



NEW YORK CITY LAW DEPARTMENT

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CITY PREVAILS IN LAWSUIT BROUGHT BY GUN GROUP

Federal Court Says City Handgun Licensing Rules Are Constitutional

New York City licensing rules that restrict handguns to residences and City-licensed shooting ranges do not violate gun owners' constitutional right to keep and bear arms or to free association, a federal court ruled last week.

In dismissing the 2013 suit brought against the City by the New York State Rifle and Pistol Association and individual licensees, Judge Robert W. Sweet said the City's interest in limiting the permissible transport of dangerous firearms outside the home is vital and that it was well-established that firearms in the public present a greater public danger than firearms inside one's home.

Marti Adams, First Deputy Press Secretary to Mayor de Blasio, said: "Protecting the people of this City is a top priority for this Administration. We are pleased that the City was able to defeat this challenge to our common-sense gun laws that are designed to keep us all safe."

Michelle Goldberg-Cahn, Law Department attorney, said: "These rules are in place to protect the public and we are pleased the City prevailed here. We are confident that the City's rules balance the constitutional rights of individuals with our responsibility to safeguard the public."

The National Rifle Association-affiliated group, the state's largest and nation's oldest firearms advocacy organization, challenged Title 38 of the Rules of the City of New York. The rules allow individuals to keep handguns in their homes for protection and limit their transport to directly to and from City-licensed shooting ranges. During transport, firearms must be unloaded, in a locked container and separate from ammunition.

The gun association claimed these requirements prohibited individuals from using their firearms due to the small number of ranges and competition venues in New York City, thereby infringing on their right to free association under the First Amendment. The Court disagreed, saying nothing in the rules prohibits individuals from engaging in target practice or shooting competitions. The Court said free-market forces determined the availability of shooting ranges and the shortage of ranges was not tantamount to a ban caused by City gun rules.

Claims of a Second Amendment infringement because rules prohibit individuals from carrying licensed guns to a second home upstate were not accepted. The Court said New York City rules did not prohibit individuals from getting permits in non-City jurisdictions. Other constitutional challenges were similarly rejected, according to the decision (attached.)

Case: *New York State Rifle and Pistol Association v. City of New York*, 13 Civ. 2115

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