

# SAFE Act Pistol Permit Renewals

By [Peter Vasilion](#), on December 14th, 2014

The NY Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 changed pistol permits into a renewable license. Renewal and re-certification of a permit holder's eligibility is now mandatory and affects every one of our Members. If a pistol permit holder were to fail to re-new and re-certify his or her eligibility to possess a pistol license, that permit holder could (probably would) be charged with at least one Class A Misdemeanor, punishable by up to one year of incarceration. What follows is our current understanding of the process and how obtained this information:

On Tuesday November 18, 2014, the State Police gave a presentation to the State Association of County Clerks on the recertification process required under the New York State Safe Act.

A pilot of the recertification process will begin in January of 2015. Three counties will pilot the State Police renewal scheme: Albany, Schenectady and Fulton.

Under the SAFE Act and the State Police renewal process, you will need to verify the following information on your pistol permit to the New York State Police every 5 years: name, DOB, gender, race, residential address, social security number, the firearms possessed, and (optionally) your e-mail address.

The official purpose of the recertification is to update information. It is expected that once the pilot programs work out flaws in the State Police scheme, you will have up to three years to do your first recertification. If you still have not recertified after three years, you will receive a notice to recertify. Once you have completed your first recertification, you must recertify every five years thereafter. If you do not recertify, your permit will no longer be valid and a number of nasty things can happen to you, including your arrest and prosecution for, among other things, criminal possession of a weapon or multiple counts thereof.

Assuming the Pilot Program succeeds, the following will occur in the remaining 49 Counties:

1. You will receive an invitation from the NYSP to recertify. The invitation will contain a computer user ID and password or PIN number. The State Police wish to have as many people recertify electronically as possible. This is to minimize the labor required on their end to populate the database.
2. The invitations will direct the permit holders to a state police website where they can fill out the recertification form online. The form can be saved or downloaded so you can work on it offline. The invitation will also inform you that you can pick up a paper recertification form at your local State Police Barracks.
3. There will be no county seal or any other county identifier on the letters to be sent out. The renewal program, explicitly and by statute, is not administered on the local level.

4. You will be invited to recertify immediately, although recertification is not required prior to January 31, 2018.
5. Recertification letters will be sent out state wide to selected groups between March-June 2015 as part of the pilot program.
6. Once approved the State Police will issue a plastic recertification card that will need to be carried with the permit at all times.
7. The recertification web site will only be available to individuals who have already received an invitation to recertify with a user id and password. There will be a "save" function on the State Police website so the recertification can be completed across more than one computer session.
8. The paper forms can be filed by anyone at any time.
9. The applicant's home address will be checked against DMV records.
10. Out-of-state permit holder recertifications will be sent to the originating licensing officer for processing.
11. Any permit holder who does not have a valid NYS driver's license or non-driver's ID will be required to get one. This includes out of state residents that are permit holders. As has been pointed out, a non-resident, out-of-state, permit holder cannot legally obtain a New York State Drivers License. It is uncertain at the time of this writing whether they can obtain a NYS non-driver ID.
12. The original issuing county will be notified when a recertification is approved. However, the County Clerks do not have a roll in the recertification because it is wholly a State Police function.
13. Any discrepancies between the permit holder's information on file and the recertification form must be corrected by "amendment" to the license at the county level. In this context, an "amendment" is simply a correction of the local Clerk's record and the issuance of a corrected permit. In Erie County, a new plastic pistol permit card will be issued with the new information. In counties that still rely on paper permits, the old information will be whited-out and re-typed. Applicants will be instructed to file an amendment with their County Clerk to resolve any discrepancies and the permit holder must pay the required amendment fee (\$3.00) charged by the Clerk. This is no different than when you update your address information at the local Clerk's office.
14. When a permit holder recertifies online, he or she will be able to print out a receipt with a tracking number. That tracking number can then be used to check where the application is in the process at the State Police.

15. If the applicant recertifies by mail they will receive a return receipt with a tracking number. The State Police do not encourage the use of certified mail even though it would be a proof of mailing an application and proof it was received.

16. The recertification application is just like a pistol permit application without the references. The applicant is required to list all arrests, drug or alcohol treatments, mental illnesses or family court petitions or charges.

17. The applicant lists all hand guns registered to him on the recertification application form. This information may need to be reconciled with the State Police database.

18. There are four steps to the recertification process:

- a. Submission of application
- b. Acceptance of the application
- c. Review/ Return for correction
- d. Approval/Revocation

19. Once submitted, the recertification application will be checked against the following data bases:

- a. NCIC (National Crime Information Center)
- b. MHL/946 (State-Wide registry of persons detained under Mental Hygiene Law)
- c. New York State Registry of Orders of Protection
- d. DMV (for proof of registry and also to deny permits to child support scofflaws)
- e. NYS Division of Parole
- f. NYS Department of Probation
- g. NYS Wanted and Missing Persons Registry

20. If databases “a” through “g” FAIL to reveal any cause to suspend or revoke the license, then the application (recertification) will be approved and the recertification card will be issued.

21. If databases “a” through “g” DO reveal any cause to suspend or revoke the license, then the permit holder will be referred to the County licensing officer for a suspension/revocation hearing or for action to clarify the discrepancy.

22. If the New York State Police determines that it cannot re-certify the permit FOR ANY REASON, the recertification is sent to the local licensing officer for review. The permit holder

will have his entire application reviewed by the State Police and the application may be referred to a licensing officer for further review even if the information disclosed on the recertification application is the same as the information provided in the initial pistol permit application.

23. In the event that NCIC returns a positive result (meaning, the NCIC database shows there is a disqualifying event in the permit holder's criminal records), then the County Licensing Officer MUST revoke the permit.

24. The licensing officer would be responsible for recertifying a permit if the permit holder committed a non-federal crime and obtained a Certificate of Relief from Disabilities. **THE PERMIT HOLDER WILL BE RESPONSIBLE FOR OBTAINING AND PROVIDING THE LICENSING OFFICER** with a certificate of relief from disabilities for past problems that are not covered by the federal disqualification list (that is, any local or state level criminal convictions).

25. There are three letters that are possibly sent to a permit holder seeking to recertify the pistol permit:  
a. Letter calling for re certification  
b. Letter stating there is a discrepancy to be resolved  
c. Letter granting recertification

26. After January 31, 2018 any failure to recertify results in an "automatic revocation" of the Pistol Permit. The local County Licensing officer will be the official to actually revoke the permit.

27. There will be a check box on the recertification form for a co-registered weapon.

28. The pistol permit holder has the option to have the information on the recertification application exempted from public disclosure. You must check the "exempt" box otherwise your information becomes disclosable to the public.

29. According to Lt. James Sherman of the New York State Police, the object of the recertification process is to create a "pristine" data base that any law enforcement official would be able to access at any time with real time information.

30. Lt Sherman stated that the pistol permit data would be linked to the DMV data base and an officer would know a pulled over vehicle was owned by a pistol permit holder. Local criminal defense attorneys believe that most law enforcement agencies already have this information.

31. The New York State Police may in the future require that the driver's licenses of permit holders be made to indicate that the driver is licensed to possess a firearm on the face of the driver's license.