

Page Printed From:

[https://www.law.com/newyorklawjournal/2022/09/29/lawsuits-continue-to-challenge-conceal-carry-improvement-act/?](https://www.law.com/newyorklawjournal/2022/09/29/lawsuits-continue-to-challenge-conceal-carry-improvement-act/?kw=Lawsuits%20Continue%20to%20Challenge%20Conceal%20Carry%20Improvement%20Act&utm_source=email&utm_medium=en&utm_campaign=dailynews&utm_content=20220930&utm_term=)[kw=Lawsuits%20Continue%20to%20Challenge%20Conceal%20Carry%20Improvement%20Act&utm\\_source=email&utm\\_medium=en&utm\\_campaign=dailynews&utm\\_content=20220930&utm\\_term=](https://www.law.com/newyorklawjournal/2022/09/29/lawsuits-continue-to-challenge-conceal-carry-improvement-act/?kw=Lawsuits%20Continue%20to%20Challenge%20Conceal%20Carry%20Improvement%20Act&utm_source=email&utm_medium=en&utm_campaign=dailynews&utm_content=20220930&utm_term=)

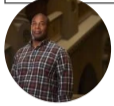
NOT FOR REPRINT

## Lawsuits Continue to Challenge Conceal Carry Improvement Act

A new challenge filed by lawyers on behalf of a Brooklyn synagogue challenged the law on grounds that it unconstitutional targets religious observances.

September 29, 2022 at 06:13 PM

Constitutional Law



Brian Lee

Litigation Reporter

A religious argument joined a series of federal lawsuits challenging the state's new law that prohibits New Yorkers from bringing legal firearms in sensitive and restricted locations that include most public places.

Lawyers for a Brooklyn synagogue, Congregation Bnei Matisyahu, filed a civil suit in Manhattan federal court on Thursday challenging the law on grounds that it unconstitutionally targets religious observances.

Meanwhile, in U.S. District Court's Northern Division on Wednesday, the New York State Rifle & Pistol Association filed an amended lawsuit that adds plaintiffs and defendants in Nassau and Suffolk counties to its lawsuit that also challenges the new law on 1st, 2nd and 14th Amendment grounds.

The synagogue's lawsuit challenges the prohibition on firearms in places of worship or religious observation as "constitutionally vague" and "facially overbroad."

"This lawsuit addresses the animosity of New York State for people who have religious observance," plaintiff's attorney Cory Morris of Melville said Thursday.

"My clients, because they're religious, will go from legal gun owners to felons," Morris said. "It's a felony to be a religious-observing gun owner, according to our New York State government. And it's vague. What's religious observance? If someone holds a devout religious belief, is that a religious observance? I think so."

The lawsuit cites the Anti-Defamation League's report in April that tabulated 2,717 anti-Semitic incidents across the U.S. in 2021, the highest number since ADL began tracking the statistic in 1979.

"Haven't we seen enough violence against churches, violence against mosques, violence against Jews?" Morris said.

"The government isn't going to protect us and we can't hold them accountable if they fail to protect us. So they want to disarm us—not because we're legal gun owners. They want to disarm us because we're religiously observant. And that's why this law must be struck down."

The Concealed Carry Improvement Act went into effect on Sept. 1. It was the New York Democratic-controlled legislature's response to the U.S. Supreme Court's June 23 ruling in *New York State Rifle & Pistol Association v. Bruen*.

In that case, the country's highest court held that New York's penal law, which conditioned the issuance of an unrestricted license to carry a handgun in public on the existence of proper cause, was a violation of Second and 14th Amendment rights.

The Concealed Carry Improvement Act replaced the proper cause standard with stricter firearms licensing application and renewal standards.

It includes a provision that the licensee must display good moral character. He or she completes an in-person interview, provides a disclosure of social media accounts for review by authorities, provides at least four character references and undergoes added hours of firearms training.

The pistol association's amended lawsuit said the New York law contains a slew of burdensome and discriminatory requirements for acquiring a handgun carry license.

The complaint was filed by attorneys from Bradley Arant Boult Cummings.

It adds plaintiffs and defendants from Suffolk and Nassau counties.

"We'll see how soon we can be heard, hopefully, as soon as possible, especially since we're asking for some injunctive relief," said Joel Ablove, an attorney and board member of the New York State Rifle & Pistol Association.

Given the breadth and scope of the new statute, Ablove said he wasn't surprised by the "multiple lawsuits getting filed by different groups, with their own perspective on how their rights are being violated."

"I see a lot of clients who are directly impacted by this and even people who aren't clients of mine are calling me up and they're very concerned about this," he said. "People feel like they can't carry anywhere. And it's very disconcerting to law-abiding, concealed carry owners."

Also Wednesday, the Firearms Policy Coalition announced it filed a motion for preliminary injunction in *Boron v. Bruen*, its lawsuit challenging New York's "sensitive location" handgun carry bans in public parks, public transportation, and all private property without express consent.

The lawsuit names Erie County District Attorney John Flynn as a defendant. The county's law department filed a motion seeking to dismiss the case on Thursday.

“The New York Legislature appears to think that when the Supreme Court closed the door on New York’s may issue permit regime it opened a window for equally onerous location restrictions,” said Firearms Policy Coalition Director of Legal Operations Bill Sack.

The motion for preliminary injunction, Sack said, “is the opportunity for the court to remind New York lawmakers that those windows are nailed shut by the Constitution.”

NOT FOR REPRINT

---

Copyright © 2022 ALM Global, LLC. All Rights Reserved.