



Office of Children and Family Services

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Governor

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Informational Letter

Transmittal	22-OCFS-INF-10
To:	Local Departments of Social Services Commissioners Executive Directors of Voluntary Authorized Agencies Directors of Detention Programs Executive Directors of Domestic Violence Programs Executive Directors for Runaway and Homeless Youth Program New York City Department of Health and Mental Hygiene OCFS Licensed, Registered, and Enrolled Legally Exempt Child Care Programs NYC DOHMH-Permitted Child Care Programs Child Care Resource and Referral Agencies Child Care Registration and Enrollment Agencies Directors of Municipal Youth Bureaus Host Family Home Agencies
Issuing Division/Office:	Division of Child Welfare and Community Services Division of Youth Development and Partnerships for Success Division of Juvenile Justice and Opportunities for Youth Division of Child Care Services
Date:	August 31, 2022
Subject:	Chapter 371 of the Laws of 2022
Suggested Distribution:	Directors of Services Child Welfare Supervisors Child Protective Services Supervisors Foster Care Supervisors Children's Services Caseworkers Detention Administering Agencies Runaway and Homeless Youth Services Coordinators
Contact Person(s):	Please see section V.
Attachments:	Copy of Chapter 371 of the Laws of 2022

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. ref.
			Chapter 371 of the Laws of 2022		

I. Purpose

This Informational Letter (INF) is to inform providers of their potential obligations under New York State's newly enacted gun legislation (Chapter 371 of the Laws of 2022). **The new law will take effect September 1, 2022.**

II. Background

On July 1, 2022, New York State passed legislation in response to the 2022 United States Supreme Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen, et al.* The decision invalidated New York State's 100-year-old gun control law requiring an applicant to show "proper cause" for a permit to carry a concealed firearm. The Supreme Court's decision, however, maintained the state's ability to issue licensing requirements for carrying a firearm.

Chapter 371 of the Laws of 2022 enhances licensing requirements for concealed-carry-permit applicants, creates new provisions for "sensitive locations" where the permit holder is prohibited from carrying a concealed firearm, enhances safe storage requirements if a child under the age of 18 lives in the home where a gun is maintained, and makes other technical changes to the law.

III. Program Implications Based on the New Law

A. **Sensitive Locations**

New York State's recent gun reform law creates a new Class E felony for criminal possession of a firearm, rifle, or shotgun in a "sensitive location," when the individual knew or reasonably should have known such location is a sensitive location. Section 265.01-e is added to the Penal Law and contains a detailed list of sensitive locations. **Programs licensed, regulated, certified, funded, or approved by the New York State Office of Children and Family Services (OCFS) that provide services to children, youth, or young adults, legally exempt child care programs, residential programs for victims of domestic violence, and runaway and homeless youth shelters are listed as sensitive locations under the law.**

A program designated as a sensitive location may post signage to inform the public of its protected status. For example, a sign may be posted with wording similar to the following:

"WARNING: THIS PREMISE IS A SENSITIVE LOCATION UNDER PENAL LAW §265.01-E. YOU ARE PROHIBITED FROM CARRYING A FIREARM, RIFLE, OR SHOTGUN ON THE GROUNDS OF OR IN ANY BUILDING ON THESE PREMISES, UNLESS YOU ARE LEGALLY EXEMPTED FROM THE PROHIBITION."

Please note that the posting of such signage is not a requirement of the legislation, and the prohibition against a concealed firearm will apply to sensitive locations with or without a posted notice. Signage may be posted inside and/or outside a facility. Domestic violence providers who choose to post sensitive location signage must do so in accordance with federal and state law (42 U.S.C. § 10406[c][5][H]; SSL § 459-h).

The following is a non-exhaustive list of sensitive locations. For a complete list of sensitive locations, please refer to the attached copy of Chapter 371 of the Laws of 2022.

- Federal, state, or local government owned or controlled building, including courts. This includes **residential facilities operated by OCFS's Division of Juvenile Justice and Opportunities for Youth, Community Multi-Services Offices, and any other buildings owned or controlled by the federal, state, or local government.**

- Any OCFS licensed, regulated, certified, funded, or approved program that provides services to children, youth, or young adults. This includes, but is not limited to, the following:
 - **All local detention facilities certified by OCFS**
 - **All residential foster care programs certified by OCFS**
 - **All certified or approved foster family homes and approved adoptive homes**
 - **All host family homes**
 - **All child care programs, including**
 - **programs licensed by or registered with the OCFS Division of Child Care Services,**
 - **programs permitted by the New York City Department of Health and Mental Hygiene, and**
 - **enrolled legally exempt child care providers.**
- All residential and non-residential programs for **runaway and homeless youth approved or certified by OCFS**
- All residential and non-residential programs for victims of **domestic violence licensed or approved by OCFS.**

B. Exemptions to the Sensitive Location Protections

All programs subject to the new status as a sensitive location should be aware that specific exemptions exist. The following is a non-exhaustive list of individuals who are exempt from the restriction to carry a weapon on the grounds of a sensitive location. For a complete list of exemptions, please refer to the attached copy of Chapter 371 of the Laws of 2022.

- Persons operating a program in a sensitive location out of their residence, as defined by this section, which is licensed, certified, authorized, or funded by the state or a municipality, so long as such possession is in compliance with any rules or regulations applicable to the operation of such program and use or storage of firearms
- Law enforcement officers who are qualified to carry a gun under the federal Law Enforcement Officers Safety Act
- Persons who are police officers as defined in Criminal Procedure Law § 1.20(34)
- Persons who are designated peace officers by Criminal Procedure Law § section 2.10
- Security guards, as defined by and registered under General Business Law Article 7-A, who have been granted a special armed registration card while at the location of their employment and during their work hours as such a security guard
- Persons licensed under Penal Law § 400.00(2)(c), (d), or (e) while in the course of their official duties
- A provider may establish stricter rules prohibiting individuals from carrying a weapon on the grounds of a sensitive location. However, at no time shall a provider interfere with law enforcement acting in the course of their official duties.

C. Storage Requirements

The law amends standards for safe storage and consequences for failure to safely store rifles, shotguns, and firearms. Section 265.45 of the Penal Law now requires that the owner or custodian of a rifle, shotgun, or firearm safely store such guns in the home if a person under the age of 18 lives in the home OR if a person legally prohibited from possessing a firearm lives in the home. Any person operating a covered program out of their home must be aware of their obligations for safe storage of a weapon. A local department of social services, voluntary authorized agency, or domestic violence safe home network that is responsible for certifying any such program may include the following notice in documents provided to all prospective service providers:

NOTICE: RESPONSIBLE FIREARM STORAGE IS THE LAW IN NEW YORK STATE. FIREARMS, RIFLES, OR SHOTGUNS STORED IN A HOME MUST EITHER BE STORED WITH A GUN-LOCKING DEVICE OR IN A SAFE STORAGE DEPOSITORY, OR NOT BE LEFT OUTSIDE THE IMMEDIATE POSSESSION AND CONTROL OF THE OWNER OR OTHER LAWFUL POSSESSOR **IF A CHILD UNDER THE AGE OF 18 RESIDES** IN THE HOME OR IS PRESENT, OR IF THE OWNER OR POSSESSOR RESIDES WITH A PERSON PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW. **FIREARMS SHOULD BE STORED BY REMOVING THE AMMUNITION AND SECURELY LOCKING THE FIREARM IN A LOCATION SEPARATE FROM AMMUNITION.** LEAVING FIREARMS ACCESSIBLE TO A CHILD OR OTHER PROHIBITED PERSON MAY SUBJECT YOU TO IMPRISONMENT, FINE, OR BOTH. WHEN STORED IN A VEHICLE OUTSIDE THE OWNER'S IMMEDIATE POSSESSION OR CONTROL, FIREARMS, RIFLES, AND SHOTGUNS MUST BE STORED IN AN APPROPRIATE SAFE STORAGE DEPOSITORY AND OUT OF SIGHT FROM OUTSIDE OF THE VEHICLE.

Please note that applicable regulations may contain additional safe storage and notification requirements in specific settings.

IV. Additional Information

Additional Information on Gun Safety in New York State can be found at <https://gunsafety.ny.gov/>.

V. Contact

If you have any questions related to this information, please contact:

OCFS Division of Legal Affairs
Bureau of Legislation and Intergovernmental Affairs
(518) 473-9551

VI. Effective Date

This INF is effective on September 1, 2022.

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Issued by:

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