

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

IVAN ANTONYUK, GUN OWNERS OF)
AMERICA, INC., GUN OWNERS)
FOUNDATION, and GUN OWNERS OF)
AMERICA NEW YORK, INC.)

Plaintiffs,)

Civil Action No. 1:22-cv-00734-GTS-CFH

v.)

KEVIN P. BRUEN, in his Official)
Capacity as Superintendent of the New)
York State Police,)

Defendant.)
_____)

SUPPLEMENTAL DECLARATION OF WILLIAM ROBINSON

1. My name is William Robinson. I am a U.S. citizen and resident of New York. I make this supplemental declaration in further support of Plaintiffs’ Complaint for Declaratory and Injunctive Relief. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained therein.

2. I am the Director of Communications for Gun Owners of America New York, Inc. (“GOA-NY”). GOA-NY has more than 400 members and supporters in New York, with some residing and working in the Northern District of New York, many of whom will be irreparably harmed by this new gun control bill called the Concealed Carry Improvement Act (“CCIA”).

3. My role is to work with members and supporters, including gun stores, shooting ranges, and other similar entities, in order to educate, empower and promote GOA-NY's mission to protect, defend, and restore the Second Amendment in New York.

4. GOA-NY is a smaller organization that lacks the resources to which larger organizations have access. That being said, after this new law was passed, I hit the road and have driven throughout New York several times, incurring hotel expenses and gas expenses so I could meet with people to discuss the changes in the new law, and expenses that I otherwise would not have incurred but for this new law. I spent about \$700 on hotels, \$400 on gas and about \$400 just on meals while traveling.

5. I have also had to spend additional significant hours of time to deal with this new law, including speaking with various individuals (including sheriffs, county counsel, other attorneys) to try to understand the way the law is written so that I could help our members comply with something that makes a felony to carry in places we could previously carry. I estimate my hours spent strictly dealing with this issue to be approximately 60 hours of driving, about 30 hours of meetings, and about 6 hours of phone calls and emails.

6. I have spoken with many members in the past few days that have told me they are leaving New York if this new anti-gun bill is not found unconstitutional, and of course, if our members leave New York, then the organization will lose money because there would be no need for those members to donate to a New York gun rights group.

7. I have had to divert my time for the organization to work on this issue and, while still germane to GOA-NY's mission, is not something that I would otherwise have had to do. We all thought that, after the Supreme Court's ruling saying we had a right to carry in public, the battle was won. It was not until the Governor announced her disagreement with the Court and called the

extraordinary session, that we realized the Supreme Court's ruling was merely a stepping stone to be used by New York to further infringe our rights.

8. GOA-NY has previously routinely purchased tables at New York gun shows to expand our membership but, due to COVID-19, we have not been able to have a table for some time. I am concerned that, due to the way the law is written, we no longer will be allowed to have a table at a gun show (because many if not all gun shows appear to be banned by the CCIA), which will directly impact our organization and our ability to defend the Second Amendment.

9. I have spoken with some of our members who are concerned that they may not even be able to apply for a permit before all of the new regulations go into effect. For instance, Orange County released a statement ending fingerprinting for permits, and is no longer processing new applications unless they have already been fingerprinted. The Orange County Sheriff's statement is attached here as Exhibit "A."¹

10. And the Wayne County Clerk has raised another issue about recertification and whether the training mandate is required, as evidenced by the document attached here as Exhibit "B."²

11. Our members are very concerned that they will need to subject themselves to additional training when they recertify, which the Defendant has claimed is not the case.

12. I have spoken with many members that simply want to carry as they have been carrying in all the places that they have been legally carrying firearms up until this new bill takes effect. This includes carrying their firearms in parks, gas stations, Walmart, grocery stores, playgrounds, churches, doctor's offices, restaurants, hotels, museums, libraries, parking lots, and all other places that they can legally carry.

¹ <https://www.orangecountygov.com/DocumentCenter/View/25629/220818-Revision-1-Announcement-Suspending-Fingerprinting>.

² <https://web.co.wayne.ny.us/DocumentCenter/View/4412/Fire-Arm-Fact-Sheet-PDF?bidId=>.

playgrounds, churches, doctor's offices, restaurants, hotels, museums, libraries, parking lots, and all other places that they can legally carry.

13. Additionally, I have spoken with some of our members that do want to have to post their private homes with signs stating they allow firearms simply to allow their friends or family to carry, in order to avoid being charged with a felony.

14. Finally, I spoke with one GOA-NY member on Friday, August 19, 2022 who told me he desires to apply for a permit, but in his county, it would not be granted before the new CCIA takes effect. Moreover, he states that he is unwilling to give the state his social media information or sit for an interview with a government agent. Moreover, he stated that he has previously satisfied the training currently required but, under the new law, it will not be accepted, as it does not comply with the new and additional requirements. This member also stated that he desired to join the case as a plaintiff, because he is a law-abiding citizen and should not have to submit to the CCIA's unconstitutional demands simply to exercise his rights.

I, William Robinson, certify under penalty of perjury that the foregoing is true and correct.

Aug 22, 2022

DATE

William Robinson

William Robinson



ORANGE COUNTY SHERIFF'S OFFICE

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SHERIFF CARL E. DUBOIS

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ASSISTANT UNDERSHERIFF

CHIEF DEPUTY

ANTHONY M. MELE
CORRECTIONS ADMINISTRATOR

WWW.ORANGECOUNTYGOV.COM

August 18, 2022

EFFECTIVE IMMEDIATELY

The Orange County Sheriff's Office has stopped scheduling fingerprinting for gun permit applicants due to the new law passed by the state legislature and signed by Gov Hochul.

The licensing authorities in Orange County have advised this Office that they cannot sign off on applications without a social media check of the applicant and proof of training as required by the new law. DCJS and the State Police have been designated by the new law to develop the new training regimen by April 2023, but the law, requiring a new training regimen, takes effect on September 1, 2022, creating an insurmountable issue for the issuance of new gun permits. It would be unfair to applicants to collect fingerprinting fees (currently \$111.50) with no ability to submit their applications.

The Sheriff's Office strongly urges any gun permit applicant that has already been fingerprinted to submit their applications no later than August 31, 2022. Any application submitted on or after September 1, 2022 cannot be processed due to lack of compliance with the new training regimen and social media review. The law does not offer an interim substitution for the training regimen that is to be determined by DCJS and the State Police and this Office does not have the capabilities of conducting social media reviews for the past 3 years of applicants given the volume of gun permit applications.

There have been lawsuits filed seeking a stay of the implementation of the new gun law. If they are successful, this Office will immediately reinstate fingerprinting for gun permit applicants if the stay addresses both the social media reviews and the new training regimen. If a stay is not implemented by the Court this Office will continue to cease acceptance of gun permit applications until the matter is fully resolved by the Courts or the training regimen and social media reviews are available.

~ A C C R E D I T A T I O N S ~



**FIRE ARM
FACT SHEET
August 4, 2022
Mike Jankowski, Wayne County Clerk**

This is the most up to date information on Fire Arm Regulation that we have received from the State Police: If any of this information appears confusing or contradictory it probably is. The County Clerk shares your frustration with this situation and the unfair penalties our law abiding citizens are being put through for the partisan political purposes of Governor Hochul and the legislative leadership.

SUMMARY:

- 1) For the removal of restrictions in Wayne County an amendment will need to be submitted to the County Clerk's Office.
- 2) We are waiting for greater clarification on the details mentioned below. As I receive more information I will post it on the County Clerk's web page. Everything in this memo is subject to revision and update.
- 3) Much of the issuing authority on pistol permits has been removed from our local County Judges and has been transferred to the State Police. We are waiting from clarification on if this accurate and how it would be implemented.
- 4) The new statute removes the Sheriff's office from doing new pistol permit background investigations and transfers the responsibility to the State Police.

LIFTING OF RESTRICTIONS ON A PISTOL PERMIT

- 1) Providing the permit holder has a current Brady check on file, the Office of the County Clerk will immediately remove restrictions from the individuals pistol permit and issue new permit cards.
- 2) Permit holders requesting the removal of restrictions from their pistol permit will still need to file an application requesting the removal and pay the \$3 amendment fee and \$10 card fee.
- 3) Amendment applications where the holder does not have a Brady check on file will still need to have their application submitted to the judge.
- 4) Please note that everything is subject to change due to actions yet to be taken by the Governor and Legislature.

HOCHUL PISTOL PERMIT RESTRICTIONS LAW

In a period of six hours the Hochul Pistol Permit Restrictions law was released to the public and then signed into law. We are in the process of trying to understand what was passed and what it means. Here is what has been gleaned from the statute so far:

1. The "good moral character" eligibility requirement for all pistol permits (concealed or otherwise) will be defined in greater detail in the law. Going forward it shall mean "having the essential character, temperament and judgement necessary to be entrusted with a weapon and to use it only in a manner that does not endanger oneself or others."
2. New requirements will need to be met specifically for concealed-carry permit applicants. An applicant for such a permit:
 - a. Cannot have been convicted of Assault 3rd, misdemeanor DWI, or menacing within 5 years prior to application
 - b. The applicant must meet in person with the Judge for an in-person interview
 - c. The applicant must submit to the Judge and investigating agency the names and contact information of the applicant's spouse, domestic partner and any other adults residing in the applicant's home, as well as indicate whether or not there are children living at the applicant's home, even part-time.
 - d. The names and contact information of 4 references who can speak to the applicant's good moral character, and who can also attest that the applicant has not made any statements or taken any action that would lead them to believe that the applicant would harm themselves or others.
 - e. Certification of completion of the new training requirement (more on this below)
 - f. A list of former and current social media accounts from the past 3 years must be disclosed to the Judge and investigating agency. However the legislation does not require that the applicant provide access to these accounts.
3. Prior to the issuance of a concealed carry permit, an applicant must complete an "in-person live firearms safety course." Such course must be:
 - a. Conducted by a duly authorized instructor. The definition of who is an authorized instructor and who does the authorizing has not been determined by the State Police.
 - b. At least 16 hours long
 - c. Covering those topics required by DCJS, which include things like general firearm safety, safe storage requirements, conflict de-escalations, best practices when encountering law enforcement, a minimum of 2 hours of live-fire range training, etc. PL section 265.20 would be amended to grant an exemption from prosecution for possessing a pistol without a license for the purposes of such training.
 - d. Current concealed carry pistol permit holders would need to complete this training course prior to their next recertification. It must only be completed once, not upon every subsequent renewal.

4. Concealed carry pistol permits will have to be recertified every 3 years, as opposed to the standard 5 years. Licenses that were issued over 3 years prior to the effective date of this legislation would have to be recertified within 1 year.
5. The Judge will be granted the discretion to revoke or suspend any license if the possessor engaged in acts that would have been grounds for denial of the granting of the license in the first place. Judges must give written and specific reasons for denials so applicants know what to expect. Additionally, a licensing officer must revoke a license if it becomes known that the applicant made a materially false statement on his or her application.
6. Denials, suspensions, and revocations of licenses can be appealed but will no longer be handled by a local judge. Appeals will be reviewed by an "appeals board" that will be created by State Police. DCJS in cooperation with the State Police, will be responsible for promulgating rules and regulations with regard to the operation of the board
7. The legislation also creates the crime of possession of a firearm, rifle or shotgun in a "sensitive location". This would be a class E felony. Police officers, peace officers, active-duty military personnel, and persons engaged in lawful hunting activity would be exempted. Sensitive places are defined as:
 - a. Federal, State and local government property
 - b. Any place that provides healthcare, mental health care, or addiction treatment services
 - c. Any place of worship or religious observations
 - d. Public parks, public playgrounds, zoos and libraries
 - e. Any place, or the location of any program, licensed, regulated, or operated by DOH, OASAS, OCFS, OMH or OPWDD.
 - f. Nurseries, preschools and summer camps
 - g. Homeless shelters, youth homes, family shelters, DV shelters, etc.
 - h. Schools of all education levels
 - i. Public transportation
 - j. Any establishment that serves alcohol
 - k. Entertainment venues such as stadiums, concert halls, racetracks, museums amusement parks, conference centers, etc.
 - l. Polling places
 - m. Any public sidewalk or property that restricted from general public access for a special event that has been issued a permit for the same
 - n. Any gathering of individuals to collectively express their constitutional rights to protest or assemble
 - o. Times Square

There is no list of locations where it is acceptable to carry your weapon concealed in New York State

8. This legislation demands the creation of an ammunition sales database maintained by the State Police. "There shall be a statewide license and record

database specific for ammunition sales which shall be created and maintained by the State police the cost of which shall not be borne by any municipality no later than thirty days upon designating the division of state police as the point of contact to perform both firearm and ammunition back- ground checks under federal and state law. "

9. The legislation would require that firearms dealers record all ammunition sales in the database. The records maintained in this database would not be subject to FOIL and will be maintained by the State Police.
10. Firearm owners would have new safe storage requirements when leaving weapons in their vehicles. Guns left in a vehicle would first have to have the ammunition removed, and then the gun would have to be locked in a "safe storage depository" somewhere out of sight from outside the vehicle.
11. The Law creates new home safe storage requirements for when an individual cohabitates with or has present an individual under the age of 18, up from 16. It has not been determined which police agency will be responsible to policing the home storage and what the penalty for non compliance would be.
12. DCJS will be tasked with conducting NICS checks for every firearm and ammunition purchase made in New York State. How this is supposed to happen or if there is a fee has not been determined
13. The Sheriff's office or local police agencies will no longer be conducting background investigations for pistol permits. The entire process has been centralized under the State Police and DCJS in Albany. Quote: "Upon receiving a request from a licensed dealer pursuant to section eight hundred ninety-six or eight hundred ninety-eight of the general business law, the division shall initiate a background check by (i) contacting the National Instant Criminal Background Check System (NICS) or its successor to initiate a national instant criminal background check, and (ii) consulting the statewide firearms license and records database established pursuant to subdivision three of this section, in order to determine if the purchaser is a person described in sections 400.00 and 400.03 of the penal law, or is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm or ammunition."
14. The effective dates of these statutes appears to be a blend of conflicting dates and feasible compliance of September 1, 2022 and April 2023. We are waiting for clarification.

SEMI AUTOMATIC RIFLE PERMITTING

IF YOU HAVE A PISTOL PERMIT

At this time we have not received any information or forms from the courts or the state police. When we have more we will update this page. This requirement is supposed to go into effect on September 1.

IF YOU DO NOT HAVE A PISTOL PERMIT

At this time we have not received any information or forms from the courts or the state police. When we have more we will update this page. This requirement is supposed to go into effect on September 1.

RECERTIFICATION

- 1) The New York State Police web site for filing your pistol permit recertification. The paper application is posted on this site as well.
<https://troopers.ny.gov/Firearms/>
- 2) The Hochul Pistol Permit Restrictions Law now requires that all permit holders must pass a 16 hour gun safety class with 2 hours of live fire training prior to recertification. We do not have information on when this will take effect or what the training will look like. Best advice is to continue recertifying as normal until we hear differently from the state police.
- 3) If you held a pistol permit prior to January 31, 2013 your second pistol permit recertification will need to be done by January 31, 2023. After that date, recertification is due every 3 years from the date of recertification.
- 4) You can check the expiration of your recertification on the State Police Web Site mentioned above.
- 5) If the form is submitted electronically the permit holder will receive a receipt that can be printed out. If submitted by mail it was recommended that the application be sent by certified mail so that there will be proof of mailing.
- 6) Regardless of being filed electronically or by paper, a permit holder can check the status of their recertification on the state police web site.
- 7) If you have a NICS check by a dealer you still need to recertify with the State Police.
- 8) If you have a Brady check by the County Clerk's Office you still need to recertify with the State Police.
- 9) Semi Automatic permits will need to be recertified on the same schedule.

QUESTIONS:

Mike Jankowski, Wayne County Clerk
mjankowski@co.wayne.ny.us
(315) 946-7470

New York State Police Web Site:

<http://www.troopers.ny.gov/>
(1-855-529-4867)