

# New York City

May Issue

Must Inform Officer: **NO**

## Links

[NYC CCW Site](#)

[State CCW Pamphlet](#)

[Application Package](#)

[NYC FAO Site](#)

State Statutes

[NYC Firearm Regs](#)

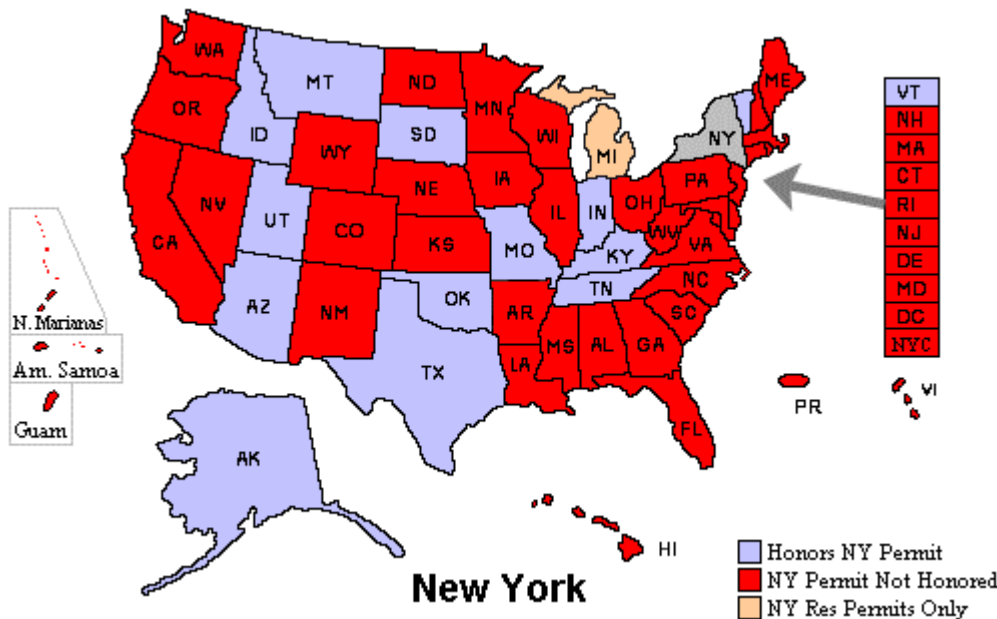
[Licensing Instructions](#)

[State Attorney General](#)

2<sup>nd</sup> CCW Info Site

[Secretary of State](#)

Last Updated: 12/26/09



## Permits/Licenses This State Honors

New York City does not honor any other states permits and even a New York State Permit/License to carry is not valid in New York City without a NYC Endorsement. The map above for NY State also apply to NYC carry licenses if it is unrestricted. That means you have a permit in NYC that allows you to carry your firearm any time in the city.

## How to Apply for A Permit

### Instructions to all Handgun License Applicants

- 1. Photographs:** Two (2) color photographs of you taken within the past thirty (30) days are required. They should measure 1½ x 1½ inches and show you from the chest up. The wearing of any article of clothing or adornment that obscures identification is not permitted.
  - 2. Birth Certificate:** In lieu of your birth certificate, some other proof of your birth date, e.g., a military record, U.S. passport or baptismal certificate must be submitted. You must be twenty-one (21) years of age to apply for a handgun license or rifle/shotgun permit.
  - 3. Proof of Citizenship/Alien Registration:** If you were born outside the United States, you must submit your naturalization papers or evidence of citizenship if derived from your parents. All other applicants born outside the United States must submit their Alien Registration Card. If you have lived in this country less than 7 years you must submit a good conduct certificate, or equivalent, from your country of origin and two (2) letters of reference that certify to your good character.
  - 4. Military Discharge:** If you served in the armed forces of the United States, you must submit your separation papers (DD 214) and your discharge.
  - 5. Proof of Residence:** You must submit proof of your present address. Proof may consist of, but is not
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limited to, a real estate tax bill, ownership shares in a cooperative or condominium, or a lease. You may also be requested to supply further documentation i.e., a New York State Driver's License, a New York State Income Tax Return, or a current utility bill.

**6. Arrest Information:** If you were ever arrested, indicted or summonsed for any reason, other than a parking violation, you must answer "Yes" to question #23 on the handgun license application and submit a certificate of disposition showing the offense and disposition. Also, you must submit a detailed, notarized statement describing the circumstances surrounding each arrest or summons. **YOU MUST DO THIS EVEN IF:** the case was dismissed, the record was sealed or the case was nullified by operation of law. The New York State Division of Criminal Justice Services will report to us every instance involving the criminal prosecution of an applicant. **DO NOT** rely on anyone's representation that you need not list a previous arrest or summons.

If you were ever convicted or pled guilty to a felony offense or a serious offense, as defined in Penal Law Section 265.00(17), an original Certificate of Relief of Disabilities, signed by a judge, must be submitted.

**6a. Order of Protection:** If you have ever had an Order of Protection issued against you, or issued on your behalf against anyone, you must list the following information: Court of Issuance, Date of Issuance, Complainant's name, address and phone number, Complainant's relationship to you, and reason for issuance of Order of Protection.

**7. Proof of Business Ownership:** If you are making application for a carry or premises license for use in connection with a business, you must submit proof of ownership for that business. Such proof must clearly state the names of the owner(s), or, if a corporation, the names of the corporate officers. A Corporation must submit its corporate book to include filing receipt, certificate of incorporation and minutes of the corporate meeting reflecting current corporate officers; others must 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, you must submit the license or permit or a certified copy thereof. You must also submit proof of address for the business. Proof may consist of a utility bill, not more than 60 days old, in the name of the business or a lease in the name of the business.

**8. Letter of Necessity:** All applicants for a carry license and those seeking a premises license for use in connection with their employment **MUST** complete the Letter of Necessity found on page 3 of the application. **No Substitutes Will Be Accepted.**

Fees

The application fee is \$340.00.

Please note that effective October 1, 2007, the fingerprint fee is \$94.25 for all applicants who are fingerprinted on the **Live Scan Machine only**.

The fee for applicants who must submit inked fingerprints is \$105.25.

These fees may be paid by credit card or by two separate money orders made payable to the New York City Police Department.

**All Fees Are Non-Refundable**

## Types of Licenses

**Premises License:** Is A Restricted Type Of License. It is issued for your RESIDENCE or BUSINESS. The Licensee may possess a handgun ONLY on the premises of the address indicated on the front of the license. Licensees may also transport their handguns and ammunition in SEPARATE LOCKED CONTAINERS, DIRECTLY to and from an authorized range, or hunting location. HANDGUNS MUST BE UNLOADED while being transported.

**Carry Business License:** Is valid for the business name, address, and handguns listed on the front of the license. It is not transferable to any other person, business, occupation, or address, without the written approval of the commanding officer, license division.

**Limited Carry Business License:** Is A Restricted Type Of License. The licensee may only carry handguns indicated on the license in accordance with the specific limitations listed thereon. At all other times the handgun shall be safeguarded at the specific address indicated on the license and secured unloaded in a locked container.

**Special Carry License:** Is valid for the business name, address and handguns listed on the front of this license, only while the licensee has in his possession a valid basic county license issued according to the provisions of article 400 of the N.Y.S. Penal law. Upon the revocation, suspension, or cancellation of the basic license, the special license is rendered void and must be immediately returned to the license division.

**Carry Guard License:** (Security Guards, Etc.) Applications for this type of license must be made with the documentation provided by a company's Gun Custodian. It is issued only for the handgun listed on the license. The handgun may be carried only while the licensee is actively engaged in employment for the company whose name appears on the license, and/or while licensee is in transit directly to or from residence and place of employment. At all other times the handgun must be stored unloaded in a locked container, at either the address on the license, or at the employee's legal residence (within the State of New York).

The application form MUST be typewritten and signed by you, and your signature must be notarized. Only the original application form will be accepted. DO NOT SEND A PHOTOCOPY. The application form must be completely filled out and presented by you personally at the License Division. At the time you submit your application, you must furnish the items listed below that are applicable to you. All documents, certificates, licenses, etc., must be submitted in the original. (A copy certified by the issuing agency as true and complete is also acceptable). In addition, a legible photocopy of each item submitted must accompany the original or certified copy. Originals and certified copies will be returned. Your application will not be accepted without the required documents.

## Non-Resident Permits

If you have a business or have a special need to carry in NYC you can apply to the New York Police Dept for a permit. Follow the procedures for Residents.

## Places Off-Limits Even With A Permit/License

**These places listed in State Law would also apply in New York City. NYC may add other restriction if they wish.**

- 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.

- At any facility of the New York Department of Mental Hygiene, or any residential facility that has an operating certificate issued by the Department ([N.Y. Comp. Codes R. & Regs. tit. 14, § 45.1](#)); or
- At any facility operated or licensed by the Office of Mental Health of the Department of Mental Hygiene ([N.Y. Comp. Codes R. & Regs. tit. 14, § 542.5\(a\)](#)).

### **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 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](#)

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## § 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:** YES

**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 vehicle in NYC without a Permit/License endorsement issued by the City of New York.

### State Preemption

#### New York State Preemption Laws:

§ 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

### New York State 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:

**State Code § 265.01 – City Administrative Code 10-135** Stun Devices/Electric Weapons are illegal in NY State & 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

No NYC LEOSA Information Available.

## Attorney General Opinions/Court Cases

[DOJ/AG on flying with firearms to NY airports](#)

## Airport Carry/Misc. Information

**Airport Carry:** Read the DOJ memo on Flying with firearms to NY airports above.  
I have read where people were getting arrested at the NYC airports for being in the Possession of Firearms while transporting them under Federal Regulations on Airplanes.

**Training Valid for:** Unknown

**Time Period to Establish Residency:** Unknown

**Minimum Age for Permit/License:** 21

**Permit/License Info Public Information:** Unknown

**State Fire arm Laws:** Penal Code 400.00 thru 400.10 The laws of NYC may be more stringent.

**State Deadly Force Laws:** Penal Code 35.00 thru 35.30 The laws of NYC may be more stringent.

**State Knife Laws:** 265.00 &.265.01 - 265.04. - 265.10 - 265.15 The laws of NYC may be more stringent.

**Chemical/Electric Weapons Laws:** PC 265.01& 265.25 (14) (15) The laws of NYC may be more stringent.

**Body Armor Laws:** PC 270.20 The laws of NYC may be more stringent.

**Does Your Permit Cover Other Weapons Besides Firearms?** **NO** State Penal Code 400.00

## Updates to this Page

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

**11/16/09** – Law on Possession of 10 or more firearms added to places off limits

**12/26/09** – Places off Limits updates with Mental Hygiene & Health locations