



POSITION STATEMENT

A0801A/S1598A, S0066, A3076B/S5489 & S3597 GOVERNOR'S PROGRAM BILL #35 PISTOL LICENSE RENEWAL TRAINING FOR PISTOL LICENSE APPLICANTS

CONCEPT

Two bills have been proposed that, if enacted, would modify the pistol license issuance and management process:

A0801A/S1598A and S0066 require a five year renewal for all pistol licenses outside of the City of New York. Nassau and Suffolk Counties already have five year renewal, and Westchester County has five year certification. Neither the current law, nor this proposal, provides any guidance on what would constitute license renewal nor establishes fees.

A3076B/S5489 and S3597 requires completion of a firearms safety course and test approved by the Superintendent of State Police prior to the issuance of a license. The length of training or content is not specified.

In addition, the Governor has proposed a program bill that has not yet been introduced.

The sponsor of the renewal bill states as justification the need to bring records up to date and to "ensure ... that handguns do not fall into the wrong hands". While much of the justification statement suffers from factual inaccuracies, it is true that the licensing records contain some outdated or erroneous data as well as listing deceased licensees as "active".

The sponsor of the training requirement bill did not provide a justification statement.

POSITION

In the United States of America, forty states are right-to-carry states and do not require a permit to purchase or possess a handgun. These states issue concealed carry permits to citizens of legal age excluding criminals or the mentally deficient. In contrast, simple possession of a handgun in New York is not granted without a valid permit. Currently, pistol permits issued outside of New York City are valid until revoked for sufficient cause. Legislation requiring renewal of permits every five years increases the cost and burden to citizens who choose to exercise their civil right to keep and bear arms.

New York State does not require the completion of a training course prior to the purchase of a long gun. Although well intentioned, legislation requiring a safety training course prior to issuing a pistol permit places an additional burden upon the exercise of a recognized civil right. Furthermore, evidence shows that such training is unnecessary. Rigorous studies (1,2,3,4) reveal that allowing citizens to carry concealed firearms

deters violent crime with no increase in accidental deaths, and citizens who are granted conceal carry permits are so thoroughly vetted that they are five times less likely to commit a crime than the average non-permit holder and their rate of criminality is Threefold lower than that of law enforcement officers themselves.

Although both of these bills raise legitimate concerns, neither proposal provides a reasonable or comprehensive course of action.

Neither of these bills contains sufficient specificity to permit an evaluation of their potential effectiveness in satisfying the stated justification, nor establish the burden they would impose on licensees. Neither bill is acceptable as proposed.

1. Right-to-Carry Laws and Violent Crime Revisited: Clustering, Measurement Error, and State-by-State Break Downs. (2004).

Lott, John R.

Social Science Research, No. 523002.

<http://ssrn.com/abstract=523002> or DOI: 10.2139/ssrn.523002.

2. Crime, Deterrence, and Right to Carry Concealed Handguns. (1996).

Lott, John R. & Mustard, David B.

Journal of Legal Studies. Vol 26:1 (1-68).

<http://www.journals.uchicago.edu/doi/abs/10.1086/467988>

3. An Analysis of the Arrest Rate of Texas Concealed Handgun License Holders as Compared to the Arrest Rate of the Entire Texas Population 1996 - 1998, Revised to include 1999 and 2000 data. (2001).

Sturdevant, William E., PE.

<http://www.txchia.org/sturdevant2000.htm>

4. A Comparison of Statistics on Arrests of Police Officers, published by the Washington Post on 8/28/94, to Florida Department of Law Enforcement Statistics submitted to the Governor on 3/15/95.

<http://www.concealedcampus.org/pdf/sfgfs.pdf>

A0828/S5459

POSSESSION BY UNLICENSED PERSONS FOR TRAINING

CONCEPT

The proposed legislation would permit individuals to receive training in the safe handling of firearms under controlled conditions prior to the issuance of a license. The purpose is to provide for more effective pre license training.

POSITION

We fully support this proposal. PL §265.20(a)(7a) and PL §400.00(3)(b) were intended to permit this but specify such complex administrative and investigative procedures as to render it unusable for the intended purpose. The ability to handle firearms during pre license training classes would allow a more effective pre-licensing course and permit the inclusion of existing programs, such as the NRA Basic Pistol Course, that require handling and firing of firearms to demonstrate comprehension of the material.

A6187/S3478
LIMITATIONS ON LICENSING OFFICERS' DISCRETION

CONCEPT

This proposal would limit the ability of licensing officers to impose restrictions not specified by statute on pistol licenses. Under current law, licensing officers are not limited in their ability to impose conditions based on personal beliefs or local political philosophy.

POSITION

We fully support this proposal. The licensing officer may, and in fact is expected, to make subjective judgments as to the fitness of applicants to receive licenses. The law gives them considerable discretionary authority and this authority has been upheld in litigation. The problem arises when they impose their personal or local political philosophy rather than use the fair and reasonable standards on which these decisions were intended to be based. This has resulted in a lack of consistency in the administration of a system that was intended to function statewide with uniform criteria and administrative procedures. Individuals who meet the statutory requirements should receive licenses.

A820
CONFIDENTIALITY OF PISTOL LICENSE INFORMATION

CONCEPT

This proposal would prohibit the disclosure of any information contained in a pistol license application, obtained during processing, or maintained after issuance from disclosure for other than law enforcement purposes.

POSITION

We fully support this legislation. Current law allows disclosure of the names and addresses of license holders, providing information to potential criminals and potentially facilitating the theft of firearms. There is no conceivable public purpose in making this information available for potential criminal misuse.

This bill provides broader protection than that offered in the Governor's Program Bill #35. The program bill protects only the licensee's address. We see no need for the public disclosure of any information related to individual pistol license holders for other than law enforcement purposes.