

New York City Police Department

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Police Department (“NYPD”), is proposing amendments to title 38 of the rules on the City of New York in order to:

- establish a process by which individuals who do not reside in New York State, are not principally employed within New York City, and do not have their principal place of business in New York City can apply for a license to carry a firearm;
- amend and clarify the process for purchasing and adding firearms to an existing New York City firearms license; and
- amend the rules to correct typographical errors and modernize outdated references.

The portion of the rule that establishes a process by which individuals residing and working outside of New York State can apply for a license to carry a firearm is being proposed as a continuation of a rule adopted on an emergency basis and published in the August 12, 2024 issue of the City Record.

When and where is the hearing? NYPD will hold a virtual public hearing on the proposed rule. The public hearing will take place at 10:00am on Friday, November 15, 2024.

- Join through Internet – Desktop app:

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser’s address bar. Then follow the prompts to either continue using the browser or download/open the Teams desktop app.

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjA2MmIyY2EtOGNkOC00NzNmLThiZjctNTAwZDM0MDhlMmMx%40thread.v2/0?context=%7b%22Tid%22%3a%22b9f57eb-78d1-46fb-be83-a2afdd7c6043%22%2c%22Oid%22%3a%22fa40008a-1daf-4fe2-9050-c9f72e2479cb%22%7d

Enter your name when prompted and click the “**Join now**” button. If you don’t have computer audio or prefer to phone in for audio, select “**Phone audio**” under “**Other join options**” then click the “**Join now**” button. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins. If you are using phone audio then follow the dial-in instructions when prompted.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the Phone audio option for the hearing. This will reduce the possibility of dropped audio and stutters.

- Join through Internet - Smartphone app:

To join using the Microsoft Teams app on your smartphone, click on the following URL link from your phone to automatically open the Teams app. Note that the Microsoft Teams

app must already be installed on your smartphone. It is available for free both in the Apple Store and Google Play.

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjA2MmIyY2EtOGNkOC00NzNmLThiZjctNTAwZDM0MDhlMmMx%40thread.v2/0?context=%7b%22Tid%22%3a%22b9f57eb-78d1-46fb-be83-a2afdd7c6043%22%2c%22Oid%22%3a%22fa40008a-1daf-4fe2-9050-c9f72e2479cb%22%7d

When prompted select “Join meeting”. Type your name and then select “Join meeting” again. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

Alternatively, open the Teams app and select “Join a meeting”. Signing in with an account is not required. Type your name, the following Meeting ID and Passcode, then select “Join meeting”.

Meeting ID: 293 612 207 199

Passcode: Y8AzgH (Code is case sensitive)

- Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: +1 518-314-9898,,928208368#

Phone Conference ID: 928 208 368#

You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the NYPD through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to LicenseDivisionDesk@nypd.org
- **Mail.** You can mail comments to New York City Police Department, License Division, 1 Police Plaza Path, Room 110A, New York, NY 10038, Attn: Nicole Berkovich.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing LicenseDivisionDesk@nypd.org or calling April Cohen at (646) 610-6468. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? The deadline to submit written comments is

November 15, 2024.

What if I need assistance to participate in the hearing? You must contact the License Division if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone by calling April Cohen at (646) 610-6468; or by email at LicenseDivisionDesk@nypd.org. Advance notice is requested to allow sufficient time to arrange the accommodation. Please provide at least 72 hours' notice prior to the hearing to ensure availability.

This location has the following accessibility option(s) available: Simultaneous transcription for people who are deaf or hard of hearing and audio-only access.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a video recording of oral comments concerning the proposed rule will be available on the NYPD website. Copies of these documents may also be reviewed at NYPD License Division, 1 Police Plaza Path, Room 110A, New York, N.Y. 10038.

What authorizes NYPD to make this rule? Sections 1043(a), and 1503 of the City Charter authorize the Department to make this proposed rule. Part of this proposed rule is a continuation of the rule adopted on an emergency basis and published in the August 12, 2024, issue of the City Record. As such, this proposal is being made in accordance with Section 1043(i) of the City Charter. This proposed rule was not included in the Department's regulatory agenda for this Fiscal Year because it was not contemplated when the Department published the agenda.

Where can I find the New York City Police Department's License Division rules? The NYPD License Division rules are in title 38 of the Rules of the City of New York. See the link below. <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-76904>

What laws govern the rulemaking process? NYC Police Department must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

On June 23, 2022, the United States Supreme Court ruled in N.Y. State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111 (2022), that the State of New York's "proper cause" requirement for obtaining a concealed carry firearm license was an unconstitutional restriction on an individual's Second Amendment right to bear arms for self-defense. Since the issuance of that decision, New York City has revised its licensing regulations to remain consistent with current case law pertaining to handgun licensing and continues to do so in response to evolving Second

Amendment jurisprudence, including the Supreme Court’s decision in United States v. Rahimi, 602 U.S. __ (2024).

Current NYPD rules do not contain formal procedures for concealed carry handgun license applicants who do not reside in New York State, are not principally employed within New York City, and do not have their principal place of business in New York City. A process by which non-State residents can apply for a carry license will ensure that the City is able to properly regulate handgun ownership within NYC while also complying with the Bruen decision. This rule sets forth standards to submit and evaluate applications for carry licenses made by these individuals, hereinafter called “non-resident” applicants. This rule also amends and clarifies the process of purchasing and adding firearms to an existing New York City firearms license and amends the rules to correct typographical errors and modernize outdated references.

On August 1 and August 6, 2024, respectively, Police Commissioner Edward Caban and Mayor Eric Adams approved an emergency rule to immediately implement an operative concealed carry licensing process for non-resident applicants. On August 12, 2024, a copy of this emergency rule was published in the City Record. This emergency rule was necessary to address an imminent threat to safety and property by allowing New York City to maintain a licensing scheme that preserves public safety within the City while ensuring that gun license applications are evaluated in a manner consistent with the Supreme Court’s ruling in Bruen.

Pursuant to Charter section 1043(i), an emergency rule remains in effect only for 60 days unless the applicable agency proposes to promulgate a final rule within such 60-day period. This final rule process affords an opportunity for notice and comment by the public. Pursuant to this Charter provision, the relevant agency may extend the effectiveness of the emergency rule for an additional 60 days to a total of 120 days while the procedures necessary to promulgate a permanent rule under the City Administrative Procedures Act (“CAPA”) continue.

The New York City Police Department hereby extends the effectiveness of the August 6, 2024 emergency rule for an additional 60 days and further proposes here a permanent rule, which includes provisions that are substantially similar to the August 6, 2024 emergency rule, as well as additional amendments.

Section 1 would amend subdivision (i) of section 1-03 to correct a typographical error.

Section 2 would amend subdivision (p) of section 1-05 to make it consistent with section 10-311 of the Administrative Code by providing the complete text of the notice required to be provided by manufacturers, licensed importers, or licensed dealers of firearms during the disposal of a rifle and/or shotgun.

Section 3 would amend subdivision (k) of section 2-05 to make it consistent with section 10-311 of the Administrative Code by providing the complete text of the notice required to be provided by manufacturers, licensed importers, or licensed dealers of firearms during the disposal of a rifle and/or shotgun.

Section 4 would amend section 3-02 as follows:

- Subdivision (a) is amended to clarify the method by which a rifle/shotgun application is available and should be submitted;
- Subdivision (c) is amended to use gender neutral terminology and clarify an applicant's disclosure requirements on a rifle/shotgun application pertaining to certain types of criminal convictions;
- Subdivision (d) is amended to clarify an applicant's disclosure requirements on a rifle/shotgun application pertaining to prior military service;
- Subdivision (e) is amended to correct the numerical reference to sections of the rifle/shotgun application to properly refer to the intended portion;
- Subdivision (f) is amended to modernize the photograph requirement to be compatible with the current application submission system that is used;
- Subdivision (g) is amended to clarify the application fee structure and acceptable methods of payment;
- Subdivision (h) of section 3-02 is amended to correct a typographical omission; and
- Subdivision (i) is amended to reference the appropriate Licensing Division unit and to use gender neutral terminology.

Section 5 would amend section 3-03 as follows:

- Subdivision (b) is amended to clarify factors pertaining to an applicant's military discharge that the License Division may consider in determining grounds for denial of a permit;
- Subdivision (e) is amended to use gender neutral terminology;
- Subdivision (f) is amended to include the issuance of an extreme risk protection order as a factor that the License Division may consider in determining grounds for denial of a permit; And
- Subdivision (m) is amended to use gender neutral terminology.

Section 6 would amend section 3-04 as follows:

- Subdivision (a) is amended to use gender neutral terminology;
- Subdivision (b) is amended to reference the correct License Division unit, use gender neutral terminology, increase the length of time an applicant has to appeal the disapproval of their application, and clarify what items must be included in a request for appeal.

Section 7 would amend section 3-05 as follows:

- Re-title section 3-05 to provide clarity as to a Permittee's reporting responsibilities to the License Division;
- Subdivision (a) would change the process by which a Permittee maintains compliance with their reporting obligations to the License Division. Additionally, the section is amended to include the issuance of an extreme risk protection order as a situation which must be reported to the License Division. Lastly, it standardizes the term used to reference an individual who has been issued a rifle/shotgun permit;
- Subdivision (c) is amended to use gender neutral terminology and correct the contact information for the appropriate unit of the License Division;
- Subdivision (d) amends the process to challenge the interim suspension and/or revocation of a permit by adding additional methods by which a Permittee can request relief; and

- Subdivision (e) would extend the amount of time a Permittee has to file their request to challenge the suspension and/or revocation of a permit and by adding methods by which a Permittee can request relief.

Section 8 would amend section 3-06 to include the use gender neutral terminology and clarify payment procedures when submitting a renewal permit application.

Section 9 would amend subdivisions (a) and (b) of section 3-07 to use gender neutral terminology.

Section 10 would amend section 3-09 to change the process for document replacement.

Section 11 would amend section 3-10 to use gender neutral terminology.

Section 12 would amend section 3-11 to correct a typographical error.

Section 13 would amend subdivision (a) of section 3-12 to use gender neutral terminology and repeal subdivision (c) and reserve it for future use.

Section 14 would amend subdivision (b) of section 3-13 to use gender neutral terminology.

Section 15 would amend section 3-14 as follows:

- Subdivisions (c), (d), (f), and (g) are amended to use gender neutral terminology;
- Subdivision (e) is amended to make it consistent with changes to New York State Penal Law; and
- Subdivision (j) is amended to indicate how an expiration date for a rifle/shotgun permit is assigned.

Section 16 would amend subdivision (d) of section 4-04 to make it consistent with section 10-311 of the Administrative Code by providing the complete text of the notice required to be provided by manufacturers, licensed importers, or licensed dealers of firearms during the disposal of a firearm.

Section 17 would amend section 5-01 as follows:

- Subdivision (a) is amended to correctly reference changes to New York State Penal Law; and
- Subdivision (b) is amended to include Non-Resident Concealed Carry licenses and remove a reference to license investigation procedures which are referenced later in section 5-07.

Section 18 would amend subdivision (b) of section 5-02 to correctly reference changes to New York State Penal Law.

Section 19 would amend section 5-03 as follows:

- Subdivision (a) is amended to correctly reference changes to New York State Penal Law and to remove the social media disclosure requirement; and
- Subdivision (b) adds formal procedures for the submission and evaluation of Concealed

Carry applications by applicants who do not reside in New York State, are not principally employed within New York City, and do not have their principal place of business in New York City.

Section 20 would amend subdivision (b) of section 5-05 to clarify which documents must be submitted as part of a handgun application. Specifically, the rule:

- Changes what is an acceptable document to prove an applicant's date of birth and place of residence;
- Requires all applicants to submit all other currently held firearms licenses, requires the submission of a "Lifetime Department of Motor Vehicle Abstract"; and
- Clarifies the payment process when submitting a handgun application; and clarifies the process by which the License Division collects fingerprints from applicants.

Section 21 would amend section 5-07 as follows:

- Subdivision (a) is amended to clarify the process by which applicants will be informed of license approval;
- Subdivision (b) of section 5-07 clarifies the process by which an approved applicant receives a license;
- Subdivision (c) informs applicants that individuals who do not comply with issuing instructions may have their licenses cancelled;
- Subdivision (e) extends the amount of time a Licensee has to challenge the disapproval of their application to be compliant with New York State law;
- Subdivision (f) is amended to be consistent with the appeals process proscribed by New York State law; and

Subdivision (g) provides applicants an alternative form of relief in circumstances where they are not eligible for the license type for which they initially applied.

Section 22 would amend section 5-10 as follows:

- Subdivision (a) is amended to restore language that was removed in error during previous amendments to this section and explains how the License Division will evaluate applications; and
- Subdivision (b) clarifies factors pertaining to an applicant's military discharge that the License Division may consider in determining grounds for denial of a license.

Section 23 would repeal section 5-12 as there are no longer any applications to which it could apply.

Section 24 would amend subdivision (4) of section 5-22 to clarify when a fee for a replacement license will be charged.

Section 25 would amend subdivision (b) of section 5-23 to include Non-Resident carry licenses.

Section 26 would amend subdivision (b) of section 5-24 to include the issuance of an emergency risk protection order as a situation where the licensee has the obligation to give immediate notification to the License Division. This section is additionally amended to use gender neutral terminology.

Section 27 would repeal section 5-25, relating to handgun purchase authorizations, and replace it with a section relating to handgun acquisition requirements.

Section 28 would amend section 5-26 as follows:

- Subdivision (b) would be repealed and reserved;
- Subdivision (f) would clarify the process for document submission when disposing of a handgun;
- Subdivision (g) would clarify the process for requesting to sell a handgun; and
- Subdivisions (i) and (j) provide an alternative method for processing changes to a license following the disposition of a firearm.

Section 29 would amend subdivision (g) of section 5-28 to correct a typographical omission.

Section 30 would amend section 5-29 as follows:

- Subdivision (a) is amended to clarify the procedures for the submission of license amendments; and
- Subdivision (4) and (5) are amended to be properly numbered within the section.

Section 31 would amend subdivision (h) of section 5-30 to clarify the method of submission for requests to challenge the suspension or revocation of a license.

Section 32 would amend section 5-31 as follows: subdivisions (a) and (b) are amended to remove outdated or duplicative procedures.

Section 33 would amend section 15-22 as follows:

- Subdivision (b) increases the length of time a Licensee has to request a hearing following the suspension or revocation of their license; and
- Subdivision (c) expands the methods by which a hearing may be requested.

Section 34 would amend subdivision (d) of section 15-27 to clarify the method of audio record to be used during hearings.

Section 35 would amend section 15-28 as follows:

- Subdivision (a) removes language to ensure consistency with newly promulgated New York State law; and
- Subdivision (b) increases the methods by which a Licensee may be notified of a decision following a hearing.

New material is underlined. [Deleted material is in brackets]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Subdivision (i) of section 1-03(i) of title 38 of the Rules of the City of New York is amended to read as follows:

(i) If her/his license application is disapproved the applicant shall receive a written "Notice of Application Disapproval" from the Rifle/Shotgun Section indicating the reason(s) for the disapproval. If the applicant wishes to appeal the decision s/he shall submit a sworn written statement, which shall be known as an "Appeal of Application Disapproval," to the Division Head, License Division, One Police Plaza, Room 110A, New York, New York 10038 within thirty (30) [calender] calendar days of the date on the "Notice of Application Disapproval" requesting an appeal of the denial, and setting forth the reasons supporting the appeal. The Appeal of Application Disapproval shall become part of the application. It shall state the grounds for the appeal and shall contain the following statement to be signed by the applicant and notarized: "Under penalty of perjury, deponent being duly sworn, says that s/he is familiar with all of the statements contained herein and that each of these statements is true, and no pertinent facts have been omitted." Appeals that are unsworn by the applicant or submitted by individuals or business entities other than the applicant or her/his New York State licensed attorney shall not be accepted. All timely appeals shall receive a complete review of the applicant's entire file by the Division Head, License Division, who shall notify the applicant of her/his determination. The Division Head, License Division shall not consider any documentation that was not submitted during the initial background investigation. There shall be no personal interviews to discuss appeals. If the appeal of her/his disapproval is denied, the applicant shall receive a "Notice of Disapproval After Appeal" letter from the Division Head, License Division. This notice concludes the Police Department's administrative review procedure.

§2. Subdivision (p) of section 1-05 of title 38 of the Rules of the City of New York is amended to read as follows:

(p) Pursuant to New York City Administrative Code § 10-311(b), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to dispose of any rifle or shotgun in New York City 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 rifle or shotgun and on a separate sheet of paper included within the packaging enclosing the rifle or shotgun: "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."

§3. Subdivision (k) of section 2-05 of title 38 of the Rules of the City of New York is amended to read as follows:

(k) Pursuant to New York City Administrative Code § 10-311(b), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to dispose of any rifle or shotgun in

New York City 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 rifle or shotgun and on a separate sheet of paper included within the packaging enclosing the rifle or shotgun: "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."

§4. Section 3-02 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-02 Application for Permit.

(a) [The applicant shall complete the application supplied to her/him by the Police Department.] The application form will be available online and must be completely filled out and submitted electronically via the License Division's online application portal.

(b) The minimum age for obtaining a permit is 21 years of age.

(c) 1) If the applicant was ever arrested for any crime or violation [s/he] they shall submit a certificate of disposition indicating the offense and final disposition of the charges. The applicant shall do this even if the case was dismissed, the record sealed or the case nullified by operation of law (e.g., Youthful Offender Status). Any omission of a previous arrest may result in the denial of the application.

(2) [If the applicant was ever convicted in New York State of a felony or a serious offense as defined in § 265.00(17) of the New York State Penal Law, s/he shall get a New York State Certificate of Relief from Disabilities.] If the applicant was ever convicted or pleaded guilty to a felony or a serious offense, as defined in New York State Penal Law § 265.00(17), an original, signed Certificate of Relief from Disabilities must be submitted.

(3) No permit shall be issued or renewed to any applicant who has been convicted of a misdemeanor crime of domestic violence, as defined in § 921(a) of title 18 of the United States Code, or who is the subject of a suspension or ineligibility order issued pursuant to § 530.14 of the New York State Criminal Procedure Law or § 842-a of the New York State Family Court Act.

(d) If the applicant [was discharged from] served in the Armed Forces [under other than honorable conditions s/he shall submit a copy of her/his] they must submit a copy of their separation papers [and]. If the characterization of service is other than "Honorable" they must submit an[d] affirmed statement explaining the reason for discharge.

(e) If the applicant's answer to Question 11 or 12, on step 9 [2, 3 or 4] on the application is YES s/he shall submit a letter from a licensed physician stating that s/he has examined the applicant within the last 30 days, that the examination included a review of the applicant's medical record and all pertinent hospital and institutional records, and shall conclude that the applicant is capable

of possessing a rifle or a shotgun without presenting a danger of harm to the applicant or to others. Further evidence may be requested.

(f) [Four color photographs, 1 1/2 × 1 1/2 inches, of the applicant, from the chest up, taken within the past thirty (30) days shall accompany the application.] One (1) color photograph of the applicant taken within the past thirty (30) days. The photograph must be in a square aspect ratio with minimum acceptable dimensions of 600 x 600 pixels and maximum acceptable dimensions of 1200 x 1200 pixels and must show applicant from the chest up. The wearing of any article of clothing or other adornment obscuring the identification of the wearer is not acceptable.

(g) [Payment of applicable fees shall be made by certified check or money order, made payable to the N.Y.C. Police Department or to the N.Y.S. Division of Criminal Justice Services, respectively.] Upon application, required fees are payable to the New York City Police Department and the New York State Division of Criminal Justice Services. Fees to the New York City Police Department shall be paid by certified check or money order made payable to the N.Y.C. Police Department. Fees may also be paid via the online application portal by credit card or e-check.

Note: The fee payable to N.Y.S. Division of Criminal Justice Services applies to all applicants. These fees must be paid separately. Only U.S. Postal or bank drawn money orders will be accepted. If the applicant has any questions concerning their application, the applicant may email DG LIC-HandgunNewApps@NYPD.org. Applications shall be submitted via the online application portal. The License Division is closed on all legal holidays. All fees are non-refundable.

(h) All permittees shall be required to sign an acknowledgment that they shall be responsible for compliance with all laws, rules, regulations, standards, and procedures promulgated by federal, state, or local jurisdictions, and by federal, state, or local law enforcement agencies, that are applicable to this permit. The License Division, Rifle/Shotgun Section shall provide the permittee with the acknowledgment statement in writing. Failure to affirm the acknowledgment statement in writing shall result in denial of the permit application.

(i) During the pendency of the application, the applicant shall notify the [Rifle/Shotgun Section] License Division of any necessary correction to or modification of the information provided in the original application, or any change in [her/his] such applicant's status or circumstances, which may be relevant to the application.

§5. Section 3-03 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-03 Grounds for Denial of Permit.

In addition to other bases for disqualification pursuant to federal, state, and local law and this chapter, an application for a rifle/shotgun permit may be denied where it is determined that an applicant lacks good moral character. For the purposes of this chapter, "good moral character" means having the essential character, temperament and judgment necessary to be entrusted with a weapon and to use it only in a manner that does not endanger oneself or others. For the purposes of the preceding sentence, the use of force that is reasonably necessary to protect oneself or others shall not be construed as endangering oneself or others. Such a determination shall be made based upon consideration of the following factors:

(a) The applicant has been arrested, indicted or convicted for a crime or violation except minor traffic violations, in any federal, state or local jurisdiction.

(b) The applicant has been other than [honorably discharged] “Honorably” separated from the Armed Forces of this country.

(c) The applicant has or is reasonably believed to have a disability or condition that may affect the ability to safely possess or use a rifle or shotgun, including but not limited to alcoholism, drug use or mental illness.

(d) The applicant is or has been an unlawful user of, or addicted to, a controlled substance or marijuana.

(e) The applicant made a false statement on [her/his] their application, or failed to disclose [her/his] their complete arrest history, including sealed arrests. Sealed arrests are made available to the License Division pursuant to Article 160 of the Criminal Procedure Law when an application has been made for a permit to possess a gun.

(f) The applicant is the subject of an order of protection, [or] a temporary order of protection, or an extreme risk protection order.

(g) The applicant has a history of one or more incidents of domestic violence.

(h) The applicant has a poor driving history, has multiple driver license suspensions or has been declared a scofflaw by the New York State Department of Motor Vehicles.

(i) The applicant has failed to comply with federal, state or local law or with Police Department rules governing possession and use of handguns, rifles, shotguns or ammunition.

(j) The applicant has been terminated from employment under circumstances that demonstrate lack of good judgment or lack of good moral character.

(k) The applicant has demonstrated an inability to safely store firearms, such as through a history of lost/stolen firearms.

(l) The applicant has failed to pay legally required debts such as child support, taxes, fines or penalties imposed by governmental authorities.

(m) The applicant fails to cooperate with the License Division's investigation of [her/his] their application or fails to provide information requested by the License Division or required by this chapter.

(n) Other information that demonstrates a lack of good moral character, including but not limited to an unwillingness to abide by the law, a lack of candor towards lawful authorities, a lack of concern for the safety of oneself and/or other persons and/or for public safety, or an inability to maintain rifle/shotgun possession in a manner that is safe to oneself or others.

In evaluating incidents or circumstances pursuant to this section, the License Division shall consider all relevant factors, including but not limited to the number, recency and severity of incidents and the outcome of any judicial or administrative proceedings.

§6. Section 3-04 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-04 Right to Appeal Following Denial of Permit.

If for any reason [her/his application] their application is denied the applicant has the right to an appeal.

(a) If the applicant's original application is denied, the applicant shall receive a written "Notice of Application Disapproval" from the License Division, Rifle/Shotgun Section indicating the reason(s) for the disapproval. If the applicant wishes to appeal the decision [s/he] they shall submit a sworn written statement, which shall be known as an "Appeal of Application Disapproval," to the [Division Head] Director, License Division, One Police Plaza, Room 110A, New York, New York 10038 within [thirty (30)] ninety (90) calendar days of the date on the "Notice of Application Disapproval" requesting an appeal of the denial, and setting forth the reasons supporting the appeal. The Appeal of Application Disapproval shall become part of the application. It shall state the grounds for the appeal and shall contain the following statement to be signed by the applicant and notarized: "Under penalty of perjury, deponent being duly sworn, says that [s/he is] they are familiar with all of the statements contained herein and that each of these statements is true, and no pertinent facts have been omitted." Appeals that are unsworn by the applicant or submitted by individuals or business entities other than the applicant or her/his New York State licensed attorney shall not be accepted. Appeals submitted by an applicant's attorney must contain a sworn verification by the applicant.

(b) All timely appeals shall receive a complete review of the applicant's entire file by the [Division Head] Director, License Division, who shall notify the applicant of their [her/his] determination. The [Division Head] Director, License Division shall not consider any documentation that was not submitted during the initial background investigation. There shall be no personal interviews to discuss appeals. If the appeal of [her/his] the disapproval is denied, the applicant shall receive a "Notice of Disapproval After Appeal" letter from the [Division Head] Director, License Division. This notice concludes the Police Department's administrative review procedure.

§7. Section 3-05 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-05 [Suspension or Revocation of Permit]Reporting of Incidents.

(a) [The permittee shall immediately notify the Rifle/Shotgun Section by telephone, followed by written notice within ten (10) calendar days, of any incident or violation of law or rules of federal, state, or local jurisdictions in which the permittee was involved.] Whenever a permittee is involved in an "Incident," the permittee shall immediately report said incident to the License Division's Incident Section – by emailing *DG LIC-Incidents@NYPD.org*. For purposes of this subdivision, an incident includes:

- (1) arrest, indictment or conviction in any jurisdiction;
- (2) summons (except traffic infraction);

(3) suspension or ineligibility order issued pursuant to § 530.14 of the New York State Criminal Procedure Law or § 842-a of the New York State Family Court Act;

(4) the fact that the permittee is or becomes the subject or recipient of an order of protection, [or] a temporary order of protection, or an extreme risk protection order;

(5) admission to any psychiatric institution, sanitarium and/or the receipt of psychiatric treatment;

(6) receipt of treatment for alcoholism or drug abuse;

(7) the presence or occurrence of a disability or condition that may affect the handling of a rifle/shotgun, including but not limited to epilepsy, diabetes, fainting spells, blackouts, temporary loss of memory, or nervous disorder;

(8) unlawful discharge of a rifle/shotgun;

(9) the [licensee]permittee was involved in an incident of alleged or possible domestic violence or abuse involving a law enforcement response, or is otherwise notified that an incident has resulted in a "Domestic Incident Report" generated by the New York City Police Department or similar documentation generated by another police department or law enforcement agency; or

(10) the [licensee]permittee is directly involved in a situation concerning a potential violation of law or a threat to public safety which comes to the attention of any police department or other law enforcement agency, and the licensee knows or reasonably should know that such situation has come to the attention of such department or agency.

(b) The permittee's rifle/shotgun permit may be suspended for a defined period or revoked upon evidence of any disqualification pursuant to subdivision a of § 10-303 of the Administrative Code and 38 RCNY §§ 3-02 and 3-03. A rifle/shotgun permit shall be revoked upon the conviction in this state or elsewhere of a felony or a serious offense, as defined in subdivision seventeen of § 265.00 of the Penal Law. Evidence of disqualification may be demonstrated by an investigation, by a permittee's failure to cooperate with such an investigation, or by other evidence.

(c) If [her/his]their permit is suspended or revoked, the permittee shall be required to deposit any rifles or shotguns as well as any handgun license and any handguns in [her/his]their possession with [her/his]their local police precinct and forward a copy of the voucher together with [her/his]their permit to the [Rifle/Shotgun Section, 120-55 Queens Boulevard, Kew Gardens, N.Y. 11424, Room B-11]License Division, Incidents Section, One Police Plaza, Room 110A, New York, New York 10038. [Her/his]A permittee's failure to comply within ten (10) calendar days from the date of suspension or revocation may result in the arrest of the permittee.

(d) If their permit is suspended or revoked, the suspended/former permittee has an opportunity to challenge, [by mail]in writing, the suspension or revocation of the permit and vouchering of the rifle or shotgun by making a written submission to the License Division by electronic mail at DG_LIC-Hearings-Appeals@NYPD.ORG or to the Director, License Division, One Police Plaza, Room 110A, New York 10038.

(1) Such submission shall be made within thirty (30) calendar days after receiving the "Notice of Determination (interim determination to suspend during investigation)" and must include the

permit number, the reason for the challenge, and any documentation supporting such challenge. Such submission shall also confirm that the licensee has complied with subdivision (c) of this section.

(2) A determination shall be made whether measures short of continued vouchering would satisfy the interests of the city and shall be rendered within ten (10) business days after receipt of the submission pursuant to paragraph (1).

(e) After an investigation, the permittee shall be issued a Notice of Determination Letter by the License Division, which shall state in brief the grounds for the suspension or revocation and notify the permittee of the opportunity for a hearing, pursuant to 38 RCNY § 15-22, which shall be in addition to the opportunity to be heard described in subdivision (d).

(1) The permittee shall have a right to submit a written request for a hearing within [thirty (30)] ninety (90) calendar days from the date of the Notice of Determination Letter by making a written submission to the License Division by electronic mail at DG LIC-Hearings-Appeals@NYPD.ORG or to the [Commanding Officer] Director, License Division, One Police Plaza, Room 110A, New York 10038.

(2) Before a hearing is scheduled the permittee shall be required to submit the written request for a hearing and Notice of Determination Letter and any additional documents requested in the suspension or revocation notice.

(3) A permittee whose arrest or summons resulted in suspension or revocation of their permit may only submit a written request for a hearing within [thirty (30)] ninety (90) calendar days after the termination of the criminal action, as defined in New York State Criminal Procedure Law § 1.20(16)(c). If the suspension or revocation resulted from the permittee becoming the subject of an order of protection or a temporary order of protection, the permittee may only submit a written request for a hearing within [thirty (30)] ninety (90) calendar days after the expiration or voiding of the order of protection or temporary order of protection. If the suspension or revocation was related to both a criminal action and an order of protection or temporary order of protection, then the later of the two waiting periods shall apply.

(4) Upon receipt of the permittee's letter requesting a hearing on the Notice of Determination, the License Division shall schedule the permittee for a hearing and notify the permittee by postal mail or by electronic mail (email). Such hearing shall be in accordance with the procedures set forth in subchapter C of 38 RCNY Chapter 15. However, requests for such hearings shall not be entertained, and a hearing shall not be scheduled, unless the permittee complies with the provisions of subdivision (c), and forwards a Certificate of Final Disposition or Certificate of Relief from Disabilities, if applicable, to the License Division.

§8. Section 3-06 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-06 Renewal of Permit.

Prior to the expiration of [her/his] their rifle/shotgun permit the permittee [shall] will be sent a renewal notice by email. The permittee shall answer all questions, comply with all instructions, submit [a certified check or money order made payable] payment to the N.Y.C. Police Department

as required, sign and date the [notice] renewal and [forward] submit it [to the Rifle/Shotgun Section] via the online application portal. In the event the permittee does not wish to renew [her/his] their permit, [s/he] they shall surrender [her/his] their permit and all rifles/shotguns to [her/his] their local precinct or otherwise lawfully dispose of the rifles/shotguns in accordance with 38 RCNY § 3-10 or 38 RCNY § 3-12 below. Any delays in renewing the permit may result in confiscation of all the permittee's rifles/shotguns by the New York City Police Department. Renewal of the permit may be disapproved if the permittee makes a false statement in connection with the renewal.

§9. Section 3-07 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-07 Possession and Registration of Permit.

(a) The permit issued to the permittee by the Rifle/Shotgun Section enables the permittee to possess only rifles or shotguns that are properly registered under [her/his] their permit.

(b) The permittee shall have the permit to possess rifles and shotguns in [her/his] their possession at all times when in possession or carrying a rifle and/or shotgun in addition to a separate certificate of registration for that particular rifle and/or shotgun.

(c) Permittees are not permitted to purchase, acquire, sell, transfer or otherwise dispose of any rifle and/or shotgun and ammunition from or to gun dealers or individuals without exhibiting a Rifle/Shotgun Permit.

(d) The permit is not transferable.

§10. Section 3-09 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-09 Lost or Stolen Documents and Rifles/Shotguns.

All lost or stolen documents and rifles/shotguns shall be reported to the precinct in which the permittee resides or the theft or loss was discovered. The permittee shall obtain a complaint number from the precinct and report in person the loss or theft to the Rifle/Shotgun Section within five (5) calendar days of the loss. A fee of [two (2)] ten (10) dollars is charged for each document for which a replacement is requested. This fee shall be paid by certified check, credit card, or money order made payable to the N.Y.C. Police Department and shall accompany the report. The permittee shall not send cash. [For lost permits two color photos of permittee, 1 1/2 × 1 1/2 inches, from the chest up, taken within the past thirty (30) days shall also be provided. The wearing of any article of clothing or other adornment obscuring the identification of the wearer is not acceptable.]

§11. Section 3-10 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-10 Request to Cancel Permit.

The permittee shall notify the Rifle/Shotgun Section if [s/he]they wishes to cancel or decline to renew [her/his]their rifle/shotgun permit by forwarding the permit, certificate(s) of registration, and an affirmed letter to the Rifle/Shotgun Section. The letter shall inform the Rifle/Shotgun Section where the rifles/shotguns are located or how they have otherwise been disposed of.

§12. Section 3-11 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-11 Purchase of Ammunition.

The certificate of registration shall be presented to a dealer in rifles and shotguns at time of purchase of ammunition to confirm [calibrre] caliber or gauge of said specified rifle or shotgun.

§13. Section 3-12 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-12 Disposal of Rifles and Shotguns.

(a) The permittee may sell or dispose of [her/his]their rifle/shotgun only to a licensed dealer in rifles and shotguns, to the holder of a valid rifle/shotgun permit, or to an individual who is exempt from the permit requirements of the City of New York. When the permittee sells [her/his]their rifle or shotgun, [s/he]they shall complete a certificate of registration. These forms may be obtained from the Rifle/Shotgun Section or the licensed dealer purchasing the rifle/shotgun and shall be forwarded to the Rifle/Shotgun Section within 72 hours of disposition.

(b) Pursuant to New York City Administrative Code § 10-311(a), it shall be unlawful for any person or business enterprise to dispose of any rifle or shotgun which does not contain a safety locking device, defined as a design adaptation or attachable accessory that will prevent the use of the weapon by an unauthorized user. The following types of safety locking devices will be deemed to comply with this provision:

- (1) a trigger lock, which prevents the pulling of the trigger without the use of a key; or
- (2) a combination handle, which prevents the use of the weapon without the alignment of the combination tumblers; or
- (3) a detachable or non-detachable locking device, composed primarily of steel or other metal of significant gauge to inhibit breaking, utilizing a metallic key or combination lock, rendering the weapon inoperable until the locking device is removed by an authorized person.

(c) [Pursuant to New York City Administrative Code § 10-311(b), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to dispose of any rifle or shotgun in New York City 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 rifle or shotgun and on a separate sheet of paper included within the packaging enclosing the rifle or shotgun: "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"]Reserved

§14. Section 3-13 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-13 Transfer of Rifles/Shotguns from an Estate.

The following procedures shall be followed to dispose of any rifles/shotguns belonging to an estate:

- (a) A copy of the death certificate shall be provided.
- (b) The legal heir, executor,[executrix,] or administrator[or administratrix] shall establish [her/his]their claim to be legal heir, executor or administrator. This is done by one of the following means:
 - (1) If there is no Will, then any person claiming to be the administrator[or administratrix] shall submit Letters of Administration from the Surrogate's Court.
 - (2) If there is a Will then the executor[or executrix] shall submit Letters Testamentary issued by the Surrogate's Court.
 - (3) All requests for transfer of rifles/shotguns shall be made on Police Department Disposition Report.
- (c) If any rifles/shotguns are to be transferred to a New York City resident the person receiving the rifles/shotguns shall have a valid New York City rifle/shotgun permit.

§15. Section 3-14 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 3-14 Supplemental Rules.

- (a) The permittee's rifle or shotgun shall not be loaded in a public place within New York City at any time except when using it at a licensed rifle and shotgun range.
- (b) When the permittee travels to and from a licensed range or hunting area, or transports her/his rifle/shotgun for any reason, it shall be carried unloaded in a locked, non-transparent case, and the ammunition shall be carried separately. If the permittee is transporting her/his rifle/shotgun in a vehicle, it shall be kept locked in the trunk or equivalent space, not in plain view. The permittee shall never leave her/his rifle/shotgun in a vehicle unless s/he is physically present in or in close proximity to the vehicle.
- (c) The permittee shall never alter, remove, obliterate or deface any of the following markings that may be on [her/his]their rifle/shotgun:

(1) name of the manufacturer;

(2) model;

(3) serial number. This information identifies the rifle or shotgun in the permittee's possession.

(d) Pursuant to New York City Administrative Code § 10-311(c), any person who applies for and obtains authorization to purchase, or otherwise lawfully obtains, a rifle or shotgun shall be required to purchase or obtain a safety locking device at the time s/he purchases or obtains the rifle or shotgun. Pursuant to New York City Administrative Code § 10-311(d), 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 these rules. The permittee shall take proper safety measures at all times to keep [her/his]their rifle/shotgun from unauthorized persons – especially children. The permittee's rifle or shotgun should be kept unloaded and locked in a secure location in [her/his]their home. Ammunition shall be stored separately from [her/his] their rifle or shotgun.

Note: Many rifles/shotguns that are stolen in residential burglaries are taken from bedroom closets.

(e) Pursuant to Penal Law 265.45, 256.50, and New York City Administrative Code § 10-312, it shall be a criminal [violation]offense for any person who is the lawful owner or lawful custodian of a rifle or shotgun to store or otherwise place or leave such weapon in such a manner or under circumstances that it is out of [her/his]their immediate possession or control, without having rendered such weapon inoperable by employing a safety locking device as defined in 38 RCNY § 3-12(b). [Such offense shall constitute a misdemeanor if the offender has previously been found guilty of such violation or if the violation is committed under circumstances which create a substantial risk of physical injury to another person.]

(f) While there is no limit in the number of rifles or shotguns the permittee may possess, [s/he]they should be advised that permittees who own several rifles/shotguns shall be expected to safeguard and maintain each rifle or shotgun.

(g) Minors under the age of eighteen may carry or use the permittee's rifle or shotgun only in the permittee's actual presence. The permittee shall be held responsible for supervising closely any minor using [her/his]their rifle/shotgun. The minor, in turn, shall be expected to abide by the same rules and restrictions as a permittee.

(h) It is recommended that new permittees take advantage of instruction and safety courses in the use of rifles/shotguns that are offered by the rifle ranges and clubs within the New York area. The permittee should consult the local consumer telephone directory to find out more about a course offered in her/his area.

(j) New laws or amendments of existing rules may be enacted by a legislature or promulgated by the Police Department affecting the ownership or use of rifles/shotguns. The permittee shall be held responsible for knowing any modification of rules pertaining to her/his permit.

(j) The permit to possess a rifle or shotgun expires every three years [after the last day of the month in which the permit was issued]on the permittee's birthday. The permittee is held

responsible for applying to renew [her/his]their permit when it expires. Failure to apply to renew the permit at such time shall result in cancellation of the permit and confiscation of any rifles/shotguns the permittee may possess.

(k) Permittees shall cooperate with all reasonable requests by the Police Department for information and assistance in matters relating to the permit.

§16. Section 4-04(d) of Title 38 of the Rules of the City of New York is amended to read as follows:

(d) Pursuant to New York City Administrative Code § 10-311(b), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to dispose of any firearm in New York City 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 firearm and on a separate sheet of paper included within the packaging enclosing the firearm: "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."

§17. Section 5-01 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 5-01 Types of Handgun Licenses.

As used in this chapter, the term "handgun" shall mean a pistol or revolver. This section contains a description of the various types of handgun licenses issued by the Police Department.

(a) Premises License – Residence or Business. This is a restricted handgun license, issued for a specific business or residence location. The handgun shall be safeguarded at the specific address indicated on the license, except when the licensee transports or possesses such handgun consistent with these Rules. In addition to the safeguarding requirements set forth in [subdivision (1) of] § 265.45 and § 265.50 of the Penal Law (Failure to safely store rifles, shotguns, and firearms in the first and second degree, respectively), a licensee must safeguard their handgun in a locked container, and use a safety locking device, when such handgun is out of their immediate possession or control.

(b) Carry License – New York Resident or Non-Resident. This is a class of license which permits the carrying of a handgun concealed on the person. [In the event that an applicant is not found by the License Division to be qualified for a Carry License, the License Division, based on its investigation of the applicant, may offer a Premises License to an applicant.]

(c) Carry Guard License / Gun Custodian License. These are restricted types of carry licenses, valid when the holder is actually engaged in a work assignment as a security guard or gun custodian.

(d) Special Licenses. Special licenses are issued according to the provisions of § 400.00 of the New York State Penal Law, to persons in possession of a valid New York State County Carry License. The revocation, cancellation, suspension or surrender of such person's County License automatically renders their New York City license void. The holder of a Special License shall carry their County Carry License and their Special License at all times when possessing a handgun pursuant to such Special License.

(1) Special Carry License. This is a special license, permitting the carrying of a concealed handgun on the person while the licensee is in New York City.

(2) Special Carry Guard License / Gun Custodian License. These are restricted types of special licenses that permit the carrying of a concealed handgun on the person only when the licensee is actually engaged in the performance of their duties as a security guard or gun custodian.

§18. Section 5-02 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 5-02 Premises Licenses.

The requirements for the issuance of a Premises License are listed below, which are in addition to any other bases for disqualification pursuant to federal, state, and local law. The license application shall be investigated, including a review of the circumstances relevant to the information provided in the application. During the pendency of the application, the applicant shall notify the License Division of any necessary correction to or modification of the information provided in the original application, or any change in their status or circumstances, which may be relevant to the application. The applicant shall:

(a) Be of good moral character, which shall mean having the essential character, temperament, and judgment necessary to be entrusted with a weapon and to use it only in a manner that does not endanger oneself or another. For the purposes of the preceding sentence, the use of force that is reasonably necessary to protect oneself or others shall not be construed as endangering oneself or others;

(b) Have no prior conviction for a felony or other serious offense, as defined in § 265.00(17) of the New York State Penal Law, or of a misdemeanor crime of domestic violence, as defined in § 921(a) of title 18 of the United States Code[, or of a misdemeanor identified in § 400.00(1)(n) of the New York State Penal Law];

(c) Disclose whether the applicant is or has been the subject or recipient of an order of protection, a temporary order of protection, or an extreme risk protection order;

(d) Have no prior revocation of a license pursuant to § 530.14 of the New York State Criminal Procedure Law or § 842-a of the New York State Family Court Act, nor be the subject of a suspension or an ineligibility order issued pursuant thereto;

- (e) Disclose any history of mental illness;
- (f) Be free from any disability or condition that may affect the ability to safely possess or use a handgun;
- (g) Reside or maintain a principal place of business within the confines of New York City;
- (h) Be at least 21 years of age.

§19. Section 5-03 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 5-03 Carry and Special Handgun Licenses.

(a) In addition to the requirements in 38 RCNY § 5-02 and 38 RCNY § 5-05, an applicant seeking a carry or special handgun license or a renewal shall: have no conviction for a misdemeanor identified in paragraph (n) of subdivision (1) of section 400.00 of the penal law within five years of the date of application; meet in person with a licensing officer in the License Division for an interview; and provide the documents listed below:

(1) References. The applicant must submit a minimum of four (4) character references who can attest to the applicant's good moral character and that the applicant has not engaged in any act or made any statement that suggests the applicant is likely to engage in conduct that would result in harm to himself or others. Two (2) of these references must be non-family members.

(2) [Social Media. The applicant must submit all of their current and former social media accounts from the past three years. For the purposes of this paragraph, the term "social media" means a website, application or other electronic platform whose principal purpose is to facilitate the public exchange of information, messages, news or ideas among such website's, application's or platform's users.

(3)]Training Certification. The applicant must submit a certification of completion of the training required by § 400.00(1)(o)(iii) of the New York State Penal Law. The applicant must complete such training and receive such certificate no more than six (6) months prior to submission of their application. Applicants whose renewal applications are not subject to such training requirement shall nevertheless, within six months of each renewal, submit a certification of completion of two hours of a live-fire range training course that meets the requirements of § 400.00(19)(b) of the Penal Law.

(b) A person who resides outside of New York State and is not principally employed within New York City may apply for a carry handgun license pursuant to this section, provided that such applicant meets the following requirements:

1) The requirements of section 5-02, except that the requirement to demonstrate a residence or principal place of business within the confines of New York City under subdivision (g) of such section shall not apply to an application submitted pursuant to this subdivision;

2) The requirements of subdivision (a) of this section;

3) The requirements of section 5-05;

4) The submission of a form, to be provided by the department, that reflects the results of a background investigation undertaken for the purposes of obtaining a firearm license or firearm. The applicant shall provide such form to the local law enforcement agency in each jurisdiction in which the applicant has been a resident in the five (5) years preceding the date of the applicant's application for a license pursuant to this subdivision and shall submit such completed form to the License Division.

5) If the applicant holds a firearms license or permit in any other jurisdiction, such applicant must submit a form, to be provided by the department, indicating the current and past status of any firearms licenses held by the applicant, including whether such other license is currently in good standing, and whether the applicant has any previous suspensions, revocations, or periods where the license was not in good standing.

§20. Section 5-05 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 5-05 Application Form.

An applicant for a license pursuant to this chapter must meet with a licensing officer in the License Division for an interview and must also provide the documents listed in this section. At the time of such applicant's interview, the applicant will be advised whether any additional forms or documents are required. Failure to provide the information requested may result in the disapproval of the application.

(a) The application form will be available online and shall be completely filled out and submitted electronically via the License Division's online application portal.

(b) The applicant shall upload the items listed below which are applicable, at the time they complete and submit their application. Incomplete applications will not be reviewed. Upon the License Division's request, applicants shall also make the originals of all documents, certificates, licenses, etc., available to the License Division for inspection. A copy certified by the issuing agency as true and complete is also acceptable. Originals and certified copies shall be returned. The application shall not be accepted or processed without the required fee payments described in paragraph (12) of this subdivision.

(1) Photograph. One (1) color photograph of the applicant taken within the past thirty (30) days. The photograph must be in a square aspect ratio with minimum acceptable dimensions of 600 x 600 pixels and maximum acceptable dimensions of 1200 x 1200 pixels and must show applicant from the chest up. The wearing of any article of clothing or adornment that obscures identification is not acceptable.

(2) Birth certificate. If there is no record of the applicant's birth [on file with the New York City Department of Health and Mental Hygiene Office of Vital Statistics] available, some other proof of [application's]applicant's birth date, e.g., a military record, U.S. passport or baptismal certificate, shall be submitted.

(3) Proof of citizenship / alien registration. If the applicant was born outside the United States, they shall submit their naturalization papers or evidence of citizenship if derived from their parents. Additionally, applicants who are non-citizens and have resided in the United States for less than seven (7) years shall submit a good conduct certificate, or the equivalent thereof, from their country of origin and two (2) letters of reference which identify the writer's relationship to the applicant and which certify to the good character of the applicant, provided that such letters shall not be required for carry license and special-carry license applicants otherwise required to submit character references pursuant to 38 RCNY § 5-03. Inability to provide the documents mentioned in this paragraph shall not operate as an absolute bar to issuance of a handgun license.

(4) Military discharge. If the applicant served in the armed forces of the United States, they shall submit their separation papers (DD 214) and their discharge papers.

(5) Proof of residence. The applicant shall submit proof of their present address. Proof may consist of one of the following, but is not limited to: a real estate tax bill, a copy of a lease indicating ownership shares in a cooperative or condominium or a current residential lease. The License Division may request further documentation, e.g., a [New York State] Driver's License, [a New York State] Income Tax Return, a current utility bill, etc.

(6) Arrest information. If the applicant was ever arrested for any reason they shall submit a Certificate of Disposition showing the offense and disposition of the charges. Also, the applicant shall submit a detailed statement describing the circumstances surrounding each arrest. This statement shall be affirmed in writing. The applicant shall do this even if the case was dismissed, the record sealed or the case nullified by operation of law. The New York State Division of Criminal Justice Services shall report to the Police Department every instance involving the arrest of an applicant. The applicant shall not rely on anyone's representation that they need not list a previous arrest. If they were ever convicted or pleaded guilty to a felony or a serious offense, as defined in New York State Penal Law § 265.00(17), an original, signed Certificate of Relief from Disabilities shall be submitted.

(7) Proof of business ownership. If the applicant is making application for a license in connection with a business, they shall submit proof of ownership for that business. Such proof shall clearly state the name(s) of the owner(s), or, if a corporation, the name(s) of the corporate officer(s). A corporation shall submit its corporate book to include Filing Receipt, Certificate of Incorporation and minutes of the corporate meeting reflecting current corporate officers; others shall provide their business certificate or partnership agreement, whichever is applicable. If the business requires a license or permit from any government agency, e.g., alcohol or firearms sales, gunsmith, private investigation and guard agencies, they shall submit the license or permit or a certified copy thereof.

(8) References. The applicant must submit a minimum of two (2) character references who can attest to the applicant's good moral character and that the applicant has not engaged in any act or made any statement that suggests the applicant is likely to engage in conduct that would result in harm to themselves or others. These references must be non-family members. The requirement set forth in this paragraph does not apply to applicants for carry and special carry licenses, who must submit character references in accordance with 38 RCNY § 5-03.

(9) Contact information. The applicant must submit names and contact information for their current spouse or domestic partner, and any other adults residing in the applicant's home, including

any adult children of the applicant. The applicant must also indicate whether a minor resides, either full-time or part-time, in the applicant's home.

(10) [Special carry license applicants] Applicants shall also submit via the online application portal [their current County Handgun License]all currently held firearm licenses.

(11) The applicant must maintain and provide to the License Division a functional email address to serve as the applicant's primary means of communication with the License Division.

(12) A "Lifetime Department of Motor Vehicle Abstract" or equivalent, for every State in which applicant has been a resident in the five (5) years preceding the date of their application.

(13) Upon application, required fees are payable to the New York City Police Department and the New York State Division of Criminal Justice Services. Fees to the New York City Police Department shall be paid by certified bank check or United States Postal Service money order made payable to the N.Y.C. Police Department. Fees may also be paid via the online application portal by credit card or e-check.

Note: The fee payable to N.Y.S. Division of Criminal Justice Services applies to all applicants. These fees shall be paid separately. Only U.S. Postal Service or bank drawn money orders, certified bank checks, credit or debit cards shall be accepted. If the applicant has any questions concerning their application, the applicant may email DG_LIC-HandgunNewApps@NYPD.org. Applications shall be submitted via the online application portal. The License Division is closed on all legal holidays. All fees are non-refundable.

(14) Every applicant must appear for fingerprinting at the License Division, at an appointment time designated by the License Division. Fingerprint "fee waivers" will be provided to applicants whose prints are already on file with the License Division.

(c) An applicant applying for a renewal of their license must submit the items listed in subdivision (b), except that the references requirement set forth in paragraph (8) shall not apply.

§21. Section 5-07 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 5-07 License Approval / Disapproval Procedures.

(a) If the application is approved the applicant shall receive a "Notice of Application Approval" by mail or at the email address provided in the application. The applicant must immediately notify the License Division of any change to their email address by emailing the License Division at DG_LIC-HandgunNewApps@NYPD.org. Failure to make timely notification may result in the disapproval/cancellation of the applicant's application.

(b) To receive a license the applicant shall [make an appointment in accordance with the instructions on the licensee]follow the instructions provided with the "Notice of Application Approval"[and report in person with the "Notice of Application Approval" letter, to the Issuing Unit – Room 152, One Police Plaza, New York, New York 10038 – within thirty (30) calendar days of the date on the "Notice of Application Approval" letter]. The applicant should note that

the Issuing Unit is closed on all legal holidays. The date of issuance shall be the date that the [applicant receives the license from the] License Division prints the license.

(c) If the applicant does not [appear to pick up their license] follow the instructions provided with the "Notice of Application Approval" within thirty (30) calendar days of the date on the "Notice of Application Approval," their license and application [will] may be cancelled.

(d) Along with the license, the applicant will receive a copy of the "New York City Handgun License Rules". The applicant shall become knowledgeable regarding these handgun rules, as any violation of these rules may result in the suspension or revocation of their handgun license.

(e) If the license application is disapproved the applicant shall receive a written "Notice of Application Disapproval" from the License Division indicating the reason(s) for the disapproval. If the applicant wishes to appeal the decision they shall submit a sworn written statement, which shall be known as an "Appeal of Application Disapproval," to the Director, License Division, within [thirty (30)] ninety (90) calendar days of the date on the "Notice of Application Disapproval" requesting an appeal of the denial, and setting forth the reasons supporting the appeal. The Appeal of Application Disapproval shall become part of the application. It shall state the grounds for the appeal and shall contain the following statement to be signed by the applicant and notarized: "Under penalty of perjury, deponent being duly sworn, says that they are familiar with all of the statements contained herein and that each of these statements is true, and no pertinent facts have been omitted." Appeals that are unsworn by the applicant or submitted by individuals or business entities other than the applicant or her/his New York State licensed attorney shall not be accepted. Appeals submitted by an applicant's attorney must contain a sworn verification by the applicant.

(f) All timely appeals will receive a complete review of the applicant's entire file by the Director, License Division, who shall notify the applicant of their determination.[The Director, License Division shall not consider any documentation that was not submitted during the initial background investigation. There shall be no personal interviews to discuss appeals.] If the appeal of the determination is denied, the applicant will receive a "Notice of Disapproval After Appeal" letter from the Director, License Division. This notice concludes the Police Department's administrative review procedure.

(g) If an applicant is not found by the License Division to be qualified for the License type for which they have applied, the License Division, based on its investigation of the applicant, may offer an alternative License to an applicant.

§22. Section 5-10 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 5-10 Grounds for Denial of Handgun License.

In addition to other bases for disqualification pursuant to federal, state, and local law and this chapter, an application for a handgun license may be denied where it is determined that an applicant lacks good moral character, pursuant to New York State Penal Law § 400.00 (1). In evaluating incidents or circumstances pursuant to this section, the License Division shall consider all relevant factors, including but not limited to the number, recency and severity of incidents and

the outcome of any judicial or administrative proceedings. Such a determination shall be made based upon consideration of the following factors:

(a) The applicant has been arrested, indicted or convicted for a crime or violation except minor traffic violations, in any federal, state or local jurisdiction.

(b) The applicant has been other than [honorably discharged] “Honorably” separated from the Armed Forces of this country.

(c) The applicant has or is reasonably believed to have a disability or condition that may affect the ability to safely possess or use a handgun, including but not limited to alcoholism, drug use or mental illness.

(d) The applicant is or has been an unlawful user of, or addicted to, a controlled substance or marijuana.

(e) The applicant made a false statement on their application, or failed to disclose their complete arrest history, including sealed arrests. Sealed arrests are made available to the License Division pursuant to Article 160 of the Criminal Procedure Law when an application has been made for a license to possess a gun.

(f) The applicant is the subject of an order of protection, a temporary order of protection, or an extreme risk protection order.

(g) The applicant has a history of one or more incidents of domestic violence.

(h) The applicant has a poor driving history, has multiple driver license suspensions or has been declared a scofflaw by the New York State Department of Motor Vehicles.

(i) The applicant has failed to comply with federal, state or local law or with Police Department rules governing possession and use of firearms, rifles, shotguns or ammunition.

(j) The applicant has been terminated from employment under circumstances that demonstrate lack of good judgment or lack of good moral character.

(k) The applicant has demonstrated an inability to safely store firearms, such as through a history of lost/stolen firearms.

(l) The applicant has failed to pay legally required debts including but not limited to child support, taxes, fines or penalties imposed by governmental authorities.

(m) The applicant fails to cooperate with the License Division's investigation of their application or fails to provide information requested by the License Division or required by this chapter.

(n) Other information that demonstrates the lack of good moral character, including but not limited to an unwillingness to abide by the law, a lack of candor towards lawful authorities, a lack of concern for the safety of oneself and/or other persons and/or for public safety, and/or an inability to maintain handgun possession in a manner that is safe to oneself or others.

§23. Section 5-12 of Title 38 of the Rules of the City of New York, relating to modifications to review of applications filed on or before August 31, 2022, and certain previously denied applications is REPEALED.

§24. Paragraph (4) of subdivision (a) of section 5-22 of Title 38 of the Rules of the City of New York is amended to read as follows:

(4) If the license is mutilated, altered, laminated, lost, [or] destroyed, or if an applicant requests that any change be made to their license, an additional fee shall be required for replacement. If any of these circumstances occur, the licensee shall notify the License Division. Replacement fees shall not be charged if a reprint is necessary due to License Division error.

§25. Subdivision (b) of section 5-23 of Title 38 of the Rules of the City of New York is amended to read as follows:

(b) Carry License – New York Resident or Non-Resident. This is a class of license that permits the licensee to carry a handgun listed on the license concealed on the person.

§26. Paragraph (3) of subdivision (b) of section 5-24 of Title 38 of the Rules of the City of New York is amended to read as follows:

(3) An immediate report shall be made in the following instances to the Division Head, License Division and the gun custodian or alternate custodian:

(i) Change of residence.

(ii) Mutilation, alteration or destruction of handgun license.

(iii) Arrest, indictment, summons other than a traffic summons, or conviction in any jurisdiction; suspension or ineligibility order issued pursuant to § 530.14 of the New York State Criminal Procedure Law or § 842-a of the New York State Family Court Act.

(iv) Receipt of psychiatric treatment or treatment for alcoholism or drug abuse, or the presence or occurrence of any disability or condition that may affect the ability to safely possess or use a handgun.

(v) Licensee is or becomes the subject or recipient of an order of protection [or], a temporary order of protection, or an emergency risk protection order.

(vi) Change of email address.

(4) The license shall be in the possession of the licensee at all times while the licensee is carrying the handgun.

(5) Misconduct or misuse of the purpose for which this license is issued may result in the suspension or revocation of the license.

(6) A handgun licensee is authorized to use only the handgun that is endorsed on [her/his] their license.

§27. Section 5-25 of Title 38 of the Rules of the City of New York, relating to handgun acquisition requirements, is REPEALED, and a new section 5-25 is added, to read as follows:

§ 5-25 Handgun Acquisition Requirements.

In addition to any applicable federal or state requirements, the following procedures apply to all licensees seeking to acquire and register a handgun to one or more of their licenses.

(a) No person shall acquire a firearm if such person has acquired a firearm within the previous ninety (90) days. Licensees who acquire and attempt to register more than one (1) firearm in a ninety (90) day period, shall not be granted an authorization form to take possession of an additional firearm until the ninety (90) day period has elapsed.

(b) Any licensee who obtains a handgun must purchase or obtain a safety locking device at the time of acquisition of such handgun, in accordance with section 10-311 of the Administrative Code, to be used for the safeguarding of the handgun when not in use. The following types of safety locking devices will be deemed to comply with the requirement to obtain a safety locking device:

(1) a trigger lock, which prevents the pulling of the trigger without the use of a key;

(2) a combination handle, which prevents the use of the weapon without the alignment of the combination tumblers; or

(3) a detachable or non-detachable locking device that is composed primarily of steel or other metal of significant gauge to inhibit breaking, and renders the weapon inoperable until the locking device is removed with a metal key or combination lock.

(c) A licensee may not take possession of a handgun without prior written authorization from the Division Head, License Division. For new and existing licensees, the License Division will provide a handgun purchase authorization form, which is valid for thirty (30) calendar days from the issuance date and must be provided to the firearms dealer at the time of purchase of such handgun.

(d) A licensee may not take possession of a handgun before it has been inspected by License Division personnel and entered on the license. A licensee must contact the License Division within 72 hours of purchase of such handgun to request inspection of the handgun and safety locking device. Requests for inspection shall be made to the License Division, in writing, via email to: DG_LIC-Purchaseorders@NYPD.org and must include the following:

(1) A completed authorization form issued by the License Division, in accordance with subdivision (c) of this section, with the background check number filled out by the firearms dealer from whom the handgun was purchased.

(2) The Bill of Sale/Receipt for the handgun which shall include the following information:

- (i) make, model, caliber, and serial number of handgun sold;
- (ii) Seller's name, address, and license number if applicable;
- (iii) Buyer's name, address, and license number, date of sale.

If the handgun is acquired from an individual, rather than a dealer, the sale must comply with the requirements set forth in section 898 of the General Business Law and the Bill of Sale shall be signed and notarized by the transferor.

- (3) A color photograph depicting the entirety of the handgun purchased with accurate color representation,
- (4) A color photograph that legibly captures the handgun's serial number.
- (5) A color photograph depicting the safety locking device for the purchased handgun.
- (6) Proof of ownership of safe storage, which consists of:

- (i) A Bill of Sale; and
- (ii) Two (2) color photos of the safe or other locked container, one with the door open and one with the door closed. Photos may not be stock images and must depict the entirety of the safe, not merely a portion thereof.

The Division Head, License Division may reject the type of safe proposed for safeguarding the handgun, where it is determined that the safety features are insufficient to safeguard such handgun.

- (7) Where the licensee has acquired a handgun from the estate of a deceased immediate family member, the licensee shall also provide:
 - (i) A copy of the voucher for the handgun(s).
 - (ii) The decedent's license, if not previously surrendered, showing registration of the handgun(s) in question.
 - (iii) A copy of the death certificate.
 - (iv) A notarized Bill of Sale from the Executor or Administrator of the decedent's estate, indicating the weapon, make, model, caliber and serial number, and stating that they are being sold to: the licensee's name, address and license number.
 - (v) If there is a Will: a short certificate of Letters Testamentary that gives the Executor the authority to dispose of the property.
 - (vi) If there is no Will: a short certificate of Letters of Administration that gives the administrator the authority to dispose of the property.

(e) For new licensees, the completed authorization form and license card with the registered handgun printed on such card shall either be mailed to the licensee's address of record, or, an appointment shall be scheduled for the licensee to pick the documents up from the License

Division. The licensee shall use these documents to take possession of the registered handgun purchased from the seller. Following a completed transaction, or within ten (10) calendar days of its expiration date, the completed authorization form shall be returned to the License Division.

(f) The License Division may waive specific requirements identified in subdivision (d) of this section for extenuating circumstances, including, but not limited to, where a licensee lawfully acquired a handgun in another jurisdiction and has not maintained the Bill of Sale. The licensee shall contact the License Division via email at DG LIC-Purchaseorders@NYPD.org with a detailed explanation of such extenuating circumstances so that the License Division may provide individualized guidance on lawfully registering their firearm(s). The License Division may require the submission of additional information in such circumstances.

(g) Number of handguns allowed on a handgun license. The number of handguns allowed under each type of handgun license is listed below:

- (1) Premises Residence – One handgun, except that additional handguns shall be approved upon request after the licensee shows evidence of appropriate safeguarding and establishes compliance with the mandatory waiting periods pursuant to subdivision (b) of § 10-302.1 of the Administrative Code and § 400.20 of the Penal Law.
- (2) Premises Business – One handgun.
- (3) Carry and Special Carry – Two handguns, provided that requests for additional handguns shall be evaluated in accordance with the standards set forth for a premise residence license in paragraph (1) of this subdivision. Carry and Special Carry licensees may only carry one (1) handgun at a time. Additional handguns must remain safeguarded.
 - a. For Non-Resident Carry licenses issued pursuant to R.C.N.Y. § 5-03(b), requests to add more than one (1) handgun to a license shall not be approved.
- (4) Carry Guard and Special Carry Guard – One handgun. Requests for additional handguns shall be reviewed on an individual basis.
- (5) Gun Custodian – Number of handguns shall be determined by the Division Head, License Division, consistent with the demonstrated needs of the applicant.

(h) Requests for amendments to “Special Carry” and “Special Carry Guard” licenses – Holders of “Special Carry” licenses shall comply with the purchase authorization request guidelines of the county in which they hold their Carry handgun license. Once the addition has been made to a county handgun license, a request to amend a licensee’s New York City Special Carry license shall be made to the License Division, in writing, via email to: DG LIC-Purchaseorders@NYPD.org. The following documents shall accompany the request:

- (1) The licensee’s current County Carry license;
- (2) A copy of the county Handgun Purchase Authorization form; and
- (3) A copy of the Bill of Sale.

§28. Section 5-26 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 5-26 Disposal of a Handgun Listed on the License.

(a) Any person lawfully in possession of a handgun who disposes of the same without first notifying the License Division in writing shall be guilty of a Class A Misdemeanor in accordance with the provisions of New York State Penal Law § 265.10(7). Pursuant to New York City Administrative Code § 10-311(a), it shall be unlawful for any person or business enterprise to dispose of any handgun which does not contain a safety locking device, defined as a design adaptation or attachable accessory that will prevent the use of the weapon by an unauthorized user. The following types of safety locking devices will be deemed to comply with this provision:

- (1) a trigger lock, which prevents the pulling of the trigger without the use of a key; or
- (2) a combination handle, which prevents the use of the weapon without the alignment of the combination tumblers; or
- (3) a detachable or non-detachable locking device, composed primarily of steel or other metal of significant gauge to inhibit breaking, utilizing a metallic key or combination lock, rendering the weapon inoperable until the locking device is removed by an authorized person.

Note: The license becomes invalid if the licensee sells the one and only handgun on their license. Should the licensee wish to sell it without cancelling their license, they shall first follow the instructions to add a handgun.

(b) [Pursuant to New York City Administrative Code § 10-311(b), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to dispose of any handgun in New York City 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 handgun and on a separate sheet of paper included within the packaging enclosing the handgun: "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."]Reserved

(c) Pursuant to Administrative Code § 10-311(c), any person who applies for and obtains authorization to purchase, or otherwise lawfully obtains, a handgun shall be required to purchase or obtain a safety locking device at the time they purchase or obtain the handgun.

(d) Pursuant to New York City Administrative Code § 10-311(d), 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 these rules.

(e) The buyer may only be a:

- (1) Licensed New York State Firearms Dealer.

(2) A New York State / New York City Handgun License Holder.

(3) A New York State / New York City Police Officer or Peace Officer.

(f) If the licensee sells to a licensed New York State Firearms Dealer the following documentation shall be required to process the transaction:

(1) The "Original Bill of Sale" from the dealer and photocopy.

(2) The "Bill of Sale" shall show the Dealer's License number, name, address; the make, model, caliber and serial number of the handgun sold; the licensee's name, address, license number and expiration date of the license; the date of sale; the bill shall clearly indicate that the Dealer purchased the handgun(s).

(3) The licensee shall [appear at the License Division, Room 152, with their license] submit the aforementioned documents, in writing, via email to: DG_LIC-Purchaseorders@NYPD.org to process this transaction.

(g) If the licensee sells to a New York State / New York City Handgun license holder, the following documentation shall be required to process the transaction:

(1) An "Original Bill of Sale," signed by the seller and the purchaser, with both signatures notarized.

(2) The "Bill of Sale" shall include: the seller's name, address and license number, expiration date of license; the purchaser's name, address, license number and expiration date; the make, model, caliber[e], and serial number of the handgun(s) sold, the date of sale.

(3) A copy of the purchaser's handgun license, front and back.

(4) A copy of the buyer's "Handgun Purchase Authorization form."

(5) The licensee shall [be required to appear at the License Division – Room 152, with their license,] submit the aforementioned documents, in writing, via email to: DG_LIC-Purchaseorders@NYPD.org to process this transaction.

(h) Once the licensee has sold their handgun(s), they shall appear in person to delete them from their license within ten (10) calendar days of the transaction.

(i) If the licensee wishes to sell their handgun to a New York State / New York City Police Officer or Peace Officer the following documentation shall be required to process the transaction:

(1) A notarized "Bill of Sale" showing the make, model, caliber[e] and serial number of the handgun sold; the name, address, shield number, Agency and Command of the Police Officer / Peace Officer. The bill of sale shall be signed by both the seller and the purchaser, dated, and each signature shall be notarized.

(2) If the purchaser is a New York City Police Officer or Peace Officer, the License Division requires prior written notification relative to the purchaser so that verification of employment, etc., can be obtained.

(3) Once the licensee has sold their handgun(s), they shall appear at the License Division, Room 152, with their license and the aforementioned documentation to process this transaction, or the License Division, at its discretion, may process the change by mail.

(j) If the licensee wants to transfer their handgun(s) to another New York State / New York City license they also possesses, they shall make a written request to the Division Head, License Division. The request shall include the following information:

(1) The licensee's name, address and telephone number.

(2) The license number; make, model, caliber[e], and serial number of the handgun the licensee wishes transferred; and the number of the license to which the licensee wants to transfer the handgun.

(3) The licensee shall enclose copies of both licenses front and back.

(4) The licensee shall receive a written response. If the request is approved, the licensee shall have to appear at the License Division with both licenses to process the transaction, or the License Division, at its discretion, may process the change by mail.

(k) If the licensee wishes to sell all of their handguns and cancel their license, they may do so by submitting the applicable documentation and their handgun license, by emailing DG_LIC-Cancellations@NYPD.org. (See Cancellation Procedures below.)

§29. Subdivision (g) of section 5-28 of Title 38 of the Rules of the City of New York is amended to read as follows:

(g) If the licensee's birthday has passed and they have not yet renewed, they shall immediately voucher their handgun(s) at their local precinct. The License Division shall not process any late renewals unless a copy of the voucher is attached to the complete renewal application which is to be electronically submitted via the License Division's online application portal.

§30. Section 5-29 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 5-29 License Amendments.

(a) All verifying documents shall be submitted [via]to the License [Division's online application portal] Division. Originals of all verifying documents shall, upon the License Division's request, be made available to the License Division for review. After the original documents have been reviewed, they shall be returned to the licensee.

(1) Premises Residence and Carry License – address changes.

(i) If the licensee has moved, they shall change the address listed on their license. T[o do so t]he licensee shall [come to the License Division]request the change by email to DG_LIC-

PurchaseOrders@NYPD.org no later than ten (10) calendar days after their change becomes effective. The licensee shall provide[bring] their license and verifying documents such as current utility bills. Any and all verifying documents shall include the licensee's name and the licensee's new address.

(ii) If the licensee has relocated outside of New York City, they shall follow the instructions for "Cancellation[.]" or request a reclassification to a non-resident Carry license, as may be appropriate.

(2) [All Carry/]Premises Business Licenses – address changes. If the licensee's business name, principals, corporate officers (if a corporation), and the nature of their business remain the same, but they have changed their business location, the licensee shall within ten (10) calendar days, provide the License Division with a copy of a current utility bill verifying the name and new address of the business, and other verifying documents substantiating the move. This transaction shall be conducted [in person]by email to DG_LIC-PurchaseOrders@NYPD.org. If the nature of the licensee's business has changed, the licensee shall follow the instructions for "Cancellation."

(3) Premises [/business] Business name changes.

(i) If the licensee has a Premises Business License and changes their business name, but their business is of the same nature and at the same location, they shall provide the License Division with Amended Business Certificate, verifying documents, etc., within ten (10) calendar days.

(ii) If the licensee is an employee of a company, in addition to the documentation required in subparagraph (i) above, the licensee shall submit a letter on company stationery signed by the company president or owner, which states that the licensee is still employed by them in the same capacity for which the license was issued, and that the licensee still requires the handgun license for their employment.

(iii) If the nature of the licensee's business has changed they shall follow the instructions for Cancellation.

(4) [Carry Business License name changes. If the licensee has a Carry Business License and they change their business name – but not the nature of the business, the corporate officers, or the location, they shall contact the License Division immediately at telephone number (646) 610-5560 for instructions on how to proceed.

(5)] "Special" Carry Handgun License Changes. Licensees shall call telephone number (646) 610-5560, for specific instructions. However, the licensee's basic County Handgun License shall be amended prior to requesting any amendment of their New York City "Special Handgun License."

[(6)] (5) Individual name changes.

(i) If the licensee has changed their name because of marriage, registration of a domestic partnership, or for other reasons, they shall provide the License Division with a Marriage Certificate, affidavit or legal court documents verifying the change. Where an affidavit is provided, the Department may require additional evidence that the affiant has changed their name, including but not limited to a certificate of domestic partnership registration, credit cards issued to the affiant,

or bills addressed to the affiant. For purposes of this subparagraph, "domestic partnership" shall mean a domestic partnership registered in accordance with applicable law with the City Clerk, or a domestic partnership registered with the former City Department of Personnel pursuant to Executive Order 123 (dated August 7, 1989) during the period August 7, 1989 through January 7, 1993. (The records of domestic partnerships registered at the former City Department of Personnel have been transferred to the City Clerk.)

(ii) The aforementioned document(s) shall be submitted electronically via email to DG_LIC-PurchaseOrders@NYPD.org or via the online application portal and the original(s) made available to the License Division for inspection upon the License Division's request. The License Division shall return the original document to the licensee.

(iii) The licensee shall appear in person at the License Division – Room 152, by appointment, with the required documents and their license to effect this change. Alternatively, the License Division, at its discretion, may process the change by mail.

(b) New business.

(1) If the licensee has changed their business from the one for which they were originally licensed, or their current business has had a change of name and/or corporate officers, owners, etc., or the nature of their business or responsibilities have changed; or if they have ended their association with the business, i.e., retired, terminated, resigned, the licensee shall within ten (10) calendar days of the change surrender their handgun(s) and license to their local precinct for safekeeping. The licensee's license may be subject to cancellation. (See 38 RCNY § 5-27 – Cancellation of the Handgun License.) Questions may be directed to the Incident Section by emailing DG_LIC-Incidents@NYPD.org.

(2) Handgun licenses are not transferable to new businesses. The licensee shall re-apply for a new handgun license for their new business.

(3) New applications shall not be accepted without proof of the surrender of the old license and proof of the proper disposal or surrender of the handgun(s).

[(4)](c) Failure to make proper notification of any of the above changes to the License Division shall result in immediate cancellation of the license.

[(5)](d) All License Types – Email address changes. All licensees shall immediately notify the License Division via the online application portal of any change in their email address.

§31. Subdivision (h) of section 5-30 of Title 38 of the Rules of the City of New York is amended to read as follows:

(h) If a licensee's license is suspended or revoked, the licensee has an opportunity to challenge, [by mail]in writing, the interim suspension or revocation of the license during investigation of an incident and vouchering of the handgun by making a written submission to the License Division at DG_LIC-Hearings-Appeals@nypd.org.

§32. Section 5-31 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 5-31 Mutilated, Lost or Stolen Licenses.

(a) If the licensee's license was lost or stolen, the licensee shall report the loss/theft to the "Precinct of Occurrence" and obtain a "Complaint Report Number."

(1) If the licensee's license was lost, the licensee shall:

(i) Obtain a "Complaint Report Number" from the precinct of occurrence.

(ii) Report in person, by appointment, to the License Division – Room 152.

(iii) Bring a ten (\$10) dollar money order or certified check. Cash and personal checks shall not be accepted. Make instrument payable to "N.Y.C. Police Department."

(iv) [Bring two current color photos – 1 1/2 × 1 1/2 inches, front view, from the chest up, taken within the past thirty (30) days. The licensee shall not wear anything which would obstruct identification, e.g., hats, sunglasses, etc.]

Bring the "Complaint Report Number."

[(vi)] (v) Bring personal identification – driver's license, credit card, old Handgun License.

[(vi) The licensee shall be required to prepare a duplicate application and have it notarized.]

(2) If the licensee's license was stolen, the licensee shall:

(i) Obtain a Complaint Report Number from the precinct of occurrence.

(ii) Report in person, by appointment, to the License Division – Room 152.

(iii) Bring two color photos – 1 1/2 × 1 1/2 inches, front view, from the chest up, taken within the past thirty (30) days. The licensee shall not wear anything which would obstruct identification, e.g., hats, sunglasses, etc.

(iv) Bring the "Complaint Report Number."

(v) Bring personal identification – driver's license, credit card, old Handgun License.

[(vi) The licensee shall be required to prepare a duplicate application and have it notarized.]

(b) If the licensee's license was altered, laminated or mutilated, the licensee shall: Report in person, by appointment, to the License Division – Room 152 with the following:

(1) A ten (\$10) dollar money order or certified check. Cash and personal checks shall not be accepted. Make instrument payable to "N.Y.C. Police Department."

(2) Two color photos – 1 1/2 × 1 1/2 inches, front view, from the chest up, taken within the past thirty (30) days. The licensee shall not wear anything which would obstruct identification, e.g., hats, sunglasses, etc.

(3) [The licensee shall be required to prepare a duplicate application and have it notarized.

(4)] The licensee shall bring with them the remnants of their license.

§33. Section 15-22 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 15-22 Commencement of Proceedings.

(a) Entitlement to a Hearing. A licensee shall be entitled to submit a written request for a hearing following issuance of a Notice of Determination Letter notifying the licensee of suspension or revocation of a license and the opportunity for a hearing.

(b) Scheduling of Hearings. A licensee who wishes to request a hearing relating to a suspension or revocation shall submit a written request to the Commanding Officer, License Division, following the issuance of a Notice of Determination Letter, within [(30)]ninety (90) calendar days of the date on the Notice of Determination Letter. A licensee whose arrest or summons resulted in suspension or revocation of her/his license may only submit a written request for a hearing within [thirty (30)]ninety (90) calendar days after the termination of the criminal action, as defined in New York State Criminal Procedure Law § 1.20(16)(c). If the suspension or revocation resulted from the licensee becoming the subject of an order of protection or a temporary order of protection, the licensee may only submit a written request for a hearing within [thirty (30)]ninety (90) calendar days after the expiration or voiding of the order of protection or temporary order of protection. If the suspension or revocation was related to both a criminal action and an order of protection or temporary order of protection, then the later of the two waiting periods shall apply. The License Division shall schedule a hearing within a reasonable time of receipt of the request.

(c) Notice of Hearing. A licensee shall receive notification of the date, time and place of the hearing by regular and/or electronic mail addressed to the licensee's last known address. Additionally, a licensee's New York State licensed attorney shall receive notification, if the attorney has filed an appearance with the Department.

§34. Subdivision (d) of section 15-27 of Title 38 of the Rules of the City of New York is amended to read as follows:

(d) Transcripts. [Audio all] Audio of all hearings shall be recorded [on a tape recorder]. A transcript of the hearing may be ordered by any party to the hearing. The transcript shall be provided upon payment of reasonable transcription costs.

§35. Section 15-28 of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 15-28 Hearing Officer's Report and Recommendation.

(a) After the conclusion of the hearing, the Hearing Officer shall prepare a written hearing report and recommended disposition. The report shall include a statement of the issues, findings of fact, and conclusions of law, as well as the reasons and basis therefor. Findings of fact shall be

based exclusively upon all the material issues of fact and law presented in the record. The [Division Head]Director, License Division shall review the report and recommendation and make a final determination. S/he may approve the recommendation or modify the findings or the penalty consistent with the record. [The Division Head's determination is the final administrative determination.]

(b) Licensees shall receive a copy of the Hearing Officer's report and the [Division Head's] Director's final determination, by regular and/or electronic mail, within a reasonable time after the conclusion of the hearing.

**NEW YORK CITY MAYOR’S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Rules Related to Non-Resident Concealed Carry Handgun Licenses and Registrations

REFERENCE NUMBER: NYPD-21

RULEMAKING AGENCY: New York Police Department

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor’s Office of Operations

October 10, 2024
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Rules Related to Non-Resident Concealed Carry Handgun Licenses and Registrations

REFERENCE NUMBER: 2024 RG 116

RULEMAKING AGENCY: New York Police Department

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: October 10, 2024