



## Lost or Stolen Firearms Investigations



Each year, thousands of firearms are reported lost or stolen. The owners' ability to adequately identify these firearms is central to law enforcement's ability to investigate these crimes and losses.

Insurance claims and reacquisition of recovered firearms will also hinge on the ability to correctly identify these firearms.

Firearms owners should maintain an accurate record log of all the guns they own and inform family members where to find such a document if the need arises.

This is an important step in the effort to identify loss or prevent thefts and to keep firearms out of the hands of criminals.

**Remember:**

***"A stolen or lost gun  
threatens everyone."***

# A Guide to Transferring Firearms and Close-Out a Pistol Permit

*This guide is designed to assist family members on what to do when a Pistol Permit Holder is no longer able to secure or maintain their firearms safely.*

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**Erie County Clerk's Office**

Old County Hall • 92 Franklin Street, Suite 1 • Buffalo, NY 14202

## How to Close Out a Pistol Permit of a Deceased Family Member

NEW YORK STATE PENAL LAW (SECTIONS 400.05 AND 265.20) REQUIRES THAT UPON A PISTOL PERMIT HOLDER'S DEATH, THE DECEDENT'S ESTATE MUST, ***WITHIN 15 DAYS***, TURN OVER THE DECEDENT'S FIREARM(S) TO ANOTHER PISTOL PERMIT HOLDER OR A LICENSED DEALER.

IF THE HANDGUN(S) ARE NOT DISPOSED OF WITHIN THE FIFTEEN DAY PERIOD, THE HANDGUN(S) MUST BE TURNED INTO A LAW ENFORCEMENT AGENCY, WHICH WILL HOLD THE HANDGUN(S) FOR SAFEKEEPING UNTIL PROPER DISPOSAL CAN BE ARRANGED OR AUTHORIZATION IS GIVEN FOR DESTRUCTION.

THE HANDGUN(S) CAN ONLY BE HELD FOR A PERIOD OF ONE YEAR, AT WHICH TIME THEY ARE DECLARED A NUISANCE AND DESTROYED IN ACCORDANCE WITH NEW YORK STATE PENAL LAW.

TO PROPERLY TRANSFER HANDGUN(S) OF A DECEDENT THAT HAD AN ERIE COUNTY PISTOL PERMIT TO ANOTHER NYS PISTOL PERMIT HOLDER:

EXECUTOR OR ADMINISTRATOR OF THE ESTATE MUST COMPLETE THE "***TRANSFER OF ESTATE***" FORM FOR ALL WEAPONS LISTED ON THE PISTOL PERMIT. THAT FORM IS AVAILABLE ON THE ERIE COUNTY PISTOL PERMIT WEBSITE [WWW.ERIE.GOV/CLERK/PISTOLPERMITFORMS](http://WWW.ERIE.GOV/CLERK/PISTOLPERMITFORMS).

SUBMIT THE ***SIGNED FORM*** TO THE ERIE COUNTY CLERK, PISTOL PERMIT DIVISION, ALONG WITH THE FOLLOWING REQUIRED DOCUMENTATION:

- PHOTOCOPY OF DEATH CERTIFICATE
- PROOF OF EXECUTOR, EXECUTRIX, OR ADMINISTRATOR (PHOTOCOPY OF PAGE OF THE WILL OF THE DECEASED, OR AUTHORIZATION LETTER/FORM FROM SURROGATES COURT NAMING EXECUTOR.)
- PERMIT OF THE DECEDENT (IF AVAILABLE)
- PROOF OF NICS BACKGROUND CHECK, IF APPLICABLE
- PROPERTY RECEIPT FROM A POLICE AGENCY, IF APPLICABLE

IF YOU ARE SELLING/GIVING GUNS TO ANYONE OUTSIDE OF NEW YORK STATE, THE WEAPONS MUST BE TAKEN TO A NYS FIREARMS DEALER TO HAVE THEM SHIPPED OUT OF STATE.

WE ARE REQUIRED TO CHARGE A \$3.00 PROCESSING FEE FOR THE CLOSE-OUT OF ALL PISTOL PERMITS; PAYMENT MUST BE IN THE FORM OF A CHECK OR MONEY ORDER PAYABLE TO THE ERIE COUNTY CLERK. ADDITIONAL FEES WILL APPLY IF TRANSFERRING WEAPONS TO ANOTHER PERMIT HOLDER.

*Please Note: This pamphlet is informational only and does not constitute legal advice*

**Erie County Clerk's Office  
Pistol Permit Department**



**ERIE COUNTY  
CLERK'S OFFICE**

Pistol Permit Department  
92 Franklin Street  
Buffalo, NY 14202  
716-858-6600

### TRANSFER OF ESTATE

THIS FORM ACKNOWLEDGES THAT THE EXECUTOR OR ADMINISTRATOR OF A DECEDENT'S ESTATE  
ALLOWS THE "BUYER" TO ADD THE FIREARM TO THEIR ERIE COUNTY PISTOL PERMIT

Name of Decedent: \_\_\_\_\_ Permit #: \_\_\_\_\_  
*Please Print*

Name of Executor/Administrator of Estate: \_\_\_\_\_  
*Please Print*



### STATEMENT OF TRANSFER

As Executor/Administrator of the Estate of the above named individual, I hereby do transfer the following

firearm(s) to \_\_\_\_\_ whose Permit # is \_\_\_\_\_  
*Name of Buyer* *Buyer's Permit #*

and address is \_\_\_\_\_  
*Street* *City* *County*

MAKE	Revolver or Automatic	Model	Serial Number

### SIGNATURE OF EXECUTOR/ADMINISTRATOR OF ESTATE

The following documentation is required:

- Photocopy of Death Certificate
- Proof of Executor, Executrix, or Administrator (photocopy of page of Will of the deceased or authorization letter/form from Surrogates Court naming Executor.)
- The Deceased Person's Permit, if available
- Proof of NICS Background Check, if applicable
- Property Receipt from Police Agency, if applicable

*NOTE: If selling/giving firearms to anyone outside of New York State, the weapons must be taken to a Licensed New York State Firearms Dealer to be properly shipped out of state.*

**\*\*Please Return to the Erie County Pistol Permit Department\*\***

**Visit us at [www.erie.gov/clerk/pistolpermits](http://www.erie.gov/clerk/pistolpermits)**