

S.C.O.P.E. Legal Update

November, 2022¹

“Citizen or Subject? Your Vote Determines Which.”

Attached is NY SCOPE’s half page ad that ran in the 28,000+ New York Outdoor News publication on November 4th.

<https://www.scopeny2a.org/resources/Pictures/SCOPE%20Steuben%20County%20NY%204x10.jpg>

Lee Zeldin, GOP nominee for New York governor, opposes gun-free zones

Some of the issues that Zeldin is highlighting in his campaign are public safety and the cost of living. On public safety, Zeldin wants to repeal some of the criminal justice reforms passed in recent years, including the HALT Act, which limits the use of solitary confinement, and the Less is More Act, which made changes to the state’s parole system. Zeldin told Capital Tonight that he will advocate for passage of a “Law Enforcement Bill of Rights.”

Zeldin disagrees with creating “gun-free zones” and argues these zones do not make people safer but “actually creates a target.”

<https://spectrumlocalnews.com/nys/central-ny/politics/2022/06/29/lee-zeldin--gop-nominee-for-ny-governor--opposes-gun-free-zones>

Republican lawmakers ask courts to kill NY gun control law after appeals ruling

Two upstate New York Republicans in the House of Representatives are preparing to introduce legislation urging federal courts to strike down a new state law that bans guns from “sensitive” places including Times Square and mandates social media background checks for concealed carry applicants.

Reps. Claudia Tenney, who represents an area east of Rochester, and Elise Stefanik, who represents a vast northern district bordering Canada, are wading into the legal battle over the Concealed Carry Improvement Act, which took effect last month — replacing century-old law that the Supreme Court struck down in June.

Stefanik, an original cosponsor, said, “Kathy Hochul’s gun grabbing law is unconstitutional and a direct attack on our Upstate rights and values.”

The House resolution says, “the courts should immediately strike down the Concealed Carry Improvement Act as unconstitutional.”

¹ Current as of 11/3/22

The bill takes issue with the state law's restrictions on where guns can be brought, as well as the new social-media background checks.

The Tenney-led legislation is unlikely to pass the Democrat-held House this year, but its introduction could portend a more serious threat of federal legislation if Republicans gain a sizable majority in the House through the Nov. 8 midterm elections.

https://nypost.com/2022/10/13/gop-ask-courts-to-kill-ny-gun-control-law-after-appeals-ruling/?utm_medium=SocialFlow&utm_campaign=SocialFlow&utm_source=NYPTwitter

(NY-23) Langworthy on gun control: "More laws are not the answer"

During Tuesday's NY-23 Congressional debate, candidates Nick Langworthy (R) and Max Della Pia (D), were asked how the government can reduce gun violence.

Langworthy stated that there should be a stronger focus on mental health. He said New York has more gun laws than any other place in the country but those have not prevented tragedies, like the Tops Mass Shooting and recent homicide of Keaira Hudson, from occurring.

"More laws are not the answer," said Langworthy. "We need to tackle the issue of mental health and it has been ignored for far too long. When we have a tragedy, so many people on the left run to ban guns from law-abiding gun owners.

Della Pia said that there needs to be a national, reasonable gun safety legislation that includes more universal regulations including background checks.

"We need to eliminate those multi-round magazines," said Della Pia.

<https://www.mytwintiers.com/news-cat/your-local-election-hq/langworthy-on-gun-control-more-laws-are-not-the-answer/>

New York State Could Require A Police Review Of Purchases Of Multiple Guns or Ammo

Gun owners who want to make purchases of multiple guns or ammunition in New York State could have to undergo additional scrutiny by police. A New York State senate bill sponsored by Senators Luis R. Sepúlveda, James Gaughran, and Julia Salazar could put people trying to make bulk purchases of firearms under a police microscope.

Senate Bill S9555, which is currently in the Rules Committee, Directs the state police to promulgate any necessary rules and regulations regarding the flagging for further review of bulk purchases of firearms or ammunition.

Senate Bill S9555 is designed to Empower the superintendent of state police to establish and maintain within the division of state police a central repository of information regarding firearms or ammunition purchased in bulk for further review within the context of the statewide license and record database.

The bill calls for payments methods used to make bulk purchases to be under review, as well,

The superintendent is also required to adopt regulations prescribing reporting procedures for any purchases of firearms or ammunition purchased in bulk by credit card, debit card, PayPal, e-wallet, e-check, Lyra or any other payment system.

The bill does not define 'bulk' so it's not clear what amount of guns would require flagging.

https://wblk.com/multiple-guns-law-ny/?utm_source=tsmclip&utm_medium=referral

Hochul slams Zeldin's idea to arm teachers, school safety agents with guns

Governor Kathy Hochul Monday slammed her GOP opponent Rep. Lee Zeldin's recent suggestion that teachers and school safety agents should start carrying firearms as a way to curtail the bodycount of school shootings.

Last week, Zeldin told CBS2 New York's Marcia Kramer that arming teachers and school security guards would help save lives in the event that a gunman opens fire on school grounds.

"It improves the safety of the building. If there was someone who came into that building, you would be saying, thank God that teacher who was safely and securely carrying that firearm and was well-trained was able to intervene and to save lives," Zeldin said in the interview.

Zeldin also suggested that school safety agents should be equipped with bulletproof vests, like police officers.

But Hochul rebuked that idea during a campaign stop with anti-gun violence advocacy groups like Moms Demand Action in Harlem Monday morning.

<https://politicsny.com/2022/10/31/hochul-slams-zeldins-idea-to-arm-teachers-school-safety-agents-with-guns/>

Governor Hochul and Attorney General James Announce Major Expansion in Red Flag Law Usage

Governor Kathy Hochul and Attorney General Letitia James today announced a major expansion in usage of New York State's Red Flag Law to further protect New Yorkers from gun violence. Following an executive order and legislation signed by Governor Hochul to strengthen implementation of the law, courts across the State have issued 1,908 Extreme Risk Protection Orders, more than doubling the number of orders issued since the law became effective on August 25, 2019. Governor Hochul and Attorney General James also announced a \$4.6 million increase to the Attorney General's FY23 budget to further support the New York State Police's efforts to obtain Extreme Risk Protection Orders when individuals pose a danger to themselves or others.

<https://www.governor.ny.gov/news/governor-hochul-and-attorney-general-james-announce-major-expansion-red-flag-law-usage-protect>

Key parts of NY's new gun law blocked by federal judge in Syracuse

A federal judge in Syracuse has blocked enforcement of several parts of New York's broad new gun law.

On Thursday, U.S. District Judge Glenn Suddaby ruled that several provisions of the state's new gun law are unconstitutional and cannot be enforced.

He delayed the implementation of his decision for three business days, to allow the state to seek an appeals court's ruling. Suddaby's temporary restraining order is in effect until at least an Oct. 20 motion briefing in his court.

Suddaby blocked provisions of the law that outlined new requirements for background checks for gun permits, including the disclosure of all of an applicant's social media accounts. He also blocked the bans on guns in some public and private properties.

His decision Thursday granted a temporary restraining order against six provisions listed in the law.

Suddaby took issue with the state's new background check requirements. Four of the six provisions struck down related to tough requirements for an application or renewal of a license for concealed carry.

He rejected the provision that an applicant must have evidence to demonstrate they have "good moral character," an attempt by the state to block guns from people with bad intent. Suddaby reversed the burden of proof, ruling that it's up to the licensing agency to prove the applicant does not have good moral character.

Suddaby also ruled that the state cannot require applicants to have an in-person meeting with the licensing officer, disclose the names and contact information of all adults residing in their home or provide a list of all current and former social media accounts from the past three years.

Suddaby also reduced the new law's broad bans on guns in public and private spaces.

He ruled that presumptive gun bans can only be enforced in government administrative buildings, polling places, public areas restricted to general access for special events through permits, or any public or private educational facilities.

The wording in his decision clarifies that while guns will remain banned from any place of worship or religious observations, individuals who are tasked with security are permitted to carry firearms.

New York's law also required gun owners to have explicit permission to carry guns on private property. Suddaby has previously revealed he disagreed with the constitutionality of this presumptive ban.

“The State of New York is now making a decision for private property owners that they are perfectly able to make for themselves,” Suddaby wrote in his decision.

That provision was all but completely rejected by his decision. Suddaby ruled guns should be presumed to be permitted in public spaces unless an explicit ban is issued by that private property owner. The owner of a house or business can ban guns.

The only exception to this ruling is privately owned fenced-in farmland or fenced-in hunting grounds.

Suddaby’s decision also clarified an apparent lapse in the language used to define a gun permit applicant’s “good moral character” in the new New York law. The definition originally stated that a licensing agency must decide if an applicant would use the gun in a “manner that does not endanger oneself or others.”

Critics argued that self-defense by its nature would endanger another person. Suddaby ordered that any definition of an applicant’s fitness must allow for the gun owner’s self-defense.

The state Attorney General’s Office said it would appeal the decision.

<https://www.syracuse.com/crime/2022/10/key-parts-of-nys-new-gun-law-struck-down-by-federal-judge-in-syracuse.html>

Concealed carry restrictions temporarily upheld

State Attorney General Letitia James announced the full Concealed Carry Improvement Act (CCIA) would remain in effect after a judge granted an interim administrative stay for the contested New York state law last week. So no guns in Times Square, until a trio of Second Circuit judges decide on their motion to stay.

<https://amsterdamnews.com/news/2022/10/20/suppressing-fire-concealed-carry-restrictions-temporarily-upheld-as-lawsuit-against-new-york-state-advances-in-court/>

Judge denies Jewish group's request to block carry ban in NY houses of worship

(In) a new lawsuit filed in New York by the members of a couple of Jewish congregations who can no longer lawfully carry their concealed firearms while attending synagogue thanks to the new “sensitive places” designation ...Their first request was for a temporary restraining order prohibiting the state from enforcing that portion of the Concealed Carry Improvement Act; a request that was denied on Monday afternoon by U.S. District Judge Vernon S. Broderick.

In his ruling, the Obama-appointed judge (who also has political ties to gun control fans Michael Bloomberg and former NY Gov. Andrew Cuomo) found that the plaintiffs had not met the requirements for a TRO, starting with a requirement that “irreparable injury will be caused absent prompt judicial intervention in circumstances where the adversary cannot be contacted, or where advance contact with the adversary would itself be likely to trigger irreparable injury.”

According to Broderick, the fact that the plaintiffs in the case must put themselves at risk of being unable to protect themselves or congregants in case of an attack, choose not to attend synagogue, or choose to carry in violation of state law isn't evidence of irreparable injury.

<https://bearingarms.com/camedwards/2022/10/03/judge-denies-jewish-groups-request-to-block-carry-ban-in-ny-houses-of-worship-n62903>

Churches File Suit Challenging State Gun Law

New Yorkers for Constitutional Freedoms and 25 churches, from 20 different counties, filed a federal lawsuit claiming that a New York gun control law passed in July 2022 violates the Second Amendment to the United States Constitution. Rev. Jason J. McGuire, Executive Director of New Yorkers for Constitutional Freedoms, made the following remarks:

“Gov. Kathy Hochul’s Concealed Carry Improvement Act (CCIA) is not an improvement at all. By making it unlawful for most people to carry firearms in churches and other houses of worship, the CCIA deprives ordinary New Yorkers of their constitutionally protected right to bear arms. In recent years, churches and other houses of worship have been implementing volunteer security teams. Many of those teams include armed congregants. Under this new law, those teams have been deemed unlawful. Security team members, who choose to carry, could face a felony conviction simply for protecting the Sunday morning worship service.”

<https://www.albanyupdate.com/evangelical-churches-file-suit-challenging-state-gun-law/>

New York judge blocks state ban on guns in places of worship

A federal judge on Thursday temporarily blocked the part of a New York state law that makes it a crime for people to carry guns in places of worship.

U.S. District Judge John Sinatra Jr. sided with two Buffalo-area clerics joined by two gun rights organizations who had sued and sought a temporary restraining order to stop the enforcement of the law while the case proceeds.

The two sides are scheduled to argue the matter in court on Nov. 3 as Sinatra weighs whether to go further and issue a preliminary injunction.

In his ruling, Sinatra held that the state didn't demonstrate that the restriction comported with the Supreme Court's ruling in June, and wrote that allowing people to carry guns in places of worship “would serve the public interest of fostering self-defense at places of worship across the state.”

Without it, Sinatra wrote, “the law creates a vulnerable population of attendees at places of worship left to the whims of potential armed wrongdoers who are uninterested in following the law in any event.”

The state had argued that there was historical precedent for bans on guns in houses of worship, citing laws in the late 19th-century in Texas, Georgia, Missouri and Virginia. But Sinatra dismissed them as “outliers” that didn't constitute a tradition of accepted prohibitions.

https://www.thedailystar.com/news/state/new-york-judge-blocks-state-ban-on-guns-in-places-of-worship/article_00fad6d-3ccb-5a01-ba32-bf89686c521d.html

New York legislation would clarify uncertainty over reenactments, 21 gun salutes

The new concealed carry law, passed by the New York Legislature during an extraordinary session this summer and signed by the governor, changed the definition of rifles to include antiques and muskets. It appears to outlaw those weapons used for reenactments in public places, including parks like Old Fort Niagara, even though the governor insists the new rules do not forbid the guns for those events.

However...said volunteer reenactors, who come there from all over the United States and even other countries, are concerned about potential arrests or law enforcement confiscating their valuable antiques.

Central New York Assemblywoman Marianne Buttenschon, D-Marcy, said the lack of clarity is unfair to communities, veterans and others who are willing to sacrifice their time to honor historical events. She is sponsoring legislation that exempts specific events like reenactments and 21 gun salutes from the new law.

https://www.ny1.com/nyc/all-boroughs/politics/2022/10/04/legislation-would-clarify-uncertainty-over-reenactments--21-gun-salutes?cid=share_twitter

Joe Biden Pushing to Limit Gun Owners to ‘Eight Bullets in a Round’

President Joe Biden told NowThis News during a Sunday interview that he is pushing to limit gun owners to having no more than “eight bullets in a round.”

Natalie Barden, whose brother was killed in the December 14, 2012, Sandy Hook Elementary School attack, urged Biden to “address ‘high capacity’ magazines” and asked what he is currently do to limit those magazines.

Biden responded by saying he is going to push to ban ‘assault weapons’ after the midterm elections and urged people to vote for Democrats in order to secure the ban.

He noted, “My legislation says there can be no more than eight bullets in a round.”

<https://www.breitbart.com/politics/2022/10/24/joe-biden-pushing-limit-gun-owners-eight-bullets-round/>

Supreme Court upholds bump stock ban in big win for gun safety advocates

The U.S. Supreme Court on Monday rejected two appeals by gun owners seeking to overturn the federal government's ban on the sale of bump stocks -- devices that allow a semiautomatic firearm to shoot more than one shot with a single pull of the trigger.

The court did not elaborate on its decision...

After the Las Vegas shooting massacre in 2017, the Bureau of Alcohol, Tobacco, Firearms and Explosives revised federal regulations to define bump stocks as machine guns under a 1986 law that bans machine guns.

Several pro-gun groups challenged the rules over what they argued was mischaracterization of the devices.

The ban makes possession of a bump stock a felony subject to up to 10 years in prison and a \$250,000 fine. More than 500,000 Americans who previously purchased a bump stock will be required to turn it in or destroy it, gun advocacy groups have said.

The rejected cases are *Aphosian v. Garland*, and *Gun Owners of America v. Garland*.

https://news.yahoo.com/supreme-court-upholds-bump-stock-142700515.html?soc_src=social-sh&soc_trk=tw&tsrc=twtr

FBI undercounts number of times armed citizens have thwarted active shooting incidents

A new report from the Crime Prevention Research Center (CPRC) argues that the FBI's data contains "massive errors" when tracking active shooting incidents, undercounting how often armed citizens have thwarted active-shooting situations over the last eight years.

Data released by the nonprofit shows that 34.4% of active shootings were thwarted by armed citizens between 2014 and 2021. However, FBI data show only 4.4% of active shootings were thwarted by armed citizens during that time period.

The report points to two variables that have caused the discrepancies between the FBI data and the group's research: misclassified shootings and overlooked incidents.

The research argues that the FBI misclassified at least five cases, including two cases where citizens with valid firearm licenses thwarted a shooting, but the citizens were not listed in the report because police ultimately apprehended the suspects. The other three misidentified cases include one where "the FBI simply failed to mention citizen engagement at all," and two others that categorized armed civilians as armed security members.

The discrepancies also are reflected in the FBI apparent oversight in not including 25 cases that likely would have been mass shootings and thwarted by armed citizens, according to the report. That is in addition to another 83 active shooting incidents that were not detailed in FBI data.

Multiple instances of armed individuals thwarting potential mass shootings have played out this year, most notably in Indiana when legally-armed 22-year-old Elisjsa Dicken engaged an active shooter at a mall and was lauded for preventing more deaths.

<https://www.foxnews.com/us/fbi-undercounts-number-times-armed-citizens-thwarted-active-shooting-incidents-report>

Foreign Governments Are Taking on the U.S. Gun Industry

Gun control advocates have been reassessing their approach and coming up with increasingly innovative ways to force firearm companies to take more responsibility for gun violence. One of those people is Jonathan Lowy, the former chief legal counsel at the Brady Center to Prevent Gun Violence, who on Oct. 26 will announce the formation of a new lobbying group, Global Action on Gun Violence, focused on taking on gunmakers on behalf of foreign governments.

The group will partner with other countries to argue that their citizens are harmed by the actions of American gunmakers and the U.S. laws that protect them from litigation.

Lowy filed papers on Oct. 5 under the Foreign Agents Registration Act to provide legal and consulting services to the government of Mexico and plans to work with other nations on similar efforts.

Lowy has already worked with the government of Mexico and lawyers in Canada to file three lawsuits against U.S. gunmakers in the last four years. In 2021, Mexico became the first country to sue U.S. gunmakers when it filed a lawsuit in U.S. District Court in Massachusetts contending that some of America's biggest gun manufacturers, including Smith & Wesson, Barrett Firearms, Beretta U.S.A. Corp, Century International Arms, Colt's Manufacturing Company, and Sturm, Ruger & Co., design, market, sell, and distribute guns in ways they know "routinely arm the drug cartels in Mexico." (A Massachusetts judge dismissed the case in September but Mexico plans to appeal to the U.S. Court of Appeals for the First Circuit

Gun industry trade association the National Sports Shooting Foundation argues that Mexico's lawsuit is "an affront to U.S. sovereignty" and also a threat to America's Second-Amendment rights to keep and bear arms, according to a statement. Lawrence G. Keane, NSSF Senior Vice President and General Counsel, argues that the Mexican government is responsible for the crime within its borders, and that the Mexican government should focus on bringing cartels to justice, rather than on "scapegoating" American businesses.

<https://time.com/6224806/mexico-us-gun-industry/>

Tennessee court upholds Second Amendment rights for public housing tenants

In a landmark decision, a state appellate court on Thursday ruled public housing landlords cannot bar tenants from possessing guns in their residences.

The first-of-its-kind ruling by the Tennessee Court of Appeals means public housing authorities across the state can no longer prohibit tenants from having guns as a condition of their leases. The decision comes in a case in which the Columbia Housing and Redevelopment Corporation in Maury County evicted tenant Kinsley Braden after discovering he had a gun inside his Creekside Acres apartment.

“As a threshold matter, we recognize that Columbia Housing is a government entity acting as a landlord of the Creekside Acres residences,” Appellate Judge Frank G. Clement Jr., wrote in Thursday’s opinion. “For this reason, the actions of Columbia Housing and the policies of Creekside Acres must conform to the (U.S.) Constitution.”

<https://tennesseelookout.com/2022/10/14/tennessee-court-upholds-second-amendment-rights-for-public-housing-tenants/>

Strict gun bill on Oregon ballot will cause 'greater risk of violence,' harmful to public safety, critics warn

Gun control opponents worry an Oregon ballot measure will make their communities less safe since police agencies will be forced to fund and operate a massive permit-to-purchase program.

"This is the most extreme gun control measure in the country, or at least one of the most extreme," Oregon State Shooting Association President Kerry Spurgin told Fox News. "It will virtually eliminate firearm sales in Oregon as written."

If approved, Measure 114 would require a background check, hands-on firearm training, fingerprint collection and a permit to purchase a gun. Police would be required to maintain an electronic, searchable database of all firearm permits.

The measure would also outlaw ammunition magazines capable of holding more than 10 rounds.

<https://www.foxnews.com/politics/strict-gun-bill-oregon-ballot-cause-greater-risk-violence-harmful-public-safety-critics-warn>

Debunking Myths About the Big, Bad Gun Industry

Myth #1: Congress gave the gun industry special protections that make it completely immune from all liability.

Myth #2: The gun industry makes enormous profits off of criminal violence and should therefore be forced to “foot the bill” for its costs.

Myth #3: Gun-industry advertisements incite criminal activity and contribute to mass shootings.

Myth #4: The gun industry is just like “Big Tobacco” and should be sued accordingly.

<https://www.heritage.org/firearms/commentary/debunking-myths-about-the-big-bad-gun-industry>



Citizen *or* Subject?

Your VOTE

Determines Which!

*“Freedom is never more than
one generation away from extinction.”*

~ President Ronald Reagan

CLICK the link below to learn more about your voting eligibility,
your Early Voting polling places, or your polling place for November 8:

www.elections.ny.gov/CountyBoards.html

Learn more at
scopeny2A.org

