

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

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Supreme Court Chooses Not to Review Challenge to New York Gun Law

In April, the United States Supreme Court denied certiorari in *Antonyuk v. James*, a case challenging many of the restrictions imposed by New York's Concealed Carry Improvement Act (CCIA). As a result, the Second Circuit's Oct. 2024 decision which vacated all but two of the lower court's injunctions, remains in effect.

The CCIA was passed in July of 2022 following the Supreme Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, which struck down New York's more than a century old concealed carry law. In essence, the CCIA modified the requirements for obtaining a concealed carry permit and prohibited the possession of firearms in areas deemed "sensitive" or "restricted."

The passage of the new law prompted numerous constitutional challenges, resulting in many of its provisions being enjoined by district courts. The injunctions were then appealed to the Second Circuit which, in Dec. of 2023, released its decision in *Antonyuk v. Chimento*¹.

Although the Second Circuit's *Chimento* decision was nearly identical to its later decision in *James*, the Supreme Court vacated the decision in July of 2024 and remanded the case back to the Second Circuit for further consideration consistent with its decision in *United States v. Rahimi*.

On remand, the Second Circuit released its decision in *Antonyuk v. James*, prompting another appeal to the Supreme Court. This time, the Supreme Court declined to hear the case, leaving the Second Circuit's decision in effect.

In short, the Second Circuit vacated all of the injunctions except as applied to two aspects of the CCIA: (1) the provision requiring firearm license applicants to disclose the names of their current and former social media accounts; and (2) the "restricted locations" provision, to the extent that it made it presumptively unlawful to carry a firearm on private property open to the general public unless permission was granted by "clear and conspicuous signage" or express verbal consent.

The case will now be remanded back to the district court for further proceedings consistent with the Second Circuit's opinion. For now, all provisions of the CCIA will remain in effect except for the two provisions that remain enjoined.

¹ *Antonyuk v. Chimento* consolidated four district court cases (*Antonyuk v. Hochul* from the Northern District of New York; *Christian v. Nigrelli*, *Spencer v. Nigrelli*, and *Hardaway v. Nigrelli* from the Western District of New York). Only the *Antonyuk* parties appealed to the Supreme Court, so the *Chimento* decision as applied to *Christian*, *Spencer*, and *Hardaway* was unaffected by the Supreme Court's subsequent vacatur. As a result, the primary difference between the Second Circuit's decisions in *Chimento* and *James* is that *James* did not address the injunctions issued in *Christian*, *Spencer*, and *Hardaway*.

It is important to note that the Second Circuit's review merely assessed the lower court's injunctions, conducting a narrow analysis of whether the challenged provisions were facially unconstitutional. Therefore, future challenges to the CCIA are inevitable.

We will continue to provide updates regarding this issue. If you have any questions regarding the effects of this legislation, please contact [Nicholas Jacobson](#), [Colin Smith](#), any attorney in Bond's [labor and employment practice](#) or the attorney at the firm with whom you are regularly in contact.

