

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive requesting the adoption of the attached “A LOCAL LAW to amend the Laws of Westchester County by adding a new Chapter 527-a relating to fees charged for a license to carry a pistol or revolver, purchase or take possession of a semiautomatic rifle, and amend or renew such license.”

Your Committee is aware that the fees charged by counties for new pistol licenses are regulated by New York State Penal Law § 400.00(14). Pursuant to this New York State law, Westchester’s pistol license applications have been capped at \$10 for new applications, \$10 for renewal applications, and \$3 for change to restriction/amendment applications. The costs associated with the work necessary to process these applications is significantly higher than what the current fee structure provides. The costs can be broken down as follows:

- **New Permit**
 - Public Safety Staff Costs: \$438
 - Clerk Costs: \$93
 - Total Cost: \$531
- **Renewal Permit**
 - Public Safety Staff Costs: \$194
 - Clerk Costs: \$33
 - Total Cost: \$227
- **Restriction Change/Amendment**
 - Public Safety Staff Costs: \$122
 - Clerk Costs: \$25
 - Total Cost: \$147

The current licensing fee structure has been in place since 1984. As such, Westchester County operates the firearms licensing program at a significant annual loss. The licensing fees bring in roughly \$75,000 to finance the program, while costing the County over \$2 million (to fund eight full time staff and one part-time staff member). Further, the review process has become especially onerous as New York State has passed laws requiring the County to review additional elements of an applicant's background and history. The County has thoroughly explored the mechanisms through which this process can be expedited, streamlined, and any ways in which technology can be used to improve the speed and quality of service. However, state law prevents the County from modifying the review process any further; for example, state law does not permit Westchester to process renewals through the State, a benefit afforded to many upstate counties.

As a result, Westchester's taxpayers subsidize the costs incurred by those seeking firearms licenses. Comparable counties, such as Nassau County as well as New York City, have received state authorization to charge fees in line with the cost of providing the licensing service. These localities have higher licensing fees, allowing them to cover a larger share of this cost, placing a lighter burden on their taxpayers. For example: New York City charges \$340 per application, Nassau County charges \$200 per application, and Oneida County charges \$110 per application.

Your Committee is aware that other fees factor into the total that a resident pays to receive a permit. In Westchester, this breaks out as follows: Residents pay the \$10 permit cost, a \$17 fingerprint processing fee, and roughly \$103 for a New York State mandated background

and social media check. The money from the state mandated check is passed directly to New York State; Westchester receives none of this money. New York City, Nassau and Oneida all charge a higher permit cost, and additionally collect the State mandated pass through fee, bringing the total amount a resident would pay in those localities to (NYC) \$443, (Nassau) \$303 and (Oneida) \$213 – all far in excess of the roughly \$140 that a resident of Westchester would pay to license their firearm.

Your Committee is advised that New York State law governs the process and structure of pistol licensing – and as such, it is not feasible at this time to reduce the cost of this service. Applications pass through the County Clerk’s office, and must be approved by a Judge before they can be finalized. New York State does not allow Westchester County to rely on the State to recertify licenses, unlike other counties, pursuant to Penal Law 400.00(10). Your committee has been further advised of the scope of work necessary to process a new license, to renew a license, and to amend a license. The 8 full time members and one part-time member of the Westchester County Department of Public Safety’s Pistol Licensing Unit (PLU) are required by state law to follow a specific process. State law requires the PLU to conduct in-person interviews; statewide database checks; mental health inquiries; national, state, and local level crime inquiries; verify the veracity of interviews and testimony; and develop detailed investigative reports to be utilized by the Judge in issuing their determination. The PLU must review over 7,500 applications, renewals and changes annually.

Your Committee is advised that, on September 15, 2023, the Governor signed into law an amendment to subdivision 14 of section 400.00 of the New York State Penal Law, to allow

the County, through this Board, to fix the fees to be charged for a license to carry or possess a pistol or revolver or to purchase or take possession of a semiautomatic rifle and to provide for disposition of such fees. In order to improve the quality and speed of service for those seeking a firearms license, and in order to shift the cost of this service from the general taxpayer and onto those utilizing the service, Westchester County has analyzed other counties' programs, and worked to determine a fee structure that allows the County to recoup a larger amount of the program's costs while keeping licensing fees lower than those charged by other counties.

Your Committee is further advised that this proposed Local Law, if adopted, would set the fees for a license to possess or carry a pistol or revolver, to purchase or take possession of a semiautomatic rifle or to renew a pistol license at \$175, to amend a restriction on a pistol license at \$125, and for any other amendment to a pistol license at \$25.00. Any other firearms licensing fees, including but not limited to: Duplicate licenses and license transfers between counties follow New York State law. Westchester County may only issue exemptions for retired police officers, retired uniformed court officers, and retired corrections officers; the County is barred by state law from issuing exemptions to any populations beyond those stated above. Moreover, all fees collected under this proposed Local Law would be paid into the general fund of the County, as is the current procedure regarding these fees.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the

Department of Planning, dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Local Law.

Dated: November 18, 2024
White Plains, New York

COMMITTEE ON

CC-10-24-24

A LOCAL LAW to amend the Laws of Westchester County by adding a new Chapter 527-a relating to fees charged for a license to carry a pistol or revolver, purchase or take possession of a semiautomatic rifle, and amend or renew such license.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. A new Chapter 527-a is hereby added to the Laws of Westchester County to read as follows:

Chapter 527-a

FEES CHARGED FOR A LICENSE TO CARRY A PISTOL OR REVOLVER, OR TO PURCHASE OR TAKE POSSESSION OF A SEMIAUTOMATIC RIFLE IN THE COUNTY OF WESTCHESTER

Sec. 527-a.01 Fees.

a. The County firearms licensing officer shall collect fees related to firearms licensing pursuant to the provisions of article 400 of the New York State Penal law.

b. The fees to obtain a license to carry or possess a pistol or revolver, to purchase or take possession of a semiautomatic rifle or to renew a license to carry or possess a pistol or revolver in the County shall be one hundred and seventy-five (\$175.00) dollars. If concurrent applications are made only the single highest fee shall be collected. Such fees provided for in this subdivision shall be in addition to the fees charged for a background check and fingerprints which are required to obtain a license pursuant to this Chapter.

c. The fee to amend a restriction on a pistol license shall be one hundred and twenty-five (\$125.00) dollars and the fee for any other amendment to a pistol license shall be twenty-five (\$25.00) dollars.

d. Any other firearms licensing fees including but not limited to duplicate licenses, license transfers between counties and waivers of license fees shall be set in compliance with New York State law.

Sec. 527-a.11 Disposition of Fees.

All fees collected under this chapter shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County.

Section 2. This Local Law shall take effect immediately.