

S.C.O.P.E. Legal Update

September, 2022

New gun regulations for New York State took effect September 1

Governor Kathy Hochul's legislation to strengthen New York's gun laws and bolster restrictions on concealed carry weapons (went) into effect this Thursday, September 1.

The legislation restricts the carrying of concealed weapons from any place considered a "sensitive location" and supplies such an exhaustive list of areas deemed sensitive that it has the practical effect of banning the carrying of concealed firearms from almost anywhere ...

To begin with, even for an individual licensed with a concealed-carry permit ... carrying a gun in any place owned or under the control of federal, state or local government is forbidden. Libraries, schools, zoos, places of worship, facilities dedicated to human disability, mental health, substance abuse, hospitals, homeless shelters and all public transportation are also considered sensitive areas.

Without a(ny) property owner's express consent, firearms are prohibited on all private property. Possession of a firearm, rifle or shotgun in a sensitive area is a class E felony¹, a relatively serious charge which brings with it with sentencing guidelines of "less than five years but more than one year" and a maximum possible fine of \$250,000. Furthermore, being convicted of a class E felony also results in the loss of the right to own any firearm at all.

The United States Supreme Court ruling which dismantled part of New York State's previous concealed-carry law came about after the court accepted the case of *New York State Rifle & Pistol Association v. Bruen*, which was filed on behalf of two residents of Rensselaer County, Brandon Koch and Robert Nash, whose attempts to obtain concealed-carry permits were denied.

The nation's highest court issued the stricture-loosening ruling by finding that "states cannot infringe on Second-Amendment rights."

It remains a crime in the State of New York to possess a firearm without a license, whether inside or outside the home. Any individual who wants to carry a firearm outside their home still must petition to obtain a license to "have and carry" a concealed "pistol or revolver." Unlike with shotguns and hunting rifles, which require no permits, to carry a pistol out into the world an applicant must prove that "proper cause exists" for doing so, beyond hunting, sport shooting and home defense.

No types of firearms, regardless of the possession of a concealed-carry license, are allowed to be carried out in the open.

<https://hudsonvalleyone.com/2022/08/30/new-gun-regulations-for-new-york-state/>

¹ A sample sign that may be used to provide express consent, prepared by NYS SCOPE, is annexed hereto.

NYSP: Frequently Asked Questions Regarding Recent Changes To New York State Firearm Laws

(The attached) Frequently Asked Questions (FAQs) provide information on New York State's newly enacted firearms law. These questions and answers are not intended to be exhaustive, nor do they constitute legal advice.

Please review the information that follows to learn more about how to obtain a firearm license, including new requirements for an in-person interview, firearm safety training, and additional resources for hunters, gun owners, and retailers.

<https://scopeny2a.org/resources/new-gun-law-faq-8-27-22-final-1.pdf>

Federal judge allowed NY gun law to go into effect Thursday, but warned it may be unconstitutional

A ruling by a federal judge in Syracuse (allowed) New York's sweeping gun control law to go into effect Thursday as planned.

But, the judge warned, several parts of the law were likely unconstitutional and could be challenged again in the future. The new state law was a response to a U.S. Supreme Court decision in June that struck down a century-old New York law that required a specific reason for someone to obtain a concealed-carry handgun license.

That U.S. Supreme Court ruling opened the door to more people obtaining concealed-carry licenses. But the state responded with the strictest gun-control measures in the country.

Several of those new restrictions drew rebukes from the judge in his decision Wednesday.

The state's existing "good moral character" requirement, as well as new laws requiring disclosure of social-media accounts and the creation of an extensive list of gun-free zones, all appeared to violate a law-abiding citizen's constitutional right to carry a gun, the judge wrote.

But Chief U.S. District Judge Glenn Suddaby ruled that he had no power to overturn the state legislature's expansive gun control measures because of technicalities in the lawsuit pending in his courtroom.

In essence, the plaintiff named as the aggrieved gun-owner -- a Schenectady man who wished to carry his gun for protection virtually everywhere -- hadn't actually been subject to any prosecution yet because the law hadn't gone into effect, Suddaby wrote. The gun groups hadn't shown they were actually harmed by the law, either, the judge wrote.

But Suddaby's 78-page decision signaled that the state may have a tough road ahead. While acknowledging that his opinion on the law's constitutionality did not matter right now, Suddaby strongly signaled that several licensing requirements will face scrutiny in the future.

In regards to the state's requirement of "good moral character," Suddaby opined that such "vague, subjective" criteria should not be allowed and that objective criteria like background checks, fingerprinting, a mental health check and training were more effective.

In regards to the disclosure of social media accounts, Suddaby opined that such a requirement could endanger a law-abiding citizen's First Amendment right to free speech. He also questioned whether such a disclosure could also violate someone's Fifth Amendment right against self-incrimination -- after all, what if someone disclosed information that turned out to be criminal?

In no situation should a citizen be required to surrender one constitutional right in order to assert another, Suddaby wrote. Therefore, someone should not risk losing First or Fifth Amendment protections in order to enjoy their Second Amendment rights, he said.

Lastly, the judge found fault with the state's extensive list of gun-free zones and the part of the law that banned guns on private property without permission. The list of banned locations was so extensive as to be "almost limitless," Suddaby wrote. And the presumptive ban on private property was not consistent with the nation's history of firearm regulation, he ruled.

<https://www.syracuse.com/crime/2022/09/federal-judge-allows-ny-gun-law-to-go-into-effect-thursday-but-warns-it-may-be-unconstitutional.html>

Gun rights group seeks second knockout against New York firearms rules

The New York gun rights group that convinced the U.S. Supreme Court the state's concealed carry rules were unconstitutional filed a lawsuit Wednesday seeking to overturn new legislation state officials say corrects the defects in the previous statute (*Note: This is NOT the lawsuit that was dismissed August 31. This is a new filing.*)

In legal briefs filed in the U.S. District Court in the Northern District, the New York Rifle and Pistol Association argued the new legislation called for by Gov. Kathy Hochul "replaces one unconstitutional, discretionary law with another unconstitutional, discretionary law."

That legislation, dubbed the Concealed Carry Improvement Act, "contains a slew of burdensome and discriminatory requirements for obtaining a Handgun Carry License," the lawsuit maintained. It charged that the new rules, which take effect today violate a variety of federal constitutional protections, including the right to free speech, the right to bear arms and the right to due process and equal protection.

The lawsuit was filed the same day Hochul and New York City Mayor Eric Adams held a press conference in Manhattan. They displayed "gun free zone" signs being placed at hundreds of locations in New York City, including Times Square, a major tourist attraction.

State officials acknowledged New Yorkers who legally obtained their firearms and were approved for pistol permits by licensing authorities will face felony charges under the new law simply for entering a "sensitive" area designated as a gun-free zone.

Hochul said the onus is on gun owners to understand their responsibilities under the new legislation, adding that the signs will serve as warnings and noting the effort to restrict

guns will come with public education campaigns. Concealed carry permit holders and others who obtained firearms legally who enter a gun-free zone while possessing a firearm, even if they do so without knowing of the restriction, will face felony charges, the governor said.

“If you violate this law, you will be arrested. Simple as that,” warned State Police First Deputy Superintendent Steven Nigrelli.

https://www.pressrepublican.com/news/gun-rights-group-seeks-second-knockout-against-new-york-firearms-rules/article_7fc97250-2990-11ed-9969-2bbdac9e0b78.html

New York Uses Historic Gun Bans Against Native Americans, Catholics to Justify Current Restrictions in Court Filing

The Empire State believes its gun-carry restrictions are similar to racist gun bans from the past, and that’s why they should be upheld.

New York cited historical bans on gun ownership by Native Americans and Catholics to support its current concealed-carry permitting law. The state argued in a Monday filing its “good moral character” clause, which allows officials to deny permits to those they don’t feel are good people, is rooted in the historical tradition of “Anglo-American” gun regulations. It first pointed to several colonial gun bans as analogous to its own law....

New York then cited historical laws in England and America denying people their gun rights based on religion as another example of the tradition its requirement is based in....

The case is just one of many filed in the aftermath of the *Bruen* decision, which served as a catalyst for New York lawmakers to pay a myriad of new gun restrictions that seemingly fly in the face of the ruling. How the case turns out will likely provide a good barometer for how well the other new restrictions fair in federal court.

<https://thereload.com/new-york-uses-historic-gun-bans-for-native-americans-catholics-to-justify-current-restrictions-in-court/>

Critics say New York’s new gun control law will fuel mass incarceration

The public defender groups had previously submitted an amicus brief to the Court showing how the state’s century-old gun control law had led to the disproportionate incarceration of people of color. Once the law had been ruled unconstitutional, the public defenders hoped that the Legislature could craft a better law....

Following the SCOTUS decision, Hochul called an extraordinary legislative session and the Legislature passed a new gun control bill. The bill changes the criteria for police to consider when granting concealed carry gun licenses. Previously, license applicants needed a “letter of good cause” showing a specific reason why they required a gun. Now, applicants must demonstrate “good moral character” and complete firearms safety training.

The bill passed largely along party lines, with only eight Democrats — all Assembly members representing upstate districts — who voted against it.

Officially, the public defender groups have not taken any position on the new gun control laws. But privately, some defenders and criminal justice reform advocates say that the new gun laws have the same problems as the old gun laws.

M.K. Kaishian, a civil rights attorney who worked at Brooklyn Defender Services until leaving in January to start her own private practice, told City & State that the new gun control law doubles down on the state's current arrest-based approach to gun regulation....Kaishian said that the state's gun control strategy is focused on making it next to impossible to get a gun license and then arresting as many people as possible for unlicensed gun possession.

<https://www.cityandstateny.com/policy/2022/07/critics-say-new-yorks-new-gun-control-law-will-fuel-mass-incarceration/374742/>

New gun legislation causes confusion, concern

Gov. Kathy Hochul convened the New York state assembly and senate in an extraordinary session June 30. On July 1, she signed a bill, drafted in this session, supporting further restrictions on concealed carry weapons. The bill is in response to a Supreme Court decision that ruled a 109-year-old New York law, which requires citizens to have a permit to concealed carry a gun in public and proper cause to get the permit, unconstitutional.

The new gun legislation restricts the carrying of concealed weapons in a list of "sensitive locations" including airports, houses of worship, government buildings and parks. Government employees and elected officials in the Adirondack Park have expressed great concern with the legislation and how it applies to the six-million-acre forest preserve.

State Assemblyman Matt Simpson announced July 8 that he and Sen. Dan Stec proposed legislation that "will codify the exemption of state forest preserve land in the Adirondack and Catskill Parks from the prohibition of firearms."

On July 7, Sen. Stec said the "governor's statement on the Adirondack Parks and gun control bill don't match legislative intent."

In a video of the New York state senate session July 1, Sen. Thomas F. O'Mara asked, "is a sensitive area the Adirondack Park?" To which Sen. Zellnor Y. Myrie, a sponsor of the bill responded: "The parts of the Adirondack Park that are public would fall under the sensitive location criteria laid out here..."

<https://suncommunitynews.com/news/98542/new-gun-legislation-causes-confusion-concern/>

States want to better patrol social media. These are the challenges.

In the weeks following a Buffalo shooting in May in which 10 Black people were killed at a supermarket, New York lawmakers passed two bills that would create mechanisms to require more oversight on extremist and violent messages. They are also creating grant programs to help police add staff...

But New York's laws will take months to have an effect and could face lawsuits over free speech concerns, mirroring the problems faced in other states. New York wants to hold social media companies accountable by requiring them to release policies for combating

hate speech that could lead to violence, but that too likely faces lawsuits and pushback from the industry....

There are significant concerns with the legality of the laws.

The New York law's vagueness could lead to "unintended consequences," according to Kevin Goldberg, an attorney and First Amendment Specialist at the non-partisan Freedom Forum.

"What we have here is the potential for mischief at the hands of law enforcement," Goldberg said. "The executive order says we are going to monitor social media sites, and we are going to have a task force that does this. But there is often potential for abuse and abuse of this monitoring in a way that could disproportionately affect certain groups, so I think there is concern that you need some controls."

<https://www.politico.com/news/2022/08/13/states-social-media-guns-00047794>

N.Y.'s Gun-Carry Social Media Rule Tests Free Speech

Eight days after Bruen was decided, Gov. Kathy Hochul (D) signed a new law, effective Sept. 1, that requires an applicant for a carry license and renewal to, among other things, complete firearms training, meet with a licensing officer, provide household information, including the presence of minors, and provide four character references.

In addition, and most novelly, the law requires applicants submit a list of their social media accounts from the past three years "to confirm the information regarding the [applicant's] character and conduct." [i.e., 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].

The social media disclosure requirement raises several constitutional questions: Does the forced disclosure of a person's social media accounts, which may be deliberately anonymous, violate the First Amendment? Does the threat of a license denial based on a social media review chill the exercise of protected speech? Does the examination of a gun license applicant's social media burden the right to bear arms in a manner prohibited by Bruen?

The US Court of Appeals for the Second Circuit, which decides federal cases from New York, recently refused to dismiss a First Amendment challenge to a Connecticut law governing social media disclosure from sex offenders. This demonstrates that courts in First Amendment cases require more than just the state's assertion of an interest that will be served by the challenged legislation.

Applicants may also argue that the disclosure requirement could cause a potential applicant to limit some protected speech that may appear unfavorable to a licensing officer, or that a licensing officer could consider some protected speech in denying a license. Defamation, threats, and fighting words are not protected.

Although challengers may have a difficult time showing these risks are substantial enough to declare the statute facially invalid—i.e., unconstitutional under any set of circumstances—an applicant denied a license due to online content could make an “as applied” challenge. That is, the applicant could say that the law was unconstitutionally applied to deny them a license for expressing protected speech.

The fact the mandated disclosure is triggered when an individual seeks to exercise the Second Amendment right to bear arms raises additional constitutional concerns. In *Bruen*, the Supreme Court clearly stated the right to bear arms cannot be treated differently than other rights.

Opponents of the new law may argue that the law’s burden of social media disclosure—a burden not required to exercise any other right—is not supported by history or precedent. They will further likely argue that allowing a licensing officer to make determinations based on an applicant’s social media behavior gives the officer too much discretion. Unfettered discretion is what partly doomed the earlier law.

The state will likely respond that viewing social media accounts is a sensible and permissible way to determine whether applicants for a carry permit have good moral character and are unlikely to cause harm.

Constitutional challenges to the statute have already started. The only certainty is, given the novelty of the statute, a return appearance at the Supreme Court is likely.

<https://news.bloomberglaw.com/class-action/n-y-s-gun-carry-social-media-rule-tests-free-speech>

NYPD issues emergency rules for receiving a concealed carry handgun license

The NYPD unveiled emergency rules Friday that will let people carry concealed weapons in the city.

The Supreme Court ruled that the "proper cause" requirement the NYPD uses to determine if someone is eligible to receive a carry permit is unconstitutional and restricts their Second Amendment right to bear arms.

The ruling came down in the *New York State Rifle and Pistol Association v. Bruen* case.

Previously, in order to meet the proper cause standard for a concealed carry handgun license, applications had to specify a particular need for self-protection, which included a carry business license, limited carry business license and a special license. That's now a thing of the past.

Applications are expected to skyrocket, but it doesn't mean crime will increase.

"The vast majority of gun crimes in New York are committed by people who do not have gun permits at all," (said Professor Dan Feldman, of John Jay College).

https://www.cbsnews.com/newyork/news/nypd-issues-emergency-rules-for-receiving-a-concealed-carry-handgun-license/?fbclid=IwAR1R3I2G8S_stdp7MML8P6wPS3tpns0yqPGj7iVrLQ1zERTqNA50efEgyaU

The one who knocks: Mayor Adams vows door-to-door checks on gun permits

Police officers will (be) knocking on neighbors' doors as part of the background check requirements on potential gun permit holders included in New York's new gun safety law.

State officials added extra requirements for individuals seeking concealed carry weapons permits that take effect today, Sept. 1, in the wake of the US Supreme Court's decision that overturned a 1913 state law mandating individuals to show "proper cause" for packing heat.

https://nypost.com/2022/09/01/mayor-eric-adams-vows-door-to-door-checks-on-gun-permits/?utm_source=NYPTwitter&utm_campaign=SocialFlow&utm_medium=SocialFlow

Hochul says usage of NY's red flag law has doubled following executive order and new laws

After the Buffalo supermarket shooting, where 10 African-Americans died, Governor Hochul ordered the state police to automatically invoke the state's red flag laws, and ask a judge for an order to temporarily seize the guns and other weapons of anyone they think might be a threat to themselves or others.

Hochul, speaking on Long Island, says in the 88 days since that directive, the issuance of the orders of protection have increased by 94%, with over 184 orders being issued over the past three months. That's double the number for this same time period in 2021.

<https://www.wamc.org/news/2022-08-12/hochul-says-usage-of-nys-red-flag-law-has-doubled-following-executive-order-and-new-laws>

NYC officials want credit-card companies to help track gun and ammo sales

New York City officials Tuesday said they want major credit-card companies to create a code to track purchases of guns and ammunition to help law enforcement try to keep better tabs on criminals.

Officials with the city's pension funds — the New York City Employees' Retirement System, Teachers' Retirement System and Board of Education Retirement System — along with Mayor Adams and City Comptroller Brad Lander said they are filing a shareholder proposal to that end.

They are requesting that credit-card companies such as American Express, Mastercard and Visa add a new four-digit "merchant code" that would classify gun and ammunition stores on individual statements when purchases are made.

https://nypost.com/2022/08/30/nyc-wants-credit-card-companies-to-help-track-gun-sales/?utm_medium=SocialFlow&utm_source=NYPTwitter&utm_campaign=SocialFlow

The ATF Moves To Unilaterally Define What a Gun Is

The final rule regulates the sale of unfinished firearm frames and receivers if those unfinished parts are “readily convertible” into finished ones.

The ATF’s new test for distinguishing “readily convertible” unfinished frames and receivers from “non-readily convertible” ones is incredibly vague.

The ATF simply does not have the authority to regulate unfinished frames and receivers in the first place.

<https://www.heritage.org/firearms/commentary/the-atf-moves-unilaterally-define-what-gun>

Biden keeps shouting he’s ‘serious’ in assault weapon ban speech

President Biden repeatedly shouted that he wasn’t “joking” and that he was “serious” during a stump speech in Pennsylvania on Tuesday — as he addressed reducing gun violence and a renewed push to ban assault-style weapons.

Biden uttered the two phrases at least half-a dozen times during his 30-minute address to a crowd of more than 500 stone-faced supporters in Wilkes-Barre while touting his administration’s crime-prevention efforts.

The 79-year-old used his remarks in the swing state to continue to pressure Congress to revive a long-expired federal ban on assault-style weapons, arguing there was no rationale for such weapons “outside of a war zone.”

“I’m determined to ban assault weapons in this country. Determined. I did it once before. And I’ll do it again,” he continued

https://nypost.com/2022/08/30/biden-keeps-shouting-hes-serious-in-assault-weapon-ban-speech/?utm_source=NYPTwitter&utm_campaign=SocialFlow&utm_medium=SocialFlow

Survey: 60 Percent of Centerfire Rifle Hunters Use AR/AK-Platform Rifles

Although the left has spent decades telling Americans things like “an AR-15 is not for hunting,” a Winchester Ammunition survey reported by the National Shooting Sports Foundation (NSSF) shows 60 percent of centerfire rifle hunters use AR/AK-platform rifles on their hunts.

A centerfire rifle shoots a round that has a primer in the center of the shell casing. Popular centerfire rounds include the .243, .30-06, 30-30, 7 mm, and .300 WSM.

Ultra-popular hunting rounds, used with AR-platform rifles, include .223, .556, .308, and 6.5 Creedmoor.

The popularity of AR-platform rifles has grown to such a degree that they can also be purchased in 6.8 SPC II (Brenton Rifles), the venerable .45-70 (Phoenix Weaponry), the .500 Auto Max (Big Horn Armory), and an untold number of other calibers by numerous manufacturers.

NSSF notes, "Winchester Ammunition conducted a survey of 1,600 hunters and recreational shooters in the first quarter of 2022 to better learn which firearm recreational shooters and hunters were using. Turns out the most popular selling centerfire rifle in America is the rifle of choice."

That "rifle of choice," the AR/AK-platform rifle, is wildly popular among hunters.

The Winchester survey found that a centerfire rifle is the go-to rifle for hunters, and 60 percent of those centerfire hunters are using an AR/AK-platform firearm.

<https://www.breitbart.com/sports/2022/08/04/survey-60-percent-centerfire-rifle-hunters-use-ar-ak-platform-rifles/>

American Revolution Images Might Reveal You as a 'Violent Extremist,' Says the FBI

The *Federal Bureau of Investigation Domestic Terrorism Symbols Guide* hit the news August 2 when it was shared by sources, including Mississippi attorney Steven Stamboulieh, who posted the bulletin on Twitter. ...

The first section of the document includes a modified version of the American flag with an igloo in the canton representing the ideologically diverse "Boogaloo" movement. Characterized in 2020 by *Reason's* Zach Weissmuller as "Gen Z Second Amendment activism," the movement has faded from public view, but is apparently still on the minds of feds. Also featured is the black-and-gold flag of anarcho-capitalism representing, as the FBI notes, those "advocating the State be eliminated or minimized and that public services be provided by provided by private companies competing in a free market." Then there's the Punisher skull popularized by the vigilante of comic books, movies, and TV and, ironically, embraced by law enforcement (maybe a fed scanned his own tattoo for the image). Also included are a "warrior culture" hoplite helmet and an electrical resistance symbol, implying that electrical engineers and fans of the movie *300* about the Battle of Thermopylae are a sketchy bunch.

Also highlighted is the flag flown at the Battle of Gonzales during the Texas Revolution, with a cannon and the words "Come and Take It" on a white field. That phrase is a translation of the classical Greek "molon labe," now a Second Amendment rallying cry originally recorded as Spartan King Leonidas's response when ordered by the Persians to lay down his weapons at Thermopylae.

"Historical American symbols, representing gun rights and limited government," the bulletin helpfully annotates next to an image of the famous revolutionary-era Gadsden "don't tread on me" flag in the "commonly referenced historical imagery or quotes" section. Also in the rogues' gallery are the Liberty Tree, the Betsy Ross flag, and generic "Revolutionary War imagery."

<https://reason.com/2022/08/08/american-revolution-images-might-reveal-you-as-a-violent-extremist-says-the-fbi/>



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FREQUENTLY ASKED QUESTIONS REGARDING RECENT CHANGES TO NEW YORK STATE FIREARM LAWS

These Frequently Asked Questions (FAQs) provide information on New York State's newly enacted firearms law. These questions and answers are not intended to be exhaustive, nor do they constitute legal advice.

Please review the information that follows to learn more about how to obtain a firearm license, including new requirements for an in-person interview, firearm safety training, and additional resources for hunters, gun owners, and retailers.

Additional information can be found at:

New York State Police's Firearm [Website](#) &
New York State Department of Environmental Conservation's [Website](#)

Q1) Do I need a license to possess a pistol or revolver in New York State?

A) Yes. You are still required to have a license to possess a pistol or revolver.* Nothing in the recent United States Supreme Court decision changes this fact.

**Note: Requirements for a semi-automatic rifle are addressed in Questions 19-21.*

Q2) What are the most common types of licenses for a pistol or revolver in New York State?

A) The two most common licenses for a pistol or revolver are a license to "have and possess" and a license to "have and carry concealed."

A "have and possess" license is commonly referred to as a "premises license," which authorizes the license holder to possess a firearm at a certain location such as their home or place of business

A "have and carry concealed" license is commonly referred to as a "concealed carry license," which authorizes the license holder to carry a pistol or revolver on their person.

Q3) Are the terms "license" or "permit" the same?



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A) Yes. The terms license and permit are used interchangeably.

Q4) What are the new requirements to obtain a concealed carry license?

A) The new requirements to obtain a concealed carry license are:

- proof of completion of a firearms safety training course (see Questions 11-18);
- four character references;
- a list of former and current social media accounts for the last three years;
- disclosure of applicant's spouse or domestic partner, any other adults residing in the applicant's home, including any adult children of the applicant, and
- an in-person interview of the applicant with the licensing officer/designee.

For more information, please visit the State Police's Firearm [webpage](#) or contact your county/local licensing officer.

Q5) Am I required to show a need for self-defense to get a pistol or revolver license?

A) No. You are not required to show a need for self-defense to get a pistol or revolver license.

Q6) Are retired law enforcement officers required to apply for a concealed carry license?

A) Yes. Retired law enforcement officials will need to apply for a concealed carry license.

Q7) How and when do I apply for a firearm license?

A) You can apply for a firearm license to your county/local licensing officer at any time. Please visit State Police's Firearm [webpage](#) for more information on how to apply for a pistol or revolver license.

Recertification/Renewal

Q8) What is the difference between renewal and recertification of my pistol or revolver license?

A) A pistol or revolver license issued by New York City or Westchester, Nassau, and Suffolk counties expires and needs to be renewed every 3 years.



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A pistol or revolver license issued outside of those areas does not expire, but the license holder must recertify with the New York State Police every 3 years for a concealed carry license and every 5 years for other types of licenses.

Q9) How does the new law impact the recertification due date of my pistol or revolver license?

A) If you have a New York State concealed carry license, you are now required to submit your recertification to the New York State Police every 3 years after issuance instead of 5 years.

The new law does not change the recertification requirements for a premises license, which must be recertified every 5 years.

Q10) How does the new law impact the renewal of my pistol or revolver license?

A) A concealed carry pistol or revolver license issued by New York City, Westchester, Nassau, and Suffolk counties now expires every 3 years.

Training

Q11) Who is required to take the new firearm safety training course?

A) Any individual who seeks to obtain a concealed carry license for a pistol or revolver will be required to take the 16-hour classroom and 2-hour live-fire firearm safety training course. This will be required for concealed carry licenses issued on or after September 1, 2022.

Individuals renewing their license in New York City or Westchester, Nassau, and Suffolk counties must complete the training.

Q12) Where will I take the required firearm safety training course? How much will it cost?

A) The firearm safety training course will be provided by authorized instructors, in accordance with [standards](#) published by the New York State Police and the New York State Division of Criminal Justice Services (DCJS). Training costs and locations will be set by the instructor.

Q13) When will I need to take the firearm safety training course?

A) Proof of completion of the firearm safety training course is required to obtain a concealed carry license on or after September 1, 2022.



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Local licensing officers have the discretion to determine whether a portion or all of the firearms training requirement is satisfied for those applicants who completed a firearm safety course in the previous 5 years.

Q14) Do I need to take the firearm safety training course if I already have a concealed carry license that was issued outside of New York City or Westchester, Nassau, or Suffolk counties?

A) No. Existing concealed carry pistol or revolver license holders with licenses that were issued outside of New York City or Westchester, Nassau, or Suffolk counties are **not** required to take the firearm safety training course.

Q15) If I am renewing my concealed carry license in a jurisdiction where it has an expiration date, (i.e., New York City, and Westchester, Nassau, and Suffolk counties) will I need to take the firearm safety training course before renewing?

A) Yes. An individual seeking to renew a concealed carry license on or after September 1, 2022, will need to complete the firearm safety training course.

Local licensing officers have the discretion to determine whether a portion or all of the firearms training requirement is satisfied for those applicants who completed a firearm safety course in the previous 5 years.

Q16) If I have an existing concealed carry license that was issued outside of New York City or Westchester, Nassau, or Suffolk counties and I am recertifying it with the New York State Police, will I need to take the firearm safety training course before recertifying?

A) No. The firearm safety training course is **not** required to recertify your concealed carry license with the State Police.

Q17) Are active or retired law enforcement or former military personnel exempt from having to take the firearm safety training course?

A) The firearm safety training requirements apply to all applicants for a concealed carry license. This includes retired law enforcement and former military personnel.

Local licensing officers have the discretion to determine whether a portion or all of the firearms training requirement is satisfied for those applicants who completed a firearm safety course in the previous 5 years.



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Further, local licensing officers may satisfy the training requirement for active or retired military personnel or law enforcement officers who received firearm training, in excess of the standards set forth for the firearm safety training course, as a component of their service or profession (e.g., the New York State Basic Course for Police Officers).

Q18) If I only want a firearm in my residence and do not want to carry concealed, do I still have to take the firearm safety training?

A) No. Premises license holders are not required to take the firearm safety training course. The firearm safety training course requirement applies to concealed carry licenses.

Semi-Automatic Rifle License

Q19) How do I apply for a Semi-Automatic Rifle License?

A) Starting September 4, 2022, you may apply for a Semi-Automatic Rifle License through your county/local licensing officer. Existing firearm license holders can add a Semi-Automatic Rifle to their firearm license through their local licensing officer.

A Semi-Automatic Rifle License is required to purchase or take ownership of a semi-automatic rifle on or after September 4, 2022.

Q20) Do I need a Semi-Automatic Rifle License to keep a semi-automatic rifle I currently own?

A) Any person that lawfully possesses a semi-automatic rifle prior to September 4, 2022, will **not** be required to obtain the Semi-Automatic Rifle License.

The Semi-Automatic Rifle License is only required for persons acquiring a semi-automatic rifle on or after September 4, 2022.

Q21) Has the age requirement changed to acquire and/or possess a semi-automatic rifle?

A) Yes. Starting on September 4, 2022, the minimum age to purchase or take ownership of a semi-automatic rifle is 21 years old. If you are younger than 21 years old, and lawfully acquired a semi-automatic rifle prior to September 4, 2022, you may continue to possess that rifle.



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Restrictions on Carrying Firearms in Certain Locations

Q22) Are individuals who have a premises license now able to carry a concealed pistol or revolver outside their home?

A) No. You would need to obtain a concealed carry license. You cannot legally carry a concealed pistol or revolver outside of your home in New York State if you only have a premises license, which only allows you to possess a pistol or revolver in your home or place of business.

Q23) What are the places, under the new law, where I cannot bring a firearm, rifle, or shotgun?

A) Effective September 1, 2022, the possession of a firearm, rifle, or shotgun is prohibited in sensitive locations. Under the law, the following are considered sensitive locations:

- Any location owned or under control of federal, state, or local government for the purpose of government administration, including courts;
- Any location providing health, behavioral health, or chemical dependence care or services;
- Places of worship or religious observation;
- Libraries, public playgrounds, public parks, and zoos;
- NYS Office of Children and Family Service licensed or funded facilities (child-care facilities);
- Nursery schools, preschools, summer camps;
- NYS Office for People with Developmental Disabilities licensed or funded facilities;
- NYS Office of Addiction Services and Supports licensed or funded facilities;
- NYS Office of Mental Health licensed or funded facilities;
- NYS Office of Temporary and Disability Assistance licensed or funded facilities;
- Homeless shelters, family shelters, domestic violence shelters;
- NYS Department of Health licensed or funded residential facilities;
- Colleges, universities, private schools, public schools, and other educational institutions;
- Public transportation and transit facilities;
- Bars and restaurants serving alcohol, and on-premises cannabis consumption locations;
- Theaters, stadiums, racetracks, museums, amusement parks, performance venues, concert halls, exhibit halls, conference centers, banquet halls, gaming facilities, video lottery terminal facilities as licensed by the gaming commission;
- Polling places;



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- Public sidewalks and other public areas that are restricted from general public access for a limited time or special event;
- Gatherings of people to collectively express their constitutional rights to assemble or protest; and
- Times Square (with boundaries determined by New York City).

Q24) If I have a concealed carry license, can I carry my pistol or revolver to sensitive locations?

A) No. Subject to exceptions for certain individuals (see Question 25), Penal Law §265.01-e prohibits bringing any pistol, revolver, rifle, shotgun or any other firearm to a sensitive location – even if you have a concealed carry license.

Q25) Are there any exceptions to this rule? Is anyone exempt from the prohibition of possession of firearms, rifles, or shotguns in sensitive locations?

A) Yes, the law exempts the following persons:

- Police officers in New York State, as defined in Criminal Procedure Law § 1.20(34), and those who were employed as police officers in New York State but are retired;
- Retired law enforcement officers who qualify under 18 U.S.C. 926(C)(the Law Enforcement Officers Safety Act, or LEOSA);
- Peace officers in New York State, as defined in Criminal Procedure Law § 2.10;
- Armed security guards registered by the NYS Department of State while working;
- Active-duty military personnel;
- Persons licensed under paragraph c, d, or e subdivision 2 of § 400.00 of the Penal Law while in the course of official duties;
- Persons lawfully engaged in hunting activity, including hunter education training;
- Persons operating a program in their home that would otherwise be considered a sensitive location, however, such possession must comply with any rules or regulations (e.g., safe storage); and
- Government employees with agency consent, for the purpose of natural resource protection.

Q26) Is it a crime to enter another person's property, also known as a "restricted location" under the law, with a firearm, rifle, or shotgun without the owner's or lessee's consent?

A) Subject to exemptions for certain individuals, you can only enter another person's property with a firearm, rifle, or shotgun when the owner or lessee has specifically posted that it allowed, or the owner or lessee has expressly consented. Consent to



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carry must be reflected by clear and conspicuous signage or express verbal consent from the owner or lessee. (Penal Law § 265.01-d)

Q27) Is anyone exempt from the prohibition of possession of firearms, rifles, or shotguns in restricted locations?

A) Yes, the law exempts the following persons:

- Police officers in New York State, as defined in Criminal Procedure Law § 1.20(34), and those who were employed as police officers in New York State but are retired;
- New York peace officers, as defined in Criminal Procedure Law § 2.10;
- Armed security guards registered by the Department of State while working;
- Active-duty military personnel;
- Persons licensed under paragraph c, d, or e subdivision 2 of § 400.00 of the Penal Law while in the course of their official duties; and
- Persons lawfully engaged in hunting activity, including hunter education training.

Q28) Can I possess a firearm, rifle or shotgun in the Adirondack and Catskill Parks?

A) Certain areas of the parks are not considered “sensitive locations” under the law, as the state- owned or managed lands are legally classified as state forest preserve or are generally private lands.

There are areas inside the Adirondack and Catskill Parks, however, that are classified as sensitive locations or restricted locations under the new gun law (e.g., libraries and government administrative facilities) and these specific locations are subject to the sensitive and restricted location restrictions under the law, which are detailed in Question 23.

Please review the Department of Environmental Conservation’s [FAQs](#) for more information.

Safe Handling and Storage Law Changes

Q29) How does the new law impact transporting guns in a vehicle?

A) Effective September 1, 2022, if you leave your gun unattended in a vehicle, it must be unloaded and locked in a fire, impact, and tamper resistant storage depository that is hidden from view. Glove compartments and glove boxes are not appropriate safe storage depositories. A plastic or aluminum, lockable, hard-sided, gun case or safe will suffice for this purpose.



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If an adult remains with the vehicle to ensure security, a case or safe is not required. To prevent theft and ensure safety, it is always recommended that firearms be secured during transport.

Local rules for traveling with firearms also apply and may be more restrictive. For example, New York City requires that all guns be unloaded, in a case, and out of sight, even when you are with the vehicle (Penal Law § 265.45).

Q30) How am I required to store my guns in my home?

A) If anyone younger than 18 years old or anyone who is prohibited from possessing a gun resides in the home, all firearms, rifles, and shotguns not in your immediate control must either be:

- secured with a gun locking device (trigger lock or cable lock) that makes them incapable of being accessed or fired by the prohibited individual, or
- locked securely in a safe or secure container that is fire, impact, and tamper resistant and which is locked using a key, keypad, or combination.

Hunting and Hunting Education Activities

Q31) Where can I find more information about how the recent law changes apply to hunting and educational activities?

A) Please review the Department of Environmental Conservation's [FAQs](#) for more information.

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To Our Customers

The Legal Carrying of Firearms, Rifles or Shotguns On This Property IS PERMITTED

§ 265.01-d

**We Appreciate Your Business
and Thank You for Keeping Us Safe**



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