

# State Laws and Published Ordinances – New York

Current through 2019 released Chapters 1-574.

## Office of the Attorney General

The Capitol  
Albany, NY 12224-0341  
Voice: (800) 771-7755  
<http://www.ag.ny.gov/>



## New York Field Division

Financial Square  
32 Old Slip, Suite 3500  
New York, NY 10005  
Voice: (646) 335-9000  
<https://www.atf.gov/new-york-field-division>



## Table of Contents

### Civil Practice Law and Rules

#### Article 63-A Extreme Risk Protection Orders

Section 6342. Issuance of a temporary extreme risk protection order.  
Section 6343. Issuance of a final extreme risk protection order.  
Section 6346. Expiration of an extreme risk protection order.

### Criminal Procedure Law

#### Part Two – The Principal Proceedings

##### Title K – Prosecution of Informations in Local Criminal Courts – Plea to Sentence

#### Article 370 – Proceedings from Verdict to Sentence

Section 370.25. Procedure for the surrender of firearms, rifles and shotguns upon judgment of conviction for a felony or a serious offense.

#### Part Three – Special Proceedings and Miscellaneous Procedures

##### Title P – Procedures for Securing Attendance at Criminal Actions and Proceedings of Defendants and Witnesses

##### Under control of Court – Recognizance, Bail and Commitment

#### Article 530 – Orders of Recognizance or Bail with Respect to Defendants in Criminal Actions and Proceedings – When and by What Courts Authorized

Section 530.14. Suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms pursuant to section 400.00 of the penal law and ineligibility for such a license; order to surrender firearms.

### General Business Law

#### Article 5 – Collateral Loan Brokers

Section 47. Second-hand business.

#### Article 26 – Miscellaneous

Section 396-ee. Sale of certain weapons; locking devices therefor.

#### Article 39-DD – Sale of Firearms, Rifles or Shotguns at Gun Shows

Section 895. Definitions.  
Section 896. Operation of a gun show.  
Section 897. Sale of a firearm, rifle or shotgun at a gun show.

#### Article 39-DDD – Private Sale or Disposal of Firearms, Rifles and Shotguns

Section 898. Private sale or disposal of firearms, rifles and shotguns.

### General Municipal Law

#### Article 6 – Public Health and Safety

Section 139-d. Storage and display of firearms, ammunition and explosives.

### Penal Law

#### Part 3 – Specific Offenses

##### Title P – Offenses Against Public Safety

#### Article 265 – Firearms and Other Dangerous Weapons

Section 265.00. Definitions. [Effective until January 26, 2020]  
Section 265.00. Definitions. [Effective January 26, 2020]  
Section 265.01. Criminal possession of a weapon in the fourth degree.  
Section 265.01-a. Criminal possession of a weapon on school grounds.

Section 265.01-b. Criminal possession of a firearm.  
Section 265.02. Criminal possession of a weapon in the third degree.  
Section 265.03. Criminal possession of a weapon in the second degree.  
Section 265.04. Criminal possession of a weapon in the first degree.  
Section 265.05. Unlawful possession of weapons by persons under sixteen.  
Section 265.10. Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances.  
Section 265.11. Criminal sale of a firearm in the third degree.  
Section 265.12. Criminal sale of a firearm in the second degree.  
Section 265.13. Criminal sale of a firearm in the first degree.  
Section 265.14. Criminal sale of a firearm with the aid of a minor.  
Section 265.15. Presumptions of possession, unlawful intent and defacement.  
Section 265.16. Criminal sale of a firearm to a minor.  
Section 265.17. Criminal purchase or disposal of a weapon.  
Section 265.19. Aggravated criminal possession of a weapon.  
Section 265.20. Exemptions.  
Section 265.20. Exemptions [Effective January 26, 2020]  
Section 265.36. Unlawful possession of a large capacity ammunition feeding device.  
Section 265.37. Unlawful possession of certain ammunition feeding devices.  
Section 265.40. Purchase of rifles and/or shotguns in contiguous states.  
Section 265.45. Safe storage of rifles, shotguns, and firearms.  
Section 265.50. [There are two § 265.50] Criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun. [Effective January 26, 2020]  
Section 265.50. [There are two § 265.50] Failure to safely store rifles, shotguns, and firearms in the second degree.  
Section 265.55. Criminal possession of an undetectable firearm, rifle or shotgun. [Effective January 26, 2020]

#### **Part 4 – Administrative Provisions**

##### **Title W – Provisions Relating to Firearms, Fireworks, ...**

##### **Article 400 – Licensing and Other Provisions Relating to Firearms**

Section 400.00. Licenses to carry, possess, repair and dispose of firearms.  
Section 400.01. License to carry and possess firearms for retired sworn members of the division of state police.  
Section 400.05. Disposition of weapons and dangerous instruments, appliances and substances.  
Section 400.10. Report of theft or loss of a firearm, rifle or shotgun.  
Section 400.20. Waiting period in connection with the sale or transfer of a rifle or shotgun.

#### **Family Court Act**

##### **Article 8 – Family Offenses Proceedings**

##### **Part 4 – Orders**

Section 842-a. Suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms pursuant to section 400.00 of the penal law and ineligibility for such a license; order to surrender firearms.  
Section 846-a. Powers on failure to obey order.

Albany  
Altamont  
Amsterdam  
Ancram  
Babylon (Village)  
Beacon  
Bellerose  
Brighton  
Brockport  
Buchanan  
Buffalo  
Cedarhurst  
Central Square  
Chatham (Village of)  
Churchville  
East Rockaway  
Farmingdale  
Fishkill (Village)  
Floral Park  
Flower Hill  
Freeport  
Fulton  
Garden City  
Gates  
Glen Cove  
Great Neck Estates

Greece  
Greenburgh  
Harrison  
Hastings-On-Hudson  
Hempstead (Town)  
Hempstead (Village)  
Ilion  
Irondequoit  
Island Park  
Islip  
Jamestown  
Johnson City  
Kent  
Lawrence  
Long Beach  
Malta  
Mamaroneck (Town)  
Massapequa Park  
Mineola  
New Rochelle  
New York City  
North Tonawanda  
Ossining (Village)  
Owego (Village)  
Oyster Bay  
Philipstown

Port Chester  
Riverhead  
Rochester  
Rockville Centre  
  
Roslyn  
Roslyn Estates  
Rotterdam  
Russell Gardens  
Rye Brook  
Saratoga Springs  
Scarsdale  
Sea Cliff  
Stewart Manor  
Suffolk County  
Syracuse  
Tonawanda  
Troy  
Valley Stream  
Vestal  
Wappingers Falls  
Waterford (Town)  
Waterloo  
Westbury  
Westchester County  
Yonkers

**Civil Practice Law and Rules**  
**Article 63-A Extreme Risk Protection Orders**

**Section 6342. Issuance of a temporary extreme risk protection order.**

1. Upon application of a petitioner pursuant to this article, the court may issue a temporary extreme risk protection order, ex parte or otherwise, to prohibit the respondent from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun, upon a finding that there is probable cause to believe the respondent is likely to engage in conduct that would result in serious harm to himself, herself or others, as defined in paragraph one or two of subdivision (a) of section 9.39 of the mental hygiene law. Such application for a temporary order shall be determined in writing on the same day the application is filed.

2. In determining whether grounds for a temporary extreme risk protection order exist, the court shall consider any relevant factors including, but not limited to, the following acts of the respondent:

- (a) a threat or act of violence or use of physical force directed toward self, the petitioner, or another person;
- (b) a violation or alleged violation of an order of protection;
- (c) any pending charge or conviction for an offense involving the use of a weapon;
- (d) the reckless use, display or brandishing of a firearm, rifle or shotgun;
- (e) any history of a violation of an extreme risk protection order;
- (f) evidence of recent or ongoing abuse of controlled substances or alcohol; or
- (g) evidence of recent acquisition of a firearm, rifle, shotgun or other deadly weapon or dangerous instrument, or any ammunition therefor.

In considering the factors under this subdivision, the court shall consider the time that has elapsed since the occurrence of such act or acts and the age of the person at the time of the occurrence of such act or acts.

For the purposes of this subdivision, “**recent**” means within the six months prior to the date the petition was filed.

3. The application of the petitioner and supporting documentation, if any, shall set forth the factual basis for the request and probable cause for issuance of a temporary order. The court may conduct an examination under oath of the petitioner and any witness the petitioner may produce.

4. A temporary extreme risk protection order, if warranted, shall issue in writing, and shall include:

- (a) a statement of the grounds found for the issuance of the order;
- (b) the date and time the order expires;
- (c) the address of the court that issued the order;
- (d) a statement to the respondent: (i) directing that the respondent may not purchase, possess or attempt to purchase or possess a firearm, rifle or shotgun while the order is in effect and that any firearm, rifle or shotgun possessed by such respondent shall be promptly surrendered to any authorized law enforcement official in the same manner as set forth in subdivision five of section 530.14 of the criminal procedure law;
  - (ii) informing the respondent that the court will hold a hearing no sooner than three nor more than six business days after service of the temporary order, to determine whether a final extreme risk protection order will be issued and the date, time and location of such hearing, provided that the respondent shall be entitled to more than six days upon request in order to prepare for the hearing; and (iii) informing the respondent the he or she may seek the advice of an attorney and that an attorney should be consulted promptly; and
- (e) a form to be completed and executed by the respondent at the time of service of the temporary extreme risk protection order which elicits a list of all firearms, rifles and shotguns possessed by the respondent and the particular location of each firearm, rifle or shotgun listed.

5. If the application for a temporary extreme risk protection order is not granted, the court shall notify the petitioner and, unless the application is voluntarily withdrawn by the petitioner, nonetheless schedule a hearing on the application for a final extreme risk protection order. Such hearing shall be scheduled to be held promptly, but in any event no later than ten business days after the date on which such application is served on the respondent, provided, however, that the respondent may request, and the court may grant, additional time to allow the respondent to prepare for the hearing. A notice of such hearing shall be prepared by the court and shall include the date and time of the hearing, the address of the court, and the subject of the hearing.

6.

(a) The court shall, in the manner specified in paragraph (b) of this subdivision, arrange for prompt service of a copy of the temporary extreme risk protection order, if any, the application therefor and, if separately applied for or if a temporary extreme risk protection order was not granted, the application for an extreme risk protection order, any notice of hearing prepared by the court, along with any associated papers including the petition and any supporting documentation, provided, that the court may redact the address and contact information of the petitioner from such application and papers where the court finds that disclosure of such address or other contact information would pose an unreasonable risk to the health or safety of the petitioner.

(b) The court shall provide copies of such documents to the appropriate law enforcement agency serving the jurisdiction of the respondent's residence with a direction that such documents be promptly served, at no cost to the petitioner, on the respondent; provided, however, that the petitioner may voluntarily arrange for service of copies of such order and associated papers through a third party, such as a licensed process server.

7.

(a) The court shall notify the division of state police, any other law enforcement agency with jurisdiction, all applicable licensing officers, and the division of criminal justice services of the issuance of a temporary extreme risk protection order and provide a copy of such order no later than the next business day after issuing the order to such persons or agencies. The court also shall promptly notify such persons and agencies and provide a copy of any order amending or revoking such protection order or restoring the respondent's ability to own or possess firearms, rifles or shotguns no later than the next business day after issuing the order to restore such right to the respondent. The court also shall report such demographic data as required by the state division of criminal justice services at the time such order is transmitted thereto. Any notice or report submitted pursuant to this subdivision shall be in an electronic format, in a manner prescribed by the division of criminal justice services.

(b) Upon receiving notice of the issuance of a temporary extreme risk protection order, the division of criminal justice services shall immediately report the existence of such order to the federal bureau of investigation to allow the bureau to identify persons prohibited from purchasing firearms, rifles or shotguns. The division shall also immediately report to the bureau the expiration of any such protection order, any court order amending or revoking such protection order or restoring the respondent's ability to purchase a firearm, rifle or shotgun.

8. A law enforcement officer serving a temporary extreme risk protection order shall request that the respondent immediately surrender to the officer all firearms, rifles and shotguns in the respondent's possession and the officer shall conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms, rifles and shotguns that are surrendered, that are in plain sight, or that are discovered pursuant to a lawful search. As part of the order, the court may also direct a police officer to search for firearms, rifles and shotguns in the respondent's possession in a manner consistent with the procedures of article six hundred ninety of the criminal procedure law.

9. Upon issuance of a temporary extreme risk protection order, or upon setting a hearing for a final extreme risk protection order where a temporary order is denied or not requested, the court shall direct the law enforcement agency having jurisdiction to conduct a background investigation and report to the court and, subject to any appropriate redactions to protect any person, each party regarding whether the respondent:

(a) has any prior criminal conviction for an offense involving domestic violence, use of a weapon, or other violence;

(b) has any criminal charge or violation currently pending against him or her;

(c) is currently on parole or probation;

(d) possesses any registered firearms, rifles or shotguns; and

(e) has been, or is, subject to any order of protection or has violated or allegedly violated any order of protection.

#### **Section 6343. Issuance of a final extreme risk protection order.**

1. In accordance with this article, no sooner than three business days nor later than six business days after service of a temporary extreme risk protection order and, alternatively, no later than ten business days after service of an application under this article where no temporary extreme risk protection order has been issued, the supreme court shall hold a hearing to determine whether to issue a final extreme risk protection order and, when applicable, whether a firearm, rifle or shotgun surrendered by, or removed from, the respondent should be returned to the respondent. The respondent shall be entitled to more than six business days if a temporary extreme risk protection order has been issued and the respondent requests a reasonable period of additional time to prepare for the hearing. Where no temporary order has been issued, the respondent may request, and the court may grant, additional time beyond the ten days to allow the respondent to prepare for the hearing.

2. At the hearing pursuant to subdivision one of this section, the petitioner shall have the burden of proving, by clear and convincing evidence, that the respondent is likely to engage in conduct that would result in serious harm to himself,

herself or others, as defined in paragraph one or two of subdivision (a) of section 9.39 of the mental hygiene law. The court may consider the petition and any evidence submitted by the petitioner, any evidence submitted by the respondent, any testimony presented, and the report of the relevant law enforcement agency submitted pursuant to subdivision nine of section sixty-three hundred forty-two of this article. The court shall also consider the factors set forth in subdivision two of section sixty-three hundred forty-two of this article.

**3.**

**(a)** After the hearing pursuant to subdivision one of this section, the court shall issue a written order granting or denying the extreme risk protection order and setting forth the reasons for such determination. If the extreme risk protection order is granted, the court shall direct service of such order in the manner and in accordance with the protections for the petitioner set forth in subdivision six of section sixty-three hundred forty-two of this article.

**(b)** Upon issuance of an extreme risk protection order: (i) any firearm, rifle or shotgun removed pursuant to a temporary extreme risk protection order or such extreme risk protection order shall be retained by the law enforcement agency having jurisdiction for the duration of the order, unless ownership of the firearm, rifle or shotgun is legally transferred by the respondent to another individual permitted by law to own and possess such firearm, rifle or shotgun; (ii) the supreme court shall temporarily suspend any existing firearm license possessed by the respondent and order the respondent temporarily ineligible for such a license; (iii) the respondent shall be prohibited from purchasing or possessing, or attempting to purchase or possess, a firearm, rifle or shotgun; and (iv) the court shall direct the respondent to surrender any firearm, rifle or shotgun in his or her possession in the same manner as set forth in subdivision five of section 530.14 of the criminal procedure law.

**(c)** An extreme risk protection order issued in accordance with this section shall extend, as specified by the court, for a period of up to one year from the date of the issuance of such order; provided, however, that if such order was immediately preceded by the issuance of a temporary extreme risk protection order, then the duration of the extreme risk protection order shall be measured from the date of issuance of such temporary extreme risk protection order.

**(d)** A law enforcement officer serving a final extreme risk protection order shall request that the respondent immediately surrender to the officer all firearms, rifles and shotguns in the respondent's possession and the officer shall conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms, rifles and shotguns that are surrendered, that are in plain sight, or that are discovered pursuant to a lawful search. As part of the order, the court may also direct a police officer to search for firearms, rifles and shotguns in a respondent's possession consistent with the procedures of article six hundred ninety of the criminal procedure law.

**4.**

**(a)** The court shall notify the division of state police, any other law enforcement agency with jurisdiction, all applicable licensing officers, and the division of criminal justice services of the issuance of a final extreme risk protection order and provide a copy of such order to such persons and agencies no later than the next business day after issuing the order. The court also shall promptly notify such persons and agencies and provide a copy of any order amending or revoking such protection order or restoring the respondent's ability to own or possess firearms, rifles or shotguns no later than the next business day after issuing the order to restore such right to the respondent. Any notice or report submitted pursuant to this subdivision shall be in an electronic format, in a manner prescribed by the division of criminal justice services.

**(b)** Upon receiving notice of the issuance of a final extreme risk protection order, the division of criminal justice services shall immediately report the existence of such order to the federal bureau of investigation to allow the bureau to identify persons prohibited from purchasing firearms, rifles or shotguns. The division shall also immediately report to the bureau the expiration of such protection order and any court order amending or revoking such protection order or restoring the respondent's ability to purchase a firearm, rifle or shotgun.

**5.**

**(a)** If, in accordance with a temporary extreme risk protection order, a firearm, rifle or shotgun has been surrendered by or removed from the respondent, and the supreme court subsequently finds that the petitioner has not met the required standard of proof, the court's finding shall include a written order, issued to all parties, directing that any firearm, rifle or shotgun surrendered or removed pursuant to such temporary order shall be returned to the respondent, upon a written finding that there is no legal impediment to the respondent's possession of such firearm, rifle or shotgun.

**(b)** If any other person demonstrates that he or she is the lawful owner of any firearm, rifle or shotgun surrendered or removed pursuant to a protection order issued in accordance with this article, and provided that the court has made a written finding that there is no legal impediment to the person's possession of a surrendered or removed firearm, rifle or shotgun, the court shall direct that such firearm, rifle or shotgun be returned to such lawful owner and inform such person of the obligation to safely store such firearm, rifle, or shotgun in accordance with section 265.45 of the penal law.

6. The respondent shall be notified on the record and in writing by the court that he or she may submit one written request, at any time during the effective period of an extreme risk protection order, for a hearing setting aside any portion of such order. The request shall be submitted in substantially the same form and manner as prescribed by the chief administrator of the courts. Upon such request, the court shall promptly hold a hearing, in accordance with this article, after providing reasonable notice to the petitioner. The respondent shall bear the burden to prove, by clear and convincing evidence, any change of circumstances that may justify a change to the order.

**Section 6346. Expiration of an extreme risk protection order.**

1. A protection order issued pursuant to this article, and all records of any proceedings conducted pursuant to this article, shall be sealed upon expiration of such order and the clerk of the court wherein such proceedings were conducted shall immediately notify the commissioner of the division of criminal justice services, the heads of all appropriate police departments, applicable licensing officers, and all other appropriate law enforcement agencies that the order has expired and that the record of such protection order shall be sealed and not be made available to any person or public or private entity, except that such records shall be made available to:

- (a) the respondent or the respondent's designated agent;
- (b) courts in the unified court system;
- (c) police forces and departments having responsibility for enforcement of the general criminal laws of the state;
- (d) any state or local officer or agency with responsibility for the issuance of licenses to possess a firearm, rifle or shotgun, when the respondent has made application for such a license; and
- (e) any prospective employer of a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law, in relation to an application for employment as a police officer or peace officer; provided, however, that every person who is an applicant for the position of police officer or peace officer shall be furnished with a copy of all records obtained under this subparagraph and afforded an opportunity to make an explanation thereto.

2. Upon expiration of a protection order issued pursuant to this article and upon written application of the respondent who is the subject of such order, with notice and opportunity to be heard to the petitioner and every licensing officer responsible for issuance of a firearm license to the subject of the order pursuant to article four hundred of the penal law, and upon a written finding that there is no legal impediment to the respondent's possession of a surrendered firearm, rifle or shotgun, the court shall order the return of a firearm, rifle or shotgun not otherwise disposed of in accordance with subdivision one of section sixty-three hundred forty-four of this article. When issuing such order in connection with any firearm subject to a license requirement under article four hundred of the penal law, if the licensing officer informs the court that he or she will seek to revoke the license, the order shall be stayed by the court until the conclusion of any license revocation proceeding.

**Criminal Procedure Law**  
**Part Two – The Principal Proceedings**  
**Title K – Prosecution of Informations in Local Criminal Courts – Plea to Sentence**  
**Article 370 – Proceedings from Verdict to Sentence**

**Section 370.25. Procedure for the surrender of firearms, rifles and shotguns upon judgment of conviction for a felony or a serious offense.**

1. Upon judgment of conviction for a felony or a serious offense, the court shall inquire of the defendant as to the existence of all firearms, rifles and shotguns he or she owns or possesses. The court shall order the immediate surrender, pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 of the penal law and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed by the defendant.
2. The court ordering the surrender of any firearms, rifles or shotguns as provided in this section shall immediately notify the duly constituted police authorities of the locality of such action and the division of state police at its office in the city of Albany. The court shall direct the authority receiving such surrendered firearms, rifles and shotguns to immediately notify the court of such surrender.
3. The disposition of any firearms, rifles or shotguns surrendered pursuant to this section shall be in accordance with the provisions of subdivision six of section 400.05 of the penal law.
4. The provisions of this section shall not be deemed to limit, restrict or otherwise impair the authority of the court to order and direct the surrender of any or all firearms, rifles and shotguns owned or possessed by a defendant pursuant to any other provision of law.

**Part Three – Special Proceedings and Miscellaneous Procedures**  
**Title P – Procedures for Securing Attendance at Criminal Actions and Proceedings of Defendants and Witnesses**  
**Under control of Court – Recognizance, Bail and Commitment**

**Article 530 – Orders of Recognizance or Bail with Respect to Defendants in Criminal Actions and Proceedings –  
When and by What Courts Authorized**

**Section 530.14. Suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms pursuant to section 400.00 of the penal law and ineligibility for such a license; order to surrender firearms**

**1.** Suspension of firearms license and ineligibility for such a license upon issuance of temporary order of protection. Whenever a temporary order of protection is issued pursuant to subdivision one of section 530.12 or subdivision one of section 530.13 of this article:

**(a)** the court shall suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender of any or all firearms, rifles and shotguns owned or possessed where the court receives information that gives the court good cause to believe that (i) the defendant has a prior conviction of any violent felony offense as defined in section 70.02 of the penal law; (ii) the defendant has previously been found to have willfully failed to obey a prior order of protection and such willful failure involved (A) the infliction of physical injury, as defined in subdivision nine of section 10.00 of the penal law, (B) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, or (C) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; or (iii) the defendant has a prior conviction for stalking in the first degree as defined in section 120.60 of the penal law, stalking in the second degree as defined in section 120.55 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law or stalking in the fourth degree as defined in section 120.45 of such law; and

**(b)** the court shall where the court finds a substantial risk that the defendant may use or threaten to use a firearm, rifle or shotgun unlawfully against the person or persons for whose protection the temporary order of protection is issued, suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed.

**2.** Revocation or suspension of firearms license and ineligibility for such a license upon issuance of an order of protection. Whenever an order of protection is issued pursuant to subdivision five of section 530.12 or subdivision four of section 530.13 of this article:

**(a)** the court shall revoke any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender of any or all firearms, rifles and shotguns owned or possessed where such action is required by section 400.00 of the penal law; and

**(b)** the court shall where the court finds a substantial risk that the defendant may use or threaten to use a firearm, rifles or shotguns\* unlawfully against the person or persons for whose protection the order of protection is issued, (i) revoke any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender of any or all firearms, rifles and shotguns owned or possessed or (ii) suspend or continue to suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed.

**3.** Revocation or suspension of firearms license and ineligibility for such a license upon a finding of a willful failure to obey an order of protection. Whenever a defendant has been found pursuant to subdivision eleven of section 530.12 or subdivision eight of section 530.13 of this article to have willfully failed to obey an order of protection issued by a court of competent jurisdiction in this state or another state, territorial or tribal jurisdiction, in addition to any other remedies available pursuant to subdivision eleven of section 530.12 or subdivision eight of section 530.13 of this article:

**(a)** the court shall revoke any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender of any or all firearms, rifles and shotguns owned or possessed where the willful failure to obey such order involved (i) the infliction of physical injury, as defined in subdivision nine of section 10.00 of the penal law, (ii) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, (iii) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; or (iv) behavior constituting stalking in the first degree as defined in section 120.60 of the penal law, stalking in the second degree as defined in section 120.55 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law or stalking in the fourth degree as defined in section 120.45 of such law; and

**(b)** the court shall where the court finds a substantial risk that the defendant may use or threaten to use a firearm, rifle or shotgun unlawfully against the person or persons for whose protection the order of protection was issued, (i) revoke any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and

subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed or (ii) suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed.

**4. Suspension.** Any suspension order issued pursuant to this section shall remain in effect for the duration of the temporary order of protection or order of protection, unless modified or vacated by the court.

**5. Surrender.**

**(a)** Where an order to surrender one or more firearms, rifles and shotguns has been issued, the temporary order of protection or order of protection shall specify the place where such weapons shall be surrendered, shall specify a date and time by which the surrender shall be completed and, to the extent possible, shall describe such weapons to be surrendered, and shall direct the authority receiving such surrendered weapons to immediately notify the court of such surrender.

**(b)** The prompt surrender of one or more firearms, rifles or shotguns pursuant to a court order issued pursuant to this section shall be considered a voluntary surrender for purposes of subparagraph (f) of paragraph one of subdivision a of section 265.20 of the penal law. The disposition of any such weapons shall be in accordance with the provisions of subdivision six of section 400.05 of the penal law; provided, however, that upon termination of any suspension order issued pursuant to this section or section eight hundred forty-two-a of the family court act, upon written application of the subject of the order, with notice and opportunity to be heard to the district attorney, the county attorney, the protected party, and every licensing officer responsible for issuance of a firearms license to the subject of the order pursuant to article four hundred of the penal law, and upon a written finding that there is no legal impediment to the subject's possession of a surrendered firearm, rifle or shotgun, any court of record exercising criminal jurisdiction may order the return of a firearm, rifle or shotgun not otherwise disposed of in accordance with subdivision six of section 400.05 of the penal law. When issuing such order in connection with any firearm subject to a license requirement under article four hundred of the penal law, if the licensing officer informs the court that he or she will seek to revoke the license, the order shall be stayed by the court until the conclusion of any license revocation proceeding.

**(c)** The provisions of this section shall not be deemed to limit, restrict or otherwise impair the authority of the court to order and direct the surrender of any or all firearms, rifles and shotguns owned or possessed by a defendant pursuant to sections 530.12 or 530.13 of this article.

**6. Notice.**

**(a)** Where an order requiring surrender, revocation, suspension or ineligibility has been issued pursuant to this section, any temporary order of protection or order of protection issued shall state that such firearm license has been suspended or revoked or that the defendant is ineligible for such license, as the case may be, and that the defendant is prohibited from possessing any firearm, rifle or shotgun.

**(b)** The court revoking or suspending the license, ordering the defendant ineligible for such a license, or ordering the surrender of any firearm, rifle or shotgun shall immediately notify the duly constituted police authorities of the locality concerning such action and, in the case of orders of protection and temporary orders of protection issued pursuant to section 530.12 of this article, shall immediately notify the statewide registry of orders of protection.

**(c)** The court revoking or suspending the license or ordering the defendant ineligible for such a license shall give written notice thereof without unnecessary delay to the division of state police at its office in the city of Albany.

**(d)** Where an order of revocation, suspension, ineligibility or surrender is modified or vacated, the court shall immediately notify the statewide registry of orders of protection and the duly constituted police authorities of the locality concerning such action and shall give written notice thereof without unnecessary delay to the division of state police at its office in the city of Albany.

**7. Hearing.** The defendant shall have the right to a hearing before the court regarding any revocation, suspension, ineligibility or surrender order issued pursuant to this section, provided that nothing in this subdivision shall preclude the court from issuing any such order prior to a hearing. Where the court has issued such an order prior to a hearing, it shall commence such hearing within fourteen days of the date such order was issued.

**8. Nothing in this section shall delay or otherwise interfere with the issuance of a temporary order of protection or the timely arraignment of a defendant in custody.**

**General Business Law**  
**Article 5 – Collateral Loan Brokers**

**Section 47. Second-hand business.**

A collateral loan broker may purchase items of personal property in accordance with this section, provided however that a collateral loan broker shall not receive in pawn, as a pledge or as a purchase any instrument or weapon mentioned in section 265.05 of the penal law....

**Article 26 – Miscellaneous**

**Section 396-ee. Sale of certain weapons; locking devices therefor.**

(1) No person, firm or corporation engaged in the retail business of selling rifles, shotguns or firearms, as such terms are defined in § 265.00 of the penal law, shall sell, deliver or transfer any such rifle, shotgun or firearm to another person unless the transferee is provided at the time of sale, delivery or transfer with a gun locking device and a label containing the quoted language specified in subdivision 2 of this section is either affixed to such rifle, shotgun or firearm or placed in the container in which such rifle, shotgun or firearm is sold, delivered or transferred. For the purposes of this section, the term "gun locking device" shall mean an integrated design feature or an attachable accessory that is resistant to tampering and is effective in preventing the discharge of such rifle, shotgun or firearm by a person who does not have access to the key, combination or other mechanism used to disengage the device. The division of state police shall develop and promulgate rules and regulations setting forth the specific devices or the minimum standards and criteria therefor which constitute an effective gun locking device.

(2) Every person, firm or corporation engaged in the retail business of selling rifles, shotguns or firearms, as such terms are defined in § 265.00 of the penal law, shall, in the place where such rifles, shotguns or firearms are displayed or transferred to the purchaser, post a notice conspicuously stating in bold print that: **RESPONSIBLE FIREARM STORAGE IS THE LAW IN NEW YORK STATE. RIFLES, SHOTGUNS AND FIREARMS 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 RESIDES IN THE HOME OR IS PRESENT, OR IF THE OWNER OR POSSESSOR RESIDES WITH A PERSON PROHIBITED FROM POSSESSING A RIFLE, SHOTGUN OR FIREARM UNDER STATE OR FEDERAL LAW. RIFLES, SHOTGUNS AND FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION SEPARATE FROM AMMUNITION. LEAVING RIFLES, SHOTGUNS OR FIREARMS ACCESSIBLE TO A CHILD OR OTHER PROHIBITED PERSON MAY SUBJECT YOU TO IMPRISONMENT, FINE, OR BOTH.** Nothing in this subdivision shall be deemed to affect, impair or supersede any special or local law relating to the posting of notice regarding the safe storage of rifles, shotguns or firearms.

(3) Any person, firm or corporation who fails to comply with the provisions of this section shall be guilty of a violation punishable as provided in the penal law. Any person, firm, or corporation who fails to comply with the provisions of this section after having been previously convicted of a violation of this section shall be guilty of a class A misdemeanor, punishable as provided in the penal law.

**Article 39-DD – Sale of Firearms, Rifles or Shotguns at Gun Shows**

**Section 895. Definitions.**

For the purposes of this article:

1. **"Gun show"** means an event sponsored, whether for profit or not, by an individual, national, state or local organization, association or other entity devoted to the collection, competitive use, sporting use, or any other legal use of firearms, rifles or shotguns, or an event at which (a) 20% or more of the total number of exhibitors are firearm exhibitors or (b) 10 or more firearm exhibitors are participating or (c) a total of 25 or more pistols or revolvers are offered for sale or transfer or (d) a total of 50 or more firearms, rifles or shotguns are offered for sale or transfer. The term gun show shall include any building, structure or facility where firearms, rifles or shotguns are offered for sale or transfer and any grounds used in connection with the event.
2. **"Firearm exhibitor"** means any person, firm, partnership, corporation or company that exhibits, sells, offers for sale, transfers, or exchanges firearms, rifles or shotguns at a gun show.
3. **"Gun show operator"** means any person, firm, partnership, corporation or company that organizes, produces, sponsors or operates a gun show.
4. **"Firearm"** has the same meaning as that term is defined in 18 U.S.C. 921(a)(3), but shall not include an "antique firearm" as that term is defined in 18 U.S.C. 921(a)(16).
5. **"Rifle"** has the same meaning as that term is defined in 18 U.S.C. 921(a)(7).
6. **"Shotgun"** has the same meaning as that term is defined in 18 U.S.C. 921(a)(5).

## **Section 896. Operation of a gun show.**

1. A gun show operator shall:

- (a) at all times during such show conspicuously post and maintain signs stating "A National Instant Criminal Background Check must be completed prior to all firearm sales or transfers, including sales or transfers of rifles or shotguns". Signs must be posted at all entrances to the gun show, at all places where admission tickets to the gun show are sold and not less than 4 additional locations within the grounds of the gun show;
- (b) notify all firearm exhibitors in writing that a national instant criminal background check must be completed prior to all firearm sales or transfers, including sales or transfers of rifles or shotguns; and
- (c) provide access at the gun show to a firearm dealer licensed under federal law who is authorized to perform a national instant criminal background check where the seller or transferor of a firearm, rifle or shotgun is not authorized to conduct such a check by (i) requiring firearm exhibitors who are firearm dealers licensed under federal law and who are authorized to conduct a national instant criminal background check to provide such a check at cost or (ii) designating a specific location at the gun show where a firearm dealer licensed under federal law who is authorized to conduct a national instant criminal background check will be present to perform such a check at cost. Any firearm dealer licensed under federal law who performs a national instant criminal background check pursuant to this paragraph shall provide the seller or transferor of the firearm, rifle or shotgun with a copy of the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms Form ATF F 4473 and such dealer shall maintain such form and make such form available for inspection by law enforcement agencies for a period of 10 years thereafter.

2. Whenever the attorney general shall believe from evidence satisfactory to him or her that a gun show operator has violated any of the provisions of this section, the attorney general may bring an action or special proceeding in the supreme court for a judgment enjoining the continuance of such violation and for a civil penalty in an amount not to exceed \$10,000. If it shall appear to the satisfaction of the court or justice that the defendant has violated any provisions of this section, no proof shall be required that any person has been injured thereby nor that the defendant intentionally violated such provision. In such action preliminary relief may be granted under article 63 of the civil practice law and rules. In connection with any such proposed application, the attorney general is authorized to take proof, issue subpoenas and administer oaths in the manner provided in the civil practice law and rules.

## **Section 897. Sale of a firearm, rifle or shotgun at a gun show.**

1. A national instant criminal background check shall be conducted and no person shall sell or transfer a firearm, rifle or shotgun at a gun show, except in accordance with the provisions of 18 U.S.C. 922(t) , provided that before delivering a firearm, rifle or shotgun to any person, either (a) the National Instant Criminal Background Check System (NICS) or its successor has issued a "proceed" response to the seller or transferor, or (b) thirty calendar days shall have elapsed since the date the seller or transferor contacted NICS to initiate a national instant criminal background check and NICS has not notified the seller or transferor that the transfer of the firearm, rifle or shotgun to such person should be denied.
2. No person shall offer or agree to sell or transfer a firearm, rifle or shotgun to another person at a gun show and transfer or deliver such firearm, rifle or shotgun to such person or person acting on his or her behalf thereafter at a location other than the gun show for the purpose of evading or avoiding compliance with 18 U.S.C. 922(t).
3. Any person who knowingly violates any of the provisions of this section shall be guilty of a class A misdemeanor punishable as provided for in the penal law.

## **Article 39 – DDD Private Sale or Disposal of Firearms, Rifles and Shotguns**

### **Section 898. Private sale or disposal of firearms, rifles and shotguns**

1. In addition to any other requirements pursuant to state and federal law, all sales, exchanges or disposals of firearms, rifles or shotguns shall be conducted in accordance with this section unless such sale, exchange or disposal is conducted by a licensed importer, licensed manufacturer or licensed dealer, as those terms are defined in 18 USC § 922, when such sale, exchange or disposal is conducted pursuant to that person's federal firearms license or such sale, exchange or disposal is between members of an immediate family. When a sale, exchange or disposal is conducted pursuant to a person's federal firearms license, before delivering a firearm, rifle or shotgun to any person, either (a) the National Instant Criminal Background Check System (NICS) or its successor has issued a "proceed" response to the federal firearms licensee, or (b) thirty calendar days shall have elapsed since the date the federal firearms licensee contacted NICS to initiate a national instant criminal background check and NICS has not notified the federal firearms licensee that the transfer of the firearm, rifle or shotgun to such person should be denied. For purposes of this section, "**immediate family**" shall mean spouses, domestic partners, children and step-children.
2. Before any sale, exchange or disposal pursuant to this article, a national instant criminal background check must be completed by a dealer who consents to conduct such check, and 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. Before a dealer who consents to conduct a national instant criminal background check delivers a firearm, rifle or shotgun to any person, either (a) NICS issued a "proceed" response to the dealer, or (b) thirty calendar days shall have elapsed since the date the dealer contacted NICS to initiate a national instant criminal background check and NICS has not notified the dealer that the transfer of the firearm, rifle or shotgun to such person should be denied.

3. All 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 dealer may require that any sale or transfer conducted pursuant to this section be subject to a fee of not to exceed \$10 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 6 of the public officers 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.

**General Municipal Law**  
**Article 6 – Public Health and Safety**

**Section 139-d. Storage and display of firearms, ammunition and explosives**

1. Any municipal corporation may by local law or ordinance regulate the storage, possession and display of firearms, ammunition or explosives. Such regulations may provide for:

- (a) the establishment and enforcement of standards of design, construction and maintenance of buildings and structures in which firearms, ammunition or explosives are stored;
- (b) the establishment and enforcement of standards of security for the storage of such firearms, ammunition or explosives;
- (c) the location of such buildings and structures;
- (d) the quantity of firearms, ammunition or explosives which may be stored in such buildings and structures;
- (e) the manner of such storage; and
- (f) the times and circumstances under which such firearms, ammunition or explosives may be displayed to public view.

2. The regulations provided for herein shall not apply to the personal possession, use or ownership of firearms or ammunition therefor.

3. The exercise of the power granted in this section by a county shall relate only to the area thereof outside any city, or village; the exercise of such power by a town shall relate only to the area thereof outside the village or villages therein.

**Penal Law**  
**Part 3 – Specific Offenses**  
**Title P – Offenses Against Public Safety**  
**Article 265 – Firearms and Other Dangerous Weapons**

**Section 265.00. Definitions. [Effective until January 26, 2020]**

As used in this article and in article 400, the following terms shall mean and include:

1. **"Machine-gun"** means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with 1 continuous pull of the trigger and includes a sub-machine gun.
2. **"Firearm silencer"** means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.
3. **"Firearm"** means (a) any pistol or revolver; or (b) a shotgun having 1 or more barrels less than 18 inches in length; or (c) a rifle having 1 or more barrels less than 16 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 26 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 breechlock 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.

**6. "Dispose of"** means to dispose of, give, give away, lease-loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

**7. "Deface"** means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

**8. "Gunsmith"** means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving or trueing, or who performs any mechanical operation on, any firearm, large capacity ammunition feeding device or machine-gun.

**9. "Dealer in firearms"** means 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 feeding device, pistol or revolver.

**10. "Licensing officer"** means in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk the sheriff of that county except in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown, the commissioner of police of that county; for the purposes of § 400.01 of this chapter the superintendent of state police; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance.

**11. "Rifle"** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

**12. "Shotgun"** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

**14. "Antique firearm"** means: Any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.

**15. "Loaded firearm"** means any firearm loaded with ammunition or any firearm which is possessed by one who, at the same time, possesses a quantity of ammunition which may be used to discharge such firearm.

**16. "Certified not suitable to possess a self-defense spray device, a rifle or shotgun"** means that the director or physician in charge of any hospital or institution for mental illness, public or private, has certified to the superintendent of state police or to any organized police department of a county, city, town or village of this state, that a person who has been judicially adjudicated incompetent, or who has been confined to such institution for mental illness pursuant to judicial authority, is not suitable to possess a self-defense spray device, as defined in § 265.20 of this article, or a rifle or shotgun.

**17. "Serious offense"** means

(a) any of the following offenses defined in the former penal law as in force and effect immediately prior to September 1, 1967: illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding escape from prison; that kind of disorderly conduct defined in subdivisions 6 and 8 of § 222 of such former penal law; violations of §§ 483, 483-b, 484-h and article 106 of such former penal law; that kind of criminal sexual act or rape which was designated as a misdemeanor; violation of § 1747-d and 1747-e of such former penal law; any violation of any provision of article 33 of the public health law relating to narcotic drugs which was defined as a misdemeanor by § 1751-a of such former penal law, and any violation of any provision of article 33-A of the public health law relating to depressant and stimulant drugs which was defined as a misdemeanor by § 1747-b of such former penal law.

(b) any of the following offenses defined in the penal law: illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; endangering the welfare of a child; the offenses defined in article 235; issuing abortifacient articles; permitting prostitution; promoting prostitution in the third degree; stalking in the fourth degree; stalking in the third degree; the offenses defined in article 130; the offenses defined in article 220.

(c) any of the following offenses, where the defendant and the person against whom the offense was committed were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law and as established pursuant to section 370.15 of the criminal procedure law: assault in the third degree; menacing in the third degree; menacing in the second degree; criminal obstruction of breathing or blood circulation; unlawful imprisonment in the second degree; coercion in the third degree; criminal tampering in the third degree; criminal contempt in the second degree; harassment in the first degree; aggravated harassment in the second degree; criminal

trespass in the third degree; criminal trespass in the second degree; arson in the fifth degree; or attempt to commit any of the above-listed offenses.

**18. "Armor piercing ammunition"** means any ammunition capable of being used in pistols or revolvers containing a projectile or projectile core, or a projectile or projectile core for use in such ammunition, that is constructed entirely (excluding the presence of traces of other substances) from one or a combination of any of the following: tungsten alloys, steel, iron, brass, bronze, beryllium copper, or uranium.

**19. "Duly authorized instructor"** means (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state; or (c) by a person duly qualified and designated by the department of environmental conservation under paragraph d of subdivision 6 of § 11-0713 of the environmental conservation law as its agent in the giving of instruction and the making of certifications of qualification in responsible hunting practices.

**20. "Disguised gun"** means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive and is designed and intended to appear to be something other than a gun.

**21. "Semiautomatic"** means any repeating rifle, shotgun or pistol, regardless of barrel or overall length, which utilizes a portion of the energy of a firing cartridge or shell to extract the fired cartridge case or spent shell and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge or shell.

**22. "Assault weapon"** means

(a) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least one of the following characteristics:

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a thumbhole stock;

(iv) a second handgrip or a protruding grip that can be held by the non-trigger hand;

(v) a bayonet mount;

(vi) a flash suppressor, muzzle break, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle break, or muzzle compensator;

(vii) a grenade launcher; or

(b) a semiautomatic shotgun that has at least one of the following characteristics:

(i) a folding or telescoping stock;

(ii) a thumbhole stock;

(iii) a second handgrip or a protruding grip that can be held by the non-trigger hand;

(iv) a fixed magazine capacity in excess of 7 rounds;

(v) an ability to accept a detachable magazine; or

(c) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least one of the following characteristics:

(i) a folding or telescoping stock;

(ii) a thumbhole stock;

(iii) a second handgrip or a protruding grip that can be held by the non-trigger hand;

(iv) capacity to accept an ammunition magazine that attaches to the pistol outside of the pistol grip;

(v) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

(vi) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;

(vii) a manufactured weight of 50 ounces or more when the pistol is unloaded; or

(viii) a semiautomatic version of an automatic rifle, shotgun or firearm;

(d) a revolving cylinder shotgun;

(e) a semiautomatic rifle, a semiautomatic shotgun or a semiautomatic pistol or weapon defined in subparagraph (v) of paragraph (e) of subdivision 22 of § 265.00 of this chapter as added by chapter 189 of the laws of 2000 and otherwise lawfully possessed pursuant to such chapter of the laws of 2000 prior to September 14th, 1994;

(f) a semiautomatic rifle, a semiautomatic shotgun or a semiautomatic pistol or weapon defined in paragraph (a), (b) or (c) of this subdivision, possessed prior to the date of enactment of the chapter of the laws of 2013 which added this paragraph;

(g) provided, however, that such term does not include:

(i) any rifle, shotgun or pistol that (A) is manually operated by bolt, pump, lever or slide action; (B) has been rendered permanently inoperable; or (C) is an antique firearm as defined in 18 U.S.C. 921(a)(16);

(ii) a semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition;

(iii) a semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine; or

(iv) a rifle, shotgun or pistol, or a replica or a duplicate thereof, specified in Appendix A to 18 U.S.C. 922 as such weapon was manufactured on October 1st, 1993. The mere fact that a weapon is not listed in Appendix A shall not be construed to mean that such weapon is an assault weapon;

(v) any weapon validly registered pursuant to subdivision 16-a of § 400.00 of this chapter. Such weapons shall be subject to the provisions of paragraph (h) of this subdivision;

(vi) any firearm, rifle, or shotgun that was manufactured at least 50 years prior to the current date, but not including replicas thereof that is validly registered pursuant to subdivision 16-a of § 400.00 of this chapter;

(h) Any weapon defined in paragraph (e) or (f) of this subdivision and any large capacity ammunition feeding device that was legally possessed by an individual prior to the enactment of the chapter of the laws of 2013 which added this paragraph, may only be sold to, exchanged with or disposed of to a purchaser authorized to possess such weapons or to an individual or entity outside of the state provided that any such transfer to an individual or entity outside of the state must be reported to the entity wherein the weapon is registered within 72 hours of such transfer. An individual who transfers any such weapon or large capacity ammunition device to an individual inside New York state or without complying with the provisions of this paragraph shall be guilty of a class A misdemeanor unless such large capacity ammunition feeding device, the possession of which is made illegal by the chapter of the laws of 2013 which added this paragraph, is transferred within 1 year of the effective date of the chapter of the laws of 2013 which added this paragraph.

**23. "Large capacity ammunition feeding device"** means a magazine, belt, drum, feed strip, or similar device, that (a) has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition, or [pars (b) and (c) are suspended and not effective as stated in Laws 2013, ch 1, § 58, sub b note below] (b) contains more than 7 rounds of ammunition, or (c) is obtained after the effective date of the chapter of the laws of 2013 which amended this subdivision and has a capacity of, or that can be readily restored or converted to accept, more than 7 rounds of ammunition; provided, however, that such term does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition or a feeding device that is a curio or relic. A feeding device that is a curio or relic is defined as a device that (i) was manufactured at least 50 years prior to the current date, (ii) is only capable of being used exclusively in a firearm, rifle, or shotgun that was manufactured at least 50 years prior to the current date, but not including replicas thereof, (iii) is possessed by an individual who is not prohibited by state or federal law from possessing a firearm and (iv) is registered with the division of state police pursuant to subdivision 16-a of § 400.00 of this chapter, except such feeding devices transferred into the state may be registered at any time, provided they are registered within 30 days of their transfer into the state. Notwithstanding paragraph (h) of subdivision 22 of this section, such feeding devices may be transferred provided that such transfer shall be subject to the provisions of § 400.03 of this chapter including the check required to be conducted pursuant to such section.

**24. "Seller of ammunition"** means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling or keeping ammunition.

**25. "Qualified retired New York or federal law enforcement officer"** means an individual who is a retired police officer as police officer is defined in subdivision 34 of § 1.20 of the criminal procedure law, a retired peace officer as peace officer is defined in § 2.10 of the criminal procedure law or a retired federal law enforcement officer as federal law enforcement officer is defined in § 2.15 of the criminal procedure law, who: (a) separated from service in good standing from a public agency located in New York state in which such person served as either a police officer, peace officer or federal law enforcement officer; and (b) before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest, pursuant to their official duties, under the criminal procedure law; and (c) (i) before such separation, served as either a police officer, peace officer or federal law enforcement officer for 5 years or more and at the time of separation, is such an officer; or (ii) separated from service with such agency, after completing any applicable

probationary period of such service, due to a service-connected disability, as determined by such agency at or before the time of separation; and (d)(i) has not been found by a qualified medical professional employed by such agency to be unqualified for reasons relating to mental health; or (ii) has not entered into an agreement with such agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified for reasons relating to mental health; and (e) is not otherwise prohibited by New York or federal law from possessing any firearm.

**Section 265.00. Definitions. [Effective January 26, 2020]**

As used in this article and in article four hundred, the following terms shall mean and include:

1. **“Machine-gun”** means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun.
2. **“Firearm silencer”** means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.
3. **“Firearm”** means (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 breechlock 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-a. **“Major component of a firearm, rifle or shotgun”** means the barrel, the slide or cylinder, the frame, or receiver of the firearm, rifle, or shotgun.
6. **“Dispose of”** means to dispose of, give, give away, lease-loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.
7. **“Deface”** means to remove, deface, cover, alter or destroy the manufacturer’s serial number or any other distinguishing number or identification mark.
8. **“Gunsmith”** means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving or trueing, or who performs any mechanical operation on, any firearm, large capacity ammunition feeding device or machine-gun.
9. **“Dealer in firearms”** means 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 feeding device, pistol or revolver.
10. **“Licensing officer”** means in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk the sheriff of that county except in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown, the commissioner of police of that county; for the purposes of section 400.01 of this chapter the superintendent of state police; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance.
11. **“Rifle”** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
12. **“Shotgun”** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.
14. [There are two subs 14] **“Antique firearm”** means:  
Any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.
16. **“Certified not suitable to possess a self-defense spray device, a rifle or shotgun”** means that the director or physician in charge of any hospital or institution for mental illness, public or private, has certified to the superintendent of state police or to any organized police department of a county, city, town or village of this state, that a person who has been judicially adjudicated incompetent, or who has been confined to such institution for mental illness pursuant to judicial authority, is not suitable to possess a self-defense spray device, as defined in section 265.20 of this article, or a rifle or shotgun.

**17. “Serious offense” means**

(a) any of the following offenses defined in the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven: illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar’s instruments; buying or receiving stolen property; unlawful entry of a building; aiding escape from prison; that kind of disorderly conduct defined in subdivisions six and eight of section seven hundred twenty-two of such former penal law; violations of sections four hundred eighty-three, four hundred eighty-three-b, four hundred eighty-four-h and article one hundred six of such former penal law; that kind of criminal sexual act or rape which was designated as a misdemeanor; violation of section seventeen hundred forty-seven-d and seventeen hundred forty-seven-e of such former penal law; any violation of any provision of article thirty-three of the public health law relating to narcotic drugs which was defined as a misdemeanor by section seventeen hundred fifty-one-a of such former penal law, and any violation of any provision of article thirty-three-A of the public health law relating to depressant and stimulant drugs which was defined as a misdemeanor by section seventeen hundred forty-seven-b of such former penal law.

(b) [As amended, L 2010, ch 232, § 2] any of the following offenses defined in the penal law: illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar’s tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; endangering the welfare of a child; the offenses defined in article two hundred thirty-five; issuing abortifacient articles; permitting prostitution; promoting prostitution in the third degree; stalking in the fourth degree; stalking in the third degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred twenty.

(b) [As amended, L 2010, ch 232, § 3] any of the following offenses defined in the penal law: illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar’s tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; endangering the welfare of a child; the offenses defined in article two hundred thirty-five; issuing abortifacient articles; permitting prostitution; promoting prostitution in the third degree; stalking in the third degree; stalking in the fourth degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred twenty.

(c) any of the following offenses, where the defendant and the person against whom the offense was committed were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law and as established pursuant to section 370.15 of the criminal procedure law: assault in the third degree; menacing in the third degree; menacing in the second degree; criminal obstruction of breathing or blood circulation; unlawful imprisonment in the second degree; coercion in the third degree; criminal tampering in the third degree; criminal contempt in the second degree; harassment in the first degree; aggravated harassment in the second degree; criminal trespass in the third degree; criminal trespass in the second degree; arson in the fifth degree; or attempt to commit any of the above-listed offenses.

**18. “Armor piercing ammunition” means any ammunition capable of being used in pistols or revolvers containing a projectile or projectile core, or a projectile or projectile core for use in such ammunition, that is constructed entirely (excluding the presence of traces of other substances) from one or a combination of any of the following: tungsten alloys, steel, iron, brass, bronze, beryllium copper, or uranium.**

**19. “Duly authorized instructor” means (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state; or (c) by a person duly qualified and designated by the department of environmental conservation under paragraph d of subdivision six of section 11-0713 of the environmental conservation law as its agent in the giving of instruction and the making of certifications of qualification in responsible hunting practices.**

**20. “Disguised gun” means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive and is designed and intended to appear to be something other than a gun.**

**21. “Semiautomatic” means any repeating rifle, shotgun or pistol, regardless of barrel or overall length, which utilizes a portion of the energy of a firing cartridge or shell to extract the fired cartridge case or spent shell and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge or shell.**

**22. “Assault weapon” means**

(a) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least one of the following characteristics:

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a thumbhole stock;

- (iv) a second handgrip or a protruding grip that can be held by the non-trigger hand;
  - (v) a bayonet mount;
  - (vi) a flash suppressor, muzzle break, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle break, or muzzle compensator;
  - (vii) a grenade launcher; or
- (b) a semiautomatic shotgun that has at least one of the following characteristics:
- (i) a folding or telescoping stock;
  - (ii) a thumbhole stock;
  - (iii) a second handgrip or a protruding grip that can be held by the non-trigger hand;
  - (iv) a fixed magazine capacity in excess of seven rounds;
  - (v) an ability to accept a detachable magazine; or
- (c) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least one of the following characteristics:
- (i) a folding or telescoping stock;
  - (ii) a thumbhole stock;
  - (iii) a second handgrip or a protruding grip that can be held by the non-trigger hand;
  - (iv) capacity to accept an ammunition magazine that attaches to the pistol outside of the pistol grip;
  - (v) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;
  - (vi) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;
  - (vii) a manufactured weight of fifty ounces or more when the pistol is unloaded; or
  - (viii) a semiautomatic version of an automatic rifle, shotgun or firearm;
- (d) a revolving cylinder shotgun;
- (e) a semiautomatic rifle, a semiautomatic shotgun or a semiautomatic pistol or weapon defined in subparagraph (v) of paragraph (e) of subdivision twenty-two of section 265.00 of this chapter as added by chapter one hundred eighty-nine of the laws of two thousand and otherwise lawfully possessed pursuant to such chapter of the laws of two thousand prior to September fourteenth, nineteen hundred ninety-four;
- (f) a semiautomatic rifle, a semiautomatic shotgun or a semiautomatic pistol or weapon defined in paragraph (a), (b) or (c) of this subdivision, possessed prior to the date of enactment of the chapter of the laws of two thousand thirteen which added this paragraph;
- (g) provided, however, that such term does not include:
- (i) any rifle, shotgun or pistol that (A) is manually operated by bolt, pump, lever or slide action; (B) has been rendered permanently inoperable; or (C) is an antique firearm as defined in 18 U.S.C. 921(a)(16);
  - (ii) a semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition;
  - (iii) a semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or detachable magazine; or
  - (iv) a rifle, shotgun or pistol, or a replica or a duplicate thereof, specified in Appendix A to 18 U.S.C. 922 as such weapon was manufactured on October first, nineteen hundred ninety-three. The mere fact that a weapon is not listed in Appendix A shall not be construed to mean that such weapon is an assault weapon;
  - (v) any weapon validly registered pursuant to subdivision sixteen-a of section 400.00 of this chapter. Such weapons shall be subject to the provisions of paragraph (h) of this subdivision;
  - (vi) any firearm, rifle, or shotgun that was manufactured at least fifty years prior to the current date, but not including replicas thereof that is validly registered pursuant to subdivision sixteen-a of section 400.00 of this chapter;
- (h) Any weapon defined in paragraph (e) or (f) of this subdivision and any large capacity ammunition feeding device that was legally possessed by an individual prior to the enactment of the chapter of the laws of two thousand thirteen

which added this paragraph, may only be sold to, exchanged with or disposed of to a purchaser authorized to possess such weapons or to an individual or entity outside of the state provided that any such transfer to an individual or entity outside of the state must be reported to the entity wherein the weapon is registered within seventy-two hours of such transfer. An individual who transfers any such weapon or large capacity ammunition device to an individual inside New York state or without complying with the provisions of this paragraph shall be guilty of a class A misdemeanor unless such large capacity ammunition feeding device, the possession of which is made illegal by the chapter of the laws of two thousand thirteen which added this paragraph, is transferred within one year of the effective date of the chapter of the laws of two thousand thirteen which added this paragraph.

**23. “Large capacity ammunition feeding device”** means a magazine, belt, drum, feed strip, or similar device, that (a) has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition, or [pars (b) and (c) are suspended and not effective as stated in Laws 2013, ch 1, § 58, sub b note below] (b) contains more than seven rounds of ammunition, or (c) is obtained after the effective date of the chapter of the laws of two thousand thirteen which amended this subdivision and has a capacity of, or that can be readily restored or converted to accept, more than seven rounds of ammunition; provided, however, that such term does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition or a feeding device that is a curio or relic. A feeding device that is a curio or relic is defined as a device that (i) was manufactured at least fifty years prior to the current date, (ii) is only capable of being used exclusively in a firearm, rifle, or shotgun that was manufactured at least fifty years prior to the current date, but not including replicas thereof, (iii) is possessed by an individual who is not prohibited by state or federal law from possessing a firearm and (iv) is registered with the division of state police pursuant to subdivision sixteen-a of section 400.00 of this chapter, except such feeding devices transferred into the state may be registered at any time, provided they are registered within thirty days of their transfer into the state. Notwithstanding paragraph (h) of subdivision twenty-two of this section, such feeding devices may be transferred provided that such transfer shall be subject to the provisions of section 400.03 of this chapter including the check required to be conducted pursuant to such section.

**24. “Seller of ammunition”** means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling or keeping ammunition.

**25. “Qualified retired New York or federal law enforcement officer”** means an individual who is a retired police officer as police officer is defined in subdivision thirty-four of section 1.20 of the criminal procedure law, a retired peace officer as peace officer is defined in section 2.10 of the criminal procedure law or a retired federal law enforcement officer as federal law enforcement officer is defined in section 2.15 of the criminal procedure law, who: (a) separated from service in good standing from a public agency located in New York state in which such person served as either a police officer, peace officer or federal law enforcement officer; and (b) before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest, pursuant to their official duties, under the criminal procedure law; and (c) (i) before such separation, served as either a police officer, peace officer or federal law enforcement officer for five years or more and at the time of separation, is such an officer; or (ii) separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency at or before the time of separation; and (d)(i) has not been found by a qualified medical professional employed by such agency to be unqualified for reasons relating to mental health; or (ii) has not entered into an agreement with such agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified for reasons relating to mental health; and (e) is not otherwise prohibited by New York or federal law from possessing any firearm.

**26. “Rapid-fire modification device”** means any bump stock, trigger crank, binary trigger system, burst trigger system, or any other device that is designed to accelerate the rate of fire of a semi-automatic firearm, rifle or shotgun.

**27. “Bump stock”** means any device or instrument that increases the rate of fire achievable with a semi-automatic firearm, rifle or shotgun by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger.

**28. “Trigger crank”** means any device or instrument that repeatedly activates the trigger of a semi-automatic firearm, rifle or shotgun through the use of a lever or other part that is turned in a circular motion and thereby accelerates the rate of fire of such firearm, rifle or shotgun, provided, however, that “trigger crank” shall not include any weapon initially designed and manufactured to fire through the use of a crank or lever.

**29. “Binary trigger system”** means any device that, when installed in or attached to a semi-automatic firearm rifle, or shotgun causes that weapon to fire once when the trigger is pulled and again when the trigger is released.

**30. “Burst trigger system”** means any device that, when installed in or attached to a semi-automatic firearm, rifle, or shotgun, allows that weapon to discharge two or more shots with a single pull or the trigger by altering the trigger reset.

#### **Section 265.01. Criminal possession of a weapon in the fourth degree.**

A person is guilty of criminal possession of a weapon in the fourth degree when:

(1) He or she possesses any firearm, ... ; or

(4) He possesses a rifle, shotgun, antique firearm, black powder rifle, black powder shotgun, or any muzzle-loading firearm, and has been convicted of a felony or serious offense; or

(5) He possesses any dangerous or deadly weapon and is not a citizen of the United States; or

(6) He is a person who has been certified not suitable to possess a rifle or shotgun, as defined in subdivision 16 of § 265.00, and refuses to yield possession of such rifle or shotgun upon the demand of a police officer. Whenever a person is certified not suitable to possess a rifle or shotgun, a member of the police department to which such certification is made, or of the state police, shall forthwith seize any rifle or shotgun possessed by such person. A rifle or shotgun seized as herein provided shall not be destroyed, but shall be delivered to the headquarters of such police department, or state police, and there retained until the aforesaid certificate has been rescinded by the director or physician in charge, or other disposition of such rifle or shotgun has been ordered or authorized by a court of competent jurisdiction.

(7) He knowingly possesses a bullet containing an explosive substance designed to detonate upon impact.

(8) He possesses any armor piercing ammunition with intent to use the same unlawfully against another. Criminal possession of a weapon in the fourth degree is a class A misdemeanor.

#### **Section 265.01-a. Criminal possession of a weapon on school grounds.**

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, maintained or held in trust for the benefit of the New York State College of Forestry at Syracuse University, now known as by the State University of New York college of environmental science and forestry, or upon a school bus as defined in § 142 of the vehicle and traffic law, without the written authorization of such educational institution; provided, however no school, as defined in subdivision ten of section eleven hundred twenty-five of the education law, shall issue such written authorization to any teacher, school administrator, or other person employed at the school who is not primarily employed as a school resource officer, police officer, peace officer, or security guard who has been issued a special armed guard registration card as defined in section eighty-nine-f of the general business law, regardless of whether the person is employed directly by such school or by a third party.

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

#### **Section 265.01-b. Criminal possession of a firearm.**

A person is guilty of criminal possession of a firearm when he or she: (1) possesses any firearm or; (2) lawfully possesses a firearm prior to the effective date of the chapter of the laws of 2013 which added this section subject to the registration requirements of subdivision 16-a of § 400.00 of this chapter and knowingly fails to register such firearm pursuant to such subdivision.

Criminal possession of a firearm is a class E felony.

#### **Section 265.02. Criminal possession of a weapon in the third degree.**

A person is guilty of criminal possession of a weapon in the third degree when:

(1) Such person commits the crime of criminal possession of a weapon in the fourth degree as defined in subdivision 1, 2, 3 or 5 of § 265.01, and has been previously convicted of any crime; or

(2) Such person possesses any explosive or incendiary bomb, bombshell, firearm silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use; or

(3) Such person knowingly possesses a machine-gun, firearm, rifle or shotgun which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun, firearm, rifle or shotgun; or

(5) (i) Such person possesses 3 or more firearms; or (ii) such person possesses a firearm and has been previously convicted of a felony or a class A misdemeanor defined in this chapter within the 5 years immediately preceding the commission of the offense and such possession did not take place in the person's home or place of business; or

(6) Such person knowingly possesses any disguised gun; or

(7) Such person possesses an assault weapon; or

(8) Such person possesses a large capacity ammunition feeding device. For purposes of this subdivision, a large capacity ammunition feeding device shall not include an ammunition feeding device lawfully possessed by such person before the effective date of the chapter of the laws of 2013 which amended this subdivision, that has a capacity of, or that can be readily restored or converted to accept more than 7 but less than 11 rounds of ammunition,

or that was manufactured before September 13, 1994, that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; or

(9) Such person possesses an unloaded firearm and also commits a drug trafficking felony as defined in subdivision 21 of § 10.00 of this chapter as part of the same criminal transaction; or

(10) Such person possesses an unloaded firearm and also commits any violent felony offense as defined in subdivision one of § 70.02 of this chapter as part of the same criminal transaction.

Criminal possession of a weapon in the third degree is a class D felony.

**Section 265.03. Criminal possession of a weapon in the second degree.**

A person is guilty of criminal possession of a weapon in the second degree when:

(1) with intent to use the same unlawfully against another, such person:

(a) possesses a machine-gun; or

(b) possesses a loaded firearm; or

(c) possesses a disguised gun; or

(2) such person possesses 5 or more firearms; or

(3) such person possesses any loaded firearm. Such possession shall not, except as provided in subdivision 1 or 7 of § 265.02 of this article, constitute a violation of this subdivision if such possession takes place in such person's home or place of business.

Criminal possession of a weapon in the second degree is a class C felony.

**Section 265.04. Criminal possession of a weapon in the first degree.**

A person is guilty of criminal possession of a weapon in the first degree when such person:

(1) possesses any explosive substance with intent to use the same unlawfully against the person or property of another; or

(2) possesses 10 or more firearms.

Criminal possession of a weapon in the first degree is a class B felony.

**Section 265.05. Unlawful possession of weapons by persons under sixteen.**

It shall be unlawful for any person under the age of 16 to possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any dangerous knife; provided that the possession of rifle or shotgun or ammunition therefor by the holder of a hunting license or permit issued pursuant to article 11 of the environmental conservation law and used in accordance with said law shall not be governed by this section.

A person who violates the provisions of this section shall be adjudged a juvenile delinquent.

**Section 265.10. Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances.**

1. Any person who manufactures or causes to be manufactured any machine-gun, assault weapon, large capacity ammunition feeding device or disguised gun is guilty of a class D felony. Any person who manufactures or causes to be manufactured any rapid-fire modification device is guilty of a class E felony. ....

2. Any person who transports or ships any machine-gun, firearm silencer, assault weapon or large capacity ammunition feeding device or disguised gun, or who transports or ships as merchandise 5 or more firearms, is guilty of a class D felony. Any person who transports or ships any rapid-fire modification device is guilty of a class E felony. Any person who transports or ships as merchandise any firearm, other than an assault weapon, ... is guilty of a class A misdemeanor.

3. Any person who disposes of any machine-gun, assault weapon, large capacity ammunition feeding device or firearm silencer is guilty of a class D felony. Any person who disposes of any rapid-fire modification device is guilty of a class E felony. Any person who knowingly buys, receives, disposes of, or conceals a machine-gun, firearm, large capacity ammunition feeding device, rifle or shotgun which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun, firearm, large capacity ammunition feeding device, rifle or shotgun is guilty of a class D felony.

4. Any person who disposes of any of the weapons, instruments or appliances specified in subdivision one of § 265.01, except a firearm, is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.
5. Any person who disposes of any of the weapons, instruments, appliances or substances specified in § 265.05 to any other person under the age of 16 years is guilty of a class A misdemeanor.
6. Any person who wilfully defaces any machine-gun, large capacity ammunition feeding device or firearm is guilty of a class D felony.
7. Any person, other than a wholesale dealer, or gunsmith or dealer in firearms duly licensed pursuant to § 400.00, lawfully in possession of a firearm, who disposes of the same without first notifying in writing the licensing officer in the city of New York and counties of Nassau and Suffolk and elsewhere in the state the executive department, division of state police, Albany, is guilty of a class A misdemeanor.

**Section 265.11. Criminal sale of a firearm in the third degree.**

A person is guilty of criminal sale of a firearm in the third degree when such person is not authorized pursuant to law to possess a firearm and such person unlawfully either:

- (1) sells, exchanges, gives or disposes of a firearm or large capacity ammunition feeding device to another person; or
- (2) possesses a firearm with the intent to sell it.

Criminal sale of a firearm in the third degree is a class D felony.

**Section 265.12. Criminal sale of a firearm in the second degree.**

A person is guilty of criminal sale of a firearm in the second degree when such person:

- (1) unlawfully sells, exchanges, gives or disposes of to another 5 or more firearms; or
- (2) unlawfully sells, exchanges, gives or disposes of to another person or persons a total of 5 or more firearms in a period of not more than 1 year.

Criminal sale of a firearm in the second degree is a class C felony.

**Section 265.13. Criminal sale of a firearm in the first degree.**

A person is guilty of criminal sale of a firearm in the first degree when such person:

- (1) unlawfully sells, exchanges, gives or disposes of to another 10 or more firearms; or
- (2) unlawfully sells, exchanges, gives or disposes of to another person or persons a total of 10 or more firearms in a period of not more than 1 year.

Criminal sale of a firearm in the first degree is a class B felony.

**Section 265.14. Criminal sale of a firearm with the aid of a minor.**

A person over the age of 18 years of age is guilty of criminal sale of a weapon with the aid of a minor when a person under 16 years of age knowingly and unlawfully sells, exchanges, gives or disposes of a firearm in violation of this article, and such person over the age of 18 years of age, acting with the mental culpability required for the commission thereof, solicits, requests, commands, importunes or intentionally aids such person under 16 years of age to engage in such conduct.

Criminal sale of a firearm with the aid of a minor is a class C felony.

**Section 265.15. Presumptions of possession, unlawful intent and defacement.**

1. The presence in any room, dwelling, structure or vehicle of any machine-gun is presumptive evidence of its unlawful possession by all persons occupying the place where such machine-gun is found.
2. The presence in any stolen vehicle of any weapon, instrument, appliance or substance specified in §§ 265.01, 265.02, 265.03, 265.04 and 265.05 is presumptive evidence of its possession by all persons occupying such vehicle at the time such weapon, instrument, appliance or substance is found.
3. The presence in an automobile, other than a stolen one or a public omnibus, of any firearm, large capacity ammunition feeding device, defaced firearm, defaced rifle or shotgun, defaced large capacity ammunition feeding device, firearm silencer, explosive or incendiary bomb, bombshell, ... is presumptive evidence of its possession by all persons occupying such automobile at the time such weapon, instrument or appliance is found, except under the following circumstances: (a) if such weapon, instrument or appliance is found upon the person of one of the occupants therein; (b) if such weapon, instrument or appliance is found in an automobile which is being operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his or her trade, then such presumption shall not apply to the driver; or (c) if the weapon so

found is a pistol or revolver and one of the occupants, not present under duress, has in his or her possession a valid license to have and carry concealed the same.

4. The possession by any person of the substance as specified in § 265.04 is presumptive evidence of possessing such substance with intent to use the same unlawfully against the person or property of another if such person is not licensed or otherwise authorized to possess such substance. ....

5. The possession by any person of a defaced machine-gun, firearm, rifle or shotgun is presumptive evidence that such person defaced the same.

6. The possession of 5 or more firearms by any person is presumptive evidence that such person possessed the firearms with the intent to sell same.

#### **Section 265.16. Criminal sale of a firearm to a minor.**

A person is guilty of criminal sale of a firearm to a minor when he is not authorized pursuant to law to possess a firearm and he unlawfully sells, exchanges, gives or disposes of a firearm to another person who is or reasonably appears to be less than 19 years of age who is not licensed pursuant to law to possess a firearm.

Criminal sale of a firearm to a minor is a class C felony.

#### **Section 265.17. Criminal purchase or disposal of a weapon.**

A person is guilty of criminal purchase or disposal of a weapon when:

1. Knowing that he or she is prohibited by law from possessing a firearm, rifle or shotgun because of a prior conviction or because of some other disability which would render him or her ineligible to lawfully possess a firearm, rifle or shotgun in this state, such person purchases a firearm, rifle or shotgun from another person; or

2. Knowing that it would be unlawful for another person to possess a firearm, rifle or shotgun, he or she purchases a firearm, rifle or shotgun for, on behalf of, or for the use of such other person; or

3. Knowing that another person is prohibited by law from possessing a firearm, rifle or shotgun because of a prior conviction or because of some other disability which would render him or her ineligible to lawfully possess a firearm, rifle or shotgun in this state, a person disposes of a firearm, rifle or shotgun to such other person.

Criminal purchase or disposal of a weapon is a class D felony.

#### **Section 265.19. Aggravated criminal possession of a weapon.**

A person is guilty of aggravated criminal possession of a weapon when he or she commits the crime of criminal possession of a weapon in the second degree as defined in subdivision 3 of § 265.03 of this article and also commits any violent felony offense as defined in subdivision one of § 70.02 of this chapter or a drug trafficking felony as defined in subdivision 21 of § 10.00 of this chapter arising out of the same criminal transaction.

Aggravated criminal possession of a weapon is a class C felony.

#### **Section 265.20. Exemptions**

a. Paragraph (h) of subdivision 22 of § 265.00 and §§ 265.01, 265.01-a, subdivision one of § 265.01-b, 265.01c, 265.02, 265.03, 265.04, 265.05, 265.10, 265.11, 265.12, 265.13, 265.15, 265.36, 265.37 and 270.05 shall not apply to:

1. Possession of any of the weapons, instruments, appliances or substances specified in §§ 265.01, 265.01-c, 265.02, 265.03, 265.04, 265.05 and 270.05 by the following:

(a) Persons in the military service of the state of New York when duly authorized by regulations issued by the adjutant general to possess the same.

(b) Police officers as defined in subdivision 34 of § 1.20 of the criminal procedure law.

(c) Peace officers as defined by § 2.10 of the criminal procedure law.

(d) Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

(e) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

(f) A person voluntarily surrendering such weapon, instrument, appliance or substance, provided that such surrender shall be made to the superintendent of the division of state police or a member thereof designated by such superintendent, or to the sheriff of the county in which such person resides, or in the county of Nassau or in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown in the county of Suffolk to the commissioner of police or a member of the police department thereof designated by such commissioner, or if such person

resides in a city, town other than one named in this subparagraph, or village to the police commissioner or head of the police force or department thereof or to a member of the force or department designated by such commissioner or head; and provided, further, that the same shall be surrendered by such person in accordance with such terms and conditions as may be established by such superintendent, sheriff, police force or department. Nothing in this paragraph shall be construed as granting immunity from prosecution for any crime or offense except that of unlawful possession of such weapons, instruments, appliances or substances surrendered as herein provided. A person who possesses any such weapon, instrument, appliance or substance as an executor or administrator or any other lawful possessor of such property of a decedent may continue to possess such property for a period not over 15 days. If such property is not lawfully disposed of within such period the possessor shall deliver it to an appropriate official described in this paragraph or such property may be delivered to the superintendent of state police. Such officer shall hold it and shall thereafter deliver it on the written request of such executor, administrator or other lawful possessor of such property to a named person, provided such named person is licensed to or is otherwise lawfully permitted to possess the same. If no request to deliver the property is received by such official within one year of the delivery of such property, such official shall dispose of it in accordance with the provisions of § 400.05 of this chapter.

**2.** Possession of a machine-gun, large capacity ammunition feeding device, rapid-fire modification device, firearm, switchblade knife, pilum ballistic knife, billy or blackjack by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

**3.** Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under § 400.00 or 400.01 of this chapter or possession of a weapon as defined in paragraph (e) or (f) of subdivision 22 of § 265.00 of this article which is registered pursuant to paragraph (a) of subdivision 16-a of § 400.00 of this chapter or is included on an amended license issued pursuant to § 400.00 of this chapter. In the event such license is revoked, other than because such licensee is no longer permitted to possess a firearm, rifle or shotgun under federal or state law, information sufficient to satisfy the requirements of subdivision 16-a of § 400.00 of this chapter, shall be transmitted by the licensing officer to the state police, in a form as determined by the superintendent of state police. Such transmission shall constitute a valid registration under such section. Further provided, notwithstanding any other section of this title, a failure to register such weapon by an individual who possesses such weapon before the enactment of the chapter of the laws of 2013 which amended this paragraph and may so lawfully possess it thereafter upon registration, shall only be subject to punishment pursuant to paragraph (c) of subdivision 16-a of § 400.00 of this chapter; provided, that such a license or registration shall not preclude a conviction for the offense defined in subdivision 3 of § 265.01 of this article or § 265.01-a of this article.

**4.** Possession of a rifle, shotgun, crossbow or longbow for use while hunting, trapping or fishing, by a person, not a citizen of the United States, carrying a valid license issued pursuant to § 11-0713 of the environmental conservation law.

**5.** Possession of a rifle or shotgun by a person other than a person who has been convicted of a class A-I felony or a violent felony offense, as defined in subdivision 1 of § 70.02 of this chapter, who has been convicted as specified in subdivision 4 of § 265.01 to whom a certificate of good conduct has been issued pursuant to § 703-b of the correction law.

**7.** Possession, at an indoor or outdoor shooting range for the purpose of loading and firing, of a rifle or shotgun, the propelling force of which is gunpowder by a person under 16 years of age but not under 12, under the immediate supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, air force, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy, air force or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state; or (c) a parent, guardian, or a person over the age of 18 designated in writing by such parent or guardian who shall have a certificate of qualification in responsible hunting, including safety, ethics, and landowner relations-hunter relations, issued or honored by the department of environmental conservation; or (d) an agent of the department of environmental conservation appointed to conduct courses in responsible hunting practices pursuant to article 11 of the environmental conservation law.

**7-a.** Possession and use, at an indoor or outdoor pistol range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in small arms or at a target pistol shooting competition under the auspices of or approved by the national rifle association for the purpose of loading and firing the same, by a person duly licensed to possess a pistol or revolver pursuant to § 400.00 or 400.01 of this chapter of a pistol or revolver duly so licensed to another person who is present at the time.

**7-b.** Possession and use, at an indoor or outdoor pistol range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in small arms or at a target

pistol shooting competition under the auspices of or approved by the national rifle association for the purpose of loading and firing the same, by a person who has applied for a license to possess a pistol or revolver and pre-license possession of same pursuant to § 400.00 or 400.01 of this chapter, who has not been previously denied a license, been previously convicted of a felony or serious offense, and who does not appear to be, or pose a threat to be, a danger to himself or to others, and who has been approved for possession and use herein in accordance with § 400.00 or 400.01 of this chapter; provided however, that such possession shall be of a pistol or revolver duly licensed to and shall be used under the supervision, guidance and instruction of, a person specified in paragraph 7 of this subdivision and provided further that such possession and use be within the jurisdiction of the licensing officer with whom the person has made application therefor or within the jurisdiction of the superintendent of state police in the case of a retired sworn member of the division of state police who has opted to make an application pursuant to § 400.01 of this chapter.

**7-c.** Possession for the purpose of loading and firing, of a rifle, pistol or shotgun, the propelling force of which may be either air, compressed gas or springs, by a person under 16 years of age but not under 12, under the immediate supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state; or (c) a parent, guardian, or a person over the age of 18 designated in writing by such parent or guardian who shall have a certificate of qualification in responsible hunting, including safety, ethics, and landowner relations-hunter relations, issued or honored by the department of environmental conservation.

**7-d.** Possession, at an indoor or outdoor shooting range for the purpose of loading and firing, of a rifle, pistol or shotgun, the propelling force of which may be either air, compressed gas or springs, by a person under 12 years of age, under the immediate supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state; or (c) a parent, guardian, or a person over the age of 18 designated in writing by such parent or guardian who shall have a certificate of qualification in responsible hunting, including safety, ethics, and landowner relations-hunter relations, issued or honored by the department of environmental conservation.

**7-e.** Possession and use of a pistol or revolver, at an indoor or outdoor pistol range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in small arms or at a target pistol shooting competition under the auspices of or approved by an association or organization described in paragraph 7-a of this subdivision for the purpose of loading and firing the same by a person at least 14 years of age but under the age of 21 who has not been previously convicted of a felony or serious offense, and who does not appear to be, or pose a threat to be, a danger to himself or to others; provided however, that such possession shall be of a pistol or revolver duly licensed to and shall be used under the immediate supervision, guidance and instruction of, a person specified in paragraph 7 of this subdivision

**7-f.** Possession and use of a magazine, belt, feed strip or similar device, that contains more than 7 rounds of ammunition, but that does not have a capacity of or can readily be restored or converted to accept more than 10 rounds of ammunition, at an indoor or outdoor firing range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in arms; at an indoor or outdoor firing range for the purpose of firing a rifle or shotgun; at a collegiate, olympic or target shooting competition under the auspices of or approved by the national rifle association; or at an organized match sanctioned by the International Handgun Metallic Silhouette Association.

**8.** The manufacturer of machine-guns, firearm silencers, assault weapons, large capacity ammunition feeding devices, rapid-fire modification devices, disguised guns, pilum ballistic knives, switchblade or gravity knives, billies or blackjacks as merchandise, or as a transferee recipient of the same for repair, lawful distribution or research and development, and the disposal and shipment thereof direct to a regularly constituted or appointed state or municipal police department, sheriff, police officer or other peace officer, or to a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, or to the military service of this state or of the United States; or for the repair and return of the same to the lawful possessor or for research and development.

**9.** The regular and ordinary transport of firearms as merchandise, provided that the person transporting such firearms, where he knows or has reasonable means of ascertaining what he is transporting, notifies in writing the police commissioner, police chief or other law enforcement officer performing such functions at the place of delivery, of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by such police commissioner, police chief or other law enforcement

officer as such official may deem necessary for investigation as to whether the consignee may lawfully receive and possess such firearms.

**9-a.**

**a.** Except as provided in subdivision b hereof, the regular and ordinary transport of pistols or revolvers by a manufacturer of firearms to whom a license as a dealer in firearms has been issued pursuant to § 400.00 of this chapter, or by an agent or employee of such manufacturer of firearms who is otherwise duly licensed to carry a pistol or revolver and who is duly authorized in writing by such manufacturer of firearms to transport pistols or revolvers on the date or dates specified, directly between places where the manufacturer of firearms regularly conducts business provided such pistols or revolvers are transported unloaded, in a locked opaque container. For purposes of this subdivision, places where the manufacturer of firearms regularly conducts business includes, but is not limited to places where the manufacturer of firearms regularly or customarily conducts development or design of pistols or revolvers, or regularly or customarily conducts tests on pistols or revolvers, or regularly or customarily participates in the exposition of firearms to the public.

**b.** The transportation of such pistols or revolvers into, out of or within the city of New York may be done only with the consent of the police commissioner of the city of New York. To obtain such consent, the manufacturer must notify the police commissioner in writing of the name and address of the transporting manufacturer, or agent or employee of the manufacturer who is authorized in writing by such manufacturer to transport pistols or revolvers, the number, make and model number of the firearms to be transported and the place where the manufacturer regularly conducts business within the city of New York and such other information as the commissioner may deem necessary. The manufacturer must not transport such pistols and revolvers between the designated places of business for such reasonable period of time designated in writing by the police commissioner as such official may deem necessary for investigation and to give consent. The police commissioner may not unreasonably withhold his consent.

**10.** Engaging in the business of gunsmith or dealer in firearms by a person to whom a valid license therefor has been issued pursuant to § 400.00.

**11.** Possession of a firearm or large capacity ammunition feeding device by a police officer or sworn peace officer of another state while conducting official business within the state of New York.

**12.** Possession of a pistol or revolver by a person who is a member or coach of an accredited college or university target pistol team while transporting the pistol or revolver into or through New York state to participate in a collegiate, olympic or target pistol shooting competition under the auspices of or approved by the national rifle association, provided such pistol or revolver is unloaded and carried in a locked carrying case and the ammunition therefor is carried in a separate locked container.

**12-a.** Possession and use of a pistol or revolver, at an indoor or outdoor shooting range, by a registered student of a higher education institution chartered by the state of New York, who is participating in a course in gun safety and proficiency offered by such institution, under the immediate supervision, guidance, and instruction of a person specified in paragraph 7 of this subdivision.

**13.** Possession of pistols and revolvers by a person who is a nonresident of this state while attending or traveling to or from, an organized competitive pistol match or league competition under auspices of, or approved by, the National Rifle Association and in which he is a competitor, within 48 hours of such event or by a person who is a non-resident of the state while attending or traveling to or from an organized match sanctioned by the International Handgun Metallic Silhouette Association and in which he is a competitor, within 48 hours of such event, provided that he has not been previously convicted of a felony or a crime which, if committed in New York, would constitute a felony, and further provided that the pistols or revolvers are transported unloaded in a locked opaque container together with a copy of the match program, match schedule or match registration card. Such documentation shall constitute prima facie evidence of exemption, providing that such person also has in his possession a pistol license or firearms registration card issued in accordance with the laws of his place of residence. For purposes of this subdivision, a person licensed in a jurisdiction which does not authorize such license by a person who has been previously convicted of a felony shall be presumed to have no prior conviction. The superintendent of state police shall annually review the laws of jurisdictions within the United States and Canada with respect to the applicable requirements for licensing or registration of firearms and shall publish a list of those jurisdictions which prohibit possession of a firearm by a person previously convicted of a felony or crimes which if committed in New York state would constitute a felony.

**13-a.** Except in cities not wholly contained within a single county of the state, possession of pistols and revolvers by a person who is a nonresident of this state while attending or traveling to or from, an organized convention or exhibition for the display of or education about firearms, which is conducted under auspices of, or approved by, the National Rifle Association and in which he is a registered participant, within 48 hours of such event, provided that he has not been previously convicted of a felony or a crime which, if committed in New York, would constitute a felony, and further provided that the pistols or revolvers are transported unloaded in a locked opaque container together with a

copy of the convention or exhibition program, convention or exhibition schedule or convention or exhibition registration card. Such documentation shall constitute prima facie evidence of exemption, providing that such person also has in his possession a pistol license or firearms registration card issued in accordance with the laws of his place of residence. For purposes of this paragraph, a person licensed in a jurisdiction which does not authorize such license by a person who has been previously convicted of a felony shall be presumed to have no prior conviction. The superintendent of state police shall annually review the laws of jurisdictions within the United States and Canada with respect to the applicable requirements for licensing or registration of firearms and shall publish a list of those jurisdictions which prohibit possession of a firearm by a person previously convicted of a felony or crimes which if committed in New York state would constitute a felony.

**16.** The terms "rifle," "shotgun," "pistol," "revolver," and "firearm" as used in paragraphs 3, 4, 5, 7, 7-a, 7-b, 9, 9-a, 10, 12, 13 and 13-a of this subdivision shall not include a disguised gun or an assault weapon.

**e.** Subdivision 8 of § 265.02 and §§ 265.36 and 265.37 of this chapter shall not apply to a qualified retired New York or federal law enforcement officer as defined in subdivision 25 of § 265.00 of this article, with respect to large capacity ammunition feeding devices issued to such officer or purchased by such officer in the course of his or her official duties and owned by such officer at the time of his or her retirement or comparable replacements for such devices, if: **(i)** the agency that employed the officer qualified such officer in the use of the weapon which accepts such device in accordance with applicable state or federal standards for active duty law enforcement officers within 12 months prior to his or her retirement; and **(ii)** such retired officer meets, at his or her own expense, such applicable standards for such weapon at least once within 3 years after his or her retirement date and at least once every 3 years thereafter, provided, however, that any such qualified officer who has been retired for 18 months or more on the effective date of this subdivision shall have 18 months from such effective date to qualify in the use of the weapon which accepts such large capacity ammunition feeding device according to the provisions of this subdivision, notwithstanding that such officer did not qualify within 3 years after his or her retirement date, provided that such officer is otherwise qualified and maintains compliance with the provisions of this subdivision.

#### **Section 265.20. Exemptions [Effective January 26, 2020]**

**a.** Paragraph (h) of subdivision twenty-two of section 265.00 and sections 265.01, 265.01-a, 265.01-b, 265.01-c, 265.02, 265.03, 265.04, 265.05, 265.10, 265.11, 265.12, 265.13, 265.15, 265.36, 265.37, 265.50, 265.55 and 270.05 shall not apply to:

**1.** Possession of any of the weapons, instruments, appliances or substances specified in sections 265.01, 265.01-c, 265.02, 265.03, 265.04, 265.05, 265.50, 265.55 and 270.05 by the following:

**(a)** Persons in the military service of the state of New York when duly authorized by regulations issued by the adjutant general to possess the same.

**(b)** Police officers as defined in subdivision thirty-four of section 1.20 of the criminal procedure law.

**(c)** Peace officers as defined by section 2.10 of the criminal procedure law.

**(d)** Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

**(e)** Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

**(f)** A person voluntarily surrendering such weapon, instrument, appliance or substance, provided that such surrender shall be made to the superintendent of the division of state police or a member thereof designated by such superintendent, or to the sheriff of the county in which such person resides, or in the county of Nassau or in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown in the county of Suffolk to the commissioner of police or a member of the police department thereof designated by such commissioner, or if such person resides in a city, town other than one named in this subparagraph, or village to the police commissioner or head of the police force or department thereof or to a member of the force or department designated by such commissioner or head; and provided, further, that the same shall be surrendered by such person in accordance with such terms and conditions as may be established by such superintendent, sheriff, police force or department. Nothing in this paragraph shall be construed as granting immunity from prosecution for any crime or offense except that of unlawful possession of such weapons, instruments, appliances or substances surrendered as herein provided. A person who possesses any such weapon, instrument, appliance or substance as an executor or administrator or any other lawful possessor of such property of a decedent may continue to possess such property for a period not over fifteen days. If such property is not lawfully disposed of within such period the possessor shall deliver it to an appropriate official described in this paragraph or such property may be delivered to the superintendent of state police. Such officer shall hold it and shall thereafter deliver it on the written request of such executor, administrator or other lawful possessor of such property to a named person, provided such

named person is licensed to or is otherwise lawfully permitted to possess the same. If no request to deliver the property is received by such official within one year of the delivery of such property, such official shall dispose of it in accordance with the provisions of section 400.05 of this chapter.

**2.** Possession of a machine-gun, large capacity ammunition feeding device, rapid-fire modification device, firearm, switchblade knife, pilum ballistic knife, billy or blackjack by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

**3.** Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00 or 400.01 of this chapter or possession of a weapon as defined in paragraph (e) or (f) of subdivision twenty-two of section 265.00 of this article which is registered pursuant to paragraph (a) of subdivision sixteen-a of section 400.00 of this chapter or is included on an amended license issued pursuant to section 400.00 of this chapter. In the event such license is revoked, other than because such licensee is no longer permitted to possess a firearm, rifle or shotgun under federal or state law, information sufficient to satisfy the requirements of subdivision sixteen-a of section 400.00 of this chapter, shall be transmitted by the licensing officer to the state police, in a form as determined by the superintendent of state police. Such transmission shall constitute a valid registration under such section. Further provided, notwithstanding any other section of this title, a failure to register such weapon by an individual who possesses such weapon before the enactment of the chapter of the laws of two thousand thirteen which amended this paragraph and may so lawfully possess it thereafter upon registration, shall only be subject to punishment pursuant to paragraph (c) of subdivision sixteen-a of section 400.00 of this chapter; provided, that such a license or registration shall not preclude a conviction for the offense defined in subdivision three of section 265.01 of this article or section 265.01-a of this article.

**4.** Possession of a rifle, shotgun, crossbow or longbow for use while hunting, trapping or fishing, by a person, not a citizen of the United States, carrying a valid license issued pursuant to section 11-0713 of the environmental conservation law.

**5.** Possession of a rifle or shotgun by a person other than a person who has been convicted of a class A-I felony or a violent felony offense, as defined in subdivision one of section 70.02 of this chapter, who has been convicted as specified in subdivision four of section 265.01 to whom a certificate of good conduct has been issued pursuant to section seven hundred three-b of the correction law.

**7.** Possession, at an indoor or outdoor shooting range for the purpose of loading and firing, of a rifle or shotgun, the propelling force of which is gunpowder by a person under sixteen years of age but not under twelve, under the immediate supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, air force, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy, air force or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state; or (c) a parent, guardian, or a person over the age of eighteen designated in writing by such parent or guardian who shall have a certificate of qualification in responsible hunting, including safety, ethics, and landowner relations-hunter relations, issued or honored by the department of environmental conservation; or (d) an agent of the department of environmental conservation appointed to conduct courses in responsible hunting practices pursuant to article eleven of the environmental conservation law.

**7-a.** Possession and use, at an indoor or outdoor pistol range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in small arms or at a target pistol shooting competition under the auspices of or approved by the national rifle association for the purpose of loading and firing the same, by a person duly licensed to possess a pistol or revolver pursuant to section 400.00 or 400.01 of this chapter of a pistol or revolver duly so licensed to another person who is present at the time.

**7-b.** Possession and use, at an indoor or outdoor pistol range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in small arms or at a target pistol shooting competition under the auspices of or approved by the national rifle association for the purpose of loading and firing the same, by a person who has applied for a license to possess a pistol or revolver and pre-license possession of same pursuant to section 400.00 or 400.01 of this chapter, who has not been previously denied a license, been previously convicted of a felony or serious offense, and who does not appear to be, or pose a threat to be, a danger to himself or to others, and who has been approved for possession and use herein in accordance with section 400.00 or 400.01 of this chapter; provided however, that such possession shall be of a pistol or revolver duly licensed to and shall be used under the supervision, guidance and instruction of, a person specified in paragraph seven of this subdivision and provided further that such possession and use be within the jurisdiction of the licensing officer with whom the person has made application therefor or within the jurisdiction of the superintendent of state

police in the case of a retired sworn member of the division of state police who has opted to make an application pursuant to section 400.01 of this chapter.

**7-c.** Possession for the purpose of loading and firing, of a rifle, pistol or shotgun, the propelling force of which may be either air, compressed gas or springs, by a person under sixteen years of age but not under twelve, under the immediate supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state; or (c) a parent, guardian, or a person over the age of eighteen designated in writing by such parent or guardian who shall have a certificate of qualification in responsible hunting, including safety, ethics, and landowner relations-hunter relations, issued or honored by the department of environmental conservation.

**7-d.** Possession, at an indoor or outdoor shooting range for the purpose of loading and firing, of a rifle, pistol or shotgun, the propelling force of which may be either air, compressed gas or springs, by a person under twelve years of age, under the immediate supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state; or (c) a parent, guardian, or a person over the age of eighteen designated in writing by such parent or guardian who shall have a certificate of qualification in responsible hunting, including safety, ethics, and landowner relations-hunter relations, issued or honored by the department of environmental conservation.

**7-e.** Possession and use of a pistol or revolver, at an indoor or outdoor pistol range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in small arms or at a target pistol shooting competition under the auspices of or approved by an association or organization described in paragraph 7-a of this subdivision for the purpose of loading and firing the same by a person at least fourteen years of age but under the age of twenty-one who has not been previously convicted of a felony or serious offense, and who does not appear to be, or pose a threat to be, a danger to himself or to others; provided however, that such possession shall be of a pistol or revolver duly licensed to and shall be used under the immediate supervision, guidance and instruction of, a person specified in paragraph seven of this subdivision.

**7-f.** Possession and use of a magazine, belt, feed strip or similar device, that contains more than seven rounds of ammunition, but that does not have a capacity of or can readily be restored or converted to accept more than ten rounds of ammunition, at an indoor or outdoor firing range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in arms; at an indoor or outdoor firing range for the purpose of firing a rifle or shotgun; at a collegiate, olympic or target shooting competition under the auspices of or approved by the national rifle association; or at an organized match sanctioned by the International Handgun Metallic Silhouette Association.

**8.** The manufacturer of machine-guns, firearm silencers, assault weapons, large capacity ammunition feeding devices, rapid-fire modification devices, disguised guns, pilum ballistic knives, switchblade or gravity knives, billies or blackjacks as merchandise, or as a transferee recipient of the same for repair, lawful distribution or research and development, and the disposal and shipment thereof direct to a regularly constituted or appointed state or municipal police department, sheriff, police officer or other peace officer, or to a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, or to the military service of this state or of the United States; or for the repair and return of the same to the lawful possessor or for research and development.

**9.** The regular and ordinary transport of firearms as merchandise, provided that the person transporting such firearms, where he knows or has reasonable means of ascertaining what he is transporting, notifies in writing the police commissioner, police chief or other law enforcement officer performing such functions at the place of delivery, of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by such police commissioner, police chief or other law enforcement officer as such official may deem necessary for investigation as to whether the consignee may lawfully receive and possess such firearms.

**9-a.**

**a.** Except as provided in subdivision b hereof, the regular and ordinary transport of pistols or revolvers by a manufacturer of firearms to whom a license as a dealer in firearms has been issued pursuant to section 400.00 of this chapter, or by an agent or employee of such manufacturer of firearms who is otherwise duly licensed to carry a pistol or revolver and who is duly authorized in writing by such manufacturer of firearms to transport pistols or revolvers on the date or dates specified, directly between places where the manufacturer of firearms regularly

conducts business provided such pistols or revolvers are transported unloaded, in a locked opaque container. For purposes of this subdivision, places where the manufacturer of firearms regularly conducts business includes, but is not limited to places where the manufacturer of firearms regularly or customarily conducts development or design of pistols or revolvers, or regularly or customarily conducts tests on pistols or revolvers, or regularly or customarily participates in the exposition of firearms to the public.

**b.** The transportation of such pistols or revolvers into, out of or within the city of New York may be done only with the consent of the police commissioner of the city of New York. To obtain such consent, the manufacturer must notify the police commissioner in writing of the name and address of the transporting manufacturer, or agent or employee of the manufacturer who is authorized in writing by such manufacturer to transport pistols or revolvers, the number, make and model number of the firearms to be transported and the place where the manufacturer regularly conducts business within the city of New York and such other information as the commissioner may deem necessary. The manufacturer must not transport such pistols and revolvers between the designated places of business for such reasonable period of time designated in writing by the police commissioner as such official may deem necessary for investigation and to give consent. The police commissioner may not unreasonably withhold his consent.

**10.** Engaging in the business of gunsmith or dealer in firearms by a person to whom a valid license therefor has been issued pursuant to section 400.00.

**11.** Possession of a firearm or large capacity ammunition feeding device by a police officer or sworn peace officer of another state while conducting official business within the state of New York.

**12.** Possession of a pistol or revolver by a person who is a member or coach of an accredited college or university target pistol team while transporting the pistol or revolver into or through New York state to participate in a collegiate, olympic or target pistol shooting competition under the auspices of or approved by the national rifle association, provided such pistol or revolver is unloaded and carried in a locked carrying case and the ammunition therefor is carried in a separate locked container.

**12-a.** Possession and use of a pistol or revolver, at an indoor or outdoor shooting range, by a registered student of a higher education institution chartered by the state of New York, who is participating in a course in gun safety and proficiency offered by such institution, under the immediate supervision, guidance, and instruction of a person specified in paragraph seven of this subdivision.

**13.** Possession of pistols and revolvers by a person who is a nonresident of this state while attending or traveling to or from, an organized competitive pistol match or league competition under auspices of, or approved by, the National Rifle Association and in which he is a competitor, within forty-eight hours of such event or by a person who is a non-resident of the state while attending or traveling to or from an organized match sanctioned by the International Handgun Metallic Silhouette Association and in which he is a competitor, within forty-eight hours of such event, provided that he has not been previously convicted of a felony or a crime which, if committed in New York, would constitute a felony, and further provided that the pistols or revolvers are transported unloaded in a locked opaque container together with a copy of the match program, match schedule or match registration card. Such documentation shall constitute prima facie evidence of exemption, providing that such person also has in his possession a pistol license or firearms registration card issued in accordance with the laws of his place of residence. For purposes of this subdivision, a person licensed in a jurisdiction which does not authorize such license by a person who has been previously convicted of a felony shall be presumed to have no prior conviction. The superintendent of state police shall annually review the laws of jurisdictions within the United States and Canada with respect to the applicable requirements for licensing or registration of firearms and shall publish a list of those jurisdictions which prohibit possession of a firearm by a person previously convicted of a felony or crimes which if committed in New York state would constitute a felony.

**13-a.** Except in cities not wholly contained within a single county of the state, possession of pistols and revolvers by a person who is a nonresident of this state while attending or traveling to or from, an organized convention or exhibition for the display of or education about firearms, which is conducted under auspices of, or approved by, the National Rifle Association and in which he is a registered participant, within forty-eight hours of such event, provided that he has not been previously convicted of a felony or a crime which, if committed in New York, would constitute a felony, and further provided that the pistols or revolvers are transported unloaded in a locked opaque container together with a copy of the convention or exhibition program, convention or exhibition schedule or convention or exhibition registration card. Such documentation shall constitute prima facie evidence of exemption, providing that such person also has in his possession a pistol license or firearms registration card issued in accordance with the laws of his place of residence. For purposes of this paragraph, a person licensed in a jurisdiction which does not authorize such license by a person who has been previously convicted of a felony shall be presumed to have no prior conviction. The superintendent of state police shall annually review the laws of jurisdictions within the United States and Canada with respect to the applicable requirements for licensing or registration of firearms and shall publish a list of those

jurisdictions which prohibit possession of a firearm by a person previously convicted of a felony or crimes which if committed in New York state would constitute a felony.

**16.** The terms "rifle," "shotgun," "pistol," "revolver," and "firearm" as used in paragraphs three, four, five, seven, seven-a, seven-b, nine, nine-a, ten, twelve, thirteen and thirteen-a of this subdivision shall not include a disguised gun or an assault weapon.

**e.** Subdivision eight of section 265.02 and sections 265.36 and 265.37 of this chapter shall not apply to a qualified retired New York or federal law enforcement officer as defined in subdivision twenty-five of section 265.00 of this article, with respect to large capacity ammunition feeding devices issued to such officer or purchased by such officer in the course of his or her official duties and owned by such officer at the time of his or her retirement or comparable replacements for such devices, if: (i) the agency that employed the officer qualified such officer in the use of the weapon which accepts such device in accordance with applicable state or federal standards for active duty law enforcement officers within twelve months prior to his or her retirement; and (ii) such retired officer meets, at his or her own expense, such applicable standards for such weapon at least once within three years after his or her retirement date and at least once every three years thereafter, provided, however, that any such qualified officer who has been retired for eighteen months or more on the effective date of this subdivision shall have eighteen months from such effective date to qualify in the use of the weapon which accepts such large capacity ammunition feeding device according to the provisions of this subdivision, notwithstanding that such officer did not qualify within three years after his or her retirement date, provided that such officer is otherwise qualified and maintains compliance with the provisions of this subdivision.

**Section 265.36. Unlawful possession of a large capacity ammunition feeding device.**

It shall be unlawful for a person to knowingly possess a large capacity ammunition feeding device manufactured before September thirteenth, nineteen hundred ninety-four, and if such person lawfully possessed such large capacity feeding device before the effective date of the chapter of the laws of two thousand thirteen which added this section, that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition.

An individual who has a reasonable belief that such device is of such a character that it may lawfully be possessed and who surrenders or lawfully disposes of such device within thirty days of being notified by law enforcement or county licensing officials that such possession is unlawful shall not be guilty of this offense. It shall be a rebuttable presumption that such person knows that such large capacity ammunition feeding device may not be lawfully possessed if he or she has been contacted by law enforcement or county licensing officials and informed that such device may not be lawfully possessed.

Unlawful possession of a large capacity ammunition feeding device is a class A misdemeanor.

**Section 265.37. Unlawful possession of certain ammunition feeding devices.**

It shall be unlawful for a person to knowingly possess an ammunition feeding device where such device contains more than seven rounds of ammunition.

If such device containing more than seven rounds of ammunition is possessed within the home of the possessor, the person so possessing the device shall, for a first offense, be guilty of a violation and subject to a fine of two hundred dollars, and for each subsequent offense, be guilty of a class B misdemeanor and subject to a fine of two hundred dollars and a term of up to three months imprisonment.

If such device containing more than seven rounds of ammunition is possessed in any location other than the home of the possessor, the person so possessing the device shall, for a first offense, be guilty of a class B misdemeanor and subject to a fine of two hundred dollars and a term of up to six months imprisonment, and for each subsequent offense, be guilty of a class A misdemeanor.

**Section 265.40. Purchase of rifles and/or shotguns in contiguous states.**

Definitions. As used in this act:

- 1. "Contiguous state"** shall mean any state having any portion of its border in common with a portion of the border of the state of New York;
- 2.** All other terms herein shall be given the meaning prescribed in Public Law 90-618 known as the "Gun Control Act of 1968" (18 U.S.C. 921).

It shall be lawful for a person or persons residing in this state, to purchase or otherwise obtain a rifle and/or shotgun in a contiguous state, and to receive or transport such rifle and/or shotgun into this state; provided, however, such person is otherwise eligible to possess a rifle and/or shotgun under the laws of this state.

**Section 265.45. Failure to safely store rifles, shotguns, and firearms in the first degree.**

No person who owns or is custodian of a rifle, shotgun or firearm who resides with an individual who : (i) is under sixteen 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, or pursuant to a temporary or final extreme risk protection order issued under article sixty-three-A of the civil practice law and rules, 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. 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, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the weapon contained therein. 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. It shall not be a violation of this section to allow a person less than sixteen 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 sixteen 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.

**Section 265.50. [There are two § 265.50] Criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun. [Effective January 26, 2020]**

A person is guilty of criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun when he or she knowingly manufactures, causes to be manufactured, sells, exchanges, gives, disposes of, transports, ships, or possesses with the intent to sell:

1. any firearm, rifle or shotgun that, after the removal of grips, stocks and magazines, is not detectable by a metal detector calibrated to detect the Security Exemplar, as defined pursuant to 18 U.S.C. Section 922(p); or
2. any major component of a firearm, rifle or shotgun that, if subject to the types of detection devices commonly used at airports for security screening, does not generate an image that adequately displays the shape of the component.

Criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun is a class D felony.

**Section 265.50. [There are two § 265.50] Failure to safely store rifles, shotguns, and firearms in the second degree.**

No person who owns or is custodian of a rifle, shotgun or firearm and knows, or has reason to know, that a person less than sixteen years of age is likely to gain access to such rifle, shotgun or firearm 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. For purposes of this section "safe storage depository" shall have the same meaning as such term is defined in section 265.45 of this article. 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.

It shall not be a violation of this section to allow a person less than sixteen 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 sixteen 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 second degree is a violation punishable only by a fine of not more than two hundred fifty dollars.

**Section 265.55. Criminal possession of an undetectable firearm, rifle or shotgun. [Effective January 26, 2020]**

A person is guilty of criminal possession of an undetectable firearm, rifle or shotgun when he or she knowingly possesses:

1. any firearm, rifle or shotgun that, after the removal of grips, stocks and magazines, is not detectable by a metal detector calibrated to detect the Security Exemplar, as defined pursuant to 18 U.S.C. Section 922(p); or
2. any major component of a firearm, rifle or shotgun that, if subject to the types of detection devices commonly used at airports for security screening, does not generate an image that adequately displays the shape of the component.

Criminal possession of an undetectable firearm, rifle or shotgun is a class E felony.

**Part 4 – Administrative Provisions**  
**Title W – Provisions Relating to Firearms, Fireworks, ...**  
**Article 400 – Licensing and Other Provisions Relating to Firearms**

**Section 400.00. Licenses to carry, possess, repair and dispose of firearms**

**1. Eligibility.** 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 (a) 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; (b) of good moral character; (c) 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; (d) who is not a fugitive from justice; (e) who is not an unlawful user of or addicted to any controlled substance as defined in section 21 U.S.C. 802; (f) 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); (g) who has not been discharged from the Armed Forces under dishonorable conditions; (h) who, having been a citizen of the United States, has not renounced his or her citizenship; (i) who has stated whether he or she has ever suffered any mental illness; (j) 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, section four hundred two or five hundred eight of the correction law, section 322.2 or 353.4 of the family court act, or has not been civilly confined in a secure treatment facility pursuant to article ten of the mental hygiene law; (k) 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; (l) 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; and (ii) persons who were licensed to possess a pistol or revolver prior to the effective date of this paragraph are not required to have completed a firearms safety course and test; (m) 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, incapacity, condition or disease, he or she lacks the mental capacity to contract or manage his or her own affairs; and (n) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, 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.

**2. Types of licenses.** A license for gunsmith or dealer in firearms shall be issued to engage in such business. A license for a pistol or revolver, other than an assault weapon or a disguised gun, shall be issued to (a) have and possess in his dwelling by a householder; (b) have and possess in his place of business by a merchant or storekeeper; (c) have and carry concealed while so employed by a messenger employed by a banking institution or express company; (d) have and carry concealed by a justice of the supreme court in the first or second judicial departments, or by a judge of the New York city civil court or the New York city criminal court; (e) have and carry concealed while so employed by a regular employee of an institution of the state, or of any county, city, town or village, under control of a commissioner of correction of the city or any warden, superintendent or head keeper of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, provided that application is made therefor by such commissioner, warden, superintendent or head keeper; (f) have and carry concealed, without regard to employment or place of possession, by any person when proper cause exists for the issuance thereof; and (g) have, possess, collect and carry antique pistols which are defined as follows: (i) any single shot, muzzle loading pistol with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898, which is not designed for using rimfire or conventional centerfire fixed ammunition; and (ii) any replica of any pistol described in clause (i) hereof if such replica—

**(1)** is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

**(2)** uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

**3. Applications.**

**(a)** Applications shall be made and renewed, in the case of a license to carry or possess a pistol or revolver, to the licensing officer in the city or county, as the case may be, where the applicant resides, is principally employed or has

his or her principal place of business as merchant or storekeeper; and, in the case of a license as gunsmith or dealer in firearms, to the licensing officer where such place of business is located. Blank applications shall, except in the city of New York, be approved as to form by the superintendent of state police. An application shall state the full name, date of birth, residence, present occupation of each person or individual signing the same, whether or not he or she is a citizen of the United States, whether or not he or she complies with each requirement for eligibility specified in subdivision one of this section and such other facts as may be required to show the good character, competency and integrity of each person or individual signing the application. An application shall be signed and verified by the applicant. Each individual signing an application shall submit one photograph of himself or herself and a duplicate for each required copy of the application. Such photographs shall have been taken within thirty days prior to filing the application. In case of a license as gunsmith or dealer in firearms, the photographs submitted shall be two inches square, and the application shall also state the previous occupation of each individual signing the same and the location of the place of such business, or of the bureau, agency, subagency, office or branch office for which the license is sought, specifying the name of the city, town or village, indicating the street and number and otherwise giving such apt description as to point out reasonably the location thereof. In such case, if the applicant is a firm, partnership or corporation, its name, date and place of formation, and principal place of business shall be stated. For such firm or partnership, the application shall be signed and verified by each individual composing or intending to compose the same, and for such corporation, by each officer thereof.

**(b)** Application for an exemption under paragraph seven-b of subdivision a of section 265.20 of this chapter. Each applicant desiring to obtain the exemption set forth in paragraph seven-b of subdivision a of section 265.20 of this chapter shall make such request in writing of the licensing officer with whom his application for a license is filed, at the time of filing such application. Such request shall include a signed and verified statement by the person authorized to instruct and supervise the applicant, that has met with the applicant and that he has determined that, in his judgment, said applicant does not appear to be or poses a threat to be, a danger to himself or to others. He shall include a copy of his certificate as an instructor in small arms, if he is required to be certified, and state his address and telephone number. He shall specify the exact location by name, address and telephone number where such instruction will take place. Such licensing officer shall, no later than ten business days after such filing, request the duly constituted police authorities of the locality where such application is made to investigate and ascertain any previous criminal record of the applicant pursuant to subdivision four of this section. Upon completion of this investigation, the police authority shall report the results to the licensing officer without unnecessary delay. The licensing officer shall no later than ten business days after the receipt of such investigation, determine if the applicant has been previously denied a license, been convicted of a felony, or been convicted of a serious offense, and either approve or disapprove the applicant for exemption purposes based upon such determinations. If the applicant is approved for the exemption, the licensing officer shall notify the appropriate duly constituted police authorities and the applicant. Such exemption shall terminate if the application for the license is denied, or at any earlier time based upon any information obtained by the licensing officer or the appropriate police authorities which would cause the license to be denied. The applicant and appropriate police authorities shall be notified of any such terminations.

**4. Investigation.** Before a license is issued or renewed, there shall be an investigation of all statements required in the application by the duly constituted police authorities of the locality where such application is made, including but not limited to such records as may be accessible to the division of state police or division of criminal justice services pursuant to section 400.02 of this article. For that purpose, the records of the appropriate office of the department of mental hygiene concerning previous or present mental illness of the applicant shall be available for inspection by the investigating officer of the police authority. Where the applicant is domiciled in a foreign state, the investigation shall include inquiry of the foreign state for records concerning the previous or present mental illness of the applicant, and, to the extent necessary for inspection by the investigating officer, the applicant shall execute a waiver of confidentiality of such record in such form as may be required by the foreign state. In order to ascertain any previous criminal record, the investigating officer shall take the fingerprints and physical descriptive data in quadruplicate of each individual by whom the application is signed and verified. Two copies of such fingerprints shall be taken on standard fingerprint cards eight inches square, and one copy may be taken on a card supplied for that purpose by the federal bureau of investigation; provided, however, that in the case of a corporate applicant that has already been issued a dealer in firearms license and seeks to operate a firearm dealership at a second or subsequent location, the original fingerprints on file may be used to ascertain any criminal record in the second or subsequent application unless any of the corporate officers have changed since the prior application, in which case the new corporate officer shall comply with procedures governing an initial application for such license. When completed, one standard card shall be forwarded to and retained by the division of criminal justice services in the executive department, at Albany. A search of the files of such division and written notification of the results of the search to the investigating officer shall be made without unnecessary delay. Thereafter, such division shall notify the licensing officer and the executive department, division of state police, Albany, of any criminal record of the applicant filed therein subsequent to the search of its files. A second standard card, or the one supplied by the federal bureau of investigation, as the case may be, shall be forwarded to that bureau at Washington with a request that the files of the bureau be searched and notification of the results of the search be made to the investigating police authority. Of the remaining two fingerprint cards, one shall be filed with the executive department, division of state police, Albany, within ten days after issuance of the license, and the other remain on file with the investigating police authority. No such

fingerprints may be inspected by any person other than a peace officer, who is acting pursuant to his or her special duties, or a police officer, except on order of a judge or justice of a court of record either upon notice to the licensee or without notice, as the judge or justice may deem appropriate. Upon completion of the investigation, the police authority shall report the results to the licensing officer without unnecessary delay.

**4-a.** Processing of license applications. Applications for licenses shall be accepted for processing by the licensing officer at the time of presentment. Except upon written notice to the applicant specifically stating the reasons for any delay, in each case the licensing officer shall act upon any application for a license pursuant to this section within six months of the date of presentment of such an application to the appropriate authority. Such delay may only be for good cause and with respect to the applicant. 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.

**4-b.** Westchester county firearms safety course certificate. In the county of Westchester, at the time of application, the licensing officer to which the license application is made shall provide a copy of the safety course booklet to each license applicant. Before such license is issued, such licensing officer shall require that the applicant submit a certificate of successful completion of a firearms safety course and test issued in his or her name and endorsed and affirmed under the penalties of perjury by a duly authorized instructor.

**5.** Filing of approved applications.

**(a)** The application for any license, if granted, shall be filed by the licensing officer with the clerk of the county of issuance, except that in the city of New York and, in the counties of Nassau and Suffolk, the licensing officer shall designate the place of filing in the appropriate division, bureau or unit of the police department thereof, and in the county of Suffolk the county clerk is hereby authorized to transfer all records or applications relating to firearms to the licensing authority of that county. Except as provided in paragraphs (b) through (f) of this subdivision, the name and address of any person to whom an application for any license has been granted shall be a public record. Upon application by a licensee who has changed his place of residence such records or applications shall be transferred to the appropriate officer at the licensee's new place of residence. A duplicate copy of such application shall be filed by the licensing officer in the executive department, division of state police, Albany, within ten days after issuance of the license. The superintendent of state police may designate that such application shall be transmitted to the division of state police electronically. In the event the superintendent of the division of state police determines that it lacks any of the records required to be filed with the division, it may request that such records be provided to it by the appropriate clerk, department or authority and such clerk, department or authority shall provide the division with such records. In the event such clerk, department or authority lacks such records, the division may request the license holder provide information sufficient to constitute such record and such license holder shall provide the division with such information. Such information shall be limited to the license holder's name, date of birth, gender, race, residential address, social security number and firearms possessed by said license holder. Nothing in this subdivision shall be construed to change the expiration date or term of such licenses if otherwise provided for in law. Records assembled or collected for purposes of inclusion in the database established by this section shall be released pursuant to a court order. Records assembled or collected for purposes of inclusion in the database created pursuant to section 400.02 of this chapter shall not be subject to disclosure pursuant to article six of the public officers law.

**(b)** Each application for a license pursuant to paragraph (a) of this subdivision shall include, on a separate written form prepared by the division of state police within thirty days of the effective date of the chapter of the laws of two thousand thirteen, which amended this section, and provided to the applicant at the same time and in the same manner as the application for a license, an opportunity for the applicant to request an exception from his or her application information becoming public record pursuant to paragraph (a) of this subdivision. Such forms, which shall also be made available to individuals who had applied for or been granted a license prior to the effective date of the chapter of the laws of two thousand thirteen which amended this section, shall notify applicants that, upon discovery that an applicant knowingly provided false information, such applicant may be subject to penalties pursuant to section 175.30 of this chapter, and further, that his or her request for an exception shall be null and void, provided that written notice containing such determination is provided to the applicant. Further, such forms shall provide each applicant an opportunity to specify the grounds on which he or she believes his or her application information should not be publicly disclosed. These grounds, which shall be identified on the application with a box beside each for checking, as applicable, by the applicant, shall be as follows:

- (i)** the applicant's life or safety may be endangered by disclosure because:
  - (A)** the applicant is an active or retired police officer, peace officer, probation officer, parole officer, or corrections officer;
  - (B)** the applicant is a protected person under a currently valid order of protection;
  - (C)** the applicant is or was a witness in a criminal proceeding involving a criminal charge;
  - (D)** the applicant is participating or previously participated as a juror in a criminal proceeding, or is or was a member of a grand jury; or

**(E)** the applicant is a spouse, domestic partner or household member of a person identified in this subparagraph or subparagraph (ii) of this paragraph, specifying which subparagraph or subparagraphs and clauses apply.

**(ii)** the applicant has reason to believe his or her life or safety may be endangered by disclosure due to reasons stated by the applicant.

**(iii)** the applicant has reason to believe he or she may be subject to unwarranted harassment upon disclosure of such information.

**(c)** Each form provided for recertification pursuant to paragraph (b) of subdivision ten of this section shall include an opportunity for the applicant to request an exception from the information provided on such form becoming public record pursuant to paragraph (a) of this subdivision. Such forms shall notify applicants that, upon discovery that an applicant knowingly provided false information, such applicant may be subject to penalties pursuant to section 175.30 of this chapter, and further, that his or her request for an exception shall be null and void, provided that written notice containing such determination is provided to the applicant. Further, such forms shall provide each applicant an opportunity to either decline to request the grant or continuation of an exception, or specify the grounds on which he or she believes his or her information should not be publicly disclosed. These grounds, which shall be identified in the application with a box beside each for checking, as applicable, by the applicant, shall be the same as provided in paragraph (b) of this subdivision.

**(d)** Information submitted on the forms described in paragraph (b) of this subdivision shall be excepted from disclosure and maintained by the entity retaining such information separate and apart from all other records.

**(e)**

**(i)** Upon receiving a request for exception from disclosure, the licensing officer shall grant such exception, unless the request is determined to be null and void, pursuant to paragraph (b) or (c) of this subdivision.

**(ii)** A request for an exception from disclosure may be submitted at any time, including after a license or recertification has been granted.

**(iii)** If an exception is sought and granted pursuant to paragraph (b) of this subdivision, the application information shall not be public record, unless the request is determined to be null and void. If an exception is sought and granted pursuant to paragraph (c) of this subdivision, the information concerning such recertification application shall not be public record, unless the request is determined to be null and void. Notwithstanding the foregoing provisions of this subparagraph, local and state law enforcement shall, upon request, be granted access to and copies of such application information provided that such information obtained by law enforcement pursuant to this subparagraph shall not be considered a public record of such law enforcement agency.

**(f)** The information of licensees or applicants for a license shall not be disclosed to the public during the first one hundred twenty days following the effective date of the chapter of the laws of two thousand thirteen, which amended this section. After such period, the information of those who had applied for or been granted a license prior to the preparation of the form for requesting an exception, pursuant to paragraph (b) of this subdivision, may be released only if such individuals did not file a request for such an exception during the first sixty days following such preparation; provided, however, that no information contained in an application for licensure or recertification shall be disclosed by an entity that has not completed processing any such requests received during such sixty days.

**(g)** If a request for an exception is determined to be null and void pursuant to paragraph (b) or (c) of this subdivision, an applicant may request review of such determination pursuant to article seventy-eight of the civil practice laws [law]\*Link to the text of the note and rules. Such proceeding must commence within thirty days after service of the written notice containing the adverse determination. Notice of the right to commence such a petition, and the time period therefor, shall be included in the notice of the determination. Disclosure following such a petition shall not be made prior to the disposition of such review.

**6.** License: validity. Any license issued pursuant to this section shall be valid notwithstanding the provisions of any local law or ordinance. No license shall be transferable to any other person or premises. A license to carry or possess a pistol or revolver, not otherwise limited as to place or time of possession, shall be effective throughout the state, except that the same shall not be valid within the city of New York unless a special permit granting validity is issued by the police commissioner of that city. Such license to carry or possess shall be valid within the city of New York in the absence of a permit issued by the police commissioner of that city, provided that (a) the firearms covered by such license have been purchased from a licensed dealer within the city of New York and are being transported out of said city forthwith and immediately from said dealer by the licensee in a locked container during a continuous and uninterrupted trip; or provided that (b) the firearms covered by such license are being transported by the licensee in a locked container and the trip through the city of New York is continuous and uninterrupted; or provided that (c) the firearms covered by such license are carried by armored car security guards transporting money or other valuables, in, to, or from motor vehicles commonly known as armored cars, during the course of their employment; or provided that (d) the licensee is a retired police officer

as police officer is defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law or a retired federal law enforcement officer, as defined in section 2.15 of the criminal procedure law, who has been issued a license by an authorized licensing officer as defined in subdivision ten of section 265.00 of this chapter; provided, further, however, that 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", as the case may be, and, in the case of a retired officer the license shall be deemed to permit only police or federal law enforcement regulations weapons; or provided that (e) the licensee is a peace officer described in subdivision four of section 2.10 of the criminal procedure law and the license, if issued by other than the city of New York, 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. A license as gunsmith or dealer in firearms shall not be valid outside the city or county, as the case may be, where issued. Notwithstanding any inconsistent provision of state or local law or rule or regulation, the premises limitation set forth in any license to have and possess a pistol or revolver in the licensee's dwelling or place of business pursuant to paragraph (a) or (b) of subdivision two of this section shall not prevent the transport of such pistol or revolver directly to or from (i) another dwelling or place of business of the licensee where the licensee is authorized to have and possess such pistol or revolver, (ii) an indoor or outdoor shooting range that is authorized by law to operate as such, (iii) a shooting competition at which the licensee may possess such pistol or revolver consistent with the provisions of subdivision a of section 265.20 of this chapter or consistent with the law applicable at the place of such competition, or (iv) any other location where the licensee is lawfully authorized to have and possess such pistol or revolver; provided however, that during such transport to or from a location specified in clauses (i) through (iv) of this paragraph, the pistol or revolver shall be unloaded and carried in a locked container, and the ammunition therefor shall be carried separately; provided further, however, that a license to have and possess a pistol or revolver in the licensee's dwelling or place of business pursuant to paragraph (a) or (b) of subdivision two of this section that is issued by a licensing officer other than the police commissioner of the city of New York shall not authorize transport of a pistol or revolver into the city of New York in the absence of written authorization to do so by the police commissioner of that city. The term "**locked container**" shall not include the glove compartment or console of a vehicle.

**7. License: form.** Any license issued pursuant to this section shall, except in the city of New York, be approved as to form by the superintendent of state police. A license to carry or possess a pistol or revolver shall have attached the licensee's photograph, and a coupon which shall be removed and retained by any person disposing of a firearm to the licensee. Such license shall specify the weapon covered by calibre, make, model, manufacturer's name and serial number, or if none, by any other distinguishing number or identification mark, and shall indicate whether issued to carry on the person or possess on the premises, and if on the premises shall also specify the place where the licensee shall possess the same. If such license is issued to an alien, or to a person not a citizen of and usually a resident in the state, the licensing officer shall state in the license the particular reason for the issuance and the names of the persons certifying to the good character of the applicant. Any license as gunsmith or dealer in firearms shall mention and describe the premises for which it is issued and shall be valid only for such premises.

**8. License: exhibition and display.** Every licensee while carrying a pistol or revolver shall have on his or her person a license to carry the same. Every person licensed to possess a pistol or revolver on particular premises shall have the license for the same on such premises. 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. A license as gunsmith or dealer in firearms shall be prominently displayed on the licensed premises. 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. Any sale or transfer at a gun show must also comply with the provisions of article thirty-nine-DD of the general business law. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the gunsmith or dealer of firearms and retained on the location specified on the license. Nothing in this section shall authorize any licensee to conduct business from any motorized or towed vehicle. A separate fee shall not be required of a licensee with respect to business conducted under this subdivision. Any inspection or examination of inventory or records under this section at such temporary location shall be limited to inventory consisting of, or records related to, firearms held or disposed at such temporary locations. Failure of any licensee to so exhibit or display his or her license, as the case may be, shall be presumptive evidence that he or she is not duly licensed.

**9. License: amendment.** Elsewhere than in the city of New York, a person licensed to carry or possess a pistol or revolver may apply at any time to his or her licensing officer for amendment of his or her license to include one or more such weapons or to cancel weapons held under license. If granted, a record of the amendment describing the weapons involved shall be filed by the licensing officer in the executive department, division of state police, Albany. The superintendent of state police may authorize that such amendment be completed and transmitted to the state police in electronic form. Notification of any change of residence shall be made in writing by any licensee within ten days after such change occurs, and a record of such change shall be inscribed by such licensee on the reverse side of his or her license. Elsewhere than in the city of New York, and in the counties of Nassau and Suffolk, such notification shall be made to the executive department, division of state police, Albany, and in the city of New York to the police commissioner of that city, and in the county of Nassau to the police commissioner of that county, and in the county of Suffolk to the licensing officer

of that county, who shall, within ten days after such notification shall be received by him or her, give notice in writing of such change to the executive department, division of state police, at Albany.

**10. License: expiration, certification and renewal.**

**(a)** Any license for gunsmith or dealer in firearms and, in the city of New York, any license to carry or possess a pistol or revolver, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not limited to expire on an earlier date fixed in the license, shall expire not more than three years after the date of issuance. In the counties of Nassau, Suffolk and Westchester, any license to carry or possess a pistol or revolver, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not limited to expire on an earlier date fixed in the license, shall expire not more than five years after the date of issuance; however, in the county of Westchester, any such license shall be certified prior to the first day of April, two thousand, in accordance with a schedule to be contained in regulations promulgated by the commissioner of the division of criminal justice services, and every such license shall be recertified every five years thereafter. For purposes of this section certification shall mean that the licensee shall provide to the licensing officer the following information only: current name, date of birth, current address, and the make, model, caliber and serial number of all firearms currently possessed. Such certification information shall be filed by the licensing officer in the same manner as an amendment. Elsewhere than in the city of New York and the counties of Nassau, Suffolk and Westchester, any license to carry or possess a pistol or revolver, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not previously revoked or cancelled, shall be in force and effect until revoked as herein provided. Any license not previously cancelled or revoked shall remain in full force and effect for thirty days beyond the stated expiration date on such license. Any application to renew a license that has not previously expired, been revoked or cancelled shall thereby extend the term of the license until disposition of the application by the licensing officer. In the case of a license for gunsmith or dealer in firearms, in counties having a population of less than two hundred thousand inhabitants, photographs and fingerprints shall be submitted on original applications and upon renewal thereafter only at six year intervals. Upon satisfactory proof that a currently valid original license has been despoiled, lost or otherwise removed from the possession of the licensee and upon application containing an additional photograph of the licensee, the licensing officer shall issue a duplicate license.

**(b)** All licensees shall be recertified to the division of state police every five years thereafter. Any license issued before the effective date of the chapter of the laws of two thousand thirteen which added this paragraph shall be recertified by the licensee on or before January thirty-first, two thousand eighteen, and not less than one year prior to such date, the state police shall send a notice to all license holders who have not recertified by such time. Such recertification shall be in a form as approved by the superintendent of state police, which shall request the license holder's name, date of birth, gender, race, residential address, social security number, firearms possessed by such license holder, email address at the option of the license holder and an affirmation that such license holder is not prohibited from possessing firearms. The form may be in an electronic form if so designated by the superintendent of state police. Failure to recertify shall act as a revocation of such license. If the New York state police discover as a result of the recertification process that a licensee failed to provide a change of address, the New York state police shall not require the licensing officer to revoke such license.

**11. License: revocation and suspension.**

**(a)** The conviction of a licensee anywhere of a felony or serious offense or a licensee at any time becoming ineligible to obtain a license under this section shall operate as a revocation of the license. A license may be revoked or suspended as provided for in section 530.14 of the criminal procedure law or section eight hundred forty-two-a of the family court act. Except for a license issued pursuant to section 400.01 of this article, a license may be revoked and cancelled at any time in the city of New York, and in the counties of Nassau and Suffolk, by the licensing officer, and elsewhere than in the city of New York by any judge or justice of a court of record; a license issued pursuant to section 400.01 of this article may be revoked and cancelled at any time by the licensing officer or any judge or justice of a court of record. The official revoking a license shall give written notice thereof without unnecessary delay to the executive department, division of state police, Albany, and shall also notify immediately the duly constituted police authorities of the locality.

**(b)** Whenever the director of community services or his or her designee makes a report pursuant to section 9.46 of the mental hygiene law, the division of criminal justice services shall convey such information, whenever it determines that the person named in the report possesses a license issued pursuant to this section, to the appropriate licensing official, who shall issue an order suspending or revoking such license.

**(c)** In any instance in which a person's license is suspended or revoked under paragraph (a) or (b) of this subdivision, such person shall surrender such license to the appropriate licensing official and any and all firearms, rifles, or shotguns owned or possessed by such person shall be surrendered to an appropriate law enforcement agency as provided in subparagraph (f) of paragraph one of subdivision a of section 265.20 of this chapter. In the event such license, firearm, shotgun, or rifle is not surrendered, such items shall be removed and declared a nuisance and any

police officer or peace officer acting pursuant to his or her special duties is authorized to remove any and all such weapons.

**12.** Records required of gunsmiths and dealers in firearms. Any person licensed as 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 calibre, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such firearm. Before delivering a firearm to any person, the licensee 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 section 265.20 of this chapter and either (a) the National Instant Criminal Background Check System (NICS) or its successor has issued a "proceed" response to the licensee, or (b) thirty calendar days have elapsed since the date the licensee contacted NICS to initiate a national instant criminal background check and NICS has not notified the licensee that the transfer of the firearm to such person should be denied. In addition, before delivering a firearm to a peace officer, the licensee shall verify that person's status as a peace officer with the division of state police. After completing the foregoing, the licensee shall remove and retain the attached coupon and enter in the record book the date of such license, number, if any, and name of the licensing officer, in the case of the holder of a license to carry or possess, or the shield or other number, if any, assignment and department, unit or agency, in the case of an exempt person. The original transaction report shall be forwarded to the division of state police within ten days of delivering a firearm to any person, and a duplicate copy shall be kept by the licensee. The superintendent of state police may designate that such record shall be completed and transmitted in electronic form. A dealer may be granted a waiver from transmitting such records in electronic form if the superintendent determines that such dealer is incapable of such transmission due to technological limitations that are not reasonably within the control of the dealer, or other exceptional circumstances demonstrated by the dealer, pursuant to a process established in regulation, and at the discretion of the superintendent. Records assembled or collected for purposes of inclusion in the database created pursuant to section 400.02 of this article shall not be subject to disclosure pursuant to article six of the public officers law. 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 licensing officer in the city of New York, and in the counties of Nassau and Suffolk, and elsewhere in the state to the executive department, division of state police.

**12-a.** State police regulations applicable to licensed gunsmiths engaged in the business of assembling or manufacturing firearms. The superintendent of state police is hereby authorized to issue such rules and regulations as he deems reasonably necessary to prevent the manufacture and assembly of unsafe firearms in the state. Such rules and regulations shall establish safety standards in regard to the manufacture and assembly of firearms in the state, including specifications as to materials and parts used, the proper storage and shipment of firearms, and minimum standards of quality control. Regulations issued by the state police pursuant to this subdivision shall apply to any person licensed as a gunsmith under this section engaged in the business of manufacturing or assembling firearms, and any violation thereof shall subject the licensee to revocation of license pursuant to subdivision eleven of this section.

**12-b.** [None]

**12-c.** Firearms records.

**(a)** Every employee of a state or local agency, unit of local government, state or local commission, or public or private organization who possesses a firearm or machine-gun under an exemption to the licensing requirements under this chapter, shall promptly report in writing to his employer the make, model, calibre and serial number of each such firearm or machine-gun. Thereafter, within ten days of the acquisition or disposition of any such weapon, he shall furnish such information to his employer, including the name and address of the person from whom the weapon was acquired or to whom it was disposed.

**(b)** Every head of a state or local agency, unit of local government, state or local commission, public authority or public or private organization to whom an employee has submitted a report pursuant to paragraph (a) of this subdivision shall promptly forward such report to the superintendent of state police.

**(c)** Every head of a state or local agency, unit of local government, state or local commission, public authority, or any other agency, firm or corporation that employs persons who may lawfully possess firearms or machine-guns without the requirement of a license therefor, or that employs persons licensed to possess firearms or machine-guns, shall promptly report to the superintendent of state police, in the manner prescribed by him, the make, model, calibre and serial number of every firearm or machine-gun possessed by it on the effective date of this act for the use of such employees or for any other use. Thereafter, within ten days of the acquisition or disposition of any such weapon, such head shall report such information to the superintendent of the state police, including the name and address of the person from whom the weapon was acquired or to whom it was disposed.

**13. Expenses.** The expense of providing a licensing officer with blank applications, licenses and record books for carrying out the provisions of this section shall be a charge against the county, and in the city of New York against the city.

**14. Fees.** In the city of New York and the county of Nassau, the annual license fee shall be twenty-five dollars for gunsmiths and fifty dollars for dealers in firearms. In such city, the city council and in the county of Nassau the Board of Supervisors shall fix the fee to be charged for a license to carry or possess a pistol or revolver and provide for the disposition of such fees. Elsewhere in the state, the licensing officer shall collect and pay into the county treasury the following fees: for each license to carry or possess a pistol or revolver, not less than three dollars nor more than ten dollars as may be determined by the legislative body of the county; for each amendment thereto, three dollars, and five dollars in the county of Suffolk; and for each license issued to a gunsmith or dealer in firearms, ten dollars. The fee for a duplicate license shall be five dollars. The fee for processing a license transfer between counties shall be five dollars. The fee for processing a license or renewal thereof for a qualified retired police officer as defined under subdivision thirty-four of section 1.20 of the criminal procedure law, or a qualified retired sheriff, undersheriff, or deputy sheriff of the city of New York as defined under subdivision two of section 2.10 of the criminal procedure law, or a qualified retired bridge and tunnel officer, sergeant or lieutenant of the triborough bridge and tunnel authority as defined under subdivision twenty of section 2.10 of the criminal procedure law, or a qualified retired uniformed court officer in the unified court system, or a qualified retired court clerk in the unified court system in the first and second judicial departments, as defined in paragraphs a and b of subdivision twenty-one of section 2.10 of the criminal procedure law or a retired correction officer as defined in subdivision twenty-five of section 2.10 of the criminal procedure law shall be waived in all counties throughout the state.

**15.** Any violation by any person of any provision of this section is a class A misdemeanor.

**16. Unlawful disposal.** No person shall except as otherwise authorized pursuant to law dispose of any firearm unless he is licensed as gunsmith or dealer in firearms.

**16-a. Registration.**

**(a)** An owner of a weapon defined in paragraph (e) or (f) of subdivision twenty-two of section 265.00 of this chapter, possessed before the date of the effective date of the chapter of the laws of two thousand thirteen which added this paragraph, must make an application to register such weapon with the superintendent of state police, in the manner provided by the superintendent, or by amending a license issued pursuant to this section within one year of the effective date of this subdivision except any weapon defined under subparagraph (vi) of paragraph (g) of subdivision twenty-two of section 265.00 of this chapter transferred into the state may be registered at any time, provided such weapons are registered within thirty days of their transfer into the state. Registration information shall include the registrant's name, date of birth, gender, race, residential address, social security number and a description of each weapon being registered. A registration of any weapon defined under subparagraph (vi) of paragraph (g) of subdivision twenty-two of section 265.00 or a feeding device as defined under subdivision twenty-three of section 265.00 of this chapter shall be transferable, provided that the seller notifies the state police within seventy-two hours of the transfer and the buyer provides the state police with information sufficient to constitute a registration under this section. Such registration shall not be valid if such registrant is prohibited or becomes prohibited from possessing a firearm pursuant to state or federal law. The superintendent shall determine whether such registrant is prohibited from possessing a firearm under state or federal law. Such check shall be limited to determining whether the factors in 18 USC 922 (g) apply or whether a registrant has been convicted of a serious offense as defined in subdivision sixteen-b of section 265.00 of this chapter, so as to prohibit such registrant from possessing a firearm, and whether a report has been issued pursuant to section 9.46 of the mental hygiene law. All registrants shall recertify to the division of state police every five years thereafter. Failure to recertify shall result in a revocation of such registration.

**(a-1)** Notwithstanding any inconsistent provisions of paragraph (a) of this subdivision, an owner of an assault weapon as defined in subdivision twenty-two of section 265.00 of this chapter, who is a qualified retired New York or federal law enforcement officer as defined in subdivision twenty-five of section 265.00 of this chapter, where such weapon was issued to or purchased by such officer prior to retirement and in the course of his or her official duties, and for which such officer was qualified by the agency that employed such officer within twelve months prior to his or her retirement, must register such weapon within sixty days of retirement.

**(b)** The superintendent of state police shall create and maintain an internet website to educate the public as to which semiautomatic rifle, semiautomatic shotgun or semiautomatic pistol or weapon that are illegal as a result of the enactment of the chapter of the laws of two thousand thirteen which added this paragraph, as well as such assault weapons which are illegal pursuant to article two hundred sixty-five of this chapter. Such website shall contain information to assist the public in recognizing the relevant features proscribed by such article two hundred sixty-five, as well as which make and model of weapons that require registration.

**(c)** A person who knowingly fails to apply to register such weapon, as required by this section, within one year of the effective date of the chapter of the laws of two thousand thirteen which added this paragraph shall be guilty of a class A misdemeanor and such person who unknowingly fails to validly register such weapon within such one year period shall be given a warning by an appropriate law enforcement authority about such failure and given thirty days in which

to apply to register such weapon or to surrender it. A failure to apply or surrender such weapon within such thirty-day period shall result in such weapon being removed by an appropriate law enforcement authority and declared a nuisance.

**16-b.** The cost of the software, programming and interface required to transmit any record that must be electronically transmitted by the dealer or licensing officer to the division of state police pursuant to this chapter shall be borne by the state.

**17.** Applicability of section. The provisions of article two hundred sixty-five of this chapter relating to illegal possession of a firearm, shall not apply to an offense which also constitutes a violation of this section by a person holding an otherwise valid license under the provisions of this section and such offense shall only be punishable as a class A misdemeanor pursuant to this section. In addition, the provisions of such article two hundred sixty-five of this chapter shall not apply to the possession of a firearm in a place not authorized by law, by a person who holds an otherwise valid license or possession of a firearm by a person within a one year period after the stated expiration date of an otherwise valid license which has not been previously cancelled or revoked shall only be punishable as a class A misdemeanor pursuant to this section.

**18.** Notice. Upon the issuance of a license, the licensing officer shall issue therewith the following notice in conspicuous and legible twenty-four point type on eight and one-half inches by eleven inches paper stating in bold print the following:

**WARNING: RESPONSIBLE FIREARM STORAGE IS THE LAW IN NEW YORK STATE. FIREARMS 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 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 IN A LOCATION SEPARATE FROM AMMUNITION. LEAVING FIREARMS ACCESSIBLE TO A CHILD OR OTHER PROHIBITED PERSON MAY SUBJECT YOU TO IMPRISONMENT, FINE, OR BOTH.**

Nothing in this subdivision shall be deemed to affect, impair or supersede any special or local law relating to providing notice regarding the safe storage of rifles, shotguns or firearms.

**Section 400.01. License to carry and possess firearms for retired sworn members of the division of state police.**

**1.** A license to carry or possess a firearm for a retired sworn member of the division of state police shall be granted in the same manner and upon the same terms and conditions as licenses issued under § 400.00 of this article provided, however, that applications for such license may be made to, and the licensing officer may be, the superintendent of state police.

**2.** For purposes of this section, a "**retired sworn member of the division of state police**" shall mean a former sworn member of the division of state police, who upon separation from the division of state police was immediately entitled to receive retirement benefits under the provisions of the retirement and social security law.

**3.** The provisions of this section shall only apply to license applications made or renewals which must be made on or after the effective date of this section. A license to carry or possess a pistol or revolver issued pursuant to the provisions of § 400.00 of this article to a person covered by the provisions of this section shall be valid until such license would have expired pursuant to the provisions of § 400.00 of this article; provided that, on or after the effective date of this section, an application or renewal of such license shall be made pursuant to the provisions of this section.

**4.** Except for the designation of the superintendent of state police as the licensing officer for retired sworn members of the division of state police who have opted to obtain such license under this section, all of the provisions and requirements of § 400.00 of this article and any other provision of law shall be applicable to individuals licensed pursuant to this section. In addition all provisions of § 400.00 of this article, except for the designation of the superintendent of state police as licensing officer are hereby deemed applicable to individuals licensed pursuant to this section.

**Section 400.05. Disposition of weapons and dangerous instruments, appliances and substances.**

**1.** Any weapon, instrument, appliance or substance specified in article 265, when unlawfully possessed, manufactured, transported or disposed of, or when utilized in the commission of an offense, is hereby declared a nuisance. When the same shall come into the possession of any police officer or peace officer, it shall be surrendered immediately to the official mentioned in paragraph (f) of subdivision one of § 265.20, except that such weapon, instrument, appliance or substance coming into the possession of the state police shall be surrendered to the superintendent of state police.

**2.** The official to whom the weapon, instrument, appliance or substance which has subsequently been declared a nuisance pursuant to subdivision one of this section is so surrendered shall, at any time but at least once each year, destroy the same or cause it to be destroyed, or render the same or cause it to be rendered ineffective and useless for its intended purpose and harmless to human life.

6. A firearm or other weapon which is surrendered, or is otherwise voluntarily delivered pursuant to § 265.20 of this chapter and which has not been declared a nuisance pursuant to subdivision 1 of this section, shall be retained by the official to whom it was delivered for a period not to exceed 1 year. Prior to the expiration of such time period, a person who surrenders a firearm shall have the right to arrange for the sale, or transfer, of such firearm to a dealer in firearms licensed in accordance with this chapter or for the transfer of such firearm to himself or herself provided that a license therefor has been issued in accordance with this chapter. If no lawful disposition of the firearm or other weapon is made within the time provided, the firearm or weapon concerned shall be declared a nuisance and shall be disposed of in accordance with the provisions of this section.

#### **Section 400.10. Report of theft or loss of a firearm, rifle or shotgun.**

1.

(a) Any owner or other person lawfully in possession of: (i) a firearm, rifle or, shotgun who suffers the loss or theft of said weapon; (ii) ammunition as well as a firearm, rifle or shotgun who suffers the loss or theft of such ammunition as well as a firearm, rifle or shotgun; or (iii) ammunition and is a dealer in firearms or seller of ammunition who suffers the loss or theft of such ammunition shall within 24 hours of the discovery of the loss or theft report the facts and circumstances of the loss or theft to a police department or sheriff's office.

(b) Whenever a person reports the theft or loss of a firearm, rifle, shotgun or ammunition to any police department or sheriff's office, the officer or department receiving such report shall forward notice of such theft or loss to the division of state police via the New York Statewide Police Information Network. The notice shall contain information in compliance with the New York Statewide Police Information Network Operating Manual, including the caliber, make, model, manufacturer's name and serial number, if any, and any other distinguishing number or identification mark on the weapon.

2. The division of state police shall receive, collect and file the information referred to in subdivision one of this section. The division shall cooperate, and undertake to furnish or make available to law enforcement agencies this information, for the purpose of coordinating law enforcement efforts to locate such weapons.

3. Notwithstanding any other provision of law, a violation of paragraph (a) of subdivision one of this section shall be a class A misdemeanor.

#### **Section 400.20. Waiting period in connection with the sale or transfer of a rifle or shotgun.**

When a national instant criminal background check is required pursuant to state or federal law to be conducted through the National Instant Criminal Background Check System (NICS) or its successor in connection with the sale or transfer of a rifle or shotgun to any person, before delivering a rifle or shotgun to such person, either (a) NICS has issued a "proceed" response to the seller or transferor, or (b) thirty calendar days shall have elapsed since the date the seller or transferor contacted NICS to initiate a national instant criminal background check and NICS has not notified the seller or transferor that the transfer of the rifle or shotgun to such person should be denied.

### **Family Court Act Article 8 – Family Offenses Proceedings Part 4 – Orders**

#### **Section 842-a. Suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms pursuant to section 400.00 of the penal law and ineligibility for such a license; order to surrender firearms.**

1. Suspension of firearms license and ineligibility for such a license upon the issuance of a temporary order of protection. Whenever a temporary order of protection is issued pursuant to section eight hundred twenty-eight of this article, or pursuant to article four, five, six, seven or ten of this act:

(a) the court shall suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed where the court receives information that gives the court good cause to believe that: (i) the respondent has a prior conviction of any violent felony offense as defined in section 70.02 of the penal law; (ii) the respondent has previously been found to have willfully failed to obey a prior order of protection and such willful failure involved (A) the infliction of physical injury, as defined in subdivision nine of section 10.00 of the penal law, (B) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, or (C) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; or (iii) the respondent has a prior conviction for stalking in the first degree as defined in section 120.60 of the penal law, stalking in the second degree as defined in section 120.55 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law or stalking in the fourth degree as defined in section 120.45 of such law; and

**(b)** the court shall where the court finds a substantial risk that the respondent may use or threaten to use a firearm, rifle or shotgun unlawfully against the person or persons for whose protection the temporary order of protection is issued, suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed.

**2.** Revocation or suspension of firearms license and ineligibility for such a license upon the issuance of an order of protection. Whenever an order of protection is issued pursuant to section eight hundred forty-one of this part, or pursuant to article four, five, six, seven or ten of this act:

**(a)** the court shall revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed where the court finds that the conduct which resulted in the issuance of the order of protection involved (i) the infliction of physical injury, as defined in subdivision nine of section 10.00 of the penal law, (ii) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, or (iii) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; and

**(b)** the court shall, where the court finds a substantial risk that the respondent may use or threaten to use a firearm, rifle or shotgun unlawfully against the person or persons for whose protection the order of protection is issued, (i) revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed or (ii) suspend or continue to suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed.

**3.** Revocation or suspension of firearms license and ineligibility for such a license upon a finding of a willful failure to obey an order of protection or temporary order of protection. Whenever a respondent has been found, pursuant to section eight hundred forty-six-a of this part to have willfully failed to obey an order of protection or temporary order of protection issued pursuant to this act or the domestic relations law, or by this court or by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, in addition to any other remedies available pursuant to section eight hundred forty-six-a of this part:

**(a)** the court shall revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed where the willful failure to obey such order involves (i) the infliction of physical injury, as defined in subdivision nine of section 10.00 of the penal law, (ii) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, or (iii) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; or (iv) behavior constituting stalking in the first degree as defined in section 120.60 of the penal law, stalking in the second degree as defined in section 120.55 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law or stalking in the fourth degree as defined in section 120.45 of such law; and

**(b)** the court shall where the court finds a substantial risk that the respondent may use or threaten to use a firearm, rifle or shotgun unlawfully against the person or persons for whose protection the order of protection was issued, **(i)** revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license, whether or not the respondent possesses such a license, and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed or **(ii)** suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender of any or all firearms, rifles and shotguns owned or possessed.

**4.** Suspension. Any suspension order issued pursuant to this section shall remain in effect for the duration of the temporary order of protection or order of protection, unless modified or vacated by the court.

**5.** Surrender.

**(a)** Where an order to surrender one or more firearms, rifles or shotguns has been issued, the temporary order of protection or order of protection shall specify the place where such weapons shall be surrendered, shall specify a date and time by which the surrender shall be completed and, to the extent possible, shall describe such weapons to be

surrendered and shall direct the authority receiving such surrendered weapons to immediately notify the court of such surrender.

**(b)** The prompt surrender of one or more firearms, rifles or shotguns pursuant to a court order issued pursuant this section shall be considered a voluntary surrender for purposes of subparagraph (f) of paragraph one of subdivision a of section 265.20 of the penal law. The disposition of any such weapons shall be in accordance with the provisions of subdivision six of section 400.05 of the penal law; provided, however that upon the termination of any suspension order issued pursuant to this section, any court of record exercising criminal jurisdiction may order the return of a firearm, rifle or shotgun pursuant to paragraph b of subdivision five of section 530.14 of the criminal procedure law.

**(c)** The provisions of this section shall not be deemed to limit, restrict or otherwise impair the authority of the court to order and direct the surrender of any or all pistols, revolvers, rifles, shotguns or other firearms owned or possessed by a respondent pursuant to this act.

#### **6. Notice.**

**(a)** Where an order requiring surrender, revocation, suspension or ineligibility has been issued pursuant to this section, any temporary order of protection or order of protection issued shall state that such firearm license has been suspended or revoked or that the respondent is ineligible for such license, as the case may be, and that the defendant is prohibited from possessing any firearms, rifles or shotguns.

**(b)** The court revoking or suspending the license, ordering the respondent ineligible for such license, or ordering the surrender of any firearm, rifles or shotguns shall immediately notify the statewide registry of orders of protection and the duly constituted police authorities of the locality of such action.

**(c)** The court revoking or suspending the license or ordering the defendant ineligible for such license shall give written notice thereof without unnecessary delay to the division of state police at its office in the city of Albany.

**(d)** Where an order of revocation, suspension, ineligibility, or surrender is modified or vacated, the court shall immediately notify the statewide registry of orders of protection and the duly constituted police authorities of the locality concerning such action and shall give written notice thereof without unnecessary delay to the division of state police at its office in the city of Albany.

**7. Hearing.** The respondent shall have the right to a hearing before the court regarding any revocation, suspension, ineligibility or surrender order issued pursuant to this section, provided that nothing in this subdivision shall preclude the court from issuing any such order prior to a hearing. Where the court has issued such an order prior to a hearing, it shall commence such hearing within fourteen days of the date such order was issued.

**8.** Nothing in this section shall delay or otherwise interfere with the issuance of a temporary order of protection.

#### **Section 846-a. Powers on failure to obey order.**

If a respondent is brought before the court for failure to obey any lawful order issued under this article or an order of protection or temporary order of protection issued pursuant to this act or issued by a court of competent jurisdiction of another state, territorial or tribal jurisdiction and if, after hearing, the court is satisfied by competent proof that the respondent has willfully failed to obey any such order, the court may modify an existing order or temporary order of protection to add reasonable conditions of behavior to the existing order, make a new order of protection in accordance with section eight hundred forty-two of this part, may order the forfeiture of bail in a manner consistent with article five hundred forty of the criminal procedure law if bail has been ordered pursuant to this act, may order the respondent to pay the petitioner's reasonable and necessary counsel fees in connection with the violation petition where the court finds that the violation of its order was willful, and may commit the respondent to jail for a term not to exceed six months. Such commitment may be served upon certain specified days or parts of days as the court may direct, and the court may, at any time within the term of such sentence, revoke such suspension and commit the respondent for the remainder of the original sentence, or suspend the remainder of such sentence. If the court determines that the willful failure to obey such order involves violent behavior constituting the crimes of menacing, reckless endangerment, assault or attempted assault and if such a respondent is licensed to carry, possess, repair and dispose of firearms pursuant to section 400.00 of the penal law, the court may also immediately revoke such license and may arrange for the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, and disposal of any firearm such respondent owns or possesses. If the willful failure to obey such order involves the infliction of physical injury as defined in subdivision nine of section 10.00 of the penal law or the use or threatened use of a deadly weapon or dangerous instrument, as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, such revocation and immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law six and disposal of any firearm owned or possessed by respondent shall be mandatory, pursuant to subdivision eleven of section 400.00 of the penal law.

**Albany Code of Ordinances**  
Current through September 6, 2018.

**Chapter 193 – Firearms and Ammunition**  
**Article II B. Storage and Display of Firearms and Ammunition**

**Section 193-7. Definitions.**

Unless otherwise expressly stated, whenever used in this article, the following words shall have the meanings given to them by this section. When used herein:

**Ammunition.** Any projectile commonly known as a "bullet" or "shell."

**Firearm.** Any weapon from which a shot is discharged by force of an explosive, or a weapon which acts by force of gunpowder, and shall include any weapon capable of being loaded with powder, ball or ammunition, and shall include any weapon which is otherwise capable of being loaded with powder, ball or ammunition, whether completed, assembled or from which any part or piece has been removed therefrom.

**Person.** Any person, firm, partnership, association, corporation, company or organization of any kind.

**Safe Storage Depository.** 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 firearm contained therein.

**Section 193-8. Storage.**

**A.** Firearms and ammunition for sale shall be kept secured at all times when the place in which they are held for sale is not open for business. The manner in which the firearms and ammunition are to be secured must be approved by both the Chief of Police and the Chief of the Fire Department upon receipt of appropriate application for such approval. Such approval shall in no case be unreasonably withheld.

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

**Section 193-9. Sale of ammunition and firearms.**

**B.** Every person engaged in the retail business of selling firearms shall post a notice in the place where such firearms are displayed or delivered to the purchaser conspicuously stating, in no smaller than 24 point type and on no smaller than 8 1/2 x 11 paper, stating in bold print the following warning:

WARNING: RESPONSIBLE FIREARM STORAGE IS THE LAW IN THE CITY OF ALBANY. FIREARMS MUST BE STORED IN 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 FIREARM CONTAINED THEREIN, OR IS RENDERED INCAPABLE OF BEING FIRED BY USE OF A GUN LOCKING DEVICE APPROPRIATE TO THAT FIREARM. LEAVING FIREARMS ACCESSIBLE TO A CHILD OR UNAUTHORIZED PERSON MAY SUBJECT YOU TO IMPRISONMENT, FINE, OR BOTH. YOU MAY ALSO FACE ADDITIONAL CRIMINAL PENALTIES IF THE FIREARM IS USED BY ANOTHER NEGLIGENTLY AND CIVIL LIABILITY.

**Section 193-10. Report of theft or loss to Police Department.**

Any theft or loss of ammunition or firearms from a storage vault, safe storage depository, or otherwise shall be reported immediately to the Police Department of the City of Albany.

**Article III – Firearms**

**Section 193-14. Scope and intent.**

As used herein, "**assault weapon**" generally means a firearm of such a nature and with such a high rate of fire and/or capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. While it is the intent, then, of this legislation to restrict the use and possession of assault weapons, it is not the intent of the Common Council to place restrictions on the use of those firearms which are primarily designed and intended for hunting, target practice or other legitimate sports or recreational activities.

**Section 193-15. Assault weapons.**

**A.** As used herein, "assault weapon" includes any of the following or their copies:

**(1) Pistols:**

Bushmaster Firearms Company auto pistol  
Calico Model 100-P auto pistol  
Federal Engineering Corporation XP 450, XP 900  
Holmes Firearms MP-83, MP-22 assault pistols  
Intratec Tec-9 Auto, Tec-9M, Scorpion auto pistols  
Israeli Military Industries UZI pistol  
Iver Johnson Enforcer Model 300 auto  
Ingram or S.W.D. MAC 10, MAC 11  
Spectre double-action auto pistol  
Ruger Mini 14

**(2) Rifles and shotguns by manufacturers in the United States:**

Auto-Ordinance Corporation Thompson M1, Mix, 27 A-1  
Thompson A-1 Thompson Deluxe, 1927 A5  
Colt AR-15A2-Delta H-Bar, AR-15A2 H-Bar  
Federal Engineering Corporation XC-900, XC-450 auto carbines  
Springfield Armory Inc. BM-59, SAR-48  
S.W.D. Street Sweeper shotgun  
Weaver Arms Corporation nighthawk

**(3) Rifles and shotguns by manufacturers outside the United States:**

Avtomat Kalashnikovs manufactured or imported by American Arms, Bushmaster Firearms, Daewoo, Mitchell, Norinco and Poly Technologies  
Beretta AR-70 Sporter rifle  
Fabrique National FN, FNC rifle  
Franchi LAW 12 auto, SPAS 12 pump/auto shotguns  
Heckler and Koch HK 91, 93, 94 rifles  
Israeli Military Industries Galil Rifles, UZI carbines  
Steyr Daimler-Pusch A.U.G. autoloading rifle  
Striker 12 shotgun  
Valmet M-76 standard rifle, M78 semi-auto

**(4) Any other weapon to be subsequently designated by law.**

**B.** A copy of any of the weapons listed in Subsection A(1), (2) and (3) of this section shall include any other model by the same manufacturer with the same action design having slight modifications or enhancements, provided that such weapon as modified or enhanced employs only ammunition of more than .22 caliber rimfire; any weapon with an action design identical or nearly identical to any of the listed weapons which has been designed from, renamed, renumbered or patterned after any of the listed weapons regardless of the manufacturer or country of origin, provided that such weapon employs only ammunition of more than .22 caliber rimfire; or any weapon which has been manufactured and sold by another company under a licensing agreement to manufacture or sell a weapon identical or nearly identical to any of the listed weapons regardless of the company or production or country of origin, provided that such weapon employs only ammunition of more than .22 caliber rimfire.

**C.** "Assault weapon" does not include weapons that do not use cartridges, manually operated bolt-action weapons, lever-action weapons, slide-action weapons, single-shot weapons, multiple-barrel weapons, revolving-cylinder weapons except shotguns, semiautomatic weapons that use exclusively a rotary Mannlicher-style magazine, any antique firearm as defined in Article 265 of the Penal Law or any assault weapon which has been modified either to render it permanently inoperable or permanently make it a device no longer defined as an assault weapon.

**Section 193-16. Prohibition; penalty; registration of existing weapons.**

**A.** Any person, firm or corporation who or which shall, on or after the effective date of this article, manufacture, import, keep, offer or expose for sale, give, lend or possess any assault weapon in the City of Albany, except as provided for herein, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding \$1,000 and/or to imprisonment not exceeding 1 year.

**B.** Any individual who lawfully acquired and possessed an assault weapon, as defined herein, prior to the effective date of this article shall register the firearm with the Chief of the Albany Police Department pursuant to the provisions of § 193-17 herein. The registration shall be made within 90 days of the effective date hereof and shall contain a description of the firearm that identifies it uniquely, including all identification marks and the full name, address, date of birth and fingerprints of the owner, together with such other information as the Chief of Police may deem appropriate. Any change of address of the owner must be registered with the Department within 90 days of the change. The Department may charge a fee for

registration not to exceed the actual processing costs of the Department. Such registration shall allow the possession of the firearm on the registrant's property or for the uses specified in § 193-17.

**C.** On and after the date fixed herein for the registration of assault weapons, no such weapon possessed pursuant hereto shall be sold or transferred to anyone within the City of Albany other than at a licensed gun dealer as defined in the Penal Law. Any individual who obtains title to an assault weapon registered under this section by bequest or intestate succession must, within 90 days, either render the weapon inoperable in accordance with § 193-15, apply for a license pursuant to § 193-17 herein, sell the weapon to a licensed gun dealer or remove the weapon from the City.

**Section 193-17. Possession for competitive use; licensing and transportation.**

**A.** A license for an assault weapon may be issued as provided in Subsection B to possess such weapon for the purpose of loading and firing the same while participating as a competitor in organized competitive matches or league competition under the auspices of or approval by a law enforcement agency or a nationally or state recognized organization that fosters proficiency in or promotes education about firearms or to possess such weapon for the purpose of loading and firing the same at a range located on premises owned and occupied by such agency or organization. Such license shall not permit use for any other purpose and shall not be transferable.

**B.** Application for such license as hereinbefore specified shall be made to the Chief of the Albany Police Department on forms prescribed by him for that purpose. Every person so licensed shall have such license on his or her person when engaged in such activity and while transporting such weapon to or from such competition or range.

**C.** All such weapons shall be transported in a case, together with a copy of the match program, match schedule or match registration. Where such person is transporting such weapon to or from a range, it shall be transported in a case. Magazines and ammunition for such weapon shall be carried and transported in a locked container separate from the weapon.

**D.** A licensed gun dealer, as defined in the Penal Law of the State of New York, who lawfully possessed an assault weapon prior to the effective date of this legislation or who gains possession thereof pursuant to this legislation may transport the weapon between dealers or out of the City, display it at any gun show licensed by a state or local governmental entity or sell it to a person licensed under this section. Any transporting allowed herein shall be accomplished as required in Subsection C.

**Section 193-18. Applicability to police and military forces.**

The provisions of this article shall not apply to the sale to, purchase by or the use or possession of firearms by the Police Department, Sheriff's office, Marshal's office, corrections officers and the like or the military forces of this state while engaged in the discharge of their official duties or as otherwise permitted by regulation or law.

**Section 193-19. Severability.**

If any provisions of this article or the application thereof to any person or circumstance is held unenforceable or invalid, in whole or in part, by any court of competent jurisdiction, such holding of unenforceability or invalidity shall in no way affect or impair any other provision of this article or the application of any such provision to any other person or circumstance.

**Altamont Code of Ordinances**  
Current through legislation adopted July 2, 2019.

**Chapter 187 – Explosives and Firearms**

**Section 187-2. Giving firearms to minors.**

It shall be unlawful for any person to give, sell or loan, within the limits of this municipality, to any minor a revolver, pistol or firearm of any description, including any so-called blank cartridge.

**Amsterdam Code of Ordinances**  
Current through legislation adopted December 12, 2018.

**Chapter – 169 Pawn Shops and Secondhand Dealers**

**Section 169-1 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Secondhand Dealer**

Any person or company which engages in the business of purchasing, selling or otherwise dealing in, whether as a principal or an agent, secondhand articles of precious metals, jewelry and/or firearms. Pawnbrokers, precious metals dealers and transient merchants, for the purposes of this chapter, shall be classified as secondhand dealers.

**Secondhand Property**

Any precious metals, jewelry or firearms which are not new which have been previously sold or offered for sale, including but not limited to watches, rings and all other jewelry and firearms.

**Section 169-8 License required.**

A. Secondhand dealers, including precious metals dealers, pawnbrokers and transient merchants, shall pay to the City Clerk an annual license fee of \$100, before engaging in business. Persons dealing primarily in new property and licensed by the city as such dealers shall not be required to pay the additional license fee required by this section, but shall abide by all other provisions of this chapter.

**Ancram Zoning Law**

Current through legislation adopted June 1, 2017.

**Article III – Uses**

**A. Permitted and Special Permitted Uses**

2. Acronyms in the following use table have these meanings:

- a. P designates a use permitted by right;
- b. SPR designates a use subject to site plan review and approval by the Planning Board pursuant to Article VII of this Zoning Law;
- c. ASPR designates a use subject to abbreviated site plan review and approval by the Planning Board pursuant to Article VII of this Zoning Law;
- d. SUP designates a use subject to site plan review and to approval of a special use permit by the Planning Board
- e. X designates a use that is not permitted.

Uses	Ancram, Ancramdale, Hamlets-B/R	Ancram, Ancramdale, Boston Corners Hamlets AH-R2	Ag	RhoR1	I-1	CarsRd
<b>Business Uses:</b>						
Firearms sales/service	SPR	P for low impact Home Occupation only, X all others	P for low impact Home Occupation only, SUP all others	X	X	P for low impact Home Occupation only, SUP all others

**Article V – Supplemental Regulations**

**D. Individual Standards for Selected Uses**

In addition to Article V, Article VI (Special Use), Article VII (Site Plan), and other requirements of this zoning law, these development standards shall be met for the following uses requiring a special use permit:

Firing Range (indoor)

- e. There shall be no guns sold on site unless the owner of the property is selling and has a Federal Firearms License by the Federal Law.

**Babylon (Village) Code of Ordinances**

Current through legislation adopted August 13, 2019.

**Chapter 145 – Explosives**

**Section 145-4. Manufacture of explosives or ammunition prohibited.**

No person shall manufacture any explosives and/or ammunition.

## **Beacon Code of Ordinances**

Current through legislation adopted October 21, 2019.

### **Chapter 174 – Safe Storage and Display of firearms**

#### **Section 174-2. Definitions.**

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meanings given to them by this section when used herein:

**Firearm.** Any weapon from which a shot is discharged by force of an explosive, or a weapon which acts by force of gunpowder, and shall include any weapon capable of being loaded with powder, ball or ammunition, and shall include any weapon which is otherwise capable of being loaded with powder, ball or ammunition, whether completed, assembled or from which any part or piece has been removed therefrom.

**Person.** Any person, firm, partnership, association, corporation, company or organization of any kind.

**Safe Storage Depository.** 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 firearm contained therein.

#### **Section 174-3. Storage.**

**A.** Firearms for sale shall be kept secured at all times when the place in which they are held for sale is not open for business.

**B.** A person who stores or leaves on premises under his or her control a loaded firearm and who knows or reasonably should know that a minor who may not legally have possession of a weapon is likely to gain access to a loaded firearm at premises under the person's control must keep the firearm in a safe storage depository or render it incapable of being fired by use of a gun locking device appropriate to that firearm.

## **Bellerose Code of Ordinances**

Current through legislation adopted April 1, 2019.

### **Chapter 172 – Secondhand Dealers**

#### **Section 172-1. Definitions; exceptions.**

**A.** As used in this chapter, the following terms shall have the meanings indicated:

##### **Dealer in Secondhand Articles**

Any person who in any way, as principal, broker or agent:

(1) Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to old gold or other precious metals, coins, stamps or currency, firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment;

(2) Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandises; or

(3) Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**B.** Nothing in this chapter shall be construed to apply to:

(2) The first purchase or sale in the country of any imported secondhand article.

(3) The acceptance or receipt of merchandise in a new condition as a return or exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, or to any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise.

(4) The acceptance or receipt of merchandise in a used condition as a return, trade-in or exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, or to the first subsequent nonretail sale or exchange of such merchandise.

(5) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory rebuilt merchandise.

(7) Antiques, which shall mean secondhand articles over 50 years of age having a value of less than \$250 and void of any means of identification. Identification shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 172-2. License required; application.**

It shall be unlawful for any person or persons, firm or corporation to act as a dealer in secondhand articles without first obtaining and having in force and effect a license therefor issued by the Board of Trustees. Applicants for such a license must file with the Village Clerk an application, supplied by the Village Clerk, containing the following information: ...

**Brighton Code of Ordinances**  
Current through legislation adopted January 9, 2019.

**Chapter 70 Firearms**

**Section 70-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Firearm** – A firearm shall have the same meaning as is set forth in Section 265(3) of the New York State Penal Law.

**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 firearm contained therein.

**Section 70-4. Mandatory Storage of Firearm.**

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

**Brockport Code of Ordinances**  
Current through legislation adopted April 15, 2019.

**Chapter 18 – Firearms, Fireworks and Explosives**

**Section 18-1. Selling or discharging prohibited.**

It shall be unlawful for any person or persons to sell or discharge firearms, fireworks or other explosives, including the explosion of gunpowder and gun cotton, within the corporate limits of the Village of Brockport.

**Section 18-5. Nonapplicability.**

Nothing herein contained shall be construed to prohibit the commercial sale of firearms, shells and so forth by business concerns in the ordinary course of business.

**Chapter 35 – Peace and Good Order**  
**Article III – Miscellaneous Provisions**

**Section 35-15. Discharge of shotguns and air guns by minors; sales to minors.**

No person under the age of 16 shall discharge or cause to be discharged any shotgun, air gun or other similar instrument within the limits of this municipality, and it is hereby declared to be unlawful for any person to sell any person under the age of 16 years any such air gun, shotgun or other similar instrument.

**Buchanan Code of Ordinances**  
Current through legislation adopted October 2, 2018.

**Chapter 199 – Weapons**  
**Article II – Pistol Permits**

**Section 199-6. Definitions.**

The definitions given herein deal only with certain terms used in this article, in the sense that they are used herein:

**Applicant.** Includes each and every individual who seeks to obtain a pistol permit.

**Application Fee.** The fee each individual shall pay to the Village of Buchanan for the services rendered by the Village of Buchanan to the applicant, exclusive of any and all other fees and costs required by law.

**Pistol Permit.** The permit issued by the County of Westchester entitling an individual to legally own and possess a handgun.

### **Section 199-7. Application procedure.**

Every individual who seeks to obtain a pistol permit application shall make a request for the same directly to the Chief of Police of the Village of Buchanan. As a condition precedent to obtaining the necessary application forms, each and every applicant shall comply with § 199-8 of this article.

### **Section 199-8. Application fee.**

Every individual who desires to obtain a pistol permit shall pay to the Village of Buchanan the Village application fee in an amount as set from time to time by resolution of the Board of Trustees. Said fee is to be paid in addition to any and all other fees and costs required by law to be paid by each applicant. No application shall be processed until the fee is paid in full.

## **Buffalo Code of Ordinances**

Current through legislation adopted March 5, 2019.

### **Chapter 180 – Firearms, Arrows and Other Weapons**

#### **Article I – Firearms and Arrows**

### **Section 180-1. Firearms, shotguns, rifles and other dangerous weapons.**

#### **B. Definitions.**

As used in this section, the following terms shall have the meanings indicated:

**Ammunition.** Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shotgun, assault weapon or other dangerous weapon.

**Ammunition-Feeding Device.** Magazines, belts, feedstrips, drums or clips capable of being attached to or utilized with any center-fire rifle, shotgun or pistol which employs the force of the expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger which, in the case of a rifle or shotgun, holds in excess of 5 cartridges, or in the case of a pistol holds in excess of 17 cartridges.

#### **Assault Weapon**

(1) Any center-fire rifle or shotgun which employs the force of the expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger, and which is loaded or capable of being loaded with a combination of more than 6 cartridges in the ammunition-feeding device and chamber combined. For the purposes of this section, a weapon is capable of being loaded if it is possessed by one who, at the same time, possesses:

(a) In the case of a rifle, a fixed or detachable ammunition feeding device which is attached to or utilized with or capable of being attached to or utilized with such rifle and which has a capacity of more than 5 cartridges; or

(b) In the case of a shotgun, an ammunition-feeding device which is attached to or utilized with or capable of being attached to or utilized with such shotgun and which has a capacity of more than 5 cartridges.

(2) A center-fire rifle or shotgun which employs the force of expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger, and which has:

(a) A flash suppressor attached to the weapon reducing muzzle flash;

(b) A grenade launcher;

(c) A sighting device making a target visible at night;

(d) A barrel jacket surrounding all or a portion of the barrel, to dissipate heat therefrom; or

(e) A multi-burst trigger activator.

(3) Any stockless pistol grip shotgun.

(4) For purposes of this section, the term "assault weapon" shall not include any of the following:

(a) Any weapon which has been modified to render it permanently inoperable or permanently make it a device no longer defined as an "assault" weapon.

(b) Weapons that do not use cartridges or shells.

(c) Manually operated bolt-action weapons, lever-action weapons, slide-action weapons or single-shot weapons.

(d) Multiple-barrel weapons, revolving-cylinder weapons except shotguns, weapons that use exclusively a rotary Mannlicher-style magazine.

(e) Any antique firearm as defined in § 265.00 of the New York State Penal Law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States law.

**Dispose Of.** To dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.

**Drug.** Any substance listed in § 3306 of the Public Health Law of the State of New York.

**Dwelling.** One or more rooms, in a building or portion thereof designed or used exclusively as the residence or sleeping place of 1 or more persons, designed for occupancy by one family for cooking, living and sleeping purposes, as defined in Chapter 511, Zoning, of this Code.

**Firearm.** Any pistol or revolver, or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches; or a rifle having 1 or more barrels less than 16 inches in length or any weapon made from a rifle (whether by alteration, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches. For purposes of this definition, the length of a barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech or breechlock 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. Such definition, except as otherwise indicated, shall include both loaded and unloaded firearms, except that it shall not include any antique firearm as defined in federal or New York State law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States law.

**Locking Device.** A design adaptation or attachable accessory that will prevent the use of the firearm, rifle or shotgun by an unauthorized user, and includes but is not limited to a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the firearm, rifle or shotgun without the alignment of the combination tumblers.

**Possess.** Have physical possession or otherwise to exercise dominion or control over. The presence in an automobile of any firearm, rifle or shotgun which is openly visible is presumptive evidence of its possession by all persons occupying such automobile at the time such firearm, rifle or shotgun is found, except if such firearm, rifle or shotgun is found in a vehicle for hire.

**Rifle.** A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

**Shotgun.** A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

**D.** No person shall store a firearm, rifle, shotgun or air gun in a dwelling in the City unless said firearm, rifle, shotgun or air gun is completely enclosed or contained in a nontransparent locked carrying case or in a locked gun rack, cabinet, closet or safe, or a locking device is attached to the weapon and locked in a manner so as to prevent the weapon from being fired. This requirement shall not apply to a rifle, shotgun or licensed firearm carried on the body of the owner or within such close proximity of the owner that the owner can retrieve it as quickly and easily as if it were carried on the owner's body.

**E.** No person shall dispose of any firearm, rifle, shotgun, air gun or ammunition in the City. This prohibition shall not apply to:

- (1) A gunsmith or dealer in firearms duly licensed by the State of New York or the United States.
- (2) A person disposing of the same to a gunsmith or dealer in firearms duly licensed by the State of New York or the United States.
- (3) A person voluntarily surrendering the same in accordance with the provisions of § 265.20 of the Penal Law.
- (4) A person disposing of a licensed firearm in accordance with law.
- (5) Disposition by intestate or testamentary bequest.
- (6) A person disposing of a rifle, shotgun, air gun or ammunition to a family member.

**F.** No person shall possess an assault weapon or an ammunition-feeding device in the City. This prohibition shall not apply to:

- (1) A police officer or peace officer authorized to possess the same.

(2) A person in the military service of the State of New York or the United States when duly authorized to possess the same.

(3) A person voluntarily surrendering the same in accordance with the provisions of § 265.20 of the Penal law.

(4) A gunsmith or dealer in firearms duly licensed by the State of New York or the United States for weapons to be used by police officers or persons in the military service or for delivery outside of the City.

**G.** No person shall dispose of an assault weapon or ammunition-feeding device in the City. This prohibition shall not apply to:

(1) A person voluntarily surrendering the same in accordance with the provisions of § 265.20 of the Penal Law.

(2) A gunsmith or dealer in firearms duly licensed by the State of New York or the United States for weapons to be used by police offices or persons in the military service or for delivery outside of the City.

**M.** Penalties for offenses. A violation of any provision of this section shall be punishable by a fine not to exceed \$1,500 or by imprisonment not to exceed 15 days, or by both such fine and imprisonment.

**N.** The provisions of this section are severable, and if any of its provisions shall be held unconstitutional or invalid, the decision of the court shall not affect or impair any of the remaining provisions of the same. It is hereby declared to be the intention of the Council that this section would have been adopted had such unconstitutional or invalid provision not been included herein. If any term or provision of this section shall be declared unconstitutional, invalid or ineffective in whole, or in part, by a court of competent jurisdiction, then to the extent that it is not unconstitutional, invalid or ineffective, such term or provision shall be in force and effect, nor shall such determination be deemed to invalidate the remaining terms or provisions thereof.

### **Chapter 103 – Building Construction and Demolition; Fire Prevention Article V – Combustible and Explosive Materials**

#### **Section 103-49. Manufacture of small arms ammunition prohibited; exceptions.**

**A.** No person shall manufacture within the limits of the City any fixed ammunition for small arms.

**B.** There is an exception for hand loading of small arms ammunition prepared for personal use when not for resale.

#### **Section 103-50. Hand loading of small arms ammunition.**

**A.** No persons shall engage in the hand loading of small arms ammunition except for private personal use only and not for resale. A reloading of small arms ammunition shall be limited to the use of sporting or smokeless powder. An amount not in excess of five pounds and in the original container may be kept in a building without storing such powder in a magazine. An amount not in excess of 10 pounds stored in a magazine and 1,000 small arms primers packed in containers approved by the Interstate Commerce Commission may be kept in a building. Smoking while handling powder is prohibited. Storage of powder shall be inaccessible to children.

**B.** The hand loading of small arms ammunition is hereby prohibited in all buildings classified as multiple dwellings or multiple housing.

#### **Section 103-51. Exceptions.**

Nothing contained in this article shall be construed to prevent or interfere in any way with the sale of ammunition for revolvers or pistols of any kind or for rifles, shotguns or other arms belonging or which may belong to any person, whether as sporting or hunting weapons or for the purposes of protecting him in his home. Nothing in this article shall be construed to prohibit any resident wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks, provided that the same are to be shipped directly out of state, in accordance with the Interstate Commerce Commission regulations covering the transportation of explosives and other dangerous articles by motor, rail and water; or the use of fireworks by the railroads or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations. Such wholesalers, dealers and jobbers shall store their supplies of fireworks in accordance with this Code and will require a license as specified therein.

### **Chapter 254 – Junk Dealers and Pawnbrokers**

#### **Section 254-36. Receipt of firearms and wearing apparel restricted.**

No pawnbroker shall receive in pawn any pistol, revolver or other firearm of a size which may be concealed upon the person, nor shall any pawnbroker knowingly receive in pawn from any journeyman, mechanic, salesman, agent, apprentice or servant any partly manufactured article of wearing apparel or any material intended for the manufacture of such articles.

**Cedarhurst Code of Ordinances**  
Current through legislation adopted October 6, 2014.

**Chapter 202 Secondhand Dealers**

**Section 202-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles**

Any person who in any way, as principal, broker or agent:

**A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including, but not limited to, old gold or other precious metals, coins, stamps or currency, firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment;

**B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise;

**C.** Deals in the commercial purchase or sale of collateral-loan broker tickets or other evidence of pledged articles.

**Section 202-5. Exceptions.**

Nothing contained in this chapter shall be construed to apply to:

**B.** The first purchase or sale in the country of any imported secondhand article.

**C.** The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise.

**D.** The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.

**E.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it or the licensed agents thereof and sold as factory-rebuilt merchandise.

**G.** Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. "Identification" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 202-9. License required.**

**A.** It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

**B.** A license shall permit the buying and selling of used merchandise as a subsidiary part of the business only. Businesses dealing only in used goods are prohibited, except if such business is a bona fide antique dealer.

**Central Square Code of Ordinances**  
Current through legislation adopted March 13, 2017.

**Chapter 167 – Pawnbrokers**

**Section 167-15. Receipt of firearms and wearing apparel restricted.**

**A.** No pawnbroker shall receive in pawn any pistol, revolver or other firearm, nor shall any pawnbroker knowingly receive in pawn any article of wearing apparel.

**Chatham (Village of) Code of Ordinances**  
Current through legislation adopted November 4, 2019.

**Chapter 110 – Zoning**  
**Article VIII – Accessory Structures and Uses**

**Section 110-27 Home Occupations**

**D.** Prohibited Home Occupations.

(7) Sale, lease, trade, or other transfer of firearms or ammunition;

**Churchville Code of Ordinances**  
Current through legislation adopted February 12, 2018.

**Chapter 74 – Peace and Good Order**  
**Article IV – Firearms and Explosives**

**Section 74-13. License to sell.**

It shall be unlawful for any person to sell any firearms, fireworks or other explosives within the corporate limits of the Village of Churchville without first obtaining a license from the Village of Churchville upon written application first submitted to the Board of Trustees of the Village of Churchville and after securing the approval of the Board of Trustees of the Village of Churchville.

**East Rockaway Code of Ordinances**  
Current through legislation adopted October 16, 2017.

**Chapter 212 – Secondhand Dealers**

**Section 212-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person who in any way, as principal, broker or agent:

- A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ... firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.
- B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.
- C.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**Section 212-4. Exceptions to applicability.**

Nothing contained in this chapter shall be construed to apply to:

- B.** The first purchase or sale in the country of any imported secondhand article.
- C.** The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same nor to any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise.
- D.** The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same nor to the first subsequent nonretail sale or exchange of such merchandise.
- E.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.
- G.** "Antiques," which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. "Identification" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 212-8. License required.**

It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

**Farmingdale Code of Ordinances**  
Current through legislation adopted August 6, 2018.

**Chapter 448 – Secondhand Dealers**

**Section 448-2. General provisions; definitions.**

**A. Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person who in any way, as principal, broker or agent:

- (1)** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ... firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.

(2) Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.

(3) Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

B. Exceptions. Nothing contained in this chapter shall be construed to apply to:

(2) The first purchase or sale in the country of any imported secondhand article.

(3) The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail sale or exchange of such merchandise as used merchandise.

(4) The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.

(5) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.

(7) Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. "Identification" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 448-3. Permit required; fee; display of permit; nontransferability.**

A. It shall be unlawful for any person or persons, firm or corporation to act as a dealer in secondhand articles without a permit therefor.

**Fishkill (Village) Code of Ordinances**  
Current through legislation adopted June 3, 2019.

**Chapter 171 – Zoning**  
**Article XVII – Title; Definitions**

**Section 171-8. Classes of districts and schedules of regulations.**

A. The Village of Fishkill is hereby divided into the following classes of districts:

- VC-BD-Village Center Business District
- PB-Planned Business
- GB-1-General Business-1
- GB-2-General Business-2
- PI-Planned Industry

**Section 171-170. Word usage; definitions.**

**Gun Shop.** An establishment which sells guns, firearms or associated goods as the principal use. A sporting goods store with gun sales as an accessory to the principal use is not considered a gun shop.

**Section 171. Attachment 3**

Schedule C Uses for Nonresidential Districts Village of Fishkill

- PP = Permitted Principal Use
- PA = Permitted Accessory Use
- SPU = Special Use Permit

Uses	VCBD	PB	GB-1	GB-2	PI
Retail					
Gun Shop					SPU

**Floral Park Code of Ordinances**  
Current through legislation adopted February 5, 2019.

**Chapter 28 – Control and Regulation of Secondhand Dealers**

**Section 28-1. Definitions; exceptions.**

A. As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Second Hand Articles.** Any person who in any way, as principal, broker or agent:

(1) Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ... firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.

(2) Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.

(3) Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**B.** Nothing in this chapter shall be construed to apply to:

(2) The first purchase or sale in the country of any imported secondhand article.

(3) The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail sale or exchange of such merchandise as used merchandise.

(4) The acceptance or receipt of merchandise in a used condition as a return, trade-in or exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.

(5) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.

(7) Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. "Identification" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

#### **Section 28-2. License required; application.**

It shall be unlawful for any person or persons, firm or corporation to act as a dealer in secondhand articles without first obtaining and having in force and effect a license therefor issued by the Board of Trustees. ...

### **Flower Hill Code of Ordinances**

Current through legislation adopted August 5, 2019.

#### **Chapter 240 – Zoning**

##### **Article II – Districts**

#### **Section 240-15. Business District.**

**B.** Prohibited uses.

(1) The aforementioned permitted uses shall not be deemed to include the following, which are hereby designated as prohibited uses and contrary to the predominantly private one-family residential character of the Village and the health and welfare of its residents:

(q) An establishment dealing in secondhand articles, including but not limited to ..., firearms, rifles, shotguns, cameras, business machines, musical instruments, motors, electronic equipment or any items pledged in pawn, or that deals in melting metals for the purpose of sale and the like, but excluding automobiles and their parts, pianos, books, rugs, tapestries, artists' renditions, imported secondhand articles offered for first sale within the country, returned items, antiques and the like. It is the intent of this subsection to proscribe the establishment of pawnshops and the like within the Village.

### **Freeport Code of Ordinances**

Current through legislation adopted September 8, 2015.

#### **Chapter 173 – Secondhand Dealers**

#### **Section 173-1. General provisions.**

**A.** Definitions. As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person who in any way, as principal, broker or agent:

(1) Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ... firearms, rifles, shotguns, cameras, business machines, musical instruments, electronic equipment or outboard motors;

(2) Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise;

(3) Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**Person.** Any natural person, association, partnership, corporation, fiduciary or other legal entity.

**B. Exceptions.** Nothing contained in this chapter shall be construed to apply to:

(2) The first purchase or sale in the country of any imported secondhand article.

(3) The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail sale or exchange of such merchandise as used merchandise.

(4) The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.

(5) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.

(7) Antiques, which shall mean secondhand articles over 75 years of age, having a value of less than \$250 and void of any means of identification. Identification shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 173-2. License required; types of licenses.**

**A.** It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

**Fulton Code of Ordinances**

Current through legislation adopted September 24, 2019.

**Chapter 510 – Secondhand Dealers**

**Section 510-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Secondhand Dealer**

Any person engaged in the business of purchasing and/or selling secondhand any of the following articles:

**X.** Handguns, rifles, shotguns, cap and ball and black powder weapons.

**Section 510-3. Licensing requirements.**

**A.** Before any person shall engage in the business as a secondhand dealer in the City, said person shall obtain a license to do so from the City Clerk/Chamberlain. Said license shall be valid, unless otherwise revoked, for the calendar year in which the same is issued, and every said license shall expire at 12:00 midnight on December 31 of said year.

**B.** Where a secondhand dealer is engaged in business at more than one location, a separate license shall be secured for each place of business.

**C.** A secondhand dealer's license shall not include, nor permit the engaging in, the business of pawnbrokers.

**D.** Notwithstanding any provision herein contained, a license for a limited duration may be issued.

**Chapter 640 – Zoning**

**Article III – Use Regulations**

**Section 640-19 M-1 Manufacturing/Industrial District.**

**C.** The following uses shall be strictly prohibited in any M-1 Manufacturing/Industrial District:

(10) Manufacture of fireworks and small-arms ammunition.

**Garden City Code of Ordinances**  
Current through legislation adopted December 5, 2018.

**Chapter 167 – Secondhand Dealers**

**Section 167-2. Definitions.**

For the purpose of this chapter, certain words are defined as follows:

**Police Chief.** The Police Chief of the village.

**Dealer in Secondhand Articles or Secondhand Dealer.** Any person who, in any way, as principal, broker or agent:

- A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ..., firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment; or
- B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise; or
- C.** Is engaged in melting precious metals for the purpose of sale; or
- D.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles or, not being a pawnbroker, deals in the redemption or sale of pledged articles.

**Person.** Any individual, association, company, firm, corporation, partnership, society or any other entity.

**Village.** The Incorporated Village of Garden City.

**Section 167-3. License required; fee.**

**A.** In addition to the businesses, places, trades, occupations and things required to be licensed by statute or by other ordinances or local laws of the village, no person shall act as a dealer in secondhand articles without first obtaining a license in accordance with the requirements of this chapter.

**Gates Code of Ordinances**  
Current through legislation adopted May 6, 2019.

**Chapter 151 – Secondhand Dealers**

**Section 151-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Fair Market Value.** The amount a seller can expect to obtain for the merchandise in an open market from a willing buyer.

**Secondhand Dealer.**

**A.** Except as provided in Subsection B hereof, any person, corporation, partnership, limited liability corporation or any other legal entity in New York State who, either wholly or in part, engages in or operates the trade or business of buying and/or selling used goods, including but not limited to ..., firearms, cameras and camera equipment, video equipment, furniture, appliances, toys, any electronics such as VCRs, games, CDs, CD players, computers, paging equipment, calculators and office equipment, stamps, coins, antiques and collectibles such as but not limited to Hummel figurines, military service medals, swords, automotive parts or equipment.

**B.** "Secondhand dealer" shall not be deemed to include:

- (1)** Judicial sales or sales by executors or administrators.
- (2)** Occasional or auction sales of household goods sold from private homes.
- (3)** Auctions of real estate.
- (4)** The occasional sale, purchase or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, Internet or other form of printed or electronic advertising.

**Used Goods.** Any item that has been used, exchanged and/or sold at retail on at least one prior occasion. Used goods may also be referred to as "secondhand goods."

**Section 151-2. License required.**

**A.** No individual, person, partnership or corporation, association, trust or any other type of business permitted under the laws of the State of New York shall engage in the business as a secondhand dealer without first obtaining a license from

the Town Clerk of the Town of Gates. Advertising in any print, electronic media or by sign that any of those articles or goods referred to in Subsection A of the definition of "secondhand dealer" in § 151-1 herein are being bought and sold in any location within the Town of Gates shall constitute engaging in business as a secondhand dealer for purposes of this chapter. Notwithstanding the above, any of the aforementioned entities which establish a presence within the Town for the purposes of buying and selling used or secondhand goods, with or without the use of advertising, is engaging in business as secondhand dealer for the purposes of this chapter.

### **Glen Cove Code of Ordinances**

Current through legislation adopted September July 23, 2019.

#### **Chapter 205 – Pawnbrokers and Secondhand Dealers**

##### **Section 205-11. Definitions.**

As used in this article, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

**Dealer in Secondhand Articles.** Any person who in any way, as principal, broker or agent:

**A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ..., firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.

**B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.

##### **Section 205-12. Exceptions.**

Nothing contained in this article shall be construed to apply to:

**B.** The first purchase or sale in the country of any imported secondhand article.

**C.** The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise.

**D.** The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.

**E.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory rebuilt merchandise.

**G.** Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. Identification shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

##### **Section 205-16. License required.**

**A.** It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

### **Great Neck Estates Code of Ordinances**

Current through legislation adopted August 12, 2019.

#### **Chapter 120 – Firearms, Fireworks and Explosives**

##### **Section 120-1. Definitions.**

For the purposes of this chapter, the following terms shall have the meanings indicated:

**Firearm.** Includes, without limitation, any gun, handgun, pistol, rifle, fowling piece, shotgun, cannon, blank-cartridge pistol, air gun or spring gun.

##### **Section 120-3. Sale of firearms or explosives prohibited.**

The sale or exposure for sale of firearms, ammunition, fireworks or other explosives within the Village is hereby prohibited.

#### **Chapter 178 – Secondhand Articles, Dealers In**

##### **Section 178-1. Definitions; exceptions to regulations.**

**A.** Definitions. When used in this chapter, the following terms shall mean or include:

**Dealer in Secondhand Articles or Secondhand Dealer.** Any person who in any way, as principal, broker or agent:

(1) Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including, but not limited to, ..., firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.

(2) Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.

(3) Deals in the commercial purchase or sale of collateral loan broker tickets or other evidence of pledged articles.

**Village.** The Village of Great Neck Estates.

**B. Exceptions.** Nothing contained in this chapter shall be construed to apply to:

(2) The first purchase or sale in the country of any imported secondhand article.

(3) The acceptance or receipt of merchandise in a new condition as a return or exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise.

(4) The acceptance or receipt of merchandise in a used condition as a return, trade-in or exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.

(5) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it or the licensed agents thereof and sold as factory rebuilt merchandise.

(7) Antiques, which shall mean secondhand articles over 75 years of age, having a value of less than \$250 and devoid of any means of identification. "**Identification**" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

(9) A garage sale conducted by a person not normally engaged in the business of conducting such sales.

**Section 178-2. License required; bond; issuance or denial of license; revocation or suspension; review.**

**A.** It shall be unlawful for any person, association, partnership or corporation to act as a secondhand dealer, as defined in § 178-1 of this chapter, unless such secondhand dealer shall have complied with the provisions of this chapter and obtained the required license from the Mayor, for which license shall be paid to the Village a fee as set forth in Chapter 109, Fees, which license shall expire on June 30 of each year.

### **Greece Code of Ordinances**

Current through legislation adopted December 19, 2017.

### **Chapter 163 – Secondhand Dealers**

#### **Section 163A-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

#### **Secondhand Dealer.**

**A.** Any person, corporation, partnership, limited-liability corporation, trust, or any other legal entity in New York State who or which, either wholly or in part, engages in or operates the trade or business of buying used goods, including but not limited to ..., firearms, cameras and camera equipment, video equipment, furniture, appliances, toys, electronics such as VCRs, games, CDs, CD players, computers, paging equipment, calculators and office equipment, stamps, coins, antiques and collectibles such as, but not limited to, Hummel figurines, military service medals, swords, automotive parts or equipment.

(1) Advertising in any print, electronic media or by sign that any of those articles or goods referred to in Subsection A of the definition of "secondhand dealer" herein are being bought anywhere or in any location within the Town of Greece shall constitute engaging in business as a secondhand dealer for purposes of this chapter.

(2) The above notwithstanding, any individual, company, corporation, LLC, partnership, trust or other business entity which establishes a presence within the Town of Greece for the purpose of buying used or secondhand goods with or without the use of advertising is engaging in business as a secondhand dealer for the purpose of this chapter.

**B.** A secondhand dealer is not permitted to purchase or sell rifles, shotguns or firearms, except for antique firearms, as defined in New York State Penal Law § 265.00, unless he is also licensed as a dealer in firearms.

**C.** "Secondhand dealer" shall not include the following, and the following activities shall be exempt from the requirements of this chapter:

(2) Garage sales, basement sales, porch sales, yard sales or other such events at which a person desires to sell or trade his/her personal used items, household goods and/or furniture equipment upon his/her premises, said premises not being a regular place of business for purchase or sale of secondhand items; not more than three such sales shall be conducted by the same person or persons upon the same premises within one calendar year and each such sale shall not exceed 10 consecutive days.

(3) The return of secondhand items for credit, exchange or refund to the person from whom said items were originally obtained, provided that the items were not secondhand items when originally obtained.

(4) Judicial sales or sales by executors or administrators.

(5) The occasional or auction sales of household goods sold from private homes.

**Used Goods.** Any item that has been used, exchanged and/or sold at retail on at least one prior occasion. Used goods may also be referred to as "secondhand goods."

### **Section 163A-3. License required.**

No individual, person, partnership or corporation, association, limited-liability partnership or limited-liability corporation, trust or any other type of business permitted to do business under the laws of the State of New York shall engage in business as a secondhand dealer without first obtaining a secondhand dealer's license from the Town Clerk of the Town of Greece in accordance with the provisions of this chapter.

## **Greenburgh Code of Ordinances** Current through legislation adopted May 24, 2019.

### **Chapter 285 – Zoning** **Article IV – Supplementary Regulations**

#### **Section 285-36. Supplementary use regulations.**

**M.** Prohibited uses in all districts. Any other provisions of this chapter notwithstanding, and except as provided hereinafter, the following uses shall be prohibited in all districts

(4) Manufacture or storage of ammunition, explosives or fireworks.

## **Harrison Code of Ordinances** Current through legislation adopted December October 17, 2019.

### **Chapter 198 – Secondhand Dealers**

#### **Section 198-1. Definitions.**

**Dealer in Secondhand Articles.** Any person, firm or entity who in any way, as principal, broker or agent:

**A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ..., firearms, cameras, business machines, musical instruments, outboard motors or electronic equipment.

**B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.

**C.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

#### **Section 198-2. Exceptions.**

Nothing contained in this chapter shall be construed to apply to:

**B.** The first purchase or sale in the country of any imported secondhand article.

**C.** The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as "new merchandise" or the first subsequent nonretail or exchange of such merchandise as "used merchandise."

**D.** The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.

**E.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.

**G.** Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. Identification shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 198-4. License required.**

No person shall act as a dealer in secondhand articles without first obtaining a license therefor, from the Town Clerk.

**Hastings-On-Hudson Code of Ordinances**

Current through legislation adopted September 4, 2018.

**Chapter 141 – Firearms, Fireworks and Explosives  
Article II – Fireworks and Firearms**

**Section 141-4. Sale of fireworks, firearms and ammunition.**

It shall be unlawful for any person to sell or offer for sale within the village any blank cartridges, pistol, cannon, firecracker, torpedo canes for firing ammunition, or any ammunition commonly known as "car-track ammunition," and any and all kinds, within said village.

**Section 141-7. Penalties for offenses.**

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor.

**Hempstead (Town) Code of Ordinances**

Current through legislation adopted October 2, 2019.

**Chapter 113 – Control and Regulation of Secondhand Dealers**

**Section 113-2. General provisions.**

**A.** Definitions. As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person who in any way as principal, broker or agent:

- (1) Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ..., firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.
- (2) Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.
- (3) Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**B.** Exceptions. Nothing contained in this chapter shall be construed to apply to:

- (2) The first purchase or sale in the country of any imported secondhand article.
- (3) The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise, nor to the first subsequent nonretail or exchange of such merchandise as used merchandise.
- (4) The acceptance or receipt of merchandise in a used condition as a return, trade-in or exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.
- (5) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.
- (7) Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. "**Identification**" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 113-3. License required.**

**A.** It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

**Hempstead (Village) Code of Ordinances**  
Current through legislation adopted September 3, 2019.

**Chapter 109 – Secondhand Dealers**

**Section 109-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person who in any way, as principal, broker or agent:

- A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ..., firearms, cameras, business machines, musical instruments, outboard motors or electronic equipment.
- B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.
- C.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**Section 109-2. Exceptions.**

Nothing contained in this chapter shall be construed to apply to:

- B.** The first purchase or sale in the country of any imported secondhand article.
- C.** The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as "new merchandise" or the first subsequent nonretail or exchange of such merchandise as "used merchandise."
- D.** The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.
- E.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory rebuilt merchandise.
- G.** Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification, **identification** shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 109-4. License required.**

No person shall act as a dealer in secondhand articles without first obtaining a license therefor.

**Ilion Code of Ordinances**  
Current through legislation adopted March 9, 2016.

**Chapter 77 – Collateral Loan Brokers**

**Section 77-16. Restrictions.**

No collateral loan broker shall:

- I.** Receive in pawn any pistol, revolver or other firearm of a size which may be concealed upon the person.

**Irondequoit Code of Ordinances**  
Current through legislation adopted June 18, 2019.

**Chapter 235 – Zoning**  
**Article IV – R-R, R-1, R-2 and R-3 Residential Districts**

**Section 235-8. Permitted uses.**

**F.** Home occupations.

- (3)** The following uses shall not be deemed a home occupation: retail selling; firewood sales; stocking firearms sales; clinic; hospital; funeral home; restaurant; motel, hotel, rooming house, kennels, animal hospital, mortuary; personal service shop; spa; dance, aerobic exercise, martial art studio, etc.; repair, storage and/or painting of motorized vehicles or boats; welding shop; large appliance repair; place of amusement; public storage facility; and any use similar to the above.

## Article V – R-4 Residential Districts

### Section 235-14. Permitted uses.

#### F. Home occupations.

(3) The following uses shall not be deemed a home occupation: retail selling; firewood sales; stocking firearms sales; clinic; hospital; funeral home; restaurant; motel, hotel, rooming house, kennels, animal hospital, mortuary; personal service shop; spa; dance, aerobic exercise, martial art studio, etc.; repair, storage and/or painting of motorized vehicles or boats; welding shop; large appliance repair; place of amusement; public storage facility; and any use similar to the above.

## Article VI – R-5 Residential Districts

### Section 235-18. Permitted uses.

#### F. Home occupations.

(3) The following uses shall not be deemed a home occupation: retail selling; firewood sales; stocking firearms sales; clinic; hospital; funeral home; restaurant; motel, hotel, rooming house, kennels, animal hospital, mortuary; personal service shop; spa; dance, aerobic exercise, martial art studio, etc.; repair, storage and/or painting of motorized vehicles or boats; welding shop; large appliance repair; place of amusement; public storage facility; and any use similar to the above.

## Island Park Code of Ordinances

Current through legislation adopted May 16, 2019.

## Chapter 468 – Secondhand Dealers

### Section 468-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person who in any way, as principal, broker or agent:

- A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including, but not limited to, ..., firearms, rifles, shotguns cameras, business machines, musical instruments, outboard motors, or electronic equipment.
- B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.
- C.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

### Section 468-2. Exceptions.

Nothing contained in this chapter shall be construed to apply to:

- B.** The first purchase or sale in the country of any imported secondhand article.
- C.** The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, or to any resale of such merchandise as "new merchandise" or the first subsequent nonretail or exchange of such merchandise as "used merchandise."
- D.** The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, or to the first subsequent nonretail sale or exchange of such merchandise:
- E.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, sold as factory rebuilt merchandise;
- G.** Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250, and void of any means of identification. "**Identification**" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

### Section 468-6. License required; types of licenses.

- A.** It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

**Islip Code of Ordinances**  
Current through legislation adopted September 24, 2019.  
**Chapter 68 – Zoning**  
**Article XXVI – Use District Regulations: Industrial 2 District**

**Section 68-355. Prohibited uses.**

A. In an Industrial 2 District, the following uses are prohibited:

- (42) Small arms, ammunition or fireworks manufacture.

**Jamestown Code of Ordinances**  
Current through legislation adopted September 25, 2017.  
**Chapter 235 – Secondhand Dealers and Junkyards**

**Section 235-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Secondhand Dealer.** Any person engaged in the purchase and/or sale of previously owned or used ..., firearms, automobile accessories and musical instruments. The items of personal property hereinbefore mentioned shall not include items previously owned if such items were originally purchased at retail or wholesale and thereafter returned to the original retailer or wholesaler for exchange, refund or credit.

**Section 235-2. License required.**

No person, either as principal, agent or employee, shall within the City establish, engage in or carry on the business of a secondhand dealer or junk dealer, either separately or in connection with some other business, without first having obtained and paid for and having in full force and effect a license as provided by this chapter.

**Johnson City Code of Ordinances**  
Current through legislation adopted February 19, 2019.  
**Chapter 172 – Licensed Occupations**  
**Article III – Dealers in Secondhand Goods**

**Section 172-27. License required.**

A. No person, either as principal, agent or employee, shall, within the incorporated limits of the Village of Johnson City, establish, engage in or carry on the business of a dealer in secondhand goods as defined herein, either separately or in connection with some other business, without first having obtained and paid for and having in full force and effect a license as provided by this article.

B. The fee for licenses issued under this article shall be \$50 per year.

**Section 172-28. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them by this section:

**Dealer in Secondhand Goods.** Any person engaged in the commercial exchange, purchase and/or sale of the following secondhand articles: radios, ..., firearms, rifles and shotguns.

**Person.** Includes the singular and the plural and shall also mean and include any person, firm or corporation, association, club, copartnership, society or any other organization.

**Kent Code of Ordinances**  
Current through legislation adopted July 2, 2019.  
**Chapter 77 – Zoning**  
**Article XII – Supplementary Use Regulations**

**Section 77-40. Prohibited uses in all districts.**

Any other provisions of this chapter notwithstanding, and except as provided hereinafter, the following uses shall be prohibited in all districts.

E. Manufacture or storage of ammunition, explosives or fireworks.

**Lawrence Code of Ordinances**  
Current through legislation adopted September 12, 2019.

**Chapter 158 – Secondhand Dealers**

**Section 158-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person who in any way, as principal, broker or agent:

- A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ..., firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.
- B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.
- C.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**Section 158-2. Applicability.**

Nothing contained in this chapter shall be construed to apply to:

- B.** The first purchase or sale in the country of any imported secondhand article.
- C.** The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same nor to any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise.
- D.** The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.
- E.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.
- G.** Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. "**Identification**" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 158-6. License required.**

It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

**Long Beach Code of Ordinances**  
Current through Ordinance 2032/08, enacted November 18, 2018. (Supplement 70)

**Chapter 14 – Licenses and Business Regulations**  
**Article XII – Secondhand Dealers**

**Section 14-260. General provisions.**

**(a) Definition.** "**Dealer in secondhand articles**" shall mean any person who in any way, as principal, broker or agent:

- (1)** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including, but not limited to, ... firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors, or electronic equipment;
- (2)** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise;
- (3)** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**(b) Exceptions.** Nothing contained in this article shall be construed to apply to:

- (1)** Automobiles, pianos, furniture, books, magazines, rugs, tapestries, artists' burlaps, paintings, sculpture, drawings, etchings and engravings;
- (2)** The first purchase or sale in the country of any imported secondhand article;
- (3)** The acceptance or receipt of merchandise in new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to

any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise;

(4) The acceptance or receipt of merchandise in used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise;

(5) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory rebuilt merchandise;

(6) A thrift shop, as defined to be so classified under the United States Internal Revenue Code, entitled to an exemption as an eleemosynary corporation or institution;

(7) Antiques, which shall mean secondhand articles over fifty (50) years of age, having a value of less than two hundred fifty dollars (\$250.00), and void of any means of identification. **Identification** shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 14-261. License required.**

(a) It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

**Malta Code of Ordinances**

Current through legislation adopted June 3, 2019.

**Chapter 167A – Zoning Appendix**

**Section 167A-46. Caro Planned Development District No. 40.**

**W.** Open air market.

(5) No vendor shall be permitted to sell, or display for sale, the following:

(a) Weapons or ammunition;

**Mamaroneck (Town) Code of Ordinances**

Current through legislation adopted November June 19, 2019.

**Chapter 106 – Fire Prevention and Building Construction**

**Part 1 – Fire Prevention**

**Article III – Fire Hazards and Safety Measures**

**Section 106-2. Definitions.**

As used in this Part 1, the following terms shall have the meanings indicated:

**Small-Arms Ammunition** Any shotgun, rifle, pistol or revolver cartridges.

**Section 106-26. Small-arms ammunition.**

**A.** No person shall manufacture within the limits of the Town outside of incorporated villages of Mamaroneck any small-arms ammunition.

**Massapequa Park Code of Ordinances**

Current through legislation adopted November 26, 2018.

**Chapter 7274 – Secondhand Dealers**

**Section 274-4. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person who, in any way, as principal, broker or agent:

**A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including, but not limited to, ... firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.

**B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.

**C.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

### **Section 274-5. Construal of provisions.**

Nothing contained in this chapter shall be construed to apply to:

- B.** The first purchase or sale in the country of any imported secondhand article.
- C.** The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise.
- D.** The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent non retail sale or exchange of such merchandise.
- E.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.
- G.** Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. "**Identification**" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

### **Section 274-9. License required.**

It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

## **Chapter 345 – Zoning** **Article III – General Use Regulations**

### **Section 345-22. Special permit uses in Business G Districts.**

**A.** In Business G District, no building or premises shall be used and no building shall be erected or structurally altered which is arranged, intended or designed to be used for any of the following uses except on special permit as provided in § 345-11B(3)

- (28)** Small arms ammunition or fireworks manufacture.

## **Mineola Code of Ordinances** Current through legislation adopted January 16, 2019.

## **Chapter 430 – Secondhand Dealers** **Article I – General Provisions**

### **Section 430-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Antique.** Any article or merchandise which is more than 50 years old.

**Dealer in Secondhand Merchandise.** Any person who, in any way as principal, broker or agent:

- A.** Deals in the commercial purchase or sale of secondhand merchandise for any purpose;
- B.** Accepts or receives secondhand merchandise as returns of merchandise or in exchange for or for credits on any other articles of merchandise; or
- C.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**Person.** An individual, partnership, unincorporated association, corporation or other entity.

**Secondhand Merchandise.** Any item which shall have been previously used or purchased by a consumer, including old gold or other precious metals, coins, stamps or currency, firearms, cameras, business machines, musical instruments, outboard motors or electronic equipment, but shall not include:

- B.** The first purchase or sale in the United States of any imported used item;
- C.** The acceptance or receipt of merchandise in a new or used condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, or any resale of such merchandise as new merchandise or the first subsequent nonretail sale or exchange of such merchandise as used merchandise;
- D.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise;
- F.** Antiques having a value of less than \$250 and void of any serial numbers, monograms, initials or distinct markings.

## Article II – Licenses

### Section 430-4. License required.

It shall be unlawful for any person to act as a dealer in secondhand merchandise within the Incorporated Village of Mineola without first having obtained, and having in force, a license therefor as hereinafter provided.

### New Rochelle Code of Ordinances

Current through legislation adopted September 17, 2019.

### Chapter 227 – Pawnbrokers

#### Section 227-8. Restrictions.

No pawnbroker or collateral loan broker shall purchase any secondhand furniture, metals, clothing or other article or thing whatever offered to him as a pawn or pledge, nor shall he engage in any secondhand or junk business, nor receive in pawn or as a pledge any instrument or weapon mentioned in § 265.00 of the Penal Law of the State of New York.

### Chapter 331 – Zoning

### Article VI – Uses in Residence Districts

#### Section 331-45. Additional regulations for residence districts.

**B.** Customary home occupations. A customary home occupation may be established in a dwelling unit including the use of a personal computer, facsimile or other home office equipment, subject to the following:

- (8) Such occupation does not involve the storage for sale or sale of firearms or ammunition.

### New York City Charter

Current through Local Law 2019/214, enacted December 4, 2019.

### Chapter 18-C – Public Safety

#### Section 459. Definitions.

**a.** The term "**school**" means a public, private or parochial, day care center or nursery or pre-school, elementary, intermediate, junior high, vocational, or high school.

**b.** The term "**school zone**" means in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public, private or parochial day care center or nursery or pre-school, elementary, intermediate, junior high, vocational, or high school, or within one thousand feet of the real property boundary line comprising any such school.

**c.** The term "**firearm**" means a firearm, rifle, shotgun, or assault weapon, as such terms are defined in section 10-301 of the administrative code, or a machine gun, as defined in penal law section 265.00.

#### Section 460. Gun-free school safety zones.

**a.** It shall be a crime for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

**b.** Subdivision a of this section shall not apply where the firearm is:

- (i) possessed and kept in such individual's home in a school zone, provided that such individual is licensed or permitted to possess such firearm; or

- (ii) possessed and kept at such individual's business in a school zone, provided that such individual is licensed or permitted to possess such firearm.

**c.** Affirmative defenses to the crime established in subdivision a shall include possession of a firearm:

- (i) carried for personal safety between such individual's business, home, or bank in a school zone, provided that such individual is licensed or permitted to possess such firearm for such purpose;

- (ii) just purchased or obtained by such individual and being transported that same day for the first time to such individual's home or business in a school zone where it will be stored, provided that such individual is licensed or permitted to possess such firearm;

- (iii) carried between a police department facility for inspection and an individual's business, home, bank, or point of purchase in a school zone, provided that such individual is licensed or permitted to possess such firearm;

- (iv) carried by licensed or permitted individuals and being transported to or from an authorized target practice facility;

(v) carried between a gunsmith for demonstrably needed repairs and an individual's business or home in a school zone, provided that such individual is licensed or permitted to possess such firearm;

(vi) used in an athletic or safety program approved by a school in a school zone, or by the police commissioner, or in accordance with a contract entered into between a school within the school zone and the individual or an employer of the individual, provided that such individual is licensed or permitted to possess such firearm for such purpose; or

(vii) used in accordance with a contract entered into between a business within the school zone and the individual or an employer of the individual, provided that such individual is licensed or permitted to possess such firearm for such purpose.

d. It shall be a crime for any person, knowingly or with reckless disregard for the safety of another, to discharge a firearm in a school zone.

e. Affirmative defenses to the crime established in subdivision d shall include discharge of a firearm:

(i) by an individual for self-defense, provided that such individual is licensed or permitted to possess such firearm for such purpose;

(ii) for use in a special event or safety program authorized by a school in a school zone or by the police commissioner;

(iii) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual, provided that such individual is licensed or permitted to possess such firearm for such purpose; or

(iv) by an individual in accordance with a contract entered into between a business and the individual or an employer of the individual, provided that such individual is licensed or permitted to possess such firearm for such purpose.

f. Any person who violates this section shall be guilty of a misdemeanor, punishable by imprisonment of not more than one year or by a fine of not more than ten thousand dollars, or both.

g. In addition to the penalties prescribed in subdivision f of this section, any person who violates this section shall be liable for a civil penalty of not more than ten thousand dollars.

h. This section shall not apply to a police officer, as such term is defined in section 1.20 of the criminal procedure law, or a federal law enforcement officer, as such term is defined in section 2.15 of the criminal procedure law.

i. The police commissioner may promulgate rules implementing the provisions of this section. The police commissioner shall provide written notice of the requirements of this section to all persons who receive an official authorization to purchase a firearm and to all persons applying for a license or permit, or renewal of a license or permit. Failure to receive such notice shall not be a defense to any violation of this section.

j. The city of New York and its agencies, officers or employees shall not be liable to any party by reason of any incident or injury occurring in a gun-free school safety zone arising out of a violation of any provision of this section.

## **Chapter 18-D – Sale, Purchase and Possession of Weapons**

### **Section 461. Definition.**

The term "**firearm**" means a firearm, rifle, shotgun, or assault weapon, as such terms are defined in section 10-301 of the administrative code, or a machine gun, as defined in penal law section 265.00.

### **Section 462. Permits and licenses for the purchase and possession of firearms.**

Notwithstanding any other provision of local law, no person under the age of twenty-one shall be granted a permit or license to purchase and possess a firearm. If the applicant for a permit or license is a partnership or corporation, only those members of the partnership or corporation over the age of twenty-one may apply for a permit or license to purchase and possess a firearm on behalf of the partnership or corporation. This section shall not apply to any person under the age of twenty-one who has been issued a valid permit or license to possess a firearm on the date that this section shall become law.

### **Section 463. Sale or disposal of firearms.**

It shall be a crime for any person to sell, offer for sale, or dispose of a firearm to any person under the age of twenty-one within the city of New York, unless such person under the age of twenty-one has a valid permit or license or is otherwise exempted by law.

### **Section 465. Exemptions.**

a. Sections four hundred sixty-two and four hundred sixty-four shall not apply to:

(1) persons in the military service of the state of New York when duly authorized by regulations issued by the chief of staff to the governor to carry or possess a firearm;

(2) persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to carry or possess a firearm;

(3) persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of a firearm is necessary for manufacture, transport, installation and testing under the requirements of such contract;

(4) police officers as defined by the criminal procedure law section 1.20;

(5) peace officers as defined by the criminal procedure law section 2.10, provided that such peace officers are (i) authorized pursuant to law or regulation of the state or city of New York to possess a firearm within the city of New York without a license or permit therefore; and (ii) authorized by their employer to possess such firearm; or

(6) participants in special events when authorized by the police commissioner.

b. Any person listed in subdivision a of this section may be permitted or licensed to purchase a firearm according to State law and the rules of the city of New York. Pursuant to section four hundred sixty-three, it shall be a crime for a dealer to sell any firearm to any person listed in subdivision a without securing full and secure proof of identification.

### **New York City Administrative Code**

Current through Local Law 2019/025, enacted January 20, 2019.

#### **Title 10 – Public Safety Chapter 1 – Public Safety**

#### **Section 10-131. Firearms.**

a. Pistols or revolvers, keeping or carrying.

1. The police commissioner shall grant and issue licenses hereunder pursuant to the provisions of article four hundred of the penal law. Unless they indicate otherwise, such licenses and permits shall expire on the first day of the second January after the date of issuance.

2. Every license to carry or possess a pistol or revolver in the city may be issued for a term of no less than one or more than three years. Every applicant for a license to carry or possess a pistol or revolver in the city shall pay therefor, a fee of three hundred forty dollars for each original or renewal application for a three year license period or part thereof, a fee of ten dollars for each replacement application of a lost license.

3. Every applicant to whom a license has been issued by any person other than the police commissioner, except as provided in paragraph five of this subdivision, for a special permit from the commissioner granting it validity within the city of New York, shall pay for such permit a fee of three hundred forty dollars, for each renewal a fee of three hundred forty dollars, for each replacement of a lost permit a fee of ten dollars.

4. Fees paid as provided herein shall not be refunded in the event that an original or renewal application, or a special validation permit application, is denied by the police commissioner.

5. A fee shall not be charged or collected for a license to have and carry concealed a pistol or revolver which shall be issued upon the application of the commissioner of correction or the warden or superintendent of any prison, penitentiary, workhouse or other institution for the detention of persons convicted or accused of crime or offense, or held as witnesses in criminal cases in the city.

6. The fees prescribed by this subdivision shall be collected by the police commissioner, and shall be paid into the general fund of the city established pursuant to section one hundred nine of the charter, and a return in detail shall be made to the comptroller by such commissioner of the fees so collected and paid over by the commissioner.

7. A fee shall not be charged or collected for the issuance of a license, or the renewal thereof, to have and carry concealed a pistol or revolver which is issued upon the application of a qualified retired police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, or a qualified retired bridge and tunnel officer, sergeant or lieutenant of the triborough bridge and tunnel authority as defined under subdivision twenty of section 2.10 of the criminal procedure law, or a qualified retired uniformed court officer in the unified court system, or a qualified retired court clerk in the unified court system in the first and second judicial departments, as defined in paragraphs a and b of subdivision twenty-one of section 2.10 of the criminal procedure law or a retired correction officer as defined in subdivision twenty-five of section 2.10 of the criminal procedure law or a qualified retired sheriff, undersheriff or deputy sheriff of the city of New York as defined under subdivision two of section 2.10 of the criminal procedure law.

j. Deceptively colored firearms, rifles, shotguns, and assault weapons.

**(1) Definitions.**

**(i)** When used in this subdivision, the term "**deceptively colored firearm, rifle, shotgun, or assault weapon**" shall include any firearm, rifle, shotgun, or assault weapon any substantial portion of whose exterior surface is colored any color other than black, dark grey, dark green, silver, steel, or nickel, except as provided in subparagraph (iii) of this paragraph. For purposes of this subparagraph, the exterior surface of either the receiver or the slide of a firearm shall be deemed to constitute a substantial portion of the exterior surface of the firearm.

**(ii)** Any firearm, rifle, shotgun, or assault weapon any substantial portion of whose exterior surface is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple, either singly or as the predominant color in combination with other colors in any pattern shall be deemed to be a deceptively colored firearm, rifle, shotgun, or assault weapon, except as provided in subparagraph (iii) of this paragraph.

**(iii)** Notwithstanding subparagraph (i) and (ii) of this paragraph, a firearm, rifle, shotgun, or assault weapon shall not be deemed to be a deceptively colored firearm, rifle, shotgun, or assault weapon merely because its handle is composed of ivory, colored so as to appear to be composed of ivory, composed of wood, or colored so as to be composed of wood.

**(iv)** The term "**deceptive coloring product**" shall mean and include any equipment, product, or material that is designed for use in modifying any firearm, rifle, shotgun, or assault weapon so as to make it a deceptively colored firearm, rifle, shotgun, or assault weapon. Any equipment, product, or material that is held out, offered for sale, or otherwise disposed of based on its utility, alone or in combination with other equipment, products, or materials, in modifying any firearm, rifle, shotgun, or assault weapon so as to make it a deceptively colored firearm, rifle, shotgun, or assault weapon shall be deemed a deceptive coloring product. Any combination of equipment, products, or materials that are jointly held out, offered for sale, or otherwise disposed of based on their utility, jointly or in combination with other equipment, products, or materials, in modifying any firearm, rifle, shotgun, or assault weapon so as to make it a deceptively colored firearm, rifle, shotgun, or assault weapon shall be deemed a deceptive coloring product.

**(v)** The definitions set forth in section 10-301 of this title shall apply to this subdivision.

**(2)** It shall be unlawful for any person to dispose of a deceptively colored firearm, rifle, shotgun, or assault weapon or a deceptive coloring product except as authorized by paragraph six of this subdivision. It shall be unlawful for any person to modify, attempt to modify, or offer to modify any firearm, rifle, shotgun, or assault weapon so as to make it a deceptively colored firearm, rifle, shotgun, or assault weapon except as authorized by paragraph six of this subdivision.

**(3)** It shall be unlawful for any person to possess a deceptively colored firearm, rifle, shotgun, or assault weapon or a deceptive coloring product except as authorized by paragraph five or six of this subdivision or for any person to attempt to possess a deceptively colored firearm, rifle, shotgun, or assault weapon or a deceptive coloring product except as authorized by paragraph six of this subdivision.

**(4)** Violation of this subdivision or of regulations issued pursuant to it shall be a misdemeanor punishable by a fine of not more than one thousand dollars or imprisonment of not more than one year or both.

**(5)** This subdivision shall not apply to the possession of any deceptively colored firearm, rifle, shotgun, or assault weapon by any person who possesses it on the effective date of the local law enacting this subdivision, or by any person who acquires it by operation of law after the effective date of the local law enacting this subdivision, or because of the death of another person for whom such person is an executor or administrator of an estate or a trustee of a trust created in a will, provided that, within fifteen days, such person either **(i)** surrenders such deceptively colored firearm, rifle, shotgun, or assault weapon to the commissioner for disposal in accordance with the provisions of section 400.05 of the penal law; or **(ii)** modifies such firearm, rifle, shotgun, or assault weapon so that it is no longer a deceptively colored firearm, rifle, shotgun, or assault weapon and cannot be readily converted into one. This subdivision shall not apply to the possession of any deceptive coloring product by any person who possesses it on the effective date of the local law enacting this subdivision, or by any person who acquires it by operation of law after the effective date of the local law enacting this subdivision, or because of the death of another person for whom such person is an executor or administrator of an estate or a trustee of a trust created in a will, provided that within fifteen days such person surrenders such deceptive coloring product to the commissioner for disposal.

**(6)** This subdivision shall not apply to the disposal, possession, modification, or use of any firearm, rifle, shotgun, assault weapon, or deceptive coloring product that is purchased for the use of, sold or shipped to, or issued for the use of, the United States or any department or agency thereof, or any state or any department, agency, or political subdivision thereof.

## Chapter 3 – Firearms

### Section 10-301. Control and regulation of the disposition, purchase and possession of firearms, rifles, shotguns and assault weapons.

**Definitions.** Whenever used in this chapter the following terms shall mean and include:

- 1. "Firearm."** (a) Any pistol or revolver; (b) a shotgun having 1 or more barrels less than 18 inches in length; or (c) a rifle having 1 or more barrels less than 16 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 26 inches. 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 breechlock 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. The provisions of this chapter relating to firearms shall not apply to assault weapons except as specifically provided.
- 2. "Rifle."** A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and, even if not designed or redesigned, made or remade, and intended to be fired from the shoulder, is not a firearm as defined in subdivision one of this section, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger. The provisions of this chapter relating to rifles shall not apply to assault weapons except as specifically provided.
- 3. "Shotgun."** A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and, even if not designed or redesigned, made or remade, and intended to be fired from the shoulder, is not a firearm as defined in subdivision one of this section, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell, to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger. The provisions of this chapter relating to shotguns shall not apply to assault weapons except as specifically provided.
- 4. "Gunsmith."** Any person, firm, partnership, corporation, or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving, or trueing, or who in the course of such business performs any mechanical operation on any rifle, shotgun, firearm, assault weapon or machine gun.
- 5. "Dealer in firearms."** 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 pistol or revolver or other firearms which may be concealed upon the person. Dealer in firearms shall not include a wholesale dealer.
- 6. "Dealer in rifles and shotguns."** 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 rifle, or shotgun. Dealer in rifles and shotguns shall not include a wholesale dealer.
- 7. "Ammunition."** Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shotgun, assault weapon or other dangerous weapon.
- 8. "Dispose of."** To dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.
- 9. "Deface."** To remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.
- 10. "Commissioner."** The police commissioner of the city of New York or the commissioner's designee.
- 11. "Permit."** The permit for purchase and possession of rifles and shotguns issued by the commissioner.
- 12. "Certificate."** The certificate of registration for possession of rifles and shotguns.
- 13. "Serious offense."** A serious offense as defined in subdivision 17 of § 265.00 of the penal law.
- 14. "Business enterprise."** Any proprietorship, company, partnership, corporation, association, cooperative, nonprofit organization or other entity engaged or seeking to engage in the activities regulated pursuant to § 10-302 of this chapter.
- 15. "Semiautomatic."** Any firearm, rifle or shotgun that uses part of the energy of a fired cartridge to expel the case of the fired cartridge and load another cartridge into the firing chamber, and which requires a separate pull of the trigger to fire each cartridge.
- 16. "Assault weapon."**
  - (a)** Any semiautomatic centerfire or rimfire rifle or semiautomatic shotgun which has one or more of the following features:
    - 1.** folding or telescoping stock or no stock;

2. pistol grip that protrudes conspicuously beneath the action of the weapon;
3. bayonet mount;
4. flash suppressor or threaded barrel designed to accommodate a flash suppressor;
5. barrel shroud;
6. grenade launcher; or

7. modifications of such features, or other features, determined by rule of the commissioner to be particularly suitable for military and not sporting purposes. In addition, the commissioner shall, by rule, designate specific semiautomatic centerfire or rimfire rifles or semiautomatic shotguns, identified by make, model and/or manufacturer's name, as within the definition of assault weapon, if the commissioner determines that such weapons are particularly suitable for military and not sporting purposes. The commissioner shall inspect such specific designated semiautomatic centerfire or rimfire rifles or semiautomatic shotguns at least 3 times per year, and shall revise or update such designations as he or she deems appropriate.

(b) Any shotgun with a revolving-cylinder magazine.

(c) Any part, or combination of parts, designed or redesigned or intended to readily convert a rifle or shotgun into an assault weapon.

(d) "Assault weapon" shall not include any rifle or shotgun modified to render it permanently inoperative.

**17. "Ammunition feeding device."** Magazines, belts, feedstrips, drums or clips capable of being attached to or utilized with firearms, rifles, shotguns or assault weapons.

**18. "Antique firearm."** Any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.

**19. "Special theatrical dealer."** Any person, firm, partnership, corporation or company who possesses assault weapons exclusively for the purpose of leasing such assault weapons to special theatrical permittees within the city and for theatrical purposes outside the city.

**20. "Acquire."** To gain possession of or title to a weapon through purchase, gift, lease, loan, or otherwise.

**21. "Frame or receiver."** Part of a firearm, rifle, shotgun or assault weapon that provides housing for the hammer, bolt or breechblock, and firing mechanism, and that is usually threaded at its forward portion to receive the barrel.

**22. "Unfinished frame or receiver."** A piece of any material that does not constitute the frame or receiver of a firearm, rifle, shotgun or assault weapon but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm, rifle, shotgun or assault weapon with modification by the user and that is not engraved with a serial number that meets or exceeds requirements pursuant to subsection (i) of section 923 of title 18 of the United States code and regulations issued pursuant thereto.

**Section 10-302. Licensing of gunsmiths, of wholesale manufacturers of firearms, or assemblers of firearms, dealers in firearms, dealers in rifles and shotguns, and special theatrical dealers.**

**a.** It shall be unlawful for any person or business enterprise to engage in the business of gunsmith, wholesale manufacturer of firearms, assembler of firearms, dealer in firearms, dealer in rifles and shotguns, or special theatrical dealer, unless such person, or business enterprise, has obtained a license to engage in such business in the manner prescribed in this section. No person shall engage in the business of dealer in rifles and shotguns or special theatrical dealer unless he or she has been issued a permit for the possession of shotguns and rifles pursuant to the provisions of this chapter. No person or business enterprise shall be eligible to apply for or to hold a license as a special theatrical dealer unless such person or business enterprise (1) possesses both a license as a dealer in firearms and a license as a dealer in rifles and shotguns and (2) has possessed such licenses and engaged in such businesses for at least 1 year.

**b.** No license shall be issued or renewed pursuant to this section except by the police commissioner, and then only after investigation and finding that all statements in a proper application for a license or renewal are true. No license shall be issued or renewed except for any applicant:

(1) of good moral character;

(2) who has not been convicted anywhere of a felony or of any serious offense;

(3) who has stated whether he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness and who is free from any mental disorder, defects or diseases that would impair the ability safely to possess or use a firearm, rifle or shotgun;

(4) who has not been convicted of violating § 10-303.1 of this chapter; and

(5) concerning whom no good cause exists for the denial of a license.

c.

(1) An applicant to engage in such business shall also be a citizen of the United States, more than 21 years of age and maintain a place of business in the city.

(2) Each applicant to engage in such business shall comply with all the requirements set forth in this section. If the applicant is a partnership, each partner thereof shall comply with all the requirements set forth in this section and if the applicant is a corporation, each officer thereof shall so comply.

(3) No applicant for a special theatrical dealer's license or renewal thereof shall be issued such license or renewal unless the applicant submits proof, in such form as the commissioner may require, that at least ten percent of the gross income earned by the applicant as a dealer in firearms, dealer in rifles and shotguns and, in the case of an application for renewal, special theatrical dealer, in the year preceding the application for such license or renewal, was earned from the lease for theatrical purposes of such ammunition feeding devices, firearms, rifles, shotguns or assault weapons as the applicant was authorized to lease. No applicant for a special theatrical dealer's license or renewal thereof shall be issued such license or renewal unless the gross income earned by the applicant as a dealer in firearms, dealer in rifles and shotguns and, in the case of an application for renewal, special theatrical dealer, in the year preceding the application for such license or renewal, exceeded \$50,000.

d. An application for a license or renewal thereof shall be made to the police commissioner. An application shall include the full name, date of birth, residence, present occupation of each person or individual signing the same, whether he or she is a citizen of the United States, whether he or she complies with each requirement for eligibility specified in subdivision b of this section and such other facts as may be required to show the good character, competency and integrity of each person or individual signing the application. An application shall be signed and affirmed by the applicant. Each individual signing an application shall submit 1 photograph of himself or herself and a duplicate for each required copy of the application. Such photographs shall have been taken within 30 days prior to filing the application. The photographs submitted shall be 2 inches square, and the application shall also state the previous occupation of each individual signing the same and the location of the place of such business, or of the bureau, agency, subagency, office or branch office for which the license is sought, indicating the street and number and otherwise giving such apt description as to point out reasonably the location thereof. In such case, if the applicant is a business enterprise, its name, date and place of formation, and principal place of business shall be stated. For a partnership, the application shall be signed and affirmed by each partner, and for a corporation, by each officer thereof.

With respect to an application for a license as a dealer in rifles and shotguns or as a special theatrical dealer, a written statement shall be submitted by the individual applicant, or in the case of a business enterprise a responsible officer or agent thereof, stating (a) the identification number of the shotgun and rifle permit issued to the individual applicant or the responsible officer or agent in the case of a business enterprise, (b) the address of a regular place of business maintained by the applicant, (c) that since the issuance of the rifle and shotgun permit the individual applicant or responsible officer or agent has not become disqualified for issuance of such a permit, (d) that he or she undertakes to supervise the acts of his or her, or in the case of a business enterprise, its employees, (e) that the applicant has not previously been refused a license as a dealer in shotguns and rifles or as a special theatrical dealer and that no such license issued to the applicant has ever been revoked.

e. Before a license is issued or renewed, there shall be an investigation of all statements required in the application by the police department. For that purpose, the records of the department of mental hygiene concerning previous or present mental illness of the applicant shall be available for inspection by the investigating officer of the police department. In order to ascertain any previous criminal record, the investigating officer shall take the fingerprints and physical descriptive data in quadruplicate of each individual by whom the application is signed. Two copies of such fingerprints shall be taken on standard fingerprint cards 8 inches square, and 1 copy may be taken on a card supplied for that purpose by the federal bureau of investigation. When completed, 1 standard card shall be promptly submitted to the division of criminal justice services where it shall be appropriately processed. A second standard card, or the one supplied by the federal bureau of investigation, as the case may be, shall be forwarded to that bureau at Washington with a request that the files of the bureau be searched and notification of the results of the search be made to the police department. The failure or refusal of the federal bureau of investigation to make the fingerprint check provided for in this section shall not constitute the sole basis for refusal to issue a license pursuant to the provisions of this section. Of the remaining 2 fingerprint cards, 1 shall be filed with the executive department, division of state police, Albany, within 10 days after issuance of the license, and the other remain on file with the police department. No such fingerprints may be inspected by any person other than a peace officer, when acting pursuant to his or her special duties, or a police officer except on order of a judge or justice of a court of record either upon notice to the licensee or without notice, as the judge or justice may deem appropriate. Upon completion of the investigation, the police department shall report the results to the commissioner without unnecessary delay.

f. Applications shall indicate and licenses shall be issued for a gunsmith, a wholesale manufacturer of firearms, an assembler of firearms, a dealer in firearms, a dealer in rifles and shotguns or a special theatrical dealer.

**g.** The application for any license, if granted, shall be a public record. Such application shall be kept on file in the office of the police commissioner and, within 10 days after the issuance of a license, a duplicate copy shall be filed in the executive department, division of state police, Albany.

**h.** No license shall be transferable to any other person or premises. The license shall mention and describe the premises for which it is issued and shall be valid only for such premises.

**i.** A license issued pursuant to this section shall be prominently displayed on the licensed premises. Failure of any person or business enterprise to so exhibit or display such license shall be presumptive evidence that the person or business enterprise is not duly licensed.

**j.** Any license or renewal issued pursuant to this section shall expire on the first day of the second January following the date of issuance. Any application to renew a license that has not previously expired, been revoked or cancelled shall thereby extend the term of the license until disposition is made of the application by the police commissioner.

**k.** The conviction of a licensee anywhere of a felony or a serious offense shall operate as a revocation of the license. Written notice of such revocation shall be forwarded to the executive division of state police in Albany.

**l.** The police commissioner, upon evidence of any disqualification set forth in subdivision b of this section, may at any time suspend or revoke and cancel a license issued pursuant to this section. Written notice of such suspension or revocation shall be forwarded to the executive department, division of state police, Albany.

**m.** No license shall be issued pursuant to this section unless the applicant therefor possesses and exhibits all licenses required under any federal or state law.

**n. Records.**

**(1)** Any person licensed under this section shall keep an accurate book record of every transaction involving a firearm, machine gun, rifle, shotgun or assault weapon. Such record shall be kept in the manner prescribed and contain the information required by the police commissioner.

**(2)** The records required by this section shall be subject to inspection at all times by members of the police department. Such records shall be maintained on the premises mentioned and described in the license, and preserved for record. In the event of suspension, cancellation or revocation of a license, or discontinuance of business by a licensee, such record shall be immediately surrendered to the police commissioner.

**(3)** Any person licensed under this section as a dealer in firearms or special theatrical dealer shall cause a physical inventory to be taken within the first 5 business days of April and October of each year, which shall include a listing of each firearm by make, caliber and serial number. The original copy of such inventory shall be securely maintained on the premises for which the license was issued. One or more additional copies shall be forwarded to such addresses as the commissioner may direct, by such means as the commissioner may direct.

**(4)** With each copy of the inventory required under paragraph 3 of this subdivision shall be included an affidavit signed by the licensee (or, if the licensee is not a natural person, by an officer, general manager, or other principal of the licensee) stating under penalties of perjury that within the first 5 business days of that April or October, as the case may be, the signer has personally observed the firearms reported. The affidavit shall also describe the date and contents of any report required to be made pursuant to § 400.10 of the penal law.

**(5)** In addition to the penalties specified in § 10-310, any act or omission that constitutes a violation of this subdivision or of rules and regulations issued by the commissioner pursuant thereto shall be grounds for the revocation of a license issued by the commissioner pursuant to this section.

**o. Rules and regulations.**

**(1)** The police commissioner may make and promulgate such rules and regulations regarding the issuance and renewal of such licenses and the reporting of inventory of firearms, loss of firearms, and theft of firearms and may prescribe such forms as are necessary to carry out the provisions of this section.

**(2)** Such rules and regulations shall prescribe reasonable standards and conditions under which firearms, component parts of firearms, rifles, shotguns, assault weapons and ammunition shall be kept at the store or premises of gunsmiths, including store and plant security, employment, record keeping and product quality control for the protection of the public safety, health and welfare. The foregoing enumeration shall not be construed as a limitation of the police commissioner's authority to promulgate rules and regulations hereunder.

**(3)** The violation of such rules and regulations shall be triable by a judge of the criminal court of the city of New York and punishable by not more than 30 days imprisonment or by a fine of not more than \$50, or both.

**p.** The annual license fee for a license issued pursuant to this section shall be \$25 for gunsmiths, wholesale manufacturers and assemblers of firearms, \$50 for dealers in firearms, and \$150 for dealers in rifles and shotguns and special theatrical dealers.

**q.** Failure to obtain a license, by any person, firm, partnership, corporation or company, as required by the provisions of this section shall be punishable as a class A misdemeanor.

**r.** No dealer in rifles and shotguns may dispose of a rifle or shotgun to any person unless such person produces a valid rifle and shotgun permit, or proof of lawful authority as a police or peace officer, or is an exempt person as provided in this chapter.

**s.** Any suspension, denial or revocation of a license may be appealed by the applicant or licensee pursuant to procedures established by the police commissioner for administrative review.

**Section 10-302.1. Preventing the diversion of firearms, rifles and shotguns to criminals.**

**a.** No dealer in firearms and no dealer in rifles and shotguns shall: (i) sell or otherwise dispose of more than 1 firearm or more than 1 rifle or shotgun to any individual as part of the same sales transaction; or (ii) sell or otherwise dispose of a rifle or shotgun to any individual if the dealer knows or should know that such individual has purchased a rifle or shotgun within the prior 90 days, or (iii) sell or otherwise dispose of a firearm to any individual if the dealer knows or should know that such individual has purchased a firearm within the prior 90 days.

**b.** No person shall acquire a firearm if such person has acquired a firearm within the previous 90 days. No person shall acquire a rifle or shotgun if such person has acquired a rifle or shotgun within the previous 90 days. For purposes of this subdivision when a firearm, rifle or shotgun is acquired by a corporation, partnership, or other entity, it shall be considered to have been acquired by each natural person who is an officer, director or other principal of such entity, unless the firearm, rifle or shotgun is acquired on behalf of such entity by a person who is licensed by the commissioner as gun custodian or special gun custodian, or acquired on behalf of an organization possessing an organization registration certificate, as those terms are used in title 38 of the rules of the city of New York.

**c.** Before disposing of any firearm, rifle or shotgun to a person licensed by the commissioner to possess firearms, rifles or shotguns, any dealer in firearms, dealer in rifles and shotguns or other person shall contact the police department to ensure compliance with the requirements of this section.

**d.** Any dealer in firearms, dealer in rifles and shotguns or other person who disposes of any firearm, rifle or shotgun to a person licensed by an authority other than the commissioner to possess firearms, rifles or shotguns shall make reasonable efforts to contact such licensing authority and to ascertain the most recent date of acquisition by such licensee of a firearm, in the case of disposition of a firearm, or of a rifle or shotgun, in the case of disposition of a rifle or shotgun.

**e.** Any dealer in firearms or dealer in rifles or shotguns who disposes of any firearm, rifle or shotgun shall, before or at the time of disposing of such firearm, rifle or shotgun, record, in the record book required to be kept by subdivision n of § 10-302, the efforts made by such dealer to ensure compliance with the requirements of this section, any exception or exemption set forth in this section that such dealer reasonably believes would authorize the disposal of such firearm, rifle or shotgun, and the grounds for such dealer's belief that such exception or exemption applies.

**f. Exceptions.** The provisions of this section shall not apply to the sale of firearms, rifles or shotguns to (i) a police officer, as such term is defined in § 1.20 of the criminal procedure law, (ii) a federal law enforcement officer, as such term is defined in § 2.15 of the criminal procedure law, (iii) a public agency in furtherance of official business, (iv) persons in the military service of the state of New York, when duly authorized by regulations issued by the adjutant general to possess such weapons, (v) persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess such weapons, (vi) persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of such weapons is necessary for manufacture, transport, installation and testing under the requirements of such contract, (vii) peace officers as defined in § 2.10 of the criminal procedure law, provided that such peace officers are authorized pursuant to law or regulation of the state or city of New York to possess a firearm, rifle or shotgun within the city of New York without a license or permit therefor, and are authorized by their employer to possess such firearm, rifle or shotgun, (viii) persons licensed as dealers, manufacturers or importers of firearms pursuant to chapter 44 of title 18 of the United States Code, (ix) any motion picture, television or video production company or entertainment or theatrical company whose production involves the use of firearms, rifles or shotguns, provided that such weapons shall be properly registered and a special theatrical permit shall have been issued for such weapons pursuant to rules established by the commissioner, (x) with respect to the sale of firearms only, persons licensed by the commissioner as gun custodians or special gun custodians, as those terms are used in title 38 of the rules of the city of New York, and (xi) with respect to the sale of rifles and shotguns only, organizations possessing an organization registration certificate, as that term is used in title 38 of the rules of the city of New York.

**g. Exempt transactions.** The requirements of this section shall not apply to: (i) any transaction in which a person acquires a firearm, rifle or shotgun by operation of law, or because of the death of another person for whom such person is an executor or administrator of an estate or a trustee of a trust created in a will, provided that within 15 days such person surrenders such firearm, rifle or shotgun to the commissioner until it can be reacquired without violation of this section or other applicable law. If a firearm, rifle or shotgun is surrendered pursuant to this subdivision but no written request to reacquire it is received by the commissioner within 2 years of such surrender, the commissioner shall dispose of such

firearm in accordance with the provisions of § 400.05 of the penal law; (ii) the exchange of a firearm, rifle or shotgun by a dealer in firearms or a dealer in rifles and shotguns for another firearm, rifle or shotgun previously purchased from such dealer by the person requesting such exchange, provided that such exchange takes place within 30 days of such request; (iii) the acquisition or disposal of an antique firearm, rifle or shotgun which is incapable of being fired or discharged or which does not fire fixed ammunition, or a firearm, rifle or shotgun manufactured prior to 1894 or whose design was patented and whose commercial manufacture commenced prior to 1894 and whose manufacture continued after such year without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and is possessed as a curiosity or ornament or for its historical significance and value; (iv) the acquisition or disposal of a firearm at an indoor or outdoor pistol range when such acquisition or disposal begins a period of possession or use of the firearm that is authorized by paragraphs 7-a, 7-b, or 7-e of subdivision a of § 265.20 of the penal law; (v) the sale of a firearm by a dealer in firearms to a person whose firearm is stolen or irretrievably lost, provided that: (1) such person has complied with any legal requirement to report the loss or theft, including but not limited to the applicable provisions of title 38 of the rules of the city of New York and § 400.10 of the penal law; (2) such person provides to such dealer a copy of a police report of the loss or theft or of any report made pursuant to the applicable provisions of title 38 of the rules of the city of New York and § 400.10 of the penal law, which copy the dealer shall attach to the record book required to be kept by subdivision n of § 10-302; (3) the copy provided pursuant to subparagraph 2 of this paragraph contains the name and address of the regulated firearm owner, a description of the regulated firearm, the location of the loss or theft, if known, the date of the loss or theft, if known, and the date when the loss or theft was reported to the law enforcement agency; and (4) such person's attempt to replace the regulated firearm occurs within 30 days of the loss or theft of such firearm, if known, or, if such date is not known, within 30 days of the date when the loss or theft was reported to the law enforcement agency, as reflected by the information recorded on the police report; and (vi) any other transaction authorized in advance in writing by the commissioner.

**h. Penalties.** (i) In addition to the penalties specified in § 10-310, any act or omission that constitutes or would constitute a violation of this section or of rules and regulations issued by the commissioner pursuant thereto shall be grounds for the revocation of a license to deal in firearms, deal in rifles and shotguns, possess firearms, or possess a rifle or shotgun. (ii) Any firearm disposed of or acquired in violation of this section shall be a nuisance subject to surrender and forfeiture in accordance with the procedures specified in § 400.05 of the penal law.

**i.** The commissioner may make and promulgate such rules and regulations as are necessary to carry out the provisions of this section. Such rules and regulations may address, but need not be limited to: (i) procedures for implementation of this section by the commissioner; (ii) establishment of a database of firearm, rifle and shotgun purchases for the purpose of enforcing the requirements of this chapter; and (iii) the specification of reasonable efforts required to comply with subdivision d of this section.

### **Section 10-303. Permits for possession and purchase of rifles and shotguns.**

It shall be unlawful to dispose of any rifle or shotgun to any person unless said person is the holder of a permit for possession and purchase of rifles and shotguns; it shall be unlawful for any person to have in his or her possession any rifle or shotgun unless said person is the holder of a permit for the possession and purchase of rifles and shotguns. The disposition of a rifle or shotgun, by any licensed dealer in rifles and shotguns, to any person presenting a valid rifle and shotgun permit issued to such person, shall be conclusive proof of the legality of such disposition by the dealer.

**a. Requirements.** No person shall be denied a permit to purchase and possess a rifle or shotgun unless the applicant:

(1) is under the age of twenty-one; or

(2) is not of good moral character; or

(3) has been convicted anywhere of a felony; of a serious offense as defined in §265.00 (17) of the New York State Penal Law; of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a); of a misdemeanor crime of assault as defined in the penal law where the applicant was convicted of such assault within the ten years preceding the submission of the application; or of any three misdemeanors as defined in local, state or federal law, however nothing in this paragraph shall preclude the denial of a permit to an applicant with fewer than three misdemeanor convictions; or

(4) has not stated whether he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; or

(5) is not now free from any mental disorders, defects or diseases that would impair the ability safely to possess or use a rifle or shotgun; or

(6) has been the subject of a suspension or ineligibility order issue pursuant to §530.14 of the New York State Criminal Procedure Law or §842-a of the New York State Family Court Act; or

(7) who is subject to a court order that

**(a)** was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate;

**(b)** 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

**(c)**

**(i)** includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**(ii)** 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;

**(d)** For purposes of this section only, "intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person; or

**(8)** has been convicted of violating section 10-303.1 of this chapter; or

**(9)** unless good cause exists for the denial of the permit.

**b.** Application. Application for a rifle and shotgun permit shall be made to the police commissioner, shall be signed and affirmed by the applicant and shall state his or her full name, date of birth, residence, physical condition, occupation and whether he or she complies with each requirement specified in subdivision a of this section, and any other information required by the police commissioner to process the application. Each applicant shall submit with his or her application a photograph of himself or herself in duplicate, which shall have been taken within thirty days prior to the filing of the application. Any willful or material omission or false statement shall be a violation of this section and grounds for denial of the application.

**c.** Before a permit is issued or renewed, the police department shall investigate all statements required in the application. For that purpose, the records of the department of mental hygiene concerning previous or present mental illness of the applicant shall be available for inspection by the investigating officer of the police department. In order to ascertain any previous criminal record, the investigating officer shall take the fingerprints and physical descriptive data in quadruplicate of each individual by whom the application is signed. Two copies of such fingerprints shall be taken on standard fingerprint cards eight inches square, and one copy may be taken on a card supplied for that purpose by the federal bureau of investigation. When completed, one standard card shall be promptly submitted to the division of criminal justice services where it shall be appropriately processed. A second standard card, or the one supplied by the federal bureau of investigation, as the case may be, shall be forwarded to that bureau at Washington with a request that the files of the bureau be searched and notification of the results of the search be made to the police department. The failure or refusal of the federal bureau of investigation to make the fingerprint check provided for in this section shall not constitute the sole basis for refusal to issue a permit pursuant to the provisions of this section. Of the remaining two fingerprint cards, one shall be filed with the executive department, division of state police, Albany, within ten days after issuance of the permit, and the other remain on file with the police department. No such fingerprints may be inspected by any person other than a peace officer, when acting pursuant to his or her special duties, or a police officer, except on order of a justice of a court of record either upon notice to the permittee or without notice, as the judge or justice may deem appropriate. Upon completion of the investigation, the police department shall report the results to the police commissioner without unnecessary delay.

**d.** Fees. The fee for an application for a rifle and shotgun permit or renewal thereof shall be one hundred forty dollars.

**e.** Issuance.

**(1)** Upon completion of the investigation, and in no event later than thirty days from the submission of the application, unless the police commissioner determines more time is needed for an investigation and then it shall not exceed sixty days, the commissioner shall issue the permit or shall notify the applicant of the denial of the application and the reason or reasons therefor. The applicant shall have the right to appeal said denial pursuant to procedures established by the police commissioner for administrative review.

**(2)** Any person holding a valid license to carry a concealed weapon in accordance with the provisions of the penal law, shall be issued such permit upon filing an application and upon paying the established fee therefor, without the necessity of any further investigation, affidavits or fingerprinting, unless the police commissioner has reason to believe that the status of the applicant has changed since the issuance of the prior license.

**f.** Validity. Any person to whom a rifle and shotgun permit has been validly issued pursuant to this chapter may possess a rifle or shotgun. No permit shall be transferred to any other person. Every person carrying a rifle or shotgun shall have on his or her person a permit which shall be exhibited for inspection to any peace officer or police officer upon demand. Failure of any such person to so exhibit his or her permit shall be presumptive evidence that he or she is not duly

authorized to possess a rifle or shotgun and the same may be considered by the police commissioner as cause for revocation or suspension of such permit. A permit shall be valid for three (3) years and shall be subject to automatic renewal, upon sworn application, and without investigation, unless the police commissioner has reason to believe that the status of the applicant has changed since the previous application.

**g.** Revocation or suspension. A permit shall be revoked upon the conviction in this state, or elsewhere, of a person holding a rifle or shotgun permit, of a felony or a serious offense. A permit may be revoked or suspended at any time upon evidence of any other disqualification set forth in subdivision a of this section. Upon revocation or suspension of a permit for any reason, the police commissioner shall immediately notify the New York state division of criminal justice services. The police commissioner shall from time to time send a notice and supplemental report hereof, containing the names, addresses and permit numbers of each person whose rifle and shotgun permit has been revoked or suspended to all licensed dealers in rifles and shotguns throughout the city for the purpose of notifying such dealers that no rifles or shotguns may be issued or sold or in any way disposed of to any such persons. The police commissioner or any police officer acting at the police commissioner's direction shall forthwith seize any rifle and shotgun permit which has been revoked or suspended hereunder and shall seize any rifle or shotgun possessed by such person, provided that the person whose rifle or shotgun permit has been revoked or suspended, or such person's appointee or legal representative, shall have the right at any time up to one year after such seizure to dispose of such rifle or shotgun to any licensed dealer or any other person legally permitted to purchase or take possession of such rifle or shotgun. The permittee shall have the right to appeal any suspension or revocation pursuant to procedures established by the commissioner for administrative review.

**h.** Non-residents. Non-residents of the city of New York may apply for a rifle or shotgun permit subject to the same conditions, regulations and requirements as residents of the city of New York.

#### **Section 10-303.1. Prohibition of the possession or disposition of assault weapons.**

**a.** It shall be unlawful for any person to possess or dispose of any assault weapon within the city of New York, except as provided in subdivision d, e or f of this section or § 10-305. A person who peaceably surrenders an assault weapon to the commissioner pursuant to subdivision d, e or f of this section or subdivision f of § 10-305 shall not be subject to the criminal or civil penalties set forth in this section.

**b.** Criminal penalty. Any person who shall violate subdivision a of this section shall be guilty of an unclassified misdemeanor punishable by a fine of not more than \$5,000 or by imprisonment of up to 1 year, or by both such fine and imprisonment, for each assault weapon disposed of or possessed, provided that the first violation of subdivision a of this section involving possession of an assault weapon as defined in paragraph c of subdivision 16 of § 10-301 shall be an offense punishable by a fine of not more than \$300 or imprisonment of not more than 15 days, or both, on condition that (1) such first violation is not in conjunction with the commission of a crime and (2) the possessor has not been previously convicted of a felony or a serious offense.

**c.** Civil penalty. In addition to the penalties prescribed in subdivision b of this section, any person who shall violate subdivision a of this section shall be liable for a civil penalty of not more than \$25,000 for each assault weapon disposed of or possessed, to be recovered in a civil action brought by the corporation counsel in the name of the city in any court of competent jurisdiction, provided that the first violation by any person of subdivision a of this section involving possession of an assault weapon as defined in paragraph c of subdivision 16 of § 10-301 shall subject such person to a civil penalty of not more than \$5,000 on condition that (1) such first violation is not in conjunction with the commission of a crime and (2) the possessor has not been previously convicted of a felony or a serious offense.

**d.** Disposition of assault weapons by permittees, licensees and previously exempt persons. Any person who, on or after the effective date of this local law, shall possess an assault weapon and a valid permit for possession and purchase of rifles and shotguns and a certificate of registration for such assault weapon, and any licensed dealer in firearms or licensed dealer in rifles and shotguns who is not licensed as a special theatrical dealer and who, on or after the effective date of this local law, shall possess an assault weapon, and any police officer or peace officer who, before the effective date of this local law was exempt from the sections of the administrative code requiring rifle and shotgun permits and certificates, and who, upon the effective date of this local law, is not exempt from the sections of the administrative code prohibiting the possession or disposition of assault weapons, and who, on or after the effective date of this local law, shall possess an assault weapon, shall, within 90 days of the effective date of rules promulgated by the commissioner pursuant to subparagraph 7 of paragraph a of subdivision 16 of § 10-301, either: (1) peaceably surrender his or her assault weapon pursuant to subdivision f of § 10-305 for the purpose of destruction of such weapon by the commissioner, provided that the commissioner may authorize the use of such weapon by the department; or (2) lawfully remove such assault weapon from the city of New York. All assault weapons possessed by such permittees, licensees and previously exempt persons shall be subject to the provisions of this subdivision, whether defined as assault weapons in subdivision 16 of § 10-301 or in rules promulgated by the commissioner pursuant to subparagraph 7 of paragraph a of subdivision 16 of § 10-301.

**e.** Disposition of assault weapons by non-permittees. Any person who, on or after the effective date of this local law, shall possess an assault weapon and who is not the holder of a valid permit for possession and purchase of rifles and shotguns and a certificate of registration for such assault weapon, shall peaceably surrender his or her assault weapon pursuant to

subdivision f of § 10-305 for the purpose of destruction of such weapon by the commissioner, provided that the commissioner may authorize the use of such weapon by the department, and provided further that heirs and legatees may dispose of assault weapons pursuant to subdivision f of this section.

**f.** Disposition of assault weapons by heirs and legatees. Any person who acquires an assault weapon on or after the effective date of this local law by the laws of intestacy or by testamentary bequest shall, within 90 days of such acquisition, either: (1) peaceably surrender such assault weapon pursuant to subdivision f of § 10-305 for the purpose of destruction of such weapon by the commissioner, provided that the commissioner may authorize the use of such weapon by the department; or (2) lawfully remove such assault weapon from the city of New York.

**g.** Within 30 days of the effective date of rules promulgated by the commissioner pursuant to subparagraph 7 of paragraph a of subdivision 16 of § 10-301, the commissioner shall send by regular mail to every person who has been issued a permit to possess a rifle or shotgun and whose rifle or shotgun the commissioner reasonably believes to be an assault weapon as defined in subdivision 16 of § 10-301 or as defined in such rules, a written notice setting forth the requirements and procedures relating to the disposition of such weapons, and the criminal and civil penalties that may be imposed upon the permittee for unlawful possession or disposition of such weapons. Failure by the commissioner to send, or the permittee to receive, such notice, shall not excuse such permittee for unlawful possession or disposition of such weapons.

**h.** Surrender of firearms. At the discretion of the police commissioner, any person convicted of violating this section may be subject to immediate surrender of all firearms in his or her possession.

### **Section 10-303.2. Civil penalty; firearms dealers and manufacturers.**

**a.** Definitions. For purposes of this section, the terms "**firearm**," "**handgun**," "**dealer**," "**collector**," and "**manufacturer**" shall have the meanings set forth in 18 U.S.C. §921, as such section may be amended from time to time, or any successor provision thereto. The term "transfer" shall be deemed to include any sale, assignment, pledge, lease, loan, gift or other disposition. References to "statutes, laws or regulations" shall be deemed to include federal, state and local statutes, laws, local laws, ordinances, rules and regulations.

**b.** Manufacturer and Dealer Liability. A manufacturer or dealer shall be liable for any injury or death caused by a firearm that it has transferred, if (i) such injury or death results from the use of such firearm by an individual not authorized by law to possess such firearm in the city of New York, and (ii) such manufacturer or dealer, or any other individual or entity acting subsequent to such manufacturer or dealer, unlawfully transferred such firearm at any time prior to such injury or death. Such liability also includes the possible imposition of punitive damages. Liability under this section does not extend to any manufacturer or dealer that has complied with the following standards during a period of one year immediately preceding and including the transfer of such firearm:

- (1)** The manufacturer or dealer executes no transfers or agreements to transfer at gun shows except for gun shows that maintain a practice of performing instant criminal background checks consistent with 18 U.S.C. §922 (t), as such subsection may be amended from time to time and any successor provision thereto, on all transfers, whether by licensed or unlicensed sellers.
- (2)** Any place of business operated by the manufacturer or dealer is located at a fixed address where:
  - (a)** a record is maintained, as may be required by any statute, law or regulation, of the make, model, caliber or gauge, and serial number of all firearms held in inventory or offered for sale; and
  - (b)** a record is maintained, as may be required by any statute, law or regulation, of the make, model, caliber or gauge, and serial number of all firearms sold, and of any identifying information required by any such statute, law or regulation to be obtained from purchasers;
- (3)** The manufacturer or dealer provides access to the aforementioned records to officers, employees and agents of public agencies conducting inspections, to the full extent required by applicable statutes, laws and regulations;
- (4)** The manufacturer or dealer limits transfers to any individual or entity to 1 handgun in any given 30-day period, provided that this paragraph shall not apply to lawful transfers to (a) public agencies in furtherance of official business; (b) law enforcement officers employed by public agencies; (c) private security firms, holding any permits or licenses required by applicable statutes, laws and regulations, for the use of their agents and employees; (d) private operators of state and local correctional facilities, for the use of their agents and employees; or (e) licensed manufacturers, licensed dealers or licensed collectors, as those terms are defined by 18 U.S.C. §921, as such section may be amended from time to time, or any successor provision thereto;
- (5)** The manufacturer or dealer has complied with all applicable statutes, laws and regulations governing the transfer of firearms; and
- (6)** The manufacturer or dealer has not transferred a firearm to any other manufacturer or dealer in circumstances in which the manufacturer or dealer transferring such firearm knew or should have known that such manufacturer or dealer had not complied with the standards set forth in this subdivision.

**c. Exceptions.**

(1) No action may be commenced pursuant to this section by any person injured or killed by the discharge of a firearm that is lawfully possessed by a law enforcement official employed by a public agency.

(2) This section shall not limit in scope any cause of action, other than that provided by this section, available to a person injured by or killed by a firearm.

(3) Nothing in this section shall prevent a manufacturer or dealer from seeking whole or partial indemnity or contribution for any liability incurred under this section from any third party wholly or partially responsible for the injury or death.

(4) Notwithstanding the provisions of subdivision b, there shall be no basis for liability under this section if the manufacturer or dealer proves by a preponderance of the evidence that: (i) the person injured or killed by the discharge of a firearm was committing or attempting to commit a crime (whether or not such crime is actually charged); (ii) the unlawful transfer or possession of the firearm is solely a result of the failure of the owner of the firearm to renew a license, permit or registration within 6 months of the date such renewal is required; or (iii) prior to the injury or death caused by the firearm, a lawful possessor of the firearm has reported its theft to a federal, state or local law enforcement agency, or reported its loss to an appropriate public agency.

(5) Notwithstanding the provisions of subdivision b, there shall be no basis for liability under this section if the manufacturer or dealer proves by a preponderance of the evidence that the manufacturer or dealer lawfully transferred the firearm to: (i) a public agency in furtherance of official business; (ii) a law enforcement officer employed by a public agency; (iii) a private security firm, holding any permits or licenses required by applicable statutes, laws and regulations, for the use of its agents and employees; or (iv) a private operator of a state or local correctional facility for the use of its agents and employees.

(6) Notwithstanding the provisions of subdivision b, there shall be no basis for liability under this section if the manufacturer or dealer proves by a preponderance of the evidence that the injury or death is not directly or indirectly related to any act or omission by such manufacturer or dealer, including but not limited to any failure by the manufacturer or dealer to comply with the standards set forth in subdivision b of this section.

**Section 10-304. Certificates of registration.**

**a.** It shall be unlawful for any person to have in his or her possession any rifle or shotgun unless said person is the holder of a certificate of registration for such rifle or shotgun.

**b.** It shall be unlawful for any person who is not a licensed dealer to dispose of any rifle or shotgun for which such person does not have a certificate of registration unless such person files with the police commissioner a declaration in duplicate, signed and affirmed by the declarant which shall list by caliber, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark, of each rifle and shotgun possessed by the declarant. Upon receipt of acknowledgement of said declaration by the police commissioner, the declarant may lawfully sell, transfer, or otherwise dispose of such rifles or shotguns to a licensed dealer or any other person legally permitted to purchase or take possession of such rifles or shotguns.

Any willful or material omission or false statement shall be a violation of this section.

**c.** Exhibition of certificate. Every person carrying a rifle or shotgun shall have on his or her person a certificate of registration valid for such weapon. Upon demand, the appropriate certificate shall be exhibited for inspection to any peace officer or police officer. Failure of any person to so exhibit his or her certificate shall be presumptive evidence that he or she is not duly authorized to possess such rifle or shotgun and may be considered by the police commissioner as cause for revocation or suspension of such person's permit.

**d.** Revocation. The revocation of a rifle or shotgun permit shall automatically be deemed to be a revocation of all certificates of registration for rifles and shotguns held by the person whose permit has been revoked.

**e.** Disposition of rifles and shotguns. No person lawfully in possession of a rifle or shotgun shall dispose of same except to a licensed dealer in firearms, licensed dealer in rifles and shotguns, the holder of a valid rifle and shotgun permit, an exempt person as enumerated in this chapter, or a non-resident of the city of New York not subject to the permit requirements of this chapter.

Any person so disposing of a rifle or shotgun shall report the disposition on forms provided by the commissioner setting forth the rifle and shotgun permit number of both seller and purchaser, the make, caliber, type, model and serial number, if any, and if the seller is a licensed dealer the certificate of registration number, of all such rifles and shotguns. Such form shall be signed by both seller and purchaser and the original shall be forwarded to the police commissioner within 72 hours of the disposition, 1 copy shall be retained by the seller, another by the purchaser.

1. If the seller is a licensed dealer, he or she shall at the time of the sale issue a certificate of registration to the purchaser provided to the dealer for that purpose by the police commissioner and shall forward to the police commissioner the duplicate thereof, together with the report of disposition.

2. If the seller is not a licensed dealer, the police commissioner shall, if the purchaser's rifle permit is valid, issue the certificate of registration within 10 days of the receipt by the police commissioner of the report of disposition. Pending receipt of the certificate, but in no event for any longer than 14 days from the date of purchase, the copy of the report of disposition shall serve in lieu of the purchaser's certificate of registration.

f. No fee shall be charged for a certificate of registration.

g. Notwithstanding any other provision of this section concerning the transfer, receipt, acquisition, or any other disposition of a rifle or shotgun, a rifle and shotgun permit shall not be required for the passing of a rifle or shotgun upon the death of an owner, to his or her heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy, except that the person who shall so receive or acquire said rifle or shotgun shall be subject to all other provisions of this chapter, provided further that if the heir or legatee of the owner of such rifle or shotgun does not qualify to possess same under this chapter, the rifle or shotgun may be possessed by the heir or legatee for the purpose of sale as otherwise provided herein for a period not exceeding 180 days or for such further limited period beyond the 180 days as may be approved by the commissioner, said extensions in no event to exceed a total of 90 days.

### **Section 10-305. Exemptions.**

The sections requiring rifle and shotgun permits and certificates and prohibiting the possession or disposition of assault weapons shall not apply as follows:

a. Minors. Any person under the age of 21 years may carry, fire, or use any rifle or shotgun in the actual presence or under the direct supervision of any person who is a holder of a rifle or shotgun permit, or for the purpose of military drill under the auspices of a legally recognized organization and under competent supervision or for the purpose of competition or target practice in and upon a firing range approved by the police commissioner or any other governmental agency authorized to provide such approval, or the national rifle association, which is under competent supervision at the time of such competition or target practice, provided that the rifle or shotgun is otherwise properly registered or exempt from registration by virtue of some other provision of this chapter. This exemption shall not apply to assault weapons.

b. Antiques and ornaments. The provisions of this chapter shall not apply to antique rifles and shotguns which are incapable of being fired or discharged or which do not fire fixed ammunition, or those weapons manufactured prior to 1894 and those weapons whose design was patented and whose commercial manufacture commenced prior to 1894 and whose manufacture continued after 1894 without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and are possessed as curiosities or ornaments or for their historical significance and value. This exemption shall not apply to assault weapons.

c. Persons in the military service in the state of New York, when duly authorized by regulations issued by the chief of staff to the governor to possess the same, and police officers, provided that such police officers shall not be exempt from the sections prohibiting the possession or disposition of assault weapons except during the performance of their duties as police officers, and other peace officers as defined in § 2.10 of the criminal procedure law, provided that such peace officers (1) are authorized pursuant to law or regulation of the state or city of New York to possess either (a) a firearm within the city of New York without a license or permit therefor, or (b) a rifle, shotgun or assault weapon within the city of New York without a permit therefor; and (2) are authorized by their employer to possess such rifle, shotgun or assault weapon; and (3) shall not possess such rifle, shotgun or assault weapon except during the performance of their duties as peace officers.

d. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

e. Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

Any such person exempted by subdivisions c, d and e above, may purchase a rifle or shotgun only from a licensed dealer, and must submit to the dealer full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, and military or other official identification. Any dealer who disposes of a rifle or shotgun to any exempt person without securing such identification shall be in violation of these sections.

f. A person may voluntarily surrender a rifle, shotgun or assault weapon to the police commissioner, provided, that the same shall be surrendered by such person only after he or she gives notice in writing to the police commissioner, stating such person's name, address, the type of gun to be surrendered, and the approximate time of day and the place where such surrender shall take place and such time of day and place have been approved in writing by the police commissioner. Nothing in this subdivision shall be construed as granting immunity from prosecution for any crime or offense except that of unlawful possession of such rifle, shotgun or assault weapon.

**g.** The regular and ordinary transport of rifles, shotguns or assault weapons as merchandise provided that the person transporting such rifles, shotguns or assault weapons where he or she knows or has reasonable means of ascertaining what such person is transporting, notifies, in writing, the police commissioner of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by the police commissioner as the police commissioner may deem necessary for investigation as to whether the consignee may lawfully receive and possess such rifles, shotguns or assault weapons.

**h.** Possession by retail customers for the purpose of firing at duly licensed rifle target concessions at amusement parks, piers, and similar locations provided that the rifles to be so used by firmly chained or affixed to the counter and that the individual rifles are registered by the proprietor and that the proprietor is in possession of a rifle and shotgun permit. This exemption shall not apply to assault weapons.

**i.**

**(1)** Non-residents in transit. Any other provision of this chapter to the contrary notwithstanding, a non-resident of the city of New York who, without a rifle and shotgun permit issued hereunder, enters the city of New York possessing a rifle or shotgun in the course of transit to a destination outside the city of New York, or a non-resident of the city of New York who enters the city of New York possessing an assault weapon in the course of transit to a destination outside the city of New York, shall have a period of 24 hours subsequent to such entering to be exempt from penalty under this chapter for the unlawful possession of a rifle, shotgun or assault weapon, provided that such rifle, shotgun or assault weapon shall at all times be unloaded and in a locked case, or locked automobile trunk, and that said non-resident is lawfully in possession of said rifle, shotgun or assault weapon according to the laws of his or her place of residence.

**(2)** Non-residents purchasing a rifle or shotgun from a licensed dealer. Any other provision of this chapter notwithstanding, a non-resident of the city of New York may purchase a rifle or shotgun from a licensed dealer provided that he or she presents the dealer with documentary evidence of his or her identity and place of residence, and the rifle or shotgun purchased is either personally delivered to the purchaser or transmitted by the dealer directly to the purchaser's residence. In the event the purchaser is traveling from the city by rail, ship or plane, the dealer is hereby authorized to deliver such rifle or shotgun at the appropriate terminal to a representative of the railroad, airline or shipping company, for placement aboard such train, plane or ship. If the rifle or shotgun is personally delivered to the non-resident purchaser within the city of New York, the purchaser shall have the rifle or shotgun removed from the city no later than 24 hours after the time of purchase. This exemption shall not apply to assault weapons.

**j.** Nothing herein contained shall be construed to be a prohibition of the conduct of business by manufacturers, wholesale dealers, interstate shippers, or any other individuals or firms properly licensed by the federal government, where such prohibition would be preempted by federal law.

**k.** Special theatrical permit. Nothing herein contained is intended to prevent the possession or utilization of any rifle, shotgun or assault weapon during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer in the pursuance of his or her profession, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued for the rifle, shotgun or assault weapon pursuant to rules established by the commissioner.

**l.** Persons in possession of, using or transporting rifles which have been issued by the director of civilian marksmanship of the department of the army, pursuant to the provisions of ten U.S.C.A., §§ 4307-4309, unto a civilian rifle club, or unto a rifle team representing an educational institution, provided that such persons are members in good standing of an accredited civilian rifle club, or are connected as students or coaches with such educational institution, shall not be required to obtain a certificate of registration for such rifle. This exemption shall not apply to assault weapons.

**m.** Any resident of the city of New York acquiring a rifle or shotgun outside the city of New York shall within 72 hours after bringing such weapon into the city make application for a rifle and shotgun permit, if such person does not already possess such permit, and for a certificate of registration.

Pending the issuance of such permit and/or certificate of registration such resident shall deposit such weapon with a designated officer, at the police precinct in which such person resides, who shall issue a receipt therefor and said weapon shall be retained at the precinct until the resident shall produce the proper permit and registration certificate. This exemption shall not apply to assault weapons.

**n.** The provisions of § 10-303 of this chapter shall not apply to persons who are members of units of war veterans organizations, which organizations are duly recognized by the veterans administration, pursuant to § 3402 of title 38 of the United States code, and who are specifically designated to carry rifles or shotguns by the commanders of said units, while actually participating in, going to or returning from, special events authorized by the commissioner. Said rifles or shotguns, to be carried, must be the property of the unit of the war veterans organization, must be registered with the police commissioner pursuant to § 10-304 of this chapter and must be kept at the unit's headquarters or some central place as registered.

**o.** Nothing herein shall exempt a member of a unit of a war veterans organization from possessing a permit issued pursuant to § 10-303, to carry rifles or shotguns which are not the property of a war veterans organization; nor shall that member be exempt from registering such rifles or shotguns, pursuant to § 10-304, which said member may personally own, possess or purchase.

**p.** Any gunsmith licensed pursuant to § 10-302 may engage in the business of gunsmith as authorized by such license.

**q.** Notwithstanding the provisions of this chapter prohibiting the possession or disposition of assault weapons, a special theatrical dealer may possess such weapons exclusively for the purpose of leasing such weapons to special theatrical permittees within the city and for theatrical purposes outside the city and may, in addition, with the written approval of the commissioner, permanently remove one or more assault weapons from the city.

**Section 10-306. Disposition, purchase and possession of ammunition and ammunition feeding devices.**

**a.** No person, except a dealer in rifles and shotguns, may dispose of to another person an ammunition feeding device which is designed for use in a rifle or shotgun and which is capable of holding more than five rounds of rifle or shotgun ammunition, except in the manner provided in this chapter for the disposition of assault weapons, provided that a person in lawful possession of such ammunition feeding devices may dispose of such ammunition feeding devices to a dealer in rifles and shotguns. No dealer in rifles and shotguns may dispose of such ammunition feeding devices except to a person who is exempt from subdivision a of section 10-303.1 pursuant to section 10-305.

**b.** No person may possess an ammunition feeding device which is designed for use in a rifle or shotgun and which is capable of holding more than five rounds of rifle or shotgun ammunition, unless such person is exempt from subdivision a of section 10-303.1 pursuant to section 10-305, provided that a dealer in rifles and shotguns may possess such ammunition feeding devices for the purpose of disposition authorized pursuant to subdivision a of this section.

**c.** No ammunition suitable for use in a rifle of any caliber or for any shotgun or ammunition feeding device which is designed for use in a rifle or shotgun and which is capable of holding no more than five rounds of rifle or shotgun ammunition shall be disposed of to any person who has not been issued a rifle and shotgun permit and a certificate of registration and who does not exhibit same to the dealer at the time of the purchase. In no event shall rifle or shotgun ammunition be disposed of to or possessed by any such person except for a shotgun, or for the specific caliber of rifle, for which the certificate of registration has been issued. No ammunition feeding device which is designed for use in a rifle or shotgun and which is capable of holding more than five rounds of rifle or shotgun ammunition shall be disposed of by a dealer in rifles and shotguns to any person who does not exhibit proof that he or she is exempt from subdivision a of section 10-303.1 pursuant to section 10-305.

**d.** It shall be unlawful for any person who is required to have a permit in order to possess a rifle or shotgun and who has not been issued such permit to possess rifle or shotgun ammunition or an ammunition feeding device which is designed for use in a rifle or shotgun.

**e.** A record shall be kept by the dealer of each disposition of ammunition or ammunition feeding devices under this section which shall show the type, caliber and quantity of ammunition or ammunition feeding devices disposed of, the name and address of the person receiving same, the caliber, make, model, manufacturer's name and serial number of the rifle or shotgun for which the purchaser is purchasing ammunition, the date and time of the transaction, and the number of the permit and certificate exhibited or description of the proof of exemption exhibited as required by this section. Such information shall be made available to all law enforcement agencies.

**f.** Notwithstanding any other provision of this section, ammunition and ammunition feeding devices which are designed for use in rifles or shotguns and which are capable of holding no more than five rounds of rifle or shotgun ammunition may be disposed of or possessed in the same manner and pursuant to the same requirements, rules and exemptions as apply to disposal or possession of rifles, shotguns or assault weapons under this chapter, provided that a special theatrical permittee may not possess live ammunition suitable for use in the rifle, shotgun or assault weapon such permittee is authorized to possess. Ammunition feeding devices which are designed for use in rifles or shotguns and which are capable of holding more than five rounds of rifle or shotgun ammunition may only be disposed of or possessed in the manner provided in this section.

**g.** Notwithstanding any other provision of this section, any person authorized to possess a pistol or revolver within the city of New York may possess ammunition suitable for use in such pistol or revolver and a dealer in firearms or dealer in rifles and shotguns may dispose of such ammunition to such person pursuant to subdivision i of section 10-131.

**h.** Dealers in rifles and shotguns and special theatrical dealers may lease ammunition feeding devices which are designed for use in rifles or shotguns to special theatrical permittees. Special theatrical permittees may possess such ammunition feeding devices subject to the same conditions as apply with respect to such permittee's possession of rifles, shotguns and assault weapons.

**Section 10-309. Identifying marks.**

- a. Defacing. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number of a rifle, shotgun or assault weapon shall be in violation of this section.
- b. Any rifle or shotgun sold or otherwise disposed of by a licensed dealer, which does not contain a manufacturer's or serial number, must have imbedded into the metal portion of such rifle or shotgun a dealer's number. Failure to so mark and identify any rifle or shotgun shall be a violation of this section.

**Section 10-311. Sale of weapons without safety locking device prohibited.**

- a. It shall be unlawful for any person or business enterprise to dispose of any weapon which does not contain a safety locking device. For the purposes of this section and § 10-312: (1) weapon shall mean a firearm, rifle, shotgun, or assault weapon, as such terms are defined in § 10-301; or a machine gun, as defined in the penal law; and (2) a safety locking device shall mean a design adaptation or attachable accessory that will prevent the use of the weapon by an unauthorized user, and includes, but is not limited to, a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the weapon without the alignment of the combination tumblers.
- b. It shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to dispose of any weapon in the city of New York unless it is accompanied by the following warning, which shall appear in conspicuous and legible type in capital letters, and which shall be printed on a label affixed to the weapon and on a separate sheet of paper included within the packaging enclosing the weapon: "THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE WEAPON STORAGE. ALL WEAPONS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN AND ANY OTHER UNAUTHORIZED PERSONS. NEW YORK CITY LAW PROHIBITS, WITH CERTAIN EXCEPTIONS, ANY PERSON FROM ACQUIRING MORE THAN ONE FIREARM, OR MORE THAN ONE RIFLE OR SHOTGUN, WITHIN A 90-DAY PERIOD."
- c. Any person who applies for and obtains authorization to purchase a weapon or otherwise lawfully obtains a weapon pursuant to chapters 1 or 3 of title 10 of this code shall be required to purchase or obtain a safety locking device at the time he or she purchases or obtains the weapon.

**d.**

- (1) The police commissioner is authorized to promulgate rules setting forth the types of safety locking devices which will comply with this section in accordance with subdivision a of this section. The city of New York and its agencies, officers or employees shall not be liable to any party by reason of any incident involving, or the use or misuse of, a safety locking device that may have been purchased in compliance with such rules promulgated by the commissioner.
- (2) The police commissioner shall provide written notice of the requirements of this section and § 10-312 to all persons who receive an official authorization to purchase a weapon and all persons applying for renewal of a license or permit issued pursuant to chapters 1 or 3 of title 10, including any rules promulgated under this subdivision. All persons applying for a license or permit or applying for the renewal of a license or permit pursuant to chapters 1 or 3 of title 10 of this code, shall receive from the commissioner information concerning the importance of using a safety locking device while a weapon is not in use, and a warning that weapons should be stored unloaded and locked in a location that is both separate from their ammunition and inaccessible to [their] children and any other unauthorized persons.

- e. Any violation of subdivisions a or b of this section or any rule promulgated thereunder shall be a misdemeanor and triable by a judge of the criminal court of the city of New York and punishable by imprisonment of not more than 30y days or by a fine of not more than \$500, or both.

**Section 10-312. Use of safety locking device required under certain circumstances.**

- a. It shall be unlawful for any person who is the lawful owner or lawful custodian of a weapon, as that term is defined in § 10-311, to store or otherwise place or leave such weapon in such a manner or under circumstances that it is out of his or her immediate possession or control, without having rendered such weapon inoperable by employing a safety locking device. Any person who violates this subdivision shall be guilty of a violation, punishable by imprisonment of not more than 10 days or by a fine of not more than \$250, or both.
- b. Any person who violates subdivision a of this section having previously been found guilty of a violation of such subdivision, or under circumstances which create a substantial risk of physical injury to another person, shall be guilty of a misdemeanor punishable by imprisonment of not more than 30 days or by a fine of not more than \$1,000, or both.
- c. The provisions of this section shall not apply to weapons owned or lawfully possessed by a police officer, as such term is defined in § 1.20 of the criminal procedure law, or a federal law enforcement officer, as such term is defined in § 2.15 of the criminal procedure law.

**Section 10-314. Prohibition on unfinished frames or receivers.**

a. Restriction of possession. Notwithstanding any other provision of this chapter, no person shall dispose of or possess an unfinished frame or receiver.

**Title 29 – New York City Fire Code  
Chapter 33 – Explosives, Fireworks and Special Effects  
3301.3 Prohibited Materials, Operations and Facilities**

**Section 3301.3.1 Explosives.**

It shall be unlawful to:

1. Manufacture any explosive, including small arms ammunition, primers, black powder and smokeless propellants.

**Section 3302.1 Definitions.**

**Small Arms Ammunition.** A shotgun, rifle or pistol cartridge, and any cartridge for propellant-actuated devices, excluding ammunition containing bursting charges or incendiary, trace, spotting or pyrotechnic projectiles.

**Small Arms Ammunition Primers.** Small percussion-sensitive explosive charges, encased in a cap, used to ignite propellant powder.

**North Tonawanda Code of Ordinances  
Current through legislation adopted June 18, 2019.**

**Chapter 39 – Firearms and Other Weapons**

**Section 39-1. Sale to minors; penalty.**

**A.** No person, firm or corporation shall offer, sell, loan, lease or give ... rifle or any shotgun or automatic weapon to any child under the age of 16 years.

**B.** It shall be unlawful for any child under 16 years of age to have in his possession any of the above-described instruments or weapons. The unlawful possession or carrying of any of the instruments above described by such child under 16 years of age is a nuisance, and such instruments are hereby declared to be nuisances and, when taken from the possession of such child unlawfully carrying or possessing same, such instruments shall thereupon be surrendered to the Chief of Police, to be disposed of or destroyed in the manner provided for by § 1901 of the Penal Law of the State of New York. The provisions of this section shall not apply to a child 14 years of age or over who is licensed under § 238 of the Conservation Law if such child is accompanied by one of the persons designated in said section.

**C.** Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of an offense and shall be liable to a fine or penalty of not less than \$25 nor more than \$250 for each violation.

**Chapter 64 – Pawnbrokers**

**Section 64-4. Business restrictions.**

**C.** No pawnbroker shall receive as a pledge or purchase any revolver, pistol, blackjack or sawed-off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.

**Ossining (Village) Code of Ordinances  
Current through legislation adopted September 5 2019.**

**Chapter 110 – Collateral Loan Brokers; Pawnbrokers**

**Section 110-17. Prohibited acts.**

**A.** No pawnbroker shall:

(5) Receive any firearm or other weapon as regulated under Article 265 of the New York Penal Law, Firearms and Other Dangerous Weapons.

**Owego (Village) Code of Ordinances  
Current through legislation adopted June 3, 2019.**

**Chapter 195 – Zoning  
Article XVII – I Districts**

**Section 195-101. Uses permitted by special permit.**

The following uses may be permitted by the Board of Appeals, provided that the Board receives sufficient evidence to indicate that the proposed use will not materially harm adjacent property nor comprise a nuisance to the health, safety or

welfare of the community. The Board may impose such conditions and safeguards as may be deemed necessary to protect and conserve adjacent property and to maintain the character of the district, as provided in § 195-36 of this chapter.

**B.** Manufacture of asphalt, ammunition, brick, carbon, disinfectant, fireworks, glucose, paper, plaster, soap, tile, vinegar, etc.

**Oyster Bay Code of Ordinances**  
Current through legislation adopted June 26, 2018.

**Chapter 192 – Secondhand Dealers**

**Section 192-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person who in any way, as principal, broker or agent:

**A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ..., firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.

**B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.

**C.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**Section 192-4. Applicability.**

Nothing contained in this chapter shall be construed to apply to:

**B.** The first purchase or sale in the country of any imported secondhand article.

**C.** The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or rereceiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise.

**D.** The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.

**E.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory rebuilt merchandise.

**G.** Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250, and void of any means of identification. "**Identification**" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 192-8. Licenses.**

**A.** It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

**Philipstown Code of Ordinances**  
Current through legislation adopted January 3, 2019.

**Chapter 140 – Safe Storage of Firearms**

**Section 140-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Antique Firearm.** Any unloaded muzzle-loading handgun, rifle or shotgun with a matchlock, flintlock, percussion cap, or similar type of ignition system, or an unloaded rifle or shotgun which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.

**Custodian.** A person, other than the owner of a particular firearm, who is in lawful possession of that firearm.

**Firearm.** Any "firearm," "rifle," "shotgun" or "machine gun" as those terms are defined in New York State Penal Law § 265.00. As used in this chapter, "firearm" shall not mean any:

**A.** Model or toy firearm that does not discharge projectiles with deadly force;

**B.** Unloaded antique firearm;

C. Starter or blank gun; or

D. Ordinary air gun.

**Lawful Custodian.** Any natural person who may legally possess and control the firearm at issue.

**Locked Container.** A secure container which is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.

**Owner.** The lawful owner of a handgun or firearm.

**Possession.** To have physical possession or otherwise to exercise dominion or control over.

**Present in the Residence.** Physical presence within the residence, including any outdoor structures physically connected to the residence, such as porches or decks.

**Residence.** Any structure intended or used for human habitation.

**Starter Gun or Blank Gun.** Any gun on which the barrel has been constructed or modified so that no projectile can pass through it and/or which has been configured so it cannot accept any standard ammunition except blank cartridges.

**Section 140-3. Prohibited acts.**

No owner or custodian of a firearm shall leave such firearm out of his or her possession or control in a residence when he or she knows or has reason to know that a person under 18 years of age is present in the residence unless either:

A. Such owner or custodian is present in the residence; or

B. Such owner or custodian physically delivers the firearm to a lawful custodian; or

C. Such owner or custodian places the firearm in a locked container; or

D. Such owner or custodian disables the firearm with a safety locking device appropriate to the firearm.

**Section 140-4. Lost or stolen handguns.**

In order to encourage reports to law enforcement agencies of lost or stolen handguns pursuant to New York State Penal Law § 400.10, a person who files a report with a law enforcement agency notifying the agency that a handgun has been lost or stolen shall not be subject to prosecution for violation of this chapter.

**Port Chester Code of Ordinances**

Current through legislation adopted December 2, 2019.

**Chapter 345 – Zoning**

**Article II – Definitions**

**Section 345-2. Word usage; terms defined.**

**Home Occupation**

... However, "home occupations" shall not be construed to include such uses as the following: ... retail sales on the premises or the loading of ammunition and similar occupations.

**Article X – Special Exception Use Regulations**

**Section 345-61. Special conditions and safeguards for certain special exception uses.**

**V. Pawnshops.**

(8) No pawnshop shall be permitted to purchase, repurchase, redeem, service, repair or conduct any other transaction concerning firearms (including antique firearms) or weapons as regulated under Article 265 of the New York Penal Law, Firearms and Other Dangerous Weapons.

**Riverhead Code of Ordinances**

Current through legislation adopted August 6, 2019.

**Chapter 310 – Zoning and Land Development**

**Part 2 Districts**

**Article XXIII Industrial A (Ind A) Zoning Use District**

**Section 301-114 Uses.**

**A. Permitted uses:**

(6) All industrial uses are permitted in the Ind A Zoning Use District, with the exception of the following uses, which shall be prohibited:

Explosives or ammunition manufacture

**Part 3 – Supplementary Regulations**  
**Article XLV – Supplementary Use Regulations**

**Section 301-229. Yard sales, attic sales, garage sales and auction sales.**

A. Yard sales, attic sales, garage sales, auction sales or similar types of sales of personal property owned by the occupant of the premises and located thereon are subject to the following requirements:

(6) The sale of any firearm, rifle or shotgun is prohibited.

**Part 5 – Administration and Enforcement**  
**Article LXIII – Planned Development (PD) Zoning Use District**

**Section 301-341. Use regulations.**

Although this article has been established to emphasize building form more than use, the following use regulations shall apply to uses in the PD District:

A. Principal uses. ...; manufacture, warehousing, wholesaling, sale and storage of hazardous, dangerous, explosive material, including ammunition, acids, and any use which generates offensive noise, vibration, dust, smoke, gas or other nuisances shall be prohibited.

**Rochester (City) Code of Ordinances**  
Current through legislation adopted September 17, 2019.

**Chapter 47 – Dangerous Articles**

**Section 47-4. Storage and display of firearms, ammunition and explosives.**

A. Purpose and intent. The Council finds that it is necessary to regulate the commercial storage, commercial possession, commercial exchange and commercial display of firearms, ammunition or explosives pursuant to § 139-d of the General Municipal Law in order to provide for the public health, safety and welfare of all persons in the City of Rochester. The Council finds that the location of such activities close to residential uses is not compatible with residential uses and can pose a danger to residents through fire or explosion or as a result of burglaries at such locations. The Council therefore intends to regulate the location of such activities and to place additional regulations upon those activities in order to assure that such activities are conducted in a safe manner. The restrictions found herein shall be in addition to restrictions found in Chapter 120 of the Municipal Code, Zoning Code, and whichever regulations are more restrictive shall be applicable to any potential location where such activities are to be conducted.

B. Location. The commercial storage, commercial possession, commercial exchange or commercial display of firearms, ammunition or explosives within a building occupied by a residential use, or within a building located within 500 feet of any residential use, which distance shall be measured from the closest point of the building used for such storage, possession, exchange or display of firearms, ammunition or explosives to the nearest point of the lot line of the property with a residential use, is hereby prohibited. The increase in the residential buffer from 100 feet to 500 feet shall not apply to any establishment that is operating in compliance with all other applicable provisions of this section prior to and upon the effective date of the increase, and this exemption from the buffer increase shall continue so long as the establishment continues said operation and compliance uninterrupted.

C. Standards of design, construction and maintenance of buildings and structures in which firearms, ammunition or explosives are stored.

(1) Perimeter doorways. All perimeter doorways shall meet one of the following:

(a) A windowless steel security door equipped with a high-security cylinder lock;

(b) A windowed metal door that is equipped with a high-security cylinder lock. If the window has an opening of 5 inches or more measured in any direction, the window shall be covered with steel bars of at least 1/2-inch diameter no further than 6 inches apart, or metal grating of at least 9 gauge which has no spaces larger than 6 inches wide measured in any direction, affixed to the exterior or interior of the door; or

(c) A metal grate or a metal folding scissors gate of at least 9 gauge which has no spaces larger than 6 inches wide measured in any direction that is padlocked and affixed to the premises independent of the door and doorframe when the premises is not open for business.

(2) Windows. All windows shall be covered with steel bars of a least 1/2-inch diameter no further than 6 inches apart; or metal grating of at least 9 gauge which has no spaces larger than 6 inches wide measured in any direction, affixed

to the exterior or interior of the window frame; or a metal grate or a metal folding scissors gate of at least 9 gauge which has no spaces larger than 6 inches wide measured in any direction that is padlocked and affixed to the premises independent of the door and doorframe when the premises is not open for business.

**(3)** Heating, ventilating, air-conditioning and service openings. All heating, ventilating, air-conditioning and service openings shall be secured with steel bars, metal grating or an alarm system.

**(4)** Alarm systems. Any building or structure used for the storage, possession and display of firearms, ammunition or explosives shall be protected by an alarm system which, when activated, directly notifies either a security guard on duty at the location, the Emergency Communications Center (through a designated line other than 911), an answering service or a central station, of a fire or smoke or intrusion or attempted intrusion into the premises. If an answering service or central station is used, the answering service or central station shall provide the service of receiving on a continuous basis through trained employees, emergency signals from the alarm systems and, thereafter, immediately relaying the message by live voice to 911.

**D.** Visibility of interior to be maintained at all times. The interior of any building or structure used for the storage, possession and display of firearms, ammunition or explosives shall be visible through any windows at all times when open for business, and no drapes or blinds should be used that would block the view of police or passersby who might observe unusual activity within the premises. The exterior of the premises shall be illuminated at night and during the hours when business is not conducted within.

**E.** Combustible materials. Combustible materials shall not be stored in any building or structure or that portion thereof used for the storage, possession and display of firearms, ammunition or explosives.

**F.** Fire-extinguishing equipment. Fully operable listed fire-extinguishing equipment shall be maintained in any building or structure used for the storage, possession and display of firearms, ammunition or explosives and made easily accessible.

**G.** Smoking and open flames prohibited. Smoking, matches, spark-producing devices and open flames shall be prohibited in any building or structure or that portion thereof used for the storage, possession and display of firearms, ammunition or explosives.

**H.** Standards of security for storage of firearms, ammunition or explosives.

**(1)** Storage of ammunition and explosives. All ammunition and explosives shall be stored in compliance with 9 NYCRR 1176 et seq. and 12 NYCRR 39 et seq. Further, all ammunition when being displayed shall be kept in locked cases or behind the counter in an area not accessible to the public.

**(2)** Storage of firearms when open for business.

**(a)** No firearms shall be stored, exhibited or displayed in windows of the premises.

**(b)** Firearms storage or inventory areas shall be physically separated from counter and display areas and access to these areas shall be carefully controlled.

**(c)** All firearm display cases shall be kept locked and secured at all times and not readily accessible to the public. All keys to such display cases shall not leave the control of authorized personnel.

**(d)** Trigger locks which disable firearms and prevent them from functioning must be locked to each firearm at all times, or the firearms must be secured in a locked case or be otherwise locked, or the firearms must be dispensed in an area behind the counter that is not accessible to the public. These requirements shall not apply to a firearm being shown to a customer, being repaired, or otherwise being worked on.

**(3)** Storage of firearms when not open for business. When not open for business, all firearms shall be stored in accordance with one of the following:

**(a)** All firearms shall be stored in a locked fireproof safe or vault located in the business premises;

**(b)** All firearms must be secured by a hardened steel rod or cable of at least 1/8 inch in diameter through the trigger guard of the firearm. The steel cord or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the ready removal of the firearms from the premises; or

**(c)** All firearms shall be secured in a manner that prevents the ready removal of the firearms from the premises, as approved by the Chief of Police or the Chief's designee.

**I.** The regulations provided for herein shall not apply to the personal possession, use or ownership of firearms or ammunition therefor.

#### **Section 47-5. Firearms, shotguns, rifles and other dangerous weapons.**

**A.** Purpose and intent. .... The restrictions imposed by this section are intended to be in addition to restrictions found in state law and are not intended to conflict with state law provisions.

**B.** As used in this section, the following terms shall have the meanings indicated:

**Ammunition.** Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shotgun, assault weapon or other dangerous weapon.

**Ammunition Feeding Device.** Magazines, belts, feedstrips, drums or clips capable of being attached to or utilized with any center-fire rifle, shotgun or pistol which employs the force of the expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger which, in the case of a rifle or shotgun holds in excess of 5 cartridges, or in the case of a pistol holds in excess of 17 cartridges.

**Assault Weapon**

(1) Any center-fire rifle or shotgun which employs the force of the expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger, and which is loaded or capable of being loaded with a combination of more than 6 cartridges in the ammunition feeding device and chamber combined. For the purposes of this section, a weapon is capable of being loaded if it is possessed by one who, at the same time, possesses:

(a) In the case of a rifle, a fixed or detachable ammunition feeding device which is attached to or utilized with or capable of being attached to or utilized with such rifle and which has a capacity of more than 5 cartridges; or

(b) In the case of a shotgun, an ammunition feeding device which is attached to or utilized with or capable of being attached to or utilized with such shotgun and which has a capacity of more than 5 cartridges.

(2) A center-fire rifle or shotgun which employs the force of expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger, and which has:

(a) A flash suppressor attached to the weapon reducing muzzle flash;

(b) A grenade launcher;

(c) A sighting device making a target visible at night;

(d) A barrel jacket surrounding all or a portion of the barrel to dissipate heat therefrom; or

(e) A multi-burst trigger activator.

(3) Any stockless pistol grip shotgun.

(5) For purposes of this section, the term "assault weapon" shall not include any of the following:

(a) Any weapon which has been modified to render it permanently inoperable or permanently make it a device no longer defined as an "assault weapon";

(b) Weapons that do not use cartridges or shells;

(c) Manually operated bolt-action weapons, lever-action weapons, slide-action weapons or single-shot weapons;

(d) Multiple-barrel weapons, revolving-cylinder weapons except shotguns, weapons that use exclusively a rotary Mannlicher-style magazine; or

(e) Any antique firearm as defined in § 265.00 of the New York State Penal Law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States Law.

**Dispose Of.** To dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.

**Drug.** Any substance listed in § 3306 of the Public Health Law of the State of New York.

**Dwelling** As defined in Chapter 120 of the Code of Ordinances, Zoning Code.

**Firearm.** Any pistol or revolver; or a shotgun having 1 or more barrels less than 18 inches in length or any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than 26 inches; or a rifle having 1 or more barrels less than 16 inches in length or any weapon made from a rifle (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than 26 inches. For purposes of this definition, 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 breechlock 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. Such definition, except as otherwise indicated, shall include both loaded and unloaded firearms, except that it shall not include any antique

firearm as defined in federal or New York State law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States law.

**Possess.** Have physical possession or otherwise to exercise dominion or control over. The presence in an automobile of any firearm, rifle or shotgun which is openly visible is presumptive evidence of its possession by all persons occupying such automobile at the time such firearm, rifle or shotgun is found, except if such firearm, rifle or shotgun is found in a vehicle for hire.

**Rifle.** A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

**Shotgun.** A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

**D.** No person shall store a firearm, rifle, shotgun or air gun in a dwelling in the City unless said firearm, rifle, shotgun or air gun is completely enclosed or contained in a nontransparent locked carrying case or in a locked gun rack, cabinet, closet or safe, or a locking device is attached to the weapon and locked in a manner so as to prevent the weapon from being fired. This requirement shall not apply to a rifle, shotgun or licensed firearm carried on the body of the owner or within such close proximity of the owner that the owner can retrieve it as quickly and easily as if it were carried on the owner's body.

**E.** No person shall dispose of any firearm, rifle, shotgun, air gun or ammunition in the City. This prohibition shall not apply to:

- (1) A gunsmith or dealer in firearms duly licensed by the State of New York or the United States;
- (2) A person disposing of the same to a gunsmith or dealer in firearms duly licensed by the State of New York or the United States;
- (3) A person voluntarily surrendering the same in accordance with the provisions of § 265.20 of the Penal Law;
- (4) A person disposing of a licensed firearm in accordance with law;
- (5) Disposition by intestate or testamentary bequest; or
- (6) A person disposing of a rifle, shotgun, air gun or ammunition to a family member.

**F.** No person shall possess an assault weapon or an ammunition feeding device in the City. This prohibition shall not apply to:

- (1) A police officer or peace officer authorized to possess the same;
- (2) A person in the military service of the State of New York or the United States when duly authorized to possess the same;
- (3) A person voluntarily surrendering the same in accordance with the provisions of § 265.20 of the Penal Law; or
- (4) A gunsmith or dealer in firearms duly licensed by the State of New York or the United States for weapons to be used by police officers or persons in the military service or for delivery outside of the City.

**G.** No person shall dispose of an assault weapon or ammunition feeding device in the City. This prohibition shall not apply to:

- (1) A person voluntarily surrendering the same in accordance with the provisions of § 265.20 of the Penal Law; or
- (2) A gunsmith or dealer in firearms duly licensed by the State of New York or the United States for weapons to be used by police officers or persons in the military service or for delivery outside of the City.

**N.** The owner of a firearm, shotgun, rifle, assault weapon, machine gun or submachine gun, which becomes lost or stolen, shall report the loss or theft to the Rochester Police Department within 24 hours after the loss or theft is discovered or reasonably should be discovered. The owner of such a weapon shall store the weapon in a safe and secure manner as required in Subsection D of this section and shall check such weapon at least once each week, or immediately upon returning to the City if the owner is absent from the City for more than one week. Failure to perform such a check shall not be a defense to a prosecution for a violation of this subsection.

**P.** The provisions of this section are severable, and if any of its provisions shall be held unconstitutional or invalid, the decision of the court shall not affect or impair any of the remaining provisions of the same. It is hereby declared to be the intention of the Council that this section would have been adopted had such unconstitutional or invalid provision not been included herein. If any term or provision of this section shall be declared unconstitutional, invalid or ineffective in whole, or in part, by a court of competent jurisdiction, then to the extent that it is not constitutional, invalid or ineffective, such term

or provision shall be in force and effect, nor shall such determination be deemed to invalidate the remaining terms or provisions thereof.

**Rockville Centre Code of Ordinances**  
Current through legislation adopted April 1, 2019.  
**Chapter 215 – Junk and Secondhand Dealers**

**Section 215-4. General provisions.**

**A. Definitions.** As used in this article, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person who in any way, as principal, broker or agent:

- (1) Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ..., firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.
- (2) Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.
- (3) Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**B. Exceptions.** Nothing contained in this chapter shall be construed to apply to the following:

- (2) The first purchase or sale in the country of any imported secondhand article.
- (3) The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise.
- (4) The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.
- (5) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory rebuilt merchandise.
- (7) Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. **Identification** shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 215-5. License required.**

No person shall act as a dealer in secondhand articles without obtaining a license therefor in accordance with the provisions of Chapter 222 of the Code of the Village of Rockville Centre.

**Roslyn Code of Ordinances**  
Current through legislation adopted January 19, 2016.  
**Chapter 179 – Business Licensing and Regulation**  
**Article X – Secondhand Dealers**

**Section 179-61. General provisions.**

**C. Definitions.** As used in this article, the following terms shall have the meanings indicated:

**Antique.** Any article or merchandise which is more than 50 years old.

**Dealer in Secondhand Merchandise.** Any person who, in any way as principal, broker or agent:

- (1) Deals in the commercial purchase or sale of secondhand merchandise for any purpose;
- (2) Accepts or receives secondhand merchandise as returns of merchandise or in exchange for or for credits on any other articles of merchandise; or
- (3) Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**Police.** The Nassau County Police Department.

**Secondhand Merchandise.** Any item which shall have been previously used or purchased by a consumer, including old gold or other precious metals, coins, stamps or currency, firearms, cameras, business machines, musical instruments, outboard motors or electronic equipment, but shall not include:

(2) The first purchase or sale in the United States of any imported used item;

(3) The acceptance or receipt of merchandise in a new or used condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, or any resale of such merchandise as new merchandise or the first subsequent nonretail sale or exchange of such merchandise as used merchandise;

(4) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise;

(6) Antiques having a value of less than \$250 and void of any serial numbers, monograms, initials or distinct markings.

**Section 179-62. License required; application procedure.**

A. License required. It shall be unlawful for any person to act as a dealer in secondhand merchandise within the Incorporated Village of Roslyn without first having obtained, and having in force, a license therefor as hereinafter provided.

**Roslyn Estates Code of Ordinances**

Current through legislation adopted March 18, 2019.

**Chapter 200 – Zoning**

**Article VII – C-1 Business District**

**Section 200-34. Permitted uses.**

A. In the C-1 Business District, no building or other structure shall be erected, altered, or used, and no lot or premises may be used, except for one or more of the following purposes:

(3) Stores and shops for conducting any of the following retail businesses (including sales, repairs, and/or services):  
... sporting goods (excluding firearms); stamps and coins; stationery; toys; and video sales and rentals.

**Rotterdam Code of Ordinances**

Current through legislation adopted June 26, 2019.

**Chapter 268 Weapons**

**Section 268-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Public Place:** A place to which the public or a substantial group of persons has access, and includes, but is not limited to highways, transportation facilities, schools, places of amusement, parks, playgrounds, stores, restaurants, taverns, parking lots, hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

**Weapons:** Includes all rifles, shotguns, handguns, cannons, air guns, bows and arrows, crossbows, slingshots, spear guns and any other device from which a projectile is propelled by means of smokeless powder, black powder, compressed air, gas, rocket, springs or elastic materials, or any combination thereof.

**Section 268-4. Possession of loaded weapons in public places.**

On and after the effective date of this chapter, it shall be unlawful to possess a loaded weapon in any public place in the Town of Rotterdam unless duly licensed under law or as provided for in this chapter.

**Section 268-5. Exempted activities.**

The provisions of this chapter shall not apply to:

A. Peace officers in the performance of their duty.

**Russell Gardens Code of Ordinances**

Current through legislation adopted June 7, 2018.

**Chapter 60 – Zoning**

**Article VII – Business District**

**Section 60-42. Prohibited uses.**

The aforementioned permitted uses shall not be deemed to include the following, which are hereby designated as prohibited uses and contrary to the predominantly private one-family residential character of the Village and the health and welfare of its residents:

**S.** Establishment dealing in secondhand articles, including but not limited to ..., firearms, rifles, shotguns, cameras, business machines, musical instruments, motors, electronic equipment or any items pledged in pawn; or that deals in melting metals for the purpose of sale and the like, but excluding automobiles and their parts, pianos, books, rugs, tapestries, artists renditions, imported secondhand articles offered for first sale within the country, returned items, antiques and the like. It is the intent of this subsection to proscribe the establishment of pawnshops and the like within the Village.

## **Rye Brook Code of Ordinances**

Current through legislation adopted August 27, 2019.

### **Chapter 250 – Zoning**

#### **Article II – Definitions**

#### **Section 250-2. Definitions.**

**Home Occupation.** Any commercial use customarily conducted entirely within a dwelling and carried on by the residents thereof who are personally present during substantially all of the operations of the home occupation and no more than two nonresident employees, subject to the regulations of § 250-38, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The conducting of a hospital, barbershop, beauty parlor, coffee house, tearoom, rooming house, tourist home, animal hospital, the commercial storage, possession and display of firearms, ammunition and explosives, or any similar use shall not be deemed to be a home occupation.

#### **Article IV. Regulations Applicable in All Districts**

#### **Section 250-6. General supplementary regulations.**

The provisions of this chapter shall be subject to such exceptions, additions or modifications as herein provided by the following general supplementary regulations:

#### **H. Special permits.**

##### **(6) Commercial storage, possession and display of firearms, ammunition and explosives.**

##### **(a) Location.**

**[1]** The commercial storage, possession and display of firearms, ammunition and explosives shall be located in a shopping center and shall not be located within 500 feet of any public or private school, nursery school, day-care center, playground, church, synagogue or other house of worship. Such distance shall be measured from the nearest point of the portion of the building or structure used for commercial storage, possession and display of firearms, ammunition and explosives to the nearest point of the lot line of the property with a public or private school, nursery school, day-care center, playground, church, synagogue or other house of worship.

##### **(b) Storage.**

**[1]** All ammunition and explosives shall be stored in compliance with 9 NYCRR 1176 et seq. and 12 NYCRR 39 et seq. Further, all ammunition, when being displayed, shall be kept in a locked case or behind the counter on an area not accessible to the public.

**[2]** Storage of firearms when open for business.

**[a]** No firearms shall be stored, exhibited or displayed in windows of the premises.

**[b]** Firearms storage or inventory areas shall be physically separated from counter and display areas and access to these areas shall be carefully controlled.

**[c]** All firearm display cases shall be kept locked and secured at all times and not readily accessible to the public. All keys to such display cases shall not leave the control of authorized personnel.

**[d]** Trigger locks which disable firearms and prevent them from functioning must be locked to each firearm at all times, or the firearms must be secured in a locked case or be otherwise locked, or the firearms must be dispensed in an area behind the counter that is not accessible to the public. These requirements shall not apply to a firearm being shown to a customer, being repaired, or otherwise being worked on.

**[3]** Storage of firearms when not open for business. When not open for business, all firearms shall be stored in accordance with one of the following:

**[a]** All firearms shall be stored in a locked fireproof safe or vault located in the business premises;

**[b]** All firearms must be secured by a hardened steel rod or cable of at least 1/4 inch in diameter and shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the ready removal of the firearms from the premises; or

**[c]** All firearms shall be secured in a manner that prevents the ready removal of the firearms from the premises, as approved by the Chief of Police and the Building Inspector.

**[4]** The regulations provided for herein shall not apply to the personal possession, use or ownership of firearms or ammunition thereof.

**(c)** Commercial sale of firearms, ammunition and explosives. Every person engaged in the retail business of selling firearms shall post a notice in the place where such firearms are displayed or delivered to the purchaser conspicuously stating, in no smaller than 24-point type and on no smaller than 8 1/2 x 11 paper, stating in bold print the following warning:

WARNING: RESPONSIBLE FIREARM STORAGE IS THE LAW IN NEW YORK STATE, AS DEFINED BY THE NY SAFE ACT. FIREARMS MUST BE STORED IN 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 DEVICE APPROPRIATE TO THAT FIREARM. LEAVING FIREARMS ACCESSIBLE TO A CHILD OR UNATHORIZED PERSON MAY SUBJECT YOU TO IMPRISONMENT, FINE, OR BOTH. YOU MAY ALSO FACE ADDITIONAL CRIMINAL PENALTIES IF THE FIREARM IS USED BY ANOTHER NEGLIGENTLY AND CIVIL LIABILITY.

**(d)** Report of theft or loss to Police Department. Any theft or loss of ammunition or firearms from a storage vault, safe storage depository, or otherwise shall be reported immediately to the Police Department of the Village of Rye Brook.

**(e)** Security, reporting and inspection.

**[1]** Security for the premises must include the maintenance of an alarm system and surveillance cameras, as well as the requirements for the safe storage of firearms set forth in Subsection H(6), both when the premises is open and closed for business. Surveillance footage shall be retained for a minimum of three (3) years.

**[2]** Where the primary activity of a business is the sale of firearms, ammunition or explosives, no owner or any of his or her agents, employees, or other persons acting under the owner's authority shall allow the following persons to enter into or remain on the premises unless accompanied by his or her parent or legal guardian:

**[a]** Any person under 21 years of age, if the owner sells, keeps or displays only firearms capable of being concealed on the person, provided that this provision shall not prevent a supervisory agent or employee who has the authority to control activities on the business premises from keeping a single firearm capable of being concealed on the person on the business premises for purposes of lawful self-defense.

**[b]** Any person under 18 years of age, if the owner sells, keeps or displays other than firearms capable of being concealed on the person.

**[c]** Where firearm sales activity is the primary business performed at the business premises, the owner and any of his or her agents, employees, or other persons acting under the owner's authority shall be responsible for requiring clear evidence of age and identity of persons to prevent the entry of persons not permitted to enter the premises pursuant to Subsection H(6)(e)[2][a] by reason of age. Clear evidence of age and identity includes, but is not limited to, a motor vehicle operator's license, a state identification card, an armed forces identification card, or an employment identification card which contains the bearer's signature, photograph and age, or any similar documentation which provides reasonable assurance of the identity and age of the individual.

**[d]** Where firearms sales activity is the primary business performed at the business premises, no owner or any of his or her agents, employees, or other persons acting under the owner's authority shall allow any person to enter into or remain on the premises who the permittee or any of his or her agents, employees, or other persons acting under the owner's authority knows or has reason to know is prohibited from possessing or purchasing firearms pursuant to federal, state or local law.

**[3]** The operator of such a premises shall be required to maintain and submit a report to local law enforcement detailing his, her or its inventory every six (6) months.

**[4]** Local law enforcement officials shall be authorized to inspect the premises, records, inventory and documents for compliance with local and state laws during normal business hours no more than twice in a six-month period.

**[5]** All persons having access or control of workplace firearms, ammunition or explosives, including but not limited to employees, agents and/or supervisors, shall be subject to a background check to be performed by the Rye Brook Police Department. Such persons shall not have access to or control over workplace firearms, ammunition or explosives until the Rye Brook Police Department confirms that such persons have not been convicted of:

- [a] An offense which disqualifies that person from owning or possessing a firearm under federal, state or local law;
- [b] An offense involving the use of force or violence upon the person of another;
- [c] An offense involving theft, fraud, dishonesty or deceit; or
- [d] An offense involving the manufacture, sale, possession or use of a controlled substance as defined by the Penal Law.

### **Article VIII – Schedule of Regulations**

#### **Section 250-31. C1-P Planned Neighborhood Retail District.**

##### **A. Permitted principal uses:**

- (2) ... A store for the sale of goods at retail shall not include the commercial storage, possession and display of firearms, ammunition and explosives.

### **Saratoga Springs Code of Ordinances**

Current through legislation adopted September 3, 2019.

#### **Chapter 115 – Firearms**

##### **Section 115-1.2. Safe storage of firearms.**

##### **A. Definitions.** As used in this section, the following terms shall have the meanings indicated:

**Firearm** Any weapon which will expel a projectile by the action of an explosive. Such term shall not include an antique firearm as that term is defined under 18 U.S.C. § 921(a)(16).

**Immediate Control** Having the ability and the means to immediately direct and regulate the use of the firearm.

##### **Secure Gun Storage or Safety Device**

- (1) A device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;
- (2) A device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or
- (3) A safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

**B. Safe storage required.** No person who owns or has control of a firearm shall remove that firearm from his or her immediate control without first securing that firearm with a secure gun storage or safety device.

### **Scarsdale Code of Ordinances**

Current through legislation adopted September 24, 2019.

#### **Chapter 310 – Zoning**

##### **Article 1 – General Provisions**

##### **Section 310-2. Definitions.**

**Firearm.** Any firearm as defined in 18 U.S.C. § 921(a)(3), "antique firearm" as defined in 18 U.S.C. § 921(a)(16), and the components, parts and accessories thereof.

### **Article X – General Regulations**

##### **Section 310-67. Nonconforming uses, lots and buildings.**

**A. Nonconforming uses.** Nonconformity of any use with any provision of this chapter shall not be a violation of this chapter if such use existed on March 1, 1957, and was permitted by the Zoning Ordinance in effect immediately prior to that date or if the use was permitted on the effective date of any modification of this chapter which rendered the use nonconforming. Such use shall be permitted to continue subject to the provisions of Subsection D(3) of this section and the following conditions:

- (6) Any commercial sale, delivery and/or transfer of firearms, ammunitions, ENDS and/or ENDS components and parts which was lawful prior to the adoption of § 310-89A(11) and (12) shall be deemed a nonconforming use. These nonconforming uses will be permitted to continue for a period not to exceed 12 months unless sooner terminated pursuant to another provision of § 310-67.

## Article XI – Home Occupations

### Section 310-73. Permitted use as of right.

A home occupation not having employees, customers or other persons who regularly visit the premises for business purposes is permitted as of right in all Residence A and C Zoning Districts, subject to the following conditions:

**A.** There is no offensive noise, ... and no storage for sale or sale of firearms, ammunition or dangerous materials.

### Section 310-74. Permitted use by special use permit.

A home occupation having employees, customers or other persons who regularly visit the premises for business purposes, or which otherwise does not meet the requirements of § 310-73, is a special use for which the Board of Appeals is authorized to grant a special use permit in all Residence A and C Zoning Districts as hereinafter provided. The Board of Appeals may prescribe reasonable rules and regulations for the operation of such home occupation.

**A.** The Board of Appeals is authorized to approve special use permits for conducting one or more home occupations (whether or not incorporated) in a dwelling unit serving as the principal building or in an accessory building on any lot in a Residence A, B or C District, for one or more offices, places of business or studios of one or more persons residing in the principal dwelling on the lot on which any such office, place of business or studio is located:

(1) Provided that the Board shall find that:

(f) There shall be no offensive noise, ... and no storage for sale or sale of firearms, ammunition or dangerous materials.

## Article XIV – Powers of the Planning Board

### Section 310-89. Nonresidential special use permits.

(11) Permit, in the VCR-1.0 District, commercial sale, transfer and/or delivery of firearms, provided that such use meets the following requirements:

(a) Location. The commercial sale, delivery and/or transfer of firearms and/or ammunitions shall not be located within 250 feet of any public or private school, nursery school, day-care center, playground, or house of worship, nor within 250 feet of any other establishment engaged in the commercial sale, delivery, and/or transfer of firearms and/or ammunitions. Such distance shall be measured from the nearest point of the portion of the building or structure engaged in the commercial sale, delivery and/or transfer of firearms and/or ammunitions to the nearest point of the lot line of the property with a public or private school, nursery school, day-care center, playground, house of worship, or building or structure engaged in the commercial sale, delivery and/or transfer of firearms and/or ammunitions.

(b) Storage when open for business.

[1] All ammunition when being displayed shall be kept in a locked case or behind the counter in an area not accessible to the public.

[2] No firearm shall be stored, exhibited, or displayed in windows of the premises.

[3] All firearms shall be located in a locked display case, counter or storage area, which the public shall not have access to. The keys or codes to such areas shall not leave the control of authorized personnel.

(c) Storage when not open for business shall be in accordance with one of the following:

[1] All firearms shall be stored in a locked fireproof safe or vault located within the business premises.

[2] All firearms must be secured by a hardened steel rod or cable of at least 1/4 inch in diameter and shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a lock cutter and the rod or cable shall be anchored in a manner that prevents the ready removal of the firearm from the premises.

(d) Security. Security for the premises must include an alarm system and surveillance cameras that are operational when the premises is open and closed for business. Surveillance footage shall be retained for a minimum of six months.

## Sea Cliff Code of Ordinances

Current through legislation adopted February 12, 2019.

### Chapter 101 – Secondhand Articles, Dealers In

#### Section 101-2. Definitions; applicability; burden of proof; severability; liability.

**A.** Definitions. As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person who, in any way, as principal, broker or agent:

(1) Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to old gold or other precious metals, gems, coins, stamps or currency, firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.

(2) Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.

(3) Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**Person.** An individual, firm, company, partnership, corporation, trust or association.

**Retail Value.** The price at which an item or article is sold by a dealer.

**B. Exceptions.** Nothing contained in this chapter shall be construed to apply to:

(2) The first purchase or sale in the country of any imported secondhand article.

(3) The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as "new merchandise" or the first subsequent nonretail sale or exchange of such merchandise as "used merchandise."

(4) The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.

(5) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as "factory-rebuilt merchandise."

(7) "Antiques," which shall mean secondhand articles over 50 years of age, having a retail value of less than \$250 and void of any means of identification. "Identification" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

(10) A garage sale conducted by a person not normally engaged in the business of conducting such sales.

### **Section 101-3. License required; types of license; waiver of provisions.**

**A.** It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

## **Stewart Manor Code of Ordinances**

Current through legislation adopted 11-04-2019.

### **Chapter 146 – Secondhand Dealers**

#### **Section 146-1. Definitions.**

When used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles or Secondhand Dealer.** Any person who in any way as principal, broker or agent:

**A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ... firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment;

**B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise;

**C.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles;

**D.** Engages in melting previous metals for the purpose of sale.

**Village Clerk.** The Village Clerk of the Village of Stewart Manor.

#### **Section 146-2. Applicability.**

Nothing contained in this chapter shall be construed to apply to:

**B.** The first purchase or sale in the country of any imported secondhand article;

**C.** The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise;

- D. The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise;
- E. The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it or the licensed agents thereof and sold as factory rebuilt merchandise;
- G. Antiques, which shall mean secondhand articles of furniture over 75 years of age;
- I. A garage sale conducted by a person not normally engaged in the business of conducting such sales.
- J. Such other business activities as the Board of Trustees of the Village of Stewart Manor shall from time to time by resolution declare not to require the regulation afforded by this chapter.

**Section 146-3. License; fee; bond; revocation; hearing.**

A. It shall be unlawful for any person, association, partnership or corporation to act as a secondhand dealer, as defined in § 146-1 of this chapter, unless such secondhand dealer shall have complied with the provisions of this chapter and obtained the required license from the Village Clerk, for which license shall be paid to such Village Clerk for the use of such Village the sum as set forth in the current Village Fee Schedule (see Chapter 83, Fees), which license shall expire on June 30 of each year.

**Suffolk County Code of Ordinances**  
Current through legislation adopted June 18, 2019.

**Chapter 349 – Bullets Armor-Piercing**

**Section 349-1. Purpose.**

It is the intent of the Suffolk County Legislature to restrict the possession, disposition and use of certain handgun bullets that are designed primarily for the purpose of armor penetration so as to give law enforcement personnel a reasonable degree of protection from penetration of body armor. This chapter is not intended to restrict the availability of ammunition for personal defense, sporting or hunting purposes.

**Section 349-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Body Armor.** Commercially available soft, bullet-resistant apparel with a penetration resistance equal to or greater than body armor classified as Threat Level Class II that complies with New York State Industrial Code Rule 55 or National Institute of Law Enforcement and Criminal Justice Standard 0101.01, dated May 1978.

**Dealer.** Any person engaged in the business of selling ammunition at wholesale or retail who is licensed under Chapter 44 of Title 18 of the United States Code.

**Dispose Of.** To dispose of, give, give away, loan, offer for sale, sell, transfer and otherwise dispose of, except to police or military units.

**Handgun.** A firearm originally designed to be fired by the use of a single hand.

**Person.** A natural person, firm, partnership, corporation or company.

**Restricted Handgun Bullet.** A handgun projectile that is capable of penetrating armor, including body armor as defined herein, and is comprised of a projectile whose composition includes any components having a hardness of 70 or greater on the Rockwell B hardness scale, specifically the Czechoslovakian-manufactured 9-millimeter; and all KTW teflon-coated projectiles.

**Section 349-3. Prohibited acts.**

A. Any person who, with intent to injure or kill, or whoever, during and in relation to the commission of a crime of violence for which he may be prosecuted in court, including a felony which provides for an enhanced punishment if committed by the use of a dangerous weapon or device, uses or carries any handgun loaded with armor-piercing ammunition, as defined herein, shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment of not less than 6 months.

B. No dealer shall dispose of any restricted handgun bullet or bullets in Suffolk County, except to police or military units.

**Chapter 563 – Licensed Occupations**

**Section 563-49. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

## Dealer in Secondhand Articles

**A.** Any person corporation, partnership, collateral loan broker, as defined in Article 5 of the New York General Business Law, or other entity and its employees that, as a business, transacts more than 5 deals in the purchase of, sale of, or transaction for a collateral loan against any of the following articles within a 12-month period:

- (1) Antique firearms.
- (2) Rifles.
- (3) Shotguns.

**B.** Exempted operations:

(1) "Dealer in secondhand articles" shall not include any organizations formed for charitable purposes which accept donations of secondhand articles and resell them to raise funds for purposes consistent with the formation of the organization, nor any persons, corporations, partnerships or other entities and their employees that, as a business, are principally engaged in the service and/or repair of electronic equipment or component parts thereof and who, from time to time, sell electronic equipment or component parts thereof, which have been left for repair and later abandoned.

(2) The sale of secondhand goods at events commonly known as "garage sales," "yard sales," or "estate sales," provided:

- (a) The sale is held on noncommercial property;
- (b) None of the items offered for sale have been purchased for resale;
- (c) The owner of the property receives all proceeds; and
- (d) The sale period is no longer than 72 hours. At no time shall the property owner be permitted to conduct more than 2 events within a 12-month period.

(4) Organizations or persons that resell secondhand articles acquired solely from:

- (a) Other organizations or persons who or which received the secondhand articles by way of gift or donation; or
- (b) Members of the general public by way of gift or donation.

**Secondhand Article.** An article or object which:

- A.** Has been previously sold at retail; or
- B.** Has been previously used or is not in a new condition.

### Section 563-50. License required; display.

**A.** No person shall engage in any business as a dealer in secondhand articles without obtaining a license therefor from the Office in accordance with and subject to the provisions of this article and Article I.

## Syracuse Code of Ordinances

Current through Ordinance 45-2018, December 3, 2018. (Supplement 38)

### Chapter 47 – Child Access Prevention

#### Section 47-1. Definitions.

**Dwelling unit** shall have the same meaning as set forth in Part O, section 27-10 of the Property Conservation Code, as the same shall be amended from time to time.

**Firearm** means:

- (a) Any pistol or revolver; or
- (b) A shotgun having one or more barrels less than eighteen (18) inches in length or any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches; or
- (c) A rifle having one or more barrels less than sixteen (16) inches in length or any weapon made from a rifle (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

For purposes of this definition, 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 breechlock when closed and when the shotgun or rifle is cocked;

the overall length of the 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. Such definition, except as otherwise indicated, shall include both loaded and unloaded firearms, except that it shall not include any antique firearm as defined in federal or New York State law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States law.

**Possess** means to have physical possession or otherwise to exercise dominion or control over tangible property.

**Rifle** means a weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

**Safety locking device** means a design adaptation or attachable accessory that will prevent the use of the weapon by an unauthorized user, and includes, but is not limited to a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the weapon without the alignment of the combination tumblers.

**Shotgun** means a weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

#### **Section 47-2. Prohibition.**

No person who is the lawful owner or custodian of a rifle, shotgun or firearm, as defined in section 47-1, shall store or otherwise place or leave such rifle, shotgun or firearm in a dwelling unit in such a manner or under circumstances that it is out of his immediate possession or control, without having rendered such rifle, shotgun or firearm inoperable by employing a safety locking device or by securing such rifle, shotgun or firearm in an enclosure constructed entirely of wood or metal which is locked and the conventional or intended means of disengaging the lock is not accessible to anyone other than the lawful owner or custodian of such rifle, shotgun, or firearm.

#### **Section 47-3. Sale of certain weapons; locking devices therefor; provision of notice or application law.**

(1) No person, firm, corporation, limited liability corporation (LLC), limited liability partnership (LLP), or partnership engaged in the retail business of selling rifles, shotguns or firearms within the city of Syracuse as those terms are defined in section 265.00 of the Penal Law of the state of New York, shall sell, deliver or transfer any such weapon to an individual unless the transferee is provided at the time of sale, delivery or transfer with a safety locking device that is capable of preventing the weapon from discharging.

(2) No person, firm or corporation within the city of Syracuse shall sell, deliver or transfer any weapon, as defined in section 265.00 of the Penal Law of the state of New York, to an individual through a casual sale unless the transferee is provided at the time of sale, delivery or transfer with a safety locking device that is capable of preventing the weapon from discharging.

(3) Every person, firm or corporation engaged in the retail business of selling rifles, shotguns or firearms in the city of Syracuse, as those terms are defined in section 265.00 of the Penal Law of the state of New York, shall, in the place where such weapons are displayed or delivered to the purchaser, post a notice conspicuously stating in bold print that "Effective January 1, 2000, storing or leaving a weapon in any household without a safety locking device is prohibited within the City of Syracuse" and "Keep weapons and ammunition locked up" and "Keep weapons and ammunition separate" and "Use trigger locks".

### **Tonawanda Code of Ordinances** Current through June 18, 2019. (Supplement 40)

#### **Chapter 82 – Zoning** **Article 4 – District Use Restrictions**

#### **Section 82-211. M-2 light industrial district.**

In the M-2 light industrial district:

(3) Limitations on uses are as follows:

c. The following principal uses as described in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, United States Government Printing Office, Stock #4101-0066, shall be and hereby are declared prohibited principal uses in the M-2 light industrial district and shall not be expanded or established therein:

SIC Code No.	Description of Prohibited Uses	Exceptions Allowed	
Manufacturing			
Subgroup 346 and Numbers 3482 and 3483	Iron and steel forgings Ammunition manufacture	3469 None	Metal stampings, n.e.c.

### Troy Code of Ordinances

Current through legislation adopted November 7, 2019.

#### Chapter 191 – Loan Brokers

##### Section 191-10. Unlawful to purchase secondhand articles.

It shall be unlawful for any collateral loan broker to purchase any secondhand furniture, metals, clothing or other article or thing whatever, offered to him/her as a pawn or pledge. It shall also be unlawful for any such collateral loan broker, licensed under this chapter as such, to engage in any secondhand business or to receive in pawn or as a pledge any instrument or weapon mentioned in § 265 of the Penal Law of the state.

#### Chapter 242 – Secondhand Dealers

##### Section 242-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

##### Dealer in Secondhand Articles.

**A.** Includes but not limited to any person dealing in the purchase or sale of any secondhand ..., firearms, including antique, ..., or in the purchase or sale of pawnbrokers' tickets or other evidence of pledged articles or, not being a pawnbroker, who deals in the redemption or sale of pledged articles. Nothing contained in this chapter shall be construed to apply to household furniture and furnishings, pianos, books, magazines, tapestries, burlaps, paintings, drawings, etchings, engravings, vinyl records, cassette tapes or compact discs; or automobiles; nor to exchanges, returns or credits of merchandise when the article or articles exchanged, returned or credited are accepted in full or part payment for new merchandise; nor to the first purchase or sale in the City of any imported secondhand articles.

**B.** The term "**purchase**" as stated above refers to individuals who purchase directly from an individual in their place of business or who are solicited directly, specifically and individually by an individual to purchase items from an individual regardless of point of purchase.

**Person.** Includes one or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies and all other entities of any kind capable of being used.

##### Section 242-2. License required.

No person, either as principal, agent or employee, shall within the limits of the City of Troy establish, engage in or carry on the business of dealing in secondhand articles, either separately or in connection with some other business, without first having obtained and paid for and having in full force and effect a license as herein provided.

### Valley Stream Code of Ordinances

Current through legislation adopted November 19, 2018.

#### Chapter 69 – Secondhand Dealers, Control and Regulation of

##### Section 69-2. General provisions.

**A.** Definitions. As used in this chapter, the following terms shall have the meanings indicated:

**Dealer in Secondhand Articles.** Any person or corporation who, in any way, as principal, broker or agent:

(1) Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to old gold or other precious metals, coins, stamps or currency, firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors or electronic equipment.

(2) Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.

(3) Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**B.** Exceptions. Nothing contained in this chapter shall be construed to apply to:

(2) The first purchase or sale in the country of any imported secondhand article.

(3) The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail or exchange of such merchandise as used merchandise.

(4) The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.

(5) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory rebuilt merchandise.

(7) "Antiques," which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. "Identification" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 69-3. License required; types of licenses.**

A. It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

**Vestal Code of Ordinances**

Current through Local Law 1 of 2019. (Supplement 57)

**Chapter 12 – Licenses, Permits and Miscellaneous Business Regulations  
Article V – Junk Dealers and Dealers in Secondhand Goods**

**Section 12-93. License required.**

(a) No person, either as principal, agent or employee, shall, within the incorporated limits of the town, establish, engage in or carry on the business of a dealer in secondhand goods as defined herein, either separately or in connection with some other business, without first having obtained and paid for and having in full force and effect a license as provided by this article.

**Section 12-94. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them by this section:

**Dealer** in secondhand goods means any person engaged in the commercial exchange, purchase and/or sale of the following secondhand articles: ... firearms, rifles, shotguns, and any junk metal or secondhand material and including, but not limited to, PlayStation games such as Sony and Nintendo, DVD's, CD's, VCR's, musical equipment and remote control toys or similar merchandise.

**Person** includes the singular and the plural and shall also mean and include any person, firm, or corporation, association, club, co-partnership, society or any other organization.

**Wappingers Falls Code of Ordinances**

Current through legislation adopted September 11, 2019.

**Chapter 78 – Firearms and Weapons**

**Section 78-1. Prohibition; exception; violations.**

It shall be unlawful for any person under the age of 16 to possess any air gun or other instrument or weapon in which the propelling force is a spring or air, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any dangerous knife, provided that the holder of a hunting license or permit issued pursuant to Article 11 of the New York State Environmental Conservation Law and used in accordance with said law shall not be governed by this section. A person who violates the provisions of this section shall be adjudged a juvenile delinquent.

**Waterford (Town) Code of Ordinances**

Current through legislation adopted December 6, 2016.

**Chapter 161 – Zoning  
Article II – District Use Regulations**

**Section 161-17. M-2 Industrial District**

The following use regulations shall apply in any M-2 Industrial District:

C. Uses strictly prohibited shall be as follows:

(6) Manufacture of fireworks, ammunition or explosives.

**Waterloo Code of Ordinances**  
Current through legislation adopted March 12, 2018.

**Chapter 191 – Secondhand Dealers**

**Section 191-3. Definitions.**

As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

**Dealer in Secondhand Articles.** Any person who in any way, as principal, broker or agent:

- A.** Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to ..., firearms, rifles, shotguns, cameras, business machines, musical instruments, outboard motors, electronic equipment or bicycles and bicycle parts.
- B.** Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise or for cash or currency.
- C.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**Exempt Organization.** Includes any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer fire fighters, provided that each shall operate without profit to its members.

**Section 191-4. Exemptions.**

Nothing contained in this chapter shall be construed to apply to:

- B.** The first purchase or sale in the country of any imported secondhand article.
- C.** The acceptance or receipt of merchandise in a new condition as a return or exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, or to any resale of such merchandise as new merchandise or the first subsequent nonretail sale or exchange of such merchandise as used merchandise.
- D.** The acceptance or receipt of merchandise in a used condition as a return, trade-in or exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, or to the first subsequent nonretail sale or exchange of such merchandise.
- E.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.
- G. Antiques**, which shall mean secondhand articles over 50 years of age having a value of less than \$250 and void of any means of identification. **Identification** shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

**Section 191-8. License required.**

**A.** It shall be unlawful for any person, except an exempt organization, to act as a dealer in secondhand articles without a license therefor.

**Westbury Code of Ordinances**  
Current through legislation adopted July 11, 2019.

**Chapter 198 – Secondhand Merchandise Dealers**

**Section 198-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Antique.** Any article or merchandise which is more than 50 years old.

**Dealer in Secondhand Merchandise.** Any person who, in any way as principal, broker or agent:

- A.** Deals in the commercial purchase or sale of secondhand merchandise or coins for any purpose;
- B.** Accepts or receives secondhand merchandise as returns of merchandise or in exchange for or for credit against the price of any other articles or merchandise; or
- C.** Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

**Person.** An individual, partnership, unincorporated association, corporation or other entity.

**Secondhand Merchandise.** Any item which shall have been previously used or purchased by a consumer, but shall not include:

**B.** The first purchase or sale in the United States of any imported used item.

**C.** The acceptance or receipt of merchandise in a new or used condition as a return or exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, or any resale of such merchandise as new merchandise, or the first subsequent nonretail sale or exchange of such merchandise as used merchandise.

**D.** The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.

**F.** Antiques having a value of less than \$250 and void of any serial numbers, monograms, initials or distinct markings.

### **Section 198-3. License required.**

It shall be unlawful for any person to act as a dealer in secondhand merchandise within the limits of the Village of Westbury without first having obtained, and having then in force, a license therefor as hereinafter provided.

## **Westchester County Code of Ordinances**

Current through Local Law 8-2019, enacted July 16, 2019. (Supplement 34)

### **Part IV – Other Local Laws, Acts and Resolutions**

#### **Chapter 527 – Gun Safety**

### **Section 527.11. Definitions.**

Whenever used in this chapter, the following terms shall have the following meanings:

**(a) Weapon** shall mean a "rifle", "shotgun", "firearm" or "machine gun" as those terms are defined in Section 265.00 of the Penal Law.

**(b) Serious physical injury and physical injury** shall be defined as provided in Section 10.00 of the Penal Law.

**(c) 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.

**(d) 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.

**(e) Person** shall include corporation, partnership, business or other entity.

**(f) 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.**

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.**

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.**

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.**

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:

**(1)** A safety locking device that is capable of preventing that particular weapon from firing; and

**(2)** A copy of the following warning in conspicuous and legible 24-point type on 8½x11 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 8½x11 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 8½x11 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.

**Yonkers Code of Ordinances**  
Current through December 11, 2018.

**Chapter 59 – Fire Code**  
**Article V – Ammunition**

**Section 59-90. Definitions.**

As used in this article, terms shall be defined as follows:

**Ammunition.** A metal or other shell containing a fulminate or containing black or smokeless powder for the purpose of propelling projectiles or shot. The term shall also include black or smokeless powder packed for use as a propelling charge or for saluting purposes.

**Small-Arms Ammunition.** Any shotgun, rifle, pistol or revolver cartridges, and shall include percussion caps and primers.

**Section 59-91. Manufacture prohibited.**

It shall be unlawful to manufacture ammunition or small-arms ammunition in the City of Yonkers.