

NEW YORK CITY POLICE DEPARTMENT

NOTICE OF ADOPTION OF EMERGENCY RULE ESTABLISHING ADDITIONAL RULES FOR RECEIVING A CONCEALED CARRY HANDGUN LICENSE

The New York City Police Department (“NYPD”), pursuant to the authority granted by New York City Charter sections 435 and 1043(i), hereby adopts the following emergency rule, effective immediately, amending rules for receiving a concealed carry handgun license pursuant to New York State Penal Law section 400.00.

Statement of Basis and Purpose of Emergency Rule

Prior to June 23, 2022, New York State required applicants to meet a “proper cause” standard in order to obtain a concealed carry handgun license. The “proper cause” standard required applicants to demonstrate a special need for self-protection, distinguishable from that of the general community, in order to qualify for a carry license. Consistent with State-law requirements, Police Department rules likewise required handgun license applicants to establish “proper cause.” On June 23, 2022, the United States Supreme Court ruled in N.Y. State Rifle & Pistol Ass’n v. Bruen, 142 S. Ct. 2111 (2022), that New York State’s “proper cause” requirement for obtaining a concealed carry firearm license was an unconstitutional restriction on an individual’s Second Amendment right to bear arms for self-defense. In light of the Supreme Court’s decision in Bruen, New York State can no longer require individuals to show “proper cause” in order to receive a carry license.

On July 1, 2022, New York State enacted new statewide licensing standards removing the “proper cause” standard and including additional criteria, effective September 1, 2022, for carry license applicants (Chapter 371 of the Laws of 2022). Accordingly, these emergency rules amend the licensing standards set forth in Chapter 3 and Chapter 5 of Title 38 of the Rules of the City of New York for applying and obtaining a carry license, making them consistent with the new standards enacted by New York State in Chapter 371.

Specifically, these emergency rules:

- eliminate the “proper cause” standard;
- authorize electronic filing of documents relating to handgun licensure;
- add certain documents required to apply for and receive a handgun license, including four character references and a list of current and former social media accounts from the last three years;
- require an in-person interview prior to receiving a handgun license;
- require a certification of completion of the live firearms safety course pursuant to section 400.00(19) of the Penal Law;
- repeal the pre-license exemption application for applicants who use a gun for instructional purposes;
- add a notice requirement for rifle/shotgun permit holders and handgun licensees and require such permit holders and licensees to affirm receipt of such notice; and
- define the Times Square sensitive location zone.

These emergency rules are required so that the State's new firearms licensing standards and conforming changes to the Police Department's firearms licensing scheme take effect simultaneously. Delaying implementation of these rules would severely impede New York City's ability to regulate handgun use and ownership within its jurisdiction. These rules govern the Police Department's administration of rifle/shotgun permits and handgun licenses and are issued on an emergency basis pursuant to Section 1043(i) of Chapter 45 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

* * * indicates omitted text.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter 3 of Title 38 of the Rules of the City of New York is amended by adding a new section 3-15 to read as follows:

§ 3-15 Attestations Prior to Receipt of Permit. Prior to receipt of the permit, the permittee must attest to the receipt of the following information and notifications: (i) the grounds for which the permit issued may be revoked, which shall include, without limitation, the areas and locations where a permittee may not lawfully carry the permitted rifle or shotgun; (ii) that a conviction for unlawfully carrying a rifle or shotgun in such an area or location in violation of §265.01-d or §265.01-e of the New York State Penal Law is a felony for which such permit will be revoked; and (iii) the requirements for safe storage of the licensed rifle or shotgun.

§ 2. Sections 5-01, 5-02, and 5-03 of Subchapter A of Title 38 of the Rules of the City of New York are amended to read as follows:

§ 5-01 Types of Handgun Licenses. As used in this chapter, the term "handgun" shall mean a pistol or revolver. This section contains a description of the various types of handgun licenses issued by the Police Department. [Section 5-09 of this subchapter contains a description of the procedure for obtaining an exemption from New York State Penal Law Article 265, allowing pre-

license possession of a handgun for the purpose of possessing and using a handgun for instructional purposes with a certified instructor in small arms at an authorized small arms range/shooting club.]

(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.

(b) *Carry [Business] License.* This is [an unrestricted] a class of license which permits the carrying of a handgun concealed on the person. In the event that an applicant is not found by the License Division to be qualified for a Carry [Business] License, the License Division, based on its investigation of the applicant, may offer a [Limited Carry Business License or a Business] Premises License to an applicant.

(c) *[Limited Carry Business License.* This is a restricted handgun license which permits the licensee to carry the handgun listed on the license concealed on the person to and from specific locations during the specific days and times set forth on the license. Proper cause, as defined in §5-03, shall need to be shown only for that specific time frame that the applicant needs to carry a handgun concealed on her/his person. At all other times the handgun shall be safeguarded at the specific address indicated on the license, and secured unloaded in a locked container.]

(d)] *Carry Guard License/Gun Custodian License.* These are restricted types of carry licenses, valid when the holder is actually engaged in a work assignment as a security guard or gun custodian.

[(e)] (d) *Special Licenses.* Special licenses are issued according to the provisions of §400.00 of the New York State Penal Law, to persons in possession of a valid New York State County License. The revocation, cancellation, suspension or surrender of such person's County License automatically renders her/his New York City license void. The holder of a Special License shall carry her/his County License at all times when possessing a handgun pursuant to such Special License.

(1) *Special Carry [Business] License.* This is a special license, permitting the carrying of a concealed handgun on the person while the licensee is in New York City.

(2) *Special Carry Guard License/Gun Custodian License.* These are restricted types of special licenses that permit the carrying of a concealed handgun on the person only when the

licensee is actually engaged in the performance of her/his duties as a security guard or gun custodian.

§ 5-02 Premises Licenses. The requirements for the issuance of a Premises License are listed below. The license application shall be investigated, including a review of the circumstances relevant to the information provided in the application. During the pendency of the application, the applicant shall notify the License Division of any necessary correction to or modification of the information provided in the original application, or any change in her/his status or circumstances, which may be relevant to the application. The applicant shall:

(a) Be of good moral character, which shall mean having the essential character, temperament, and judgment necessary to be entrusted with a weapon and to use it only in a manner that does not endanger oneself or another;

(b) Have no prior conviction for a felony or other serious offense, as defined in §265.00(17) of the New York State Penal Law, or of a misdemeanor crime of domestic violence, as defined in §921(a) of title 18 of the United States Code, or of a misdemeanor identified in §400.00(1)(n) of the New York State Penal Law;

(c) Disclose whether s/he is or has been the subject or recipient of an order of protection, [or] a temporary order of protection, or an extreme risk protection order;

(d) Have no prior revocation of a license nor be the subject of a suspension or ineligibility order issued pursuant to §530.14 of the New York State Criminal Procedure Law or §842-a of the New York State Family Court Act;

(e) Disclose any history of mental illness;

(f) Be free from any disability or condition that may affect the ability to safely possess or use a handgun;

(g) Reside or maintain a principal place of business within the confines of New York City;

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

(i) Be at least 21 years of age.

§ 5-03 Carry and Special Handgun Licenses. In addition to the requirements in §5-02, an applicant seeking a carry or special handgun license shall[: be required to show "proper cause" pursuant to §400.00(2)(f) of the New York State Penal Law. "Proper cause" is determined by a

review of all relevant information bearing on the claimed need of the applicant for the license. The following are examples of factors which will shall be considered in such a review.

(a) Exposure of the applicant by reason of employment or business necessity to extraordinary personal danger requiring authorization to carry a handgun.

Example: Employment in a position in which the applicant routinely engages in transactions involving substantial amounts of cash, jewelry or other valuables or negotiable items. In these instances, the applicant shall furnish documentary proof that her/his employment actually requires that s/he be authorized to carry a handgun, and that s/he routinely engages in such transactions.

(b) Exposure of the applicant to extraordinary personal danger, documented by proof of recurrent threats to life or safety requiring authorization to carry a handgun.

Example: Instances in which Police Department records demonstrate that the life and well-being of an individual is endangered, and that s/he should, therefore, be authorized to carry a handgun. The factors listed above are not all inclusive, and the License Division will consider any proof, including New York City Police Department records, which document the need for a handgun license. It should be noted, however, that the mere fact that an applicant has been the victim of a crime or resides in or is employed in a "high crime area," does not establish "proper cause" for the issuance of a carry or special handgun license] show proof of successful completion of a firearm safety training course as required under §400.00(1)(o)(iii) of the New York State Penal Law.

§ 3. Section 5-05 Subchapter A of Title 38 of the Rules of the City of New York is amended to read as follows:

§5-05 Application Form. An applicant for a carry license must meet in person with a licensing officer in the License Division for an interview and must also provide the documents listed in this section.

(a) [An] The application form shall be [distributed, one per person, at the License Division during normal business hours. Assistance in completing the form shall be made available at the License Division. The application form shall be] made available online and be completely

filled out and submitted [in person, at the License Division, and only an original application form shall be accepted. Special license applicants should also specifically refer to paragraph (9) of subdivision (b) of this section for application requirements.] electronically via the License Division's online application portal.

(b) The applicant shall [furnish] upload the items listed below which are applicable, [either] at the time s/he completes and submits her/his application, [in person, or no later than fourteen (14) calendar days after the date of submission of the application , either in person or by mail. All] Incomplete applications will not be reviewed, except as provided in subdivision (c). Upon the License Division's request, applicants shall also make the originals of all documents, certificates, licenses, etc., [shall be submitted in the original] available to the License Division for inspection. A copy certified by the issuing agency as true and complete is also acceptable. [In addition, a legible photocopy of each item submitted shall accompany the original or certified copy.] Originals and certified copies shall be returned. The application shall not be accepted or processed without the required fee payments described in paragraph [(10)] (14) of this subdivision.

(1) *Photograph[s]*. [Two (2)] One (1) color photograph[s] of the applicant taken within the past thirty (30) days. [They should measure 1 1/2 × 1 1/2 inches] The photograph must be in a square aspect ratio with minimum acceptable dimensions of 600x600 pixels and maximum acceptable dimensions of 1200x1200 pixels and must show applicant from the chest up. The wearing of any article of clothing or adornment that obscures identification is not acceptable. [Special license applicants should refer to paragraph (9) of this subdivision.]

* * *

(8) [*Letter of necessity*. (i) A letter of necessity explains the need for the license. It shall be typewritten on current letterhead stationery; signed by a corporate officer, partner, or in the case of a sole proprietorship, the owner of the business. Self-employed applicants may submit such letter under their own signature. The letter of necessity shall be affirmed. A letter of necessity shall be submitted by the following applicants:

(A) All applicants except applicants for a Premises Residence License.

(B) All employees seeking a Premises Business License for use in connection with their employment shall submit a letter of authorization signed by the owner of the business.

(ii) Regardless of whether a handgun license was previously issued by the New York City Police Department or any other issuing authority, the letter of necessity shall contain the following information:

(A) A detailed description of the applicant's employment and an explanation of why the employment requires the carrying of a concealed handgun.

(B) A statement acknowledging that the handgun shall only be carried during the course of and strictly in connection with the applicant's job, business or occupational requirements, as described herein.

(C) A statement explaining the manner in which the handgun shall be safeguarded by the employer and/or applicant when not being carried.

(D) A statement indicating that the applicant has been trained or shall receive training in the use and safety of a handgun.

(E) A statement acknowledging that the applicant's employer or, if self-employed, the applicant, is aware of its or her/his responsibility to properly dispose of the handgun and return the license to the License Division upon the termination of the applicant's employment or the cessation of business.

(F) A statement indicating that the applicant, and if other than self-employed, a corporate officer, general partner or proprietor, has read and is familiar with the provisions of New York State Penal Law Articles 35 (use of deadly force), 265 (criminal possession and use of a firearm), and 400 (responsibilities of a handgun licensee).

(G) At the time of the applicant's interview, the applicant shall be advised whether any additional forms or documents are required. Failure to provide the information requested may result in the disapproval of the applicant's application.] Reserved.

(9) References. The applicant must submit a minimum of four (4) character references who can attest to the applicant's good moral character and that the applicant has not engaged in any act or made any statement that suggests the applicant is likely to engage in conduct that would result in harm to himself or others. Two (2) of these reference must be non-family members.

(10) Social Media. The applicant must submit all of their current and former social media accounts from the past three years.

(11) Training Certification. The applicant must submit a certification of completion of the training required by §400.00(1)(o)(iii) of the New York State Penal Law.

(12) Special carry license applicants shall submit the items listed below:

(i) All applicants shall submit [two (2)] one (1) application form[s], to be filled out completely [and presented by the applicant in person] and submitted via the online application portal. The applicant shall not mail the application forms.

(ii) [All applicants shall submit three (3) $1\frac{1}{2} \times 1\frac{1}{2}$ inch color photographs showing the applicant from the chest up, taken within the past 30 days. The wearing of any article of clothing or adornment that obscures identification is not permitted.

(iii)] The applicant shall [bring] submit via the online application portal her/his current County Handgun License [with her/him to have her/his application processed].

(13) The applicant must maintain and provide to the License Division a functional email address to serve as the applicant's primary means of communication with the License Division.

[(10)] (14) Upon application, required fees are payable to the New York City Police Department and the New York State Division of Criminal Justice Services. Fees to the New York City Police Department shall be paid by certified check or money order made payable to the N.Y.C. Police Department. Fees may also be paid via the online application portal by credit card or e-check.

Note: The fee payable to N.Y.S. Division of Criminal Justice Services applies to all applicants. These fees shall be paid separately. Only U.S. Postal or bank drawn money orders shall be accepted. If the applicant has any questions concerning her/his application, s/he may [call (212) 374-5553] email DG LIC-HandgunNewApps@NYPD.org. Applications shall be submitted [in person at the License Division, Room 110A, Monday through Friday, 8:30 A.M. to 4:00 P.M.] via the online application portal. The License Division is closed on all legal holidays. All fees are non-refundable.

(c) Renewal applications that are due on or before September 30, 2022 must be timely submitted, except that the certification of completion of the training required by §400.00(1)(o)(iii) of the New York State Penal Law may be separately submitted no later than October 31, 2022.

§ 4. Subchapter A of Title 38 of the Rules of the City of New York is amended by adding a new section 5-05.1 to read as follows:

§ 5-05.1 Nonelectronic Communication and Submissions. Notwithstanding any provision of this chapter to the contrary, a person unwilling or unable to submit documents electronically pursuant to this chapter, or to otherwise communicate electronically with the License Division pursuant to this chapter, may contact the License Division at telephone number at (646) 610-5560 to arrange a practicable nonelectronic alternative.

§ 4. Subdivision (a) of section 5-06 Subchapter A of Title 38 of the Rules of the City of New York is amended to read as follows:

(a) An applicant shall initially submit electronically a [typed] license application, which shall be affirmed in writing, in accordance with general handgun license rules, including all personal and business documentation requested. Examples of business documentation would be a company's corporate book, including filing receipt; certificate of incorporation; minutes of the corporate meeting reflecting current corporate officers; business certificate or partnership agreement, whichever is applicable.

§ 5. Subdivision (a) of section 5-07 of Title 38 of the Rules of the City of New York is amended to read as follows:

(a) [It takes approximately six months to process an application] If [her/his] the application is approved the applicant shall receive a "Notice of Application Approval" [in the mail. If the applicant moves during the time her/his application is being processed, the applicant shall immediately notify the License Division's Handgun License Application Section, Room 110A, One Police Plaza, New York, New York 10038, (212) 374-5553, and be guided by their instructions] at the email address provided in the application. The applicant must immediately notify the License Division of any change to their email address by emailing the License Division at DG_LIC-HandgunNewApps@NYPD.org. Failure to make timely notification may result in the disapproval/cancellation of the applicant's application.

§ 6. Section 5-09 of Subchapter A of Title 38 of the Rules of the City of New York, relating to applications for pre-license exemptions, is repealed and reserved.

§ 7. Subdivisions (f) and (n) of section 5-10 of Subchapter A of Title 38 of the Rules of the City of New York are amended to read as follows:

(f) The applicant is the subject of an order of protection, [or] a temporary order of protection, or an extreme risk protection order.

(n) Other information that demonstrates the lack of good moral character, an unwillingness to abide by the law, a lack of candor towards lawful authorities, a lack of concern for the safety of oneself and/or other persons and/or for public safety, and/or other good cause for the denial of the license.

§ 8. Section 5-11 of Subchapter A of Title 38 of the Rules of the City of New York is amended to read as follows:

§5-11 Grounds for Suspension for Defined Period or Revocation of Handgun License. A handgun license may be suspended for a defined period or revoked upon evidence of any disqualification pursuant to this chapter. A handgun license shall be revoked upon [the] a conviction in this state or elsewhere of a felony or a serious offense, as defined in subdivision seventeen of section 265.00 of the penal law, a determination that the applicant knowingly made a material false statement on the application, or as set forth in section 5-30. Evidence of disqualification may be demonstrated by an investigation, by a licensee's failure to cooperate with such an investigation, or by other evidence.

§ 9. Section 5-22 of Subchapter B of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 5-22 Conditions of Issuance.

(a) A handgun license is issued under the following conditions:

* * *

(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 a 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 the dealer in firearms, and shall transport the handgun directly to and from the gunsmith or the dealer in firearms. The handgun shall be secured unloaded in a locked container during transport.

* * *

(b) In the following instances the licensee shall make an immediate report to the License Division – Incident Section [, telephone #(212) 374-5538, 5539] by emailing DG LIC-Incidents@NYPD.org, and to the precinct where the incident occurred. (See additional requirements under "Incident Section" – §5-30).

* * *

(c) In the following instances, the licensee shall make an immediate report to the License Division—Incident Section (see Incident Section – §5-30).

* * *

(8) Licensee is or becomes the subject or recipient of an order of protection [or], a temporary order of protection, or an extreme risk protection order.

(9) Change of email address (see Address Changes – §5-29).

§ 10. Subdivisions (b), (c), (d), and (e) of section 5-23 of Subchapter B of Title 38 of the Rules of the City of New York are amended to read as follows:

(b) *Carry [Business] License*. This is [an unrestricted] a class of license [which] that permits the [carrying of a handgun] licensee to carry a handgun listed on the license concealed on the person.

(c) [*Limited Carry Business License*. This is a restricted handgun license which permits the licensee to carry a handgun listed on the license concealed on the person to and from specific locations during the specific days and times set forth on the license. Proper cause, as defined in §5-03, shall need to be shown only for that specific time frame that the applicant needs to carry a handgun concealed on her/his person. At all other times the handgun shall be safeguarded at the specific address indicated on the license and secured unloaded in a locked container.

(d)] *Carry Guard License/Gun Custodian License*. These are restricted types of carry licenses, valid when the holder is actually engaged in a work assignment as a security guard or gun custodian.

[(e)] (d) *Special Licenses*. Special licenses are issued according to the provisions of §400.00 of the New York State Penal Law, to persons in possession of a valid County License. The revocation, cancellation, suspension or surrender of her/his County License automatically renders her/his New York City license void. The holder of a Special License shall carry her/his County License at all times when possessing a handgun pursuant to such Special License.

(1) *Special Carry [Business]*. This is a class of special license permitting the carrying of a concealed handgun on the person while the licensee is in New York City.

(2) *Special Carry Guard License/Gun Custodian License*. These are restricted types of Special Carry Licenses. The handgun listed on the license may only be carried concealed on the licensee's person while the licensee is actively on duty and engaged in the work assignment which formed the basis for the issuance of the license. The licensee may only transport the handgun concealed on her/his person when travelling directly to and from home to a work assignment.

§ 11. Section 5-24 of Subchapter B of Title 38 of the Rules of the City of New York is amended to read as follows:

(a) *Gun Custodian*.

* * *

(2) Each designee shall submit [to the License Division] through the License Division's online application portal an additional handgun license application for gun custodian., which shall be typed and affirmed in writing, along with two (2) color photos, 1 1/2 × 1 1/2 inches,

taken within the past thirty (30) days, showing the applicant from the chest up, and the necessary fees.]

* * *

(b) *Carry Guard Licensee.*

* * *

(3) An immediate report shall be made in the following instances to the Division Head, License Division and the gun custodian or alternate custodian:

* * *

(iv) Change of email address.

§ 12. Subdivisions (d) and (e) of section 5-25 of Subchapter B of Title 38 of the Rules of the City of New York is amended to read as follows:

(d) *Number of handguns allowed on a handgun license.*

(1) [When the total number of handguns possessed by licensee(s) residing in or located in the same household/business exceeds four, the licensee(s)] All licensees shall utilize a safe when handguns are stored out of the licensee's possession at [the] a premises.

(2) [Requests for handguns in excess of four shall not be entertained without] All licensees must provide proof of the ownership of a safe in which the handguns shall be safeguarded when not in use. Proof of ownership consists of a Bill of Sale for the safe and two color photos of the safe, one with the door open and one with the door closed. Photos may not be stock images and must depict the entirety of the safe, not merely a portion thereof.

(3) The Division Head, License Division reserves the right to accept or reject the type of safe proposed for safeguarding the handguns.

(4) The number of handguns allowed under each type of handgun license is listed below. Requests for additional handguns shall be reviewed on an individual basis. [More than four handguns requires satisfactory evidence of safeguarding to prevent theft, as approved by the Division Head, License Division – see above.]

(i) Carry [Business] and Special Carry [Business] – Two handguns. The Division Head of the License Division may, in her/his discretion and in accordance with applicable law, limit [to one] the number of handguns that appear on the carry handgun license [when the licensee's needs do not require possession of two handguns].

- (ii) [Limited Carry Business – One handgun.] Reserved.
- (iii) Carry Guard and Special Carry Guard – One handgun.
- (iv) Gun Custodian – Number of handguns shall be determined by the Division Head, License Division, consistent with the demonstrated needs of the applicant.
- (v) Premises Business – One handgun.
- (vi) Premises Residence – One handgun.
- (e) *Requests for additional handguns for “Special Handgun Licenses.”*

* * *

(2) Inquiries concerning this type of transaction may be made to the Issuing Unit at telephone [numbers (212) 374-5522 or 5523] number (646) 610-5550.

§ 13. Subdivision (k) of section 5-26 of Subchapter B of Title 38 of the Rules of the City of New York is amended to read as follows:

(k) If the licensee wishes to sell all of her/his handguns and cancel her/his license, s/he may do so by submitting the applicable documentation and her/his handgun license, by [mail] emailing DG_LIC-Cancellations@NYPD.org. (See Cancellation Procedures below.)

§ 14. Subdivision (d) of section 5-27 of Subchapter B of Title 38 of the Rules of the City of New York is amended to read as follows:

(d) All documents and the license shall be returned to the License Division – Cancellation Unit – One Police Plaza, Room 152, New York, New York 10038, by appointment, within ten (10) calendar days of the disposal of handguns, relocation, etc. [If] To make an appointment, or if the licensee has any questions concerning these procedures, s/he may [call telephone number (212) 374-5531 or 5532] email DG_LIC-Cancellations@NYPD.org.

Note: If the licensee relocates out of New York City or New York State, s/he shall immediately contact her/his new local Police Department and receive instructions on how to legally possess her/his handgun(s) in their jurisdiction.

§ 15. Sections 5-28 and 5-29 of Subchapter B of Title 38 of the Rules of the City of New York are amended to read as follows:

§ 5-28 Renewal of the Handgun License. The licensee is required to renew her/his handgun license every three (3) years. The license expires on the licensee's birthday.

(a) The renewal process generally begins sixty (60) calendar days prior to the licensee's month of birth. The licensee shall receive her/his renewal application, instructions, and other required forms and her/his invalidated license [in the mail] electronically. As part of the renewal process, the License Division may require that the licensee produce all licensed handguns for inspection, either using a random selection procedure or when a review of the renewal package discloses the need for such an inspection, as directed by the Commanding Officer, License Division. The licensee shall receive appropriate instructions and a form Affidavit of Handgun Possession, to be completed and affirmed in writing as part of the renewal package. If so directed, the licensee shall transport all licensed handguns to the License Division, One Police Plaza, Room 152, New York, New York or otherwise make the handguns available for inspection, in the manner directed by the instructions. The licensee shall examine the license, complete all required forms including providing color photos, forwarding fees (payable online or by certified check or money order only), etc., and [return] complete and submit the renewal package to the License Division [by mail,] via the online application portal as soon as possible. Upon receipt of the renewal material, the License Division shall process the renewal and return the validated license to the licensee by mail.

(b) [The renewal license is not valid unless stamped and sealed by the License Division. The licensee shall sign her/his license in the designated area on the back of the license.

(c) The renewal application and related documents shall be [mailed] emailed to the address on record for the license. It is the responsibility of the licensee to ensure that they maintain a current and functioning email address on file with the License Division. If the licensee has [moved] changed email address and has not notified the License Division thereof as required by this chapter, the renewal documents shall be returned to the License Division and

her/his license shall be cancelled for failure to notify the License Division of an address change (see Address Change – §5-29).

[(d)] (c) If the licensee has not received her/his renewal documents thirty (30) calendar days prior to her/his birth date, s/he shall contact the Renewal Unit [at telephone number (212) 374-5531, or 5532,] for instructions by emailing DG_LIC-HandgunRenewals@NYPD.org.

[(e)] (d) If the licensee has extenuating circumstances which prevent her/him from renewing prior to her/his birth date, s/he shall submit a notarized letter to the Renewal Unit explaining the circumstances. The License Division shall contact the licensee and advise her/him on how to proceed. However, if the licensee is not notified by the License Division by her/his birth date, s/he shall voucher her/his handgun(s) at her/his local precinct until the matter is resolved.

[(f)] (e) Licensees shall carefully read and comply with the instructions on their renewal documents.

[(g)] (f) Incomplete or incorrectly prepared renewal documents shall not be processed, and shall be returned to the licensee for completion/correction, with a letter indicating the problem, information omitted, etc. Consequently, if as a result of the licensee's error, the licensee fails to submit the required material, fees, etc., by her/his birthday, s/he shall be required to voucher her/his handgun(s) at her/his local precinct until the renewal process is completed.

[(h)] (g) If the licensee's birthday has passed and s/he has not yet renewed, s/he shall immediately voucher her/his handgun(s) at her/his local precinct. The License Division shall not process any late renewals unless a copy of the voucher is attached to the complete renewal application which is to be submitted by mail.

[(i)] (h) Failure to renew the license on time is cause for cancellation of the license.

[(j)] (i) Possession of any unlicensed handgun is a violation of Article 265 of the New York State Penal Law, and may subject the licensee to arrest.

[(k)] (j) Renewal fees shall be payable online or in the form of a money order or a certified check made payable to the N.Y.C. Police Department. Cash and personal checks shall not be accepted.

(l) A licensee applying to renew a carry license must show proof of completion of an additional firearm training course as required by §400.00(1)(o)(iii) of the New York State Penal Law, except as provided in subdivision (c) of § 5-05.

§ 5-29 License Amendments.

(a) All verifying documents shall be submitted via the License Division's online application portal. Originals of all verifying documents shall, upon the License Division's request, be [presented along with photocopies] made available to the License Division for review. After the original documents have been reviewed, they shall be returned to the licensee.

* * *

(4) *Carry Business License name changes.* If the licensee has a Carry Business License and s/he changes her/his business name – but not the nature of the business, the corporate officers, or the location, s/he shall contact the License Division immediately at telephone [(212) 374-5531 or 5532] number (646) 610-5560 for instructions on how to proceed.

(5) *"Special" Carry Handgun License Changes.* Licensees shall call telephone number [(212) 374-5531 or 5532] (646) 610-5560, for specific instructions. However, the licensee's basic County Handgun License shall be amended prior to requesting any amendment of her/his New York City "Special Handgun License."

(6) *Individual name changes.*

* * *

(ii) The aforementioned document(s) shall be [submitted in the original, with a copy attached] submitted electronically via the online application portal and the original(s) made available to the License Division for inspection upon the License Division's request. The License Division shall return the original document to the licensee.

* * *

(b) *New business.*

(1) If the licensee has changed her/his business from the one for which s/he was originally licensed, or her/his current business has had a change of name and/or corporate officers, owners, etc., or the nature of her/his business or responsibilities have changed; or if s/he has ended her/his association with the business, *i.e.*, retired, terminated, resigned, the licensee shall within ten (10) calendar days of the change surrender her/his handgun(s) and license to her/his local precinct for safekeeping. Her/his license may be subject to cancellation. (See 38 RCNY §5-27 – Cancellation of the Handgun License.) Questions may be directed to the Incident Section [(212) 374-5538 or 5539] by emailing DG_LIC-Incidents@NYPD.org.

* * *

(5) All License Types – Email address changes – All licensees shall immediately notify the License Division via the online application portal of any change in email address.

§ 16. Subdivision (a) of section 5-30 of Subchapter B of Title 38 of the Rules of the City of New York is amended to read as follows:

(a) Whenever a handgun licensee is involved in an "Incident," the licensee shall immediately report said incident to the License Division's Incident Section – [Telephone number (212) 374-5538 or 5539 –] by emailing DG LIC-Incidents@NYPD.org. Certain "Incidents" shall also be reported to the "Precinct of Occurrence" (where the incident took place).

§ 17. Subdivision (c) of section 5-32 of Subchapter B of Title 38 of the City of New York is amended to read as follows:

(c) Requests for a records transfer may be [mailed] emailed to the New York City Police Department License Division – Records Unit[, One Police Plaza, Room 152, New York, New York 10038] at DG LIC-Cancellations@NYPD.org. The License Division shall process her/his request as expeditiously as possible once the License Division has received the necessary information, documentation, fee, etc. If the licensee has any questions concerning this matter contact [(212) 374-5522 or 5523] (646) 610-5560.

§ 18. Section 5-33 of Subchapter B of Title 38 of the Rules of the City of New York is amended to read as follows:

§ 5-33 Familiarity with Rules and Law and Other Attestations.

(a) All licensees shall be required to sign an acknowledgment that they shall be responsible for compliance with all laws, rules, regulations, standards, and procedures promulgated by federal, state, or local jurisdictions, and by federal, state, or local law enforcement agencies, that are applicable to this license. The License Division shall provide the licensee with the

acknowledgment statement. This acknowledgment statement shall be affirmed in writing. Failure to affirm the acknowledgment statement shall result in denial of the license application.

(b) Prior to receipt of the license, the licensee must attest to the receipt of the following information and notifications: (i) the grounds for which the license issued may be revoked, which shall include, without limitation, the areas and locations where a licensee may not lawfully carry the licensed handgun; (ii) that a conviction for unlawfully carrying a handgun in such an area or location in violation of §265.01-d or §265.01-e of the New York State Penal Law is a felony for which such license will be revoked; and (iii) the requirements for safe storage of the licensed handgun.

§ 19. Subchapter B of Chapter 5 of Title 38 of the Rules of the City of New York is amended by adding new sections 5-34 and 5-35 to read as follows:

§5-34 Times Square Sensitive Location Zone.

(a) For the purposes of paragraph (t) of subdivision 2 of section 265.01-e of the penal law, the area commonly known as Times Square means and includes the following tract in Manhattan, bounded and described as follows: (i) BEGINNING at the point of intersection of the north side of West 48th Street and the west side of Ninth Avenue; (ii) thence southerly along the west side of Ninth Avenue to the point of intersection where the west side of Ninth Avenue meets the south side of West 40th Street; (iii) thence easterly along the south side of West 40th Street to the point of intersection where the south side of West 40th Street meets the east side of Sixth Avenue; (iv) thence northerly along the east side of Sixth Avenue to the point of intersection where the east side of Sixth Avenue meets the north side of West 53rd Street; (v) thence westerly along the northern side of West 53rd Street to the point of intersection where the north side of West 53rd meets the west side of Eighth Avenue; (vi) thence southerly along the West side of Eighth Avenue to the point of intersection where the West side of Eighth Avenue meets the north side of West 48th Street; and (vii) thence westerly along the north side of West 48th Street until the point of intersection where the north side of West 48th Street meets the west side of Ninth Avenue (the point of beginning). Where the area described in this subdivision is bounded and described by a side of a street or avenue, it shall be deemed to include the sidewalk of such side. For the purposes

of paragraph (t) of subdivision 2 of section 265.01-e of the penal law, the area commonly known as Times Square does not include the interior of any building or other enclosed structure; provided, however, that such a building or structure may otherwise constitute a restricted or sensitive location pursuant to section 265.01-d or 265.01-e of the penal law.

(b) This section shall expire and be deemed repealed upon the enactment of a local law defining the area commonly known as Time Square for the purposes of paragraph (t) of subdivision 2 of section 265.01-e of the penal law.

§5-35 Times Square Sensitive Location Zone: Permitted Activities.

The following licensees may carry a licensed handgun in the Times Square sensitive location zone, as such zone is described in this chapter or local law, as follows.

(a) A carry licensee who resides in such zone may carry such handgun only directly to or from their dwelling and an area outside of such zone, provided that such transport must be continuous and uninterrupted;

(b) A business premises licensee whose place of business that is identified on such license is located in such zone, or a residence premises licensee whose residence identified on such license is located in such zone may carry a handgun to and from their place of business or residence, respectively, in accordance with the standards set forth in section 5-23(a) and such handgun must be unloaded and carried in a locked container and the ammunition for such handgun must be carried separately;

(c) A rifle/shotgun permittee whose residence identified on such license is located in such zone may carry such rifle/shotgun to and from such residence and a licensed range or hunting area, in a manner consistent with section 3-14(b); and

(d) A carry licensee or a premises licensee may transport such handgun directly through such zone while operating, or while a passenger within, a motor vehicle, provided that such transport must be continuous and uninterrupted; such handgun must be unloaded and carried in a locked container; and the ammunition for such handgun must be carried separately.

Required Finding Pursuant to New York City Charter Section 1043(i)(1)

IT IS HEREBY CERTIFIED that the immediate effectiveness of this emergency rule, which establishes additional rules, regulations, and procedures for receiving a concealed carry handgun license to address the necessity to alter existing rules and regulations due to N.Y. State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111 (2022).

Prior to June 23, 2022, New York State had a proper cause requirement for obtaining a concealed carry handgun license. This required applicants to demonstrate a special need for self-protection, distinguishable from that of the general community in order to qualify for a carry license.

On June 23, 2022, the United States Supreme Court ruled in Bruen that the proper cause requirement was an unconstitutional restriction on carry licenses. New York City likewise cannot impose the proper cause requirement. Due to the high density and high traffic nature of New York City's public spaces, serious concerns are raised about public safety, which necessitates a clear and consistent licensing scheme to persist. The State of New York subsequently passed a series of reforms to the licensing process that will go into effect on September 1, 2022, but will not apply to existing applications.

These changes will ensure that the New York City Police Department's rules for the issuance of gun licenses is consistent with the recent state law and will provide clarification for applicants in the future.

Delaying implementation of these emergency rules, regulations, and procedures would be detrimental to the public's safety and constitutional rights of license applicants within New York City. Furthermore, delaying implementation would severely impede New York City's ability to regulate handgun use and ownership within its boundaries.

Pursuant to section 1043(i)(2) of New York City Charter, the emergency rule will remain in effect for 60 days while the NYPD prepares a permanent rule.

IT IS HEREBY CERTIFIED that the immediate effectiveness of a rule authorizing the NYPD to regulate concealed carry handguns within in New York City in order to maintain the public's safety is necessary in light of the Bruen decision and recent changes to state law.

Dated: August 23, 2022

/s/ Keechant Sewell

Keechant Sewell
Police Commissioner

Dated: August 23, 2022

Approved

/s/ Eric Adams

Eric Adams, Mayor