

## Pistol Permit Disqualifications

Conviction of a felony or serious offense or the subject of an outstanding warrant of arrest issued upon the alleged commission of a felony or serious offense. (See serious offenses below)

Any misdemeanor offense in any jurisdiction or in the former penal law that includes all of the essential elements of a felony offense as defined in the current penal law.

You are a fugitive from justice

You are an unlawful user of or addicted to any controlled substance as defined in section 21 U.S.C. 802

Illegally or unlawfully residing in the United States

Dishonorably discharged from the Armed Forces

Renounced your United States Citizenship

Suffered from any mental illness, been involuntarily committed to a facility under the jurisdiction of an office of the department of mental hygiene, civilly confined in a secure treatment facility, or has been the subject of a report made pursuant to section 9.46 of the mental hygiene law

You have not had a permit revoked or under suspension or ineligibility order

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, incompetency, incapacity, condition or disease, lacks the mental capacity to contract or manage his or her own affairs

In the last **FIVE** years, you have not been convicted of assault in the third degree, misdemeanor DWI, or menacing in the third degree.

### **Penal Law 265.00(17) defines "serious offense" as:**

- (a) any of the following offenses defined in the current penal law and any offense in any jurisdiction or the former penal law that includes all of the essential elements of any of the following offenses:
- illegally using, carrying or possessing a pistol or other dangerous weapon;
  - possession of burglar's tools;
  - criminal possession of stolen property in the third degree;
  - escape in the third degree;
  - jostling;
  - fraudulent accosting;
  - endangering the welfare of a child;
  - obscenity in the third degree;
  - issuing abortifacient articles;
  - permitting prostitution;
  - promoting prostitution in the third degree;
  - stalking in the fourth degree;

stalking in the third degree;  
sexual misconduct;  
forcible touching;  
sexual abuse in the third degree;  
sexual abuse in the second degree;  
criminal possession of a controlled substance in the seventh degree;  
criminally possessing a hypodermic instrument;  
criminally using drug paraphernalia in the second degree;  
criminal possession of methamphetamine manufacturing material in the second degree;  
and a hate crime defined in article four hundred eighty-five of this chapter.

(b) any of the following offenses defined in the current penal law and any offense in any jurisdiction or in the former penal law that includes all of the essential elements of any of the following offenses, where the defendant and the person against whom the offense was committed were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law and as established pursuant to section 370.15 of the criminal procedure law:

assault in the third degree;  
menacing in the third degree;  
menacing in the second degree;  
criminal obstruction of breathing or blood circulation;  
unlawful imprisonment in the second degree;  
coercion in the third degree;  
criminal tampering in the third degree;  
criminal contempt in the second degree;  
harassment in the first degree;  
aggravated harassment in the second degree;  
criminal trespass in the third degree;  
criminal trespass in the second degree;  
arson in the fifth degree;  
or attempt to commit any of the above-listed offenses.

### **Certificate of Relief from Disabilities**

Pursuant to Correction Law section 701, an applicant who was convicted of a felony or serious offense may submit a certificate of relief of disabilities. This however does not mean that a permit will be granted and issued. The applicant's background, including conviction, will be reviewed and considered when determining the applicant's qualification for a permit.

#### **Correction Law 701**

§ 701. Certificate of relief from disabilities. 1. A certificate of relief from disabilities may be granted as provided in this article to relieve an eligible offender of any forfeiture or disability, or to remove any bar

to his employment, automatically imposed by law by reason of his conviction of the crime or of the offense specified therein. Such certificate may be limited to one or more enumerated forfeitures, disabilities or bars, or may relieve the eligible offender of all forfeitures, disabilities and bars. Provided, however, that no such certificate shall apply, or be construed so as to apply, to the right of such person to retain or to be eligible for public office.

2. Notwithstanding any other provision of law, except subdivision five of section twenty-eight hundred six of the public health law or paragraph (b) of subdivision two of section eleven hundred ninety-three of the vehicle and traffic law, a conviction of a crime or of an offense specified in a certificate of relief from disabilities shall not cause automatic forfeiture of any license, other than a license issued pursuant to section 400.00 of the penal law to a person convicted of a class A-I felony or a violent felony offense, as defined in subdivision one of section 70.02 of the penal law, permit, employment, or franchise, including the right to register for or vote at an election, or automatic forfeiture of any other right or privilege, held by the eligible offender and covered by the certificate. Nor shall such conviction be deemed to be a conviction within the meaning of any provision of law that imposes, by reason of a conviction, a bar to any employment, a disability to exercise any right, or a disability to apply for or to receive any license, permit, or other authority or privilege covered by the certificate; provided, however, that a conviction for a second or subsequent violation of any subdivision of section eleven hundred ninety-two of the vehicle and traffic law committed within the preceding ten years shall impose a disability to apply for or receive an operator's license during the period provided in such law; and provided further, however, that a conviction for a class A-I felony or a violent felony offense, as defined in subdivision one of section 70.02 of the penal law, shall impose a disability to apply for or receive a license or permit issued pursuant to section 400.00 of the penal law.

3. 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.