

New York

May Issue

Must Inform Officer: **NO**

Links

[State CCW Site](#)

[State CCW Pamphlet](#)

[CCW Application](#)

[State FAO Site](#)

[State Statutes](#)

[State Admin Rules](#)

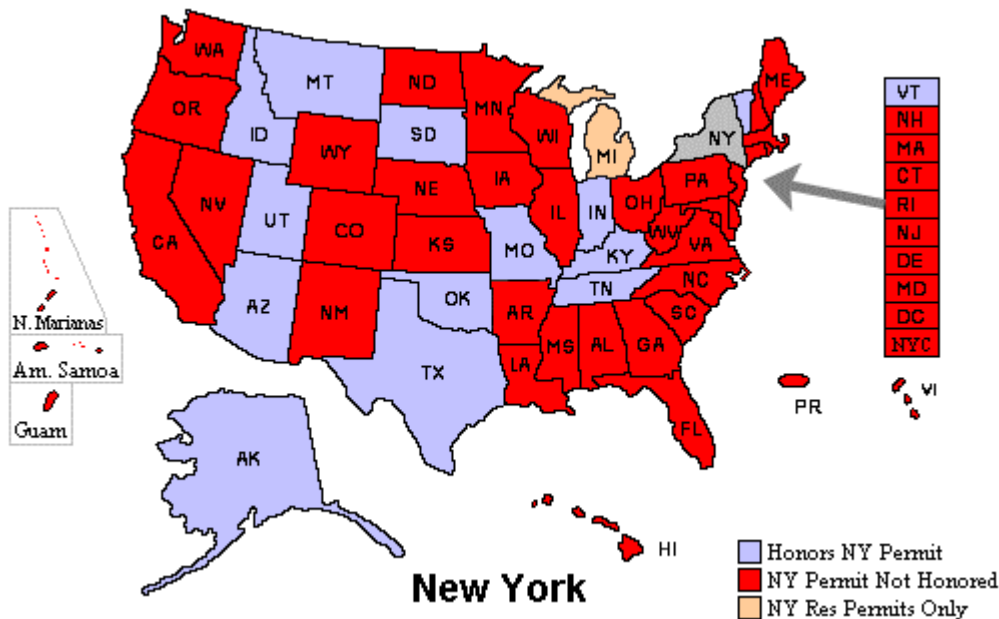
[Application Instructions](#)

[State Attorney General](#)

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[Secretary of State](#)

Last Updated: 11/16/09



Permits/Licenses This State Honors

New York does not honor any other states Permit/License.

IMPORTANT NOTE: Your New York State pistol license is only valid in the State of New York. Unless it is validated by New York City, you may not take your handguns into the city, this includes **Self Protection** licensees, with a few exceptions.

How to Apply for A Permit

New York has so many laws and regulations that applying for a permit to carry is a long drawn out process. Your best course of action is to check with the Licensing Officer in your City or County as they have a set procedure they go by.

Of the fifty-nine (59) licensing jurisdictions, fifty-five (55) issue pistol licenses through the courts with a judge serving as the licensing officer. Background investigations however are conducted by the local law enforcement agencies. The remaining jurisdictions, New York City, Nassau and Suffolk Counties have licensing officers that are either Police Commissioners or a Sheriff. All upstate counties except Westchester have lifetime-licenses, also known as “Good-Until-Revoked”. Nassau, Suffolk and Westchester licenses expire every five years (5) and licenses issued in New York City have a two-year (2) expiration.

Types Of Pistol Licenses

As Per Section 400.00 Subd. 2 Of The New York State Penal Law

- (a) **Premise Dwelling** – Have and possess in his dwelling by a householder.
- (b) **Premise Business** – Have and possess in his place of business by a merchant or storekeeper.
- (c) **Bank Or Express Messenger** – Have and carry concealed while so employed by a messenger employed by a banking institution or express company.

(d) Justice Of The Supreme Court 1st Or 2nd Judicial Dept. Or Judge Of Nyc Civil Or Criminal Court – Have and carry concealed by a justice of the supreme court in the first or second judicial departments, or by a judge of the New York City civil court or the New York City criminal court.

(e) Employee Of Corrections – Have and carry concealed while so employed by a regular employee of an institution of the state, or of any county, city, town or village, under control of a commissioner of correction of the city or any warden, superintendent or head keeper of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, provided that application is made therefore by such commissioner, warden, superintendent or head keeper.

(f) Proper Cause – Have and carry concealed, without regard to employment or place of possession, by any person when proper cause exists for the issuance thereof.

(g) Antique Pistols – Have, possess, collect and carry antique pistols which are defined in section 400.00 subd. 2(i)(ii)(1)(2).

Only A Qualified Retired Law Enforcement Officer Or Self-Protection License Are Full Carry Licenses

AN APPLICANT MUST:

(A) Be of good moral character.

(B) Have no prior conviction for a felony or other serious offense, as defined in Section 265.00 Definitions. Sub. 17 and Section 400.00 Sub. 1.(d).

(C) Disclose any history of mental illness.

(D) Be free from any mental disorders, defects or diseases that would impair his or her ability to safely possess or use a firearm.

(E) Reside or maintain a principal place of business within the confines of the five- (5) western towns of Suffolk County (Babylon, Huntington, Islip, Smithtown and Brookhaven).

(F) Be an applicant concerning whom no good cause exists for the denial of such license.

(G) Be at least twenty-one years of age or older, provided, however, that where such applicant has been honorably discharged from the United States Army, Navy, Marine Corps, Air Force or Coast Guard, or the National Guard of the State of New York, no such age restriction shall apply.

(H) Who has not had a license revoked or who is not under a suspension or ineligibility order issued pursuant to the provisions of section 530.14 of the criminal procedure law or section 842(a) of the family court act.

(I) Anyone who has not been convicted of a misdemeanor crime of domestic violence.

(a) Applications shall be made and renewed, in the case of a license to carry or possess a pistol or revolver, to the licensing officer in the city or county, as the case may be, where the applicant resides, is principally employed or has his principal place of business as merchant or storekeeper; and, in the case of a license as gunsmith or dealer in firearms, to the licensing officer where such place of business is located. Blank applications shall, except in the city of New York, be approved as to form by the superintendent of state police. An application shall state the full name, date of birth, residence, present occupation of each person or individual signing the same, whether or not he is a citizen of the United States, whether or not he complies with each requirement for eligibility specified in subdivision one of this section and such other facts as may be required to show the good character, competency and integrity of each person or individual signing the application. An application shall be signed and verified by the applicant. Each individual signing an application shall submit one photograph of himself and a duplicate for each required copy of the application. Such photographs shall have been taken within thirty days prior to filing the application.

Non-Resident Permits

New York will issue to non-Residents but you must have a very good reason. Most say you must have business concerns in the county etc etc. New York is a may issue state but some counties are almost shall issue. It depends on the county. Some counties make it impossible for the average citizen to obtain a permit to carry concealed. Do be warned that you must have very compelling reasons to even be considered.

If you do apply you would follow the same procedures as a resident. (See Resident Permit Section)

Places Off-Limits Even With A Permit/License

- Firearms (other than carried by peace officers and federal officers) are NOT permitted in courthouses under the rules of the NYS Office of Court Administration, which have the force and effect of law. Federal law bans firearms in federal courthouses and US attorney offices, except for law enforcement personnel on official business.
- Certain cities and all counties may, under home rule options, ban firearms from their governmental buildings.
- He knowingly has in his possession a rifle, shotgun or firearm in or upon a building or grounds, used for educational purposes, of any school, college or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, without the written authorization of such educational institution; [§265.01\(3\)](#)

[§400.00](#)

All Permits shall be effective throughout the state, except that the same shall not be valid within the city of New York unless a special permit granting validity is issued by the police commissioner of that city.

[§ 265.03 Criminal possession of a weapon in the second degree.](#)

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

- (1) with intent to use the same unlawfully against another, such person:
 - (a) possesses a machine-gun; or
 - (b) possesses a loaded firearm; or
 - (c) possesses a disguised gun; or
- (2) such person possesses five or more firearms; or
- (3) such person possesses any loaded firearm. Such possession shall not, except as provided in subdivision one or seven of section 265.02 of this article, constitute a violation of this subdivision if such possession takes place in such person's home or place of business. Criminal possession of a weapon in the second degree is a class C felony.

[§ 265.04 Criminal possession of a weapon in the first degree.](#)

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

- (1) possesses any explosive substance with intent to use the same unlawfully against the person or property of another; or
- (2) possesses ten or more firearms Criminal possession of a weapon in the first degree is a class B felony.

Transporting Firearms Through New York

The best way to travel through NY or any state that has restriction is to carry a copy of Title 18-Part 1-Chapter 44 926A of the federal code with you. Some law enforcement may not know the law. DO keep the www.handgunlaw.us

firearm in a locked box. Keep ammo in another locked box. No ammo in Magazines or speed loaders in the trunk or if no trunk as far back in the vehicle as possible in a locked box. This covers all bases. All of this may not be necessary but it may save you some grief.

United States Code [Title 18](#) - [Part I](#) - [Chapter 44](#)

[§ 926A](#). Interstate transportation of firearms

Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

Carry In State Parks/State & National Forests/WMA/Road Side Rest Areas

Carry Allowed in these Areas:

State Parks: **NO** 375.1 (p) NY St Parks Rules & Regulations

State/National Forests: **YES**

WMA's: **Unknown**

Road Side Rest Areas: **YES** per the NYSP

RV/Car Carry Without A Permit/License

It is illegal to carry any loaded firearm in any motor vehicle without a valid New York Permit/License to Carry..

State Preemption

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

6. License: validity. Any license issued pursuant to this section shall be valid notwithstanding the provisions of any local law or ordinance. No license shall be transferable to any other person or premises. A license to carry or possess a pistol or revolver, not otherwise limited as to place or time of possession, shall be effective throughout the state, except that the same shall not be valid within the city of New York unless a special permit granting validity is issued by the police commissioner of that city. Such license to carry or possess shall be valid within the city of New York in the absence of a permit issued by the police commissioner of that city, provided that

(a) the firearms covered by such license have been purchased from a licensed dealer within the city of New York and are being transported out of said city forthwith and immediately from said dealer by the licensee in a locked container during a continuous and uninterrupted trip; or provided that

(b) the firearms covered by such license are being transported by the licensee in a locked container and the trip through the city of New York is continuous and uninterrupted; or provided that

(c) the firearms covered by such license are carried by armored car security guards transporting money or other valuables, in, to, or from motor vehicles commonly known as armored cars, during the course of their employment; or provided that

(d) the licensee is a retired police officer as police officer is defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law or a retired federal law enforcement officer, as defined in section 2.15 of the criminal procedure law, who has been issued a license by an authorized licensing officer as defined in subdivision ten of section 265.00 of this chapter; provided, further, however, that if such license was not issued in the city of New York it must be marked "Retired Police Officer" or "Retired Federal Law Enforcement Officer", as the case may be, and, in the case of a retired officer the license shall be deemed to permit only police or federal law enforcement regulations weapons; or provided that

(e) the licensee is a peace officer described in subdivision four of section 2.10 of the criminal procedure law and the license, if issued by other than the city of New York, is marked "New York State Tax Department Peace Officer" and in such case the exemption shall apply only to the firearm issued to such licensee by the department of taxation and finance. A license as gunsmith or dealer in firearms shall not be valid outside the city or county, as the case may be, where issued.

Deadly Force Laws

Penal Part 1

Title C – Defenses:

Article 35 - Defense of Justification

35.00 - Justification; a defense.

35.05 - Justification; generally.

35.10 - Justification; use of physical force generally.

35.15 - Justification; use of physical force in defense of a person.

35.20 - Justification; use of physical force in defense of premises and in defense of a person in the course of burglary.

35.25 - Justification; use of physical force to prevent or terminate larceny or criminal mischief.

35.27 - Justification; use of physical force in resisting arrest prohibited.

35.30 - Justification; use of physical force in making an arrest or in preventing an escape.

Knife Laws State/Cities

To access State/Local Knife Laws Click [“Here”](#)

Carry in Restaurants That Serve Alcohol

YES

Note: What is defined as carry in a restaurant that serves alcohol is a place like Friday’s or Red Lobster. This does not mean a bar or the bar area of a restaurant. Handgunlaw.us believes you should

never consume alcohol when carrying your firearm. In some states it is illegal to take even one drink while carrying a firearm.

Chemical Sprays/Stun Gun/Higher Capacity Magazine Laws

Large Capacity Ammunition Feeding Device

It is a class D felony to manufacture, transport, dispose of, or possess a large capacity ammunition feeding device, which N.Y. Penal Law § 265.00(23) defines as "a magazine, belt, drum, feed strip, or similar device" manufactured after September 13, 1994, "that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition." Section 265.02.

Stun Devices/Electric Weapons.

§ 265.01 Stun Devices and Electric Weapons are illegal in New York State.

Administrative Code 10-135 Stun Devices and Electric Weapons are illegal in New York City.

Chemical Sprays:

Section 265.25 (14) and (15) The possession of "self-defense sprays" by persons who are not felons or who have been convicted of an assault, 18 or over for the protection of person or property and its otherwise lawful use is legal. "Self-defense spray" is defined as "a pocket sized spray device which contains and releases a chemical or organic substance which is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air or any like device containing tear gas, pepper spray or similar disabling agent". There are certain labeling requirements. Sales require both a seller's license and the completion by a purchaser of a registration form. New York residents may only purchase defense sprays from licensed Firearms Dealers or licensed Pharmacists in that state. No more than two sprays may be sold at any one time to a single purchaser.

LEOSA State Information

[New York City - LEOSA Ruling](#)

Attorney General Opinions/Court Cases

Handgunlaw.us can find no AG Opinions or Court Cases concerning the carrying of firearms. This does not mean there are no AG Opinions or Court Cases. We could just not find any.

Airport Carry/Misc. Information

Airport Carry: No Laws found. NYC is known to arrest anyone with a firearm traveling through the New York Airports. Even trying to board an airplane with a properly cased and declared firearm can get you arrested. See "[Letter](#)" from the United States Attorney General on the application of United States Code [Title 18](#) - [Part I](#) - [Chapter 44 § 926A](#), on the Interstate transportation of firearms. This should be straightened out but never forget they can arrest you any time and give you your day in court.

Training Valid for: No set time period.

Time Period to Establish Residency:

Minimum Age for Permit/License: 21

Permit/License Info Public Information: Upon obtaining a New York Drivers License/ID.

State Fire arm Laws: Penal Code 400.00 thru 400.10

State Deadly Force Laws: Penal Code 35.00 thru 35.30

State Knife Laws: 265.00 &.265.01 - 265.04. - 265.10 - 265.15

Chemical/Electric Weapons Laws: PC 265.01& 265.25 (14) (15)

Body Armor Laws: PC 270.20

Does Your Permit Cover Other Weapons Besides Firearms? NO 400.00

Updates to this Page

4/25/09 – State Park Carry Changed to NO.

8/21/09 - All links checked and updated if needed.

11/16/09 – Law on Possession of 5 or more firearms added to places off limits.