

**STATE OF NEW YORK  
DEPARTMENT OF STATE**

**DETERMINATION**

***In the matter of a request that “range safety officer” be designated as an eligible profession for the purchase, sale, and use of body armor.***

Date of designation: December 22, 2023

Legal framework

To purchase or take possession of body armor in New York State, an individual or entity must be engaged or employed in an eligible profession.<sup>1</sup> Pursuant to Executive Law section 144-a, the Department of State (Department) has created a process whereby individuals and entities may request that the profession in which they engage be added to the Department’s list of eligible professions.<sup>2</sup> The Department has received a request that “range safety officer” be designated as an eligible profession. Prior to adding a profession to the list of eligible professions, the Department must first determine whether the duties of the profession may expose an individual engaged in such profession to serious physical injury that may be prevented or mitigated by the wearing of body armor, or whether the duties of the profession are necessary to facilitate the lawful purchase, sale, or use of body armor.

Request

The Department has received a request that the profession “range safety officer” be designated as an eligible profession. Notice of this eligible profession request was published on the Department’s website on November 3, 2022, whereby the public was invited to submit additional requests relating to these professions. The Department received one additional inquiry relating to this request from an individual identifying as an “NRA Range Safety Officer,” expressing support for the profession’s eligibility.

The requestor is an individual who is self-employed in the profession. The requestor describes the profession of range safety officer as having the following duties:

A Range Safety Officer follows local range standard operating procedures, conducts range inspections and enforces range rules, clears firearm stoppages and malfunctions, conducts safety briefings, and administers aid and assistance in the event of an emergency. There is constant supervision of shooters, live-fire shooting activity, and firearms actively in use.

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<sup>1</sup> Penal Law § 270.21.

<sup>2</sup> See 19 NYCRR Chapter XIX, Part 905, generally.

The requestor additionally explains that:

Constant monitoring of firearm activity exposes the Range Safety Officer to accidents caused by others, firearm malfunctions, accidental or negligent firearm discharges, and while in close proximity to groups of people shooting all day long, serious bodily injury can occur that can be mitigated through the wearing of body armor.

As such, the requestor indicates that use of body armor while working in the profession is customary. The requestor states that the National Rifle Association (NRA) provides range safety officer certification, which includes a classroom component, a practical portion, and a written examination. The requestor states that other state and international organizations provide training as well.

### Findings of fact and analysis

The profession of range safety officer is not specifically listed as an occupation in the 2018 federal Office of Management and Budget Standard Occupational Classification Manual but is included within the detailed occupation classification, “Protective Service Workers, All Other,” under code 33-9099.<sup>3</sup> New York State does not license or provide certification for the profession of range safety officer. For purposes of this request and determination, the profession of range safety officer relates only to firearm ranges and is deemed a specific occupation within such detailed occupation classification but is not intended to include any other occupation that may also fall within such detailed occupation classification.

The military does allow civilian personnel to fulfill the duties of officers responsible for range safety in training exercises.<sup>4</sup> The Army and Marine Corps, for example, provide a list of duties for four positions that can be filled by civilian personnel and that are responsible for range safety, including officer in charge, range safety officer, senior range safety officer, and trajectory safety officer. As an example, the range safety officer is responsible for receiving range safety briefings and ensures safety measures prior to granting clearance to fire, such as proper positioning of personnel and weapons, proper use of ammunition, clearance of danger zone attributable to weapons being used, and protection equipment including hearing and eye protection. The range

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<sup>3</sup> Requestor identified the following SOC code in the request: 25-3099, titled “Teachers and Instructors All Other.” Because not all range safety officers are firearms instructors, this determination identifies SOC code 33-9099, titled “Protective Service Workers—All Other,” as a more accurate reference.

<sup>4</sup> See, e.g., Army Regulation 385-63(1-9)(h)(1)(a), (g)(1)(a), and (i)(2)(a) (Jan. 30, 2012); Marines, G-3 Range Management – OIC/RSO Qualification (including training requirements for Department of Defense and non-Department of Defense personnel), available at <https://www.quantico.marines.mil/Offices-Staff/G-3-Operations/Range-Management-Branch/OIC-RSO-Qualification/>; U.S. Army Combat Readiness Center, Training Range Safety (“TRADOC Capabilities Manager (TCM) Ranges provides both distance learning (DL) and resident courses designed for active-duty service members and civilians to learn the procedures for safe training.”), available at <https://safety.army.mil/MEDIA/Risk-Management-Magazine/ArtMID/7428/ArticleID/6461/Training-Range-Safety>.

safety officer is responsible for ordering cease-fire in unsafe conditions, reports accidents and malfunctions, and must specifically be present at the training site.

There are several certification opportunities for becoming a range safety officer. For example, the general ordinances of the City of Rochester require “proper supervision” at shooting ranges under its section 99-10. In so doing, the city lists several certification organizations suitable for this purpose, stating that

[R]ange safety officers shall have been trained by and have a valid current certification from one of the following organizations . . . National Rifle Association (NRA), International Defensive Pistol Association (IDPA), International Practical Shooting Association (IPSC), United States Practical Shooting Association (USPSA).<sup>5</sup>

The training content of NRA’s range safety officer certification consists of the “RSO’s roles and responsibilities, range standard operating procedures, range inspection and range rules, firearm stoppages and malfunctions, and Range Safety Briefings which include procedures to follow in the case of an emergency.”<sup>6</sup> There are two training curriculums available. The first curriculum is available to individuals who are currently an NRA Certified Firearm Instructor and is limited to an online forum. The second curriculum is available to all other individuals and is taught by an NRA-certified Chief Range Safety Officer.<sup>7</sup> This curriculum is a 9-hour in-person course that includes classroom time and practical exercises.<sup>8</sup>

The duties of a range safety officer involve time spent monitoring an active firearms range where live ammunition is used to practice shooting at targets. In addition, in 2020, a range safety officer was killed by an accidental discharge at an indoor shooting range in Monroe County, New York, during a competitive event, where the officer died on-scene.<sup>9</sup> As such, the profession of range safety officer sometimes requires individuals engaged or employed in that profession to put themselves in dangerous situations that may expose them to serious physical injury, and that such serious physical injury may be prevented or mitigated by the wearing of body armor.

### Determination

The information set forth above supports a determination by the Department that the profession of range safety officer sometimes requires individuals engaged or employed in that profession to put themselves in dangerous situations that may expose them to serious physical injury, and that such serious physical injury may be prevented or mitigated by the wearing of body armor. For the purposes of this determination, a range safety officer shall mean a range safety officer who is engaged in the profession, either as a paid employee or a routine volunteer of a

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<sup>5</sup> City of Rochester, NY, General Ordinances § 99-10(B)(2), available at <https://ecode360.com/8678371#8678376>.

<sup>6</sup> National Rifle Association, NRA Range Safety Officers, available at <https://rso.nra.org/>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Rochester Democrat and Chronicle, Greece man accidentally killed at Penfield gun club identified (Nov. 10, 2020), available at <https://www.democratandchronicle.com/story/news/2020/11/07/man-killed-accidental-shooting-genesee-conservation-league-gun-club-penfield-ny/6203971002/>.

shooting range, and who: holds a range safety certification by the National Rifle Association (NRA), the International Defensive Pistol Association (IDPA), the International Practical Shooting Association (IPSC), or the United States Practical Shooting Association (USPSA); or is a civilian equivalent hired by a military service for the United States to serve as a range safety officer in the State of New York.

Based on the foregoing facts and the requirements of Executive Law §144-a and 19 NYCRR Part 905, the Department has designated the profession of range safety officer as an eligible profession for the purchase, sale, and use of body armor and adds such profession to the Department's list of eligible professions.