



NEW YORK STATE SENATOR

Pamela Helming

Helming, Ortt Call On Governor to Extend Pistol Recertification Deadline

SENATOR PAM HELMING January 16, 2018

ALBANY – Senator Pam Helming and Senator Rob Ortt today called on Governor Andrew Cuomo to extend the pistol recertification deadline. In a letter to the Governor signed by 23 of their Senate and Assembly colleagues, Helming and Ortt outlined their concerns, most notably that dealing with pistol permit recertification has proven to be a massive problem for law-abiding gun owners and County Clerks' and Sheriffs' offices throughout the state. Additionally, they believe an extension to the pistol permit deadline would allow the County Clerks and Sheriffs of this state the appropriate amount of time to process recertification requests.

"With less than 20 percent of all pistol permit holders across New York State having recertified so far, it is clear this program has failed. The current process is broken and has caused problems for our local county clerks and sheriffs and confusion among law-abiding gun owners. Our gun owners who fail to recertify face the possibility of losing their Second Amendment rights and their voting rights. The Governor must scrap the deadline and streamline the process so that our law-abiding citizens do not have their lawful rights taken away. As State Senator, I am committed to protecting the rights of our law-abiding gun owners," Senator Helming said.

“With the cloud of uncertainty that surrounds the recertification process, a delay to the deadline would benefit both the state as well as pistol permit holders across New York. Many pistol permit holders are still unaware of the need to recertify at no fault other than a lack of information distributed by the state, and to go ahead with the Jan. 31 deadline would only create thousands of criminals out of law-abiding gun owners. We must put a halt to the recertification deadline until an adequate volume of permit holders have been properly informed and the recertification process is under control,” Senator Ortt said.

If a permit was issued before January 15, 2013, the deadline to submit a recertification is January 31, 2018. If a permit was issued on or after January 15, 2013, the deadline to recertify is five years from the date the permit was issued. This creates a disparity and confusion for County Clerks, Sheriffs, and those who were issued a permit during the second half of January 2013.

As outlined in the New York SAFE Act, pistol permit holders who fail to recertify their licenses by the January 31 deadline will have their licenses revoked. There are currently about 1.2 million pistol permit holders in New York State, but only around 230,000 have recertified as of Tuesday, January 2, 2018 – about 19 percent of all pistol permit holders in New York State. Extending the action will help law-abiding gun owners comply with the current law without the risk of turning them into felons overnight.

Ontario County Clerk Matthew Hoose said, “There is a great deal of confusion among pistol permit holders regarding recertification because everyone was expecting a letter from the State Police telling them they need to recertify and instructing them how to do it. Many pistol permit holders in Ontario County tell me they never received a letter so they assumed they didn’t need to recertify at this time. The letters were not sent certified mail so the State Police have no idea who received letters and who didn’t. I believe the state needs to do a much better job of getting the word out and allowing people the time to go through the

process. It took the Governor's Office and the State Police four years to put a system in place allowing people to go through the process, and now they expect everyone to be notified and apply in just one year to meet the deadline."

Wayne County Clerk Michael Jankowski said, "The pistol permit recertification process is deeply unfair and fundamentally flawed. Due to the failure of the State Police to adequately notify gun owners of this statutory requirement, many law-abiding gun owners will be unjustly penalized by having their permit revoked."

Cayuga County Sheriff Dave Gould said, "I am in complete agreement with Senator Pam Helming and Senator Rob Ortt's request to Governor Cuomo to extend the New York State pistol permit recertification deadline slated for Jan. 31, 2018. This deadline extension is essential to give the law-abiding citizens of Cayuga County and other New York counties the needed time to understand and fully comply with the new New York State SAFE Act."

Seneca County Sheriff W. Timothy Luce said, "Due to this being a first-time event, I believe it would be very helpful for an extension to relieve the work load on the Sheriff's pistol permit section. I thank Senator Helming for taking the lead on this important issue so that law-abiding gun owners can comply with the current law."

Niagara County Clerk Joseph Jastrzemski said, "Governor Cuomo designed a flawed law five years ago, but even worse, he has failed to properly implement many of its provisions, leaving many law-abiding gun owners at risk of being made into criminals on Feb. 1 and losing access to their Second Amendment rights. Failure to recertify could not only lead to confiscation of legally-owned firearms but also potentially places pistol permit holders in jeopardy of a Class A misdemeanor prosecution under Section 400.00 of the Penal Law. The state needs to delay – or even permanently suspend – the recertification deadline."

Senator Helming and Senator Ortt also co-sponsor legislation (S.7343) that would grant pistol licensees with licenses issued prior to January 15, 2013 additional time to recertify their licenses under the provisions of the SAFE Act. This bill is currently pending in the Senate's Codes Committee.

For questions regarding the status of a pistol permit, individuals can visit

<https://firearms.troopers.ny.gov/pprecert/welcome.faces> or call Senator Helming's district office at (315) 568-9816 or Senator Ortt's district office at (716) 434-0680.