

## Chapter 527: GUN SAFETY

### Sec. 527.01. Legislative findings.

[Added by L.L. No. 8-2000]

The Westchester County Board of Legislators finds the following:

The presence of an unsecured, easily accessible loaded weapon in the home increases the likelihood of death or injury from accidents and impulsive acts. Guns left unattended in the home should be kept locked or stored securely to prevent access by children and others who should not have access to them. Gun owners are responsible for keeping their firearms from falling into the hands of children and other unauthorized individuals.

### Sec. 527.11. Definitions.

[Added by L.L. No. 8-2000]

Whenever used in this chapter, the following terms shall have the following meanings:

- (a) Weapon shall mean a “rifle”, “shotgun”, “firearm” or “machine gun” as those terms are defined in Section 265.00 of the Penal Law.
- (b) Serious physical injury and physical injury shall be defined as provided in Section 10.00 of the Penal Law.
- (c) Safety locking device shall mean a design adaptation, attached accessory or device installed, that when activated or installed prevents the discharge or firing of the weapon.
- (d) Safe storage depository shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the weapon contained therein.
- (e) Person shall include corporation, partnership, business or other entity.
- (f) Operable shall mean, in relation to a weapon, that the weapon is able, when loaded with ammunition, to be fired or discharged.

### Sec. 527.21. Safety locks or safe storage depositories required.

[Added by L.L. No. 8-2000]

No person who owns or is custodian of a weapon shall store or otherwise leave such weapon out of his or her immediate possession or control without having first securely locked such weapon in an appropriate safe storage depository or rendered it incapable of being fired by use of a safety locking device appropriate to that weapon.

### Sec. 527.31. Negligent storage of a weapon in the second degree.

[Added by L.L. No. 8-2000]

A person is guilty of the negligent storage of a weapon in the second degree when he or she stores or leaves an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian.

Sec. 527.41. Negligent storage of a weapon in the first degree.  
[Added by L.L. No. 8-2000]

A person is guilty of the negligent storage of a weapon in the first degree when, he or she stores or leaves an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian and such weapon is discharged causing physical injury, serious physical injury or death to any person.

Sec. 527.51. Requirements at transfer of a weapon.  
[Added by L.L. No. 8-2000]

No person shall sell, deliver or transfer any weapon to another person unless the transferee is provided at the time of sale, delivery or transfer with:

- (1) A safety locking device that is capable of preventing that particular weapon from firing; and
- (2) A copy of the following warning in conspicuous and legible 24-point type on 8 1/2" x 11" paper stating in bold print the following warning:

**WARNING**

**RESPONSIBLE FIREARM STORAGE IS THE LAW IN WESTCHESTER. FIREARMS MUST BE STORED WITH A SAFETY LOCKING DEVICE OR IN A SAFE STORAGE DEPOSITORY. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION SEPARATE FROM AMMUNITION. LEAVING FIREARMS ACCESSIBLE TO A CHILD OR UNAUTHORIZED PERSON MAY SUBJECT YOU TO IMPRISONMENT, FINE OR BOTH.**

Sec. 527.61. Notices to handgun licensees and public.  
[Added by L.L. No. 8-2000]

1. Every person engaged in the retail business of selling weapons shall post a notice in the place where such weapons are displayed or delivered to the purchaser conspicuously stating, in no smaller than 24-point type and on no smaller than 8 1/2" x 11" paper, in bold print the following warning:

**WARNING**

**RESPONSIBLE FIREARM STORAGE IS THE LAW IN WESTCHESTER. FIREARMS MUST BE STORED WITH A SAFETY LOCKING DEVICE OR IN A SAFE STORAGE DEPOSITORY. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION SEPARATE FROM AMMUNITION. LEAVING FIREARMS ACCESSIBLE TO A CHILD OR UNAUTHORIZED PERSON MAY SUBJECT YOU TO IMPRISONMENT, FINE OR BOTH.**

2. The County Clerk shall provide all applicants for handgun licenses and renewals a written copy of a warning notice in conspicuous and legible 24-point type on 8 1/2" x 11" paper stating in bold print the following warning:

**WARNING**

RESPONSIBLE FIREARM STORAGE IS THE LAW IN WESTCHESTER. FIREARMS MUST BE STORED WITH A SAFETY LOCKING DEVICE OR IN A SAFE STORAGE DEPOSITORY. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION SEPARATE FROM AMMUNITION. LEAVING FIREARMS ACCESSIBLE TO A CHILD OR UNAUTHORIZED PERSONS MAY SUBJECT YOU TO IMPRISONMENT, FINE OR BOTH.

Sec. 527.71. Penalties.

[Added by L.L. No. 8-2000]

1. Any violation of sections 527.21, 527.31, 527.51, 527.61 1., shall be a violation and shall be punished by imprisonment of not more than 15 days or by a fine of not more than \$250.00 or both.
2. Notwithstanding the foregoing, any person who violates any of the provisions set forth in subdivision 1. above and who has previously been found guilty of a violation of any of those provisions shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than 30 days or by a fine of not more than \$500.00 or both.
3. Each violation of section 527.41 shall constitute a misdemeanor and a person found guilty of such misdemeanor shall be punished by imprisonment for not more than one year or by a fine of not more than \$1,000.00 or both.

Sec. 527.81. Severability.

[Added by L.L. No. 8-2000]

If any word, phrase, clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the words, phrase, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.