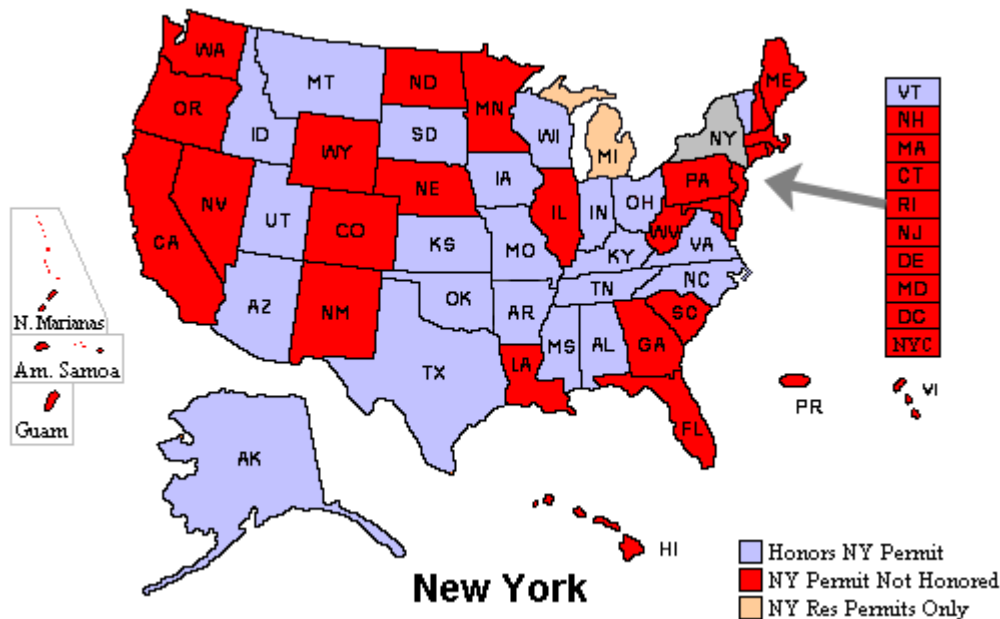


# New York

May Issue

Must Inform Officer Immediately: **NO**

[\(See Must Inform Section\)](#)



**Note:** [Alaska](#), [Arizona](#), [Arkansas](#), [Idaho](#), [Iowa](#), [Kansas](#), [Kentucky](#), [Maine](#), [Montana](#), [Mississippi](#), [Missouri](#), [New Hampshire](#), [Oklahoma](#), [South Dakota](#), [Tennessee](#), [Texas](#), [Utah](#), [Vermont](#), [West Virginia](#) and [Wyoming](#) have "[Permitless Carry](#)". Anyone who can legally possess a firearm may carry in these states without a Permit/License. Check each states page for information on age and other restrictions that may apply.

[North Dakota](#) has "[Permitless Carry](#)" for Residents only.

## **New York CCW Links**

[County CCW Site](#)

[Suffolk CCW Pamphlet](#)

[Nassau Co. Handbook](#)

[Pistol Licensing Forms](#)

[St. Police Firearms Info](#)

[St. Police FAQ Page](#)

[SAFE Act Info](#)

[State Statutes](#)

[State Admin Rules](#)

[NY Application Form](#)

[2<sup>nd</sup> County CCW Site](#)

[State Attorney General](#)

[NY Gun Laws \(BATF\)](#)

[LEO Guide to SAFE ACT](#)

[Records Exempt Form](#)

[Age to Carry a Firearm  
In Other States](#)

**Last Updated: 10/15/2021**

## Permits/Licenses This State Honors Listed Below

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

**IMPORTANT NOTE:** Your New York State pistol license is only valid in the counties outside the 5 counties of New York City 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 can be a long drawn out process in some counties or rapid in others. 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.

**Note:** New Law passed 1/15/13 states you must verify your permit every five years with authorities. More information and how to recertify can be found at [NYS Pistol Permit Recertification](#).

**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 can read the information [Here](#) or [Here](#).

### [Links to all New York County Pistol Permit Issuing Authorities](#)

**Types Of Pistol Licenses** Per Section [400.00](#) of the Penal Code

#### **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).

#### **From the New York State Police FAQs.**

#### **Q - What section of the Penal Law authorizes the placing of restrictions on pistol permits by the issuing authority?**

The Penal Law does not specifically authorize the placing of restrictions on pistol permits. However, court decisions have consistently supported the ability of licensing officials to impose these restrictions. Such an imposition is an administrative function of the licensing officer.

Licenses in violation of these restrictions would therefore not be subject to criminal prosecution but would face action being taken by the court of issuance in the form of suspension or possible revocation of the license.

**Note:** Only a Qualified Retired Law Enforcement Officer or Unrestricted License are full carry licenses.

**N.Y. Pen. Law § 400.00 Licenses to carry, possess, repair and dispose of firearms.**

**1. Eligibility.** No license shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant

(a) 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;

(b) Be of good moral character.

(c) who has not been convicted anywhere of a felony or a serious offense or who is not the subject of an outstanding warrant of arrest issued upon the alleged commission of a felony or serious offense;

(d) who is not a fugitive from justice;

(e) who is not an unlawful user of or addicted to any controlled substance as defined in section 21 U.S.C. 802;

(f) who being an alien

(i) is not illegally or unlawfully in the United States or

(ii) has not been admitted to the United States under a nonimmigrant visa subject to the exception in 18 U.S.C. 922(y)(2);

(g) who has not been discharged from the Armed Forces under dishonorable conditions;

(h) who, having been a citizen of the United States, has not renounced his or her citizenship;

(i) who has stated whether he or she has ever suffered any mental illness;

(j) who has not been involuntarily committed to a facility under the jurisdiction of an office of the department of mental hygiene pursuant to article nine or fifteen of the mental hygiene law, article seven hundred thirty or section 330.20 of the criminal procedure law, section four hundred two or five hundred eight of the correction law, section 322.2 or 353.4 of the family court act, or has not been civilly confined in a secure treatment facility pursuant to article ten of the mental hygiene law;

(k) 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 eight hundred forty-two-a of the family court act;

(l) in the county of Westchester, who has successfully completed a firearms safety course and test as evidenced by a certificate of completion issued in his or her name and endorsed and affirmed under the penalties of perjury by a duly authorized instructor, except that:

(i) persons who are honorably discharged from the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York, and produce evidence of official qualification in firearms during the term of service are not required to have completed those hours of a firearms safety course pertaining to the safe use, carrying, possession, maintenance and storage of a firearm; and

(ii) persons who were licensed to possess a pistol or revolver prior to the effective date of this paragraph are not required to have completed a firearms safety course and test;

(m) who has not had a guardian appointed for him or her pursuant to any provision of state law, based on a determination that as a result of marked subnormal intelligence, mental illness, incapacity, condition or disease, he or she lacks the mental capacity to contract or manage his or her own affairs; and

(n) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply. Laws 2020, ch. 55, Sec. N-2, eff. 4/3/2021.

## Non-Resident Permits

### N.Y. Pen. Law [400.00](#)

3. Applications. (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 or her 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. Laws 2020, ch. 55, Sec. N-2, eff. 4/3/2021.

The United States Court of Appeals for the Second Circuit ruled on October 15, 2013 that a person who lived part time in New York could obtain a permit to purchase/possess firearms. I am hearing that more counties are issuing a permit to carry to non-residents. You can read the decision [Here](#) or go to the AG Opinions/Court Case Section for the decision.

## 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
- Certain cities and all counties may, under home rule options, ban firearms from their governmental buildings.

[§265.01a](#) A person is guilty of criminal possession of a weapon on school grounds when he or she knowingly has in his or her 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, maintained or held in trust for the benefit of the New York State College of Forestry at Syracuse University, now known as the State University of New York college of environmental science and forestry, or upon a school bus as defined in section one hundred forty-two of the vehicle and traffic law, without the written authorization of such educational institution; provided, however no school, as defined in subdivision ten of section eleven hundred twenty-five of the education law, shall issue such written authorization to any teacher, school administrator, or other person employed at the school who is not primarily employed as a school resource officer, police officer, peace officer, or security guard who has been issued a special armed guard registration card as defined in section eighty-nine-f of the general business law, regardless of whether the person is employed directly by such school or by a third party.

Criminal possession of a weapon on school grounds is a class E felony. Laws 2019, ch. 146, Sec. 2, eff. 11/1/2019.

**N.Y. Pen. Law [§400.00](#)**

(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.....

Laws 2020, ch. 55, Sec. N-2, eff. 4/3/2021.

**[§ 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.

**[N.Y. Comp. Codes R. & Regs. Title 14, § 45.1](#)** No person shall bring into or possess a firearm at any facility of the Department of Mental Hygiene, or any residential facility which has an operating certificate issued by the department, except with permission of the director of the facility as hereinafter stated.

**[N.Y. Comp. Code R. & Regs. Title 18, § 441.19](#)** (f) possess firearms or other dangerous weapons while on the grounds of residential child care facilities;

**[N.Y. Comp. Codes R. & Regs. Title 14, § 542.5](#)** (a) No person shall bring into or possess a firearm at any facility operated or licensed by the Office of Mental Health except as provided in this section.

**Note:** The United States Court of Appeals For the Third Circuit has ruled that Section 926A of Title 18 of the United States Code only protects those traveling by vehicle and does not cover a person transporting a firearm through an airport terminal to board an aircraft with an unloaded secured firearm in a locked box to be declared and in checked baggage to the airline. See Court ruling [Here](#).

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For Federal Restrictions on Firearms see the [USA Page](#).

**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. By NY Law if you are traveling across the state and can legally possess the firearm where you started and where you are going you can transport it as above. But if you stop in NY and spend the night in a motel/hotel/camp ground etc you are in violation of NY law and can be arrested if found with a firearm. Stopping for gas and food would most likely be OK but this is not a given in NY.

## 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.

Pub. L. 99-360, § 1(a), July 8, 1986, 100 Stat. 766.)

## State Lands Off Limits

**Note:** New York has two different agencies that run different Parks/Recreation areas in the state. The Dept. of Environmental Conservation and the NY Parks Recreation and Historic Preservation. Both ban firearms on the properties they control except for hunting in season.

### Dept of Environmental Conservation Regulations

#### Chapter II - Lands and Forests

#### §190.7 Public Campgrounds

**a. Applicability.** The following sections of this Part apply to persons using public campgrounds under the jurisdiction of the department unless specified otherwise in this section: 190.0, 190.1, 190.2, 190.8 and 190.9. The following additional requirements apply to public campgrounds and in the event of a conflict, these specific regulations will control:

3. Firearms may be possessed on the public campground only during the spring and fall hunting seasons. Unless otherwise posted, no discharge of firearms is permitted. (See [190.8](#) for target shooting info)

**c.** At Lake George Battlefield Park, the following additional regulations apply:

1. Hunting, trapping or possessing firearms on any portion of the Lake George Battlefield Park is prohibited at all times.

#### §190.25 Specific Areas - Zoar Valley Multiple Use Area

**e.** No person, other than employees of the department, State Police and police officers, shall possess, carry, discharge or use firearms, ammunition, explosives or explosive substances or fireworks on the area, except that during the small game and big game hunting seasons, provided for by law, firearms and bows and arrows may be possessed and discharged.

#### §190.28 Specific Areas - Foot Trail Easements--Adirondack Mountain Reserve

##### **c. Prohibitions.**

1. No person shall enter upon trails 1 through 24 located on the Adirondack Mountain Reserve for purposes other than access to and egress from adjacent State-owned lands or hiking on these trails.
2. No person shall carry firearms on Adirondack Mountain Reserve foot trail easements except at such times and on such trails as are hereinafter specified.
3. No person shall carry a firearm or be accompanied by a person carrying a firearm under any



circumstances when using Trails 2, 4, 5, 7, 11, 12, 13, 14, 15, 18, 19, 20 and 21.

4. No person shall carry a firearm or be accompanied by a person carrying a firearm when using Trail 1, 3, 6, 8, 9, 10, 16, 17, 22, 23 or 24 except during such part of the annual Big Game and Small Game Seasons in the Northern Zone as shall occur from October 15th through December 15th and from January 15th through March 15th.
5. No person shall carry a firearm when otherwise permitted unless said firearm is unloaded and either securely fastened in a case or taken down as defined in section 180.3 of this Title.

**Note:** These are the only areas I can find that have specific laws that say you can't possess a firearm. There are most likely other areas that the Dept of Environmental Conservation controls that may have regulations that state No Firearms. Do use caution on any property controlled by the DEC.

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## New York State Office of Parks Recreation and Historic Preservation

### [PART 375. Prohibited Activities Section 375.1 Activities Absolutely Prohibited](#)

#### **(p) Firearms and weapons.**

(1) Notwithstanding the provisions of paragraph (2) of this subdivision, no person, other than a member of a Federal, State or municipal law enforcement agency, shall introduce or possess, either upon the person or within a vehicle, or use any firearm or any instrument or weapon the propelling force of which is a spring, rubber or air or any ammunition or propellant therefor, or a bow and arrow, except for hunting where permitted by a rule or regulation of a regional park, recreation and historic preservation commission or pursuant to a permit issued according to the provisions of section 376.1(r)\* of this Title.

(3) On certain facilities of the Office, to be determined by the Commissioner, a person may possess an unloaded weapon for the purpose of accessing adjacent properties for lawful hunting purposes. The list of facilities shall be published on the Office's public website.

### **Do "No Gun Signs" Have the Force of Law?**

“??????”

We are unable to determine if "No Gun" signs have the force of law in New York. Until we get more information Handgunlaw.us believes you should treat every "No Gun" sign on any private business as having the force of law.

**Note:** Handgunlaw.us believes when you come across a business that is posted that you not just walk away. That business needs to know that they lost your business because of their "No Gun" sign. Giving them a "No Firearms = No Money" card would do just that. You can print free "No Firearms = No Money" cards by going [Here](#).

### **Must Inform Officer Immediately on Contact By Law?**

“NO”

#### **N.Y. Pen. Law [§ 400.00](#)**

**8. License: Exhibition and Display.** Every licensee while carrying a pistol or revolver shall have on his or her person a license to carry the same. Every person licensed to possess a pistol or revolver on particular premises shall have the license for the same on such premises. Upon demand, the license

shall be exhibited for inspection to any peace officer, who is acting pursuant to his or her special duties, or police officer.

Laws 2020, ch. 55, Sec. N-2, eff. 4/3/2021.

## Carry In State Parks//WMA/Road Side Rest Areas & St. /Nat. Forests

### Carry Allowed in these Areas:

**State Parks:** **NO** In Some Areas. See [Section 190](#) for Details NY DEC Rules & Regulations  
Also see “State Lands Off Limits” Section.

**State/National Forests** **NO** In Some Areas. See [Section 190](#) for Details NY DEC Rules & Regulations

**State WMA:** **NO** In Some Areas. See [Section 190](#) for Details NY DEC Rules & Regulations

**Road Side Rest Areas/Scenic Overlooks:** **NO** [17 CRR-NY IV C 156.12](#)

## RV/Car Carry (Without a Permit/License)

It is illegal to possess a loaded firearm in any motor vehicle without a valid New York Permit/License to Carry. It is illegal to possess any pistol in New York without a New York Pistol License. It is legal to transport a legal firearm through New York under Federal law:

### 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.

Pub. L. 99-360, § 1(a), July 8, 1986, 100 Stat. 766.)

NY also has restrictions on the type of firearms you can possess in NY and Magazines that hold more than 10 rounds or can be converted to hold more than 10 rounds are illegal. Use extreme caution when transporting a firearm through NY.

### From the NRA/ILA on Transporting Firearms through NY.

It is unlawful for any person to carry, possess or transport a handgun in or through the state unless he has a valid New York license. (A provision of federal law provides a defense to state or local laws which would prohibit the passage of persons with firearms in interstate travel if the person is traveling from any place where he may lawfully possess and transport a firearm to any other place where he may lawfully possess and transport such firearm and the firearm is unloaded and in the trunk. In vehicles without a trunk, the unloaded firearm shall be in a locked container other than the glove compartment or console).

## Open Carry (Without a Valid Permit/License)

To carry any firearm in New York a person must have a New York Permit/License. If you have a New York Permit given the politically sensitive nature of handgun licensing in New York State, Handgunlaw.us recommends keeping your firearm concealed.

www.handgunlaw.us



## State Preemption

**Note:** New York Statutes does not have a preemption law for firearms, ammunition or their accessories.

## 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

Per Bill No. [A05944](#) New York as struck “Gravity Knife” from their law as a Deadly Weapon. They were stating that an Assisted Opening Knife was a Gravity Knife and illegal especially in NY. See Knife Laws for any length restrictions.

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

## Carry in Restaurants That Serve Alcohol

**YES**

**Note:** A “**YES**” above means you can carry into places like described below. “**NO**” means you can’t. Handgunlaw.us definition of “Restaurant Carry” is carry in a restaurant that serves alcohol. Places like Friday’s or Red Lobster unless posted with “No Gun Signs.” This may or may not mean the bar or the bar area of a restaurant. But you can carry your firearm into a restaurant that serves alcohol and sit and eat without consuming. Handgunlaw.us recommends you not sit at the Bar or in the Bar area of such restaurants. In some states it is illegal to be in the Bar area of such restaurants. 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. If you want further info on carrying in places that serve alcohol check your state laws.

## Chemical Sprays/Stun Gun/Higher Capacity Magazine Laws

The New York State Police [Guide to the Safe Act Revised](#)

### Large Capacity Ammunition Feeding Devices.

N.Y. Pen. [Law 265.00](#) (1) 23. "Large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device, that

(A) Has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition, OR

(C) Is obtained after the effective date of the chapter of the Laws of two thousand thirteen which amended this subdivision and has a Capacity of, or that can be readily restored or converted to accept, More than ten rounds of ammunition; provided, however, that such term does not include an attached tubular device designed to accept, and Capable of operating only with, .22 caliber rimfire ammunition or a Feeding device that is a curio or relic. ch. 150, Sec. 3, eff. 8/24/2020.

### Stun Devices/Electric Weapons.

~~NY Pen Code [§ 265.01](#) ————— New York City Administrative Code [§ 10-135](#)  
Stun Devices/Electric Weapons are illegal in NY State & New York City.~~

**Note:** U.S. District Court Northern District of New York has [Ruled](#) that Stun Guns and Taser Ban in N.Y. Pen. [Law 265.01](#) (1) is Unconstitutional. Handgunlaw.us was hearing that NY would make rules concerning the Possession and Carrying of these devices but has seen no attempt by NY to do so. NYC Administrative Rule 10-135 would be Unconstitutional also. So possession and carrying are legal until/if New York makes Administrative Rules governing their possession and carrying. Use Caution as they could adopt a new Administrative Rule at any time.

### Chemical Sprays:

Pen. Code [§ 265.20](#)

**14.** Possession in accordance with the provisions of this paragraph of a self-defense spray device as defined herein for the protection of a person or property and use of such self-defense spray device under circumstances which would justify the use of physical force pursuant to article thirty-five of this chapter.

(a) As used in this section "self-defense spray device" shall mean 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 or similar disabling agent.

(b) The exemption under this paragraph shall not apply to person who:

(i) is less than eighteen years of age; or

(ii) has been previously convicted in this state of a felony or any assault; or

(iii) has been convicted of a crime outside the state of New York which if committed in New York would constitute a felony or any assault crime.

**15** Possession and sale of a self-defense spray device as defined in paragraph fourteen of this subdivision by a dealer in firearms licensed pursuant to section 400.00 of this chapter, a pharmacist licensed pursuant to article one hundred thirty-seven of the education law or by such other vendor as may be authorized and approved by the superintendent of state police.

(a) Every self-defense spray device shall be accompanied by an insert or inserts which include directions for use, first aid information, safety and storage information and which shall also contain a toll free telephone number for the purpose of allowing any purchaser to call and receive additional information regarding the availability of local courses in self-defense training and safety in the use of a self-defense spray device.

(b) Before delivering a self-defense spray device to any person, the licensed or authorized dealer shall require proof of age and a sworn statement on a form approved by the superintendent of state police that such person has not been convicted of a felony or any crime involving an assault. Such forms shall be forwarded to the division of state police at such intervals as directed by the superintendent of state police. Absent any such direction the forms shall be maintained on the premises of the vendor and shall be open at all reasonable hours for inspection by any peace officer or police officer, acting pursuant to his or her special duties. No more than two self-defense spray devices may be sold at any one time to a single purchaser.

Laws 2020, ch. 150, Sec. 2, eff. 8/24/2020.

## **New York City Chemical Sprays**

**§ 10-131 Firearms.** (Covers Chemical Sprays also)

### **E. Tear Gas; Sale or Possession of; Fees For Permits**

Illegal to possess in NYC. You can obtain a license to carry such sprays but you must apply to the police for that permit. You should read all of **§ 10-131 3e** as it states the law and costs etc. Am. L.L. 2020/080, 8/28/2020

## **LEOSA State Information**

[Dutchess Co Sheriff LEOSA Info](#)

[Rockland Co Sheriff LEOSA Info](#)

[Orange Co Sheriff LEOSA Info](#)

[Otsego Co Sheriff LEOSA Info](#)

[New York City - LEOSA Ruling](#)

[NY Ct Case LEOSA & U.S. Coast Guard](#)

See the LEOSA Section on the [USA Page](#) at Handgunlaw.us for more LEOSA Information.

## **Attorney General Opinions/Court Cases**

- [US Court of Appeals Ruling - NY Restrictions on Issuing Legal](#)
- [US Court of Appeals Ruling – NY Part Time Residence Can Get Firearms Permits](#)

## **Airport Carry/Misc. Information**

**Airport Carry:** No Laws found. NYC is known to arrest those without a valid NYC permit to possess firearms while traveling through the New York Airports. Even trying to board an airplane with a properly cased and declared firearm can get you arrested without a valid NYC Permit to possess that firearm. 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:** Some counties say 6 months.

**Minimum Age for Permit/License:** 21 (18 for Honorably Discharged Vets)

**Permit/License Info Public Information:** **YES** NY law allows permit holders to fill out an “opt-out” privacy form to keep their information private. You must request the form and fill it out to keep your info private. Contact your issuing authority to obtain a form or click this [Link](#).

**State Firearm 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& 265.20 (14) (15)

**Body Armor Laws:** PC 270.20

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

**State Safe Storage/Access by Minors Statute/s:** NY Penal Law § 265.45

**Is carrying of a Concealed Firearm with Permit/License for Defensive Purposes Only While Hunting Legal?** **YES** In Most Instances but See [Regulations](#)

## Notes

### What Does NY Consider A Loaded Firearm?

#### From New York Hunting and Trapping Transportation of Firearms

- A person may not transport or possess a shotgun, rifle or crossbow in or on a motor vehicle, including any all terrain vehicle, unless the firearm is unloaded in both chamber and magazine or the crossbow is unloaded or taken down. A loaded firearm may be carried or possessed in a motorboat while legally hunting migratory game birds.

**Note:** Handguns must be unloaded and in a locked container. Ammunition and firearms must be stored separately in locked containers. Storage should be in the trunk. If the vehicle does not have a trunk, the locked containers must be kept the farthest distance possible from the licensee's person. You should also read the RV/Car Carry Section for more information on firearms in New York.

### State Emergency Powers

#### Article 4 [Powers Of Agencies](#) (Edited for Space Considerations)

**Section 40.** Powers of certain state officers and agencies.

41. Waiver of type, weight and size limitations for certain vehicles.
42. Contracts for research work in health matters related to the defense emergency.
43. Emergency health and sanitation areas.
44. Emergency measures to protect milk supply.
46. Production and sale of prison-made articles and materials essential to the defense effort.

§ 40. Powers of certain state officers and agencies. Notwithstanding the provisions of any law, for the purpose of providing during the defense emergency (a) for unanticipated or emergency needs for the protection of the safety and health of the people of the state in the event of attack, or

(b) for the mobilization and efficient utilization of all of the resources and facilities in the state in aid of the defense effort, or

(c) for the orderly conduct of public or private affairs in a manner consistent with the requirements of the defense effort, the following officers or agencies of the state shall have power to take action or to adopt, promulgate and make effective plans, regulations or orders, consistent with the provisions of this act and with any actions taken or plans, regulations or orders adopted and promulgated by the council, with respect to the following matters:

3. The industrial commissioner shall have such power with respect to safety and record of manufacture, sale, possession, use or ownership of fireworks or explosives and the manufacture and transportation of firearms, but such powers shall not apply to the personal possession, use or ownership of firearms and ammunition therefor.

## **Article 6 Closing or Restricting Use of Highways; Posting of Property**

### **Section 80. Definitions.**

As used in this article the following terms shall mean and include:

1. "Highway." Any private or public highway, street, way, waterway, or other place used for travel.
2. "Commissioner." The state commissioner of transportation.

§ 81. Petition to close or restrict use of travel upon highways or to post property.

(a) Any agency of the United States engaged in or concerned with the defense effort,  
(b) any agency of the state,  
(c) the chief executive officer or the governing body of any political subdivision of the state or  
(d) an individual, partnership, association or corporation using or preparing to use real property in connection with the operation of a public utility, an airport, a dock, or a wharf, or the manufacture, transportation, distribution or storage of explosives, firearms, inflammable liquids, gas, oil, coal, electricity, water or any product to be used in the defense effort by this state, of any state of the United States, or a political subdivision, by the United States or any associated power thereof, may petition the commissioner for an order to close or to direct the appropriate official or body to close to public use and travel and to restrict public use and travel upon, any highway or part thereof or to post property, on which such use and travel or entrance by the general public is deemed dangerous to the public safety and security or to the defense effort, or to the safety of property of the petitioner. Defense Emergency

Last modified: February 3, 2019

**Note:** Federal Law can apply if the state is receiving monetary and/or other assistance from the Federal Government. See [US Code 42-5207](#) for Federal Law as it applies to States of Emergencies. The state quoted code may also not be all of the law on Emergency Powers held by the state. You should read the entire code on Emergency Powers etc for this state by following the link to the state code.

### **Minimum Age for Possessing and Transporting of Handguns.**

**New York 21 Y/O Penal Code, Part 4 title W, [§ 400.00](#)**

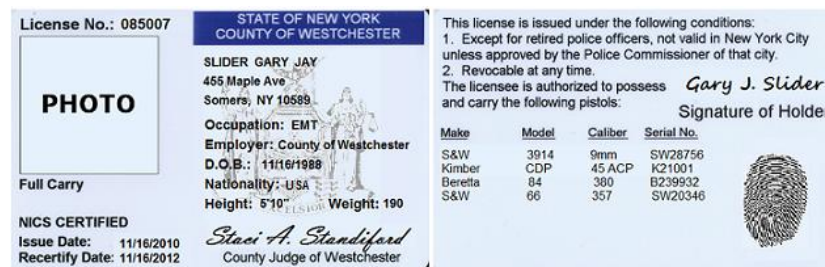
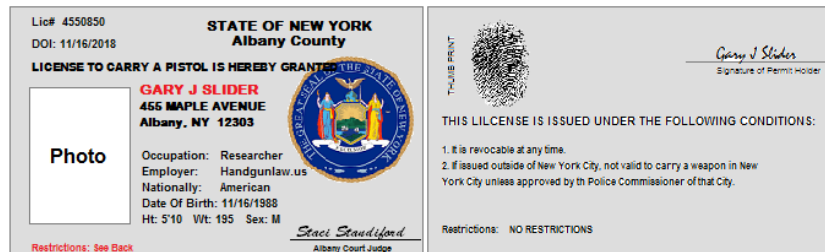
This is the minimum age for possessing and transporting a handgun unloaded and secured in a vehicle without any type of permit/license to carry firearms. Some states (and counties) require Firearms Identification Cards, and/or registration.

**Note:** In some states Possession and Transportation CAN be very restrictive in that you can ONLY possess and transport a handgun to and from a Shooting Range, Gun Shop, property you own or other places you can legally possess a handgun. Some states do not have this restriction.

This is not the last word on possession and transporting of handguns in this, or any other state. Study your state law further for more information. See “RV/Car Carry” Section Above for more information.

## Permit/License Image

NY Local Officials issue Permit/Licenses. The format can vary from County to County.



### [Additional NY Permit/License Images](#)

## Updates to this Page

88 Links

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Links Checked: 7/22/2021

- 1/1/2021 - All Quoted Statutes Wording Checked and Reflect the Current Statute Version.
- 1/15/2021 - 441.19 Residential Child Care Facilities Added to Places off Limits Section.
- 2/20/2021 - Montana Added to Listing Under Map at Top of Page as Permitless Carry State.
- 3/10/2021 – NYC Chem Spray Law Added to Stun Gun/Chem Spray/Mag Section. Need Permit to possess and carry.
- 5/5/2021 – Link to All NY Pistol Permit Issuing Authorities Added to How to Apply Section. Utah Added to Listing Under Map at Top of Page as Permitless Carry State. Link to Recertification of Your Pistol Permit Added to How to Apply Section.
- 7/1/2021 – Iowa, Tennessee and Wyoming Added Under Map at Top of Page as Permitless Carry States.
- 9/1/2021 – Texas Added Under Map as Permitless Carry State.
- 10/15/2021 – All Quoted Statutes Checked for Accuracy With the 2021 Edition of Their Statutes.