

NY SAFE Act Frequently Asked Questions:

Below are FAQ intended to help gun owners in New York understand and comply with the NY SAFE Act enacted on January 15, 2013. If your question is not answered here, please continue to check back, as this list will be updated regularly.

Q: What does this law do?

A: The NY SAFE Act is designed to make New York a safer place to live by reducing gun violence through common sense and reasonable reforms. The law respects the right to bear arms and the interest of hunters, sportsmen, and legal owners who use their guns appropriately.

The law protects New Yorkers by:

- Keeping guns out of the hands of convicted felons and potentially dangerous mental health patients.
- Banning high capacity magazines and assault weapons.
- Ensuring all gun purchases are subject to a background check.
- Toughening criminal penalties on those who use illegal guns.

Assault Weapons

Q: I own a gun that I use for hunting, is it an assault weapon?

A: Most guns that are used for hunting are not assault weapons and are not affected by this law. Typical shotguns and hunting rifles are exempt as the law specifies military style assault weapons by design characteristics. For example, any pump, lever, or bolt action shotgun or rifle cannot be an assault weapon. To confirm that your rifle is not an assault weapon and to see common models and characteristics click the links below:

- [Rifles that are NOT Classified as Assault Weapons](#)
- [Rifles that are Classified as Assault Weapons](#)
- [Rifles: Banned Features](#)
- [Images of Rifles that are NOT Classified as Assault Weapons](#)

To confirm that your shotgun is not an assault weapon and to see common models and characteristics click the links below:

- [Shotguns that are NOT Classified as Assault Weapons](#)
- [Shotguns that are Classified as Assault Weapons](#)
- [Shotguns: Banned Features](#)
- [Images of Shotguns that are NOT Classified as Assault Weapons](#)

Q: I own a handgun, is that an assault weapon?

A: Most handguns are not assault weapons and are not affected by this law. A traditionally designed handgun is not an assault weapon. For example a single shot pistol or a revolver cannot be an assault weapon. To confirm that your handgun is not an assault weapon and to see common models and characteristics click the links below:

- [Pistols that are NOT Classified as Assault Weapons](#)
- [Pistols that are Classified as Assault Weapons](#)
- [Pistols: Banned Features](#)
- [Images of Pistols that are NOT Classified as Assault Weapons](#)

Q: I am not sure if the gun I own is an assault weapon. How do I find out?

A: Most guns are not assault weapons and are not affected by this law. There are different military characteristics of guns that determine whether they qualify as assault weapons. To help you know whether or not your gun is affected by this law, please click the links on your gun type below:

Rifles:

- [Rifles that are NOT Classified as Assault Weapons](#)
- [Rifles that are Classified as Assault Weapons](#)
- [Rifles: Banned Features](#)
- [Images of Rifles that are NOT Classified as Assault Weapons](#)

Shotguns:

- [Shotguns that are NOT Classified as Assault Weapons](#)
- [Shotguns that are Classified as Assault Weapons](#)
- [Shotguns: Banned Features](#)
- [Images of Shotguns that are NOT Classified as Assault Weapons](#)

Pistols:

- [Pistols that are NOT Classified as Assault Weapons](#)
- [Pistols that are Classified as Assault Weapons](#)
- [Pistols: Banned Features](#)
- [Images of Pistols that are NOT Classified as Assault Weapons](#)

Q: I have an assault weapon. Do I have to give it up?

A: No. If you have an assault weapon, you can register it with the State Police. You have until April 15, 2014 to register your weapon. A form will be made available on this website no later than April 15, 2013. Under state and federal law, some people are not allowed to possess a weapon, such as convicted felons, individuals who have been involuntarily committed, or individuals currently under an order of protection. These people will not be able to register. There is no fee for registering.

Q: How does registering my gun compare to getting a handgun license?

A: It is much simpler. To register, all you need to do is fill out a basic form. You do not need to appear in person or provide references or other information that is typically provided during the handgun licensing process.

Q: What do I do if I don't want to register my assault weapon?

A: You can sell it to a New York State dealer or anyone out of state by January 15, 2014. Federal law has certain restrictions on shipping guns between states that you should consult before making a transfer.

Q: If I modify my gun by removing all design characteristics that makes it an assault weapon, do I have to register it?

A: No. If you modify your gun so that it is not an assault weapon, you do not have to register it. The modification must be permanent however. This includes, for example, removing the bayonet lug by cutting or grinding, grinding off the threads on the barrel, removing the foregrip so that it cannot be readily reattached, or any change that cannot be reversed through reasonable means.

Q: If I don't currently own an assault weapon, how does the new ban on assault weapons affect me?

A: The ban on selling assault weapons mainly affects dealers and manufacturers. Newly banned assault weapons may not be sold in New York and dealers and manufacturers will know what weapons can and cannot be sold.

Magazines

Q: How has the law changed for magazines?

A: Since the federal assault weapons ban in 1994, it has been illegal in New York State to buy, for any gun, a detachable magazine, manufactured after the law took effect, that can contain more than ten rounds. This law does not change that. Starting April 15, 2013, only magazines that contain 7 rounds or less will be sold in New York, including permanently modified magazines.

Q: What if I have a magazine that can contain more than ten rounds?

A: You can permanently modify the magazine so that it holds no more than ten rounds, responsibly discard it, or sell it to a dealer or an out of state purchaser by January 15, 2014.

Q: Can modified magazines be sold by dealers or individuals?

A: Yes, anyone can sell a modified magazine.

Q: Going forward, what magazines can I buy?

A: As of April 15, 2013, only magazines that can contain 7 rounds or less will be sold in New York, including permanently modified magazines.

Q: How many rounds can I put in my magazine today?

A: Ten. Starting on April 15, 2013, you are limited to putting in seven rounds, unless you are at an incorporated firing range or competition recognized by the National Rifle Association or International Handgun Metallic Silhouette Association, in which case the limit is ten.

Antique Guns & Magazines

Q: Is there any exception for historic or antique guns and magazines?

A: Yes, they are exempt from the prohibition against transfer, but if the gun qualifies as an assault weapon it must be registered.

Q: What qualifies as an antique gun or magazine?

A: Any magazine or gun manufactured more than 50 years ago.

Q: I have an antique gun that now qualifies as an assault weapon. Can I transfer it?

A: Yes. As long as the gun is registered, it can be freely transferred to anyone.

Q: I have an antique gun with a magazine that can contain more than ten rounds. Can I keep the magazine?

A: Yes, provided that you register both the gun and magazine using the same simple registration process that is used for assault weapons.

Private Sales

Q: I want to buy my gun from someone who is not a dealer, i.e., a private sale. What do I have to do?

A: A NICS check must be performed on the buyer by a dealer. The dealer may charge you no more than \$10. The dealer will give the prospective buyer a form to show that he or she passed the check. This will take effect on March 15, 2013.

Q: I want to sell my gun to someone who is not a dealer. What do I have to do?

A: A NICS check must be performed on the prospective buyer by a dealer.

Q: What if I want to sell my gun out of state, does a dealer need to perform a NICS check?

A: No. You can sell your gun out of state, provided you follow the laws of the state. Federal law has certain restrictions on shipping guns between states that you should consult before making a transfer.

Safe Storage

Q: When am I required to safely store my gun?

A: You are required to safely store your gun if you live with someone who has been convicted of a felony or domestic violence crime, has been involuntarily committed, or is currently under an order of protection.

Q: What do I have to do to safely store my gun?

A: You can use an appropriate locking device including a trigger lock, a gun safe, or a secure gun cabinet.

Dealers

Q: I have guns in my inventory that are now defined as assault weapons and magazines that can contain more than ten rounds. What can I do with them?

A: You can transfer them to another dealer or sell them out of state or to law enforcement. You can also permanently modify these guns and magazines and sell them in state.

Q: If someone paid for a gun before January 15, 2013 that is now classified as an assault weapon, but the gun hasn't been delivered to the buyer, what do I do?

A: You may still give the gun to the buyer, but it must be registered by April 15, 2014.

Q: If I sell ammunition, can I keep selling it?

A: Yes. Currently the law does not add any obligations on sellers. Sellers of ammunition will have to register by January 15, 2014. A form will be made available and you will not need to appear in person or wait for a background check.

Q: Do I have to do a NICS check for someone that is privately selling a gun?

A: No, there is no legal obligation for you to agree to conduct a NICS check on a transaction between two private parties. It is up to your discretion. If you choose to do so, you may charge no more than \$10.

Q: Is there any background check required for purchasers of ammunition?

A: No. The background check requirement does not take effect until January 15, 2014.

Crimes

Q: What are the changes in the law when it comes to crimes performed with illegal guns?

A: The law establishes tougher penalties for those who use illegal guns as well as measures to help combat gang violence. Tougher penalties under the law include:

- Murder of a first responder who is engaged in his or her duties will become a Class A-1 felony, with a mandatory penalty of life in prison without parole.
- Possession of a firearm on school grounds or a school bus will be increased from a misdemeanor to a Class E Felony.
- Possession of an unloaded gun will be raised from a misdemeanor to a Class E felony.
- Recklessly injuring a child by a firearm will become a Class D felony.
- The purchase of a gun for someone the buyer knows to be disqualified because of a conviction of a crime, an involuntary commitment or other disqualifier, will be raised to a Class D felony from a misdemeanor. This also raised to a class D felony the sale or transfer of a firearm to an individual known to be prohibited from possessing a gun.
- Tougher penalties to permit more effective gang prosecutions, allowing a prosecutor to ask for 25 to life (previously was just 15 years) for an entire group when a gang is involved in murder.
- Using or carrying a firearm during drug trafficking or a violent felony will include a 5 year mandatory minimum sentence if the gun is loaded and a 3½ year mandatory minimum if unloaded. (The Court could impose a lower sentence in drug trafficking cases depending on mitigating factors).
- Sharing a gun with an individual who is not authorized to possess a gun and commits a crime will constitute criminal facilitation.

Please note: This website is informational only and does not constitute legal advice.