

NY GUN OWNER GUIDE

*An Expanded Timeline of Firearm Law, New York Penal Law, Less-Lethal Defense,
and Responsible Ownership*

**Prepared for students of the New York State 18-Hour Concealed Carry
Safety Course**

Zack's Sports ★ Train. Shoot. Shop. ★ HandgunLearning.com

EDUCATIONAL MATERIAL — NOT LEGAL ADVICE

Firearm and less-lethal laws change through legislation, regulation, and court decisions. Verify current law before acting.

Table of Contents

Introduction

Part I — Expanded Historical Timeline, 1911-2026

- 1911 — The Sullivan Act and New York's Handgun Licensing System
- 1934 — The National Firearms Act
- 1938 — 1938 - The Federal Firearms Act
- 1965 — New York Penal Law Article 265
- 1968 — The Gun Control Act
- 1972 — Creation of the Modern ATF
- 1986 — Firearm Owners' Protection Act
- 1993 — The Brady Act and NICS
- 1994 — Federal Assault Weapons Ban
- 2008 — District of Columbia v. Heller
- 2010 — McDonald v. City of Chicago
- 2013 — The New York SAFE Act
- 2016 — Caetano v. Massachusetts - Modern Less-Lethal Arms
- 2019 — New York's Stun-Gun Ban Struck Down
- 2022 — NYSRPA v. Bruen
- 2022 — New York's Concealed Carry Improvement Act
- 2022 — Semiautomatic Rifle License Requirement
- 2024 — United States v. Rahimi
- 2025 — Bondi v. VanDerStok
- 2026 — United States v. Hemani
- 2026 — Wolford v. Lopez and the Private-Property Default Rule

Part II — New York Penal Law Article 35: Justification and Use of Force

Part III — New York Penal Law Article 265: Weapons, Carry Locations, Storage, and Possession

Part IV — New York Penal Law Article 400: Licensing and Administrative Responsibilities

Part V — Less-Lethal Defensive Options and *Caetano v. Massachusetts*

Part VI — Responsible Ownership, Safety, and Continuing Education

Appendix — Primary Sources and Further Reading

Introduction

How to Use This Guide

This publication is designed to do more than present a list of laws, court cases, and dates. It tells the story of how firearm law developed and explains why that history remains important today. Each timeline entry describes what happened, why the change occurred, what the law or court decision actually did, and how it may affect a New York firearm owner. Understanding this history helps students see how today's laws developed and why federal and New York requirements do not always match.

The later chapters turn the major New York Penal Law topics discussed in class into clear, practical information. Special attention is given to licensing, justification and self-defense, sensitive and restricted locations, safe storage, transportation, prohibited weapons, and less-lethal defensive options. The goal is to help students understand not only what the rules say, but also how responsible decisions, careful planning, and good judgment apply in everyday life.

Firearm ownership can be a positive and rewarding part of a person's life. It may involve personal protection, target shooting, hunting, competition, collecting, training, or simply exercising a constitutional right. With that right comes an opportunity to demonstrate safety, discipline, confidence, and respect for others. An informed firearm owner is better prepared to act responsibly, avoid negligent behavior, recognize changing legal requirements, and serve as a positive example within the community.

This guide is a supplemental student reference and a starting point for continued learning. It does not replace the actual text of the law, instructions from an issuing authority, current official guidance, or advice from a qualified New York attorney. Firearm law continues to change through legislation and court decisions. When an issue is unclear, disputed, or under review, this guide identifies that uncertainty honestly. Students are encouraged to remain curious, continue training, ask thoughtful questions, and approach firearm ownership with confidence, responsibility, and sound judgment.

Part I — Expanded Historical Timeline, 1911-2026

Modern firearm law did not develop through one statute or court decision. It was built in layers over more than a century. New York laws, federal legislation, administrative regulations, and constitutional decisions now work together to shape the rights and responsibilities of firearm owners. A change in one area may affect how another law is understood or enforced.

Federal laws control matters such as licensed firearm dealers, interstate transfers, prohibited persons, background checks, firearm records, and certain specially regulated weapons. State agencies and local licensing authorities also issue procedures and guidance that affect applicants and license holders.

Court decisions are another important part of this system. The Supreme Court has recognized an individual right to possess and carry firearms for lawful self-defense, while also confirming that the right is not unlimited. Courts continue to decide whether laws are consistent with the Constitution. These rulings can uphold a law, strike it down, limit its enforcement, or send a case back for further review.

The following timeline highlights the events most useful to a New York handgun license applicant or permit holder. Each entry explains what happened, why it happened, what changed, and why it still matters. The purpose is not to memorize dates. It is to understand how today's laws developed, how federal and state rules interact, and why responsible firearm owners must continue learning. With this foundation, students can recognize their rights, meet their duties, and make safe, informed decisions.

1911

The Sullivan Act and New York's Handgun Licensing System

New York enacted the Sullivan Act in 1911, creating one of the nation's earliest comprehensive systems for regulating concealable firearms. Named for State Senator Timothy "Big Tim" Sullivan, the law arose during rapid urban growth, political-machine government, labor unrest, street crime, and concern about concealed handguns. It criminalized unlicensed handgun possession and required government authorization to possess or carry one. Local police, judges, and licensing officials received substantial authority over who would receive a license.

The Act established the foundation for New York's discretionary licensing system. For generations, applicants seeking an unrestricted concealed-carry license could be required to demonstrate "proper cause"—generally an exceptional need for armed protection beyond that of the general public. Critics argued that this discretion produced inconsistent county-level decisions, encouraged favoritism, and made access to a constitutional right dependent upon individual officials. Supporters maintained that local control allowed officials to evaluate applicants and community safety concerns.

The Sullivan Act remains important because New York's handgun-licensing framework, Penal Law §400.00, developed from this system. In *New York State Rifle & Pistol Association v. Bruen* (2022), the Supreme Court held that New York's proper-cause requirement violated the Second and Fourteenth Amendments. The Court did not invalidate handgun licensing. New York continues to require licenses for handgun possession and concealed carry, with applicants subject to eligibility standards, background investigations, character review, training, and administrative requirements. After *Bruen*, New York enacted the Concealed Carry Improvement Act, which remains under constitutional challenge.

WHY IT MATTERS: Student takeaway: Bruen changed the discretionary 'need' requirement, not the basic fact that New York requires licensing for handgun possession and concealed carry.

1934

The National Firearms Act

The National Firearms Act of 1934 was Congress's first major federal firearms-control statute. It followed highly publicized Prohibition-era violence involving machine guns, sawed-off long guns, and organized criminal groups. Rather than imposing a direct nationwide prohibition, Congress used its constitutional taxing authority to create a system of taxation and registration.

The NFA regulates machine guns, short-barreled rifles, short-barreled shotguns, silencers, destructive devices, and certain weapons classified as "any other weapon." Making or transferring an NFA-regulated firearm generally requires an application to the Bureau of Alcohol, Tobacco, Firearms and Explosives, registration in the National Firearms Registration and Transfer Record, a background review, and payment of the applicable federal tax. The NFA remains part of Title 26 of the United States Code. Later federal law generally prohibited civilian possession or transfer of machine guns manufactured after May 19, 1986.

New York law is considerably more restrictive. The state generally prohibits civilian possession of machine guns, firearm silencers, short-barreled rifles, and short-barreled shotguns, except in narrowly defined circumstances or for specifically exempted persons. Therefore, obtaining federal approval or an NFA tax stamp does not make an otherwise prohibited weapon legal in New York. A person must comply with both federal and state law, and New York's prohibition controls when it is stricter than the federal NFA requirements.

WHY IT MATTERS: Student takeaway: Federal legality and New York legality are separate questions. A person must satisfy both.

1938

1938 - The Federal Firearms Act

The Federal Firearms Act of 1938 represented one of the earliest nationwide efforts to regulate the commercial sale of firearms. Building upon the National Firearms Act of 1934—which focused primarily on machine guns and other specialized firearms—the 1938 Act shifted federal attention toward businesses that manufactured, imported, and sold firearms.

For the first time, individuals and companies engaged in the interstate firearms business were required to obtain a federal license. The law prohibited sales to certain individuals, including those convicted of violent crimes, and required licensed dealers to maintain basic transaction records. Although less detailed than today’s requirements, these provisions began a federal system for documenting firearm commerce. By focusing on commercial activity across state lines, the Act also established interstate commerce as the legal foundation for much of the modern federal firearms regulatory system.

The Act was an important milestone, but federal oversight continued to expand as concerns grew over crime, interstate trafficking, and mail-order firearm sales. These concerns ultimately led to the Gun Control Act of 1968, which repealed and replaced much of the 1938 law while significantly expanding federal licensing, recordkeeping, and firearm-transfer requirements.

Although the Federal Firearms Act no longer exists in its original form, its influence can still be seen throughout modern federal firearm law. It introduced the idea that firearm dealers could be federally licensed, that commercial firearm sales should be documented, and that certain individuals could be prohibited from purchasing firearms. Those concepts continue today through the modern Federal Firearms License (FFL) system, ATF oversight, background checks, and dealer recordkeeping requirements.

WHY IT MATTERS: Student takeaway: The modern dealer system is the product of decades of federal development.

1965

New York Penal Law Article 265

New York reorganized its criminal law during the 1960s, and Penal Law Article 265 became the principal location for offenses involving firearms and other dangerous weapons. Effective with the revised Penal Law in 1967, Article 265 brought numerous weapons provisions into a more organized statutory structure. It now contains definitions and crimes addressing unlawful possession, sale, transfer, manufacture, and transportation of regulated weapons. It also covers assault weapons, large-capacity ammunition feeding devices, firearm silencers, machine guns, disguised guns, unserialized firearms, unfinished frames and receivers, and possession in sensitive or restricted locations.

Article 265 is not a single, straightforward “gun law.” It is an interconnected network of definitions, criminal offenses, exemptions, and cross-references to other statutes, particularly New York’s licensing provisions in Penal Law §400.00. The legal classification of an object may determine whether possession is lawful, requires a license, or constitutes a misdemeanor or felony. Small differences in a firearm’s dimensions, operating system, magazine capacity, configuration, or serial-number status can change the legal result.

The circumstances of possession are equally important. Liability may depend on whether the firearm is considered “loaded” under New York’s unusually broad statutory definition, where it is possessed, how it is transported, and whether the possessor holds an appropriate license. Exemptions may apply to police officers, members of the military, licensed dealers, qualified competitors, or other specifically identified persons. Because definitions and exceptions are distributed throughout the law, no individual section should be interpreted in isolation.

WHY IT MATTERS: Student takeaway: Never rely on the everyday meaning of words such as firearm, loaded, or assault weapon. New York uses statutory definitions.

1968

The Gun Control Act

Congress enacted the Gun Control Act of 1968 following the assassinations of President John F. Kennedy, Dr. Martin Luther King Jr., and Senator Robert F. Kennedy, amid national concern about mail-order firearm sales and interstate trafficking. The rifle used to assassinate President Kennedy had been purchased by mail. The Act replaced the Federal Firearms Act of 1938 and created the structure of the modern firearms regulatory system.

The GCA strengthened the Federal Firearms License system for manufacturers, importers, and dealers engaged in the firearms business. It restricted direct interstate transfers between residents of different states and generally required those transfers to proceed through federally licensed dealers. It also regulated firearm importation, required identifying markings and serial numbers on commercially manufactured or imported firearms, expanded dealer recordkeeping, and limited sales to minors.

The Act established broad categories of people prohibited from receiving or possessing firearms, including most convicted felons, fugitives from justice, certain unlawful drug users, and persons found mentally incompetent or committed to mental institutions. Congress later expanded these categories and added further protections through amendments.

Many familiar dealer procedures developed from the GCA and subsequent federal legislation. These include completion of ATF Form 4473, verification of a purchaser's identity and residence, retention of transaction records, and compliance with federal transfer restrictions. The Brady Act later added the national background-check system. The GCA remains primarily codified in Title 18 and continues to form the foundation of federal firearms commerce regulation.

WHY IT MATTERS: Student takeaway: A lawful transfer often requires both federal dealer compliance and separate New York procedures.

1972

Creation of the Modern ATF

The Bureau of Alcohol, Tobacco and Firearms became a separate bureau within the Department of the Treasury in 1972. Its creation separated the Alcohol, Tobacco and Firearms Division from the Internal Revenue Service and consolidated federal responsibility for enforcing laws involving firearms, explosives, and alcohol and tobacco taxation.

Following passage of the Homeland Security Act, most of ATF's firearms and explosives responsibilities transferred to the Department of Justice in 2003. The agency was renamed the Bureau of Alcohol, Tobacco, Firearms and Explosives, while retaining the abbreviation ATF. Alcohol and tobacco tax and trade functions generally remained within the Treasury Department under the Alcohol and Tobacco Tax and Trade Bureau.

ATF administers and enforces major portions of the Gun Control Act and National Firearms Act. It reviews applications for Federal Firearms Licenses, conducts compliance inspections of licensed businesses, regulates firearm transfers and manufacturing activities, and issues rulings and guidance. ATF also investigates unlawful firearm trafficking, prohibited-person possession, thefts from federally licensed dealers, arson, bombings, and criminal misuse of explosives.

Through the National Tracing Center, ATF assists law-enforcement agencies by tracing firearms recovered during criminal investigations from the manufacturer or importer through the distribution chain to the first retail purchaser. These traces are investigative tools and are not the same as a national firearm registry. The FBI, rather than ATF, operates the National Instant Criminal Background Check System, although both agencies perform distinct roles in federal firearms regulation, licensing, enforcement, and public safety.

WHY IT MATTERS: Student takeaway: ATF regulates the firearm industry; the FBI operates the federal background-check system.

1986

Firearm Owners' Protection Act

The Firearm Owners' Protection Act of 1986 revised the Gun Control Act of 1968. The Act clarified what it means to be “engaged in the business” of dealing in firearms, distinguished commercial dealing from occasional personal sales or collection activity, limited most ATF compliance inspections without a warrant to once annually, and strengthened protections against the creation of a federal firearm registry. It also relaxed several earlier restrictions on ammunition sales and interstate activities by licensees.

One of FOPA’s best-known provisions is the interstate safe-passage protection contained in 18 U.S.C. §926A. It generally protects a person transporting a firearm between two places where the person may lawfully possess and carry it. During transportation, the firearm must be unloaded, and neither the firearm nor ammunition may be readily accessible from the passenger compartment. In a vehicle without a separate trunk, they generally must be secured in a locked container other than the glove compartment or console.

FOPA is frequently misunderstood. It is not a national carry permit and does not override every state or local restriction. Extended stops, overnight stays, unnecessary deviations, or activities beyond continuous transportation may complicate or defeat a safe-passage claim. Travelers must also be legally entitled to possess the firearm at both the origin and destination.

The legislation also included the Hughes Amendment, which generally barred civilian possession or transfer of machine guns not lawfully possessed before May 19, 1986, subject to limited governmental and law-enforcement exceptions.

WHY IT MATTERS: Student takeaway: Safe passage is a transportation defense with conditions, not permission to carry.

1993

The Brady Act and NICS

The Brady Handgun Violence Prevention Act of 1993 transformed the way federally licensed dealers transfer firearms. It was named for James Brady, President Ronald Reagan's press secretary, who was permanently disabled after being shot during the 1981 attempted assassination of the President.

Initially, it established an interim system for handgun purchases from federally licensed dealers. Dealers generally had to provide information to the purchaser's local chief law-enforcement officer and wait five business days before completing the transfer, unless the officer approved it sooner. This temporary system was intended to allow time to determine whether the prospective purchaser was legally prohibited from receiving a firearm.

In 1998, the National Instant Criminal Background Check System replaced the interim waiting-period system. NICS is operated by the FBI and searches federal and state records for disqualifying information. Before transferring a firearm, a dealer contacts NICS directly or submits the transaction through a state point of contact. The response may be "proceed," "denied," or "delayed." A delay means additional research is needed; it is not automatically a denial.

New York became a NICS point-of-contact state for firearm transactions in 2023. Dealers submit firearm background checks through the New York State Police, which communicates with NICS and state databases. New York also requires state background checks for ammunition purchases, a requirement that goes beyond the federal Brady system. Dealers must follow the applicable federal and state procedures and cannot disregard a required check, delay, or denial.

WHY IT MATTERS: Student takeaway: The background check is a legal eligibility screen, not a guarantee that a person understands safe handling or use-of-force law.

1994

Federal Assault Weapons Ban

The federal Assault Weapons Ban was enacted in 1994 as part of the Violent Crime Control and Law Enforcement Act. It prohibited the manufacture, transfer, and possession of certain semiautomatic firearms defined by military-style features, as well as models identified by name. The law also prohibited the manufacture and transfer of newly produced large-capacity ammunition feeding devices capable of holding more than ten rounds. Firearms and magazines lawfully possessed before the effective date were grandfathered, allowing their continued possession and transfer under federal law.

The federal ban included a ten-year sunset provision and expired on September 13, 2004. The expiration did not invalidate or preempt separate state restrictions.

New York enacted its own assault-weapons law in 2000, largely continuing the federal definitions and restrictions within the state. Unlike the federal law, New York's version did not contain the same 2004 sunset. In 2013, the New York Secure Ammunition and Firearms Enforcement Act, commonly called the SAFE Act, expanded those restrictions. It generally changed the firearm-feature test from two prohibited features to one, broadened the categories of regulated firearms, required registration of many previously possessed assault weapons, and strengthened magazine restrictions.

New York generally prohibits possession of magazines capable of holding more than ten rounds, subject to limited exceptions. Although the SAFE Act attempted to limit most loading to seven rounds, that provision was held unconstitutional by a federal court. Consequently, federal expiration did not restore unrestricted possession in New York.

WHY IT MATTERS: Student takeaway: The federal ban expired, but New York's separate restrictions did not.

2008

District of Columbia v. Heller

In *District of Columbia v. Heller* (2008), the United States Supreme Court held that the Second Amendment protects an individual right to keep and bear arms for lawful purposes, independent of service in an organized militia.

The Court invalidated the District's prohibition on handgun possession in the home. It also struck down a requirement that lawful firearms kept in the home be unloaded and disassembled or secured with a trigger lock, because the rule prevented their immediate use for self-defense. The Court emphasized that self-defense, particularly within the home, lies at the core of the Second Amendment right. It also directed the District to permit Heller to register his handgun and issue him a license if he was otherwise qualified.

Heller was a landmark decision, but it did not hold that every weapon, every person, every location, or every manner of carrying firearms is constitutionally protected. The Court stated that the right is "not unlimited." It described several longstanding regulations as presumptively lawful, including prohibitions on firearm possession by felons and the mentally ill, restrictions in sensitive places such as schools and government buildings, and conditions on the commercial sale of firearms.

The opinion also distinguished weapons commonly possessed for lawful purposes from "dangerous and unusual" weapons. Because the District of Columbia is a federal jurisdiction, *Heller* did not decide whether the Second Amendment applied to the states. That question was answered two years later in *McDonald v. Chicago*.

WHY IT MATTERS: Student takeaway: Heller established an individual right centered on lawful self-defense in the home.

2010

McDonald v. City of Chicago

In *McDonald v. City of Chicago* (2010), the United States Supreme Court held that the individual Second Amendment right recognized two years earlier in *District of Columbia v. Heller* applies to state and local governments through the Fourteenth Amendment. Before *McDonald*, *Heller* directly restricted only the federal government and the District of Columbia, leaving unresolved whether states and municipalities were constitutionally bound by the same protection.

The case arose from Chicago ordinances that effectively prohibited ordinary residents from possessing handguns in their homes. In another 5–4 decision, the Court concluded that the right to keep and bear arms for lawful self-defense is fundamental to the American system of ordered liberty.

A plurality of the Court applied the Second Amendment to the states through the Fourteenth Amendment's Due Process Clause. Justice Clarence Thomas agreed with the result but relied on the Privileges or Immunities Clause. Although the Justices differed on the constitutional path, five agreed that state and local governments must respect the individual right recognized in *Heller*.

McDonald did not invalidate every state or municipal firearm regulation, nor did it establish a complete test for evaluating all gun laws. Instead, it made those laws subject to constitutional review. The decision opened the door to challenges involving licensing, carrying firearms in public, prohibited weapons, and other state restrictions. Its impact on New York was especially important because it allowed residents to challenge New York firearm laws directly under the Second Amendment.

WHY IT MATTERS: Student takeaway: McDonald is why the Second Amendment limits New York State and local governments.

2013

The New York SAFE Act

New York enacted the Secure Ammunition and Firearms Enforcement Act, commonly called the SAFE Act, in January 2013, approximately one month after the Sandy Hook Elementary School shooting.

The SAFE Act broadened New York's definition of an "assault weapon." For many semiautomatic rifles, pistols, and shotguns, it changed the prior two-feature test to a one-feature test. The law generally prohibited new acquisition of covered assault weapons and required many lawfully possessed before the Act to be registered with the New York State Police.

The Act strengthened New York's ten-round magazine restriction and originally attempted to prohibit loading more than seven rounds in most circumstances. A federal court later invalidated the seven-round loading limitation, but the general ten-round capacity restriction remained. The law also required background checks for many private firearm transfers, subject to limited exceptions; expanded mental-health reporting procedures; increased penalties for certain firearm offenses; and imposed additional safe-storage responsibilities in specified circumstances.

The SAFE Act generated continuing litigation, regulatory interpretation, enforcement questions, and administrative changes. Some provisions were invalidated, modified, delayed, or affected by later legislation, but its principal assault-weapon and magazine framework remains central to New York law.

A firearm lawful under federal law, or lawfully available in another state, is not necessarily lawful in New York. Its features, operating system, configuration, magazine capacity, registration history, and acquisition date may determine its legal status. Each firearm must therefore be evaluated under current New York definitions and applicable exemptions.

WHY IT MATTERS: Student takeaway: New York's firearm definitions and magazine rules are

independent of federal law.

2016

Caetano v. Massachusetts - Modern Less-Lethal Arms

Jaime Caetano carried a stun gun after receiving threats from an abusive former partner. Massachusetts prosecuted her under a state ban. The Massachusetts high court concluded that stun guns were outside the Second Amendment because they were not in common use when the Second Amendment was adopted and were considered unusual.

The U.S. Supreme Court unanimously vacated that judgment. Its short per curiam opinion rejected the reasoning that a weapon loses constitutional protection merely because it did not exist in the eighteenth century. Justice Alito's concurrence emphasized Caetano's use of a non-lethal defensive weapon to protect herself from a violent abuser.

Caetano did not create a nationwide rule eliminating all regulation of stun guns, and it did not decide the law governing every less-lethal product. It did establish an important principle: the Second Amendment extends to bearable arms beyond those known to the Founding generation.

WHY IT MATTERS: Student takeaway: Modern defensive technology is not automatically excluded from constitutional protection simply because it is modern.

2019

New York's Stun-Gun Ban Struck Down

In *Caetano v. Massachusetts* (2016), the United States Supreme Court rejected the idea that stun guns fall completely outside Second Amendment protection merely because they did not exist when the Amendment was adopted. The case involved a Massachusetts prohibition, not New York law, but it helped establish that electronic defensive devices may qualify as protected “arms.”

Relying partly on *Caetano*, a federal court in *Avitabile v. Beach* (2019) held that New York’s complete civilian prohibition on possessing stun guns and electronic dart guns violated the Second Amendment. The court concluded that the state could not maintain a total ban on devices commonly possessed for lawful self-defense. As a result, New York could no longer enforce its blanket prohibition as written against ordinary, law-abiding civilians.

The decision did not mean that stun guns, TASER-type devices, or other electronic defensive tools became completely unrestricted. A person prohibited from possessing weapons may still face criminal liability. Possession may also be restricted in schools, government buildings, secure facilities, or other locations governed by state, federal, or local rules. Additional restrictions may apply based on the person’s age, conduct, or circumstances.

Most importantly, lawful possession does not authorize unlawful use. Displaying, threatening with, or discharging an electronic defensive device without legal justification may constitute assault, menacing, reckless endangerment, or another offense. Use in self-defense must satisfy the same general principles of necessity, proportionality, and reasonableness that apply to other defensive force under New York law.

WHY IT MATTERS: Student takeaway: Legal possession does not equal legal use. Justification still controls the use of force.

2022

NYSRPA v. Bruen

In *New York State Rifle & Pistol Association v. Bruen* (2022), the United States Supreme Court held that New York’s “proper cause” requirement for an unrestricted public-carry license violated the Second and Fourteenth Amendments. The Court concluded that ordinary, law-abiding citizens do not need to prove an exceptional danger before exercising the right to carry a handgun publicly for self-defense.

Bruen also changed the method courts must use to evaluate Second Amendment challenges. It rejected the two-step approach under which courts first considered whether conduct was protected and then balanced the right against the government’s public-safety interests. Instead, when the Second Amendment’s plain text covers an individual’s conduct, that conduct is presumptively protected. The government must then demonstrate that its regulation is consistent with the Nation’s historical tradition of firearm regulation.

The decision did not eliminate handgun licensing. The Court distinguished New York’s discretionary “may-issue” system from “shall-issue” systems. Requirements such as background checks, fingerprinting, training, and verification of eligibility were not categorically invalidated, provided they are administered through objective standards and are not used to prevent citizens from exercising the right.

Bruen also recognized that firearms may be prohibited in sensitive places, such as schools and government buildings. However, the Court cautioned against declaring areas sensitive simply because people gather there. After *Bruen*, constitutional disputes shifted toward where firearms may be carried and whether licensing requirements, fees, delays, training mandates, and location restrictions improperly burden the right..

WHY IT MATTERS: Student takeaway: Bruen ended New York's special-need rule and changed the constitutional test, but it did not abolish licensing.

2022

New York's Concealed Carry Improvement Act

New York passed the Concealed Carry Improvement Act (CCIA) in 2022 after the Supreme Court's decision in *New York State Rifle & Pistol Association v. Bruen*. The CCIA removed the old "proper cause" requirement, but added new rules for obtaining a concealed-carry license and carrying a handgun in public. It expanded the application process, added training requirements, created vehicle-storage rules, and banned firearms in many "sensitive" and "restricted" locations.

Most new concealed-carry applicants must complete sixteen hours of classroom instruction and two hours of live-fire training. Applicants must also pass a background investigation, provide character references, disclose certain household information, complete an in-person interview, and meet all other state and local requirements.

The CCIA lists many places where firearms generally cannot be carried, including schools, government buildings, polling places, and certain public gatherings. It also attempted to make private property off-limits unless the owner gave permission. Federal court decisions, including *Wolford v. Lopez*, have seriously weakened that permission-first rule.

When a handgun is left unattended in a vehicle, it generally must be unloaded, hidden from view, and secured in a locked, fireproof, and impact-resistant container.

Several parts of the CCIA have been challenged in court. Court orders and later decisions have changed which rules may be enforced. Students should check current law instead of relying on old handouts or social-media posts.

Current New York guidance: gunsafety.ny.gov

WHY IT MATTERS: Student takeaway: The CCIA is the reason the 18-hour course exists and why location rules require continuous attention.

2022

Semiautomatic Rifle License Requirement

Beginning September 4, 2022, New York requires a person to hold a state license before purchasing or taking possession of a semiautomatic rifle. The minimum age for acquiring one is generally twenty-one. Applications are handled through the appropriate county or local licensing authority under Penal Law §400.00. A person who already holds a New York pistol license may apply to have semiautomatic-rifle authority added, while a person without a pistol license may apply for the rifle license separately.

The requirement focuses on acquisition, not continued possession. A person who lawfully acquired a semiautomatic rifle before September 4, 2022, generally may continue possessing it without obtaining the new license. However, selling, exchanging, giving, or otherwise transferring a semiautomatic rifle to an unlicensed person may create criminal liability for both parties.

The license is permission to purchase or take possession; it is not approval of every semiautomatic rifle. A firearm classified as an assault weapon under Penal Law Article 265 remains prohibited unless a specific exemption or lawful prior registration applies. Features such as a detachable magazine, pistol grip, folding or telescoping stock, threaded barrel, muzzle device, or other listed characteristics may affect its classification.

The purchaser must also complete the required dealer transfer and background-check process. Private transfers generally must pass through a licensed dealer unless a statutory exception applies. Buyers should therefore verify both their licensing status and the rifle's configuration before completing any purchase, gift, exchange, or other transfer.

WHY IT MATTERS: Student takeaway: A semiautomatic rifle license and assault-weapon compliance are two separate legal questions.

2024

United States v. Rahimi

Rahimi involved the federal prohibition on firearm possession by a person subject to a qualifying domestic-violence restraining order. The Supreme Court held that the law was constitutional as applied to a person found by a court to pose a credible threat to another's physical safety.

The Court clarified Bruen's historical method. A modern law does not need an identical historical twin. It may be upheld when it is relevantly similar in why and how it burdens the right and fits a historical tradition of disarming persons who threaten physical harm.

Rahimi is especially important because it shows that Bruen is not a rule that automatically invalidates modern firearm restrictions. Courts must examine text, history, purpose, operation, and the specific application before them.

WHY IT MATTERS: Student takeaway: Courts can uphold focused disarmament laws aimed at persons judicially found to threaten others.

2025

Bondi v. VanDerStok

In *Bondi v. VanDerStok* (2025), the Supreme Court considered whether the Gun Control Act and ATF's 2022 regulations may treat certain weapon-parts kits and unfinished frames or receivers as "firearms."

The challengers argued that ATF had exceeded its authority because a collection of parts is not yet an operable weapon and an unfinished frame or receiver is not yet complete. The Court rejected their facial challenge. It held that the Gun Control Act can cover some kits that are designed to become functional firearms or may readily be converted into them. The Court also concluded that some partially complete frames or receivers may be regulated when they have reached a stage where they can be considered a frame or receiver.

The ruling did not declare that every collection of firearm parts, raw material, or incomplete component is automatically a firearm. How readily the item can be completed, the work and tools required, the product's design, and the way it is marketed may affect the determination. The decision allows ATF to apply federal serialization, licensing, recordkeeping, and background-check requirements to covered products.

VanDerStok was primarily a case about the meaning of the Gun Control Act and the validity of an agency regulation. The Court did not decide whether the Second Amendment protects a right to manufacture an unserialized firearm. Its lesson is that an item's unfinished condition or "kit" label does not, by itself, place it beyond federal firearms law.

WHY IT MATTERS: Student takeaway: 'Unfinished' does not necessarily mean unregulated.

2026

United States v. Hemani

In *United States v. Hemani* (2026), the Supreme Court considered a federal law that bans an “unlawful user” of a controlled substance from possessing a firearm. Hemani admitted using marijuana about every other day and kept a gun in his home. The government did not claim that he was addicted, dangerous, or armed while under the influence.

The Court ruled that the law was unconstitutional as applied to Hemani. Under *Bruen*, the government had to show that this prosecution matched America’s historical tradition of firearm regulation. The government compared the law to older laws involving habitual drunkards, but the Court found that comparison too weak. Those historical laws applied to different people, for different reasons, and in different ways.

The ruling was narrow. It did not erase the entire federal law or create a general right to mix drugs and firearms. The Court did not decide cases involving drug addiction, present intoxication, dangerous behavior, or proof that a person’s drug use creates a danger to themselves or others.

New Yorkers must remain careful. Marijuana may be legal under New York law in some circumstances, but federal controlled-substance law, firearm-purchase forms, and federal dealer requirements still apply. New York licensing officers may also consider an applicant’s drug use, judgment, and legal eligibility.

The basic lesson is limited: regular marijuana use alone was not enough to disarm Hemani permanently without proof connecting his use to addiction, intoxication, or danger.

WHY IT MATTERS: Student takeaway: Hemani narrowed one federal application; it did not create blanket permission to combine drug use and firearm possession.

2026

Wolford v. Lopez and the Private-Property Default Rule

In *Wolford v. Lopez* (2026), the Supreme Court reviewed a Hawaii law about carrying handguns on private property that is open to the public. Under Hawaii's law, a person with a concealed-carry license could not carry there unless the property owner gave permission.

The Supreme Court ruled that this automatic ban violated the Second and Fourteenth Amendments. The Court explained that the law placed a serious burden on licensed citizens. It forced them to obtain permission from every business owner or look for a sign that allowed firearms before entering while armed.

The decision does not take away a private owner's control over the property. An owner may still prohibit firearms, ask an armed person to leave, or post a "no firearms" sign. The problem was Hawaii's rule that treated almost all private property open to the public as off-limits unless the owner first said "yes."

New York adopted a similar rule in Penal Law §265.01-d. New York's law generally treated private property as a restricted location unless the owner or authorized person gave clear permission to carry. Federal courts had already limited enforcement of that rule before *Wolford*.

Because *Wolford* came from Hawaii, it did not directly erase every part of New York's law. Because New York adopted the same basic permission-first system, *Wolford* makes clear that the state cannot automatically turn ordinary businesses open to the public into no-carry zones for licensed citizens.

WHY IT MATTERS: Student takeaway: As of July 2026, *Wolford* is a major development. Students should verify current New York guidance before relying on older descriptions of the private-property rule.

Part II — New York Penal Law Article 35:

Justification and Use of Force

Justification and the Use of Force

Article 35 is the heart of New York self-defense law. It does not grant a person permission to punish, retaliate, or protect pride. It provides a defense when force that would otherwise be criminal is used under legally justified circumstances.

Reasonable belief has two parts

New York evaluates both what the defender actually believed and whether that belief was reasonable under the circumstances. A person may be honestly frightened and still act unreasonably. Conversely, the law does not require perfect judgment made with unlimited time. Investigators and jurors examine what the defender perceived at the moment, along with the surrounding facts.

Physical force versus deadly physical force

Physical force is not automatically deadly force. Deadly physical force is force readily capable of causing death or other serious physical injury. Displaying, striking, firing, or using a defensive tool may be classified according to the manner of use and the risk created, not simply the product label.

Imminence

Defensive force generally responds to the use or imminent use of unlawful force. A past threat, insult, or generalized fear is not enough. An immediate threat may be shown by conduct, distance, ability, opportunity, weapons, numbers, barriers, and the speed at which

events unfold.

Initial aggressor and provocation

A person who starts the confrontation or provokes another with the purpose of causing physical injury may lose the justification defense, subject to statutory exceptions such as withdrawal and effective communication of withdrawal.

Duty to retreat

Before using deadly physical force, a person generally must retreat when he or she knows retreat can be made with complete personal safety. New York does not impose that duty when the person is in his or her dwelling and is not the initial aggressor. This is narrower than a broad 'stand your ground' rule.

Defense of another person

A person may use force to defend a third person when the statutory reasonable-belief requirements are met. The same limits apply: the threat must be unlawful and imminent, and deadly force requires the additional statutory conditions.

Defense of premises and burglary

Article 35.20 separately addresses defense of premises. Ordinary trespass or property damage generally does not justify deadly physical force. Burglary receives special treatment, but students should not reduce the statute to slogans. The precise facts and statutory conditions matter.

Property is not human life

New York law distinguishes defending property from defending people. Deadly force cannot ordinarily be used merely to protect merchandise, prevent a minor theft, or stop property damage. Calling a defensive act ‘protecting my property’ can fundamentally change the legal analysis.

After an incident

Stop using force when the threat stops. Move to safety, request police and medical assistance, identify evidence and witnesses, avoid public or social-media commentary, and seek legal counsel. Do not handle or rearrange evidence unless necessary for immediate safety.

Article 35 Practical Questions

Question	Why it matters
Was there an unlawful threat?	Force used by police, a lawful arrest, or a person acting with legal authority may involve different rules.
Was the threat imminent?	Future revenge or a past assault does not ordinarily justify immediate defensive force.
Was the defender's belief reasonable?	Ability, opportunity, jeopardy, distance, numbers, weapons, injuries, and prior knowledge may be relevant.
Was the level of force proportional?	Deadly physical force requires the circumstances listed in the statute.
Could the defender retreat with complete safety?	This question matters before deadly force outside the dwelling.
Did the defender continue after the threat ended?	Justification ends when the legally qualifying threat ends.

Part III — New York Penal Law Article 265:

Weapons, Carry Locations, Storage, and Possession

Article 265 defines many of New York's firearm and weapon crimes. It must be read together with Article 400 licensing rules and the exemptions in § 265.20. The following is a practical overview, not a substitute for the current statute.

Definitions control the result

New York's statutory word 'firearm' is narrower and more technical than ordinary speech. It includes handguns and certain prohibited configurations, while ordinary rifles and shotguns are treated separately in many provisions. 'Loaded firearm' may include a firearm possessed together with ammunition usable in it, subject to statutory language and case law.

Criminal possession offenses

Article 265 creates several degrees of criminal possession. Charge level can depend on the item, whether it is loaded, whether it is possessed outside a home or business, prior convictions, intent, location, and exemptions. A valid license is critical, but a license does not authorize every weapon, magazine, place, or manner of possession.

Sensitive locations - § 265.01-e

New York identifies numerous sensitive locations, including many government, educational, transportation, medical, entertainment, public-gathering, and other settings. The list is detailed and has been the subject of extensive litigation. Students must review the current statute and current court orders before carrying.

Restricted locations - § 265.01-d

This section concerns private property where the owner or lessee has not permitted carry. The Supreme Court's 2026 Wolford decision invalidated Hawaii's similar affirmative-consent default. Because New York's provision and litigation posture can change, confirm current enforceability through reliable official or legal sources.

Schools and school grounds

Separate state and federal rules can apply to school property and school zones. A New York license does not create blanket permission to carry at a school. Exceptions are narrow and fact-specific.

Assault weapons

New York defines assault weapons by statutory categories and features. The analysis depends on firearm type, action, magazine configuration, features, registration, and exemptions. Do not assume a firearm is compliant because a manufacturer, seller, or another state calls it compliant.

Magazines and ammunition-feeding devices

New York generally limits magazine capacity to ten rounds, with narrow exceptions. The old seven-round loading restriction was held unenforceable, but the ten-round capacity restriction remains a central rule.

Unserialized and unfinished firearms

New York regulates ghost guns, unfinished frames or receivers, and serialization. Federal law may also apply after VanDerStok. Home manufacture is not a way to avoid New York licensing or possession rules.

Safe storage in the home

New York requires secure storage in specified circumstances, including when a person under eighteen resides in or is present in the home and when a prohibited person resides there. Secure storage is also a fundamental safety practice beyond the minimum legal requirement.

Vehicle storage

New York requires an unattended handgun in a vehicle to be unloaded and locked in an appropriate safe storage depository out of sight, not merely left in a console or glove compartment. Vehicle storage does not make possession lawful in every location.

Transportation

Use a locked, discreet container; keep firearms unloaded when required; separate ammunition when prudent; travel directly; and understand the law of every jurisdiction entered. Never assume a New York license is recognized elsewhere.

Exemptions

Section 265.20 contains exemptions for specified persons and conduct. Exemptions are technical and should never be assumed based solely on employment, retirement status, or possession of an out-of-state credential.

Part IV — New York Penal Law Article 400: Licensing and Administrative Responsibilities

Article 400 governs licenses to carry, possess, repair, and dispose of firearms and includes New York's principal handgun and semiautomatic-rifle licensing framework.

Eligibility and investigation

Applicants generally must be at least twenty-one, subject to limited military exceptions; possess good moral character as defined by current law; provide required information; complete training where applicable; and pass background and licensing investigations. Statutory disqualifiers and federal prohibited-person rules also apply.

Types and scope of licenses

New York licenses may authorize possession on premises, employment-related possession, or concealed carry, depending on the license and issuing authority. Restrictions and administrative endorsements matter. A person should read the actual license and any county instructions.

The 18-hour course

For concealed carry applicants subject to the current training requirement, New York requires at least sixteen hours of in-person curriculum and two hours of live-fire training. Training is a minimum legal threshold, not a declaration of mastery.

Purchasing and amendments

Counties use purchase documents, amendments, or electronic processes to add and remove handguns. A customer should not take possession until all dealer, background-check, and licensing requirements are completed.

Semiautomatic rifle license

The semiautomatic rifle endorsement or license authorizes purchase or taking possession of a semiautomatic rifle; it does not authorize possession of an assault weapon or eliminate federal dealer rules.

Recertification and renewal

New York requires periodic recertification or renewal depending on license type and jurisdiction. New York City and certain counties may have different administrative structures. Failure to maintain the license can create serious legal and practical problems.

Address and status changes

License holders must follow statutory and local procedures for changes of address, name, firearm ownership, and other reportable events. Moving between counties can require coordination between licensing authorities.

Suspension and revocation

Licensing officers have authority to suspend or revoke licenses under Article 400. Arrests, orders of protection, disqualifying conditions, unsafe conduct, false statements, and failure to comply with licensing requirements may affect a license.

County procedures vary

Article 400 is statewide, but applications and amendments are administered locally. Forms, appointment systems, references, photographs, purchase coupons, and processing steps vary. Follow the issuing authority's current written instructions.

Part V — Less-Lethal Defensive Options and Caetano v. Massachusetts

Less-lethal does not mean harmless, risk-free, or automatically justified. Any defensive tool can cause injury, can be mistaken for a firearm, can fail, and can be used in a criminal manner. The legal question remains whether the amount and type of force were justified under Article 35.

Pepper spray / OC spray

New York permits qualifying self-defense spray devices subject to product, purchaser, and sales restrictions. Authorized formulations and sale procedures matter. OC spray is affected by wind, distance, barriers, contamination, and individual tolerance. Users should train with inert units and understand decontamination.

Stun guns

A stun gun generally requires direct contact. New York's former blanket ban was held unconstitutional after *Caetano*. Possession remains subject to ordinary criminal law, prohibited-person rules, location restrictions, and justified-use requirements.

Electronic dart guns / TASER-type devices

Electronic dart devices can operate at distance but may involve probe spread, clothing, battery, accuracy, and secondary-injury risks. Product-specific training is important. Do not call every electronic device a TASER; that is a brand and a particular technology.

CO2-powered launchers

CO2-powered launchers may fire kinetic or irritant projectiles. They are not toys. Muzzle discipline, eye protection during training, safe storage, projectile identification, temperature effects, impact risk, and cross-contamination all matter.

Kinetic projectiles

Kinetic rounds rely on impact. At close range or when striking vulnerable body areas, they can cause serious injury. The word 'less-lethal' describes intended risk reduction, not a guarantee.

Chemical irritant projectiles

Chemical rounds can disperse irritant in an area and may affect the user, family members, bystanders, pets, and responding police. Product composition and New York rules concerning noxious materials require careful review.

Flashlights and alarms

A flashlight can help identify what is actually occurring, avoid mistaken identity, navigate, signal, and disengage. A personal alarm can attract attention without physical force. Neither replaces situational awareness.

De-escalation and escape

Verbal boundaries, distance, barriers, disengagement, and calling police are often the safest options. The best defensive outcome may be leaving before force becomes necessary.

Police response

Responding officers may not know who the lawful defender is. Keep hands visible, follow commands, do not hold a launcher or firearm when officers arrive unless an immediate threat makes that unavoidable, and provide essential safety information.

Caetano: The Core Lesson

Caetano is important not because it makes every less-lethal device legal everywhere, but because it rejects the idea that the Second Amendment protects only eighteenth-century technology. It also places a real person at the center of constitutional doctrine: a woman seeking a practical means to defend herself from an abusive former partner. Responsible instruction should connect the constitutional principle with safe handling, proportionality, and current state law.

Part VI — Responsible Ownership, Safety, and Continuing Education

Safety before skill

A tight group is valuable, but no score replaces safe muzzle control, trigger-finger discipline, and responsible judgment.

Know the law before carrying

A license is not a substitute for understanding Article 35, prohibited locations, storage, and travel rules.

Carry with humility

A firearm should make a person more careful, not more confrontational. Avoid ego-driven encounters and unnecessary arguments.

Secure every defensive tool

Prevent access by children, prohibited persons, thieves, and untrained visitors. Control keys, combinations, ammunition, and launchers.

Train beyond the minimum

Continue with safe gun handling, drawing only where lawful and supervised, low-light identification, malfunction management, first aid, and scenario-based judgment.

Avoid impairment

Alcohol, cannabis, illegal drugs, sedating medications, exhaustion, anger, and emotional crisis can all impair judgment. Do not handle or carry when impaired.

Maintain equipment

Inspect firearms, magazines, holsters, ammunition, launchers, cartridges, batteries, and storage equipment. Replace damaged or expired components.

Represent the community well

Be courteous, lawful, truthful, and respectful toward people who choose not to own firearms. Responsible conduct protects families and strengthens public trust.

Continue legal education

Laws change. Review official statutes, State Police guidance, Supreme Court decisions, and licensing-authority instructions. Ask qualified counsel when the stakes are high.

Universal Firearm Safety Rules

1. Treat every firearm as if it is loaded.
2. Always keep the muzzle pointed in a safe direction.
3. Keep your finger straight and outside the trigger guard until the sights are aligned on the intended target and you have decided to fire.
4. Be sure of the target, what is around it, and what is beyond it.
5. Secure firearms from unauthorized access.
6. Never handle firearms while impaired, angry, careless, or distracted.

Closing Message

What kind of firearm owner should you become? A responsible one. A safe one. A disciplined one. A person whose judgment can always be trusted.

Not every student will shoot the smallest group at ten yards. Skill matters, but character matters more. Every student can keep the muzzle pointed in a safe direction, keep a finger away from the trigger, store firearms securely, follow the law, and recognize when walking away is the wisest choice.

A firearm gives its owner serious responsibility. Carelessness, anger, pride, alcohol, drugs, or one poor decision can change lives forever. Responsible owners understand that carrying a firearm does not make them police officers, give them authority over others, or excuse avoidable conflict. Their first goal should always be to protect life, prevent harm, and return home safely.

Receiving a license is not graduation from learning. Laws change. Skills weaken without practice. Equipment must be maintained, storage plans must be reviewed, and personal judgment must continue to grow. Good firearm owners seek training, ask questions, correct mistakes, and never allow confidence to become carelessness.

You now have knowledge that carries real weight. Use it with patience, humility, and respect. Set an example for your family, other firearm owners, and your community. The reputation and future of lawful firearm ownership depend upon ordinary people making responsible choices every day.

Your permit may be issued once, but responsible ownership must be earned again with every decision you make.

Appendix — Primary Sources and Further Reading

Primary Sources and Further Reading

- New York Penal Law Article 35 and §§ 35.15, 35.20 – New York State Senate Open Legislation.
- New York Penal Law Article 265, including §§ 265.00, 265.01-d, 265.01-e, 265.20, and applicable storage provisions – New York State Senate Open Legislation.
- New York Penal Law Article 400 and § 400.00 – New York State Senate Open Legislation.
- National Firearms Act, 26 U.S.C. Chapter 53.
- Gun Control Act of 1968, 18 U.S.C. Chapter 44.
- Firearm Owners’ Protection Act safe-passage provision, 18 U.S.C. § 926A.
- District of Columbia v. Heller, 554 U.S. 570 (2008).
- McDonald v. City of Chicago, 561 U.S. 742 (2010).
- Caetano v. Massachusetts, 577 U.S. 411 (2016).
- New York State Rifle & Pistol Association v. Bruen, 597 U.S. 1 (2022).
- United States v. Rahimi, 602 U.S. 680 (2024).
- Bondi v. VanDerStok, 604 U.S. ____ (2025).
- United States v. Hemani, 608 U.S. ____ (2026).
- Wolford v. Lopez, 609 U.S. ____ (2026).
- New York State Police firearms and concealed-carry guidance.
- Bureau of Alcohol, Tobacco, Firearms and Explosives firearms publications and regulations.
- Federal Bureau of Investigation National Instant Criminal Background Check System information.

Prepared by Zack’s Sports for educational use in the NYS 18-Hour Concealed Carry Safety Course.

Train. Shoot. Shop. | HandgunLearning.com