



NYSRPA v. City of New York:
The NRA's Dangerous Effort to Roll Back Gun Safety Laws Coast to Coast

U.S. Supreme Court oral argument scheduled for Monday, Dec. 2, at 10:00 am

Key Messages

This Case is About the NRA's Political Agenda, Not the Law. In *NYSRPA v. City of New York*, the NRA cherry-picked an extremely uncommon and now nonexistent regulation in order to advance a radical interpretation of the Second Amendment and launch a broad attack on the common sense, constitutional gun safety laws in place across the country. This is not only wrong, it ignores and endangers public safety and is entirely inconsistent with the approach developed by appellate courts across the country following the Court's decision in *District of Columbia v. Heller*. It is nothing more than a cynical attempt to use the courts to reverse the gun safety gains made in statehouses and at the ballot box.

There is Overwhelming Public Support for Gun Safety Laws: Gun safety measures are not only constitutional, they are overwhelmingly popular. In this deeply polarized era, this is one of the few areas where [Democrats, Republicans, and Independents alike agree](#). The law is clear and so are the American people: the Supreme Court should reject this attempt to roll back gun safety laws from coast to coast.

Our Progress in the Fight Against Gun Violence is on the Line: The progress we have made is on the line. The NRA wants to use this case to challenge and roll back hundreds of gun safety laws across the country. Every gun law is at risk, including laws regulating who can carry guns in public and where they can carry them, laws regulating large-capacity magazines, silencers and assault weapons, and even laws restricting access to firearms by criminals, domestic abusers, and others at a high risk of violence.

Case Overview

New York State Rifle & Pistol Association Inc et al. v. City of New York is a case challenging now-repealed New York City regulations limiting the locations to which holders of a "premises license" could transport their handguns both within and outside of the city. Despite the fact that the rules are now repealed, the NRA is hoping to use this case to roll back gun safety legislation nationwide.

The rule prohibited transporting firearms to gun ranges, shooting competitions and second homes outside of the city. Restrictions as strict as New York City's old rule do not exist anywhere else in the United States, nor is there an effort to implement similar regulations anywhere.

The New York State Rifle & Pistol Association (NYSRPA) is the New York State affiliate of the NRA.

This case is the first major Second Amendment case to go before the Supreme Court since *District of Columbia v. Heller* in 2008 and *McDonald v. City of Chicago* in 2010. While the Supreme Court has not heard a major case involving gun rights in nearly a decade, the appellate courts have been very active. They have developed a consistent and effective approach to interpreting the constitutionality of gun violence prevention measures, one that protects both rights and public safety.

Procedural Background & Timeline

NYSPRA and several gun-owning individuals within New York City filed suit against the City in 2013 in the United States District Court for the Southern District of New York. The District Court issued summary judgment for the City in 2015, dismissing the plaintiffs' claims.

The Second Circuit affirmed the District Court's judgment on February 23, 2018, holding that the challenged regulations did not substantially burden plaintiffs' Second Amendment rights to possess a firearm for self-defense purposes and served an important governmental interest (promoting public safety).

NYSRPA then petitioned for review by the Supreme Court, which the Court granted on January 22, 2019.

On July 21, 2019, following a notice-and-comment rulemaking process, New York City (the NYPD specifically) amended its rules and removed the restrictions challenged by the petitioners. In addition, Gov. Andrew Cuomo signed a bill on July 16, 2019 that goes substantially further than the relief sought by NYSRPA by prohibiting any locality in New York state from blocking the transportation of a handgun to any location where it can lawfully be possessed. In short, the plaintiffs received exactly what they were seeking and more, rendering the case moot.

New York City filed a suggestion of mootness with the Court on July 22, 2019. The Court declined to dismiss the case on mootness grounds in October; however, it directed both parties to be prepared to discuss the mootness issue at oral argument. The case will be heard at 10:00 a.m. on Monday, December 2.

Questions Presented

The Supreme Court agreed to consider the following constitutional questions:

Does a New York City rule banning the transportation a licensed, locked, and unloaded handgun to a home or shooting range outside city limits violate the Second Amendment, the Commerce Clause, or the constitutional right to travel?

The Court will now also consider whether the case is moot, meaning the Court may avoid even reaching a judgment on these questions. Under Article III of the Constitution, an actual case or controversy must exist. The Supreme Court does not issue advisory opinions.

Bottom Line

The American people overwhelmingly support common sense gun safety laws. We have made tremendous progress at the ballot box and in state legislatures in recent years, passing over 315 gun safety laws since Sandy Hook. Appellate courts around the country have overwhelmingly found that these life-saving measures are consistent with the Constitution, American history, and the Supreme Court's *Heller* decision. Now the NRA wants the Supreme Court to roll back all of that progress and more. **The NRA's extreme approach threatens our constitutional rights, our lives, and public safety - and the Supreme Court must reject it.**