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## LEGISLATIVE ALERT

### ACTION NEEDED TO END JUDICIAL ABUSE OF THE PISTOL PERMIT SYSTEM

In all of New York's counties, outside of New York City, the Pistol Permit licensing officer is usually a county judge and over the years many of these judges have routinely abused their discretionary authority over issuing pistol licenses. The clear intent of the legislature in Penal Law 400 was that a law abiding citizen that met certain requirements was to be issued a concealed carry license without restrictions. Detailed below are some examples of abuse of discretionary powers that is typical of county judges throughout New York.

**St. Lawrence County** Judge Jerome Richards states that there is no statutory authority for concealed carry licenses yet Penal Law 400 clearly authorizes, under types of licenses, "have and carry concealed, without regard to employment or place of possession". Judge Richards refuses to issue unrestricted concealed carry licenses and has gone as far as to create a new class of restricted carry license called "Outdoor Sports License" that allows concealed carry when engaged in various outdoor activities including "berry picking".

**Warren County** Judge John Hall after clearly indicating that he would support the Second Amendment rights of citizens stopped issuing concealed carry licenses and no longer allows cross licensing of handguns. Penal Law 400 does not specifically authorize cross licensing of handguns nor does it prohibit it.

**Oswego County** Judge James McCarthy also has stopped allowing cross licensing of handguns a practice that makes it impossible for licensed household members to use the same commonly owned handguns legally for carry.

**Niagara County** Judge Peter Broderick with no statutory authority whatsoever now requires a pistol license applicant to have a gun safe and allow a Sheriff's inspection of that safe before he will issue a permit. Additionally, he will automatically suspend a pistol permit and confiscate your guns if you should have a gun stolen from your home. There are some serious constitutional questions raised by his actions.

**A10063/S7014 Schimminger/Johnson** will eliminate the ability of judges to make up their own rules and require them to hold to the intent of the legislature as spelled out in Penal Law 400. **These judges are blatantly ignoring the authority of the legislature and are, in fact, legislating from the bench.** Contact your Assembly and Senate representatives today and urge them to support these bills.

<http://assembly.state.ny.us/mem/?ad=&submit=Go>

<http://www.senate.state.ny.us/senatehomepage.nsf/senators?OpenForm>