

NEW YORK'S GUN LAWS

GUNS IN PUBLIC

New York's "Concealed Carry" Law

"Concealed carry" is where a person carries a weapon on their person hidden from the ordinary view of another person. New York law does not define concealed carry. It would likely therefore follow the generally accepted definition. For the definition of concealed carry, see here.

As it currently stands, to practice concealed carry, a resident of New York requires a pistol license. The concealed carry license is a type of pistol license. New York is known as a "May Issue" state. Therefore, rules for getting a license depend on the discretion of local law enforcement who rely on a combination of local and state law. A person looking to receive a license for a handgun or to concealed carry must be either (1) in the military or (2) at least twenty-one years old. This person applies to local law enforcement who may grant the license. For more information on concealed carry see N.Y. Penal Law § 400.

In the application process, there are several instances that allow licensing body to grant the concealed carry permit including if the applicant is acting: (1) as a messenger employed by "a banking institution or express company"; (2) as a judge; (3) as an employee of the state;



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and (4) most notably, “when proper cause exists.” This concept of “proper cause” requires an applicant to “demonstrate a special need for self-protection distinguishable from that of the general community.” The proper cause standard is controversial and has been challenged by the New York State Rifle & Pistol Association as unconstitutionally vague in *New York State Rifle & Pistol Association Inc. v. Corlett*. Additionally, the rules are more stringent in the five boroughs of New York City and in Westchester where an applicant must complete a training course before a licensing body will grant the license. For more information on the Supreme Court case see [this article from Gothamist](#) or [this article from SCOTUSBlog](#).

Even where a person has a concealed carry license, there are places where concealed carry is not allowed. This includes schools, daycares, government buildings, airports, and campgrounds outside of hunting season. Places where concealed carry is allowed include places of worship, restaurants, bars, and private vehicles. N.Y. Penal Law § 400

New York does not have reciprocity with other states. It is therefore illegal to practice concealed carry with a license from another state. Further, to own a handgun and to concealed carry within the five boroughs requires a license issued within the five boroughs. However, a license issued within the five boroughs will be valid in the rest of the state. For more information on concealed carry see N.Y. Penal Law § 400.

“Open Carry” in New York State

Open carry is where a person carries their gun so it is visible by common observation. States have different views on how much of the gun must be visible for open carry.

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New York law does not address open carry. It does not issue licenses to carry openly. There is also no law restricting the open carry of long guns. Nonetheless, there are laws concerning loaded firearms as well as self-defense that serve to fill gaps.