

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHUI W. KWONG; GEORGE GRECO; GLENN  
HERMAN; NICK LIDAKIS; TIMOTHY S. FUREY;  
SECOND AMENDMENT FOUNDATION, INC.; and THE  
NEW YORK STATE RIFLE & PISTOL ASSOCIATION,  
INC.,

**DECLARATION OF  
ANDREW LUNETTA**

Plaintiffs,

11 Civ. 2356 (JGK)  
ECF Case

-against-

MICHAEL BLOOMBERG, in his Official Capacity as  
Mayor of the City of New York; CITY OF NEW YORK;  
and ERIC SCHNEIDERMAN, in his Official Capacity as  
Attorney General of the State of New York,

Defendants.

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**ANDREW LUNETTA**, declares under the penalty of perjury, pursuant to 28  
U.S.C. § 1746, that the foregoing is true and correct:

1. I am the Commanding Officer of the New York City Police Department License Division ("License Division"), at 1 Police Plaza, New York, New York. I hold the rank of Deputy Inspector. I am also an attorney licensed to practice law in New York. I submit this declaration in opposition to plaintiffs' motion for summary judgment and in support of City defendants' cross-motion for summary judgment. I submit this declaration to explain the procedures employed by the License Division for the review and determination of applications for the issuance and renewal of Premises Residence handgun licenses, and to explain the License Division's analyses of the costs of processing handgun licenses, performed in connection with the New York City Office of Management and Budget ("OMB"). This declaration is based on

my personal knowledge, my review of the city's records and conversations with employees, officers, and agents of the City.

**The License Division**

2. The Police Commissioner delegated his authority to oversee the issuance and suspension of firearms licenses and permits to the License Division. Currently there are 36,077 active licenses that have been issued by the NYPD License Division for the possession of handguns in New York City; and 20,806 active permits for the possession of rifles and shotguns.<sup>1</sup>

3. The License Division currently processes an average of 2,612 new applications and 9,522 renewal applications each year for the issuance and renewal of the various types of handgun licenses issued by the License Division.<sup>2</sup> This number does not include an average of 973 applications for rifle and shotgun permits also processed by the License Division.<sup>3</sup>

4. Currently, the License Division has 79 employees. The License Division is divided into several different sections and units, and is overseen by a five member Executive Staff, that includes a director, deputy inspector (myself, as commanding officer), a captain (as executive officer), and a lieutenant and sergeant (as Integrity Control Officer and Assistant).

5. The License Division has sections of staff established for various tasks. For example, there is an Intake Section, New Applications Section, Carry Guard Section, Retired

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<sup>1</sup> These are the numbers as of June 30, 2011.

<sup>2</sup> The different handgun license and firearms permits types are set forth in Title 38, chapter 5 of the Rules of the City of New York.

<sup>3</sup> The averages cited above are 2008 through 2010 three-year averages.

Law Enforcement Section, Rifle/Shotgun Section, Issuing Section, Incident Section, Cancellation Section, Renewal Section, and Administrative Hearing Section.

6. A Premises Residence Unit was designated within the New Applications Section in 2009 to focus resources on investigating applications and recordkeeping with respect to Premises Residence licenses.

7. The Premises Residence Unit is currently comprised of three staff members that are dedicated to investigating Premises Residence applications only. It is comprised of a sergeant who oversees the unit, and two full-time investigators. Other investigators assigned in the New Applications Section are assigned to investigate Premises Residence applications in addition to other applications for various business and carry licenses. Other License Division employees are also involved in the issuance and processing of Premises Residence handgun licenses, including the License Division Executive Staff, Police Administrative Aides and secretaries who are involved in assisting with specific investigative steps, maintaining records and statistics, and issuing the licenses. There is also intake administrative staff, and records room staff, among others.

8. When the New York City Office of Management and Budget (“OMB”) performed a User Cost Analysis in 2010, based on information provided by the License Division, the percentages of time spent for the various uniformed and civilian NYPD License Division staff directly involved in the issuance of Premises Residence Licenses totaled the FTE or “full-time equivalent” of 7.80 staff members.

#### **Processing Applications for Premises Residence Handgun Licenses**

9. As with all pistol licenses processed by the License Division, when applicants seek to apply for a Premises Residence pistol license, they complete an application

form that they submit to the License Division with photograph identification, and they get fingerprinted. At that time, the applicant must remit payment to the License Division of the \$340 application fee.<sup>4</sup> A copy of the Handgun License Application and Instruction Packet is annexed hereto as Exhibit “A.”

10. The License Division’s Handgun License Application Packet includes instructions on the handgun license application, a listing of the types of licenses for handguns issued by the License Division, an affidavit of familiarity with the handgun licensing laws to be signed by the applicant, an acknowledgement of person agreeing to safeguard firearms, a pre-license exemption form, a list of persons prohibited from possessing firearms, copies of certain local law provisions, and an affidavit of co-habitants. See Exhibit “A.”

11. In order to process an application for a Premises Residence license, each application must be reviewed for completeness and is then assigned for investigation. As is evident from the application itself, each applicant is asked questions about the applicant’s citizenship, any name change history, any arrest and criminal conviction history, any outstanding warrants, any domestic violence history, the history of the issuance of Orders of Protection by or against the applicant, history of mental illness and related treatment, military service history, residence history including proof of current residence, driving history, any licensing history, history of lost or stolen firearms, as well as any medical conditions that may affect an applicant’s ability to safely possess or use a handgun. See Exhibit “A.”

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<sup>4</sup> Applicants also pay a fingerprint fee of \$94.25, which the NYPD remits to the New York State Division of Criminal Justice Services (“DCJS”), for DCJS’s cost of conducting a fingerprint check of the applicant. Each applicant pays the DCJS fee only one time. It is not paid for renewal applications.

12. License Division staff members are assigned to review the application for completeness. Once a complete application packet is received, the staff member assigned must then follow up on the information requested in the application and provided by the applicant for completeness and accuracy. Follow up may include reaching out to various federal, state, and city agencies for information about the applicant's history, making requests for additional documentation to support statements made in the application, reviewing the DCJS fingerprint response, mental health checks, and requesting further information regarding any arrests or convictions reported therein, and interviewing the applicant. Third parties are often interviewed to obtain relevant information. Every case is unique and requires careful consideration of which NYPD records, other records, and investigative steps are needed for the particular application investigation. Case management procedures include several levels of review to determine the necessary investigative steps in order to reach the proper determination of approval or disapproval. Case folders must be well managed, showing levels of review, proper documentation, and clear articulation of investigative steps and rationale for the determination.

13. Notably, DCJS does not conduct any investigation. Rather, DCJS simply provides the License Division with a fingerprint report for an applicant. The DCJS report provides the License Division with a list of any time the applicant has had a fingerprint check (i.e., job applications, license applications), arrest information for the applicant (including sealed arrests) that includes the date of each arrest, location of the arrest, the Penal Law sections or other charges in the arrest, and dispositions of the charges including any convictions. DCJS also forwards our request to the Federal Bureau of Investigation ("FBI") who runs a search for out-of-state arrests and convictions. The DCJS report does not provide information about the facts and

circumstances involved in any arrests. See printout from DCJS website, [http://criminaljustice.state.ny.us/pio/fp\\_services.htm](http://criminaljustice.state.ny.us/pio/fp_services.htm), a copy is annexed hereto as Exhibit "B."

14. As described above and below, the License Division must conduct a thorough investigation into many eligibility issues, such as the mental health status of each applicant, and cannot simply rely on the federal database check received from DCJS. First, until the federal government strengthens states' reporting requirements (including funding, enforcement, and clarifying the federal definitions of drug abusers and mental illness), federal database checks remain insufficient to identify all persons who are prohibited under federal law from possessing firearms. For these reasons a detailed investigation is needed for the threshold question of federal prohibition. This is in addition to determining many state eligibility requirements, such as verifying that all statements in an application are true, that the applicant possesses "good moral character," and that "no good cause exists for denial." A January 24, 2011 Press Release from Mayors Against Illegal Guns, "Mayors Launch National Campaign to Collect Missing Records and Close Loopholes to Prevent the Next Mass Shooting and Killing of 34 People Per Day with Guns," which explains the large gaps and deficiencies in the national database, is annexed hereto as Exhibit "I." Specifically, it is reported that "millions of records of individuals who are prohibited by law from buying guns are still missing" and "[t]en states have not submitted any mental health records . . . and 18 states have submitted fewer than 100 mental health records." Exhibit "I," at 2-3. Second, the federal database checks, as well as the New York State Mental Hygiene checks, do not include information about private mental health commitments, or applicants' treatment for mental health issues with private mental health professionals. Thus, the City must perform its own investigation, which is labor intensive. The License Division investigates in detail responses submitted by applicants to Question 21 of the

application (“Have you ever . . . [s]uffered from mental illness, or due to mental illness received treatment, been admitted to a hospital or institution, or taken medication? List Doctor’s/Institutions, Name, Address, Phone # in explanation”), and follows up with listed medical professionals. See Exhibit “A.” In addition, the License Division will check NYPD records that might reveal applicants’ mental health history in appropriate cases, and then engage in follow up.

15. After each investigator completes their investigation into an application for a Premises Residence license, they forward their recommendations to the Sergeant of the Unit who reviews the findings, and if complete, forwards her recommendation to the Commanding Officer of the License Division, or the Executive Officer on his behalf. The Commanding Officer then issues the final determination with respect to the issuance of all handgun license applications.

16. If a license application is approved, the applicant is notified by mail and scheduled to appear and pick up his/her license. Each license contains the licensee’s photograph, the license type (here, Premises Residence license), the premises to which the license is issued, issuing and expiration dates, and the make, model, serial number, and caliber of the licensed firearm(s).

17. Each license is valid for a three year period, and expires on the licensee’s birthday. At the conclusion of that period, a licensee seeking to renew a Premises Residence handgun license (and all other handgun licenses) must submit a renewal application to the License Division. The License Division then conducts an investigation into the information contained in the renewal application.

18. In recent years, the License Division has made a concerted effort towards processing Premises Residence license applications. As a result, the average processing time for Premises Residence application investigations has been reduced from over 30 weeks in 2005 to 13.6 weeks in 2010.

**Costs Incurred by the License Division for the Issuance and Renewal of Pistol Licenses**

19. I understand that plaintiffs allege that the fee charged by the License Division in connection with applications for Premises Residence handgun licenses exceeds the cost to the License Division for issuing and renewing Premises Residence handgun licenses. As explained below, the application fee does not exceed the cost to the License Division of licensing such handguns. In fact, the fee is less than the cost to the License Division. As of 2010, the fee for the initial Premises Residence application was only 34.79% of the costs to the License Division. The fee was determined by analyzing the costs incurred by the License Division in connection with its licensing operations. The application fee does not exceed these costs.

**Cost Analysis Performed in 2003 Prior to Enactment of Current Fee Provision**

20. In order to calculate the user fee, the Department prepared a "User Cost Analysis" form under the oversight of the New York City Office of Management and Budget ("OMB"). The User Cost Analysis form required NYPD to determine the salary and fringe benefits attributable to providing the permits and licenses issued by the License Division, known as "personal service costs," and the costs directly attributable to providing the permit or license, called "other than the personal service costs" ("OTPS costs"). A copy of the instructions received from OMB in connection with the preparation of the 2003 User Cost Analysis is annexed hereto as Exhibit "C." The NYPD Office of the Deputy Commissioner, Management and Budget ("DCMB") worked closely with OMB in preparing the User Cost analysis form.



OMB ensured that the information provided by the NYPD on the User Cost Analysis form was done consistent with OMB's methodology.

21. In 2003, prior to the adoption of the current fees codified in Section 10-131(a)(2) of the New York City Administrative Code ("Admin. Code"), the Department performed an analysis of the costs incurred by the License Division following the guidelines and standards for User Cost Analyses established by OMB.

22. Overseen by NYPD Assistant Commissioner Frank J. Doka, Associate Staff Analyst ("ASA") Peter Reese, of the Management and Budget Analysis Section of DCMB, prepared the NYPD's User Service Cost analysis for Fiscal Year 2003, that served as the basis for the fee that was passed by the City Council in 2004, which increased the fee for handgun license applications and renewals from \$255 to \$340. See Admin Code § 10-131(a)(2). This is the statutory fee that is in effect at the present time. Each license is valid for a three year period. A copy of the User Cost Analysis Form for Fiscal Year 2003 prepared by the NYPD is annexed hereto as Exhibit "D."

23. Along with OMB staff, I have reviewed the back-up calculations made in 2003 to determine the appropriate figures to include on the User Service Cost Analysis form.

24. NYPD calculated that the City's cost for each handgun license application investigated by the NYPD License Division was \$343.49. This analysis was completed for all handguns, and not separated into license application type.

25. To reach this result, NYPD calculated that the total costs of the NYPD License Division's handgun licensing services equaled \$3,531,057. The total cost was calculated by adding the total direct costs with the total of indirect costs attributed to the License Division handgun licensing function.

26. Consistent with the OMB instructions for calculating licensing costs, the costs associated with the licensing of handguns include the direct costs of personal services, the direct costs of supplies, postage, and facilities, and the related indirect costs of executive management overhead, administrative services overhead, and the cost of other agency services.

27. In accordance with the OMB instructions, direct costs of personal service costs were calculated by totaling the salaries and fringe benefits of the uniformed and civilian staff members of the License Division involved in the licensing of handguns (this includes the Director, captains, lieutenants, sergeants, investigators, police officers, attorneys, and administrative staff), and then multiplying that total by the fraction of each person's time attributable to functions related to handgun licensing. In 2003, these personal service costs were \$3,185,425. In 2003, the direct costs of supplies, postage, and facilities were \$129,312. Thus, NYPD calculated that the direct cost for the NYPD License Division was \$3,314,737 (this included total personal service costs, fringe benefits, OTPS [other than personal service], and other miscellaneous direct costs).

28. Next, the total indirect cost for each license or permit was calculated by adding: (1) executive management overhead; (2) administrative service overhead; (3) space and utilities costs; (4) costs of other agency services; and (5) miscellaneous indirect costs. NYPD calculated that the total indirect costs for the handgun licensing service of the License Division cost \$216,320.

29. The total cost incurred by the License Division for the licensing of all handguns in 2003 was \$3,531,057. Using this data, the total projected cost of handgun licensing for a three year period was \$10,593,171. See Exhibit "D."

30. Data on the number of new handgun license applications and renewals during 2001, 2002, and 2003 resulted in a projection that 30,840 new and renewal applications would be processed over the next three years. Exhibit "D."

31. The total projected three-year cost was divided by the estimated number of applications expected to be processed over three years, which equaled \$343.49. This amount was rounded down to the \$340 fee that is reflected in Section 10-131(a)(2) of the New York City Administrative Code.

32. Once the cost of a license was calculated, the NYPD then submitted its findings to OMB to justify the fee necessary to cover the cost of providing the handgun licenses.

33. Once NYPD submitted its completed User Cost Analysis form to OMB, it was reviewed by OMB. OMB then approved NYPD's recommendation to increase the fee to \$340 for a three year permit for all pistol licenses.

34. Such a fee was ultimately passed by the City Council and codified at Admin. Code § 10-131(a)(2).

#### User Cost Analysis for Handgun License Costs in 2010

35. More recently, OMB worked with the NYPD License Division in 2010 to analyze user service costs for pistol licenses processed by the NYPD License Division. In this analysis, we reviewed the costs of the service by individual license type — specifically, concealed carry licenses, carry guard/gun custodian licenses, retired law enforcement license, premises residence licenses, premises business licenses, and rifle/shotgun and theatrical permits. I was directly involved in providing information that led to the preparation of the 2010 User Cost Analysis.

36. OMB provided instructions for calculating the costs for processing applications in 2010. A copy of the 2010 OMB Instructions for Completion of User Cost Analysis is annexed hereto as Exhibit "E."

37. In recent years, the License Division has launched several initiatives designed to improve the experience of applicants for firearm licenses. These include: extending the hours of the License Division to one evening per week, accepting applications for both handgun licenses and rifle/shotgun permits at both office locations,<sup>5</sup> providing downloadable license applications on our Internet site, accepting credit card payment (rather than requiring payment by money order), improving the average processing time for applications, and using technology enhancements to create a more secure license, among other initiatives.

38. At issue herein is the cost for the issuance and renewals of Premises Residence pistol licenses. The License Division's cost for processing of a license application for the issuance of an initial Premises Residence handgun license in 2010 was \$977.16 per license and \$346.92 for each renewal. A copy of the User Cost Analysis completed in 2010 for Premises Residence handgun licenses is annexed hereto as Exhibit "F." A copy of the User Cost Analysis completed in 2010 for handgun renewal licenses is annexed hereto as Exhibit "G."

39. In reaching this calculation, we totaled the number of employees who are involved in the processing of Premises Residence pistol licenses. The FTE totaled 7.8 employees. Adding the proportions of the salaries and fringe benefits for the FTE 7.8 personnel for this function, the total was \$861,337. We then added in the other direct costs (OTPS) which was \$37,507 and reached the direct personal services costs of \$898,844. Consistent with the

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<sup>5</sup> While the License Division's main office is located at 1 Police Plaza in lower Manhattan, the Rifle/Shotgun Unit is located in a separate office in Kew Gardens, Queens.

OMB instructions, we then added other costs for the space and utilities for this function, which led to a total of \$939,623 in direct costs.

40. We then calculated the indirect costs attributable to the processing of Premises Residence handgun licenses (administrative costs, executive management costs, other agency costs, etc.), and reached a total of \$64,901 in indirect costs attributable towards processing Premises Residence handgun licenses.

41. Taking the total cost of \$1,004,524 (\$939,623 in direct costs and \$64,901 in indirect costs) for processing Premises Residence licenses, and dividing it by the 1,028 average number of Premises Residence license applications processed each year for the previous three years, yielded the result of \$977.16 as the cost of processing each Premises Residence handgun license application.

42. We performed a similar analysis for the renewals of licenses that included Premises Residence, Premises Business, Gun Custodian, Retired Law Enforcement, Special Carry, Limited Carry, and Carry Guard licenses. See Exhibit "G." These renewal applications were grouped together because they involve a similar investigation upon renewal. We calculated the total costs of said license renewals to be \$3,091,666 and divided it by the number of units rendered which was 8912, for a total of \$346.92 per license renewal.

43. For the period reviewed in the 2010 User Cost Analysis, Premises Residence licenses comprised the largest number of license type renewals in this category.


#### **Allocation of Fees Collected by the License Division**

44. As the License Division collects fees for handgun license applications, the License Division forwards the monies to the NYPD Audits and Accounts Unit. The monies are deposited into the City of New York's General Fund, consistent with the requirements set forth

in Admin. Code § 10-131(a)(6). The License Division is then credited with the monies that were deposited into City's General Fund.

45. The Comprehensive Annual Finance Report ("CAFR") prepared by the New York City Comptroller is publicly available and delineates revenues deposited into the City's general fund by each agency. The Fiscal Year 2010 CAFR is available at <http://www.comptroller.nyc.gov/bureaus/acc/cafr-pdf/cafr2010.pdf>. Copies of the relevant pages for the Police Department of the Fiscal Year 2010 CAFR, reflecting that the actual revenue for pistol licenses and long gun permits have been deposited into the City's General Fund are annexed hereto as Exhibit "H," at 174 (third page of attachment).<sup>6</sup>

Dated: New York, New York  
July 28, 2011

  
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ANDREW LUNETTA

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<sup>6</sup> Noted as "Licenses – General" and "Permits – General." See Exhibit "H."

Exhibit A



Photo taken within  
30 days prior to date  
of application.

FRONT VIEW  
1½ x 1½  
Square



**HANDGUN LICENSE APPLICATION**  
**POLICE DEPARTMENT • CITY OF NEW YORK**  
PD 643-041 (Rev. 11-10)

**LICENSE DIVISION**  
**1 POLICE PLAZA**  
**NEW YORK, N.Y. 10038**



**OFFICIAL USE ONLY**

NYSID NUMBER

DATE

APPLICATION NUMBER

OLD LICENSE NUMBER

☐ Complaint No.

☐ Lost

☐ Mutilated

Corp Code

Cust Code

All applications must be typewritten. **DO NOT MAKE ENTRIES IN SHADED AREAS.** Necessary fee must accompany application. Make Bank Check, Certified Check or Money Order payable to the Police Department, City of New York. Payment may also be made by credit card. Not refundable if application is disapproved. (Administrative Code Sec. 10-131)

**SECTION A**

**TO BE ANSWERED BY ALL APPLICANTS**

- ☐ CARRY BUSINESS ☐ CARRY GUARD/SECURITY ☐ RETIRED POLICE OFFICER  
☐ LIMITED CARRY ☐ GUN CUSTODIAN ☐ PREMISES (Indicate ☐ Residence ☐ Business)  
☐ SPECIAL (out of city validation) CARRY

LICENSE NUMBER (Renewal Applicant)

YEAR

Do you possess any other  
NYC Handgun Lic.? If YES  
TYPE LIC. NO.

1. Last Name

First Name

M.I.

Maiden Name/Alias

2. Legal Address (Street No.)

Apt. #

City or Town

State

Zip Code

3 ☐ Citizen

Alien Registration Number

Social Security Number

Res. Pct.

OCC Code

Total Guns  
Code

☐ Alien

Home Phone No.

Cell Phone No.

Email Address

4. Place of Birth - City, State, Country

Age

Date of Birth

Hgt. (Inches)

Wgt.

Sex

Color of Hair

Color of Eyes

**EMPLOYMENT INFORMATION**

5. Name of Business

Type of Business

Bus. Pct.

6. Business Address (Street No.)

City or Town

State

Zip Code

7. Bus. Telephone No./Day

Occupation (Owner - Employee - Gun Custodian)

How many other persons in this business  
have N.Y.C. Handgun Licenses?

8. If applicable, list name, job title and license number of company gun custodian

**VALIDATION OF OUT OF CITY LICENSE (Special Handgun License ONLY)**

9. Basic License Number

Issued By

County

Date Issued

Expiration Date

**LIST HANDGUNS FOR THIS APPLICATION ONLY**

10. (ORIGINAL APPLICANT LEAVE BLANK)

MAKE

MODEL

GUN SERIAL NUMBER

CALIBER

TYPE  
R Revolver  
A Automatic

OWNER  
E Employer  
S Self

MAKE  
CODE

001

002

**NOTICE**

Pursuant to Penal Law Section 400.00(5), the name and address of any person to whom an application for any license has been granted, shall be a public record.

OFFICIAL USE ONLY Right Thumb

SIGNATURE OF PERSON PRINTED



## SECTION B

Applicants must answer questions 10 through 24. Additionally questions 29 through 31 must be answered chronologically and in detail. If you have answered YES to question(s) 10 through 28 you MUST use the HANDGUN LICENSE APPLICATION ADDENDUM (PD 643-041A) to explain such answer(s) in complete detail. A FALSE STATEMENT SHALL BE GROUNDS FOR DENIAL OF A N.Y.C. HANDGUN LICENSE

## HAVE YOU EVER...

10. Had or ever applied for a Handgun License issued by any Licensing Authority in N.Y.S.? ..... ☐ Yes ☐ No
11. Been discharged from any employment? ..... ☐ Yes ☐ No
12. Used narcotics or tranquilizers? List doctor's name, address, telephone number, in explanation. .... ☐ Yes ☐ No
13. Been subpoenaed to, or testified at, a hearing or inquiry conducted by any executive, legislative or judicial body? ..... ☐ Yes ☐ No
14. Been denied appointment in a civil service system, Federal, State, Local? ..... ☐ Yes ☐ No
15. Served in the armed forces of this or any other country? ..... ☐ Yes ☐ No
16. Received a discharge other than honorable? ..... ☐ Yes ☐ No
17. Been rejected for military service? ..... ☐ Yes ☐ No
18. Are you presently engaged in any other employment, business or profession where a need for a firearm exists? ..... ☐ Yes ☐ No
19. Had or applied for any type of license or permit issued to you by any City, State or Federal agency? ..... ☐ Yes ☐ No
20. Has any corporation or partnership of which you are an officer, director, or partner, ever applied for or been issued a license or permit issued by the Police Dept? Give type, year, license number, in explanation. .... ☐ Yes ☐ No
- 20a. Has any officer, director or partner ever applied for or been issued a license or permit issued by the Police Department? Give type, year, license number, in explanation. .... ☐ Yes ☐ No
21. Suffered from mental illness, or due to mental illness received treatment, been admitted to a hospital or institution, or taken medication? List Doctor's/Institutions, Name, Address, Phone #, in explanation .. ☐ Yes ☐ No
22. Have you ever suffered from any disability or condition that may affect your ability to safely possess or use a handgun? List Doctor's Name, Address, Phone #, in explanation. .... ☐ Yes ☐ No
- NOTE: The following conditions must be listed: Epilepsy, Diabetes, Fainting Spells, Blackouts, Temporary Loss of Memory or any Nervous Disorder.

Before answering questions number 23 thru 26, read paragraph 7 of the instructions completely.

23. Been arrested, indicted, or summonsed for ANY offense other than Parking Violations, in ANY jurisdiction, federal, state, local or foreign? You must include cases that were dismissed and/or the record sealed. List the following: date, time, charge(s), disposition, court and police agency. (False statements are grounds for disapproval). .... ☐ Yes ☐ No
24. Have you ever, or do you now have an Order of Protection issued against you? ..... ☐ Yes ☐ No
25. Have you ever, or do you now have an Order of Protection issued by you against a member of your household, or any family member? ..... ☐ Yes ☐ No
26. Have you ever, or do you now have an Order of Protection issued by you against a person other than a member of your household or family? ..... ☐ Yes ☐ No

If you have answered yes to questions 24 - 26, you must indicate the following information:

- a. Court of Issuance  
b. Date of Issuance  
c. Complainant's Name, Address and Telephone Number  
d. Complainant's relationship to you  
e. Reason for issuance of Order of Protection

27. Have the police ever responded to a domestic incident in which you were involved? ..... ☐ Yes ☐ No
28. Used any variation in spelling of your name or any other name used? (Alias), explain. .... ☐ Yes ☐ No

FROM (MONTH AND YEAR)	TO	LIST ALL PLACES OF RESIDENCE FOR PAST FIVE (5) YEARS RESIDENCE (Include State, County, Zip Code and Apt. No.)	PRECINCT
29.	PRESENT		

FROM (MONTH AND YEAR)	TO	LIST ALL PLACES OF EMPLOYMENT FOR PAST FIVE (5) YEARS BUSINESS NAME AND ADDRESS (Include State, County, Zip Code and Apt. No.)	OCCUPATION	PRECINCT
	PRESENT			

30. How and where will handgun(s) be safeguarded when not in use? (Location outside of N.Y. State is unacceptable).

31. Give name, address, relation and telephone number of person who will safeguard handgun(s) in case of applicant's death or disability. Must be a N.Y. State resident.

The undersigned affirms that the statements made and answers given herein are accurate and complete, and hereby authorizes the New York City Police Department, License Division to make appropriate inquiries in connection with processing this application. **False written statements in this document are punishable** under Section 210.45 of the New York Penal Law (making a punishable false written statement) and also will be sufficient cause for denial of an application, license or permit by the New York City Police Department, License Division.

Date	Signature		
INVESTIGATING OFFICER'S SIGNATURE	DATE	TAX REGISTRY NO.	<input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL and REASON
SUPERVISOR'S SIGNATURE	DATE	TAX REGISTRY NO.	<input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL and REASON
C.O. INVEST. SECTION SIGNATURE	DATE	TAX REGISTRY NO.	<input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL and REASON
C.O. LICENSE DIVISION SIGNATURE	DATE	TAX REGISTRY NO.	<input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL and REASON



**ADDITIONAL INSTRUCTIONS FOR CARRY LICENSE APPLICANTS**

**LETTER OF NECESSITY**

All applicants for a carry license for use in connection with a business or profession must answer the following questions in the space provided. If additional space is necessary continue your letter on reverse side. In ALL CASES the form provided must be used.

1. A detailed description of the applicant's employment and an explanation of why the employment requires the carrying of a concealed handgun.
2. A statement acknowledging that the handgun may only be carried during the course of and strictly in connection with the applicant's job, business or occupational requirements, as described herein.
3. A statement explaining the manner in which the gun will be safeguarded by the employer and/or applicant when not being used.
4. A statement indicating that the applicant has been trained or will receive training in the use and safety of a handgun.
5. A statement acknowledging that the applicant's employer, or, if self employed, the applicant, is aware of its or his or her responsibility to properly dispose of the handgun and return the license to the License Division upon the termination of the applicant's employment or the cessation of business.
6. A statement indicating that the applicant, and if other than self employed, a corporate officer, general partner, or proprietor, has read and is familiar with the provisions of Penal Law Articles 35 (use of deadly force), 265 (criminal possession and use of a firearm) and 400 (responsibilities of a handgun licensee).

The Letter of Necessity is part of this application. Any false statement is an offense punishable as a Class A Misdemeanor pursuant to to Section 210.45 of the New York State Penal Law.

The undersigned affirms that the statements made and answers given herein are accurate and complete, and hereby authorizes the New York City Police Department, License Division to make appropriate inquiries in connection with processing this application. **False written statements in this document are punishable** under Section 210.45 of the New York Penal Law (making a punishable false written statement) and also will be sufficient cause for denial of an application, license or permit by the New York City Police Department, License Division.

Date \_\_\_\_\_ Signature \_\_\_\_\_

---

**ADDITIONAL DOCUMENTATION TO BE PRESENTED AT PERSONAL INTERVIEW**

At the time of your interview, you must also furnish the following documents, as they apply to you:

1. The two (2) most recent copies of the business's sales tax report (ST 100) submitted to the State of New York and Federal Tax Return submitted for the previous year. If the business is solely a wholesale operation, a copy of the Federal tax return submitted for the previous tax year must be submitted. All tax forms must bear notarized signatures.
2. When requested by your investigator, your personal income tax return for the previous tax year.
3. Daily bank deposit slips and corresponding bank statements for the six months preceding the date of your interview. (Photocopies will not be accepted.)
4. A statement from your bank setting forth the total amount of your payroll and the total amount of payroll checks cashed during the three months immediately preceding the date of your interview.
5. If you were the victim of a crime which occurred during the course of your business or professional activities during the previous two years, you must provide the complaint report number, date and the precinct of occurrence.

At the time of your interview, your investigating officer will advise you if any additional forms or documents are required.

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**NOTICE TO ALL APPLICANTS:**

While the application is pending, the applicant shall make an immediate report to the License Division, Applicant Section at (646) 610-5551, of any of the following occurrences:

1. Arrest, indictment, or conviction in any jurisdiction; summons other than traffic infraction; suspension or ineligibility order issued pursuant to section 530.14 of the New York State Criminal Procedure Law or Section 842-a of the New York State Family Court Act.
2. Change of business or residence address.
3. Change of business, occupation or employment.
4. Any change in the circumstances cited by the applicant in their application.
5. Receipt of psychiatric treatment or treatment for alcoholism or drug abuse, or the presence or occurrence of any disability or condition that may affect the ability to safely possess or use a handgun.
6. Applicant is or becomes the subject or recipient of an Order of Protection or a Temporary Order of Protection.

The applicant may be required to provide additional documentation for any of the above occurrences to License Division personnel.



## **LICENCE DIVISION**

### **NEW HANDGUN LICENSE APPLICATION PACKET**

- 1. Instructions to Handgun License Application**
- 2. Types of Licences**
- 3. Affidavit of Familiarity**
- 4. Agreement to Safeguard Firearm(s)**
- 5. Pre-license Exemption**
- 6. Persons Prohibited from Possessing Firearms**
- 7. City Charter 18-C**
  - a- Charter Section 459**
  - b- Charter Section 460**
- 8. Affidavit of Co-Habitant**



## INSTRUCTIONS TO HANDGUN LICENSE APPLICANTS

PD 643-115 (Rev. 11-10)

POLICE DEPARTMENT  
CITY OF NEW YORK  
HANDGUN LICENSE APPLICATION SECTION  
LICENSE DIVISION ROOM 110A

## INSTRUCTIONS TO ALL HANDGUN LICENSE APPLICANTS

The attached application MUST be typewritten and signed. Only the original application will be accepted. DO NOT SUBMIT A PHOTOCOPY. The application must be completely filled out and presented by you personally at the License Division.

At the time you submit your application, you must furnish the items listed below that are applicable to you. You must submit original copies of certificates, licenses, etc. In addition, a legible photocopy of each item submitted must accompany the original or certified copy. (A copy certified by the issuing agency as true and complete is also acceptable in lieu of the original.) Your application will not be accepted without producing the required documents.

1. **Fees.** Two (2) separate fees are required. These are payable by certified check, bank check, money order or credit card. All fees are non-refundable.  
 -\$340.00 - Made payable to New York City Police Department  
 -\$ 94.25 - Made payable to New York City Police Department
2. **Photographs.** Two (2) recent color photographs of yourself. They should measure 1½ x 1½ inches and show you from the chest up. Do not wear any article of clothing or adornment that obscures your facial features.
3. **Birth Certificate.** In lieu of your birth certificate, some other proof of your birth date, e.g., a military record, U.S. passport or baptismal certificate, must be submitted.
4. **Proof of Citizenship/Alien Registration.** If you were born outside the United States, you must submit your naturalization papers or evidence of citizenship if derived from your parents. All other applicants born outside the United States must submit their Alien Registration Card. If you have lived in this country less than 7 years you must submit a good conduct certificate from your country of origin.
5. **Military Discharge.** If you served in the armed forces of the United States, you must submit your separation papers (DD 214) and your discharge.
6. **Proof of Residence.** You must submit proof of your present address. Proof may consist of, but is not limited to, a real estate tax bill, ownership shares in a cooperative or condominium, or a lease. You may also be requested to supply further documentation, i.e., a New York State Driver's License, a New York State Income Tax Return, a Utility Bill, etc.
7. **A.) Arrest Information:** If you were ever arrested, indicted or summonsed (other than parking violations) for any reason you must answer Yes to question-23 and submit a certificate of disposition showing the offense and the disposition. Also, you must submit a detailed statement describing the circumstances surrounding each arrest. **YOU MUST DO THIS EVEN IF:** the case was dismissed, the record sealed or the case nullified by operation of law. The New York State Division of Criminal Justice Services will report to us every instance involving the arrest of an applicant. **DO NOT** rely on anyone's representation that you need not list a previous arrest. If you were ever convicted or pleaded guilty to a felony, or a serious offense as defined in Penal Law Section 265.00(17), an original Certificate of Relief from Disabilities must be submitted.  
**B.) Summons Information:** If you have received a summons for other than a parking violation you must answer Yes to question-23. You must list the violation and disposition for each summons received.  
**C.) Order of Protection:** If you have ever had an Order of Protection or Restraining Order issued against you, or issued on your behalf against anyone, you must list the following information: Court of Issuance; Complainant's or Respondent/Defendant's name, including address and phone number; Complainant's or Respondent/Defendant's relationship to you; Reason for issuance of Order of Protection or Restraining Order.
8. **Proof of Business Ownership.** If you are making application for a License in connection with a business, you must submit proof of ownership for that business. Such proof must clearly state the names of the owner(s), or, if a corporation, the names of the corporate officers. A corporation must submit its corporate book including filing receipt, certificate of incorporation and minutes of the corporate meeting reflecting current corporate officers; others must provide their business certificate or partnership agreement, whichever is applicable. If the business requires a license or permit from any government agency, e.g. alcohol or firearms sales, gunsmith, private investigation and guard agencies, you must submit the license or permit or a certified copy thereof. You must submit proof of address for the business. Proof may consist of a utility bill, not more than 60 days old, in the name of the business or a lease in the name of the business.
9. **Letter of Necessity.** All applicants for a carry license and those seeking a premise license for use in connection with their employment MUST complete the Letter of Necessity found on page 3 of the application. NO SUBSTITUTES WILL BE ACCEPTED.

If you have any questions concerning your application, please call (646) 610-5551. Applications must be submitted in person at the License Division, One Police Plaza Room 110, New York, NY or the Rifle/Shotgun Section, 120-55 Queens Blvd. Rm. B11, Kew Gardens, NY. The License Division's hours of operation are: Monday between the hours of 8:30 a.m. to 8:00 p.m. or Tuesday thru Friday between the hours of 8:30 a.m. to 4:00 p.m. Applicants must arrive early enough for processing to be completed by the close of business.

**REQUEST FOR PRE-LICENSE EXEMPTION**

Pistol License Applicant:

If you wish to request consideration for a pre-license exemption, you must complete this form and return it to the License Division at the time you file your application for a handgun license.

Your request will be reviewed after an investigation is conducted to determine if you have a previous criminal record. A determination to approve or disapprove your request will be made at that time. Approval of your request will authorize you to shoot at an appropriate range while your application for a handgun license is under investigation.

This exemption terminates if your application for a license is denied or at any earlier time based on information which would result in the denial of your application.

Commanding Officer  
License Division

\_\_\_\_\_  
Applicant's Name

\_\_\_\_\_  
Application Control Number

\_\_\_\_\_  
Applicant's Address

\_\_\_\_\_  
Age

\_\_\_\_\_  
Birth Date

\_\_\_\_\_  
Type of License

\_\_\_\_\_  
Name of Range, Address, Telephone Number

\_\_\_\_\_  
Name of Instructor

Instructor's Verified Statement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Instructor's Signature

THIS FORM MUST BE TYPED AND NOTARIZED

## **TYPES OF LICENSES**

**PREMISES LICENSE:** ISSUED FOR YOUR RESIDENCE OR BUSINESS, THIS IS A RESTRICTED TYPE OF LICENSE. The Licensee may possess a handgun at the specific location indicated on the front of the license. This license permits the transporting of an unloaded handgun directly to and from an authorized small arms range/shooting club, secured unloaded in a locked container. Ammunition must be carried separately.

**CARRY BUSINESS LICENSE:** is valid for the business name, address, and firearm(s), listed on the front of the license. It is not transferable to any other person, business, occupation, or address, without the written approval of the Commanding Officer, License Division.

**LIMITED CARRY BUSINESS LICENSE:** is a restricted license. The licensee may only carry the firearm indicated on the license in accordance with the specific limitations listed thereon. At all other times the weapon may be possessed only within the confines of the business address listed on the front of the license.

**SPECIAL CARRY LICENSE:** is valid for the business name, address and firearms(s) listed on the front of this license only while the licensee has in his possession his valid basic county license issued according to the provisions of article 400 of the N.Y.S. penal law. Upon the revocation, suspension, or cancellation of the basic license, the special license is rendered void and must be immediately returned to the license division.

**RESTRICTED CARRY LICENSE (SECURITY GUARDS, ETC.):** applications for this type of license must be made with the documentation provided by the company's "gun custodian". It is issued only for the firearm listed on the license. The firearm may be carried only while the licensee is actively engaged in employment. At all other times the firearm must be stored unloaded in a locked container at either the address on the license or at the employee's legal residence (within the state of New York).

For information concerning "Gun Custodian" licenses, "Dealers in Firearms" licenses, or "Gunsmith" licenses you may contact the License Division's Gun Custodian Section at  
646-610-5936

AFFIRMATION OF FAMILIARITY WITH RULES AND LAW  
(38 RCNY 5-33)

State of New York

County of \_\_\_\_\_ ss.:

The undersigned, being duly sworn, deposes and says that he/she shall be responsible for knowledge of and compliance with all laws, rules, regulations, standards and procedures promulgated by federal, state, or local jurisdictions, and by federal, state or local law enforcement agencies that are applicable to this license.

**False written statements in this document are punishable** under section 210.45 of the New York penal law (making a punishable false written statement) and also will be sufficient cause for denial of an application, license or permit by the New York City Police Department, License Division.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Print your name \_\_\_\_\_





## New York City Police Department

### License Division

One Police Plaza  
New York, NY 10038  
(646) 610-5560



## Acknowledgement of Person Agreeing to Safeguard Firearm(s)

Name of Applicant / Licensee: \_\_\_\_\_

Application / License Number: \_\_\_\_\_

### Instruction to Applicant / Licensee:

Please ask the person you have designated to safeguard and surrender your firearm(s) in the event of your death or incapacity to complete the information below and sign this acknowledgement before a witness. **(Must be a New York State resident.)**

Print Name: \_\_\_\_\_  
Last First M.I.

Address: \_\_\_\_\_  
Number & Street Name Apt City NY State Zip

Telephone Numbers: \_\_\_\_\_  
Home Cell Business

I, \_\_\_\_\_  
(Print name of person agreeing to safeguard firearms)

understand that the above-named applicant/licensee has designated me to safeguard and surrender his/her firearm(s) in the event that he/she dies or becomes incapacitated. I agree that upon learning of the death or incapacity of the applicant/licensee, I will safeguard his/her firearm(s) and immediately notify the New York City Police Department's License Division at (646) 610-5871 of the death or incapacity of the applicant / licensee.

Signature of person agreeing  
to safeguard firearm(s): \_\_\_\_\_ Date: \_\_\_\_\_

Witness' signature \_\_\_\_\_

Witness' name (printed) \_\_\_\_\_

**Please retain a copy of this document for your records**

**PERSONS PROHIBITED**  
**FROM POSSESSING FIREARMS**

TITLE 18, UNITED STATES CODE, SECTION 922g

- ❖ ANYONE UNDER INDICTMENT FOR A CRIME FOR WHICH THEY COULD BE IMPRISONED FOR MORE THAN ONE YEAR.
- ❖ ANYONE CONVICTED OF A CRIME FOR WHICH THEY COULD HAVE BEEN IMPRISONED FOR MORE THAN ONE YEAR.
- ❖ ANYONE WHO IS AN UNLAWFUL USER OF MARIJUANA, NARCOTICS OR ANY CONTROLLED SUBSTANCE.
- ❖ ANYONE WHO HAS BEEN ADJUDICATED MENTALLY DEFECTIVE OR INVOLUNTARILY COMMITTED TO A MENTAL INSTITUTION.
- ❖ ANYONE DISHONORABLY DISCHARGED FROM THE ARMED FORCES.
- ❖ ANYONE IN THE UNITED STATES ILLEGALLY.
- ❖ ANYONE SUBJECT TO A COURT ORDER RESTRAINING THEM FROM HARASSING, STALKING OR THREATENING AN INTIMATE PARTNER OR CHILD OF A PARTNER.
- ❖ ANYONE CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.

**A PROHIBITED PERSON CANNOT RECEIVE OR POSSESS A FIREARM.**

**A LICENSED DEALER MAY NOT TRANSFER A FIREARM TO ANYONE THEY HAVE CAUSE TO BELIEVE IS PROHIBITED.**

THESE ARE VIOLATIONS OF FEDERAL LAW AND MAY RESULT IN FINES OR IMPRISONMENT OF UP TO 10 YEARS.

NEW YORK CITY CHARTER  
CHAPTER 18-C: PUBLIC SAFETY\*

*NYC Charter § 459*

§ 459 Definitions.

a. The term "school" means a public, private or parochial, day care center or nursery or pre-school, elementary, intermediate, junior high, vocational, or high school.

b. The term "school zone" means in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public, private or parochial day care center or nursery or pre-school, elementary, intermediate, junior high, vocational, or high school, or within one thousand feet of the real property boundary line comprising any such school.

c. The term "firearm" means a firearm, rifle, shotgun, or assault weapon, as such terms are defined in section 10-301 of the administrative code, or a machine gun, as defined in penal law section 265.00.

HISTORICAL NOTES:

Section added at General Election, November 6, 2001 (Question 3 § 1) eff. immediately upon certification that electors have approved the amendments.

NEW YORK CITY CHARTER  
CHAPTER 18-C: PUBLIC SAFETY\*

*NYC Charter § 460*

§ 460 Gun-free school safety zones.

a. It shall be a crime for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

b. Subdivision a of this section shall not apply where the firearm is:

(i) possessed and kept in such individual's home in a school zone, provided that such individual is licensed or permitted to possess such firearm; or

(ii) possessed and kept at such individual's business in a school zone, provided that such individual is licensed or permitted to possess such firearm.

c. Affirmative defenses to the crime established in subdivision a shall include possession of a firearm:

(i) carried for personal safety between such individual's business, home, or bank in a school zone, provided that such individual is licensed or permitted to possess such firearm for such purpose;

(ii) just purchased or obtained by such individual and being transported that same day for the first time to such individual's home or business in a school zone where it will be stored, provided that such individual is licensed or permitted to possess such firearm;

(iii) carried between a police department facility for inspection and an individual's business, home, bank, or point of purchase in a school zone, provided that such individual is licensed or permitted to possess such firearm;

(iv) carried by licensed or permitted individuals and being transported to or from an authorized target practice facility;

(v) carried between a gunsmith for demonstrably needed repairs and an individual's business or home in a school zone, provided that such individual is licensed or permitted to possess such firearm;

(vi) used in an athletic or safety program approved by a school in a school zone, or by the police commissioner, or in accordance with a contract entered into between a school within the school zone and the individual or an employer of the individual, provided that such individual is licensed or permitted to possess such firearm for such purpose; or

(vii) used in accordance with a contract entered into between a business within the school zone and the individual or an employer of the individual, provided that such individual is licensed or permitted to possess such firearm for such purpose.

d. It shall be a crime for any person, knowingly or with reckless disregard for the safety of another, to discharge a firearm in a school zone.

e. Affirmative defenses to the crime established in subdivision d shall include discharge of a firearm:

(i) by an individual for self-defense, provided that such individual is licensed or permitted to possess such firearm for such purpose;

(ii) for use in a special event or safety program authorized by a school in a school zone or by the police commissioner;

(iii) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual, provided that such individual is licensed or permitted to possess such firearm for such purpose; or

(iv) by an individual in accordance with a contract entered into between a business and the individual or an employer of the individual, provided that such individual is licensed or permitted to possess such firearm for such purpose.

f. Any person who violates this section shall be guilty of a misdemeanor, punishable by imprisonment of not more than one year or by a fine of not more than ten thousand dollars, or both.

g. In addition to the penalties prescribed in subdivision f of this section, any person who violates this section shall be liable for a civil penalty of not more than ten thousand dollars.

h. This section shall not apply to a police officer, as such term is defined in section 1.20 of the criminal procedure law, or a federal law enforcement officer, as such term is defined in section 2.15 of the criminal procedure law.

i. The police commissioner may promulgate rules implementing the provisions of this section. The police commissioner shall provide written notice of the requirements of this section to all persons who receive an official authorization to purchase a firearm and to all persons applying for a license or permit, or renewal of a license or permit. Failure to receive such notice shall not be a defense to any violation of this section.

j. The city of New York and its agencies, officers or employees shall not be liable to any party by reason of any incident or injury occurring in a gun-free school safety zone arising out of a violation of any provision of this section.



**HANDGUN LICENSE APPLICATION  
ADDENDUM**  
PD 643-041A (11-10)

This form is to be used to provide a detailed explanation for any **"yes"** answers to questions 10 through 28 on the **HANDGUN LICENSE APPLICATION (PD 643-041)**. This form may be reproduced if necessary.

**Question  
Number**

**Detailed Explanation**

The undersigned affirms that the statements made and answers given herein are accurate and complete, and hereby authorizes the New York City Police Department, License Division to make appropriate inquiries in connection with processing this application. **False written statements in this document are punishable** under Section 210.45 of the New York Penal Law (making a punishable false written statement) and also will be sufficient cause for denial of an application, license or permit by the New York City Police Department, License Division.

Date \_\_\_\_\_ Signature \_\_\_\_\_



### Affidavit of Co-Habitant

State of New York

County of \_\_\_\_\_ ss.:

I, \_\_\_\_\_, residing at  
(Name of person making affidavit)

\_\_\_\_\_  
(Address, including zip code)

in the City of New York, do hereby affirm that the applicant,

\_\_\_\_\_  
(Name of applicant)

currently resides with me at the above address.

My relationship to the applicant is \_\_\_\_\_  
(Nature of relationship)

My telephone number is \_\_\_\_\_

I understand that the applicant has applied for a rifle/shotgun permit or handgun license from the New York City Police Department, and I have no objection to him/her receiving a permit or license and storing firearms in my home.

\_\_\_\_\_  
(Signature)

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**Exhibit B**

## Fingerprint/Identification Services

The New York State Division of Criminal Justice Services has been responsible for maintaining the state's fingerprint database and processing fingerprint transactions for more than 100 years.

The core business function of the agency's Office of Criminal Justice Operations is receiving, processing and identifying criminal, civil and crime scene fingerprints against a base file of more than 40 million fingerprint images.

The outcome of this important public safety operation is the positive identification of subject individuals, and the timely dissemination of their complete and accurate criminal history information to authorized agencies.

Professional fingerprint examiners integrate time-honored identification skills with state-of-the-art biometric identification technology to support New York's criminal justice system and the criminal history background check process for certain jobs and licenses.

## Criminal Identification

The Criminal Identification unit processes fingerprint transactions associated with misdemeanor and felony arrests, incarcerations and criminal justice-related inquiries.

DCJS receives criminal fingerprint transactions from law enforcement around the clock. Each transaction is processed in under one hour in order to determine positive identification, past criminal history and warrant information.

Criminal history record reports, commonly referred to as "rap sheets," are returned electronically, and by mail, to contributing law enforcement agencies, district attorney offices and to courts for use in arraignment and bail determinations.

[SAFIS-Latent Brochure \(pdf\)](#)

[Download Evidence Submission form to submit latent print evidence to DCJS' Latent Print Unit \(pdf\)](#)

## Civil Identification

The Civil Identification unit is responsible for processing fingerprint submissions that are associated with applications for certain occupations or licenses that require a criminal history background check pursuant to state statute or local law.

Background checks are required for a variety of jobs, ranging from school teachers, school bus drivers and child care workers to police officers, nursing home employees and taxi cab drivers. The Civil Identification unit receives applicant fingerprint submissions from more than 850 contributing agencies statewide.

Each applicant fingerprint submission is processed in under two days with criminal history record reports returned to contributing agencies electronically and by mail. The Civil Identification unit also provides a point of contact for customers with questions or problems with their fingerprint submissions.

## Origins of the New York State Bureau of Identification

In September 1996, the New York State Bureau of Identification celebrated 100 years of continuous service. To commemorate this achievement, *Origins of the New York State Bureau of Identification* was published in book form.



Exhibit C



The City of New York  
Office of Management and Budget  
75 Park Place, NY 10007

FY 2003  
COST ANALYSIS METHODOLOGY  
FEE INCREASE

CITY FUNDS ONLY

COST AREA	FY 2003 BASIS	ALLOCATION
1. Direct Personnel	Payroll records, staff assignments, salaries, salary adjustments such as COLA, merits, night or shift differential.	Percentage of time assigned to job. Percentage of workload.
A. Collective Bargaining	There is no provision for Collective Bargaining in FY 2003.	Salaries of eligible personnel only.
2. Fringe Benefits	Use 25.70% of direct personal service including collective bargaining costs as per O.M.B. Letter. For uniform and trade personnel, see instructions.	Allocated Direct Personnel costs.
3. OTPS & Misc.	2003 Prelim./Expense Budget for Agency OTPS and Miscellaneous Direct Cost.	Ratio of People (1) (4)
4. Executive Mgmt. Costs	2003 Prelim./Expense Budget for Agency Executive Mgmt. Costs (including Fringe Benefit).	Ratio of Direct Costs (2)
5. Admin. Service Costs	2003 Prelim./Expense Budget for Agency Admin. Service Costs (including Fringe Benefit).	Ratio of Direct Costs (2)



The City of New York  
Office of Management and Budget  
75 Park Place, NY 10007

FY 2003  
COST ANALYSIS METHODOLOGY  
FEE INCREASE

\*\*\*\*\* Retain Documentation On Basis and Computation \*\*\*\*\*

CITY FUNDS ONLY

COST AREA	FY 2003 BASIS	ALLOCATION
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6. Space & Utilities Indirect Costs

Leased Space	Based on YTD or anticipated Rent Data for FY 2003 OR Based on No Rent Rent for Agency, if known, rental for similar space in geographic area of User Service, or other rental in the building.	Ratio of Space (3) where rent for space is known.  Square Footage of User Service space. Alternatives: To be applied when rent is not known. \$27.55 to \$29.00 per sq. foot 2003*. (See Instructions)
Space in City Owned Buildings	Based on square footage  Based on 2% of Building Acquisition Cost plus 2% of improvement costs.	\$27.55 to \$29.00 per sq. foot 2003*. (See Instructions)  Alternatives - Ratio of people (1) for building occupied by a single agency or: Ratio of Space (3) if occupied by > one agency.
Space in City In-Rem Buildings	Square Footage	\$27.55 to \$29.00 per sq. foot 20038 (See instructions).
Utilities	2003 Prelim./Expense Budget, Intra-City Expenses.	Ratio of People (1) (4)

SEE PAGE 3 OF 3 FOR NOTES - (1) (2) (3) AND (4)

\* Average Cost in City owned space includes rent, electricity and cleaning. FY 2002 Rate was \$28.25



The City of New York  
**Office of Management and Budget**  
 75 Park Place, NY 10007

FY 2003  
 COST ANALYSIS METHODOLOGY  
 FEE INCREASE

\*\*\*\*\* Retain Documentation On Basis and Computation \*\*\*\*\*

CITY FUNDS ONLY

COST AREA	FY 2003 BASIS	ALLOCATION
-----------	---------------	------------

Ratio of People (1) (4)

Agency Allocation from O.M.B.'s (See Instructions).

7. Cost of Other  
 Agency's Services

As Applicable (1) (2)

Cost of other units and other lines agencies that participate  
 in providing this user service but do not charge a fee.

8. Other Indirect Costs

**NOTES:**

(1) Ratio of People : Number of people on the User Cost Analysis divided by the total number of people in entire agency.

(2) Ratio of Direct : Direct cost of User Service divided by the total direct cost (personal service, fringe & OTPS) of the entire agency excluding Executive Management & Administrative Service direct costs. City Funds only.

(3) Ratio of Space : Space occupied by employees on User Service over total occupied by all agencies in the building.

(4) Warning : There is the possibility that some functions of an agency or a Unit of Appropriation, may require 'an extraordinary amount of OTPS. When using the ratio of people method, the OTPS allocated to a specific user cost may be unreasonably high, distorting the costs. Isolating OTPS costs to aspecific budget codes may be an alternative method of allocation.



The City of New York  
Office of Management and Budget  
75 Park Place, NY 10007

FY2003  
The City of New York  
Office of Management and Budget

**Instructions For Completion of User Service Cost Analysis**

**CITY FUNDS ONLY**

*Submit one completed copy of the User Service Analysis Form to the Office of Management and Budget for each direct user service provided by your agency.*

1. Indicate Agency and Administration or Department
2. Describe User Service rendered.
3. Indicate the approval required to change the fee schedule. (e.g., City Council).

A. Indicate Date of Last Increase.

**4. Cost Analysis**

A. **Direct Costs**

1. **Personal Service**

Indicate the direct personnel salary costs, as allocated, for the rendering of this User Service.

- Review the payroll record of employees included in the analysis. Include staffing and salary levels, bonuses, differentials, etc.
- Percentage or portion of time the staff spends administering this user service. Compile and retain all cost analysis computations and tables so that your supporting documentation can be reviewed and justified.

Use budgeted payroll costs, including overtime and differentials. Exclude vacant positions, unless agency intends to fill those positions. Include all payroll budgeted costs on either per annum, per session, or per diem basis. Analysis may include the cost of employees from other organizational units who contribute to the rendering of the service.

a. **Fiscal 2003 Collective Bargaining Increase**

There is no provision for collective bargaining in FY 2003 Prelim. Budget. When using FY 2002 PS and a baseline to arrive at FY 2003's amount contact Expense Task Force to determine if collective bargaining increase was budgeted in individual payroll titles or in a lump sum for your agency.

2. **Fringe Benefits**

Use 25.70% of line 4A-1 (Personal Service) and 4A-1a (Collective Bargaining) as a fair approximation of fringe benefits, unless due to known agreements, terms or conditions, a different ratio is known to exist, such as one for uniformed personnel. (Variations from the 25.70 percent (%) rate may occur for per diem, per session employees.)

3. **OTPS & Miscellaneous Cost**

The FY 2003 cost estimate for consultant services, contractual services, supplies, etc., purchased or rented for **direct use in provision of this user service**. The detailed schedule used in computing this item should be retained for review. Intra-City cost for telephones service, lighting should not be overlooked.

4. **Total Direct Costs**

Add lines 4A-1, 4A-1a, 4A-2, 4A-3.

B. **Indirect Costs**1. **Executive Management Overhead**

To derive the dollar cost of Executive Management Overhead attributable to this User Service:

- Accumulate the amount of Executive Management cost: Personal Service, OTPS, and Fringe Benefits.
- Divide the direct cost of this User Service by the total direct cost of the entire agency: Personal Service, OTPS, & Fringe Benefits (excluding Executive Management direct costs). Use costs reflected in the FY 2003 Prelim. / Expense Budget.
- Multiply this ratio by the total Executive Management expense and enter the result on line 4B-1.

2. **Administrative Services Overhead**

To derive the dollar cost of Administrative Services Overhead attributable to this User Service:

- Accumulate the amount of Administrative Service expenses (Personal Services, OTPS and Fringe Benefits).
- Divide the direct cost of this User Service (4A-a) by the total direct costs for the entire agency (excluding Executive Management and Administrative Services direct costs). Use the cost reflected in the FY 2003 Prelim. / Expense Budget.
- Multiply this ratio by the Administrative Services cost and enter result on line 4B-2.



**3. Space and Utilities**

Enter one of the following:

- a. The cost of leased office space utilized in providing this user service.
- b. If the space is within a city owned building (agency does not pay rent), the space may be computed at the Citywide rent which averages between \$27.55 to \$29.00 per Sq. ft, unless a different rate is known to be more appropriate. The rent estimate includes the following amounts and options:

	<u>Per Sq. foot</u>
• Office Space	\$23.73
• Cleaning	\$1.75 to \$2.75
• Electricity - PASNY@	\$1.75
• Electricity - PASNY@	\$2.50

*Note:* Electricity from Con Edison is estimated at \$2.50 per sq. foot. Where other than office space is involved, such as piers, parking lots, laboratories, warehouses, etc. use acceptable trade rental figures.

Estimate the fair portion of utility costs, direct or intra-city (telephone, light ,etc.), assigned to space and utility costs of line 4B-3.

**4. Costs of Other Agency Services (CAP)**

A "Line Agency" receives services from the City's "Support Agencies" such as the Office of Management and Budget, Department of Citywide Administrative Services, Law Dept., Employees Retirement System, etc. A portion of such services and related costs are assigned to each particular user service. To properly account for these costs, allocate the amount furnished annually to your agency by OMB (contact Patricia Herrick, 75 Park Place 6th Floor, (212) 788-5843) to ascertain the cost of user service, as a separate cost item and not as a part of the Administrative Service Overhead

The total cost allocated to your agency should be the gross amount divided by the total agency headcount. The per capita amount is then applied against the total headcount (FTE) attributed to direct PS (4A-1). Enter allocation on Line 4B-4.

**5. Miscellaneous Indirect Costs**

Include all other indirect costs incurred in the provision of this user service, if such costs exist. Such indirect costs could be incurred by another unit of your agency or by another agency which provides support for your service, but does not charge a separate fee.

**6. Total Indirect Costs**

Add line 4B-1, 4B-2, 4B-3, 4B-4, 4B-5.

**C. Total Costs**

Add Direct Cost Total and Indirect Cost Total.

**5. Unit Cost and Fee Data****A. Number of Units Rendered**

- The unit estimate should encompassed the total universe, including the uncollectibles and those users who will have their fees waived.
- Enter the number of Service Units to be actually rendered in FY 2003.
- Annualize the number of units if it's a new user service in operation for less than 12 months.
- For licenses, permits, fees, etc., renewed biennially or triennially, units should be averaged over the two or three-year cycle to avoid distortion.
- Be careful to adjust FY 2003 units to reflect any change in the number of inspectors, personnel, etc. that will directly increase or decrease the number of units served.

**B. Cost per Service Unit**

Enter the cost per unit of this User Service by dividing the amount on line 4C by amount on line 5A.

**C. Current Fee / Charge**

Enter the current NYC. fee charged for this User Service. If none, write, "none".

**D. Public/Private Unit Cost of Comparative Service**

If appropriate, obtain the names of three enterprises, public or private, which provide comparable service. Indicate the current fee that is being charged and the unit cost of service if known. Try to cite comparable service within the New York-New Jersey Metropolitan area.

**6. Recommendations for Change in Fee / Charge**

If you are recommending an increase in the fee, indicate why you are recommending this increase and the reason for setting the rate at the proposed level. Also indicate:

- How long would it take for you to begin implementation and collection of the new fees.
- A projection of increased revenue as a result of a fee change. Retain any table or formulas used for projection.

Attach extra pages for explanation, if necessary.

**7. Remarks**

Other observations about the fee increase.

**8. Preparer**

Name of the person who prepared the user service cost analysis.

**9. Signature of the Commissioner or the Commissioner's delegate.****10. Be sure to include a copy of supporting documentation, schedules and worksheets used in the cost analysis.**



Exhibit D



**To:** City of New York  
Office of Management and Budget  
Miscellaneous Revenue Unit  
75 Park Place, 7th Floor  
New York, NY 10007

**Submitted herewith is the License, Permit, and Fee  
User Cost Analysis Form for the:**

**New York City Police Department**  
**(Agency)**

**Agency Project Coordinator:** Frank J. Doka

**Title:** Assistant Commissioner

**Telephone Number:** (646) 610-8342

Cover



The City of New York  
**Office of Management and Budget**  
 75 Park Place, New York, New York 10007

**USER COST ANALYSIS FORM  
 FISCAL 2003**

1. **Agency:** New York City Police Department
2. **Description of User Service :** to provide Handgun licenses
3. **Statutory Requirement For Change in Fee Schedule:**  
New York City Administrative Code Section 10-131, subdivision a, sets the fee  
for handgun licenses.

A. **Date of Last Fee Increase :** July, 1992

**4. Cost Analysis**

A. Direct Costs	<u>Fiscal 2003</u>
1) Personal Service Cost	\$ 2,395,682
a) Collective Bargaining Increase	N/A
2) Fringe Benefits	\$ 789,743
3) O.T.P.S. & Miscellaneous Direct Cost	\$ 129,312
4) Total Direct Cost	<span style="border: 1px solid black; padding: 2px;">\$3,314,737</span>

**B. Indirect Costs****Fiscal 2003****1) Executive Management Overhead****Personal Service, OTPS, Fringe Benefits****\$1,326****2) Administrative Service Overhead (Including Fringe)****\$177,007****3) Space and Utilities (included in Direct costs OTPS)****4) Cost of Other Agency Services****\$37,987****5) Miscellaneous Indirect Costs****6) Total Indirect Costs****\$216,320****C. Total Cost****\$3,531,057**

**5. Unit Costs / Fee Data****Fiscal 2003**

A. Number of Units Rendered 10,280

B. Cost per Service Unit \$343.49

C. Current Charge / Fee Per Service Unit \$255.00

D. Public / Private Unit Cost Comparable Service \_\_\_\_\_

Name of Municipality / EnterpriseCurrent FeeCurrent Cost

1) \_\_\_\_\_

2) \_\_\_\_\_

3) \_\_\_\_\_

**6. Recommendations for Change in Fee or Charge:**increase handgun license fee by \$85, from \$255 to \$340 for a 3-year license, to recover costs**7. Remarks :** \_\_\_\_\_**8. Preparer :**PETER REESE**Telephone #:**646-610-7048**9. Signed:**Peter Reese**Date :**1/6/04

\* Please attach all supporting documentation for direct and indirect costs for the above analysis.

Name of Agency : New York City Police Department

Name of License : Handgun License

Recommendation : Increase fees to cover costs

**Action Required :**

(Please check all the appropriate boxes that are required for an increase in the direct user charge.)

	YES	NO
Commissioner Approval	<u>X</u>	<u></u>
Corp. Counsel Approval	<u>X</u>	<u></u>
Mayoral Approval	<u>X</u>	<u></u>
Notice in City Record	<u></u>	<u>X</u>
City Council Action	<u>X</u>	<u></u>
City Admin. Procedures Act (CAPA)	<u></u>	<u>X</u>
Special Board Approval (eg. Bd. of Health)	<u></u>	<u>X</u>
Promulgation in City Record	<u></u>	<u>X</u>
State Legislative Action	<u></u>	<u>X</u>
Other Agency or Governmental Body	<u></u>	<u>X</u>

Other Action:



**Agency Response Sheet  
2003 Summary Report  
Direct User Charges**

Agency Name		Police Department				Agency No.			056
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	A=Annual B=Biennial T=Triennial N=Nonrecurring
Description	2003 Current Fee	2003 Unit Cost	Col.2-1 Variance	Proposed Fee	Annual Volume (Average)	Add'l Revenue if Fee is Changed	Total Volume Issued & Outstanding	Renewal Term	
1. Handgun License	\$255.00	\$340.00	\$85.00	\$340.00	10,280	\$873,800			T
2. Long Gun Permit (Rifles/Shotguns)	\$55.00	\$140.00	\$85.00	\$140.00	9,444	\$802,712			T

\* Print out additional sheets as necessary.

Exhibit E



The City of New York  
Office of Management and Budget  
75 Park Place, NY 10007

**FY 2010  
FEE INCREASE  
\*\*\*\*\* Retain Documentation On Basis and Computation \*\*\*\*\***

**CITY FUNDS ONLY**

<b>COST AREA</b>	<b>FY 2010 BASIS</b>	<b>ALLOCATION</b>
1. Direct Personnel	Payroll records, staff assignments, salaries, salary adjustments such as COLA, merits, night or shift differential.	Percentage of time assigned to job. Percentage of workload.
A. Collective Bargaining	Not Applicable	Salaries of eligible personnel only.
2. Fringe Benefits	Use 43.32% of direct personal service including collective bargaining costs as per O.M.B. Letter. For uniform and trade personnel, see instructions.	Allocated Direct Personnel costs.
3. OTPS & Misc.	2010 Prelim./Expense Budget for Agency OTPS and Miscellaneous Direct Cost.	Ratio of People (1) (4)
4. Executive Mgmt. Costs	2010 Prelim./Expense Budget for Agency Executive Mgmt. Costs (including Fringe Benefit).	Ratio of Direct Costs (2)
5. Admin. Service Costs	2010 Prelim./Expense Budget for Agency Admin. Service Costs (including Fringe Benefit).	Ratio of Direct Costs (2)



The City of New York  
Office of Management and Budget  
75 Park Place, NY 10007

FY 2010  
FEE INCREASE  
\*\*\*\*\* Retain Documentation On Basis and Computation \*\*\*\*\*

CITY FUNDS ONLY

COST AREA	FY 2010 BASIS	ALLOCATION
6. Space & Utilities Indirect Costs		
Leased Space	Based on YTD or anticipated Rent Data for FY 2010 OR Based on No Rent Rent for Agency, if known, rental for similar space in geographic area of User Service, or other rental in the building.	Ratio of Space (3) where rent for space is known.  Square Footage of User Service space. Alternatives: To be applied when rent is not known. \$28.44 to \$29.19 per sq. foot (See Instructions)
Space in City Owned Buildings	Based on square footage  Based on 2% of Building Acquisition Cost plus 2% of improvement costs.	\$28.44 to \$29.19 per sq. foot (See Instructions)  Alternatives - Ratio of people (1) for building occupied by a single agency or: Ratio of Space (3) if occupied by > one agency.
Space in City In-Rem Buildings	Square Footage	\$28.44 to \$29.19 per sq. foot
Utilities	2010 Prelim./Expense Budget, Intra-City Expenses.	Ratio of People (1) (4)

SEE PAGE 3 OF 3 FOR NOTES - (1) (2) (3) AND (4)



The City of New York  
Office of Management and Budget  
75 Park Place, NY 10007

**FY 2010  
FEE INCREASE  
\*\*\*\*\* Retain Documentation On Basis and Computation \*\*\*\*\***

**CITY FUNDS ONLY**

<b>COST AREA</b>	<b>FY 2010 BASIS</b>	<b>ALLOCATION</b>
------------------	----------------------	-------------------

Ratio of People (1) (4)

Agency Allocation from O.M.B.'s (See Instructions).

7. Cost of Other  
Agency's Services

8. Other Indirect Costs  
Cost of other units and other lines agencies that participate  
in providing this user service but do not charge a fee. As Applicable (1) (2)

**NOTES:**

(1) Ratio of People : Number of people on the User Cost Analysis divided by the total number of people in entire agency.

(2) Ratio of Direct : Direct cost of User Service divided by the total direct cost (personal service, fringe & OTPS) of the entire agency excluding Executive Management & Administrative Service direct costs. City Funds only.

(3) Ratio of Space : Space occupied by employees on User Service over total occupied by all agencies in the building.

(4) Warning : There is the possibility that some functions of an agency or a Unit of Appropriation, may require 'an extraordinary amount of OTPS. When using the ratio of people method, the OTPS allocated to a specific user cost may be unreasonably high, distorting the costs. Isolating OTPS costs to aspecific budget codes may be an alternative method of allocation.





The City of New York  
**Office of Management and Budget**  
75 Park Place, NY 10007

FY 2010  
The City of New York  
Office of Management and Budget

**Instructions For Completion of User Service Cost Analysis**

**CITY FUNDS ONLY**

***Submit one completed copy of the User Service Analysis Form to the Office of Management and Budget for each direct user service provided by your agency.***

1. Indicate Agency and Administration or Department
2. Describe User Service rendered.
3. Indicate the approval required to change the fee schedule. (e.g., City Council).

A. Indicate Date of Last Increase.

**4. Cost Analysis**

A. **Direct Costs**

1. **Personal Service**

Indicate the direct personnel salary costs, as allocated, for the rendering of this User Service.

- Review the payroll record of employees included in the analysis. Include staffing and salary levels, bonuses, differentials, etc.
- Percentage or portion of time the staff spends administering this user service. Compile and retain all cost analysis computations and tables so that your supporting documentation can be reviewed and justified.

Use budgeted payroll costs, including overtime and differentials. Exclude vacant positions, unless agency intends to fill those positions. Include all payroll budgeted costs on either per annum, per session, or per diem basis. Analysis may include the cost of employees from other organizational units who contribute to the rendering of the service.

a. **Fiscal 2010 Collective Bargaining Increase** - may not be applicable in some years

When using FY 2010 PS and a baseline to arrive at FY 2010's amount contact Expense Task Force to determine if collective bargaining increase was budgeted in individual payroll titles or in a lump sum for your agency.

**2. Fringe Benefits**

Use 43.32% of line 4A-1 (Personal Service) and 4A-1a (Collective Bargaining) as a fair approximation of fringe benefits, unless due to known agreements, terms or conditions, a different ratio is known to exist, such as one for uniformed personnel. (Variations from the 43.32 percent (%) rate may occur for per diem, per session employees.)

**3. OTPS & Miscellaneous Cost**

The FY 2010 cost estimate for consultant services, contractual services, supplies, etc., purchased or rented for direct use in provision of this user service. The detailed schedule used in computing this item should be retained for review. Intra-City cost for telephones service, lighting should not be overlooked.

**4. Total Direct Costs**

Add lines 4A-1, 4A-1a, 4A-2, 4A-3.

**B. Indirect Costs****1. Executive Management Overhead**

To derive the dollar cost of Executive Management Overhead attributable to this User Service:

- Accumulate the amount of Executive Management cost: Personal Service, OTPS, and Fringe Benefits.
- Divide the direct cost of this User Service by the total direct cost of the entire agency: Personal Service, OTPS, & Fringe Benefits (excluding Executive Management direct costs). Use costs reflected in the FY 2010 Prelim. / Expense Budget.
- Multiply this ratio by the total Executive Management expense and enter the result on line 4B-1.

**2. Administrative Services Overhead**

To derive the dollar cost of Administrative Services Overhead attributable to this User Service:

- Accumulate the amount of Administrative Service expenses (Personal Services, OTPS and Fringe Benefits).
- Divide the direct cost of this User Service (4A-a) by the total direct costs for the entire agency (excluding Executive Management and Administrative Services direct costs). Use the cost reflected in the FY 2010 Prelim. / Expense Budget.
- Multiply this ratio by the Administrative Services cost and enter result on line 4B-2.

**3. Space and Utilities**

Enter one of the following:

a. The cost of leased office space utilized in providing this user service.

b.

If the space is within a city owned building (agency does not pay rent), the space may be computed at the Citywide rent which averages between \$28.44 to \$29.19 per Sq. ft, unless a different rate is known to be more appropriate. The rent estimate includes the following amounts and options:

	<u>Per Sq. foot</u>	<u>Range</u>	
• Office Space	\$25.00	\$25.00	\$25.00
• Cleaning	\$1.69	\$1.69	\$1.69
• Electricity - PASNY@	\$1.75	\$1.75	
• Electricity - Con Edison	\$2.50		\$2.50
		\$28.44	\$29.19

*Note:* Where other than office space is involved, such as piers, parking lots, laboratories, warehouses, etc. use acceptable trade rental figures.

Estimate the fair portion of utility costs, direct or intra-city (telephone, light, etc.), assigned to space and utility costs of line 4B-3.

**4. Costs of Other Agency Services (CAP)**

A "Line Agency" receives services from the City's "Support Agencies" such as the Office of Management and Budget, Department of Citywide Administrative Services, Law Dept., Employees Retirement System, etc. A portion of such services and related costs are assigned to each particular user service. To properly account for these costs, allocate the amount furnished annually to your agency by OMB to ascertain the cost of user service, as a separate cost item and not as a part of the Administrative Service Overhead rate.

The total cost allocated to your agency should be the gross amount divided by the total agency headcount. The per capita amount is then applied against the total headcount (FTE) attributed to direct PS (4A-1). Enter allocation on Line 4B-4.

**5. Miscellaneous Indirect Costs**

Include all other indirect costs incurred in the provision of this user service, if such costs exist. Such indirect costs could be incurred by another unit of your agency or by another agency which provides support for your service, but does not charge a separate fee.

**6. Total Indirect Costs**

Add line 4B-1, 4B-2, 4B-3, 4B-4, 4B-5.

**C. Total Costs**

Add Direct Cost Total and Indirect Cost Total.

**5. Unit Cost and Fee Data****A. Number of Units Rendered**

- The unit estimate should encompassed the total universe, including the uncollectibles and those users who will have their fees waived.
- Enter the number of Service Units to be actually rendered in FY 2010
- Annualize the number of units if it's a new user service in operation for less than 12 months.
- For licenses, permits, fees, etc., renewed biennially or triennially, units should be averaged over the two or three-year cycle to avoid distortion.
- Be careful to adjust FY 2010 units to reflect any change in the number of inspectors, personnel, etc. that will directly increase or decrease the number of units served.

**B. Cost per Service Unit**

Enter the cost per unit of this User Service by dividing the amount on line 4C by amount on line 5A.

**C. Current Fee / Charge**

Enter the current NYC. fee charged for this User Service. If none, write, "none".

**D. Public/Private Unit Cost of Comparative Service**

If appropriate, obtain the names of three enterprises, public or private, which provide comparable service. Indicate the current fee that is being charged and the unit cost of service if known. Try to cite comparable service within the New York-New Jersey Metropolitan area.

**6. Recommendations for Change in Fee / Charge**

If you are recommending an increase in the fee, indicate why you are recommending this increase and the reason for setting the rate at the proposed level. Also indicate:

- How long would it take for you to begin implementation and collection of the new fees.
- A projection of increased revenue as a result of a fee change. Retain any table or formulas used for projection.

Attach extra pages for explanation, if necessary.

**7. Remarks**

Other observations about the fee increase.

**8. Preparer**

Name of the person who prepared the user service cost analysis.

**9. Signature of the Commissioner or the Commissioner's delegate.****10. Be sure to include a copy of supporting documentation, schedules and worksheets used in the cost analysis.**

Exhibit F





The City of New York  
**Office of Management and Budget**  
 75 Park Place, New York, New York 10007

**USER COST ANALYSIS FORM  
 FISCAL 2010**

1. Agency: Police Department
2. Description of User Service : \_\_\_\_\_  
Premise Residence (PR)
3. Statutory Requirement For Change in Fee Schedule: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

A. Date of Last Fee Increase :

4. Cost Analysis

A. Direct Costs of the Service

Fiscal 2010

- |  |                      |
|--|----------------------|
| 1) Personal Service Cost   | <u>\$501,356 (a)</u> |
| a) Collective Bargaining Increase  | <u>N/A</u>           |
| b) Funded Overtime   | <u></u>              |
| 2) Fringe Benefits   | <u>\$359,981</u>     |
| 3) O.T.P.S.  | <u>\$37,507 (a)</u>  |
| 4) Total Direct Cost (not including space and utilities, which are included below) | <u>\$898,844 (a)</u> |

**B. Indirect Costs of the Service****Fiscal 2010**

- |  |                      |
|--|----------------------|
| 1) Executive Management Overhead<br>PS + OTPS (Incl. space and utilities) + Fringe Benefits                      | <u>\$232</u> (a)     |
| 2) Administrative Service Overhead (Including Fringe)<br>PS + OTPS (Incl. space and utilities) + Fringe Benefits | <u>\$58,952</u> (a)  |
| 3) Space and Utilities (Direct Service Cost)   | <u>\$40,779</u> (a)  |
| 4) Cost of Other Agency Services (Gross CAP)   | <u>\$5,717</u> (a)   |
| 5) Miscellaneous Indirect Costs (if any)   |                      |
| 6) Total Indirect Costs  | <u>\$105,680</u> (a) |

**C. Total Cost****\$1,004,524 (a)**

**5. Unit Costs / Fee Data****Fiscal 2010**

A. Number of Units Rendered	<u>1,028</u>
B. Cost per Service Unit	<u>\$977.16</u>
C. Current Triennial Charge / Fee Per Service Unit	<u>\$340.00</u>
D. Public / Private Unit Cost Comparable Service	<u>N/A</u>

**Name of Municipality / Enterprise****Current Fee****Current Cost**

1)			
2)			
3)			

**6. Recommendations for Change in Fee or Charge:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7. Remarks :**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**8. Preparer :** \_\_\_\_\_ **Telephone #:** \_\_\_\_\_**9. Signed:** \_\_\_\_\_ **Date :** \_\_\_\_\_

\* Please attach all supporting documentation for direct and indirect costs for the above analysis.

**Name of Agency :** New York Police Department

**Name of License :** 0

**Recommendation :** \_\_\_\_\_

**Action Required :**

(Please check all the appropriate boxes that are required for an increase in the direct user charge.)

	YES	NO
<b>Commissioner Approval</b>	_____	_____
<b>Corp. Counsel Approval</b>	_____	_____
<b>Mayoral Approval</b>	_____	_____
<b>Notice in City Record</b>	_____	_____
<b>City Council Action</b>	_____	_____
<b>City Admin. Procedures Act (CAPA)</b>	_____	_____
<b>Special Board Approval (eg. Bd. of Health)</b>	_____	_____
<b>Promulgation in City Record</b>	_____	_____
<b>State Legislative Action</b>	_____	_____
<b>Other Agency or Governmental Body</b>	_____	_____

**Other Action?:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Exhibit G





The City of New York  
**Office of Management and Budget**  
 75 Park Place, New York, New York 10007

**USER COST ANALYSIS FORM  
 FISCAL 2010**

1. Agency: Police Department
2. Description of User Service : \_\_\_\_\_  
All Other Renewals
3. Statutory Requirement For Change in Fee Schedule: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

A. Date of Last Fee Increase :

4. Cost Analysis

A. Direct Costs of the Service

Fiscal 2010

- |  |                             |
|--|-----------------------------|
| 1) Personal Service Cost   | <u>\$1,617,640 (a)</u>      |
| a) Collective Bargaining Increase  | <u>N/A</u>                  |
| b) Funded Overtime   | <u>                    </u> |
| 2) Fringe Benefits   | <u>\$970,868</u>            |
| 3) O.T.P.S.  | <u>\$143,445 (a)</u>        |
| 4) Total Direct Cost (not including space and utilities, which are included below) | <u>\$2,731,952 (a)</u>      |

**B. Indirect Costs of the Service****Fiscal 2010**

- |  |               |
|--|---------------|
| 1) Executive Management Overhead<br>PS + OTPS (incl. space and utilities) + Fringe Benefits                      | \$703 (a)     |
| 2) Administrative Service Overhead (Including Fringe)<br>PS + OTPS (incl. space and utilities) + Fringe Benefits | \$181,188 (a) |
| 3) Space and Utilities (Direct Service Cost)   | \$155,960 (a) |
| 4) Cost of Other Agency Services (Gross CAP)   | \$21,864 (a)  |
| 5) Miscellaneous Indirect Costs (if any)   |               |
| 6) Total Indirect Costs  | \$359,714 (a) |

**C. Total Cost****\$3,091,666 (a)**

**5. Unit Costs / Fee Data****Fiscal 2010**

A. Number of Units Rendered	8,912
B. Cost per Service Unit	\$346.92
C. Current Triennial Charge / Fee Per Service Unit	\$340.00
D. Public / Private Unit Cost Comparable Service	N/A

**Name of Municipality / Enterprise****Current Fee****Current Cost**

1)			
2)			
3)			

**6. Recommendations for Change in Fee or Charge:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7. Remarks :**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**8. Preparer :** \_\_\_\_\_ **Telephone #:** \_\_\_\_\_**9. Signed:** \_\_\_\_\_ **Date :** \_\_\_\_\_

\* Please attach all supporting documentation for direct and indirect costs for the above analysis.

Exhibit H

The City  
of  
New York



Comprehensive  
Annual Financial Report  
of the  
Comptroller  
for the  
Fiscal Year Ended June 30, 2010

JOHN C. LIU  
*Comptroller*

SIMCHA FELDER  
*Deputy Comptroller*

MICHAEL N. SPITZER  
*Assistant Comptroller for Accounting*

PATRICK D. TONER  
*Chief Accountant*

**The City of New York**

**Comprehensive  
Annual Financial Report  
of the  
Comptroller**

**INTRODUCTORY SECTION**

**Part I**

**Fiscal Year Ended June 30, 2010**



## Comptroller's Report for Fiscal 2010

## Part II-E—General Fund—Schedule G3 (Cont.)

## Revenues vs. Budget by Agency

Revenue Source Within Agency	Budget		Actual Revenue	
	Adopted	Modified	2010	2009
040 DEPARTMENT OF EDUCATION (cont.)				
45001 Pollution Remediation—Bond Sales	\$ —	\$ 170,872,000	\$ 170,872,000	\$ 158,543,320
Total Department of Education	11,040,961,431	11,346,498,910	11,349,409,397	10,675,491,203
Net Change in Estimate of Prior Receivables	—	—	(44,592,049)	(30,030,252)
Net Total Department of Education	11,040,961,431	11,346,498,910	11,304,817,348	10,645,460,951
042 CITY UNIVERSITY OF NEW YORK				
00461 Higher Education Services and Fees—Community Colleges	198,362,000	265,533,000	274,062,643	217,574,535
00760 Rentals—Other	2,300,000	2,300,000	2,500,000	1,100,000
00859 Sundries	185,000	185,000	229,264	368,109
03229 Energy Efficiency and Renewable Energy	—	153,224	84,735	46,776
13946 Education Stabilization Fund	10,752,000	10,752,000	10,752,000	—
13947 Government Services Stabilization Fund	2,978,000	2,978,000	2,978,000	—
27909 State Aid—Community Colleges	152,387,550	159,557,230	161,597,125	166,652,550
27911 Hunter Public School Aid	1,800,000	1,800,000	1,800,000	1,800,000
27912 State Aid—Senior Colleges	35,000,000	35,000,000	—	—
29271 Community College Child Care	2,865,000	2,693,100	2,693,100	2,693,100
29350 Community College Rents	4,819,000	6,308,120	6,308,120	6,497,280
29355 College Discovery Program	881,265	828,390	828,389	828,389
43900 Private Grants	2,500,000	2,500,000	1,153,781	1,363,675
Total City University of New York	414,829,815	490,588,064	464,987,157	398,924,414
054 CIVILIAN COMPLAINT REVIEW BOARD				
00470 Other Services and Fees	—	—	38	318
Total Civilian Complaint Review Board	—	—	38	318
056 POLICE DEPARTMENT				
00200 Licenses—General	2,100,000	2,100,000	1,740,008	3,533,096
00250 Permits—General	825,000	825,000	970,710	892,329
00470 Other Services and Fees	29,146,000	28,746,000	28,709,233	30,801,061
00472 Parking Meter Revenues	586,000	700,000	935,959	610,264
00600 Fines—General	—	—	46,034	4,972
00847 E-911 Surcharges	38,700,000	36,000,000	37,221,765	37,106,860
00848 Wireless and Cell Phone Surcharges	20,800,000	21,700,000	21,868,346	21,365,728
00859 Sundries	9,622,000	9,872,000	8,686,191	10,477,736
03060 Public Safety Interoperable Communications	—	308,061	308,061	—
03200 Gang Resistance Education Training	—	127,220	127,218	112,194
03270 Law Enforcement Terrorism Prevention Program	—	7,408,428	7,411,429	6,048,030
03276 Buffer Zone Protection Plan (BZPP)	—	—	—	502
03279 Securing the Cities	—	20,572,921	20,572,921	53,357
03280 Port Security	—	3,370,721	3,370,718	681,958
03281 Rail and Transit Security	—	8,891,135	8,891,133	3,403,778
03285 ARRA—Rail and Transit Security	—	4,900,978	4,595,702	—
04017 Federal Assistance for United Nations	15,000,000	15,000,000	15,000,000	14,119,887

(Continued)

## Comptroller's Report for Fiscal 2010

## Part II-E—General Fund—Schedule G3 (Cont.)

## Revenues vs. Budget by Agency

Revenue Source Within Agency	Budget		Actual Revenue	
	Adopted	Modified	2010	2009
056 POLICE DEPARTMENT (cont.)				
04028 Drug Enforcement Overtime . . . . .	\$ 702,500	\$ 4,742,763	\$ 4,742,763	\$ 4,459,773
04099 Federal Asset Forfeiture . . . . .	—	3,707	3,707	109,863
04139 Weed and Seed Project . . . . .	—	93,195	93,195	43,097
04213 Bulletproof Vest Program . . . . .	—	169,800	169,800	913,360
04221 Byrne Narcotics Control Auxiliary Program . . . . .	—	—	—	36,467
04233 PSA3 Narcotics Surveillance Program . . . . .	—	1,357,792	1,357,750	1,456,542
04244 Urban Areas Security Initiative . . . . .	—	28,921,930	28,959,638	19,479,936
04247 Missing Children's Assistance Program . . . . .	—	846	846	—
04249 Domestic Preparedness Equipment Support . . . . .	—	3,556,738	3,556,719	3,317,326
04250 Public Safety Partnership & Community Policy . . . . .	—	1,768,576	1,768,575	1,449,360
04256 National Institute of Justice Research (NIJR) . . . . .	—	—	—	84,310
04261 Justice Assistance Grant Funds . . . . .	2,551,448	20,688	20,688	1,095,508
04265 Services for Trafficking Victims . . . . .	—	57,526	57,527	216,513
04268 Forensic DNA Capacity Enhancement . . . . .	—	69,051	69,050	—
04271 Recovery Act Justice Assistance Local . . . . .	—	2,343,780	2,343,779	—
19929 Forfeiture Law Enforcement . . . . .	—	3,607,235	3,605,028	4,965,350
19934 Soft Body Armor Vests Program . . . . .	—	980,570	980,570	327,320
19935 Enforcement of Navigation Laws . . . . .	132,000	400,000	400,000	400,000
19939 Narcotics Control . . . . .	—	—	—	49,930
19949 State Felony Program (EDDCP) . . . . .	4,000	4,000	3,998	4,000
23801 Highway Emergency Local Patrol . . . . .	—	1,642,030	1,642,030	1,786,997
23802 NYSDOT Traffic Control . . . . .	—	468,657	468,653	598,538
23947 Emergency Medical Technical Training . . . . .	59,800	59,800	83,855	63,950
29853 Aid to Crime Labs . . . . .	536,208	778,767	778,717	2,042,176
29856 Aid to Prosecution . . . . .	—	354,730	354,730	96,499
29869 State Local Initiative . . . . .	—	1,989,630	1,989,629	1,797,303
29873 Motor Vehicle Theft Insurance Fraud . . . . .	—	625,885	631,020	742,814
29905 Reimbursement of Retirees . . . . .	500,000	500,000	500,000	500,000
29970 State Aid . . . . .	—	1,825,221	1,825,220	553,470
29978 State Aid Pension Reimbursement . . . . .	8,141,495	8,141,495	13,411,063	12,707,093
29982 NYS Dormitory Authority Grant . . . . .	—	3,099	3,099	—
30400 Stop Driving While Intoxicated . . . . .	—	719,721	714,381	681,850
30402 Buckle-Up New York Program . . . . .	—	1,345,854	1,345,854	1,317,796
30406 Combat Aggressive Driving Program . . . . .	—	347,214	329,580	561,095
30551 Wireless Emergency 911 Surcharges . . . . .	4,200,000	6,139,482	6,139,481	6,198,273
30906 Local Government Records Management . . . . .	—	12,101	12,099	42,162
31914 Asset Forfeiture—Private . . . . .	—	6,851,755	6,851,732	11,703,105
35904 Williamsburg Bridge Project . . . . .	—	2,370,891	2,370,892	2,736,230
35940 Gowanus Prospect Expressway . . . . .	—	—	—	35,377

(Continued)

## Comptroller's Report for Fiscal 2010

## Part II-E—General Fund—Schedule G3 (Cont.)

## Revenues vs. Budget by Agency

Revenue Source Within Agency	Budget		Actual Revenue	
	Adopted	Modified	2010	2009
056 POLICE DEPARTMENT (CONT.)				
35967 TEA—Macombs Dam Bridge .....	\$ —	\$ 1,250	\$ 1,250	\$ —
35997 TEA—Flushing Avenue .....	—	223,276	223,276	365,903
36000 TEA—Citywide Construction Project .....	—	16,137,642	16,137,644	15,655,366
41916 Summer Gang Resistance and Training Program .....	—	—	—	10,313
43900 Private Grants .....	—	1,237,855	1,240,007	2,514,207
43928 Housing Authority Police Grant ....	69,082,461	72,981,315	72,608,182	72,428,919
44010 Transit Authority Fare Evasion Overtime .....	—	3,340,157	3,340,157	3,568,623
44011 Community Oriented Policing Service .....	—	83,838	83,838	186,012
44038 Ford Warranty Program .....	—	243,618	243,618	239,106
44049 GMC—Chevrolet Impala .....	—	2,128,517	2,128,517	1,653,480
44061 Non-Governmental Grants .....	—	436,268	436,269	10,238
45001 Pollution Remediation—Bond Sales ..	—	1,256,858	1,256,858	—
Total Police Department .....	202,688,912	340,867,587	345,740,712	308,417,302
Net Change in Estimate of Prior Receivables .....	—	—	(226,904)	(2,781,101)
Net Total Police Department .....	202,688,912	340,867,587	345,513,808	305,636,201
057 FIRE DEPARTMENT				
00320 Franchises—Other .....	1,137,000	1,137,000	1,338,376	1,292,256
00470 Other Services and Fees .....	98,199,000	74,900,000	77,258,785	75,685,972
00859 Sundries .....	—	—	134,416	14,194
03005 Cooperative Forestry Assistance ....	—	—	—	597,026
03268 Assistance to Firefighters Grant ....	—	2,056,161	2,067,055	—
03280 Port Security .....	—	307,458	342,373	113,034
04032 Gateway National Park Protection ..	25,000	—	—	25,000
04213 Bulletproof Vest Program .....	—	7,234	7,234	30,753
04244 Urban Areas Security Initiative ....	4,909,957	18,824,587	19,184,533	16,712,213
04249 Domestic Preparedness Equipment Support .....	—	8,244,115	8,244,112	861,123
04271 Recovery Act Justice Assistance Local .....	—	1,460,836	1,460,835	—
13019 9/11/01 Related Medical Monitoring	3,400,702	28,350,269	28,269,798	24,635,510
15611 Occupational Safety and Health Program .....	—	—	—	150,731
29970 State Aid .....	—	—	—	24,988
29978 State Aid Pension Reimbursement ..	22,197,798	22,197,798	24,371,149	30,615,005
30003 Officer Induction Training School ...	940,000	954,633	954,633	940,000
30906 Local Government Records Management .....	—	6,939	6,938	11,902
30953 Emergency Medical Service Program .....	583,519	310,205	310,205	617,288
30955 911 Grant .....	262,482	262,482	262,482	262,482
37941 Health Research .....	279,663	169,532	180,845	159,024
43900 Private Grants .....	165,306,794	167,263,583	167,263,583	174,162,472

(Continued)

Exhibit I

From:  
Sent:  
To:  
Subject:

Attachments:

**MAYORS AGAINST  
ILLEGAL GUNS**

★ **MAYORS AGAINST ILLEGAL GUNS** ★ [www.mayorsagainstillegalsguns.org](http://www.mayorsagainstillegalsguns.org)

**FOR IMMEDIATE RELEASE**

January 24, 2011

No. 11

**MAYORS, MARTIN LUTHER KING III AND FAMILY MEMBERS OF GUN VIOLENCE VICTIMS  
URGE CONGRESS TO FULFILL INTENT OF HISTORIC 1968 GUN LAW AND FIX NATION'S  
BROKEN BACKGROUND CHECK SYSTEM**

*Mayors Launch National Campaign to Collect Missing Records and Close Loopholes to Prevent the Next Mass  
Shooting and the Killing of 34 People Per Day With Guns*

*Campaign Launched Online at [www.fixgunchecks.org](http://www.fixgunchecks.org)*

The bi-partisan coalition of Mayors Against Illegal Guns, led by New York City Mayor Michael R. Bloomberg and Boston Mayor Thomas M. Menino, was joined by Martin Luther King III and dozens of survivors and family members of gun violence victims to launch a national campaign urging Congress to take two simple but critical steps to fix our nation's broken background check system: 1) fulfill the letter of the historic 1968 gun law and ensure that all names of people prohibited from buying a gun are in the background check system; and 2) fulfill the intent of the historic 1968 gun law by subjecting every gun sale to a background check.

"The time has clearly come to finally fulfill the intent of the common sense gun law passed after the 1968 assassinations of Martin Luther King, Jr. and Bobby Kennedy, by creating a loophole-free background check system for the sale of firearms," said Mayor Bloomberg. "Every day, 34 Americans are murdered with guns – and most of them are purchased or possessed illegally."

"There are those who fail to truly read the 2nd amendment," said Mayor Menino. "They ignore the need for a common sense approach to guns in our communities. The best way to respond to the heinous acts of violence we have seen in our nation's history is to prevent them from ever happening again. Lax screening in response to these tragic shootings is no virtue."

"For decades we have tolerated senseless gun violence, which has struck down too many of our fellow citizens, particularly our young people," said Martin Luther King III, President and CEO of the King Center. "If we want to create a nonviolent society, we must enforce our public safety laws to keep the angry and dangerous few from destroying the peace and harmony of the many. I wholeheartedly join Mayor Bloomberg in calling on



the President and Congress to finally deliver on the long unfilled promise to make sure that every gun buyer passes a background check. It is unconscionable to do anything less."

"President Kennedy and Senator Robert Kennedy, my uncle and my father, dedicated their lives to serving their country," said Kathleen Kennedy Townsend, former Lieutenant Governor of Maryland and eldest child of Robert F. Kennedy. "But because of assassins armed with guns, they both made the ultimate sacrifice, and their lives of service were cut short. The 34 Americans whose lives are cut short by a gun each day may not be presidents or senators, but each life is a future cut short, a life of accomplishments left undone, and a family torn apart. We owe a duty to each victim to make their life, and their sacrifice, a part of the national movement to fix our gun background check system so it is thorough, complete and comprehensive."

"We've learned from recent shootings that it is vital that the federal gun background check system have accurate and complete information on people prohibited from possessing firearms," said former Attorney General Michael Mukasey. "President Bush supported and Congress passed a piece of the necessary reform in 2007 after Virginia Tech, and it has had a significant impact by more than tripling the number of mental health records in the system. But it is clear, particularly after Tucson, that it was just one step on a longer path toward the effective and comprehensive background check system we need. I applaud America's mayors for their efforts to build a better system."

"As Governor of Vermont, I received an A-rating from the NRA and I strongly support the right of law-abiding Americans to own a gun," said Howard Dean. "I also believe with equal strength that felons, drug abusers, and the mentally ill have no right to guns. In fact, that's been the law in our country for 43 years since the assassinations of Martin Luther King and Robert F. Kennedy. What we need now is a background check system that works to enforce the law – one that ensures that every record is in the system that belongs there and that every gun buyer goes through a background check. I stand with America's mayors in their effort to make the system work."

#### *Historic 1968 Legislation*

In 1968, after the assassinations of Rev. Martin Luther King, Jr. and Senator Robert F. Kennedy, Congress, at the urging of President Johnson, passed a law establishing the common-sense concept that certain categories of people including convicted felons, the mentally ill, and known drug abusers should not be allowed to possess or purchase guns.

Because no system was created for actually translating its intent into reality, the effectiveness of the 1968 act was undermined. It was not until 1993, when President Clinton signed the Brady Bill, that a national instant background check system, designed to prevent mentally unbalanced people from obtaining firearms, was created to help enforce the 1968 law.

It has become clear that the Brady Bill was not enough to fulfill the intent of the historic 1968 gun law. The Columbine High School shooters used guns that were purchased without a background check at a gun show. The Virginia Tech shooter passed a background check when he should have failed it due to his record of mental health problems.

In April 2007, after the Virginia Tech massacre which claimed the lives of 32 people, Congress passed the NICS Improvement Act to submit all the required records into the background check system. Congress has failed to provide enough funding to support these efforts. In FY 2010, Congress allocated \$20 million to support state initiatives to submit records to the background check system, only 5% of the \$375 million authorized by the NICS Improvement Act.



Millions of records of individuals who are prohibited by law from buying guns are still missing from the database. Ten states have not submitted any mental health records to NICS and 18 states have submitted fewer than 100 mental health records.

### *Two Simple Ideas*

Mayors Against Illegal Guns, a bipartisan coalition of more than 550 mayors, proposes that the U.S. fulfill the intent of the 1968 law by fixing the broken background check system.

First, the system should contain all the records of felony convictions, domestic violence incidents, drug history, and determinations of mental illness that would prevent those categories of troubled people from buying guns. The new Congress should set a goal of getting this job finished within three years.

Second, Congress should subject every gun sale to a background check by closing the loopholes that permit guns to be sold without them. Licensed gun dealers are covered by the Brady Bill. But "occasional sellers," for example those that sell firearms at gun shows, through classified ads or even on the internet, do not have to conduct background checks. The only way to prevent guns from falling into the hands of violent criminals, the mentally unstable, and other already prohibited dangerous persons is through a comprehensive national background check system with no loopholes. Reasonable exceptions would include, for example, transfers of guns within families, or by wills, or to people who have a valid state-issued gun permit issued within the last five years that meets or exceeds the Federal background check standard.

The Mayor and Martin Luther King III were joined by a number of survivors and family members of gun violence victims to call attention to the fact that 34 people in the United States lose their lives to gun violence every day. Among them were: Tom Mauser, father of Daniel Mauser, a victim of the 1999 Columbine High School tragedy; Omar and Randa Samaha, whose sister was shot and killed at Virginia Tech in 2007; Lynnette Alameddine, whose son was killed at Virginia Tech in 2007; Lori Haas, whose daughter survived 2 gun shots in the back of the head at Virginia Tech; and Jeannette Richardson, whose son was killed in the front yard of her home in Virginia in 2003; Toby Hoover, whose husband, Dale Stone, was shot in 1973 in Ohio; Sally Sheasby, whose son was shot and killed in Ohio in 2005; Deborah Sohovich, whose son was shot and killed in Columbus, Ohio; Rebecca Pryor, whose friend was shot and killed in Pennsylvania; Rev. Donald and Kim Odom, parents of Steven Odom who was shot and killed in 2007; and Bryan Miller, brother of Mike Miller, an FBI agent who was shot and killed in 1994 and director of public advocacy for Heeding God's Call.

New York City area family members and survivors include: Steven and Patty McDonald, Steven is a NYPD police officer who was shot in the line of duty, his wife, Patty McDonald, is the Mayor of Malverne, NY; Vada Vasquez, a student at Bronx Latin High School who was shot as she walked home from school in 2009; Tatyana Timoshenko, mother of Russel Timoshenko, an NYPD officer who was shot and killed in 2007; Kenny McLaughlin, a teacher at Grand Street Campus High School in Brooklyn, who was shot during a 1996 mugging in Brooklyn; Arlene and Jack Locicero, parents of Amy Locicero Federici, who was shot and killed in the 1993 Long Island Rail Road massacre; Gloria Cruz, whose 10-year niece was shot and killed, and established the Bronx chapter of New Yorkers Against Gun Violence; Devorah Halberstam, whose son was murdered in 1994 in a terrorist attack on the Brooklyn Bridge; and Shaina Harrison, whose cousin was shot and killed in 2009 and is working with New Yorkers Against Gun Violence;

Also, joining the group was Rev. James Coen, Pastor of the Oak Ridge Presbyterian Church, where Phyllis Schneck, one of the Tucson victims was an active member.

[www.fixgunchecks.org](http://www.fixgunchecks.org)

Mayors Against Illegal Guns today launched a new online advocacy campaign, [www.fixgunchecks.org](http://www.fixgunchecks.org) to call attention to the glaring problems in our nation's gun background check system, and allow citizens to join a movement to fix it.

*Poll Finds Strong Support for Common Sense Improvements*

The week after the Tucson shooting Mayors Against Illegal Guns released the results of a poll conducted jointly by Momentum Analysis, a polling firm with Democratic clients, and American Viewpoint, a polling firm with Republican clients. The poll reveals that Americans and gun owners strongly support a sensible approach to gun laws that protects the Second Amendment rights of law-abiding Americans while also keeping criminals and other dangerous people from accessing firearms

The poll of over 1,000 registered voters was conducted the week after the Tucson shooting. According to the poll, 90 percent of Americans and 90 percent of gun owners support fixing gaps in government databases that are meant to prevent the mentally ill, drug abusers and others from buying guns. Also according to the poll, 86 percent of Americans and 81 percent of gun owners support requiring all gun buyers to pass a background check, no matter where they buy the gun and no matter who they buy it from.

*About Mayors Against Illegal Guns*

Since its inception in April 2006, Mayors Against Illegal Guns has grown from 15 mayors to over 550. Mayors Against Illegal Guns has united the nation's mayors around these common goals: protecting their communities by holding gun offenders and irresponsible gun dealers accountable, demanding access to trace data that is critical to law enforcement efforts to combat illegal gun trafficking, and working with legislators to fix gaps, weaknesses and loopholes in the law that make it far too easy for criminals and other prohibited purchasers to get guns.

-30-

Contact:	Mayor Bloomberg's Press Office	(212) 788-2958
	Mayor Menino's Press Office	(617) 635-4461



## A PLAN *to* PREVENT FUTURE TRAGEDIES

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In 1968, assassins gunned down Martin Luther King, Jr. and Robert F. Kennedy. In the wake of that double tragedy, Congress passed the first federal laws to limit access to guns, by prohibiting dangerous people, like felons, drug abusers, and the mentally ill from purchasing or possessing guns.

In 1993, Congress passed the Brady Bill, named for President Reagan's press secretary James Brady, who had been critically wounded in the assassination attempt on President Reagan. The Brady Bill created a system of background checks that helped to make real the purpose of the 1968 law.

Unfortunately, incomplete records and loopholes in the law have stopped background checks from doing their job:

- The Columbine killers got around the system by using guns bought at a gun show from an unlicensed seller: no paperwork, no questions asked.
- At Virginia Tech, a killer got a gun he should have been prohibited from buying because his records were never reported to the FBI's gun background check system.
- The shooter in Tucson also got a gun he should have been prohibited from buying because his records weren't in the database - and then got a second gun because lax federal regulations frustrated the intent of the law.

Most murders that take place with illegal guns do not make the headlines. Every day, 34 Americans are murdered with guns, and most of them are possessed illegally. Since, 1968, more than 400,000 Americans have been killed with guns.

The system needs to be fixed. Creating a comprehensive system to keep guns out of the hands of dangerous people requires two steps:

**Step one:** Get all the names of people who should be prohibited from buying a gun into the background check system.

**Step two:** Close the loopholes in the background check system by requiring a background check for every gun sale.

**STEP ONE: GET ALL THE NAMES OF PEOPLE WHO SHOULD BE PROHIBITED FROM BUYING A GUN INTO THE BACKGROUND CHECK SYSTEM.**

**Context:** NICS, the National Instant Criminal Background Check System, which is used to conduct background checks on prospective gun buyers, is missing millions of records. Federal law requires records concerning the mentally ill, drug abusers, perpetrators of domestic violence, and other people who are forbidden, under current state and federal law, from having guns to be included in the system. The problem of missing records became obvious in 2007, when Seung Hui Cho, who was prohibited from owning a gun due to mental illness, was not listed in the background check system and was therefore able to buy two guns to commit the Virginia Tech massacre. Congress responded by passing the NICS Improvement Amendments Act, which encourages states to share records. As a result, the number of records in NICS' Mental Defective File increased significantly under the new law, from nearly 300,000 in 2006 to more than 1.1 million today. The murders in Tucson, however, show that problems persist. The shooter, Jared Loughner, was able to buy a shotgun less than a year after admitting to the U.S. Army that he was a regular drug abuser because the armed forces had not forwarded his name to NICS. Today, there are just over 2,000 people listed as drug abusers in NICS.

Revised legislation would strengthen the NICS system in six ways:

**Funding:** Fully fund the NICS Improvement Amendments Act to help agencies and states cover the costs of gathering records and making them electronically available to the FBI.

The legislation, enacted in 2008, is failing to achieve its goals in part because Congress has supplied only 5.3% of the authorized amount from Fiscal Year 2009 through Fiscal Year 2011. That money was supposed to be available to states to help cover the cost of gathering and supplying records.

The revised law would guarantee full funding to states and federal agencies to comply with reporting requirements to the NICS database.

**Penalties:** Establish tougher penalties for states that do not comply with the law by cutting more of their Justice Department funding.

The NICS Improvement Amendments Act establishes only minor penalties for non-compliance. It sets out a timeline, and in each year starting in Fiscal Year 2011 states are required to turn over a target percentage of the records they have naming people who should not be allowed to buy guns under federal law. If they do not comply, they could face cuts to a portion of their federal justice assistance funding. The potential cuts are small, however: only 3% to 5% of a single grant (Byrne Justice Assistance Grants or JAG), which provides about \$300 million a year nationwide to states. Furthermore, DOJ has almost total discretion to reduce or waive them.

Revised legislation would put in place tighter deadlines and stricter penalties for states to comply with the law and submit records. States would be required to turn over 75% of their records within two years of enactment and 90% of their records within six years or they would face cuts not only to JAG grants, but also to other Justice Department programs that normally guarantee a share to each state, such as the State Criminal Alien Assistance Program (SCAAP, \$249 million a year); Title II grants for juvenile justice (\$60 million a year); Juvenile Accountability Block Grants (JABG, \$46 million a year), and Enforcing Underage Drinking Laws Block Grants (\$20 million a year). Furthermore, these penalties would rise to 50% of each grant.

*Why it matters: Across the country, the total potential penalties that face all states combined under the current NICS Improvement Amendments Act are only about \$15 million.*

**Federal reporting: Require every federal agency to certify to the Attorney General twice a year that all relevant records have been submitted.**

Under the NICS Improvement Amendments Act, each Federal agency must provide to DOJ, at least quarterly, the name of any person it is aware is federally prohibited from buying guns. Current law does not, however, hold any person accountable for guaranteeing an agency's compliance. And federal agencies are not following the law. For example, only three agencies have sent any records on drug abusers to the FBI.

Revised legislation would hold agencies accountable for quarterly reporting by requiring the head of each agency to report to the Attorney General, twice a year, about the number of records it has shared in each category of prohibited person. Each report would include the agency head's written certification that all relevant records have been transmitted.

*Why it matters: Even though Jared Loughner admitted to the U.S. Army that he regularly abused drugs, the Army did not submit his name to the FBI for inclusion in NICS as required by law, and less than a year later, Loughner was able to pass a background check and buy a shotgun. Later, Loughner bought the Glock he used to kill six people and injure 13 others.*

**Mental health definitions: Clarify the definition of mentally ill people who are prohibited from having guns to ensure that dangerous people are included in NICS.**

Two critical changes are needed to ensure that people who are mentally ill are listed in NICS. First, the system should include people who have been suspended or expelled from a federally funded college or university because of mental illness. Second, it should include people who are compelled by a court to take medication for mental illness or to get other mental health care, even if they are not "committed" to in-patient treatment, as the ATF currently interprets the law.

*Why it matters: Jared Loughner was deemed too mentally ill to come to school without a note from a mental health professional, but safe enough to buy a gun.*

**Drug abuse definitions:** Clarify the definition of drug abusers who are prohibited from having guns to ensure that dangerous people are included in NICS.

Since 1968, federal law has prohibited anyone "who is an unlawful user of or addicted to any controlled substance" from possessing any gun. The revised law would do two things to enforce that prohibition. First, it would reverse the overly narrow interpretation that ATF and the FBI now give to the law. They interpret it to apply only to people who have had a drug-related arrest, a drug-related conviction, a failed drug test, or an admission of drug use within the previous year. The revised law would change that one-year prohibition to a five-year prohibition. Second, the revised law would require federal courts to report to NICS anyone sentenced to mandatory drug treatment even if the requirement was part of a diversionary program that does not result in conviction.

**Due process:** Safeguard the rights of people who are listed in NICS.

The revised legislation would continue to ensure that individuals who were wrongly included in NICS as a prohibited purchaser are able to seek relief and be removed from the list of prohibited gun purchasers. For example, those who were arrested on a drug charge within the past five years but can show they have recovered from their addiction would be able to regain their gun rights. So would people who had been mentally ill but have recovered and no longer present a risk.

## **STEP TWO: CLOSE THE LOOPHOLES IN THE BACKGROUND CHECK SYSTEM BY REQUIRING A BACKGROUND CHECK FOR EVERY GUN SALE.**

**Context:** Even if the NICS database included the name of every person prohibited from having a gun under federal or state law, it would still be easy and legal to obtain guns with no background check, no questions asked. That is because the current law only applies to gun sales by federally licensed dealers.

Under current federal law, only persons "engaged in the business" of selling guns are required to get a license, keep paperwork, and conduct background checks. People who maintain they are collectors or only occasionally sell guns are not required to do these checks. Such sellers often congregate at gun shows, which is why many refer to this exception as the "gun show loophole." But felons can exploit the loophole whether they are at a gun show or not - buying guns with no background checks at unlicensed sellers' homes, via classified ads, or even in some cases on the internet. Experts estimate that over six million guns a year - perhaps 40% of all sales - are made by unlicensed private dealers not subject to the law.



#### Background checks:

The new law would require that non-licensed people selling guns ensure that the buyer has undergone a background check in NICS. Sellers would be able to do so in three ways. First, the seller can go to a licensed dealer to have a background check run on the buyer. The revised law would cap the fee for conducting these background checks on behalf of private sellers at \$15. Second, the seller can inspect a permit issued to the buyer by a state or local government that confirms they have passed a background check within the previous five years. Third, the seller can go to or contact a law enforcement official for the background check at the time of purchase.

*Why it matters: ATF has reported that over 27% of the guns involved in its criminal trafficking investigations were tied to trafficking by unlicensed sellers, and over 30% were tied to trafficking at gun shows.*

#### Reasonable exceptions:

Similar to the Brady Law, revised legislation would exempt certain gun permittees and some types of transactions from background checks:

- Sales to a federally licensed dealer, manufacturer or wholesaler (including sales of curio or relic firearms to a licensed collector);
- Sales to law enforcement;
- Transfers of guns to an immediate family member, grandchild, or grandparent;
- Inheritance of guns; and
- Sharing guns while hunting, at a shooting range, or at a competition.

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