

LABOR AND EMPLOYMENT LAW

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New York Passes Gun Legislation in Response to Supreme Court Decision Overturning Licensing Restrictions for Concealed Carry Permits

On June 23, 2022, in [New York State Rifle & Pistol Association, Inc. v. Bruen](#), the U.S. Supreme Court held that New York's requirements for obtaining permits for the concealed carry of a firearm were unconstitutional in a decision authored by Justice Clarence Thomas. Since 1911, New York has prohibited individuals from possessing a firearm without a license.

Under New York's law, individuals seeking to obtain a license to possess a firearm inside their home or business were required to demonstrate, among other things, that they are of good moral character, have no history of crime or mental illness and that no good cause exists for denying them a license. A heightened standard applied if individuals wished to obtain a "concealed carry" permit for self-defense outside their home or business, who were also required to demonstrate that "proper cause" existed for them to have a license to publicly carry a pistol or revolver. To demonstrate proper cause, individuals were required to show that they had a special need for self-protection different from that of members of the general public. Typically, individuals were required to demonstrate specific threats, attacks or other extraordinary dangers to their personal safety; working or living in a high-crime area was not enough to satisfy the requirement. If an individual failed to demonstrate proper cause for a concealed carry permit to be issued, they could be granted a restricted license allowing them to publicly carry a firearm for specified reasons, such as hunting, target shooting or employment.

In [Bruen](#), the Supreme Court held that New York's "proper cause" standard was an unconstitutional restriction on individuals' Second Amendment rights. However, the Supreme Court acknowledged that legal precedent allowed for restrictions on the carry of firearms in "sensitive places," such as schools and government buildings. While the Supreme Court declined to "comprehensively define 'sensitive places,'" it did caution that there was "no historical basis for New York to effectively declare the island of Manhattan a 'sensitive place' simply because it is crowded and protected generally by the New York City Police Department."

On July 1, 2022, Governor Kathy Hochul signed new [legislation](#) passed in response to the Supreme Court's decision. The legislation prohibits individuals from carrying firearms in "sensitive locations," such as government buildings, healthcare facilities, religious institutions, casinos, libraries, public parks, schools or colleges, and on public transportation and anywhere licensed to serve alcohol or cannabis. It further prohibits individuals from carrying firearms in public areas if a special use permit has been issued for their use and at "any gathering of individuals to collectively express their constitutional rights to protest or assemble."

The law also prohibits the possession of a firearm in "restricted areas," which are defined as "private property where . . . the owner or lessee of such property has not permitted [the permission of a firearm]

by clear and conspicuous signage indicating that the carrying of firearms, rifles, or shotguns on their property is permitted or has otherwise given express consent.” Thus, the law prohibits individuals from possessing a firearm on private property without express consent from the owner. Certain individuals are exempt from this prohibition, including current and retired law enforcement officers, peace officers, security guards with proper licensing and active duty service members.

The law is set to go into effect on Sept. 1, 2022.

If you have any questions regarding the effects of this legislation, please contact Nicholas Jacobson, any attorney in Bond’s [Labor and Employment practice](#) or the attorney at the firm with whom you are regularly in contact.

