



POLICE DEPARTMENT

License Division

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Dear New York City handgun license and rifle and shotgun permit holders:

This letter is to notify you about parts of the recently enacted New York Secure Ammunition and Firearms Enforcement Act (NY SAFE Act) that may affect your interactions with the License Division.

MAGAZINES

The NY SAFE Act prohibits possession of a magazine that has the capacity to hold more than ten (10) rounds of ammunition regardless of when it was manufactured or when it was obtained. It also prohibits possession of a magazine if it is loaded with more than seven (7) rounds of ammunition, unless you are at a range.

Many license holders own handguns with magazines that have a capacity to hold over ten (10) rounds that were previously legal because they were manufactured prior to September 13, 1994. Those magazines are now illegal. As a result, in order to maintain or renew their licenses, many license holders must surrender or permanently modify their magazines.

If you own such a magazine, the License Division will accept reasonable proof, such as a receipt for the purchase of a magazine that is in compliance, along with proof of disposal of the prior magazine, or certification from a licensed gunsmith indicating that the magazine has been permanently modified to be in compliance with the new law.

Please keep copies of any documents that indicate actual magazine capacity and the date you purchased your new magazine or permanently modified your existing magazine, and be prepared to provide it to the License Division upon request.

Rifles and shotguns have a separate rule in New York City that was not affected by the NY SAFE Act. As per New York City Administrative Code §10-306(b) rifles and shotguns in New York City cannot have feeding devices capable of holding more than five (5) rounds.

PUBLIC RECORDS EXEMPTION

The NY SAFE Act allows handgun license holders and applicants (not rifle and shotgun permit holders) to request exemption of their personal identifying information from disclosure in response to Freedom of Information Law (FOIL) requests. You must file a "NYS Firearms License Request for Public Records Exemption" form in order to make the request. The form is available as part of the application package on the NYPD website at:

<http://www.nyc.gov/html/nypd/downloads/pdf/permits/HandGunLicenseApplicationFormsComplete.pdf>,
and the NY State Police website at: http://troopers.ny.gov/Firearms/Public_Records_Exemption/.

Completed forms should be mailed to:

Commanding Officer, License Division

1 Police Plaza, Room 152B

New York, NY 10038

Attention: Records Unit

Do not mail this form to the New York State Police (their database is already exempt).

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Website: <http://nyc.gov/nypd>

POLICE DEPARTMENT CITY OF NEW YORK

PRIVATE SALE OR DISPOSAL OF FIREARMS

The NY SAFE Act requires that a national instant criminal background (NICS) check be completed by a licensed firearms dealer before any private sale, exchange or disposal of a firearm, rifle, or shotgun. Sales or exchanges between immediate family members, which is defined as spouses, domestic partners, children and step-children, are exempt from this requirement. Buying from or selling to a dealer is not a private transaction for the purpose of this law.

A licensee or permit holder conducting a transaction with another private individual must provide the "NICS transaction number" to the License Division as proof of compliance in order to add or remove a gun from a license or permit, in addition to other existing procedures.

The NICS transaction number is located in box 21b on page 2 of ATF form 4473, and although the dealer is not required to provide a copy of the form, you are required to obtain the NICS transaction number from the dealer and provide it to the License Division.

ASSAULT WEAPON DEFINITION

The NY SAFE Act expanded the New York State definition of assault weapons. NYC's existing assault weapon ban has long prohibited possession of most of those weapons now prohibited by New York State, with the exception of rifles and shotguns with a thumbhole stock. Current owners of rifles and shotguns with a thumbhole stock may continue to own them; however, they must register them with the NY State Police. A copy of the State Police registration form can be requested from the Rifle and Shotgun Section of the License Division. New certificates of registration for rifles and shotguns with thumbhole stocks will not be accepted.

RECONCILIATION OF RIFLE AND SHOTGUN REGISTRATION RECORDS

The Rifle and Shotgun Section is currently updating its records in order to reconcile gun registration and disposition records with the rifles and shotguns actually owned by permit holders. When you renew your permit, you will be required to submit a form identifying all rifles and shotguns you own. Failure to comply will result in cancellation of your permit.

Rifles and shotguns that fit the City or new State definition of an assault weapon, or have feeding devices that violate the five-round rule, are illegal and must be immediately surrendered and invoiced. They can be sold, modified, or disposed of lawfully at a later point after being invoiced.

In a situation where a permit holder believes the weapon can be modified to be in compliance, the permit holder may request to place the gun in the possession of a licensed gunsmith for modification and certification of compliance, rather than surrendering the gun. If permission is granted, proof that the gun was immediately placed in the possession of a gunsmith will be required.

If you would like further information about other aspects of the NY SAFE Act, it is available at: <http://www.governor.ny.gov/2013/gun-reforms>

For more information about the NYPD License Division, visit our website at: http://www.nyc.gov/html/nypd/html/permits/handgun_licensing_information.shtml

Commanding Officer
License Division