

Second Amendment Foundation Files Federal Lawsuit Challenging New York's New "Glock Ban"

In a significant development in the continuing post-*Bruen* litigation landscape, the Second Amendment Foundation ("SAF"), along with the National Rifle Association ("NRA"), Firearms Policy Coalition ("FPC"), a licensed firearms dealer, and individual firearm owners, has filed a federal lawsuit challenging New York's recently enacted prohibition on the sale and transfer of so-called "convertible pistols." The action, *The Firing Pin, LLC v. James*, was filed in the United States District Court for the Western District of New York and seeks to invalidate one of the most sweeping handgun restrictions enacted in New York since the Supreme Court's landmark decision in *N.Y. State Rifle & Pistol Ass'n v. Bruen*.

The plaintiffs contend that New York's new law effectively bans the sale and transfer of most Glock-brand handguns and many other Glock-pattern pistols that are among the most commonly owned firearms in the United States. According to the complaint, the statute violates the Second and Fourteenth Amendments because it prohibits an entire class of arms that are indisputably in common lawful use for self-defense and other constitutionally protected purposes.

Background: New York's "Convertible Pistol" Law

The challenged legislation was enacted as part of New York's 2026 budget package and creates a new category of prohibited firearm known as a "convertible pistol." The law makes it a felony for licensed firearms dealers or gunsmiths to sell, transfer, transport, or otherwise distribute handguns falling within that definition. Violations become punishable beginning May 31, 2027, by potential imprisonment and substantial monetary penalties.

The law is premised upon concerns regarding illegal machine-gun conversion devices, commonly referred to as "Glock switches." Rather than prohibiting only the conversion devices themselves, however, the statute targets handguns possessing certain design characteristics that some lawmakers believe make them susceptible to unlawful conversion. The practical effect is that many factory-stock Glock pistols and numerous Glock-style handguns fall within the statute's scope despite being lawful semiautomatic handguns that have never been modified.

As discussed in our prior analysis, the law focuses on a design feature known as a cruciform trigger bar, a component incorporated into Glock handguns and many similar striker-fired pistols. Critics argue that New York has effectively banned a broad category of ordinary semiautomatic handguns based solely upon their internal design rather than any unlawful conduct by the owner.

The Constitutional Challenge

The plaintiffs' principal argument is straightforward: under the Supreme Court's decisions in *District of Columbia v. Heller*, *McDonald v. City of Chicago*, and *Bruen*, states may not prohibit firearms that are commonly possessed by law-abiding citizens for lawful purposes.

According to the organizations bringing the lawsuit, Glock pistols represent one of the most popular handgun platforms in the nation and therefore easily satisfy the Supreme Court's "common use" standard. The complaint reportedly argues that New York cannot avoid constitutional scrutiny simply by labeling these firearms "convertible pistols" when the firearms themselves remain ordinary semiautomatic handguns sold and possessed lawfully throughout most of the United States.

The plaintiffs further contend that both federal law and New York law already prohibit machine guns and machine-gun conversion devices. Consequently, they argue that banning the underlying semiautomatic pistol because it could potentially be altered unlawfully is analogous to banning automobiles because they can be illegally modified for street racing.

Potential Impact of the Litigation

This lawsuit is likely to become one of the most closely watched Second Amendment cases in New York over the next several years.

Several factors make the case particularly significant:

1. The Ban Targets Commonly Owned Handguns

Unlike prohibitions involving relatively niche firearm accessories or specialized firearms, the challenged law affects handguns that are arguably among the most widely owned self-defense firearms in America. The Supreme Court has repeatedly emphasized the special constitutional status of handguns as the "quintessential" self-defense weapon.

2. The Case Tests the Limits of Design-Based Firearm Regulations

The lawsuit raises novel questions regarding whether a state may prohibit an otherwise lawful firearm based on the possibility that it could be illegally modified by a third party. While courts have evaluated restrictions on specific firearm features in other contexts, New York's new law represents a relatively unique attempt to regulate firearms based upon their theoretical convertibility.

3. The Case Will Be Evaluated Under the Bruen Framework

Because the case was filed after *Bruen*, New York will likely be required to demonstrate that the challenged restriction is consistent with the Nation's historical tradition of firearm regulation. Whether any historical analogue exists for prohibiting the sale of common firearms based upon a future potential modification may become a central issue in the litigation.

Practical Implications for Firearm Owners and Dealers

While the litigation proceeds, New York firearms dealers and gun owners should closely monitor developments.

The filing of the lawsuit does not currently invalidate the statute, and the law remains on course to take effect unless a court issues preliminary injunctive relief or ultimately determines that the statute is unconstitutional. Firearms dealers who regularly sell Glock and Glock-pattern pistols could face substantial business and compliance consequences if the law is upheld. Likewise, consumers seeking to purchase such firearms may encounter significant restrictions as implementation deadlines approach.

The plaintiffs are expected to seek declaratory and injunctive relief preventing enforcement of the law. Given the substantial constitutional questions involved and the increasing number of post-*Bruen* firearm challenges nationwide, there is a realistic possibility that this matter could eventually reach the United States Court of Appeals for the Second Circuit and perhaps the Supreme Court.

Conclusion

The filing of *The Firing Pin, LLC v. James* marks the beginning of what is likely to be a major constitutional challenge to New York's latest firearm restrictions. At its core, the case presents a fundamental question: May New York prohibit the sale of some of the nation's most commonly owned handguns because they could potentially be modified illegally, or does such a prohibition violate the Second Amendment's protection of arms that are in common lawful use? The answer could have far-reaching implications not only for New York gun owners and firearm dealers but also for similar laws being enacted and challenged across the country.

Ruskin Moscou Faltischek, P.C. will continue to monitor this litigation and provide updates as significant developments occur.

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