



POLICE DEPARTMENT, COUNTY OF SUFFOLK, N.Y.
PISTOL LICENSING BUREAU
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 OFFICE HOURS: MONDAY TO FRIDAY 9:00 AM TO 4:30 PM
 PDCS-4020



AUTOMATIC LICENSE DISAPPROVALS

License applications will automatically be disapproved for the following reasons:

AUTOMATIC PISTOL LICENSE DISQUALIFIERS PURSUANT TO NEW YORK STATE LAW

1. Failing to indicate on the application that the applicant has been confined to any hospital or institution, public or private for mental illness.
2. Being convicted anywhere of a felony or serious offense.

SERIOUS OFFENSES, AS DEFINED BY §265.00 (17) OF THE NYS PENAL LAW, ARE AS FOLLOWS:

PRESENT PENAL LAW

- 120.45 Stalking in the fourth degree
- 120.50 Stalking in the third degree
- 125.60 Issuing abortifacient articles.
- 130.00 Offenses defined in Art. 130. (Sex Offenses), sections 130.20 Sexual Misconduct; Rape, all degrees; Consensual Sodomy; Sodomy, all degrees; Sexual Abuse, all degrees; Aggravated Sexual Abuse, all degrees; Course of Sexual Conduct Against a Child, all degrees.
- 140.45 Possession of Burglar's Tools.
- 165.25 Jostling
- 165.30 Fraudulent Accosting
- 165.40 Criminal Possession of Stolen Property 3rd.
- 220.00 Criminal Possession of a Controlled Substance, all degrees; Criminal Sale of a Controlled Substance, all degrees; Criminal Sale of a Controlled Substance in or Near School Grounds, Criminal Possession Hypodermic Instrument; Criminal Injection of a Narcotic Drug; Criminally Using Drug Paraphernalia, all degrees; Criminal Possession of Precursors of Controlled Substances; Criminal Sale of a Prescription for a Controlled Substance.
- 230.40 Promoting Prostitution 3rd;
- 235.00 Obscenity, and related offenses defined in section 235, sections 235.05 Obscenity 3rd; 235.06 2nd; 235.07 1st; 235.10 Obscenity; presumptions; 235.15 Obscenity or disseminating indecent material to minors 2nd; 235.21 Disseminating indecent material to minors 2nd; 235.22 1st;
- 240.35.3 Loitering - public place for engaging, or soliciting to engage with another, in deviate sexual intercourse or other sexual behavior of a deviate nature.
- 260.10 Endangering the Welfare of a Child.
- 265.01 Criminal Possession of a Weapon 4th; - Possesses any firearm, electronic dart gun, gravity knife, switchblade knife, pilum ballistic knife, cane sword, billy, blackjack, bludgeon, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken or "Kung Fu star. 265.01 sub.2 Criminal Possession of a weapon 4th; - Possession with intent to use against another, dagger, dangerous knife, dirk, razor, stiletto, imitation pistol. 400.00.11

For the purposes of section 400.00, the term Serious Offense shall include a willful failure to obey a lawful Order of Protection issued under article eight of the Family Court Act or section 530.12 of the Criminal Procedure Law, where such willful failure involves the infliction of serious physical injury, or the use or threatened use of a deadly weapon or dangerous instrument.

OLD PENAL LAW - PRIOR TO SEPTEMBER 1, 1967

- 33 Public Health Law relating to narcotic drugs which was defined as a misdemeanor by section 1751a.
 - 33A Public Health Law relating to depressant and stimulant drugs defined as a misdemeanor by section 1747b.
 - 106 Sodomy or rape which was designated as a misdemeanor.
 - 235.20 Disseminating indecent material to minors. (old 484 sub. h).
 - 405 Unlawful entry of a building.
 - 408 Making or Possession of Burglar Instruments.
 - 483 Endangering life or health of a child.
 - 483 sub.b Carnal abuse of child over 10 and under 16 years of age.
 - 690 See Art. 106.
 - 722 sub.6 Disorderly Conduct (Jostling.)
 - 722 sub.8 Disorderly Conduct (Loiters for purpose of committing a crime against nature or other lewdness.)
 - 1308 Buying or Receiving Stolen Property.
 - 1696 Aiding Escape From Prison.
 - 1751 sub.a See Art. 33
 - 1747 sub.b See Art. 33A
 - 1897 sub.1 Illegally using, carrying or possessing a pistol or other dangerous weapon.
3. Having had a license revoked or being under a suspension or ineligibility order issued pursuant to the provisions of section 530.14 of the Criminal Procedure Law (Mandatory and permissive suspension of firearms license and issuance of temporary Order of Protection by the courts pursuant to subdivision one of section 530.12 or subdivision one of section 530.13) or section 842(a) of the Family Court Act (court order of protection).
 4. Having 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 having been civilly confined in a secure treatment facility pursuant to article ten of the Mental Hygiene Law.
 5. Having had a guardian appointed 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, an individual lacks the mental capacity to contract or manage his or her own affairs.

AUTOMATIC PISTOL LICENSE DISQUALIFIERS PURSUANT TO FEDERAL LAW

1. Being convicted of a misdemeanor crime of domestic violence.
2. Being a fugitive from justice.
3. Being an unlawful user of or addicted to any controlled substance.
4. Being an alien who is illegally or unlawfully in the United States.
5. Having been discharged from the Armed Forces under dishonorable conditions.
6. Being an individual who, having been a citizen of the United States, has renounced his citizenship.
7. Being subject to a court order that:
 - (A) Was issued after a hearing of which such person received actual notice, and at which such person has an opportunity to participate;
 - (B) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
 - (C)
 - (i) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or
 - (ii) By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

DOMESTIC VIOLENCE

Federal Law prohibits anyone from possessing firearms or ammunition if they are, or have been convicted of a misdemeanor crime of domestic violence. The term misdemeanor crime of domestic violence means "any offense defined as a State or Federal misdemeanor, whether or not explicitly described in a statute as a crime of domestic violence, which has, as its factual basis, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by the victim's current or former domestic partner, parent or guardian." The term, "convicted" is generally defined in the statute as excluding anyone whose conviction has been expunged or been set aside, or anyone who has received a pardon.

ADDITIONAL REASONS FOR DISAPPROVAL

The lack of an “automatic bar” in your background does not guarantee the issuance or renewal of a pistol license. There are many other factors that are considered in the investigation into an individual’s qualification to possess a pistol license. Reasons for disapproval, other than the above referenced automatic bars include, but are not limited to:

1. Having had a pistol license revoked in the last five years.
2. Falsification of any part of the application or accompanying paperwork.
3. The concealment or omission of any information during the application process.
4. A lack of truthfulness on the application and any accompanying paperwork.
5. If the director of community services or his or her designee has made a report pursuant to section 9.46 of the Mental Hygiene Law indicating that the applicant, or a member of his/her household is likely to engage in conduct that would result in serious harm to self or others.
6. Lack of good moral character.
7. Other good cause.

CERTIFICATE OF RELIEF FROM DISABILITIES

On occasion, an applicant who was convicted for a felony or serious offense submits, pursuant to Correction Law Section 701, a certificate of relief from disabilities. This certificate neither requires nor prevents the issuance of a pistol license. The Penal Law, Sec. 400(1) provides that a pistol license may not be issued to a person who has been convicted of a felony or serious offense, but Correction Law Sec. 701 states that, once a certificate is granted, the conviction to which it relates may no longer be considered a conviction for purposes of that Penal Law provision. Thus, the certificate removes the absolute disqualification established for convicted persons in Penal Law Sec. 400(1). **This does not mean, however, that the license must be issued.** The applicant's background, including the conviction, may still be evaluated and considered in determining the applicant’s qualification to possess a pistol license. The certificate must be checked off in box (C), and the details for box (C) must indicate, “For the purpose of obtaining a pistol license”, Correction Law Section 701(3) states: A certificate of relief from disabilities shall not, however, in any way prevent any judicial, administrative, licensing or other body, board or authority from relying upon the conviction specified therein as the basis for the exercise of its discretionary power to suspend, revoke, refuse to issue or refuse to renew any license, permit or other authority or privilege.