



NEW YORK STATE SENATOR

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## NY Safe Fact Sheet

KENNETH P. LAVALLE January 18, 2013

### NY SAFE FACT SHEET

#### GUN OWNERS - WHAT THE LAW MEANS TO YOU

Enacted Into Law on January 15, 2013 ([legislation link](#))

If you are currently a pistol owner with a valid pistol permit:

Permit:

- **Pistol Permits for all legal owners remain valid.** In all counties with the exceptions of NYC, Suffolk, Nassau and Westchester, your permit will continue to have no expiration. NYC, Suffolk, Nassau and Westchester have variants of the no expiration provisions – these will also continue.
- **Every 5 years you will need to verify** the following information on your pistol permit to the New York State Police: name, DOB, gender, race, residential address, social security number, the firearms possessed, and if you want, your e-mail address. The purpose of the recertification is to update information. This recertification process will not be in place for one year. Once it is in place, you will have up to four years to do your first recertification. If you still have not recertified after four years, you will receive a notice to recertify. Once you have completed the recertification, you must recertify every five years thereafter. If you do not recertify, your permit will no longer be valid and you will need to reapply.
- **You will now be able to keep your pistol permit information private.** Newspapers around the State have been releasing personal pistol permit information. You will now be given the opportunity to shield your pistol permit information from disclosure as a public record under Freedom Of Information Law provisions if you have a reason to retain your privacy on this matter. Reasons range from your employment as a police officer, status as a victim of domestic violence, or many other reasons including the belief that you could be the subject of unwarranted harassment upon disclosure. No FOIL requests are being processed for 6 months while opt out forms are being created and permit holders are given time to submit such to the county that holds your permit. If you do not opt out at this point, you may do so at any time in the future.

Pistols:

- **Under current law all of your handguns are required to be listed on your pistol permit.** If you own a pistol that was a grandfathered assault weapon as a result of the 1994 Federal Assault Weapon Ban, starting in 90 days from the new law’s enactment, if it is not already listed on your pistol permit, you will need to make sure it is listed within a year. You may only transfer it to another person outside New York State or a Federal Firearms Licensed Dealer in or out of New York State. You must update your permit within 72 hours if you do dispose of it.
- **If you own a semiautomatic pistol with the ability to accept a detachable magazine,** and it has any of the specific characteristics[1], starting in 90 days from enactment, if it is not already listed on your pistol permit, you will need to make sure it is listed within a year, and you may only transfer it to another person outside New York State or a Federal Firearms Licensed Dealer in or out of New York State. You must update your permit within 72 hours if you do dispose of it. You may no longer purchase a pistol, new or used, that falls within the assault pistol definition above.
- **If you own any other type of pistol, there are no further requirements** or restrictions on the pistol itself. However, starting in 60 days from enactment, any private sales of pistols will require a National Instant Criminal Background Check System (NICS) by a firearms dealer to effectuate the transfer. There is an exception to this for transfers to immediate family members – spouses and children.

If you are currently a legal rifle owner:

Permit/registration:

- **There is no new permit or registration process for rifle owners** that are not defined as “assault weapons”.

Rifle:

- If you own a rifle that was a **grandfathered assault weapon as a result of the 1994 Federal Assault Weapon Ban, starting in 90 days from enactment, you will need to register it** with the New York State Police within a year, and you may only transfer it to another person outside New York State or a Federal Firearms Licensed Dealer in or out of New York State. You must update your registration within 72 hours if you do dispose of it.
- **If you own a semiautomatic rifle** with the ability to accept a detachable magazine, and it has any of the specific characteristics[2], starting in 90 days from enactment you will need to register it with the New York State Police within a year, and you may only transfer it to another person outside New York State or a Federal Firearms Licensed Dealer in or out of New York State. You must update your registration within 72 hours if you do dispose of it. You may no longer purchase a rifle, new or used, that falls within the assault rifle definition above.

- **If you own any other type of rifle, there are no further requirements** or restrictions on the rifle itself. However, starting in 60 days from enactment, any private sales of rifles will require a NICS check by a firearms dealer to effectuate the transfer. There is an exception to this for transfers to immediate family members – spouses and children.

If you are currently a legal shotgun owner:

Permit/registration:

- **There is no new permit or registration process for shotgun owners** that are not defined as “assault weapons.”

Shotgun:

- If you own a shotgun that was a **grandfathered assault weapon as a result of the 1994 Federal Assault Weapon Ban, starting in 90 days from enactment, you will need to register it** with the New York State Police within a year, and you may only transfer it to another person outside New York State or a Federal Firearms Licensed Dealer in or out of New York State. You must update your registration within 72 hours if you do dispose of it.
- **If you own a semiautomatic shotgun** and it has any of the specific characteristics<sup>[3]</sup>, starting in 90 days from enactment you will need to register it with the New York State Police within a year, and you may only transfer it to another person outside New York State or a Federal Firearms Licensed Dealer in or out of New York State. You must update your registration within 72 hours if you do dispose of it. You may no longer purchase a shotgun, new or used, that falls within the assault shotgun definition above.
- **If you own any other type of shotgun, there are no further requirements** or restrictions on the shotgun itself. However, starting in 60 days from enactment, any private sales of shotguns will require a NICS check by a firearms dealer to effectuate the transfer. There is an exception to this for transfers to immediate family members – spouses and children.

All gun owners:

Ammunition:

- **If you own a large capacity magazine greater than 10 round capacity** that was a grandfathered magazine as a result of the 1994 Federal Assault Weapon Ban, within a year,

you must do one of the following: dispose of it to another person outside New York State, surrender it to law enforcement officials, or permanently alter such to only accept 7 rounds.

- **If you own a 10 round magazine for your gun**, you will be allowed to keep such magazine but only be able to load it with 7 rounds unless you are at an exempted location such as a shooting range or competition. In 90 days from enactment you will no longer be able to purchase 10 round magazines, only 7 and lower capacity magazines.
- Starting in one year, to purchase ammunition, the seller will perform a check to verify that you are not prohibited under the Federal Law disqualifiers (see last page) from possessing a firearm, and will not sell you ammunition if you are prohibited.

#### Safe Storage:

- **If you live with someone you know to be disqualified from owning a gun** because of a criminal conviction, a mental health issue, or because they have a current order of protection out against them, then you are under an obligation that before you leave your gun out of your immediate possession or control, you must first securely lock the gun in a safe or other secure container, or render it incapable of being fired by using a gun locking device.

#### Relics and Curios:

- If you own a gun that falls within the definition of an **assault weapon and/or a corresponding high capacity magazine for such a weapon, which is 50 years old or more, it is considered a relic and curio**. The value as a collectable or antique of such is understood, and although both must be registered with the New York State Police within 1 year, they may continue to be bought and sold in and out of the state so long as registration information is kept current.

#### Federal Disqualifiers

**Certain persons are prohibited by Federal Law from possessing any gun anywhere in the United States.** Under Federal Law these individuals are also banned from possessing firearms in New York State if they meet one of the following criteria:

- who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- who is a fugitive from justice;

- who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
- who has been adjudicated as a mental defective or who has been committed to a mental institution;
- who, being an alien
  - is illegally or unlawfully in the United States; or
  - except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
- who has been discharged from the Armed Forces under dishonorable conditions;
- who, having been a citizen of the United States, who has renounced his citizenship;
- who is subject to a court order that -
  - was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
  - restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
  - includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- who has been convicted in any court of a misdemeanor crime of domestic violence.

[1] a folding or telescoping stock; a thumbhole stock; a second handgrip or a protruding grip that can be held by the non-trigger hand; capacity to accept an ammunition magazine that attaches to the pistol outside of the pistol grip; a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer; a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned; a manufactured weight of fifty ounces or more when the pistol is unloaded; or a semiautomatic version of an automatic rifle, shotgun or firearm.

[2] a folding or telescoping stock; a pistol grip that protrudes conspicuously beneath the action of the weapon; a thumbhole stock; a second handgrip or a protruding grip that can be held by the non-trigger hand; a bayonet mount; a flash suppressor, muzzle break, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle break, or muzzle compensator; or a grenade launcher.

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[3] a folding or telescoping stock; a thumbhole stock; a second handgrip or a protruding grip that can be held by the non-trigger hand; a fixed magazine capacity in excess of seven rounds; or an ability to accept a detachable magazine.

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