TROY, NY (04/05/2011)(readMedia)-- The New York State Rifle & Pistol Association (NYSRPA) in conjunction with the Second Amendment Foundation (SAF) have filed suit against the City of New York over the fees charged by the New York City Police Department for the costs associated with the processing of pistol license applications.

NYSRPA believes that both the City and State of New York violate the Equal Protection Clause of the 14th Amendment by requiring the payment of fees as a prerequisite for the lawful exercise of the specifically enumerated individual civil right to keep and bear arms as guaranteed by the 2nd Amendment.

"The U.S. Supreme Court has recently made it clear that individuals have a right to own guns. Government cannot place arbitrary financial constraints upon those wishing to exercise this right any more than it can for those wishing to exercise their right to vote," said Tom King , President of NYSRPA.

Mayor Michael Bloomberg himself publicly acknowledged the indefensible nature of the fee structure last October when he urged the City Council to lower the costs specifically to avoid a lawsuit:

"We want to be in compliance with the law ... so that we don't want to lose the ability to have reasonable controls. If we have controls that the courts have ruled too onerous or too unfair, we could lose the whole thing."

The City Council ignored the Mayor and flatly refused to take up this issue. NYSRPA has no choice but to take the issue to court.

BELLEVUE, Wash., April 5, 2011 / PRNewswire-USNewswire / -- The Second Amendment Foundation today filed a federal civil rights lawsuit against New York Mayor Michael Bloomberg that alleges New York City's $340 fee for a permit to keep a handgun in the home is "excessive and ... impermissibly burdens the Second Amendment right to keep and bear arms."

SAF is joined in the lawsuit by the New York State Rifle & Pistol Association and five individual New York City residents. Also named as a defendant in the lawsuit is New York Attorney General Eric Schneiderman.

"Under state law," said SAF Executive Vice President Alan Gottlieb, *"the maximum fee for issuing a New York State handgun license is $10, but the law exempts citizens living in New York City. That exemption allows the city to charge an exorbitant fee for the license, which discourages city residents from exercising their civil rights while violating the Equal Protection Clause of the Fourteenth Amendment."*

"For decades the City has charged its residents exorbitant license fees that far exceed the fees charged by other states and cities that impose them," said attorney David Jensen, who is representing the plaintiffs. *"The effect of this is to force a punitive tax on New York City citizens who choose to own firearms in compliance with the law. But people have a constitutional right to keep and bear arms, and the City cannot simply impose fees for the sake of burdening law-abiding gun owners."*

"The New York State Rifle & Pistol Association was founded 141 years ago in New York City and we are proud to participate in an action to help restore the Second Amendment rights of all New York City residents," said NYSRPA President Tom King .

In its lawsuit, SAF notes that the $340 fee is not used to defray administrative costs, so there appears to be no purpose for it other than to discourage people from applying for a permit. The excessive fee, according to Gottlieb, puts the exercise of a constitutional right solely within the financial reach of the wealthy class, essentially turning a civil right into a privilege for the rich and well-connected.

"New York is one of only two states that require a permit just to keep a handgun in one's own home," Gottlieb said. *"Citizens in the other 48 states would consider that an outrage. The city's 'residence premises' handgun license amounts to a charge of more than $100 annually to keep a handgun in one's home, which is ridiculous. Mayor Bloomberg is essentially taxing the fundamental right to defend one's self in his or her own home. We cannot think of anything more egregious than perpetuating a fee structure that puts a financial obstacle in the way of citizens who want to protect their homes and families."*

"We believe the only recourse is to take this issue to the federal court," he concluded. *"Billionaires like Mayor Bloomberg can be cavalier about a citizen's rights, but we can't, and we won't."*

A copy of the lawsuit is available at http://www.nysrpa.org/files/NYSRPA-SAF-NYC-Lawsuit.pdf