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Where Can You Carry in New York Now? "Wolford v. Lopez", "Christian v. James", and the New Rules for Gun License Holders

By Ethan A. Brecher, Esq. — Law Office of Ethan A. Brecher, LLC, August 23, 2026



In the span of five weeks this year, two courts — the Second Circuit and then the United States Supreme Court — struck down "no-carry default" rules that had made it a crime for licensed individuals to carry in ordinary businesses open to the public. For New York concealed carry license holders, the practical landscape has changed significantly. This post explains both decisions in plain English and what they mean for where you can lawfully carry.

The Rule That Was Struck Down

After the Supreme Court's 2022 decision in *New York State Rifle & Pistol Association v. Bruen* forced New York to abandon its "proper cause" requirement, the State passed the Concealed Carry Improvement Act (CCIA). One of its most sweeping restrictions was the "restricted locations" provision, Penal Law § 265.01-d. It made it a felony for a license holder to carry on any private property — including businesses open to the public like gas stations, grocery stores, restaurants, and shops — unless the owner posted "clear and conspicuous signage" permitting firearms or gave express consent. Silence meant "no guns," everywhere. Hawaii passed a nearly identical law, and other states followed.

The First Round: "Antonyuk v. James"

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Antonyuk was only a preliminary ruling — the court expressly said the final constitutionality of these provisions would await a full record. That full-record decision came this year.

Step One: The Second Circuit's Decision in "Christian v. James"

On May 18, 2026, the Second Circuit — the federal appeals court covering New York — decided *Christian v. James*, 176 F.4th 189 (2d Cir. 2026), and, on a full summary judgment record, confirmed what *Antonyuk* had signaled: it affirmed a permanent injunction barring New York from enforcing § 265.01-d as applied to private property open to the public. Under *Bruen*, the State had to show that this kind of restriction fits within America's historical tradition of firearms regulation. It could not: the historical laws New York offered were aimed at preventing unlicensed hunting and trespass on private farmland, not at banning carry in businesses that welcome the public. The court also noted the law's practical effect — because most business owners never post signs either way, the default rule would have banned carry nearly everywhere, leaving only those who "aimlessly wander streets and sidewalks" able to exercise the right at all.

Notably, the Second Circuit expressly disagreed with the Ninth Circuit, which had upheld Hawaii's version of the law. That disagreement teed the issue up perfectly for the Supreme Court, which had already agreed to hear the Hawaii case.

Step Two: The Supreme Court's Decision in "Wolford v. Lopez"

On June 25, 2026, the Supreme Court decided *Wolford v. Lopez*, reversing the Ninth Circuit and holding, 6–3, that a state may not prohibit licensed concealed-carry holders from carrying handguns on private property open to the public unless the owner gives express permission. Justice Alito wrote for the majority. The Court rejected the same historical analogues New York had offered in *Christian* — including Reconstruction-era Southern statutes the Court found tainted by racial animus — and confirmed what the Second Circuit had already held: the Second Amendment does not permit a no-carry default rule for businesses open to the public.

The result is a nationwide rule. A licensed carrier may enter a business open to the public with a firearm unless the owner says otherwise.

What the Courts Left in Place

Just as important is what these decisions did *not* change.

Public parks remain off-limits. In the same *Christian* decision, the Second Circuit upheld the CCIA's ban on carrying in public parks, Penal Law § 265.01-e(2)(d). The State produced more than sixty ordinances from cities across the country — beginning with Central Park's original rules in 1858 — flatly prohibiting firearms in urban parks, and the court held that this unbroken tradition sustains the ban. The Supreme Court's *Wolford* decision addressed only private property, not parks. Carrying in a New York public park is still a felony. (The *Christian* court left open whether the ban might be challenged as applied to rural parks in a future case, but for now every public park is off-limits.)

The other "sensitive locations" are unaffected. The rest of the CCIA's sensitive-location list was not before either court and remains fully in force. Carrying in any of the following locations remains prohibited:

- Government buildings and courts
- Schools, colleges, daycares, and children's programs
- Hospitals and locations providing health or behavioral health services
- Houses of worship (with a narrow exception for designated security personnel)
- Public transit, including the subway and buses, and airports

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Property owners' rights did not change. Any business owner can still post a "no firearms" sign or tell you personally that guns are not welcome — and you must comply. What changed is only the State's criminal default rule when the owner has said nothing. Note: these rulings apply only to private property open to the public. Carrying in someone's home or on private land not open to the public still requires the owner's consent.

The Bottom Line for License Holders

1. You may now carry in private businesses open to the public — stores, gas stations, restaurants (unless licensed to serve alcohol) — without needing posted permission.
2. If the owner says no, the answer is no. Respect posted signs and verbal requests to leave.
3. Public parks and all other sensitive locations remain completely off-limits. These bans were upheld or untouched, and violating them is a felony.
4. When in doubt, don't carry there. The sensitive-location list is long and the penalties are severe.

How We Can Help

The Law Office of Ethan A. Brecher, LLC represents gun permit applicants and license holders throughout New York City and New York State — from delayed and denied NYPD applications to Article 78 proceedings and administrative appeals. If you have questions about how these decisions affect your license or your application, contact us for a free consultation. The firm also maintains a separate website on firearm licensing issues (www.nycccp.net).

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