

## NEW YORK'S GUN LAWS

# LICENSING & REGISTRATION

## Gun Licensing Requirements in NY State

New York State law requires a license for a pistol or revolver in order to have and possess in a household or business, to carry concealed by a messenger employed by a banking institution, by a judge or justice of a New York court, as a state employee in the department of corrections, or otherwise. To learn more about New York's licensing requirements see N.Y. Penal Law § 400.

## Eligibility Requirements for Receiving a License


Applications for gun licenses must be made or renewed through the "Licensing Officer" in the city or county where the applicant resides, is principally employed, or has his or her principal place of business as a merchant or storekeeper\*. Applications must include the specific information about the applicant including their name, birth date, residence, occupation, citizenship status, and a statement as to whether the applicant meets all licensing requirements

\*"Licensing officer" means in the city of New York the police commissioner; in the county of Nassau the commissioner of police; in the county of Suffolk the sheriff, except in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown, the commissioner of police; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance. NY Penal Law § 265 (10)



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discussed below. To learn more about the gun license application process, see N.Y. Penal Law § 400 (3).

The licensing officer may issue or renew a license after investigation and finding that all statements in a proper license application are true, and that the applicant meets all requirements.

The requirements include:

- being 21 years or older (unless honorably discharged by the armed forces)
- being of good moral character; and
- having stated whether he or she has ever suffered a mental illness.

Additionally, applicants must not:

- have been convicted of a felony or a serious offense
- be the subject of an outstanding warrant/ arrest for a felony or serious offence;
- be a fugitive from justice;
- be an unlawful user of or addicted to any controlled substance;
- be an illegal alien or an alien not admitted to the US under a nonimmigrant visa;
- have been dishonorably discharged from the Armed Forces;
- have renounced US citizenship;
- have been involuntarily committed to a mental facility;
- have been civilly confined in a secure treatment facility;
- have had a license revoked or be under a suspension or ineligibility order;
- have had a guardian appointed due to mental incapacity; or
- exhibit any other good cause for the denial of the license.

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Additional requirements specific to applicants in the County of Westchester include completing a firearms safety course and test. Additional requirements specific to those engaging in the Business of Gunsmith or Dealer include being licensed, being a US citizen, and maintaining a place of business in the city or county where the license is issued. To learn more about New York's licensing requirements see N.Y. Penal Law § 400.00(1).

### **Do the licensing requirements apply to all guns and ammunition?**

A) Firearms: the licensing requirements only apply to handguns and pistols. Certain semiautomatic rifles, semiautomatic shotguns or semiautomatic pistol or weapon are illegal as of 2013. For greater detail, see N.Y. Penal Law § 400.00(1) and (11)(b), § 265, and § 400.03(2).

B) Ammunition: Generally, the licensing requirements apply to the purchase of ammunition. Firearms dealers cannot sell any ammunition designed exclusively for use in a handgun to any person who is not authorized to possess a pistol or revolver. N.Y. Penal Law § 270.00(5).

There are also additional regulations specific to the sale of ammunition. Persons under the age of 16 are prohibited from possessing ammunition N.Y. Penal Law § 265.05. Additionally, sellers and dealers of ammunition must follow requirements regarding registration, record keeping, background checks, and identification verification.

To learn more about New York's requirements regarding the sale of ammunition, see N.Y. Penal Law § 400.03.

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## **How long does it generally take for an applicant to receive their license?**

The licensing officer must act upon license applications within six months, or must provide written notice to the applicant specifying the reasons for any delay, which must be for good cause and must be with respect to the applicant. The application may be (a) denied for reasons specifically and concisely stated in writing, or (b) granted, and the license applied for issued, see N.Y. Penal Law § 400.00(4).

## **Are there any local jurisdictions that have additional licensing requirements other than those set for all New Yorkers under state law?**

The licensing requirements and regulations in New York City, and the counties of Nassau, Suffolk and Westchester differ from the rest of New York State in several ways. For example, in New York City, possession of a rifle or shotgun requires a permit issued by the NYPD License Division, and in the county of Westchester, applicants must complete a firearms safety course and test before receiving a license. N.Y. Penal Law § 400.00(4-b).

In addition to the differences mentioned, most other differences relate to the roles of government officials. For example, blank applications shall, except in the city of New York, be approved as to form by the superintendent of state police. N.Y. Penal Law § 400.00.

## **What are the recertification requirements?**

In general, licenses must be recertified every 5 years. N.Y. Penal Law § 400.00(10). In New York City, and the counties of Nassau, Suffolk and Westchester, this period may differ for licenses issued before July 1,

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1963, or April 1, 2000. Except in those locations, licenses issued before July 1, 1963 and not previously revoked or cancelled are valid until revoked. To learn more about New York's requirements regarding the sale of ammunition, see N.Y. Penal Law § 400.00(10).

### **On what basis can a license be revoked?**

Licenses are revoked for failure to recertify N.Y. Penal Law § 400.00(10)(b). Additionally, licenses may be revoked by specified government officials, judges or justices, at any time, for specified reasons, including: where a licensee is convicted of a felony or a serious offence, becomes ineligible to receive a license. To learn more about New York's policies around license revocation, see N.Y. Penal Law § 400.00(11).