

**FIRE ARM
FACT SHEET
August 4, 2022
Mike Jankowski, Wayne County Clerk**

This is the most up to date information on Fire Arm Regulation that we have received from the State Police: If any of this information appears confusing or contradictory it probably is. The County Clerk shares your frustration with this situation and the unfair penalties our law abiding citizens are being put through for the partisan political purposes of Governor Hochul and the legislative leadership.

SUMMARY:

- 1) For the removal of restrictions in Wayne County an amendment will need to be submitted to the County Clerk's Office.
- 2) We are waiting for greater clarification on the details mentioned below. As I receive more information I will post it on the County Clerk's web page. Everything in this memo is subject to revision and update.
- 3) Much of the issuing authority on pistol permits has been removed from our local County Judges and has been transferred to the State Police. We are waiting from clarification on if this accurate and how it would be implemented.
- 4) The new statute removes the Sheriff's office from doing new pistol permit background investigations and transfers the responsibility to the State Police.

LIFTING OF RESTRICTIONS ON A PISTOL PERMIT

- 1) Providing the permit holder has a current Brady check on file, the Office of the County Clerk will immediately remove restrictions from the individuals pistol permit and issue new permit cards.
- 2) Permit holders requesting the removal of restrictions from their pistol permit will still need to file an application requesting the removal and pay the \$3 amendment fee and \$10 card fee.
- 3) Amendment applications where the holder does not have a Brady check on file will still need to have their application submitted to the judge.
- 4) Please note that everything is subject to change due to actions yet to be taken by the Governor and Legislature.

HOCHUL PISTOL PERMIT RESTRICTIONS LAW

In a period of six hours the Hochul Pistol Permit Restrictions law was released to the public and then signed into law. We are in the process of trying to understand what was passed and what it means. Here is what has been gleaned from the statute so far:

1. The "good moral character" eligibility requirement for all pistol permits (concealed or otherwise) will be defined in greater detail in the law. Going forward it shall mean "having the essential character, temperament and judgement necessary to be entrusted with a weapon and to use it only in a manner that does not endanger oneself or others."
2. New requirements will need to be met specifically for concealed-carry permit applicants. An applicant for such a permit:
 - a. Cannot have been convicted of Assault 3rd, misdemeanor DWI, or menacing within 5 years prior to application
 - b. The applicant must meet in person with the Judge for an in-person interview
 - c. The applicant must submit to the Judge and investigating agency the names and contact information of the applicant's spouse, domestic partner and any other adults residing in the applicant's home, as well as indicate whether or not there are children living at the applicant's home, even part-time.
 - d. The names and contact information of 4 references who can speak to the applicant's good moral character, and who can also attest that the applicant has not made any statements or taken any action that would lead them to believe that the applicant would harm themselves or others.
 - e. Certification of completion of the new training requirement (more on this below)
 - f. A list of former and current social media accounts from the past 3 years must be disclosed to the Judge and investigating agency. However the legislation does not require that the applicant provide access to these accounts.
3. Prior to the issuance of a concealed carry permit, an applicant must complete an "in-person live firearms safety course." Such course must be:
 - a. Conducted by a duly authorized instructor. The definition of who is an authorized instructor and who does the authorizing has not been determined by the State Police.
 - b. At least 16 hours long
 - c. Covering those topics required by DCJS, which include things like general firearm safety, safe storage requirements, conflict de-escalations, best practices when encountering law enforcement, a minimum of 2 hours of live-fire range training, etc. PL section 265.20 would be amended to grant an exemption from prosecution for possessing a pistol without a license for the purposes of such training.
 - d. Current concealed carry pistol permit holders would need to complete this training course prior to their next recertification. It must only be completed once, not upon every subsequent renewal.

4. Concealed carry pistol permits will have to be recertified every 3 years, as opposed to the standard 5 years. Licenses that were issued over 3 years prior to the effective date of this legislation would have to be recertified within 1 year.
5. The Judge will be granted the discretion to revoke or suspend any license if the possessor engaged in acts that would have been grounds for denial of the granting of the license in the first place. Judges must give written and specific reasons for denials so applicants know what to expect. Additionally, a licensing officer must revoke a license if it becomes known that the applicant made a materially false statement on his or her application.
6. Denials, suspensions, and revocations of licenses can be appealed but will no longer be handled by a local judge. Appeals will be reviewed by an "appeals board" that will be created by State Police. DCJS in cooperation with the State Police, will be responsible for promulgating rules and regulations with regard to the operation of the board
7. The legislation also creates the crime of possession of a firearm, rifle or shotgun in a "sensitive location". This would be a class E felony. Police officers, peace officers, active-duty military personnel, and persons engaged in lawful hunting activity would be exempted. Sensitive places are defined as:
 - a. Federal, State and local government property
 - b. Any place that provides healthcare, mental health care, or addiction treatment services
 - c. Any place of worship or religious observations
 - d. Public parks, public playgrounds, zoos and libraries
 - e. Any place, or the location of any program, licensed, regulated, or operated by DOH, OASAS, OCFS, OMH or OPWDD.
 - f. Nurseries, preschools and summer camps
 - g. Homeless shelters, youth homes, family shelters, DV shelters, etc.
 - h. Schools of all education levels
 - i. Public transportation
 - j. Any establishment that serves alcohol
 - k. Entertainment venues such as stadiums, concert halls, racetracks, museums amusement parks, conference centers, etc.
 - l. Polling places
 - m. Any public sidewalk or property that restricted from general public access for a special event that has been issued a permit for the same
 - n. Any gathering of individuals to collectively express their constitutional rights to protest or assemble
 - o. Times Square

There is no list of locations where it is acceptable to carry your weapon concealed in New York State

8. This legislation demands the creation of an ammunition sales database maintained by the State Police. "There shall be a statewide license and record

database specific for ammunition sales which shall be created and maintained by the State police the cost of which shall not be borne by any municipality no later than thirty days upon designating the division of state police as the point of contact to perform both firearm and ammunition back- ground checks under federal and state law. "

9. The legislation would require that firearms dealers record all ammunition sales in the database. The records maintained in this database would not be subject to FOIL and will be maintained by the State Police.
10. Firearm owners would have new safe storage requirements when leaving weapons in their vehicles. Guns left in a vehicle would first have to have the ammunition removed, and then the gun would have to be locked in a "safe storage depository" somewhere out of sight from outside the vehicle.
11. The Law creates new home safe storage requirements for when an individual cohabitates with or has present an individual under the age of 18, up from 16. It has not been determined which police agency will be responsible to policing the home storage and what the penalty for non compliance would be.
12. DCJS will be tasked with conducting NICS checks for every firearm and ammunition purchase made in New York State. How this is supposed to happen or if there is a fee has not been determined
13. The Sheriff's office or local police agencies will no longer be conducting background investigations for pistol permits. The entire process has been centralized under the State Police and DCJS in Albany. Quote: "Upon receiving a request from a licensed dealer pursuant to section eight hundred ninety-six or eight hundred ninety-eight of the general business law, the division shall initiate a background check by (i) contacting the National Instant Criminal Background Check System (NICS) or its successor to initiate a national instant criminal background check, and (ii) consulting the statewide firearms license and records database established pursuant to subdivision three of this section, in order to determine if the purchaser is a person described in sections 400.00 and 400.03 of the penal law, or is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm or ammunition."
14. The effective dates of these statutes appears to be a blend of conflicting dates and feasible compliance of September 1, 2022 and April 2023. We are waiting for clarification.

SEMI AUTOMATIC RIFLE PERMITTING

IF YOU HAVE A PISTOL PERMIT

At this time we have not received any information or forms from the courts or the state police. When we have more we will update this page. This requirement is supposed to go into effect on September 1.

IF YOU DO NOT HAVE A PISTOL PERMIT

At this time we have not received any information or forms from the courts or the state police. When we have more we will update this page. This requirement is supposed to go into effect on September 1.

RECERTIFICATION

- 1) The New York State Police web site for filing your pistol permit recertification. The paper application is posted on this site as well.
<https://troopers.ny.gov/Firearms/>
- 2) The Hochul Pistol Permit Restrictions Law now requires that all permit holders must pass a 16 hour gun safety class with 2 hours of live fire training prior to recertification. We do not have information on when this will take effect or what the training will look like. Best advice is to continue recertifying as normal until we hear differently from the state police.
- 3) If you held a pistol permit prior to January 31, 2013 your second pistol permit recertification will need to be done by January 31, 2023. After that date, recertification is due every 3 years from the date of recertification.
- 4) You can check the expiration of your recertification on the State Police Web Site mentioned above.
- 5) If the form is submitted electronically the permit holder will receive a receipt that can be printed out. If submitted by mail it was recommended that the application be sent by certified mail so that there will be proof of mailing.
- 6) Regardless of being filed electronically or by paper, a permit holder can check the status of their recertification on the state police web site.
- 7) If you have a NICS check by a dealer you still need to recertify with the State Police.
- 8) If you have a Brady check by the County Clerk's Office you still need to recertify with the State Police.
- 9) Semi Automatic permits will need to be recertified on the same schedule.

QUESTIONS:

Mike Jankowski, Wayne County Clerk
mjankowski@co.wayne.ny.us
(315) 946-7470

New York State Police Web Site:

<http://www.troopers.ny.gov/>
(1-855-529-4867)