

SAFETY LOCKING DEVICES

In the interest of preventing tragedies associated with children and other unauthorized people coming in contact with loaded firearms, recent local legislation has strengthened the New York City Administrative Code's provisions regarding the use of Safety Locking Devices.

Therefore, **effective February 1, 2000**, Administrative Code Section 10-311 requires **all licensees purchasing or otherwise acquiring a handgun, rifle or shotgun** in New York City to purchase or obtain a Safety Locking Device at the same time. The License Division will therefore continue to require all handgun licensees who purchase or acquire a handgun to **submit the Safety Locking Device with the handgun to be approved** at the time of inspection of the handgun by the License Division.

Most important, pursuant to New York City Administrative Code § 10-312, it is a criminal violation punishable by up to 10 days' imprisonment and/or a fine up to \$250 for any owner or custodian of a weapon to store or otherwise leave the weapon in such a manner or under circumstances that it is out of his or her immediate possession or control, without having rendered such weapon inoperable by employing a Safety Locking Device. If the offender has previously been found guilty of this violation, or if the violation is committed **under circumstances which create a substantial risk of physical injury to another person**, the offense is a misdemeanor punishable by up to 30 days' imprisonment and/or a fine up to \$1,000.

A Safety Locking Device is defined as **"a design adaptation or attachable accessory that will prevent the use of the weapon by an unauthorized user."** Such safety locks may include, but are not limited to, trigger locks requiring a key to open them, or combination handles requiring alignment of combination tumblers, in order for the weapon to be fired. In order to be approved, the locking device submitted must be composed primarily of steel or other metal of significant gauge to inhibit breaking, utilizing a metallic key or combination lock, and must be able to prevent the use of the weapon by an unauthorized person.

Furthermore, when a handgun licensee or a rifle/shotgun permittee **sells or otherwise disposes of a weapon**, he or she must provide an accompanying Safety Locking Device to the recipient. Violation of this law is a misdemeanor punishable by up to 30 days' imprisonment and/or a fine up to \$500.

The use of a Safety Locking Device is of course only one aspect of responsible weapon storage. It should be remembered that any weapon not under the control of the authorized user or owner should be stored unloaded and locked in a location that is both separate from their ammunition and inaccessible to children and any other unauthorized persons.

Note that for any licensed manufacturer, licensed importer, or licensed dealer, disposal of a weapon in New York City must include the following warning, in conspicuous and legible type in capital letters, to be printed on a label affixed to the weapon and on a separate sheet of paper included within the packaging: **"THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE WEAPON STORAGE. ALL WEAPONS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN AND ANY OTHER UNAUTHORIZED PERSONS."**