

PISTOL LICENSE INFORMATION HANDBOOK



POLICE DEPARTMENT COUNTY OF SUFFOLK, NEW YORK

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PISTOL LICENSE INFORMATION HANDBOOK

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INTRODUCTION

This handbook has been prepared as a guide for pistol license holders. It provides information as to the rules, regulations, procedures, duties and responsibilities of a licensee. It is your responsibility to read and know the contents of this booklet.

For directions to the Pistol Licensing Bureau or answers to questions concerning pistol licenses, you may contact a bureau representative at the following number: (631) 852-6608 or 6118. If you are calling in response to a correspondence mailed to you by this office, you should use the telephone number found in the last paragraph in that correspondence.

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. That section pertaining to pistol licensing was first introduced into the Penal Law in 1881. Since that time it has been continually modified by the State Legislature. In addition, over the years the courts have made rulings and interpretations on that section which has had a large effect on how the law is currently administered.

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

Of the fifty-nine (59) licensing jurisdictions, fifty-five (55) issue pistol licenses out of the courts with a judge being the licensing officer. Background investigations however are conducted by the local law enforcement agencies. The remaining jurisdictions, New York City, Nassau and Suffolk Counties have licensing officers that are either Police Commissioners or a Sheriff. All upstate counties except Westchester have life-time-licenses. Also known as "Good-Until-Revoked". Nassau, Suffolk and Westchester licenses expire every five years (5) and licenses issued in New York City have a two year (2) expiration.

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

TERMS AND DEFINITIONS

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

(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:** Means 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:** Means 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:** Means a building, which is usually occupied by a person lodging therein at night. (Section 140.00, Penal Law)

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

(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:** Means an event sponsored, whether for profit or not, by an individual, national, state or local organization, association or other entity devoted to the collection, competitive use, sporting use, or any other legal use of firearms, rifles or shotguns, or an event at which (A) twenty percent or more of the total number of exhibitors are firearm exhibitors or (B) ten or more firearm exhibitors are participating or (C) a total of twenty-five or more pistols or revolvers are offered for sale or transfer or (D) a total of fifty or more firearms, rifles or shotguns are offered for sale or transfer. The term gun show shall include any building, structure or facility when 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 trueing, or who performs any mechanical operation on, any firearm or machine-gun.

(N) **LARGE CAPACITY AMMUNITION FEEDING DEVICE:** Means 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:** Means 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:** Means 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)

CHAPTER 1

DEFENSE OF JUSTIFICATION

As a pistol licensee, you are required to understand the laws relating to the use of deadly physical force. This section, titled, Defense of Justification, is to inform you about “deadly physical force,” specifically, force caused by the use of a firearm. Since these sections are complex, it is recommended that any questions or doubts be referred to an attorney at law.

USE OF PHYSICAL FORCE IN DEFENSE OF A PERSON.

(Penal Law Section 35.15)

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

2. A person may not use deadly physical force upon another person under circumstances specified in subdivision one unless:
 - (a) He reasonably believes that such other person is using or is about to use deadly physical force. Even in such case however, the actor may not use deadly physical force if he knows that he can with complete safety as to himself and others avoid the necessity of so doing by retreating; except that he is under no duty to retreat if he is:
 - (i) In his dwelling and not the initial aggressor; or
 - (ii) A police officer or peace officer or a person assisting a police officer or a peace officer at the latter’s direction, acting pursuant to Section 35.30, Penal Law; or
 - (b) He reasonably believes that such other person is committing or attempting to commit a kidnapping, forcible rape, forcible sodomy or robbery; or
 - (c) He reasonably believes that such other person is committing or attempting to commit a burglary, and the circumstances are such that the use of deadly physical force is authorized by subdivision three of Section 35.20, Penal Law.

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

(Penal Law Section 35.20)

1. Any person may use physical force upon another person when he reasonably believes such to be necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission by such other person of a crime involving damage to premises. He may use any degree of

physical force, other than deadly physical force, which he reasonably believes to be necessary for such purpose, and he may use deadly physical force if he reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of arson.

2. A person in possession or control of any premises, or a person licensed or privileged to be thereon or therein, may use physical force upon another person when he reasonably believes such to be necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission by such other person of a criminal trespass upon such premises. He may use any degree of physical force, other than deadly physical force, which he reasonably believes to be necessary for such purpose, and he may use deadly physical force in order to prevent or terminate the commission or attempted commission of arson, as prescribed in subdivision one, or in the course of a burglary or attempted burglary, as prescribed in subdivision three.

3. A person in possession or control of, or licensed or privileged to be in, a dwelling or an occupied building, who reasonably believes that another person is committing or attempting to commit a burglary of such dwelling or building, may use deadly physical force upon such other person when he reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of such burglary.

4. As used in this section, the following terms have the following meanings:

- (a) The terms “premises,” “building” and “dwelling” have the meanings prescribed in Section 140.00, Penal Law.
- (b) Persons “licensed or privileged” to be in buildings or upon other premises include, but are not limited to, police officers or peace officers acting in the performance of their duties.

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

(Penal Law Section 35.25)

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

USE OF PHYSICAL FORCE IN MAKING AN ARREST OR IN PREVENTING AN ESCAPE.

(Penal Law Section 35.30)

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 reasonably believes such to be necessary to carry out such police officer or peace officer’s direction, unless he knows that the arrest or prospective arrest is not or was not authorized and he may use deadly physical force under such circumstances when:

- a) He reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
- b) He is directed or authorized by such police officer or peace officer to use deadly physical force unless he knows that the police officer or peace officer himself is not authorized to use deadly physical force under the circumstances.

4. A private person acting on his own account may use physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of a person whom he reasonably believes to have committed an offense and who in fact has committed such offense; and he may use deadly physical force for such purpose when he reasonably believes such to be necessary to:

- a) Defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
- b) Effect the arrest of a person who has committed murder, manslaughter in the first degree, robbery, forcible rape or forcible sodomy and who is in immediate flight therefrom.

IT IS IMPORTANT TO NOTE THAT CHANGES IN THE LAW CONCERNING THE USE OF PHYSICAL FORCE AND DEADLY PHYSICAL FORCE MAY BE MADE FROM TIME TO TIME. **YOU ARE RESPONSIBLE TO KNOW THE CURRENT LAWS.**

UNDERSTANDING DEFENSE OF JUSTIFICATION

Since most licensees are not attorneys at law, the following is a simplification of the Defense of Justification section in relation to when deadly physical force (e.g., shooting someone with a handgun) may be authorized by law.

Keep in mind that the law authorizes the use of deadly physical force in certain instances but it does not command it. In order to understand this section, it is important that you review page 1 of this handbook and understand the list of important terms and definitions.

The following is a list of instances that the law allows a civilian to use deadly physical force against another person.

1. When you have reasonable cause to believe that deadly physical force is necessary to prevent or stop deadly physical force from being used against you or another person, but if you or the other intended victim know they can retreat safely, you cannot use deadly physical force. One exception to this rule is if you are in your home and you were not the initial aggressor and deadly physical force is necessary to stop the aggressor, you do not have to retreat.

2. When you have reasonable cause to believe that deadly physical force is necessary to prevent or stop a robbery. **(IMPORTANT)** You must understand what a robbery is. The stealing of property is not always a robbery. Robbery is forcible stealing. A person forcibly steals property, and commits robbery when, in the course of committing a larceny (stealing property) he/she uses or threatens the immediate use of physical force upon another person for the purpose of preventing or overcoming resistance to the taking of the property or to the keeping of the property immediately after the taking of it. (The snatching of a pocketbook may or may not be considered a robbery, depending on the circumstances. The grabbing of the pocketbook is a larceny, but if the victim is pushed or struggles with the person taking the pocketbook, that would make it a robbery.)

3. When you have reasonable cause to believe that deadly physical force is necessary to prevent or stop a burglary of a dwelling or an occupied building. You must be an owner, authorized occupier or someone licensed or privileged to be on the premises in order to be able to use deadly physical force in this case. If the person committing the crime is fleeing the dwelling or building, you may no longer use deadly physical force against that person.

4. When you have reasonable cause to believe that deadly physical force is necessary to prevent or stop an arson.

5. When you have reasonable cause to believe that deadly physical force is necessary to prevent or stop a forcible rape.

6. When you have reasonable cause to believe that deadly physical force is necessary to prevent or stop a kidnapping.

7. When you have reasonable cause to believe that deadly physical force is necessary to prevent or stop a forcible sodomy.

Section 35.30 subdivision 4(b) of the New York State Penal Law authorizes the use of deadly physical force to effect the arrest of a person who has committed Murder, Robbery, Manslaughter 1st degree, Forcible Rape or Forcible Sodomy and who is in immediate flight therefrom. You must have reasonable cause to believe that deadly physical force is necessary to apprehend the person. **(WARNING)** It is strongly recommended that you **DO NOT** use deadly physical force unless you reasonably believe it absolutely necessary to protect yourself or another person from deadly physical force. **(REMEMBER)** Your actions may be authorized by the penal law, but you can still be held accountable for your actions and be sued civilly.

SOMETHING YOU SHOULD REMEMBER

You may never use deadly physical force against another person who is committing criminal mischief (intentionally damaging property) to your property, or the property of another person.

You may never use deadly physical force against another person who is stealing property (no matter what the value of the property) when it does not fit into the category of robbery.

Do not use deadly physical force against a fleeing person. Leave the apprehension of a suspected felon to the police.

If you shoot another person, you may be required to appear before the Grand Jury to determine if your conduct was justified. You will also have to pay for your own legal counsel. Therefore, it is recommended that the use of deadly physical force be avoided except in those cases where it is absolutely necessary to protect yourself or another person from the imminent use of deadly physical force and you do not unnecessarily endanger innocent parties.

CHAPTER 2

PISTOL LICENSE

APPLICANT REQUIREMENTS

AN APPLICANT MUST:

- A) Be of good moral character.
- B) 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).
- C) Disclose any history of mental illness.
- D) Be free from any mental disorders, defects or diseases that would impair his or her ability to safely possess or use a firearm.
- E) Reside or maintain a principal place of business within the confines of the five (5) western towns of Suffolk County (Babylon, Huntington, Islip, Smithtown and Brookhaven).
- F) Be an applicant concerning whom no good cause exists for the denial of such license.
- G) Be at least twenty-one 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.
- H) Who has not had a license revoked or who is 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.
- I) Anyone who has not been convicted of a misdemeanor crime of domestic violence.

TYPES OF PISTOL LICENSES

AS PER SECTION 400.00 SUBD. 2 OF THE NEW YORK STATE PENAL LAW

- (a) **PREMISE DWELLING** – Have and possess in his dwelling by a householder.
- (b) **PREMISE BUSINESS** – Have and possess in his place of business by a merchant or storekeeper.
- (c) **BANK OR EXPRESS MESSENGER** – Have and carry concealed while so employed by a messenger employed by a banking institution or express company.
- (d) **JUSTICE OF THE SUPREME COURT 1ST OR 2ND JUDICIAL DEPT. OR JUDGE OF NYC CIVIL OR CRIMINAL COURT** – Have and carry concealed by a justice of the supreme court in the first or second judicial departments, or by a judge of the New York City civil court or the New York City criminal court.
- (e) **EMPLOYEE OF CORRECTIONS** – Have and carry concealed while so employed by a regular employee of an institution of the state, or of any county, city, town or village, under control of a commissioner of correction of the city or any warden, superintendent or head keeper of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, provided that application is made therefore by such commissioner, warden, superintendent or head keeper.
- (f) **PROPER CAUSE** – Have and carry concealed, without regard to employment or place of possession, by any person when proper cause exists for the issuance thereof.
- (g) **ANTIQUE PISTOLS** – Have, possess, collect and carry antique pistols which are defined in section 400.00 subd. 2(i)(ii)(1)(2).

THE FOLLOWING WILL BE ACCEPTED AS PROPER CAUSE FOR A TYPE (f) LICENSE WITH THE ACCOMPANYING ENDORSEMENT REQUIREMENTS.

- (1) **SPORTSMAN** – (Target and Hunting) – For the underlined purposes, firearms may only be

transported between your residence and an authorized target shooting range, a legal hunting area in New York State and while actually afield hunting. For the purpose of hunting, you are reminded that you must also possess a valid New York State hunting license. Handguns must be carried concealed except when in the field hunting or on the target range for the purpose of target shooting. A sportsman license will be canceled if you relocate to another state. If you relocate outside the five western towns of Suffolk County but continue to reside in New York State your records can be transferred to the appropriate officer at your new place of residence upon payment of the appropriate transfer fee. (Note) For the purpose of target shooting and hunting, the Police Commissioner has authorized licensees to meet for the purpose of car pooling and to stop for non-alcoholic refreshments on the way to and from their shooting destination. You are authorized to do this only during the period upon leaving your residence and arriving at your shooting destination or during the return trip. You are not authorized to take your firearm to your workplace, a bar, a bar area in a diner, restaurant or any other location used exclusively for alcoholic consumption. You are not authorized to conduct any other non-target shooting or hunting activity while in possession of your handgun. 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.

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

(3) SECURITY – You must be working in uniform for a State licensed security company or a municipality. The firearm may be carried only:

- a) While actually engaged in employment.
- b) While traveling from your residence to place of employment.
- c) While traveling from place of employment back to your residence.
- d) Forty-seven (47) hour and eight (8) hour training courses required.

(i) **WHILE ACTUALLY ENGAGED IN EMPLOYMENT:** The firearm may only be carried while actually engaged in employment for which the license was issued. This means that you may not carry the firearm at any other time or for any other employment not listed on the license. Further, you are required to keep the Suffolk County Police Department Pistol Licensing Bureau informed of all current employers for whom the firearm will be carried.

(ii) **WHILE TRAVELING FROM RESIDENCE TO PLACE OF EMPLOYMENT:** The firearm(s) may only be carried from the residence of the licensee directly to the place of employment or assignment for that day.

(iii) **WHILE TRAVELING FROM EMPLOYMENT BACK TO RESIDENCE:** You may only carry the firearm from your place of employment to your residence. This means that there should be no unreasonable delay in returning to your residence, where the firearm must be secured. As an example, if employment finishes at midnight and the firearm is carried beyond the reasonable time necessary to return it directly to your residence, it is a violation of the license

restrictions.

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

(5) QUALIFIED RETIRED LAW ENFORCEMENT OFFICER – (Carry Unrestricted in New York State including New York City)

(6) CARRY – Full Carry License, for the purpose of self protection. If you are seeking a SELF PROTECTION class six (6) license, you will be required to show “proper cause” pursuant to Penal Law Section 400.00 Sub. 2 (f). “Proper cause” is determined by a review of all relevant information bearing on your claimed need. You must show that you are exposed to extraordinary personal danger, documented by proof of recurrent threats to life or safety, requiring authorization to carry a firearm.

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

If a class six (6) license is approved, the Suffolk County Police Pistol Licensing Bureau may withdraw that classification at any time if it finds proper cause no longer exists. Proper cause will have to be demonstrated by you each time the license is renewed. If proper cause is no longer proven, the license will be changed to a different class.

*** ONLY A TYPE (f,5 OR 6) LICENSE IS A FULL CARRY LICENSE ****

The instructor endorsement has been deleted. Any licensee that wishes to instruct a pistol license applicant must comply with the requirements of section 400.00 subd.3(b). The licensing officer also requires one of the following certifications: a New York State firearm safety instructor or a National Rifle Association instructor.

* *

No matter what type of license or classification, firearm(s) may be transported directly to and from the licensee’s residence or business as required, to the Suffolk County Police Precincts for the purpose of surrendering the carried firearm(s). Firearm(s) may also be transported directly to and from the licensee’s residence or business as required, to the Suffolk County Police Licensing Bureau for the purpose of surrendering, registering, inspection or transferring ownership of the carried firearm(s). **ALL HANDGUNS MUST BE UNLOADED PRIOR TO ENTRY INTO THE SUFFOLK COUNTY POLICE HEADQUARTERS BUILDING OR POLICE PRECINCTS.**

IMPORTANT NOTE: Your New York State pistol license is only valid in the State of New York. Unless it is validated by New York City, you may not take your handguns into the city, this includes (f,6) licensees, with a few exceptions. You must refer to the New York State Penal Law Section 400.00 subd. 6 for those exceptions. As per section 400.00 subd. 6, retired police officers and federal law enforcement officers as defined in sections 1.20 and 2.15 in the Criminal Procedure Law are authorized to carry in New York City if their license is stamped as required by subdivision 6.

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

1. While working Uniform Security.
2. While working Uniform Auxiliary.
3. While on a target range for the purpose of target shooting.
4. While in the field hunting.

All rules and license restrictions will be strictly interpreted by the Suffolk County Police Department, and any violation of these restrictions may result in the immediate suspension of your pistol license.

MEMBERSHIP TO A GUN CLUB OR TARGET RANGE IS NOT A REQUIREMENT FOR A PISTOL LICENSE.

YOU MAY NOT LAMINATE NOR ALTER YOUR LICENSE IN ANY WAY. Your pistol license has been issued through a computerized system. If any change in your license status occurs, you must file an amendment form at the Suffolk County Police Department Pistol Licensing Bureau where the appropriate changes will be made.

LICENSE RENEWAL

Licenses expire every five (5) years on the first day of the month of the original issue date. The renewal period generally commences sixty (60) days before the expiration date. A renewal application will be mailed with the instructions necessary to complete this process.

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

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

All business license renewals require a letter of necessity on business letterhead indicating the licensee is still actively participating in the business for which the business classification was issued. If you showed a large cash flow as justification for a business license classification, you must also submit a bank letter with your renewal application stating you still maintain an active business account. If no cash flow was required due to the nature of the business endorsement, you must indicate that in your letter of necessity.

If your license is under suspension, you are still required to complete and submit a renewal application. All licenses must be renewed within thirty (30) days of the expiration date printed thereon. If your renewal is not received within that thirty (30) days, your license is automatically canceled as mandated by the New York State Penal Law, Section 400.00, sub. 10.

If you anticipate problems in renewing, such as an extended vacation out of the area, lengthy hospitalization or other extenuating circumstances, notify the Suffolk County Police Department Pistol Licensing Bureau by letter explaining the reasons. We will make every effort to see that your license is renewed within the time allowed. If you are untruthful, improperly alter or refuse to sign any part of your renewal application which includes the computer printout sheet, your renewal application will be disapproved and you will not be issued a new license. You may properly correct incorrect information that pertains to you, including your gun information by putting a single line through the incorrect information and place the correct information above, below or next to it.

LOST, STOLEN OR MUTILATED LICENSE

If your license is stolen, you must:

Immediately report such information to the precinct of occurrence or local police agency where the theft occurred and obtain a complaint number.

If your license has been lost, stolen or mutilated, you must:

1. Notify the Suffolk County Police Department Pistol Licensing Bureau on the next business day after occurrence, and;
2. If you have licensed handguns, respond to the Pistol Licensing Bureau for a replacement license. You will be required to submit a new photograph with the appropriate fee.

Do not laminate the paper pistol license. Laminating the license prevents us from amending your license information when necessary. Lamination will cause the license to be confiscated and a duplicate license issued with the appropriate fee.

HOW TO CANCEL A PISTOL LICENSE

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

- 1) Legally dispose of the firearm(s) listed on the license.
- 2) Return the license to the Suffolk County Police Department Pistol Licensing Bureau and, if firearms are sold to a dealer, attach a copy of a bill of sale or a receipt.
- 3) Attach a letter briefly describing the reason for the cancellation and the disposition of your handguns.

If you should move to another state, you must check with the local authorities to ensure compliance with any existing local or state laws governing the possession of handguns. As per the Federal Firearms Regulation 926A, you may legally transport your handguns to your new residence during your final move. The handguns must be unloaded, and neither the firearm nor any ammunition being transported may be readily accessible or directly accessible from the passenger compartment of the transporting vehicle. In the case a vehicle has no other compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console. The New York State Police then require that within ten (10) days of your relocation, to return your pistol license to the Suffolk County Police Department Pistol Licensing Bureau, and attach a letter advising us of your new address, telephone number and the disposition of your handguns.

PLASTIC CARD PISTOL LICENSE

The Suffolk County Police Pistol Licensing Bureau will sometime during 2002 start issuing plastic pistol licenses to replace the current heavy paper licenses. The Bureau will be able to discontinue the archaic method of utilizing green-out to make changes on the license. Each amendment will require the issuance of a replacement card. A photograph for the licensee will be taken in the same manner utilized by the Department of Motor Vehicles. If you renew your pistol license in person, it is hoped you will no longer have to bring your own photographs, we will be able to take them at the Bureau. If you renew entirely by mail, you will still have to submit the required three photographs.

LICENSING FEES

FEES MUST BE PAID BY CHECK OR MONEY ORDER ONLY

License renewal -	\$10.00 every five (5) years*.
Dealer License renewal -	\$10.00 every three (3) years, each applicant.
Gunsmith renewal -	\$10.00 every three (3) years, each applicant.
Amendments -	\$5.00 every amendment made to the licensee's license.
Replacement license -	\$5.00
Purchase Document -	\$5.00 for each weapon.

The renewal fee is waived for qualified retired Police Officers and Federal Law Enforcement Officers as per New York State Penal Law Section 400.00 sub. 14. Suffolk County Auxiliary Police Officers are only required to pay a \$3.00 license renewal fee, as per Suffolk County Resolution No. 586-1994.

CHAPTER 3

FIREARMS

PURCHASING FIREARMS

You are not required to purchase or own a firearm to receive or maintain a pistol license. If you do not have a New York State dealer's license, you may only purchase a handgun from another New York State pistol license holder with a valid license, an authorized gun dealer in New York State, a police officer or peace officer employed anywhere in New York State. You may not purchase a handgun outside of New York State and have it shipped directly to you. To purchase a handgun from outside New York State, it must be done through an authorized gun dealer in the originating state who must ship the handgun to an authorized dealer in New York State. The possession of a Federal Firearms License (F.F.L.) does not authorize you to operate as a handgun dealer in the State of New York. You must obtain a New York State dealer's license in order to do so. Without a New York State dealer's license issued by your licensing jurisdiction, in your case the Suffolk County Police Department, your restrictions for handguns are the same as any other pistol license holder.

If you are not making a handgun purchase as a gun dealer, you must first obtain a purchase document from the Suffolk County Police Department Pistol Licensing Bureau. To obtain the purchase document, the make, model and serial number of the firearm intended to be purchased must be furnished with the appropriate fee. A purchase document is valid for ten (10) days and only for the firearm listed on the document.

In those cases where it can be shown that supplying the make, model and serial number of a firearm prior to obtaining a purchase document would be a severe burden on you, i.e., going to a National Rifle Association sponsored gun show upstate, you may fill out a Weapon Information Waiver form at the Suffolk County Police Pistol Licensing Bureau. Upon approval, you will then be able to make your purchase and fill in the required purchase document information at the time of purchase. After purchase of the firearm, the firearm must be presented to the Pistol Licensing Bureau before the expiration of the ten-day period, so that it may be inspected and the appropriate information entered on the license. **THE FIREARM MUST BE UNLOADED PRIOR TO BEING PRESENTED FOR INSPECTION.** You must be present at the time of inspection and must also have the purchase order and a copy of the bill of sale.

396-EE New York State General Business Law: No person, firm or corporation engaged in the retail business of selling rifles, shotguns or firearms, as such terms are defined in section 265.00 of the Penal law, shall sell, deliver or transfer any such rifle, shotgun or firearm to another person unless the transferee is provided at the time of sale, delivery or transfer with a gun locking device and a label containing the quoted language (see note on last page of this handbook) is affixed to such rifle, shotgun or firearm or placed in the container in which such rifle, shotgun or firearm is sold.

IF A FIREARM IS NOT PURCHASED WITHIN THE TEN (10) DAY PERIOD, THE PURCHASE DOCUMENT MUST BE RETURNED TO THE SUFFOLK COUNTY POLICE DEPARTMENT PISTOL LICENSING BUREAU WITHIN TEN (10) DAYS OF ITS EXPIRATION.

BRADY LAW REQUIREMENTS

Beginning on February 28, 1994, the Brady Law imposes a 5-day waiting period on the sale of handguns in states that do not already require a prior background check, also referred to as a N.I.C.S. check. ATF has determined that New York has a permit or license system that subjects handgun purchasers to a

prior background check. Therefore, sales made in compliance with the existing licensing check system in New York will not be subject to the Federal waiting period procedure. If the sale is made to a handgun license holder, the license must have been issued or reissued within five (5) years of the date of gun purchase. Regulations require that they maintain a copy of both the license and the purchase document to demonstrate that a sale was made under the state system.

REGISTERING A DECEASED'S FIREARMS

Penal Law Section 265.20 (f) allows the executor or administrator of the estate of a deceased pistol license holder fifteen (15) days to lawfully dispose of the deceased's handguns. If they are not legally disposed of within that time, they must be surrendered to any precinct of the Suffolk County Police Department or to the Pistol Licensing Bureau. (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 Licensing Bureau. If the weapons are in the possession of the Police Department, one of the following documents must be obtained before the firearm(s) will be released:

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

The above documents may be obtained from the Surrogate Court in Riverhead. For additional information, you may call the following numbers:

- 1) If deceased had no Will, call Administration Office at 852-1714.
- 2) If deceased had a Will, call Probate Office at 852-1725.

REPORTING LOST OR STOLEN FIREARMS

Section 400.10 of the New York State Penal Law: 1. (A) Any owner or other person lawfully in possession of a firearm, rifle or shotgun who suffers the loss or theft of said weapon shall within twenty-four hours of the discovery of the loss or theft report the facts and circumstances of the loss or theft to a police department or sheriff's office.

Note: Failure to comply with the above section can be punishable by a \$100.00 fine and administratively, a suspension or revocation of your pistol license.

SELLING OR DISPOSING OF FIREARMS

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

1. Surrender the firearm(s), **UNLOADED**, to any Suffolk County Police Department Precinct or the Pistol Licensing Bureau, or
2. Sell or transfer the firearm(s) to a firearm's dealer, to another licensee, to a police officer or peace officer.
3. You may sell a handgun to a FFL holder in another State. You may do this by common carrier or by transporting the handgun. Under Federal Firearms Regulation 178.38 the law allows you to transport a

firearm for any lawful purpose from any place where such person may lawfully possess and carry such firearm to any other place where such person may lawfully possess and carry such firearm. If during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle. If the transporting vehicle is without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console. **WARNING:** Do not assume that this handbook gives you the authority to transport a handgun outside of New York State, it does not. Federal Law states you can under the above conditions, but some law enforcement authorities in other States may detain you and confiscate your handguns if they become aware you are in possession of a handgun and are not licensed in that State. In other words, transport at your own risk.

4. Give to a licensed gunsmith for destruction.
5. Consignment – One common way a licensee sells a handgun is to give a licensed gun dealer the handgun to display and sell. The law requires transaction into his or her New York State and Federal Record Dealer books. The dealer must also give the licensee a receipt for the handgun. Although no money may have changed hands, we consider this a sale and the licensee must within ten (10) days of this transaction, respond to the Pistol Licensing Bureau and file a Notification of Amendment form to remove the handgun from their license. If the licensee later changes their mind and wants the return of the handgun, they must obtain a purchase document first.
6. Otherwise legally dispose of them.

If your license has expired, the licensed firearm(s) must be surrendered to the Suffolk County Police Department. All other firearm(s) transactions must occur prior to the expiration of the license. If you sell or dispose of a firearm, a bill of sale or a receipt from a licensed firearms dealer or gunsmith must be obtained. In a situation where another licensee purchases the firearm(s), his or her copy of the purchase document must be obtained. These documents must be submitted in person, along with the license, to the Suffolk County Police Department Pistol Licensing Bureau, within ten (10) days, so that your records may be amended accordingly and the State Police may be notified as required.

ANTIQUE FIREARMS

Current Statutes exempt UNLOADED antique firearms and replicas thereof from the existing licensing requirements. In order to fall within such category, muzzle loaders cannot be possessed loaded or together with materials for loading. Persons intending to shoot these weapons must have a pistol license and the weapon concerned must be registered.

CHAPTER 4

DEALER, RANGE AND GUN SHOW INFORMATION

DEALER LICENSE FORM

The New York State Dealer and Gunsmith license issued by the Suffolk County Police Department 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 for premises 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.

CURRENT AVAILABLE RANGES

L.I. SHOOTING RANGE (Outdoor range) Route 25, Ridge. Open Wed.-Sun. 9am to 5pm, closed Mon. & Tues. Trap, Skeet, Pistol, Rifles and Archery. 924-5091.

CALVERTON SHOOTING RANGE, INC. (Outdoor range) 395 Nugent Drive, Calverton. 727-9881.

EXECUTIVE SHOOTING CENTER (Indoor range) 2215 Route 112, Medford 475-4955.

HUNTINGTON RANGE (Outdoor range) Spagnoli Road, Huntington. Trap, Pistol and Rifle. 531-8474.

ISLIP TOWN RANGE (Outdoor range) Rifle and Pistol. Open Sat. & Sun. 9am to 4pm One block south of Spur Drive. 224-5479.

LONG ISLAND SHOOTING CENTER AND GUN CLUB (Indoor range) 130 Freeman Avenue Islip. M-F 10am to 9:30pm, Sat. 10am to 5:30pm, Sun. 10am to 2:30pm. 665-7011.

NASSAU COUNTY RIFLE AND PISTOL RANGE (Indoor range) Mitchel Park Athletic Complex, Uniondale. Sun – Fri. 9am to 10pm, Sat 9am to 8pm. 572-0420.

TEE-DEE RIFLE AND PISTOL RANGE AND CLUB (Indoor) 3692 Horseblock Road, Medford. Mon – Fri 11am – 1pm, Sat and Sun. 9am to 9pm 924-4124, 924-4277.

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

CHAPTER 5

ADMINISTRATIVE PROCEDURES

NAME CHANGE

If your name changes because of marriage or for any other reason, you must, within thirty (30) days, provide the Pistol Licensing Bureau with information necessary to change the pistol license records accordingly.

ADDRESS CHANGE

Should you change your residence from the address listed on the license, to a new address in the five western towns of Suffolk County, you must personally appear with your license for the filing of an amendment form at the Suffolk County Police Department Pistol Licensing Bureau no later than ten (10) days after this change becomes effective. You will be required to submit, within a reasonable period of time, documents verifying this change of address. Such documents may be submitted by mail and must include your NAME and NEW ADDRESS. If you relocate outside the five western towns of Suffolk County (Islip, Babylon, Brookhaven, Huntington and Smithtown), instructions regarding license cancellation or records transfer found in this booklet must be followed. Refer to RECORDS TRANSFER TO ANOTHER JURISDICTION for further information. If you move to one of the five eastern towns of Suffolk County, you must notify the Suffolk County Police Pistol Licensing Bureau and complete a transfer of record form to have your records transferred to the appropriate officer at your new place of residence. Further inquiries can be made at the Sheriff's Pistol License Section who will retain your transferred records. If you change your residence to outside New York State refer to section: TO CANCEL A PISTOL LICENSE.

IMPORTANT NOTE: NEW YORK STATE LAW REQUIRES NOTIFICATION OF A RESIDENCE CHANGE WITHIN 10 DAYS OF THAT CHANGE TO YOUR LICENSING OFFICER. (FOR OUR LICENSE HOLDERS, THAT NOTIFICATION MUST BE TO THE PISTOL LICENSING BUREAU IN YAPHANK, NY)

BUSINESS

NAME CHANGE

If you have either of the two new version license types (b) "premise business" and (f,2) "business" or the old version class eight (8) "business premise" license and class two (2) "business carry license" and the name of the business is changed, but the business is of the same nature, you must contact the Suffolk County Police Department Pistol Licensing Bureau of the change, and submit an amendment form of the change, no later than (10) days after this change becomes effective. You will be required to submit, within a reasonable period of time, documents verifying this name change. Any document submitted to verify a business name change must include the new company name and proof that the need for the business premise or business carry license still exists. If the nature of the business changes, you must contact the Suffolk County Police Department Pistol Licensing Bureau within thirty (30) days of such change.

RECORDS TRANSFER TO ANOTHER JURISDICTION

If you should move out of the five western towns of Suffolk County and relocate within New York State, Section 400.00 subd. 5 allows you to transfer your application or records to the appropriate officer at your new place of residence. In order to accomplish this, you must notify the Suffolk County Police Department Pistol Licensing Bureau within ten (10) days of your moving and file with that bureau a transfer of record form with a \$5.00 transfer fee. If your new licensing jurisdiction does not issue you a replacement license and requires you to re-apply through them for a new license, either immediately or upon expiration of the license issued by Suffolk County, be advised that until that jurisdiction issues you a license, Suffolk County will continue to be your issuing agency. Therefore, until they issue you a license you may not obtain purchase documents or file amendments with them. All transactions must continue to be done at the Suffolk County Police Department Pistol Licensing Bureau. (Section 400.00 subd. 9)

LICENSE AMENDMENTS

It is recommended that amendments to your license be done at the Pistol Licensing Bureau in person. However, if you find you cannot respond to the Pistol Licensing Bureau, an amendment to your license will be acceptable by mail if you follow the following procedure:

- a) Send by mail a request for an amendment form indicating the change requested and include with the request, a self-addressed stamped 4X9 1/2 business size envelope.
- b) Upon receipt of the amendment form, complete as indicated and return with the following items:
 - (i) Your pistol license.
 - (ii) The appropriate fee by check or money order made out to **S.C.P.D.**
 - (iii) A stamped self addressed 5X9 1/2 business size envelope.

Upon receipt of these items we should have your amended license in the return mail within two business days. You are also reminded that without possession of your pistol license, your handguns must be kept locked and in a secure location. You may not target shoot nor carry your handgun for any other reason.

Purchase documents or the sale of a firearm cannot be done by mail.

CHAPTER 6

DUTIES AND RESPONSIBILITIES OF A LICENSE HOLDER

INCIDENTS THAT REQUIRE POLICE REPORTS

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

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

INCIDENTS THAT REQUIRE NOTIFICATION TO THE PISTOL LICENSING BUREAU

1. Loss or theft of a firearm
2. Discharge of a firearm (other than practice at an authorized range or while lawfully hunting).
3. Loss, theft or mutilation of a pistol license.
4. Change of business or residential address.
5. Change of residential telephone number.
6. Change of business name, occupation or employment.
7. Change of name.
8. Any arrest, indictment or conviction in any jurisdiction.
9. The issuance of a warrant, Field Appearance Ticket (F.A.T.), Criminal Summons or Order of Protection against the licensee.
10. Any incapacitating illness or injury that would preclude the proper safeguarding of your firearms.
11. Any admission or examination for a psychological impairment into any state or private hospital for mental illness.
12. The confiscation of the pistol license and/or handgun by a police officer or any other law enforcement officer.
13. The sale of a handgun.
14. The surrendering of your handguns to any law enforcement department or agency for any reason.

You will be responsible for making proper notification to the Suffolk County Police Department Pistol Licensing Bureau. Do not assume that other law enforcement agencies or officers of the Suffolk County Police Department will make the necessary notification for you. Notification must be made within ten (10) days of occurrence. Failure to make proper notification may be cause for suspension and possible revocation of your pistol license.

GROUNDINGS FOR LICENSE SUSPENSION OR REVOCATION

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

- 1) Improper use of a firearm.

- 2) Unnecessary display of a firearm.
- 3) Failure to properly safeguard a firearm. This includes but is not limited to those listed under DUTIES AND RESPONSIBILITIES OF A PISTOL LICENSE HOLDER.
- 4) Failure to report a lost or stolen firearm.
- 5) Carrying a firearm out of classification of license.
- 6) Failing to comply with the regulations and restrictions in this handbook.
- 7) Arrest, Indictment, Field Appearance Ticket, respondent to an Order of Protection or any conviction, other than a traffic summons, in any jurisdiction.
- 8) Falsification of any documentation submitted to the Pistol Licensing Bureau, including but not limited to, correspondence, amendment forms and license renewal applications.
- 9) 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. 8) 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.
- 10) 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.
- 11) The suffering from mental illness or the admission to any hospital or institution, public or private, for mental illness.
- 12) 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.
- 13) 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).
- 14) 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).
- 15) Entering any court facility while they have on or about their person a firearm. This prohibition does not apply to licensees employed at the court and/or the carrying of the firearm is authorized by the District Administrative Judge for Suffolk County.
- 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) 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.
- 18) Failure to cooperate and comply with requests by the Pistol Licensing Bureau Personnel.
- 19) 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.
- 20) 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.

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, AND/OR OBSTRUCTING GOVERNMENTAL ADMINISTRATION, SECTION 195.05 OF THE NEW YORK STATE PENAL LAW, BOTH CLASS A MISDEMEANORS.

Most licensees are notified by mail of any suspension or revocation. If you should receive such a notification, you are required to surrender your license and handguns, within five (5) days of receipt of that notification, to any Precinct of the Suffolk County Police Department or to the Pistol Licensing Bureau. Turning your handguns over to a gun dealer upon notification of a suspension is not permitted and will substantially lengthen the duration of your suspension. In some cases, this could be cause for the revocation of your license.

Those instances that cause a license to be suspended will be investigated by the Suffolk County Police Department Pistol Licensing Bureau. 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 can be made by telephone (852-6122) to the Pistol Licensing Bureau within twenty (20) days of such notice. This call must be followed with a written correspondence, confirming such request, to the Suffolk County Police Department Pistol Licensing Bureau, 30 Yaphank Avenue, Yaphank, New York 11980. You may be represented by an attorney at any stage of this process.

DUTIES AND RESPONSIBILITIES OF A PISTOL LICENSE HOLDER

INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

1. You must be in possession of your license at all times while carrying a firearm.
2. Firearms are not to be left in any place where an unauthorized person might have access to them.
3. You shall not draw or otherwise display a firearm unjustifiably, unnecessarily or carelessly.
4. You shall not purchase a firearm prior to obtaining a purchase document from the Suffolk County Police Department Pistol Licensing Bureau.
5. You are authorized to possess ONLY the firearm(s) that are endorsed on your license or unexpired purchase document. Note: Read Penal Law Section 265.20 sub. 7a for an exception to this rule.
6. To assure maximum safety, proper safeguards must be taken at all times to keep firearms away from unauthorized persons, ESPECIALLY CHILDREN.
7. The following safety measures will be accepted as standard practice for the safeguarding of firearms:

UNLOADED and locked in a box or metal container.

UNLOADED and secured in a safe.

UNLOADED with a locking device attached and hidden in a secure location.

NOTE: MISCONDUCT BY A LICENSEE OR MISUSE OF A PISTOL LICENSE OR FIREARM MAY RESULT IN SUSPENSION OR REVOCATION OF THE PISTOL LICENSE.

CHAPTER 7

MISCELLANEOUS INFORMATION

SAFETY TRAINING

Safety training is extremely important and every licensee is encouraged to participate in some type of handgun safety training. Unfortunately, most often government needs to rely on outside help for this type of activity. If you contact many of the local gun organizations on the Island, 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 defines the Suffolk County Police Commissioner as the Licensing Officer of the five (5) western towns, Babylon, Islip, Huntington, Smithtown and Brookhaven. The Pistol Licensing Bureau was created to carry out the commissioner's responsibilities as mandated by law.

An overview of the Bureau's duties consist 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) Investigate misconduct of a licensee or dealer in firearms to determine whether the licensee should continue to possess a license.
- 5) Conduct 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) Confiscate 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) Maintains handgun records of all handguns permanently retained by the county lab.
- 14) Conducts search for licensees and registered handguns that can no longer be accounted for.
- 15) Work with Federal, State and local agencies on criminal and administrative projects relating to the compliance and licensing of firearms.
- 16) Testify at trials for the department as expert witnesses on issues concerning pistol licensing.

NEW YORK CITY

Licensees are reminded that New York State pistol licenses issued by the Suffolk County Police Department are valid anywhere in New York State, **except within the City of New York**. Your license is not valid outside New York State. For holders of a class f5 license, a police officer defined in the criminal procedure law section 1.20 sub. 34, and a federal law enforcement officer defined in the Criminal Procedure Law Section 2.15, upon retirement are exempted by state law of the New York City restriction)

LOCKING DEVICE NOTICE

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.

OFFICE STAFF AVAILABILITY

The Pistol Licensing Bureau office is open Monday – Friday 9:00 AM to 4:30 PM with Thursday hours 9:00 AM to 8:30 PM. The office is no longer open on Saturdays. Office telephone numbers are 852-6608 and 852-6118. The office is also closed for the following holidays: Thanksgiving, Christmas and New Year's Day.

CURRENCY

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

NOTARY

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

PHOTOGRAPHS

At present, the Pistol Licensing Bureau does not have the ability to take photographs and when we do, it will be for digitizing your photo onto your plastic pistol license. You will still need to supply two additional photographs to be attached to the state renewal applications.

CHAPTER 8

QUESTIONS AND ANSWERS

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 and you must comply with the restrictions that apply to a class f-1 Sportsman license.

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

No, that rule only applies to New York City license holders within the New York City limits.

4. What is the locked box rule?

As I indicated in the previous question, New York City mandates that pistol license holders must transport their handguns in a locked box. If you should happen to have to go into New York City and legally transport a handgun i.e., surrendering to or picking up a handgun at a city police precinct it must be transported within the city limits unloaded and in a locked box. If you plan on traveling upstate, you must go through the city limits and you are required while going through the city to keep any handguns in a locked box. Your travel in the city limits must be continuous with no side stops.

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 an amendment and transfer form. Your license file will then be forwarded to your new licensing jurisdiction. Some jurisdictions will accept the file and issue you a new license 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. So prior to your move, check with your upstate local authorities.

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 Licensing Bureau 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, 99% of the time the answer is no.

10. What do I need to purchase a handgun?

You must first obtain the make, model, serial number of the handgun and the name of the current owner or dealer you wish to purchase the gun from. With this information, respond to the Pistol Licensing Bureau with a blank check to obtain a purchase document. The cost is \$5.00 for each handgun and an additional \$5.00 for any other amendment to the license you may have at the time.

11. Do you take cash?

No, we are not authorized to take anything other than a personal check or money order.

12. Who do I make out the check too?

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

13. When are pistol license renewal applications mailed?

Renewal applications are generally mailed 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 Bureau for a replacement. Renewing a pistol license is your responsibility. If your license is not renewed within thirty days after its expiration, the license must 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, they are specifically told not too. If you change your residence, you are required by law to file an amendment form within ten days of the move with the Bureau. If you make the proper notification, the package will not be mailed to your old address.

15. There are only places for two photographs on my renewal application, what is the third one for?

The third photograph is attached to the new pistol license. The law requires that the attached photograph must have been taken no more than thirty days prior to the license issuance. When we issue the new plastic licenses, we will still need the third license to be scanned into the computer software for it to be placed on the license. If you renew in person, the third photograph will no longer be necessary because we will have the ability to take your photograph.

16. 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.

17. 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.

18. 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.

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

No, that requirement was discontinued nearly ten years ago.

20. When can I expect to receive my renewed pistol license in the mail?

Renewed pistol licenses are generally put into the mail one-week prior to your license expiration date.

21. What is the NYSID box represent that I see on my renewal application?

That number is issued by the New York State Department of Criminal Justice to identify you from the thousands of other residents that have their fingerprints submitted to the state for criminal history searches.

22. On the application, it states my signature must be signed and notarized and then it has a space for an "Officer of State" to sign. Who is the Officer? Is it the police officer conducting my application investigation?

No, the "Officer of State" is the Notary Public who witnessed your signature and the execution of the written document (Pistol License Application).

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

No, the reason we use the term "summoned to court" is because most people if they are issued a Field Appearance Ticket think it is the same as a simple traffic summons, when it is not. They do not realize that a Field Appearance Ticket, also known as a (FAT), is an arrest. If you are issued a FAT, you have been arrested whether you know it or not. 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 to an Order of Protection, or are involved in a bad domestic situation, we want to know about it.

24. 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.

25. Do I have to bring my guns in for inspection as they do in Nassau County when I renew my pistol license?

No, we currently do not have the resources to conduct that type of inspection.

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

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

27. 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 is laid out Section 265.20 sub. 7-E of the New York State Penal Law. A copy of that section is in Chapter 4 under Pistol Range in this booklet.

28. 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.

29. 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 Licensing Bureau. 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 on 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.

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

Yes you do! Under any of the circumstances listed in Chapter 6 in the section heading: "INCIDENTS THAT REQUIRE NOTIFICATION TO THE PISTOL LICENSING BUREAU", you are also required to make the notification. You can do it by telephone, FAX or mail.

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

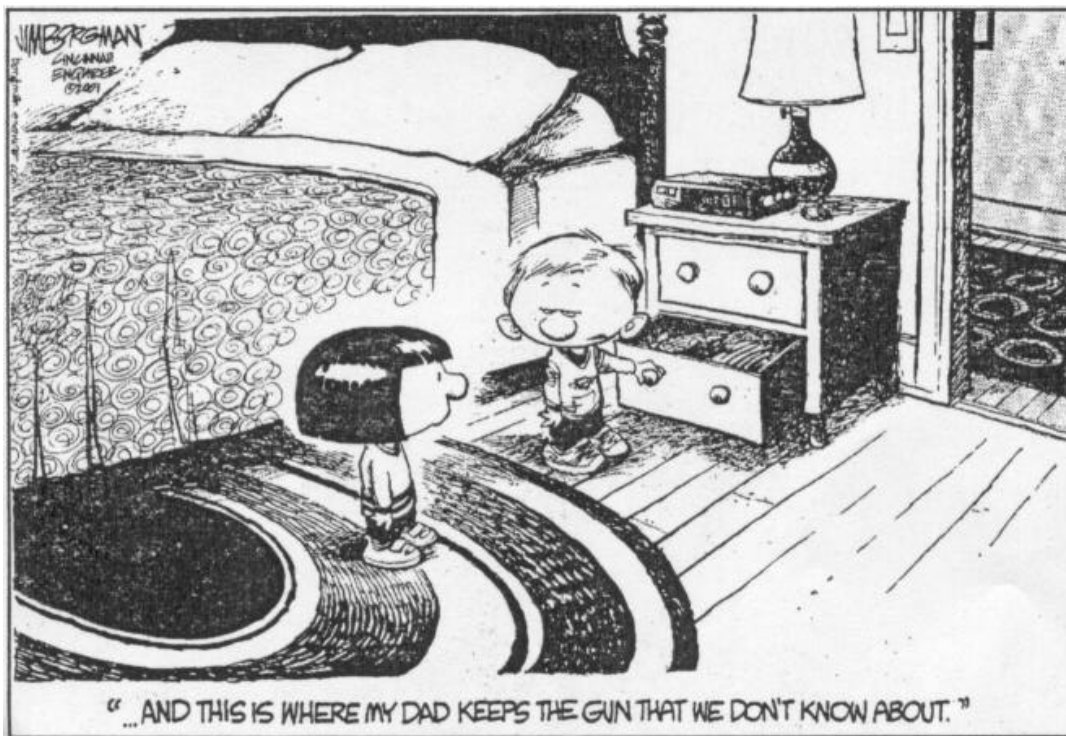
As long as you follow the procedure set out in Chapter 3, under "Registering a Deceased's Firearms" and a check of the firearm shows it was not previously stolen or wanted, you will be able to register the firearm.

32. Can my wife and I put the same gun on our license so we don't have to be together to shoot that gun?

No, the Licensing Officer no longer allows a handgun to be co-registered. It was permitted many years ago and as a result, the department found itself involved in property disputes and licensing staff kept getting subpoenaed to court.

33. 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 due to lacking information, the application is rejected and the applicant has to reschedule for a new interview date. They cannot expedite an application nor can they get you a license if you do not qualify for one.



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