

AUTOMATIC LICENSE DISAPPROVALS

License applications will automatically be disapproved for the following reasons:

AUTOMATIC BARS FOR A PISTOL LICENSE

- 1- Failing to indicate on the application that they had been confined to any hospital or institution, public or private for mental illness.
- 2- Convicted anywhere for a felony or serious offense.*

* Certificate of Relief from Civil Disabilities must be obtained to lift bar for a felony or serious offense.

SERIOUS OFFENSES AS PER 265.00 DEFINITIONS SUB. 17 OF THE PENAL LAW

PRESENT PENAL LAW

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| 120.45 | Stalking in the fourth degree (12-1-99) |
| 120.50 | Stalking in the third degree (12-1-99) |
| 125.60 | Issuing abortifacient articles. |
| 130.00 | Offenses defined in Art. 130. (Sec Offenses), sections 130.20 Sexual misconduct; Rape, all degrees; Consensual sodomy; Sodomy, all degrees; Sexual abuse, all degrees; Aggravated Sexual, abuse all degrees; Course of sexual conduct against a child, all degrees. |
| 140.45 | Possession of burglar's tools. |
| 165.25 | Jostling |
| 165.30 | Fraudulent accosting |
| 165.40 | Criminal Possession of stolen property 3rd. |
| 220.00 | Criminal possession of a controlled substance, all degrees; Criminal sale of a controlled substance, all degrees, Criminal sale of a controlled substance in or near school grounds, Criminal possession hypodermic instrument; Criminal injection of a narcotic drug; Criminally using drug paraphernalia, all degrees; Criminal possession of precursors of controlled substances; Criminal sale of a prescription for a controlled substance. |
| 230.40 | Promoting prostitution 3 rd ; |
| 235.00 | Obscenity and related offenses defined in section 235, sections 235.05 Obscenity 3 rd ; 235.06 2 nd ; 235.07 1 st ; 235.10 Obscenity; presumptions; 235.15 Obscenity or disseminating indecent material to minors 2 nd ; 235.21 Disseminating indecent material to minors 2 nd ; 235.22 1 st ; |
| 240.35.3 | Loitering - public place for engaging, or soliciting to engage with another, in deviate sexual intercourse or other sexual behavior of a deviate nature. |
| 260.10 | Endangering the welfare of a child. |
| 265.01 sub.1 | Criminal Possession of a weapon 4 th ; - Possesses any firearm, electronic dart gun, gravity knife, switchblade knife, pilum ballistic knife, cane sword, billy, blackjack, bludgeon, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken or "Kung Fu star. 265.01 sub.2 Criminal Possession of a weapon 4 th ; - Possession with intent to use against another, dagger, dangerous knife, dirk, razor, stiletto, imitation pistol. (07-16-90) |
| 400.00 sub.11- | For the purposes of section 400.00, the term serious offense shall include a willful failure to obey a lawful order of protection issued under article eight of the family court act or section 530.12 of the criminal procedure law, where such willful failure involves the infliction of serious physical injury, as defined in subdivision ten of section 10.00 of chapter, or the use or threatened use of a deadly weapon or dangerous instrument, as those terms are defined in subdivisions twelve and thirteen of section 10.00 of this chapter. (10-06-93) |

OLD PENAL LAW - PRIOR TO SEPTEMBER 1, 1967

- Art. 33 Public health law relating to narcotic drugs which was defined as a misdemeanor by section 1751a.
- Art. 33A Public Health Law relating to depressant and stimulant drugs defined as a misdemeanor by section 1747b.
- Art. 106 Sodomy or rape which was designated as a misdemeanor.
- 235.20 Disseminating indecent material to minors. (old 484 sub. h).
- 405 Unlawful entry of a building.
- 408 Making or possession burglar instruments.
- 483 Endangering life or health of a child.
- 483 sub.b Carnal abuse of child over 10 and under 16 years of age.
- 690 See Art. 106.
- 722 sub.6 Disorderly Conduct (Jostling.)
- 722 sub.8 Disorderly Conduct (Loiters for purpose of committing a crime against nature or other lewdness.
- 1308 Buying or receiving stolen property.
- 1696 Aiding escape from prison.
- 1751 sub.a See Art. 33
- 1747 sub.b See Art. 33A
- 1897 sub.1 Illegally using, carrying or possessing a pistol or other dangerous weapon.

3- 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 (Mandatory and permissive suspension of firearms license and issuance of temporary order of protection by the courts pursuant to subdivision one of section 530.12 or subdivision one of section 530.13) or section 842(a) of the family court act (court order of protection).

DISAPPROVALS DUE TO BRADY BILL 18 U.S.C. 922(g)

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

DOMESTIC VIOLENCE

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

OTHER REASONS FOR DISAPPROVAL

1. Who has had a pistol license revoked in the last five years.
2. A falsification on any part of the application or accompanying paperwork.
3. The omission of any prior arrests.
4. A lack of truthfulness on the application and any accompanying paperwork.
5. Lack of good moral character.
6. For other good cause.

*** CERTIFICATE OF RELIEF FROM DISABILITIES**

On occasion, an applicant who was convicted for a felony or serious offense, submits pursuant to Correction Law Section 701, a certificate of relief from disabilities. This certificate neither requires nor prevents the issuance of a pistol license. The Penal Law, Sec. 400(1) provides that a pistol license may not be issued to a person who has been convicted of a felony or serious offense, but Correction Law Sec. 701 states that, once a certificate is granted, the conviction to which it relates may no longer be considered a conviction for purposes of that Penal Law provision.

Thus the certificate removes the absolute disqualification established for convicted persons in Penal Law Sec. 400(1). This does not mean, however, that the license must be issued. The applicant's background may still be evaluated, including the conviction, in making the decision to issue the license. The certificate must be checked off in box (C) and the details for box (C) must indicate, "For the purpose of obtaining a pistol license", Correction Law Section 701(3) states: A certificate of relief from disabilities shall not, however, in any way prevent any judicial, administrative, licensing or other body, board or authority from relying upon the conviction specified therein as the basis for the exercise of its discretionary power to suspend, revoke, refuse to issue or refuse to renew any license, permit or other authority or privilege.