun(s)
30 listed thereon are no longer considered licensed. Failure to comply with the
31 License Division's directions may result in the permanent revocation of the
32 licensee's handgun license.

33 (h) If her/his license is suspended or revoked, the licensee shall be
34 issued a written Notice of Determination Letter, which shall state in brief
35 the grounds for the suspension or revocation of the license and notify the
36 licensee of the opportunity for a hearing. The suspended/former licensee has
37 the right to submit a written request for a [Hearing] hearing to appeal the
38 decision. This request [must] shall be made within thirty (30) calendar days
39 of the [Suspension/Revocation Notice] date of the Notice of Determination
40 Letter. The written request shall be submitted to the Commanding Officer,
41 License Division, One Police Plaza, Room 110A, New York, New York 10038. A
42 licensee whose arrest or summons resulted in suspension or revocation of
43 her/his license may only submit a written request for a hearing within thirty
44 (30) calendar days after the termination of the criminal action, as defined in
45 New York State Criminal Procedure Law § 1.20(16)(c). If the suspension or
46 revocation resulted from the licensee becoming the subject of an order of
47 protection or a temporary order of protection, the licensee may only submit a
48 written request for a hearing within thirty (30) calendar days after the
49 expiration or voiding of the order of protection or temporary order of
50 protection. If the suspension or revocation was related to both a criminal
51 action and an order of protection or temporary order of protection, then the
52 later of the two waiting periods shall apply. However, requests for [Hearings
53 will] hearings shall not be entertained, nor [will] shall a [Hearing] hearing
54 be scheduled until the licensee:

55 (1) [Vouchers the firearm(s);] Complies with the provisions of
56 subdivision (f) above; and

57 (2) [Forwards a copy of the voucher receipt; and

58 (3) Forwards his handgun license to the License Division;

59 (4)] Provides a Certificate of Final Disposition, if applicable;

60 and

61 [(5)] (3) Provides a Certificate of Relief from [Disability]
62 Disabilities, if applicable, to the License Division.

63 (i) [If the suspension is based upon the licensee's having been
64 arrested, the licensee must provide the License Division with the Final
65 Certificate of Disposition, and a Certificate of Relief from Disability if the
66 licensee were convicted for a felony or serious misdemeanor. A Hearing will
67 not be held until all pending matters before the Court have been finalized.

1 (j) If it becomes necessary for the licensee to request a hearing, the
2 licensee must do so by submitting a request to the Commanding Officer of the
3 License Division.] The [letter must] written request for a hearing shall
4 include:

- 5 (1) License number [-- Refer to Disapproval number if applicable].
- 6 (2) Reason(s) for the request.
- 7 (3) Disposition of license(s) and handgun(s).

8 [(k)] (j) Upon receipt of the licensee's letter, the License Division
9 [will] shall schedule the licensee for a hearing and notify the licensee by
10 mail.

11
12 **§ 5-31 Mutilated, Lost or Stolen Licenses.** (a) If her/his license was lost or
13 stolen, the licensee [must] shall report the loss/theft to the "Precinct of
14 Occurrence" and obtain a "Complaint Report Number."

15 (1) *If the licensee's license was lost, s/he [must] shall:*

16 (i) Obtain a "Complaint Report Number" from the precinct of
17 occurrence.

18 (ii) Report in person to the License Division -- Room 152.

19 (iii) Bring a ten (\$10) dollar money order or certified
20 check. Cash and personal checks [will] shall not be accepted. Make instrument
21 payable to "[New York City] N.Y.C. Police Department."

22 (iv) Bring two current color photos -- 1-1/2["] X 1- 1/2["]
23 inches, front view, from the chest up, taken within the past thirty (30) days.
24 [He should] S/he shall not wear anything which would obstruct identification,
25 [i.e.] e.g., hats, sunglasses, etc.

26 (v) Bring the "Complaint Report Number."

27 (vi) Bring personal [Identification] identification --
28 [Driver's license] driver's license, [Credit Card] credit card, old [handgun]
29 Handgun License.

30 (vii) The licensee [will] shall be required to prepare a
31 duplicate application and have it notarized.

32 (2) *If her/his license was stolen, the licensee [must] shall:*

33 (i) Obtain a Complaint Report Number from the precinct of
34 occurrence.

35 _____ (ii) Report in person to the License Division -- Room 152.

36 (iii) Bring two [current] color photos -- 1-1/2["] x] X 1-
37 1/2["] inches, front view, from the chest up, taken within the past thirty
38 (30) days. [He should] S/he shall not wear anything which would obstruct
39 identification, [i.e.] e.g., hats, sunglasses, etc.

40 [(iii)] (iv) Bring the "Complaint Report Number."

41 [(iv)] (v) Bring personal [Identification] identification --
42 [Driver's license] driver's license, [Credit Card] credit card, old [handgun]
43 Handgun License.

44 [(v)] (vi) [He will] S/he shall be required to prepare a
45 duplicate application and have it notarized.

46 (b) If her/his license was altered, laminated or mutilated, the licensee
47 [must] shall: Report in person to the License Division -- Room 152 with the
48 following:

49 (1) A ten (\$10) dollar money order or certified check. Cash and
50 personal checks [will] shall not be accepted. Make instrument payable to "[New
51 York City] N.Y.C. Police Department."

52 (2) Two [current] color photos -- 1-1/2["] X 1-1/2["] inches,
53 front view, from the chest up, taken within the past thirty (30) days. [He
54 should] S/he shall not wear anything which would obstruct identification,
55 [i.e.] e.g., hats, sunglasses, etc.

56 (3) S/he [will] shall be required to prepare a duplicate
57 application and have it notarized.

58 (4) S/he [must] shall bring with her/him the remnants of her/his
59 license.

60 **§ 5-32 Transfer of Records.** [N.Y.C.] New York City handgun [Licensees]
61 licensees who have moved out of New York City may request a transfer of their
62 records to their new licensing jurisdiction, [as per] in accordance with §
63 [400] 400.00, Subdivision 5, of the [N.Y.S.] New York State Penal Law.

64 (a) This request [must] shall be made in writing by the new licensing
65 agency and accompanied by a five (\$5.00) dollar money order, made payable to
66 the N.Y.C. Police Department.

67 (b) The request [will] shall not be processed unless the License

1 Division has received the licensee's [N.Y.C.] New York City handgun license;
2 documentation of the legal disposition of her/his [firearm(s)] handgun(s),
3 [i.e.] i.e., Bill Of Sale or Voucher (see Cancellation and Disposal of
4 [Weapon(s)] Handgun(s) -- §§ 5-26 and 5-27), her/his new address, and the name
5 and address of her/his new licensing authority.

6 (c) Requests for a [Records Transfer] records transfer may be mailed to
7 the [N.Y.C.] New York City Police Department License Division -- Records
8 [Transfer] Unit, [Room 152, 1] One Police Plaza, [N.Y.C.] Room 152, New York,
9 [N.Y.] New York 10038. The License Division [will] shall process her/his
10 request as expeditiously as possible once the License Division has received
11 the necessary information, documentation, fee, etc. If the licensee has any
12 questions concerning this matter contact (212) 374-5522[,] or 5523.
13

14 **§ 5-33 Familiarity with Rules and Law.** [Licensees must become thoroughly
15 familiar with the rules stated in this chapter. In addition, handgun licensees
16 must be familiar with the N.Y.S. Penal Law -- §§ 35, 265 and 400, which
17 contain the Laws concerning firearms and use of deadly force.] All licensees
18 shall be required to sign an acknowledgment that they shall be responsible for
19 compliance with all laws, rules, regulations, standards, and procedures
20 promulgated by federal, state, or local jurisdictions, and by federal, state,
21 or local law enforcement agencies, that are applicable to this license. The
22 License Division shall provide the licensee with the acknowledgment statement.
23 This acknowledgment statement shall be notarized. Failure to sign the
24 acknowledgment statement and have it notarized shall result in denial of the
25 license application.
26

27 Note: Reference within this chapter to the masculine shall be presumed to
28 include the feminine and neuter. Reference to the singular shall
29 be presumed to include the plural.
30

31 * * *

32
33 Chapter 13 of Title 38 of the Rules of the City of New York is amended
34 to read as follows:
35

36 Chapter 13 Special Patrolmen

37
38 **§ 13-01 Appointment.** (a) Pursuant to New York City Administrative Code § 14-
39 106, the Police Commissioner may appoint Special Patrolmen upon application by
40 individuals whose employers demonstrate need for such appointment.

41 (b) Applications for appointment as Special [Patrolmen] Patrolman from
42 employees, properly endorsed by the following agencies or institutions, [will]
43 shall be given consideration:

- 44 (1) City and state governmental agencies.
- 45 (2) Housing complexes.
- 46 (3) Hospitals, cemeteries and social welfare agencies.
- 47 (4) Educational and cultural institutions, schools, libraries,
48 museums, etc.
- 49 (5) Financial institutions[,] and business entities.
- 50 (6) As deemed appropriate by the Police Commissioner.

51 [(b)] (c) Special Patrolmen are [designated] appointed in connection
52 with special duties of employment, and such designation confers limited Peace
53 Officer powers upon the employee pursuant to New York State Criminal Procedure
54 Law § 2.10(27). The exercise of these powers is limited to the employee's
55 geographical area of employment and only while such employee is actually on
56 duty. Such duties of employment may include:

- 57 (1) Issuing of summonses [by governmental employees]; or
- 58 (2) Making arrests and issuing desk appearance tickets; or
- 59 (3) Controlling crowds and maintaining order in governmental or
60 public buildings.

61 [(c)] (d) Special [Patrolmen deputizations will] Patrolman designations
62 shall be renewed [biennially] every two years upon a showing, to the
63 satisfaction of the Police Commissioner, of continuing fitness of the
64 employee, continuing necessity by the employer, [i.e.] i.e., that the duties
65 and responsibilities of the positions require the special powers conferred by
66 the New York City Administrative Code and New York State Criminal Procedure
67 Law.

1 [(d)] (e) To be eligible for appointment as a Special Patrolman, an
2 applicant shall be of good character, as more specifically defined in these
3 rules, cooperate in a background investigation by the License Division of the
4 Police Department and possesses the following qualifications:

5 (1) A citizen of the United States and resident of the City of New
6 York unless exempted by law.

7 (2) Presently employed or about to be employed for the purpose of
8 performing duties as specified in § 13-01(b) above, within the City of New
9 York for an employer approved by the Police Department. [Deputizations]
10 Appointments are made for the [purposes] benefit of the employing agency,
11 institution or business entity, at whose request the appointment is made, and
12 the duration of the [deputization] appointment shall be [coexistent]
13 coterminous with such employment.

14 (3) No record of convictions for any felony or serious offense as
15 enumerated in § 265.00 (17) of the New York State Penal Law. If an applicant
16 presents a Certificate of Relief from [Disability] Disabilities for a
17 conviction as aforesaid, consideration [will] shall be given to the
18 circumstances of the underlying arrest, the age of the applicant when
19 arrested, the time elapsed since the occurrence of the act which led to the
20 arrest and conviction, and the subsequent conduct of the applicant.

21 (4) Be at least 21 years of age at the time of [deputization]
22 appointment.

23 (5) If discharged from the military service, it [must] shall not
24 have been dishonorably.

25 (6) Not possess a [physical, medical or mental impairment]
26 condition or disability which, even with reasonable accommodations, would
27 prevent the performance of the essential functions of Special Patrolman.

28 [(e)] (f) In addition to the above, applicants for Special Patrolman
29 designation may be disapproved by failure to meet character requirements
30 [where] as disclosed by a background investigation [discloses incidents in the
31 applicant's background demonstrating a pattern of predisposition to violence,
32 theft or other misconduct which would be inimical to the purpose of the
33 deputization, i.e., the protection of property, or the safety of specific
34 individuals or the public at large]. This determination [will] shall be based
35 upon a review of the circumstances of previous arrests, employment records,
36 mental history, [and] reports of misconduct reflecting on character as
37 referred to above, and any other pertinent records or information.

38 [(f)] (g) An applicant may be disapproved if a false statement [of a
39 material fact] is made on the application.

40 [(g)] (h) All applicants shall be fingerprinted upon the filing of the
41 application on forms provided by the License Division. A processing fee,
42 required by the New York State Division of Criminal Justice Services, shall be
43 paid at the time the applicant is fingerprinted, by a money order payable to
44 the N.Y.S. Division of Criminal Justice Services. An application fee shall
45 also be paid at that time, by certified check or money order made payable to
46 the N.Y.C. Police Department. The following items of information shall be
47 provided by applicants: Court disposition of any arrest in which [our] Police
48 Department records do not indicate a final determination; two color photos 1-
49 1/2[" X 1-1/2[" bust types] inches, front view, taken within the past thirty
50 (30) days; [photostat] certified copy of birth certificate; [photostat]
51 certified copy of DD214 and military discharge; proof of residence; if foreign
52 born, naturalization certificate; [pistol] handgun license or rifle/shotgun
53 permit [license] if applicable; driver's license or New York State Department
54 of Motor Vehicles identification card. All application forms [must] shall be
55 typed and notarized, and co-signed by the employer's Chief of Security. [Form
56 letters addressed to the applicant concerning his interviews, status of
57 investigation, approval or disapproval should also be provided as they concern
58 the items listed above; the] The Special [Patrolmen] Patrolman Section [must]
59 shall be notified at least three (3) business days prior to any scheduled
60 appointments if the applicant is unable to appear.

61 [(h)] (i) During the pendency of the application, the applicant shall
62 notify the License Division of any necessary correction to or modification of
63 the information provided in the original application, or any change in her/his
64 status or circumstances, which may be relevant to the application.

65 (j) An employer seeking approval to employ one or more Special Patrolmen
66 shall be evaluated utilizing the following criteria:

67 (1) Demonstrated need for Special Patrolman services.

1 (2) Financial ability to support adequate compensation, uniform,
2 training, and supervision expenses.

3 (3) Establishment of training program and sufficient management
4 supervision.

5 (4) Character and reputation of employer including any criminal
6 activity associated with employer's operations.

7 (5) Prior experiences with Special Patrolmen engaged by employer.

8 (6) Compliance with the rules and requirements of this chapter.

9 [(i)] (k) Once an application for Special Patrolman [deputization]
10 appointment has been disapproved, or [deputization] appointment once granted
11 has been revoked [for cause], the disqualified individual [will] shall be
12 ineligible to file a new application for at least [one (1) year] two (2)
13 years, unless reinstated earlier after a suspension or revocation hearing.

14 (l) Each Special Patrolman shall be required to sign an acknowledgment
15 that s/he shall be responsible for compliance with all laws, rules,
16 regulations, standards, and procedures promulgated by federal, state, or local
17 jurisdictions, and by federal, state, or local law enforcement agencies, that
18 are applicable to her/his appointment. The License Division shall provide the
19 Special Patrolman with the acknowledgment statement. This acknowledgment
20 statement shall be notarized. Failure to execute the acknowledgment statement
21 and to have it notarized shall result in disapproval of the application.

22 (m) Special Patrolmen shall cooperate with all reasonable requests by
23 the Police Department for information and assistance in matters relating to
24 their designation.

25 (n) If her/his application for special patrolman appointment is
26 disapproved the applicant shall receive a written "Notice of Application
27 Disapproval" from the License Division indicating the reason(s) for the
28 disapproval. If the applicant wishes to appeal the decision s/he shall submit
29 a sworn written statement, which shall be known as an "Appeal of Application
30 Disapproval," to the Division Head, License Division, within thirty (30)
31 calendar days of the date on the "Notice of Application Disapproval"
32 requesting an appeal of the denial, and setting forth the reasons supporting
33 the appeal. The Appeal of Application Disapproval shall become part of the
34 application. It shall state the grounds for the appeal and shall contain the
35 following statement to be signed by the applicant and notarized: "Under
36 penalty of perjury, deponent being duly sworn, says that s/he is familiar with
37 all of the statements contained herein and that each of these statements is
38 true, and no pertinent facts have been omitted." Appeals that are unsworn by
39 the applicant or submitted by individuals or business entities other than the
40 applicant or her/his New York State licensed attorney shall not be accepted.
41 All timely appeals shall receive a complete review of the applicant's entire
42 file by the Division Head, License Division, who shall notify the applicant of
43 her/his determination. The Division Head, License Division shall not consider
44 any documentation that was not submitted during the initial background
45 investigation. There shall be no personal interviews to discuss appeals. If
46 the appeal of her/his disapproval is denied, the applicant shall receive a
47 "Notice of Disapproval After Appeal" letter from the Division Head, License
48 Division. This notice concludes the Police Department's administrative review
49 procedure.

50
51 **§ 13-02 Cancellations, Suspensions and Revocations.** (a) [An] A Special
52 Patrolman and her/his employer [must] shall immediately notify the License
53 Division of the Police Department, Special [Patrolmen] Patrolman Section,
54 whenever an employee, [deputized] appointed as Special Patrolman is:

55 (1) Arrested.

56 (2) Suspended from employment.

57 (3) Terminated from employment.

58 (4) Disabled [to the extent he will not be capable of performing
59 special patrolman] or subject to a condition which prevents the Special
60 Patrolman from being able to perform the duties of a Special Patrolman.

61 (5) Transferred to a position not requiring [deputization] such
62 appointment.

63 (6) Involved in an incident which demonstrates conduct which is
64 contrary to the purpose of appointment as a Special Patrolman, i.e., the
65 protection of property, or the safety of specific individuals or the public at
66 large, and to her/his continued designation as a Special Patrolman.

67 (b) Upon receipt of this notice from the Special Patrolman, her/his

1 employer, or otherwise, the License Division shall immediately notify the
2 Special Patrolman and the employer that the [deputization] appointment is
3 cancelled, suspended or revoked.

4 (c) A Special Patrolman and her/his employer shall immediately notify
5 the License Division of the Police Department, Special Patrolman Section,
6 whenever said employee changes her/his address. The failure of a Special
7 Patrolman and/or her/his employer to report a Special Patrolman's change of
8 address to the Special Patrolman Section may result in the immediate
9 revocation of the appointment.

10 (d) The appointment of a Special Patrolman may also be cancelled,
11 suspended or revoked by the Police Commissioner on her/his own initiative for
12 any of the reasons enumerated in § 13-02(a) above, or upon a finding that a
13 condition exists, which would be cause for a disapproval of an application, or
14 revocation, as aforesaid. In appropriate circumstances, the approval for an
15 employer to participate in the Special Patrolman program may be revoked.

16 [(d)] (e) When a cancellation, suspension or revocation is initiated by
17 the Police Department, written notice [will] shall be given to the employer
18 and the employee whose designation has been cancelled, suspended or revoked,
19 advising them of the reasons for the action taken.

20 [(e)] Within 30 days after a disposition of an arrest of a Special
21 Patrolman, which resulted in revocation of deputization, the employer and the
22 affected employee may request a hearing pursuant to § 13-03 of these rules.]
23

24 **§ 13-03 [Appeals] Appeal from [Disqualification and] Written Notice of**
25 **Determination of Suspension or Revocation.** (a) [No applicant shall be

26 disqualified pursuant to these rules, unless he is first given a written
27 statement of the reasons therefor and an opportunity for an appeal.

28 (b) Upon receipt of a written notice of disqualification from the
29 License Division, an applicant] An employer or suspended/ former Special
30 Patrolman may within [ten (10)] thirty (30) calendar days from the date of the
31 Notice of Determination Letter notifying the employer or Special Patrolman of
32 suspension or revocation make a written [appeal] request for a hearing to the
33 Commanding Officer, License Division, One Police Plaza, Room 110A, New York,
34 New York 10038. [Only written appeals will be considered. The Commanding
35 Officer, License Division shall review the applicant's entire file and notify
36 the applicant in writing of his or her determination. If the appeal is denied,
37 the applicant will receive a "Notice of Disapproval After Appeal" letter from
38 the Commanding Officer, License Division. This notice concludes the Police
39 Department's administrative review procedure.]

40 (b) A Special Patrolman whose arrest or summons resulted in suspension
41 or revocation of her/his appointment may only submit a written request for a
42 hearing within thirty (30) calendar days after the termination of the criminal
43 action, as defined in New York State Criminal Procedure Law § 1.20(16)(c). If
44 the suspension or revocation resulted from the Special Patrolman becoming the
45 subject of an order of protection or a temporary order of protection, the
46 Special Patrolman may only submit a written request for a hearing within
47 thirty (30) calendar days after the expiration or voiding of the order of
48 protection or temporary order of protection. If the suspension or revocation
49 was related to both a criminal action and an order of protection or temporary
50 order of protection, then the later of the two waiting periods shall apply.
51

52 **§ 13-04 Uniform and Equipment.** (a) The [uniform and] shield of a Special
53 Patrolman shall be of a design and color approved by the Police Commissioner.
54 The Special Patrolman's [prescribed] uniform shall be prescribed by the
55 employer, shall not resemble in any way the uniform of a New York City Police
56 Officer, and shall be worn at all times while the Special Patrolman is on duty
57 unless the Special Patrolman's [credentials permit] identification card
58 authorizes the wearing of civilian clothes or s/he is otherwise excused by the
59 Police Commissioner. A Special Patrolman [will] shall not wear her/his uniform
60 while off-duty. ([§ 14-107 N.Y.C.] New York City Administrative Code §
61 14-107.)

62 (b) When appointed, a Special Patrolman [will] shall be provided with a
63 shield and identification card. To insure the return of the shield, a \$25
64 deposit [will] shall be required for each shield issued. The deposit [will]
65 shall be refunded upon the return of the shield. The theft or loss of a shield
66 or identification card [will] shall be reported without delay to the precinct
67 of occurrence and in writing to the License Division.

1 (c) Identification cards bearing the raised seal of the License
2 Division, [with a biennial] including an expiration date, [will] shall be
3 issued to Special Patrolmen who are in compliance with [uniform and shield]
4 all applicable standards.

5 (d) Upon the death, resignation, termination of employment,
6 cancellation, suspension or revocation of the appointment of a Special
7 Patrolman, the [Commanding Officer of the Special Patrolmen Section] employer
8 shall cause the Special [Patrolman] Patrolman's shield, [credentials]
9 identification card and pistol or revolver, if any, to be delivered to
10 [departmental] Police Department custody immediately, if this has not already
11 been done.

12 (e) If [firearms] handguns are required, applications for a [pistol]
13 handgun license authorizing the possession of a [firearm] handgun in
14 connection with Special [Patrolmen] Patrolman duties should be made to the
15 License Division's [Pistol] Handgun License Application Section. A
16 determination [will] shall be made as to whether sufficient need exists for
17 approval. It is a crime for a Special Patrolman to possess a [firearm] handgun
18 without having a valid [pistol] handgun license therefor, and grounds for
19 revocation of the Special Patrolman designation.

20 (f) If handcuffs are required, Special Patrolmen are restricted to
21 possession while on duty or while traveling to and from [his or her] their
22 assigned place of duty. Unlawful possession of handcuffs is a criminal
23 violation ([§ 10-147(b) N.Y.C.] New York City Administrative Code §
24 10-147(b)).
25

26 **§ 13-05 Conduct.** (a) It is a crime for a Special Patrolman to represent
27 her/himself as a Police Officer (§ 190.25 of the New York State Penal Law).

28 (b) Unlawful use and possession of a police uniform, shields or emblems,
29 as prescribed by § 14-107 of the New York City Administrative Code [of the
30 City of New York], shall be cause for revocation of a Special Patrolman
31 designation.

32 (c) A Special Patrolman [will] shall be subject to the orders and
33 regulations of the Police Commissioner, and [will] shall cooperate in the
34 performance of duty with members of the Police Department.

35 (d) Upon making an arrest, a Special Patrolman shall, without delay,
36 bring the prisoner before the Desk Officer at the precinct in which the arrest
37 is made, or directly to the Central Booking facility as appropriate. [An
38 arrest by a Special Patrolman shall be recorded in the same series of
39 consecutive numbers as an arrest by a member of the Police Department.]

40 (e) A Special Patrolman employed by a city or state governmental agency
41 other than the New York City Police Department, which has a formalized
42 procedure for the issuing, recording, and forwarding of summonses for
43 personnel of the agency concerned, shall comply with the regulations of that
44 agency. Any other Special Patrolman who serves a summons shall deliver the
45 necessary papers to the Desk Officer of the precinct in which it was served,
46 without delay.

47 (f) A Special Patrolman [will] shall promptly notify the Special
48 [Patrolmen] Patrolman Section of a change in residence, telephone number or
49 employment status.

50 (g) If a Special Patrolman is arrested, s/he shall immediately notify
51 her/his employer and the Special [Patrolmen] Patrolman Section of that
52 occurrence.

53 (h) Non-compliance with any provision of these rules by a Special
54 Patrolman may result in suspension or revocation of her/his [deputization]
55 designation. Non-compliance with any of these rules by an employer may result
56 in revocation of its approval to participate in the Special [Patrolmen]
57 Patrolman program.
58

59 **§ 13-06 Training.** (a) Persons [deputized] appointed as Special Patrolmen by
60 the Police Commissioner are mandated to have received training pursuant to New
61 York State Criminal Procedure Law[,], § 2.30(1), within 12 months of their
62 designation. Employers are solely responsible for providing such training.

63 (b) Employers of Special Patrolmen [will] shall be responsible for
64 certifying to the [Commanding Officer] Division Head, License Division that
65 their [deputized] designated personnel have completed the required training
66 and [will] shall submit copies of completion certificates to the License
67 Division within 30 days of such training.

1 (c) Non-compliance with these mandated training provisions by employers
2 or their [deputized] designated Special Patrolmen shall be cause for
3 revocation of their designations and revocation of approval for the employer
4 to participate in the Special [Patrolmen] Patrolman program.
5

6 **§ 13-07 Required Reports.** (a) Agencies, institutions, et[.] al., employing
7 persons [deputized] appointed as Special Patrolmen are solely responsible for
8 compliance with mandatory reporting requirements as established by the New
9 York State Division of Criminal Justice Services. Tel: (518) 457-6101.

10 (b) Failure to comply with [N.Y.S.] New York State Division of Criminal
11 Justice Services mandated reporting requirements may be grounds for removal
12 from the Special [Patrolmen] Patrolman program.
13

14 Note: References within this chapter to masculine shall be presumed to include
15 the feminine and neuter. References to the singular shall be
16 presumed to include the plural.
17

18 * * *

19
20 Subchapter B of Chapter 15 of Title 38 of the Rules of the City of New
21 York is relettered C and amended to read as follows:
22

23 Chapter 15 Adjudications

24
25 *Subchapter [B] C Hearing Rules Governing Suspension[, Cancellation] and*
26 *Revocation of [Pistol] Handgun Licenses, [Longarm] Rifle/Shotgun Permits,*
27 *Dealer's, Gunsmith's and Manufacturer's Licenses, Organization Registration*
28 *Certificates and Special Patrolman Designations.*
29

30 § 15-21 Definitions.

31 **[Cancellation.** Cancellation shall mean removal of a license and privilege to
32 possess a firearm and/or be designated a special patrolman as a result of a
33 change in business or employment circumstances.]

34 **Department.** The term "Department" shall mean the New York City Police
35 Department.

36 **Handgun.** The term "handgun" shall mean a pistol or revolver.

37 **Hearing Officer.** The term "Hearing Officer" shall mean an individual
38 designated by the Police Commissioner to preside over hearings pertaining to
39 suspension [, cancellation] and revocation of [pistol and longarm] handgun
40 licenses, rifle/shotgun permits, dealer's, gunsmith's and manufacturer's
41 licenses, organization registration certificates and special patrolman
42 designations.

43 **License.** The term "License" shall mean a license or permit to possess
44 [firearms] handguns or rifles/shotguns, or to conduct business as a dealer,
45 gunsmith or manufacturer, or the registration certificate allowing
46 organizations to possess rifles or shotguns, or the granting of special
47 patrolman designation.

48 **License Division.** The term "License Division" shall mean the New York City
49 Police Department License Division.

50 **[Longarm.** Longarm shall mean a rifle or shotgun.]

51 **Licensee.** The term "Licensee" shall mean any person, business, organization
52 or governmental agency which is requesting a hearing to contest a decision
53 made by the Department regarding an individual license, permit or certificate.

54 **Party.** The term "Party" shall mean the Department or any licensee involved in
55 a hearing.

56 **Revocation.** The term "Revocation" shall mean removal of a license and
57 privilege to possess a [firearm] handgun or rifle/shotgun and/or be designated
58 a special patrolman, or to conduct business as a dealer, gunsmith, or
59 manufacturer, or to possess rifles or shotguns as an organization.

60 **Special Patrolman.** The term "Special patrolman" shall mean an individual who
61 has been granted a designation as special patrolman by the Police Commissioner
62 pursuant to New York City Administrative Code § 14-106.

63 **Suspension.** The term "Suspension" shall mean temporary removal of a license
64 and privilege to possess a [firearm] handgun or rifle/shotgun and/or be
65 designated a special patrolman, or to conduct business as a dealer, gunsmith,
66 or manufacturer, or to possess rifles or shotguns as an organization.
67

1 **§ 15-22 Commencement of Proceedings.** (a) *Entitlement to a Hearing.* A
2 licensee shall be entitled to submit a written request for a hearing following
3 issuance of a Notice of Determination Letter notifying the licensee [upon
4 notice] of suspension or revocation [or cancellation] of a [pistol or longarm]
5 license [and/or special patrolman designation] and the opportunity for a
6 hearing.

7 (b) *Scheduling of Hearings.* A licensee who wishes to request a hearing
8 relating to a suspension[,] or revocation [or cancellation must notify the
9 Assistant Commissioner, Civil Matters, in writing, of such request within 30
10 days of the date on the notice of suspension or cancellation. The Assistant
11 Commissioner, Civil Matters] shall submit a written request to the Commanding
12 Officer, License Division, following the issuance of a Notice of Determination
13 Letter, within 30 calendar days of the date on the Notice of Determination
14 Letter. A licensee whose arrest or summons resulted in suspension or
15 revocation of her/his license may only submit a written request for a hearing
16 within thirty (30) calendar days after the termination of the criminal
17 action, as defined in New York State Criminal Procedure Law § 1.20(16)(c). If
18 the suspension or revocation resulted from the licensee becoming the subject
19 of an order of protection or a temporary order of protection, the licensee may
20 only submit a written request for a hearing within thirty (30) calendar days
21 after the expiration or voiding of the order of protection or temporary order
22 of protection. If the suspension or revocation was related to both a criminal
23 action and an order of protection or temporary order of protection, then the
24 later of the two waiting periods shall apply. The License Division shall
25 schedule a hearing within a reasonable time of receipt of the request.

26 (c) *Notice of Hearing.* [(1)] A licensee shall receive notification of
27 the date, time and place of the hearing by regular mail addressed to the
28 licensee's last known address. Additionally, a licensee's [legal
29 representative will] New York State licensed attorney shall receive
30 notification, if the [representative] attorney has filed an appearance with
31 the Department.

32 [(2)] The hearing notice shall state the reasons for the hearing
33 including the legal authority for the hearing and reference to any particular
34 sections of law or regulations involved.]

35
36 **§ 15-23 Proceedings upon Default.** (a) *Failure to Appear.* (1) Upon a
37 licensee's failure to appear at a license suspension[, cancellation] or
38 revocation hearing, or any adjournment thereof, without good cause, it shall
39 be deemed that the licensee does not contest the issues underlying the
40 suspension [, cancellation] or revocation of the license. The Hearing Officer
41 may [suspend, cancel or revoke] recommend the suspension or revocation of the
42 license and/or may proceed to take testimony with regard to the merits of the
43 case.

44 (2) *Notice of Default.* The parties shall be notified of the
45 [hearing] Hearing Officer's declaration of default.

46 (3) *Application to Vacate Default.* An application for a
47 rehearing and stay of default may be made within 20 calendar days of the date
48 of the notification of default/hearing results. Such application shall be
49 made to the [Assistant Commissioner, Civil Matters] Hearing Officer and may be
50 granted upon a showing of good cause.

51 **§ 15-24 Adjournments.** (a) A request for an adjournment shall be made at
52 least 72 hours prior to the date of the hearing. An adjournment [will] shall
53 not be granted except for good cause shown.

54 (b) (1) If an adjournment is granted, the adjourned hearing date
55 [shall] may be marked final against the licensee [or applicant] requesting the
56 adjournment.

57 (2) Attorneys requesting an adjournment because of a conflicting
58 engagement shall submit an Affirmation of Actual Engagement, setting forth the
59 name of the court, case, and date and time of the proceedings.

60
61 **§ 15-25 Evidence.** (a) *Evidence.* (1) Parties shall have the right to call
62 witnesses, conduct examinations and cross-examinations, to present evidence,
63 and make objections, motions and arguments.

64 (2) The rules of evidence governing proceedings in the courts of
65 this State shall not be strictly enforced at hearings. Objections shall be
66 timely and the basis for the objection shall be clearly stated.
67

1 (3) The introduction of cumulative or irrelevant evidence shall
2 be avoided. The Hearing Officer may curtail the testimony of any witness
3 which is deemed to be cumulative or irrelevant.

4 (4) Parties may stipulate to facts involved in the proceedings.
5 Stipulations shall be noted on the record and [must] shall be approved by the
6 Hearing Officer.

7 (b) [Review of Folders] Requests for Records. Licensees or their New
8 York State licensed attorneys [who wish to review a file must make an
9 appointment to do so] may request copies of records at least [one week] three
10 weeks in advance of the date of the hearing. Documents shall not be provided
11 in response to such request where: (1) the documents are privileged or
12 confidential pursuant to law or rule, or (2) where disclosure of the documents
13 would reveal investigative techniques, would impair active investigations or
14 judicial proceedings, would constitute an unwarranted invasion of privacy, or
15 would endanger the life or safety of any person.

16 (c) Oral Argument. Oral argument may be curtailed or limited, in the
17 Hearing Officer's discretion, and shall be included in the record.

18
19 **§ 15-26 Hearing Officers and Representation of Parties.** (a) Hearing
20 Officer. (1) The Hearing Officer shall serve both as impartial examiner and
21 impartial judge and shall have the duty to conduct fair and impartial
22 hearings, to take all necessary action to avoid delay in the disposition of
23 the proceedings, and to maintain order. It shall be the duty of [each] a
24 Hearing Officer to inquire fully into all matters at issue and to obtain a
25 full and complete record. The Hearing Officer shall write a Hearing Report
26 which includes a [decision] recommended disposition. A Hearing Officer's
27 duties shall be restricted to adjudication and related matters.

28 (2) The Hearing Officer shall have all powers necessary to
29 conduct a hearing, including the power to administer oaths and affirmations,
30 rule upon offers of proof, receive evidence, regulate the course of hearings
31 and the conduct of the parties and their counsel and to hold conferences, both
32 on and off the record, for settlements, simplification of issues, or any other
33 proper purposes.

34 (b) Prosecuting Attorney. An Attorney designated by the Department's
35 Legal Bureau may act as prosecutor to present the [Police] Department's case.

36 (c) Representation of Licensees. Licensees may be represented by an
37 attorney who is a member in good standing of the bar of the State of New York.

38
39 **§ 15-27 Conduct of Hearings.** (a) Public Access to Hearings. Hearings are
40 generally open to the public. If good cause is shown by either party, the
41 Hearing Officer may exclude the public from a particular hearing or portion of
42 a hearing. Additionally, the public may be excluded at the Hearing Officer's
43 discretion.

44 (b) General Provisions. (1) The Hearing Officer shall rule upon
45 matters of procedure and introduction of evidence and shall conduct the
46 hearing in such manner as will best serve the attainment of justice.

47 (2) Licensees shall appear and testify at the hearing. They may
48 submit evidence relevant to the matter under consideration. If a licensee
49 fails to testify an adverse inference may be drawn against him or her by the
50 Hearing Officer.

51 (3) Any licensee desiring to subpoena a witness, document or
52 other evidence may do so in the manner provided for in the New York Civil
53 Practice Law and Rules. The Hearing Officer shall issue administrative
54 subpoenas to necessary individuals and may issue administrative subpoenas upon
55 request by a party.

56 (4) No ex parte communications relating to other than ministerial
57 matters regarding a proceeding shall be received by a Hearing Officer,
58 including internal agency directives not published as rules.

59 (c) Disposition by Settlement. Informal [Disposition] disposition may
60 be made of any matter which is the subject of an adjudication by means of
61 stipulation, agreed settlement or consent order.

62 (d) Transcripts. All hearings shall be recorded on a tape recorder. A
63 transcript of the hearing may be ordered by any party to the hearing. The
64 transcript shall be provided upon payment of reasonable transcription costs.

65
66 **§ 15-28 [Decisions] Hearing Officer's Report and Recommendation.** (a)
67 [Hearing Officer's Decision.] After the conclusion of the hearing, the Hearing

1 Officer shall prepare a written hearing report and [decision] recommended
2 disposition. The report shall include a statement of the issues, findings of
3 fact, and conclusions of law, as well as the reasons and basis [therefore]
4 therefor. Findings of fact shall be based exclusively upon all the material
5 issues of fact and law presented in the record. The Division Head, License
6 Division shall review the report and recommendation and make a final
7 determination. S/he may approve the recommendation or modify the findings or
8 the penalty consistent with the record. The Division Head's determination is
9 the final administrative determination.

10 (b) Licensees shall receive a copy of the Hearing Officer's [decision]
11 report and the Division Head's final determination, by regular mail, within a
12 reasonable time after the conclusion of the hearing.
13

14 **§ 15-29 Penalties.** Appropriate penalties may be imposed upon a licensee
15 including [temporary or permanent loss] suspension or revocation of the
16 license [and/or privilege to possess a firearm and/or be designated a special
17 patrolman].
18

19 [**§ 15-30 Appeals.** (a) Licensees who wish to appeal the Hearing Officer's
20 decision must submit a sworn written statement, which shall be known as a
21 "Hearing Appeal", setting forth the basis for the hearing appeal, to the
22 Commanding Officer, License Division. Such letter must be received by the
23 Commanding Officer within 30 days of the date of the Notice of Hearing
24 Results.

25 (b) Upon appeal, the Commanding Officer, License Division may approve,
26 modify or reject the Hearing report and decision.

27 (c) The Commanding Officer's decision is the final administrative
28 review.

29 (d) The hearing appeal shall be deemed part of the hearing process. It
30 shall state the grounds for the appeal and shall contain the following
31 statement to be signed by the licensee in the presence of a notary: "Under
32 penalty of perjury deponent being duly sworn, says that he/she is familiar
33 with all the statements contained herein and that each of these statements is
34 true and no pertinent facts have been omitted." Hearing appeals that are
35 unsworn by the applicant or submitted by individuals or business entity's
36 other than the applicant (or an applicant's attorney who is duly licensed to
37 practice law in the State of New York) will not be accepted.]
38

39 Note: References within this chapter to masculine shall be presumed to include
40 the feminine and neuter. References to the singular shall be
41 presumed to include the plural.
42

43 * * *

44
45 Chapter 16 of Title 38 of the Rules of the City of New York is amended
46 to read as follows:
47

48 **Chapter 16 Transport or Delivery of [Firearms] Weapons**

49 **§ 16-01 Definitions**

50 [Antique Firearm. "Antique Firearm" shall mean any unloaded muzzle loading
51 pistol or revolver with a matchlock, flintlock, percussion cap, or similar
52 type of ignition system, or a pistol or revolver which uses fixed cartridges
53 which are no longer available in the ordinary channels of commercial trade.
54
55

56 Firearm. "Firearm" shall mean (1) any pistol or revolver, or (2) shotgun
57 having one or more barrels less than eighteen inches in length, or (3) a rifle
58 having one or more barrels less than sixteen inches in length, or (4) any
59 weapon made from a shotgun or rifle whether by alteration, modification, or
60 otherwise if such weapon as altered, modified, or otherwise has an overall
61 length of less than twenty-six inches. For purposes of this chapter the length
62 of the barrel on a shotgun or rifle shall be determined by measuring the
63 distance between the muzzle and the face of the bolt, breech, or breechlock
64 when closed and when the shotgun or rifle is cocked; the overall length of a
65 weapon made from a shotgun or rifle is the distance between the extreme ends
66 of the weapon measured along a line parallel to the center line of the bore.

1 "Firearm" shall not include an antique firearm, or a pistol or revolver that
2 has been rendered permanently inoperable for use in a theatrical production.
3 Firearms Dealer. "Firearms Dealer" shall mean any person, firm, partnership,
4 corporation or company who engages in the business of purchasing, selling,
5 keeping for sale, loaning, leasing, or in any manner disposing of, any pistol
6 or revolver, and who is licensed by the Police Commissioner pursuant to
7 Article 400 of the Penal Law and § 10-302 of the Administrative Code.]

8 **License Division.** The term "License Division" shall mean the License Division
9 of the New York City Police Department.

10 **Person.** ["Person"] The term "person" shall mean an individual, firm,
11 partnership, corporation, company or other business entity, and shall include
12 any common or contract carrier, shipper, transport company, [firearms] weapons
13 manufacturer, distributor or dealer.

14 **Police Commissioner.** The term "Police Commissioner" shall mean the Police
15 Commissioner of the City of New York or [his or] her/his designee(s).

16 **Transitory Shipment.** For purposes of this chapter, the term "transitory
17 shipment" shall mean a shipment which begins outside of the City of New York,
18 and moves continuously and without interruption through the City of New York
19 to a final destination outside of the City of New York. A shipment which is
20 within the City of New York and involves any off-loading of the weapons from
21 one means of transportation, followed by subsequent on-loading of the weapons
22 to another means of transportation, shall not be considered a transitory
23 shipment.

24 **Unanticipated Delay.** For purposes of this chapter, the term "unanticipated
25 delay" is an event involving the operator of a vehicle who intended to make a
26 transitory shipment of weapons when s/he entered the City of New York with a
27 shipment of weapons, and having done so, has experienced an unexpected
28 mechanical problem, or other unexpected condition or set of circumstances
29 which causes the operator to remain within the City, and off of a limited
30 access highway, for a period of greater than one hour.

31 **Weapon.** For purposes of this chapter, the term "weapon" shall mean a
32 "firearm," "rifle," "shotgun," or "machine-gun," as those terms are defined in
33 § 265.00 of the New York State Penal Law and shall also include anything that
34 is defined as an "assault weapon" in § 10-301 of the New York City
35 Administrative Code.

36 **Weapons Dealer.** For purposes of this chapter, the term "weapons dealer" shall
37 mean any person, firm, partnership, corporation or company who engages in the
38 business of purchasing, selling, keeping for sale, loaning, leasing, or in any
39 manner disposing of any weapon as defined in this chapter and who is licensed
40 by the Police Commissioner pursuant to Article 400 of the New York State Penal
41 Law and/or § 10-302 of the New York City Administrative Code.

42 **§ 16-02 Applicability** This chapter shall apply to all persons who transport
43 or deliver one or more [firearms] weapons into or within any location in the
44 City of New York, except that [they] it shall not apply to:

45 (a) the transitory shipment of [firearms] weapons through New York City
46 to a final destination outside of New York City[, or]. However, if the
47 operator of the vehicle containing a transitory shipment of weapons
48 experiences an unanticipated delay as that term is defined in § 16-01 of this
49 chapter, such operator shall immediately report to the nearest Police
50 Department facility the following information:

- 51 _____ (1) her/his current location;
52 _____ (2) the location of the transporting vehicle;
53 _____ (3) the cause of the unanticipated delay;
54 _____ (4) the expected duration of the shipment's presence in the City;
55 and

56 _____ (5) how the shipment shall be secured during its stay in the City.
57 In the case of such delay, the officer receiving such notice may direct the
58 vehicle operator to take reasonably necessary measures to secure the weapons
59 shipment, or the officer may seize and secure the weapons until such time that
60 the shipper makes alternative arrangements which are acceptable to the
61 officer.

62 (b) the shipment or delivery of [firearms] five (5) or fewer weapons
63 from one [firearms] licensed weapons dealer located in New York City directly
64 to another [firearms] licensed weapons dealer located in New York City.
65 However, the manner of storage of such weapons during their transportation
66 shall be in compliance with § 16-05 of this chapter.

1 **§ 16-03 Authorization to Transport or Deliver Firearms** (a) No person shall
2 transport or deliver, or cause to be transported or delivered, [firearms]
3 weapons into or within the City of New York where s/he knows or has reasonable
4 means of ascertaining what s/he is transporting, without first obtaining
5 written authorization to do so from the Police Commissioner.

6 (b) A request by any person for authorization to transport or deliver
7 [firearms] weapons shall be made in writing to the Commanding Officer, License
8 Division, New York City Police Department, One Police Plaza, Room 110A, New
9 York, New York 10038, or by Facsimile transmission (212) [571-5298] 374-2828,
10 so as to be received by the License Division at least ten (10) calendar days
11 prior to the transportation within the City of New York. Such request shall
12 include the following information:

13 (1) [the] The name and address of the source of the shipment of
14 [firearms:] weapons. If the source is a corporation, the name of the
15 president or authorized representative of such corporation shall be included.

16 (2) [the nature of the shipment, including type and number of
17 firearms to be delivered; and] The number of weapons, including the
18 manufacturer's name, caliber, and model identification, for each type of
19 weapon being transported.

20 (3) [the name and address of the person to receive the shipment in
21 New York City] The name of the shipping company, if different from the source
22 of the shipment, including the address and telephone number of the company's
23 headquarters.

24 (4) The day, date, and the estimated time and place of arrival of
25 the shipment into New York City.

26 (5) The name, address, and weapons dealer's or gunsmith's license
27 number of the person authorized to receive the shipment in New York City.

28 (6) The type of vehicle to be used by the source of the shipment,
29 or the shipping company, including any distinctive company logos or markings
30 on the vehicle.

31 (7) A photocopy of the driver's license of the person scheduled to
32 make the delivery, and a photocopy of the driver's license of an alternate
33 driver who may be required by the source of the shipment, or the shipping
34 company, to substitute for the principally scheduled delivery person.

35 (8) The application for permission to transport weapons shall
36 contain the following statement, subscribed and sworn to by the applicant
37 before a notary public, commissioner of deeds, or other comparable official:
38 "I, [Name] -----, the applicant for permission to transport weapons
39 within or through the City of New York, state that such weapons shall be
40 transported in an unloaded condition, and in a manner that conforms with § 16-
41 05 of Chapter 38 of the Rules of the City of New York, and if upon inspection
42 of the contents of the transporting vehicle it is discovered that such weapons
43 are not secured in a manner conforming with said section, then any permission
44 issued by virtue of this application shall be void and deemed to have never
45 been granted, and it is understood that I and any of my agents, employees, or
46 assignees, may be prosecuted for transporting weapons without permission
47 pursuant to the New York State Penal Law and the New York City Administrative
48 Code, and that the property being transported as well as the means of
49 transport may be seized and forfeited pursuant to law."

50 (c) If a person seeking permission to transport a weapon pursuant to
51 this section is utilizing a shipping company or other delivery service and is
52 unable to provide information relevant to paragraphs (4), (6) or (7) of
53 subdivision (b) of this section, a separate request for permission to
54 transport shall be submitted by the shipping company or delivery service,
55 which shall include the required information.

56 (d) Upon receiving a request for authorization to transport or deliver
57 [firearms] weapons, the Police Commissioner shall cause to be conducted a
58 review of Police Department records to ascertain whether the intended
59 recipient of the [firearms] weapons shipment or delivery is an authorized
60 person, and whether there exists any information which would otherwise provide
61 a basis for denying authorization to receive such [firearms] weapons shipment.
62 [(d)] The Police Commissioner or her/his designee shall[, within ten business
63 days of receiving a request for authorization to transport or deliver
64 firearms,] then notify the requesting person that such authorization has or
65 has not been granted.

66 (e) In addition to any other applicable penalties, the Police
67 Commissioner may deny an application submitted pursuant to this chapter if the

1 applicant has previously failed to comply with the provisions of this chapter.

2
3 **§ 16-04 Surrender of Firearms Not Authorized For Transportation or Delivery[.]**

4 Any person who transports or delivers [firearms] weapons without obtaining
5 authorization pursuant to the requirements of [the] this chapter shall be
6 liable for the penalties set forth in Article 265 of the New York State Penal
7 Law and the New York City Administrative Code, and shall further be directed
8 by any member of the Police Department to [either] surrender the [firearms]
9 weapons to the Police Department [or immediately return such firearms to the
10 sender]. In addition, the property being transported, as well as the means of
11 transport, may be seized and forfeited pursuant to law.

12
13 **§ 16-05 Required Security Measures for Weapons Shipments in Transit** Any
14 person, corporation, partnership, or other business entity using a vehicle to
15 transport weapons within or through the City of New York shall, at a minimum,
16 employ the following security measures while such weapons are in transit:

17 (a) All weapons shall be transported unloaded.

18 (b) All weapons shall be placed in one or more containers located within
19 the vehicle used for transportation of the weapons. Such containers shall be
20 constructed of materials of such a sturdy character that when the container is
21 closed and locked, it cannot be forced open by hands alone, or sliced open
22 with a common tool such as a knife or box cutter.

23 (c) The above referenced container(s) shall be securely fastened, with a
24 combination or key locking device, to the interior body structure of the
25 transporting vehicle, in such a manner that the containers cannot be manually
26 removed without releasing the locks.

27 (d) Such containers, while in transit and carrying weapons, shall be
28 closed and locked with a heavy-duty combination or key-type lock.

29 (e) Ammunition shall not be stored in the same container as weapons.

30 (f) At all times other than loading and unloading, the cargo area of the
31 transporting vehicle in which all of the above referenced containers shall be
32 stored shall be closed and locked with a heavy-duty combination or key-type
33 lock.

34 (g) The driver of the transporting vehicle shall carry a manifest which
35 declares the numbers and types of weapons being transported, and the intended
36 point of delivery. Such manifest shall not be considered valid unless it
37 shall have written upon it the permission serial number issued by the New York
38 City Police Department License Division.

39 (h) (1) The Police Commissioner may require, as a condition of the
40 authorization to transport or deliver weapons, that shipments of weapons which
41 will be off-loaded from one means of transportation and subsequently on-loaded
42 to the same means or another means of transportation within the city of New
43 York, be escorted by a uniformed member of the New York City Police
44 Department, from the time of on-loading until such point that the shipment has
45 left the jurisdictional boundaries of the City of New York.

46 (2) If the Police Commissioner elects to impose the escort requirement
47 as a condition of the authorization to transport or deliver weapons, the
48 applicant shall notify the Commanding Officer, License Division, of the day,
49 date, estimated time and place of on-loading of the shipment to the second
50 means of transportation. The escort requirement shall be deemed waived if the
51 escort is not present at the place within the City of New York where the
52 weapons will be on-loaded within thirty minutes of the shipment's estimated
53 time of on-loading and departure.

54
55 **§ 16-06 Requirement to Report Theft, Loss or Misdelivery**

56 (a) Any person, firm, corporation, or other business entity who has
57 received permission to transport weapons pursuant to the provisions of this
58 chapter, and who suffers a loss or theft of any part of her/his weapons
59 shipment while it is located within New York City, shall forthwith report such
60 loss or theft to the nearest Police Department facility and shall comply with
61 all reasonable requests for assistance by police officers who investigate the
62 circumstances of the loss or theft.

63 (b) Any person, firm, corporation or other business entity who has
64 received permission to transport weapons pursuant to the provisions of this
65 chapter, and who knows or reasonably should know that any part of her/his
66 weapons shipment was delivered to a person other than the person designated in
67 § 16-03(b) (5) of this chapter, shall forthwith report such misdelivery to the

1 Police Department's Operations Unit, at (212) 374-5580.

2

3 Note: References within this chapter to masculine shall be presumed to include
4 the feminine and neuter. References to the singular shall be
5 presumed to include the plural.

6

7

1 **STATEMENT OF BASIS AND PURPOSE**

2
3 The Police Commissioner is responsible for the licensing and regulation
4 of handguns, rifles, shotguns and other weapons in New York City, including
5 activities such as possessing, carrying, selling, manufacturing, transporting
6 or repairing such weapons. In addition, the Police Commissioner is authorized
7 to designate individuals as "Special Patrolmen" pursuant to Section 14-106 of
8 the New York City Administrative Code. The administrative arm of the Police
9 Department which fulfills these functions at his direction is the New York
10 City Police Department's License Division.

11 Since early 1997, the operation of the License Division has undergone
12 extensive review and analysis. This continuous effort to improve the quality
13 and timeliness of the application and renewal process, the investigation of
14 incidents, the determination of fitness, and the safe transport of weapons
15 through New York City has resulted in significant policy changes and
16 organizational improvements under the present rules and practices. However,
17 it became clear that in the interest of consistency, fairness, and efficiency,
18 a close examination and restructuring of Chapters 1, 2, 3, 4, 5, 13, 15
19 (Subchapter B), and 16 of Title 38 of the Rules of the City of New York was
20 equally necessary.

21 Chapters 1 through 5, regarding licensing and possession of handguns and
22 rifles/shotguns, as well as the licensing of dealers in weapons (including air
23 pistols and air rifles), have been amended to be internally consistent in
24 application, renewal, and suspension/revocation procedures. The amendments
25 incorporate recent changes to the law, such as federal and state law
26 prohibitions against possession of firearms by perpetrators of domestic
27 violence, as well as local laws regarding the possession and use of safety
28 locking devices and the establishment of domestic partnership registration in
29 New York City. The amendments clarify and streamline the application and
30 review process, clarify the conditions of the issuance of a license including
31 the obligation to observe applicable laws and rules, and set forth consistent
32 procedures for the appeal of revocation or suspension of a license or permit.
33 Specifically with respect to handgun licensing, the amendments eliminate as a
34 separate category the "Target" handgun license, clarify the requirements for
35 particular categories of handgun licenses, and require inspection of all
36 handguns with each renewal of the license.

37 Chapter 13, "Special Patrolmen," has been similarly amended to
38 streamline and clarify application, renewal, and suspension/ revocation
39 procedures, including criteria to be considered when evaluating whether
40 employers demonstrate sufficient need for the appointment of special
41 patrolmen.

42 Subchapter B of Chapter 15, governing hearings conducted by the License
43 Division, has been amended to conform the hearing process to the License
44 Division rules as amended herein, as well as to clarify and streamline the
45 hearing and disposition process.

46 Chapter 16 is amended to strengthen the already existing rules regarding
47 the transport of weapons in New York City. The amendments clarify the
48 definitions of applicable terms, strengthen notification requirements and
49 security requirements when weapons are transported in and through New York
50 City, and provide an appropriate procedure when a weapons shipment destined
51 for a location outside of New York City is unexpectedly delayed in New York
52 City. The chapter is also amended to exempt weapons shipments of five or
53 fewer between licensed dealers within New York City from the operation of
54 these rules.

55 In response to public comment on the proposed rule amendments and
56 additional review by members of the Police Department, modifications have
57 been made to rules contained in Chapters 1, 2, 3, 4, 5, 13, and 15, which
58 include: addition of a provision requiring license or permit applicants to
59 notify the License Division in the event that their circumstances change
60 during the pendency of the application; restoration of the thirty-day period
61 within which to request a hearing following suspension or revocation of a
62 license or permit, rather than the ten-day period originally provided;
63 addition of a provision requiring that a licensee or permittee whose license
64 was suspended or revoked due to their becoming the subject of an order of
65 protection must wait until the order of protection is expired or voided in
66 order to request a hearing; and modification of a requirement in Chapter 5
67 providing that licensees may, rather than shall, be required to produce all

1 handguns possessed for inspection upon renewal of a handgun license.
2 Consistent with the intent of the New York State Penal Law and the New
3 York City Administrative Code, and pursuant to the powers of the Commissioner
4 under sections 434(b) and 1043 of the New York City Charter, Title 10 of the
5 New York City Administrative Code, and Articles 265 and 400 of the New York
6 State Penal Law, the Police Department is now acting to amend its rules to
7 create a comprehensive and reasonable regulatory scheme for the licensing and
8 regulation of deadly weapons in New York City, and for the appropriate
9 designation of Special Patrolmen.