

**Nassau County Police Department
Pistol License Section
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Monday & Friday 9:00AM-5:00PM

Tuesday & Thursday 11:00AM-7:00PM

Wednesday 7:30AM-7:00PM

This handbook has been prepared as a general guide for both applicants and pistol license holders. The terms and conditions outlined are concurrent with, and in addition to, those contained in Articles 400.00 and 265.00 of the New York State Penal Law.

Answers to specific questions concerning pistol licenses may be obtained by contacting the Nassau County Police Department, Pistol License Section at 516-573-7559. Licensees are required to be aware of the contents of this booklet, as well as all applicable New York State and Federal Laws.

Revised April, 2010

Nassau County pistol license holders are responsible for all future revisions of this handbook.

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APPLICANT REQUIREMENTS

AN APPLICANT MUST:

- Be of good moral character.
- Have no prior conviction for a felony or other serious offense, as defined in Section 265.00 Definitions. Sub.17 and Section 400.00 Sub. 1.(d).
- Disclose any history of mental illness.
- Be free from any mental disorders, defects or diseases that would impair his or her ability to safely possess or use a firearm.
- Reside or maintain a principal place of business within the confines of Nassau County.
- Be an applicant concerning whom no good cause exists for the denial of such license.
- Be at least twenty-one (21) years of age or older, provided, however, that where such applicant has been honorably discharged from the United States Army, Navy, Marine Corps, Air Force or Coast Guard, or the National Guard of the State of New York, no such age restriction shall apply.
- Not have had a license revoked or not under a suspension or ineligibility order issued pursuant to the provisions of section 530.14 of the criminal procedure law or section 842(a) of the family court act.
- Not have been convicted of a misdemeanor crime of domestic violence.

Licensing Fees

Application	\$200.00
DCJS Fingerprinting Fee (one time only fee)	\$ 94.25
Pistol License Renewal Fee (every 5 years)	\$200.00
Dealer License Renewal Fee (every 3 years)	\$150.00
Gunsmith Renewal Fee (every 3 years)	\$ 75.00
Purchase Document	\$ 10.00
Sale of a Gun	\$ 10.00
Amendment	\$ 10.00
Change of Address	\$ 10.00
Replacement License	\$ 5.00
Records Transfer	\$ 5.00

Checks returned for insufficient funds may result in the suspension of your Pistol License and a \$20.00 returned check fee.

The application fee and renewal fee is waived for qualified Retired Police Officers, Retired Peace Officers and Retired Federal Law Enforcements as per N.Y.S. Penal law Section 400.00, sub.14.

Type of Pistol Licenses and Restrictions

1. Target/Hunting License

A Carry License, which is stamped *Target* restricts the licensee to carrying a loaded firearm to and from a range for recreational or competitive shooting, or for hunting, where legal in New York State, (valid NYS Hunting License also needed) except when traveling through New York City. (See Traveling Thru New York City)

When traveling to range, licensee can carry one loaded gun on his person to and from pistol range. **NO STOPS PERMITTED** (ex. No stops for gas, food, etc.)

2. Business License

A Carry License, which is stamped **Business** is issued for business purposes where there is a demonstrated need for security or protection as determined by the Nassau County Police Department. The licensee will have to show proof of State and Federal Tax Certificate. The licensee is restricted to carrying the firearm while actually conducting business during normal business hours. A **Business** license may be issued only for a documented legitimate business. If the licensee is operating a business from a residence, proof will be required from the local village, town, or city government indicating that the business operation is consistent with local laws. Licensee must be able to safeguard their weapon(s) at workplace in a safe, locked, metal box attached to structure of building. **If licensee is not a resident of Nassau County, he/she must get a target, sportsman, premise, etc. pistol license from county of residence before applying in Nassau County.**

3. Restricted Business License for Armed Guard and Armored Car Guard

A Carry License, which is issued to armed guards and armored car personnel. Such persons must be employed by a New York State licensed agency, must have completed the required course of instruction, and are restricted to carrying their firearm as follows:

- a) While actually engaged in their employment: The firearm may be carried only while actually engaged in the employment for which the license was issued. The licensee may not carry the firearm at any other time, or for any other employment not disclosed to the Nassau County Police Department. The licensee must keep the Police Department informed of all employers for whom the firearm will be carried.
- b) While traveling from residence to place of employment: The firearm(s) may be carried from the licensee's residence to the place of employment. This means, from the residence the licensee indicated on the application directly to the place of employment, or to the work assignment for that day. If a licensee does not stay at his or her residence prior to work, he or she would be obligated to return home to obtain the firearm before traveling to work the next day. Carrying the firearm for the evening before work the next day would be in violation of the terms and conditions for which the license was issued.
- c) While traveling from place of employment to residence: The firearm may be carried from place of employment to licensee's residence. There must be no unreasonable delay in returning the firearm to the residence to be secured.

Note: If armed guard is **not** a resident of Nassau County he must get Target License in county of residence first before applying in Nassau County.

4. Full Carry License

A Full Carry License authorizes a licensee to carry a firearm at all times for the purpose of self-protection. A Carry License will be issued only after proper cause is shown. Proper Cause will be determined by the Police Department after reviewing the totality of facts and circumstances pertaining to the applicant's need for personal protection.

5. Retired Police Officer/Retired Federal Law Enforcement Officer License

Authorizes the licensee to carry firearms anywhere in New York State, including New York City (five boroughs), at any time.

6. Retired Peace Officer License

Authorizes the licensee to carry firearms anywhere in New York State, **EXCEPT** in New York City (five boroughs), at any time.

Note: The foregoing restrictions will be strictly interpreted by the Nassau County Police Department and any violation of these restrictions will result in the immediate suspension of the pistol license and possible revocation.

Traveling Through New York City (Five Boroughs)

Holders of Target, Business, Armed Guard and Armored Car Guard Pistol Licenses must comply with the following procedure when transporting firearms thru New York City:

- Have the unloaded firearm(s) in a locked container during a continuous and uninterrupted trip through New York City (5 boroughs).
- Ammunition and firearm(s) must be stored separately in a locked container. Storage should be in the trunk. If your vehicle does not have a trunk, the locked containers must be kept the farthest distance as possible from your person.

Note: Holders of a Business, Armed Guard and Armored Car Guard Pistol License, who also have a New York City Pistol License, must abide by the rules pertaining to their New York City Pistol License.

Retired Police Officers and Retired Federal Law Enforcement are allowed to possess firearms in New York City. Retired Peace Officers with an additional New York City Pistol License are also allowed to possess firearms in New York City.

Duties and Responsibilities of a Pistol Licensee

Duties and responsibilities of a Pistol Licensee include, but are not limited to:

1. A pistol licensee is authorized to possess only the firearm(s) listed on the license.
2. A pistol licensee must be in possession of the pistol license at all times while carrying a firearm. The firearm carried must be registered on the pistol license.
3. Your handgun should be secured at all times. There are many levels of security, ranging from a trigger lock to a safe. Access should be limited to the licensee only. If you maintain more than one residence, your handgun(s) must be secured at your Nassau County residence, unless you take your handgun(s) with you and you are legally able to possess them in your other residence.
4. A pistol licensee must safeguard firearms at all times, and must keep firearms away from unauthorized persons, especially children. Firearms are to be stored in a locked receptacle, preferably a safe or metal box permanently attached to a structure. Access must be limited to the licensee and the person designated by the licensee on the application as the person responsible to safeguard the firearm.
5. A pistol licensee shall not leave firearms in a motor vehicle, even temporarily, or any other place where an unauthorized person might have access to them.

6. A pistol licensee shall not draw or otherwise display a firearm unjustifiably, unnecessarily, or carelessly.
7. Should a licensee be unable to produce a firearm when requested by the Police Department, or if the licensee cannot locate a firearm, or does not know of its whereabouts, it will be considered a *failure to safeguard a firearm* and the pistol license will be subject to suspension and/or revocation.
8. A pistol licensee shall not purchase a firearm prior to obtaining a Purchase Document from the Nassau County Police Department, Pistol License Section.
9. Misconduct or misuse of a pistol license or firearm may result in suspension or revocation.
10. Most licenses issued by the Nassau County Police Department are valid anywhere in New York State, *except* in all five boroughs of the City of New York. Licenses stamped *Retired Police Officer or Retired Federal Law Enforcement Officer* are valid in New York City. (Refer to Traveling Through N.Y.C.)

Domestic Violence

The policy of the Nassau County Police Department is to take a proactive stance against domestic violence. Therefore, upon notification of any domestic situation requiring police intervention, the Police Department will require the surrender of the pistol license and all handgun(s) of any involved licensee. The license and handgun(s) will be returned only after a thorough investigation reveals that there are no compelling reasons for continuing the suspension. The issuance of an **Order of Protection** naming the licensee as the respondent will result in the immediate suspension of a license and surrender of handgun(s). The license will remain suspended until the Order expires or is vacated, and a thorough investigation is completed.

Incidents Requiring Immediate Report to the Police Department, Pistol License Section

1. A lost or stolen firearm must be immediately reported to local investigative authorities, and also to the Nassau County Police Department, Pistol License Section.
2. Any discharge of firearm (except at range, hunting or where otherwise else lawful).
3. Loss or mutilation of a license.
4. Any arrest, indictment or conviction, except non-criminal traffic infraction, in any court jurisdiction.
5. Issuance of an Order of Protection that involves the licensee, or a domestic dispute involving police presence.

Purchasing Firearms

1. Licensees are not required to purchase or own a firearm to receive or maintain a pistol license. However, to purchase a firearm, a **Purchase Document** (\$10 for each weapon) must be obtained from the Nassau County Police Department, Pistol License Section.
2. You may obtain a non-specific weapon Purchase Document, which will be valid for the duration of the calendar year from the date of purchase. You do not need to have a handgun picked out in order to get a Purchase Document.

3. You must destroy the document if you do not purchase a weapon when the document expires. Purchase Documents expire on December 31st of the year it was purchased.
4. Licensees are required to appear at the Pistol Section within ten days (10) business days of purchasing a weapon to amend their license and reflect the purchase with the following:
 - a. Firearm(s) purchased.
 - b. White copy of the Purchase Document
 - c. Bill of sale from the seller
5. If you are purchasing a handgun from another pistol licensee, you can both come in to the Pistol License Section with the unloaded handgun and can conduct the transaction at the counter without a Purchase Document. Fee is still \$10.00.

Brady Handgun Violence Prevention Act

As per federal law, a NICS (National Instant Criminal Background Check Systems) check must be completed in order for a licensed firearms dealer to transfer any firearm. It may take up to three (3) business days to receive a response from 'NICS', which may authorize or deny the release of the firearm to an individual.

To Sell or Dispose of Firearms

To legally dispose of firearms, a licensee must:

- a. Surrender the firearms, in a safe, unloaded condition to the Nassau County Police Department, Pistol License Section, or
 - b. Sell or transfer the firearms to a licensed firearms dealer or another licensee, or
 - c. Legally dispose of firearms as described in the New York State Penal Law.
1. All firearms transactions must occur prior to the expiration of a license. If the license is expired, the firearms must be surrendered to the Nassau County Police Department as described above.
 2. A bill of sale or dealer's receipt must accompany all sales of firearms, and must be submitted to the Pistol License Section in person along with the license for amendment within ten (10) days.
 3. A violation of the above procedures may result in criminal charges for a Class A misdemeanor as defined under Penal Law Section 265.10, Subsection 7, and immediate suspension to the license [See also PL Section 400.00(15)]. Revocation of the license may also result.

License Cancellation

A pistol license will be cancelled upon the third suspension of the pistol licensee by the Pistol License Section or if a licensee is named as the respondent in a permanent Order of Protection.

Note: If a pistol license was cancelled due to a third suspension of the pistol license there will be a three (3) year moratorium on submitting a new pistol license application from the date of the cancellation of the pistol license. If a pistol license was cancelled due to a

licensee being named as a respondent in an Order of Protection, there will also be a three (3) year moratorium on submitting a new pistol license application. This moratorium will start on the date the Order of Protection was withdrawn or expired.

To Cancel a Pistol License

To cancel a Nassau County Pistol License, a licensee must:

1. Legally dispose of the firearms listed on the license, and
2. Return the license to the Nassau County Police Department, Pistol License Section.
3. Attach a letter briefly describing the reason for the cancellation along with documentation for the disposition of the firearm(s).

Address Change

Should a licensee move from the address listed on the license, he or she must personally appear with the pistol license at the Pistol License Section no later than ten (10) days after the change becomes effective. The licensee will be required to submit verifying documents regarding the change. A valid Nassau County Drivers License showing new address and one of the following: utility bill, lease agreement, deed, etc. This also applies to business addresses. If the licensee relocates outside of Nassau County, instructions regarding a license transfer or cancellation must be followed. If renting or living with your parents you will need a **notarized** letter from your landlord/parents that they are aware you will have a handgun in their building and their utility bill.

Records Transfer To Another Jurisdiction

If you should move out of Nassau County and relocate within New York State, Section 400.00 sub d. 5 allows you to transfer your application or records to the appropriate licensing officer in your new county of residence. In order to accomplish this, you must notify the Nassau County Police Department Pistol License Section within ten (10) days of your moving and file a transfer of record form with a \$5.00 transfer fee. You can also send a letter including your new address and phone number, a copy of your pistol license and a \$5.00 check made out to NCPD.

Business Name Change

If the name of a business listed with the Police Department is changed, the licensee must personally appear with the pistol license at the Pistol License Section no later than ten (10) days after the change becomes effective. Verifying documents regarding the name change will be required. The documents must contain the new name and be accompanied by a new proof of need for the business license. If the nature of a business changes, the licensee must contact the Pistol License Section within ten (10) days and follow the procedure as outlined for a name change.

Name Change

A licensee legally changes his or her name; the licensee must notify the Pistol License Section within ten (10) days and provide documents to verify the change.

Lost or Stolen Firearm

If a firearm is lost or stolen, the licensee must:

1. Immediately report such information to the precinct of occurrence or local police agency where the loss occurred and obtain a case report or other police report number, and
2. Notify the Pistol License Section of the police report number no later than the next business day.

Lost, Stolen, or Mutilated License

If a license is lost, stolen, or mutilated, the licensee must appear at the Pistol License Section as soon as possible with identification, a new photo and the appropriate fee for a duplicate license. Depending on the circumstances, the Pistol License Section may require an investigation prior to the issuance of a duplicate license.

License Renewal

Licenses are valid for five (5) years and will expire on the last day of the licensee's month of birth. Licensees should receive renewal forms in the mail thirty (30) to sixty (60) days prior to the expiration date, provided that the license is not suspended, or the licensee has not changed his or her address without notifying the Pistol License Section. Current federal law requires a complete criminal history check upon each renewal. Failure to report any arrest will result in suspension and/or revocation.

Note: The Police Department mails out renewals at least thirty (30) days prior to the license expiration. This in no way relieves the licensee of the responsibility to know the expiration date and apply for renewal if the forms are not received in the mail. Questions should be directed to the **Pistol License Section at 516-573-7559**. Failure to renew a license will result in its cancellation.

Registering a Deceased Person's Firearm(s)

Penal Law Section 265.20 (f) allows the executor or administrator of the estate of a deceased pistol license holder fifteen (15) days to lawfully dispose of the deceased's handguns. If they are not legally disposed of within that time, they must be surrendered to any precinct of the Nassau County Police Department or to the Pistol License Section. (This allows family members to surrender the deceased's handguns to the police department without fear of any prosecution.) After legally disposing of the firearm(s), the executor of the estate or a family member of the deceased must surrender, in person or by mail, the deceased's pistol license with a document showing the disposition of the firearm(s) to the Pistol License Section. If the weapons are in the possession of the Police Department, the following documents must be obtained before the firearm(s) will be released: 1) Copy of preliminary letters of administration or testamentary 2) Copy of Will 3) Death Certificate (copy) 4) Paid Funeral Bill 5) A notarized letter from the Executor of the Estate stating they are turning gun(s) over to you (list each one).

Pistol License Denial

If your application for a pistol license is denied, there will be a three (3) year moratorium on submitting a new pistol license application.

Grounds for Suspension or Revocation

The policy of the Nassau County Police Department is to immediately suspend the Pistol License of any licensee who violates any of the terms and conditions of the license including, but not limited to the following incidents:

- 1. Presentation of a loaded firearm at the Pistol License Section counter at Nassau County Police Headquarters.**
2. Arrest, Indictment, Field Appearance Ticket, respondent to an Order of Protection or any conviction, other than a traffic summons, in any jurisdiction.
3. The conviction of a felony or other serious offense, as defined in Section 265.00 Definitions, Sub. 17 and Section 400.00 Sub. 1. (d).
4. Failure to report any arrest, indictment or conviction in any jurisdiction.
5. The licensee becomes subject to a court order restraining him or her from harassing, stalking, threatening or any acts of physical violence directed towards another person.
6. Report of any domestic situation where violence is threatened or alleged to have occurred. Volatile domestic situations.
7. Improper use of a firearm.
8. Failure to properly safeguard a firearm. This includes but is not limited to those listed under DUTIES AND RESPONSIBILITIES OF A PISTOL LICENSE HOLDER.
9. Failure to report a lost or stolen firearm.
10. Carrying a firearm out of classification of license
11. The suffering from mental illness or the admission to any hospital or institution, public or private, for mental illness.
12. Any medical or mental condition which impairs the licensee's ability to own, carry, or safeguard a firearm.
13. When not on a pistol range authorized by local law for the purpose of target shooting, you may not be in possession of any handgun(s) loaded with armor piercing ammunition.
14. The illegal use or possession of a controlled substance. A controlled substance is defined in Section 220.00 of the New York State Penal Law as: concentrated

cannabis; narcotic drug other than methadone; narcotic preparation; hallucinogen; hallucinogenic substance; stimulant; depressant or dangerous depressant.

15. Carrying a handgun in a location prohibited by local, state or federal law. This prohibition does not apply to licensees employed at the prohibited location if the carrying of a handgun at that location is a condition of that employment.
16. Going through or attempting to go through a weapons screening area at an airport terminal, or board, or attempt to board an aircraft operated by an air carrier in air transportation, when the licensee has on or about their person or property, or the property of another, a handgun which is or could be accessible to them beyond the screening area or on board an aircraft. This prohibition does not apply to licensees employed at the airport or by an airline and the carrying of a handgun is a condition of that employment.
17. Entering any court facility while they have on or about their person a firearm. This prohibition does not apply to licensees employed at the court and/or the carrying of the firearm is authorized by the District Administrative Judge for Nassau County.
18. Entering a federal facility while they have on or about their person a firearm. This includes Postal property and Federal Court property, 18 U.S.C. Section 930. POSSESSION OF FIREARMS AND DANGEROUS WEAPONS IN FEDERAL FACILITIES. This prohibition does not apply to licensees that are exempt as per Section 930. ©(1)(2)(3).
19. Incidents where the licensee:
 - a. Is intoxicated and could be a threat to himself or another person; or
 - b. Has caused or threatened bodily harm to another person; or
 - c. Is behaving irrationally and in a manner that causes a normal rational person to be fearful or threatened by the licensee having access to handguns
20. Falsification of any documentation submitted to the Pistol License Section, including but not limited to, correspondence, amendment forms and license renewal applications.
21. A gunsmith or dealer may not conduct handgun transactions at any location other than their licensed premises. The only exception to this rule is they may conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, state, or local organization, or any affiliate of any such organization devoted to the collection, competitive use or other sporting use of firearms. (Penal Law Section 400.00 Sub.
22. **Note:** If at such a show, a copy of your gunsmith or dealers license must be available for inspection. Records of receipt and disposition of firearm transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the

gunsmith or dealer of firearms and retained on the location specified on the license.

23. IF A POLICE OFFICER REQUESTS YOU TO SURRENDER YOUR LICENSE AND FIREARM(S), AND YOU REFUSE, SUCH CONDUCT WILL BE SUFFICIENT CAUSE FOR THE REVOCATION OF YOUR LICENSE, AND YOU MAY BE ARRESTED AND CHARGED WITH A VIOLATION OF SECTION 400.00, SUBD. 8, A CLASS A MISDEMEANOR.

24. Any alteration of a Pistol License.

25. Pursuant to NYS Penal Law 400, Section 11 a Nassau County Pistol License may be revoked and cancelled at any time by the licensing officer (Commissioner of Police).

26. Failure to comply with the regulations and restrictions in this handbook.

Note: After an investigation of any of the above incidents, the license may be subject to an additional term of suspension or revocation. The licensee is responsible for making prompt notification to the Nassau County Police Department, Pistol License Section. The licensee should not assume that the other law enforcement agencies or officers of the Nassau County Police Department will make these notifications on the licensee's behalf. Notification must be made immediately after the incident has occurred.

Most licensees are notified by mail of any suspension or revocation. In most cases if you should receive such a notification, you are required to surrender your license and handguns to any Precinct in Nassau County or to the Pistol License Section. Those instances that cause a license to be suspended will be investigated by the Nassau County Police Department Pistol License Section. If your license should ever be suspended, you will be advised by mail of the reason for the suspension, the name of the investigating officer assigned and their direct telephone number. Failure to cooperate with the investigation can result in the revocation of your license. Upon completion of the investigation you will be advised by mail of the results and the reinstatement date if any. If, as a result of an incident, you are notified that your license will be revoked, you have a right to a hearing. If you wish to request a hearing, such request must be in writing to the Nassau County Police Department, Pistol License Section, 1490 Franklin Avenue, Mineola, NY 11501. You may be represented by an attorney at any stage of this process.

DEALER, RANGE AND GUN SHOW INFORMATION

DEALER LICENSE FORM

The New York State Dealer and Gunsmith license issued by the Nassau County Police Department as per Section 400.00 sub. 7 contains the address the license was issued for and is valid only at that address. All dealer transactions must be done at the licensed premise. A gunsmith or dealer in firearms license is not transferable to any other person or premises. (See GUN SHOW OR EVENT exception.)

DEALER LICENSE/SIGN EXHIBITION AND DISPLAY

A license as gunsmith or dealer in firearms shall be prominently displayed on the licensed premises. The license must also be prominently displayed at an authorized gun show or event. The failure of any licensee to exhibit or display his or her license shall be presumptive evidence that he or she is not duly licensed. Any person, firm or corporation engaged in the retail business of selling rifles, shotguns or firearms, as such terms are defined in section 265.00 of the Penal law, shall, in the place where such rifles, shotguns or firearms are displayed or transferred to the purchaser, post a notice conspicuously stating in bold print that:

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

CONSIGNMENT

The act of giving a dealer in firearms a handgun to display for sale requires the handgun licensee to respond within ten (10) days to the Licensing Bureau to file a Notification of Amendment form to delete the gun from their license. The dealer must issue a receipt and is also required to enter the handgun transaction in the Federal and New York State book. Although this type of transaction often does not involve money or trade, the Pistol Licensing Bureau considers this transaction a sale. Therefore, should the owner want the handgun returned, he or she would be required to obtain a purchase document prior to its return.

DEALER GUN RENTALS AT RANGES

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

PISTOL RANGES

Section 265.20 subsection 7-E: Possession and use of a pistol or revolver, at an indoor or outdoor pistol range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in small arms or at a target pistol shooting competition under the auspices of or approved by an association or organization described in paragraph 7-A of this subdivision (*National Rifle Association*) for the purpose of loading and firing the same by a person at least eighteen years of age but under the age of twenty-one who has not been previously convicted of a felony or serious offense, and who does not appear to be, or pose a threat to be, a danger to himself or to others; provided however, that such possession shall be of a pistol or revolver duly licensed to and shall be used under the immediate supervision, guidance and instruction of, a person specified in paragraph seven of this subdivision.

Synopsis of paragraph seven:

(a) A duly commissioned officer of the United States Army, Navy, Air Force, Marine Corps or Coast Guard, or of the National Guard of the State of New York.

(b) A duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the above military forces or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state.

Gun Show or Event

Section 400.00 sub. 8 allows a gunsmith or dealer in firearms to conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, state, or local organization, or any affiliate of any such organization devoted to the collection, competitive use or other sporting use of firearms. The license or a photocopy of same must be prominently displayed while at the temporary location. Records of receipt and disposition of firearm transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the gunsmith or dealer of firearms and retained on the location specified on the license.

Nothing in this section shall authorize any licensee to conduct business from any motorized or towed vehicle. Any inspection or examination of inventory or records under this section at such temporary location shall be limited to inventory consisting of, or records related to, firearms held or disposed at such temporary locations. **Failure of any licensee to so exhibit or display his license, as the case may be, shall be presumptive evidence that he is not duly licensed.**

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

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

Important Terms and Definitions

(A) **BLACKPOWDER:** Any unloaded pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system.

(B) **ARMOR PIERCING AMMUNITION:** Any ammunition capable of being used in pistols or revolvers containing a projectile or projectile core, or a projectile or projectile core for use in such ammunition, that is constructed entirely (excluding the presence of traces of other substances) from one or a combination of any of the following: tungsten alloys, steel, iron, brass, bronze, beryllium, copper, or uranium.

(C) **BUILDING:** In addition to its ordinary meaning, includes any structure, vehicle or watercraft used for overnight lodging of persons, or used by persons for carrying on business therein or any enclosed motor truck, or an enclosed motor truck trailer. Where a building consists of two or more units separately secured or occupied, each unit shall be deemed both a separate building in itself and a part of the main building. (Section 140.00 Penal Law)

(D) **CONSIGNMENT:** For our purpose, it would be the giving to a dealer in firearms a handgun to display for sale.

(E) **DEALER IN FIREARMS:** Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, or in any manner disposing of, any pistol or revolver.

(F) **DEADLY PHYSICAL FORCE:** Is defined as physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury to the person. (Section 10, Penal Law)

(G) **DEADLY WEAPON:** Is defined as any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, billy, blackjack or metal knuckles. (Section 10, Penal Law)

(H) **DISPOSE OF:** To dispose of, give, give away, keeping for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

(I) **DWELLING:** Is defined as a building, which is usually occupied by a person lodging therein at night. (Section 140.00, Penal Law)

(J) **FIREARM EXHIBITOR:** Is defined as any person, firm, partnership, corporation or company that exhibits, sells, offers for sale, transfers, or exchanges firearms, rifles or shotguns at a gun show.

(K) **GUN LOCKING DEVICE:** Shall mean an integrated design feature or an attachable accessory that is resistant to tampering and is effective in preventing the discharge of such rifle, shotgun or firearm by a person who does not have access to the key, combination or other mechanism used to disengage the device.

(L) **GUN SHOW:** Is defined as an event sponsored, whether for profit or not, by an individual, national, state or local organization, association or other entity devoted to the collection, competitive use, sporting use, or any other legal use of firearms, rifles or shotguns, or an event at which (A) twenty percent or more of the total number of exhibitors are firearm exhibitors or (B) ten or more firearm exhibitors are participating or (C) a total of twenty-five or more pistols or revolvers are offered for sale or transfer or (D) a total of fifty or more firearms, rifles or shotguns are offered for sale or transfer. The term gun show shall include any building, structure or facility where firearms, rifles or shotguns are offered for sale or transfer and any grounds used in connection with the event.

(M) **GUNSMITH:** Any person, firm, partnership, corporation or company which engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving or truing, or who performs any mechanical operation on, any firearm or machine-gun.

(N) **LARGE CAPACITY AMMUNITION FEEDING DEVICE:** Is defined as a magazine, belt, drum, feed strip, or similar device, manufactured after September 13, 1994, that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition; provided, however, that such term does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(O) **LICENSING OFFICER:** Is defined as in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk the sheriff of that county except in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown, the commissioner of police of that county; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance.

(P) **MISDEMEANOR CRIME OF DOMESTIC VIOLENCE:** Is generally defined as any offense whether or not explicitly described in a statute as a crime of domestic violence which has, as its factual basis, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by the victim's current or former domestic partner, parent or guardian.

(Q) **POSSESS:** To exercise dominion or control over property, other than incidentally.

(R) **PREMISES:** Includes the term "building" as defined herein, and any real property. (Section 140.00 Penal Law)

(S) **SERIOUS PHYSICAL INJURY:** Is defined as physical injury which creates a substantial risk of death, or which causes death or serious protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ. (Section 10, Penal Law)

Use of Deadly Physical Force Excerpt New York State Penal Law

As a pistol licensee, you are required to understand the laws relating to the use of deadly physical force. The following excerpts concern the Defense of Justification according to the New York State Penal Law. This is to inform you about the use *deadly physical force* which could occur by use of a firearm. As these sections are complex, it is recommended that questions or doubts be referred to an attorney.

Sec. 35.15. Justification; Use of physical force in defense of a person (2006)

1. A person may, subject to the provisions of subdivision two, use physical force upon another person when and to the extent he or she reasonably believes such to be necessary to defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by such other person, unless:
 - a) The latter's conduct was provoked by the actor with intent to cause physical injury to another person; or
 - b) The actor was the initial aggressor; except that in such case the use of physical force is nevertheless justifiable if the actor has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened imminent use of unlawful physical force; or
 - c) The physical force involved is the product of a combat by agreement not specifically authorized by law.

2. A person may not use deadly physical force upon another person under circumstances specified in Subdivision One unless:

- a) The actor reasonably believes that such other person is using or about to use deadly physical force. Even in such case however, the actor may not use deadly physical force if he or she knows that with complete personal safety, to oneself and others he or she may avoid the necessity of so doing by retreating; except that the actor is under no duty to retreat if he or she is:
 - (i) in his or her dwelling and not the initial aggressor; or
 - (ii) a police officer or peace officer or a person assisting a police officer or a peace officer at the latter's direction, acting pursuant to Section 35.30; or
- b) He or she reasonably believes that such other person is committing or attempting to commit a kidnapping, forcible rape, forcible criminal sexual act or robbery; or
- c) He or she reasonably believes that such other person is committing or attempting to commit a burglary, and the circumstances are such that the use of deadly physical force is authorized by Subdivision Three of Section 35.20.

Sec. 35.20. Justification; Use of physical force in defense of premises and in defense of a person in the course of burglary (2006)

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

Sec. 35.25. Justification: Use of physical force to prevent or terminate larceny or criminal mischief (2006)

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

Sec.35.30. Justification: Use of physical force in making an arrest or in preventing an escape (2006)

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

MISCELLANEOUS INFORMATION

SAFETY TRAINING

Safety training is extremely important and every licensee is encouraged to participate in some type of handgun safety training. Unfortunately, most often government needs to rely on outside help for this type of activity. If you contact many of the local gun organizations in Nassau County, they can put you in contact with clubs that periodically hold handgun safety classes. For the purpose of firearm training: a pistol license holder who has a valid Hunter Safety Education Instructor Certificate issued by the New York

State Department of Environmental Conservation and/or is a National Rifle Association of America certified instructor and is instructing a firearm safety class, may possess for demonstration purposes, a licensed firearm. An instructor if carrying a licensed firearm must have in their possession while traveling to, during and from the training class, documentation showing the type, location and time of the class scheduled and proof of their instructor certification.

PISTOL LICENSING BUREAU

The New York State Penal Law Section 400 mandates certain administrative procedures concerning the issuance, renewing, filing, cancellation and revocation of licenses to possess, carry and deal in firearms. Section 265.00 sub. 10 define the Nassau County Police Commissioner as the Licensing Officer. The Pistol License Section was created to carry out the Commissioner's responsibilities as mandated by law.

An overview of the Section's duties consists of, but is not limited to the following:

1. Conducts investigations into an applicant's character and fitness to possess a pistol, dealer in firearms and gunsmith licenses and approves or disapproves the application.
2. Conducts investigations on license amendments for business carry, full carry-self protection, and security guard purposes.
3. Oversees armed security guards in relation to their compliance with state law.
4. Investigates misconduct of a licensee or dealer in firearms to determine whether the licensee should continue to possess a license.
5. Conducts stolen/lost handgun investigations to determine if handguns were properly safeguarded.
6. Conducts dealer in firearm and gunsmith inspections for accurate inventory, proper recording of transactions and to ensure compliance with all state and federal laws.
7. Conducts revocation investigations.
8. Prepares and presents investigative information on revocations for departmental hearings and Article 78 hears for the County Attorney's Office.
9. Issues purchase documents and pistol license amendments.
10. Inventories handguns for safeguarding or destruction.
11. Confiscates handguns and licenses of licensees involved in domestic violence, orders of protection, arrests, etc.
12. Maintains records of department and personally owned handguns of all sworn police officers in the department.
13. Conducts searches for licensees and registered handguns that can no longer be accounted for.
14. Works with Federal, State and local agencies on criminal and administrative projects relating to the compliance and licensing of firearms.
15. Testifies at trials for the department as expert witnesses on issues concerning pistol licensing.

NEW YORK CITY

Holders of Retired Police Officer pistol licenses, as defined in Criminal Procedure Law Section 1.20 sub 34 and holders of Retired Federal Law Enforcement pistol licenses, as defined in the Criminal Procedure Law Section 2.15 upon retirement are exempted by state law of the New York City restriction.

OPEN TO THE PUBLIC

The Pistol License Section office is open to the public: Monday & Friday 9:00 AM to 5:00 PM, Tuesday & Thursday 11:00 AM to 7:00 PM, Wednesday 7:30 AM to 7:00 PM. Office telephone number is (516) 573-7559.

CURRENCY

The Pistol License Section does accept cash. Fingerprinting fees **must be paid by** Postal Money Order (\$94.25). Checks and Postal Money Orders should be made out to: **N.C.P.D.**

NOTARY

The Pistol License Section **does not have** a Notary Public on staff. You can find one at most bank and insurance company offices.

PHOTOGRAPHS

At present, the Pistol License Section **does not have** the ability to take photographs.

FAQS

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

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

No, there is nothing in the law that requires a pistol license holder to own handguns.

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

Yes, but it must be carried concealed. If you are traveling thru New York City (five (5) boroughs) you must:

- Have the unloaded firearm(s) in a locked container during a continuous and uninterrupted trip through New York City (five (5) boroughs).
- Ammunition and firearm(s) must be stored separately in a locked container. Storage should be in the trunk. If your vehicle does not have a trunk, the locked containers must be kept the farthest distance as possible from your person.

3. Do I have to take my gun in a locked box to the range?

No.

4. What is the locked box rule?

New York City mandates that pistol license holders must transport their handguns in a locked box. If you are traveling through New York City (five (5) boroughs) refer to Traveling through New York City.

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

Federal Law allows you to transport your firearms during your final move, unloaded and stored in a location not readily accessible to any occupant in the vehicle. The New York State Penal Law requires we be notified within ten days of the move. We request that

after you complete your move, you send us a correspondence with your pistol license, advising us of your new address, telephone number and if you still have all your registered handguns. Upon receipt we will cancel your pistol license. We strongly recommend before you move, you check with your local authorities to determine what licensing laws you must comply with, if any.

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

You are required to respond to the Pistol Licensing Bureau and fill out a transfer form. The fee for this is \$5.00. Your license file will then be forwarded to your new licensing jurisdiction. Some jurisdictions will accept the file and issue you a new license with little effort. Some will make you go through a new application process immediately, and others will make you wait until your current license is about to expire and will require you to file a new application several months prior to its expiration date. Unfortunately, contrary to the intent of the state legislature when it included Section 400.00 subd. 5, where the law authorizes file and license transfers; each upstate county does it their own way. Therefore, prior to your move, check with the County to which you are moving.

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

The handgun must be shipped from a licensed gun dealer in the originating state to a licensed New York State gun dealer. You will have to obtain a purchase document from the Pistol License Section before you can take possession of the handgun from that New York State Dealer.

8. Can anyone with a Federal Firearms License receive the gun for me?

No, although a Federal Firearms License (FFL) may be all a person needs in some states, New York State also requires in addition to the FFL, a New York State Dealer in Firearms License when receiving and shipping firearms. The only exception to that rule is the shipping to and from a gun manufacturer i.e., Smith & Wesson and Glock for repairs.

9. Can I take my gun with me when I go on vacation?

That is not an easy question to answer. It all depends on where you are going, what you intend to do and the type of pistol license you possess. Other than for hunting upstate, or traveling to a location where you also maintain a pistol license, the answer is no.

10. What do I need to purchase a handgun?

If purchasing a handgun from a seller, you must come into the Pistol License Section and purchase a Purchase Document (\$10.00 for each gun) first. This is a three (3) part form. We keep the pink copy and will return this copy to you at the end of the transaction. You will then bring the blank (Yellow and White) Purchase Document to the seller. The seller will fill out the Purchase Document, keep the yellow copy. The seller will then give you the handgun, bill of sale and completed white copy of the Purchase Document. You will have ten (10) business days to return to the Pistol License Section with handgun, pistol license, bill of sale and white copy of Purchase Document to have it put on your license. A handgun purchase transaction can be conducted **without** a Purchase Document at the Pistol License Section provided both parties are present and are Nassau County Pistol License holders.

11. Do you take cash?

Yes for everything except Fingerprinting. The Fingerprinting Fee is \$94.25 paid only by U.S. Postal Money Order made out to NCPD. WE DO NOT ACCEPT CREDIT CARDS.

12. Who do I make out the check to?

Believe it or not, this is a common question. Checks can be made out to NCPD.

13. When are pistol license renewal applications mailed?

Renewal applications are generally mailed up to two months prior to the license expiration date. You are responsible to know when your license is about to expire. It happens infrequently but mail can get misplaced or lost in transit. If you do not receive a renewal package within one month of your expiration date, call the Pistol License Section for a replacement. Renewing a pistol license is your responsibility. If your license is not renewed within thirty days after its expiration, the license may be cancelled and you will have to reapply for a new one.

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

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

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

You may list a responsible person who agrees to take on this function in case of your death and is willing to legally dispose of or turn in your handguns. This must be done within fifteen days of your death. No, they do not have to possess a pistol license. In case you are hospitalized or in any other way incapacitated, we assume that person you designated will make sure your handguns are properly safeguarded.

16. For a renewal, what do I need for proof of residency? Can I show my driver's license?

A driver's license is not an acceptable document to show current residency. You must produce a utility bill, cable bill, telephone bill, etc.

17. Do I still need to show a hunter's license when I renew my pistol license?

No, since the pistol license is good for a period of five years, it makes no sense since the hunting license is only good for a one-year period.

18. Do I have to belong to a pistol range to keep my license?

No, that requirement was discontinued years ago.

21. The license renewal application asks if I was ever summoned to court. If I went to court on a civil or simple traffic infraction, do I have to indicate yes.?

No. We use the term "summoned to court" because most people that are issued a Field Appearance Ticket believe it is the same as a simple traffic summons. This is not the case. They do not realize that a Field Appearance Ticket, also known as a (FAT), is an arrest. If you are issued a FAT, you, in fact, have been arrested. We define a simple traffic infraction as speeding or passing a red traffic light. Also, do not confuse Civil Court with Family Court. If you are the subject of an Order of Protection, or are involved in a bad domestic situation, we want to know about it.

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

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

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

Yes. Call the Pistol License Section if you have over twenty-five (25) guns.

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

No, you can own as few or as many as you wish.

26. If I go to a range with a friend who does not have a pistol license, can they shoot any of my guns?

Only under very strict circumstances that are laid out in Section 265.20 sub. 7-E of the New York State Penal Law. A copy of that section is under Pistol Range in this booklet. However if you go with someone with a valid license they may do it provided the weapon was transported by the person who legally registered on their license.

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

Yes, we have an out of county waiver form called "Weapon Information Waiver" you must complete. You will then be issued a purchase document. You still have the ten-day requirement to return the document and newly purchased handgun.

28. Can anyone see my pistol license file?

There are only two instances where the contents of your file can be viewed by other than the staff at the Pistol License Section. Members of a law enforcement agency while in performance of their duties and when a judge makes a request by court order. The New York State Penal Law Section 400.00 Subd. 5 clearly states: "The name and address of any person to whom an application for any license has been granted shall be a public record." We do on occasion, receive a request for the name and address of those person's in our database. We deny those requests made by businesses or others that plan to use the list for commercial or soliciting purposes. Unfortunately, we have not been 100% effective in weeding out some that intended the list for other than personal use. Some have misrepresented themselves and it is difficult to determine a person's intent when the request is made.

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

Yes you do! Under any of the circumstances listed in the section heading: "INCIDENTS THAT REQUIRE NOTIFICATION TO THE PISTOL LICENSING BUREAU", you are also required to make the notification. You can do it by telephone, FAX or mail.

30. What if I find an old World War II handgun in my deceased father's attic? Can I register it and make it legal?

As long as you follow the procedure set out in "Registering a Deceased's Firearms" and a check of the firearm shows it was not previously stolen or wanted, you will be able to register the firearm.

31. Can my wife and I put the same gun on our license.

Yes.

32. A friend of mine wants to get a pistol license and he was wondering if he should go to one of those advertised pistol license consulting firms to help him get his license. Do they have any influence that can help him?

ABSOLUTELY NOT. The Department constantly receives complaints concerning misrepresentations and misleading information issued by various firms who indicate that they can assist you in receiving a pistol license or can expedite an application. Unfortunately, there is nothing legally we can do about it. However, it is the Department's position that the utilization of these firms is unnecessary and that the application instructions are self-explanatory. It is not uncommon for us to review an application prepared by such firms and find that due to lacking information, the application is rejected and the applicant has to reschedule a new interview date. They cannot expedite an application nor can they get you a license if you do not qualify for one.