

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

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Additional Developments to New York's Concealed Carry Improvement Act

On June 23, 2022, the U.S. Supreme Court struck down New York's requirement that individuals demonstrate an individualized need for protection to obtain a permit allowing them to carry a firearm for self-defense outside their home or business. In response, on July 1, 2022, Gov. Kathy Hochul signed new legislation – the Concealed Carry Improvement Act (CCIA) – which modifies the requirements for obtaining a conceal and carry permit and prohibits the possession of firearms in areas deemed “sensitive” or “restricted.” Under the CCIA, places of employment and business constitute restricted areas in which the possession of firearms is only permitted with express permission from the property owner or lessee.

The law went into effect on Sept. 1, 2022 and as expected was subject to immediate legal challenge on constitutional grounds in *Antonyuk v. Hochul*, No. 22-cv-00986 (N.D.N.Y.). On Oct. 6, 2022, U.S. District Court Judge Glenn T. Suddaby issued a temporary restraining order temporarily prohibiting enforcement of significant portions of the CCIA; however, he granted New York State three days' leave to seek emergency relief from the Second Circuit Court of Appeals. The State sought an emergency stay of Judge Suddaby's order, and the Court granted a temporary stay pending review by an appellate panel of three judges.

On Nov. 7, 2022, Judge Suddaby entered a preliminary injunction again restraining enforcement of significant portions of the CCIA and denying the State's requests for a limitation in the scope of the injunction and for a stay pending appeal. The Second Circuit, however, again granted the State's request for an emergency interim stay pending additional consideration by an appellate panel.

The result of all of these developments is that, for now, the CCIA remains in force pending additional review by the appellate panel. However, due to the pending challenge of the law, the frequent changes in its status, and the expectation that there will be additional decisions regarding the scope of its enforceability, employers and business owners may wish to proactively post signage and establish policies setting forth their position regarding the possession of firearms on the property, whatever that position may be.

We will continue to provide updates regarding this issue. 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.

