



Change in New York City gun transport rules could moot upcoming Supreme Court case

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June 22, 2019

WASHINGTON – New York City announced Friday it has amended rules restricting where licensed guns can be taken outside the home, a move intended to prompt the Supreme Court to dismiss a challenge from gun rights groups.

The change, posted on a city website without fanfare, allows gun owners to take their firearms to a home, business or shooting range outside city limits. Until now, the city had limited those with possession licenses to seven shooting ranges inside city limits.

Gun owners who sought to take their firearms to second homes or shooting ranges outside the city challenged the rules in federal court, but the rules were upheld last year by the U.S. Court of Appeals for the Second Circuit. The Supreme Court agreed in January to hear the case next fall.

Gun control groups had urged the city to change its rules in hopes a quick surrender would prompt the justices to drop the case. The city's police department held a public hearing last month on the proposed changes and announced a final rule Friday that will take effect in 30 days.

"The Police Department ... reviewed the rules and determined that it was possible to modify them to reflect a carefully considered accommodation to the interests of licensees while also ensuring the safe transport of handguns," the announcement said.

The Supreme Court challenge has become a rallying cry for gun rights groups seeking a major expansion of the court's Second Amendment precedents. Now that the rules have been changed, it's not clear whether the case will be heard.

Gun rights groups have argued in court papers that the justices should not dismiss the case regardless of any changes. The New York State Rifle & Pistol Association, which brought the case against the city, accused it of a "nakedly transparent effort to evade this court's review" by moving to ease the restrictions.

The Cato Institute, a libertarian group favoring gun rights, warned that the rules could be changed "just long enough for the case to be dismissed."

But Adam Winkler, a UCLA School of Law professor and author of a book on the gun rights battle, said the challengers only sought an injunction to stop New York's rules from being

enforced. If repealed, he said, "the case should be moot, because the challengers will have effectively won."

The effort by gun rights groups to get a case before the Supreme Court is based on the hope that its new, five-member conservative majority will be more sympathetic to gun rights, in much the same way that anti-abortion groups are hoping for a high court crackdown on reproductive rights.

It's been more than a decade since the Supreme Court ruled that the Second Amendment protects the right of citizens to keep guns at home for self-defense. The justices later extended that right to states and localities.

But Associate Justice Antonin Scalia's most famous opinion in District of Columbia v. Heller never defined the breadth of that right. He acknowledged the ruling did not uphold "a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose."

Gun rights groups, led by the National Rifle Association, have sought for years to win the next battle: a broad right to carry weapons outside the home. Forty-five states allow that to some degree, though 15 require special licenses or permits. But several large states, including California, Florida, Illinois and New York, have prohibitions.

The high court has refused for nearly a decade to jump back into the gun debate, declining at least eight opportunities in recent years. It let stand Chicago's semiautomatic weapons ban and a variety of prohibitions against carrying guns in public, from New Jersey to California. It refused to second-guess age limits for carrying guns in Texas and rules for disabling or locking guns when not in use in San Francisco

Now gun rights groups hope Associate Justice Brett Kavanaugh's replacement of Associate Justice Anthony Kennedy, the court's swing vote, could turn the tide.