

# Notice of Public Hearing and Opportunity to Comment on Amendment of Rules

The New York City Police Department (“NYPD”) is proposing to update the Department’s firearm licensing standards.

Friday, November 18, 2022

**The Honorable JoLinda Ruth Cogen**, everyday law-abiding New York City, Harlem citizen, property business owner, Evangelical Christian, married community advocate and leader, NYPD, FBI volunteer, daughter of deceased NYPD police officer, relative of law enforcement officers in other jurisdiction, raised in an environment where firearms were respected and used effectively and efficiently lifelong member of NRA and concerned senior citizen who for almost two years fears for the safety of my property, life and lives of my family and neighbors.

I submit my comments on the Amendment of Rules. It is my humble opinion that is based not on emotion or unreasonable public opinion which fluctuates but on “the truth”, that is, the history of the USA and how and why it was conceived in writing of the Constitution by first freedom of speech and second the right to bare arms; along with the statistical evidence that I have reviewed. It is a necessity, an irrevocable right from God (Triune Creator, The Father, the Son, Jesus, and Holy Ghost) to bare arms without having to jump through unnecessary subjective hoops and no man or state can infringe upon this right.

Submitting a handgun License application should be the same if not shorter than a driving license because it is a constitutional right to bear arms given by God that the State must respect vs. driving which is a privilege granted by the State not Federal government that can be easily given and revoked. Moreover, if someone has a shotgun/rifle permit the license process and paperwork should be streamlined obtained within 30 days and a nominal additional fee, not cost prohibited as in \$500.00 and over a 50-page application. Closer to two-page application and \$100.00 fee.

The Constitution of the United States

*We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.*

## Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

The **Fourth Amendment** bars the government from unreasonable search and seizure of an individual or their private property.

## Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; **nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law;** nor shall private property be taken for public use, without just compensation.

## Amendment VIII

Excessive bail shall not be required, **nor excessive fines imposed,** nor cruel and unusual punishments inflicted.

## Amendment X

**The powers not delegated to the United States by the Constitution, nor prohibited by it to the States,** are reserved to the States respectively, or **to the people.**

There are three branches of Government in the United States, the Judicial, the Legislative and Executive on three levels of government Federal, State and Local. The New York State gun laws did not line up with the Constitution which supersedes certain State laws because if powers are not delegated as stated in the 10<sup>th</sup> Amendment, they are not legal and binding to American Citizens.

The three branches are to check and balance. The Supreme Court "Checked" the New York State laws as unconstitutional. The ruling was not made for New York State/New York City to reinstate what was "checked" in a different flavor.

No matter what the imagined reasons or false statements of safety since the government cannot make individuals safe. For example, 5 million and growing NYC residents and 20,000 and decreasing NYPD police officers could not possibly keep 5 million people safe, "promote domestic tranquility" by the numbers without an armed citizenry Constitutionally carrying.

The government which answers to the people is responsible to secure the borders of the state and country lines, not an individual's person line or property line borders.

Thus, as clearly stated above the NYPD/NYC/NYS licensing standards to not measure up as a yardstick ruler would measure size/distance to the Constitution therefore such licensing standards are false, null and void.

Specifically, to the NYPD proposals which I have repeated verbatim, my answers are highlighted, italicized and in bold.

Specifically, these proposed rules make the following amendments:

1) Amend the minimum age to obtain a rifle/shotgun permit to be consistent with the Administrative Code.

***There should be no minimum age to handle or train to properly and effectively use a firearm if a responsible adult is present. How can one use a firearm correctly if they are not taught and not taught at an early age and it is a Constitutional right, not a privilege as is a driver's permit.***

***The minimum age of an adult to obtain a firearm should be consistent with the age of maturity without a parent's or guardians consent as in marriage, military service and voting and that is age 18 years old.***

2) Codify the hearing procedures for licensees and permittees whose licenses and permits are suspended or revoked.

***The codifying should be consistent and objective not subjective and right to legal/professional counsel to advise and be present cannot be denied***

3) Add a new section 3-15 to title 38 of the Rules of the City of New York, which will require that applicants attest that they have received the rules for revoking a license, the laws regarding sensitive and restricted locations, and the requirements for safe storage of a firearm.

***Rules of license must be limited to the Constitution and not the editorializing of gun safety which is subjective and not specific to an individual. No rules will be adoptive that dictates "safe storage" since that is subjective to the individuals' particular home or location, thus one size cannot fit all. Moreover, no government representative can arrive at any time to "see/inspect" how the firearm is stored.***

***This violates the Fourth Amendment bars the government from unreasonable search and seizure of an individual or their private property***

4) Eliminate the "proper cause" and "good cause" standards.

***Agree for it is a God given right not a State/government given right***

5) Authorize electronic filing of documents relating to handgun licensure.

***Agree, and if a license is already in possession of an applicant the process of obtaining additional weapons is streamlined and specifically spelled out as to no confusion or delay of no more of 30 days obtaining additional weapons.***

6) Add certain documents required to apply for and receive a carry license,

including four character references and a list of current and former social media accounts from the last three years.

***NO character documents required at all and no social media access! Social Media is subjective and thus, it is IMPOSSIBLE to set any standard to judge what is good/bad social media. Moreover, to surrender the passwords to social media accounts to an unknown entity is invasion of privacy, stalking, identity theft liability for NYPD and likened with surrendering the keys to ones' private residence or automobile without committing a crime.***

***Again "to bare arms" is a constitutional right no documentation other name, address and contact information as with a drivers' license. Rights cannot hinge on others. Violation of 2<sup>nd</sup> Amendment, 4th Amendment of unreasonable search and seizure, Violation of privacy acts, Violation of 5<sup>th</sup> Amendment of self-incrimination.***

7) Require an interview prior to receiving a handgun license.

***There is no interview for drivers' license which is a "state" privilege thus no interview for firearm which is a Constitutional right. More hit and run deaths with the weapon named an automobile than individuals killing with a weapon named a firearm.***

8) Require a certification of completion of the live firearms safety course and training course pursuant to section 400.00(19) of the Penal Law.

***The penal Law section 400.00 is unconstitutional. You can own a car with taking a safety course. You cannot drive a car without passing the drivers' examination. This will eliminate legacy firearms to be confiscated from family members never to be returned because heirs do not have ownership licenses and were unaware of the firearms.***

***A requirement to certify and demonstrate an effective use of firearms by an NRA or other recognized licensed private firearm instruction entity for consistent use of firearm can be instituted. For example, NYPD officers must qualify for firearm use twice a year. Thus, continuing education courses can be required every 5 years to demonstrate effective use of firearms. This can be online and distance technology certification. On a personal note, this is a perfect arena where women and People of Color who have historically being denied to defend themselves by possessing arms can have the***

**entrepreneurial opportunity as it is being offered now with Cannabis to become instructors, have schools, gun clubs, teaching the respect and proper use of firearms.**

9) Repeal the pre-license exemption application for applicants who use a gun for instructional purposes.

**Disagree again violation of 2<sup>nd</sup> Amendment.**

10) Define how individuals who work and live in Times Square may transport a gun.

**The individuals will define to prevent accidentally discharging, but easily available to discharge in a personal danger situation. The Gun Free Zone in Times Square and any other place where there were mass shootings and could have been prevented by trained Constitutionally carrying individuals will be removed. All places deemed "gun free" is advertisement for "law breakers" to bring guns and make victims of law-abiding citizens who are unreasonably prevented from Constitutionally carry. New York State and New York City has no AUTHORITY to set such laws for this authority has not been granted Constitutionally; thus, perhaps depriving law-abiding people of liberty, pursuit of happiness and perhaps life by not being armed to defend and deflect.**

11) Add a two-hour live firearms training requirement in connection with renewal applications for carry licenses. This minimum proficiency standard furthers the compelling interest of preventing death and injury by firearms.

**No other requirements are necessary after proficiency was demonstrated at time of license obtaining and renewal as I stated in point number eight. "The statement "This minimum proficiency standard furthers the compelling interest of preventing death and injury by firearms." Is a subjective opinionated statement and not supported by overwhelming provable verifiable facts.**

12) Require that when a handgun is outside the licensee's immediate possession or control, such handgun is safeguarded with a safety locking device and in a locked container. These protective measures will help prevent unauthorized

access.

***Individuals have freedom of choice and responsible firearm licensees will safeguard weapons, but not to the extent that when needed in an emergency it is a “two step time increasing process” that can cause theft of property, injury and/or death. What facts does the NYPD has in its possession prove that the recommendations will prevent unauthorized access?***