New York State Rifle Association vs. Corlett

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As the nation grapples with a surge in [gun violence](https://abcnews.go.com/US/boulder-mass-shooting-civilians-killed-slain-officer-arrived/story?id=77239122) and record [gun sales,](https://abcnews.go.com/US/video/america-transition-biden-tackle-gun-debate-74749617) the U.S. Supreme Court said Monday it would consider whether Americans have a fundamental right to carry a handgun outside the home for self-defense.

The case is an appeal by the [New York State Rifle and Pistol Association](https://abcnews.go.com/Politics/supreme-court-weighs-dismissal-york-gun-rights-case/story?id=67435712) and two individual gun owners seeking to challenge state gun licensing rules that grant concealed carry permits only to those with "proper cause" to possess a firearm outside the home.

Lower courts have split over whether that standard is constitutional under the Second Amendment. The justices will hear arguments during its next term, which begins in October.

The case is a major test for the court’s new conservative majority, including three appointees by President Donald Trump, which has taken a more expansive view of gun rights in the past. The court hasn’t issued a major gun-rights ruling in more than a decade.

In a 2[008 decision](https://abcnews.go.com/Politics/Supreme_Court/supreme-court-affirms-gun-handguns-home/story?id=10727952), District of Columbia v. Heller, a narrow 5-4 majority affirmed a "deeply rooted" individual right to keep and bear arms inside the home for self-defense. Two years later, in McDonald v. City of Chicago, the court struck down the city’s handgun ban as a violation of that standard. The justices have not weighed in on the right to carry a handgun outside the home.

"The time has come for this Court to resolve this critical constitutional impasse and reaffirm the citizens’ fundamental right to carry a handgun for self-defense," the plaintiffs wrote the court in their brief. "The text, history, and tradition of the Second Amendment and this Court’s binding precedents compel the conclusion that the Second Amendment does indeed secure that right."

The state of [New York](https://abcnews.go.com/alerts/andrew-cuomo) and gun safety groups defend the regulation of concealed carry permits as longstanding and constitutional under the court’s precedent allowing regulation of guns for safety.

"Under New York’s law, applicants who seek an unrestricted license to carry a concealed handgun in public must establish 'proper cause.' This flexible standard, which numerous New York residents have successfully satisfied, generally requires a showing that the applicant has a non-speculative need for self-defense," the state told the court in its brief.

An estimated 201,000 New Yorkers had active concealed carry permits in 2019, according to [an academic analysis](file:///%5C%5CUsers%5Cdevindwyer%5CDownloads%5CSSRN-id3463357.pdf) by John R. Lott at the Crime Prevention Research Center. The state ranked as having one of the smallest numbers of permit holders as a percentage of adult population given what critics say are unduly strict requirements.

Lott estimated that over 18 million Americans have concealed handgun permits – a more than 300% increase since 2007.

A decision striking down New York’s "proper cause" requirement could expand the availability of concealed carry permits and the number of lawfully possessed handguns outside the home. If the court upholds New York’s regulatory framework, it could embolden efforts by gun safety advocates to limit the number of weapons carried openly in public.

**Amendments to consider**

**2nd Amendment:** A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

**10th Amendment:** The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**14th Amendment:** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Significant past cases concerning gun rights**

**McDonald v. Chicago (2010)**

A landmark Supreme Court ruling that expanded the 2nd Amendment and its applicability to the states and their political subdivisions.

In a five to four split decision, the Supreme Court declared that the 2nd Amendment right for individuals to keep and bear arms for self-defense is a fundamental constitutional right under the due process clause of the 14th Amendment, and therefore applies to state and local governments, as well as the federal government. Previously, for decades Chicago and Washington D.C. had banned hand guns and automatic weapons inside city limits in an attempt to lower violent crime.

**Voisine v. United States (2016)**

Upheld a federal law which prohibits persons with misdemeanor [domestic violence](http://www.voanews.com/content/supreme-court-ruling-on-limiting-guns-for-domestic-abusers/3393492.html) convictions from owning firearms. The case upheld that whether domestic violence was intentional or based only on reckless behavior that a state or the federal government may prevent you from purchasing a firearm.