

Pistol License Safety and Information Handbook

For Westchester County

Issued in compliance with
New York State Penal Law §400.30

WESTCHESTER COUNTY POLICE
Department of Public Safety
Commissioner Terrance Raynor



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INTRODUCTION

The New York State Legislature and the Westchester County Board of Legislators have each enacted laws to improve the process of tracking legally obtained handguns in this County and to ensure that they remain in the hands of responsible persons. New York State Penal Law §400.30 allows the enactment or application of local rules and regulations covering the issuance and use of pistol licenses. This Pistol License Safety and Information Handbook is issued in compliance with that law.

For the purposes of this handbook, the term “firearm” shall mean handguns, pistols or revolvers, and these terms are used interchangeably herein. Unless specifically mentioned, shotguns, rifles and assault weapons (Penal Law §265.22) are excluded from the provisions of this handbook.

Firearm license applicants and holders should refer to this booklet for safety information and guidance on the rules, procedures, duties and responsibilities of handgun licensees. You should also be familiar with Penal Law Article 265 and Article 400 that govern firearm safety and the administrative procedures regarding the issuance, recertification, cancelation and revocation of licenses to possess, carry and deal in firearms, and Penal Law Article 35, which defines the defense of justification and governs the use of deadly physical force. There are also various federal, state and local laws that pertain to firearms. Pertinent sections of some of these laws are listed in this handbook. However, these laws may be amended from time to time by the legislature without notice to firearm licensees. You are advised to keep abreast of such changes in the law.

In Westchester County, the Licensing Officers are Judges or Justices of the Supreme or County Court (Penal Law §265.00(10)). The Westchester County Department of Public Safety acts as the investigative service to the Court for all firearm license matters. The Westchester County Clerk serves as the Clerk of the Court and is the repository for all firearm license records. Carry firearm licenses (Penal Law §400.00(2)(f)) issued by Westchester County are valid for three (3) years. Premise and other types of firearm licenses are valid for five (5) years. Firearm Dealer and Gunsmith licenses are valid for three (3) years.

MESSAGE FROM THE COMMISSIONER OF PUBLIC SAFETY

The men and women of the Westchester County Department of Public Safety work diligently to ensure the safety of all those who live, work and recreate in Westchester County while treating all citizens with respect and dignity in every interaction.

A license to possess or carry a firearm imposes a solemn responsibility on the holder. Since the discharge of a firearm can result in the loss of human life, it is imperative that prospective firearm licensees understand the laws governing the use of deadly physical force and of proper firearm storage. Whenever deadly physical force is exercised through the use of a firearm, the licensed firearm user bears responsibility for its proper use and may be exposed to criminal and civil penalties for misuse. The misuse of a firearm or use of deadly physical force, whether intentional, reckless or negligent, may expose the user to both criminal and civil penalties. You should carefully consider these facts in deciding whether a firearm license is appropriate in your individual circumstances.

CONTACT INFORMATION

You may obtain a pistol license application package and a copy of this Pistol License Safety and Information Handbook from the Westchester County Department of Public Safety Pistol License Unit or at the website: <https://publicsafety.westchestergov.com/about-us/pistol-license-unit>.

If you have any questions about the status of your application, you may contact the Pistol License Unit at 914-995-2709 or the Office of the Administrative Judge, Ninth Judicial District at 914-824-5100.

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WESTCHESTER COUNTY AND SUPREME COURTS Honorable Anne Minihan, A.J.S.C. Administrative Judge, Ninth Judicial District



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CHAPTER 1

SAFETY

I. NEW YORK STATE FIREARMS SAFETY AND USE COURSE

(New York State Penal Law §400.00(19))

1. All applicants for a Carry firearm license (Penal Law §400.00(2)(f)) must submit proof of completion of a sixteen-hour firearms safety and use course as evidenced by a certificate of completion issued in the applicant's name and endorsed and affirmed under the penalty of perjury by a duly authorized instructor (Penal Law §265.00(19)).
2. Such training must include a live-fire component with a curriculum approved by the Division of Criminal Justice Services (DCJS) and the Superintendent of State Police, and shall include but not be limited to the following topics:
 - a. General firearm safety;
 - b. Safe storage requirements and general secure storage best practices;
 - c. State and federal gun laws;
 - d. Situational awareness;
 - e. Conflict de-escalation;
 - f. Best practices when encountering law enforcement;
 - g. Statutorily defined sensitive places in subdivision two of section 265.01-e of this chapter and the restrictions on possession on restricted places under section 265.01-d of this chapter;
 - h. Conflict management;
 - i. Use of deadly force;
 - j. Suicide prevention;
 - k. The basic principles of marksmanship;
 - l. A minimum of two hours of a live-fire range training course.
2. Upon demonstration of proficiency, a certificate of completion shall be issued to the applicant in the applicant's name and endorsed and affirmed under the penalties of perjury by such duly authorized instructor.

Note: Applicants who complete a 16-hour training course listed in Penal Law §400.00(19) are not required to also complete an 8-hour training course listed in Penal Law §400.00(1)(L).

II. WESTCHESTER COUNTY FIREARMS SAFETY COURSE
(New York State Penal Law §400.00(1)(L))

1. All applicants for a firearm license must submit proof of completion of a firearms safety course and test as evidenced by a certificate of completion issued in the applicant's name and endorsed and affirmed under the penalties of perjury by a duly authorized instructor (Penal Law §265.00(19)), except that persons who have been honorably discharged from the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York, and produce evidence of official qualification in firearms during the term of service are exempt from this requirement (Penal Law §400.00(1)(i)).

III. GUN SAFETY
(Laws of Westchester, Chapter 527)

Section 527.11. Definitions. Whenever used in this chapter, the following terms shall have the following meanings:

1. Weapon shall mean a "rifle," "shotgun," "firearm" or "machine gun" as those terms are defined in Section 265.00 of the Penal Law.
2. Serious physical injury and physical injury shall be defined as provided in Section 10.00 of the Penal Law.
3. Safety locking device shall mean a design adaptation, attached accessory or device installed, that when activated or installed prevents the discharge or firing of the weapon.
4. Safe storage depository shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the weapon contained therein.
5. Person shall include corporation, partnership, business or other entity.
6. Operable shall mean, in relation to a weapon, that the weapon is able, when loaded with ammunition, to be fired or discharged.

Section 527.21. Safety locks or safe storage depositories required.

1. No person who owns or is custodian of a weapon shall store or otherwise leave such weapon out of his or her immediate possession or control without having first securely locked such weapon in an appropriate safe storage depository or rendered it incapable of being fired by use of a safety locking device appropriate to that weapon.

Section 527.31. Negligent storage of a weapon in the second degree.

1. A person is guilty of the negligent storage of a weapon in the second degree when he or she stores or leaves an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian.

Section 527.41. Negligent storage of a weapon in the first degree.

1. A person is guilty of the negligent storage of a weapon in the first degree when, he or she stores or leaves an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian and such weapon is discharged causing physical injury, serious physical injury or death to any person.

Section 527.51. Requirements at transfer of a weapon.

1. No person shall sell, deliver or transfer any weapon to another person unless the transferee is provided at the time of sale, delivery or transfer with:
 - a. A safety locking device that is capable of preventing that particular weapon from firing; and
 - b. A copy of the following warning in conspicuous and legible 24-point type on 8 ½ inch x 11-inch paper stating in bold print the following warning:

**WARNING
RESPONSIBLE FIREARM STORAGE IS THE LAW IN
WESTCHESTER. FIREARMS MUST BE STORED WITH A SAFETY
LOCKING DEVICE OR IN A SAFE STORAGE DEPOSITORY.
FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A
LOCATION SEPARATE FROM AMMUNITION. LEAVING
FIREARMS ACCESSIBLE TO A CHILD OR UNAUTHORIZED
PERSON MAY SUBJECT YOU TO IMPRISONMENT, FINE OR
BOTH.**

Section 527.61. Notices to handgun licensees and public.

1. Every person engaged in the retail business of selling weapons shall post a notice in the place where such weapons are displayed or delivered to the purchaser conspicuously stating, in no smaller than 24-point type and on no smaller than 8 ½ inch x 11-inch paper, in bold print the following warning.

WARNING

RESPONSIBLE FIREARM STORAGE IS THE LAW IN WESTCHESTER. FIREARMS MUST BE STORED WITH A SAFETY LOCKING DEVICE OR IN A SAFE STORAGE DEPOSITORY. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION SEPARATE FROM AMMUNITION. LEAVING FIREARMS ACCESSIBLE TO A CHILD OR UNAUTHORIZED PERSON MAY SUBJECT YOU TO IMPRISONMENT, FINE OR BOTH.

2. The County Clerk shall provide all applicants for handgun licenses and renewals a written copy of a warning notice in conspicuous and legible 24-point type on 8 ½ inch x 11-inch paper stating in bold print the following warning:

WARNING

RESPONSIBLE FIREARM STORAGE IS THE LAW IN WESTCHESTER. FIREARMS MUST BE STORED WITH A SAFETY LOCKING DEVICE OR IN A SAFE STORAGE DEPOSITORY. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION SEPARATE FROM AMMUNITION. LEAVING FIREARMS ACCESSIBLE TO A CHILD OR UNAUTHORIZED PERSONS MAY SUBJECT YOU TO IMPRISONMENT, FINE OR BOTH.

Section 527.71. Penalties.

1. Any violation of sections 527.21, 527.31, 527.51, 527.61 1., shall be a violation and shall be punished by imprisonment of not more than 15 days or by a fine of not more than \$250.00 or both.
2. Notwithstanding the foregoing, any person who violates any of the provisions set forth in subdivision 1. above and who has previously been found guilty of a violation of any of those provisions shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than 30 days or by a fine of not more than \$500.00 or both.
3. Each violation of section 527.41 shall constitute a misdemeanor and a person found guilty of such misdemeanor shall be punished by imprisonment for not more than one year or by a fine of not more than \$1,000.00 or both.

IV. DISCLOSURE OF SAFETY RISKS RELATED TO WEAPONS OR FIREARMS
(Laws of Westchester, Chapter 529)

Section 529.01. Purpose

1. The purpose of this Chapter to provide for and promote the health, safety and welfare of the general public by specifically informing potential buyers of weapons or firearms in Westchester County of the dangers of owning a firearm in the home. Ownership of a weapon or firearm in the home can lead to accidental discharge, preventable suicide, unintended death of a child or other household members or death during a domestic dispute. Requiring weapon and firearm dealers to post a warning notice delineating the risks of weapons or firearms use will provide important information to the customer who can then make smarter and safer buying choices.

Section 529.11. Definitions.

1. Dealer. Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of including but not limited to: any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm, as those terms are defined in Section 265.00 of the New York State Penal Law;
2. Firearm. As stated in New York State Penal Law Section 265, (a) Any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches; or (e) an assault weapon. For the purpose of this subdivision the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breech lock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm;
3. Weapon. Any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm, as those terms are defined in Section 265.00 of the New York State Penal Law.
4. Site. The facility where a sale and transfer of weapons or firearms is conducted.

Section 529.21. Disclosure Notice.

1. Every Dealer located in the County of Westchester and engaged in the retail business of selling weapons shall not sell, deliver, transfer or otherwise dispose of any weapon to another person unless a notice is posted in the Site where such weapons or firearms are displayed or delivered to the purchaser at the entrance to the site and in at least one additional area where sales occur conspicuously stating, in no smaller than 24-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

WARNING

ACCESS TO A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, HOMICIDE, DEATH DURING DOMESTIC DISPUTES, AND UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS. IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL THE CRISIS PREVENTION AND RESPONSE TEAM AT (914) 925-5959 or THE NATIONAL SUICIDE HOTLINE AT 988.

2. Upon the issuance of a license, the County Clerk shall provide the licensee a written copy of a warning notice conspicuously stating in no smaller than 24-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

WARNING

ACCESS TO A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, HOMICIDE, DEATH DURING DOMESTIC DISPUTES, AND UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS. IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL THE CRISIS PREVENTION AND RESPONSE TEAM AT (914) 925-5959 or THE NATIONAL SUICIDE HOTLINE AT 988.

3. The County of Westchester and its agencies, officers or employees shall not be liable to any party by reason of any injury or damage resulting from the failure of any person subject to this Chapter, to comply with this Chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this Chapter.

Section 529.31. Violations.

1. For the first and second violation of this Chapter, the person shall be guilty of a violation punishable by a fine of not more than two hundred fifty dollars (\$250) for each violation.
2. For subsequent violations of this Chapter, the person shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500) for each violation.

V. SAFE STORAGE OF FIREARMS, RIFLES OR SHOTGUNS

(New York State Penal Law §400.00(18))

1. **Warning:** Responsible firearm storage is the law in New York State. When stored in a home, firearms, rifles, or shotguns must either be stored with a gun locking device or in a safe storage depository or not be left outside the immediate possession and control of the owner or other lawful possessor if a child under the age of eighteen resides in the home or is present, or if the owner or possessor resides with a person prohibited from possessing a firearm under state or federal law. Firearms should be stored unloaded and locked by removing the ammunition from and securely locking such firearm in a location separate from ammunition. Leaving firearms accessible to a child or other prohibited person may subject you to imprisonment, fine, or both. When stored in a vehicle outside the owner's immediate possession or control, firearms, rifles, and shotguns must be stored in an appropriate safe storage depository and out of sight from outside of the vehicle.

VI. FAILURE TO SAFELY STORE RIFLES, SHOTGUNS AND FIREARMS

(New York State Penal Law §265.45)

1. No person who owns or is the custodian of a rifle, shotgun or firearm who resides with an individual who: (i) is under eighteen years of age; (ii) such person knows or has reason to know is prohibited from possessing a rifle, shotgun or firearm pursuant to a temporary or final extreme risk protection order issued under article sixty-three-A of the civil practice law and rules or 18 U.S.C. Section 922(g)(1), (4), (8) or (9); or (iii) such person knows or has reason to know is prohibited from possessing a rifle, shotgun or firearm based on a conviction for a felony or a serious offense, shall store or otherwise leave such rifle, shotgun or firearm out of his or her immediate possession or control without having first securely locked such rifle, shotgun or firearm in an appropriate safe storage depository or rendered it incapable of being fired by use of a gun locking device appropriate to that weapon.

2. No person shall store or otherwise leave a rifle, shotgun, or firearm out of his or her immediate possession or control inside a vehicle without first removing the ammunition from and securely locking such rifle, shotgun, or firearm in an appropriate safe storage depository out of sight from outside of the vehicle.
3. For purposes of this section “safe storage depository” shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, keypad, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the weapon contained therein and shall be fire, impact, and tamper resistant. Nothing in this section shall be deemed to affect, impair or supersede any special or local act relating to the safe storage of rifles, shotguns or firearms which impose additional requirements on the owner or custodian of such weapons. For the purposes of subdivision two of this section, a glove compartment or glove box shall not be considered an appropriate safe storage depository.
4. It shall not be a violation of this section to allow a person less than eighteen years of age access to: (i) a firearm, rifle or shotgun for lawful use as authorized under paragraph seven or seven-e of subdivision a of section 265.20 of this article, or (ii) a rifle or shotgun for lawful use as authorized by article eleven of the environmental conservation law when such person less than eighteen years of age is the holder of a hunting license or permit and such rifle or shotgun is used in accordance with such law.

Failure to safely store rifles, shotguns, and firearms in the first degree is a class A misdemeanor.

VII. CRIMINAL POSSESSION OF A FIREARM, RIFLE OR SHOTGUN IN A RESTRICTED LOCATION (New York State Penal Law §265.01-D)

1. A person is guilty of criminal possession of a weapon in a restricted location when such person possesses a firearm, rifle, or shotgun and enters into or remains on or in private property where such person knows or reasonably should know that the owner or lessee of such property has not permitted such possession by clear and conspicuous signage indicating that the carrying of firearms, rifles, or shotguns on their property is permitted or has otherwise given express consent.
2. This section shall not apply to:
 - a. Police officers as defined in section 1.20 of the criminal procedure law;
 - b. Persons who are designated peace officers as defined in section 2.10 of the criminal procedure law;

- c. Persons who were employed as police officers as defined in section 1.20 of the criminal procedure law, but are retired;
- d. Security guards as defined by and registered under article seven-A of the general business law who has been granted a special armed registration card, while at the location of their employment and during their work hours as such a security guard;
- e. Active-duty military personnel;
- f. Persons licensed under paragraph (c), (d) or (e) of subdivision two of section 400.00 of this chapter while in the course of his or her official duties; or
- g. Persons lawfully engaged in hunting activity.

Criminal possession of a weapon in a restricted location is a class E felony.

VIII. CRIMINAL POSSESSION OF A FIREARM, RIFLE OR SHOTGUN IN A SENSITIVE LOCATION (New York State Penal Law §265.01-E)

1. A person is guilty of criminal possession of a firearm, rifle or shotgun in a sensitive location when such person possesses a firearm, rifle or shotgun in or upon a sensitive location, and such person knows or reasonably should know such location is a sensitive location.
2. For the purposes of this section, a sensitive location shall mean:
 - a. Any place owned or under the control of federal, state or local government, for the purpose of government administration, including courts;
 - b. Any location providing health, behavioral health, or chemical dependence care or services;
 - c. Any place of worship or religious observation;
 - d. Libraries, public playgrounds, public parks, and zoos;
 - e. The location of any program licensed, regulated, certified, funded, or approved by the office of children and family services that provides services to children, youth, or young adults, any legally exempt childcare provider; a childcare program for which a permit to operate such program has been issued by the department of health and mental hygiene pursuant to the health code of the city of New York;

- f. Nursery schools, preschools, and summer camps;
- g. The location of any program licensed, regulated, certified, operated, or funded by the office for people with developmental disabilities;
- h. The location of any program licensed, regulated, certified, operated, or funded by office of addiction services and supports;
- i. The location of any program licensed, regulated, certified, operated, or funded by the office of mental health;
- j. The location of any program licensed, regulated, certified, operated, or funded by the office of temporary and disability assistance;
- k. Homeless shelters, runaway homeless youth shelters, family shelters, shelters for adults, domestic violence shelters, and emergency shelters, and residential programs for victims of domestic violence;
- l. Residential settings licensed, certified, regulated, funded, or operated by the department of health;
- m. In or upon any building or grounds, owned or leased, of any educational institutions, colleges and universities, licensed private career schools, school districts, public schools, private schools licensed under article one hundred one of the education law, charter schools, non-public schools, board of cooperative educational services, special act schools, preschool special education programs, private residential or non-residential schools for the education of students with disabilities, and any state-operated or state-supported schools;
- n. Any place, conveyance, or vehicle used for public transportation or public transit, subway cars, train cars, buses, ferries, railroad, omnibus, marine or aviation transportation; or any facility used for or in connection with service in the transportation of passengers, airports, train stations, subway and rail stations, and bus terminals;
- o. Any establishment issued a license for on premise consumption pursuant to article four, four-A, five, or six of the alcoholic beverage control law where alcohol is consumed and any establishment licensed under article four of the cannabis law for on premise consumption;
- p. Any place used for the performance, art entertainment, gaming, or sporting events such as theaters, stadiums, racetracks, museums, amusement parks, performance venues, concerts, exhibits, conference centers, banquet halls, and gaming facilities and video lottery terminal facilities as licensed by the gaming commission;

- q. Any location being used as a polling place;
 - r. Any public sidewalk or other public area restricted from general public access for a limited time or special event that has been issued a permit for such time or event by a governmental entity, or subject to specific, heightened law enforcement protection, or has otherwise had such access restricted by a governmental entity, provided such location is identified as such by clear and conspicuous signage;
 - s. Any gathering of individuals to collectively express their constitutional rights to protest or assemble;
 - t. The area commonly known as Times Square, as such area is determined and identified by the city of New York; provided such area shall be clearly and conspicuously identified with signage.
3. This section shall not apply to:
- a. Consistent with federal law, law enforcement who qualify to carry under the federal law enforcement officers' safety act, 18 U.S.C. 926C;
 - b. Persons who are police officers as defined in subdivision thirty-four of section 1.20 of the criminal procedure law;
 - c. Persons who are designated peace officers by section 2.10 of the criminal procedure law;
 - d. Persons who were employed as police officers as defined in subdivision thirty-four of section 1.20 of the criminal procedure law but are retired;
 - e. Security guards as defined by and registered under article seven-A of the general business law, who have been granted a special armed registration card, while at the location of their employment and during their work hours as such a security guard;
 - f. Active-duty military personnel;
 - g. Persons licensed under paragraph (c), (d) or (e) of subdivision two of section 400.00 of this chapter while in the course of his or her official duties;
 - h. A government employee under the express written consent of such employee's supervising government entity for the purposes of natural resource protection and management;
 - i. Persons lawfully engaged in hunting activity, including hunter education training;

- j. Persons operating a program in a sensitive location out of their residence, as defined by this section, which is licensed, certified, authorized, or funded by the state or a municipality, so long as such possession is in compliance with any rules or regulations applicable to the operation of such program and use or storage of firearms.

Criminal possession of a firearm, rifle or shotgun in a sensitive location is a class E felony.

IX. CRIMINAL POSSESSION OF A WEAPON ON SCHOOL GROUNDS
(New York State Penal Law §265.01-A)

1. A person is guilty of criminal possession of a weapon on school grounds when he or she knowingly has in his or her possession a rifle, shotgun, or firearm in or upon a building or grounds, used for educational purposes, of any school, college, or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, or upon a school bus as defined in section one hundred forty-two of the vehicle and traffic law, without the written authorization of such educational institution.

Criminal possession of a weapon on school grounds is a class E felony.

X. WESTCHESTER COUNTY PARKS, FIREARMS & WEAPONS PROHIBITION
(Westchester County General Ordinances, Part 5, §765.141)

1. No person, except a police officer or peace officer shall possess a firearm of any size or description or any instrument, appliance or substance designed, made or adapted and used primarily as a weapon, or ammunition for it in any park, except when the same is held or carried for the purpose of being used to shoot a target from designated firing lines or firing positions in the Sportsmen's Center in the park known as Blue Mountain Reservation in the Town of Cortlandt and then only if he or she possesses a legal permit to carry same.
2. No person shall discharge a firearm, air gun, spring gun or other instrument or weapon in any park or in such a manner that a projectile enters or is likely to enter any part of the park except in the performance of official duties and except when the same is discharged at a target from designated fire lines or firing positions at the Sportsmen's Center at the park known as Blue Mountain Reservation in the Town of Cortlandt. Toy, cap, blank and starter pistols are not allowed in the parks.

XI. NEW YORK STATE PARKS, FIREARMS PROHIBITION
(New York State Parks, Recreation & Historic Preservation Rules
& Regulations §375.1(p))

1. No person, other than a member of a Federal, State or municipal law enforcement agency, shall introduce or possess, either upon the person or within a vehicle, or use any firearm or any instrument or weapon the propelling force of which is a spring, rubber or air or any ammunition or propellant therefor, or a bow and arrow in any park under the jurisdiction of the New York State Office of Parks, Recreation and Historic Preservation, except for hunting where permitted by a rule or regulation of a regional park, recreation and historic preservation commission or pursuant to a permit issued according to the provisions of section 376.1(r) of this Title.

XII. GENERAL FIREARM SAFETY GUIDELINES

1. Firearm safety is a full time responsibility. As a firearm licensee, you must always secure and store your firearm(s) and ammunition so that they are not accessible to unauthorized persons, especially children. The following guidelines must be followed:
 - a. Always keep your firearm pointed in a safe direction.
 - b. Always know whether your firearm is loaded or unloaded.
 - c. Always keep your finger away from the trigger until ready to shoot.
 - d. Understand and know how your firearm operates.
 - e. Be sure your firearm is operating properly.
 - f. Use only the correct ammunition for your firearm.
 - g. Store ammunition in a cool, dry place away from fire or sources of heat.
 - h. Know your target and know what is around it and beyond it.
 - i. When shooting, wear eye and ear protection.
 - j. Never use alcohol or drugs before shooting or while shooting.

XIII. FIREARM SAFETY GUIDELINES APPLICABLE TO CHILDREN

1. As a firearm licensee, the safety of children is your primary responsibility.
2. By nature, children are curious about everything, including firearms. If firearms are in your home, children will be tempted to play with them. Prevent this from occurring by keeping firearms in a locked, inaccessible location.
3. Make sure that your children understand that they should never look for any firearm, whether in your residence or someone else's residence.
4. Make sure that your children understand that they should never touch your firearm. Rather, they should leave the firearm alone and tell an adult.
5. Make sure that your children understand that some firearms may look like toys.
6. Make sure that your children understand that if they have any doubt about whether something is a toy or a real firearm, they should never touch it. Rather, they should leave the firearm alone and tell an adult.

CHAPTER 2

TYPES OF FIREARM LICENSES & LICENSE VALIDITY

- I. LICENSE CATEGORIES: Penal Law §400.00(2) lists the following categories of firearm licenses authorized to be issued in New York State:
1. **GUNSMITH**: Issued to any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving or truing, or who performs any mechanical operation on, any firearm, large capacity ammunition feeding device or machine-gun (Penal Law §265.00(8); §265.20(10); §400.00(2)).
 2. **FIREARM DEALER**: Issued to any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing or in any manner disposing of any assault weapon, large capacity ammunition device, pistol or revolver (Penal Law §265.00(9); §265.20(10); §400.00(2)).
 3. **PREMISE DWELLING**: Issued to a householder to have and possess in his or her own dwelling (Penal Law §400.00(2)(a)).
 4. **PREMISE BUSINESS**: Issued to a merchant or storekeeper to have and possess in his or her place of business (Penal Law §400.00(2)(b)).
 5. **BANK COURIER/EXPRESS MESSENGER**: Issued to have and carry concealed by a messenger employed by a banking institution or express company while so employed (Penal Law §400.00(2)(c)).
 6. **JUSTICE OF THE SUPREME COURT 1ST OR 2ND JUDICIAL DEPARTMENTS OR JUDGE OF THE NEW YORK CITY CIVIL OR CRIMINAL COURT**: Issued to a Judge or Justice of the named courts to have and carry concealed (Penal Law §400.00(2)(d)).
 7. **EMPLOYEE OF CORRECTIONS**: Issued to a regular employee of a correctional institution, to have and carry concealed while so employed, provided that such application is made by the commissioner, warden, superintendent or head keeper of such institution (Penal Law §400.00(2)(e)).

8. ANTIQUE PISTOL: Issued to have, possess, collect and carry antique pistols. (Penal Law §265.00(14), Penal Law §400.00(2)(g)).
9. CARRY: Issued to have and carry concealed, without regard to employment or place of possession, by any person subject to the restrictions of State and Federal law. (Penal Law §400.00(2)(f)).

Note: A Carry pistol license must be recertified by the holder every three years.

10. SEMI-AUTOMATIC RIFLE: Issued to purchase or take possession of a semi-automatic rifle. (Penal Law §400.00(2)).

Note: The semi-automatic rifle license applies to all **purchases** of semi-automatic rifles on or after September 4, 2022. Persons who lawfully possess a semi-automatic rifle prior to September 4, 2022 are not required to obtain a semi-automatic rifle license.

II. LICENSE VALIDITY and SPECIAL NEW YORK CITY PERMITS:

Penal Law §400.00(6) governs pistol license validity and provides the following:

1. No license shall be transferable to any other person or premises.
2. A license to carry or possess a firearm, not otherwise limited as to place or time of possession, issued in the County of Westchester, shall be valid Statewide, EXCEPT within NEW YORK CITY unless the following requirements are met:
 - a. A special permit granting validity is issued by the New York City police commissioner; or
 - b. The licensee purchased the firearms covered by such license from a licensed dealer within New York City and is transporting the firearms out of the city forthwith and immediately from said dealer by the licensee in a locked container during a continuous and uninterrupted trip; or
 - c. The licensee is transporting the firearms covered by such license in a locked container and the trip through New York City is continuous and uninterrupted; or
 - d. The firearms covered by such license are carried by armored car security guards transporting money or valuables in, to or from armored cards, during the course of their employment; or

- e. The licensee is a Retired Police Officer (Criminal Procedure Law §1.20) or a Retired Federal Law Enforcement Officer (Criminal Procedure Law §2.15), who has been issued a license by an authorized Licensing Officer (Penal Law §165.20). However, if such license was not issued in the City of New York it must be marked "Retired Police Officer" or "Retired Federal Law Enforcement Officer," and in the case of a retired officer, the license shall be deemed to permit only police department or federal law enforcement regulation weapons; or
 - f. The licensee is a current Peace Officer defined in Criminal Procedure Law §2.10 and the license, if issued outside New York City, is marked "New York State Tax Department Peace Officer" and in such case the exemption shall apply only to the firearm issued to such licensee by the department of taxation and finance.
3. A license as Gunsmith or Firearms Dealer shall not be valid outside the City or County where issued.

CHAPTER 3

ELIGIBILITY

- I. Pursuant to New York State Penal Law §400.00(1), no license shall be issued or renewed pursuant to this section except by the Licensing Officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant:
1. 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;
 2. Of good moral character, which 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;
 3. Who has not been convicted anywhere of a felony or a serious offense or who is not the subject of an outstanding warrant of arrest issued upon the alleged commission of a felony or serious offense;
 4. Who is not a fugitive from justice;
 5. Who is not an unlawful user of or addicted to any controlled substance as defined in section 21 U.S.C. 802;
 6. Who, being an alien: (i) is not illegally or unlawfully in the United States or (ii) has not been admitted to the United States under a nonimmigrant visa subject to the exception in 18 U.S.C. 922(y)(2);
 7. Who has not been discharged from the Armed Forces under dishonorable conditions;
 8. Who, having been a citizen of the United States, has not renounced his or her citizenship;
 9. Who has stated whether he or she has ever suffered any mental illness;

10. Who has not been involuntarily committed to a facility under the jurisdiction of an office of the department of mental hygiene pursuant to article nine or fifteen of the mental hygiene law, article seven hundred thirty or section 330.20 of the criminal procedure law or substantially similar laws of any other state , section four hundred two or five hundred eight of the correction law, section 322.2 or 353.4 of the family court act, has not been civilly confined in a secure treatment facility pursuant to article ten of the mental hygiene law, or has not been the subject of a report made pursuant to section 9.46 of the mental hygiene law;
11. 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 eight hundred forty-two-a of the family court act;
12. In the county of Westchester, who has successfully completed a firearms safety course and test as evidenced by a certificate of completion issued in his or her name and endorsed and affirmed under the penalties of perjury by a duly authorized instructor, except that: (i) persons who are honorably discharged from the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York, and produce evidence of official qualification in firearms during the term of service are not required to have completed those hours of a firearms safety course pertaining to the safe use, carrying, possession, maintenance and storage of a firearm;

Note: Online firearm safety courses do not meet these requirements.

13. Who has not had a guardian appointed for him or her pursuant to any provision of state law, based on a determination that as a result of marked subnormal intelligence, mental illness, incompetency, incapacity, condition or disease, he or she lacks the mental capacity to contract or manage his or her own affairs.
- II. Pursuant to Penal Law §400.00(1)(n) and §400.00(1)(o), the following additional eligibility requirements apply to Carry pistol licenses:
1. The applicant must not have been convicted within five years of the date of the application of any of the following: (i) assault in the third degree, as defined in Penal Law §120.00; (ii) misdemeanor driving while intoxicated, as defined in Vehicle & Traffic Law §1192; or (iii) menacing, as defined Penal Law §120.15.

2. In addition to any other information or forms required in the license application, the applicant shall submit to the Licensing Officer the following information: (i) names and contact information for the applicant's current spouse, or domestic partner, any other adults residing in the applicant's home, including any adult children of the applicant, and whether or not there are minors residing, full time or part time, in the applicant's home; (ii) names and contact information of no less than four character references who can attest to the applicant's good moral character and that such applicant has not engaged in any acts, or made any statements that suggest they are likely to engage in conduct that would result in harm to themselves or others; (iii) certification of completion of the training required under Penal Law §400.00(19); (iv) a list of former and current social media accounts of the applicant from the past three years to confirm the information regarding the applicants character and conduct as required in subparagraph (ii) of this paragraph; and (v) such other information required by the Licensing Officer that is reasonably necessary and related to the review of the licensing application.

Note: Applicants who complete a 16-hour training course listed in Penal Law §400.00(19) are not required to complete an 8-hour training course listed in Penal Law §400.00(1)(L).

- III. Pursuant to the Federal Gun Control Act of 1968, Public Law 90-618 and amendments, Title 18, United States Code (USC), §922(g), no person shall possess, ship or transport firearms or ammunition, except for a person:
 1. Who has not been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
 2. Who is not a fugitive from justice;
 3. Who is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
 4. Who has not been adjudicated as a mental defective or been committed to a mental institution;
 5. Who is not an alien who is illegally or unlawfully in the United States, or who has been admitted to the United States under a nonimmigrant visa [as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)), except as provided in subsection (y)(2).

6. Who has not been discharged from the Armed Forces under dishonorable conditions;
7. Who, having been a citizen of the United States, has not renounced his citizenship;
8. Who is not the subject of a court order that was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate, that 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 includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child or 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;
9. Who has not been convicted in any court, State or Federal, of a misdemeanor crime of domestic violence.

III. SPECIAL ELIGIBILITY REQUIREMENTS FOR GUNSMITH OR DEALER IN FIREARMS (Penal Law §265.00(8); §265.20(10); §400.00(2)):

1. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section.
2. An applicant to engage in such business shall also be a citizen of the United States.
3. An applicant to engage in such business shall be more than twenty-one (21) years of age.
4. An applicant to engage in such business shall maintain a place of business in the City or County where the license is issued.
5. If the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

CHAPTER 4

APPLICATION PROCEDURES

1. Applicants should read the entire contents of this Pistol License Safety & Information Handbook prior to applying for any firearm license.
2. Applicants may obtain all required pistol license application forms from the Westchester County Department of Public Safety's Website here:
<https://publicsafety.westchestergov.com/about-us/pistol-license-unit>. Applicants must complete all application forms and attachments in full and must provide sufficiently detailed support information for the issuance of any firearm license.
3. All statements that are submitted as part of an application package must be truthful, whether made by an applicant or made on behalf of an applicant. The submission of any false or intentionally misleading information with an application constitutes grounds for denial of the license, and could result in criminal charges against the applicant.
4. Application forms and attachments must be type-written or legibly printed in black ink. The form titled "State of New York- Pistol/Revolver License Application" (form PPB-3), must be submitted in duplicate (two original copies of form PPB-3). Note: if you are registering more than four (4) firearms, you must list them on supplemental form PPB-3A (submit two original copies of form PPB-3A).
5. The applicant must swear to the truth of all statements made on application forms and attachments before a notary public. This should be done prior to submission of your application.

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| <p><u>Note</u>: The space for the "Signature of Officer Administering Oath" on form PPB-3 refers to the Notary Public who administers an oath to you and witnesses your signature on the form.</p> |
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6. Applicants will be subjected to a fingerprint-based and/or name-based criminal record check through the New York State Division of Criminal Justice Services, the Federal Bureau of Investigation, the New York State Police and local agencies. This inquiry allows for broad access to criminal records, including cases that were dismissed, sealed by the court or adjudicated youthful offender.
7. Applicants are required to complete and sign a "release of information" form allowing access to any information deemed necessary to conduct the required background check, including but not limited to, criminal, employment, financial and medical related records, whether the records be sealed, confidential or restricted access.

8. Applicants who are New York State residents must hold a valid New York State Driver License or New York State Identification issued by the New York State Department of Motor Vehicles.
9. Applicants must conditionally own a firearm before a firearm license can be issued. Acceptable proof of ownership of a firearm includes:
 - a. Receipt from a firearms dealer in the applicant's name (conditional on license approval).
 - b. Co-owner statement and copy of co-owner's Pistol License.
 - c. New York State Police C-Form.
10. Applicants must disclose ALL previous arrests, criminal charges and convictions (including any that were dismissed, sealed by the court or adjudicated as youthful offender (Penal Law §160.50(1)(d)), regardless of whether they occurred within or outside of New York State. If you were ever arrested or criminally charged, you must provide a sworn statement fully describing your conduct in the event. Omission of the above or the failure to provide a detailed description of the event are grounds for denial of your application.
11. Applicants for a Carry pistol license (Penal Law §400.00(2)(f)) must have completed an in-person 16-hour firearms safety and use course that includes a live fire component (Penal Law §400.00(19)); must disclose all current and former social media accounts for the three-year period immediately prior to their application; must disclose the name of their current spouse or domestic partner; must disclose the names of all adult persons and children they reside with, and must disclose such other information as required by the Licensing Officer that is reasonably necessary and related to the license application.

Note: If a DCJS-approved Penal Law §400.00(19) training course is not available by the date of application, such training must then be completed by the applicant prior to the first license renewal.

12. Applicants should review their application and attachments for completeness and correctness, then contact the Department of Public Safety Pistol License Unit at 914-995-2709 to schedule an appointment to submit the application and be interviewed. Applicants will be fingerprinted (after payment of the required fee) and a background investigation will commence.

13. Fees: All fees paid in connection with a firearm license application, restriction change or amendment must be paid at the time of submission and are non-refundable. The fee associated with the required record checks must be paid by **Money Order** only, payable to the “**County of Westchester**.” All other fees may be paid by cash, credit card, check, or postal money, made payable to the “Westchester County Clerk.” Refer to the fee schedule (Chapter 7, Section XIV) for more information.
14. Upon completion of the background investigation, the application and results of the investigation will be forwarded to the Licensing Officer for review and determination. The Licensing Officer shall act upon the application within six months of the date of presentment of such an application to the appropriate authority, except upon good cause with respect to the applicant (Penal Law §400.00(4-b)).
15. In acting upon an application, the Licensing Officer shall either deny the application for reasons specifically and concisely stated in writing or grant the application and issue the license applied for (Penal Law §400.00(4-b)).

CHAPTER 5
SUPPORTING DOCUMENTATION

I. ALL APPLICANTS

1. Citizenship

- a. Each applicant must submit proof of United States citizenship or permanent resident status in the United States. This may be established by submission of a copy of birth certificate, naturalization certificate, United States passport, resident alien document or other acceptable documents.

2. Residence

- a. Each applicant must demonstrate that they reside, are principally employed in, or have a principal place of business as a merchant or storekeeper in Westchester County (Penal Law §400.00(3)). Residency may be established by submission of acceptable proof, e.g. voter registration, utility bill, property deed, etc.

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| <p><u>Note</u>: possession/use of a post office box <u>is not</u> satisfactory to prove residence.</p> |
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3. Character References

- a. Each applicant must submit notarized character reference forms from four trustworthy persons attesting to the applicant's good moral character, which means having the temperament and judgment necessary to be entrusted with a firearm and to use it only in a manner that does not endanger the applicant or others. To competently establish this information, all persons completing a character reference form on behalf of an applicant must have known the applicant for a sufficient (reasonable long) period of time.
- b. The following categories of people are unacceptable as character references:
 - i. Relatives, by either blood (consanguinity) or marriage (in-law).
 - ii. Two or more members of the same family or household.

4. Photographs

- a. Each applicant must submit two identical photographs of himself/herself (without glasses or hat) showing a full front view of the face.
- b. Photographs must be two inches by two inches in size. Photographs must be current. Unaltered, digital photographs are acceptable.

5. Firearms Safety Course

- a. Each applicant must submit proof of completion of a firearms safety course and test (Penal Law §400.00(1)(1) as evidenced by a certificate of completion issued in the applicant's name and endorsed and affirmed under the penalties of perjury by a duly authorized instructor (Penal Law §265.00(19)), except that persons who have been honorably discharged from the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York, and produce evidence of official qualification in firearms during the term of service are exempt from this requirement (Penal Law §400.00(1)(1)(i)).

Note: Online firearm safety courses do not meet these requirements.

II. APPLICANTS FOR A CARRY FIREARM LICENSE

1. Firearms Safety and Use Course

- a. Each applicant for a Carry pistol license (Penal Law §400.00(2)(f)) must submit proof of completion of an in-person sixteen-hour firearms safety and use course (Penal Law §400.00(19) that includes a written test and a live fire component, as evidenced by a certificate of completion issued in the applicant's name and endorsed and affirmed under the penalties of perjury by a duly authorized instructor approved by the division of criminal justice services.

Note: If a DCJS-approved Penal Law §400.00(19) training course is not available by the date of application, such training must then be completed by the applicant prior to the first license renewal.

Note: Applicants who complete a 16-hour training course listed in Penal Law §400.00(19) are not required to complete an 8-hour training course listed in Penal Law §400.00(1)(L).

III. ADDITIONAL DOCUMENTATION FOR PARTICULAR LICENSE CLASSIFICATIONS

1. GUNSMITH & FIREARM DEALER

- a. Documentation must establish that the gunsmith or firearm dealer business is a legitimate business concern located within Westchester County, and that the applicant owns or is employed at the business (Penal Law §400.00(3)(a)). This may be established by the submission of a business license, tax records, payroll records or other acceptable documents.
- b. The application for gunsmith or firearm dealer shall also state the previous occupation of each individual signing the same and the location of the place of such business, specifying the name of the city, town or village, indicating the street and number and otherwise giving such apt description as to reasonably point out the location thereof (Penal Law §400.00(3)(a)).
- c. If the applicant is a firm, partnership or corporation, its name, date and place of formation and principal place of business shall be stated. The application shall also be signed and verified by each individual composing or intending to compose the firm or partnership, and for such corporation by each officer thereof (Penal Law §400.00(3)(a)).
- d. If the application is for a firearm dealer license, the applicant also must submit a current valid Federal Firearm License (FFL).
- e. The applicant must establish that the business complies with local laws and ordinances; that is, the gunsmith or firearms dealer can legally operate at the business address.

2. RETIRED POLICE OFFICER, FEDERAL LAW ENFORCEMENT OFFICER OR PEACE OFFICER

- a. Documentation must establish that the applicant is a retired or retiring police officer (Criminal Procedure Law §1.20(34)), federal law enforcement officer (Criminal Procedure Law §2.15) or peace officer (Criminal Procedure Law §2.10) and who as part of applicant's official duties carried and qualified with a firearm and maintained such employment in good standing.

- b. Applicants must submit a letter from their former agency on agency letterhead and signed by the agency head or other suitable high-ranking official establishing the applicant's:
 - i. Status as a retired or retiring police officer, federal law enforcement officer or peace officer.
 - ii. Dates of employment and retirement date or expected retirement date.
 - iii. Good standing during employment;
 - iv.. Satisfactory assignment with a firearm.

Note: Retired police officer or federal law enforcement officer firearm license is valid inside of New York City. Retired peace officer firearm license is not valid inside of New York City.

- c. Applicants may submit documentation that they completed agency-provided firearms training meeting or exceeding the 16-hour firearms training curriculum listed in Penal Law §400.00(19).

Note: Retired law enforcement officers who submit such documentation are not required to take a 16-hour Penal Law §400.00(19) course.

CHAPTER 6

DUTIES OF FIREARM LICENSE HOLDERS

I. ALL LICENSEES

1. A firearm license is valid only when used for the purpose(s) for which it was issued and in accordance with all applicable laws. Use for any other purpose is unlawful and may constitute grounds for cancelation, suspension or revocation of the license.
2. The holder of a firearm license that has been restricted to a specific use or purpose may carry a firearm only during the course of and strictly in connection with the allowed use or purpose.
3. When any change in justification supporting the issuance of a firearm license occurs, the change must be immediately reported to the Licensing Officer through the Pistol License Unit. Depending on the situation, the licensee may have to amend his/her firearm license to comport with the changed circumstance and surrender the license to the Westchester County Clerk until the matter is resolved.

Note: If a firearm license is surrendered, even temporarily, all firearms on the license must be immediately surrendered to a law enforcement agency or transferred to a licensed firearms dealer. If the licensee wishes to again possess a firearm, he/she must make the appropriate application for a new or amended firearm license.

4. The licensee must be in actual possession of his/her firearm license document (card) at all times while possessing or carrying a firearm (Penal Law §400.00(8)).
5. When a firearm is authorized to be carried on the person of the licensee, such firearm must be carried concealed, unless the licensee is actually working in a readily recognized and duly issued uniform as a peace officer, constable, auxiliary police officer, security officer, armored car carrier, messenger or in some other official capacity.
6. When a firearm is authorized for carry on the person of a licensee, such firearm shall not be drawn or removed from a concealed position unjustifiably or for the purpose of creating personal or public alarm. Misuse of a firearm is grounds for revocation of a firearm license.
7. A licensee must assure that his/her firearm(s) are safeguarded at all times, especially children. Firearm licensees are required to provide maximum protection for their licensed firearms at all times.

8. Regardless of the type of firearm license held, the licensee may not carry a firearm in or upon any building or grounds used for educational purposes without the written authorization of the educational institution (Penal Law §265.01-A). The licensee must have the original copy of the authorization document on his/her person at all times while carrying a firearm on any such educational grounds.
9. Regardless of the type of firearm license held, when a firearm is to be taken into any police facility, the firearm must be immediately declared. If possible, the firearm should be brought into the police facility unloaded in a locked case with ammunition (if any) kept separate from the firearm.
10. Regardless of the type of firearm license held, the licensee may legally transport a firearm between the location where the firearm is kept or stored to/ from any place where the firearm will be bought, sold, repaired, used for familiarization, target practice or other incidental purpose. Unless the licensee holds a Carry license, during such transport, the firearm must be kept unloaded in a locked case. Ammunition, if any, must be kept separate from the firearm.

II. PREMISE DWELLING or PREMISE BUSINESS

1. Every person licensed to possess a pistol or revolver on particular premises shall have the license on such premises.
2. Upon demand, the license shall be exhibited for inspection to any peace officer, who is acting pursuant to his or her special duties, or police officer.
3. If the firearm is removed from the licensed premise for a legitimate purpose, e.g. sale, repair, target practice at a range or other incidental purpose, the firearm must be kept unloaded in a locked case. Ammunition, if any, must be kept separate from the firearm.

III. GUNSMITH / FIREARM DEALER

1. A license as a gunsmith or dealer in firearms shall be prominently displayed on the licensed premises.
2. A gunsmith or firearms dealer is subject to specific record keeping requirements pursuant to Penal Law §400.00(12) Note: Record keeping requirements as to Gunsmiths engaged in the business of assembling or manufacturing firearms are also referred to in Penal Law §400.00(12-a).

3. A gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York, by the superintendent of state police. In the record book shall be entered at the time of every transaction involving a firearm the date, name, age, occupation and residence of any person from whom a firearm is received or to whom a firearm is delivered, and the caliber, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such firearm.
4. Before delivering a firearm to any person, the gunsmith or dealer in firearms shall require him to produce either a license valid under this section to carry or possess the same, or proof of lawful authority as an exempt person pursuant to Penal Law §265.20.
5. The record book shall be maintained on the premises mentioned and described in the license and shall be open at all reasonable hours for inspection by any peace officer, acting pursuant to his special duties, or police officer. In the event of cancellation or revocation of the license for gunsmith or dealer in firearms, or discontinuance of business by a licensee, such record book shall be immediately surrendered to the executive department, division of state police.
6. A gunsmith or dealer of firearms 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. See Penal Law §400.00[8] for further guidelines.
7. The licensed premises or temporary premises of a gunsmith or firearms dealer is subject to reasonable inspection during business hours by a sworn member of the Department of Public Safety. Such inspections are to ensure compliance with license record keeping requirements and the security of the premises and firearms contained therein.

CHAPTER 7

ADMINISTRATIVE PROCEDURES AND DUTIES

I. NOTIFICATIONS

1. NAME CHANGE: You must notify the Westchester County Clerk if your name changes because of marriage or for any other reason, with information necessary to change the firearm license records accordingly.
2. ADDRESS CHANGE: You must within ten (10) days of such change notify in writing the Westchester County Clerk and the New York State Police if your residence address changes for any reason, and a record of such changes shall be inscribed by the licensee on the reverse side of the license (Penal Law §400.00[9]).
3. LOSS OR THEFT OF A FIREARM: You must, within 24 hours of the discovery of the loss or theft notify both the local police agency where the incident occurred and the Westchester County Police Pistol License Unit (Penal Law §400.10).
4. LOSS OR THEFT OF FIREARM LICENSE: You must immediately report the loss or theft to both the local police agency where the incident occurred and the Westchester County Police Pistol License Unit.
5. DISCHARGE OR FIRING OF A FIREARM: Other than during the course of legal firearm practice, familiarization, target shooting or hunting, discharge of a firearm must be immediately reported to both the local police agency where the incident occurred and the Westchester County Police Pistol License Unit.
6. If any of the below listed incidents occur, you must immediately notify the Westchester County Police Pistol License Unit:
 - a. Change of status or justification supporting issuance of your firearm license, e.g. you hold a firearm license allowing the purpose of Employment and you are no longer employed in that capacity (you must also file a license amendment form with the Westchester County Clerk to remove the Employment purpose).
 - b. Any arrest, criminal charge, indictment, issuance of warrant of arrest or bench warrant, issuance of an order of protection by a court, or conviction of a crime in any jurisdiction (inside or outside New York State).

- c. If you have suffered from mental illness, or been confined to any hospital or institution, public or private, for the treatment of mental illness (Penal Law §400.00(1)(d)).
 - d. If you have renounced your United States citizenship.
 - e. If you have suffered from any condition or illness that might preclude you from handling or safeguarding your licensed firearm.
 - f. If you have been prescribed or are otherwise taking any controlled substance, narcotic, substance that is listed in 21 USC §802 or other substance that causes impairment and can affect your ability to safely handle a firearm.
 - g. The surrender or confiscation of any licensed firearm by any agency.
- 7. A written notarized statement of fact is required to be submitted to the Pistol License Unit in all cases for subsection(s) 3, 4, 5, and 6 above.
 - 8. The licensee is responsible for making any required notifications as stated herein. Do not assume that another law enforcement agency will make any required notification for you.
 - 9. A licensee making any name change, address change, loss or theft of a firearm or firearm license or having a change of status or justification supporting issuance of a firearm license must also submit a license amendment form to the Westchester County Clerk with the appropriate information listed.

Note: The failure to make any required notification may result the cancelation, suspension or revocation of your pistol license.

II. PRIVATE SALE OR DISPOSAL OF FIREARMS (New York State General Business Law §898)

- 1. All sales, exchanges or disposals of firearms, rifles or shotguns shall be conducted by a licensed importer, licensed manufacturer or licensed dealer, as those terms are defined in 18 United States Code §922, unless the sale, exchange or disposal is between members of an immediate family. For purposes of this section, “immediate family” shall mean only spouses, domestic partners, children and step-children.

2. Before any sale, exchange or disposal of a firearm, rifle or shotgun, a National Instant Criminal Background Check (NIC) must be completed by a licensed firearms dealer, who upon completion of such background check, shall complete a document, the form of which shall be approved by the superintendent of state police, that identifies and confirms that such check was performed (unless the sale, exchange or disposal is between members of an “immediate family,” as defined in the previous paragraph).
3. All firearm dealers shall maintain a record of such transactions conducted pursuant to this section and such record shall be maintained on the premises mentioned and described in the license and shall be open at all reasonable hours for inspection by any peace officer, acting pursuant to his or her special duties, or police officer.
4. A firearms dealer may require that any sale or transfer conducted pursuant to this section be subject to a fee of not to exceed ten dollars per transaction.
5. Any record produced pursuant to this section and any transmission thereof to any government agency shall not be considered a public record for purposes of article six of the public officer’s law.
6. Any person who knowingly violates the provisions of this article shall be guilty of a class A misdemeanor punishable as provided for in the Penal Law.

III. ADD / DELETE / PURCHASE / SELL FIREARM

1. When you purchase or sell a firearm, you must also add or delete it from your firearm license. To do this, you are required to complete and submit an original application for a firearm license or submit an amendment application to your existing firearm license (in duplicate) to the Westchester County Clerk’s Office.
2. To add or delete a firearm, submit your amendment forms and an invoice from a licensed firearms dealer listing the firearm dealer’s license number and the firearm(s) being added or deleted by make, model and serial number. You must also submit the required fee (see fee schedule), payable to the Westchester County Clerk.

Note: An invoice from a New York State Firearm Dealer must be submitted in all cases, unless the transfer is between members of an immediate family (which shall mean **only** spouses, domestic partners, children and step-children).

3. When purchasing a firearm, do not assume that your application for a firearm license or amendment will be approved. Your purchase of a firearm should be made conditional on approval of your license application or amendment. If your application is approved by the Licensing Officer, you will be provided with a purchase coupon that you must present to the firearms dealer in order to receive your firearm. You cannot take possession of any firearm unless you receive approval from the Licensing Officer.

Note: A purchase coupon is not required if the firearm purchase is a personal transaction between members of an immediate family (which shall mean **only** spouses, domestic partners, children and step-children).

4. If your application or amendment is approved, your new or amended firearm license and purchase coupon (if applicable) will be issued by the Licensing Officer. The documents will be mailed to you by the Office of the Westchester County Clerk. Your new or amended firearm license and purchase coupon must be presented to the firearm dealer in order for you to take possession of the firearm. Note: The firearms dealer is required by law to maintain a copy of your firearm license and the purchase coupon to show the legality of the transfer.
5. Before completing the sale or transfer of a firearm, the seller or transferor must ensure completion of a National Instant Criminal Background Check (NIC) on the purchaser or transferee by a licensed firearms dealer, importer or manufacturer. New York State General Business Law §898.

Note: A NIC is not required if the firearm purchase is a personal transaction between members of an immediate family, which shall mean **only** spouses, domestic partners, children and step-children.

6. If for any reason you wish to surrender your firearm license or any firearm(s) that you may own, or if your firearm license has expired or has been suspended or revoked, such firearm license and firearm(s) may be surrendered to the Westchester County Department of Public Safety, to a local Police Department, or may be legally transferred to a licensed dealer.

Note: Any firearm that has been surrendered to a police agency will, after the statutory holding period of one year has expired, be declared a nuisance and destroyed (Penal Law §400.05(2)).

IV. RESTRICTION CHANGE

1. Licensees who currently hold a restricted firearm license (Employment, Target Shooting, etc.) and want to obtain a Carry firearm license (Penal Law §400.00(2)(f)) may be required to submit a new application for a firearm license (see Chapter 4).

Note: The Licensing Officer in his/her discretion may allow a licensee to change to a Carry license through submission of Amendment forms, and any additional information as deemed appropriate.

2. Each applicant for a Carry pistol license must submit proof of completion of an in-person 16-hour firearms safety and use course that includes a live fire component (Penal Law §400.00(19)). Such training must be completed by the date of application; however, if a DCJS approved training course is not available by the date of application, such training must be completed before the first renewal of the license.

V. MULTIPLE FIREARMS

1. If you own multiple firearms, the Licensing Officer may require an inspection of your premises to assure that all firearm(s) are properly safeguarded. This inspection will be conducted by an investigator assigned to the Pistol License Unit.
2. All firearm(s) not in the immediate possession of the licensee must be stored in a safe, vault or secure locking gun cabinet (Laws of Westchester, Chapter 527).
3. Other factors that will be considered with respect to security of firearms are the type and adequacy of locks on doors and windows and whether or not the premises are equipped with a security alarm system.

VI. CONSIGNMENT SALES

1. Consignment is a method of selling a firearm by loaning it to a licensed gun dealer for the purpose of sale by the dealer. The dealer enters the transaction into the applicable New York State and Federal Dealer records. The dealer must provide the licensee with a receipt for the firearm.
2. A consignment loan is considered to be a transfer of a firearm. The licensee must report the transfer to the Westchester County Clerk by submission of an amendment to his/ her firearm license to reflect the transfer (see the section “Add/ Delete a Firearm”).

3. If the consignment sale fails (the firearm is not sold by the firearm dealer) the firearm may be transferred from the dealer back to the original licensee (if there are no bars that would prevent the original licensee from again taking possession of the firearm). The licensee must report the transfer to the Westchester County Clerk by submission of an amendment to his/ her firearm license to reflect the transfer (see the section “Add/ Delete a Firearm”).
4. When the amendment to add the firearm has been processed and approved, a new firearm license and a purchase coupon will be issued to the licensee. Your new firearm license and purchase coupon must be presented to the firearm dealer in order for you to take legal possession of the firearm.

VII. DECEASED FAMILY MEMBER

1. Penal Law Section §265.20(f) requires the executor or administrator of an estate (or family member) of a deceased person who was also a licensed firearm holder fifteen (15) days to lawfully dispose of the deceased’s firearms and other weapons.
2. If firearms or weapons are not legally disposed of within the fifteen (15) day time period, they must be surrendered to the Westchester County Police Department of Public Safety, to a local police department or to a licensed firearms dealer. Any firearm surrendered to a law enforcement agency will be held by the agency for the statutory holding period of one (1) year (Penal Law §265.20[f]). If no request to dispose of such surrendered firearm is received by the law enforcement agency within the one (1) year period, the firearm will be declared a nuisance and destroyed (P.L. §400.05(2)).
3. If the executor of the estate or family member lawfully disposes of the deceased person’s firearm(s) within the statutory fifteen (15) day period, he must then surrender, in person or by mail, the deceased person’s firearm license along with a statement explaining the disposition of the firearm(s) and a copy of the deceased person’s death certificate. If the weapons are to be sold or transferred to another firearm licensee, the standard amendment procedures must be followed.

VIII. RECORDS TRANSFER TO ANOTHER JURISDICTION

1. If you should relocate from Westchester County to another county within New York State, Penal Law §400.00[5], allows you to transfer your firearm records to your new County of residence. If you wish to transfer your license, you must notify the Westchester County Clerk in writing and request that your records be transferred to your new licensing jurisdiction, file a transfer form and remit the transfer fee to both Westchester County and to the receiving County (both payments are submitted to Westchester County).
2. Your new licensing jurisdiction may or may not immediately issue you a new firearm license. Please be advised that, until your new licensing jurisdiction issues you a license, Westchester County will continue to be your licensing agency and all firearm related transactions must continue to be done through Westchester County (Penal Law §400.00(9)).

IX. INTERSTATE TRANSPORTATION OF FIREARMS

1. The Federal Gun Control Act of 1968, Public Law 90-618 and amendments, Title 18, United States Code (USC), §926(a), titled “Interstate Transportation of Firearms,” provides a limited exemption to State firearm control laws that allows the interstate transport of firearms under certain circumstances.
2. Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he 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.

Note: In the case of a vehicle 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.

3. Please note that you cannot rely solely on this handbook to give you authority to transport a firearm outside of New York State. You are required to do your own due diligence before attempting to transport any firearm between New York State and another state.

X. FIREARM LICENSE RECERTIFICATION

1. **Carry** firearm licenses (Penal Law §400.00(2)(f)) issued by Westchester County expire and require recertification by the Licensing Officer every **three** (3) years. Premise firearm licenses require recertification every five (5) years. The recertification (expiration) date is printed on the face of your license. Should you wish to continue your firearm license beyond the expiration date, you must submit a recertification application to the Licensing Officer for decision.

Note: To allow timely processing, the recertification application should be submitted no more than four months (120 days) and no less than three months (90 days) prior to the license expiration date.

2. To recertify a firearm license, complete the recertification application and provide the following information to the Licensing Officer: 1) licensee name, 2) date of birth, 3) current address, 4) make, model, caliber and serial number of all firearm(s) currently possessed, and 5) any additional information required by the Licensing Officer or the Department of Public Safety that is reasonably related to the recertification application.
3. A firearm license that is not recertified within thirty (30) days of its expiration date is invalid. You cannot possess or carry firearms without a valid firearm license.
4. A firearm license that is under disability (suspension, voluntary surrender, etc.) cannot be recertified by the license holder. If the disability is removed, if the person desires to obtain a firearm license, he or she must submit a new application for a firearm license to the Licensing Officer.
5. If you do not wish to recertify your firearm license, you must legally dispose of all firearms held prior to license expiration and then surrender the firearm license to the Westchester County Clerk or to the Westchester County Pistol License Unit.

Note: If you do not wish to sell or otherwise transfer your firearms, you may surrender them to a local police agency or to the Westchester County Department of Public Safety.

6. The failure to recertify a firearm license operates as an expiration of the license. If you fail to recertify your firearm license it will be invalid 30 days after the expiration date. You cannot possess a firearm with an expired firearm license.
7. If your firearm license has expired or was not recertified, you must immediately surrender your firearm license and any firearms that you still own to a licensed firearms dealer, to a local police agency or to the Westchester County Department of Public Safety.

XI. FIREARM LICENSE SURRENDER OR CANCELATION

1. If you are canceling or surrendering your pistol license, you must first legally dispose of all firearms held on your license, then surrender the firearm license to the Pistol License Unit or to the Westchester County Clerk. Note: if you do not wish to sell or otherwise transfer your firearms, you may surrender them to a local police agency or to the Westchester County Department of Public Safety.
2. In all cases, attach a statement briefly describing the reason for the cancelation or surrender of your firearm license and explaining the disposition of your firearms, i.e. receipt from firearm dealer, receipt from police department, etc.

XII. FIREARM LICENSE DENIAL

1. A firearm license can be denied by the Licensing Officer for any of the following reasons:
 - a. For any ineligibility or disability reason listed in Penal Law §400.00 or other applicable State or Federal law.
 - b. For any ineligibility or disability reason as determined by the Licensing Officer; Penal Law §400.00(1)(o).
 - c. Where the introduction of a firearm into the possession of the applicant would pose undue risk to the safety of the applicant or another person; Penal Law §400.00(1)(o) or other applicable State or Federal law.

XIII. FIREARM LICENSE REVOCATION

1. These are some of the common reasons that may give grounds for revocation of a firearm license. Please note that this list is not all-inclusive:
 - a. Improper use of a firearm.
 - b. Unnecessary display of a firearm.
 - c. Failure to properly safeguard or store a firearm or any other weapon.
 - d. Violation of any law related to the handling or possession of any firearm or weapon.
 - e. Failure to timely report a lost or stolen firearm.
 - f. Carrying a firearm in violation of any license restriction.
 - g. The licensee is arrested, indicted, issued an appearance ticket, is the subject of an arrest warrant or a bench warrant or is the subject of an order of protection or is convicted of any criminal charge in any court.
 - h. Submission of any false or misleading statement in connection with your firearm license application/ amendment/ recertification.
 - i. Mental illness or admission to any hospital or institution, public or private, for the treatment of mental illness.
 - j. Regular use of any controlled substance, narcotic, substance that is listed in 21 USC §802 or other substance that may impair the ability of the licensee to safely handle a firearm.
 - k. The conviction of a felony or serious offense, as defined in Penal Law §265.00[17], definitions, and Penal Law §400.00(1)(d).
 - l. The conviction of any misdemeanor crime of domestic violence.
 - m. Entrance into a federal facility or into a courtroom while in possession of firearm (except when employed by or authorized by the court).
 - n. Change in justification or purpose supporting the original issuance of a firearm license.
 - o. Failure to recertify firearm license (also constitutes license expiration).

XIV. FEES

1. All fees are non-refundable and are subject to change at any time without prior notice. General fees may be paid by credit card or by cash, check, or money order, payable to the Westchester County Clerk. Fees associated with the State required fingerprint-based criminal background check must be paid by money order only, payable to The County of Westchester.
 - a. Background investigation processing fee **\$120.00**
(paid by Money Order only, to County of Westchester)
 - b. Original Application fee due AFTER approval of permit:
\$10.00, plus \$10.00 photo fee.
 - c. Change in Restriction/Amendment Application \$3.00
 - d. Recertification \$10.00
(every five years).
 - e. Firearm Dealer License \$10.00
(every two years).
 - f. Gunsmith License \$10.00
(every two years).
 - g. Duplicate license \$5.00.

Photo fee is waived for qualified retired police officers and federal law enforcement officers (Penal Law §400.00-14). Recertification fee is waived for qualified retired police officers and federal law enforcement officers (Penal Law §400.00(14)).