

NYS PENAL LAW SECTION 400.00(6) (The change in the law is highlighted in yellow. The change took effect on July 16, 2019).

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. Notwithstanding any inconsistent provision of state or local law or rule or regulation, the premises limitation set forth in any license to have and possess a pistol or revolver in the licensee’s dwelling or place of business pursuant to paragraph (a) or (b) of subdivision two of this section shall not prevent the transport of such pistol or revolver directly to or from (i) another dwelling or place of business of the licensee where the licensee is authorized to have and possess such pistol or revolver, (ii) an indoor or outdoor shooting range that is authorized by law to operate as such, (iii) a shooting competition at which the licensee may possess such pistol or revolver consistent with the provisions of subdivision a of section 265.20 of this chapter or consistent with the law applicable at the place of such competition, or (iv) any other location where the licensee is lawfully authorized to have and possess such pistol or revolver; provided however, that during such transport to or from a location specified in clauses (i) through (iv) of this paragraph, the pistol or revolver shall be unloaded and carried in a

locked container, and the ammunition therefor shall be carried separately; provided further, however, that a license to have and possess a pistol or revolver in the licensee's dwelling or place of business pursuant to paragraph (a) or (b) of subdivision two of this section that is issued by a licensing officer other than the police commissioner of the city of New York shall not authorize transport of a pistol or revolver into the city of New York in the absence of written authorization to do so by the police commissioner of that city. The term "locked container" shall not include the glove compartment or console of a vehicle.

Title 38, Rules of the City of New York (The change in the rules is highlighted in yellow. The change took effect on July 21, 2019).

§ 5-01 Types of Handgun Licenses.

(a) *Premises License – Residence or Business.* This is a restricted handgun license, issued for a specific business or residence location. The handgun shall be safeguarded at the specific address indicated on the license, except when the licensee transports or possesses such handgun consistent with these Rules.

§ 5-23 Types of Handgun Licenses.

(a) *Premises License – Residence or Business.* This is a restricted handgun license, issued for the protection of a business or residence premises.

(1) The handguns listed on this license may not be removed from the address specified on the license except as otherwise provided in this chapter.

(2) The possession of the handgun is restricted to the inside of the premises which address is specified on the license or to any other location to which the licensee is authorized to transport such handgun in accordance with these Rules.

(3) The licensee may transport her/his handgun(s) listed on her/his license, unloaded, in a locked container, the ammunition to be carried separately, directly to and from the following locations:

(i) Another residence, or place of business, of the licensee where the licensee is authorized to possess such handgun. Such residence or place of business may be within or outside New York City.

(ii) A lawful small arms range/shooting club or lawful shooting competition. Such range, club, or competition may be within or outside New York City.

- (4) A licensee may transport her/his handgun(s) directly to and from an authorized area designated by the New York State Fish and Wildlife Law and in compliance with all pertinent hunting regulations, unloaded, in a locked container, the ammunition to be carried separately, after the licensee has requested and received a "Police Department – City of New York Hunting Authorization" Amendment attached to her/his license.
- (5) A licensee may transport her/his handgun(s), unloaded, in a locked container, without ammunition, to or from the offices of the License Division, or the licensee's local police precinct, as authorized by these Rules.
- (6) When purchasing a handgun in accordance with 38 RCNY § 5-25, a licensee may transport the handgun, unloaded, in a locked container, the ammunition to be carried separately, directly from the place of purchase to the address specified on the license.
- (7) Transport within New York City pursuant to paragraph (3), (4), (5), or (6) of this subdivision shall be continuous and uninterrupted.

§ 5-22 Conditions of Issuance.

(16) Except for licensees with unrestricted Carry Business licenses or Special Carry Business Licenses, a licensee wishing to transport her/his handgun to a gunsmith or dealer in firearms shall request permission in writing from the Division Head, License Division. Authorization shall be provided in writing. The licensee shall carry this authorization with her/him when transporting the handgun to the gunsmith or dealer in firearms, and shall transport the handgun directly to and from the gunsmith or dealer in firearms. The handgun shall be secured unloaded in a locked container during transport.

§ 16-02 Applicability.

This chapter shall apply to all persons who transport or deliver one or more weapons into or within any location in the City of New York, except that it shall not apply to:

(c) transport pursuant to 38 RCNY § 5-23(a)(3), (4), (5), or (6).

INFORMATION ABOUT HANDGUN TRANSPORT LAW FOR LICENSEES WHOSE LICENSE WAS ISSUED IN NEW YORK STATE (NYS), OUTSIDE OF NEW YORK CITY (NYC)

NYS and NYC handgun transport law was amended in 2019; the amended law is posted above. One new provision therein allows NYS license holders to request written permission from NYPD to transport their handgun to locations in New York City where they are authorized to possess it. Requests should be sent by email to scott.weiss@nypd.org. If you do not have access to email, you may call Mr. Weiss at (646) 610 -4189.

During any transport pursuant to the new law, handgun(s) must be in a locked container, unloaded, with ammunition carried separately.

Lawful Shooting Ranges

A lawful shooting range is an example of a location in NYC where a NYS licensee is authorized to possess his or her handgun. (See the posted law for more examples). Therefore, you may transport your handgun to a shooting range in NYC, but only after first obtaining written permission from NYPD License Division.

Second Home in New York City

You cannot transport your NYS-licensed handgun to a second home in New York City unless you also have a NYC license to possess that handgun in your NYC home. However, if you have the same handgun licensed to both your NYC and NYS homes, you may transport the handgun between these homes without need for written permission.

Transport Through New York City

NYS licensees do not require authorization from NYPD to transport a handgun through New York City when passing through NYC in a continuous and uninterrupted trip from a destination outside the City where the licensee is authorized to possess the weapon to another destination outside the City where the licensee is so authorized.

**INFORMATION ABOUT HANDGUN TRANSPORT LAW FOR NEW YORK CITY
(NYC) HANDGUN LICENSEES**

NYS and NYC handgun transport law was amended in 2019. The amended law, which is posted above, allows NYC Premise License holders to transport their licensed handgun to any location where they are authorized to possess it, such as a lawful shooting range. (See the posted law for other examples of authorized locations).

During any transport pursuant to the new law, handgun(s) must be in a locked container, unloaded, with ammunition carried separately.

A second home in New York State (inside or outside of New York City) is not a location where NYC licenses are authorized to possess their handgun unless the NYC licensee has also obtained a separate license to possess the handgun in his or her second home.

Example: Mr. Smith lives in NYC and has a second home in upstate NY. He has a handgun license issued by NYC to possess a particular handgun in his NYC home. Mr. Smith has no license to possess this handgun in his upstate home. Mr. Smith is not allowed to transport his handgun to his second home upstate.

However, if Mr. Smith obtains a license to possess his NYC-licensed handgun (identified by serial number) in his upstate home (from the Licensing Officer where his upstate home is located), then the second home would be considered an authorized location, and Mr. Smith would be allowed to transport his handgun there.

With respect to second homes outside of New York State, the licensee should consult the laws of the applicable jurisdiction to determine what is required to be authorized to possess a handgun in that home.