

SUMMARY OF FIREARM LICENSING / POINT OF CONTACT BILL

Changes to PL 400.00 Firearm Licensing

1. Effective 9/1/22.
2. New definition of “good moral character” that licensing officers must consider as part of license eligibility.
 - a. Means “having the essential character, temperament and judgment necessary to be entrusted with a weapon and to use it only in a manner that does not endanger oneself or others.”
 - b. **Note:** it was pointed out that a firearm carried for self-defense may legitimately be used to endanger another person, and that the standard should be “not unlawfully endanger another person.” Comment was not accepted.
3. New license applicants must complete 16 hours of in-person live classroom training and 2 hours of live fire range training prior to being licensed. As part of the live fire range training the applicant must satisfactorily complete a proficiency qualification test.
 - a. DCJS and State Police are required to publish policies and procedures to standardize firearms safety training, including the approval of course materials and the adoption of proficiency standards for live fire training and qualification.
 - b. **Note:** expressed concern with SP having to establish training and proficiency standards, since civilian training is not our expertise and there could be potential future conflicts from an enforcement perspective. Comment was not accepted.
4. New ineligibility criteria for license applications:
 - a. No license if there is an Assault 3rd, DWI, or Menacing 3rd conviction within preceding 5 years.
5. License applicants must meet with the licensing officer for an interview, and must provide at least 4 character references.
6. License applications must provide a list of social media accounts used within the preceding 3 years, so content can be reviewed for “good moral character” purposes.
7. DCJS and State Police must create an “appeals board” to hear appeals made by individuals whose firearm license applications were denied. DCJS and SP must publish regulations governing the appeal process. The effective date for the start of this appeals process is 4/1/23.

- a. **Note:** SP and DCJS both objected strongly. It is unclear who would be on this appeals board and what authority the board would actually have to reverse a county court judge's determination. There is an existing due process system available through an Article 78 special proceeding, which is sufficient. Comment was not accepted.

Changes to Firearm License Recertification

1. Effective 9/1/22.
2. Individuals with an existing concealed carry license issued before the effective date of this bill must complete the classroom and live fire training requirements before recertifying their license.
3. Concealed carry firearm licenses must be recertified every 3 years, rather than the current 5-year requirement. Existing concealed carry licenses issued before 9/1/19 must be recertified by 9/1/23, and then every 3 years after that time.
 - a. **Note:** objected to requiring recertification every 3 years, rather than 5. No public safety benefit and there will be a fiscal impact on SP. Comment was not accepted.
 - b. **Note:** this creates different recertification periods for different licenses. 5 years for premises permits, carry permits issued based on occupation, and semi-automatic rifle licenses, but 3 years for regular concealed carry permits.
 - c. **Note:** this provision would require a permit issued 8/31/19 to be recertified by 9/1/23, but a permit that was issued the next day on 9/1/19 must be recertified by 9/1/22 (a full year sooner for a newer permit, and with very little notice).

New Criminal Offenses for Gun Possession in Certain Locations

1. Effective 9/1/22.
2. New PL 265.01-e, a class E felony, for possession of a firearm, rifle, or shotgun in a "sensitive location". Sensitive location is defined as:
 - a. Any location owned or under control of federal, state, or local government.
 - b. Any location providing health, behavioral health, or chemical dependence care or services.
 - c. Place of worship or religious observation.
 - d. Libraries, public playgrounds, public parks, zoos.
 - e. Office of Children and Family Service licensed or funded facilities (child care facilities).
 - f. Nursery schools, preschools, summer camps.
 - g. Office for People with Developmental Disabilities licensed or funded facilities.

- h. Office of Addiction Services and Supports licensed or funded facilities.
 - i. Office Mental Health licensed or funded facilities.
 - j. Office of Temporary and Disability Assistance licensed or funded facilities.
 - k. Homeless shelters, family shelters, domestic violence shelters, etc.
 - l. Department of Health licensed or funded residential facilities.
 - m. Colleges, universities, private school, public schools, and other educational institutions.
 - n. Public transportation and transit facilities (subway, train, bus, etc)
 - o. Bars serving alcohol.
 - p. On-premises cannabis consumption locations.
 - q. Theaters, stadiums, racetracks, museums, amusement parks, performance venues, concert halls, exhibit halls, conference center, banquet halls, gaming facilities, etc.
 - r. Polling places.
 - s. Public sidewalks and other public areas that are restricted from general public access for a limited time or special event.
 - t. Gatherings of people to collectively express their constitutional rights to assemble or protest.
 - u. Times Square.
3. New PL 265.01-d, a class E felony, for possession of a firearm, rifle, or shotgun on private property where the person knows or reasonably should know that the owner or lessee has not permitted such possession be clear signage or by otherwise giving consent to carrying of guns on property.
4. **Note:** raised significant concern with how broad the sensitive location list is, and the prohibition against possession on private property unless there is a sign permitting possession. Comment was not accepted.
5. There are several exemptions from both offenses, including police and peace officers.
- a. **Note:** there is no exemption for out-of-state police officers and retired law enforcement officers (except retired NY police officers). This has been raised as a major concern because the location restrictions preempt LEOSA.

Ammunition Database

1. Within 30 days of NYSP being designated the "Point of Contact" for firearm and ammo background checks, the State Police must establish an ammunition sales database. The database must include the seller's name, buyer's name, and the amount, caliber, manufacturer name, serial number (if any) of ammunition sold in each transaction.
2. Under current bill, this date would be 8/14/23.
3. **Note:** raised significant concern with the timing. This will also be a significant fiscal impact for NYSP. Timing was not changed and is extremely aggressive.

Firearm and Ammunition Background Checks (Point of Contact Designation)

1. Effective 7/15/23, State Police will be designated as the state point of contact for purposes of conducting firearm and ammunition background checks.
 - a. **Note:** The bill uses the term "firearm" (which is limited to pistol and revolvers for the most part), but I am told this was not done intentionally. The state does not intend to act as a partial point of contact state (which 6 states do right now) where handgun checks are done at the state level and long gun checks are done by FBI. Instead, the state plans to be a full point of contact state, where all firearm, rifle, shotgun, and ammo background checks will be run through the state system.
 - b. The law will need to be amended before next July to account for rifles and shotguns.
2. **Note:** To operate as a point of contact state, the designated POC agency must have staffing (i.e. investigators or examiners) to conduct required research and investigation on transactions that are not immediately approved or denied by the automated system. The POC agency must also have an appeal process, with adequate staffing, to allow for the appeal of denied transactions.
3. **Note:** Firearm, rifle, and shotgun background checks can be run by submitting an inquiry to FBI NICS and supplementing those results with any additional state data sources. The FBI NICS system cannot be queried for ammo background checks, however. So, New York will need to have a separate database(s) that mirrors NICS for ammo checks. This may include connecting directly to other state systems to receive conviction, mental health, OOP, etc. data because we cannot access that through the NICS national indices for ammo check purposes.
4. **Note:** raised significant concern with the timing. This will also be an very significant fiscal impact for NYSP. Timing was not changed and is extremely aggressive.

5. Fees will be charged for background checks and will go to a background check fund to be maintained by OSC and Tax & Finance. Funds are to be allocated to cover the direct costs associated with performing background checks.
6. Denied transactions will be appealed to NYSP first, in order to provide the individual with a reason for the denial. Upon receiving the denial, a further appeal may then be made to the Attorney General.
 - a. **Note:** If an appeal is made to the Attorney General, who will be representing the State Police? And will this result in additional conflicts requiring outside counsel to be hired by NYSP if appeal denials result in litigation?

Change to Firearm Safe Storage Law

1. Effective 9/1/22, PL 265.45 is amended to prohibit leaving a firearm, rifle, or shotgun inside a vehicle without first removing ammo and securely locking the gun in a safe storage depository (which cannot be the glove compartment).

Change to Body Vest / Body Armor Law

1. Effective 7/6/22, the new prohibition on the purchase and sale of ballistic soft body vests (except to police, peace officers, and other eligible professions) will be expanded to include all forms of body armor. This will include rifle plates, ballistic helmets, and other ballistic protective gear beyond soft vests.

ONEIDA COUNTY PISTOL PERMIT
RESTRICTION CHANGES TO CARRY CONCEALED

LICENSEE: Name of Pistol License Holder: _____
 Date of Original Issuance of License: _____
 License Number: _____

CERTIFICATION:

I, _____ bearing the pistol license number _____

do hereby certify that I have not been subject to any of the activity listed below since the
issuance of my pistol license out of _____ County.

1. No criminal history activity;
2. No history of addiction either to drugs or alcohol;
3. No treatment, voluntary or involuntary for mental health issues;
4. No dishonorable discharge from the United States Military;
5. I am not nor have I been a fugitive from justice;
6. No Family Court (or equivalent) history relating to orders of protection and/or domestic violence;
7. No current or past orders of protection;
8. No other licenses suspended or revoked;

Print Name: _____ Date: _____

Signature: _____

CERTIFICATION: by pistol license staff.

Date: _____

Verified by pistol staff. _____