Written by **Bob Adelmann** on October 7, 2022

Federal Judge Stops New York's Attempt to Reinstate Gun-control Law

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Glenn Suddaby, a District Judge in the Northern District of New York, dismantled on Thursday many of the more outrageous provisions of the law the state's Democrat-controlled legislature hastily passed following the U.S. Supreme Court's ruling in *Bruen* in June.

New York Governor Kathy Hochul called an emergency session of the legislature following that ruling (which affirmed the right of every citizen to carry a firearm in public and in the process ended New York's previous restrictive law) in order to nullify it.

Without separation of powers whereby the judicial branch is called to counterbalance the legislative branch and rein in its natural propensity to overreach, the governor of New York and Attorney General Letitia James would immediately disarm every citizen in the state in the name of "keeping the citizens safe."

Here is the siren song of tyranny sung by Hochul when she learned of Suddaby's emasculation of the state's new law: "It is deeply disappointing that the judge wants to limit my ability to keep New Yorkers safe."

This is the same song sung by the state's Democratic Majority Leader Andrea Stewart-Cousins when she presented the bill to the governor for signing back in June: "We are confident that we are providing New York, again, an opportunity not only to be able to have their concealed carry, but also to make New Yorkers safe."

And the state's far-left attorney general, Letitia James, plans to appeal: "While the decision preserves portions of the law, we believe the entire law must be preserved as enacted."

Suddaby wrote:

> Simply stated, instead of moving toward becoming a shall-issue jurisdiction, New York State has further entrenched itself as a shall-not-issue jurisdiction. And, by doing so, it has further reduced a first-class constitutional right to bear arms in public for self-defense … into a mere request.

We let Judge Suddaby speak for himself:

> On June 23, 2022, the Supreme Court held that N.Y. Penal Law … which conditioned the issuance of an unrestricted license to carry a handgun in public on the existence of "proper cause," violated the Second and Fourteenth Amendments by impermissibly granting a licensing officer the discretion to deny a license to a law-abiding, responsible New York

> State citizen based on a perceived lack of a special need for self-protection distinguishable from that of the general community.
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> On July 1, 2022, New York State passed the Concealed Carry Improvement Act ("CCIA"), which generally replaced the "proper cause" standard with
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> (1) a definition of the "good moral character" that is required to complete the license application or renewal process,
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> (2) the requirement that the applicant provide a list of current and past social-media accounts, the names and contact information of family members, cohabitants, and at least four character references, and "such other information required by the licensing officer,"
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> (3) a requirement that the applicant attend an in-person interview,
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> (4) the requirement of 18 hours of in-person and "live-fire" firearm training in order to complete the license application or renewal process, and
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> (5) a list of "sensitive locations" and "restricted locations" where carrying arms is prohibited.

The reader is invited to download his entire 53-page decision if only to gain access to the lessons in constitutional limitations he provides.

As a teaser, here is how he dismantles the attempt to reinsert the need for an applicant to prove his "good moral character" as a requirement for an applicant to obtain permission to carry concealed in the Empire State:

> The CCIA's "good moral character" standard appears fatally flawed in two respects.
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> First, it omits the qualifying phrase "other than in self-defense."…
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> Second, and more importantly, the Court interprets the Supreme Court's decision in [*Bruen*] as endorsing a standard that effectively compels (or at least expressly permits) a state to issue a carry license unless the licensing officer finds that the applicant is likely to use the handgun in a manner that endangers oneself or others (other than in self-defense) according to a standard that can fairly be called "objective".
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> However, instead, the CCIA [the New York law] expressly prohibits the issuance of a license unless the licensing officer finds (meaning unless the applicant *persuades* him or her through providing much information, including "such other information required by review of the licensing application that is reasonably necessary and related to the review of the licensing application") that the applicant is of "good moral character," which involves undefined assessments of "temperament," "judgment" and "[trust]."
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> Setting aside the subjective nature of these assessments, shouldering an applicant with the burden of showing that he or she is of such "good moral character" (in the face of a de facto presumption that he or she is not) is akin to shouldering an applicant with the burden of showing that he or she has a special need for self-protection distinguishable from that of the general community, which is prohibited under [*Bruen*].
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> In essence, New York State has replaced its requirement that an applicant show a special need for self-protection with its requirement that the applicant rebut the presumption that

> he or she is a danger to himself or herself, while retaining (and even expanding) the open-ended discretion afforded to its licensing officers.

There it is, in black and white: The citizen applying for a license to carry is presumed to be unqualified and of poor moral character unless he or she "persuades" the licensing officer that he or she is of good moral character.

Under New York's now-emasculated law, it would be one short step away from demands for "papers please!" by the Gestapo under Hitler's National Socialism in the 1930s, if not for the separation of powers provided in New York State's constitution.