

RENSSELAER COUNTY ADVANCED FIREARMS SAFETY EVALUATION PROGRAM

Rensselaer County, through seven of the local sportsmen's club, is offering an Advanced Firearms Safety Evaluation program limited to holders of valid New York State pistol licenses. This program is not for training purposes but an evaluation of the license holder's knowledge and ability with firearms safety. All license holders should demonstrate proficiency in firearms as well as possess some training or experience in firearms safety.

Application for entry to this program must be made through the appropriate Rensselaer County Licensing Officer. Successful completion of the program may be part of the requirement for license holders making a request to remove or modify restrictions on a current NYS pistol license, but **does not guarantee** that the licensing officer will remove or modify any current license restrictions.

The participating clubs are:

1. Bailey Mountain Fish & Game Club
2. Castleton Fish & Game Club
3. Hendrick Hudson Fish & Game Club
4. Nassau Sportsman's Club
5. North Troy Stag Rod & Gun Club
6. Troy Pistol League
7. Brunswick Sportsman's Club

The program will consist of instruction in handgun shooting fundamentals, an overview of common types of handguns and ammunition as well as the responsibilities of firearms ownership. Range procedures will include instruction in range safety requirements, dry firing exercises, including but not limited to positioning, loading, stance, grip, sight alignment, firing and follow through and actual firing of handguns. The program will strongly emphasize safe firearms handling techniques with all handling and firing of handguns being under the direct supervision of the instructional staff which will include NRA certified instructors.

Course fee will be \$50.00 and requirements for interested program takers will be a valid NYS pistol license, an operable handgun that is registered to them and suitable for use at the particular range where the program is offered. In addition, program takers will bring appropriate ammunition for their handgun per range requirements. Handguns will arrive at the program site unloaded and may only be loaded as directed by the instructors.

RENSELAER COUNTY POST LICENSE FIREARM SAFETY EVALUATION APPLICATION

(Please Print)

Name _____

Address _____

City, State & Zip _____

Phone (____) _____

DOB: _____

NYS Pistol License # _____

Issuing Judge _____ Date Issued _____

Firearms Experience –Describe your experience with handling and using firearms such as, but not limited to, military service, hunting, competitive shooting or use of any other firearm.

(Attach additional sheets if necessary)

Are you involved with a gun club or other organizations which offer opportunities for shooting activities that you participate in?

____ Yes ____ No If yes, please describe _____

Describe any other NRA or Hunter Safety training you may have.

Describe the handgun you anticipate using for this course.

Signature _____ Date _____

RENSSELAER COUNTY POST LICENSE FIREARMS SAFETY PROGRAM

Course Participation Checklist for _____

- 1. _____ Arrived with unloaded firearm properly cased or carried in a holster.**
- 2. _____ Demonstrated safe loading and unloading of firearms.**
- 3. _____ Demonstrated operation of a particular firearm.**
- 4. _____ Understands construction of ammunition and how it works.**
- 5. _____ Understands effective range of various types of ammunition and firearms.**
- 6. _____ Follows range commands and safe range procedures while handling and firing a firearm.**
- 7. _____ Demonstrates positive attitude and willingness to take directions.**

Signed _____

Club _____

**RENSSELAER COUNTY POST-LICENSE FIREARMS SAFETY PROGRAM
CERTIFICATE OF COMPLETION**

(Please print)

Name _____

Address _____

City, State & Zip _____

Phone Number (____) _____

Course taken at _____

Date _____

NYS Pistol License # _____

License produced and inspected ____ Yes ____ No

Photocopy of license supplied ____ Yes ____ No

Firearm used _____

Serial number _____

Copies of Penal Law sections 35.15 and 35.20 brought to program ____ Yes ____ No

**I certify that I am the student identified herein and that I hold a valid NYS
Firearms license referenced above. I further certify that I have brought a
copy of NYS Penal Law sections 35.15 and 35.20 provided to me through the
application and have fully participated in each portion of this course.**

Signature _____ Date _____

Instructor Observations

Instructor signatures: I/we certify that the above named student has completed the
Rensselaer County Firearms Safety program noted herein.

Date _____

New York State Penal Law
Part I Title C
Article 35

DEFENSE OF JUSTIFICATION

Section 35.00 Justification; a defense.

35.05 Justification; generally.

35.10 Justification; use of physical force generally.

35.15 Justification; use of physical force in defense of a person.

35.20 Justification; use of physical force in defense of premises and in defense of a person in the course of burglary.

35.25 Justification; use of physical force to prevent or terminate larceny or criminal mischief.

35.27 Justification; use of physical force in resisting arrest prohibited.

35.30 Justification; use of physical force in making an arrest or in preventing an escape.

§ 35.00 Justification; a defense.

In any prosecution for an offense, justification, as defined in sections 35.05 through 35.30, is a defense.

§ 35.05 Justification; generally.

Unless otherwise limited by the ensuing provisions of this article defining justifiable use of physical force, conduct which would otherwise constitute an offense is justifiable and not criminal when:

1. Such conduct is required or authorized by law or by a judicial decree, or is performed by a public servant in the reasonable exercise of his official powers, duties or functions; or

2. Such conduct is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no fault of the actor, and which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding such injury clearly outweigh the desirability of avoiding the injury sought to be prevented by the statute defining the offense in issue. The necessity and justifiability of such conduct may not rest upon considerations pertaining only to the morality and advisability of the statute, either in its general application or with respect to its application to a particular class of cases arising there under. Whenever evidence relating to the defense of justification under this subdivision is offered by the defendant, the court shall rule as a matter of law whether the claimed facts and circumstances would, if established, constitute a defense.

§ 35.10 Justification; use of physical force generally.

The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

1. A parent, guardian or other person entrusted with the care and supervision of a person under the age of twenty-one or an incompetent person, and a teacher or other person entrusted with the care and supervision of a person under the age of twenty-one for a special purpose, may use physical force, but not deadly physical force, upon such person when and to the extent that he reasonably believes it necessary to maintain discipline or to promote the welfare of such person.

2. A warden or other authorized official of a jail, prison or correctional institution may, in order to maintain order and discipline, use such physical force as is authorized by the correction law.

3. A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his direction, may use physical force when and to the extent that he reasonably believes it necessary to maintain order, but he may use deadly physical force only when he reasonably believes it necessary to prevent death or serious physical injury.

4. A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself may use physical force upon such person to the extent that he reasonably believes it necessary to thwart such result.

5. A duly licensed physician, or a person acting under a physician's direction, may use physical force for the purpose of administering a recognized form of treatment which he or she reasonably

believes to be adapted to promoting the physical or mental health of the patient if (a) the treatment is administered with the consent of the patient or, if the patient is under the age of eighteen years or an incompetent person, with the consent of the parent, guardian or other person entrusted with the patient's care and supervision, or (b) the treatment is administered in an emergency when the physician reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

6. A person may, pursuant to the ensuing provisions of this article, use physical force upon another person in self-defense or defense of a third person, or in defense of premises, or in order to prevent larceny of or criminal mischief to property, or in order to effect an arrest or prevent an escape from custody. Whenever a person is authorized by any such provision to use deadly physical force in any given circumstance, nothing contained in any other such provision may be deemed to negate or qualify such authorization.

§ 35.15 Justification; use of physical force in defense of a person.

1. A person may, subject to the provisions of subdivision two, use physical force upon another person when and to the extent he or she reasonably believes such to be necessary to defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by such other person, unless:

(a) The latter's conduct was provoked by the actor with intent to cause physical injury to another person; or

(b) The actor was the initial aggressor; except that in such case the use of physical force is nevertheless justifiable if the actor has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened imminent use of unlawful physical force; or

(c) The physical force involved is the product of a combat by agreement not specifically authorized by law.

2. A person may not use deadly physical force upon another person under circumstances specified in subdivision one unless:

(a) The actor reasonably believes that such other person is using or about to use deadly physical force. Even in such case, however, the actor may not use deadly physical force if he or she knows that with complete personal safety, to oneself and others he or she may avoid the necessity of so doing by retreating; except that the actor is under no duty to retreat if he or she is:

(i) in his or her dwelling and not the initial aggressor; or

(ii) a police officer or peace officer or a person assisting a police officer or a peace officer at the latter's direction, acting pursuant to section 35.30; or

(b) He or she reasonably believes that such other person is committing or attempting to commit a kidnapping, forcible rape, forcible criminal sexual act or robbery; or

(c) He or she reasonably believes that such other person is committing or attempting to commit a burglary, and the circumstances are such that the use of deadly physical force is authorized by subdivision three of section 35.20.

§ 35.20 Justification; use of physical force in defense of premises and in defense of a person in the course of burglary.

1. Any person may use physical force upon another person when he or she reasonably believes such to be necessary to prevent or terminate what he or she reasonably believes to be the commission or attempted commission by such other person of a crime involving damage to premises. Such person may use any degree of physical force, other than deadly physical force, which he or she reasonably believes to be necessary for such purpose, and may use deadly physical force if he or she reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of arson.

2. A person in possession or control of any premises, or a person licensed or privileged to be thereon or therein, may use physical force upon another person when he or she reasonably believes such to be necessary to prevent or terminate what he or she reasonably believes to be the commission or attempted commission by such other person of a criminal trespass upon such premises. Such person may use any degree of physical force, other than deadly physical force, which he or she reasonably believes to be necessary for such purpose, and may use deadly physical force in order to prevent or

terminate the commission or attempted commission of arson, as prescribed in subdivision one, or in the course of a burglary or attempted burglary, as prescribed in subdivision three.

3. A person in possession or control of, or licensed or privileged to be in, a dwelling or an occupied building, who reasonably believes that another person is committing or attempting to commit a burglary of such dwelling or building, may use deadly physical force upon such other person when he or she reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of such burglary.

4. As used in this section, the following terms have the following meanings:

(a) The terms "premises," "building" and "dwelling" have the meanings prescribed in section 140.00;

(b) Persons "licensed or privileged" to be in buildings or upon other premises include, but are not limited to:

(i) police officers or peace officers acting in the performance of their duties; and

(ii) security personnel or employees of nuclear powered electric generating facilities located within the state who are employed as part of any security plan approved by the federal operating license agencies acting in the performance of their duties at such generating facilities. For purposes of this subparagraph, the term "nuclear powered electric generating facility" shall mean a facility that generates electricity using nuclear power for sale, directly or indirectly, to the public, including the land upon which the facility is located and the safety and security zones as defined under federal regulations.

§ 35.25 Justification; use of physical force to prevent or terminate larceny or criminal mischief.

A person may use physical force, other than deadly physical force, upon another person when and to the extent that he or she reasonably believes such to be necessary to prevent or terminate what he or she reasonably believes to be the commission or attempted commission by such other person of larceny or of criminal mischief with respect to property other than premises.

§ 35.27 Justification; use of physical force in resisting arrest prohibited.

A person may not use physical force to resist an arrest, whether authorized or unauthorized, which is being effected or attempted by a police officer or peace officer when it would reasonably appear that the latter is a police officer or peace officer.

§ 35.30 Justification; use of physical force in making an arrest or in preventing an escape.

1. A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that:

(a) The offense committed by such person was:

(i) a felony or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person; or

(ii) kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

(b) The offense committed or attempted by such person was a felony and that, in the course of resisting arrest therefor or attempting to escape from custody, such person is armed with a firearm or deadly weapon; or

(c) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.

2. The fact that a police officer or a peace officer is justified in using deadly physical force under circumstances prescribed in paragraphs

(a) and (b) of subdivision one does not constitute justification for reckless conduct by such police officer or peace officer amounting to an offense against or with respect to innocent persons whom he or she is not seeking to arrest or retain in custody.

3. A person who has been directed by a police officer or a peace officer to assist such police officer or peace officer to effect an arrest or to prevent an escape from custody may use physical force,

other than deadly physical force, when and to the extent that he or she reasonably believes such to be necessary to carry out such police officer's or peace officer's direction, unless he or she knows that the arrest or prospective arrest is not or was not authorized and may use deadly physical force under such circumstances when:

(a) He or she reasonably believes such to be necessary for self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or

(b) He or she is directed or authorized by such police officer or peace officer to use deadly physical force unless he or she knows that the police officer or peace officer is not authorized to use deadly physical force under the circumstances.

4. A private person acting on his or her own account may use physical force, other than deadly physical force, upon another person when and to the extent that he or she reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense and who in fact has committed such offense; and may use deadly physical force for such purpose when he or she reasonably believes such to be necessary to:

(a) Defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or

(b) Effect the arrest of a person who has committed murder, manslaughter in the first degree, robbery, forcible rape or forcible criminal sexual act and who is in immediate flight therefrom.

5. A guard, police officer or peace officer who is charged with the duty of guarding prisoners in a detention facility, as that term is defined in section 205.00, or while in transit to or from a detention facility, may use physical force when and to the extent that he or she reasonably believes such to be necessary to prevent the escape of a prisoner from a detention facility or from custody while in transit thereto or therefrom.

FIREARMS SAFETY PROGRAM

OVERALL RECOMMENDATIONS

1. A minimum of 3 instructors will be present during each session. Clubs may use “substitutes” from other clubs if they are short instructors for a given program. Because of the intensive “hands on” nature of the program, the size of the program will be limited to the number of available instructors.
2. Fee will be \$50.00
3. Because each club has a different range situation, each club must prepare a list of their range parameters such as bullet and caliber limitations, indoor or outdoor range and many other special rules that pertain to their range. Applicants should be made aware of the specifications of the range that they are assigned to.
4. Applicants must bring an unloaded pistol or revolver that meets the limits of the range capability. Applicants must provide appropriate ammunition for use during the program. They also need to have adequate eye and ear protection before being allowed to fire on the range. The pistol or revolver must be legally registered to the applicant who will provide the valid NYS pistol license for the instructor’s inspection. The applicant must provide a photocopy of the NYS Pistol license for submission to the appropriate Licensing authority.
5. Instructors will choose an appropriate distance and target for the applicant to fire on depending on the pistol or revolver make and available range facilities.

Classroom Outline

1. Discussion –Positive Attitude

Applicants must know the limits of the license they carry. Copies of appropriate sections of the NYS Penal law will be stapled to the application and must be brought to the program. Applicants must be aware that they are responsible through their actions for the rights of all license holders to carry and use firearms. They are responsible, through their actions, to preserve the rights.

Some examples:

Where a firearm can/cannot be carried

1. Not on the grounds of any educational institution.
2. Not in any State or Federal building.
3. New York City

Alcohol/Drugs and Guns do not mix

2. Discussion –Types of handguns

Review similarities and differences with respect to loading, unloading and shooting.

Emphasize safe handling techniques for each type.

1. Revolvers –single and double action
2. Semi-automatics (automatics)
 - a. Single and double action
3. Single shot

3. Discussion –Ammunition

1. Types (Commercial and handloads)
2. Safety considerations

4. Question and Answer period

Applicants can ask questions and be questioned by instructors to determine if important points brought out during discussion periods have been learned.

Range Outline

1. Familiarize applicants with range procedures

Emphasize all safety considerations and demonstrate if necessary

2. Dry Firing exercise

Applicant will demonstrate moving into position, loading, stance, grip, sight alignment, firing and follow through.

3. Actual firing exercise

Applicant will demonstrate same as above except live rounds will be used.

Demonstration will begin with one live round and proceed to multiple rounds as instructor sees fit.

Applicants must demonstrate safe handling of their firearm to the satisfaction of the instructors.