

MEMORANDUM

FROM: Mike Jankowski, Wayne County Clerk

DATE: December 2, 2014

RE: NYS Police presentation on the SAFE Act Enforcement

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

Representing the State Police were:

Lt. James Sherman

Tim Mylos

Lynne Rosenzweig

Points of Interest:

- 1) A pilot of the recertification process will begin in January of 2015.
- 2) The Pilot Counties will be Albany, Schenectady and Fulton.
- 3) 500 invitations to recertify will be sent out to each of the pilot counties.
- 4) The invitations will direct the permit holders to a state police web site or where they can download the recertification form.
- 5) There will be no county seal or any other county identifier on the letters to be sent out.
- 6) The invitation will be to recertify immediately although recertification is not required prior to January 31, 2018.
- 7) Recertification letters will be sent out state wide to selected groups between March-June 2015.
- 8) The Goal of the State police is to have as many people recertify electronically as possible.

- 9) Paper forms will be available for download or from the state police website or at all trooper barracks.
- 10) Once approved the State police will issue a plastic recertification card that will need to be carried with the permit at all times.
- 11) The recertification web site will only be available to individuals who have already received an invitation to recertify with a user id and password.
- 12) The paper forms can be filed by anyone at any time.
- 13) The applicant's home address will be checked against DMV records.
- 14) Out of State addresses will be sent to the licensing officer.
- 15) Any permit holder that does not have a valid NYS driver's license or ID will be required to get one. This includes out of state residents that are permit holders.
- 16) Electronically there will be a save function so the recertification can be complete during more than one session.
- 17) Re-certification is a state police function. The County Clerks do not have a role.
- 18) Counties will be notified when recertification is approved.
- 19) Recertification discrepancies must be corrected by amendment to license at the county level. Applicants will be instructed to do so.
- 20) When a permit holder recertifies online they 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.
- 21) If the applicant recertifies by mail they will receive a return receipt with a tracking number.
- 22) Lt. Sherman did not encourage the use of certified mail but it would be a proof of mailing an application and proof it was received.

- 23) The recertification application is just like a pistol permit application without the references. The applicant is required to list all arrests, drug or alcohol treatment, mental illness or family court petition or charge.
- 24) The applicant lists all hand guns registered to him and this information may need to be reconciled with the state data base.
- 25) 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
- 26) Once submitted, the recertification application will be checked against the following data bases:
- a. NCIC's
 - b. MHL/946
 - c. Orders of probation
 - d. DMV
 - e. Parole
 - f. Probation
 - g. NYS wanted and missing
- 27) If the applicant is negative on the above checks the application is approved and the recertification cards will be issued.
- 28) Positives will be referred to the licensing officer for revocation or clarification
- 29) If the NYS Police determine that it cannot re certify the permit, the recertification is sent to the licensing officer. (Lt. Sherman indicated that a 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. This is not limited to Federal prohibitors.
- 30) The Licensing officer does not have the legal authority to do anything other than revoke if there is a federal prohibitor.
- 31) The licensing officer would be responsible for getting a certificate of relief from disabilities for past problems that are not covered by the federal prohibitor list

- 32) 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 permit problem to be resolved
 - c. Letter granting recertification
- 33) After January 31, 2018 the law states that the failure to recertify is an automatic revocation. Likely it will fall to the licensing officer to actually revoke the permit.
- 34) There will be a check box on the recertification for a co-registered weapon.
- 35) Applicant has the option to have the information on the recertification application exempted from public disclosure.
- 36) According to Lt. Sherman 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.
- 37) 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.
- 38) Indicating a pistol permit on the face of a driver's license is not a decision that has been made yet.
- 39) Their goal is to send out the first recertification letters state wide by early spring.
- 40) There was a power point for the presentation but Sherman said it would not be released to the clerk's.