Testimony - Support - SB 1 - Gun Safety -Ken Shill

Uploaded by: Ashley Egan

Position: FAV

Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of SB 1 - Criminal Law -
Wearing, Carrying, or Transporting Firearms - Restrictions
(Gun Safety Act of 2023)

TO: Senator Will Smith, Jr. Chair and Members of the Judicial Proceedings Committee
FROM: Ken Shilling, UULM-MD Gun Violence Prevention, Lead Advocate
Unitarian Universalist Legislative Ministry of Maryland.
DATE: February 7, 2023

Unitarians Universalists strive to promote justice and equity for everyone. It is our collective responsibility to achieve equity and justice in society. I recently explained to teenagers that we did NOT have active shooter drills when I was in school 50 or 60 years ago. They were stunned by this truth.

If citizens can be gunned down at work, in school, in so many places, then citizens are not safe while pursuing their ordinary lives. I have worshiped in Maryland, knowing of potential gun threats to places of worship. I have worshiped with police protection. I shouldn't have to.

We have the most guns per capita than any other country. We have twice as many guns per capita than the citizens of rogue states, (like Sudan and Somalia) have in their Civil Wars. More guns do not make us safe. Even worse,'Open Carry Anywhere' threatens our right to assemble without the threat of gun violence. While a person may intend to be a "Good Guy with a Gun," all the people around him see is the gun.

We promote the general well-being of all people in society, and their rights to life and liberty. We support the common-sense restrictions to open-carry. People must not knowingly wear, carry, or transport firearms into places of public accommodation.

The measure before you today is another tool to protect all of us from gun violence. We ask you to stand on the side of love and justice. We urge you to vote for this bill and others that strengthen Maryland's gun violence prevention laws.

We urge a favorable report,

Ken Shilling

Gun Violence Prevention Lead Advocate

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044

2023 JCRC SB 1- Gun Safety Act of 2023.pdf
Uploaded by: Ashlie Bagwell
Position: FAV

Testimony in SUPPORT of Senate Bill 1 –
Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)
Judicial Proceedings Committee
February 7, 2023

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community. We represent over 100 social service agencies, synagogues, and Jewish schools in the region. The JCRC advocates on issues that are critical to the Jewish community and all Marylanders, including the most vulnerable. We have a long history of supporting gun safety measures and legislation that protects our children and all community members from the perils of gun violence. Given this commitment, the JCRC supports Senate Bill 1 – The Gun Safety Act of 2023, which aims to reduce the dramatic rise in gun violence. SB 1 prohibits a person from knowingly wearing, carrying, or transporting a firearm onto the real property of another unless the other has given certain permission to the person or the public generally. The Bill also prohibits a person from knowingly wearing, carrying, or transporting a firearm within 100 feet of a place of public accommodation.

At the JCRC one of our highest priorities is the security of our agencies and synagogues given the spike in antisemitism - up 34% in the U.S. and 17% in Maryland from the previous year. Additionally, in Montgomery County, religious bias incidents show that more than 85% target Jews, although they make up only 10% of the County. Recently, there has been a rash of disturbing antisemitic incidents in Montgomery County including assaulting a man wearing a Jewish star outside of a grocery store, a high school sign being defaced to say, "Jews are not welcome here", and a horrific act of vandalism on the Bethesda Trolley Trail with a drawing of people hanging from nooses and the words, "No Mercy for Jews." The Jewish community also remembers the Tree of Life tragedy where 11 synagogue members were murdered in 2018.

The importance of this legislation at this time cannot be underestimated. The JCRC is deeply disappointed by the U.S. Supreme Court's ruling striking down NY's concealed weapon permit law. We believe it will pose increased risk to public safety. Synagogues should be left to establish their own security plans; in fact, every synagogue has a detailed security plan that includes law enforcement professionals. We do not want individuals walking in off the street with a weapon acting in their own capacity. It could lead to chaos and create an even more potentially deadly situation. We know that today's senseless violence can only be stemmed by limiting easy access weapons. While the Supreme Court has taken a step backward to curb violence and ensure safety, we are grateful that in Maryland, our leaders are taking a step forward to counter this dangerous trend. Fewer guns near or inside our Jewish institutions will create a safer environment for all of our residents. For these reasons, the JCRC supports SB 1.

Support for SB1- restrictions on carrying firearms

Uploaded by: Carrie Williams

Position: FAV

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520 West Fayette Street
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410-685-7878 | msba.org

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200 Duke of Gloucester Street
Annapolis, MD 21401
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To: Members of the Senate Judicial Proceedings Committee
From: Carrie J. Williams, Chair, Legislative Committee, Criminal Law and Practice Section
Date: 2/3/2023
Subject: SB1– Criminal Law—Wearing, Carrying, or Transporting Firearms–Restrictions
Position: **Support**

The Legislative Committee of the Criminal Law and Practice Section of the Maryland State Bar Association (MSBA) Supports SB1– Criminal Law—Wearing, Carrying, or Transporting Firearms–Restrictions.

This bill would prohibit people from wearing, carrying, or transporting a firearm onto another person's property without the express permission of the property's owner. It would also prohibit the wearing, carrying, or transporting of firearms within 100 feet of a place of public accommodation.

A property owner has the right to know if someone is bringing a firearm onto their property and has the right to prohibit people from doing so. This provision in SB1 will help make Marylanders safer from gun violence. For this reason, we support the provision in SB1 that prohibits people from wearing, carrying, or transporting firearms onto another's property without express permission.

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at carriej.williams@gmail.com.

Additional information can also be provided by Shaoli Katana at MSBA - shaoli@msba.org.

David P. Shapiro
President

Jason A. DeLoach
President-Elect

Marisa Trasatti
Treasurer

W. Carl Isler, II
Secretary

Anna S. Sholl
Executive Director

SB0001 Gun Safety Act of 2023 FWA.pdf
Uploaded by: Cecilia Plante
Position: FAV

TESTIMONY FOR SB0001
Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Bill Sponsor: Senator Waldstreicher
Committee: Judicial Proceedings
Organization Submitting: Maryland Legislative Coalition
Person Submitting: Cecilia Plante, co-chair
Position: FAVORABLE WITH AMENDMENTS

I am submitting this testimony in favor of SB0001 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

There are many pieces of legislation that have been written to protect the citizens of this state. And one of the hallmarks of the violence in our society is the fact that, in many places, the ability to walk around with a loaded weapon is commonplace. Maryland has tried hard to ensure that its citizens are safe from that kind of lunacy. There is absolutely no good reason for anyone to walk around in public with a loaded weapon.

In this respect, no one should ever have someone walk onto their property with a loaded weapon, nor should they expect to see someone with a weapon in a public place. There have been too many people killed to allow this anymore.

Our members applaud the fact that there would be jail time for anyone who carries a weapon onto someone's property or carries one in a public place. We do feel that there should also be monetary damages to more effectively discourage this type of intimidation, and that they should be very steep. It is one thing to put someone in jail for this type of offense, but it takes time and money to ensure that they actually get jail time. Having them also pay a steep fine is another level of deterrence and will help pay for the legal fees of getting them put in jail.

We support this bill and recommend a **FAVORABLE WITH AMENDMENTS** report in committee.

Giffords Memorandum in Support of SB 1.pdf

Uploaded by: David Pucino

Position: FAV

GIFFORDS
COURAGE TO FIGHT GUN VIOLENCE

To: Judicial Proceedings Committee
Date: February 6, 2023
Submitted by: David Pucino
Deputy Chief Counsel
Giffords Law Center to Prevent Gun Violence

TESTIMONY IN SUPPORT OF SB 1

Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee: thank you for the opportunity to provide this testimony on behalf of Giffords, the gun violence prevention organization led by former Congresswoman Gabby Giffords. I am writing in support of Senate Bill 1, the Gun Safety Act of 2023, which will provide critical updates to state law on the carrying of concealed firearms following the U.S. Supreme Court's decision in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). The Gun Safety Act will update the law on licensing firearms and set new and critically important parameters on where concealed firearms can be carried, within the Constitutionally permissible boundaries articulated by the Supreme Court.

THE GUN SAFETY ACT IS A NECESSARY RESPONSE TO THE SUPREME COURT DECISION ON CONCEALED CARRY

In *Bruen*, the Supreme Court identified Maryland as one of six states with a law "under which authorities have discretion to deny concealed-carry licenses even when the applicant satisfies the statutory criteria, usually because the applicant has not demonstrated cause or suitability for the relevant license." *Id.* at 2124. It went on to hold such discretion unconstitutional under the Second Amendment.

However, *Bruen* also made it clear that many regulations implicating Second Amendment rights will survive scrutiny. The majority opinion emphasized that its holding was "neither a regulatory straightjacket nor a regulatory blank check," and that many common regulations, such as restrictions on guns in sensitive places, can continue. *Id.* at 2133–34. Likewise, the concurrences emphasized the Court's narrow focus on the specific provision of law at issue: the "proper cause" standard for issuance of concealed carry licenses. Justice Alito noted that the opinion "decides nothing" about who may purchase a gun, what requirements must be met to purchase a gun, or the kinds of guns that can be available for purchase. *Id.* at 2757 (Alito, J. concurring). And Justice Kavanaugh, joined by Chief Justice Roberts, further clarified that states are still permitted to impose licensing requirements so long as they are objective, and that sensitive place restrictions are constitutional. *Id.* at 2162–63 (Kavanaugh, J. concurring). As Justice Kavanaugh summarized, "[p]roperly interpreted, the Second Amendment allows a 'variety' of gun regulations." *Id.* at 2162 (Kavanaugh, J. concurring).

Bruen rejected the previous consensus position of the lower courts that heightened scrutiny is appropriate in assessing the constitutionality of firearm laws, declaring instead that courts should

use a test focusing on text, history, and tradition. It is worth noting that there were numerous laws that spelled out licensing schemes and restricted public carry throughout the states during Reconstruction, a timeframe the *Bruen* court noted was relevant for its historical analysis, particularly with respect to state laws. *Bruen*, 142 S. Ct. 2111 at 2138. Dozens of these types of laws were enacted during this time, affecting millions of Americans. *See* Saul Cornell, *History and Tradition or Fantasy and Fiction: Which Version of the Past Will the Supreme Court Choose in NYSRPA v. Bruen?*, 49 Hastings Const. L.Q. 145, 169 (2022). Consistent with Maryland's interests in passing SB 1, these laws were enacted with a goal of protecting public safety and were a direct response to "newly-rising levels of gun violence." *Id.* at 168.

Social Science Supports The Gun Safety Act as a Public Safety Intervention

On the question of guns in public, the social science is clear: more permissive public carry laws and more guns in public places make us less safe, not more safe.

Studies consistently demonstrate that lenient right-to-carry (RTC) laws are associated with increased violent crime and homicide rates. Indeed, "the predominant conclusion from studies in the last five years has been that RTC laws increase violent crime."[1] Stanford professor John Donohue's work in this area shows persistent increases in violent crime rates in states with more permissive licensing regimes. In a June 2022 study analyzing a sample drawn from 47 major U.S. cities, Donohue and his colleagues concluded that right-to-carry gun laws "increase overall firearm violent crime as well as the component crimes of firearm robbery and firearm aggravated assault by remarkably large amounts with an attendant finding of no sign of any benefit from RTC laws."[2]

In particular, Donohue's study finds that these lenient RTC laws lead to 29 and 32 percent increases in firearm violent crime and firearm robbery respectively.[3] Moreover, the study found a "massive 35 percent increase in gun theft, with further crime stimulus flowing from diminished police effectiveness."[4] Indeed, the study observes that right-to-carry laws "cause a roughly 13 percent decline in the rates that police clear violent crime, suggesting that [right-to-carry] laws strike at the very heart of law enforcement's abilities to address criminal conduct."[5] Further compounding the danger posed by more guns in public, and as discussed in more detail below, social science research confirms that guns are rarely used in self-defense, and are likely to cause harm on innocent bystanders when they are. Indeed, Donohue and his colleagues conclude that "any such [deterrent] benefits are substantially offset by the crime-enhancing impacts of increased gun carrying."[6]

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[1] *See* John Donohue et al., *More Guns, More Unintended Consequences: The Effects of Right-to-Carry on Criminal Behavior and Policing in U.S. Cities*, at 1 (Nat'l Bureau of Econ. Res. Working Paper No. 30190, June 2022).
[2] *Id.* at 25.
[3] *See id.*, at 3, 25.
[4] *Id.* at 27.
[5] *Id.* at 3.
[6] Donohue et al., *supra* note 2 at 2.

Another recent study of states that moved from a may-issue to a RTC regime from 1980 to 2019 found that found that this move to weaker laws "was associated with a 9.5% increase in rates of assaults with firearms during the first 10-years post-law adoption and associated with an 8.8% increase in rates of homicides by other means." [7] What's more, the study found that states that removed training, discretion, and violent misdemeanor prohibitions as part of this move saw increases in violence. States that retained some of these features when moving to shall issue did not see such big increases in violence.

This recent research is supported by a long line of social science research that confirms lenient gun laws increase violent crime.[8] For example, in December 2017, researchers at Boston University and Duke University released the first-ever analysis of the impact of concealed carry laws on handgun and long-gun homicide rates.[9] Their study concluded that permissive right-to-carry concealed carry laws were significantly associated with higher crime rates—in particular, 6.5 percent higher total homicide rates, 8.6 percent higher firearm-related homicide rates, and 10.6 percent higher handgun-specific homicide rates, compared to states with stronger regulations.[10] This robust body of evidence confirms that, just as American governments have traditionally sought to protect their citizens by restricting the public use of guns, the new licensing standards in the Gun Safety Act will promote public safety by protecting the public from statistically-proven increases in violent crime and firearm homicide.

CONCLUSION

Social science demonstrates that more guns do not make the public safer—in fact, it tends to have the opposite effect. While the Supreme Court has limited the ability of law enforcement officers in Maryland to exercise discretion when determining who can carry a gun in public, there remain many important avenues available to make sure that those who are carrying are doing so safety, and are not taking guns into especially sensitive places.

The Gun Safety Act will accomplish both of these goals, in line with the social science data that shows guns in public pose dangers, and ensure that those who do carry guns in public are doing so safely. I urge you to advance this bill in the interest of public safety, just as governments have done since the founding.

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[7] Mitchell L. Doucette et al., *Impact of Changes to Concealed Carry Weapons Laws on Fatal and Nonfatal Violent Crime, 1980-2019*, AM J EPIDEMIOLOGY. (2022), https://pubmed.ncbi.nlm.nih.gov/36104849/.
[8] *See, e.g.*, Rashna Ginwalla et al., *Repeal of the Concealed Weapons Law and Its Impact on Gun-Related Injuries and Deaths*, 76 J. TRAUMA ACUTE CARE SURG. 569, 569, 573 (2014), http://www.academia.edu/10480999 (lax concealed carry permitting laws are associated with increased gun fatalities); Daniel W. Webster et al., *Firearms on College Campuses: Research Evidence and Policy Implications* 8 (Oct. 15, 2016) (discussing data on 111 high-fatality mass shootings from 1966–2015, finding that in the 41 states with RTC laws or no concealed carry regulations, the average death toll in high-fatality mass shootings increased following the implementation of an RTC law).
[9] Siegel et al., *Easiness of Legal Access to Concealed Firearm Permits and Homicide Rates in the United States*, AM. J. PUB. HEALTH, Dec. 2017, at 1.
[10] *Id.*

Respectfully Submitted,

David Pucino
Deputy Chief Counsel
Giffords Law Center to Prevent Gun Violence

ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Founded and led by former Congresswoman Gabrielle Giffords, Giffords inspires the courage of people from all walks of life to make America safer.

AG Support
Uploaded by: Hannibal Kemerer
Position: FAV

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February 7, 2023

TO: The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB0001 – Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023)
Support

Chair Smith, Vice Chair Waldstreicher, and distinguished Members of the Judicial Proceedings Committee, the Office of the Attorney General supports the policy positions advanced in Senate Bill 1.

This legislation, sponsored by the Vice Chair, creates two new crimes, each carrying a statutory maximum penalty of one (1) year imprisonment. First, SB 1 creates a crime for wearing, carrying, or transporting a handgun on someone else's real property. There are exceptions, such as if the property owner gave permission "to the public generally" to carry firearms there, or if the property owner gave permission "to the person" to carry firearms there, or the property is owned by the State or a political subdivision. Second, it creates a crime for wearing, carrying, or transporting a handgun within 100 feet of a "public accommodation." A "public accommodation" includes a hotel, restaurant, theater, stadium, or retail establishment. In short, Senate Bill 1 prohibits wearing, carrying, or transporting a firearm on someone else's real property (absent express permission) or within 100 feet of a place of public accommodation.

The proliferation of handguns in public cannot be overstated. Nor, it seems, should property owners or public accommodations have to tolerate undesirable firearms on their property.

For the foregoing reasons, the OAG urges a favorable report on Senate Bill 1.

cc: Members of the Committee

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

SB 1 Support SB 1 - JPR - Gun Safety Act of 2023.p

Uploaded by: Henry Bogdan

Position: FAV

MARYLAND NONPROFITS
marylandnonprofits.org

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410.727.6367 | 800.273.6367 | Fax 410.235.2190

February 7, 2023

Testimony on Senate Bill 1
"Gun Safety Act of 2023"
Senate Judicial Proceedings Committee

Position: Favorable

Maryland Nonprofits is a statewide association of more than 1500 nonprofit organizations and institutions. We urge you to support Senate Bill 1, The Gun Safety Act of 2023.

The recent changes in federal law from U.S. Supreme Court's "Bruen" put us all at increased risk of gun violence and we must act to counter those risks. The dramatic increase in the number of Wear and Carry Permits sought and granted since Bruen is alarming.

Senate Bill 1 will strengthen what Bruen has weakened by helping keep guns out of the hands of violent people and out of sensitive public places.

We strongly urge you to give Senate Bill 1 a favorable report.

mcguire_favorable_sb-0001.pdf
Uploaded by: James McGuire
Position: FAV

06 February 2023

James I. McGuire III
3482 Augusta Drive
Ijamsville, MD 21754

FAVORABLE FOR SENATE BILL 0001
Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions
(Gun Safety Act of 2023)

Please leave the body of SB-0001 unmodified. The vote tally will provide an authoritative reference of those legislators who violate their oath of office by endorsing this blatantly unConstitutional and obviously civil-rights-infringing proposal.

Respectfully submitted,

James I. McGuire III

SB1 LSPC.docx.pdf

Uploaded by: Jared Schablein

Position: FAV

SB1 Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Bill Sponsor: Senator Waldstreicher

Committee: Judicial Proceedings Committee

Organization Submitting: Lower Shore Progressive Caucus

Person Submitting: Dr. Nicole Hollywood, LSPC

Position: FAVORABLE

I am submitting this testimony in favor of SB1 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive movement on the Lower Eastern Shore.

In June of 2022, the United States Supreme Court issued a dangerous decision in New York State Rifle & Pistol Association, Inc. v. Bruen, which rendered a provision in state concealed carry permitting laws, like one we had in Maryland, that required those who wished to carry concealed guns in public to demonstrate "proper cause". This effectively significantly lowered the bar for concealed carry and as the research has established, more guns in more places do not make us safer.

The Maryland General Assembly has an opportunity this session to guard against the dangers of increased reckless public carry by expanding the scope of sensitive places so as to prevent firearms from being within 100 feet of places of public accommodation such as hotels, inns, theatres, and food and retail establishments serving alcohol. SB1 would also make it illegal to carry a permitted gun on anyone's property without the permission of the property owner.

The evidence overwhelmingly suggests allowing almost anyone to carry a concealed gun in public increases violent crime, gun theft, workplace homicide and mass shootings. Designating sensitive places of public accommodation where firearms pose a significant danger to public health and therefore should be permitted will maximize public safety and this bill does so in such a manner that it withstands constitutional scrutiny.

The Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.

SB 1 Draft Reprint.pdf
Uploaded by: Jeff Waldstreicher
Position: FAV

UNOFFICIAL COPY OF SENATE BILL 1

SENATE BILL 1

E1, E4 3lr0330

(PRE-FILED)

By: **Senators Waldstreicher and Lee**
Requested: August 16, 2022
Introduced and read first time: January 11, 2023
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions**
3 **(Gun Safety Act of 2023)**

4 FOR the purpose of prohibiting a person from knowingly wearing, carrying, or transporting
5 a firearm onto the real property of another unless the other has given certain
6 permission; ~~prohibiting a person from knowingly wearing, carrying, or transporting~~
7 ~~a firearm within a certain distance of a certain place of public accommodation~~ prohibiting a person from wearing, carrying, or transporting a firearm under certain circumstances and in certain locations; altering requirements relating to obtaining a permit to wear, carry, or transport a firearm;; and
8 generally relating to restrictions on wearing, carrying, or transporting firearms.

BY repealing
Article - Criminal Law
Section 4-208
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article- Criminal Law
Section 4-203
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement

9 BY adding to
10 Article - Criminal Law
11 Section 4-111 and 4-112
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2022 Supplement)

14 ~~BY repealing and reenacting, without amendments,~~
15 ~~Article - State Government~~
16 ~~Section 20-301~~
17 ~~Annotated Code of Maryland~~
18 ~~(2021 Replacement Volume and 2022 Supplement)~~

BY repealing and reenacting, with amendments,
Article - Public Safety
Section 5-304, 5-306, 5-310, 5-311, and 5-312
Annotated Code of Maryland
(2022 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4-208 of Article - Criminal Law of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That
20 That the Laws of Maryland read as follows:

21 **Article - Criminal Law**

4-203.

(a) (1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

(iii) **[**violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv)**]** violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

[(v)**] (IV)** violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;

(v) a sheriff or full-time assistant or deputy sheriff of the State; or

(vi) a temporary or part-time sheriff's deputy;

(2) the wearing, carrying, or transporting of a handgun, in compliance with any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition if each handgun is

unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or

(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title **[**:

(i) except as provided in item (ii) of this paragraph,**]** the person is subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine of not less than $250 and not exceeding $2,500 or both**[**; or

(ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days**]**.

(3) (i) If the person has previously been convicted once under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title**[**:

1. except as provided in item 2 of this subparagraph**]**, the person is subject to imprisonment for not less than 1 year and not exceeding 10 years**[**; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years**]**.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection **[**(a)(1)(v)**]** **(A)(1)(IV)** of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4-305 of the Correctional Services Article,

if the person violates subsection [(a)(1)(v)] **(A)(1)(IV)** of this section, the person is not eligible for parole during the mandatory minimum sentence.

[(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.]

(4) (i) If the person has previously been convicted more than once under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, or of any combination of these crimes[:

1. except as provided in item 2 of this subparagraph,] the person is subject to imprisonment for not less than 3 years and not exceeding 10 years[; or

2. A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or

B.] **2.** if the person violates subsection [(a)(1)(iv)] **(A)(1)(III)** of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection [(a)(1)(v)] **(A)(1)(IV)** of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4-305 of the Correctional Services Article, if the person violates subsection [(a)(1)(v)] **(A)(1)(IV)** of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

22 **4-111.**

23 **(A) IN THIS SECTION, "FIREARM" HAS THE MEANING STATED IN § 4-104 OF**

THIS SUBTITLE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT-OF-WAY, A SERVITUDE, OR ANY OTHER INTEREST THAT ALLOWS PUBLIC ACCESS ON OR THROUGH THE REAL PROPERTY;

(2) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT-OF-WAY, A SERVITUDE, OR ANY OTHER INTEREST ALLOWING ACCESS ON OR THROUGH THE REAL PROPERTY BY:

(I) THE HOLDER OF THE EASEMENT, RIGHT-OF-WAY, SERVITUDE, OR OTHER INTEREST; OR

(II) A GUEST OR ASSIGNEE OF THE HOLDER OF THE EASEMENT, RIGHT-OF-WAY, SERVITUDE, OR OTHER INTEREST; OR

(3) PROPERTY OWNED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

(C) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A FIREARM ONTO THE REAL PROPERTY OF ANOTHER UNLESS THE OTHER HAS GIVEN EXPRESS PERMISSION, EITHER TO THE PERSON OR TO THE PUBLIC GENERALLY, TO WEAR, CARRY, OR TRANSPORT A FIREARM ON THE REAL PROPERTY.

(D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR.

4-112.

~~**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**~~

~~**(2) "FIREARM" HAS THE MEANING STATED IN § 4-104 OF THIS SUBTITLE.**~~

~~**(3) "PLACE OF PUBLIC ACCOMMODATION" HAS THE MEANING STATED IN § 20-301 OF THE STATE GOVERNMENT ARTICLE.**~~

1 ~~(B) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A~~
2 ~~FIREARM WITHIN 100 FEET OF A PLACE OF PUBLIC ACCOMMODATION.~~

3 ~~(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY~~
4 ~~OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT~~
5 ~~EXCEEDING 1 YEAR.~~

6 ~~Article - State Government~~

7 ~~20-301.~~

8 ~~In this subtitle, "place of public accommodation" means:~~

9 ~~(1) an inn, hotel, motel, or other establishment that provides lodging to~~
10 ~~transient guests;~~

11 ~~(2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or~~
12 ~~other facility principally engaged in selling food or alcoholic beverages for consumption on~~
13 ~~or off the premises, including a facility located on the premises of a retail establishment or~~
14 ~~gasoline station;~~

15 ~~(3) a motion picture house, theater, concert hall, sports arena, stadium, or~~
16 ~~other place of exhibition or entertainment;~~

17 ~~(4) a retail establishment that:~~

18 ~~(i) is operated by a public or private entity; and~~

19 ~~(ii) offers goods, services, entertainment, recreation, or~~
20 ~~transportation; or~~

21 ~~(5) an establishment:~~

22 ~~(i) 1. that is physically located within the premises of any other~~
23 ~~establishment covered by this subtitle; or~~

24 ~~2. within the premises of which any other establishment~~
25 ~~covered by this subtitle is physically located; and~~

26 ~~(ii) that holds itself out as serving patrons of the covered~~
27 ~~establishment.~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FIREARM" HAS THE MEANING STATED IN § 4-104 OF THIS TITLE.

(3) "PUBLIC CONVEYANCE" MEANS A CONVEYANCE TO WHICH THE PUBLIC OR A PORTION OF THE PUBLIC HAS ACCESS TO AND A RIGHT TO USE FOR TRANSPORTATION.

(II) "PUBLIC CONVEYANCE" INCLUDES:

1. AN AIRPLANE;

2. A VESSEL;

3. A BUS;

4. A RAILWAY CAR;

5. A SCHOOL VEHICLE;

6. A SUBWAY CAR OR STREETCAR; AND

7. A MOTOR VEHICLE REQUIRED TO BE REGISTERED UNDER TITLE 13 OF THE TRANSPORTATION ARTICLE.

(4) (I) "PUBLIC CONVEYANCE TERMINAL" MEANS A FACILITY INTENDED FOR BOARDING OR EXITING A PUBLIC CONVEYANCE.

(II) "PUBLIC CONVEYANCE TERMINAL" INCLUDES:

1. AN AIRPORT AS DEFINED IN § 5-101 OF THE TRANSPORTATION ARTICLE;

2. A BUS STATION;

3. A RAILWAY STATION;

4. A SUBWAY STATION; AND

5. A FERRY DOCK OR STATION.

(B) THIS SECTION DOES NOT APPLY TO:

(1) A LAW ENFORCEMENT OFFICIAL OF THE UNITED STATES, THE STATE, OR A COUNTY OR CITY OF THE STATE;

(2) A MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR OF THE NATIONAL GUARD ON DUTY OR TRAVELING TO OR FROM DUTY;

(3) A LAW ENFORCEMENT OFFICIAL OF ANOTHER STATE OR SUBDIVISION OF ANOTHER STATE TEMPORARILY IN THIS STATE ON OFFICIAL BUSINESS;

(4) A CORRECTIONAL OFFICER OR WARDEN OF A CORRECTIONAL FACILITY IN THE STATE;

(5) A SHERIFF OR FULL-TIME ASSISTANT OR DEPUTY SHERIFF OF THE STATE;

(6) AN OFF-DUTY LAW ENFORCEMENT OFFICIAL OR A PERSON WHO HAS RETIRED AS A LAW ENFORCEMENT OFFICIAL IN GOOD STANDING FROM A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR A LOCAL UNIT IN THE STATE, IF:

(I) THE OFFICIAL OR PERSON IS DISPLAYING TO OFFICIAL OR PERSON'S BADGE OR CREDENTIAL;

(II) THE FIREARM CARRIED OR POSSESSED BY THE OFFICIAL OR PERSON IS CONCEALED; AND

(III) THE OFFICIAL OR PERSON IS AUTHORIZED TO CARRY A HANDGUN UNDER THE LAWS OF THE STATE OR THE UNITED STATES;

(7) FOR A LOCATION THAT IS NOT OWNED BY, LEASED BY, OR OTHERWISE UNDER THE CONTROL OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, A PERSON WHO IS AUTHORIZED BY THE OWNER OR LESSEE OF THE LOCATION TO WEAR, CARRY, OR TRANSPORT A FIREARM AT THE LOCATION FOR THE PURPOSE OF:

(I) EMPLOYMENT AS A SECURITY GUARD LICENSED UNDER TITLE 19 OF THE BUSINESS OCCUPATIONS ARTICLE; OR

(II) PROTECTING ANY INDIVIDUAL OR PROPERTY AT THE LOCATION WITHOUT REMUNERATION OR COMPENSATION;

(8) A PERSON WHO TRANSPORTS A FIREARM ON A PUBLIC CONVEYANCE OR WITHIN A PUBLIC CONVEYANCE TERMINAL IF:

(I) THE FIREARM:

1. IS UNLOADED; AND

2. IS CARRIED IN AN ENCLOSED, LOCKED CASE OR OTHER CONTAINER; AND

(II) THE PERSON POSSESSES A VALID PERMIT TO WEAR, CARRY, OR TRANSPORT A HANDGUN, ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE; OR

(9) A LOCATION BEING USED WITH THE PERMISSION OF THE PERSON THAT OWNS, LEASES, OR CONTROLS THE LOCATION FOR:

(I) AN ORGANIZED SHOOTING ACTIVITY FOR EDUCATIONAL PURPOSES; OR

(II) A HISTORICAL DEMONSTRATION USING A FIREARM.

(C) A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A FIREARM ON OR WITHIN:

(1) A PUBLIC CONVEYANCE;

(2) A PUBLIC CONVEYANCE TERMINAL;

(3) A LOCATION REQUIRED TO BE LICENSED TO SELL OR DISPENSE ALCOHOL OR CANNABIS FOR ONSITE CONSUMPTION;

(4) A LOCATION OWNED OR LEASED BY OR UNDER THE CONTROL OF A PUBLIC OR PRIVATE:

(I) CHILD CARE CENTER AS DEFINED IN § 9.5-401 OF THE EDUCATION ARTICLE;

(II) CAMP FOR CHILDREN;

(III) PRESCHOOL; OR

(IV) NURSERY SCHOOL;

(5) A LOCATION OWNED OR LEASED BY OR UNDER THE CONTROL OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, INCLUDING:

(I) THE STATE CAPITOL;

(II) GOVERNMENT HOUSE;

(III) A COURTHOUSE;

(IV) A LAW ENFORCEMENT AGENCY;

(V) A STATE CORRECTIONAL FACILITY OR A LOCAL CORRECTIONAL FACILITY AS DEFINED IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE;

(VI) A LIBRARY;

(VII) A PUBLIC INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10-13A-01 OF THE STATE GOVERNMENT ARTICLE;

(VIII) A PUBLIC PRIMARY OR SECONDARY SCHOOL;

(IX) A REST AREA WITHIN THE RIGHT OF WAY OF AN INTERSTATE HIGHWAY;

(6) A PRIVATE INSTITUTION OF HIGHER EDUCATION;

(7) A LOCATION THAT IS OPEN TO THE PUBLIC OR A PORTION OF THE PUBLIC AND IS USED AS:

(I) A PARK;

(II) A PLAYGROUND;

(III) AN ATHLETIC FACILITY;

(IV) A RECREATIONAL AREA;

(V) A THEATER;

(VI) A STADIUM;

(V) A MUSEUM;

(VI) A ZOO;

(VII) A SPORTS ARENA;

(VIII) A CONCERT VENUE;

(IX) A RACETRACK;

(X) A FAIRGROUND;

(XI) A CONFERENCE CENTER;

(XII) A MULTIPURPOSE EXHIBITION FACILITY

(8) A LOCATION THAT IS OWNED OR LEASED BY OR UNDER THE CONTROL OF A HEALTH CARE FACILITY AS DEFINED IN § 15-10B-01 OF THE INSURANCE ARTICLE AND IS REGULARLY USED FOR THE EVALUATION, TREATMENT, OR RECOVERY OF PATIENTS, INCLUDING:

(I) A NURSING HOME;

(II) A HOSPITAL;

(III) A RESIDENTIAL CARE HOME; AND

(IV) A GROUP HOME;

(9) A VIDEO LOTTERY FACILITY AS DEFINED IN § 9-1A-01 OF THE STATE GOVERNMENT ARTICLE;

(10) A LOCATION THAT IS BEING USED AS A POLLING PLACE IN ACCORDANCE WITH TITLE 10 OF THE ELECTION LAW ARTICLE OR FOR CANVASING BALLOTS IN ACCORDANCE WITH TITLE 11 OF THE ELECTION LAW ARTICLE;

(11) A LOCATION THAT IS BEING USED AS A SHELTER FOR:

(I) HOMELESS INDIVIDUALS;

(II) INDIVIDUALS DISPLACED BY AN EMERGENCY AS DEFINED IN § 14-101 OF THE PUBLIC SAFETY ARTICLE;

(III) VICTIMS OF DOMESTIC VIOLENCE; OR

(IV) RUNAWAY YOUTH;

(12) AN ELECTRIC PLANT OR ELECTRIC STORAGE FACILITY AS DEFINED IN § 1-101 OF THE PUBLIC UTILITIES ARTICLE;

(13) THE GROUNDS OF A LOCATION IDENTIFIED IN ITEMS (2) THROUGH (12) OF THIS SUBSECTION;

(14) WITHIN 100 FEET OF A PLACE WHERE A PUBLIC GATHERING, DEMONSTRATION, OR EVENT WHICH REQUIRES A PERMIT FROM THE LOCAL GOVERNING BODY IF SIGNS POSTED BY A LAW ENFORCEMENT AGENCY CONSPICUOUSLY AND REASONABLY INFORM MEMBERS OF THE PUBLIC THAT THE WEARING, CARRYING, AND TRANSPORTATION OF FIREARMS IS PROHIBITED; OR

(15) AT AN ORGANIZED ATHLETIC COMPETITION AT WHICH THE PARTICIPANTS ARE ALL MINORS.

(D) A PERSON MAY NOT VIOLATE SUBSECTION (C) OF THIS SECTION WITH A WANTON, WILLFUL, AND RECKLESS DISREGARD FOR HUMAN LIFE.

(E) (1) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 3 MONTHS OR A FINE NOT EXCEEDING $3,000 OR BOTH; AND

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 15 MONTHS OR A FINE NOT EXCEEDING $7,500 OR BOTH.

(2) A PERSON WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 MONTHS OR A FINE NOT EXCEEDING $7,500 OR BOTH.

Article - Public Safety

5-304.

(a) (1) An application for a permit shall be made under oath.

(2) THE APPLICATION SHALL BE IN A FORM PRESCRIBED BY THE SECRETARY AND SHALL INCLUDE:

(I) THE APPLICANT'S:

1. FULL LEGAL NAME;

2. ALIASES OR NAMES PREVIOUSLY USED;

3. DATE OF BIRTH;

4. SEX;

5. ADDRESS;

6. OCCUPATION;

7. PLACE OF BUSINESS OR EMPLOYMENT; AND

8. PHYSICAL DESCRIPTION;

(II) ANY OTHER INFORMATION ABOUT THE APPLICANT THAT THE SECRETARY DETERMINES IS NECESSARY TO DETERMINE THE APPLICANT'S ELIGIBILITY FOR A PERMIT;

(III) A WAIVER OF PRIVILEGE OR CONFIDENTIALITY FOR RECORDS ABOUT THE APPLICANT, INCLUDING HEALTH RECORDS.

(3) THE APPLICATION SHALL BE ENDORSED BY AT LEAST FOUR

INDIVIDUALS WHO:

(I) ARE REPUTABLE;

(II) ARE NOT RELATED TO THE APPLICANT BY BLOOD OR LAW; AND

(III) HAVE PERSONALLY KNOWN THE APPLICANT FOR AT LEAST 3 YEARS BEFORE THE DATE THAT THE APPLICANT SUBMITS THE APPLICATION.

(4) AN INDIVIDUAL WHO ENDORSES THE APPLICATION UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL:

(I) DESCRIBE IN THE APPLICATION THE NATURE AND EXTENT OF THE INDIVIDUAL'S RELATIONSHIP WITH THE APPLICANT;

(II) STATE WHETHER THE INDIVIDUAL KNOWS THE APPLICANT TO HAVE A PROPENSITY FOR VIOLENCE OR INSTABILITY;

(III) STATE WHETHER THE INDIVIDUAL BELIEVES THE APPLICANT'S POSSESSION OF A HANDGUN POSES A DANGER TO THE APPLICANT OR OTHERS BEYOND THE APPLICANT'S POTENTIAL USE OF A HANDGUN FOR SELF DEFENSE;

(IV) STATE WHETHER THE INDIVIDUAL KNOWS OF OR HAS OBSERVED THE APPLICANT USE ILLEGAL DRUGS OR ALCOHOL AND, IF APPLICABLE, TO WHAT EXTENT THE APPLICANT HAS USED ILLEGAL DRUGS OR ALCOHOL.

(5) THE APPLICANT SHALL MEET IN PERSON WITH THE SECRETARY BEFORE THE SECRETARY MAY ISSUE A PERMIT TO THE APPLICANT.

(b) (1) Subject to subsections (c) and (d) of this section, the Secretary may charge a nonrefundable fee payable when an application is filed for a permit.

(2) The fee may not exceed:

(i) $75 for an initial application;

(ii) $50 for a renewal or subsequent application; and

(iii) $10 for a duplicate or modified permit.

(3) The fees under this subsection are in addition to the fees authorized under § 5-305 of this subtitle.

(c) The Secretary may reduce the fee under subsection (b) of this section accordingly for a permit that is granted for one day only and at one place only.

(d) The Secretary may not charge a fee under subsection (b) of this section to:

(1) a State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment; or

(2) a retired law enforcement officer of the State or a county or municipal corporation of the State.

(e) The applicant shall pay a fee under this section by an electronic check, a credit card, or a method of online payment approved by the Secretary.

5-306.

(a) Subject to subsection (c) of this section, the Secretary shall issue a permit within a reasonable time to a person who the Secretary finds **IS**:

(1) [is an adult] **AT LEAST 21 YEARS OF AGE**;

(2) A MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE

NATIONAL GUARD;

(3) **EMPLOYED AS A LAW ENFORCEMENT OFFICER; OR**

(4) **AT LEAST 18 YEARS OF AGE AND IS REQUIRED TO WEAR, CARRY, OR TRANSPORT A HANDGUN AS A CONDITION OF THE PERSON'S EMPLOYMENT.**

[(2)**] (5)** (i) has not been convicted of a felony or of a misdemeanor for which a sentence of imprisonment for more than 1 year has been imposed; or

(ii) if convicted of a crime described in item (i) of this item, has been pardoned or has been granted relief under 18 U.S.C. § 925(c);

[(3)**] (6)** has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance;

[(4)**] (7)** is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless the habitual use of the controlled dangerous substance is under legitimate medical direction;

[(5)**] (8)** **IS NOT OTHERWISE PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW;**

(9) except as provided in subsection (b) of this section, has successfully completed prior to application and each renewal, a firearms training course approved by the Secretary that includes:

(i) 1. for an initial application, a minimum of 16 hours of instruction by a qualified handgun instructor; or

2. for a renewal application, 8 hours of instruction by a qualified handgun instructor;

(ii) classroom instruction on:

1. State **AND FEDERAL** firearm law;

2. home firearm safety; and

3. handgun mechanisms and operation**;**

4. **LAWS CONCERNING SELF-DEFENSE, INCLUDING THE JUSTIFIABLE USE OF FORCE, USE OF DEADLY FORCE, AND THE DUTY TO RETREAT;**

5. **CONFLICT DE-ESCALATION AND CONFLICT RESOLUTION**; and

(iii) **[**a firearms qualification component that demonstrates the applicant's proficiency and use of the firearm**] SHOOTING EXERCISES USING LIVE AMMUNITION WHICH DEMONSTRATE THE APPLICANT'S ABILITY TO:**

1. **SAFELY HANDLE A HANDGUN;**

2. **SHOOT ACCURATELY AT A TARGET AT DISTANCES AND UNDER CIRCUMSTANCES DETERMINED BY THE SECRETARY**; and

[(6)**] (10)** based on an investigation**[**:

(i)**]** has not exhibited a propensity for violence or instability that may reasonably render the person's possession of a handgun a danger to the person or to **[**another; and

(ii) has good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger**] ANOTHER, EXCEPT FOR THE APPLICANT'S LAWFUL USE OF**

A FIREARM FOR SELF-DEFENSE.

(b) An applicant for a permit is not required to complete a certified firearms training course under subsection (a) of this section if the applicant:

(1) is a law enforcement officer or a person who is retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;

(2) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;

(3) is a qualified handgun instructor; or

(4) has completed a firearms training course approved by the Secretary.

(c) An applicant under the age of 30 years is qualified only if the Secretary finds that the applicant has not been:

(1) committed to a detention, training, or correctional institution for juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court; or

(2) adjudicated delinquent by a juvenile court for:

(i) an act that would be a crime of violence if committed by an adult;

(ii) an act that would be a felony in this State if committed by an adult; or

(iii) an act that would be a misdemeanor in this State that carries a statutory penalty of more than 2 years if committed by an adult.

(d) The Secretary may issue a handgun qualification license, without an additional application or fee, to a person who:

(1) meets the requirements for issuance of a permit under this section; and

(2) does not have a handgun qualification license issued under § 5-117.1 of this title.

(E) IN CONDUCTING A BACKGROUND INVESTIGATION OF THE APPLICANT UNDER SUBSECTION (A) OF THIS SECTION, THE SECRETARY SHALL ALSO CONSIDER:

(1) WHETHER THE APPLICANT HAS A HISTORY OF MAKING THREATS OF OR COMMITTING ACTS OF VIOLENCE THAT MAY INDICATE THE APPLICANT IS LIKELY TO ENGAGE IN CONDUCT OTHER THAN LAWFUL SELF-DEFENSE, THAT WOULD POSE A DANGER TO THE APPLICANT OR OTHERS;

(2) WHETHER THE APPLICANT HAS PREVIOUSLY BEEN SUBJECT TO ARREST OR CHARGES FOR CRIMINAL ACTS THAT WOULD HAVE DISQUALIFIED THE APPLICANT FROM POSSESSING A FIREARM IF THE APPLICANT HAD BEEN CONVICTED;

(3) WHETHER THE APPLICANT HAS EXPERIENCED MENTAL HEALTH ISSUES THAT MAY LEAD TO SUICIDAL OR VIOLENT TENDENCIES;

(4) WHETHER THE APPLICANT HAS PREVIOUSLY USED DRUGS OR ALCOHOL;

(5) STATEMENTS ABOUT THE APPLICANT BY LAW ENFORCEMENT OFFICIALS IN A JURISDICTION WHERE THE APPLICANT RESIDES OR IS EMPLOYED;

(6) ANY OTHER INFORMATION THAT THE SECRETARY DETERMINES IS RELEVANT TO ASSESSING WHETHER THE APPLICANT IS QUALIFIED FOR A PERMIT.

5-307.

[(a)] A permit is valid for each handgun legally in the possession of the person to whom the permit is issued.

[(b) The Secretary may limit the geographic area, circumstances, or times of the day, week, month, or year in which a permit is effective.]

5-310.

(a) **(1)** The Secretary [may] **SHALL** revoke a permit on a finding that the holder[:

(1)] does not meet the qualifications described in § 5-306 of this subtitle; or

(2) **THE SECRETARY MAY REVOKE A PERMIT ON A FINDING THAT THE HOLDER** violated § 5-308 of this subtitle.

(b) A holder of a permit that is revoked by the Secretary shall return the permit to the Secretary within 10 days after receipt of written notice of the revocation.

(C) (1) THE CENTRAL REPOSITORY SHALL PROMPTLY INFORM THE SECRETARY OF WHETHER A PERMIT HOLDER HAS BEEN CHARGED WITH OR CONVICTED OF A CRIME FOR WHICH THE PERMIT HOLDER IS NO LONGER QUALIFIED TO POSSESS A PERMIT UNDER § 5-306 OF THIS SUBTITLE.

(D) ON A FINDING THAT A PERMIT HOLDER IS NO LONGER ELIGIBLE TO POSSESS A FIREARM, THE SECRETARY SHALL TAKE REASONABLE STEPS TO FACILITATE THE SURRENDER OR SEIZURE OF FIREARMS POSSESSED BY THE PERMIT HOLDER.

5-311.

(a) **(1) IF THE SECRETARY DENIES AN APPLICATION, THE SECRETARY SHALL PROVIDE THE APPLICANT WITH A DETAILED WRITTEN EXPLANATION FOR DENIAL.**

(2) A person who is denied a permit or renewal of a permit or whose permit is revoked or limited may request the Secretary to conduct an informal review by filing a written request within 10 days after receipt of written notice of the Secretary's initial action.

(b) An informal review:

(1) may include a personal interview of the person who requested the informal review; [and]

(2) is not subject to Title 10, Subtitle 2 of the State Government Article**; AND**

(3) SHALL INCLUDE A DETAILED WRITTEN EXPLANATION OF THE RESULT OF THE INFORMAL REVIEW AND THE REASON OR REASONS SUPPORTING THE RESULT.

(c) In an informal review, the Secretary shall sustain, reverse, or modify the initial action taken and notify the person who requested the informal review of the decision in writing within 30 days after receipt of the request for informal review.

(d) A person need not file a request for an informal review under this section before requesting review under § 5-312 of this subtitle.

5-312.

(a) (1) A person who is denied a permit or renewal of a permit or whose permit is revoked [or limited] may request to appeal the decision of the Secretary to the Office of Administrative Hearings by filing a written request with the Secretary and the Office of Administrative Hearings within 10 days after receipt of written notice of the Secretary's final action.

(2) A person whose application for a permit or renewal of a permit is not acted on by the Secretary within 90 days after submitting the application to the Secretary may request a hearing before the Office of Administrative Hearings by filing a written request with the Secretary and the Office of Administrative Hearings.

(b) (1) Within 60 days after the receipt of a request under subsection (a) of this section from the applicant or the holder of the permit, the Office of Administrative Hearings shall schedule and conduct a de novo hearing on the matter, at which witness testimony and other evidence may be provided.

(2) Within 90 days after the conclusion of the last hearing on the matter, the Office of Administrative Hearings shall issue a **WRITTEN** finding of facts and a decision.

(3) A party that is aggrieved by the decision of the Office of Administrative Hearings may appeal the decision to the circuit court.

(c) (1) Subject to subsection (b) of this section, any hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(2) Notwithstanding paragraph (1) of this subsection, a court may not order the issuance or renewal of a permit or alter a limitation on a permit pending a final determination of the proceeding.

(d) **(1)** On or before **[**January 1, 2019, 2020, 2021, and 2022,**] JANUARY 1 EACH YEAR,** the **SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE FOLLOWING INFORMATION DISAGGREGATED BY AN APPLICANT'S COUNTY OF RESIDENCE, RACE, ETHNICITY, AGE, AND GENDER:**

(I) THE TOTAL NUMBER OF PERMIT APPLICATIONS MADE UNDER § 5-304 OF THIS SUBTITLE WITHIN THE PREVIOUS YEAR;

(II) THE TOTAL NUMBER OF PERMIT APPLICATIONS THAT THE SECRETARY GRANTED IN THE PREVIOUS YEAR;

(III) THE TOTAL NUMBER OF PERMIT APPLICATIONS THAT THE SECRETARY DENIED IN THE PREVIOUS YEAR;

(IV) THE TOTAL NUMBER OF PERMITS THAT WERE REVOKED IN THE PREVIOUS YEAR; AND

(V) THE TOTAL NUMBER OF PERMITS THAT ARE PENDING BEFORE THE SECRETARY.

(2) ON OR BEFORE JANUARY 1 EACH YEAR, THE Office of Administrative Hearings shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly **THE FOLLOWING INFORMATION DISAGGREGATED BY AN APPLICANT'S COUNTY OF RESIDENCE, RACE, ETHNICITY, AGE, AND GENDER**:

[(1)**] (I)** the number of appeals of decisions by the Secretary that have been filed with the Office of Administrative Hearings within the previous year;

[(2)**] (II)** the number of decisions by the Secretary that have been sustained, modified, or reversed by the Office of Administrative Hearings within the previous year;

[(3)**] (III)** the number of appeals that are pending; and

[(4)**] (IV)** the number of appeals that have been withdrawn within the previous year.

28 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2023.

Post-Bruen Testimony SB 0001 for CIF - final 2 6

Uploaded by: Jim Lieberman

Position: FAV

TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY, MARYLAND ON FEBRUARY 7, 2023 BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE IN SUPPORT OF THE GUN SAFETY ACT OF 2023 (SB 1)

Honorable Chair William C. Smith, Vice-Chair Jeff Waldstreicher, and Members of the Senate Judicial Proceedings Committee**:**

The Critical Issues Forum: Advocacy for Social Justice (CIF**)**, provides this testimony in support of the Gun Safety Act of 2023 (SB 1), with the amendments described in this testimony.

CIF is a coalition of three synagogues, Temple Beth Ami, Kol Shalom, and Adat Shalom, that include over 1,750 households and three denominations of Judaism: Reform, Conservative, and Reconstructionist. CIF serves as a vehicle for our congregations to speak out on policy issues, such as gun violence prevention, that relate to our shared values, including the Jewish traditions that emphasizes the sanctity and primary value of human life.

On June 23, 2022, the Supreme Court issued its decision in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S.Ct. 2111 (2022), striking down a New York state law requiring individuals who wished to carry a handgun in public to "demonstrate a special need for self-protection distinguishable from that of the general community." N. Y. Penal Law Ann. §400.00(2)(f). The Court held that New York's requirement was unconstitutional because it prevented law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self-defense.

As the Court noted, Maryland is one of seven states to have a similar requirement. Our handgun law requires that a permit to carry a handgun may only be issued if the person seeking it "has good and substantial reasons" for its issuance. MD Code Subtitle 3, Section 5-306(a)(6)(ii)). There is no question that this requirement is now unconstitutional, and the State Police have discontinued enforcing it.

The response to this change has been dramatic. Even with this change being in effect only for half of last year, the number of handgun carry permits filed with the State Police rose from 18,717 in 2021 to 101,115 in 2022. And the consequences are predictable. Without action by the legislature, we will begin to see more and more guns in our stores, restaurants, bars, sporting events, houses of worship, and on public transportation. A dramatic increase in violent confrontations is likely to follow. We will also fail to address another grave risk. Research has shown that violent crime involving firearms increases by 29 percent when people are given the right to carry handguns.[1]

The Supreme Court's opinion does provide tools for the State to address these consequences. The Court has recognized that the Second Amendment is not a "regulatory straightjacket" and that it allows states to adopt a "'variety' of gun regulations." *N.Y. State Rifle & Pistol Ass'n* 142

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1 More Guns, More Unintended Consequences; Donohue, Cai, Bondy, and Cook; https://www.nber.org/papers/w30190?utm_campaign=ntwh&utm_medium=email&utm_source=ntwg14

S.Ct. at 2133, 2162. \In addition, when it comes to restrictions on carrying firearms in public, the Court has recognized three times that states may restrict the carrying of firearms in "sensitive places," and that such restrictions are rooted in the American historical record. *N.Y. State Rifle & Pistol Ass'n*, 142 S. Ct. at 2133.

Sensitive Places

SB 1 is a necessary, but far from sufficient response to the Court's *Bruen* decision. Consistent with the principle that states may ban firearms in sensitive places, SB1 would prohibit a person from bringing a firearm onto private property of another without express permission, either to the person or the public generally. It would also prohibit firearms within 100 feet of a "place of public accommodation," defined as hotels, restaurants, movie theaters, concert halls, sports arenas, and other entertainment venues.

SB1 should be amended to include a wide variety of other locations where firearms create a similar danger. These include:

1. Airports
2. Public transit and public transit facilities
3. Bars, liquor stores, and cannabis distributors
4. Schools, preschools, and childcare centers
5. State and local government facilities, including the State Capitol, courhouses, police stations, correctional facilities, public libraries, public colleges and universities
6. Parks, playgrounds, government owned athletic facilities, and youth sports events
7. Hospitals and community health centers
8. Casinos
9. Polling places, and
10. Houses of worship, unless signs are posted allowing firearms.

Restricting firearms in these additional locations would provide a measure of assurance that our public life will be much less disrupted by the threat, and the reality of gun violence.

In addition to expanding the locations that are gun-free, the statute should also provide safeguards for how handguns are handled in public. Individuals should be required to keep handguns holstered in public, and it should be illegal to point or aim a firearm at another person, or to draw or brandish a firearm in public, except as an act of lawful self-defense.

Handgun Permitting

While SB1 addresses in a limited way the issue of *where* handguns may be brought, it in no way deals with the question of *who* should be issued a handgun carry permit and what procedures the State should follow to make sure that dangerous individuals are not issued such permits. The current law relies heavily on the applicants' proving that they have "good and substantial reasons" to carry a firearm. When this requirement is eliminated, the burden shifts. The State must determine whether permitting the person filing the application to carry a firearm presents a danger to that person or others. However, the current statutory requirements do not provide sufficient information and guidance for such a determination to be made.

Section 5-305 of the current handgun permit law requires that the State Police apply for a state and national criminal history records check for each applicant. Section 5-306(a) of the current law then lists the following requirements to be issued a permit:

1. An adult (applicant between 18 and 21 years of age may only be issued a wear and carry permit to possess a regulated firearm required for employment),
2. Has not been convicted of a felony or a misdemeanor for which a sentence of imprisonment for more than one year has been imposed; or convicted of a criminal offense for which you could have been sentenced to more than 2 years incarceration,
3. Has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance,
4. Is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless under legitimate medical direction,
5. Has successfully completed prior to application a firearms training course approved by the state, and
6. (i) Based on an investigation, has not exhibited a propensity for violence or instability that may reasonably render the person's possession of a handgun a danger to the person or others;
   (ii) Has good and substantial reason to carry a handgun (this requirement has been invalidated by the *Bruen* decision).

On its face, the "dangerousness" standard set out in Section 5-304(6)(i), and its requirement that the State conduct an investigation, provide a starting point for assessing whether a wear and carry permit should be granted. However, the statute does not provide the means or standards for the State to conduct a reasonable investigation. Critically, the reality of the State's handling of wear and carry permits in the six months after the Supreme Court issued the *Bruen* decision demonstrates the insufficiency of the current statutory framework.

Officials of the Maryland State Police Licensing Division, who are responsible for evaluating and granting wear and carry permits, testified before the House Judiciary Committee at a hearing held on January 25, 2023. They described how their process for evaluating these permit applications has changed since the *Bruen* decision, and how the number of permit requests and issuances has skyrocketed.

Prior to the *Bruen* decision, when a wear and carry permit application was submitted, the State Police would submit the individual's name and fingerprints for a criminal history records check, to determine whether the person had been convicted of a disqualifying crime, and would request a search of the Department of Mental Health Database, which could disclose a disqualifying condition. The Police would then conduct an interview with the applicant to determine whether the reasons and evidence he or she supplied demonstrated a "good and substantial reason" to get a permit.

Since the *Bruen* decision, the Police follow the first two of their prior procedures - the criminal and mental health check, but *they have discontinued doing any interviews of applicants.* Further, nothing in the statute or their procedures requires them to seek, or individuals to provide, the wide variety of information and confirmation that would establish that the person does not have a "propensity for violence or instability" that makes it dangerous for them to carry a handgun - a determination that the statute currently requires the Police to make.

The result of these changes has been an alarming increase in largely unexamined wear and carry handgun permit holders. The issuance of *Bruen* prompted an increase in permit applications submitted from 18,517 in 2021 to 101,115 in 2022 - a 446% increase. At the same time, the rate at which permits were disqualified dropped from 10.6% to 2%. While the Supreme Court has indicated that handgun carry permits must be granted if an individual has no reason other than self-defense to apply for one, it did not hold that a person who is likely to use a handgun to intimidate or harm others must be granted a permit.

The State Police must be given the tools to make a much more robust effort to screen dangerous individuals from getting a handgun. These tools would include requiring applicants to provide more information to facilitate the process and requiring the Police to contact an investigation of each applicant.

The information from applicants should include:

1. Sufficient personal information that the Secretary can fully investigate past threats of violence, including social media accounts, aliases used online, and contact information for cohabitants and family members.
2. Endorsements by three non-relatives who have known the applicant for more than three years that they have no information that the applicant has shown a propensity for violence or other indications that they might be a danger to themselves or others.
3. A release of any relevant mental health records.

During the investigation, the State Police should be required to have an in-person interview of the applicant, and should be required to consider the following information and take the following steps:

1. Consider any domestic or other complaints of violence, protective orders, and Emergency Response Protective Orders,
2. Consider any charges of stalking, harassment, violent misdemeanors, and multiple convictions of driving under the influence in Maryland or any state where the applicant lived for the last 3 years.
3. Contact the references supplied by the applicant and contact the municipal chief of police and other appropriate officials to confirm the applicant is not a threat of violence.
4. Investigate any threats of violence made publicly or on the internet.

A thorough investigation of this sort would provide substantial protection to the public. Resources should be provided to the State Police to conduct these investigations.

Behavior While Carrying a Firearm

Section 5-314 of the current law prohibits a permit holder from wearing, carrying, or transporting a handgun while under the influence of alcohol or drugs. Given the increased prevalence of handguns in our public spaces, more limitations are needed, including the following:

1. A person carrying a handgun may not use or consume alcohol or drugs while carrying outside a holster,
2. May not carry more than two firearms,
3. May not engage in the unjustified display of a handgun,
4. Individuals carrying a handgun who are stopped by law enforcement should be required to immediately disclose that they are carrying and show their permit,
5. Individuals should not be permitted to leave a handgun outside of their immediate possession or control within a parked vehicle, unless the handgun is unloaded and contained in a closed and securely locked container, and is not visible from outside of the vehicle, or is locked unloaded in the trunk or storage area of the vehicle. Similarly, ammunition should be stored in separate locked containers. In no case should a firearm or ammunition be stored in the glovebox of the automobile.

These restrictions would reduce the risk of escalating violence and gun theft.

CIF urges this committee to produce a favorable report on SB 1, amended as we have proposed.

2023 SB1 (GSA).pdf
Uploaded by: Karen Herren
Position: FAV

Testimony in **Support** of

Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

SB1

Executive Director Karen Herren
Marylanders to Prevent Gun Violence

February 7, 2023

Dear Chair Smith, Vice-Chair Waldstreicher, and distinguished members of the Committee,

Marylanders to Prevent Gun Violence (MPGV) is a statewide, grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. We urge the committee for a **FAVORABLE** report on Senate Bill 1 which seeks to respond to the recent Supreme Court decision impacting the process of Maryland's firearm wear and carry permitting system.

In June of 2022, the U.S. Supreme Court handed down a decision in *New York State Rifle & Pistol Ass. v. Bruen* which directly addressed the constitutionality of what was frequently referred to as "May Carry" permitting processes. Essentially, within "May Carry" jurisdictions, states could choose to grant individuals a permit allowing them to carry a firearm in public. In the *Bruen* decision, the Court decided for the first time that the Second Amendment confers a constitutional right to carry a gun outside of the home. They voided a New York requirement that a concealed carry permit applicant demonstrate "proper cause," or a special need for self-defense.

Maryland's structure for carrying firearms in public has a requirement similar to that in the NY law requiring that an applicant needs to have a "good and substantial" reason for carrying a firearm in public. Maryland's status as a "May-Issue" state goes back at least 50 years. In addition to limiting the number of public carry permits in the state, this framework also allowed Maryland State Police (MSP) to grant permits with restrictions so that the permit holder was only allowed to public carry in circumstances that met the "good and substantial" need, not all of the time.

As recently as 1990 the vast majority of states were either "May Issue" or the even more restrictive "No Issue" states. Only 11 states were "Shall-Issue" and only 1 state was Permitless. That landscape is markedly different today, with only about 5 states having been able to hold onto their stricter "May-Issue" status prior to the *Bruen* decision being handed down. This movement coincides with increased marketing and lobbying by the gun industry to expand sales and increase political pressure. In *Bruen*, Maryland was specifically called out as having a law affected by the ruling.

In the immediate aftermath of the decision, MSP lifted the restrictions on all current permit holders holding restricted permits (those permits that only allowed public carry for particular reasons). This immediately allowed thousands of permit holders to carry guns in spaces that they had not been allowed to carry the day before. In addition to those, MSP saw 96,892 permit applications filed in 2022 and granted 80,601. As a comparison, the prior year saw only 18,849 applications and 18,667 granted.

Research indicates that more guns in public spaces equals more gun violence. From accidental discharges, like the one that occurred at Arundel Mills Mall in October to road rage incidents like the one in Pikesville in November that claimed the life of a 29-year-old tow truck driver to vigilante deadly force being deployed by a scared shop owner against an unmarked police vehicle in December, guns carried into public spaces lead to more gun violence.

The goal of SB1 is to make sure that the people who are authorized to carry firearms into public spaces are adequately trained and determined by MSP to be people who do not demonstrate a propensity for violence. In addition, the Supreme Court emphasized that there are still spaces where the public carrying of firearms may be deemed inappropriate. This legislation seeks to codify those sensitive locations with enough specificity to provide clear guidance to permit holders.

MPGV urges a **FAVORABLE** report on SB 1.

SB 1 - MoCo_Boucher_FAV (GA 23).pdf

Uploaded by: Kathleen Boucher

Position: FAV

Montgomery County
Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550 **ANNAPOLIS: 240-777-8270**

SB 1 **DATE: February 7, 2023**

SPONSOR: Senators Waldstreicher and Lee

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Kathleen Boucher (Kathleen.boucher@montgomerycountymd.gov)

POSITION: Support

Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023)

With certain exceptions, this bill prohibits a person from wearing, carrying, or transporting a firearm on the real property of another unless the owner has given express permission either to the person or the public generally. The bill expressly states that it does not apply to property owned by the State or a political subdivision of a State. The bill also prohibits a person from knowingly wearing, carrying, or transporting a firearm within 100 feet of a "place of public accommodation". This term includes: (1) an inn, hotel, motel, or other establishment that provides transient lodging; (2) restaurants, cafeterias, and other facilities principally engaged in selling food or alcoholic beverages for consumption; (3) movie theaters, theaters, sports arenas, and other places of exhibition or entertainment; and (4) retail establishments. A violation of the bill is a misdemeanor subject to imprisonment for up to one year.

The bill is an important step for Maryland that must be taken in light of the decision of the United States Supreme Court in *New York State Rifle & Pistol Assn. v. Bruen, Superintendent of New York State Police* (June 23, 2022), which overturned New York's handgun wear and carry law. The New York law required an applicant for handgun wear and carry permit to show "proper cause" for the permit. The Court held that the requirement violated the Second Amendment's right to bear arms. At the time of the *Bruen* decision, Maryland had a similar "good and substantial reason" requirement for wear and carry handgun permits. One week after the *Bruen* decision, the Maryland Court of Special Appeals struck down that requirement as unconstitutional.

In *Bruen*, the Court explained that certain types of laws that are "consistent with the Nation's historical tradition of firearm regulation" do not violate the Second Amendment. As an example of modern laws that could pass muster by means of historical analogy the Court pointed to laws prohibiting firearms in "sensitive places" such as schools, courthouses, polling

places, legislative assemblies, and other government buildings. In the wake of *Bruen*, State and local governments around the country are considering and, in some cases, have already passed (e.g., New York and New Jersey) legislation to expand the list of places where individuals, even those with wear and carry permits, are prohibited from carrying firearms. The fundamental concern underlying these efforts is that *Bruen* has resulted in significantly more wear and carry permits being issued to individuals who have no good reason to carry a firearm and that this problem will only grow worse over time.

Montgomery County enacted a law last November that expands the definition of places of public assembly where individuals are prohibited from wearing or carrying firearm. The term “places of public assembly” is now defined to mean a publicly or privately owned: (1) park; (2) place of worship; (3) school; (4) library; (5) recreational facility; (6) hospital; (7) community health center; (8) long-term care facility; (9) multipurpose exhibition facility (e.g., fairground or conference center); and (10) child care facility. It also includes a government building, polling place, courthouse, legislative assembly, and any gathering of individuals to collectively express their constitutional right to protest or assemble.

The County strongly supports any effort by the General Assembly to expand the places where firearms cannot be carried in the State and urges the Senate Judicial Proceedings Committee to vote favorable on Senate Bill 1 with any amendments that the Committee determines to be necessary to allow the bill to pass constitutional muster.

sb1- wear, carry, transport weapons- JPR 2-7-2023.

Uploaded by: Lee Hudson

Position: FAV

Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony prepared for the

Judicial Proceedings Committee

on

Senate Bill 1

February 7, 2023

Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for the opportunity to testify in support of public safety. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America, a faith community scattered across our State from Red House to Ocean City.

Our community has repeatedly stated with several decisions and communications that adequate regulation of firearms is an essential for public security and safety. In 1993 we said, *"…(we) call upon all of our congregations, synods, and appropriate agencies to work for the passage and strict enforcement of local, state, and national legislation as appropriate, that rigidly controls the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession or transportation* weapons of various types. Typically, regulation policy for weapons is well below the necessary according to the standard advocated by our community. We have supported many pieces of Maryland legislation to properly register, secure and control weapons.

Senate Bill 1 seeks to regulate weapons by restricting the presence of weapons where the public may not want them; or where they present a public risk or nuisance; or where weapons are categorically inappropriate. The movement to make possession of weapons of almost any kind and lethality, in any place, at any time, has proven to be an existential threat to both life and liberty among us. We are opponents of that movement's goals. **Senate Bill 1** is an appropriate public safety instrument, and we endorse it and implore your favorable report.

Lee Hudson

5699 Meridale Rd. Baltimore, MD 21228 410-230-2860 800-869-5492 fax 410-230-2871

SB 1_MNADV_FAV.pdf
Uploaded by: Melanie Shapiro
Position: FAV

BILL NO: Senate Bill 1
TITLE: Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)
COMMITTEE: Judicial Proceedings
HEARING DATE: February 7, 2023
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Judicial Proceedings Committee to issue a favorable report on SB 1.**

The risk of homicide for women increases by 500% with the presence of a gun in the home.[1] The 2021 domestic violence homicide numbers were the highest they have been in over ten years.[2] There were 58 Marylanders that lost their lives as the result of domestic violence in 2021. At least 47 children were left behind as a result of these deaths. A firearm was used in 76% of the deaths.

Since the recent Supreme Court decision in *New York State Rifle & Pistol Association v. Bruen* which struck down as unconstitutional a NY law and therefore Maryland's law requiring a good and substantial reason to obtain a wear and carry permit for firearms, there has been an exponential increase in the number of wear and carry permit requests filed in Maryland. Even without the "good and substantial reason" language, Maryland's current public carry permitting statute allows for a background check and investigation into the applicant. Ensuring that the people who are authorized to carry firearms into public spaces are adequately trained and determined by Maryland State Police to be people who do not demonstrate a propensity for violence is imperative. In addition, there are still spaces where the public carrying of firearms may be deemed inappropriate: sensitive locations. Senate Bill 1 seeks to clarify and codify what are sensitive locations.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 1.**

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[1] The National Domestic Violence Hotline, Retrieved 1/29/21, https://www.thehotline.org/resources/safety-planning-around-guns-and-firearms/
[2] https://www.mnadv.org/wp-content/uploads/2022/02/2022-Memorial-Program-Trifold_Final-Version.pdf

For further information contact Melanie Shapiro ▪ Public Policy Director ▪ 301-852-3930 ▪ mshapiro@mnadv.org

MD Catholic Conference_FAV_SB0001.pdf
Uploaded by: MJ Kraska
Position: FAV

MARYLAND CATHOLIC CONFERENCE

February 07, 2023

SB 01
Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Senate Judicial Proceedings Committee

Position: Favorable

The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 01 prohibits, with specified exceptions, a person from knowingly wearing, carrying, or transporting a firearm onto the real property of another unless the other has given express permission, either to the person or to the public generally, to wear, carry, or transport a firearm on the real property. In addition, the bill prohibits a person from knowingly wearing, carrying, or transporting a firearm within 100 feet of a place of public accommodation.

The Catholic Church has a strong interest in public safety and keeping communities safe. The United States Conference of Catholic Bishops states in response to rising violence that *"[w]e have an obligation to respond. Violence – in our homes, our schools and streets, our nation and world – is destroying the lives, dignity and hopes of millions of our sisters and brothers."* To that point, the Church supports legislation that controls and strengthens regulations on firearms, and other such legislation that makes our communities safer. When community members are not in fear of their lives, they can live up to their God-given potential and enrich the world around them. Every person has a right to life, and the Conference will continue to work to combat violence and promote a culture of peace.

The Conference appreciates your consideration and respectfully urges a favorable report for Senate Bill 01.

ARCHDIOCESE OF BALTIMORE • ARCHDIOCESE OF WASHINGTON • DIOCESE OF WILMINGTON
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SB 1 Gun Safety Act of 2023 Support.pdf
Uploaded by: Nicole Stallings
Position: FAV

Maryland
Hospital Association

Senate Bill 1- Criminal Law- Wearing, Carrying, or Transporting Firearms- Restrictions (Gun Safety Act of 2023)

Position: ***Support***
February 7, 2023
Senate Judicial Proceedings Committee

MHA Position

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment in support of Senate Bill 1.

We applaud the swift action the General Assembly is taking to clarify Maryland law around where individuals may be prohibited from carrying a firearm after the Supreme Court decision in New York State Rifle & Pistol Association Inc v. Bruen. We support the sponsor amendment to include hospital and other health care facilities as sensitive locations, where firearms should not be carried by the general public.

Hospitals and health care facilities are places of health and healing; however, far too often violence outside the walls can seep inside. Hospitals do everything possible to protect health care workers from harm. Yet, in 2020, nursing and personal care facility workers were injured from assaults and violent acts at a rate of 21.8 per 10,000 full time workers. The increasing threat of workplace violence has driven dedicated professionals out of the field, deepening the workforce crisis.

Further, hospitals can be emotionally charged places. Families and patients are dealing with pain and grief. Patients, families, and health care practitioners should have the expectation that the facility is firearm free.

For more information, please contact:
Nicole Stallings, Executive Vice President and Chief External Affairs Officer
Nstallings@mhaonline.org

SB1 BJC Fav Guns .pdf
Uploaded by: Sarah Miicke
Position: FAV

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Suburban Orthodox Congregation
Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
Baltimore District

WRITTEN TESTIMONY

Senate Bill 1 - Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Judicial Proceeding Committee

February 7, 2023

SUPPORT

Background: Senate Bill 1, (SB1), would, with a few specific exceptions, prohibit someone from carrying, wearing or transporting a gun on someone else's property without the express permission of that person. It also prohibits a person from knowingly carrying, wearing or transporting a gun within 100 feet of a place of public accommodation.

Written Comments: The Baltimore Jewish Council is dedicated to helping to ensure safety at Baltimore area synagogues, Jewish facilities, and places of worship for all faiths. Since 9/11, our community has dedicated extraordinary resources – time, money and training – to significantly enhance security. Grants from the federal and state governments have helped make substantial physical improvements, from new fences and cameras to tougher window coverings and more secure points of entry and provided for on-sight security personnel. We have seen synagogues and other institutions invest hundreds of thousands of dollars in hiring personnel – both armed and unarmed – to ensure there is professional protection as needed. The BJC's director of security has coordinated with local, state and federal law enforcement to provide multiple trainings on such topics as how to respond to active shooter situations or bomb threats, and he has worked with our partners to develop a state-of-the-art alert system using phone, text and email.

The BJC does not support weakening amendments that would allow for exemptions to religious institutions. We believe that professional, well-trained protection is far preferable to allowing members of congregations, even if they have concealed carry permits, to bring firearms to places of worship. We need fewer firearms in our churches, synagogues, and mosques, not more.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of the Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

BALTIMORE JEWISH COUNCIL
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Member of the Jewish Council for Public Affairs

Baltimore Jewish Council is an agency of The Associated
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Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
Baltimore District

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SB0001- Criminal Law - Wearing, Carrying, or Trans

Uploaded by: Willow Goode

Position: FAV

TESTIMONY TO SENATE JUDICIAL PROCEEDINGS

SB0001- Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

POSITION: Support

BY: Nancy Soreng, President

Date: February 7, 2023

The League of Women Voters believes that the proliferation of handguns and semiautomatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong measures to limit the accessibility of firearms and regulate the ownership of these weapons by private citizens.

The League of Women Voters of Maryland Supports the passage of SB0001- Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023). This bill would prohibit anyone from knowingly carrying, wearing, or transporting a firearm onto the real property of another person without having certain permissions.

Unfortunately, more guns do not make us safer in this country and reducing the number of guns' citizens are exposed to can help to ensure that we are safer in our communities. If more guns made us a safer place the United States would be one of the safest places on earth. However, this is not true because more people die each year because of the out-of-control gun violence epidemic. According to Everytown for Gun Safety "the rate of gun deaths has increased **33%** from 2011 to 2020 in the United States. This means that in 2020 there were **12,871** more gun deaths than in 2011." The League of Women Voters of Maryland strongly believes that the restriction of guns can make a difference and help us live safer lives.

The League of Women Voters Maryland urges a favorable report on SB0001.

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Post-Bruen Testimony SB 0001 for CIF - final 2 6 2

Uploaded by: Clinton Wolcott

Position: FWA

TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY, MARYLAND ON FEBRUARY 7, 2023 BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE IN SUPPORT OF THE GUN SAFETY ACT OF 2023 (SB 1)

Honorable Chair William C. Smith, Vice-Chair Jeff Waldstreicher, and Members of the Senate Judicial Proceedings Committee**:**

The Critical Issues Forum: Advocacy for Social Justice (CIF**)**, provides this testimony in support of the Gun Safety Act of 2023 (SB 1), with the amendments described in this testimony.

CIF is a coalition of three synagogues, Temple Beth Ami, Kol Shalom, and Adat Shalom, that include over 1,750 households and three denominations of Judaism: Reform, Conservative, and Reconstructionist. CIF serves as a vehicle for our congregations to speak out on policy issues, such as gun violence prevention, that relate to our shared values, including the Jewish traditions that emphasizes the sanctity and primary value of human life.

On June 23, 2022, the Supreme Court issued its decision in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S.Ct. 2111 (2022), striking down a New York state law requiring individuals who wished to carry a handgun in public to "demonstrate a special need for self-protection distinguishable from that of the general community." N. Y. Penal Law Ann. §400.00(2)(f). The Court held that New York's requirement was unconstitutional because it prevented law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self-defense.

As the Court noted, Maryland is one of seven states to have a similar requirement. Our handgun law requires that a permit to carry a handgun may only be issued if the person seeking it "has good and substantial reasons" for its issuance. MD Code Subtitle 3, Section 5-306(a)(6)(ii)). There is no question that this requirement is now unconstitutional, and the State Police have discontinued enforcing it.

The response to this change has been dramatic. Even with this change being in effect only for half of last year, the number of handgun carry permits filed with the State Police rose from 18,717 in 2021 to 101,115 in 2022. And the consequences are predictable. Without action by the legislature, we will begin to see more and more guns in our stores, restaurants, bars, sporting events, houses of worship, and on public transportation. A dramatic increase in violent confrontations is likely to follow. We will also fail to address another grave risk. Research has shown that violent crime involving firearms increases by 29 percent when people are given the right to carry handguns.[1]

The Supreme Court's opinion does provide tools for the State to address these consequences. The Court has recognized that the Second Amendment is not a "regulatory straightjacket" and that it allows states to adopt a "'variety' of gun regulations." *N.Y. State Rifle & Pistol Ass'n* 142

1 More Guns, More Unintended Consequences; Donohue, Cai, Bondy, and Cook; https://www.nber.org/papers/w30190?utm_campaign=ntwh&utm_medium=email&utm_source=ntwg14

S.Ct. at 2133, 2162. \In addition, when it comes to restrictions on carrying firearms in public, the Court has recognized three times that states may restrict the carrying of firearms in "sensitive places," and that such restrictions are rooted in the American historical record. *N.Y. State Rifle & Pistol Ass'n*, 142 S. Ct. at 2133.

Sensitive Places

SB 1 is a necessary, but far from sufficient response to the Court's *Bruen* decision. Consistent with the principle that states may ban firearms in sensitive places, SB1 would prohibit a person from bringing a firearm onto private property of another without express permission, either to the person or the public generally. It would also prohibit firearms within 100 feet of a "place of public accommodation," defined as hotels, restaurants, movie theaters, concert halls, sports arenas, and other entertainment venues.

SB1 should be amended to include a wide variety of other locations where firearms create a similar danger. These include:

1. Airports
2. Public transit and public transit facilities
3. Bars, liquor stores, and cannabis distributors
4. Schools, preschools, and childcare centers
5. State and local government facilities, including the State Capitol, courhouses, police stations, correctional facilities, public libraries, public colleges and universities
6. Parks, playgrounds, government owned athletic facilities, and youth sports events
7. Hospitals and community health centers
8. Casinos
9. Polling places, and
10. Houses of worship, unless signs are posted allowing firearms.

Restricting firearms in these additional locations would provide a measure of assurance that our public life will be much less disrupted by the threat, and the reality of gun violence.

In addition to expanding the locations that are gun-free, the statute should also provide safeguards for how handguns are handled in public. Individuals should be required to keep handguns holstered in public, and it should be illegal to point or aim a firearm at another person, or to draw or brandish a firearm in public, except as an act of lawful self-defense.

Handgun Permitting

While SB1 addresses in a limited way the issue of *where* handguns may be brought, it in no way deals with the question of *who* should be issued a handgun carry permit and what procedures the State should follow to make sure that dangerous individuals are not issued such permits. The current law relies heavily on the applicants' proving that they have "good and substantial reasons" to carry a firearm. When this requirement is eliminated, the burden shifts. The State must determine whether permitting the person filing the application to carry a firearm presents a danger to that person or others. However, the current statutory requirements do not provide sufficient information and guidance for such a determination to be made.

Section 5-305 of the current handgun permit law requires that the State Police apply for a state and national criminal history records check for each applicant. Section 5-306(a) of the current law then lists the following requirements to be issued a permit:

1. An adult (applicant between 18 and 21 years of age may only be issued a wear and carry permit to possess a regulated firearm required for employment),
2. Has not been convicted of a felony or a misdemeanor for which a sentence of imprisonment for more than one year has been imposed; or convicted of a criminal offense for which you could have been sentenced to more than 2 years incarceration,
3. Has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance,
4. Is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless under legitimate medical direction,
5. Has successfully completed prior to application a firearms training course approved by the state, and
6. (i) Based on an investigation, has not exhibited a propensity for violence or instability that may reasonably render the person's possession of a handgun a danger to the person or others;
   (ii) Has good and substantial reason to carry a handgun (this requirement has been invalidated by the *Bruen* decision).

On its face, the "dangerousness" standard set out in Section 5-304(6)(i), and its requirement that the State conduct an investigation, provide a starting point for assessing whether a wear and carry permit should be granted. However, the statute does not provide the means or standards for the State to conduct a reasonable investigation. Critically, the reality of the State's handling of wear and carry permits in the six months after the Supreme Court issued the *Bruen* decision demonstrates the insufficiency of the current statutory framework.

Officials of the Maryland State Police Licensing Division, who are responsible for evaluating and granting wear and carry permits, testified before the House Judiciary Committee at a hearing held on January 25, 2023. They described how their process for evaluating these permit applications has changed since the *Bruen* decision, and how the number of permit requests and issuances has skyrocketed.

Prior to the *Bruen* decision, when a wear and carry permit application was submitted, the State Police would submit the individual's name and fingerprints for a criminal history records check, to determine whether the person had been convicted of a disqualifying crime, and would request a search of the Department of Mental Health Database, which could disclose a disqualifying condition. The Police would then conduct an interview with the applicant to determine whether the reasons and evidence he or she supplied demonstrated a "good and substantial reason" to get a permit.

Since the *Bruen* decision, the Police follow the first two of their prior procedures - the criminal and mental health check, but *they have discontinued doing any interviews of applicants.* Further, nothing in the statute or their procedures requires them to seek, or individuals to provide, the wide variety of information and confirmation that would establish that the person does not have a "propensity for violence or instability" that makes it dangerous for them to carry a handgun - a determination that the statute currently requires the Police to make.

The result of these changes has been an alarming increase in largely unexamined wear and carry handgun permit holders. The issuance of *Bruen* prompted an increase in permit applications submitted from 18,517 in 2021 to 101,115 in 2022 - a 446% increase. At the same time, the rate at which permits were disqualified dropped from 10.6% to 2%. While the Supreme Court has indicated that handgun carry permits must be granted if an individual has no reason other than self-defense to apply for one, it did not hold that a person who is likely to use a handgun to intimidate or harm others must be granted a permit.

The State Police must be given the tools to make a much more robust effort to screen dangerous individuals from getting a handgun. These tools would include requiring applicants to provide more information to facilitate the process and requiring the Police to contact an investigation of each applicant.

The information from applicants should include:

1. Sufficient personal information that the Secretary can fully investigate past threats of violence, including social media accounts, aliases used online, and contact information for cohabitants and family members.
2. Endorsements by three non-relatives who have known the applicant for more than three years that they have no information that the applicant has shown a propensity for violence or other indications that they might be a danger to themselves or others.
3. A release of any relevant mental health records.

During the investigation, the State Police should be required to have an in-person interview of the applicant, and should be required to consider the following information and take the following steps:

1. Consider any domestic or other complaints of violence, protective orders, and Emergency Response Protective Orders,
2. Consider any charges of stalking, harassment, violent misdemeanors, and multiple convictions of driving under the influence in Maryland or any state where the applicant lived for the last 3 years.
3. Contact the references supplied by the applicant and contact the municipal chief of police and other appropriate officials to confirm the applicant is not a threat of violence.
4. Investigate any threats of violence made publicly or on the internet.

A thorough investigation of this sort would provide substantial protection to the public. Resources should be provided to the State Police to conduct these investigations.

Behavior While Carrying a Firearm

Section 5-314 of the current law prohibits a permit holder from wearing, carrying, or transporting a handgun while under the influence of alcohol or drugs. Given the increased prevalence of handguns in our public spaces, more limitations are needed, including the following:

1. A person carrying a handgun may not use or consume alcohol or drugs while carrying outside a holster,
2. May not carry more than two firearms,
3. May not engage in the unjustified display of a handgun,
4. Individuals carrying a handgun who are stopped by law enforcement should be required to immediately disclose that they are carrying and show their permit,
5. Individuals should not be permitted to leave a handgun outside of their immediate possession or control within a parked vehicle, unless the handgun is unloaded and contained in a closed and securely locked container, and is not visible from outside of the vehicle, or is locked unloaded in the trunk or storage area of the vehicle. Similarly, ammunition should be stored in separate locked containers. In no case should a firearm or ammunition be stored in the glovebox of the automobile.

These restrictions would reduce the risk of escalating violence and gun theft.

CIF urges this committee to produce a favorable report on SB 1, amended as we have proposed.

SB1 -- Wear Carry Transport Firearms Lifebridge He

Uploaded by: Joyce Lombardi

Position: FWA

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SB1 – Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)
February 7, 2023
Testimony of Martha Nathanson, Vice President, Government Relations and Community Development; Adam Rosenberg, Vice President, Violence Intervention and Prevention
Position: **SUPPORT WITH AMENDMENTS**

We are pleased to **SUPPORT** SB1, which would prevent a person from knowingly wearing, carrying, or transporting a firearm on another person's property or within 100 feet of a place of public accommodation. We support proposed amendments that would expand this bill's protections to private and non-profit health care settings, such as hospitals, clinics, nursing homes.

LifeBridge Health is a regional health system comprising Sinai Hospital of Baltimore, an independent academic medical center; Levindale Geriatric Center and Hospital in Baltimore; Northwest Hospital, a community hospital in Baltimore County; Carroll Hospital, a sole community hospital in Carroll County, and; Grace Medical Center in Baltimore (formerly Bon Secours Hospital). LifeBridge also operates the Center for Hope, a comprehensive violence intervention center that serves the Baltimore region.

Unfortunately, health care settings are often sites of violence. The risk of being a victim of workplace violence is at least 20% higher for health care workers than other workers.[1] COVID-19 has worsened incidents of healthcare workplace violence,[2] with over 66% of emergency room doctors reported having been assaulted in between 2021 and 2022.[3] Hospital shootings are also on the rise.[4]

Meanwhile, guns are becoming even more prevalent since this summer, when the U.S. Supreme Court in *New York State Rifle and Pistol Association (NYSRPA) v. Bruen* declared unconstitutional New York's "proper cause" requirement for issuance of a permit to carry a handgun. As the Maryland State Police reported to this committee last month, state handgun "wear and carry" applications have exploded from about 18,000 per year to about 18,000 per month since *Bruen.*

In Maryland, the Montgomery County Council passed a law prohibiting wearing and carrying firearms within 100 yards of "sensitive places" such as hospitals, daycares, and other care facilities.

We urge a **FAVORABLE** report on SB1.

Martha D. Nathanson, Esq., Vice President, Government Relations & Community Development, LifeBridge Health
mnathans@lifebridgehealth.org (443) 286-4812

Adam Rosenberg, Esq., Vice President, Violence Intervention and Prevention Executive Director, Center for Hope arosenberg@lifebridgehealth.org (410) 601-HOPE

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[1] The Joint Commission. (April 17, 2018). Sentinel Event Alert: Physical and Verbal Violence Against Health Care Workers.
[2] *Hospital Workplace Violence and Intimidation Factsheet,* American Hospital Association, (July 2022)
[3] Poll: Increasing Violence in Emergency Departments Contributes to Physician Burnout and Impacts Patient Care, American College of Emergency Physicians (September 2022)
[4] "Deadly assaults on US medical workers on the rise," *USA Today* (June 3, 2022)

SB0001 Testimony - Unfavorable.pdf
Uploaded by: Alexandra Rak
Position: UNF

SB0001 – Unfavorable Written Testimony

Alexandra Rak, resident of Charles County Maryland

Dear Senate Judicial Proceedings Committee Members,

Thank you for this opportunity to submit public comments opposed to SB0001 – Gun Safety Act of 2023

SB0001 is clearly designed to test the limits of the recently decided *Bruen* Supreme Court Decision, which unfairly plays politics with law-abiding citizens of this state. There has not been an increase in gun violence from lawful concealed carry owners. However, crime in Maryland is concerning and the Supreme Court recently reaffirmed that the right to keep and bear arms is a *fundamental and uninfringeable human right*. While I can empathize with Marylanders who do not own or like guns (I, myself, am actually not a gun owner), there are no compelling state interests for keeping law-abiding citizens from protecting themselves in communities where violence from criminals is increasing every day.

However I feel on a personal level about the bill, I do fear a legal quagmire for the state should you pass this bill. It is clear that the 100 feet of an "accommodation" provision would infringe on business owners' ability to carry their legally obtained handguns for the purposes of protecting themselves and their property during the regular business activities. Prior to *Bruen*, the Maryland restrictions on wear and carry licensing was very burdensome and many interpreted as only being available to business owners who carry cash. This new bill would exclude those permitted business owners who obtained their wear and carry permits under the old, burdensome rules. That is going to be a hard-to-defend constitutional challenge for the legislature and governor and will be an expensive burden on tax payers.

There is no way to amend this bill without infringing on the decision-making and choices of individuals or small business owners in this state. Please return an unfavorable report for SB0001.

Sincerely,

Alexandra Rak

Charles County Resident

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Uploaded by: Allan Barall
Position: UNF

Submitted Written Testimony
Senate Bill 1 (SB0001) – Unfavorable
Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions 3 (Gun Safety Act of 2023)

Good afternoon, Senator Smith and Senator Waldstreicher, Chair and Vice-Chair of the Committee, respectively.

Introduction

I am Allan Barall, a resident of Potomac, Maryland in Montgomery County. I oppose Senate Bill 1 in its current form because it significantly weakens a handgun permit holder's right to carry in public for self-defense.

I am a retired and decorated United States Army colonel. I faithfully served as an Army military intelligence officer for over 31 years, with a security clearance above Top Secret and with polygraphs. I served in Special Forces and Special Operations units in Afghanistan and other global locations, in major intelligence organizations, at the White House on the National Security Council staff, and at the Pentagon on the staff of the Chairman of the Joint Chiefs of Staff. In one assignment with an Army unit designated to provide support to United States embassies I routinely qualified with weapons to the same certification standard as US Department of State Diplomatic Security officers on dynamic ranges.

I also worked professionally as a strategy and management consultant in a consulting firm, and I now work for a Fortune 50 company.

I am not a member of the National Rifle Association. Nor do I subscribe to any gun enthusiast periodical. I am a law-abiding citizen. I am an active member in the Jewish community and an active member of a Jewish synagogue in Potomac, and I serve as a volunteer auxiliary plain-clothed armed security member of that synagogue at the request of the rabbi and synagogue leadership.

Situation

I have a State of Maryland issued wear and carry permit. I chose to obtain that wear and carry handgun permit in 2020 at the request of my synagogue's rabbi. In addition to myriad notable international antisemitic incidents that that took place prior to that year, according to the Anti-Defamation League in 2019 there were 2,107 antisemitic incidents recorded in the United States that year alone. Following the deadly October 2018 armed attack against the Tree of Life – Or L'Simcha Congregation in Pittsburgh, Pennsylvania, in 2019 there were multiple violent attacks, including: an April 2019 armed attack against Chabad of Poway synagogue in Poway, California; a December 2019 knife attack against rabbi in Monsey, New York, and a December 2019 attack in a kosher grocery store in Jersey City, New Jersey. In addition to religious service attendees, worshippers, and guests in our synagogue, we also have multiple priceless Hebrew Torah Scrolls that are adorned with silver. These Torah scrolls are routinely taken out of their storage for use during religious services, in preparation for upcoming services, and for frequent adjustment, checking, and repair. In light of all of this, my synagogue's rabbi requested that I serve discretely as an armed volunteer to enhance our security.

The unfortunate trend of antisemitism that I cite above has only gotten worse according to publicly available religious bias and hate crimes reports from both the Anti-Defamation League and the Federal

Bureau of Investigation. And, in 2021 while I was walking home along a busy road from my synagogue following Sabbath services on a Saturday morning, the occupant of a passing car yelled a vulgar antisemitic statement at me.

A report issued on December 28, 2022, entitled the "Hate Crime Accountability Project" documents that 194 antisemitic assaults occurred between 2018 and 2022. (https://bit.ly/3X4BNtn.) Among the incidents noted in the report was that two men were arrested on November 18, 2022, for a plot to attack a New York City synagogue. "What might have been the next Pittsburgh or Poway synagogue massacre was averted," the CEO of UJA-Federation of New York, Eric Goldstein, said, referring to the 2018 and 2019 massacres at Jewish houses of worship. (https://bit.ly/3i6KEfq.) I believe that the same sort of antisemitic attack could just as easily happen at my synagogue or any other synagogue in the Montgomery County, and that it is only a matter of time.

Orthodox Jews often attend services at a synagogue two or three times a day. Synagogues are especially open places. My specific synagogue is mere feet off a busy road where the congregation has its collective back to windows that face the street. It is especially easy for someone with ill intent to enter.

On this past November 15, 2022, Montgomery County passed a new law that prohibits the possession of firearms in or near places of public assembly and removes an exemption that allows individuals with handgun permits to possess handguns within 100 yards of a place of public assembly, to include houses of worship.

Problem

Upon passage of Montgomery County's new law, I stopped carrying a handgun in my synagogue even though I was specifically requested to carry by the synagogue's rabbi and senior leadership for security measures. Knowing that the new law would only affect law-abiding, permit holding people, I heard at least three independent persons state that they now feel like "sitting ducks" in my synagogue. This exact, precise phrase was used by separate, independent individuals. And, I am personally aware of at least two individuals who have now stopped coming to the synagogue because they no longer feel that it is safe to do so in light of the County's new law.

The proposed Maryland SB 1 bans handguns from "places of accommodation" while not appearing to include houses of worship. Montgomery County law aside, however, if a permit holder is carrying anyway to and from synagogue regularly, it is especially easy to inadvertently cross into the prohibited zone around "places of accommodation". To not carry at all, on the other hand, exposes me to increased risk through constructive disarming.

Implication

It is my opinion that SB 1 would infringe on my personal right of self-defense and creates additional risk in the face of attacks such as I just described.

General Considerations in Light of the Proposed Bill

I leave the Constitutional and legal argument to others.

Given my background as a strategy and management consultant, my attention is drawn to at least two cognitive biases displayed in the proposed SB 1:

Streetlight Effect

The first is an observational bias down as the Streetlight Effect, where people only search for something where it is easiest to look. You likely have heard the story of the police officer who sees a man searching for something under a streetlight and asks the man what he has lost. The man responds that he lost his keys, and they both look under the streetlight together. After some fruitless minutes, the police officer asks the man if he is sure he lost his keys there. The man replies, no, that he lost his keys in the park. The incredulous police officer then asks why they are searching here. The man replies, "This is where the light is".

Maslow's Hammer

The second cognitive bias is named after the psychologist Abraham Maslow and known as Maslow's Hammer. It involves over-reliance on a familiar tool. Maslow famously wrote in 1966 that "if the only tool you have is a hammer, it is tempting to treat everything as if it were a nail."

Senators, I appreciate that you desperately want to curtail gun violence in this state. So, do I. And, you want to be able to tell your constituents that you are tackling gun crime and making Maryland safe. However, you no doubt are aware of the overwhelming data that shows that gun crimes are not committed by legal permit holders. In fact, our laws have little deterrence effect on determined criminals. So, why are you looking under the streetlight and proposing laws that affect the law-abiding person like me, yet doing nothing to protect the law-abiding citizen from the criminal element, who I believe will continue to illegally carry just they have always illegally carried? You should be looking in the park for your keys by aiding enforcement of current laws.

I understand that you are members of the state's legislature, and that your hammer is the ability to pass laws. Where is the proposed legislation to post police officers at houses of worship when being actively used? Where is the proposed law to compel prosecutors to charge and prosecute gun cases under existing law, and hold them accountable for obtaining convictions?

Look in the Park Rather Than Under the Streetlight

There is a specific article from this past June in the Washington Post that looked at how gun seizures in Washington, DC were soaring, but charges weren't sticking. ("D.C. gun seizures are soaring — but charges aren't sticking" https://www.washingtonpost.com/dc-md-va/2022/06/01/gun-seizures-dc/) Defense attorneys blamed weak cases by prosecutors, and the police criticized existing laws. In one sample week looked at in the article, DC police arrested 23 people for gun offenses. Prosecutors did not pursue charges against 13 of those 23. Of 10 charges filed, only 6 were convicted and 4 were awaiting trial at the time of the article's publication.

I also recall reading an article once about insider trading. In some respects, why have laws at all if criminals will simply ignore them? However, that article, as I recall, highlighted the relative success of discovering and prosecuting insider trading crimes, which does serve as a deterrent. Gun crimes, on the other hand, have a relatively very poor prosecution and conviction rate.

Strengthen enforcement. Force prosecutors to prosecute. Eliminate legal loopholes.

Does Reducing the Demand for Legal Guns Also Reduce the Demand for Illegal Guns?

I assume that SB 1 is intended to make legal gun possession so cumbersome that the legal demand for guns will diminish, and, by extension, so will the demand for illegal guns. Second Amendment issues aside, I'm not sure that data exists to support that assertion.

Given my military experience, I'm specifically familiar with the problem of improvised explosive devices (IEDs) that the US military had for many years in Afghanistan and Iraq. One of the significant challenges in the counter-IED fight was the use of nitrogen, and specifically ammonium nitrate. Nitrogen is one of the most vital nutrients for plants, so nitrogen-based fertilizers are essential for food production. However, a major drawback is that they can either be used as explosives, or as explosive precursor ingredient.

This posed a dilemma in Afghanistan. Afghanistan, at the insistence of the US, banned the use of ammonium nitrate in favor of less effective alternative chemicals. This not only reduced crop yields for already struggling farmers, but also created a robust black market for ammonium nitrate coming in from Pakistan. The attempt to decrease the supply for ammonium nitrate did, indeed, have a dampening effect on IED production, but also had the unintended consequence to decreasing crop yields in a way that negatively affected the population. I recall this being the subject of a US Senate Committee on Foreign Relations hearing in 2010 (https://www.govinfo.gov/content/pkg/CHRG-111shrg63236/html/CHRG-111shrg63236.htm?fbclid=IwAR3SpwDhSY1l5iDctT-RUX_slTxKHvnJ8JwhXlwQ7bzLtMMHAkllYDlmaKg) This same conundrum has also been seen in parts of Africa, specifically in Nigeria.

For fertilizers that are either explosives in their own right, e.g. ammonium nitrate, or that can easily turned into explosives, governments have two options: either restrict them, or ban them outright. Nations with highly effective security services generally opt to restrict because they can enforce that and avoid the crop yield problem. The US is one such country where ammonium nitrate is legal, but strictly controlled by regulation and, I believe jointly by both the Department of Homeland Security and the Department of Agriculture.

SB 1, though presented as a restriction, is effectively a proposed ban. Please be mindful of the unintended consequences of attempting to control demand for a commodity. You need to have the enforcement mechanism to accompany that ban. And, please be mindful of the risk that you may introduce. It would be better to fix the existing restrictions and their enforceability.

Is the First Amendment Right to Assemble Restricted by Handgun Permit Holders?

In defending Montgomery County's new handgun ban, the County and Defendant stated in legal filing that "… Plaintiff's fear is outweighed by the fear the non-permit holding public may have that a stranger standing next to them – of unknown current state or temperament – is carrying a loaded firearm as they exercise their First Amendment right to assemble in a place of public assembly". Referenced is a quote from the Montgomery County Council President "on the right of me and my family to go to a movie theater without having to wonder or worry about someone sitting next to me is carrying a gun on them."

In order to obtain a wear and carry permit, I went through a background check from the Maryland State police, including fingerprinting, an interview with a State investigator, and reference checks. It is thus simply not correct to state that my "state of temperament" is "unknown." Further, if "wonder or worry" about a legally armed permit holder is a harm, then I believe that the "wonder or worry" of me and my fellow synagogue members about "being sitting ducks" to antisemitic criminal attack is even a greater harm. Since the Montgomery County law passed, I have not seen a single police officer at my synagogue, and I have attended consistently three services daily. Without the ability to defend myself, the additional anxiety and worry about my physical safety is, indeed, "irreparable harm" to me and my fellow congregants' right to peaceably assembly.

Submitted by:

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Gun Safety Act 2023 - SB0001.pdf
Uploaded by: Andrew Hobbs
Position: UNF

FROM THE DESK OF

ANDREW HOBBS

February 6, 2023

Judicial Proceedings Committee
Annapolis, MD

Dear Members of the Committee,

I am writing to express my extreme unfavorable position toward Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023). This bill is a malice attempt to back door the rights of law abiding citizens to defend themselves. It effectively makes CCW possession worthless as the locations one could defend themselves is gutted.

Needless to say, I suspect this law will never survive a cursory challenge in light of Bruen. Perhaps it is time legislators, who blatantly violate the spirit and the letter of the law of the land, be held responsible for legal fees induced by their heavy handed tactics.

Sincerely yours,

Andrew J. Hobbs

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Art_Novotny_UNF_SB1.pdf
Uploaded by: Art Novotny
Position: UNF

Testimony of Art Novotny In OPPOSITION to SB001
(Gun Safety Act of 2023)

I have been involved with firearms for essentially my entire life. I am a certified Range Safety Officer and both compete in and run a variety of competitive shooting events. I also help out with firearm safety training. Like thousands of other Marylanders, I also went through the training and expense to purchase a Wear and Carry permit.

In a way, I am very fortunate that I did not qualify for a permit under the old "Good and Substantial Reason" guidelines. I lived in a safe neighborhood, never made any enemies nor enough money for Maryland to consider my life worth protecting. Once the Supreme Court decision removed the gatekeeper of "Good and Substantial Reason" to make personal protection available to regular folks like me, I applied for my permit. I took the mandated 16 hour training course and aced the live fire qualification. I paid the for the application fee and yet another set of finger prints. Naturally I passed the background check…I don't break the law.

I went through that hassle and expense (which I know I was fortunate to afford) because there has been noticeably more police activity in my "safe neighborhood." Another consideration was my trips to the shooting range. We've all heard stories about armed robbers staking out shooting ranges and following people home from them. They either follow them all the way home and do…whatever unspeakable things they want to the victim and family, or "bump" them in a minor traffic accident. When the good guy stops to exchange insurance information, he gets robbed. Sure, he has a lot of guns, but they are all secured, unloaded, and useless…because he is a good guy and follows the law. The bad guy doesn't care. He has his illegal gun loaded and ready to go…and now he has a whole lot more of them.

I just did not want that to be me. In addition the safety of myself and my family, part of responsible firearm ownership is keeping them out of the wrong hands.

This law as written would make all of that moot. Not only could I not carry my personal defense firearm (despite all the time, money and resources invested in earning that "right," I couldn't even legally transport any of my firearms (locked up and unloaded) to the range…or anywhere. I wouldn't be able to get very far on the road without passing within 100 feet of a "place of public accommodation." Even the gun range itself is a "place of public accommodation," where firearm possession would be illegal. Yup, irrelevant to a wear and carry permit, I couldn't even have a gun at a gun range! There could be no shooting sports, training, or hunting off of one's own property if this bill were to pass. It looks like even the police would also have to leave their guns at home.

I guess I should be thankful that my house is more than 100 feet from a gas station or other "place of public accommodation," so at least I can keep my firearms in my own house. I'm sure

there are others who aren't so fortunate. What are they going to do before this law gets overturned?
What about the good people who were not blessed with the fortunate life I have lived so far? Those whose lives were in peril and who qualified with the previous "good and substantial reason," have now had that needed protection stripped away from them.

Finally, what about the folks who have been carrying illegally this whole time? Those who have not been through the background checks, training, fingerprinting and fees who carry guns to rob and kill good people like me? Are they going to stop, just because they are within 100 feet of a "place of public accommodation?" Who is going to tell them that? Who is going to stop them?

Please return an unfavorable report on this bill.

Art Novotny
Aberdeen, MD
35A

SB-0001 Wearing, Carrying or Transporting Firearms

Uploaded by: arthur flax

Position: UNF

2-5-2023

Senator Jeff Waldstreicher, and Members of the Committee
Maryland General Assembly
Judicial Proceedings Committee (Vice Chair)
Annapolis Info
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401
RE: SB-0001 Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)
Position: Unfavorable - OPPOSE

Dear Senator Waldstreicher and Members of the Committee:

Disclaimer: The opinions expressed herein are my own and do not in any way, shape, manner, or form represent the opinion, interests, or position of any other individual person, corporation, public or private for or not for profit agency or professional organization. The opinions and testimony expressed are based upon my personal experiences, and interactions with other people including but not limited to the Maryland State Police Licensing Division, the District and Circuit Courts of Maryland, and Public and Private Agencies including the Maryland General Assembly.

I, as a Licensed Certified Social Worker-Clinical am very familiar with the Concealed Carry and Wear permitting process in Maryland. I have provided forensic services, and have evaluated many people over the years including CCW permit holders and law enforcement officers. I wish to publicly thank the Maryland State Police Licensing Division for the excellent work all the personnel provide and the concern they have for public safety.
In prior years, when a person, who possessed a concealed carry and wear permit (CCW), and was in possession of a firearm, entered a public building, including the Court, and the Maryland General Assembly, there was a procedure in place to accommodate that permit holder.
The CCW permit holder would identify him or herself, and would be escorted to a secure "lockbox" where the firearm would be placed, and upon leaving, would again identify him or herself and would retrieve the firearm.
Now, that "accommodation" is no longer available. Now, the lawful permit holder, carrying the weapon due to apprehended danger, such as a retired public safety officer, community forensic counselor, private detective, etc. with an unrestricted permit, has to either leave the weapon at home, or office, or if carrying leave it in his or her vehicle. It is not possible to bring it into the building.
This bill is even more restrictive, it will now make it illegal to even leave the gun in the vehicle, locked in the trunk, subject to theft, if someone notices the individual disarm and placing the weapon in the trunk of the vehicle, when the vehicle is parked on the public parking lot within 100 feet of the building. It also makes it illegal for the CCW holder to drive on a parking lot, let alone enter a building, such as a 7 Eleven or Subway, Mc Donald's, etc. to eat lunch or dinner while working again unless the person disarms and leaves the weapon in the vehicle.
A lawful CCW permit holder, must be allowed to engage in protection of self and if need be others in the normal course of activities of daily living due to the apprehended danger, inherent, in the reason the Maryland State Police made the decision to issue to CCW permit.
Further, **this proposed legislation will not deter the unlawful possession of a firearm**. There are other methods of detecting and preventing illegal carrying of a firearm. For one, training police and security officers' to detect bulges and signs of "imprinting" of the firearm though clothing. Then, under the precedent set in Terry vs. Ohio (SCOTUS) (reasonable suspicion) ask to search or have the person show why the firearm imprint is present. Of course, one may say that is not sufficient (probable cause) to stop the person; but I think if the person is entering a public building, such as a school or court, or if a private business has a sign no firearms permitted, I think it is appropriate for a police officer or security person to ask that question (The AAG for the Committee is in the position to research it).

Sincerely,
Arthur Flax, LCSW-C, DCSW
6126 Greenmeadow Parkway
410-653-6300; flaxcps@gmai.com

witness statement.pdf
Uploaded by: Barry Rindner
Position: UNF

Thank you for the opportunity to submit testimony.

Both my wife and I are almost 71 years old. Both she and I have been hobbled by age related physical issues. In the past, I never paid much attention to the issues concerning the 2nd amendment. However, times and situations have changed. Unfortunately, evil has taken hold in this country. We are Jewish. Antisemitism and other forms of hate crimes now permeate newspaper headlines. As Jews, history has taught us what intolerance and bigotry looks like. It is ugly, random and violent. Carjackings, mall shootings, armed assaults and such occur way too often today. Violent crime committed by those who do not care what laws they are breaking or harm they do. As seniors, quite frankly this scares us. We are one of the softest targets you may find. I went through the process of securing a Maryland wear and carry permit so I may legally carry a weapon if in the unlikely event I may need it. I do not wish to use this weapon. I do not wish to harm anyone. However, I frequent malls, parks and other venues that expose my wife and I to the dangers that present themselves these days. Logic tells me that any of the legislation that the senate bill proposes will not make me feel any safer. On the other hand, it places my wife and I back in the days of feeling uncomfortable in public places. Always looking over my shoulder. I spent the money for training and the wear and carry permit to adhere to Maryland law. I feel that the state Senate now feels that myself as well as other wear and carry permit holders are menaces to society. Unfair and unjust. I am a law-abiding citizen without a criminal record. I have been vetted by the FBI and state police in every step of the permit process, from securing my HQL, to purchasing a handgun (waiting 7 days), to finally filing for my permit. I additionally work for the Federal Government. In order to work there, I had to get fingerprinted and pass a vigorous FBI background check. Unfortunately, law enforcement only gets to an incident when the damage has been done and therefore can’t be depended on to prevent an attack on myself or my wife. Please understand the peril you potentially place my wife and I under by considering this proposed legislation. We too wish to feel safe.

Thank you.

SB 1 Oppose.pdf

Uploaded by: Brenda Scarborough

Position: UNF

SB 1   Oppose

Good Afternoon Committee Chair, Vice Chair and Committee Members. Thank you for allowing me to testify today.

I am opposed to this bill for many reasons, most of which you have probably already heard here today.

I am in possession of a MD issued Wear and Carry Permit as well as an HQL. I am also a Certified Range Safety Officer through both the NRA and USCCA as well as an NRA Certified Refuse to be a Victim Instructor. Along with those qualifications I also hold A Maryland Notary Public Commission and am a Maryland licensed Realtor. I am currently employed as a bookkeeper for a Law Firm centrally located in Baltimore City.

As a part of my duties for all of the above endeavors, it is expected that I be able to meet clients or customers in various locations throughout the state of Maryland for various reasons. Even though most of the time I am able to vet potential clients I am not always able to vet their associates.

My reasons for opposing this bill besides the obvious infringement on the 2nd Amendment of the Constitution of the United States as well as Article 44 of the Maryland declaration of Rights, is that if this bill became law it would prevent me from being able to defend myself and others If a threat should arise, while meeting folks I have never met before at their place of residence, offices, restaurants etc. It would also prevent me from being able to stop at a gas station to refill my tank while on a trip to view properties for sale with clients or to meet clients at an open house without putting myself in potential danger from a potential unknown threat.

I have had multiple experiences that made me realize that I could be a victim of a crime anywhere at any time, even when there is a police officer within a few feet of me, I might still end up in danger.

My first experience happened In May of 1982. I was not yet 18 years old and was working as a deli clerk at White Marsh Deli. My coworker and I had been in the kitchen cleaning up for the night when a young man came in to “purchase a soda” at 10pm (we closed at 11pm). I made him his drink and walked to the register where he pulled out a Colt 45 revolver and pointed it at my sternum. He demanded I give him the money in the register. I gave it to him then he told me not to call the police for 5 minutes or I will come back and kill you and the girl in the kitchen. Then he left with the money and without the drink. I called the police after locking the door, then alerting my coworker who had been in the kitchen washing dishes and did not know what had occurred. He was never arrested.

In April of 2013 I had a client who happened to be a Baltimore County Police Officer who had previously been employed by Baltimore City and worked as an undercover narcotics officer. He wanted to look at properties that had potential for rehabilitation, so we were looking at homes in the distressed sections of Baltimore City and County. One of the properties happened to be located across the street from a residence where he noticed an individual that he had previously arrested. Not knowing this, I pulled up to the property, exited my vehicle, walked to the door and proceeded to unlock the door of the home we had an appointment to view. My client pulled up behind me but did not exit his vehicle. He called me and told me to get back into my car because it was not safe for us to view the property. Luckily, I made it back to my vehicle safely and we were able to leave the area before he was recognized. My client told me at the next

property that the individual had made threats against him at the time of his arrest. Had he not seen this individual first, this situation might have ended very differently.

I have had other experiences but will save them for another time. Because violent crime happens everywhere, and I want to be able to defend myself, I am opposed to this bill and ask you to respond with an unfavorable report. Thank you for reading my testimony.

Brenda Scarborough
7117 Olivia Rd.
Baltimore, Md 21220

Brent Amsbaugh SB001 Testimony.pdf
Uploaded by: Brent Amsbaugh
Position: UNF

I am a US Navy veteran, and as such have only had my **right to** carry a concealed firearm since June as I am exempt from the ridiculous training requirement imposed by Maryland as part of the concealed carry licensing scheme. Hundreds of thousands, it not millions more Marylanders are having their **right** denied as they are still awaiting classroom training because all the classes in the state are filled to capacity. Therefore, you do not even have 8 months' worth of data, let alone years' worth, to see what if any impact this has had in Maryland, but I can tell you this. Contrary to Brian Frosh's dire predictions, there has not been blood in the streets.

Senator Jeff Waldstreicher said in a WBAL interview that we can carry in our home and in other homes we have permission to. NYSRPA vs Bruen held, among other things, that the Second Amendment protects the **right** to carry a handgun for self-defense in public. This bill seeks to criminalize that activity. New York states similar attempts have already been struck down by the US Supreme Court since then. Someone else said that that same interview on WBAL that If people don't feel safe nothing else matters. There is a critical difference between being safe and feeling safe. I would argue that is ludicrous. We have decades of data that shows how bad crime has been with concealed carry holders in play. We do not feel safe in this state as you have routinely proven that you either cannot or will not protect us. You have routinely failed in your duties to protect us and that must remain in our hands as you cannot be trusted with it. The areas that are outlined as off limits are precisely the areas where concealed carry holders need their guns the most to protect themselves and others from the violent criminals that you cannot protect us from. I urge you not to follow New York's lead on this. We will fight you in court, you will lose, you will waste our time and money and *YOU PEOPLE* will cost lives, not us.

This body is well aware of the uptick in organized carjacking in the state. So here is some food for thought. Most of the time I am driving around these days is with my two daughters that are 9 and 11. Under this bill, I would yet again be left defenseless if a carjacking were to occur. Am I to assume that the members of this body condone human trafficking and child exploitation? That is, in essence, what you are doing. This bill continues to limit the **right** of the people to protect themselves outside the home in the manner in which they deem fit.

This bill effectively eviscerates my right to carry in public for self-defense. This bill comes with criminal penalties, which in other neighboring jurisdictions such as Pennsylvania only amounts to being asked to leave, or trespassed, not thrown in prison for exercising a constitutionally protected **right**. Allowing citizens to carry outside of the home under SB1 effectively takes away our **right**.

Lawful concealed carry holders are among the most law-abiding citizens in this country. The only people the gun control laws help are criminals. Feeling safe and being safe are two completely different things. Don't tell me that i can't carry a firearm to protect ourselves when you know that you cannot protect us

Sb0001.pdf
Uploaded by: Brett Gerhart
Position: UNF

My name is Brett Gerhart and I live at 4972 Leonardtown Road Waldorf Maryland. I am an avid outdoorsman and I am writing to you this evening because this bill is in direct violation of our 2nd Amendment rights. I am also looking ahead into the future and I want to protect our children's rights. With me being an educator I hope you will hear the term law-abiding citizen enough times from those who are speaking or writing, to become familiar with its definition. I also hope you can discern between the difference of a law-abiding citizen and a criminal. I think that you will agree that our current cultural climate has been extremely confused about a lot of things including our 2nd amendment rights.

The government's push for Common sense gun reform that includes limiting magazine capacity, and "AR" rifle bans is anything but a common sense solution. Now our state is wanting to follow the ideocracy of this solution which will simply take the rights away from law-abiding citizens. The fact is that it would be a foothold to bring forth more and strict reform. These laws will never limit the criminal's ability and intentions however they will always restrict the law-abiding citizen to protect themselves and those they care about.

Applying laws that reduce magazine capacities, eliminating AR platforms, making it illegal for a law-abiding citizen to purchase a specific gun or to limit magazine capacity, is just as ignorant as limiting where we can appropriately protect ourselves by carrying a firearm. If the criminal wants to cause harm they will. You will never stop a criminal with ill intent with gun-free zone signs and any law that limits the 2nd amendment for law-abiding citizens.

I lawfully obtained my wear and carry permit in October of 2022 so I could appropriately protect my family, my business and any persons that are subjected to a threat of their life by someone wishing to cause them harm. There was a directive that said I could not be in possession of a firearm for tonight's meeting. If I were in attendance so I would obey because I consider myself a law-abiding citizen. Do you think a criminal would do the same? If someone wanted to cause any of you in this room harm right now they would find a way that I'm sure would be deemed illegal. Again, if I were in attendance I would be at a disadvantage if I wanted to protect any of you and myself, but you better believe that I would try. Here is the main issue, none of this will apply to the criminal and you do not really want it to because the agenda is so obvious. The government, in conjunction with the State of Maryland, wants to take the law-abiding citizens rights away so they can be the ones with all of the power. Read the second amendment and it will all make sense. Please consider removing this obviously ignorant and thoughtless bill that is simply another power grab which will breed more severe restrictions in the future.

Senate Testimony.pdf
Uploaded by: Brooks Wainwright
Position: UNF

Brooks Wainwright

About SB 1 (Gun Safety Act of 2023)-**Oppose**

Dear Chair,

Thank you for your time addressing the different stances on this bill. I am writing to strongly oppose the passing of SB 1. This Bill has major implications for those who are legal and safe gun owners all over the state. It will essentially remove any usage of a Concealed Carry Permit. This is in direct opposition to The Supreme Court's Bruen decision.

SB 1 is attempting to make the state safer by removing areas where people can carry firearms. The odd thing is, it's removing that right from people who have had to pass extensive background checks as well as firearms training. These are not the people that are the cause of firearms crimes in Maryland. This law will do nothing to affect violent crimes that are committed with firearms, usually by constant repeat criminal offenders.

We can look at statistics from other states who have long allowed Concealed Carry Holders in public areas. According to the CDC, Maryland, Pennsylvania, and Florida all have very similar Firearm Injury Death Rates, at 13.5, 13.6, and 13.7 per 100,000 respectively. However, if you look at their Homicide Rate, Maryland is already much higher at 11.4 deaths per 100,000 compared to Pennsylvania at 8.5 and Florida at 7.8 per 100,000. Then look that Florida already has 2,611,646 Concealed Carry Permit Holders and Pennsylvania has 1,563,787. It is easy to see that Concealed Carry Holders in public are not the cause of firearms crime. Each state has far more Concealed Carry holders than Maryland does.

Instead of restricting Law abiding Marylanders, we need to work on prosecuting and locking up the people who abuse Firearms. A perfect example of this is Austin Davidson, who shot and killed Wicomico County Sheriff Deputy First Class Glenn Hilliard last year. Austin had previously been convicted of armed robbery with a handgun at a McDonalds. He received a 3 year suspended sentence and probation before judgment for his crimes. Along with numerous other crimes and warrants, he would go on to walk free and end the life of an amazing Deputy from my hometown.

To close, it is clear that this law will do nothing to curb firearms related crime. All it will do is stop me and so many others from being able to defend ourselves and our families against the evil of this world. I have passed the background checks, taken all the state training, I've never even been pulled over by a cop in my 32 years. Am I really the problem?

Thank you,
Brooks Wainwright

My2AmendmantRightsLetter.pdf
Uploaded by: Bryan Coleman
Position: UNF

2/6/2023

To Whom It May Concern,

This is my written testimony this February 6, 2023. My name is Bryan Darrick Coleman and I would like to discuss my dissatisfaction on several Gun Bills. These bills are numbered as follows…SB 0001, SB 0086, SB 0113/HB 0259 and SB 0018. These bills should not even be considered, as they infringe upon our Second Amendment Rights! They add fuel to the fire of the criminals in our society, who go unscathed by such laws. They spit in the face of justice and mock us…The Law Abiding Citizens, who exercise the freedoms set forth by our forefathers. How can these laws do anything, but benefit the hoodlum, the murderer, the rapist, the snipers, the Drug Dealers… and such who stain our society with their foul stench! If you remove these Firearms from our hands or limit our movements, as to when and where we can and can't go, Gentleman and Ladies, you leave us naked, you leave us unprotected, you leave all those who would seek the safety of another Law Abiding Citizen in a Danger Zone, one can only imagine the demise of a Knight without his armor, thrusted into a battle. Death or serious injury would definitely run rampant and lawlessness would abound at a rate so high, recovery would be a distant thought of coulda shoulda. Not only this situation, but you will strip away the avid Gun Sportsmen from his leisure. The hobbyist and collector would also be ruled out. Do understand that guns don’t kill people, it's the criminal element that has been the problem all along. I know that if these laws went into full effect, there would still be Mass Shootings, Rapes, Murders, Drug Dealings and such…and you will have accomplished…NOTHING! No deterrents or declines in these crimes, but an escalation never seen before, gradual or out right forthcoming. What is a country, state or district that arms its criminals, yet takes away firearms from its Law Abiding Citizens? We stand as the Law Abiding Citizens ready to protect ourselves, our brothers and even our country from this disease I call crime. Throw these bills in the trash where they should be! I am thanking all in favor of our Second Amendment Rights in representation today! Thank you for your time and attention.

IN DEO SPERAMUS!

Bryan Darrick Coleman

state testimony.pdf
Uploaded by: Bryan GRIFFITH
Position: UNF

To Whom This May Concern,

My name is Bryan Griffith I am a business owner of State Line Tactical Supply, where we make and sell holsters to a wide variety of businesses throughout Maryland, Delaware and Virginia. I carry cash and merchandise with me at all times during the day. When I first obtained my wear and carry for Maryland you had to be a business owner in order to get this permit. Since the Supreme Court Ruling regarding the Bruein case that 8 states were unconstitutional in not allowing individuals to carry outside of their home, the door was opened for many individuals to obtain their wear and carry permits for personal protection. Passage of SB001 would make it illegal for me to carry a firearm in the state while transporting cash and other merchandise.

With this bill you are not protecting the citizens of the state of Maryland, criminals do not go through background checks to purchase or carry a gun. If you draw statistics from states that have permitless carry in comparison to those with greater limits placed on law abiding citizens the numbers do not support the idea that increased legislation equals decreased violent crime. The crime rate in the city of Baltimore as compared to other less restrictive states speaks for itself.

The moral of my testimony is that this bill is unconstitutional as already stated by the supreme court. If you want to stop the violence stop letting the criminals off on pbj, or out of jail for violent crimes. For instance in Wicomico County this year a Wicomico County Sheriff was shot and killed by someone that robbed a store in Baltimore who had previously received pbj for the crime by a Baltimore court system. This would have been prevented if he was in jail for his violent crime. Honest people do everything by the letter of the law and taking away or limiting their rights will do nothing to curb violent crime commited by non law abiding citizens.

SB001 2-6-23.pdf
Uploaded by: Charles Kelly
Position: UNF

February 6, 2023

Reference: SB001-Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

To Whom It May Concern,

I am writing this letter to voice my concern and disapproval of the proposed SB001. This bill is unconstitutional and is violating the rights of law-abiding citizens. Removing the right to legally carry a firearm for self-protection is wrong. I am not sure how this proposed bill will cut down crime of any type. Criminals will still steal, hurt, and kill innocent citizens. This proposed bill takes away my right to defend myself in a violent situation. Unfortunately, due to other laws restricting the punishment for a violent offender these types of criminal acts continue to occur. This bill basically allows a citizen to carry a legally purchased firearm on the private property only. Violent acts occur in public establishments. I ask you to think of a situation where either yourself or a dear family member is in a fast-food restaurant, convenience store, retail store, etc... and a violent criminal comes into the establishment with weapons and intent to hurt/kill others. Is it best for all the citizens in the situation to be unarmed and unable to have the choice to defend themselves effectively? Or have a few responsible legal carrying citizens to be able to defend themselves and others to stop the threat. This bill gives the criminal an open book to kill as many as they want knowing that no one would be able to protect themselves. Is the life of yourself, child, spouse, or parent not worth the right for individuals to have protection. Again, criminals do not care about laws. If they did, they would not be criminals. I just heard last week a great comparison for guns laws. It is not guns that kill or injure the citizens of Maryland, it is the people committing the crimes. Creating more gun laws would be like banning the use of a fork to stop obesity. It is not the fork that is making people overweight, it is the people. Same for the guns. I have spoken to several law enforcement individuals and they all are 100% behind the right to carry a legally purchased firearm. If someone threatens the life of myself or my family, I have the constitutional right to protect. This bill is only harming the innocent and helping the criminals. The citizens of Maryland that have legal carry permits have taken the required training and back ground checks. Now this bill is treating us as criminals and taking our rights away. I pray that individuals voting on this bill use common sense. I pray that this bill is not approved, and the citizens of Maryland do not continue to loose our rights.

Sincerely,

Charles Kelly

SB1 Testimony PDF.pdf

Uploaded by: charles Knaggs

Position: UNF

Charles Raymond Knaggs
35296 Golf Course Drive
Mechanicsville, MD 20659
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301-643-3285

Senate Bill 1
Postion : OPOSE

The position of SB1 assumes all firearm owners, resident or non-resident in Maryland are criminally minded/motivated. There is currently no data to support lawfully owned and possessed firearms within the proposed restricted areas mentioned in SB1 cause any threat to public safety.
This statement is backed up by the years of this practice taking place by hundreds of thousands of hunters since the inception of the state of Maryland when they bring firearms to town to get supplies, food, fuel, or lodging for their hunting trips. This statement is also backed up by the numerous wear and carry permit holders in the state of Maryland exercising their right for self defense by carrying their firearms into all the areas SB1 would restrict and doing so without committing crimes with those firearms.
The hunting industry in Maryland as reported by the Maryland Department of Natural Resources 2018-2019 annual deer report is a 400 million dollar industry. This industry is from purchasing fuel to and from hunting trips, purchasing food to and from hunting trips, firearms and ammunition purchases, purchasing supplies to and from hunting trips, lodging for extended trips (especially for the extensive number of out of state hunters), and all this happens while they have firearms in their vehicles and happens without incident. When hunting season starts is there an uptick in armed robbery or other firearms related crime by hunters in the areas SB1 is looking to restrict? The answer is no there is not.
What about competitive shooters in the state and the out of state competitors? Under the conditions of SB1 they would be prohibited from stopping for fuel on their way to an even or picking up food or other supplies. Non residents wouldn't even be allowed to compete as SB1 would prohibit them from staying in any hotel or other lodging facility.

Beyond the strong infringements on our constitutions second amendment, SB1 would render every citizen under violent attack defenseless and at the mercy of their assailant(s) and the time it takes for law enforcement to respond to the scene. SB1 effectively removes their greatest tool for self defense.
This bill presents itself as a stick both hands in the cookie jar and see how much you can pull out attempt and gun control rather than public safety. Since the Supreme Court ruling last summer that ended Marylands "good and substantial" reason for issuing wear and carry permits there has been a dramatic increase in permit application and issued permits. The increase actually as noted by the Maryland State Police (MSP) started in 2020 as the increase in permit applications went from 53,736 in 2019 to 104,456 in 2020. Well before the Bruen case in June of 2022. This is telling the state of Maryland the citizens of this state are interested in their safety and they feel there is a need to be armed as they go about their daily lives. After the Bruen decision the permit applications rose slightly from the 2020 number of 104,456 to 118,262 in 20202. In 2020 of the 104,456 applications received the MSP disapproved 585 of those applications. In 2022 of the 118,262 applications received by the MSP 518 were disapproved. The disapproval rate before and after the Bruen decision of the Supreme Court and Marylands dropping of the "good and substantial" reasoning for issuing permits remains the same. None of those previous 200 plus thousand approved permit holders from 2019 and 2020 went around committing crimes with those permits. These permit holders haven been proven for decades not to be the cause of violent crime or firearms related crime in the state of Maryland. There is just no evidence to support any other position.

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Senate Bill 1
Postion : OPOSE

In order to receive a Maryland wear and carry permit and use it a state resident is background checked 3 times by the MSP. Once when they submit and application for the Handgun Qualification License (HQL), another time when they purchase a regulated firearm and fill out Marylands 77R form and wait the 7 day period for the MSP to complete their background check that includes not only criminal history but medical/mental health history as well. The third time comes after they submit their application for the carry permit that has up to a ninety day waiting period for approval. During these application and background checks, the applicant has given MSP permission to search medical and criminal backgrounds as well as submit digital finger prints, a passport sized photo of the applicant and 3 character references for the MSP to interview. Maryland wear and carry permit holders are well vetted and checked by our terrific MSP very well. Not only are these permit holders thoroughly vetted by MSP they also have to undergo a sixteen hour course that covers Maryland law, handgun safety, and a twenty five round live fire test to pass the course. This is a costly process for the applicant, not only in time but financially. To obtain a wear a wear and carry permit in the state of Maryland it costs the applicant upwards of three hundred and fifty dollars just for course and application fees. Why would a criminally minded person go through all this time, expense, and background investigation? Why would they make themselves known to the MSP? They don't, and they wouldn't go through this process. Instead they steal guns or buy them illegally on the black market. The folks applying for wear and carry permits in the state of Maryland are citizens interested in staying on the right side of the law, thats why they endure the time an expense and give up their medical privacy because they want to do right and they understand that in a state where crime is on the increase and the penalties for criminals are on the decrease, self protection is becoming more of a reality for them.
Maryland has some of the most comprehensive and convoluted gun laws in the country. There is already law on the books in regards to regulated firearms and it is much more extensive than SB1 for those types of firearms. Maryland criminal law 4-203 states that a regulated firearm may not be transported to any destination except, the range, a licensed FFL dealer or repair shop, hunting, or to a competition. While transporting to one of the above mentioned destinations, no other stops can be made along the way. The firearm must also be unloaded and stored separate from the ammunition and must remain out of the drivers reach for the duration of the trip. This means that no destination except the few above mentioned are lawful for anyone to transport a regulated firearm within the state and only to those specific destinations, any other destination would be unlawful. For example, if a person without a valid Maryland wear and carry permit is transporting a handgun to an FFL dealer for repair or other service, that individual may not stop for gas, coffee, or any other reason, no exceptions or they are in violation of section 4-203. This section of the Maryland criminal law is already more exclusive to the transportation of regulated firearms in the state of Maryland, leading SB1 to single out wear and carry permit holders, hunters and competition shooters of long guns, both state and non state residents. There is no data to support any claims these groups of firearm owners are causing harm to the public with their firearms. There is only data to show they are NOT harming the public with their firearms and SB1 with prejudice is assuming them criminals. This bill will make it near impossible for anyone to move about the state of Maryland with a firearm legally. Even forcing some firearm dealers to close or force them to relocate their business because they are located within one hundred feet of a place of public accommodation.

Charles Raymond Knaggs
35296 Golf Course Drive
Mechanicsville, MD 20659
c-knaggs@hotmail.com
301-643-3285

Senate Bill 1
Postion : OPOSE33

The criminal element will not be affected at all by SB1 except making more firearms vulnerable to theft having to be locked in cars while their owner is forced to leave them behind and park at least one hundred feet away from a place of public accommodation. So to set the stage, SB1 is requiring lawful firearm owners with a wear and carry permit, to leave their handgun locked in their vehicle and park as far away from the store as possible, were there are less people, less cameras an is easier for the criminal element to steal that firearm. Criminals are predators and lie in wait in parking lots looking for victims. They will be watching to see if anyone is leaving firearms behind when they leave their vehicles for two reasons. One they know that individual is defenseless against them and two, now they have a gun they can steal easily in order to commit more crimes or sell for cash, drugs or whatever else a criminal does with a stolen firearm.
There is no justification the state of Maryland can make to support the need for SB1 other than the bills sponsor(s) personal disdain for firearms. Policy based of personal opinion with no regard to actual data is not how our legislative process is supposed to work. Senate Bill 1 singles out and persecutes a significant portion of Marylands population with no actual data to support the need for this legislation.
I urge you to please withdraw this Senate Bill 1 and let the law abiding firearms owners of Maryland be without unwarranted harassment and persecution.
Thank you,

Charles Knaggs

Strongly oppose SB1.pdf
Uploaded by: charles regan
Position: UNF

OPPOSE SB1: Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Despite its name, the “Gun Safety Act of 2023” contains no provision that promotes, facilitates, or advances safety with guns. That misnomer is a façade for a bill that will ensnare citizens in a legal trap – the very people who have never been a problem and never will be. The people who have undergone training, been investigated and certified by the Maryland State Police as qualified to carry a firearm. This bill subjects us to imprisonment for having done no wrong. SB1’s title masks the intent of the bill – to prohibit the right of persons licensed by the Maryland State Police to carry outside the home. **I urge you to oppose it.**

The bill enacts restrictions so broad as to nullify the right, and that is by design. That is its intent. It does so despite the clear language that Supreme Court Justices used in their opinions in the recent case *New York State Rifle & Pistol Association v. BRUEN*. The Justices anticipated exactly this kind of legislative nullification of the right by States hostile to the 2nd Amendment. The Court made clear that arbitrary prohibition on the right throughout large swathes of territory is unconstitutional. SB1 flies directly in the face of that Supreme Court decision that clarified the right to carry outside the home. Yet SB1 deliberately puts in place “no-go” zones that permeate every city, every street, and every neighborhood with the express purpose of nullifying the right to carry outside the home.

How does this bill manage to quash the right to carry? By picking out places its authors know are found everywhere – by drawing a circle around each of them that extends 100 feet and declaring that any licensee carrying who comes within any of these omnipresent “no-go” zones is in violation of the law and subject to imprisonment.

The bill’s language prohibits the wear, carry, or transport of a firearm within 100 feet of a place of “public accommodation”. But what is a PLACE of public accommodation? It’s essentially EVERY PLACE. It is any one of the hundreds of thousands of places where normal functions of society occur. Most places that have been created by humans become a “no-go” zone under SB1.

How many “no-go” zones are there that merely passing within 100 feet of will put a person in jail?

- **Restaurants**: Maryland has 11, 178 of them.[i] And that’s just restaurants. Throw in the bill’s additionally defined “no-go” zones that include “*cafeterias, lunchrooms, lunch counters, soda fountains*”, and the number easily doubles to over **TWENTY-THOUSAND**.
- Retail establishments: meaning a **STORE** or a **gas station**. How many thousands of “no-go” zones? Easily over **FIFTY THOUSAND**.
- Theaters, **stadiums**, **sports arenas**, or other? What’s a “**place of entertainment**”? Suffice it to say the number is in the THOUSANDS.
- “…other **place of exhibition or entertainment**…”: What’s that? Under this bill, if you are outside your home, and you hear a joke, you have just been entertained, and under the bill, you are in “a place of entertainment” – a “no-go” zone. You go to jail and lose your right to own firearms permanently.

Wouldn’t a person be able to exercise their right by simply avoiding these “*places of public accommodation*”? Can any person move freely about while staying 100 feet from a restaurant, cafeteria, theater, hotel, motel, store, gas station, stadium, concert hall, or place of entertainment? No, no free person can do so for more than a couple of minutes, nor should any citizen of the Free State be threatened with prison for doing so. I urge you to OPPOSE SB1.

Sincerely,

Charles Regan

Ijamsville MD

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[i] https://restaurant.org/getmedia/6999ed46-c555-4f75-a521-b5202895beca/Maryland.pdf

WatkinsOpposeSB001.pdf
Uploaded by: Charles Watkins
Position: UNF

335 Silky Oak Ct
Linthicum Hts, MD 21090
February 6, 2023

Re: Opposition to Senate Bill 1 (Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023)

To: Senators Waldstreicher and Lee

As a US military veteran, I **oppose** Senate Bill 1 (Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023).

Today, a Maryland concealed carry firearm permit holder requires a background investigation, fingerprint search, and firearms training. Therefore, Maryland is not issuing permits to everyone who requests one. These permits allow individuals to be able to protect themselves and their friends and families against unprovoked attacks by others brandishing weapons such as hammers, knives, and guns.

I recall an incident when I was driving my car with a friend to get a hamburger. When my passenger and I were getting out of my car someone rushed up and put a knife to my passenger's throat. If a woman in the parking lot wouldn't have yelled "No, that's not him," my friend and I may not be alive today. Incidents and people such as these is what law-abiding citizens need to be able to protect themselves from.

I request the Committee take no further action and abandon this senate bill.

Sincerely,

Charles Watkins

dr.watkins@yahoo.com

Oppose SB 1 - Criminal Law - Wearing, Carrying, or

Uploaded by: Colby Ferguson

Position: UNF

Maryland Farm Bureau, Inc.

3358 Davidsonville Road • Davidsonville, MD 21035 • (410) 922-3426

February 7, 2023

To: Senate Judicial Proceedings Committee

From: Maryland Farm Bureau, Inc.

Re: **Oppose SB 1 – Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)**

On behalf of our Farm Bureau member families in Maryland, I submit this written testimony in opposition of SB 1. This bill prohibits a person from knowingly wearing, carrying, or transporting a firearm onto the real property of another person unless that person has given permission. This bill also prohibits a person from knowingly wearing, carrying, or transporting a firearm within 100 feet of a place of public accommodation.

This goes so far that it would be a crime to go up to a drive through window and get food or stop to get gas at a fuel pump if you are carrying your legal firearm even with a legal wear and carry permit. Making criminals out of law-abiding citizens just trying to protect them and their family is not the answer to trying to reduce violent crimes in Maryland. If anything, this is the exact opposite. This is a pro-criminal bill as this stacks the deck for violent criminals that won't have to worry about the victims they prey on being armed and only need to worry about the limited police force protecting our streets and neighborhoods.

MDFB Policy: We believe in and support the Second Amendment to the U.S. Constitution, which protects the right of the people to keep and bear arms.

We oppose any legislation that would further restrict the purchase and ownership by law-abiding citizens of firearms, handgun, long arm, autoloader, or manual loader.

MARYLAND FARM BUREAU RESPECTFULLY OPPOSES SB 1

Colby Ferguson
Director of Government Relations
For more information contact Colby Ferguson at (240) 578-0396

SB1 testimony .pdf
Uploaded by: Constantine Swanson
Position: UNF

I am writing in opposition to SB1 and the immediate harm it poses to myself and Marylanders more generally. The changes proposed pose an immediate threat to the very populations that the general assembly recognized had a "good and substantial reason" to carry a firearm when that was the standard.

Individuals like myself who hold Top Secret clearances are regularly at risk because of our access to materials that protect our nation's security. The ability to carry firearms when out and about gives us necessary protection from those who intend to kidnap, ransom, or interrogate cleared individuals in their efforts to steal America's secrets and threaten our nation's security. These threats take many forms including foreign and domestic terrorist organizations and these threats are, by their nature, not predictable, so constant protection on one's person is necessary. Countless other Marylanders hold these same security clearances and will be in constant risk of danger without protection under this bill not to mention the safety of the country as a whole.

Other than protecting myself, members of my immediate family have faced regular threats and harassment while in public. My little sister has been stalked and harassed by strange men for the past 2 years. It has been bad enough that she withdrew from school to avoid these men. My fiance works in the middle of the night in downtown Baltimore and has been harassed and intimidated by strangers as well. Young women across our state face similar threats and they would prefer their safety remain in their own hands rather than face the disarmament SB1 would subject them to.

It is also worth mentioning the women and men across Maryland with restraining orders against abusers who have already relied on a firearm for protection while out in public for years. Many of these people have already been attacked by people who know their address and times they leave the house. Presently they can be just as safe in both locations. SB1 would ensure these people disarm themselves before leaving their homes creating the perfect opportunity for those who wish to do them harm to strike.

For those trying to carry legally under SB1, they would regularly be forced to leave firearms in their vehicles as they go to locations which do not allow carry. These unattended firearms would pose a major theft risk and then are likely to be turned on innocent members of the public.

SB1 is an overreaction to an imagined threat. Private citizens have had carry permits in our state for decades and time and time again we have seen that the individuals who pose a violent risk to our safety are not the same people who are willing to send their photo and fingerprints to the state police and pay fees and wait months for approval before carrying. The process already in place is more than sufficient. It is already illegal to carry without a permit and in sensitive places like schools and court houses. If this bill passes, countless people across our state will be in immediate, unavoidable danger the moment they leave their homes. SB1 would be a terrible threat to our state and I strongly recommend your opposition to it.

2023 SB0001- KIjesky - OPPOSED.pdf
Uploaded by: Crystal Kijesky
Position: UNF

Crystal Kijesky
11980 Provident Drive
LaPlata, MD 20646

SB001 – OPPOSED

I am against proposed bill SB0001.

I'm really angry and flabbergasted, but not surprised, you're making things very difficult for a every law abiding citizen to use their conceal carry weapons permits, who legally obtained them through all of the proper channels .

You make it difficult for people to protect and defend themselves which the constitution says that they very well have the right to do.

Maryland is already one of the most restrictive on who can attain a concealed weapons permit.

Daily , I read my local Charles County Sheriff's blogs as well as neighboring jurisdictions about the violence.

I see the rampant violence as far as domestic violence, gun violence, and the key word in every article, is that people who have these weapons are obtaining them ***illegally***.

Yes, we should all feel unsafe with the amount of ***illegal*** weapons that are on the streets.
I grew up in PG county. It has been this way for years and it has not seemed to change for the better.

Legal, law-abiding gun owners, are the ones that I want near me when there's something going down.

You don't hear in the news about the law-abiding gun owners who take out the bad guys before the police even get there.

They are the ones who protect themselves from harm, which is their right.

So if something's going down with an illegal gun and there's somebody who's decided that they've lost it, I get to call 911 and wait quietly and see what happens in the meantime? That sounds like an absolute insane thing to do.

People should be allowed to protect themselves.

You throw around words like “safety. “

Who's rights make one feel safe? I feel safer with law abiding gun owners.

Most of the gun owners that I know protect and defend the lives of others.

They know that a gun is an item that should be taken seriously. They care about their own lives as well as the lives of those around them.

OPPOSE bill SB0001.

SB1 Opposition Letter.pdf
Uploaded by: D.J. Spiker
Position: UNF

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030

NRA

February 7, 2023

Chairman William C. Smith Jr.
90 State Circle
Annapolis, Maryland, 21401

Dear Chairman Smith:

On behalf of our members in Maryland, I would like to communicate our strong opposition to Senate Bill SB1.

As initially drafted, Senate Bill 1 would effectively ban the wear, carry, or transport of firearms anywhere in the state of Maryland besides your home. That is, unless you reside in an urban locality such as Baltimore City, Montgomery County, etc, where as drafted SB1 would effectively ban firearms possession, since you be unable to transport to it into your domicile.

(B) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A FIREARM WITHIN 100 FEET OF A PLACE OF PUBLIC ACCOMMODATION.

MD Code, State Government, § 20-301

"place of public accommodation" means:
(1) an inn, hotel, motel, or other establishment that provides lodging to transient guests;
(2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food or alcoholic beverages for consumption on or off the premises, including a facility located on the premises of a retail establishment or gasoline station;
(3) a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
(4) a retail establishment that:
(i) is operated by a public or private entity; and
(ii) offers goods, services, entertainment, recreation, or transportation; or
(5) an establishment:
(i) 1. that is physically located within the premises of any other establishment covered by this subtitle; or
2. within the premises of which any other establishment covered by this subtitle is physically located; and
(ii) that holds itself out as serving patrons of the covered establishment.

Senate Bill 1 as drafted is a clear violation of the recent *Bruen* Supreme Court decision.

For the foregoing reasons, the NRA opposes Senate Bill 1.

Sincerely,

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030

NRA

D.J. Spiker
Maryland State Director
NRA-ILA

CC: Senator Jeff Waldstreicher
Senator Jill P. Carter
Senator William G. Folden
Senator Mary-Dulany James
Senator Mike McKay
Senator C. Anthony Muse
Senator Charles E. Sydnor III
Senator Chris West

SB 1.pdf
Uploaded by: Dana Schulze
Position: UNF

SENATE BILL 1

E1, E4 3lr0330

(PRE–FILED)

By: **Senators Waldstreicher and Lee**
Requested: August 16, 2022
Introduced and read first time: January 11, 2023
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions**
3 **(Gun Safety Act of 2023)**

4 FOR the purpose of prohibiting a person from knowingly wearing, carrying, or transporting
5 a firearm onto the real property of another unless the other has given certain
6 permission; prohibiting a person from knowingly wearing, carrying, or transporting
7 a firearm within a certain distance of a certain place of public accommodation; and
8 generally relating to restrictions on wearing, carrying, or transporting firearms.

9 BY adding to
10 Article – Criminal Law
11 Section 4–111 and 4–112
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – State Government
16 Section 20–301
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2022 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Criminal Law**

22 **4–111.**

23 **(A) IN THIS SECTION, "FIREARM" HAS THE MEANING STATED IN § 4–104 OF**

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets] indicate matter deleted from existing law.

1 THIS SUBTITLE.

2 (B) THIS SECTION DOES NOT APPLY TO:

3 (1) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON
4 A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT–OF–WAY, A
5 SERVITUDE, OR ANY OTHER INTEREST THAT ALLOWS PUBLIC ACCESS ON OR
6 THROUGH THE REAL PROPERTY;

7 (2) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON
8 A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT–OF–WAY, A
9 SERVITUDE, OR ANY OTHER INTEREST ALLOWING ACCESS ON OR THROUGH THE
10 REAL PROPERTY BY:

11 (I) THE HOLDER OF THE EASEMENT, RIGHT–OF–WAY,
12 SERVITUDE, OR OTHER INTEREST; OR

13 (II) A GUEST OR ASSIGNEE OF THE HOLDER OF THE EASEMENT,
14 RIGHT–OF–WAY, SERVITUDE, OR OTHER INTEREST; OR

15 (3) PROPERTY OWNED BY THE STATE OR A POLITICAL SUBDIVISION
16 OF THE STATE.

17 (C) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A
18 FIREARM ONTO THE REAL PROPERTY OF ANOTHER UNLESS THE OTHER HAS GIVEN
19 EXPRESS PERMISSION, EITHER TO THE PERSON OR TO THE PUBLIC GENERALLY, TO
20 WEAR, CARRY, OR TRANSPORT A FIREARM ON THE REAL PROPERTY.

21 (D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY
22 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
23 EXCEEDING 1 YEAR.

24 4–112.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (2) "FIREARM" HAS THE MEANING STATED IN § 4–104 OF THIS
28 SUBTITLE.

29 (3) "PLACE OF PUBLIC ACCOMMODATION" HAS THE MEANING
30 STATED IN § 20–301 OF THE STATE GOVERNMENT ARTICLE.

1 **(B) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A**
2 **FIREARM WITHIN 100 FEET OF A PLACE OF PUBLIC ACCOMMODATION.**

3 **(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY**
4 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
5 **EXCEEDING 1 YEAR.**

6 **Article – State Government**

7 20–301.

8 In this subtitle, "place of public accommodation" means:

9 (1) an inn, hotel, motel, or other establishment that provides lodging to
10 transient guests;

11 (2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or
12 other facility principally engaged in selling food or alcoholic beverages for consumption on
13 or off the premises, including a facility located on the premises of a retail establishment or
14 gasoline station;

15 (3) a motion picture house, theater, concert hall, sports arena, stadium, or
16 other place of exhibition or entertainment;

17 (4) a retail establishment that:

18 (i) is operated by a public or private entity; and

19 (ii) offers goods, services, entertainment, recreation, or
20 transportation; or

21 (5) an establishment:

22 (i) 1. that is physically located within the premises of any other
23 establishment covered by this subtitle; or

24 2. within the premises of which any other establishment
25 covered by this subtitle is physically located; and

26 (ii) that holds itself out as serving patrons of the covered
27 establishment.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2023.

I am in opposition to SB1.pdf
Uploaded by: Daniel Augustyniak
Position: UNF

I am in opposition to SB1.

I feel that this is a horrible idea that prevents law abiding citizens who have submitted and have had review and clearance to legally carry a firearm. All the while illegally obtained firearms plague our State. With the reduction in law enforcement, slow response and reaction times - We need the ability to defend ourselves and our loved ones.

Here in Aberdeen Maryland we just had a rape and murder of a young lady by a known MS13 gang member who was here illegally. The open borders (which are thousands of miles away) bring an unthinkable threat to my local community.

We are giving the criminals power should SB1 move any closer to reality. We have a lawful right to be able to defend ourselves. We need to uphold our Laws. We need our elected - courageous Men and Women in our General Assembly to stand up for us.

Respectfully,

Dan Augustyniak

Danielle Ortiz Testimony-Oppose SB1.pdf
Uploaded by: Danielle Ortiz
Position: UNF

Danielle Ortiz
2415 Kemper Rd.
Crofton, MD 21114
February 6, 2023

Dear Senate Judiciary Committee,

I'd like to share my concerns with SB1 currently as written because of a real-life experience that took place not too far from where you are sitting. My husband and I moved to the state of Maryland in October of 2016. On November 19th we were in the movie theater at the Annapolis Westfield Mall. While watching the movie, a group of men started assaulting a man in the food court below. An off-duty Secret Service agent was out with his family that night. He went over to try to help the man being beaten. One of the men pulled out a gun and shot the off-duty Secret Service agent and started running and shooting in the food court. The off-duty agent shot and wounded the perpetrator.

If that off-duty Secret Service agent was not allowed to conceal and carry, many people in that food court could have been seriously injured or killed, including his family. Fortunately for us, the gates to the movie theater were quickly brought down. Coming out of the theater and talking with the security guard to find out what had happened, just down the escalator, was frightening.

The men that attacked the individual would not have cared about any gun laws. I am positive they did not have a concealed carry permit. But the law-abiding Secret Service agent would have cared about the law. If this law that is being proposed today was in place then, many more people could have been seriously injured or killed that day, including my husband and I. Both my husband and I were wondering, "Where did we just move to?

I have included a link verifying the events of that evening. 3 hurt in Annapolis mall shooting - Washington Times

This bill would also make life much harder for those law-abiding citizens that have to carry a gun for their work to protect and serve us. On their way home, they couldn't stop to eat, go to the grocery store, etc. If you are transporting a gun anywhere, for any reason, you couldn't even stop at a gas station without breaking the law.

Please continue to allow law-abiding citizens to conceal carry, with a permit, in public and private owned property so that we can protect ourselves and others against those who don't have any regard for the law.

Sincerely,

Danielle Ortiz

SB001 - DA.pdf
Uploaded by: Darlyn Szczepanik
Position: UNF

Darlyn Alpert
SB001 - Wearing, Carrying, or Transporting Firearms- Restrictions (Gun Safety Act of 2023)
Unfavorable
2/6/2023

In April 2018, under threat of imminent harm, I legally purchased a firearm and applied for my wear carry permit. After my interview with Maryland State Police and providing over 100 printed pages of evidence of threats of violence against me, I was granted my permit without restrictions. Since that time, I have maintained my permit and my right to wear and carry in Maryland.

Though the man who stalked me was convicted and sentenced to three years, he spent only one day in jail and was off probation after two years. Not a day goes by that I can cease to be vigilant against this threat. The man lives just 15 minutes from my home. That means everywhere I go in my daily routines, I could be confronted by him again. This possibility or likelihood is a specter I live with.

Bill SB001 is not only a restriction of my freedom, but a detriment to my personal safety. This bill would effectively strip me of my right to carry in self defense, criminalizing me nearly everywhere I go. SB001 would force me to choose between my life and the everyday freedoms I enjoy—simple things like antique shopping in Ellicott City, visiting galleries, or even food shopping. SB001 has the power to render me and those like me defenseless and stripped of both rights and freedoms.

For these reasons, I urge you to take an unfavorable stance against SB001.

Sincerely,

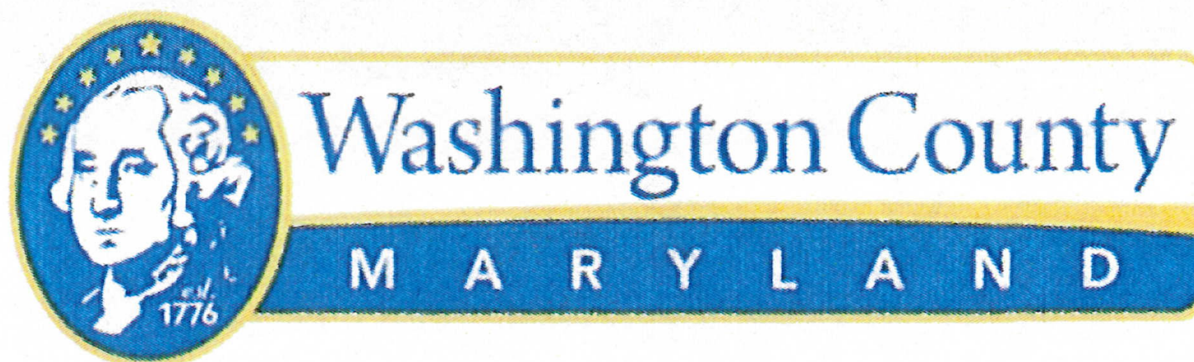
Darlyn Alpert
District 13
Rhymeswithnothing@gmail.com

5317-SB 1 - Letter of Opposition.pdf

Uploaded by: Dawn Marcus

Position: UNF

John F. Barr, *President*
Jeffrey A. Cline, *Vice President*



Derek Harvey
Wayne K. Keefer
Randall E. Wagner

BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND

February 3, 2023

Senator William C. Smith, Jr., Chair
Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 1: Wearing, Carrying, or Transporting Firearms-Restrictions: OPPOSED

Dear Senator Smith:

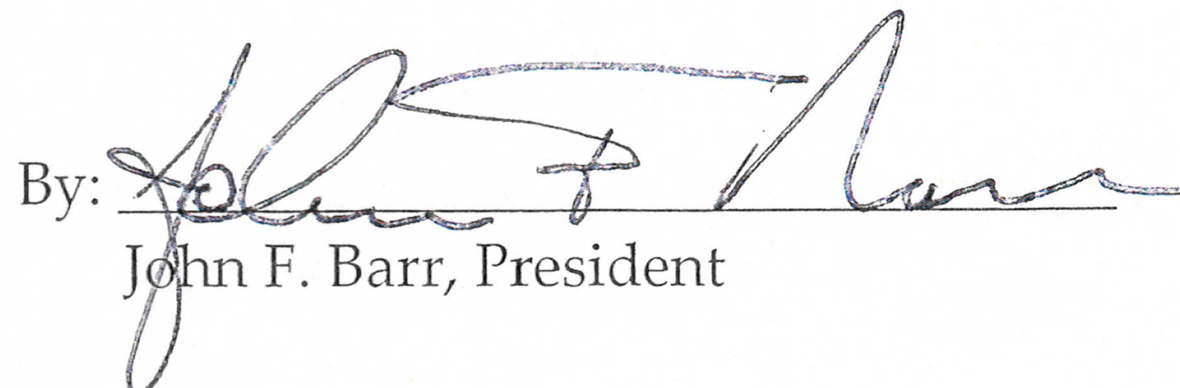
The Board of County Commissioners of Washington County unanimously opposes SB 0001, prohibiting the wear, carry, or transport of a firearm onto real property of another without certain permission to the person or general public; and prohibiting the wear, carry, or transport of a firearm within 100 feet of a place of public accommodation.

It is the belief of this Board that SB 1 not only runs afoul of the United States Supreme Court Decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, but more egregiously desecrates the right of citizens to keep and bear arms as enshrined in the Second Amendment of the Bill of Rights, a right deeply rooted in the traditions and history of the United States. Moreover, the policy rationale advanced by proponents of SB 1 lack foundation in fact or historical experience. This bill is unnecessary, unwise, and unconstitutional.

For these reasons, the Board strongly opposes SB 1. Please reject it.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

By: 
John F. Barr, President

cc (via email): Senator Paul D. Corderman
Senator Mike McKay

SB001.pdf
Uploaded by: Derek West
Position: UNF

SB001 Gun Safety Act of 2023

Unfavorable report: bad legislation.
Permit holders are the most law-abiding residents of Maryland. As written, SB001 is a knee jerk reaction to the SCOTUS decision in the Bruen case.

As written, SB001 would render expensive training, licensing and background checks worthless. What's the point of complying with the licensing schemes and fees, when the MGA will simply change the rules after accepting payment for a product? That's a bait and switch, and glorified by Sen Waidstreicher in TV interviews – boldly stating that the proposed law isn't meant to make Marylanders safer, but unarmed: in direct violation of the second amendment, SCOTUS, and in violation of his oath of office: to uphold and defend the constitution of Maryland and the United States.

IMG_20230205_0001.pdf
Uploaded by: Diana Miller
Position: UNF

Diana K. Miller
3304 Linwood Ave
Parkville, MD 21234

Testimony on SB0001: Gun Safety Act of 2023

I am a 72 year old widow that, until the last couple of years, was against owning and having a handgun in my home, much less carry a firearm. I live in Baltimore City, just at the county line, and share a home with my daughter, son-in-law, and four of my five grandchildren. I have the inlaw suite in the home. My home is the only home on a dead end street, next to a cemetary. I changed my mind given what happened with the pandemic, then at the Capitol Building on January 6, 2021, as well as the increasing violence and crime in Baltimore. I also changed my mind about owning a handgun after an incident involving my daughter.

In April of 2022, less than a week after I did my Handgun Qualification License (HQL) class, my 33 year old daughter was carjacked and assaulted at gunpoint by a man that was a convicted felon on parole for a similar crime. Her attacker is currently in detention, awaiting trial for the carjacking and assault, as well as violation of parole. The incident left my daughter with ptsd. I thank the Lord daily that it wasn't worse, that she is alive. She could no longer drive the van without having flashbacks. We actually got rid of the van because of the carjacking and her response to it via the ptsd. The damage to the van was in excess of 5000 dollars. The van was worth way more. My daughter's life is priceless.

I have mobility problems due to health issues. I use a mobility scooter when shopping and often carry it on a motorized lift on the back of my car. Due to the crime issues in the city I live in, I no longer shop or attend events in the city. All my business and entertainment is in the surrounding suburbs. I wish I could attend Ravens and Orioles games, but the violence, and the "squeegie kids" in the downtown areas stop me from doing so. It should be noted that Mayor Scott's plan to alter the places that these squeegie kids can ply their trade, failed as there are videos of them approaching cars in some of the six forbidden areas after January 10, when the plan went into effect. The violence also stops me from going to the Inner Harbor for things such as the Aquarium, and the Maryland Science Center. I loved going to Fells Point, but no longer do so as there have been problems there too in the last couple of years. Then, the same day that Mr. Reynolds was murdered near the Inner Harbor, Governor Hogan declared that Maryland would be a shall issue state, following the recent Supreme Court decision regarding New York's gun laws and the lawsuit that was against the law restricting carry. I signed up for the Wear and Carry class at my local gun range. I received my Handgun Permit in November.

From what I have seen or read about in the news, many of the handgun crimes are committed by those under the age of 21. And the crimes are beginning to spill over to the area where I live. Disagreements often result in violence to solve the disagreement or revenge for a perceived slight. To so severely restrict where I can carry would negate the value of my carry permit. That value is the right to defend myself in public, with equal force. I have and continue to train in less lethal forms of self defense. I have taken taser training, and am looking at home invasion survival and carjack survival training at my local gun range. I also am looking at more advanced training at my local gun range as time and finances permit. This training includes practical concealed carry course. I also attend a monthly women's meeting at my local gun range to further my knowledge of handgun operation and use as a means of self defense.

This legislation, similar in nature to what was passed in Montgomery, would so severely limit carrying a hangun to the point that it could also seriously limit transporting a handgun as does the law in

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Uploaded by: Diana Miller
Position: UNF

Montgomery County. The legislation is aimed at law abiding citizens of the state, instead of going after those that illegally own and carry handguns and commit crimes with these illegal handguns. Rather than attack the law abiding citizens right to bear arms, the penalties for illegally possessing and using handguns in the commission of crimes should be addressed and increased. The 12 year old that shot two adults passing by with a pellet gun (illegal to own in Baltimore City by the way) was not even prosecuted at all as the child was under the age of 13. This occured mere blocks from the headquarters of Baltimore City Police. The child and his/her parents should be held responsible for this attack. The then 14 year old that shot and killed Mr. Reynolds had to have gotten the handgun from someone. That person should also be prosecuted, not just the teen that did the actual shooting.

While I understand the need for gun control legislation, this legislation takes gun control way too far. By the way,on January 29, a judge has temporarily blocked a very similar law in New Jersey. To approve this legislation here in Maryland could prove to be just as futile. Similar legislation that was passed and enacted in Montgomery County could just as easily be overturned as lawsuits have already been filed requesting the law to be declared unconstitutional. An injunction has also been requested. The responsible law abiding adult should not be prevented from exercising his or her 2nd amendment rights to own and carry firearms. I pray you strengthen crime laws and mandatory sentencing for violent crimes and stop coddling criminals, whether juveniles or adults. Please do not punish the law abiding citizens of this state because of those committing violent crimes with illegal handguns. Handguns do not kill on their own. People kill, using whatever means at hand, be it a handgun, rifle, AR15, knife or some other means. Responsible handgun owners should not be punished because of what others do. I therefore oppose this legislation.

Thank your for listening.

Diana Miller
pharmacymom@gmail.com

SB1 TESTIMONY .pdf

Uploaded by: Dominik Barcikowski

Position: UNF

Since Maryland repealed their “good and substantial” requirement for wear and carry permits in the wake of *Bruen,* 100,000 Marylanders went through the arduous process of obtaining the required training and submitting their application so they could lawfully exercise their right to self defense. These applicants completed 16 hours of classroom training, obtained numerous references, and were fingerprinted all at a personal cost of over $500 in some cases. This proposed bill would show all of these applicants that all of their efforts were for naught and despite doing everything they can to lawfully defend themselves, they will no longer be able to carry a firearm at the majority of places they encounter in their day to day lives. These citizens who were approved for their permits have proven that they are not criminals and were deemed lawfully qualified by the Maryland State Police to exercise a right protected by the United States Constitution. If SB-1 passes, these law abiding citizens would now have their rights stripped as if they were criminals. This law will not stop criminals from carrying firearms as they already act without regard to the laws of society. We should be empowering our citizens to exercise their rights instead of condemning them for it and give them the means to lawfully defend themselves from those who wish to do them harm. If SB-1 were to pass, the Maryland General Assembly would be disenfranchising over 100,000 citizens who have done everything they can to act within the framework of our laws only to have the goal posts moved again. I urge our elected representatives to oppose this bill so that our citizens may be encouraged to act lawfully instead of being punished for doing so

SB1 Testimony.pdf
Uploaded by: Donna Worthy
Position: UNF

SB1

Wear and Carry Bill

Hello. My name is Donna Worthy. I am the President of the Maryland Licensed Firearms Dealers Association and also President and sole owner of Worth-A-Shot Firearms in Millersville Maryland. I am testifying today on behalf of both organizations.

I am strongly opposed to SB1.

In order for a citizen to receive a carry permit in Maryland, a citizen must get fingerprints, pass a background check from the Maryland State Police, take a 16 hour training course, and pass a qualification course.

Once completing the requirements the citizen is given a wear and carry permit. These citizens have been cleared by the Maryland State Police. These citizens have passed all background checks. These citizens were given the green light by the Maryland State Police that they are approved to carry a firearm. SB1 does not target the criminals, it targets these citizens. The responsible law abiding citizens. The responsible approved permit holder that could save your families life one day. The kind of citizen you all would wish was there when you dial 911 and the response time is over 5 minutes. The citizen that could remove the threat of the people you truly want to target in this bill. The criminals. This bill gives the criminal an upper hand. It lets them know that there are no good guys with guns to stop them.

Under this bill a law abiding citizen is not allowed to carry their firearm nearly anywhere. They are no longer permitted to protect their family or themselves.

This bill states that you could not transport your firearm within 100 feet of public accommodation. There is currently not even an exception for Gun stores. Meaning that after a person legally purchases a firearm from a Firearm retailer, they cannot legally transport the firearm out of the store. This would prevent Firearm Retailers from selling firearms and forcing them out of business.

I would also like to point out Firearm establishments that are in a strip mall, or are located within 100 feet of another business. Even if there is an exception for Firearm establishments for transportation, would the buyer now be in violation because the firearms establishment was within 100 feet of another business.

This would personally affect my store. We are located in a strip mall. We have been there for 15 years. We have been approved for all permits and licenses to legally operate our store from this location. How does SB1 affect us or our customers?

Worth-A-Shot is also a training center. Often students will transport their own firearms to our location to learn safe handling with their firearm. These are law abiding citizens, who legally purchased their firearms, and are now trying to be responsible by taking additional training. Under SB1 are they now unable to transport their legally purchased firearm to our training center to receive more training?

This bill may be intended to reduce crime. But in fact you would be doing quite the opposite.

Please understand that I am in full agreement for stronger penalties for those that do not follow the laws with firearms, but you are targeting those that are following all the laws. These citizens aren't the problem here.

I was injured in the line of duty as a Baltimore City Police Officer. I witnessed an enormous amount of violence in my time there. I can't remember one time that a citizen legally carrying their firearm with a carry permit, was part of the problem. In fact I remember many times as an officer, not only hoping but praying that a citizen with a carry permit was nearby.

If reducing gun violence and crime is your objective, then we are on the same team here. But be clear that this bill does not accomplish that. It only targets the good guys.

For these reasons and many more I strongly urge an unfavorable report for SB1.

Thank you.

Written Testimony.pdf
Uploaded by: Douglass Palmer
Position: UNF

Written Testimony:

Douglass R Palmer

14001 Molly Berry Road

Brandywine, MD 20613

814-207-6052

Date: February 6, 2023

I am writing in regards to the follow bills and would like to make the following statements on each as noted:

SB001:

I am in opposition of this bill in its entirety. I would like to believe that the Maryland Legislature is making policy based on sound evidence and facts. The limiting and restricting of possession of firearms by permitted carriers is not based on either. Unless one is very meticulous cherry-picking studies performed on the subject there is no basis in facts to limit law abiding citizen form defending themselves outside their homes. The criminal rate of wear and carry permit holders is one of the lowest rates among any groups of people nationwide. The crime **rate** of gun permit holders is lower than that of off duty police officers. There is no data that even suggest that restrictions on permit holders will affect crime rates. The reality is that the states that have the most restrictive gun laws also have the highest violent crime rates. Despite Maryland having some the most stringent gun laws in the nation and, up until July of 2022, an almost impossible means to get a wear can carry permit we still have some of the highest gun violence in the nation. Baltimore is either first or second in the nation in gun violence currently. There is no correlation or connection between lower rates of gun violence and increase restrictions on a person's ability to legally wear and carry a firearm for personal protection. The overwhelming majority of locations that gun violence and mass shooting take place are in areas that either guns are entirely prohibited or that the laws make having a gun so burdensome that no one, except those committing crimes, have them. The statical reality is, the more "gun free" zones there are, the more targets murderous lunatics have to commit atrocities. And they do exactly that, they attack the area that are gun free because they are coward and know that they will not be stopped until they have killed as many as possible. The SCOTUS ruling clearly denotes that one has a right to protect themselves outside of their homes. Its sad time in this country when it takes a SCOTUS ruling to affirm that right, but it did. I hope that this legislative session also affirms that constitutional right, instead of choosing to act out of ignorance and emotion.

SB0086:

I am in opposition of this bill in its entirety. The constitution grants **all** full right of citizens at the age of 18. Owning a firearm and purchasing the ammunition for the firearm is a constitutional right. Unless we decide to change the legal age of adulthood, we should not be taking away constitutional rights from 18-20 year old citizens. If a person is legally an mentally able to choose their leadership (able to vote), they are also legal and mentally able to exercise the right of owning a firearm.

SB0113:

I am in opposition of this bill in its entirety. We need to hold the people who commit a crime responsible for their actions. We don't blame a car manufacture when someone purposely uses a vehicle to harm or kill someone, but we are somehow we are trying to justify doing exactly that with firearm producers. This law is a subjective law that will allow people to go after third parties who are not a party to a crime in an effort to make purchasing a firearm more difficult. Anyone trying to sell this bill as anything other than an end run around the Constitution and federal law is not be intellectually honest with themselves or others.

SB0159:

I believe this bill as written could be abused. If it is solely construction to be **entirely voluntary** and would requiring an affidavit, then I might support the bill. My fear is that the law enforcement would use this as a tool in criminal plea bargaining. I would hope that the process to restore a persons right after they have voluntary surrendered it is clear and unburdening.

HB0364:

I fully support this bill. Half of the state in the country are now constitutional carry states. The first state became so in 2003. We now have two decades of crime data on the impact of removing the requirement of permits to carry a firearm for your personal protection. Clearly, there is no correlation between the increasing or decreasing of legal firearms possession and crime rates. There have been multiple studies conducted and the best that can be said is that there was no impact on crime rates by making it legal to carry firearm without a permit. There are multiple studies that have inferred that it may actually reduce the crime rates in certain states.

HB0413:

I support this bill. There is no factual or evidentiary basis for denying a legal cannabis user the ability to purchase a firearm. There is absolutely no evidence that a legal cannabis user is more prone to commit violent crime than any other group of people. Denying someone their constitutional right solely based on an arbitrary guideline that is not basis in fact or evidence is wrong.

HB0481:

I am in opposition of this bill in its entirety. I think that any prison sentence upon people that are constitutionally entire to ware and carry a firearm for personal protection is a travesty. Increasing the already overly punitive sentencing is idiotic at best.

SB1.pdf
Uploaded by: Eleanor Jones
Position: UNF

SB001 Opposition

To Whom It May Concern:

The Second Amendment allows U.S. Citizens the right to keep and bear arms. This bill, which prohibits those from legally carrying within 100 feet of any public accommodation violates the Second Amendment. Maryland has some of the most strict gun laws in the nation, yet Baltimore City alone has been found to have the second highest rate of gun related deaths (BackgroundChecks.org). Common sense should prevail in this matter and should lead to questions as to why we have a city with a high rate of gun violence when we also have some of the most strict gun laws in the nation? Another question that should also be asked is why is this more strict and unconstitutional bill being proposed when it is apparent that those who are committing the crimes are violating existing laws? What makes you believe that this bill will prevent more gun violence as the criminals with illegal guns don't adhere to the existing gun laws in this state?

In closing, I'd also like to add, that as a woman, the greatest empowerment that I can have is self defense. You are violating my Constitutional right to protection.

Eleanor P Jones
Carroll County

opposition to SB001 - Esther Rossberg.pdf
Uploaded by: Esther Rossberg
Position: UNF

My name is Esther Rossberg and I would like to voice my opposition to Senate Bill 0001 (SB0001). As a 65 year old widow living in Baltimore City, whose daughter was robbed at gunpoint around the corner from my home and whose next door neighbor was robbed at gunpoint on my block, I am frightened for my safety. I am not capable of physically fighting off someone who wants to do me harm.

I am also a Maryland State Police certified firearms instructor and I teach women exclusively. My students include single Moms and older women who work evening shifts and have to walk to their cars alone at night. My students are frightened. They want to be able to defend themselves if necessary.

I serve on the Security Committee of my synagogue. Weekly we see alerts from all over the country about threats of violence to houses of worship, and firebomb attacks (NJ), someone entering a synagogue and opening fire on the people there (CA). Lay members need to be able to carry in houses of worship to defend ourselves.

None of my students, or the students of my fellow instructors are the “bad guys”. We teach gun safety and appropriate use of force. We just want to be safe.

Please kill this bill.

Thank you.

Written testimony to OPPOSE SB 1.pdf
Uploaded by: Evette Harris
Position: UNF

Written testimony to OPPOSE SB 1 & SB 118
Date: Tuesday, 7 FEB 2023

Hello Senators:

I am writing to urge you to OPPOSE SB 1 & SB 118. As a LICENSED, LEGAL, firearms owner in Baltimore, Maryland, I think it is shortsighted, not to mention utterly biased, that my LEGAL rights would be curtailed & I would ultimately be made a criminal to carry my LEGAL firearm.

I am a US military veteran, a black woman, a mother, a firearms instructor, educated, a homeowner, a taxpayer & I have taken all the legal & statutory requirements to obtain & carry my legally owner firearm. As a black woman, I am one of millions of a growing demographic to obtain the education & training requirements to safely carry my firearm. I live in one of the most dangerous cities in our country & at the very least, I want to have a fighting chance to save my life & the lives of my loved ones. To note, I searched for data on violent crimes committed by legal gun owners in Baltimore & Maryland, at large-I was unable to find one instance where this has occurred. Yet, in Baltimore specifically, for the last 8 years, citizens have endured over 300 violent, gun-related deaths, each year, perpetrated by violent criminals who ILLEGALLY have obtained firearms. To my knowledge, not one of these violent deaths have been committed by a licensed, legal, firearm owner as an act of violence.

Unlike you, by the nature of your job, I don't have the luxury of summoning 24/7 security for myself or my family. Every minute that I would have to wait for police assistance is a minute that my life dwindles in the hands of the criminals. Nevertheless, SB 1 & SB 118 would have the effect of making me, a legal & licensed firearm owner, a virtual criminal while the actual criminals will not be affected one iota by these bills. SB 1 & SB 118 will make carrying my legal firearm, outside my home, a crime.

While you may believe you are saving lives with these bills, what you are actually doing is placing more innocent lives at risk of harm & death, without any chance to defend ourselves. Our US Constitution includes the second amendment-the same Constitution on which I swore an oath to protect our country. I am a part of this same country & I certainly have the right to protect my life, as well. Your misguided efforts will do more harm than good, while you maintain the luxury of paid, taxpayer provided security, at my expense.

Evie Harris
Baltimore

SB1 Testimony FB3.pdf
Uploaded by: Frank Burton III
Position: UNF

Re: Senate Bill 1 (SB1)
UNFAVORABLE

All politicians and constituents should agree crime anywhere is a problem. It seems crime is inevitable, sometimes unpunishable and a great threat to law-abiding "good people" of all races, backgrounds and walks of life. Many folks live in fear of being attacked, rightfully so as we've witnessed senseless murders spike in recent years with what appears to be no end to this trend.

As a properly trained firearms owner, deemed capable by the State of Maryland, I am elated to have obtained, from the Maryland State Police, proper license to purchase as well as to wear and carry a firearm for personal defense. I am aware that I am not police and have no intention to involve myself with any altercation or issues that are not life-threatening to myself, or persons close to me. I do however intend to protect my life to the best of my own ability including the use of equal force should I find myself under assault or attack from criminals. Like you, I am praying each day that this never happens.

I can think of no-good reason as to why properly trained and licensed constituents should be severely limited in their ability to protect themselves in extreme situations and how passing SB1 would eliminate crime making Maryland a safer place to live. The Supreme Court agrees to our rights to carry a firearm for protection and the state of Maryland asks for it to be concealed. There is no reason to conceal a firearm if you must announce and request permission to have it on your person as you visit various properties, that might as well be open carry.

This senate bill directly affects the safety of Maryland citizens while not impacting criminals the least; as criminals, by definition, do not abide by the law and are a true menace to our society.

I urge you to carefully consider your actions in deciding what's best in the interest of safety for all Marylanders. Thank you for listening,

Frank Burton III

SB 0001 Testimony 20230206.pdf

Uploaded by: Frank Clary

Position: UNF

Maryland General Assembly
Senate Judicial Proceedings Committee, 2023 Session

Testimony in Opposition (unfavorable) to SB 0001 "Gun Safety Act of 2023"

Written testimony submitted on 06 February, 2023

To the Chair, members and staff of the 2023 Senate Judicial Proceedings Committee,

Greetings and thank you for taking time to read my testimony **in opposition** to SB 0001, "Gun Safety Act of 2023". I have an unfavorable opinion about this act, and I am opposed to it in all forms. I stand in opposition to this proposed legislation for a number of reasons.

For background, I am a Maryland and Montgomery County resident and I've lived in the State for almost eight years. I am a lay person and I have also lived for about 14 years outside the country, including about 10 years in the Middle East and about 4 years in Europe. I have also spent many years living in other states within the US. I have a substantial amount of professional and personal travel to many countries around the world, with most being in pioneer, emerging and developing markets, and most of it in the private sector.

My personal experiences compel me to speak out against the "Gun Safety Act of 2023." Our civil rights, including the right to keep and bear arms in public, are integral and important to the social fabric of Maryland, and the US. When we weaken one right, we weaken all of them. Plus, this proposed legislation will do far more harm than good, and it will expose victims of violent crime, especially women, to murders, rapes, shootings and other violent acts. The Act will not solve the problems which it intends to solve, it will alienate a substantial amount of the population from itself and its government, and it will waste a lot of the State's resources when the State will be compelled to defend it in public. Please do not let this Act out of Committee.

Here are many reasons why I think the "Gun Safety Act of 2023" should not be advanced out of the Senate Judicial Proceedings Committee.

Maryland Declaration of Rights, Article 2; & US Constitution and Bill of Rights, 2nd Amendment

First, the "Handgun Safety Act" ***prima facia*** violates the Maryland Constitution Declaration of Rights, Article 2; and the 2nd Amendment to the United States Constitution Bill of Rights. Article 2 of the Maryland Declaration of Rights ***unambiguously*** states *"**The Constitution of the United States**, and the Laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and **shall be the Supreme Law of the State**; **and the Judges of this State, and all the People of this State, are, and shall be bound thereby**; anything in the Constitution or Law of this State to the contrary notwithstanding."* The Maryland Declaration of Rights does not specifically cite a right to bear arms, **but the US Bill of Rights does**, and it does so explicitly in the 2nd Amendment, which states *"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**."* The members of this Committee shall no doubt read ample commentary about the meaning of the US Bill of Rights 2nd Amendment, and how this should be incorporated into the legislative process. For purposes of this testimony, **the Committee members must note** that according to the US Supreme Court's many rulings and orders over the last several decades, the "…right of the people to keep and bear arms, shall not be infringed" must be interpreted and understood via the following principles:

 Submitted by: Frank Clary, email frank_clary@yahoo.com

Maryland General Assembly

Senate Judicial Proceedings Committee, 2023 Session

Testimony in Opposition (unfavorable) to SB 0001 "Gun Safety Act of 2023"

Written testimony submitted on 06 February, 2023

1. **The right to self-defense pre-dates the founding of the United States (and Maryland.)** This right is a pre-existing right, it endures until today.
2. **The right to self-defense is not limited to hearth and home**. **The right extends to self-defense outside the home.**
3. The 2nd Amendment should be understood through **the clear meaning of the text**, including the prefatory and operative clauses of the 2nd Amendment, i.e.
    a. Prefatory clause: "A well-regulated militia, being necessary to the security of a free state…" means that the existence of the Free State of Maryland necessitates that the people are entitled and able to keep **AND BEAR** arms in order that they may support and defend the Free State should it be required, **and**
    b. Operative clause: "…the right of the people to keep and bear arms shall not be infringed." means that where the state is concerned, the people have had and continue to have a pre-existing right to bear arms for self-defense; and the fact that this right exists enables the Free State of Maryland to be supported and defended by the people who are able to bear arms in support of the Free State. It also means that this right **cannot be infringed** because in so doing the Free State of Maryland is imperiled.
4. To determine if conduct around the keeping and bearing of arms is protected by the Maryland Declaration of Rights and/or the 2nd Amendment of the US Bill of Rights, **legislators** AND justices must first assess if the 2nd Amendment is implicated by the conduct in question.
5. If the conduct in question implicates the 2nd Amendment of the US Bill of Rights, the legislators must then asses if the conduct is legal. If it is legal and protected by the 2nd Amendment to the US Constitution, the inquiry stops. No law should be made that would violate the conduct in question, and should the law be in place, it should be struck.
6. If the State wishes to craft regulations around the 2nd Amendment right to bear arms outside the home for self-defense, any legislation must be consistent with the nation's historical tradition of firearm ownership. The historical period to which the State must refer is the founding era.

In Sum:

- The US Constitution and Bill of Rights, including the 2nd Amendment, are the "…Supreme Law of the State; and the Judges of this State, and all the People of this State, are, and shall be bound thereby…"
- The right to self-defense is a pre-existing right that is protected under the 2nd Amendment of the US Bill of Rights.
- The right to self-defense extends beyond the home.
- The viability of the Free State of Maryland necessitates that the people are entitled to keep and bear arms.
- The carrying of firearms for self-defense outside the home for self-defense is a protected right.

 Submitted by: Frank Clary, email frank_clary@yahoo.com

- Maryland Legislators MUST consider if any proposed legislation regarding the right to carry a gun outside the home for self-defense implicates the 2nd Amendment right to keep and bear arms outside the home.
- The legislature must do this analysis PRIOR to adopting any legislation regarding these rights.
- Any proposed legislation MUST be consistent with the nation's historical tradition of firearm ownership.

In the case of the "Gun Safety Act", **it is 100% certain that the Act will implicate the 2nd amendment right to lawfully carry firearms outside the home for self-defense throughout the state of Maryland**. The legislature must then consider if the Act, which is implicates the 2nd Amendment because it severely restricts the carrying of firearms for self-defense, is legal under the US Bill of Rights. It must refer to the nation's historical tradition of firearm ownership and identify historical analogs that would enable the State to claim the Act is permissible. However, there are no such analogs. Therefore it is certain that that the Act's prevention of carrying guns for self-defense within 100 feet of "a place of public accommodation" will be illegal under the US Constitution, and as such, the Maryland Declaration of Rights. The Act is illegal and it should not advance out of this Committee.

Maryland Declaration of Rights, Article 44

Additionally, the "Gun Safety Act" violates the Maryland Declaration of Rights, Article 44, which declares ***"That the provisions of the Constitution of the United States, and of this State, apply, as well in time of war, as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good Government, and tends to anarchy and despotism."***

The Act violates this Article of the Maryland Declaration of rights because the rights of the people under the 2nd Amendment of the US Constitution, and the Maryland Declaration of rights, are violated under a "plea of necessity". The "plea of necessity" flies under the flag of "gun violence", but in truth, the vast majority of violent acts involving firearms are executed by criminals, not the law abiding. And, while we commonly hear of the "scourge of gun violence and its tens of thousands of deaths", we must also think, speak and legislate frankly about the statistics that color these kinds of statements. The sad reality is that the substantial majority of gun-related deaths are attributable to suicides. The law-abiding people of Maryland are justly entitled to carry firearms outside their homes for self-defense. The criminals that are engaged in assaults and murders with firearms will continue to do so. The only thing the "Gun Safety Act" will do is prevent law abiding people from protecting themselves and their families from violent criminals. The "Gun Safety Act" will have no impact on suicide rates in Maryland.

The "Gun Safety Act" violates the Maryland Declaration of Rights because it subverts the right to self-defense under a "plea of necessity". The Act is illegal because it flies in the face of prohibitions against suspending constitutional provisions, rights and laws, including self-defense. Not only is the Act illegal, it subverts the Good Government of Maryland because should the Gun Safety Act be adopted, the Government and State will "…tend towards anarchy and despotism."

Further, the Supreme Court has said that "…interest balancing…is not deference that the Constitution demands…" when considering legislation and regulations regarding the 2nd Amendment. In fact, the Court has said the 2nd Amendment "is the very product of an interest balancing by the people."

Maryland's Declaration of Rights expressly prevents departure from the Declaration and the Constitution "under the plea of necessity", which is the same thing as "interest balancing." It is a violation of the Declaration and the Constitution for the Legislature to do this.

The Maryland Senate MUST heed the wise words and sentiments of the Article 44 of the Maryland Declaration of Rights. Not only does the "Gun Safety Act" EXPLICITLY violate this Article, it also imperils the Free State because the Act's passing may lead to anarchy and despotism.

Maryland Declaration of Rights, Article 16

In addition, SB 001 "Gun Safety Act" also violates Article 16 of the Maryland Declaration of Rights, which states "That **sanguinary Laws ought to be avoided** as far as it is consistent with the safety of the State; **and no Law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time, hereafter**."

SB 0001 violates this clause because the "Gun Safety Act" obliterates the right of self-defense, thereby exposing law abiding residents of Maryland to heightened risk of violent injury, death and other sanguinary outcomes because the people will not have the right of self-defense outside their homes should this legislation be enacted. As Maryland residents, we are all exposed to an environment of increasing violent crime, and reduced police presence, capacities, and capabilities. Our shared communal environment, more so in some locations than others, exposes residents and visitors to extremely high risk of sanguinary acts of violence. We must not leave to chance and create more victims of violent criminals. The "Gun Safety Act" does this very thing. It prevents law abiding residents from protecting themselves from bloody criminal violence and death, and this violates the 16th Article of the Maryland Declaration of Rights. This law WILL result in Maryland residents being victims of bloody (sanguinary) criminal acts and conduct, and as such it violates the Declaration of Rights.

Maryland Declaration of Rights, Article 19

Further, the "Gun Safety Act" also violates the 19th Article of the Maryland Declaration of Rights, which states *"That **every man, for any injury done to him in his person or property**, ought to have remedy by the course of the Law of the Land, and **ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land**."*

The first order of legal remedy is the prevention of injury to the innocent through the crafting of just laws. Legal remedy is inclusive of more than adjudication. It also includes a principle that an innocent should not be injured or left defenseless to the whims of criminality.

Testimony in Opposition (unfavorable) to SB 0001 "Gun Safety Act of 2023"

Written testimony submitted on 06 February, 2023

The "Gun Safety Act" deprives any law-abiding person in Maryland the right to protection and self-defense under color of law. In fact, the people of Maryland are entitled to just and right laws and remedies "…freely without sale, fully without denial and speedily without delay." Just and righteous laws enfranchise and enable the right to self-defense; while the proposed "Gun Safety Act" in fact obliterates the rights to self-defense for people in Maryland. It leaves Maryland residents exposed to criminal violent acts and injuries with no just, right, free, full and most importantly, ***immediate*** protection under the law, especially during the onset and occurrence of violent criminal assault, threat and acts, including murders, rapes and assaults. Per the Declaration of Rights, Maryland residents are entitled free, full and speedy protections from personal injury, including criminal conduct, under our just and right Maryland law. The Gun Safety Act deprives the people of these rights to which they are entitled. It is an affront to Maryland's people and her declaration of rights for the Legislature to adopt this legislation which will leave law abiding Maryland residents naked, helpless and in the wind; and to only leave the people or their heirs recourse to claim justice after they have been violently victimized, injured or killed by violent criminal conduct.

Maryland Declaration of Rights, Article 24

Article 24 of the Maryland Declaration of Rights reads *"That no man ought to be taken or imprisoned or disseized of his **freehold, liberties or privileges, or outlawed**, or exiled, **or, in any manner, destroyed, or deprived of his life, liberty or property**, but by the judgment of his peers, or **by the Law of the land** (amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978).*

This Article clearly demonstrates another reason why the "Gun Safety Act" should not be adopted. Should anyone violate any portion of the Act, that person will be subject disseizure of liberties through criminal penalties, including loss of the right to keep and bear arms under the Maryland Declaration of Rights and the US Bill of Rights. Further, it is likely persons that rightly and justly carry firearms for self-defense outside the home will face state-sponsored destruction under the color of an unjust "Law of the land." Such persons will be subject to arrest, detention, court proceedings, imprisonment, fines and other punishments deemed appropriate by the State.

As noted above, the Gun Safety Act prima facia violates the US Constitution and Bill of Rights, as well as the Maryland Declaration of Lights. It is an unconstitutional law, and should it be enacted it will become the "Law of the land" but unjustly so. Those subject to this law will be at risk of loss of freehold, liberties, privileges, destruction, and deprivation. They will also be considered outlaws for the simple of acts of asserting the right to self-defense. The "Gun Safety Act" cannot stand under Article 24 of the Maryland Declaration of Rights.

Maryland Declaration of Rights, Article 46

Article 46 of the Maryland Declaration of Rights states *"Equality of rights under the law shall not be abridged or denied because of sex"* (added by Chapter 366, Acts of 1972, ratified Nov. 7, 1972. Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978). The Gun Safety Act exposes women to the depredations of violent criminals, most of whom are larger, stronger, faster and more violent men. When women are victims of criminal violence, in the vast majority of cases the women are already at a

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physical disadvantage. Not only are women disadvantaged, but they also exclusively suffer the consequences of rape and its horrific aftermath. The "Gun Safety Act" nearly explicitly punishes women because women are most vulnerable outside the home. The "Gun Safety Act" makes an all-too-frequently predatorial and dangerous world significantly more dangerous to women, whom with the passage of this legislation will be largely defenseless against violent rapists, murderers and felons.

ON THIS BASIS ALONE THE "GUN SAFETY ACT OF 2023" SHOULD BE STOPPED IN COMMITTEE. For too long the daughters, mothers, wives, sisters, cousins and friends of Maryland have been subject to violent, criminal acts, rapes and murders without sufficient means for them to defend themselves. This legislation will further the victimization of women **and I IMPLORE you to stop this legislation from becoming law at your earliest opportunity**.

Maryland Declaration of Rights, Article 6

The last explicit reference to the Free State's Declaration of Rights can be found in Article 6 of that August instrument. The Article reads *"That* ***all persons invested with the Legislative*** *or Executive* ***powers of Government are the Trustees of the Public, and, as such, accountable for their conduct****: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old, or establish a new Government;* ***the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind****."*

Our forebearers were wise to include these words in their legacy. It is patently obvious from the language of SB0001, the "Gun Safety Act", is in clear violation of the Maryland Declaration of Rights, as well as the US Constitution Bill of Rights. The Act contravenes and subverts the 2nd and other amendments to the US Bill of Rights. It equally and dramatically contravenes and subverts the Maryland Declaration of Rights, in particular Articles 2, 6, 16, 19, 24, 44 and 46. Due to the Act's subversion of the Maryland Declaration of Rights and the US Bill of Rights, the Act creates several problems for the legislature.

US Supreme Court Decision No. 20-843

NEW YORK STATE RIFLE AND PISTOL ASSOCIATION V BRUEN, SUPERINTENDENT OF NEW YORK STATE POLICE

The Committee will doubtless receive ample information about this and other Supreme Court cases. I am not an attorney or expert in Supreme Court jurisprudence. However, I must also testify that the "Gun Safety Act" violates this and other decisions in more than a few ways.

1. The Act is being considered due to an "interest balancing" by the State. As mentioned, this violates Article 44 of the Maryland Declaration of Rights, which states *"That the provisions of the Constitution of the United States, and of this State, apply, as well in time of war, as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any*

other plea, is subversive of good Government, and tends to anarchy and despotism." The Bruen decision echoes this when it quotes the Supreme Court's Heller decision *saying, "…interest balancing…is not the deference that the Constitution demands here. The Second Amendment is the very product of an interest balancing by the people," and it "surely elevates above all other interests the right of law-abiding, responsible citizens to use arms for self-defense."* The Maryland General Assembly will break the law in passing the "Gun Safety Act" because it is a product of interest balancing.

2. The Bruen decision also relies upon the Heller decision when it says "…the Second Amendment guarantees an "individual right to possess and carry weapons in case of confrontation." The Act violates the right to carry weapons in case of confrontation outside the home because the Act will make it illegal to carry a firearm for self-defense in nearly all the state. The right to self-defense will be gutted by the Act.
3. It again quotes Heller in saying that "Constitutional rights are enshrined with the scope they were understood to have when the people adopted them." This requires that any law which implicates the 2nd amendment must have an analog that matches the understanding of the right to self-defense as it was understood during the founding of the US. There are no such regulatory analogs to the "Gun Safety Act" in Maryland's history.
4. The Court also said in Bruen, quoting another case (McDonald), that "The constitutional right to bear arms in public for self-defense is not "a second class right, subject to an entirely different body of rules than other Bill of Rights guarantees." The "Gun Safety Act" treats the right to bear arms in public as a second class right. No other constitutional rights suffer the burdens that the State of Maryland is considering applying here.
5. When discussing "sensitive places", the Court said in Bruen *"But expanding the category of "sensitive places" simply to all places of public congregation that are not isolated from law enforcement defines the category of "sensitive places" far too broadly. Respondents (i.e. State of New York) argument would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry arms for self-defense that we discuss in detail below."* Clearly the Gun Safety Act does exactly what the Supreme Court said the government unambiguously must not do! The Gun Safety Act obliterates the right to carry a gun for self-defense in public by eliminating the vast majority of places a gun could be carried because the Act would make it illegal to not only carry a gun in places of public accommodation, but within 100 feet of such places.
6. The Bruen decision also states, *"Throughout modern Anglo-American history, the right to keep and bear arms in public has traditionally been subject to well-defined restrictions governing the intent for which one could carry arms, the manner of carry, or the exceptional circumstances under which one could not carry arms."* The "Gun Safety Act" obliterates the right to carry a gun for self-defense because there aren't exceptions at all. In fact, the Act would eviscerate the right to carry because it would make it a practical impossibility to carry a gun for self-defense at all. This far exceeds the traditional understanding of the right as required by the Bruen decision.
7. The Bruen decision also notes that *"…the history reveals a consensus that States could not ban public carry altogether."* The "Gun Safety Act" would for all practical purposes ban public carry

8. altogether. This violates the law because under Bruen there must be a historical analog to current legislation regarding the carrying of weapons in public for self-defense.
9. The Bruen decision clearly requires the Maryland General Assembly to identify an American tradition justifying the State’s prohibition of carrying a weapon for self-defense in or within 100 feet of any place of public accommodation, as well as restrictions on the carrying of weapons for self-defense on real property of another unless the other has given express permission. There is no such tradition offered by the State. Because the State has no such historical analog to support the “Gun Safety Act”, it is illegal and it should not be passed.
10. A Bruen decision concurrence also says that “…the Second Amendment protects the right of law-abiding people to carry a gun outside the home for self-defense…”; and that any law “…which makes that virtually impossible…is unconstitutional.” The “Gun Safety Act” makes it virtually impossible for a law-abiding person to carry a gun outside the home for self-defense. It is unconstitutional on its face.

Maryland General Assembly
Senate Judicial Proceedings Committee, 2023 Session

Testimony in Opposition (unfavorable) to SB 0001 "Gun Safety Act of 2023"

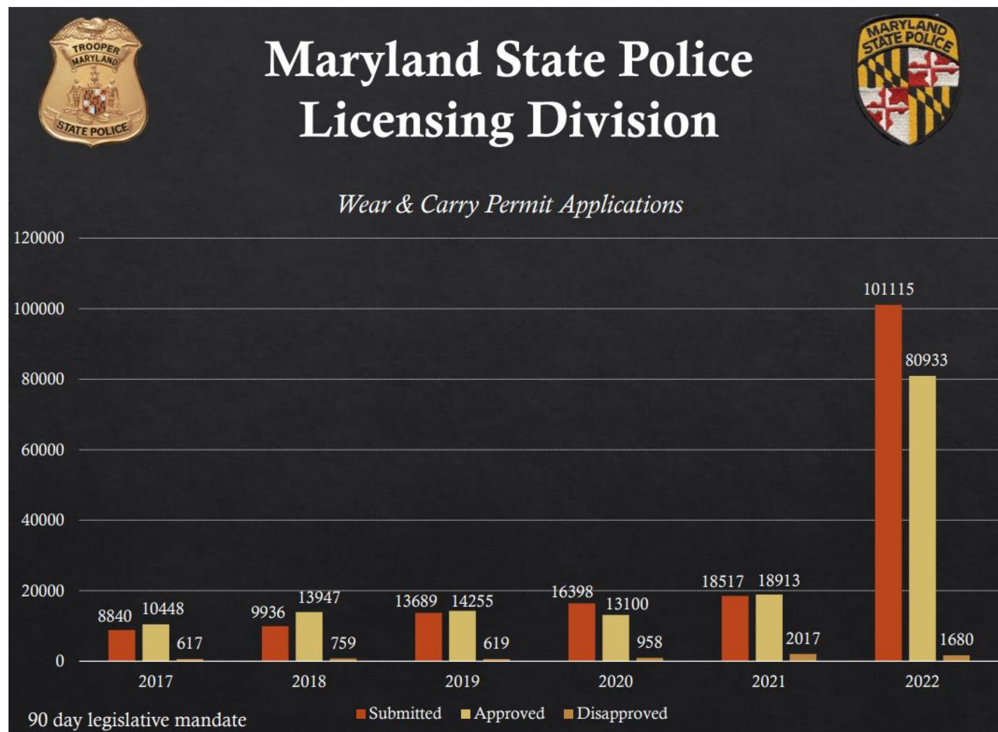
Written testimony submitted on 06 February, 2023

Clear Public Interest

Since the publication of the Supreme Court's Bruen decision in June 2022, the State of Maryland has changed from a "may issue" wear and carry permit state to a "shall issue" state. This means that unless there is good cause for the denial of a wear and carry permit, the State shall issue such permits in order to be in compliance with the Maryland Declaration of Rights and the US Constitution.

As a result of this recent change, one can already see that there is a clear interest by the public to lawfully wear and carry guns for self-defense outside the home. In fact, per the latest information from the Maryland State Police, there has been a more than 500% increase number of applicants from 2021 to 2022, and this data only accounts for the last five months of 2022. It can reasonably be assumed that the number of applicants for wear and carry permits in Maryland will have increased ten times by the middle or end of 2023. It would not be unreasonable to assume that while in 2021 there were approximately 18,000 applicants and permit holders, by 2025 there could be 400-500,000. This aligns with rates found in other states that "shall issue" permits to lawfully carry firearms self-defense outside the home.

While the Maryland State government formerly said that the number of wear and carry permit applicants and holders was low due to "low public interest", in fact, we now know that there is significant public interest in exercising the right to lawfully bear arms outside the home for the purpose of self-defense. The Act flies in the face of substantial public interest in exercising the Constitutionally protected right of armed self-defense outside the home.



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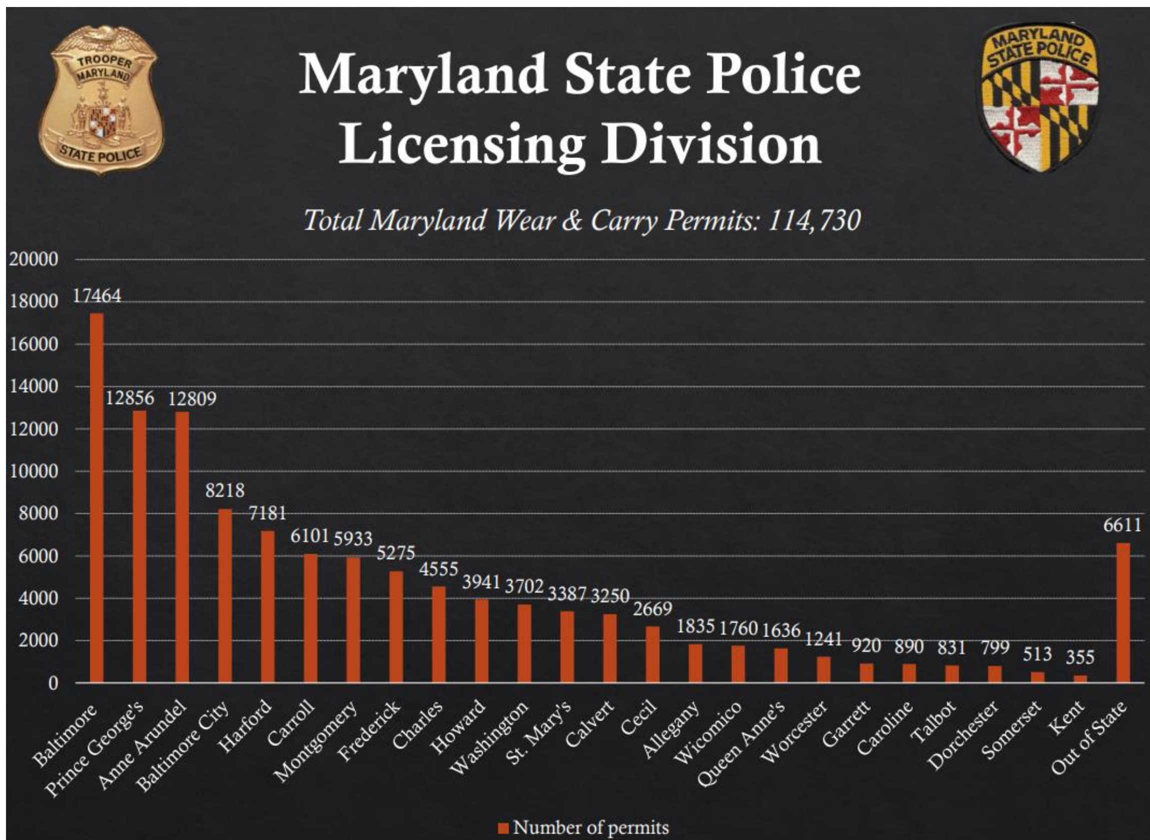
Geographic Impact

In addition to a substantial Maryland public interest in the right to lawfully bear arms outside the home for self-defense, the latest Maryland State Police data demonstrates that **the most interest comes from geographies where law abiding people are most victimized by violent crime**. From the MSP data found below it is clear that the people most impacted by violent crime are the most interested in exercising their right for lawful carry outside the home for self-defense. The "Gun Safety Act" would deprive people living in these geographies of their right to lawfully carry weapons for self-defense outside their homes. If the "Gun Safety Act" is made law, the subsequent geographic data will be reminiscent of home lending "red-lining" which we all worked to defeat in years past. This Committee must fully understand that the right to bear arms outside the home for self-defense is a right that is needed and exercised across the racial, economic and political spectrum. That said, the people most impacted by the Act will be those that live in counties and geographies where people are most victimized by violent crime.



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Additional Reasons for Opposition

Judicial Proceedings and Cost: First, the proposed Act will be illegal. Upon its passing, legal action will be taken against the state. It is a near certainty that the legal actions will result in restraining orders against the illegal Act. Further, it is near certain that the Act will be struck down completely and in full. No doubt the State will attempt to argue for the soundness of the Act and its legality, but given its constitutional infirmities relative to the Maryland Declaration of Rights and the US Constitution, the State will not prevail. What will happen is the State will instead expend millions of dollars of direct cost, and countless hours of staff and attorney time trying to defend an indefensible law. It would be far more effective to address the problems this regulation attempts to solve through constitutional means. For example, it would be better for the state to expend resources on public communications and/or health campaigns that would address the causes of suicides and murders/shootings in Maryland. As noted above, the passage of the Act will not result in a reduction in homicides, shootings or suicides.

Social Fabric: This law will victimize people that wish to exert their right to self-defense outside the home. These people will observe that the right to self-defense remains a disfavored right in Maryland. They will resent being treated as second class citizens, and they will be right to do so. This legislation will damage our social fabric and we should not allow that to happen.

Governmental Distrust: The authors of Maryland's Declaration of Rights were clear. Legislators are the "Trustees of the Public." Adoption of the Act will alienate a large percentage of the Public, and it will only demonstrate to the Public that the Government does not trust the people, even those who are the most reliably law abiding. This Act will NOT contribute to the solution to suicides, murders and shootings; and it will only engender distrust and alienation between the Government and the People. The Government and People will both lose if the bill is adopted.

Capricious Governance: Unfortunately, the vice-Chair of this Senate Committee has publicly stated that this legislation is in response to a "terrible" US Supreme Court decisions. As demonstrated above, the Act violates the rights of Maryland residents and US citizens. The recent Supreme Court decision (NYSRPA vs Bruen) correctly guides legislators and the judiciary as to how the 2nd Amendment to the US Constitution should be interpreted. The Court's guidance is clear and simple. The vice-Chair and sponsor of the Gun Safety Act, Senator Waldstreicher, stated in public in January 2023, that he believes the Supreme Court decision to be terrible, and that he disagrees with it. **Whether the Senator agrees with the decision or not, the Bruen decision is the law of the land.** The "Gun Safety Act" is abundantly and clearly in contravention of this decision, and as such it directly disobeys the law of the land in its multitude of constitutional violations.

This Act, and the Senator's conduct and statements, set a terrible example of appropriate behavior from a "Trustee of the Public." We do not get to pick and choose what laws and precedents we wish to follow. There are mechanisms for redress that the Senator and other members of the Committee and the Maryland General Assembly can undertake if they are dissatisfied with the Maryland Declaration of Rights and the US Constitution Bill of Rights. The "Gun Safety Act" is not one of them. It violates the US Constitution and the Maryland Declaration of Rights on their face, and as such it is illegal.

Maryland General Assembly
Senate Judicial Proceedings Committee, 2023 Session

Testimony in Opposition (unfavorable) to SB 0001 "Gun Safety Act of 2023"

Written testimony submitted on 06 February, 2023

The "Gun Safety Act" is an example of capricious governance. If the Senator, the Committee and the Maryland General Assembly choose to ignore the law of the land by enacting this legislation, and to subvert fundamental human rights by the Acts design, and to violate the Maryland Declaration of Rights and the US Bill of Rights, why should ANYONE follow ANY law that the General Assembly passes??? If the Trustees of the Public choose to act capriciously and un-Constitutionally, no one should be surprised when members of the public behave likewise on ANY legislative matter those same Trustees produce.

The "Gun Safety Act" should be struck as soon as possible to ensure that the People understand that the Trustees also follow the law. The General Assembly should look to other ways to solve the problems of murders, shootings and suicides in the state without destroying the entire democratic foundations of the Free State along the way.

Injuries and Deaths to Innocent Victims of Crime: Lastly, and most importantly, the State of Maryland and the United States are based on civil right and freedoms. The "Gun Safety Act" subverts the right to self-defense outside the home. It will surely result in innocent victims of violent crime being killed, raped, wounded or injured. The Act strips away the right to self-defense for the most vulnerable people in our society (women) and it disenfranchises the poorest of us, who are the people that are most at risk for being victims of criminal violence. This Act cannot stand because the people that are most at risk for the occurrence and impact of criminal violence, are the people that are most likely to want to exercise their right to self-defense in public.

PLEASE DO NOT PASS THE "GUN SAFETY ACT OF 2023." It is illegal. It will NOT solve the problems of suicides, murders and criminal shootings. It subverts and eviscerates our civil rights, the Maryland Declaration of Rights and the US Constitution. It will contribute to corruption of government and the alienation of the People from Maryland's elected Trustees. It will further damage the fabric of our society. And it will leave the most vulnerable people among us, especially women and people living in geographies with the highest violent crime rates continually exposed to criminal violence. PLEASE DO NOT PASS THIS LEGISLATION.

Thank you for your consideration.

Frank Clary

06 February 2023

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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., ET AL. *v.* BRUEN, SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

No. 20–843. Argued November 3, 2021—Decided June 23, 2022

The State of New York makes it a crime to possess a firearm without a license, whether inside or outside the home. An individual who wants to carry a firearm outside his home may obtain an unrestricted license to "have and carry" a concealed "pistol or revolver" if he can prove that "proper cause exists" for doing so. N. Y. Penal Law Ann. §400.00(2)(f). An applicant satisfies the "proper cause" requirement only if he can "demonstrate a special need for self-protection distinguishable from that of the general community." *E.g.*, *In re Klenosky*, 75 App. Div. 2d 793, 428 N. Y. S. 2d 256, 257.

Petitioners Brandon Koch and Robert Nash are adult, law-abiding New York residents who both applied for unrestricted licenses to carry a handgun in public based on their generalized interest in self-defense. The State denied both of their applications for unrestricted licenses, allegedly because Koch and Nash failed to satisfy the "proper cause" requirement. Petitioners then sued respondents—state officials who oversee the processing of licensing applications—for declaratory and injunctive relief, alleging that respondents violated their Second and Fourteenth Amendment rights by denying their unrestricted-license applications for failure to demonstrate a unique need for self-defense. The District Court dismissed petitioners' complaint and the Court of Appeals affirmed. Both courts relied on the Second Circuit's prior decision in *Kachalsky* v. *County of Westchester*, 701 F. 3d 81, which had sustained New York's proper-cause standard, holding that the requirement was "substantially related to the achievement of an important governmental interest." *Id.*, at 96.

Held: New York's proper-cause requirement violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self-defense. Pp. 8–63.

(a) In *District of Columbia* v. *Heller*, 554 U. S. 570, and *McDonald* v. *Chicago*, 561 U. S. 742, the Court held that the Second and Fourteenth Amendments protect an individual right to keep and bear arms for self-defense. Under *Heller*, when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct, and to justify a firearm regulation the government must demonstrate that the regulation is consistent with the Nation's historical tradition of firearm regulation. Pp. 8–22.

(1) Since *Heller* and *McDonald*, the Courts of Appeals have developed a "two-step" framework for analyzing Second Amendment challenges that combines history with means-end scrutiny. The Court rejects that two-part approach as having one step too many. Step one is broadly consistent with *Heller*, which demands a test rooted in the Second Amendment's text, as informed by history. But *Heller* and *McDonald* do not support a second step that applies means-end scrutiny in the Second Amendment context. *Heller*'s methodology centered on constitutional text and history. It did not invoke any means-end test such as strict or intermediate scrutiny, and it expressly rejected any interest-balancing inquiry akin to intermediate scrutiny. Pp. 9–15.

(2) Historical analysis can sometimes be difficult and nuanced, but reliance on history to inform the meaning of constitutional text is more legitimate, and more administrable, than asking judges to "make difficult empirical judgments" about "the costs and benefits of firearms restrictions," especially given their "lack [of] expertise" in the field. *McDonald*, 561 U. S., at 790–791 (plurality opinion). Federal courts tasked with making difficult empirical judgments regarding firearm regulations under the banner of "intermediate scrutiny" often defer to the determinations of legislatures. While judicial deference to legislative interest balancing is understandable—and, elsewhere, appropriate—it is not deference that the Constitution demands here. The Second Amendment "is the very product of an interest balancing by the people," and it "surely elevates above all other interests the right of law-abiding, responsible citizens to use arms" for self-defense. *Heller*, 554 U. S., at 635. Pp. 15–17.

(3) The test that the Court set forth in *Heller* and applies today requires courts to assess whether modern firearms regulations are consistent with the Second Amendment's text and historical understanding. Of course, the regulatory challenges posed by firearms today are not always the same as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868. But the Constitution

can, and must, apply to circumstances beyond those the Founders specifically anticipated, even though its meaning is fixed according to the understandings of those who ratified it. See, *e.g.*, *United States* v. *Jones*, 565 U. S. 400, 404–405. Indeed, the Court recognized in *Heller* at least one way in which the Second Amendment's historically fixed meaning applies to new circumstances: Its reference to "arms" does not apply "only [to] those arms in existence in the 18th century." 554 U. S., at 582.

To determine whether a firearm regulation is consistent with the Second Amendment, *Heller* and *McDonald* point toward at least two relevant metrics: first, whether modern and historical regulations impose a comparable burden on the right of armed self-defense, and second, whether that regulatory burden is comparably justified. Because "individual self-defense is 'the *central component*' of the Second Amendment right," these two metrics are "'*central*'" considerations when engaging in an analogical inquiry. *McDonald*, 561 U. S., at 767 (quoting *Heller*, 554 U. S., at 599).

To be clear, even if a modern-day regulation is not a dead ringer for historical precursors, it still may be analogous enough to pass constitutional muster. For example, courts can use analogies to "longstanding" "laws forbidding the carrying of firearms in sensitive places such as schools and government buildings" to determine whether modern regulations are constitutionally permissible. *Id.,* at 626. That said, respondents' attempt to characterize New York's proper-cause requirement as a "sensitive-place" law lacks merit because there is no historical basis for New York to effectively declare the island of Manhattan a "sensitive place" simply because it is crowded and protected generally by the New York City Police Department. Pp. 17–22.

(b) Having made the constitutional standard endorsed in *Heller* more explicit, the Court applies that standard to New York's proper-cause requirement. Pp. 23–62.

(1) It is undisputed that petitioners Koch and Nash—two ordinary, law-abiding, adult citizens—are part of "the people" whom the Second Amendment protects. See *Heller*, 554 U. S., at 580. And no party disputes that handguns are weapons "in common use" today for self-defense. See *id*., at 627. The Court has little difficulty concluding also that the plain text of the Second Amendment protects Koch's and Nash's proposed course of conduct—carrying handguns publicly for self-defense. Nothing in the Second Amendment's text draws a home/public distinction with respect to the right to keep and bear arms, and the definition of "bear" naturally encompasses public carry. Moreover, the Second Amendment guarantees an "individual right to possess and carry weapons in case of confrontation," *id*., at 592, and confrontation can surely take place outside the home. Pp. 23–24.

(2) The burden then falls on respondents to show that New York's proper-cause requirement is consistent with this Nation's historical tradition of firearm regulation. To do so, respondents appeal to a variety of historical sources from the late 1200s to the early 1900s. But when it comes to interpreting the Constitution, not all history is created equal. "Constitutional rights are enshrined with the scope they were understood to have when the people adopted them." *Heller*, 554 U. S., at 634–635. The Second Amendment was adopted in 1791; the Fourteenth in 1868. Historical evidence that long predates or postdates either time may not illuminate the scope of the right. With these principles in mind, the Court concludes that respondents have failed to meet their burden to identify an American tradition justifying New York's proper-cause requirement. Pp. 24–62.

(i) Respondents' substantial reliance on English history and custom before the founding makes some sense given *Heller*'s statement that the Second Amendment "codified a right 'inherited from our English ancestors.'" 554 U. S., at 599. But the Court finds that history ambiguous at best and sees little reason to think that the Framers would have thought it applicable in the New World. The Court cannot conclude from this historical record that, by the time of the founding, English law would have justified restricting the right to publicly bear arms suited for self-defense only to those who demonstrate some special need for self-protection. Pp. 30–37.

(ii) Respondents next direct the Court to the history of the Colonies and early Republic, but they identify only three restrictions on public carry from that time. While the Court doubts that just three colonial regulations could suffice to show a tradition of public-carry regulation, even looking at these laws on their own terms, the Court is not convinced that they regulated public carry akin to the New York law at issue. The statutes essentially prohibited bearing arms in a way that spread "fear" or "terror" among the people, including by carrying of "dangerous and unusual weapons." See 554 U. S., at 627. Whatever the likelihood that handguns were considered "dangerous and unusual" during the colonial period, they are today "the quintessential self-defense weapon." *Id.*, at 629. Thus, these colonial laws provide no justification for laws restricting the public carry of weapons that are unquestionably in common use today. Pp. 37–42.

(iii) Only after the ratification of the Second Amendment in 1791 did public-carry restrictions proliferate. Respondents rely heavily on these restrictions, which generally fell into three categories: common-law offenses, statutory prohibitions, and "surety" statutes. None of these restrictions imposed a substantial burden on public carry analogous to that imposed by New York's restrictive licensing regime.

Common-Law Offenses. As during the colonial and founding periods, the common-law offenses of "affray" or going armed "to the terror of the people" continued to impose some limits on firearm carry in the antebellum period. But there is no evidence indicating that these common-law limitations impaired the right of the general population to peaceable public carry.

Statutory Prohibitions. In the early to mid-19th century, some States began enacting laws that proscribed the concealed carry of pistols and other small weapons. But the antebellum state-court decisions upholding them evince a consensus view that States could not altogether prohibit the public carry of arms protected by the Second Amendment or state analogues.

Surety Statutes. In the mid-19th century, many jurisdictions began adopting laws that required certain individuals to post bond before carrying weapons in public. Contrary to respondents' position, these surety statutes in no way represented direct precursors to New York's proper-cause requirement. While New York presumes that individuals have no public carry right without a showing of heightened need, the surety statutes presumed that individuals had a right to public carry that could be burdened only if another could make out a specific showing of "reasonable cause to fear an injury, or breach of the peace." Mass. Rev. Stat., ch. 134, §16 (1836). Thus, unlike New York's regime, a showing of special need was required only *after* an individual was reasonably accused of intending to injure another or breach the peace. And, even then, proving special need simply avoided a fee.

In sum, the historical evidence from antebellum America does demonstrate that the manner of public carry was subject to reasonable regulation, but none of these limitations on the right to bear arms operated to prevent law-abiding citizens with ordinary self-defense needs from carrying arms in public for that purpose. Pp. 42–51.

(iv) Evidence from around the adoption of the Fourteenth Amendment also does not support respondents' position. The "discussion of the [right to keep and bear arms] in Congress and in public discourse, as people debated whether and how to secure constitutional rights for newly free slaves," *Heller*, 554 U. S., at 614, generally demonstrates that during Reconstruction the right to keep and bear arms had limits that were consistent with a right of the public to peaceably carry handguns for self-defense. The Court acknowledges two Texas cases—*English* v. *State*, 35 Tex. 473 and *State* v. *Duke*, 42 Tex. 455—that approved a statutory "reasonable grounds" standard for public carry analogous to New York's proper-cause requirement. But these decisions were outliers and therefore provide little insight into how postbellum courts viewed the right to carry protected arms in public. See *Heller*, 554 U. S., at 632. Pp. 52–58.

(v) Finally, respondents point to the slight uptick in gun regulation during the late-19th century. As the Court suggested in *Heller*, however, late-19th-century evidence cannot provide much insight into the meaning of the Second Amendment when it contradicts earlier evidence. In addition, the vast majority of the statutes that respondents invoke come from the Western Territories. The bare existence of these localized restrictions cannot overcome the overwhelming evidence of an otherwise enduring American tradition permitting public carry. See *Heller*, 554 U. S., at 614. Moreover, these territorial laws were rarely subject to judicial scrutiny, and absent any evidence explaining why these unprecedented prohibitions on all public carry were understood to comport with the Second Amendment, they do little to inform "the origins and continuing significance of the Amendment." *Ibid.*; see also The Federalist No. 37, p. 229. Finally, these territorial restrictions deserve little weight because they were, consistent with the transitory nature of territorial government, short lived. Some were held unconstitutional shortly after passage, and others did not survive a Territory's admission to the Union as a State. Pp. 58–62.

(vi) After reviewing the Anglo-American history of public carry, the Court concludes that respondents have not met their burden to identify an American tradition justifying New York's proper-cause requirement. Apart from a few late-19th-century outlier jurisdictions, American governments simply have not broadly prohibited the public carry of commonly used firearms for personal defense. Nor have they generally required law-abiding, responsible citizens to "demonstrate a special need for self-protection distinguishable from that of the general community" to carry arms in public. *Klenosky*, 75 App. Div. 2d, at 793, 428 N. Y. S. 2d, at 257. P. 62.

(c) The constitutional right to bear arms in public for self-defense is not "a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees." *McDonald*, 561 U. S., at 780 (plurality opinion). The exercise of other constitutional rights does not require individuals to demonstrate to government officers some special need. The Second Amendment right to carry arms in public for self-defense is no different. New York's proper-cause requirement violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their right to keep and bear arms in public. Pp. 62–63.

818 Fed. Appx. 99, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and ALITO, GORSUCH, KAVANAUGH, and BARRETT, JJ., joined. ALITO, J., filed a concurring opinion. KAVANAUGH, J., filed a concurring opinion, in which ROBERTS, C. J., joined. BARRETT, J., filed a concurring opinion. BREYER, J., filed a dissenting opinion, in which SOTOMAYOR and KAGAN, JJ., joined.

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 20–843

NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., ET AL., PETITIONERS *v.* KEVIN P. BRUEN, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

[June 23, 2022]

JUSTICE THOMAS delivered the opinion of the Court.

In *District of Columbia* v. *Heller*, 554 U. S. 570 (2008), and *McDonald* v. *Chicago*, 561 U. S. 742 (2010), we recognized that the Second and Fourteenth Amendments protect the right of an ordinary, law-abiding citizen to possess a handgun in the home for self-defense. In this case, petitioners and respondents agree that ordinary, law-abiding citizens have a similar right to carry handguns publicly for their self-defense. We too agree, and now hold, consistent with *Heller* and *McDonald*, that the Second and Fourteenth Amendments protect an individual's right to carry a handgun for self-defense outside the home.

The parties nevertheless dispute whether New York's licensing regime respects the constitutional right to carry handguns publicly for self-defense. In 43 States, the government issues licenses to carry based on objective criteria. But in six States, including New York, the government further conditions issuance of a license to carry on a citizen's showing of some additional special need. Because the State

of New York issues public-carry licenses only when an applicant demonstrates a special need for self-defense, we conclude that the State's licensing regime violates the Constitution.

I

A

New York State has regulated the public carry of handguns at least since the early 20th century. In 1905, New York made it a misdemeanor for anyone over the age of 16 to "have or carry concealed upon his person in any city or village of [New York], any pistol, revolver or other firearm without a written license . . . issued to him by a police magistrate." 1905 N. Y. Laws ch. 92, §2, pp. 129–130; see also 1908 N. Y. Laws ch. 93, §1, pp. 242–243 (allowing justices of the peace to issue licenses). In 1911, New York's "Sullivan Law" expanded the State's criminal prohibition to the possession of all handguns—concealed or otherwise—without a government-issued license. See 1911 N. Y. Laws ch. 195, §1, p. 443. New York later amended the Sullivan Law to clarify the licensing standard: Magistrates could "issue to [a] person a license to have and carry concealed a pistol or revolver without regard to employment or place of possessing such weapon" only if that person proved "good moral character" and "proper cause." 1913 N. Y. Laws ch. 608, §1, p. 1629.

Today's licensing scheme largely tracks that of the early 1900s. It is a crime in New York to possess "any firearm" without a license, whether inside or outside the home, punishable by up to four years in prison or a $5,000 fine for a felony offense, and one year in prison or a $1,000 fine for a misdemeanor. See N. Y. Penal Law Ann. §§265.01–b (West 2017), 261.01(1) (West Cum. Supp. 2022), 70.00(2)(e) and (3)(b), 80.00(1)(a) (West 2021), 70.15(1), 80.05(1). Meanwhile, possessing a loaded firearm outside one's home or place of business without a license is a felony punishable by

up to 15 years in prison. §§265.03(3) (West 2017), 70.00(2)(c) and (3)(b), 80.00(1)(a).

A license applicant who wants to possess a firearm *at home* (or in his place of business) must convince a "licensing officer"—usually a judge or law enforcement officer—that, among other things, he is of good moral character, has no history of crime or mental illness, and that "no good cause exists for the denial of the license." §§400.00(1)(a)–(n) (West Cum. Supp. 2022). If he wants to carry a firearm *outside* his home or place of business for self-defense, the applicant must obtain an unrestricted license to "have and carry" a concealed "pistol or revolver." §400.00(2)(f). To secure that license, the applicant must prove that "proper cause exists" to issue it. *Ibid.* If an applicant cannot make that showing, he can receive only a "restricted" license for public carry, which allows him to carry a firearm for a limited purpose, such as hunting, target shooting, or employment. See, *e.g.*, *In re O'Brien*, 87 N. Y. 2d 436, 438–439, 663 N. E. 2d 316, 316–317 (1996); *Babernitz* v. *Police Dept. of City of New York*, 65 App. Div. 2d 320, 324, 411 N. Y. S. 2d 309, 311 (1978); *In re O'Connor*, 154 Misc. 2d 694, 696–698, 585 N. Y. S. 2d 1000, 1003 (Westchester Cty. 1992).

No New York statute defines "proper cause." But New York courts have held that an applicant shows proper cause only if he can "demonstrate a special need for self-protection distinguishable from that of the general community." *E.g.*, *In re Klenosky*, 75 App. Div. 2d 793, 428 N. Y. S. 2d 256, 257 (1980). This "special need" standard is demanding. For example, living or working in an area " 'noted for criminal activity' " does not suffice. *In re Bernstein*, 85 App. Div. 2d 574, 445 N. Y. S. 2d 716, 717 (1981). Rather, New York courts generally require evidence "of particular threats, attacks or other extraordinary danger to personal safety." *In re Martinek*, 294 App. Div. 2d 221, 222, 743 N. Y. S. 2d 80, 81 (2002); see also *In re Kaplan*, 249 App. Div. 2d 199, 201, 673 N. Y. S. 2d 66, 68 (1998) (approving the New York

City Police Department's requirement of "'extraordinary personal danger, documented by proof of recurrent threats to life or safety'" (quoting 38 N. Y. C. R. R. §5–03(b))).

When a licensing officer denies an application, judicial review is limited. New York courts defer to an officer's application of the proper-cause standard unless it is "arbitrary and capricious." *In re Bando*, 290 App. Div. 2d 691, 692, 735 N. Y. S. 2d 660, 661 (2002). In other words, the decision "must be upheld if the record shows a rational basis for it." *Kaplan*, 249 App. Div. 2d, at 201, 673 N. Y. S. 2d, at 68. The rule leaves applicants little recourse if their local licensing officer denies a permit.

New York is not alone in requiring a permit to carry a handgun in public. But the vast majority of States—43 by our count—are "shall issue" jurisdictions, where authorities must issue concealed-carry licenses whenever applicants satisfy certain threshold requirements, without granting licensing officials discretion to deny licenses based on a perceived lack of need or suitability.[1] Meanwhile, only six

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[1] See Ala. Code §13A–11–75 (Cum. Supp. 2021); Alaska Stat. §18.65.700 (2020); Ariz. Rev. Stat. Ann. §13–3112 (Cum. Supp. 2021); Ark. Code Ann. §5–73–309 (Supp. 2021); Colo. Rev. Stat. §18–12–206 (2021); Fla. Stat. §790.06 (2021); Ga. Code Ann. §16–11–129 (Supp. 2021); Idaho Code Ann. §18–3302K (Cum. Supp. 2021); Ill. Comp. Stat., ch. 430, §66/10 (West Cum. Supp. 2021); Ind. Code §35–47–2–3 (2021); Iowa Code §724.7 (2022); Kan. Stat. Ann. §75–7c03 (2021); Ky. Rev. Stat. Ann. §237.110 (Lexis Cum. Supp. 2021); La. Rev. Stat. Ann. §40:1379.3 (West Cum. Supp. 2022); Me. Rev. Stat. Ann., Tit. 25, §2003 (Cum. Supp. 2022); Mich. Comp. Laws §28.425b (2020); Minn. Stat. §624.714 (2020); Miss. Code Ann. §45–9–101 (2022); Mo. Rev. Stat. §571.101 (2016); Mont. Code Ann. §45–8–321 (2021); Neb. Rev. Stat. §69–2430 (2019); Nev. Rev. Stat. §202.3657 (2021); N. H. Rev. Stat. Ann. §159:6 (Cum. Supp. 2021); N. M. Stat. Ann. §29–19–4 (2018); N. C. Gen. Stat. Ann. §14–415.11 (2021); N. D. Cent. Code Ann. §62.1–04–03 (Supp. 2021); Ohio Rev. Code Ann. §2923.125 (2020); Okla. Stat., Tit. 21, §1290.12 (2021); Ore. Rev. Stat. §166.291 (2021); 18 Pa. Cons. Stat. §6109 (Cum. Supp. 2016); S. C. Code Ann. §23–31–215(A) (Cum. Supp. 2021); S. D. Codified Laws §23–7–7 (Cum. Supp. 2021); Tenn. Code Ann. §39–17–1366 (Supp. 2021); Tex. Govt. Code Ann. §411.177 (West Cum. Supp. 2021); Utah Code §53–5–

States and the District of Columbia have "may issue" licensing laws, under which authorities have discretion to deny concealed-carry licenses even when the applicant satisfies the statutory criteria, usually because the applicant has not demonstrated cause or suitability for the relevant license. Aside from New York, then, only California, the District of Columbia, Hawaii, Maryland, Massachusetts, and New

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704.5 (2022); Va. Code Ann. §18.2–308.04 (2021); Wash. Rev. Code §9.41.070 (2021); W. Va. Code Ann. §61–7–4 (2021); Wis. Stat. §175.60 (2021); Wyo. Stat. Ann. §6–8–104 (2021). Vermont has no permitting system for the concealed carry of handguns. Three States—Connecticut, Delaware, and Rhode Island—have discretionary criteria but appear to operate like "shall issue" jurisdictions. See Conn. Gen. Stat. §29–28(b) (2021); Del. Code, Tit. 11, §1441 (2022); R. I. Gen. Laws §11–47–11 (2002). Although Connecticut officials have discretion to deny a concealed-carry permit to anyone who is not a "suitable person," see Conn. Gen. Stat. §29–28(b), the "suitable person" standard precludes permits only to those "individuals whose conduct has shown them to be lacking the essential character of temperament necessary to be entrusted with a weapon." *Dwyer* v. *Farrell*, 193 Conn. 7, 12, 475 A. 2d 257, 260 (1984) (internal quotation marks omitted). As for Delaware, the State has thus far processed 5,680 license applications and renewals in fiscal year 2022 and has denied only 112. See Del. Courts, Super. Ct., Carrying Concealed Deadly Weapon (June 9, 2022), https://courts.delaware.gov/forms/download.aspx?ID=125408. Moreover, Delaware appears to have no licensing requirement for open carry. Finally, Rhode Island has a suitability requirement, see R. I. Gen. Laws §11–47–11, but the Rhode Island Supreme Court has flatly denied that the "[d]emonstration of a proper showing of need" is a component of that requirement. *Gadomski* v. *Tavares*, 113 A. 3d 387, 392 (2015). Additionally, some "shall issue" jurisdictions have so-called "constitutional carry" protections that allow certain individuals to carry handguns in public within the State without *any* permit whatsoever. See, *e.g.*, A. Sherman, More States Remove Permit Requirement To Carry a Concealed Gun, PolitiFact (Apr. 12, 2022), https://www.politifact.com/article/2022/apr/12/more-states-remove-permit-requirement-carry-concea/ ("Twenty-five states now have permitless concealed carry laws . . . The states that have approved permitless carry laws are: Alabama, Alaska, Arizona, Arkansas, Idaho, Indiana, Iowa, Georgia, Kansas, Kentucky, Maine, Mississippi, Missouri, Montana, New Hampshire, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, and Wyoming").

Jersey have analogues to the "proper cause" standard.[2] All of these "proper cause" analogues have been upheld by the Courts of Appeals, save for the District of Columbia's, which has been permanently enjoined since 2017. Compare *Gould* v. *Morgan*, 907 F. 3d 659, 677 (CA1 2018); *Kachalsky* v. *County of Westchester*, 701 F. 3d 81, 101 (CA2 2012); *Drake* v. *Filko*, 724 F. 3d 426, 440 (CA3 2013); *United States* v. *Masciandaro*, 638 F. 3d 458, 460 (CA4 2011); *Young* v. *Hawaii*, 992 F. 3d 765, 773 (CA9 2021) (en banc), with *Wrenn* v. *District of Columbia*, 864 F. 3d 650, 668 (CADC 2017).

B

As set forth in the pleadings below, petitioners Brandon Koch and Robert Nash are law-abiding, adult citizens of Rensselaer County, New York. Koch lives in Troy, while Nash lives in Averill Park. Petitioner New York State Rifle & Pistol Association, Inc., is a public-interest group organized to defend the Second Amendment rights of New Yorkers. Both Koch and Nash are members.

In 2014, Nash applied for an unrestricted license to carry a handgun in public. Nash did not claim any unique danger to his personal safety; he simply wanted to carry a handgun for self-defense. In early 2015, the State denied Nash's application for an unrestricted license but granted him a restricted license for hunting and target shooting only. In late 2016, Nash asked a licensing officer to remove the restrictions, citing a string of recent robberies in his neighborhood. After an informal hearing, the licensing officer denied the request. The officer reiterated that Nash's existing license permitted him "to carry concealed for purposes of off

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[2] See Cal. Penal Code Ann. §26150 (West 2021) ("Good cause"); D. C. Code §§7–2509.11(1) (2018), 22–4506(a) (Cum. Supp. 2021) ("proper reason," *i.e.*, "special need for self-protection"); Haw. Rev. Stat. §§134–2 (Cum. Supp. 2018), 134–9(a) (2011) ("exceptional case"); Md. Pub. Saf. Code Ann. §5–306(a)(6)(ii) (2018) ("good and substantial reason"); Mass. Gen. Laws, ch. 140, §131(d) (2020) ("good reason"); N. J. Stat. Ann. §2C:58–4(c) (West Cum. Supp. 2021) ("justifiable need").

road back country, outdoor activities similar to hunting," such as "fishing, hiking & camping etc." App. 41. But, at the same time, the officer emphasized that the restrictions were "intended to *prohibit* [Nash] from carrying concealed in ANY LOCATION typically open to and frequented by the general public." *Ibid.*

Between 2008 and 2017, Koch was in the same position as Nash: He faced no special dangers, wanted a handgun for general self-defense, and had only a restricted license permitting him to carry a handgun outside the home for hunting and target shooting. In late 2017, Koch applied to a licensing officer to remove the restrictions on his license, citing his extensive experience in safely handling firearms. Like Nash's application, Koch's was denied, except that the officer permitted Koch to "carry to and from work." *Id.*, at 114.

C

Respondents are the superintendent of the New York State Police, who oversees the enforcement of the State's licensing laws, and a New York Supreme Court justice, who oversees the processing of licensing applications in Rensselaer County. Petitioners sued respondents for declaratory and injunctive relief under Rev. Stat. 1979, 42 U. S. C. §1983, alleging that respondents violated their Second and Fourteenth Amendment rights by denying their unrestricted-license applications on the basis that they had failed to show "proper cause," *i.e.*, had failed to demonstrate a unique need for self-defense.

The District Court dismissed petitioners' complaint and the Court of Appeals affirmed. See 818 Fed. Appx. 99, 100 (CA2 2020). Both courts relied on the Court of Appeals' prior decision in *Kachalsky*, 701 F. 3d 81, which had sustained New York's proper-cause standard, holding that the requirement was "substantially related to the achievement of an important governmental interest." *Id.*, at 96.

We granted certiorari to decide whether New York's denial of petitioners' license applications violated the Constitution. 593 U. S. ___ (2021).

II

In *Heller* and *McDonald*, we held that the Second and Fourteenth Amendments protect an individual right to keep and bear arms for self-defense. In doing so, we held unconstitutional two laws that prohibited the possession and use of handguns in the home. In the years since, the Courts of Appeals have coalesced around a "two-step" framework for analyzing Second Amendment challenges that combines history with means-end scrutiny.

Today, we decline to adopt that two-part approach. In keeping with *Heller*, we hold that when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. To justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation. Only if a firearm regulation is consistent with this Nation's historical tradition may a court conclude that the individual's conduct falls outside the Second Amendment's "unqualified command." *Konigsberg* v. *State Bar of Cal.*, 366 U. S. 36, 50, n. 10 (1961).[3]

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[3] Rather than begin with its view of the governing legal framework, the dissent chronicles, in painstaking detail, evidence of crimes committed by individuals with firearms. See *post,* at 1–9 (opinion of BREYER, J.). The dissent invokes all of these statistics presumably to justify granting States greater leeway in restricting firearm ownership and use. But, as Members of the Court have already explained, "[t]he right to keep and bear arms . . . is not the only constitutional right that has controversial public safety implications." *McDonald* v. *Chicago*, 561 U. S. 742, 783 (2010) (plurality opinion).

A

Since *Heller* and *McDonald*, the two-step test that Courts of Appeals have developed to assess Second Amendment claims proceeds as follows. At the first step, the government may justify its regulation by "establish[ing] that the challenged law regulates activity falling outside the scope of the right as originally understood." *E.g.*, *Kanter* v. *Barr*, 919 F. 3d 437, 441 (CA7 2019) (internal quotation marks omitted). But see *United States* v. *Boyd*, 999 F. 3d 171, 185 (CA3 2021) (requiring claimant to show "'a burden on conduct falling within the scope of the Second Amendment's guarantee'"). The Courts of Appeals then ascertain the original scope of the right based on its historical meaning. *E.g.*, *United States* v. *Focia*, 869 F. 3d 1269, 1285 (CA11 2017). If the government can prove that the regulated conduct falls beyond the Amendment's original scope, "then the analysis can stop there; the regulated activity is categorically unprotected." *United States* v. *Greeno*, 679 F. 3d 510, 518 (CA6 2012) (internal quotation marks omitted). But if the historical evidence at this step is "inconclusive or suggests that the regulated activity is *not* categorically unprotected," the courts generally proceed to step two. *Kanter*, 919 F. 3d, at 441 (internal quotation marks omitted).

At the second step, courts often analyze "how close the law comes to the core of the Second Amendment right and the severity of the law's burden on that right." *Ibid.* (internal quotation marks omitted). The Courts of Appeals generally maintain "that the core Second Amendment right is limited to self-defense *in the home*." *Gould*, 907 F. 3d, at 671 (emphasis added). But see *Wrenn*, 864 F. 3d, at 659 ("[T]he Amendment's core generally covers carrying in public for self defense"). If a "core" Second Amendment right is burdened, courts apply "strict scrutiny" and ask whether the Government can prove that the law is "narrowly tailored to achieve a compelling governmental interest." *Kolbe* v. *Hogan*, 849 F. 3d 114, 133 (CA4 2017) (internal quotation

marks omitted). Otherwise, they apply intermediate scrutiny and consider whether the Government can show that the regulation is "substantially related to the achievement of an important governmental interest." *Kachalsky*, 701 F. 3d, at 96.[4] Both respondents and the United States largely agree with this consensus, arguing that intermediate scrutiny is appropriate when text and history are unclear in attempting to delineate the scope of the right. See Brief for Respondents 37; Brief for United States as *Amicus Curiae* 4.

B

Despite the popularity of this two-step approach, it is one step too many. Step one of the predominant framework is broadly consistent with *Heller*, which demands a test rooted in the Second Amendment's text, as informed by history. But *Heller* and *McDonald* do not support applying means-end scrutiny in the Second Amendment context. Instead, the government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.

1

To show why *Heller* does not support applying means-end scrutiny, we first summarize *Heller*'s methodological approach to the Second Amendment.

In *Heller*, we began with a "textual analysis" focused on

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[4] See *Association of N. J. Rifle & Pistol Clubs, Inc.* v. *Attorney General N. J.*, 910 F. 3d 106, 117 (CA3 2018); accord, *Worman* v. *Healey*, 922 F. 3d 26, 33, 36–39 (CA1 2019); *Libertarian Party of Erie Cty.* v. *Cuomo*, 970 F. 3d 106, 127–128 (CA2 2020); *Harley* v. *Wilkinson*, 988 F. 3d 766, 769 (CA4 2021); *National Rifle Assn. of Am., Inc.* v. *Bureau of Alcohol, Tobacco, Firearms, and Explosives*, 700 F. 3d 185, 194–195 (CA5 2012); *United States* v. *Greeno*, 679 F. 3d 510, 518 (CA6 2012); *Kanter* v. *Barr*, 919 F. 3d 437, 442 (CA7 2019); *Young* v. *Hawaii*, 992 F. 3d 765, 783 (CA9 2021) (en banc); *United States* v. *Reese*, 627 F. 3d 792, 800–801 (CA10 2010); *GeorgiaCarry.Org, Inc.* v. *Georgia*, 687 F. 3d 1244, 1260, n. 34 (CA11 2012); *United States* v. *Class*, 930 F. 3d 460, 463 (CADC 2019).

the "'normal and ordinary'" meaning of the Second Amendment's language. 554 U. S., at 576–577, 578. That analysis suggested that the Amendment's operative clause—"the right of the people to keep and bear Arms shall not be infringed"—"guarantee[s] the individual right to possess and carry weapons in case of confrontation" that does not depend on service in the militia. *Id.*, at 592.

From there, we assessed whether our initial conclusion was "confirmed by the historical background of the Second Amendment." *Ibid.* We looked to history because "it has always been widely understood that the Second Amendment . . . codified a *pre-existing* right." *Ibid.* The Amendment "was not intended to lay down a novel principle but rather codified a right inherited from our English ancestors." *Id.*, at 599 (alterations and internal quotation marks omitted). After surveying English history dating from the late 1600s, along with American colonial views leading up to the founding, we found "no doubt, on the basis of both text and history, that the Second Amendment conferred an individual right to keep and bear arms." *Id.*, at 595.

We then canvassed the historical record and found yet further confirmation. That history included the "analogous arms-bearing rights in state constitutions that preceded and immediately followed adoption of the Second Amendment," *id.*, at 600–601, and "how the Second Amendment was interpreted from immediately after its ratification through the end of the 19th century," *id.*, at 605. When the principal dissent charged that the latter category of sources was illegitimate "postenactment legislative history," *id.*, at 662, n. 28 (opinion of Stevens, J.), we clarified that "examination of a variety of legal and other sources to determine *the public understanding* of a legal text in the period after its enactment or ratification" was "a critical tool of constitutional interpretation," *id.*, at 605 (majority opinion).

In assessing the postratification history, we looked to four

different types of sources. First, we reviewed "[t]hree important founding-era legal scholars [who] interpreted the Second Amendment in published writings." *Ibid.* Second, we looked to "19th-century cases that interpreted the Second Amendment" and found that they "universally support an individual right" to keep and bear arms. *Id.*, at 610. Third, we examined the "discussion of the Second Amendment in Congress and in public discourse" after the Civil War, "as people debated whether and how to secure constitutional rights for newly freed slaves." *Id.*, at 614. Fourth, we considered how post-Civil War commentators understood the right. See *id.*, at 616–619.

After holding that the Second Amendment protected an individual right to armed self-defense, we also relied on the historical understanding of the Amendment to demark the limits on the exercise of that right. We noted that, "[l]ike most rights, the right secured by the Second Amendment is not unlimited." *Id.*, at 626. "From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." *Ibid.* For example, we found it "fairly supported by the historical tradition of prohibiting the carrying of 'dangerous and unusual weapons'" that the Second Amendment protects the possession and use of weapons that are "'in common use at the time.'" *Id.*, at 627 (first citing 4 W. Blackstone, Commentaries on the Laws of England 148–149 (1769); then quoting *United States* v. *Miller*, 307 U. S. 174, 179 (1939)). That said, we cautioned that we were not "undertak[ing] an exhaustive historical analysis today of the full scope of the Second Amendment" and moved on to considering the constitutionality of the District of Columbia's handgun ban. 554 U. S., at 627.

We assessed the lawfulness of that handgun ban by scrutinizing whether it comported with history and tradition. Although we noted that the ban "would fail constitutional

muster" "[u]nder any of the standards of scrutiny that we have applied to enumerated constitutional rights," *id.*, at 628–629, we did not engage in means-end scrutiny when resolving the constitutional question. Instead, we focused on the historically unprecedented nature of the District's ban, observing that "[f]ew laws in the history of our Nation have come close to [that] severe restriction." *Id.*, at 629. Likewise, when one of the dissents attempted to justify the District's prohibition with "founding-era historical precedent," including "various restrictive laws in the colonial period," we addressed each purported analogue and concluded that they were either irrelevant or "d[id] not remotely burden the right of self-defense as much as an absolute ban on handguns." *Id.*, at 631–632; see *id.*, at 631–634. Thus, our earlier historical analysis sufficed to show that the Second Amendment did not countenance a "complete prohibition" on the use of "the most popular weapon chosen by Americans for self-defense in the home." *Id.*, at 629.

2

As the foregoing shows, *Heller*'s methodology centered on constitutional text and history. Whether it came to defining the character of the right (individual or militia dependent), suggesting the outer limits of the right, or assessing the constitutionality of a particular regulation, *Heller* relied on text and history. It did not invoke any means-end test such as strict or intermediate scrutiny.

Moreover, *Heller* and *McDonald* expressly rejected the application of any "judge-empowering 'interest-balancing inquiry' that 'asks whether the statute burdens a protected interest in a way or to an extent that is out of proportion to the statute's salutary effects upon other important governmental interests.'" *Heller*, 554 U. S., at 634 (quoting *id.*, at 689–690 (BREYER, J., dissenting)); see also *McDonald*, 561 U. S., at 790–791 (plurality opinion) (the Second Amendment does not permit—let alone require—"judges to assess

the costs and benefits of firearms restrictions" under means-end scrutiny). We declined to engage in means-end scrutiny because "[t]he very enumeration of the right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is *really worth* insisting upon." *Heller*, 554 U. S., at 634. We then concluded: "A constitutional guarantee subject to future judges' assessments of its usefulness is no constitutional guarantee at all." *Ibid.*

Not only did *Heller* decline to engage in means-end scrutiny generally, but it also specifically ruled out the intermediate-scrutiny test that respondents and the United States now urge us to adopt. Dissenting in *Heller*, JUSTICE BREYER's proposed standard—"ask[ing] whether [a] statute burdens a protected interest in a way or to an extent that is out of proportion to the statute's salutary effects upon other important governmental interests," *id.*, at 689–690 (dissenting opinion)—simply expressed a classic formulation of intermediate scrutiny in a slightly different way, see *Clark* v. *Jeter*, 486 U. S. 456, 461 (1988) (asking whether the challenged law is "substantially related to an important government objective"). In fact, JUSTICE BREYER all but admitted that his *Heller* dissent advocated for intermediate scrutiny by repeatedly invoking a quintessential intermediate-scrutiny precedent. See *Heller*, 554 U. S., at 690, 696, 704–705 (citing *Turner Broadcasting System*, *Inc.* v. *FCC*, 520 U. S. 180 (1997)). Thus, when *Heller* expressly rejected that dissent's "interest-balancing inquiry," 554 U. S., at 634 (internal quotation marks omitted), it necessarily rejected intermediate scrutiny.[5]

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[5] The dissent asserts that we misread *Heller* to eschew means-end scrutiny because *Heller* mentioned that the District of Columbia's handgun ban "would fail constitutional muster" "[u]nder any of the standards of scrutiny that we have applied to enumerated constitutional rights." *Heller*, 554 U. S., at 628–629; see *post,* at 23 (opinion of BREYER, J.). But *Heller*'s passing observation that the District's ban would fail under any

In sum, the Courts of Appeals' second step is inconsistent with *Heller*'s historical approach and its rejection of means-end scrutiny. We reiterate that the standard for applying the Second Amendment is as follows: When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation. Only then may a court conclude that the individual's conduct falls outside the Second Amendment's "unqualified command." *Konigsberg*, 366 U. S., at 50, n. 10.

C

This Second Amendment standard accords with how we protect other constitutional rights. Take, for instance, the freedom of speech in the First Amendment, to which *Heller* repeatedly compared the right to keep and bear arms. 554 U. S., at 582, 595, 606, 618, 634–635. In that context, "[w]hen the Government restricts speech, the Government bears the burden of proving the constitutionality of its actions." *United States* v. *Playboy Entertainment Group*, *Inc.*, 529 U. S. 803, 816 (2000); see also *Philadelphia Newspapers*, *Inc.* v. *Hepps*, 475 U. S. 767, 777 (1986). In some cases, that burden includes showing whether the expressive conduct falls outside of the category of protected speech. See *Illinois ex rel. Madigan* v. *Telemarketing Associates*, *Inc.*, 538 U. S. 600, 620, n. 9 (2003). And to carry that burden, the government must generally point to *historical* evidence about the reach of the First Amendment's protections. See,

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heightened "standar[d] of scrutiny" did not supplant *Heller*'s focus on constitutional text and history. Rather, *Heller*'s comment "was more of a gilding-the-lily observation about the extreme nature of D.C.'s law," *Heller* v. *District of Columbia*, 670 F. 3d 1244, 1277 (CADC 2011) (Kavanaugh, J., dissenting), than a reflection of *Heller*'s methodology or holding.

e.g., *United States* v. *Stevens*, 559 U. S. 460, 468–471 (2010) (placing the burden on the government to show that a type of speech belongs to a "historic and traditional categor[y]" of constitutionally unprotected speech "long familiar to the bar" (internal quotation marks omitted)).

And beyond the freedom of speech, our focus on history also comports with how we assess many other constitutional claims. If a litigant asserts the right in court to "be confronted with the witnesses against him," U. S. Const., Amdt. 6, we require courts to consult history to determine the scope of that right. See, *e.g.*, *Giles* v. *California*, 554 U. S. 353, 358 (2008) ("admitting only those exceptions [to the Confrontation Clause] established at the time of the founding" (internal quotation marks omitted)). Similarly, when a litigant claims a violation of his rights under the Establishment Clause, Members of this Court "loo[k] to history for guidance." *American Legion* v. *American Humanist Assn.*, 588 U. S. ___, ___ (2019) (plurality opinion) (slip op., at 25). We adopt a similar approach here.

To be sure, "[h]istorical analysis can be difficult; it sometimes requires resolving threshold questions, and making nuanced judgments about which evidence to consult and how to interpret it." *McDonald*, 561 U. S., at 803–804 (Scalia, J., concurring). But reliance on history to inform the meaning of constitutional text—especially text meant to codify a *pre-existing* right—is, in our view, more legitimate, and more administrable, than asking judges to "make difficult empirical judgments" about "the costs and benefits of firearms restrictions," especially given their "lack [of] expertise" in the field. *Id.*, at 790–791 (plurality opinion).[6]

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[6] The dissent claims that *Heller*'s text-and-history test will prove unworkable compared to means-end scrutiny in part because judges are relatively ill equipped to "resolv[e] difficult historical questions" or engage in "searching historical surveys." *Post*, at 26, 30. We are unpersuaded. The job of judges is not to resolve historical questions in the abstract; it

If the last decade of Second Amendment litigation has taught this Court anything, it is that federal courts tasked with making such difficult empirical judgments regarding firearm regulations under the banner of "intermediate scrutiny" often defer to the determinations of legislatures. But while that judicial deference to legislative interest balancing is understandable—and, elsewhere, appropriate—it is not deference that the Constitution demands here. The Second Amendment "is the very *product* of an interest balancing by the people" and it "surely elevates above all other interests the right of law-abiding, responsible citizens to use arms" for self-defense. *Heller*, 554 U. S., at 635. It is this balance—struck by the traditions of the American people—that demands our unqualified deference.

D

The test that we set forth in *Heller* and apply today requires courts to assess whether modern firearms regulations are consistent with the Second Amendment's text and historical understanding. In some cases, that inquiry will be fairly straightforward. For instance, when a challenged regulation addresses a general societal problem that has persisted since the 18th century, the lack of a distinctly similar historical regulation addressing that problem is relevant evidence that the challenged regulation is inconsistent with the Second Amendment. Likewise, if earlier generations addressed the societal problem, but did so through materially different means, that also could be evidence that

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is to resolve *legal* questions presented in particular cases or controversies. That "legal inquiry is a refined subset" of a broader "historical inquiry," and it relies on "various evidentiary principles and default rules" to resolve uncertainties. W. Baude & S. Sachs, Originalism and the Law of the Past, 37 L. & Hist. Rev. 809, 810–811 (2019). For example, "[i]n our adversarial system of adjudication, we follow the principle of party presentation." *United States* v. *Sineneng-Smith*, 590 U. S. ___, ___ (2020) (slip op., at 3). Courts are thus entitled to decide a case based on the historical record compiled by the parties.

a modern regulation is unconstitutional. And if some jurisdictions actually attempted to enact analogous regulations during this timeframe, but those proposals were rejected on constitutional grounds, that rejection surely would provide some probative evidence of unconstitutionality.

Heller itself exemplifies this kind of straightforward historical inquiry. One of the District's regulations challenged in *Heller* "totally ban[ned] handgun possession in the home." *Id*., at 628. The District in *Heller* addressed a perceived societal problem—firearm violence in densely populated communities—and it employed a regulation—a flat ban on the possession of handguns in the home—that the Founders themselves could have adopted to confront that problem. Accordingly, after considering "founding-era historical precedent," including "various restrictive laws in the colonial period," and finding that none was analogous to the District's ban, *Heller* concluded that the handgun ban was unconstitutional. *Id.,* at 631; see also *id.,* at 634 (describing the claim that "there were somewhat similar restrictions in the founding period" a "false proposition").

New York's proper-cause requirement concerns the same alleged societal problem addressed in *Heller*: "handgun violence," primarily in "urban area[s]." *Ibid.* Following the course charted by *Heller*, we will consider whether "historical precedent" from before, during, and even after the founding evinces a comparable tradition of regulation. *Id.,* at 631. And, as we explain below, we find no such tradition in the historical materials that respondents and their *amici* have brought to bear on that question. See Part III–B, *infra*.

While the historical analogies here and in *Heller* are relatively simple to draw, other cases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach. The regulatory challenges posed by firearms today are not always the same

as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868. Fortunately, the Founders created a Constitution—and a Second Amendment—"intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." *McCulloch* v. *Maryland*, 4 Wheat. 316, 415 (1819) (emphasis deleted). Although its meaning is fixed according to the understandings of those who ratified it, the Constitution can, and must, apply to circumstances beyond those the Founders specifically anticipated. See, *e.g., United States* v. *Jones*, 565 U. S. 400, 404–405 (2012) (holding that installation of a tracking device was "a physical intrusion [that] would have been considered a 'search' within the meaning of the Fourth Amendment when it was adopted").

We have already recognized in *Heller* at least one way in which the Second Amendment's historically fixed meaning applies to new circumstances: Its reference to "arms" does not apply "only [to] those arms in existence in the 18th century." 554 U. S., at 582. "Just as the First Amendment protects modern forms of communications, and the Fourth Amendment applies to modern forms of search, the Second Amendment extends, prima facie, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding." *Ibid.* (citations omitted). Thus, even though the Second Amendment's definition of "arms" is fixed according to its historical understanding, that general definition covers modern instruments that facilitate armed self-defense. Cf. *Caetano* v. *Massachusetts*, 577 U. S. 411, 411–412 (2016) (*per curiam*) (stun guns).

Much like we use history to determine which modern "arms" are protected by the Second Amendment, so too does history guide our consideration of modern regulations that were unimaginable at the founding. When confronting such present-day firearm regulations, this historical inquiry that courts must conduct will often involve reasoning by analogy—a commonplace task for any lawyer or judge. Like all

analogical reasoning, determining whether a historical regulation is a proper analogue for a distinctly modern firearm regulation requires a determination of whether the two regulations are "relevantly similar." C. Sunstein, On Analogical Reasoning, 106 Harv. L. Rev. 741, 773 (1993). And because "[e]verything is similar in infinite ways to everything else," *id.,* at 774, one needs "some metric enabling the analogizer to assess which similarities are important and which are not," F. Schauer & B. Spellman, Analogy, Expertise, and Experience, 84 U. Chi. L. Rev. 249, 254 (2017). For instance, a green truck and a green hat are relevantly similar if one's metric is "things that are green." See *ibid.* They are not relevantly similar if the applicable metric is "things you can wear."

While we do not now provide an exhaustive survey of the features that render regulations relevantly similar under the Second Amendment, we do think that *Heller* and *McDonald* point toward at least two metrics: how and why the regulations burden a law-abiding citizen's right to armed self-defense. As we stated in *Heller* and repeated in *McDonald*, "individual self-defense is 'the *central component*' of the Second Amendment right." *McDonald*, 561 U. S., at 767 (quoting *Heller*, 554 U. S., at 599); see also *id.,* at 628 ("the inherent right of self-defense has been central to the Second Amendment right"). Therefore, whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are "'*central*'" considerations when engaging in an analogical inquiry. *McDonald*, 561 U. S., at 767 (quoting *Heller*, 554 U. S., at 599).[7]

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[7] This does not mean that courts may engage in independent means-end scrutiny under the guise of an analogical inquiry. Again, the Second Amendment is the "product of an interest balancing *by the people*," not the evolving product of federal judges. *Heller*, 554 U. S., at 635 (emphasis altered). Analogical reasoning requires judges to apply faithfully the balance struck by the founding generation to modern circumstances, and

To be clear, analogical reasoning under the Second Amendment is neither a regulatory straightjacket nor a regulatory blank check. On the one hand, courts should not "uphold every modern law that remotely resembles a historical analogue," because doing so "risk[s] endorsing outliers that our ancestors would never have accepted." *Drummond* v. *Robinson*, 9 F. 4th 217, 226 (CA3 2021). On the other hand, analogical reasoning requires only that the government identify a well-established and representative historical *analogue*, not a historical *twin*. So even if a modern-day regulation is not a dead ringer for historical precursors, it still may be analogous enough to pass constitutional muster.

Consider, for example, *Heller*'s discussion of "longstanding" "laws forbidding the carrying of firearms in sensitive places such as schools and government buildings." 554 U. S., at 626. Although the historical record yields relatively few 18th- and 19th-century "sensitive places" where weapons were altogether prohibited—*e.g.,* legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions. See D. Kopel & J. Greenlee, The "Sensitive Places" Doctrine, 13 Charleston L. Rev. 205, 229–236, 244–247 (2018); see also Brief for Independent Institute as *Amicus Curiae* 11–17. We therefore can assume it settled that these locations were "sensitive places" where arms carrying could be prohibited consistent with the Second Amendment. And courts can use analogies to those historical regulations of "sensitive places" to determine that modern regulations prohibiting the carry of firearms in *new* and analogous sensitive places are constitutionally permissible.

Although we have no occasion to comprehensively define

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contrary to the dissent's assertion, there is nothing "[i]roni[c]" about that undertaking. *Post,* at 30. It is not an invitation to revise that balance through means-end scrutiny.

"sensitive places" in this case, we do think respondents err in their attempt to characterize New York's proper-cause requirement as a "sensitive-place" law. In their view, "sensitive places" where the government may lawfully disarm law-abiding citizens include all "places where people typically congregate and where law-enforcement and other public-safety professionals are presumptively available." Brief for Respondents 34. It is true that people sometimes congregate in "sensitive places," and it is likewise true that law enforcement professionals are usually presumptively available in those locations. But expanding the category of "sensitive places" simply to all places of public congregation that are not isolated from law enforcement defines the category of "sensitive places" far too broadly. Respondents' argument would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry arms for self-defense that we discuss in detail below. See Part III–B, *infra*. Put simply, there is no historical basis for New York to effectively declare the island of Manhattan a "sensitive place" simply because it is crowded and protected generally by the New York City Police Department.

Like *Heller*, we "do not undertake an exhaustive historical analysis . . . of the full scope of the Second Amendment." 554 U. S., at 626. And we acknowledge that "applying constitutional principles to novel modern conditions can be difficult and leave close questions at the margins." *Heller* v. *District of Columbia*, 670 F. 3d 1244, 1275 (CADC 2011) (Kavanaugh, J., dissenting). "But that is hardly unique to the Second Amendment. It is an essential component of judicial decisionmaking under our enduring Constitution." *Ibid.* We see no reason why judges frequently tasked with answering these kinds of historical, analogical questions cannot do the same for Second Amendment claims.

III

Having made the constitutional standard endorsed in *Heller* more explicit, we now apply that standard to New York's proper-cause requirement.

A

It is undisputed that petitioners Koch and Nash—two ordinary, law-abiding, adult citizens—are part of "the people" whom the Second Amendment protects. See *Heller*, 554 U. S., at 580. Nor does any party dispute that handguns are weapons "in common use" today for self-defense. See *id.*, at 627; see also *Caetano*, 577 U. S., at 411–412. We therefore turn to whether the plain text of the Second Amendment protects Koch's and Nash's proposed course of conduct—carrying handguns publicly for self-defense.

We have little difficulty concluding that it does. Respondents do not dispute this. See Brief for Respondents 19. Nor could they. Nothing in the Second Amendment's text draws a home/public distinction with respect to the right to keep and bear arms. As we explained in *Heller*, the "textual elements" of the Second Amendment's operative clause— "the right of the people to keep and bear Arms, shall not be infringed"—"guarantee the individual right to possess and carry weapons in case of confrontation." 554 U. S., at 592. *Heller* further confirmed that the right to "bear arms" refers to the right to "wear, bear, or carry . . . upon the person or in the clothing or in a pocket, for the purpose . . . of being armed and ready for offensive or defensive action in a case of conflict with another person." *Id.*, at 584 (quoting *Muscarello* v. *United States*, 524 U. S. 125, 143 (1998) (Ginsburg, J., dissenting); internal quotation marks omitted).

This definition of "bear" naturally encompasses public carry. Most gun owners do not wear a holstered pistol at their hip in their bedroom or while sitting at the dinner table. Although individuals often "keep" firearms in their home, at the ready for self-defense, most do not "bear" (*i.e.*,

carry) them in the home beyond moments of actual confrontation. To confine the right to "bear" arms to the home would nullify half of the Second Amendment's operative protections.

Moreover, confining the right to "bear" arms to the home would make little sense given that self-defense is "the *central component* of the [Second Amendment] right itself." *Heller*, 554 U. S., at 599; see also *McDonald*, 561 U. S., at 767. After all, the Second Amendment guarantees an "individual right to possess and carry weapons in case of confrontation," *Heller*, 554 U. S., at 592, and confrontation can surely take place outside the home.

Although we remarked in *Heller* that the need for armed self-defense is perhaps "most acute" in the home, *id.*, at 628, we did not suggest that the need was insignificant elsewhere. Many Americans hazard greater danger outside the home than in it. See *Moore* v. *Madigan*, 702 F. 3d 933, 937 (CA7 2012) ("[A] Chicagoan is a good deal more likely to be attacked on a sidewalk in a rough neighborhood than in his apartment on the 35th floor of the Park Tower"). The text of the Second Amendment reflects that reality.

The Second Amendment's plain text thus presumptively guarantees petitioners Koch and Nash a right to "bear" arms in public for self-defense.

B

Conceding that the Second Amendment guarantees a general right to public carry, contra, *Young*, 992 F. 3d, at 813, respondents instead claim that the Amendment "permits a State to condition handgun carrying in areas 'frequented by the general public' on a showing of a non-speculative need for armed self-defense in those areas," Brief for Respondents 19 (citation omitted).[8] To support

[8] The dissent claims that we cannot answer the question presented without giving respondents the opportunity to develop an evidentiary record fleshing out "how New York's law is administered in practice, how

that claim, the burden falls on respondents to show that New York's proper-cause requirement is consistent with this Nation's historical tradition of firearm regulation. Only if respondents carry that burden can they show that the pre-existing right codified in the Second Amendment, and made applicable to the States through the Fourteenth, does not protect petitioners' proposed course of conduct.

Respondents appeal to a variety of historical sources from the late 1200s to the early 1900s. We categorize these periods as follows: (1) medieval to early modern England; (2) the American Colonies and the early Republic; (3) antebellum America; (4) Reconstruction; and (5) the late-19th and early-20th centuries.

We categorize these historical sources because, when it comes to interpreting the Constitution, not all history is created equal. "Constitutional rights are enshrined with the scope they were understood to have *when the people adopted them*." *Heller*, 554 U. S., at 634–635 (emphasis added). The Second Amendment was adopted in 1791; the

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much discretion licensing officers in New York possess, or whether the proper cause standard differs across counties." *Post,* at 20. We disagree. The dissent does not dispute that any applicant for an unrestricted concealed-carry license in New York can satisfy the proper-cause standard only if he has "'"a special need for self-protection distinguishable from that of the general community."'" *Post,* at 13 (quoting *Kachalsky* v. *County of Westchester*, 701 F. 3d 81, 86 (CA2 2012)). And in light of the text of the Second Amendment, along with the Nation's history of firearm regulation, we conclude below that a State may not prevent law-abiding citizens from publicly carrying handguns because they have not demonstrated a special need for self-defense. See *infra*, at 62. That conclusion does not depend upon any of the factual questions raised by the dissent. Nash and Koch allege that they were denied unrestricted licenses because they had not "demonstrate[d] a special need for self-defense that distinguished [them] from the general public." App. 123, 125. If those allegations are proven true, then it simply does not matter whether licensing officers have applied the proper-cause standard differently to other concealed-carry license applicants; Nash's and Koch's constitutional rights to bear arms in public for self-defense were still violated.

Fourteenth in 1868. Historical evidence that long predates either date may not illuminate the scope of the right if linguistic or legal conventions changed in the intervening years. It is one thing for courts to "reac[h] back to the 14th century" for English practices that "prevailed up to the 'period immediately before and after the framing of the Constitution.'" *Sprint Communications Co.* v. *APCC Services, Inc.*, 554 U. S. 269, 311 (2008) (ROBERTS, C. J., dissenting). It is quite another to rely on an "ancient" practice that had become "obsolete in England at the time of the adoption of the Constitution" and never "was acted upon or accepted in the colonies." *Dimick* v. *Schiedt*, 293 U. S. 474, 477 (1935).

As with historical evidence generally, courts must be careful when assessing evidence concerning English common-law rights. The common law, of course, developed over time. *Associated Gen. Contractors of Cal., Inc.* v. *Carpenters*, 459 U. S. 519, 533, n. 28 (1983); see also *Rogers* v. *Tennessee*, 532 U. S. 451, 461 (2001). And English common-law practices and understandings at any given time in history cannot be indiscriminately attributed to the Framers of our own Constitution. Even "the words of *Magna Charta*"—foundational as they were to the rights of America's forefathers—"stood for very different things at the time of the separation of the American Colonies from what they represented originally" in 1215. *Hurtado* v. *California*, 110 U. S. 516, 529 (1884). Sometimes, in interpreting our own Constitution, "it [is] better not to go too far back into antiquity for the best securities of our liberties," *Funk* v. *United States*, 290 U. S. 371, 382 (1933), unless evidence shows that medieval law survived to become our Founders' law. A long, unbroken line of common-law precedent stretching from Bracton to Blackstone is far more likely to be part of our law than a short-lived, 14th-century English practice.

Similarly, we must also guard against giving postenactment history more weight than it can rightly bear. It is true

that in *Heller* we reiterated that evidence of "how the Second Amendment was interpreted from immediately after its ratification through the end of the 19th century" represented a "critical tool of constitutional interpretation." 554 U. S., at 605. We therefore examined "a variety of legal and other sources to determine *the public understanding* of [the Second Amendment] after its . . . ratification." *Ibid.* And, in other contexts, we have explained that "'a regular course of practice' can 'liquidate & settle the meaning of' disputed or indeterminate 'terms & phrases'" in the Constitution. *Chiafalo* v. *Washington*, 591 U. S. ___, ___ (2020) (slip op., at 13) (quoting Letter from J. Madison to S. Roane (Sept. 2, 1819), in 8 Writings of James Madison 450 (G. Hunt ed. 1908)); see also, *e.g., Houston Community College System* v. *Wilson*, 595 U. S. ___, ___ (2022) (slip op., at 5) (same); The Federalist No. 37, p. 229 (C. Rossiter ed. 1961) (J. Madison); see generally C. Nelson, *Stare Decisis* and Demonstrably Erroneous Precedents, 87 Va. L. Rev. 1, 10–21 (2001); W. Baude, Constitutional Liquidation, 71 Stan. L. Rev. 1 (2019). In other words, we recognize that "where a governmental practice has been open, widespread, and unchallenged since the early days of the Republic, the practice should guide our interpretation of an ambiguous constitutional provision." *NLRB* v. *Noel Canning*, 573 U. S. 513, 572 (2014) (Scalia, J., concurring in judgment); see also *Myers* v. *United States*, 272 U. S. 52, 174 (1926); *Printz* v. *United States*, 521 U. S. 898, 905 (1997).

But to the extent later history contradicts what the text says, the text controls. "'[L]iquidating' indeterminacies in written laws is far removed from expanding or altering them." *Gamble* v. *United States*, 587 U. S. ___, ___ (2019) (THOMAS, J., concurring) (slip op., at 13); see also Letter from J. Madison to N. Trist (Dec. 1831), in 9 Writings of James Madison 477 (G. Hunt ed. 1910). Thus, "post-ratification adoption or acceptance of laws that are *inconsistent* with the original meaning of the constitutional text

obviously cannot overcome or alter that text." *Heller*, 670 F. 3d, at 1274, n. 6 (Kavanaugh, J., dissenting); see also *Espinoza* v. *Montana Dept. of Revenue*, 591 U. S. ___, ___ (2020) (slip op., at 15).

As we recognized in *Heller* itself, because post-Civil War discussions of the right to keep and bear arms "took place 75 years after the ratification of the Second Amendment, they do not provide as much insight into its original meaning as earlier sources." 554 U. S., at 614; cf. *Sprint Communications Co.*, 554 U. S., at 312 (ROBERTS, C. J., dissenting) ("The belated innovations of the mid- to late-19th-century courts come too late to provide insight into the meaning of [the Constitution in 1787]"). And we made clear in *Gamble* that *Heller*'s interest in mid- to late-19th-century commentary was secondary. *Heller* considered this evidence "only after surveying what it regarded as a wealth of authority for its reading—including the text of the Second Amendment and state constitutions." *Gamble*, 587 U. S., at ___ (majority opinion) (slip op., at 23). In other words, this 19th-century evidence was "treated as mere confirmation of what the Court thought had already been established." *Ibid.*

A final word on historical method: Strictly speaking, New York is bound to respect the right to keep and bear arms because of the Fourteenth Amendment, not the Second. See, *e.g.*, *Barron ex rel. Tiernan* v. *Mayor of Baltimore*, 7 Pet. 243, 250–251 (1833) (Bill of Rights applies only to the Federal Government). Nonetheless, we have made clear that individual rights enumerated in the Bill of Rights and made applicable against the States through the Fourteenth Amendment have the same scope as against the Federal Government. See, *e.g.*, *Ramos* v. *Louisiana*, 590 U. S. ___, ___ (2020) (slip op., at 7); *Timbs* v. *Indiana*, 586 U. S. ___, ___–___ (2019) (slip op., at 2–3); *Malloy* v. *Hogan*, 378 U. S. 1, 10–11 (1964). And we have generally assumed that the

scope of the protection applicable to the Federal Government and States is pegged to the public understanding of the right when the Bill of Rights was adopted in 1791. See, *e.g.*, *Crawford* v. *Washington*, 541 U. S. 36, 42–50 (2004) (Sixth Amendment); *Virginia* v. *Moore*, 553 U. S. 164, 168–169 (2008) (Fourth Amendment); *Nevada Comm'n on Ethics* v. *Carrigan*, 564 U. S. 117, 122–125 (2011) (First Amendment).

We also acknowledge that there is an ongoing scholarly debate on whether courts should primarily rely on the prevailing understanding of an individual right when the Fourteenth Amendment was ratified in 1868 when defining its scope (as well as the scope of the right against the Federal Government). See, *e.g.*, A. Amar, The Bill of Rights: Creation and Reconstruction xiv, 223, 243 (1998); K. Lash, Re-Speaking the Bill of Rights: A New Doctrine of Incorporation (Jan. 15, 2021) (manuscript, at 2), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3766917 ("When the people adopted the Fourteenth Amendment into existence, they readopted the original Bill of Rights, and did so in a manner that invested those original 1791 texts with new 1868 meanings"). We need not address this issue today because, as we explain below, the public understanding of the right to keep and bear arms in both 1791 and 1868 was, for all relevant purposes, the same with respect to public carry.

* * *

With these principles in mind, we turn to respondents' historical evidence. Throughout modern Anglo-American history, the right to keep and bear arms in public has traditionally been subject to well-defined restrictions governing the intent for which one could carry arms, the manner of carry, or the exceptional circumstances under which one could not carry arms. But apart from a handful of late-19th-century jurisdictions, the historical record compiled by respondents does not demonstrate a tradition of broadly

prohibiting the public carry of commonly used firearms for self-defense. Nor is there any such historical tradition limiting public carry only to those law-abiding citizens who demonstrate a special need for self-defense.[9] We conclude that respondents have failed to meet their burden to identify an American tradition justifying New York's proper-cause requirement. Under *Heller*'s text-and-history standard, the proper-cause requirement is therefore unconstitutional.

1

Respondents' substantial reliance on English history and custom before the founding makes some sense given our statement in *Heller* that the Second Amendment "codified a right 'inherited from our English ancestors.'" 554 U. S., at 599 (quoting *Robertson* v. *Baldwin*, 165 U. S. 275, 281 (1897)); see also *Smith* v. *Alabama*, 124 U. S. 465, 478

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[9] To be clear, nothing in our analysis should be interpreted to suggest the unconstitutionality of the 43 States' "shall-issue" licensing regimes, under which "a general desire for self-defense is sufficient to obtain a [permit]." *Drake* v. *Filko*, 724 F. 3d 426, 442 (CA3 2013) (Hardiman, J., dissenting). Because these licensing regimes do not require applicants to show an atypical need for armed self-defense, they do not necessarily prevent "law-abiding, responsible citizens" from exercising their Second Amendment right to public carry. *District of Columbia* v. *Heller*, 554 U. S. 570, 635 (2008). Rather, it appears that these shall-issue regimes, which often require applicants to undergo a background check or pass a firearms safety course, are designed to ensure only that those bearing arms in the jurisdiction are, in fact, "law-abiding, responsible citizens." *Ibid.* And they likewise appear to contain only "narrow, objective, and definite standards" guiding licensing officials, *Shuttlesworth* v. *Birmingham*, 394 U. S. 147, 151 (1969), rather than requiring the "appraisal of facts, the exercise of judgment, and the formation of an opinion," *Cantwell* v. *Connecticut*, 310 U. S. 296, 305 (1940)—features that typify proper-cause standards like New York's. That said, because any permitting scheme can be put toward abusive ends, we do not rule out constitutional challenges to shall-issue regimes where, for example, lengthy wait times in processing license applications or exorbitant fees deny ordinary citizens their right to public carry.

(1888). But this Court has long cautioned that the English common law "is not to be taken in all respects to be that of America." *Van Ness* v. *Pacard*, 2 Pet. 137, 144 (1829) (Story, J., for the Court); see also *Wheaton* v. *Peters*, 8 Pet. 591, 659 (1834); *Funk*, 290 U. S., at 384. Thus, "[t]he language of the Constitution cannot be interpreted safely except by reference to the common law and to British institutions *as they were when the instrument was framed and adopted*," not as they existed in the Middle Ages. *Ex parte Grossman*, 267 U. S. 87, 108–109 (1925) (emphasis added); see also *United States* v. *Reid*, 12 How. 361, 363 (1852).

We interpret the English history that respondents and the United States muster in light of these interpretive principles. We find that history ambiguous at best and see little reason to think that the Framers would have thought it applicable in the New World. It is not sufficiently probative to defend New York's proper-cause requirement.

To begin, respondents and their *amici* point to several medieval English regulations from as early as 1285 that they say indicate a longstanding tradition of restricting the public carry of firearms. See 13 Edw. 1, 102. The most prominent is the 1328 Statute of Northampton (or Statute), passed shortly after Edward II was deposed by force of arms and his son, Edward III, took the throne of a kingdom where "tendency to turmoil and rebellion was everywhere apparent throughout the realm." N. Trenholme, The Risings in the English Monastic Towns in 1327, 6 Am. Hist. Rev. 650, 651 (1901). At the time, "[b]ands of malefactors, knights as well as those of lesser degree, harried the country, committing assaults and murders," prompted by a more general "spirit of insubordination" that led to a "decay in English national life." K. Vickers, England in the Later Middle Ages 107 (1926).

The Statute of Northampton was, in part, "a product of . . . the acute disorder that still plagued England." A. Verduyn, The Politics of Law and Order During the Early

Years of Edward III, 108 Eng. Hist. Rev. 842, 850 (1993). It provided that, with some exceptions, Englishmen could not "come before the King's Justices, or other of the King's Ministers doing their office, with force and arms, nor bring no force in affray of the peace, nor to go nor ride armed by night nor by day, in Fairs, Markets, nor in the presence of the Justices or other Ministers, nor in no part elsewhere, upon pain to forfeit their Armour to the King, and their Bodies to Prison at the King's pleasure." 2 Edw. 3 c. 3 (1328).

Respondents argue that the prohibition on "rid[ing]" or "go[ing] . . . armed" was a sweeping restriction on public carry of self-defense weapons that would ultimately be adopted in Colonial America and justify onerous public-carry regulations. Notwithstanding the ink the parties spill over this provision, the Statute of Northampton—at least as it was understood during the Middle Ages—has little bearing on the Second Amendment adopted in 1791. The Statute of Northampton was enacted nearly 20 years before the Black Death, more than 200 years before the birth of Shakespeare, more than 350 years before the Salem Witch Trials, more than 450 years before the ratification of the Constitution, and nearly 550 years before the adoption of the Fourteenth Amendment.

The Statute's prohibition on going or riding "armed" obviously did not contemplate handguns, given they did not appear in Europe until about the mid-1500s. See K. Chase, Firearms: A Global History to 1700, p. 61 (2003). Rather, it appears to have been centrally concerned with the wearing of armor. See, *e.g.*, Calendar of the Close Rolls, Edward III, 1330–1333, p. 131 (Apr. 3, 1330) (H. Maxwell-Lyte ed. 1898); *id.*, at 243 (May 28, 1331); *id.*, Edward III, 1327–1330, at 314 (Aug. 29, 1328) (1896). If it did apply beyond armor, it applied to such weapons as the "launcegay," a 10- to 12-foot-long lightweight lance. See 7 Rich. 2 c. 13 (1383); 20 Rich. 2 c. 1 (1396).

The Statute's apparent focus on armor and, perhaps,

weapons like launcegays makes sense given that armor and lances were generally worn or carried only when one intended to engage in lawful combat or—as most early violations of the Statute show—to breach the peace. See, *e.g.*, Calendar of the Close Rolls, Edward III, 1327–1330, at 402 (July 7, 1328); *id.*, Edward III, 1333–1337, at 695 (Aug. 18, 1336) (1898). Contrast these arms with daggers. In the medieval period, "[a]lmost everyone carried a knife or a dagger in his belt." H. Peterson, Daggers and Fighting Knives of the Western World 12 (2001). While these knives were used by knights in warfare, "[c]ivilians wore them for self-protection," among other things. *Ibid.* Respondents point to no evidence suggesting the Statute applied to the smaller medieval weapons that strike us as most analogous to modern handguns.

When handguns were introduced in England during the Tudor and early Stuart eras, they did prompt royal efforts at suppression. For example, Henry VIII issued several proclamations decrying the proliferation of handguns, and Parliament passed several statutes restricting their possession. See, *e.g.*, 6 Hen. 8 c. 13, §1 (1514); 25 Hen. 8 c. 17, §1 (1533); 33 Hen. 8 c. 6 (1541); Prohibiting Use of Handguns and Crossbows (Jan. 1537), in 1 Tudor Royal Proclamations 249 (P. Hughes & J. Larkin eds. 1964). But Henry VIII's displeasure with handguns arose not primarily from concerns about their safety but rather their inefficacy. Henry VIII worried that handguns threatened Englishmen's proficiency with the longbow—a weapon many believed was crucial to English military victories in the 1300s and 1400s, including the legendary English victories at Crécy and Agincourt. See R. Payne-Gallwey, The Crossbow 32, 34 (1903); L. Schwoerer, Gun Culture in Early Modern England 54 (2016) (Schwoerer).

Similarly, James I considered small handguns—called dags—"utterly unserviceable for defence, Militarie practise, or other lawful use." A Proclamation Against Steelets,

Pocket Daggers, Pocket Dagges and Pistols (R. Barker printer 1616). But, in any event, James I's proclamation in 1616 "was the last one regarding civilians carrying dags," Schwoerer 63. "After this the question faded without explanation." *Ibid.* So, by the time Englishmen began to arrive in America in the early 1600s, the public carry of handguns was no longer widely proscribed.

When we look to the latter half of the 17th century, respondents' case only weakens. As in *Heller*, we consider this history "[b]etween the [Stuart] Restoration [in 1660] and the Glorious Revolution [in 1688]" to be particularly instructive. 554 U. S., at 592. During that time, the Stuart Kings Charles II and James II ramped up efforts to disarm their political opponents, an experience that "caused Englishmen . . . to be jealous of their arms." *Id.*, at 593.

In one notable example, the government charged Sir John Knight, a prominent detractor of James II, with violating the Statute of Northampton because he allegedly "did walk about the streets armed with guns, and that he went into the church of St. Michael, in Bristol, in the time of divine service, with a gun, to terrify the King's subjects." *Sir John Knight's Case*, 3 Mod. 117, 87 Eng. Rep. 75, 76 (K. B. 1686). Chief Justice Holt explained that the Statute of Northampton had "almost gone in *desuetudinem*," *Rex* v. *Sir John Knight*, 1 Comb. 38, 38–39, 90 Eng. Rep. 330 (K. B. 1686), meaning that the Statute had largely become obsolete through disuse.[10] And the Chief Justice further explained

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[10] Another medieval firearm restriction—a 1541 statute enacted under Henry VIII that limited the ownership and use of handguns (which could not be shorter than a yard) to those subjects with annual property values of at least £100, see 33 Hen. 8 c. 6, §§1–2—fell into a similar obsolescence. As far as we can discern, the last recorded prosecutions under the 1541 statute occurred in 1693, neither of which appears to have been successful. See *King and Queen* v. *Bullock*, 4 Mod. 147, 87 Eng. Rep. 315 (K. B. 1693); *King* v. *Litten*, 1 Shower, K. B. 367, 89 Eng. Rep. 644 (K. B. 1693). It seems that other prosecutions under the 1541 statute during the late 1600s were similarly unsuccessful. See *King* v. *Silcot*, 3 Mod. 280, 280–

that the act of "go[ing] armed *to terrify* the King's subjects" was "a great offence at the *common law*" and that the Statute of Northampton "is but an affirmance of that law." 3 Mod., at 118, 87 Eng. Rep., at 76 (first emphasis added). Thus, one's conduct "will come within the Act,"—*i.e.*, would terrify the King's subjects—only "where the crime shall appear to be malo animo," 1 Comb., at 39, 90 Eng. Rep., at 330, with evil intent or malice. Knight was ultimately acquitted by the jury.[11]

281, 87 Eng. Rep. 186 (K. B. 1690); *King* v. *Lewellin*, 1 Shower, K. B. 48, 89 Eng. Rep. 440 (K. B. 1689); cf. *King and Queen* v. *Alsop*, 4 Mod. 49, 50–51, 87 Eng. Rep. 256, 256–257 (K. B. 1691). By the late 1700s, it was widely recognized that the 1541 statute was "obsolete." 2 R. Burn, The Justice of the Peace, and Parish Officer 243, n. (11th ed. 1769); see also, *e.g.,* The Farmer's Lawyer 143 (1774) ("entirely obsolete"); 1 G. Jacob, Game-Laws II, Law-Dictionary (T. Tomlins ed. 1797); 2 R. Burn, The Justice of the Peace, and Parish Officer 409 (18th ed. 1797) (calling the 1541 statute "a matter more of curiosity than use").

In any event, lest one be tempted to put much evidentiary weight on the 1541 statute, it impeded not only public carry, but further made it unlawful for those without sufficient means to "kepe in his or their houses" any "handgun." 33 Hen. 8 c. 6, §1. Of course, this kind of limitation is inconsistent with *Heller*'s historical analysis regarding the Second Amendment's meaning at the founding and thereafter. So, even if a severe restriction on keeping firearms in the home may have seemed appropriate in the mid-1500s, it was not incorporated into the Second Amendment's scope. We see little reason why the parts of the 1541 statute that address public carry should not be understood similarly.

We note also that even this otherwise restrictive 1541 statute, which generally prohibited shooting firearms in any city, exempted discharges "for the defence of [one's] p[er]son or house." §4. Apparently, the paramount need for self-defense trumped the Crown's interest in firearm suppression even during the 16th century.

[11] The dissent discounts *Sir John Knight's Case*, 3 Mod. 117, 87 Eng. Rep. 75, because it only "arguably" supports the view that an evil-intent requirement attached to the Statute of Northampton by the late 1600s and early 1700s. See *post*, at 37. But again, because the Second Amendment's bare text covers petitioners' public carry, the respondents here shoulder the burden of demonstrating that New York's proper-cause requirement is consistent with the Second Amendment's text and historical scope. See *supra,* at 15. To the extent there are multiple plausible

Just three years later, Parliament responded by writing the "predecessor to our Second Amendment" into the 1689 English Bill of Rights, *Heller*, 554 U. S., at 593, guaranteeing that "Protestants . . . may have Arms for their Defence suitable to their Conditions, and as allowed by Law," 1 Wm. & Mary c. 2, §7, in 3 Eng. Stat. at Large 417 (1689). Although this right was initially limited—it was restricted to Protestants and held only against the Crown, but not Parliament—it represented a watershed in English history. Englishmen had "never before claimed . . . the right of the individual to arms." Schwoerer 156.[12] And as that individual right matured, "by the time of the founding," the right to keep and bear arms was "understood to be an individual right protecting against both public and private violence." *Heller*, 554 U. S., at 594.

To be sure, the Statute of Northampton survived both *Sir John Knight's Case* and the English Bill of Rights, but it was no obstacle to public carry for self-defense in the decades leading to the founding. Serjeant William Hawkins, in his widely read 1716 treatise, confirmed that "no wearing of Arms is within the meaning of [the Statute of Northampton], unless it be accompanied with such Circumstances as are apt to terrify the People." 1 Pleas of the Crown 136. To illustrate that proposition, Hawkins noted as an example that "Persons of Quality" were "in no Danger of Offending against this Statute by wearing common Weapons" because, in those circumstances, it would be clear that they

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interpretations of *Sir John Knight's Case*, we will favor the one that is more consistent with the Second Amendment's command.

[12] Even Catholics, who fell beyond the protection of the right to have arms, and who were stripped of all "Arms, Weapons, Gunpowder, [and] Ammunition," were at least allowed to keep "such necessary Weapons as shall be allowed . . . by Order of the Justices of the Peace . . . for the Defence of his House or Person." 1 Wm. & Mary c. 15, §4, in 3 Eng. Stat. at Large 399 (1688).

had no "Intention to commit any Act of Violence or Disturbance of the Peace." *Ibid.*; see also T. Barlow, The Justice of Peace 12 (1745). Respondents do not offer any evidence showing that, in the early 18th century or after, the mere public carrying of a handgun would terrify people. In fact, the opposite seems to have been true. As time went on, "domestic gun culture [in England] softened" any "terror" that firearms might once have conveyed. Schwoerer 4. Thus, whatever place handguns had in English society during the Tudor and Stuart reigns, by the time we reach the 18th century—and near the founding—they had gained a fairly secure footing in English culture.

At the very least, we cannot conclude from this historical record that, by the time of the founding, English law would have justified restricting the right to publicly bear arms suited for self-defense only to those who demonstrate some special need for self-protection.

2

Respondents next point us to the history of the Colonies and early Republic, but there is little evidence of an early American practice of regulating public carry by the general public. This should come as no surprise—English subjects founded the Colonies at about the time England had itself begun to eliminate restrictions on the ownership and use of handguns.

In the colonial era, respondents point to only three restrictions on public carry. For starters, we doubt that *three* colonial regulations could suffice to show a tradition of public-carry regulation. In any event, even looking at these laws on their own terms, we are not convinced that they regulated public carry akin to the New York law before us.

Two of the statutes were substantively identical. Colonial Massachusetts and New Hampshire both authorized justices of the peace to arrest "all Affrayers, Rioters, Disturbers, or Breakers of the Peace, and such as shall ride or

go armed Offensively . . . by Night or by Day, in Fear or Affray of Their Majesties Liege People." 1692 Mass. Acts and Laws no. 6, pp. 11–12; see 1699 N. H. Acts and Laws ch. 1. Respondents and their *amici* contend that being "armed offensively" meant bearing any offensive weapons, including firearms. See Brief for Respondents 33. In particular, respondents' *amici* argue that "'offensive'" arms in the 1600s and 1700s were what Blackstone and others referred to as "'dangerous or unusual weapons,'" Brief for Professors of History and Law as *Amici Curiae* 7 (quoting 4 Blackstone, Commentaries, at 148–149), a category that they say included firearms, see also *post,* at 40–42 (BREYER, J., dissenting).

Respondents, their *amici*, and the dissent all misunderstand these statutes. Far from banning the carrying of any class of firearms, they merely codified the existing common-law offense of bearing arms to terrorize the people, as had the Statute of Northampton itself. See *supra*, at 34–37. For instance, the Massachusetts statute proscribed "go[ing] armed Offensively . . . in Fear or Affray" of the people, indicating that these laws were modeled after the Statute of Northampton to the extent that the statute would have been understood to limit public carry *in the late 1600s*. Moreover, it makes very little sense to read these statutes as banning the public carry of all firearms just a few years after Chief Justice Holt in *Sir John Knight's Case* indicated that the English common law did not do so.

Regardless, even if respondents' reading of these colonial statutes were correct, it would still do little to support restrictions on the public carry of handguns *today*. At most, respondents can show that colonial legislatures sometimes prohibited the carrying of "dangerous and unusual weapons"—a fact we already acknowledged in *Heller*. See 554 U. S., at 627. Drawing from this historical tradition, we explained there that the Second Amendment protects only the carrying of weapons that are those "in common use at the

time," as opposed to those that "are highly unusual in society at large." *Ibid.* (internal quotation marks omitted). Whatever the likelihood that handguns were considered "dangerous and unusual" during the colonial period, they are indisputably in "common use" for self-defense today. They are, in fact, "the quintessential self-defense weapon." *Id.*, at 629. Thus, even if these colonial laws prohibited the carrying of handguns because they were considered "dangerous and unusual weapons" in the 1690s, they provide no justification for laws restricting the public carry of weapons that are unquestionably in common use today.

The third statute invoked by respondents was enacted in East New Jersey in 1686. It prohibited the concealed carry of "pocket pistol[s]" or other "unusual or unlawful weapons," and it further prohibited "planter[s]" from carrying all pistols unless in military service or, if "strangers," when traveling through the Province. An Act Against Wearing Swords, &c., ch. 9, in Grants, Concessions, and Original Constitutions of the Province of New Jersey 290 (2d ed. 1881) (Grants and Concessions). These restrictions do not meaningfully support respondents. The law restricted only concealed carry, not all public carry, and its restrictions applied only to certain "unusual or unlawful weapons," including "pocket pistol[s]." *Ibid.* It also did not apply to all pistols, let alone all firearms. "Pocket pistols" had barrel lengths of perhaps 3 or 4 inches, far smaller than the 6-inch to 14-inch barrels found on the other belt and hip pistols that were commonly used for lawful purposes in the 1600s. J. George, English Pistols and Revolvers 16 (1938); see also, *e.g.*, 14 Car. 2 c. 3, §20 (1662); H. Peterson, Arms and Armor in Colonial America, 1526–1783, p. 208 (1956) (Peterson). Moreover, the law prohibited only the *concealed* carry of pocket pistols; it presumably did not by its terms touch the

open carry of larger, presumably more common pistols, except as to "planters."[13] In colonial times, a "planter" was simply a farmer or plantation owner who settled new territory. R. Lederer, Colonial American English 175 (1985); New Jersey State Archives, J. Klett, Using the Records of the East and West Jersey Proprietors 31 (rev. ed. 2014), https://www.nj.gov/state/archives/pdf/proprietors.pdf. While the reason behind this singular restriction is not entirely clear, planters may have been targeted because colonial-era East New Jersey was riven with "strife and excitement" between planters and the Colony's proprietors "respecting titles to the soil." See W. Whitehead, East Jersey Under the Proprietary Governments 150–151 (rev. 2d ed. 1875); see also T. Gordon, The History of New Jersey 49 (1834).

In any event, we cannot put meaningful weight on this solitary statute. First, although the "planter" restriction may have prohibited the public carry of pistols, it did not prohibit planters from carrying long guns for self-defense—including the popular musket and carbine. See Peterson 41. Second, it does not appear that the statute survived for very long. By 1694, East New Jersey provided that no slave "be permitted to carry any gun or pistol . . . into the woods, or plantations" unless their owner accompanied them. Grants and Concessions 341. If slave-owning planters were prohibited from carrying pistols, it is hard to comprehend why slaves would have been able to carry them in the planter's presence. Moreover, there is no evidence that the 1686 statute survived the 1702 merger of East and West New Jersey. See 1 Nevill, Acts of the General Assembly of the Province of New-Jersey (1752). At most eight years of

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[13] Even assuming that pocket pistols were, as East Jersey in 1686 deemed them, "unusual or unlawful," it appears that they were commonly used at least by the founding. See, *e.g.*, G. Neumann, The History of Weapons of the American Revolution 150–151 (1967); see also H. Hendrick, P. Paradis, & R. Hornick, Human Factors Issues in Handgun Safety and Forensics 44 (2008).

history in half a Colony roughly a century before the founding sheds little light on how to properly interpret the Second Amendment.

Respondents next direct our attention to three late-18th-century and early-19th-century statutes, but each parallels the colonial statutes already discussed. One 1786 Virginia statute provided that "no man, great nor small, [shall] go nor ride armed by night nor by day, in fairs or markets, or in other places, in terror of the Country." Collection of All Such Acts of the General Assembly of Virginia ch. 21, p. 33 (1794).[14] A Massachusetts statute from 1795 commanded justices of the peace to arrest "all affrayers, rioters, disturbers, or breakers of the peace, and such as shall ride or go armed offensively, to the fear or terror of the good citizens of this Commonwealth." 1795 Mass. Acts and Laws ch. 2, p. 436, in Laws of the Commonwealth of Massachusetts. And an 1801 Tennessee statute likewise required any person who would "publicly ride or go armed to the terror of the people, or privately carry any dirk, large knife, pistol or any other dangerous weapon, to the fear or terror of any person" to post a surety; otherwise, his continued violation of the law would be "punished as for a breach of the peace, or riot at common law." 1801 Tenn. Acts pp. 260–261.

A by-now-familiar thread runs through these three statutes: They prohibit bearing arms in a way that spreads "fear" or "terror" among the people. As we have already explained, Chief Justice Holt in *Sir John Knight's Case* interpreted this *in Terrorem Populi* element to require something more than merely carrying a firearm in public. See *supra*, at 34–35. Respondents give us no reason to think that the founding generation held a different view. Thus, all told, in the century leading up to the Second Amendment

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[14] The Virginia statute all but codified the existing common law in this regard. See G. Webb, The Office and Authority of a Justice of Peace 92 (1736) (explaining how a constable "may take away Arms from such who ride, or go, offensively armed, in Terror of the People").

and in the first decade after its adoption, there is no historical basis for concluding that the pre-existing right enshrined in the Second Amendment permitted broad prohibitions on all forms of public carry.

3

Only after the ratification of the Second Amendment in 1791 did public-carry restrictions proliferate. Respondents rely heavily on these restrictions, which generally fell into three categories: common-law offenses, statutory prohibitions, and "surety" statutes. None of these restrictions imposed a substantial burden on public carry analogous to the burden created by New York's restrictive licensing regime.

Common-Law Offenses. As during the colonial and founding periods, the common-law offenses of "affray" or going armed "to the terror of the people" continued to impose some limits on firearm carry in the antebellum period. But as with the earlier periods, there is no evidence indicating that these common-law limitations impaired the right of the general population to peaceable public carry.

For example, the Tennessee attorney general once charged a defendant with the common-law offense of affray, arguing that the man committed the crime when he "'arm[ed] himself with dangerous and unusual weapons, in such a manner as will naturally cause terror to the people.'" *Simpson* v. *State*, 13 Tenn. 356, 358 (1833). More specifically, the indictment charged that Simpson "with force and arms being arrayed in a warlike manner . . . unlawfully, and to the great terror and disturbance of divers good citizens, did make an affray." *Id*., at 361. The Tennessee Supreme Court quashed the indictment, holding that the Statute of Northampton was never part of Tennessee law. *Id*., at 359. But even assuming that Tennesseans' ancestors brought with them the common law associated with the Statute, the *Simpson* court found that if the Statute had

made, as an "independent ground of affray," the mere arming of oneself with firearms, the Tennessee Constitution's Second Amendment analogue had "completely abrogated it." *Id.*, at 360. At least in light of that constitutional guarantee, the court did not think that it could attribute to the mere carrying of arms "a necessarily consequent operation as terror to the people." *Ibid.*

Perhaps more telling was the North Carolina Supreme Court's decision in *State* v. *Huntly*, 25 N. C. 418 (1843) (*per curiam*). Unlike the Tennessee Supreme Court in *Simpson*, the *Huntly* court held that the common-law offense codified by the Statute of Northampton was part of the State's law. See 25 N. C., at 421–422. However, consistent with the Statute's long-settled interpretation, the North Carolina Supreme Court acknowledged "that the carrying of a gun" for a lawful purpose "*per se* constitutes no offence." *Id.*, at 422–423. Only carrying for a "wicked purpose" with a "mischievous result . . . constitute[d a] crime." *Id.*, at 423; see also J. Haywood, The Duty and Office of Justices of Peace 10 (1800); H. Potter, The Office and Duties of a Justice of the Peace 39 (1816).[15] Other state courts likewise recognized that the common law did not punish the carrying of

[15] The dissent concedes that *Huntly*, 25 N. C. 418, recognized that citizens were "'at perfect liberty' to carry for 'lawful purpose[s].'" *Post*, at 42 (quoting *Huntly*, 25 N. C., at 423). But the dissent disputes that such "lawful purpose[s]" included self-defense, because *Huntly* goes on to speak more specifically of carrying arms for "business or amusement." *Id.*, at 422–423. This is an unduly stingy interpretation of *Huntly*. In particular, *Huntly* stated that "the citizen is at perfect liberty to carry his gun" "[f]or *any* lawful purpose," of which "business" and "amusement" were then mentioned. *Ibid.* (emphasis added). *Huntly* then contrasted these "lawful purpose[s]" with the "wicked purpose . . . to terrify and alarm." *Ibid.* Because there is no evidence that *Huntly* considered self-defense a "wicked purpose," we think the best reading of *Huntly* would sanction public carry for self-defense, so long as it was not "in such [a] manner as naturally will terrify and alarm." *Id.*, at 423.

deadly weapons *per se*, but only the carrying of such weapons "for the purpose of an affray, and in such manner as to strike terror to the people." *O'Neil* v. *State*, 16 Ala. 65, 67 (1849). Therefore, those who sought to carry firearms publicly and peaceably in antebellum America were generally free to do so.

Statutory Prohibitions. In the early to mid-19th century, some States began enacting laws that proscribed the concealed carry of pistols and other small weapons. As we recognized in *Heller*, "the majority of the 19th-century courts to consider the question held that [these] prohibitions on carrying concealed weapons were lawful under the Second Amendment or state analogues." 554 U. S., at 626. Respondents unsurprisingly cite these statutes[16]—and decisions upholding them[17]—as evidence that States were historically free to ban public carry.

In fact, however, the history reveals a consensus that States could *not* ban public carry altogether. Respondents'

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[16] Beginning in 1813 with Kentucky, six States (five of which were in the South) enacted laws prohibiting the concealed carry of pistols by 1846. See 1813 Ky. Acts §1, p. 100; 1813 La. Acts p. 172; 1820 Ind. Acts p. 39; Ark. Rev. Stat. §13, p. 280 (1838); 1838 Va. Acts ch. 101, §1, p. 76; 1839 Ala. Acts no. 77, §1. During this period, Georgia enacted a law that appeared to prohibit both concealed and open carry, see 1837 Ga. Acts §§1, 4, p. 90, but the Georgia Supreme Court later held that the prohibition could not extend to open carry consistent with the Second Amendment. See *infra*, at 45–46. Between 1846 and 1859, only one other State, Ohio, joined this group. 1859 Ohio Laws §1, p. 56. Tennessee, meanwhile, enacted in 1821 a broader law that prohibited carrying, among other things, "belt or pocket pistols, either public or private," except while traveling. 1821 Tenn. Acts ch. 13, §1, p. 15. And the Territory of Florida prohibited concealed carry during this same timeframe. See 1835 Terr. of Fla. Laws p. 423.

[17] See *State* v. *Mitchell*, 3 Blackf. 229 (Ind. 1833); *State* v. *Reid*, 1 Ala. 612, 616 (1840); *State* v. *Buzzard*, 4 Ark. 18 (1842); *Nunn* v. *State*, 1 Ga. 243 (1846); *State* v. *Chandler*, 5 La. 489 (1850); *State* v. *Smith*, 11 La. 633 (1856); *State* v. *Jumel*, 13 La. 399 (1858). But see *Bliss* v. *Commonwealth*, 12 Ky. 90 (1822). See generally 2 J. Kent, Commentaries on American Law *340, n. *b*.

cited opinions agreed that concealed-carry prohibitions were constitutional only if they did not similarly prohibit *open* carry. That was true in Alabama. See *State* v. *Reid*, 1 Ala. 612, 616, 619–621 (1840).[18] It was also true in Louisiana. See *State* v. *Chandler*, 5 La. 489, 490 (1850).[19] Kentucky, meanwhile, went one step further—the State Supreme Court *invalidated* a concealed-carry prohibition. See *Bliss* v. *Commonwealth*, 12 Ky. 90 (1822).[20]

The Georgia Supreme Court's decision in *Nunn* v. *State*, 1 Ga. 243 (1846), is particularly instructive. Georgia's 1837 statute broadly prohibited "wearing" or "carrying" pistols "as arms of offence or defence," without distinguishing between concealed and open carry. 1837 Ga. Acts 90, §1. To the extent the 1837 Act prohibited "carrying certain weapons *secretly*," the court explained, it was "valid." *Nunn*, 1

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[18] See *Reid*, 1 Ala., at 619 (holding that "the Legislature cannot inhibit the citizen from bearing arms openly"); *id.*, at 621 (noting that there was no evidence "tending to show that the defendant could not have defended himself as successfully, by carrying the pistol openly, as by secreting it about his person").

[19] See, *e.g.*, *Chandler*, 5 La., at 490 (Louisiana concealed-carry prohibition "interfered with no man's right to carry arms (to use its words) 'in full open view,' which places men upon an equality"); *Smith*, 11 La., at 633 (The "arms" described in the Second Amendment "are such as are borne by a people in war, or at least carried openly"); *Jumel*, 13 La., at 399–400 ("The statute in question does not infringe the right of the people to keep or bear arms. It is a measure of police, prohibiting only *a particular mode* of bearing arms which is found dangerous to the peace of society").

[20] With respect to Indiana's concealed-carry prohibition, the Indiana Supreme Court's reasons for upholding it are unknown because the court issued a one-sentence *per curiam* order holding the law "not unconstitutional." *Mitchell*, 3 Blackf., at 229. Similarly, the Arkansas Supreme Court upheld Arkansas' prohibition, but without reaching a majority rationale. See *Buzzard*, 4 Ark. 18. The Arkansas Supreme Court would later adopt Tennessee's approach, which tolerated the prohibition of all public carry of handguns except for military-style revolvers. See, *e.g.*, *Fife* v. *State*, 31 Ark. 455 (1876).

Ga., at 251. But to the extent the Act also prohibited "bearing arms *openly*," the court went on, it was "in conflict with the Constitutio[n] and *void*." *Ibid.*; see also *Heller*, 554 U. S., at 612. The Georgia Supreme Court's treatment of the State's general prohibition on the public carriage of handguns indicates that it was considered beyond the constitutional pale in antebellum America to altogether prohibit public carry.

Finally, we agree that Tennessee's prohibition on carrying "publicly or privately" any "belt or pocket pisto[l]," 1821 Tenn. Acts ch. 13, p. 15, was, on its face, uniquely severe, see *Heller*, 554 U. S., at 629. That said, when the Tennessee Supreme Court addressed the constitutionality of a substantively identical successor provision, see 1870 Tenn. Acts ch. 13, §1, p. 28, the court read this language to permit the public carry of larger, military-style pistols because any categorical prohibition on their carry would "violat[e] the constitutional right to keep arms." *Andrews* v. *State*, 50 Tenn. 165, 187 (1871); see also *Heller*, 554 U. S., at 629 (discussing *Andrews*).[21]

All told, these antebellum state-court decisions evince a consensus view that States could not altogether prohibit the public carry of "arms" protected by the Second Amendment or state analogues.[22]

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[21] Shortly after *Andrews*, 50 Tenn. 165, Tennessee codified an exception to the State's handgun ban for "an[y] army pistol, or such as are commonly carried and used in the United States Army" so long as they were carried "openly in [one's] hands." 1871 Tenn. Pub. Acts ch. 90, §1; see also *State* v. *Wilburn*, 66 Tenn. 57, 61–63 (1872); *Porter* v. *State*, 66 Tenn. 106, 107–108 (1874).

[22] The Territory of New Mexico made it a crime in 1860 to carry "any class of pistols whatever" "concealed or otherwise." 1860 Terr. of N. M. Laws §§1–2, p. 94. This extreme restriction is an outlier statute enacted by a territorial government nearly 70 years after the ratification of the Bill of Rights, and its constitutionality was never tested in court. Its value in discerning the original meaning of the Second Amendment is insubstantial. Moreover, like many other stringent carry restrictions

Surety Statutes. In the mid-19th century, many jurisdictions began adopting surety statutes that required certain individuals to post bond before carrying weapons in public. Although respondents seize on these laws to justify the proper-cause restriction, their reliance on them is misplaced. These laws were not *bans* on public carry, and they typically targeted only those threatening to do harm.

As discussed earlier, Massachusetts had prohibited riding or going "armed offensively, to the fear or terror of the good citizens of this Commonwealth" since 1795. 1795 Mass. Acts and Laws ch. 2, at 436, in Laws of the Commonwealth of Massachusetts. In 1836, Massachusetts enacted a new law providing:

> "If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided." Mass. Rev. Stat., ch. 134, §16.

In short, the Commonwealth required any person who was reasonably likely to "breach the peace," and who, standing accused, could not prove a special need for self-defense, to post a bond before publicly carrying a firearm. Between 1838 and 1871, nine other jurisdictions adopted variants of

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that were localized in the Western Territories, New Mexico's prohibition ended when the Territory entered the Union as a State in 1911 and guaranteed in its State Constitution that "[t]he people have the right to bear arms for their security and defense, but nothing herein shall be held to permit the carrying of concealed weapons." N. M. Const., Art. II, §6 (1911); see *infra*, at 61.

the Massachusetts law.[23]

Contrary to respondents' position, these "reasonable-cause laws" in no way represented the "direct precursor" to the proper-cause requirement. Brief for Respondents 27. While New York presumes that individuals have *no* public carry right without a showing of heightened need, the surety statutes *presumed* that individuals had a right to public carry that could be burdened only if another could make out a specific showing of "reasonable cause to fear an injury, or breach of the peace." Mass. Rev. Stat., ch. 134, §16 (1836).[24] As William Rawle explained in an influential treatise, an individual's carrying of arms was "sufficient cause to require him to give surety of the peace" only when "attended with circumstances giving just reason to fear that he purposes to make an unlawful use of them." A View of the Constitution of the United States of America 126 (2d ed. 1829). Then, even on such a showing, the surety laws did not *prohibit* public carry in locations frequented by the general community. Rather, an accused arms-bearer "could go on carrying without criminal penalty" so long as he "post[ed] money that would be forfeited if he breached the peace or injured others—a requirement from which he was exempt if *he* needed self-defense." *Wrenn*, 864 F. 3d, at 661.

Thus, unlike New York's regime, a showing of special need was required only *after* an individual was reasonably accused of intending to injure another or breach the peace. And, even then, proving special need simply avoided a fee rather than a ban. All told, therefore, "[u]nder surety laws

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[23] See 1838 Terr. of Wis. Stat. §16, p. 381; Me. Rev. Stat., ch. 169, §16 (1840); Mich. Rev. Stat., ch. 162, §16 (1846); 1847 Va. Acts ch. 14, §16; Terr. of Minn. Rev. Stat., ch. 112, §18 (1851); 1854 Ore. Stat. ch. 16, §17, p. 220; D. C. Rev. Code ch. 141, §16 (1857); 1860 Pa. Laws p. 432, §6; W. Va. Code, ch. 153, §8 (1868).

[24] It is true that two of the antebellum surety laws were unusually broad in that they did not expressly require a citizen complaint to trigger the posting of a surety. See 1847 Va. Acts ch. 14, §16; W. Va. Code, ch. 153, §8 (1868).

. . . everyone started out with robust carrying rights" and only those reasonably accused were required to show a special need in order to avoid posting a bond. *Ibid.* These antebellum special-need requirements "did not expand carrying for the responsible; it shrank burdens on carrying by the (allegedly) reckless." *Ibid.*

One Court of Appeals has nonetheless remarked that these surety laws were "a severe constraint on anyone thinking of carrying a weapon in public." *Young*, 992 F. 3d, at 820. That contention has little support in the historical record. Respondents cite no evidence showing the average size of surety postings. And given that surety laws were "intended merely for prevention" and were "not meant as any degree of punishment," 4 Blackstone, Commentaries, at 249, the burden these surety statutes may have had on the right to public carry was likely too insignificant to shed light on New York's proper-cause standard—a violation of which can carry a 4-year prison term or a $5,000 fine. In *Heller*, we noted that founding-era laws punishing unlawful discharge "with a small fine and forfeiture of the weapon . . . , not with significant criminal penalties," likely did not "preven[t] a person in the founding era from using a gun to protect himself or his family from violence, or that if he did so the law would be enforced against him." 554 U. S., at 633–634. Similarly, we have little reason to think that the hypothetical possibility of posting a bond would have prevented anyone from carrying a firearm for self-defense in the 19th century.

Besides, respondents offer little evidence that authorities ever enforced surety laws. The only recorded case that we know of involved a justice of the peace *declining* to require a surety, even when the complainant alleged that the arms-bearer "'did threaten to beat, wou[n]d, mai[m], and kill'" him. Brief for Professor Robert Leider et al. as *Amici Curiae* 31 (quoting *Grover* v. *Bullock*, No. 185 (Worcester Cty.,

Aug. 13, 1853)); see E. Ruben & S. Cornell, Firearm Regionalism and Public Carry: Placing Southern Antebellum Case Law in Context, 125 Yale L. J. Forum 121, 130, n. 53 (2015). And one scholar who canvassed 19th-century newspapers—which routinely reported on local judicial matters—found only a handful of other examples in Massachusetts and the District of Columbia, all involving black defendants who may have been targeted for selective or pretextual enforcement. See R. Leider, Constitutional Liquidation, Surety Laws, and the Right To Bear Arms 15–17, in New Histories of Gun Rights and Regulation (J. Blocher, J. Charles, & D. Miller eds.) (forthcoming); see also Brief for Professor Robert Leider et al. as *Amici Curiae* 31–32. That is surely too slender a reed on which to hang a historical tradition of restricting the right to public carry.[25]

Respondents also argue that surety statutes were severe restrictions on firearms because the "reasonable cause to fear" standard was essentially *pro forma*, given that "merely carrying firearms in populous areas breached the peace" *per se*. Brief for Respondents 27. But that is a counterintuitive reading of the language that the surety statutes actually used. If the mere carrying of handguns breached the peace, it would be odd to draft a surety statute requiring a complainant to demonstrate "reasonable cause to fear an injury, or breach of the peace," Mass. Rev. Stat., ch. 134, §16, rather than a reasonable likelihood that the arms-bearer carried a covered weapon. After all, if it was the nature of the weapon rather than the manner of carry that

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[25] The dissent speculates that the absence of recorded cases involving surety laws may simply "show that these laws were normally followed." *Post,* at 45. Perhaps. But again, the burden rests with the government to establish the relevant tradition of regulation, see *supra,* at 15, and, given all of the other features of surety laws that make them poor analogues to New York's proper-cause standard, we consider the barren record of enforcement to be simply one additional reason to discount their relevance.

was dispositive, then the "reasonable fear" requirement would be redundant.

Moreover, the overlapping scope of surety statutes and criminal statutes suggests that the former were not viewed as substantial restrictions on public carry. For example, when Massachusetts enacted its surety statute in 1836, it reaffirmed its 1794 criminal prohibition on "go[ing] armed offensively, to the terror of the people." Mass. Rev. Stat., ch. 85, §24. And Massachusetts continued to criminalize the carrying of various "dangerous weapons" well after passing the 1836 surety statute. See, *e.g.*, 1850 Mass. Acts ch. 194, §1, p. 401; Mass. Gen. Stat., ch. 164, §10 (1860). Similarly, Virginia had criminalized the concealed carry of pistols since 1838, see 1838 Va. Acts ch. 101, §1, nearly a decade before it enacted its surety statute, see 1847 Va. Acts ch. 14, §16. It is unlikely that these surety statutes constituted a "severe" restraint on public carry, let alone a restriction tantamount to a ban, when they were supplemented by direct criminal prohibitions on specific weapons and methods of carry.

To summarize: The historical evidence from antebellum America does demonstrate that *the manner* of public carry was subject to reasonable regulation. Under the common law, individuals could not carry deadly weapons in a manner likely to terrorize others. Similarly, although surety statutes did not directly restrict public carry, they did provide financial incentives for responsible arms carrying. Finally, States could lawfully eliminate one kind of public carry—concealed carry—so long as they left open the option to carry openly.

None of these historical limitations on the right to bear arms approach New York's proper-cause requirement because none operated to prevent law-abiding citizens with ordinary self-defense needs from carrying arms in public for that purpose.

4

Evidence from around the adoption of the Fourteenth Amendment also fails to support respondents' position. For the most part, respondents and the United States ignore the "outpouring of discussion of the [right to keep and bear arms] in Congress and in public discourse, as people debated whether and how to secure constitutional rights for newly free slaves" after the Civil War. *Heller*, 554 U. S., at 614. Of course, we are not obliged to sift the historical materials for evidence to sustain New York's statute. That is respondents' burden. Nevertheless, we think a short review of the public discourse surrounding Reconstruction is useful in demonstrating how public carry for self-defense remained a central component of the protection that the Fourteenth Amendment secured for all citizens.

A short prologue is in order. Even before the Civil War commenced in 1861, this Court indirectly affirmed the importance of the right to keep and bear arms in public. Writing for the Court in *Dred Scott* v. *Sandford*, 19 How. 393 (1857), Chief Justice Taney offered what he thought was a parade of horribles that would result from recognizing that free blacks were citizens of the United States. If blacks were citizens, Taney fretted, they would be entitled to the privileges and immunities of citizens, including the right "to keep and carry arms *wherever they went*." *Id.*, at 417 (emphasis added). Thus, even Chief Justice Taney recognized (albeit unenthusiastically in the case of blacks) that public carry was a component of the right to keep and bear arms—a right free blacks were often denied in antebellum America.

After the Civil War, of course, the exercise of this fundamental right by freed slaves was systematically thwarted. This Court has already recounted some of the Southern abuses violating blacks' right to keep and bear arms. See *McDonald*, 561 U. S., at 771 (noting the "systematic efforts"

made to disarm blacks); *id.*, at 845–847 (THOMAS, J., concurring in part and concurring in judgment); see also S. Exec. Doc. No. 43, 39th Cong., 1st Sess., 8 (1866) ("Pistols, old muskets, and shotguns were taken away from [freed slaves] as such weapons would be wrested from the hands of lunatics").

In the years before the 39th Congress proposed the Fourteenth Amendment, the Freedmen's Bureau regularly kept it abreast of the dangers to blacks and Union men in the postbellum South. The reports described how blacks used publicly carried weapons to defend themselves and their communities. For example, the Bureau reported that a teacher from a Freedmen's school in Maryland had written to say that, because of attacks on the school, "[b]oth the mayor and sheriff have warned the colored people to go armed to school, (which they do,)" and that the "[t]he superintendent of schools came down and brought [the teacher] a revolver" for his protection. Cong. Globe, 39th Cong., 1st Sess., 658 (1866); see also H. R. Exec. Doc. No. 68, 39th Cong., 2d Sess., 91 (1867) (noting how, during the New Orleans riots, blacks under attack "defended themselves . . . with such pistols as they had").

Witnesses before the Joint Committee on Reconstruction also described the depredations visited on Southern blacks, and the efforts they made to defend themselves. One Virginia music professor related that when "[t]wo Union men were attacked . . . they drew their revolvers and held their assailants at bay." H. R. Rep. No. 30, 39th Cong., 1st Sess., pt. 2, p. 110 (1866). An assistant commissioner to the Bureau from Alabama similarly reported that men were "robbing and disarming negroes upon the highway," H. R. Exec. Doc. No. 70, 39th Cong., 1st Sess., 297 (1866), indicating that blacks indeed carried arms publicly for their self-protection, even if not always with success. See also H. R. Exec. Doc. No. 329, 40th Cong., 2d Sess., 41 (1868) (describing a Ku Klux Klan outfit that rode "through the country

. . . robbing every one they come across of money, pistols, papers, &c."); *id.*, at 36 (noting how a black man in Tennessee had been murdered on his way to get book subscriptions, with the murderer taking, among other things, the man's pistol).

Blacks had "procured great numbers of old army muskets and revolvers, particularly in Texas," and "employed them to protect themselves" with "vigor and audacity." S. Exec. Doc. No. 43, 39th Cong., 1st Sess., at 8. Seeing that government was inadequately protecting them, "there [was] the strongest desire on the part of the freedmen to secure arms, revolvers particularly." H. R. Rep. No. 30, 39th Cong., 1st Sess., pt. 3, at 102.

On July 6, 1868, Congress extended the 1866 Freedmen's Bureau Act, see 15 Stat. 83, and reaffirmed that freedmen were entitled to the "full and equal benefit of all laws and proceedings concerning personal liberty [and] personal security . . . *including the constitutional right to keep and bear arms*." §14, 14 Stat. 176 (1866) (emphasis added). That same day, a Bureau official reported that freedmen in Kentucky and Tennessee were still constantly under threat: "No Union man or negro who attempts to take any active part in politics, or the improvement of his race, is safe a single day; and nearly all sleep upon their arms at night, and carry concealed weapons during the day." H. R. Exec. Doc. No. 329, 40th Cong., 2d Sess., at 40.

Of course, even during Reconstruction the right to keep and bear arms had limits. But those limits were consistent with a right of the public to peaceably carry handguns for self-defense. For instance, when General D. E. Sickles issued a decree in 1866 pre-empting South Carolina's Black Codes—which prohibited firearm possession by blacks—he stated: "The constitutional rights of all loyal and well-disposed inhabitants to bear arms will not be infringed; nevertheless this shall not be construed to sanction the unlawful practice of carrying concealed weapons. . . . And no

disorderly person, vagrant, or disturber of the peace, shall be allowed to bear arms." Cong. Globe, 39th Cong., 1st Sess., at 908–909; see also *McDonald*, 561 U. S., at 847–848 (opinion of THOMAS, J.).[26] Around the same time, the editors of The Loyal Georgian, a prominent black-owned newspaper, were asked by "A Colored Citizen" whether "colored persons [have] a right to own and carry fire arms." The editors responded that blacks had "the *same* right to own and carry fire arms that *other* citizens have." The Loyal Georgian, Feb. 3, 1866, p. 3, col. 4. And, borrowing language from a Freedmen's Bureau circular, the editors maintained that "[a]ny person, white or black, may be disarmed if convicted of making an improper or dangerous use of weapons," even though "no military or civil officer has the right or authority to disarm any class of people, thereby placing them at the mercy of others." *Ibid.* (quoting Circular No. 5, Freedmen's Bureau, Dec. 22, 1865); see also *McDonald*, 561 U. S., at 848–849 (opinion of THOMAS, J.).[27]

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[26] Respondents invoke General Orders No. 10, which covered the Second Military District (North and South Carolina), and provided that "[t]he practice of carrying deadly weapons, except by officers and soldiers in the military service of the United States, is prohibited." Headquarters Second Military Dist., Gen. Orders No. 10 (Charleston, S. C., Apr. 11, 1867), in S. Exec. Doc. No. 14, 40th Cong., 1st Sess., 64 (1867). We put little weight on this categorical restriction given that the order also specified that a violation of this prohibition would "render the offender amenable to trial and punishment by military commission," *ibid.*, rather than a jury otherwise guaranteed by the Constitution. There is thus little indication that these military dictates were designed to align with the Constitution's usual application during times of peace.

[27] That said, Southern prohibitions on concealed carry were not always applied equally, even when under federal scrutiny. One lieutenant posted in Saint Augustine, Florida, remarked how local enforcement of concealed-carry laws discriminated against blacks: "To sentence a negro to several dollars' fine for carrying a revolver concealed upon his person, is in accordance with an ordinance of the town; but still the question naturally arises in my mind, 'Why is this poor fellow fined for an offence which is committed hourly by every other white man I meet in the streets?'" H. R. Exec. Doc. No. 57, 40th Cong., 2d Sess., 83 (1867); see

As for Reconstruction-era state regulations, there was little innovation over the kinds of public-carry restrictions that had been commonplace in the early 19th century. For instance, South Carolina in 1870 authorized the arrest of "all who go armed offensively, to the terror of the people," 1870 S. C. Acts p. 403, no. 288, §4, parroting earlier statutes that codified the common-law offense. That same year, after it cleaved from Virginia, West Virginia enacted a surety statute nearly identical to the one it inherited from Virginia. See W. Va. Code, ch. 153, §8. Also in 1870, Tennessee essentially reenacted its 1821 prohibition on the public carry of handguns but, as explained above, Tennessee courts interpreted that statute to exempt large pistols suitable for military use. See *supra*, at 46.

Respondents and the United States, however, direct our attention primarily to two late-19th-century cases in Texas. In 1871, Texas law forbade anyone from "carrying on or about his person . . . any pistol . . . unless he has reasonable grounds for fearing an unlawful attack on his person." 1871 Tex. Gen. Laws §1. The Texas Supreme Court upheld that restriction in *English* v. *State*, 35 Tex. 473 (1871). The Court reasoned that the Second Amendment, and the State's constitutional analogue, protected only those arms "as are useful and proper to an armed militia," including holster pistols, but not other kinds of handguns. *Id.*, at 474–475. Beyond that constitutional holding, the *English* court further opined that the law was not "contrary to public policy," *id.*, at 479, given that it "ma[de] all necessary exceptions" allowing deadly weapons to "be carried as means of self-defense," and therefore "fully cover[ed] all wants of society," *id.*, at 477.

Four years later, in *State* v. *Duke*, 42 Tex. 455 (1875), the Texas Supreme Court modified its analysis. The court reinterpreted Texas' State Constitution to protect not only

also H. R. Rep. No. 16, 39th Cong., 2d Sess., 427 (1867).

military-style weapons but rather all arms "as are commonly kept, according to the customs of the people, and are appropriate for open and manly use in self-defense." *Id.*, at 458. On that understanding, the court recognized that, in addition to "holster pistol[s]," the right to bear arms covered the carry of "such pistols at least as are not adapted to being carried concealed." *Id.*, at 458–459. Nonetheless, after expanding the scope of firearms that warranted state constitutional protection, *Duke* held that requiring any pistol-bearer to have "'reasonable grounds fearing an unlawful attack on [one's] person'" was a "legitimate and highly proper" regulation of handgun carriage. *Id.*, at 456, 459–460. *Duke* thus concluded that the 1871 statute "appear[ed] to have respected the right to carry a pistol openly when needed for self-defense." *Id.*, at 459.

We acknowledge that the Texas cases support New York's proper-cause requirement, which one can analogize to Texas' "reasonable grounds" standard. But the Texas statute, and the rationales set forth in *English* and *Duke*, are outliers. In fact, only one other State, West Virginia, adopted a similar public-carry statute before 1900. See W. Va. Code, ch. 148, §7 (1887). The West Virginia Supreme Court upheld that prohibition, reasoning that *no* handguns of any kind were protected by the Second Amendment, a rationale endorsed by no other court during this period. See *State* v. *Workman*, 35 W. Va. 367, 371–374, 14 S. E. 9, 11 (1891). The Texas decisions therefore provide little insight into how postbellum courts viewed the right to carry protected arms in public.

In the end, while we recognize the support that postbellum Texas provides for respondents' view, we will not give disproportionate weight to a single state statute and a pair of state-court decisions. As in *Heller*, we will not "stake our interpretation of the Second Amendment upon a single law, in effect in a single [State], that contradicts the overwhelming weight of other evidence regarding the right to keep and

bear arms for defense" in public. 554 U. S., at 632.

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Finally, respondents point to the slight uptick in gun regulation during the late-19th century—principally in the Western Territories. As we suggested in *Heller*, however, late-19th-century evidence cannot provide much insight into the meaning of the Second Amendment when it contradicts earlier evidence. See *id.*, at 614; *supra*, at 28.[28] Here, moreover, respondents' reliance on late-19th-century laws has several serious flaws even beyond their temporal distance from the founding.

The vast majority of the statutes that respondents invoke come from the Western Territories. Two Territories prohibited the carry of pistols in towns, cities, and villages, but seemingly permitted the carry of rifles and other long guns everywhere. See 1889 Ariz. Terr. Sess. Laws no. 13, §1, p. 16; 1869 N. M. Laws ch. 32, §§1–2, p. 72.[29] Two others prohibited the carry of *all* firearms in towns, cities, and villages, including long guns. See 1875 Wyo. Terr. Sess. Laws ch. 52, §1; 1889 Idaho Terr. Gen. Laws §1, p. 23. And one Territory completely prohibited public carry of pistols *everywhere*, but allowed the carry of "shot-guns or rifles" for certain purposes. See 1890 Okla. Terr. Stats., Art. 47, §§1–2, 5, p. 495.

These territorial restrictions fail to justify New York's

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[28] We will not address any of the 20th-century historical evidence brought to bear by respondents or their *amici*. As with their late-19th-century evidence, the 20th-century evidence presented by respondents and their *amici* does not provide insight into the meaning of the Second Amendment when it contradicts earlier evidence.

[29] The New Mexico restriction allowed an exception for individuals carrying for "the lawful defence of themselves, their families or their property, and the same being then and there threatened with danger." 1869 Terr. of N. M. Laws ch. 32, §1, p. 72. The Arizona law similarly exempted those who have "reasonable ground for fearing an unlawful attack upon his person." 1889 Ariz. Terr. Sess. Laws no. 13, §2, p. 17.

proper-cause requirement for several reasons. First, the bare existence of these localized restrictions cannot overcome the overwhelming evidence of an otherwise enduring American tradition permitting public carry. For starters, "[t]he very transitional and temporary character of the American [territorial] system" often "permitted legislative improvisations which might not have been tolerated in a permanent setup." E. Pomeroy, The Territories and the United States 1861–1890, p. 4 (1947). These territorial "legislative improvisations," which conflict with the Nation's earlier approach to firearm regulation, are most unlikely to reflect "the origins and continuing significance of the Second Amendment" and we do not consider them "instructive." *Heller*, 554 U. S., at 614.

The exceptional nature of these western restrictions is all the more apparent when one considers the miniscule territorial populations who would have lived under them. To put that point into perspective, one need not look further than the 1890 census. Roughly 62 million people lived in the United States at that time. Arizona, Idaho, New Mexico, Oklahoma, and Wyoming combined to account for only 420,000 of those inhabitants—about two-thirds of 1% of the population. See Dept. of Interior, Compendium of the Eleventh Census: 1890, Part I.–Population 2 (1892). Put simply, these western restrictions were irrelevant to more than 99% of the American population. We have already explained that we will not stake our interpretation of the Second Amendment upon a law in effect in a single State, or a single city, "that contradicts the overwhelming weight of other evidence regarding the right to keep and bear arms" in public for self-defense. *Heller*, 554 U. S., at 632; see *supra,* at 57–58. Similarly, we will not stake our interpretation on a handful of temporary territorial laws that were enacted nearly a century after the Second Amendment's adoption, governed less than 1% of the American population, and also "contradic[t] the overwhelming weight" of

other, more contemporaneous historical evidence. *Heller*, 554 U. S., at 632.

Second, because these territorial laws were rarely subject to judicial scrutiny, we do not know the basis of their perceived legality. When States generally prohibited both open and concealed carry of handguns in the late-19th century, state courts usually upheld the restrictions when they exempted army revolvers, or read the laws to exempt at least that category of weapons. See, *e.g.*, *Haile* v. *State*, 38 Ark. 564, 567 (1882); *Wilson* v. *State*, 33 Ark. 557, 560 (1878); *Fife* v. *State*, 31 Ark. 455, 461 (1876); *State* v. *Wilburn*, 66 Tenn. 57, 60 (1872); *Andrews*, 50 Tenn., at 187.[30] Those state courts that upheld broader prohibitions without qualification generally operated under a fundamental misunderstanding of the right to bear arms, as expressed in *Heller*. For example, the Kansas Supreme Court upheld a complete ban on public carry enacted by the city of Salina in 1901 based on the rationale that the Second Amendment protects only "the right to bear arms as a member of the state militia, or some other military organization provided for by law." *Salina* v. *Blaksley*, 72 Kan. 230, 232, 83 P. 619, 620 (1905). That was clearly erroneous. See *Heller*, 554 U. S., at 592.

Absent any evidence explaining *why* these unprecedented prohibitions on *all* public carry were understood to comport with the Second Amendment, we fail to see how they inform "the origins and continuing significance of the Amendment." *Id.*, at 614; see also The Federalist No. 37,

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[30] Many other state courts during this period continued the antebellum tradition of upholding concealed carry regimes that seemingly provided for open carry. See, *e.g.*, *State* v. *Speller*, 86 N. C. 697 (1882); *Chatteaux* v. *State*, 52 Ala. 388 (1875); *Eslava* v. *State*, 49 Ala. 355 (1873); *State* v. *Shelby*, 90 Mo. 302, 2 S. W. 468 (1886); *Carroll* v. *State*, 28 Ark. 99 (1872); cf. *Robertson* v. *Baldwin*, 165 U. S. 275, 281–282 (1897) (remarking in dicta that "the right of the people to keep and bear arms . . . is not infringed by laws prohibiting the carrying of concealed weapons").

at 229 (explaining that the meaning of ambiguous constitutional provisions can be "liquidated and ascertained *by a series of particular discussions and adjudications*" (emphasis added)).

Finally, these territorial restrictions deserve little weight because they were—consistent with the transitory nature of territorial government—short lived. Some were held unconstitutional shortly after passage. See *In re Brickey*, 8 Idaho 597, 70 P. 609 (1902). Others did not survive a Territory's admission to the Union as a State. See Wyo. Rev. Stat., ch. 3, §5051 (1899) (1890 law enacted upon statehood prohibiting public carry only when combined with "intent, or avowed purpose, of injuring [one's] fellow-man"). Thus, they appear more as passing regulatory efforts by not-yet-mature jurisdictions on the way to statehood, rather than part of an enduring American tradition of state regulation.

Beyond these Territories, respondents identify one Western State—Kansas—that instructed cities with more than 15,000 inhabitants to pass ordinances prohibiting the public carry of firearms. See 1881 Kan. Sess. Laws §§1, 23, pp. 79, 92.[31] By 1890, the only cities meeting the population threshold were Kansas City, Topeka, and Wichita. See Compendium of the Eleventh Census: 1890, at 442–452. Even if each of these three cities enacted prohibitions by 1890, their combined population (93,000) accounted for only 6.5% of Kansas' total population. *Ibid.* Although other Kansas cities may also have restricted public carry unilaterally,[32] the lone late-19th-century state law respondents

[31] In 1875, Arkansas prohibited the public carry of all pistols. See 1875 Ark. Acts p. 156, §1. But this categorical prohibition was also short lived. About six years later, Arkansas exempted "pistols as are used in the army or navy of the United States," so long as they were carried "uncovered, and in [the] hand." 1881 Ark. Acts p. 191, no. 96, §§1, 2.

[32] In 1879, Salina, Kansas, prohibited the carry of pistols but broadly exempted "cases when any person carrying [a pistol] is engaged in the pursuit of any lawful business, calling or employment" and the circumstances were "such as to justify a prudent man in carrying such weapon,

identify does not prove that Kansas meaningfully restricted public carry, let alone demonstrate a broad tradition of States doing so.

* * *

At the end of this long journey through the Anglo-American history of public carry, we conclude that respondents have not met their burden to identify an American tradition justifying the State's proper-cause requirement. The Second Amendment guaranteed to "all Americans" the right to bear commonly used arms in public subject to certain reasonable, well-defined restrictions. *Heller*, 554 U. S., at 581. Those restrictions, for example, limited the intent for which one could carry arms, the manner by which one carried arms, or the exceptional circumstances under which one could not carry arms, such as before justices of the peace and other government officials. Apart from a few late-19th-century outlier jurisdictions, American governments simply have not broadly prohibited the public carry of commonly used firearms for personal defense. Nor, subject to a few late-in-time outliers, have American governments required law-abiding, responsible citizens to "demonstrate a special need for self-protection distinguishable from that of the general community" in order to carry arms in public. *Klenosky*, 75 App. Div., at 793, 428 N. Y. S. 2d, at 257.

IV

The constitutional right to bear arms in public for self-defense is not "a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees." *McDonald*, 561 U. S., at 780 (plurality opinion). We know of no other constitutional right that an individual may exercise only after demonstrating to government offic-

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for the defense of his person, property or family." Salina, Kan., Rev. Ordinance No. 268, §2.

ers some special need. That is not how the First Amendment works when it comes to unpopular speech or the free exercise of religion. It is not how the Sixth Amendment works when it comes to a defendant's right to confront the witnesses against him. And it is not how the Second Amendment works when it comes to public carry for self-defense.

New York's proper-cause requirement violates the Fourteenth Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their right to keep and bear arms. We therefore reverse the judgment of the Court of Appeals and remand the case for further proceedings consistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

No. 20–843

NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., ET AL., PETITIONERS *v.* KEVIN P. BRUEN, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

[June 23, 2022]

JUSTICE ALITO, concurring.

I join the opinion of the Court in full but add the following comments in response to the dissent.

I

Much of the dissent seems designed to obscure the specific question that the Court has decided, and therefore it may be helpful to provide a succinct summary of what we have actually held. In *District of Columbia* v. *Heller*, 554 U. S. 570 (2008), the Court concluded that the Second Amendment protects the right to keep a handgun in the home for self-defense. *Heller* found that the Amendment codified a preexisting right and that this right was regarded at the time of the Amendment's adoption as rooted in "'the natural right of resistance and self-preservation.'" *Id.,* at 594. "[T]he inherent right of self-defense," *Heller* explained, is "central to the Second Amendment right." *Id.*, at 628.

Although *Heller* concerned the possession of a handgun in the home, the key point that we decided was that "the people," not just members of the "militia," have the right to use a firearm to defend themselves. And because many people face a serious risk of lethal violence when they venture

outside their homes, the Second Amendment was understood at the time of adoption to apply under those circumstances. The Court's exhaustive historical survey establishes that point very clearly, and today's decision therefore holds that a State may not enforce a law, like New York's Sullivan Law, that effectively prevents its law-abiding residents from carrying a gun for this purpose.

That is all we decide. Our holding decides nothing about who may lawfully possess a firearm or the requirements that must be met to buy a gun. Nor does it decide anything about the kinds of weapons that people may possess. Nor have we disturbed anything that we said in *Heller* or *McDonald* v. *Chicago*, 561 U. S. 742 (2010), about restrictions that may be imposed on the possession or carrying of guns.

In light of what we have actually held, it is hard to see what legitimate purpose can possibly be served by most of the dissent's lengthy introductory section. See *post*, at 1–8 (opinion of BREYER, J.). Why, for example, does the dissent think it is relevant to recount the mass shootings that have occurred in recent years? *Post*, at 4–5. Does the dissent think that laws like New York's prevent or deter such atrocities? Will a person bent on carrying out a mass shooting be stopped if he knows that it is illegal to carry a handgun outside the home? And how does the dissent account for the fact that one of the mass shootings near the top of its list took place in Buffalo? The New York law at issue in this case obviously did not stop that perpetrator.

What is the relevance of statistics about the use of guns to commit suicide? See *post*, at 5–6. Does the dissent think that a lot of people who possess guns in their homes will be stopped or deterred from shooting themselves if they cannot lawfully take them outside?

The dissent cites statistics about the use of guns in domestic disputes, see *post,* at 5, but it does not explain why these statistics are relevant to the question presented in

this case. How many of the cases involving the use of a gun in a domestic dispute occur outside the home, and how many are prevented by laws like New York's?

The dissent cites statistics on children and adolescents killed by guns, see *post,* at 1, 4, but what does this have to do with the question whether an adult who is licensed to possess a handgun may be prohibited from carrying it outside the home? Our decision, as noted, does not expand the categories of people who may lawfully possess a gun, and federal law generally forbids the possession of a handgun by a person who is under the age of 18, 18 U. S. C. §§922(x)(2)–(5), and bars the sale of a handgun to anyone under the age of 21, §§922(b)(1), (c)(1).[1]

The dissent cites the large number of guns in private hands—nearly 400 million—but it does not explain what this statistic has to do with the question whether a person who already has the right to keep a gun in the home for self-

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[1] The dissent makes no effort to explain the relevance of most of the incidents and statistics cited in its introductory section (*post*, at 1–8) (opinion of BREYER, J.). Instead, it points to studies (summarized later in its opinion) regarding the effects of "shall issue" licensing regimes on rates of homicide and other violent crimes. I note only that the dissent's presentation of such studies is one-sided. See RAND Corporation, Effects of Concealed-Carry Laws on Violent Crime (Apr. 22, 2022), https://www.rand.org/research/gun-policy/analysis/concealed-carry/violent-crime-html; see also Brief for William English et al. as *Amici Curiae* 3 ("The overwhelming weight of statistical analysis on the effects of [right-to-carry] laws on violent crime concludes that RTC laws do not result in any statistically significant increase in violent crime rates"); Brief for Arizona et al. as *Amici Curiae* 12 ("[P]opulation-level data on licensed carry is extensive, and the weight of the evidence confirms that objective, non-discriminatory licensed-carry laws have two results: (1) statistically significant reductions in some types of violent crime, or (2) no statistically significant effect on overall violent crime"); Brief for Law Enforcement Groups et al. as *Amici Curiae* 12 ("[O]ver the period 1991–2019 the inventory of firearms more than doubled; the number of concealed carry permits increased by at least sevenfold," but "murder rates fell by almost half, from 9.8 per 100,000 people in 1991 to 5.0 per 100,000 in 2019" and "[v]iolent crimes plummeted by over half").

defense is likely to be deterred from acquiring a gun by the knowledge that the gun cannot be carried outside the home. See *post*, at 3. And while the dissent seemingly thinks that the ubiquity of guns and our country's high level of gun violence provide reasons for sustaining the New York law, the dissent appears not to understand that it is these very facts that cause law-abiding citizens to feel the need to carry a gun for self-defense.

No one apparently knows how many of the 400 million privately held guns are in the hands of criminals, but there can be little doubt that many muggers and rapists are armed and are undeterred by the Sullivan Law. Each year, the New York City Police Department (NYPD) confiscates thousands of guns,[2] and it is fair to assume that the number of guns seized is a fraction of the total number held unlawfully. The police cannot disarm every person who acquires a gun for use in criminal activity; nor can they provide bodyguard protection for the State's nearly 20 million residents or the 8.8 million people who live in New York City. Some of these people live in high-crime neighborhoods. Some must traverse dark and dangerous streets in order to reach their homes after work or other evening activities. Some are members of groups whose members feel especially vulnerable. And some of these people reasonably believe that unless they can brandish or, if necessary, use a handgun in the case of attack, they may be murdered, raped, or suffer some other serious injury.

Ordinary citizens frequently use firearms to protect

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[2] NYPD statistics show approximately 6,000 illegal guns were seized in 2021. A. Southall, This Police Captain's Plan To Stop Gun Violence Uses More Than Handcuffs, N. Y. Times, Feb. 4, 2022. According to recent remarks by New York City Mayor Eric Adams, the NYPD has confiscated 3,000 firearms in 2022 so far. City of New York, Transcript: Mayor Eric Adams Makes Announcement About NYPD Gun Violence Suppression Division (June 6, 2022), https://www1.nyc.gov/office-of-the-mayor/news/369-22/trascript-mayor-eric-adams-makes-announcement-nypd-gun-violence-suppression-division.

themselves from criminal attack. According to survey data, defensive firearm use occurs up to 2.5 million times per year. Brief for Law Enforcement Groups et al. as *Amici Curiae* 5. A Centers for Disease Control and Prevention report commissioned by former President Barack Obama reviewed the literature surrounding firearms use and noted that "[s]tudies that directly assessed the effect of actual defensive uses of guns . . . have found consistently lower injury rates among gun-using crime victims compared with victims who used other self-protective strategies." Institute of Medicine and National Research Council, Priorities for Research To Reduce the Threat of Firearm-Related Violence 15–16 (2013) (referenced in Brief for Independent Women's Law Center as *Amicus Curiae* 19–20).

Many of the *amicus* briefs filed in this case tell the story of such people. Some recount incidents in which a potential victim escaped death or serious injury only because carrying a gun for self-defense was allowed in the jurisdiction where the incident occurred. Here are two examples. One night in 1987, Austin Fulk, a gay man from Arkansas, "was chatting with another man in a parking lot when four gay bashers charged them with baseball bats and tire irons. Fulk's companion drew his pistol from under the seat of his car, brandished it at the attackers, and fired a single shot over their heads, causing them to flee and saving the would-be victims from serious harm." Brief for DC Project Foundation et al. as *Amici Curiae* 31 (footnote omitted).

On July 7, 2020, a woman was brutally assaulted in the parking lot of a fast food restaurant in Jefferson City, Tennessee. Her assailant slammed her to the ground and began to drag her around while strangling her. She was saved when a bystander who was lawfully carrying a pistol pointed his gun at the assailant, who then stopped the assault and the assailant was arrested. *Ibid.* (citing C. Wethington, Jefferson City Police: Legally Armed Good Samaritan Stops Assault, ABC News 6, WATE.com (July 9, 2020),

https://www.wate.com/news/local-news/jefferson-city-police-legally-armed-good-samaritan-stops-assault/).

In other incidents, a law-abiding person was driven to violate the Sullivan Law because of fear of victimization and as a result was arrested, prosecuted, and incarcerated. See Brief for Black Attorneys of Legal Aid et al. as *Amici Curiae* 22–25.

Some briefs were filed by members of groups whose members feel that they have special reasons to fear attacks. See Brief for Asian Pacific American Gun Owners Association as *Amicus Curiae*; Brief for DC Project Foundation et al. as *Amici Curiae*; Brief for Black Guns Matter et al. as *Amici Curiae*; Brief for Independent Women's Law Center as *Amicus Curiae*; Brief for National African American Gun Association, Inc., as *Amicus Curiae*.

I reiterate: All that we decide in this case is that the Second Amendment protects the right of law-abiding people to carry a gun outside the home for self-defense and that the Sullivan Law, which makes that virtually impossible for most New Yorkers, is unconstitutional.

II

This brings me to Part II–B of the dissent, *post*, at 11–21, which chastises the Court for deciding this case without a trial and factual findings about just how hard it is for a law-abiding New Yorker to get a carry permit. The record before us, however, tells us everything we need on this score. At argument, New York's solicitor general was asked about an ordinary person who works at night and must walk through dark and crime-infested streets to get home. Tr. of Oral Arg. 66–67. The solicitor general was asked whether such a person would be issued a carry permit if she pleaded: "[T]here have been a lot of muggings in this area, and I am scared to death." *Id.,* at 67. The solicitor general's candid answer was "in general," no. *Ibid.* To get a permit, the applicant would have to show more—for example, that she

had been singled out for attack. *Id.,* at 65; see also *id.,* at 58. A law that dictates that answer violates the Second Amendment.

III

My final point concerns the dissent's complaint that the Court relies too heavily on history and should instead approve the sort of "means-end" analysis employed in this case by the Second Circuit. Under that approach, a court, in most cases, assesses a law's burden on the Second Amendment right and the strength of the State's interest in imposing the challenged restriction. See *post*, at 20. This mode of analysis places no firm limits on the ability of judges to sustain any law restricting the possession or use of a gun. Two examples illustrate the point.

The first is the Second Circuit's decision in a case the Court decided two Terms ago, *New York State Rifle & Pistol Assn., Inc.* v. *City of New York*, 590 U. S. ___ (2020). The law in that case affected New York City residents who had been issued permits to keep a gun in the home for self-defense. The city recommended that these permit holders practice at a range to ensure that they are able to handle their guns safely, but the law prohibited them from taking their guns to any range other than the seven that were spread around the city's five boroughs. Even if such a person unloaded the gun, locked it in the trunk of a car, and drove to the nearest range, that person would violate the law if the nearest range happened to be outside city limits. The Second Circuit held that the law was constitutional, concluding, among other things, that the restriction was substantially related to the city's interests in public safety and crime prevention. See *New York State Rifle & Pistol Assn., Inc.* v. *New York*, 883 F. 3d 45, 62–64 (2018). But after we agreed to review that decision, the city repealed the law and admitted that it did not actually have any beneficial effect on public safety. See N. Y. Penal Law Ann.

§400.00(6) (West Cum. Supp. 2022); Suggestion of Mootness in *New York State Rifle & Pistol Assn., Inc.* v. *City of New York*, O. T. 2019, No. 18–280, pp. 5–7.

Exhibit two is the dissent filed in *Heller* by JUSTICE BREYER, the author of today's dissent. At issue in *Heller* was an ordinance that made it impossible for any District of Columbia resident to keep a handgun in the home for self-defense. See 554 U. S., at 574–575. Even the respondent, who carried a gun on the job while protecting federal facilities, did not qualify. *Id.,* at 575–576. The District of Columbia law was an extreme outlier; only a few other jurisdictions in the entire country had similar laws. Nevertheless, JUSTICE BREYER's dissent, while accepting for the sake of argument that the Second Amendment protects the right to keep a handgun in the home, concluded, based on essentially the same test that today's dissent defends, that the District's complete ban was constitutional. See *id.,* at 689, 722 (under "an interest-balancing inquiry. . ." the dissent would "conclude that the District's measure is a proportionate, not a disproportionate, response to the compelling concerns that led the District to adopt it").

Like that dissent in *Heller*, the real thrust of today's dissent is that guns are bad and that States and local jurisdictions should be free to restrict them essentially as they see fit.[3] That argument was rejected in *Heller*, and while the dissent protests that it is not rearguing *Heller*, it proceeds to do just that. See *post*, at 25–28.

Heller correctly recognized that the Second Amendment

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[3] If we put together the dissent in this case and JUSTICE BREYER's *Heller* dissent, States and local governments would essentially be free to ban the possession of all handguns, and it is unclear whether its approach would impose any significant restrictions on laws regulating long guns. The dissent would extend a very large measure of deference to legislation implicating Second Amendment rights, but it does not claim that such deference is appropriate when any other constitutional right is at issue.

codifies the right of ordinary law-abiding Americans to protect themselves from lethal violence by possessing and, if necessary, using a gun. In 1791, when the Second Amendment was adopted, there were no police departments, and many families lived alone on isolated farms or on the frontiers. If these people were attacked, they were on their own. It is hard to imagine the furor that would have erupted if the Federal Government and the States had tried to take away the guns that these people needed for protection.

Today, unfortunately, many Americans have good reason to fear that they will be victimized if they are unable to protect themselves. And today, no less than in 1791, the Second Amendment guarantees their right to do so.

SUPREME COURT OF THE UNITED STATES

No. 20–843

NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., ET AL., PETITIONERS *v.* KEVIN P. BRUEN, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

[June 23, 2022]

JUSTICE KAVANAUGH, with whom THE CHIEF JUSTICE joins, concurring.

The Court employs and elaborates on the text, history, and tradition test that *Heller* and *McDonald* require for evaluating whether a government regulation infringes on the Second Amendment right to possess and carry guns for self-defense. See *District of Columbia* v. *Heller*, 554 U. S. 570 (2008); *McDonald* v. *Chicago*, 561 U. S. 742 (2010). Applying that test, the Court correctly holds that New York's outlier "may-issue" licensing regime for carrying handguns for self-defense violates the Second Amendment.

I join the Court's opinion, and I write separately to underscore two important points about the limits of the Court's decision.

First, the Court's decision does not prohibit States from imposing licensing requirements for carrying a handgun for self-defense. In particular, the Court's decision does not affect the existing licensing regimes—known as "shall-issue" regimes—that are employed in 43 States.

The Court's decision addresses only the unusual discretionary licensing regimes, known as "may-issue" regimes, that are employed by 6 States including New York. As the

Court explains, New York's outlier may-issue regime is constitutionally problematic because it grants open-ended discretion to licensing officials and authorizes licenses only for those applicants who can show some special need apart from self-defense. Those features of New York's regime—the unchanneled discretion for licensing officials and the special-need requirement—in effect deny the right to carry handguns for self-defense to many "ordinary, law-abiding citizens." *Ante*, at 1; see also *Heller*, 554 U. S., at 635. The Court has held that "individual self-defense is 'the *central component*' of the Second Amendment right." *McDonald*, 561 U. S., at 767 (quoting *Heller*, 554 U. S., at 599). New York's law is inconsistent with the Second Amendment right to possess and carry handguns for self-defense.

By contrast, 43 States employ objective shall-issue licensing regimes. Those shall-issue regimes may require a license applicant to undergo fingerprinting, a background check, a mental health records check, and training in firearms handling and in laws regarding the use of force, among other possible requirements. Brief for Arizona et al. as *Amici Curiae* 7. Unlike New York's may-issue regime, those shall-issue regimes do not grant open-ended discretion to licensing officials and do not require a showing of some special need apart from self-defense. As petitioners acknowledge, shall-issue licensing regimes are constitutionally permissible, subject of course to an as-applied challenge if a shall-issue licensing regime does not operate in that manner in practice. Tr. of Oral Arg. 50−51.

Going forward, therefore, the 43 States that employ objective shall-issue licensing regimes for carrying handguns for self-defense may continue to do so. Likewise, the 6 States including New York potentially affected by today's decision may continue to require licenses for carrying handguns for self-defense so long as those States employ objective licensing requirements like those used by the 43 shall-issue States.

Second, as *Heller* and *McDonald* established and the Court today again explains, the Second Amendment "is neither a regulatory straightjacket nor a regulatory blank check." *Ante*, at 21. Properly interpreted, the Second Amendment allows a "variety" of gun regulations. *Heller*, 554 U. S., at 636. As Justice Scalia wrote in his opinion for the Court in *Heller*, and JUSTICE ALITO reiterated in relevant part in the principal opinion in *McDonald*:

> "Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. . . . [N]othing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms. [Footnote 26: We identify these presumptively lawful regulatory measures only as examples; our list does not purport to be exhaustive.]
>
> "We also recognize another important limitation on the right to keep and carry arms. *Miller* said, as we have explained, that the sorts of weapons protected were those in common use at the time. We think that limitation is fairly supported by the historical tradition of prohibiting the carrying of dangerous and unusual weapons." *Heller*, 554 U. S., at 626–627, and n. 26 (citations and quotation marks omitted); see also *McDonald*, 561 U. S., at 786 (plurality opinion).

* * *

With those additional comments, I join the opinion of the Court.

SUPREME COURT OF THE UNITED STATES

No. 20–843

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ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

[June 23, 2022]

JUSTICE BARRETT, concurring.

I join the Court's opinion in full. I write separately to highlight two methodological points that the Court does not resolve. First, the Court does not conclusively determine the manner and circumstances in which postratification practice may bear on the original meaning of the Constitution. See *ante*, at 24–29. Scholars have proposed competing and potentially conflicting frameworks for this analysis, including liquidation, tradition, and precedent. See, *e.g.*, Nelson, Originalism and Interpretive Conventions, 70 U. Chi. L. Rev. 519 (2003); McConnell, Time, Institutions, and Interpretation, 95 B. U. L. Rev. 1745 (2015). The limits on the permissible use of history may vary between these frameworks (and between different articulations of each one). To name just a few unsettled questions: How long after ratification may subsequent practice illuminate original public meaning? Cf. *McCulloch* v. *Maryland*, 4 Wheat. 316, 401 (1819) (citing practice "introduced at a very early period of our history"). What form must practice take to carry weight in constitutional analysis? See *Myers* v. *United States*, 272 U. S. 52, 175 (1926) (citing a "legislative exposition of the Constitution . . . acquiesced in for a long term of years"). And may practice settle the meaning of individual

rights as well as structural provisions? See Baude, Constitutional Liquidation, 71 Stan. L. Rev. 1, 49–51 (2019) (canvassing arguments). The historical inquiry presented in this case does not require us to answer such questions, which might make a difference in another case. See *ante*, at 17–19.

Second and relatedly, the Court avoids another "ongoing scholarly debate on whether courts should primarily rely on the prevailing understanding of an individual right when the Fourteenth Amendment was ratified in 1868" or when the Bill of Rights was ratified in 1791. *Ante*, at 29. Here, the lack of support for New York's law in either period makes it unnecessary to choose between them. But if 1791 is the benchmark, then New York's appeals to Reconstruction-era history would fail for the independent reason that this evidence is simply too late (in addition to too little). Cf. *Espinoza* v. *Montana Dept. of Revenue*, 591 U. S. ___, ___–___ (2020) (slip op., at 15–16) (a practice that "arose in the second half of the 19th century . . . cannot by itself establish an early American tradition" informing our understanding of the First Amendment). So today's decision should not be understood to endorse freewheeling reliance on historical practice from the mid-to-late 19th century to establish the original meaning of the Bill of Rights. On the contrary, the Court is careful to caution "against giving postenactment history more weight than it can rightly bear." *Ante*, at 26.

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ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

[June 23, 2022]

JUSTICE BREYER, with whom JUSTICE SOTOMAYOR and JUSTICE KAGAN join, dissenting.

In 2020, 45,222 Americans were killed by firearms. See Centers for Disease Control and Prevention, Fast Facts: Firearm Violence Prevention (last updated May 4, 2022) (CDC, Fast Facts), https://www.cdc.gov/violenceprevention/firearms/fastfact.html. Since the start of this year (2022), there have been 277 reported mass shootings—an average of more than one per day. See Gun Violence Archive (last visited June 20, 2022), https://www.gunviolencearchive.org. Gun violence has now surpassed motor vehicle crashes as the leading cause of death among children and adolescents. J. Goldstick, R. Cunningham, & P. Carter, Current Causes of Death in Children and Adolescents in the United States, 386 New England J. Med. 1955 (May 19, 2022) (Goldstick).

Many States have tried to address some of the dangers of gun violence just described by passing laws that limit, in various ways, who may purchase, carry, or use firearms of different kinds. The Court today severely burdens States' efforts to do so. It invokes the Second Amendment to strike down a New York law regulating the public carriage of con-

cealed handguns. In my view, that decision rests upon several serious mistakes.

First, the Court decides this case on the basis of the pleadings, without the benefit of discovery or an evidentiary record. As a result, it may well rest its decision on a mistaken understanding of how New York's law operates in practice. Second, the Court wrongly limits its analysis to focus nearly exclusively on history. It refuses to consider the government interests that justify a challenged gun regulation, regardless of how compelling those interests may be. The Constitution contains no such limitation, and neither do our precedents. Third, the Court itself demonstrates the practical problems with its history-only approach. In applying that approach to New York's law, the Court fails to correctly identify and analyze the relevant historical facts. Only by ignoring an abundance of historical evidence supporting regulations restricting the public carriage of firearms can the Court conclude that New York's law is not "consistent with the Nation's historical tradition of firearm regulation." See *ante,* at 15.

In my view, when courts interpret the Second Amendment, it is constitutionally proper, indeed often necessary, for them to consider the serious dangers and consequences of gun violence that lead States to regulate firearms. The Second Circuit has done so and has held that New York's law does not violate the Second Amendment. See *Kachalsky* v. *County of Westchester*, 701 F. 3d 81, 97–99, 101 (2012). I would affirm that holding. At a minimum, I would not strike down the law based only on the pleadings, as the Court does today—without first allowing for the development of an evidentiary record and without considering the State's compelling interest in preventing gun violence. I respectfully dissent.

I

The question before us concerns the extent to which the

Second Amendment prevents democratically elected officials from enacting laws to address the serious problem of gun violence. And yet the Court today purports to answer that question without discussing the nature or severity of that problem.

In 2017, there were an estimated 393.3 million civilian-held firearms in the United States, or about 120 firearms per 100 people. A. Karp, Estimating Global Civilian-Held Firearms Numbers, Small Arms Survey 4 (June 2018), https://www.smallarmssurvey.org/sites/default/files/resources/SAS-BP-Civilian-Firearms-Numbers.pdf. That is more guns per capita than in any other country in the world. *Ibid.* (By comparison, Yemen is second with about 52.8 firearms per 100 people—less than half the per capita rate in the United States—and some countries, like Indonesia and Japan, have fewer than one firearm per 100 people. *Id.,* at 3–4.)

Unsurprisingly, the United States also suffers a disproportionately high rate of firearm-related deaths and injuries. Cf. Brief for Educational Fund To Stop Gun Violence et al. as *Amici Curiae* 17–18 (Brief for Educational Fund) (citing studies showing that, within the United States, "states that rank among the highest in gun ownership also rank among the highest in gun deaths" while "states with lower rates of gun ownership have lower rates of gun deaths"). In 2015, approximately 36,000 people were killed by firearms nationwide. M. Siegel et al., Easiness of Legal Access to Concealed Firearm Permits and Homicide Rates in the United States, 107 Am. J. Pub. Health 1923 (2017). Of those deaths, 22,018 (or about 61%) were suicides, 13,463 (37%) were homicides, and 489 (1%) were unintentional injuries. *Ibid*. On top of that, firearms caused an average of 85,694 emergency room visits for nonfatal injuries each year between 2009 and 2017. E. Kaufman et al., Epidemiological Trends in Fatal and Nonfatal Firearm Injuries in the US, 2009–2017, 181 JAMA Internal Medicine

237 (2021) (Kaufman).

Worse yet, gun violence appears to be on the rise. By 2020, the number of firearm-related deaths had risen to 45,222, CDC, Fast Facts, or by about 25% since 2015. That means that, in 2020, an average of about 124 people died from gun violence every day. *Ibid*. As I mentioned above, gun violence has now become the leading cause of death in children and adolescents, surpassing car crashes, which had previously been the leading cause of death in that age group for over 60 years. Goldstick 1955; J. Bates, Guns Became the Leading Cause of Death for American Children and Teens in 2020, Time, Apr. 27, 2022, https://www.time.com/6170864/cause-of-death-children-guns/. And the consequences of gun violence are borne disproportionately by communities of color, and Black communities in particular. See CDC, Age-Adjusted Rates of Firearm-Related Homicide, by Race, Hispanic Origin, and Sex—National Vital Statistics System, United States, 2019, at 1491 (Oct. 22, 2021), https://www.cdc.gov/mmwr/volumes/70/wr/pdfs/mm7042a6-H.pdf (documenting 34.9 firearm-related homicides per 100,000 population for non-Hispanic Black men in 2019, compared to 7.7 such homicides per 100,000 population for men of all races); S. Kegler et al., CDC, *Vital Signs*: Changes in Firearm Homicide and Suicide Rates—United States, 2019–2020, at 656–658 (May 13, 2022), https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7119e1-H.pdf.

The dangers posed by firearms can take many forms. Newspapers report mass shootings occurring at an entertainment district in Philadelphia, Pennsylvania (3 dead and 11 injured); an elementary school in Uvalde, Texas (21 dead); a supermarket in Buffalo, New York (10 dead and 3 injured); a series of spas in Atlanta, Georgia (8 dead); a busy street in an entertainment district of Dayton, Ohio (9 dead and 17 injured); a nightclub in Orlando, Florida (50 dead and 53 injured); a church in Charleston, South Carolina (9 dead); a movie theater in Aurora, Colorado (12 dead and 50

injured); an elementary school in Newtown, Connecticut (26 dead); and many, many more. See, *e.g.,* R. Todt, 3 Dead, 11 Wounded in Philadelphia Shooting on Busy Street, Washington Post, June 5, 2022; A. Hernández, J. Slater, D. Barrett, & S. Foster-Frau, At Least 19 Children, 2 Teachers Killed at Texas Elementary School, Washington Post, May 25, 2022; A. Joly, J. Slater, D. Barrett, & A. Hernandez, 10 Killed in Racially Motivated Shooting at Buffalo Grocery Store, Washington Post, May 14, 2022; C. McWhirter & V. Bauerlein, Atlanta-Area Shootings at Spas Leave Eight Dead, Wall Street Journal, Mar. 17, 2021; A. Hassan, Dayton Gunman Shot 26 People in 32 Seconds, Police Timeline Reveals, N. Y. Times, Aug. 13, 2019; L. Alvarez & R. Pérez-Peña, Orlando Gunman Attacks Gay Nightclub, Leaving 50 Dead, N. Y. Times, June 12, 2016; J. Horowitz, N. Corasaniti, & A. Southall, Nine Killed in Shooting at Black Church in Charleston, N. Y. Times, June 17, 2015; R. Lin, Gunman Kills 12 at 'Dark Knight Rises' Screening in Colorado, L. A. Times, July 20, 2012; J. Barron, Nation Reels After Gunman Massacres 20 Children at School in Connecticut, N. Y. Times, Dec. 14, 2012. Since the start of this year alone (2022), there have already been 277 reported mass shootings—an average of more than one per day. Gun Violence Archive; see also Gun Violence Archive, General Methodology, https://www.gunviolencearchive.org/methodology (defining mass shootings to include incidents in which at least four victims are shot, not including the shooter).

And mass shootings are just one part of the problem. Easy access to firearms can also make many other aspects of American life more dangerous. Consider, for example, the effect of guns on road rage. In 2021, an average of 44 people each month were shot and either killed or wounded in road rage incidents, double the annual average between 2016 and 2019. S. Burd-Sharps & K. Bistline, Everytown for Gun Safety, Reports of Road Rage Shootings Are on the Rise (Apr. 4, 2022), https://www.everytownresearch.org/reports-

of-road-rage-shootings-are-on-the-rise/; see also J. Donohue, A. Aneja, & K. Weber, Right-to-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Control Analysis, 16 J. Empirical Legal Studies 198, 204 (2019). Some of those deaths might have been avoided if there had not been a loaded gun in the car. See *ibid.*; Brief for American Bar Association as *Amicus Curiae* 17–18; Brief for Educational Fund 20–23 (citing studies showing that the presence of a firearm is likely to increase aggression in both the person carrying the gun and others who see it).

The same could be said of protests: A study of 30,000 protests between January 2020 and June 2021 found that armed protests were nearly six times more likely to become violent or destructive than unarmed protests. Everytown for Gun Safety, Armed Assembly: Guns, Demonstrations, and Political Violence in America (Aug. 23, 2021), https://www.everytownresearch.org/report/armed-assembly-guns-demonstrations-and-political-violence-in-america/ (finding that 16% of armed protests turned violent, compared to less than 3% of unarmed protests). Or domestic disputes: Another study found that a woman is five times more likely to be killed by an abusive partner if that partner has access to a gun. Brief for Educational Fund 8 (citing A. Zeoli, R. Malinski, & B. Turchan, Risks and Targeted Interventions: Firearms in Intimate Partner Violence, 38 Epidemiologic Revs. 125 (2016); J. Campbell et al., Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study, 93 Am. J. Pub. Health 1089, 1092 (2003)). Or suicides: A study found that men who own handguns are three times as likely to commit suicide than men who do not and women who own handguns are seven times as likely to commit suicide than women who do not. D. Studdert et al., Handgun Ownership and Suicide in California, 382 New England J. Med. 2220, 2224 (June 4, 2020).

Consider, too, interactions with police officers. The presence of a gun in the hands of a civilian poses a risk to both officers and civilians. *Amici* prosecutors and police chiefs tell us that most officers who are killed in the line of duty are killed by firearms; they explain that officers in States with high rates of gun ownership are three times as likely to be killed in the line of duty as officers in States with low rates of gun ownership. Brief for Prosecutors Against Gun Violence as *Amicus Curiae* 23–24; Brief for Former Major City Police Chiefs as *Amici Curiae* 13–14, and n. 21, (citing D. Swedler, M. Simmons, F. Dominici, & D. Hemenway, Firearm Prevalence and Homicides of Law Enforcement Officers in the United States, 105 Am. J. Pub. Health 2042, 2045 (2015)). They also say that States with the highest rates of gun ownership report four times as many fatal shootings of civilians by police officers compared to States with the lowest rates of gun ownership. Brief for Former Major City Police Chiefs as *Amici Curiae* 16 (citing D. Hemenway, D. Azrael, A. Connor, & M. Miller, Variation in Rates of Fatal Police Shootings Across US States: The Role of Firearm Availability, 96 J. Urb. Health 63, 67 (2018)).

These are just some examples of the dangers that firearms pose. There is, of course, another side to the story. I am not simply saying that "guns are bad." See *ante,* at 8 (ALITO, J., concurring). Some Americans use guns for legitimate purposes, such as sport (*e.g.,* hunting or target shooting), certain types of employment (*e.g.,* as a private security guard), or self-defense. Cf. *ante,* at 4–6 (ALITO, J., concurring). Balancing these lawful uses against the dangers of firearms is primarily the responsibility of elected bodies, such as legislatures. It requires consideration of facts, statistics, expert opinions, predictive judgments, relevant values, and a host of other circumstances, which together make decisions about how, when, and where to regulate guns more appropriately legislative work. That consideration counsels modesty and restraint on the part of judges

when they interpret and apply the Second Amendment.

Consider, for one thing, that different types of firearms may pose different risks and serve different purposes. The Court has previously observed that handguns, the type of firearm at issue here, "are the most popular weapon chosen by Americans for self-defense in the home." *District of Columbia* v. *Heller*, 554 U. S. 570, 629 (2008). But handguns are also the most popular weapon chosen by perpetrators of violent crimes. In 2018, 64.4% of firearm homicides and 91.8% of nonfatal firearm assaults were committed with a handgun. Dept. of Justice, Bureau of Justice Statistics, G. Kena & J. Truman, Trends and Patterns in Firearm Violence, 1993–2018, pp. 5–6 (Apr. 2022). Handguns are also the most commonly stolen type of firearm—63% of burglaries resulting in gun theft between 2005 and 2010 involved the theft of at least one handgun. Dept. of Justice, Bureau of Justice Statistics, L. Langton, Firearms Stolen During Household Burglaries and Other Property Crimes, 2005–2010, p. 3 (Nov. 2012).

Or consider, for another thing, that the dangers and benefits posed by firearms may differ between urban and rural areas. See generally Brief for City of Chicago et al. as *Amici Curiae* (detailing particular concerns about gun violence in large cities). Firearm-related homicides and assaults are significantly more common in urban areas than rural ones. For example, from 1999 to 2016, 89.8% of the 213,175 firearm-related homicides in the United States occurred in "metropolitan" areas. M. Siegel et al., The Impact of State Firearm Laws on Homicide Rates in Suburban and Rural Areas Compared to Large Cities in the United States, 1991–2016, 36 J. Rural Health 255 (2020); see also Brief for Partnership for New York City as *Amicus Curiae* 10; Kaufman 237 (finding higher rates of fatal assault injuries from firearms in urban areas compared to rural areas); C. Branas, M. Nance, M. Elliott, T. Richmond, & C. Schwab, Urban-Rural Shifts in Intentional Firearm Death: Different

Causes, Same Results, 94 Am. J. Pub. Health 1750, 1752 (2004) (finding higher rates of firearm homicide in urban counties compared to rural counties).

JUSTICE ALITO asks why I have begun my opinion by reviewing some of the dangers and challenges posed by gun violence and what relevance that has to today's case. *Ante,* at 2–4 (concurring opinion). All of the above considerations illustrate that the question of firearm regulation presents a complex problem—one that should be solved by legislatures rather than courts. What kinds of firearm regulations should a State adopt? Different States might choose to answer that question differently. They may face different challenges because of their different geographic and demographic compositions. A State like New York, which must account for the roughly 8.5 million people living in the 303 square miles of New York City, might choose to adopt different (and stricter) firearms regulations than States like Montana or Wyoming, which do not contain any city remotely comparable in terms of population or density. See U. S. Census Bureau, Quick Facts: New York City (last updated July 1, 2021) (Quick Facts: New York City), https://www.census.gov/quickfacts/newyorkcitynewyork/; Brief for City of New York as *Amicus Curiae* 8, 22. For a variety of reasons, States may also be willing to tolerate different degrees of risk and therefore choose to balance the competing benefits and dangers of firearms differently.

The question presented in this case concerns the extent to which the Second Amendment restricts different States (and the Federal Government) from working out solutions to these problems through democratic processes. The primary difference between the Court's view and mine is that I believe the Amendment allows States to take account of the serious problems posed by gun violence that I have just described. I fear that the Court's interpretation ignores these significant dangers and leaves States without the ability to address them.

II

A

New York State requires individuals to obtain a license in order to carry a concealed handgun in public. N. Y. Penal Law Ann. §400.00(2) (West Cum. Supp. 2022). I address the specifics of that licensing regime in greater detail in Part II–B below. Because, at this stage in the proceedings, the parties have not had an opportunity to develop the evidentiary record, I refer to facts and representations made in petitioners' complaint and in *amicus* briefs filed before us.

Under New York's regime, petitioners Brandon Koch and Robert Nash have obtained restricted licenses that permit them to carry a concealed handgun for certain purposes and at certain times and places. They wish to expand the scope of their licenses so that they can carry a concealed handgun without restriction.

Koch and Nash are residents of Rensselaer County, New York. Koch lives in Troy, a town of about 50,000, located eight miles from New York's capital city of Albany, which has a population of about 98,000. See App. 100; U. S. Census Bureau, Quick Facts: Troy City, New York (last updated July 1, 2021), https://www.census.gov/quickfacts/troycitynewyork; *id.*, Albany City, New York, https://www.census.gov/quickfacts/albanycitynewyork. Nash lives in Averill Park, a small town 12.5 miles from Albany. App. 100.

Koch and Nash each applied for a license to carry a concealed handgun. Both were issued restricted licenses that allowed them to carry handguns only for purposes of hunting and target shooting. *Id.*, at 104, 106. But they wanted "unrestricted" licenses that would allow them to carry concealed handguns "for personal protection and all lawful purposes." *Id.*, at 112; see also *id.*, at 40. They wrote to the licensing officer in Rensselaer County—Justice Richard

McNally, a justice of the New York Supreme Court—requesting that the hunting and target shooting restrictions on their licenses be removed. *Id.,* at 40, 111–113. After holding individual hearings for each petitioner, Justice McNally denied their requests. *Id.,* at 31, 41, 105, 107, 114. He clarified that, in addition to hunting and target shooting, Koch and Nash could "carry concealed for purposes of off road back country, outdoor activities similar to hunting, for example fishing, hiking & camping." *Id.,* at 41, 114. He also permitted Koch, who was employed by the New York Court System's Division of Technology, to "carry to and from work." *Id.*, at 111, 114. But he reaffirmed that Nash was prohibited from carrying a concealed handgun in locations "typically open to and frequented by the general public." *Id.*, at 41. Neither Koch nor Nash alleges that he appealed Justice McNally's decision. Brief for Respondents 13; see App. 122–126.

Instead, petitioners Koch and Nash, along with the New York State Rifle & Pistol Association, Inc., brought this lawsuit in federal court against Justice McNally and other State representatives responsible for enforcing New York's firearms laws. Petitioners claimed that the State's refusal to modify Koch's and Nash's licenses violated the Second Amendment. The District Court dismissed their complaint. It followed Second Circuit precedent holding that New York's licensing regime was constitutional. See *Kachalsky*, 701 F. 3d, at 101. The Court of Appeals for the Second Circuit affirmed. We granted certiorari to review the constitutionality of "New York's denial of petitioners' license applications." *Ante,* at 8 (majority opinion).

B

As the Court recognizes, New York's licensing regime traces its origins to 1911, when New York enacted the "Sullivan Law," which prohibited public carriage of handguns without a license. See 1911 N. Y. Laws ch. 195, §1, p. 443.

Two years later in 1913, New York amended the law to establish substantive standards for the issuance of a license. See 1913 N. Y. Laws ch. 608, §1, pp. 1627–1629. Those standards have remained the foundation of New York's licensing regime ever since—a regime that the Court now, more than a century later, strikes down as unconstitutional.

As it did over 100 years ago, New York's law today continues to require individuals to obtain a license before carrying a concealed handgun in public. N. Y. Penal Law Ann. §400.00(2); *Kachalsky*, 701 F. 3d, at 85–86. Because the State does not allow the open carriage of handguns at all, a concealed-carry license is the only way to legally carry a handgun in public. *Id.*, at 86. This licensing requirement applies only to handguns (*i.e.,* "pistols and revolvers") and short-barreled rifles and shotguns, not to all types of firearms. *Id.*, at 85. For instance, the State does not require a license to carry a long gun (*i.e.,* a rifle or a shotgun over a certain length) in public. *Ibid.*; §265.00(3) (West 2022).

To obtain a concealed-carry license for a handgun, an applicant must satisfy certain eligibility criteria. Among other things, he must generally be at least 21 years old and of "good moral character." §400.00(1). And he cannot have been convicted of a felony, dishonorably discharged from the military, or involuntarily committed to a mental hygiene facility. *Ibid.* If these and other eligibility criteria are satisfied, New York law provides that a concealed-carry license "shall be issued" to individuals working in certain professions, such as judges, corrections officers, or messengers of a "banking institution or express company." §400.00(2). Individuals who satisfy the eligibility criteria but do not work in one of these professions may still obtain a concealed-carry license, but they must additionally show that "proper cause exists for the issuance thereof." §400.00(2)(f).

The words "proper cause" may appear on their face to be

broad, but there is "a substantial body of law instructing licensing officials on the application of this standard." *Id.*, at 86. New York courts have interpreted proper cause "to include carrying a handgun for target practice, hunting, or self-defense." *Ibid.* When an applicant seeks a license for target practice or hunting, he must show "'a sincere desire to participate in target shooting and hunting.'" *Ibid.* (quoting *In re O'Connor*, 154 Misc. 2d 694, 697, 585 N. Y. S. 2d 1000, 1003 (Westchester Cty. 1992)). When an applicant seeks a license for self-defense, he must show "'a special need for self-protection distinguishable from that of the general community.'" 701 F. 3d, at 86 (quoting *In re Klenosky*, 75 App. Div. 2d 793, 793, 428 N. Y. S. 2d 256, 257 (1980)). Whether an applicant meets these proper cause standards is determined in the first instance by a "licensing officer in the city or county . . . where the applicant resides." §400.00(3). In most counties, the licensing officer is a local judge. *Kachalsky*, 701 F. 3d, at 87, n. 6. For example, in Rensselaer County, the licensing officer who denied petitioners' requests to remove the restrictions on their licenses was a justice of the New York Supreme Court. App. 31. If the officer denies an application, the applicant can obtain judicial review under Article 78 of New York's Civil Practice Law and Rules. *Kachalsky*, 701 F. 3d, at 87. New York courts will then review whether the denial was arbitrary and capricious. *Ibid.*

In describing New York's law, the Court recites the above facts but adds its own gloss. It suggests that New York's licensing regime gives licensing officers too much discretion and provides too "limited" judicial review of their decisions, *ante,* at 4; that the proper cause standard is too "demanding," *ante,* at 3; and that these features make New York an outlier compared to the "vast majority of States," *ante,* at 4. But on what evidence does the Court base these characterizations? Recall that this case comes to us at the pleading stage. The parties have not had an opportunity to conduct

discovery, and no evidentiary hearings have been held to develop the record. See App. 15–26. Thus, at this point, there is no record to support the Court's negative characterizations, as we know very little about how the law has actually been applied on the ground.

Consider each of the Court's criticisms in turn. First, the Court says that New York gives licensing officers too much discretion and "leaves applicants little recourse if their local licensing officer denies a permit." *Ante*, at 4. But there is nothing unusual about broad statutory language that can be given more specific content by judicial interpretation. Nor is there anything unusual or inadequate about subjecting licensing officers' decisions to arbitrary-and-capricious review. Judges routinely apply that standard, for example, to determine whether an agency action is lawful under both New York law and the Administrative Procedure Act. See, *e.g.,* N. Y. Civ. Prac. Law Ann. §7803(3) (2021); 5 U. S. C. §706(2)(A). The arbitrary-and-capricious standard has thus been used to review important policies concerning health, safety, and immigration, to name just a few examples. See, *e.g., Biden* v. *Missouri*, 595 U. S. ___, ___ (2022) (*per curiam*) (slip op., at 8); *Department of Homeland Security* v. *Regents of Univ. of Cal.*, 591 U. S. ___, ___, ___ (2020) (slip op., at 9, 17); *Department of Commerce* v. *New York*, 588 U. S. ___, ___ (2019) (slip op., at 16); *Motor Vehicle Mfrs. Assn. of United States, Inc.* v. *State Farm Mut. Automobile Ins. Co.*, 463 U. S. 29, 41, 46 (1983).

Without an evidentiary record, there is no reason to assume that New York courts applying this standard fail to provide license applicants with meaningful review. And there is no evidentiary record to support the Court's assumption here. Based on the pleadings alone, we cannot know how often New York courts find the denial of a concealed-carry license to be arbitrary and capricious or on what basis. We do not even know how a court would have reviewed the licensing officer's decisions in Koch's and

Nash's cases because they do not appear to have sought judicial review at all. See Brief for Respondents 13; App. 122–126.

Second, the Court characterizes New York's proper cause standard as substantively "demanding." *Ante,* at 3. But, again, the Court has before it no evidentiary record to demonstrate how the standard has actually been applied. How "demanding" is the proper cause standard in practice? Does that answer differ from county to county? How many license applications are granted and denied each year? At the pleading stage, we do not know the answers to these and other important questions, so the Court's characterization of New York's law may very well be wrong.

In support of its assertion that the law is "demanding," the Court cites only to cases originating in New York City. *Ibid*. (citing *In re Martinek*, 294 App. Div. 2d 221, 743 N. Y. S. 2d 80 (2002) (New York County, *i.e.,* Manhattan); *In re Kaplan*, 249 App. Div. 2d 199, 673 N. Y. S. 2d 66 (1998) (same); *In re Klenosky*, 75 App. Div. 2d 793, 428 N. Y. S. 2d 256 (same); *In re Bernstein*, 85 App. Div. 2d 574, 445 N. Y. S. 2d 716 (1981) (Bronx County)). But cases from New York City may not accurately represent how the proper cause standard is applied in other parts of the State, including in Rensselaer County where petitioners reside.

To the contrary, *amici* tell us that New York's licensing regime is purposefully flexible: It allows counties and cities to respond to the particular needs and challenges of each area. See Brief for American Bar Association as *Amicus Curiae* 12; Brief for City of New York as *Amicus Curiae* 20–29. *Amici* suggest that some areas may interpret words such as "proper cause" or "special need" more or less strictly, depending upon each area's unique circumstances. See *ibid*. New York City, for example, reports that it "has applied the [proper cause] requirement relatively rigorously" because its densely populated urban areas pose a heightened risk of gun violence. Brief for City of New York

as *Amicus Curiae* 20. In comparison, other (perhaps more rural) counties "have tailored the requirement to their own circumstances, often issuing concealed-carry licenses more freely than the City." *Ibid.*; see also *In re O'Connor*, 154 Misc. 2d, at 698, 585 N. Y. S. 2d, at 1004 ("The circumstances which exist in New York City are significantly different than those which exist in Oswego or Putnam Counties. . . . The licensing officers in each county are in the best position to determine whether any interest of the population of their county is furthered by the use of restrictions on pistol licenses"); Brief for Citizens Crime Commission of New York City as *Amicus Curiae* 18–19. Given the geographic variation across the State, it is too sweeping for the Court to suggest, without an evidentiary record, that the proper cause standard is "demanding" in Rensselaer County merely because it may be so in New York City.

Finally, the Court compares New York's licensing regime to that of other States. *Ante,* at 4–6. It says that New York's law is a "may issue" licensing regime, which the Court describes as a law that provides licensing officers greater discretion to grant or deny licenses than a "shall issue" licensing regime. *Ante,* at 4–5. Because the Court counts 43 "shall issue" jurisdictions and only 7 "may issue" jurisdictions, it suggests that New York's law is an outlier. *Ibid.*; see also *ante,* at 1–2 (KAVANAUGH, J., concurring). Implicitly, the Court appears to ask, if so many other States have adopted the more generous "shall issue" approach, why can New York not be required to do the same?

But the Court's tabulation, and its implicit question, overlook important context. In drawing a line between "may issue" and "shall issue" licensing regimes, the Court ignores the degree of variation within and across these categories. Not all "may issue" regimes are necessarily alike, nor are all "shall issue" regimes. Conversely, not all "may issue" regimes are as different from the "shall issue" re-

gimes as the Court assumes. For instance, the Court recognizes in a footnote that three States (Connecticut, Delaware, and Rhode Island) have statutes with discretionary criteria, like so-called "may issue" regimes do. *Ante,* at 5, n. 1. But the Court nonetheless counts them among the 43 "shall issue" jurisdictions because, it says, these three States' laws operate in practice more like "shall issue" regimes. *Ibid.*; see also Brief for American Bar Association as *Amicus Curiae* 10 (recognizing, conversely, that some "shall issue" States, *e.g.,* Alabama, Colorado, Georgia, Oregon, and Virginia, still grant some degree of discretion to licensing authorities).

As these three States demonstrate, the line between "may issue" and "shall issue" regimes is not as clear cut as the Court suggests, and that line depends at least in part on how statutory discretion is applied in practice. Here, because the Court strikes down New York's law without affording the State an opportunity to develop an evidentiary record, we do not know how much discretion licensing officers in New York have in practice or how that discretion is exercised, let alone how the licensing regimes in the other six "may issue" jurisdictions operate.

Even accepting the Court's line between "may issue" and "shall issue" regimes and assuming that its tally (7 "may issue" and 43 "shall issue" jurisdictions) is correct, that count does not support the Court's implicit suggestion that the seven "may issue" jurisdictions are somehow outliers or anomalies. The Court's count captures only a snapshot in time. It forgets that "shall issue" licensing regimes are a relatively recent development. Until the 1980s, "may issue" regimes predominated. See *id.*, at 9; R. Grossman & S. Lee, May Issue Versus Shall Issue: Explaining the Pattern of Concealed-Carry Handgun Laws, 1960–2001, 26 Contemp. Econ. Pol'y 198, 200 (2008) (Grossman). As of 1987, 16 States and the District of Columbia prohibited concealed

carriage outright, 26 States had "may issue" licensing regimes, 7 States had "shall issue" regimes, and 1 State (Vermont) allowed concealed carriage without a permit. Congressional Research Service, Gun Control: Concealed Carry Legislation in the 115th Congress 1 (Jan. 30, 2018). Thus, it has only been in the last few decades that States have shifted toward "shall issue" licensing laws. Prior to that, most States operated "may issue" licensing regimes without legal or practical problem.

Moreover, even considering, as the Court does, only the present state of play, its tally provides an incomplete picture because it accounts for only the number of States with "may issue" regimes, not the number of people governed by those regimes. By the Court's count, the seven "may issue" jurisdictions are New York, California, Hawaii, Maryland, Massachusetts, New Jersey, and the District of Columbia. *Ante,* at 5–6. Together, these seven jurisdictions comprise about 84.4 million people and account for over a quarter of the country's population. U. S. Census Bureau, 2020 Population and Housing State Data (Aug. 12, 2021) (2020 Population), https://www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html. Thus, "may issue" laws can hardly be described as a marginal or outdated regime.

And there are good reasons why these seven jurisdictions may have chosen not to follow other States in shifting toward "shall issue" regimes. The seven remaining "may issue" jurisdictions are among the most densely populated in the United States: the District of Columbia (with an average of 11,280.0 people/square mile in 2020), New Jersey (1,263.0), Massachusetts (901.2), Maryland (636.1), New York (428.7), California (253.7), and Hawaii (226.6). U. S. Census Bureau, Historical Population Density (1910–2020) (Apr. 26, 2001), https://www.census.gov/data/tables/time-series/dec/density-data-text.html. In comparison, the average population density of the United States as a whole is

93.8 people/square mile, and some States have population densities as low as 1.3 (Alaska), 5.9 (Wyoming), and 7.4 (Montana) people/square mile. *Ibid*. These numbers reflect in part the fact that these "may issue" jurisdictions contain some of the country's densest and most populous urban areas, *e.g.,* New York City, Los Angeles, San Francisco, the District of Columbia, Honolulu, and Boston. U. S. Census Bureau, Urban Area Facts (Oct. 8, 2021), https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural/ua-facts.html. New York City, for example, has a population of about 8.5 million people, making it more populous than 38 States, and it squeezes that population into just over 300 square miles. Quick Facts: New York City; 2020 Population; Brief for City of New York as *Amicus Curiae* 8, 22.

As I explained above, *supra,* at 8–9, densely populated urban areas face different kinds and degrees of dangers from gun violence than rural areas. It is thus easy to see why the seven "may issue" jurisdictions might choose to regulate firearm carriage more strictly than other States. See Grossman 199 ("We find strong evidence that more urban states are less likely to shift to 'shall issue' than rural states").

New York and its *amici* present substantial data justifying the State's decision to retain a "may issue" licensing regime. The data show that stricter gun regulations are associated with lower rates of firearm-related death and injury. See, *e.g.,* Brief for Citizens Crime Commission of New York City as *Amicus Curiae* 9–11; Brief for Former Major City Police Chiefs as *Amici Curiae* 9–12; Brief for Educational Fund 25–28; Brief for Social Scientists et al. as *Amici Curiae* 9–19. In particular, studies have shown that "may issue" licensing regimes, like New York's, are associated with lower homicide rates and lower violent crime rates than "shall issue" licensing regimes. For example, one study compared homicide rates across all 50 States during

the 25-year period from 1991 to 2015 and found that "shall issue" laws were associated with 6.5% higher total homicide rates, 8.6% higher firearm homicide rates, and 10.6% higher handgun homicide rates. Siegel, 107 Am. J. Pub. Health, at 1924–1925, 1927. Another study longitudinally followed 33 States that had adopted "shall-issue" laws between 1981 and 2007 and found that the adoption of those laws was associated with a 13%–15% increase in rates of violent crime after 10 years. Donohue, 16 J. Empirical Legal Studies, at 200, 240. Numerous other studies show similar results. See, *e.g.,* Siegel, 36 J. Rural Health, at 261 (finding that "may issue" laws are associated with 17% lower firearm homicide rates in large cities); C. Crifasi et al., Association Between Firearm Laws and Homicide in Urban Counties, 95 J. Urb. Health 383, 387 (2018) (finding that "shall issue" laws are associated with a 4% increase in firearm homicide rates in urban counties); M. Doucette, C. Crifasi, & S. Frattaroli, Right-to-Carry Laws and Firearm Workplace Homicides: A Longitudinal Analysis (1992–2017), 109 Am. J. Pub. Health 1747, 1751 (Dec. 2019) (finding that States with "shall issue" laws between 1992 and 2017 experienced 29% higher rates of firearm-related workplace homicides); Brief for Social Scientists et al. as *Amici Curiae* 15–16, and nn. 17–20 (citing "thirteen . . . empirical papers from just the last few years linking ["shall issue"] laws to higher violent crime").

JUSTICE ALITO points to competing empirical evidence that arrives at a different conclusion. *Ante,* at 3, n. 1 (concurring opinion). But these types of disagreements are exactly the sort that are better addressed by legislatures than courts. The Court today restricts the ability of legislatures to fulfill that role. It does so without knowing how New York's law is administered in practice, how much discretion licensing officers in New York possess, or whether the proper cause standard differs across counties. And it does so without giving the State an opportunity to develop the

evidentiary record to answer those questions. Yet it strikes down New York's licensing regime as a violation of the Second Amendment.

III

A

How does the Court justify striking down New York's law without first considering how it actually works on the ground and what purposes it serves? The Court does so by purporting to rely nearly exclusively on history. It requires "the government [to] affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of 'the right to keep and bear arms.'" *Ante,* at 10. Beyond this historical inquiry, the Court refuses to employ what it calls "means-end scrutiny." *Ibid.* That is, it refuses to consider whether New York has a compelling interest in regulating the concealed carriage of handguns or whether New York's law is narrowly tailored to achieve that interest. Although I agree that history can often be a useful tool in determining the meaning and scope of constitutional provisions, I believe the Court's near-exclusive reliance on that single tool today goes much too far.

The Court concedes that no Court of Appeals has adopted its rigid history-only approach. See *ante,* at 8. To the contrary, every Court of Appeals to have addressed the question has agreed on a two-step framework for evaluating whether a firearm regulation is consistent with the Second Amendment. *Ibid.*; *ante,* at 10, n. 4 (majority opinion) (listing cases from the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Eleventh, and D. C. Circuits). At the first step, the Courts of Appeals use text and history to determine "whether the regulated activity falls within the scope of the Second Amendment." *Ezell* v. *Chicago*, 846 F. 3d 888, 892 (CA7 2017). If it does, they go on to the second step and consider "'the strength of the government's justification for restricting or regulating'" the Second

Amendment right. *Ibid*. In doing so, they apply a level of "means-ends" scrutiny "that is proportionate to the severity of the burden that the law imposes on the right": strict scrutiny if the burden is severe, and intermediate scrutiny if it is not. *National Rifle Assn. of Am., Inc.* v. *Bureau of Alcohol, Tobacco, Firearms, and Explosives*, 700 F. 3d 185, 195, 198, 205 (CA5 2012).

The Court today replaces the Courts of Appeals' consensus framework with its own history-only approach. That is unusual. We do not normally disrupt settled consensus among the Courts of Appeals, especially not when that consensus approach has been applied without issue for over a decade. See Brief for Second Amendment Law Professors as *Amici Curiae* 4, 13–15; see also this Court's Rule 10. The Court attempts to justify its deviation from our normal practice by claiming that the Courts of Appeals' approach is inconsistent with *Heller*. See *ante,* at 10. In doing so, the Court implies that all 11 Courts of Appeals that have considered this question misread *Heller*.

To the contrary, it is this Court that misreads *Heller*. The opinion in *Heller* did focus primarily on "constitutional text and history," *ante,* at 13 (majority opinion), but it did *not* "rejec[t] . . . means-end scrutiny," as the Court claims, *ante,* at 15. Consider what the *Heller* Court actually said. True, the Court spent many pages in *Heller* discussing the text and historical context of the Second Amendment. 554 U. S., at 579–619. But that is not surprising because the *Heller* Court was asked to answer the preliminary question whether the Second Amendment right to "bear Arms" encompasses an individual right to possess a firearm in the home for self-defense. *Id.*, at 577. The *Heller* Court concluded that the Second Amendment's text and history were sufficiently clear to resolve that question: The Second Amendment, it said, does include such an individual right. *Id.*, at 579–619. There was thus no need for the Court to go further—to look beyond text and history, or to suggest what

analysis would be appropriate in other cases where the text and history are not clear.

But the *Heller* Court did not end its opinion with that preliminary question. After concluding that the Second Amendment protects an individual right to possess a firearm for self-defense, the *Heller* Court added that that right is "not unlimited." *Id.,* at 626. It thus had to determine whether the District of Columbia's law, which banned handgun possession in the home, was a permissible regulation of the right. *Id.*, at 628–630. In answering that second question, it said: "Under *any of the standards of scrutiny that we have applied to enumerated constitutional rights*, banning from the home 'the most preferred firearm in the nation to "keep" and use for protection of one's home and family' would fail constitutional muster." *Id.,* at 628–629 (emphasis added; footnote and citation omitted). That language makes clear that the *Heller* Court understood some form of means-end scrutiny to apply. It did not need to specify whether that scrutiny should be intermediate or strict because, in its view, the District's handgun ban was so "severe" that it would have failed either level of scrutiny. *Id.,* at 628–629; see also *id.,* at 628, n. 27 (clarifying that rational-basis review was not the proper level of scrutiny).

Despite *Heller*'s express invocation of means-end scrutiny, the Court today claims that the majority in *Heller* rejected means-end scrutiny because it rejected my dissent in that case. But that argument misreads both my dissent and the majority opinion. My dissent in *Heller* proposed directly weighing "the interests protected by the Second Amendment on one side and the governmental public-safety concerns on the other." *Id.,* at 689. I would have asked "whether the statute burdens a protected interest in a way or to an extent that is out of proportion to the statute's salutary effects upon other important governmental interests." *Id.,* at 689–690. The majority rejected my dissent,

not because I proposed using means-end scrutiny, but because, in its view, I had done the opposite. In its own words, the majority faulted my dissent for proposing "a *freestanding* 'interest-balancing' approach" that accorded with "*none of the traditionally expressed levels* [of scrutiny] (strict scrutiny, intermediate scrutiny, rational basis)." *Id.,* at 634 (emphasis added).

The majority further made clear that its rejection of freestanding interest balancing did *not* extend to traditional forms of means-end scrutiny. It said: "We know of no other enumerated constitutional right whose core protection has been subjected to a freestanding 'interest-balancing' approach." *Ibid.* To illustrate this point, it cited as an example the First Amendment right to free speech. *Id.*, at 635. Judges, of course, regularly use means-end scrutiny, including both strict and intermediate scrutiny, when they interpret or apply the First Amendment. See, *e.g., United States* v. *Playboy Entertainment Group, Inc.*, 529 U. S. 803, 813 (2000) (applying strict scrutiny); *Turner Broadcasting System, Inc.* v. *FCC*, 520 U. S. 180, 186, 189–190 (1997) (applying intermediate scrutiny). The majority therefore cannot have intended its opinion, consistent with our First Amendment jurisprudence, to be read as rejecting all traditional forms of means-end scrutiny.

As *Heller*'s First Amendment example illustrates, the Court today is wrong when it says that its rejection of means-end scrutiny and near-exclusive focus on history "accords with how we protect other constitutional rights." *Ante,* at 15. As the Court points out, we do look to history in the First Amendment context to determine "whether the expressive conduct falls outside of the category of protected speech." *Ibid.* But, if conduct falls within a category of protected speech, we then use means-end scrutiny to determine whether a challenged regulation unconstitutionally burdens that speech. And the degree of scrutiny we apply

often depends on the type of speech burdened and the severity of the burden. See, *e.g., Arizona Free Enterprise Club's Freedom Club PAC* v. *Bennett*, 564 U. S. 721, 734 (2011) (applying strict scrutiny to laws that burden political speech); *Ward* v. *Rock Against Racism*, 491 U. S. 781, 791 (1989) (applying intermediate scrutiny to time, place, and manner restrictions); *Central Hudson Gas & Elec. Corp.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 557, 564–566 (1980) (applying intermediate scrutiny to laws that burden commercial speech).

Additionally, beyond the right to freedom of speech, we regularly use means-end scrutiny in cases involving other constitutional provisions. See, *e.g., Church of Lukumi Babalu Aye, Inc.* v. *Hialeah*, 508 U. S. 520, 546 (1993) (applying strict scrutiny under the First Amendment to laws that restrict free exercise of religion in a way that is not neutral and generally applicable); *Adarand Constructors, Inc.* v. *Peña*, 515 U. S. 200, 227 (1995) (applying strict scrutiny under the Equal Protection Clause to race-based classifications); *Clark* v. *Jeter*, 486 U. S. 456, 461 (1988) (applying intermediate scrutiny under the Equal Protection Clause to sex-based classifications); see also *Virginia* v. *Moore*, 553 U. S. 164, 171 (2008) ("When history has not provided a conclusive answer, we have analyzed a search or seizure in light of traditional standards of reasonableness").

The upshot is that applying means-end scrutiny to laws that regulate the Second Amendment right to bear arms would not create a constitutional anomaly. Rather, it is the Court's rejection of means-end scrutiny and adoption of a rigid history-only approach that is anomalous.

B

The Court's near-exclusive reliance on history is not only unnecessary, it is deeply impractical. It imposes a task on the lower courts that judges cannot easily accomplish. Judges understand well how to weigh a law's objectives (its

"ends") against the methods used to achieve those objectives (its "means"). Judges are far less accustomed to resolving difficult historical questions. Courts are, after all, staffed by lawyers, not historians. Legal experts typically have little experience answering contested historical questions or applying those answers to resolve contemporary problems.

The Court's insistence that judges and lawyers rely nearly exclusively on history to interpret the Second Amendment thus raises a host of troubling questions. Consider, for example, the following. Do lower courts have the research resources necessary to conduct exhaustive historical analyses in every Second Amendment case? What historical regulations and decisions qualify as representative analogues to modern laws? How will judges determine which historians have the better view of close historical questions? Will the meaning of the Second Amendment change if or when new historical evidence becomes available? And, most importantly, will the Court's approach permit judges to reach the outcomes they prefer and then cloak those outcomes in the language of history? See S. Cornell, *Heller*, New Originalism, and Law Office History: "Meet the New Boss, Same as the Old Boss," 56 UCLA L. Rev. 1095, 1098 (2009) (describing "law office history" as "a results oriented methodology in which evidence is selectively gathered and interpreted to produce a preordained conclusion").

Consider *Heller* itself. That case, fraught with difficult historical questions, illustrates the practical problems with expecting courts to decide important constitutional questions based solely on history. The majority in *Heller* undertook 40 pages of textual and historical analysis and concluded that the Second Amendment's protection of the right to "keep and bear Arms" historically encompassed an "individual right to possess and carry weapons in case of confrontation"—that is, for self-defense. 554 U. S.*,* at 592; see also *id.,* at 579–619. Justice Stevens' dissent conducted an

equally searching textual and historical inquiry and concluded, to the contrary, that the term "bear Arms" was an idiom that protected only the right "to use and possess arms in conjunction with service in a well-regulated militia." *Id.,* at 651. I do not intend to relitigate *Heller* here. I accept its holding as a matter of *stare decisis.* I refer to its historical analysis only to show the difficulties inherent in answering historical questions and to suggest that judges do not have the expertise needed to answer those questions accurately.

For example, the *Heller* majority relied heavily on its interpretation of the English Bill of Rights. Citing Blackstone, the majority claimed that the English Bill of Rights protected a "'right of having and using arms for self-preservation and defence.'" *Id.*, at 594 (quoting 1 Commentaries on the Laws of England 140 (1765)). The majority interpreted that language to mean a private right to bear arms for self-defense, "having nothing whatever to do with service in a militia." 554 U. S., at 593. Two years later, however, 21 English and early American historians (including experts at top universities) told us in *McDonald* v. *Chicago*, 561 U. S. 742 (2010), that the *Heller* Court had gotten the history wrong: The English Bill of Rights "did not . . . protect an individual's right to possess, own, or use arms for private purposes such as to defend a home against burglars." Brief for English/Early American Historians as *Amici Curiae* in *McDonald* v. *Chicago*, O. T. 2009, No. 08–1521, p. 2. Rather, these *amici* historians explained, the English right to "have arms" ensured that the Crown could not deny Parliament (which represented the people) the power to arm the landed gentry and raise a militia—or the right of the people to possess arms to take part in that militia—"should the sovereign usurp the laws, liberties, estates, and Protestant religion of the nation." *Id.,* at 2–3. Thus, the English right did protect a right of "self-preservation and defence," as Blackstone said, but that right "was to

be exercised not by individuals acting privately or independently, but as a militia organized by their elected representatives," *i.e.,* Parliament. *Id.,* at 7–8. The Court, not an expert in history, had misread Blackstone and other sources explaining the English Bill of Rights.

And that was not the *Heller* Court's only questionable judgment. The majority rejected Justice Stevens' argument that the Second Amendment's use of the words "bear Arms" drew on an idiomatic meaning that, at the time of the founding, commonly referred to military service. 554 U. S., at 586. Linguistics experts now tell us that the majority was wrong to do so. See, *e.g.,* Brief for Corpus Linguistics Professors and Experts as *Amici Curiae* (Brief for Linguistics Professors); Brief for Neal Goldfarb as *Amicus Curiae*; Brief for Americans Against Gun Violence as *Amicus Curiae* 13–15. Since *Heller* was decided, experts have searched over 120,000 founding-era texts from between 1760 and 1799, as well as 40,000 texts from sources dating as far back as 1475, for historical uses of the phrase "bear arms," and they concluded that the phrase was overwhelmingly used to refer to "'war, soldiering, or other forms of armed action by a group rather than an individual.'" Brief for Linguistics Professors 11, 14; see also D. Baron, Corpus Evidence Illuminates the Meaning of Bear Arms, 46 Hastings Const. L. Q. 509, 510 (2019) ("Non-military uses of *bear arms* in reference to hunting or personal self-defense are not just rare, they are almost nonexistent"); *id.*, at 510–511 (reporting 900 instances in which "bear arms" was used to refer to military or collective use of firearms and only 7 instances that were either ambiguous or without a military connotation).

These are just two examples. Other scholars have continued to write books and articles arguing that the Court's decision in *Heller* misread the text and history of the Second Amendment. See generally, *e.g.,* M. Waldman, The Second Amendment (2014); S. Cornell, The Changing Meaning of

the Right To Keep and Bear Arms: 1688–1788, in Guns in Law 20–27 (A. Sarat, L. Douglas, & M. Umphrey eds. 2019); P. Finkelman, The Living Constitution and the Second Amendment: Poor History, False Originalism, and a Very Confused Court, 37 Cardozo L. Rev. 623 (2015); D. Walker, Necessary to the Security of Free States: The Second Amendment as the Auxiliary Right of Federalism, 56 Am. J. Legal Hist. 365 (2016); W. Merkel, *Heller* as Hubris, and How *McDonald* v. *City of Chicago* May Well Change the Constitutional World as We Know It, 50 Santa Clara L. Rev. 1221 (2010).

I repeat that I do not cite these arguments in order to relitigate *Heller*. I wish only to illustrate the difficulties that may befall lawyers and judges when they attempt to rely *solely* on history to interpret the Constitution. In *Heller*, we attempted to determine the scope of the Second Amendment right to bear arms by conducting a historical analysis, and some of us arrived at very different conclusions based on the same historical sources. Many experts now tell us that the Court got it wrong in a number of ways. That is understandable given the difficulty of the inquiry that the Court attempted to undertake. The Court's past experience with historical analysis should serve as a warning against relying exclusively, or nearly exclusively, on this mode of analysis in the future.

Failing to heed that warning, the Court today does just that. Its near-exclusive reliance on history will pose a number of practical problems. First, the difficulties attendant to extensive historical analysis will be especially acute in the lower courts. The Court's historical analysis in this case is over 30 pages long and reviews numerous original sources from over 600 years of English and American history. *Ante,* at 30–62. Lower courts—especially district courts—typically have fewer research resources, less assistance from *amici* historians, and higher caseloads than we do. They are therefore ill equipped to conduct the type of

searching historical surveys that the Court's approach requires. Tellingly, even the Courts of Appeals that have addressed the question presented here (namely, the constitutionality of public carriage restrictions like New York's) "have, in large part, avoided extensive historical analysis." *Young* v. *Hawaii*, 992 F. 3d 765, 784–785 (CA9 2021) (collecting cases). In contrast, lawyers and courts are well equipped to administer means-end scrutiny, which is regularly applied in a variety of constitutional contexts, see *supra,* at 24–25.

Second, the Court's opinion today compounds these problems, for it gives the lower courts precious little guidance regarding how to resolve modern constitutional questions based almost solely on history. See, *e.g., ante,* at 1 (BARRETT, J., concurring) ("highlight[ing] two methodological points that the Court does not resolve"). The Court declines to "provide an exhaustive survey of the features that render regulations relevantly similar under the Second Amendment." *Ante,* at 20. Other than noting that its history-only analysis is "neither a . . . straightjacket nor a . . . blank check," the Court offers little explanation of how stringently its test should be applied. *Ante,* at 21. Ironically, the only two "relevan[t]" metrics that the Court does identify are "how and why" a gun control regulation "burden[s the] right to armed self-defense." *Ante,* at 20. In other words, the Court believes that the most relevant metrics of comparison are a regulation's means (how) and ends (why)—even as it rejects the utility of means-end scrutiny.

What the Court offers instead is a laundry list of reasons to discount seemingly relevant historical evidence. The Court believes that some historical laws and decisions cannot justify upholding modern regulations because, it says, they were outliers. It explains that just two court decisions or three colonial laws are not enough to satisfy its test. *Ante,* at 37, 57. But the Court does not say how many cases or laws would suffice "to show a tradition of public-carry

regulation." *Ante,* at 37. Other laws are irrelevant, the Court claims, because they are too dissimilar from New York's concealed-carry licensing regime. See, *e.g., ante,* at 48–49. But the Court does not say what "representative historical analogue," short of a "twin" or a "dead ringer," would suffice. See *ante,* at 21 (emphasis deleted). Indeed, the Court offers many and varied reasons to reject potential representative analogues, but very few reasons to accept them. At best, the numerous justifications that the Court finds for rejecting historical evidence give judges ample tools to pick their friends out of history's crowd. At worst, they create a one-way ratchet that will disqualify virtually any "representative historical analogue" and make it nearly impossible to sustain common-sense regulations necessary to our Nation's safety and security.

Third, even under ideal conditions, historical evidence will often fail to provide clear answers to difficult questions. As an initial matter, many aspects of the history of firearms and their regulation are ambiguous, contradictory, or disputed. Unsurprisingly, the extent to which colonial statutes enacted over 200 years ago were actually enforced, the basis for an acquittal in a 17th-century decision, and the interpretation of English laws from the Middle Ages (to name just a few examples) are often less than clear. And even historical experts may reach conflicting conclusions based on the same sources. Compare, *e.g.,* P. Charles, The Faces of the Second Amendment Outside the Home: History Versus Ahistorical Standards of Review, 60 Clev. St. L. Rev. 1, 14 (2012), with J. Malcolm, To Keep and Bear Arms: The Origins of an Anglo-American Right 104 (1994). As a result, history, as much as any other interpretive method, leaves ample discretion to "loo[k] over the heads of the [crowd] for one's friends." A. Scalia & B. Garner, Reading Law: The Interpretation of Legal Texts 377 (2012).

Fourth, I fear that history will be an especially inade-

quate tool when it comes to modern cases presenting modern problems. Consider the Court's apparent preference for founding-era regulation. See *ante,* at 25–28. Our country confronted profoundly different problems during that time period than it does today. Society at the founding was "predominantly rural." C. McKirdy, Misreading the Past: The Faulty Historical Basis Behind the Supreme Court's Decision in District of Columbia v. Heller, 45 Capital U. L. Rev. 107, 151 (2017). In 1790, most of America's relatively small population of just four million people lived on farms or in small towns. *Ibid.* Even New York City, the largest American city then, as it is now, had a population of just 33,000 people. *Ibid.* Small founding-era towns are unlikely to have faced the same degrees and types of risks from gun violence as major metropolitan areas do today, so the types of regulations they adopted are unlikely to address modern needs. *Id.,* at 152 ("For the most part, a population living on farms and in very small towns did not create conditions in which firearms created a significant danger to the public welfare"); see also *supra,* at 8–9.

This problem is all the more acute when it comes to "modern-day circumstances that [the Framers] could not have anticipated." *Heller*, 554 U. S., at 721–722 (BREYER, J., dissenting). How can we expect laws and cases that are over a century old to dictate the legality of regulations targeting "ghost guns" constructed with the aid of a three-dimensional printer? See, *e.g.,* White House Briefing Room, FACT SHEET: The Biden Administration Cracks Down on Ghost Guns, Ensures That ATF Has the Leadership It Needs To Enforce Our Gun Laws (Apr. 11, 2022), https://whitehouse.gov/briefing-room/statements-releases/2022/04/11/fact-sheet-the-biden-administration-cracks-down-on-ghost-guns-ensures-that-atf-has-the-leadership-it-needs-to-enforce-our-gun-laws/. Or modern laws requiring all gun shops to offer smart guns, which can only be fired by authorized users? See, *e.g.,* N. J. Stat. Ann. §2C:58–

2.10(a) (West Cum. Supp. 2022). Or laws imposing additional criminal penalties for the use of bullets capable of piercing body armor? See, *e.g.,* 18 U. S. C. §§921(a)(17)(B), 929(a).

The Court's answer is that judges will simply have to employ "analogical reasoning." *Ante,* at 19–20. But, as I explained above, the Court does not provide clear guidance on how to apply such reasoning. Even seemingly straightforward historical restrictions on firearm use may prove surprisingly difficult to apply to modern circumstances. The Court affirms *Heller*'s recognition that States may forbid public carriage in "sensitive places." *Ante,* at 21–22. But what, in 21st-century New York City, may properly be considered a sensitive place? Presumably "legislative assemblies, polling places, and courthouses," which the Court tells us were among the "relatively few" places "where weapons were altogether prohibited" in the 18th and 19th centuries. *Ante,* at 21. On the other hand, the Court also tells us that "expanding the category of 'sensitive places' simply to all places of public congregation that are not isolated from law enforcement defines th[at] category . . . far too broadly." *Ante,* at 22. So where does that leave the many locations in a modern city with no obvious 18th- or 19th-century analogue? What about subways, nightclubs, movie theaters, and sports stadiums? The Court does not say.

Although I hope—fervently—that future courts will be able to identify historical analogues supporting the validity of regulations that address new technologies, I fear that it will often prove difficult to identify analogous technological and social problems from Medieval England, the founding era, or the time period in which the Fourteenth Amendment was ratified. Laws addressing repeating crossbows, launcegays, dirks, dagges, skeines, stilladers, and other ancient weapons will be of little help to courts confronting modern problems. And as technological progress pushes

our society ever further beyond the bounds of the Framers' imaginations, attempts at "analogical reasoning" will become increasingly tortured. In short, a standard that relies solely on history is unjustifiable and unworkable.

IV

Indeed, the Court's application of its history-only test in this case demonstrates the very pitfalls described above. The historical evidence reveals a 700-year Anglo-American tradition of regulating the public carriage of firearms in general, and concealed or concealable firearms in particular. The Court spends more than half of its opinion trying to discredit this tradition. But, in my view, the robust evidence of such a tradition cannot be so easily explained away. Laws regulating the public carriage of weapons existed in England as early as the 13th century and on this Continent since before the founding. Similar laws remained on the books through the ratifications of the Second and Fourteenth Amendments through to the present day. Many of those historical regulations imposed significantly stricter restrictions on public carriage than New York's licensing requirements do today. Thus, even applying the Court's history-only analysis, New York's law must be upheld because "historical precedent from before, during, and . . . after the founding evinces a comparable tradition of regulation." *Ante,* at 18 (majority opinion) (internal quotation marks omitted).

A. England.

The right codified by the Second Amendment was "'inherited from our English ancestors.'" *Heller*, 554 U. S., at 599 (quoting *Robertson* v. *Baldwin*, 165 U. S. 275, 281 (1897)); see also *ante,* at 30 (majority opinion). And some of England's earliest laws regulating the public carriage of weapons were precursors of similar American laws enacted

roughly contemporaneously with the ratification of the Second Amendment. See *infra,* at 40–42. I therefore begin, as the Court does, *ante,* at 30–31, with the English ancestors of New York's laws regulating public carriage of firearms.

The relevant English history begins in the late-13th and early-14th centuries, when Edward I and Edward II issued a series of orders to local sheriffs that prohibited any person from "going armed." See 4 Calendar of the Close Rolls, Edward I, 1296–1302, p. 318 (Sept. 15, 1299) (1906); *id.,* at 588 (July 16, 1302); 5 *id*., Edward I, 1302–1307, at 210 (June 10, 1304) (1908); *id*., Edward II, 1307–1313, at 52 (Feb. 9, 1308) (1892); *id.,* at 257 (Apr. 9, 1310); *id.,* at 553 (Oct. 12, 1312); *id*., Edward II, 1323–1327, at 560 (Apr. 28, 1326) (1898); 1 Calendar of Plea and Memoranda Rolls of the City of London, 1323–1364, p. 15 (Nov. 1326) (A. Thomas ed. 1926). Violators were subject to punishment, including "forfeiture of life and limb." See, *e.g.,* 4 Calendar of the Close Rolls, Edward I, 1296–1302, at 318 (Sept. 15, 1299) (1906). Many of these royal edicts contained exemptions for persons who had obtained "the king's special licence." See *ibid.*; 5 *id*., Edward I, 1302–1307, at 210 (June 10, 1304); *id*., Edward II, 1307–1313, at 553 (Oct. 12, 1312); *id*., Edward II, 1323–1327, at 560 (Apr. 28, 1326). Like New York's law, these early edicts prohibited public carriage absent special governmental permission and enforced that prohibition on pain of punishment.

The Court seems to suggest that these early regulations are irrelevant because they were enacted during a time of "turmoil" when "malefactors . . . harried the country, committing assaults and murders." *Ante,* at 31 (internal quotation marks omitted). But it would seem to me that what the Court characterizes as a "right of armed self-defense" would be more, rather than less, necessary during a time of "turmoil." *Ante,* at 20. The Court also suggests that laws that were enacted before firearms arrived in England, like

these early edicts and the subsequent Statute of Northampton, are irrelevant. *Ante,* at 32. But why should that be? Pregun regulations prohibiting "going armed" in public illustrate an entrenched tradition of restricting public carriage of weapons. That tradition seems as likely to apply to firearms as to any other lethal weapons—particularly if we follow the Court's instruction to use analogical reasoning. See *ante,* at 19–20. And indeed, as we shall shortly see, the most significant prefirearm regulation of public carriage—the Statute of Northampton—was in fact applied to guns once they appeared in England. See *Sir John Knight's Case*, 3 Mod. 117, 87 Eng. Rep. 75, 76 (K. B. 1686)

The Statute of Northampton was enacted in 1328. 2 Edw. 3, 258, c. 3. By its terms, the statute made it a criminal offense to carry arms without the King's authorization. It provided that, without such authorization, "no Man great nor small, of what Condition soever he be," could "go nor ride armed by night nor by day, in Fairs, Markets, nor in the presence of the Justices or other Ministers, nor in no part elsewhere, upon pain to forfeit their Armour to the King, and their Bodies to Prison at the King's pleasure." *Ibid.* For more than a century following its enactment, England's sheriffs were routinely reminded to strictly enforce the Statute of Northampton against those going armed without the King's permission. See Calendar of the Close Rolls, Edward III, 1330–1333, at 131 (Apr. 3, 1330) (1898); 1 Calendar of the Close Rolls, Richard II, 1377–1381, at 34 (Dec. 1, 1377) (1914); 2 *id.*, Richard II, 1381–1385, at 3 (Aug. 7, 1381) (1920); 3 *id.*, Richard II, 1385–1389, at 128 (Feb. 6, 1386) (1921); *id.,* at 399–400 (May 16, 1388); 4 *id.*, Henry VI, 1441–1447, at 224 (May 12, 1444) (1937); see also 11 Tudor Royal Proclamations, The Later Tudors: 1553–1587, pp. 442–445 (Proclamation 641, 21 Elizabeth I, July 26, 1579) (P. Hughes & J. Larkin eds. 1969).

The Court thinks that the Statute of Northampton "has little bearing on the Second Amendment," in part because

it was "enacted . . . more than 450 years before the ratification of the Constitution." *Ante,* at 32. The statute, however, remained in force for hundreds of years, well into the 18th century. See 4 W. Blackstone, Commentaries 148–149 (1769) ("The offence of *riding* or *going armed*, with dangerous or unusual weapons, is a crime against the public peace, by terrifying the good people of the land; *and is particularly prohibited by the Statute of Northampton*" (first emphasis in original, second emphasis added)). It was discussed in the writings of Blackstone, Coke, and others. See *ibid.*; W. Hawkins, 1 Pleas of the Crown 135 (1716) (Hawkins); E. Coke, The Third Part of the Institutes of the Laws of England 160 (1797). And several American Colonies and States enacted restrictions modeled on the statute. See *infra,* at 40–42. There is thus every reason to believe that the Framers of the Second Amendment would have considered the Statute of Northampton a significant chapter in the Anglo-American tradition of firearms regulation.

The Court also believes that, by the end of the 17th century, the Statute of Northampton was understood to contain an extratextual intent element: the intent to cause terror in others. *Ante,* at 34–38, 41. The Court relies on two sources that arguably suggest that view: a 1686 decision, *Sir John Knight's Case*, and a 1716 treatise written by Serjeant William Hawkins. *Ante,* at 34–37. But other sources suggest that carrying arms in public was prohibited *because* it naturally tended to terrify the people. See, *e.g.,* M. Dalton, The Country Justice 282–283 (1690) ("[T]o wear Armor, or Weapons not usually worn, . . . seems also be a breach, or means of breach of the Peace . . . ; *for* they strike a fear and terror in the People" (emphasis added)). According to these sources, terror was the natural consequence—not an additional element—of the crime.

I find this view more persuasive in large part because it is not entirely clear that the two sources the Court relies on

actually support the existence of an intent-to-terrify requirement. Start with *Sir John Knight's Case*, which, according to the Court, considered Knight's arrest for walking "'about the streets'" and into a church "'armed with guns.'" *Ante,* at 34 (quoting *Sir John Knight's Case*, 3 Mod. 117, 87 Eng. Rep., at 76). The Court thinks that Knight's acquittal by a jury demonstrates that the Statute of Northampton only prohibited public carriage of firearms with an intent to terrify. *Ante,* at 34–35. But by now the legal significance of Knight's acquittal is impossible to reconstruct. Brief for Patrick J. Charles as *Amicus Curiae* 23, n. 9. The primary source describing the case (the English Reports) was notoriously incomplete at the time *Sir John Knight's Case* was decided. *Id.,* at 24–25. And the facts that historians can reconstruct do not uniformly support the Court's interpretation. The King's Bench required Knight to pay a surety to guarantee his future good behavior, so it may be more accurate to think of the case as having ended in "a conditional pardon" than acquittal. *Young*, 992 F. 3d, at 791; see also *Rex* v. *Sir John Knight*, 1 Comb. 40, 90 Eng. Rep. 331 (K. B. 1686). And, notably, it appears that Knight based his defense on his loyalty to the Crown, not a lack of intent to terrify. 3 The Entring Book of Roger Morrice 1677–1691: The Reign of James II, 1685–1687, pp. 307–308 (T. Harris ed. 2007).

Similarly, the passage from the Hawkins treatise on which the Court relies states that the Statute of Northampton's prohibition on the public carriage of weapons did not apply to the "wearing of Arms . . . unless it be accompanied with such Circumstances as are apt to terrify the People." Hawkins 136. But Hawkins goes on to enumerate relatively narrow circumstances where this exception applied: when "Persons of Quality . . . wea[r] common Weapons, or hav[e] their usual Number of Attendants with them, for their Ornament or Defence, in such Places, and upon such Occasions, in which it is the common Fashion to make use

of them," or to persons merely wearing "privy Coats of Mail." *Ibid.* It would make little sense if a narrow exception for nobility, see Oxford English Dictionary (3d ed., Dec. 2012), https://www.oed.com/view/Entry/155878 (defining "quality," A.I.5.a), and "privy coats of mail" were allowed to swallow the broad rule that Hawkins (and other commentators of his time) described elsewhere. That rule provided that "there may be an Affray where there is no actual Violence; as where a Man arms himself with dangerous and unusual Weapons, in such a Manner as will naturally cause a Terror to the People, which is . . . strictly prohibited by [the Statute of Northampton]." Hawkins 135. And it provided no exception for those who attempted to "excuse the wearing such Armour in Publick, by alleging that . . . he wears it for the Safety of his Person from . . . Assault." *Id.,* at 136. In my view, that rule announces the better reading of the Statute of Northampton—as a broad prohibition on the public carriage of firearms and other weapons, without an intent-to-terrify requirement or exception for self-defense.

Although the Statute of Northampton is particularly significant because of its breadth, longevity, and impact on American law, it was far from the only English restriction on firearms or their carriage. See, *e.g.,* 6 Hen. 8 c. 13, §1 (1514) (restricting the use and ownership of handguns); 25 Hen. 8 c. 17, §1 (1533) (same); 33 Hen. 8 c. 6, §§1–2 (1541) (same); 25 Edw. 3, st. 5, c. 2 (1350) (making it a "Felony or Trespass" to "ride armed covertly or secretly with Men of Arms against any other, to slay him, or rob him, or take him, or retain him till he hath made Fine or Ransom for to have his Deliverance") (brackets and footnote omitted). Whatever right to bear arms we inherited from our English forebears, it was qualified by a robust tradition of public carriage regulations.

As I have made clear, I am not a historian. But if the foregoing facts, which historians and other scholars have

presented to us, are even roughly correct, it is difficult to see how the Court can believe that English history fails to support legal restrictions on the public carriage of firearms.

B. The Colonies.

The American Colonies continued the English tradition of regulating public carriage on this side of the Atlantic. In 1686, the colony of East New Jersey passed a law providing that "no person or persons . . . shall presume privately to wear any pocket pistol, skeines, stilladers, daggers or dirks, or other unusual or unlawful weapons within this Province." An Act Against Wearing Swords, &c., ch. 9, in Grants, Concessions, and Original Constitutions of the Province of New Jersey 290 (2d ed. 1881). East New Jersey also specifically prohibited "planter[s]" from "rid[ing] or go[ing] armed with sword, pistol, or dagger." *Ibid*. Massachusetts Bay and New Hampshire followed suit in 1692 and 1771, respectively, enacting laws that, like the Statute of Northampton, provided that those who went "armed Offensively" could be punished. An Act for the Punishing of Criminal Offenders, 1692 Mass. Acts and Laws no. 6, pp. 11–12; An Act for the Punishing of Criminal Offenders, 1771 N. H. Acts and Laws ch. 6, §5, p. 17.

It is true, as the Court points out, that these laws were only enacted in three colonies. *Ante,* at 37. But that does not mean that they may be dismissed as outliers. They were successors to several centuries of comparable laws in England, see *supra,* at 34–40, and predecessors to numerous similar (in some cases, materially identical) laws enacted by the States after the founding, see *infra,* at 41–42. And while it may be true that these laws applied only to "dangerous and unusual weapons," see *ante,* at 38 (majority opinion), that category almost certainly included guns, see Charles, 60 Clev. St. L. Rev., at 34, n. 181 (listing 18th century sources defining "'offensive weapons'" to include "'Fire Arms'" and "'Guns'"); *State* v. *Huntly*, 25 N. C. 418, 422

(1843) (*per curiam*) ("A gun is an 'unusual weapon,' wherewith to be armed and clad"). Finally, the Court points out that New Jersey's ban on public carriage applied only to certain people or to the concealed carriage of certain smaller firearms. *Ante,* at 39–40. But the Court's refusal to credit the relevance of East New Jersey's law on this basis raises a serious question about what, short of a "twin" or a "dead ringer," qualifies as a relevant historical analogue. See *ante,* at 21 (majority opinion) (emphasis deleted).

C. The Founding Era.

The tradition of regulations restricting public carriage of firearms, inherited from England and adopted by the Colonies, continued into the founding era. Virginia, for example, enacted a law in 1786 that, like the Statute of Northampton, prohibited any person from "go[ing] nor rid[ing] armed by night nor by day, in fairs or markets, or in other places, in terror of the Country." 1786 Va. Acts, ch. 21. And, as the Court acknowledges, "public-carry restrictions proliferate[d]" after the Second Amendment's ratification five years later in 1791. *Ante,* at 42. Just a year after that, North Carolina enacted a law whose language was lifted from the Statute of Northampton virtually verbatim (vestigial references to the King included). Collection of Statutes, pp. 60–61, ch. 3 (F. Martin ed. 1792). Other States passed similar laws in the late-18th and 19th centuries. See, *e.g.,* 1795 Mass. Acts and Laws ch. 2, p. 436; 1801 Tenn. Acts pp. 260–261; 1821 Me. Laws p. 285; see also Charles, 60 Clev. St. L. Rev., at 40, n. 213 (collecting sources).

The Court discounts these laws primarily because they were modeled on the Statute of Northampton, which it believes prohibited only public carriage with the intent to terrify. *Ante,* at 41. I have previously explained why I believe

that preventing public terror was one *reason* that the Statute of Northampton prohibited public carriage, but not an *element* of the crime. See *supra,* at 37–39. And, consistent with that understanding, American regulations modeled on the Statute of Northampton appear to have been understood to set forth a broad prohibition on public carriage of firearms without any intent-to-terrify requirement. See Charles, 60 Clev. St. L. Rev., at 35, 37–41; J. Haywood, A Manual of the Laws of North-Carolina, pt. 2, p. 40 (3d ed.1814); J. Ewing, The Office and Duty of a Justice of the Peace 546 (1805).

The Court cites three cases considering common-law offenses, *ante,* at 42–44, but those cases do not support the view that only public carriage in a manner likely to terrify violated American successors to the Statute of Northampton. If anything, they suggest that public carriage of firearms was not common practice. At least one of the cases the Court cites, *State* v. *Huntly*, wrote that the Statute of Northampton codified a pre-existing common-law offense, which provided that "riding or going armed with dangerous or unusual weapons, is a crime against the public peace, *by* terrifying the good people of the land." 25 N. C., at 420–421 (quoting 4 Blackstone, Commentaries, at 149; emphasis added). *Huntly* added that "[a] gun is an 'unusual weapon'" and that "[n]o man amongst us carries it about with him, as one of his every-day accoutrements—as a part of his dress—and never, we trust, will the day come when any deadly weapon will be worn or wielded in our peace-loving and law-abiding State, as an appendage of manly equipment." 25 N. C., at 422. True, *Huntly* recognized that citizens were nonetheless "at perfect liberty" to carry for "lawful purpose[s]"—but it specified that those purposes were "business or amusement." *Id.,* at 422–423. New York's law similarly recognizes that hunting, target shooting, and certain professional activities are proper causes justifying lawful carriage of a firearm. See *supra,* at 12–13. The other two

cases the Court cites for this point similarly offer it only limited support—either because the atextual intent element the Court advocates was irrelevant to the decision's result, see *O'Neill* v. *State*, 16 Ala. 65 (1849), or because the decision adopted an outlier position not reflected in the other cases cited by the Court, see *Simpson* v. *State*, 13 Tenn. 356, 360 (1833); see also *ante,* at 42–43, 57 (majority opinion) (refusing to give "a pair of state-court decisions" "disproportionate weight"). The founding-era regulations—like the colonial and English laws on which they were modeled—thus demonstrate a longstanding tradition of broad restrictions on public carriage of firearms.

D. The 19th Century.

Beginning in the 19th century, States began to innovate on the Statute of Northampton in at least two ways. First, many States and Territories passed bans on concealed carriage or on any carriage, concealed or otherwise, of certain concealable weapons. For example, Georgia made it unlawful to carry, "unless in an open manner and fully exposed to view, any pistol, (except horseman's pistols,) dirk, sword in a cane, spear, bowie-knife, or any other kind of knives, manufactured and sold for the purpose of offence and defence." Ga. Code §4413 (1861). Other States and Territories enacted similar prohibitions. See, *e.g.,* Ala. Code §3274 (1852) (banning, with limited exceptions, concealed carriage of "a pistol, or any other description of fire arms"); see also *ante,* at 44, n. 16 (majority opinion) (collecting sources). And the Territory of New Mexico appears to have banned all carriage whatsoever of "any class of pistols whatever," as well as "bowie kni[ves,] . . . Arkansas toothpick[s], Spanish dagger[s], slung-shot[s], or any other deadly weapon." 1860 Terr. of N. M. Laws §§1–2, p. 94. These 19th-century bans on concealed carriage were stricter than New York's law, for they prohibited concealed carriage with at most limited exceptions, while New York permits concealed carriage

with a lawfully obtained license. See *supra,* at 12. Moreover, as *Heller* recognized, and the Court acknowledges, "the majority of the 19th-century courts to consider the question held that [these types of] prohibitions on carrying concealed weapons *were lawful* under the Second Amendment or state analogues." 554 U. S., at 626 (emphasis added); see also *ante,* at 44.

The Court discounts this history because, it says, courts in four Southern States suggested or held that a ban on concealed carriage was only lawful if open carriage or carriage of military pistols was allowed. *Ante,* at 44–46. (The Court also cites *Bliss* v. *Commonwealth*, 12 Ky. 90 (1822), which invalidated Kentucky's concealed-carry prohibition as contrary to that State's Second Amendment analogue. *Id.,* at 90–93. *Bliss* was later overturned by constitutional amendment and was, as the Court appears to concede, an outlier. See *Peruta* v. *County of San Diego*, 824 F. 3d 919, 935–936 (CA9 2016); *ante,* at 45.) Several of these decisions, however, emphasized States' leeway to regulate firearms carriage as necessary "to protect the orderly and well disposed citizens from the treacherous use of weapons not even designed for any purpose of public defence." *State* v. *Smith*, 11 La. 633 (1856); see also *Andrews* v. *State*, 50 Tenn. 165, 179–180 (1871) (stating that "the right to *keep*" rifles, shotguns, muskets, and repeaters could not be "*infringed* or *forbidden*," but "[t]heir *use* [may] be subordinated to such regulations and limitations as are or may be authorized by the law of the land, passed to subserve the general good, so as not to infringe the right secured and the necessary incidents to the exercise of such right"); *State* v. *Reid*, 1 Ala. 612, 616 (1840) (recognizing that the constitutional right to bear arms "necessarily . . . leave[s] with the Legislature the authority to adopt such regulations of police, as may be dictated by the safety of the people and the advancement of public morals"). And other courts upheld concealed-carry restrictions without any reference to an exception allowing

open carriage, so it is far from clear that the cases the Court cites represent a consensus view. See *State* v. *Mitchell*, 3 Blackf. 229 (Ind. 1833); *State* v. *Buzzard*, 4 Ark. 18 (1842). And, of course, the Court does not say whether the result in this case would be different if New York allowed open carriage by law-abiding citizens as a matter of course.

The second 19th-century innovation, adopted in a number of States, was surety laws. Massachusetts' surety law, which served as a model for laws adopted by many other States, provided that any person who went "armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon," and who lacked "reasonable cause to fear an assualt [*sic*]," could be made to pay a surety upon the "complaint of any person having reasonable cause to fear an injury, or breach of the peace." Mass. Rev. Stat., ch. 134, §16 (1836). Other States and Territories enacted identical or substantially similar laws. See, *e.g.,* Me. Rev. Stat., ch. 169, §16 (1840); Mich. Rev. Stat., ch. 162, §16 (1846); Terr. of Minn. Rev. Stat., ch. 112, §18 (1851); 1854 Ore. Stat., ch. 16, §17; W. Va. Code, ch. 153, §8 (1868); 1862 Pa. Laws p. 250, §6. These laws resemble New York's licensing regime in many, though admittedly not all, relevant respects. Most notably, like New York's proper cause requirement, the surety laws conditioned public carriage in at least some circumstances on a special showing of need. Compare *supra,* at 13, with Mass. Rev. Stat., ch. 134, §16.

The Court believes that the absence of recorded cases involving surety laws means that they were rarely enforced. *Ante,* at 49–50. Of course, this may just as well show that these laws were normally followed. In any case, scholars cited by the Court tell us that "traditional case law research is not especially probative of the application of these restrictions" because "in many cases those records did not survive the passage of time" or "are not well indexed or digitally searchable." E. Ruben & S. Cornell, Firearms

Regionalism and Public Carry: Placing Southern Antebellum Case Law in Context, 125 Yale L. J. Forum 121, 130–131, n. 53 (2015). On the contrary, "the fact that restrictions on public carry were well accepted in places like Massachusetts and were included in the relevant manuals for justices of the peace" suggests "that violations were enforced at the justice of peace level, but did not result in expensive appeals that would have produced searchable case law." *Id.*, at 131, n. 53 (citation omitted). The surety laws and broader bans on concealed carriage enacted in the 19th century demonstrate that even relatively stringent restrictions on public carriage have long been understood to be consistent with the Second Amendment and its state equivalents.

E. Postbellum Regulation.

After the Civil War, public carriage of firearms remained subject to extensive regulation. See, *e.g.,* Cong. Globe, 39th Cong., 1st Sess., 908 (1866) ("The constitutional rights of all loyal and well-disposed inhabitants to bear arms will not be infringed; nevertheless this shall not be construed to sanction the unlawful practice of carrying concealed weapons"). Of course, during this period, Congress provided (and commentators recognized) that firearm regulations could not be designed or enforced in a discriminatory manner. See *ibid.*; Act of July 16, 1866, §14, 14 Stat. 176–177 (ensuring that all citizens were entitled to the "full and equal benefit of all laws . . . including the constitutional right to keep and bear arms . . . without respect to race or color, or previous condition of slavery"); see also The Loyal Georgian, Feb. 3, 1866, p. 3, col. 4. But that by-now uncontroversial proposition says little about the validity of nondiscriminatory restrictions on public carriage, like New York's.

What is more relevant for our purposes is the fact that, in the postbellum period, States continued to enact generally applicable restrictions on public carriage, many of

which were even more restrictive than their predecessors. See S. Cornell & J. Florence, The Right to Bear Arms in the Era of the Fourteenth Amendment: Gun Rights or Gun Regulation? 50 Santa Clara L. Rev. 1043, 1066 (2010). Most notably, many States and Western Territories enacted stringent regulations that prohibited *any* public carriage of firearms, with only limited exceptions. For example, Texas made it a misdemeanor to carry in public "any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purpose of offense or defense" absent "reasonable grounds for fearing an [immediate and pressing] unlawful attack." 1871 Tex. Gen. Laws ch. 34, §1. Similarly, New Mexico made it "unlawful for any person to carry deadly weapons, either concealed or otherwise, on or about their persons within any of the settlements of this Territory." 1869 Terr. of N. M. Laws ch. 32, §1. New Mexico's prohibition contained only narrow exceptions for carriage on a person's own property, for self-defense in the face of immediate danger, or with official authorization. *Ibid.* Other States and Territories adopted similar laws. See, *e.g.,* 1875 Wyo. Terr. Sess. Laws ch. 52, §1; 1889 Idaho Terr. Gen. Laws §1, p. 23; 1881 Kan. Sess. Laws §23, p. 92; 1889 Ariz. Terr. Sess. Laws no. 13, §1, p. 16.

When they were challenged, these laws were generally upheld. P. Charles, The Faces of the Second Amendment Outside the Home, Take Two: How We Got Here and Why It Matters, 64 Clev. St. L. Rev. 373, 414 (2016); see also *ante,* at 56–57 (majority opinion) (recognizing that postbellum Texas law and court decisions support the validity of New York's licensing regime); *Andrews*, 50 Tenn., at 182 (recognizing that "a man may well be prohibited from carrying his arms to church, or other public assemblage," and that the carriage of arms other than rifles, shot guns, muskets, and repeaters "may be prohibited if the Legislature

deems proper, absolutely, at all times, and under all circumstances").

The Court's principal answer to these broad prohibitions on public carriage is to discount gun control laws passed in the American West. *Ante,* at 58–61. It notes that laws enacted in the Western Territories were "rarely subject to judicial scrutiny." *Ante,* at 60. But, of course, that may well mean that "[w]e . . . can assume it settled that these" regulations were "consistent with the Second Amendment." See *ante,* at 21 (majority opinion). The Court also reasons that laws enacted in the Western Territories applied to a relatively small portion of the population and were comparatively short lived. See *ante,* 59–61. But even assuming that is true, it does not mean that these laws were historical aberrations. To the contrary, bans on public carriage in the American West and elsewhere constitute just one chapter of the centuries-old tradition of comparable firearms regulations described above.

F. The 20th Century.

The Court disregards "20th-century historical evidence." *Ante,* at 58, n. 28. But it is worth noting that the law the Court strikes down today is well over 100 years old, having been enacted in 1911 and amended to substantially its present form in 1913. See *supra,* at 12. That alone gives it a longer historical pedigree than at least three of the four types of firearms regulations that *Heller* identified as "presumptively lawful." 554 U. S., at 626–627, and n. 26; see C. Larson, Four Exceptions in Search of a Theory: *District of Columbia* v. *Heller* and Judicial *Ipse Dixit*, 60 Hastings L. J. 1371, 1374–1379 (2009) (concluding that "'prohibitions on the possession of firearms by felons and the mentally ill [and] laws imposing conditions and qualifications on the commercial sale of arms'" have their origins in the 20th century); *Kanter* v. *Barr*, 919 F. 3d 437, 451 (CA7 2019) (Barrett, J., dissenting) ("Founding-era legislatures

did not strip felons of the right to bear arms simply because of their status as felons"). Like JUSTICE KAVANAUGH, I understand the Court's opinion today to cast no doubt on that aspect of *Heller*'s holding. *Ante,* at 3 (concurring opinion). But unlike JUSTICE KAVANAUGH, I find the disconnect between *Heller*'s treatment of laws prohibiting, for example, firearms possession by felons or the mentally ill, and the Court's treatment of New York's licensing regime, hard to square. The inconsistency suggests that the Court today takes either an unnecessarily cramped view of the relevant historical record or a needlessly rigid approach to analogical reasoning.

* * *

The historical examples of regulations similar to New York's licensing regime are legion. Closely analogous English laws were enacted beginning in the 13th century, and similar American regulations were passed during the colonial period, the founding era, the 19th century, and the 20th century. Not all of these laws were identical to New York's, but that is inevitable in an analysis that demands examination of seven centuries of history. At a minimum, the laws I have recounted *resembled* New York's law, similarly restricting the right to publicly carry weapons and serving roughly similar purposes. That is all that the Court's test, which allows and even encourages "analogical reasoning," purports to require. See *ante,* at 21 (disclaiming the necessity of a "historical *twin*").

In each instance, the Court finds a reason to discount the historical evidence's persuasive force. Some of the laws New York has identified are too old. But others are too recent. Still others did not last long enough. Some applied to too few people. Some were enacted for the wrong reasons. Some may have been based on a constitutional rationale that is now impossible to identify. Some arose in historically unique circumstances. And some are not sufficiently

analogous to the licensing regime at issue here. But if the examples discussed above, taken together, do not show a tradition and history of regulation that supports the validity of New York's law, what could? Sadly, I do not know the answer to that question. What is worse, the Court appears to have no answer either.

V

We are bound by *Heller* insofar as *Heller* interpreted the Second Amendment to protect an individual right to possess a firearm for self-defense. But *Heller* recognized that that right was not without limits and could appropriately be subject to government regulation. 554 U. S., at 626–627. *Heller* therefore does not require holding that New York's law violates the Second Amendment. In so holding, the Court goes beyond *Heller*.

It bases its decision to strike down New York's law almost exclusively on its application of what it calls historical "analogical reasoning." *Ante,* at 19–20. As I have admitted above, I am not a historian, and neither is the Court. But the history, as it appears to me, seems to establish a robust tradition of regulations restricting the public carriage of concealed firearms. To the extent that any uncertainty remains between the Court's view of the history and mine, that uncertainty counsels against relying on history alone. In my view, it is appropriate in such circumstances to look beyond the history and engage in what the Court calls means-end scrutiny. Courts must be permitted to consider the State's interest in preventing gun violence, the effectiveness of the contested law in achieving that interest, the degree to which the law burdens the Second Amendment right, and, if appropriate, any less restrictive alternatives.

The Second Circuit has previously done just that, and it held that New York's law does not violate the Second Amendment. See *Kachalsky*, 701 F. 3d, at 101. It first evaluated the degree to which the law burdens the Second

Amendment right to bear arms. *Id.,* at 93–94. It concluded that the law "places substantial limits on the ability of law-abiding citizens to possess firearms for self-defense in public," but does not burden the right to possess a firearm in the home, where *Heller* said "'the need for defense of self, family, and property is most acute.'" *Kachalsky*, 701 F. 3d, at 93–94 (quoting *Heller,* 554 U. S., at 628). The Second Circuit therefore determined that the law should be subject to heightened scrutiny, but not to strict scrutiny and its attendant presumption of unconstitutionality. 701 F. 3d, at 93–94. In applying such heightened scrutiny, the Second Circuit recognized that "New York has substantial, indeed compelling, governmental interests in public safety and crime prevention." *Id.,* at 97. I agree. As I have demonstrated above, see *supra,* at 3–9, firearms in public present a number of dangers, ranging from mass shootings to road rage killings, and are responsible for many deaths and injuries in the United States. The Second Circuit then evaluated New York's law and concluded that it is "substantially related" to New York's compelling interests. *Kachalsky*, 701 F. 3d, at 98–99. To support that conclusion, the Second Circuit pointed to "studies and data demonstrating that widespread access to handguns in public increases the likelihood that felonies will result in death and fundamentally alters the safety and character of public spaces." *Id.,* at 99. We have before us additional studies confirming that conclusion. See, *e.g., supra,* at 19–20 (summarizing studies finding that "may issue" licensing regimes are associated with lower rates of violent crime than "shall issue" regimes). And we have been made aware of no less restrictive, but equally effective, alternative. After considering all of these factors, the Second Circuit held that New York's law does not unconstitutionally burden the right to bear arms under the Second Amendment. I would affirm that holding.

New York's Legislature considered the empirical evidence about gun violence and adopted a reasonable licensing law to regulate the concealed carriage of handguns in order to keep the people of New York safe. The Court today strikes down that law based only on the pleadings. It gives the State no opportunity to present evidence justifying its reasons for adopting the law or showing how the law actually operates in practice, and it does not so much as acknowledge these important considerations. Because I cannot agree with the Court's decision to strike New York's law down without allowing for discovery or the development of any evidentiary record, without considering the State's compelling interest in preventing gun violence and protecting the safety of its citizens, and without considering the potentially deadly consequences of its decision, I respectfully dissent.

SB0001.pdf
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Dear Senators of the State of Maryland,

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I am writing you to voice my strong opposition to SB0001.

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As a Maryland resident for all of my 55 years, a resident of Perry Hall for 20 years and a Maryland wear and carry permit holder, it is clear that SB0001 is an affront and violation of my civil rights and the civil rights of all who would be affected by it.

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This misguided attempt to protect the public will not have the intended outcome, could even exacerbate the problem by making the law abiding more helpless while not affecting the criminal element (because they don't obey laws, by definition), on top of destroying the freedom and violating the rights of the public the government has been elected to serve.

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SB0001 is in direct disagreement with the United States Supreme Court's decision in NYSRPA v. Bruen, with the opinion of the majority even warning that bills like SB0001 are clearly not in compliance. SB0001 is a back-door way of making the carrying of a firearm illegal almost everywhere in Maryland. It is absurd on its face that carry permits would be issued and then the right to carry prohibited almost everywhere one could or may need to carry.

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SB0001 is clearly not aimed at the criminal element, who do not apply for carry permits or subject themselves to fingerprinting and background checks, because carrying a firearm without a permit is already against the law! The clear purpose of SB0001 is to prohibit the law-abiding citizen, who has gone to great lengths to satisfy the State's requirements to obtain a wear and carry permit, from responsibly carrying a firearm for his or her defense! Carry permit holders are among the most law abiding and upstanding members of the public. Carry permit holders, who pass extensive background checks and undergo training on the law and proper use of a firearm (both on a regular basis), are responsible for almost none of the gun crime, both in Maryland and nationwide.

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SB0001 is a solution looking for a problem it will not find at the expense of violating the rights of the citizens of Maryland.

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Thank you for your service and consideration,

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Frederick W. Abt IV

10 Glasshouse Garth

Nottingham, MD 21236

410-804-5164

Gabriel Terrasa Testimony on HB001.pdf

Uploaded by: Gabriel Terrasa
Position: UNF

Testimony *AGAINST* HB001

Gabriel A. Terrasa
Columbia, MD 21046

Honorable Chairman and Members of the Judicial Proceedings Committee:

I have been a resident of Howard County for nearly 30 years. I have been a union attorney for 25 years. I have been a Democrat all my life, and I am probably farther to the left politically than most member of this Legislative Body.

I am writing to testify ***AGAINST* HB001**.

I have been a lawful gun owner in Maryland for years. I first obtained my Maryland Wear and Carry License as a business owner under Maryland's pre-*Bruen* law. Initially, I carried predominantly to go to the bank to make business deposits. In August 2021, however, I began to carry daily after a client and I were threatened with violence. Charges were filed with Anne Arundel County Police, and the Anne Arundel County State's Attorney filed a criminal harassment case, Case D-07-CR-21-008035. The defendant in that case is currently under a two-year probation-before-judgment.

More recently, on January 27, 2023, my wife and I were the victims of road rage. The driver of a car got out of his vehicle and threatened to kill us several times. He also told us "foreigners" to go back from where we came. These threats took place in Howard County and were reported to police as a hate-bias incident (Case No. 23-7232).

My point is that even before the United States Supreme Court decision in *Bruen*, Maryland recognized that there were circumstances under which citizens were justified in carrying a concealed weapon. HB001, however, would leave those people without the ability to carry. Victims of threats of violence, victims of domestic violence, business owners who carry large sums of money to the bank will no longer be able to protect themselves if HB001 becomes law.

The worst way to address a bad court decision is to enact bad law.

SB 0001.pdf
Uploaded by: Galen Muhammad
Position: UNF

SB 0001

While I am providing testimony on my own behalf, I am the president of Onyx Sharpshooters, the Prince George's County chapter of the National African American Gun Association (NAAGA). I am also the State Director for Maryland and Washington, DC for said national organization.

First and foremost, this bill is unconstitutional. It goes completely against the spirit and intended practice of the 2nd Amendment.

While the senator sponsoring this bill claims to be doing so for "*public safety*", if this bill becomes law, it will actually make Maryland a **LESS** safe state. Not only are those who support and those who oppose the 2nd Amendment and concealed carry watching to see if this bill becomes law, so are the criminals. They are waiting to see if their field for potential victims is broadened by this bill becoming state law. Passing this bill would only disarm law-abiding citizens who conceal carry to protect themselves and their loved ones. Consider the fact that passing this bill will not just make them ***feel*** less safe, they will **be** less safe.

Secondly, those who favor this bill only do so emotionally; not on the basis of facts. When they speak of themselves, family members and/or loved ones being injured or killed by violence committed with a gun, they **NEVER** say that the culprit of said crime was a concealed carry permit holder. That is conflation. Concealed carry permit holder are **NOT** the problem! Concealed carry permit holders and criminals are **NOT** the same nor do those two separate groups operate on the same principles. Law abiding citizens who conceal carry would also like to take guns out of criminals' hands. However, disarming law abiding citizens does not accomplish that goal nor does it make our state any safer. Again, it puts the person who would ordinarily be able to protect themselves with their handgun in a vulnerable, unsafe condition.

Lawmakers were elected to make laws and govern based upon the facts, not feelings or emotions. While you are free to act upon feelings and emotions in your own personal lives, these feelings and emotions **should not** determine how you view the facts of this situation.

SB0001 Opposition.pdf
Uploaded by: George Saunders
Position: UNF

I’m asking you to please vote against Bill SB0001 the so-called Gun Safety Act of 2023. This bill is directly targeting lawful gun owners with legal carry permits. In case you do not know the process of getting a carry permit, please allow me to inform you the process of getting a wear and carry permit. If someone wants a carry permit, that person cannot just walk into a gun shop or any other establishment and “buy” a permit and walk out with one. The first step is to sign up for and pay for a 16 hour/2-day training class. The average cost is around $350, and I believe $50 of that goes to the Maryland State Policy as a fingerprinting fee. During the class everyone is taught the responsibility of carrying a firearm and the ramifications of actually using a firearm to defend themselves. Part of the training is using a simulator to know when to shoot and where and when not to shoot. Before the student can pass the class, the student must qualify by hitting a target with a minimum accuracy. Then once the student has passed, he/she then applies for the permit. There’s another fee paid to MD State Police for the permit in the amount of $75. The wait time is up to 90 days from when the application was submitted. During the wait time, the MD State Policy run a background check and if the applicant does not have a criminal record the permit is mailed out. This is the legal process to obtain the carry permit for law abiding citizens to carry a firearm in their procession for protection against criminals. On the other hand, criminals do not go through this process because they do not follow any other laws, restrictions, or bans. Also, the guns themselves have probably been obtained illegally as well. It’s been talked about on the news about people feeling safe and hinting that if more people have guns on them people will not feel safe. I contend that knowing more people have legal permits to carry firearms will deter at least some criminals from committing face to face crimes such as robberies, car jackings, sexual assault and/or rapes and murders. If you look at any celebrity or higher politician, they will have an armed security guard with them. I for one, pray that I never have to use my firearm to defend myself or my family. But I and my family feel safer knowing I have my legal firearm on me in case the need arises.

So, if this bill is not withdrawn and it gets to a vote, I ask you to please vote against it as it is directly targeting legal gun owners with legal permits, not criminals. I truly thank you for doing so and thank you for voting against Bill SB0001 during the 2023 legislative session.

Have a blessed day and stay safe.

Thank you,

George Saunders of Centreville, MD

SB0001 Opposition Statement.pdf
Uploaded by: Gianna Barcikowski
Position: UNF

Elected officials,

I am writing this testimony in opposition of the passing of SB0001, which would restrict law-abiding Maryland citizens from exercising their right to self defense in a life-threatening situation. 100,000+ Marylanders underwent extensive training, fingerprinting, and background checks to be able to submit the wear and carry application; this was done at the expense of the applicant, sometimes costing up to $500. Not to mention the money that these permit holders spend on continued training, range practice, gun maintenance supplies, and ammunition. The ability to hold this permit and legally carry a concealed firearm is not something that we take lightly. I am a wife, mother, nurse, graduate student, and active member of my community. I appreciate the work being done to try and make Maryland a better place…but the passage of this law is not an example of that work. This law negatively affects LAW-ABIDING citizens and does nothing to prevent violent crime happening in Maryland. Criminals will continue to conceal weapons and act with complete disregard for Maryland law. The Marylanders who put in the work and were deemed safe and competent by the Maryland State Police to hold this permit are the ones who will suffer. We should be empowering Marylanders, not punishing them for respecting the law. I ask this question: how many shootings have been committed by wear and carry permit holders in Maryland since the repeal of the "good and substantial" requirement? I am urging elected officials to use common sense and rational thinking regarding SB0001. Please oppose the passage of this legislation…make our voices heard.

Thank you,

Gianna Barcikowski

SB1 Testimony- DeLeaver 020723.pdf

Uploaded by: Gregg DeLeaver

Position: UNF

Esteemed Senators and Delegates,

My name is Gregg DeLeaver and as a registered Democrat, voting male, African American who lives in Montgomery County, I am opposed to SB-1 and request that you vote against the apparent party line, that is dangerous to law abiding citizens in this state.

This bill will, if implemented, will disenfranchise many in the African American community who are your constituents.

It is important to note that African Americans represent a growing number of gun owners who are purchasing guns for their safety. The proposed bill will disproportionally impact people of color who worry about the rise of white supremacy, which the **US Senate (S.894, section 2, 2**) recently found to be the most significant domestic terrorism threat facing the United States (read people of color). You will disarm **US** in the face of a growing threat to our very existence.

Sources
Black Women Are The Fastest-Growing Group of Gun Owners .(Essence Magazine)
Black People Are The Fastest-Growing Group Of Gun Owners In The U.S. : The NPR Politics Podcast : NPR (NPR)
Boom: 5M new gun owners, with 58% black and 40% women | Washington Examiner
Text - S.894 - 116th Congress (2019-2020): Domestic Terrorism Prevention Act of 2019 | Congress.gov | Library of Congress

Your constituents' views on gun ownership and possession are changing and its important that you and the party change with it or risk loosing the majority in this state.

Other points to consider:

This law will impact the woman who was raped and was told that if she testifies he will kill her. She testified, he went to jail, and now gets out in next month. She obtained a HCL and a Concealed Carry Permit in 2020. She will no longer feel safe and be able to protect herself in Public if this bill is passed.

This law will impact the many Marylanders applied for and were approved for a Concealed Carry Permit, by the Maryland State Police under the previous "May Issue" statue. They have a recognized need to carry because of a threat, and this bill will disarm them. This bill will disarm **ME**.

The implementation of this bill would prevent many of your constituents from exercising their Second Amendment right beyond the boundary of their property because they

otherwise would run afoul of the bill with the transport of arms outside of their residence which causes them to pass a school, a park or a place of public accommodation.

This bill is counter to the definition of "Public" as defined by **Black's Law Dictionary** and also violate the **14th Amendment** by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self-defense. Most roads in this state are public roads and this bill effectively prevents the traverse of these roads thus limiting their right to carry in public.

Please consider voting unfavorable/against party lines (you represent the people, not your party) and in line with recent Supreme Court rulings. I will be in Annapolis on Feb 7, 2023 to speak out against these bills and to observe the session. I and many other people of color may have to start considering voting Republican if you don't see clear to support the new trend amongst your African American constituents. Please consider art enacting bills that address the criminal and mentally insane people who commit the heinous acts which make our great state one of the deadliest in the nation.

Respectfully,

Gregg DeLeaver
19206 Honeystone Pl
Brookeville, MD. 20833
443-994-3410

SB1 Opposition Testimony[37].pdf

Uploaded by: Gregory Brown

Position: UNF

Testimony for the Judicial Proceedings Committee

February 3, 2023

SB 1 - Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023)

GREGORY BROWN
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SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

UNFAVORABLE

As currently drafted, the ACLU of Maryland opposes SB 1, which would expand criminal penalties for the wearing, carrying, or transporting of firearms onto the real property of another or within 100 feet of a public accommodation. Gun safety is without a doubt a pressing issue not only in Maryland, but across the country. However, criminalizing legal possession, by imposing possible incarceration for violations of this bill only serves the goals of mass incarceration and police harassment.

Public Accommodation & Enforcement

If this bill were to become law, a person could potentially violate this provision for not only being present at, but also being within 100 feet of a public accommodation. This bill defines public accommodation broadly, leaving open too many possibilities for even accidental violations of the law. In highly populous jurisdictions where public accommodations are near ubiquitous, a person could potentially be found in violation of this bill for simply being in public with a firearm.

Our greatest concern is how enforcement of this law will be effectuated. Unless being worn openly, law enforcement would be unaware of a citizen's possession of a gun. Enforcement would be random and left open to an officer's discretion. Only searching the person would produce evidence of gun possession, which is the exact form of police interaction that we seek to limit, especially for Black Marylanders who often face the burden of inconsistent enforcement by being the most frequent targets of enforcement. This creates an environment for inconsistent enforcement to thrive. While gun safety is paramount to the safety of our neighborhoods, expanding criminal penalties is a step too far.

Civil Penalty alternatives

Civil penalties such as fines, revocation of licenses and carry permits, and community service are more worthwhile alternatives to violating firearms restrictions. More importantly, these alternatives would serve to make sure that those carrying weapons are more aware of their surroundings, and does not criminalize the people of Maryland any further. Often criminal penalties are administrated in a race negative manner, where Black Marylanders are punished more harshly for violations of law than their white peers. While police harassment and disparities in sentencing are not the intent of this bill, it is often the unintended reality for Black people across Maryland when criminal penalties are expanded.

For the foregoing reasons the ACLU of Maryland urges an unfavorable report on SB1.

SB0001 OPPOSITION 23.pdf
Uploaded by: Gregory Hobbs
Position: UNF

Members of the Senate, my name is Gregory Hobbs, and I am testifying in opposition to Senate Bill SB0001 The Wear, Carrying, or Transporting Firearms act Restrictions (Gun Safety Act of 2023). This bill restricts law-abiding concealed carry permit holders such as myself from carrying outside of their homes without the specific consent of a business owner or other homeowner to where I am traveling or to any public location. This makes it almost impossible to legally use my concealed carry permit anywhere within the state except my own home. As I'm sure you are all aware, crime is on the rise within our state, and it seems that there are daily violent events throughout our nation.

With the proposed bill, I would only be able to have use of firearms within my home. My home is my fortress which I am able to defend. I can install a security system and prepare for a possible hostile situation. However, in a public setting, I am more vulnerable and so is my family. A situation can quickly change from a night at the movies to a life-or-death scenario in a matter of seconds. Having the ability to defend my life and the lives of my loved ones by having a concealed carry permit, which is frankly legally practical as is in withstanding current law, is a tool that enables me to prepare for the possibility of having to protect those that I care for from harm if an unfortunate event arises. Carrying a firearm is not taken lightly by myself and many others with the same mindset. We understand that it is a tremendous responsibility, but it is a responsibility that we have chosen. We have chosen to be the protector of our families. If this bill passes, we will lose the ability to ensure our personal safety, which in today's society is never a guarantee. This is why my position on SB0001 is unfavorable.

Gregory Hobbs

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Ian Rus Maxwell SB1 Testimony MGA 2023.pdf

Uploaded by: Ian Rus Maxwell

Position: UNF

SB1 - Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

I am writing to oppose, and urge an unfavorable report on, SB1.

It appears there is a desire by the sponsors to set aside studies, such as those in 2017 by John Lott of the Crime Prevention Research Center, that established concealed carry holders commit firearms violations at rates dramatically less than – about 1/6 the rate – of even the police and still make carrying a firearm nearly impossible in Maryland using "permissions" as the device. I'm going to Ignore the impositions the proposed law will place on Maryland Wear and Carry permit holders. The proposed law is unnecessarily restrictive and imposes a pointless burden on law enforcement officers and the general public.

The law specifically includes transport of firearms in the text. It appears the proposed law would require anyone with a firearm within a vehicle to receive permission to be on nearly any property. That is absurd.

One need only think of gas stations. Nearly all have a soda fountain, something the proposed law specifically mentions. We know the following scenario happens every day: someone with a long gun, in full compliance with all current Maryland law (fully cased, inaccessible, unloaded in the back of a car) pulls into a gas station to buy gas. The current law will make that act a crime unless the firearm owner has obtained permission from the gas station owner/operator to enter the property.

Let us suppose for a moment a law enforcement officer is at the gas station and sees a rifle case in the rear of a hatchback car. Rather than continuing with their duties, the officer is now obligated to discover whether the hatchback owner has permission to be on the gas station property with the firearm. As that will be highly unlikely, the officer will be in the position of being forced to conduct an arrest of a member of the public for *buying gas* without prior permission.

It is extraordinarily unfair, and imprudent, to put members of law enforcement in such a position. They are unfairly demonized now and do not need to contend with being further pilloried by being required to arrest law-abiding members of the general public for *buying gas*.

Sincerely,

Ian Rus Maxwell

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SRA on SB0001.pdf
Uploaded by: Jacob Hatfield
Position: UNF

To: Maryland General Assembly
By The Maryland Chapter of the Socialist Rifle Association

Senate Bill 0001 is another racist, classist, sexist, bill that seeks to criminalize self-defense of marginalized communities that cannot always rely upon the state to protect them. This is not a new development however, in 1967 the Mulford Act was passed by then-governor Regan. The bill was crafted with the goal of disarming organizations that were fighting for civil rights and advancing community self-defense, a goal that the Socialist Rifle Association shares.

This bill, if passed, would criminalize the carrying of arms for those who have gone through a sixteen-hour training course, a live fire exercise with testing, background check, application fees, fingerprinting, and references. During the period in which Governor Hogan instructed the Maryland State Police to no longer use "good and substantial reason" and now we have not seen an uptick of those with permits committing crimes, endangering the public, or any real danger. On the contrary, our organization has licensed trainers who encourage our members, especially those who face violence from racist, homophobic, or transphobic threats carry with confidence knowing they can defend themselves if they were attacked. We believe that every Marylander deserves the right to feel safe to occupy spaces in public without fear. This is one method we encourage in order to protect ourselves. As our motto says, we keep us safe!

The Maryland chapter of the Socialist Rifle Association strongly rejects the premise that the carrying of arms for self-defense somehow endangers the public, and on the contrary, allows minority groups who are targeted in violent attacks seen across the United States to further be targeted. There has been a large uptick in violence against minority groups and disarming those who frequent locations such as LGBT nightclubs in Maryland are forced to disarm to comply with this law and open themselves up to the risk that they will not be able to fight back if they too are targeted.

The idea for this bill is clearly to suffocate the right to carry so it is functionally obsolete. This goes beyond “sensitive locations” such as schools, hospitals, and government buildings. The bill seeks to prohibit the carrying of arms where the vast majority of Marylanders spend their time. In places of public accommodation, and goes even further to say that Marylanders cannot carry without explicit permission. This will lead to more Marylanders disarming and stowing their handguns in vehicles, leading to an uptick of stolen firearms, and more lives threatened to know the chances of a person carrying in a public space are slim to none.

Gun control broadly also roots itself in class warfare. Those who are wealthy have the ability to live in areas of low crime, and even hire private security or leverage the state to prioritize protection and patrols in the areas where they shop, work, live, and travel. Those who cannot afford such luxury often rely upon themselves and their community to protect against crime or targeted attacks. Currently, the state of Maryland requires all permit holders to take 2 days off, and 16 hours of training to become eligible for a concealed carry permit. Oftentimes these classes are on the weekend which those working in the service industry cannot take time off for. This also includes a substantial fee of not only the training, and fingerprinting, but the permit fee itself of $75.

Concealed carry permits allow victims of domestic violence who have restraining orders to protect themselves from their abuser. Disarming them in public spaces opens them up to being targeted in public spaces for reprisals. This is not just a theory, in 2017 a New Jersey woman by the name of Carol Bowne was stabbed to death by her ex-boyfriend when the New Jersey police failed to approve her permit in the 30-day time period. This happened when she was returning to her home, in her driveway. We cannot rely only on restraining orders to protect those who are threatened.

The Maryland chapter of the Socialist rifle association strongly urges you to vote no for this bill to reach the floor.

Senate Bill 1 and 118 Testimony.pdf
Uploaded by: James H Barnes Jr
Position: UNF

James H. Barnes, Jr.
28 Timbershed Court
Freeland, MD 21053-9790
(443) 564-0615

February 6, 2023

While I will not be present in Annapolis on Tuesday, February 7th for the hearing on Senate Bill 1, I wanted my voice heard in opposition to Senate Bill 1 and Senate Bill 118 – Wearing, Carrying, or Transporting Firearms Restrictions (Gun Safety Act of 2023), and any other similar legislation that may be introduced during this legislation session. I firmly believe that the members of the Maryland General Assembly should wisely concentrate their time and efforts toward the criminals who continue to use firearms in the commission of a crime which are either not registered and or stolen. These repeat offenders are the genesis of the crime problem affecting, not only Baltimore City, but the entire State of Maryland. Stricter laws and stricter enforcement of these laws should be the focus of the General Assembly in order to begin a reduction to the violence that we are experiencing. Persons in the State of Maryland who have successfully applied for and have received a valid wear and carry permit from the Maryland State Police have invested their time and money in firearm training. Additionally, they have gone through a background check including fingerprinting. Those with a valid wear and carry permit are not the people committing crimes with handguns and should not be restricted in legally carrying their firearm as represented in Senate Bill 1 and 118. Let’s focus on the real problem and that is the criminals who are illegally using firearms in the commission of crimes and not the people legally possessing a valid wear and carry permit in the State of Maryland.

Respectfully,

James H. Barnes, Jr.

James H. Barnes, Jr.

Position – Oppose SB 0001 Restrictions on conceal

Uploaded by: James Randisi

Position: UNF

Position – Oppose SB0001 Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023) Elections - In-Person Voting - Proof of Identity

Written Testimony:

Top Reasons for Our Right to Conceal Carry

- **To Protect Our Families**
- **We Don't Have Time to Wait for The Police**
- **We Can't Rely on Someone Else to Save Us**
- **Deterrence Against Injury by Violent Criminals**
- **Violent Criminals Are in Our Society**
- **We Gain the Tactical Advantage in Dangerous Situations**
- **It's Our Right under the Constitution and confirmed by the Supreme Court**

One of the most sacred duties we have is to protect our families. One of the most effective ways to protect our family is to obtain a concealed carry permit and carry concealed whenever possible. One never knows when criminals are going to strike, and we need to be prepared should a self-defense incident arise.

We Don't Have Time to Wait for The Police

Even under good conditions, when you call 911, it is going to take roughly 10 minutes for the police to respond. Even if the police were on the scene in half the average response time, we or a loved one could be seriously injured.

We Can't Rely on Someone Else to Save Us

Ultimately, we have to take responsibility for your own safety, and you cannot expect others, including the police, to come to your rescue. Your best course of action is to get a concealed carry permit and be prepared to defend yourself should it become necessary.

Deterrence

A significant benefit of concealed carry is that it is one of the most effective measures that states and municipalities can enact to deter and discourage violent crime. In a landmark study of FBI data completed by John R. Lott, Jr., Ph.D., (https://www.rand.org/research/gun-policy/analysis/concealed-carry/violent-crime.html)it was found that states with shall-issue concealed carry laws saw a reduction of at least 5% in the number of murders, rapes, and aggravated assaults committed. The logical conclusion here is that criminals are less likely to attack an individual when they know they could be carrying a firearm.

Violent Criminals Are Out There

The danger posed by criminals is ever present, and if you're caught unprepared you can wind up in serious trouble. According to statistics from the FBI, in 2019 there were more than 8,000,000 crimes that fell under either "violent crime" or "property crime." (https://mylegalheat.com/blog/top-10-reasons-more-people-should-conceal-carry/) If you have a concealed carry weapon, you have the tools needed to keep yourself from becoming a statistic.

You Gain the Tactical Advantage in Dangerous Situations

The entire point of carrying a concealed weapon is to gain a tactical advantage over potential threat actors. The benefit of carrying a concealed weapon gives you the ability to catch a criminal off guard. They might be cognizant that someone has a gun, but they won't know it's you until you make your move.

Because It's Our Right

Outside of protecting ourself and our family, the fact that you have a constitutional right to keep and bear arms is the best reason for carrying a concealed firearm. While there are situations where an individual forfeits their rights—such as by committing a felony— most Americans maintain the individual right to keep and bear arms in the interest of self-defense.

This was affirmed by the late Supreme Court Justice Antonin Scalia who delivered the majority opinion for the 2008 ruling on District of Columbia v. Heller. The majority decision held that "the inherent right of self-defense has been central to the Second Amendment right." We have a right to defend ourselves and our loved ones, and that is honestly all the reason we need to concealed carry.

Respectfully submitted,

James P. Randisi

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Towson MD 21204

Email address: jamesrandisi1@gmail.com

Phone 410.336.0287

Testimony SB0001.pdf
Uploaded by: James Schmidt
Position: UNF

My name is James Schmidt. I am 67 years old and have been a resident of Pasadena, Maryland for 62 years. I am a retired commissioned agent of the Internal Revenue Service, with 38 years of service. I am a strong proponent of the Second Amendment and the right of myself and other law-abiding citizens to keep and bear arms, as recently affirmed by our Supreme Court. I am strongly opposed to SB0001.

You know there is no statistical evidence that limiting where trained, law-abiding citizens who have gone through multiple background checks (HQL, firearm purchase, wear and carry permit) are allowed to carry firearms, will reduce crime.

You know that citizens trying to comply with this proposal will have to be constantly unholstering, handling and re-holstering their firearms in a confined space to leave them in cars while going into stores, restaurants, gas stations, etc. This will leave the guns more susceptible to theft by criminals.

You know that what you should be doing is getting criminals and illegal guns off the street, not criminalizing law abiding persons like myself for crossing some arbitrary boundary set by a bunch of left wing radicals just push their political agenda.

Furthermore, you know this will be challenged with multiple lawsuits and, in the end, you will lose anyway.

We don’t need to be in competition with New York, New Jersey and California. Let’s make the term “Free State” mean what it originally meant.

inbound5305000566072710349.pdf
Uploaded by: James Sciascia
Position: UNF

I can't understand how anyone would think that a legal gun owning/carrying citizen shouldn't be allowed to carry on or in any county, state property or anywhere in the country for that matter. The reason a citizen legally carries a firearm is to protect themselves and the innocent people around them. I'm sure that a high percentage of shootings in Md are done with illegal firearms, not a legal owning/ carrying citizen. Also, the politicians believe that for their safety they should be able to have security carry and protect them, but citizens can't. This just seems like another case of our government thinking that they are above the citizens they are elected into office to represent. Criminals will always have access to what they need to commit crimes, law abiding citizens should have the same opportunity to protect themselves, families and other

innocent people around them. I pray that I will never have to pull my firearm in any situation, but I feel better knowing that I have it in case. I think we should better equip our citizens with training and information rather than take rights away because it makes someone uncomfortable. As in everything that we do, the more we learn and understand, the better we are at whatever that task may be. If criminals knew that many citizens are trained and armed, maybe they would think twice before attempting a criminal activity. Prime example is the recent shooting that happened right by the Charles County Sheriff's Office in Laplata, could of been worse, but could of been avoided if the criminal had any respect for law/people around them. Make it harder on those that break the law. Things don't seem to be getting better in our area, so maybe a new

tactic should be used. It's not easy to obtain an HQL to purchase a regulated firearm or a wear and carry permit, but those willing to go through the process should be trusted citizens. Thank you for your time, God Bless

Shestak SB1 Testimony.pdf

Uploaded by: Jarrod Shestak

Position: UNF

SB1 Testimony
Jarrod Shestak
Tuesday, February 7, 2023

SB1 Testimony

Unconstitutionality of Concealed Carry Restrictions

Good afternoon everyone, my name is Jarrod from Baltimore City. I've recently been granted a concealed carry permit from the Maryland State Police and have since been lawfully carrying in the state. When I'm outside walking down the street or driving to another location, I am minding my own business and certainly not committing crimes. However, with SB1, I would be convicted of a misdemeanor for merely stepping foot out of my front door. There is not a single place around my home that is not affected by this law. This proposed law would effectively take the hundreds of dollars I've spent on training, fingerprinting, and photographs completely worthless. Now, as we know from the Supreme Court's decision in New York State Rifle and Pistol Association (NYSRPA) V Bruen, a state cannot simply make everywhere within in its borders a "sensitive place". The Supreme Court went on to say in Bruen that New York's law would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry arms for self-defense. So, this proposed legislation is in direct violation of that decision. This ruling is expanded upon from a recent ruling in New Jersey with regards to its legislation, A4769, in Siegel V. Platkin. The state of New Jersey made this proposed legislation in direct response to the Supreme Courts decision via NYSRPA V. Bruen. This legislation prohibited carry on private property unless specifically stated by the property owner, which is strikingly similar to this state's SB1. The result of this case was a Temporary Restraining Order (TRO) on the legislation granted by the District Judge and was also deemed as Unconstitutional as a direct violation of the Second Amendment.

This legislation was recently consolidated with another case, Koons V. Reynolds, in a District Court. After hearing both cases, the District Court stated that the State had to "refrain from acting urgently and to afford them more time to set forth the legal justifications for the

legislation" and that "defendants must do more than promise they will justify the constitutional basis for its legislation later". It goes on to say that it 'should have historical materials and analyses the state relied upon when it began its legislative response to Bruen." The Supreme Court was clear that in order for any gun control legislation to pass Constitutional muster under the Second Amendment, such legislation must be consistent with historical tradition. The State of Maryland has had 8 months since Bruen to identify well-established and representative historical analogs. Where are Maryland's justifications?

An expansion to the TRO brought forth from the Siegel and Koons cases, the District Court of NJ stated that the State shall not have restrictions on carry at parks, beaches, and recreational facilities, public libraries and museums, bars, restaurants, or other places where alcohol is served, entertainment facilities, casinos, private property, and finally, carrying functional firearms in vehicles. SB1 is effectively trying to do just that. This is an overt attempt to go against this ruling, and also seems to be working with special interest groups like the ones being represented here. The Bruen Court expressly stated that "the government may not simply posit that the regulation promotes an important interest" in the Second Amendment context. Instead, the government must demonstrate regulation is consistent with this Nation's historical tradition of firearm regulation. Now, I'm sure everyone here is aware, you may disagree with the Bruen decision, but you must not disobey it.

If this passes, lawsuits will be filed and the State will undoubtedly lose them. The catch-all carry ban is Unconstitutional on its face. Asking for permission from everyone, every time has been struck down in court. Private property owners have always been able to deny access to people, but then to say that we as law-abiding citizens have to ask permission or have the owner give you permission every time, is not what the law has historically required. If public safety truly is your concern, going after non-violent, law-abiding citizens for exercising their God-given rights is not exactly the best starting point. I highly suggest we look at alternative (and better) avenues to protect the citizenry. Thank you for your time.

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Uploaded by: Jason du Pont
Position: UNF

February 6th, 2023

Dear members of the Maryland General Assembly

I am writing to inform you that I OPPOSE the following bills;

-SB0001 (Gun Safety Act of 2023)
-SB0086 (Raise the Age Act of 2023)
-SB0013 (Gun Industry Accountability Act of (2023)

These bills violate the 2nd Amendment rights of Maryland citizens based on the ruling in the US Supreme Court of NY VS BRUEN. In regards to SB0001, individuals carrying firearms that have been issued permits, CANNOT be restricted by "sensitive areas", based on the recent New Jersey's Judge's ruling in the KENDRICK VS PLATKIN case.

I am a MD Wear-and-Carry permit holder. I have submitted to photos, fingerprints, state and federal background checks, provided references and completed the required training. I have also paid hundreds of dollars in fees related to the process mentioned above. I have also spent thousands on a new firearm, holsters, ammunition and additional training to become proficient to safely carry a firearm.

SB0001 will render my permit to carry useless, and will have WRONGFULLY taxed me of money under false pretenses. I have been vetted by the aforementioned process and paid my money, and have no recourse for a refund.

The 2nd Amendment shall not be infringed!

Sincerely,

Jason du Pont
13419 Blenfield Rd
Phoenix,

Etters_Jason_Oppostion_SB0001_07FEB2023.pdf
Uploaded by: Jason Etters
Position: UNF

"Opposition to SB-0001"

As I drive around Annapolis, I've noticed a lot of construction to our state roads and buildings. I'm no expert in major construction, but I'm sure a lot of studies went into the design and safety of the desired finished product. I'm confident that these studies took months and possibly years of data collection and public input to support the changes that were needed. If there was a dangerous stretch of any state or local road that led to an increase in accidents or fatalities, numerous traffic studies would be completed in an effort to find the root cause of the unsafe conditions. This data would then be used to formulate and justify the new safety measures required and what laws would be needed to minimize future accidents.

My question for the General Assembly, "What studies or surveys were conducted to support the need for SB-0001, The Gun Safety Act of 2023?" If the goal of the bill is to make things safer for Maryland residents, is there overwhelming evidence that such a bill is needed? A major aspect of this bill is to prohibit legal gun owners with legal concealed carry permits, who were thoroughly vetted by the Maryland State Police, from exercising their Constitutional rights in public places. Do we have police records that reflect violent crimes have been committed by legal concealed weapon carriers? Since the results of the Supreme Court Case "*New York State Rifle and Pistol Association v. Bruen*", have police records shown irresponsible or reckless behavior from legal gun owners in public places, between July 2022 and January 2023? To my knowledge, there have been no 'wild, wild, west situations' that were feared when former Governor Hogan complied with the Supreme Court decision and lifted the state restrictions on concealed carry permits. I'm not able to read all public reports from all county police departments, but I've kept an eye on the Anne Arundel County reports. To date, I'm aware of one concealed carry incident at the Westfield Mall of Annapolis in October of 2022. Two armed men attempted to carjack a shopper, as per the police report, (quote) "A man was getting into his SUV when two men armed with handguns approached. The victim drew a legally owned, legally possessed and licensed handgun to defend himself. The assailants fired three shots, but the victim was not struck. The victim, who is licensed to carry a handgun, did not fire his weapon. The suspects fled in a silver sedan." (end quote) Here is a situation where the licensed, legal gun owner never fired his weapon, yet he survived and kept himself safe and possibly alive. Nearly all other police reports that involve gun violence are indicative of suspects who aren't legal gun owners nor have legal carry permits. Criminals don't follow our existing laws. They aren't fingerprinted, undergo extensive background checks, complete the seven-day waiting period, or attend required firearm safety classes. Everywhere around the country, including Maryland, those who support gun control always call for 'background checks, fingerprints, waiting periods, and safety training'. Here in Maryland, those exact requirements are completed before anyone can get their HQL and wear and carry permits. Our State Senator, Mr. Waldstreicher, who authored this bill, was quoted by Jennifer Gable of the Capital News Service dated January 31st, as saying (quote) "The Bruen decision gets rid of Maryland's 'good and substantial' requirements in order to own and possess a handgun, by eliminating that requirement, now anyone can get a gun and bring it anywhere. That is unacceptable and creates a tremendous danger in our state." (end quote). This statement is false. Can anyone get a gun and bring it anywhere? No, not legally. All HQL requirements have to be met prior to

purchase, rent, or receipt of a handgun (As of 01 OCT 2013). The HQL process is led by our own Maryland State Police (MSP). To say MSP are giving out HQLs and carry permits without meeting the letter of the law is a false reflection of the laws they are sworn to uphold.

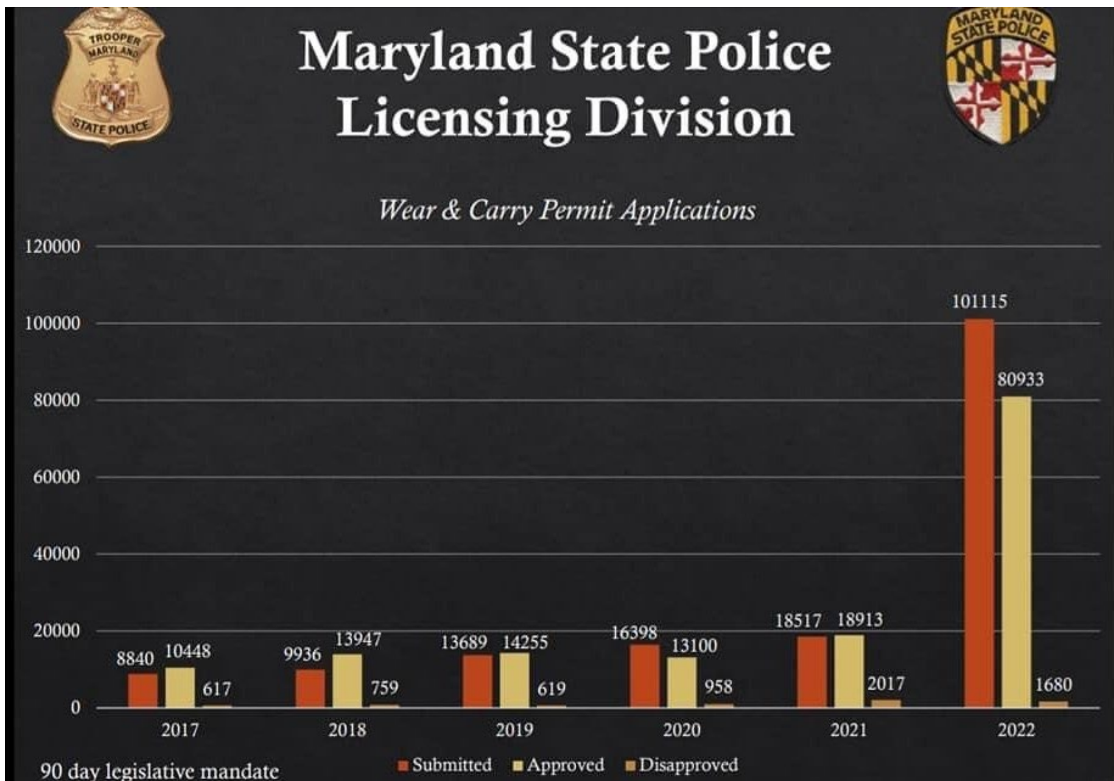
As per MSP records, between June 2022 and December 2022, more than 80,000 permits have been approved across the state. There are now more legal gun owners and concealed carry permit holders than any other time in state history. Most people are unaware of who is carrying concealed and that's the point. They can be at the mall, a restaurant, the movies, or any other public accommodation. Are they causing havoc or mayhem? No. Do we see wild, wild, west situations in our cities? No. If gun carrying criminals know that armed citizens and/or police officers are present in an area, will they reconsider their attack? Will they think twice before attacking a food court, if there's high probability of armed citizens present?

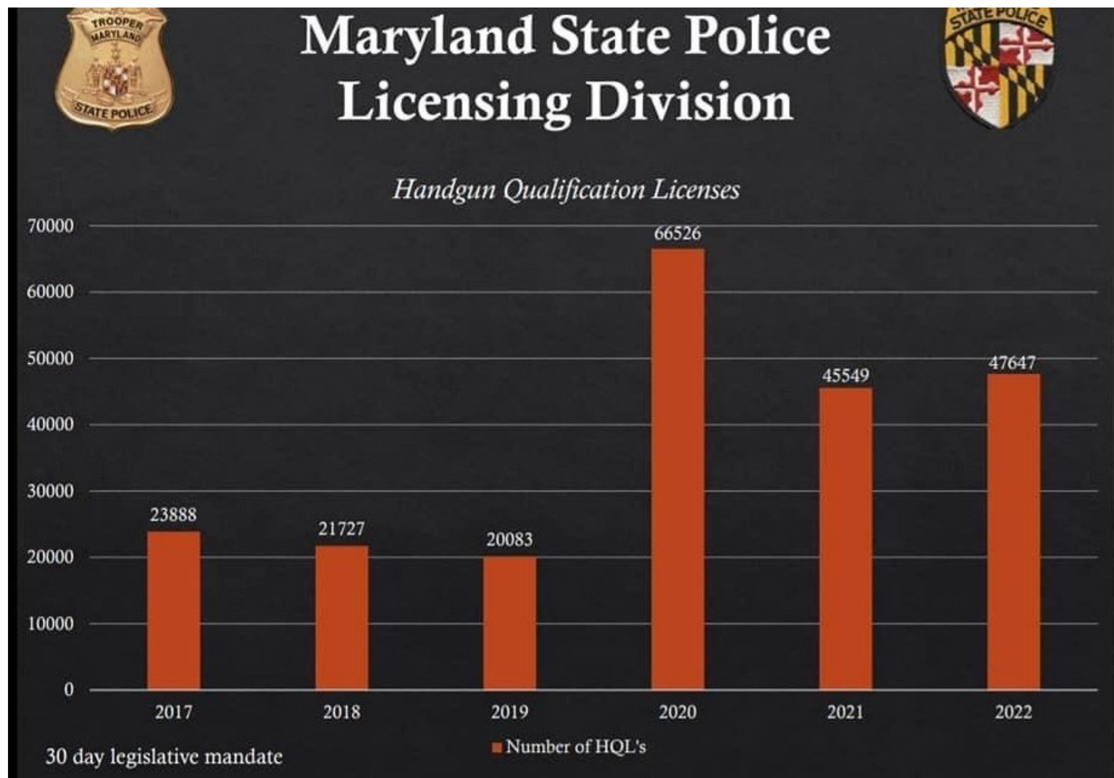
As written, SB-0001, will provide a roadmap for criminals to know that legal gun owners are not armed in the areas they wish to exploit. They will know they have the average 9-1-1 response time to commit their heinous acts and flee the scene. Why would we have laws that benefit criminals? Nothing in SB-0001 prevents crime, it only prevents legal gun owners from protecting themselves and others in public places. This bill is reactive in nature as it gives lawyers additional charges to levy after a crime has been committed and suspects are charged. It does nothing on the front end to curtail crime. If this bill is to reduce criminal action, then an exemption for legal, concealed carry permit holders must be written into the bill. Otherwise, this bill appears to target legal gun owners who have completed their required background checks and training and were cleared by the Maryland State Police. Do we want to thumb our noses at the Maryland State Police? Does this bill imply their diligent work can't be trusted?

I was recently asked, "why do you feel the need to conceal carry everywhere you go?" My response is simple, "to protect myself, my family, and others from those who have no respect for human life. And yes, the others that I will protect could be the same residents who don't like guns and feel that my gun should be kept at home."

This bill, SB-0001, essentially tells us we can only possess our firearms while at home. The last time I read the Constitution, our rights don't end at our property lines. They are meant to exist in the public domain. Does the First Amendment only apply when we're at home? Does our Constitutional protection against unlawful search and seizure not exist while walking the public streets of Maryland? This new bill implies that you forfeit your Constitutional Rights at your doorstep. As a proud American, veteran, and resident of this state, I take my rights seriously and I hope everyone else does, too. If one right is permitted to be watered-down or taken away, it's only a matter of time until others will follow.

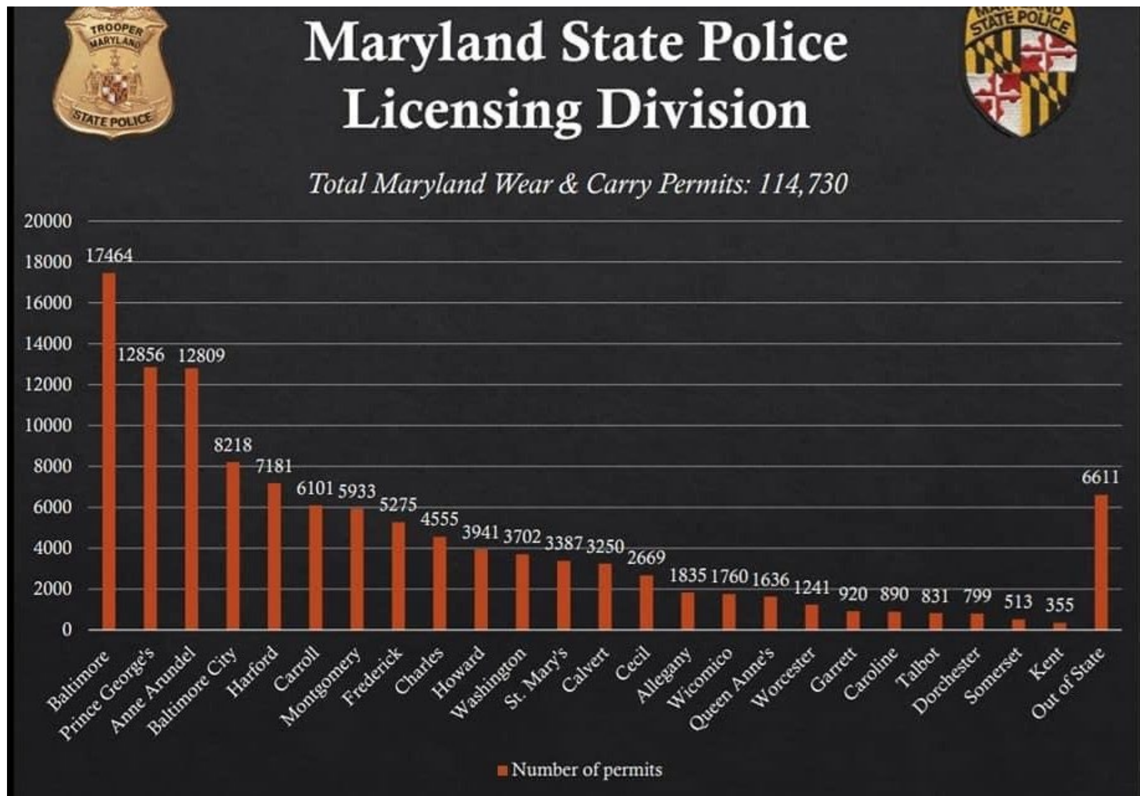
Maryland State Police statics show that our residents want to exercise their Second Amendment Rights that have been restored to them. In 2022, the MSP had successfully disapproved nearly 1700 applications due to failed background checks or other parameters. Gun control advocates should applaud the work of the MSP as they work tirelessly to keep our state and residents safe.

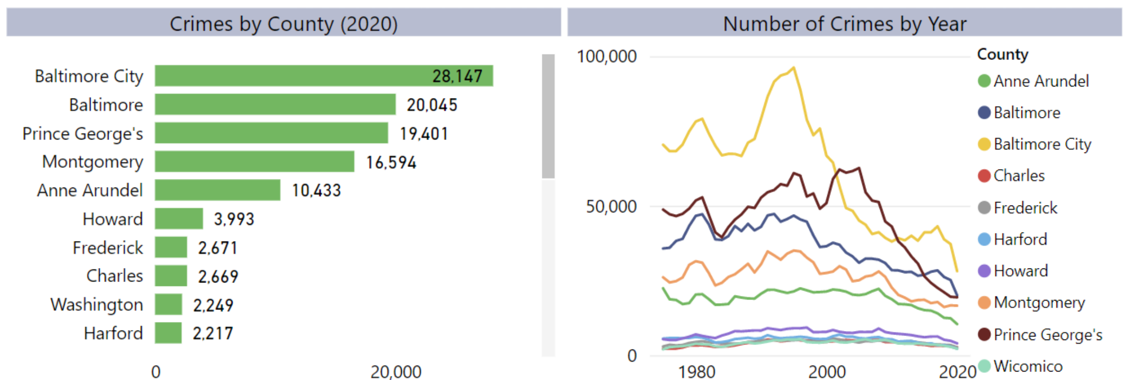




Looking at county-by-county crime for 2020 and comparing the wear & carry permits issued, our Maryland residents can clearly justify the need for personal protection. However, as

reported in the SCOTUS decision, we shouldn't have to justify the need to exercise a Constitutional Right that already exists.





Ref: http://goccp.maryland.gov/crime-statistics/

Thank you for this time to address the General Assembly. Healthy, meaningful debate that is backed by facts and statistics, will help our state and our country grow stronger.

Sincerely,

Jason Etters
481 Penwood Dr., Edgewater MD, 21037 Email: jasonetters@yahoo.com

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Uploaded by: Jason Loughrey
Position: UNF

SB0001-

Jason Loughrey (Anne Arundel County) – Position UNFAVORABLE.

100% against restricting law-abiding citizens from wear and carry as it pertains to the specific restrictions detailed in SB0001. There is no way to view these proposed restrictions other than one that purposely tries to circumvent the results of the US Supreme Court's ruling that these states violate the 14th Amendment by requiring a special need to issue a wear and carry permit. The proposed SB0001 restricts law-abiding citizens from carrying a weapon who have a permit, the same individuals who have taken the time to get trained, background checked and fingerprinted and paid the licensing fees for all of those things just to legally carry a weapon. By putting these restrictions in place, law abiding citizens will be the same as the criminals who do not follow gun laws to begin with. These new rules will not do anything to prevent gun violence but do encourage it by criminals who know no one has a gun like they do.

Judiciary Senate Bill 0001 MY Testimony.pdf
Uploaded by: Jean Benhoff
Position: UNF

Bill: **SB001** Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)
Sponsor: **Senator Waldstreicher**
Position: **OPPOSED**

Dear Judiciary Committee,

“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."

Under this bill only the gangs, thieves and criminals would have guns. You can not regulate those who on a daily basis plan and commit crimes. Thus, honor the US Constitution. Save American and SAVE MARYLAND!

As simply stated in the US Constitution quoted above. This SENATE BILL 0001 DOES NOT HONOR the Constitution of our great United States.

Thus, all of you in Annapolis are strongly urged to honor your Oath of Office when you accepted your position in MD Government and vote: OPPOSED!

Respectfully,
Jean Benhoff
I vote in Maryland and
Baltimore County

Adamson SB01 Testimony 2023.pdf
Uploaded by: Jeff Adamson
Position: UNF

Jeffrey Adamson
SB-01 Oppose
Judicial Proceedings Committee

Members of the Judicial Proceedings Committee,

My Testimony is in **Opposition of SB-01**. SB-01 is clearly aimed at keeping Maryland wear and carry permit holders from caring in public. It flies in the face of Shall Issue permitting, by creating a de facto ban on carrying a concealed firearm in public.

A firearm mind you that is being born by an individual that has been thoroughly investigated by both the state and federal law enforcement through in-depth background checks, submitted to finger printing, and completed the state mandated training regiment.

This bill creates a patchwork (please read mind field) of law and regulation that does nothing but take a normal everyday person and could and would turn them into a criminal. By walking down the street, going to the store or staying in a hotel during a road trip. I urge the committee to please keep in-mind, people applying and receiving maryland wear and carry permits are, people from all walks of life, job titles, they are our neighbors, involved members of our communities, and your constituencies.

This bill does not target criminals, in fact it aims to create them, I urge the committee for an unfadable report on bill SB-01

Jeffrey Adamson

1468 Blue Mount Rd

Monkton Md 21111

adamsonvideo@gmail.com

Jesse Ferguson - SB001.pdf

Uploaded by: Jesse Ferguson

Position: UNF

I urge an unfavorable report on [Senate bill 1 (https://mgaleg.maryland.gov/2023RS/bills/sb/sb0001F.pdf)](https://mgaleg.maryland.gov/2023RS/bills/sb/sb0001F.pdf).

This bill has no chance of passing Constitutional muster and essentially ignores the [NYSR&PA v. Bruen decision by the Supreme Court of the U.S (https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf)](https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf).

Specifically, the statement from Justice Thomas regarding “sensitive places”:

“...expanding the category of “sensitive places” simply to all places of public congregation that are not isolated from law enforcement defines the category of “sensitive places” far too broadly.”

The full passage of the decision pertaining to “sensitive places” can be found on [pages 27 and 28 of the ruling (https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf)](https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf), which I include below:

> Consider, for example, Heller’s discussion of “longstanding” “laws forbidding the carrying of firearms in sensitive places such as schools and government buildings.” 554 U. S., at 626. Although the historical record yields relatively few 18th- and 19th-century “sensitive places” where weapons were altogether prohibited—e.g., legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions. See D. Kopel & J. Greenlee, The “Sensitive Places” Doctrine, 13 Charleston L. Rev. 205, 229–236, 244– 247 (2018); see also Brief for Independent Institute as Amicus Curiae 11–17. We therefore can assume it settled that these locations were “sensitive places” where arms carrying could be prohibited consistent with the Second Amendment. And courts can use analogies to those historical regulations of “sensitive places” to determine that modern regulations prohibiting the carry of firearms in new and analogous sensitive places are constitutionally permissible. Although we have no occasion to comprehensively define “sensitive places” in this case, we do think respondents err in their attempt to characterize New York’s proper-cause requirement as a “sensitive-place” law. In their view, “sensitive places” where the government may lawfully disarm law-abiding citizens include all “places where people typically congregate and where law-enforcement and other public-safety professionals are presumptively available.” Brief for Respondents 34. It is true that people sometimes congregate in “sensitive places,” and it is likewise true that law enforcement professionals are usually presumptively available in those locations. But expanding the category of “sensitive places” simply to all places of public congregation that are not isolated from law enforcement defines the category of “sensitive places” far too broadly. Respondents’ argument would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry arms for self-defense that we discuss in detail below. See Part III–B, infra. Put simply, there is no historical basis for New York to effectively declare the island of Manhattan a “sensitive place” simply because it is crowded and protected generally by the New York City Police Department.

Again, I urge you to recognize the unconstitutionality of SB001 and provide an unfavorable review accordingly.

Jesse Ferguson
Federalsburg, MD

SB0001 Written Testimony.pdf
Uploaded by: Jesse Peed
Position: UNF

Jesse A. Peed
12302 Van Brady Rd
Upper Marlboro, MD 20772
240-417-9808

February 6, 2023

The Honorable Senator William C. Smith Jr., Chairman and
Members of the Judicial Proceedings Committee
Maryland Senate
Annapolis, Maryland

Dear Chairman Smith and Members,

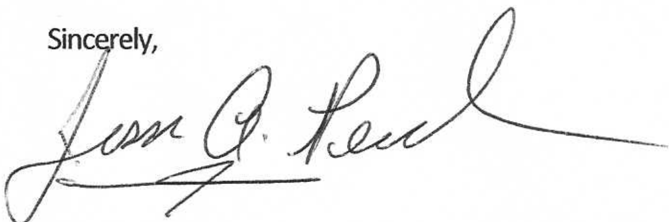
RE: – Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023) –

This bill will punish law abiding citizens while doing nothing to deter criminals. Obviously, criminals do not care about the law. Shouldn't we be targeting criminals and their use of firearms? Citizens with concealed carry permits have gone through rigorous training in gun safety and relevant laws. They register their firearms. They have met the high standards required to receive the government's approval to carry a firearm.

SB0001 would also infringe on Second Amendment rights. The Supreme Court has ruled in support of Second Amendment rights, affirming that an individual is not constrained to defend himself/herself only in the home, but can do so outside the home as well without having to prove a "proper cause" such as a prior threat to their safety. Enacting a law like SB0001 that essentially keeps people from defending themselves outside the home, especially in high crime areas, is in direct conflict with our Second Amendment rights.

For these reasons, please give **SB0001** an **UNFAVORABLE** report.

Sincerely,



Jesse A. Peed

United States Constitution 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."

sb0001F(1).pdf
Uploaded by: John Finnessy
Position: UNF

SENATE BILL 1

E1, E4 3lr0330

(PRE–FILED)

By: **Senators Waldstreicher and Lee**
Requested: August 16, 2022
Introduced and read first time: January 11, 2023
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions**
3 **(Gun Safety Act of 2023)**

4 FOR the purpose of prohibiting a person from knowingly wearing, carrying, or transporting
5 a firearm onto the real property of another unless the other has given certain
6 permission; prohibiting a person from knowingly wearing, carrying, or transporting
7 a firearm within a certain distance of a certain place of public accommodation; and
8 generally relating to restrictions on wearing, carrying, or transporting firearms.

9 BY adding to
10 Article – Criminal Law
11 Section 4–111 and 4–112
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – State Government
16 Section 20–301
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2022 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Criminal Law**

22 **4–111.**

23 **(A) IN THIS SECTION, "FIREARM" HAS THE MEANING STATED IN § 4–104 OF**

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

1 **THIS SUBTITLE.**

2 **(B) THIS SECTION DOES NOT APPLY TO:**

3 **(1) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON**
4 **A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT–OF–WAY, A**
5 **SERVITUDE, OR ANY OTHER INTEREST THAT ALLOWS PUBLIC ACCESS ON OR**
6 **THROUGH THE REAL PROPERTY;**

7 **(2) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON**
8 **A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT–OF–WAY, A**
9 **SERVITUDE, OR ANY OTHER INTEREST ALLOWING ACCESS ON OR THROUGH THE**
10 **REAL PROPERTY BY:**

11 **(I) THE HOLDER OF THE EASEMENT, RIGHT–OF–WAY,**
12 **SERVITUDE, OR OTHER INTEREST; OR**

13 **(II) A GUEST OR ASSIGNEE OF THE HOLDER OF THE EASEMENT,**
14 **RIGHT–OF–WAY, SERVITUDE, OR OTHER INTEREST; OR**

15 **(3) PROPERTY OWNED BY THE STATE OR A POLITICAL SUBDIVISION**
16 **OF THE STATE.**

17 **(C) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A**
18 **FIREARM ONTO THE REAL PROPERTY OF ANOTHER UNLESS THE OTHER HAS GIVEN**
19 **EXPRESS PERMISSION, EITHER TO THE PERSON OR TO THE PUBLIC GENERALLY, TO**
20 **WEAR, CARRY, OR TRANSPORT A FIREARM ON THE REAL PROPERTY.**

21 **(D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY**
22 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
23 **EXCEEDING 1 YEAR.**

24 **4–112.**

25 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
26 **INDICATED.**

27 **(2) "FIREARM" HAS THE MEANING STATED IN § 4–104 OF THIS**
28 **SUBTITLE.**

29 **(3) "PLACE OF PUBLIC ACCOMMODATION" HAS THE MEANING**
30 **STATED IN § 20–301 OF THE STATE GOVERNMENT ARTICLE.**

1 **(B) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A**
2 **FIREARM WITHIN 100 FEET OF A PLACE OF PUBLIC ACCOMMODATION.**

3 **(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY**
4 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
5 **EXCEEDING 1 YEAR.**

6 **Article – State Government**

7 20–301.

8 In this subtitle, "place of public accommodation" means:

9 (1) an inn, hotel, motel, or other establishment that provides lodging to
10 transient guests;

11 (2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or
12 other facility principally engaged in selling food or alcoholic beverages for consumption on
13 or off the premises, including a facility located on the premises of a retail establishment or
14 gasoline station;

15 (3) a motion picture house, theater, concert hall, sports arena, stadium, or
16 other place of exhibition or entertainment;

17 (4) a retail establishment that:

18 (i) is operated by a public or private entity; and

19 (ii) offers goods, services, entertainment, recreation, or
20 transportation; or

21 (5) an establishment:

22 (i) 1. that is physically located within the premises of any other
23 establishment covered by this subtitle; or

24 2. within the premises of which any other establishment
25 covered by this subtitle is physically located; and

26 (ii) that holds itself out as serving patrons of the covered
27 establishment.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2023.

My Oposition to MD Senate Bills.pdf
Uploaded by: JOHN GUNDLING
Position: UNF

MY OPPOSITION TO SB0001, SB0118

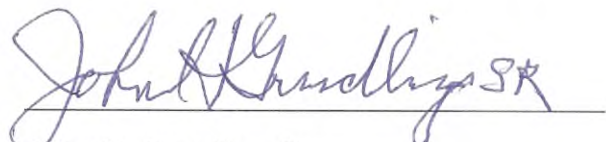
February 6, 2023

My first objection to SB0001 & SB0118 is that the current system of law abiding citizens, fully vetted by the Maryland State Police, and put through at least 16 hours of deliberate, rigorous training, before they are accepted as wear and carry permit holders is <u>Now</u> called into question by the presumption these bills represent that these MSP certified citizens of Maryland represent a Clear and Present Danger to Public Safety in our beloved State. Where are the statistics that reflect this presumption of guilt before innocence?

Even more curious for me is what might these bills, if enacted be leading to? Well, I can look back on history and find a common practice in colonial America where the homes of political opponents were broken into under the rule of the despot of that time: King George. The use of general warrants and writs of assistance by the crown interfering with personal autonomy, freedom, and civil rights was not only pervasive but so universally despised that the founding fathers saw fit to ensure The US constitution expressly forbids such practices. The first ten amendments bear witness to that fact. Under these Senate bills Such despicable practices may return!

Wait a minute! Maybe they're already enacted. In today's terminology Extreme Risk Protection Orders, by expedited, Ex-Parte adjudication, known as "Red-Flag Laws" are currently promulgated law in Maryland. There have been at least three instances I'm aware of where Maryland citizens were killed in their homes whether they put up resistance to the weapons confiscation, or not.

I think these bills paves the way for the road to serfdom, subjugation, and abrogation all inalienable constitutional rights citizens of Maryland currently have. Moreover, these bills set up law abiding citizens as enemies of the state, to be disposed of in order to guarantee and enhance public safety at their expense.



John H. Gundling Sr.
Hagerstown, MD 21742

Testimony 1 SB0001.pdf
Uploaded by: John Heydt
Position: UNF

Testimony for SB0001

John Heydt

11713 Kingtop Drive

Kingsville, MD 21087

My Name is John Heydt and I am a resident of Baltimore County. I am having a difficult time understanding why some elected officials are trying to restrict law abiding citizens, specifically gun owners and those with a carry permit, from exercising their rights.

I am an NRA instructor that has been certified by the state to offer classes to qualified persons that want to be trained and educated to be able to wear and carry a gun for protection.

It has been my experience that all of the students take this very seriously

I have seen no evidence that carry permit holders cause any problems.

For years the Legislature has denied us our 2nd amendment right and now some of you want to restrict us again.

I vote but I do not vote for people that want to take my rights away.

Thank you for your time.

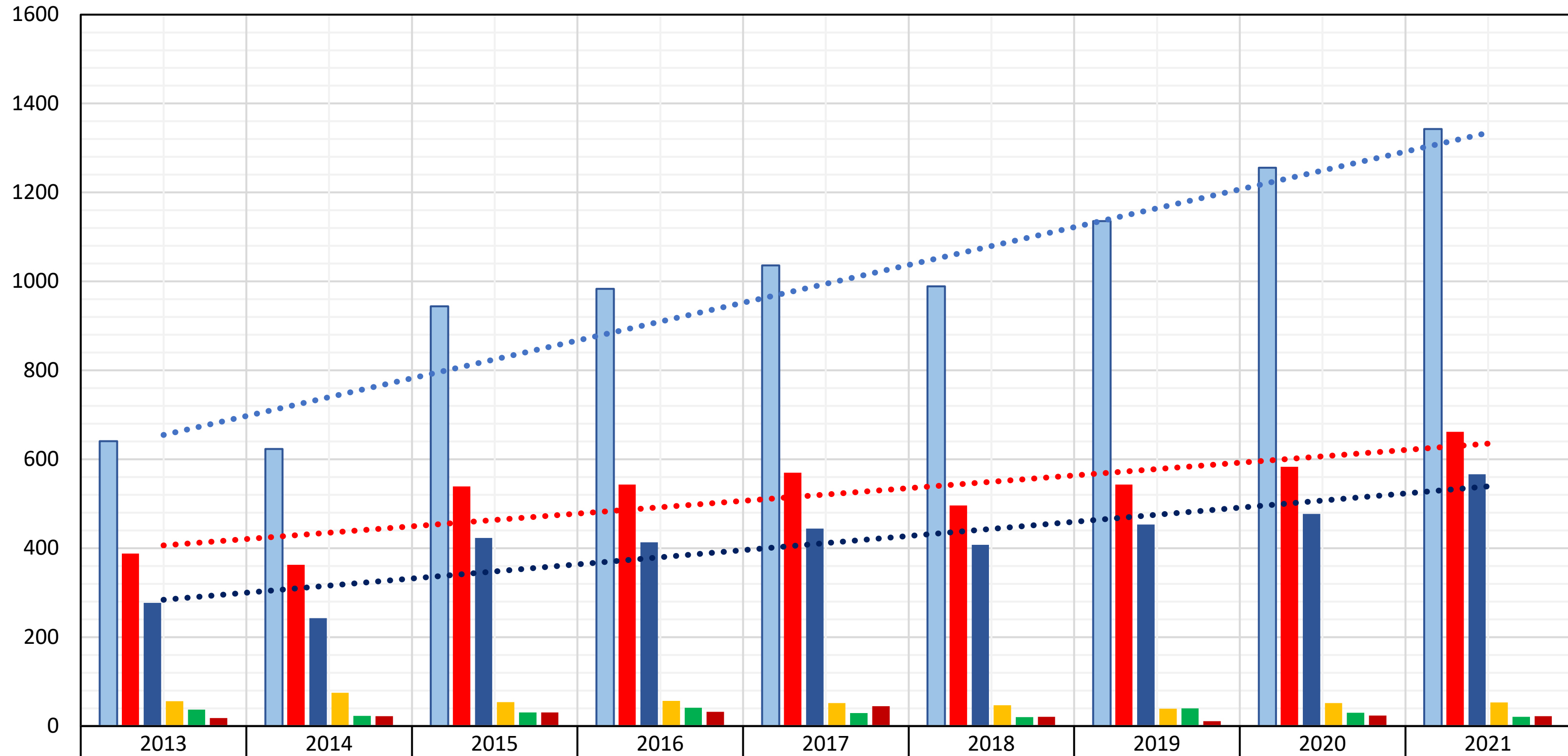
02-07-2023_Attachments.pdf
Uploaded by: John Josselyn
Position: UNF

2A Maryland - Maryland Gun Laws 1988-2022

Session	Bill Number	Bill Title
1988	HB1131	Handguns - Prohibition of Manufacture and Sale (Saturday Night Special Ban)
1989	SB0531	Firearms - Assault Weapons
1992	SB0043	Firearms - Access by Minors
1993	SB0330	Gun Shows - Sale, Trade or Transfer of Regulated Firearms
1994	HB0595?	Storehouse Breaking - Penalty
1994	SB0619	Assault Pistol Ban
1996	HB0297	Maryland Gun Violence Act of 1996
1996	HB1254	Education - Expulsion for Bringing a Firearm onto School Property
1999	HB0907	School Safety Act of 1999
2000	SB0211	Responsible Gun Safety Act of 2000
2001	HB0305	Bulletproof Body Armor - Prohibitions
2002	HB1272	Criminal Justice Information System - Criminal History Records Check
2009	HB0296	Family Law - Protective Orders - Surrender of Firearms
2009	HB0302	Family Law - Tempory Protective Orders - Surrender of Firearms
2011	HB0241	Criminal Law - Restrictions Against Use and Possession of Firearms
2011	HB0519	Firearms - Violation of Specified Prohibitions - Ammunition and Penalty
2012	HB0209	Public Safety - Possession of Firearms - Crimes Committed in Other States
2012	HB0618	Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms
2013	SB0281	Firearms Safety Act of 2013
2018	HB1029	Criminal Law - Wearing, Carrying or Transporting Loaded Handgun - Subsequent Offender
2018	HB1302	Public Safety - Extreme Risk Protective Orders
2018	HB1646	Criminal Procedure - Firearms Transfer
2018	SB0707	Criminal Law - Firearm Crimes - Rapid Fire Trigger Activators
2019	SB0346	Public Safety - Regulated Firearms - Prohibition of Loans
2020	HB1629	Office of the Attorney General - Firearm Crime, Injuries, Fatalities, and Crime Firearms - Study
2021	HB1186	Office of the Attorney General - Firearm Crime, Injuries, Fatalities, and Crime Firearms - Study Extension
2022	HB0425	Public Safety - Untraceable Firearms (SB0387)
2022	HB1021	Public Safety – Licensed Firearms Dealers – Security Requirements

2A Maryland - SB 1, SB 86, SB 113, SB 159

2A Maryland



	2013	2014	2015	2016	2017	2018	2019	2020	2021
Non-fatal shooting	641	623	944	983	1036	989	1136	1256	1343
Total Homicides	388	363	539	543	570	496	543	583	662
Fatal Shooting	277	243	423	413	444	408	453	477	566
Stabbing	56	75	54	57	52	47	39	52	53
Assault	37	23	31	41	29	20	40	30	21
Other	18	22	31	32	45	21	11	24	22

2A MARYLAND
Homicide Victim / Offender Demographics
Data Source: Maryland UCR 2011-2020

Victim - Race	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
White	68	68	69	71	96	85	102	75	88	97
Black	322	301	318	283	449	446	457	402	451	472
Asian	5	3	0	5	4	2	9	5	3	3
American Indian	0	0	0	2	0	0	0	1	0	1
Unknown	3	0	0	2	4	1	1	6	1	0
Total	398	372	387	363	553	534	569	489	543	573
Per Capita Rate	6.8	6.3	6.5	6.1	9.2	8.9	9.4	8.1	9.0	9.5

Victim - Race	2011-2020 Total	Yearly Avg - 10 Years	Ratio to White
White	819	82	1.00
Black	3901	390	4.76
Asian	39	4	0.05
American Indian	4	0	0.00
Unknown	18	2	0.02
Total	4781	478	
Per Capita Rate		7.98	

Offender - Race	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
White	65	44	50	74	85	64	79	58	71	56
Black	258	271	260	186	242	190	305	266	268	310
Asian	1	0	2	2	2	6	2	2	1	2
American Indian	0	0	0	0	0	0	0	1	0	3
Unknown	164	159	158	159	321	339	288	224	285	282
Total	488	474	470	421	650	599	674	551	625	653

Offender - Race	2011-2020 Total	Yearly Average - 10 Years	Ratio to White
White	646	65	1.00
Black	2556	256	3.96
Asian	20	2	0.03
American Indian	4	0	0.01
Unknown	2379	238	3.68
Total	5605	561	

Victim Age Range	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Under 18	32	21	26	30	43	27	43	27	29	30
18-21	57	65	65	40	69	81	64	52	79	89
22-29	130	104	115	110	184	179	194	157	172	165
30 and over	179	182	181	183	257	244	266	251	262	290
Unknown	0	0	0	0	0	3	2	2	2	1

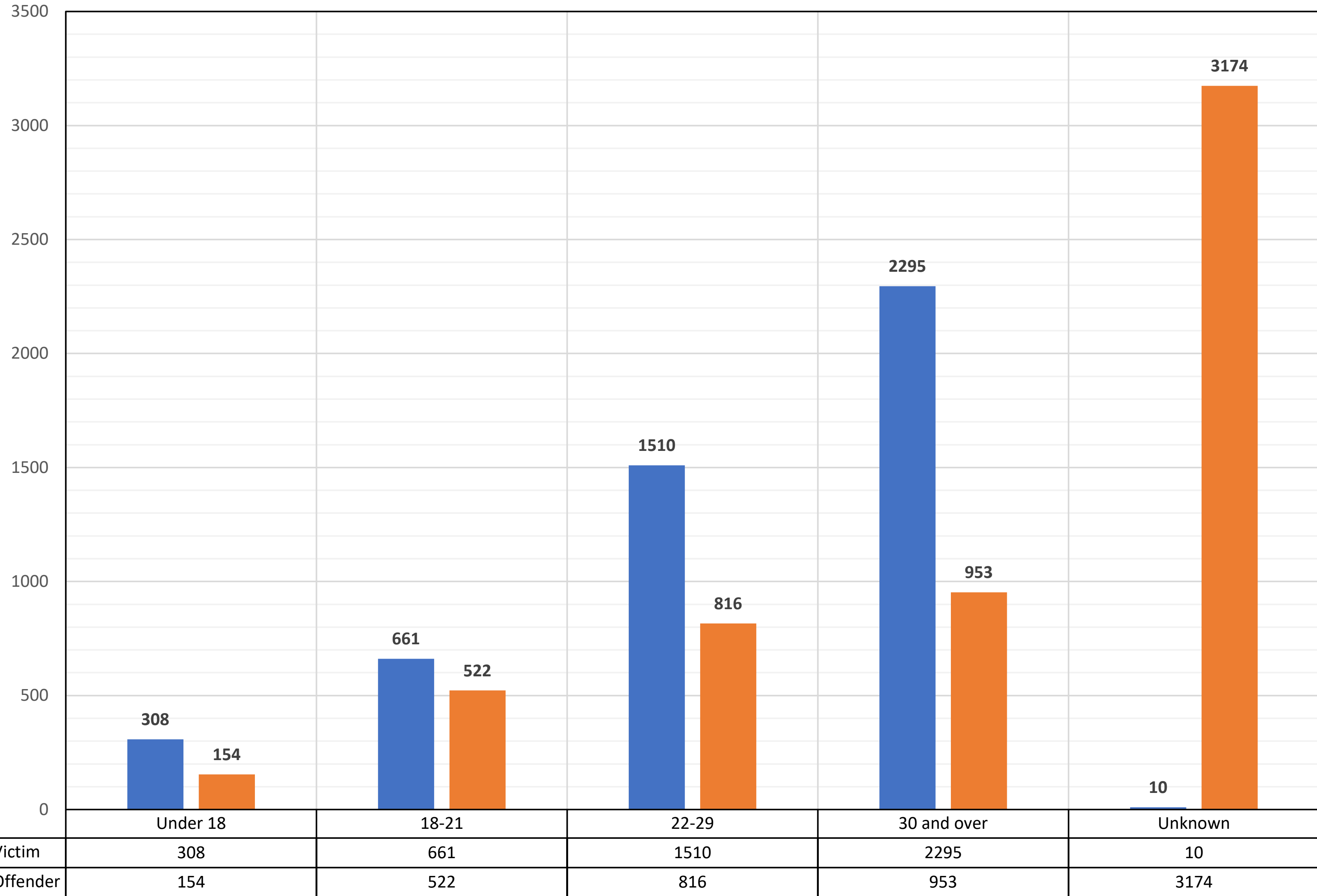
Victim Age Range	2011-2020 Total	Yearly Average - 10 Years
Under 18	308	31
18-21	661	66
22-29	1510	151
30 and over	2295	230
Unknown	10	1

Offender Age Range	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Under 18	12	15	10	16	16	16	17	20	14	18
18-21	56	57	57	38	53	55	64	41	48	53
22-29	81	70	69	76	100	90	102	64	81	83
30 and over	99	72	83	97	103	91	107	99	91	111
Unknown	240	260	251	194	378	347	384	327	394	399

Offender Age Range	2011-2020 Total	Yearly Average - 10 Years
Under 18	154	15
18-21	522	52
22-29	816	82
30 and over	953	95
Unknown	3174	317

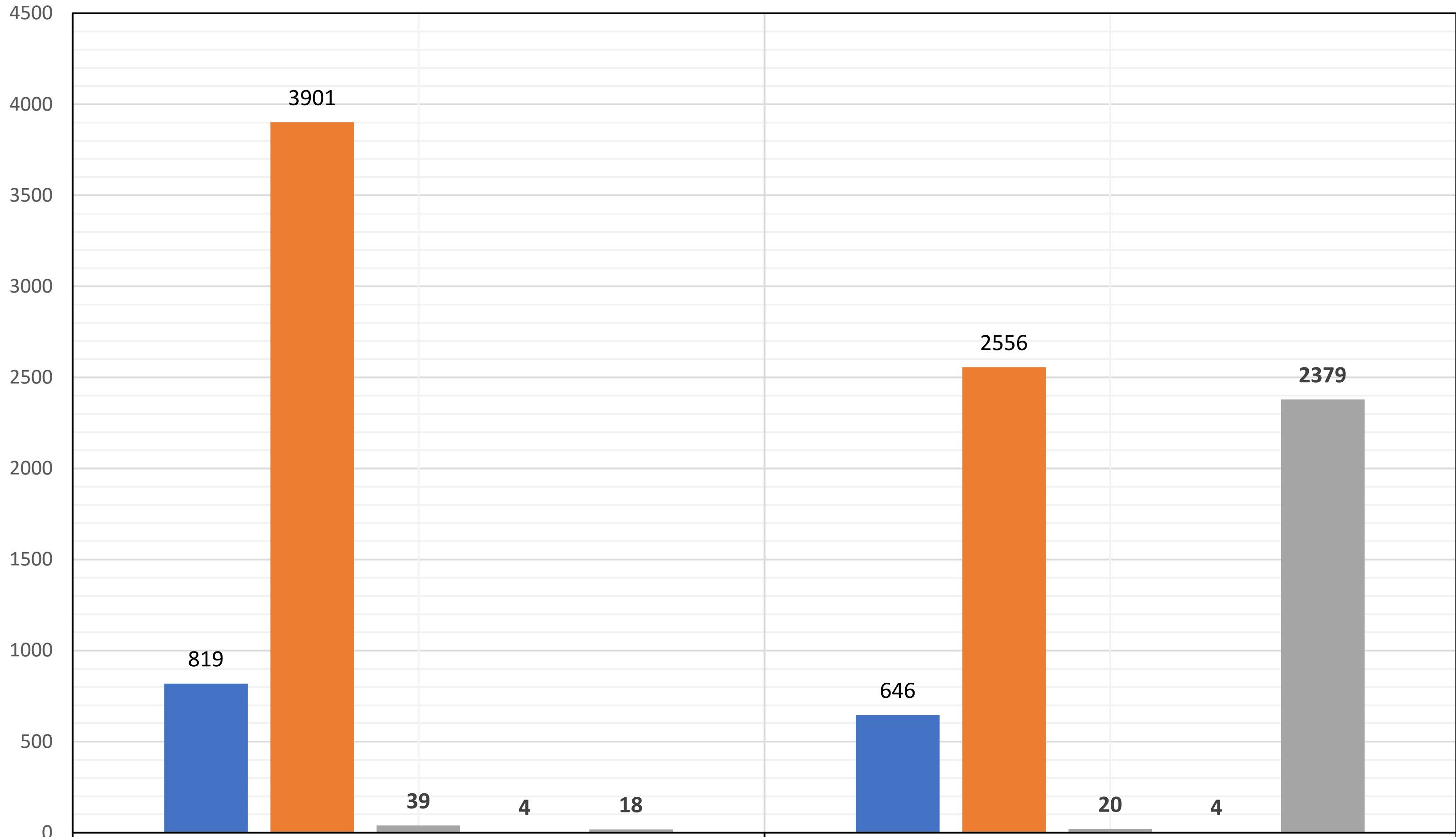
Population	Percent
White	55.54%
Black	29.89%
Asian	6.28%
American Indian	0.28%

2A Maryland - SB 1, SB 86, SB 113, SB 159



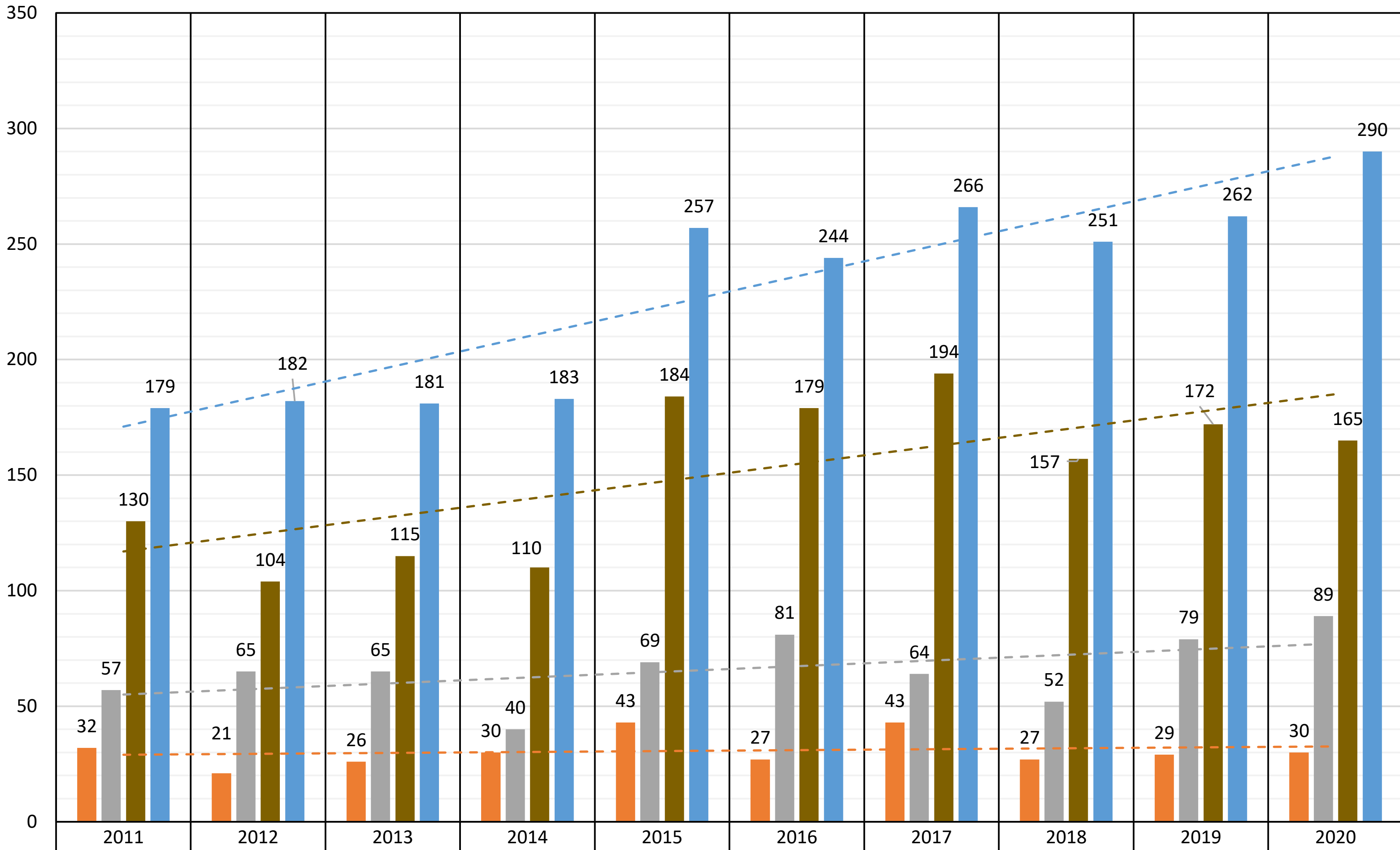
	Under 18	18-21	22-29	30 and over	Unknown
Victim	308	661	1510	2295	10
Offender	154	522	816	953	3174

2A Maryland



	Victim	Offender
White	819	646
Black	3901	2556
Asian	39	20
American Indian	4	4
Unknown	18	2379

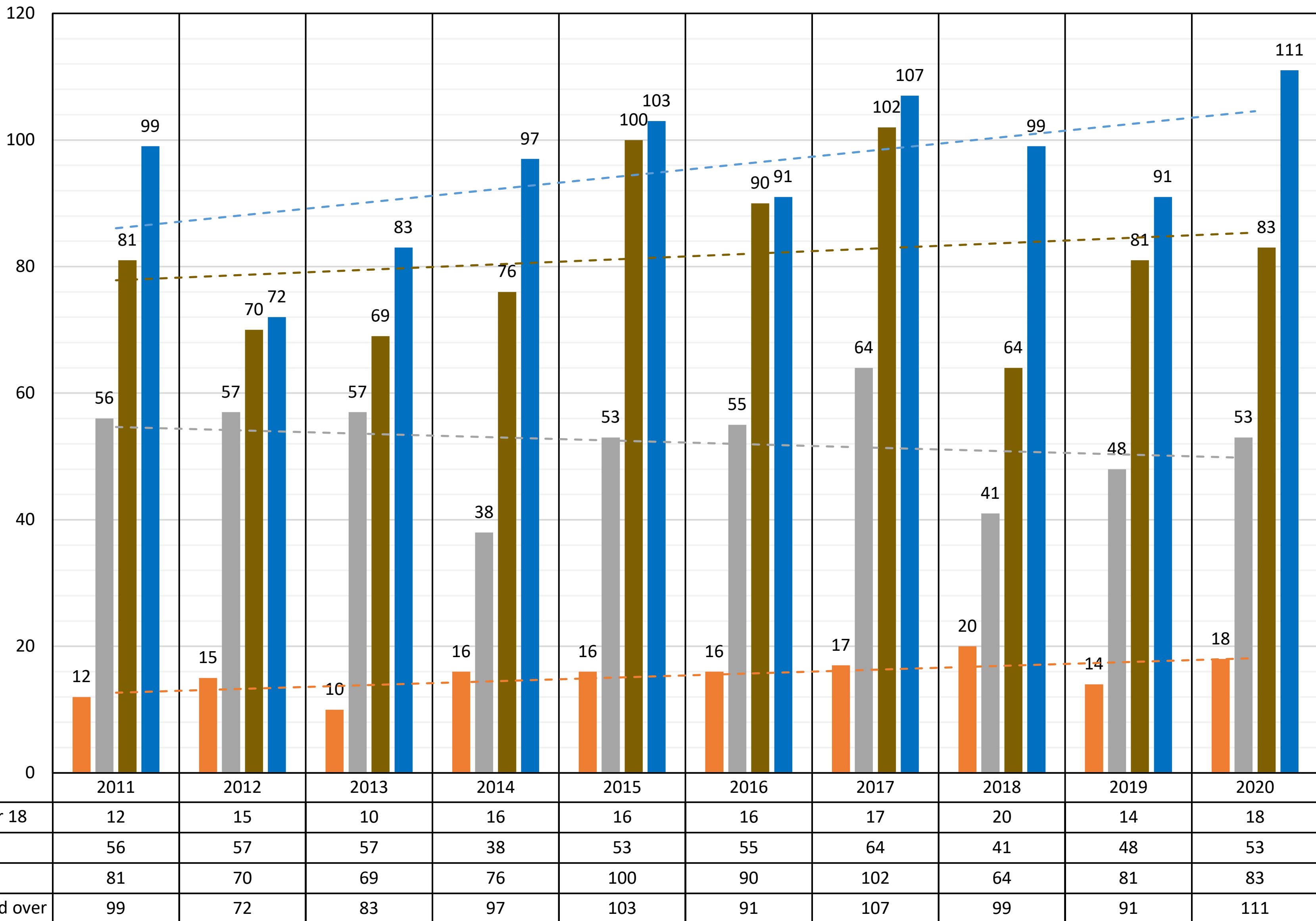
2A Maryland



	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Under 18	32	21	26	30	43	27	43	27	29	30
18-21	57	65	65	40	69	81	64	52	79	89
22-29	130	104	115	110	184	179	194	157	172	165
30 and over	179	182	181	183	257	244	266	251	262	290

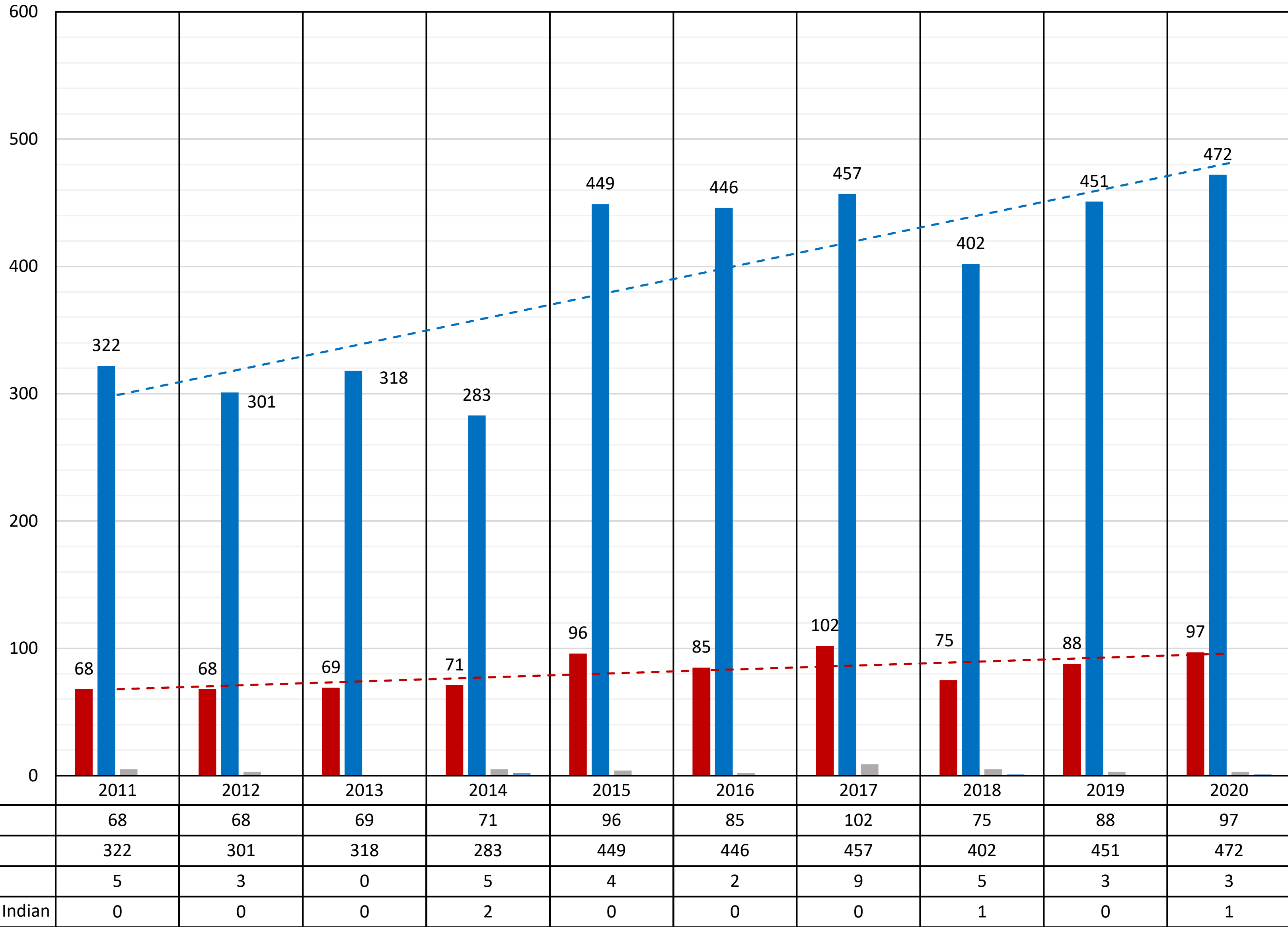
Under 18 18-21 22-29 30 and over Linear (Under 18) Linear (18-21) Linear (22-29) Linear (30 and over)

2A Maryland



	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Under 18	12	15	10	16	16	16	17	20	14	18
18-21	56	57	57	38	53	55	64	41	48	53
22-29	81	70	69	76	100	90	102	64	81	83
30 and over	99	72	83	97	103	91	107	99	91	111

2A Maryland



	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
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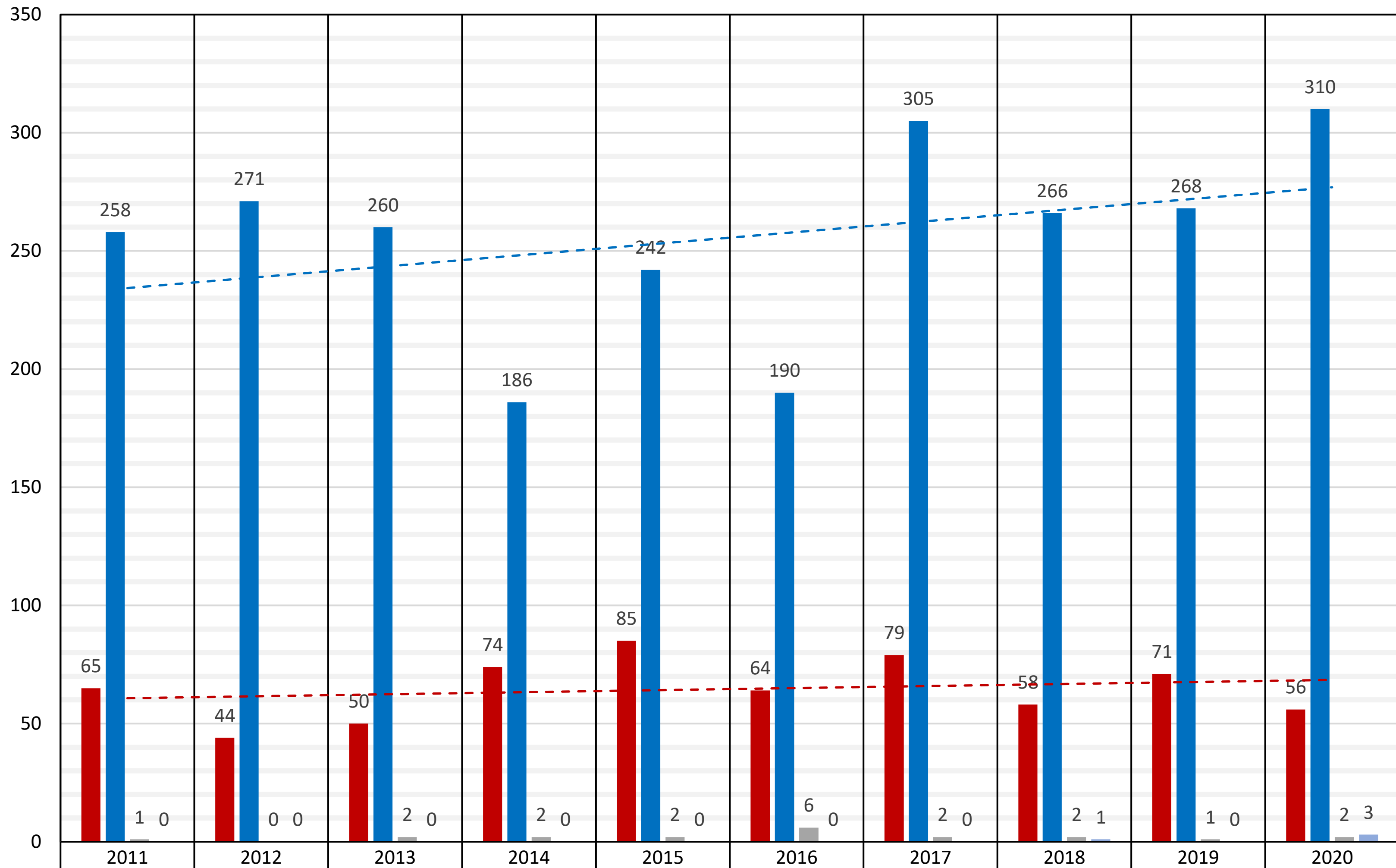
Black	322	301	318	283	449	446	457	402	451	472
Asian	5	3	0	5	4	2	9	5	3	3
American Indian	0	0	0	2	0	0	0	1	0	1

2A Maryland

Homicide - Offenders by Year & Race - Source: MSP Uniform Crime Reports 2011-2020



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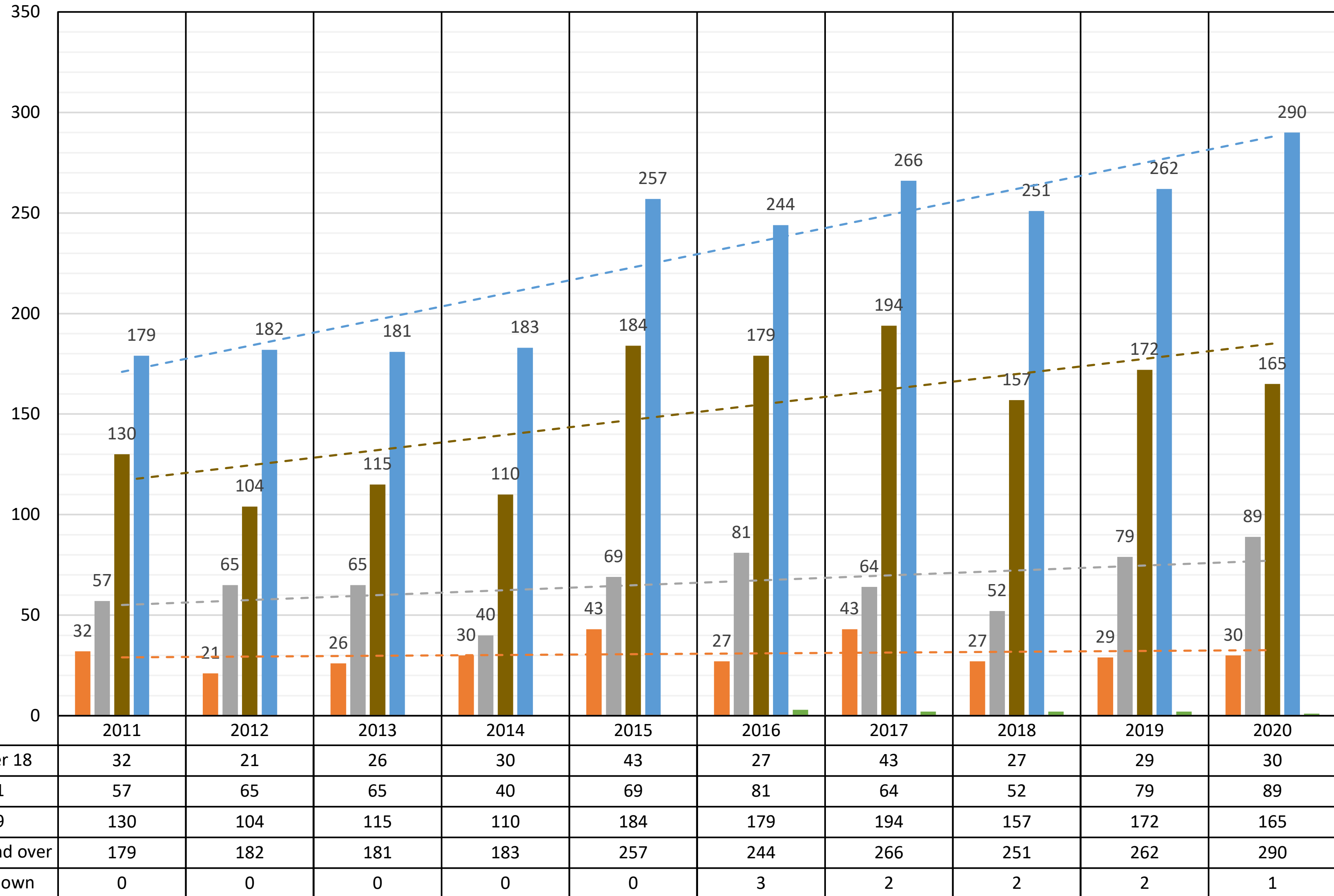
Black	258	271	260	186	242	190	305	266	268	310
Asian	1	0	2	2	2	6	2	2	1	2
American Indian	0	0	0	0	0	0	0	1	0	3

White Black Asian American Indian Linear (White) Linear (Black)

2A Maryland - SB 1, SB 86, SB 113, SB 159

2A Maryland



	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Under 18	32	21	26	30	43	27	43	27	29	30
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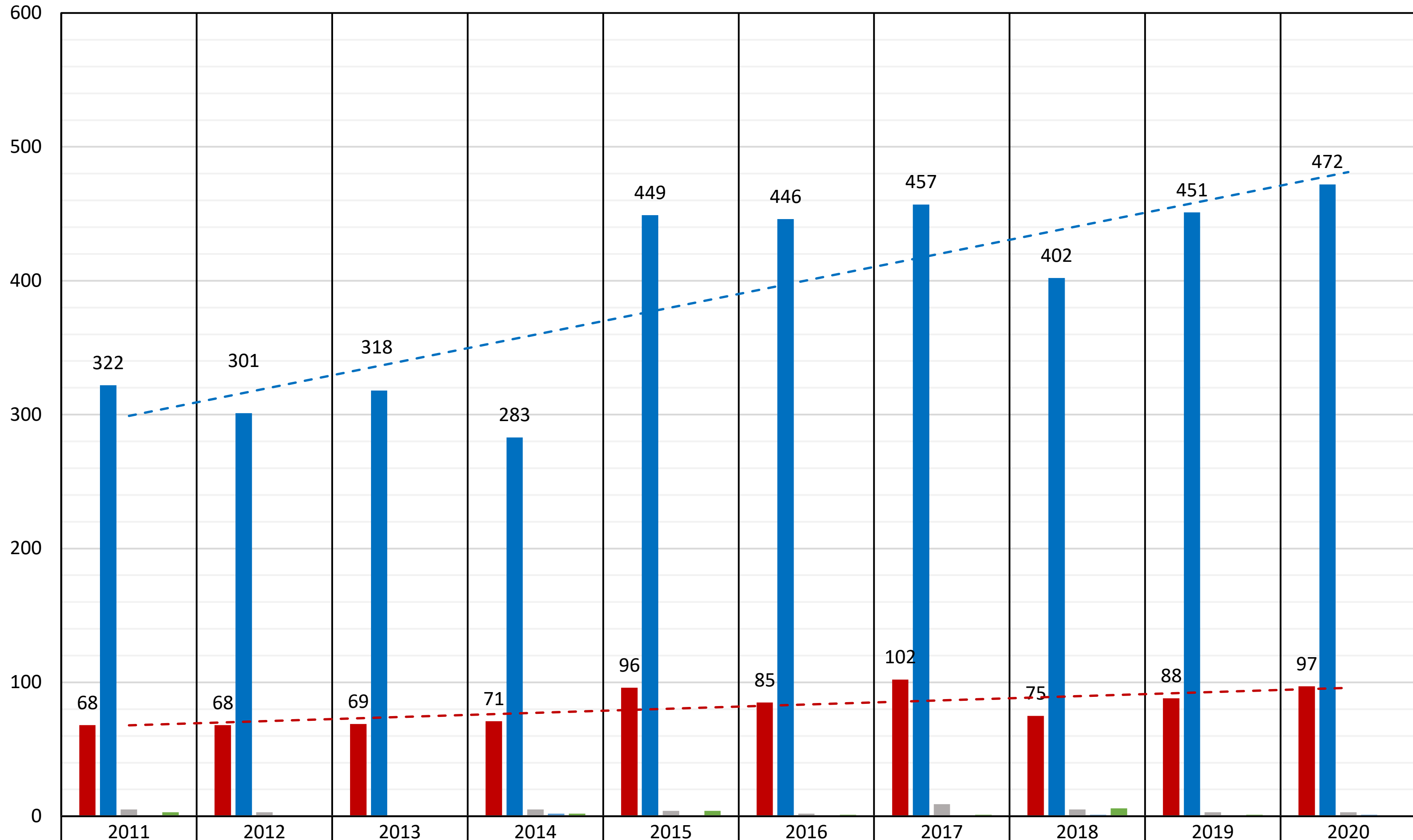
30 and over	179	182	181	183	257	244	266	251	262	290
Unknown	0	0	0	0	0	3	2	2	2	1

2A Maryland



	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
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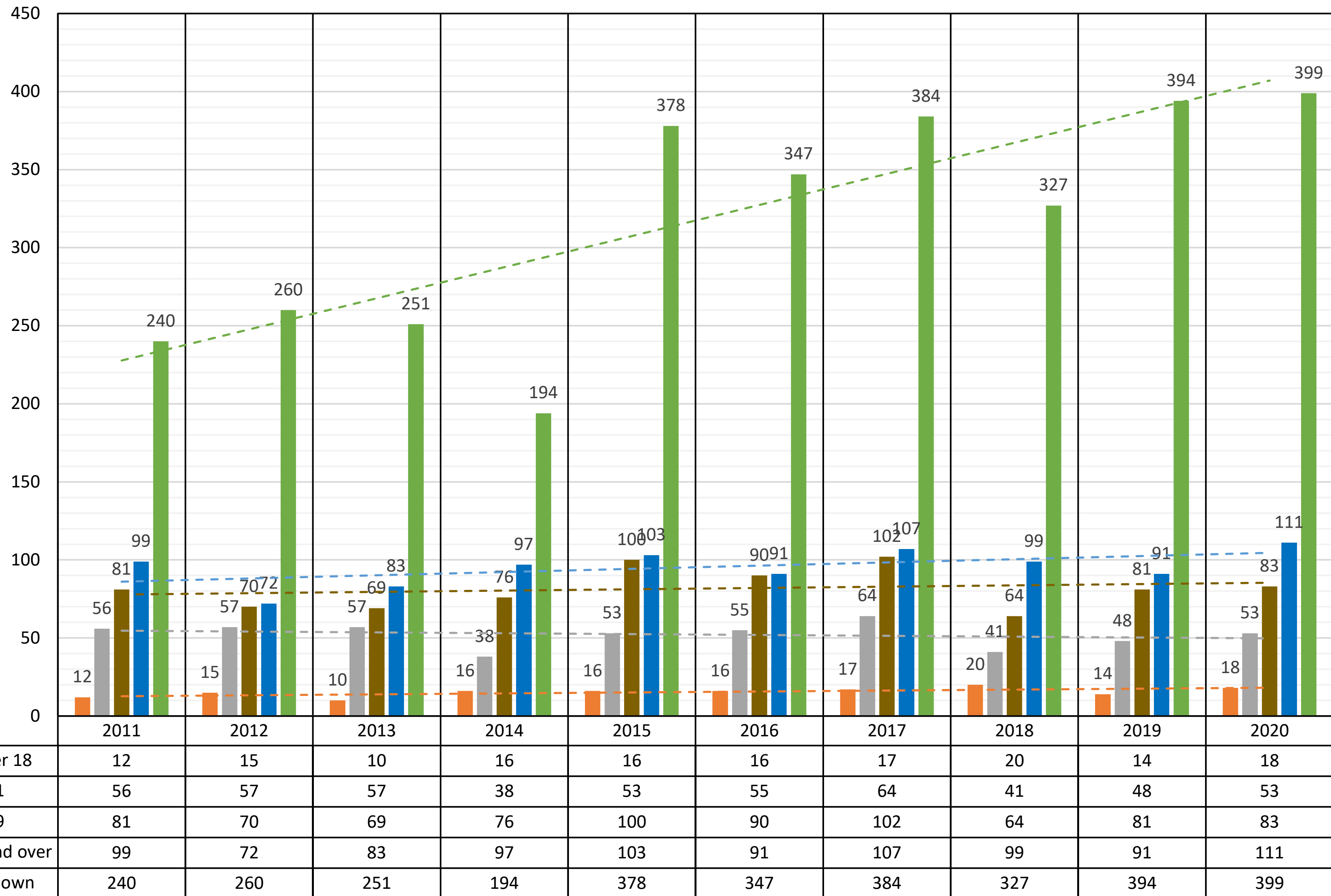
Unknown	3	0	0	2	4	1	1	6	1	0

White Black Asian American Indian Unknown Linear (White) Linear (Black)

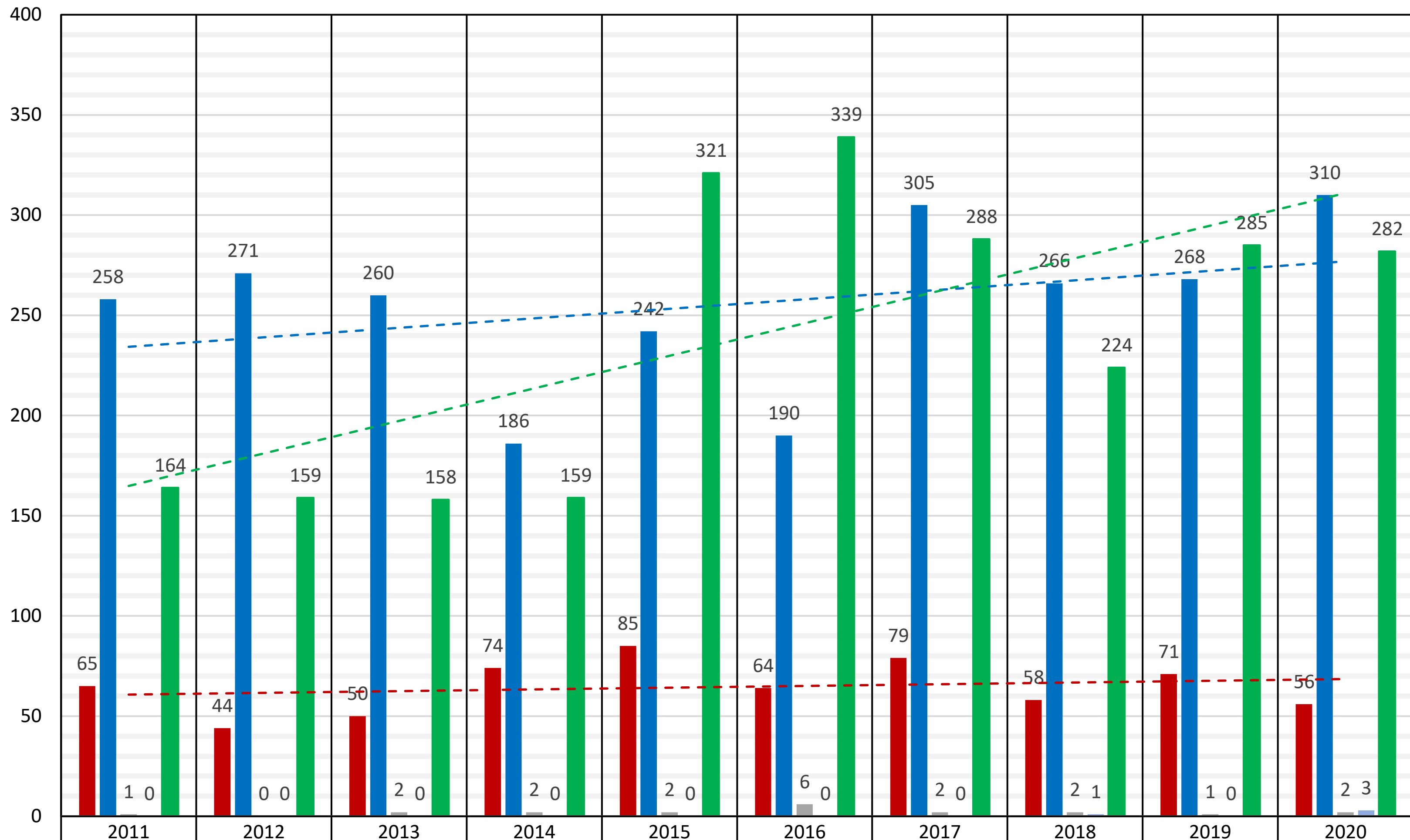
2A Maryland



	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Under 18	12	15	10	16	16	16	17	20	14	18
18-21	56	57	57	38	53	55	64	41	48	53
22-29	81	70	69	76	100	90	102	64	81	83
30 and over	99	72	83	97	103	91	107	99	91	111
Unknown	240	260	251	194	378	347	384	327	394	399

2A Maryland

Homicide - Offenders by Year & Race - Source: MSP Uniform Crime Reports 2011-2020



	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
White	65	44	50	74	85	64	79	58	71	56
Black	258	271	260	186	242	190	305	266	268	310
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American Indian	0	0	0	0	0	0	0	1	0	3
Unknown	164	159	158	159	321	339	288	224	285	282

White Black Asian American Indian Unknown Linear (White) Linear (Black) Linear (Unknown)

2A Maryland - SB 1, SB 86, SB 113, SB 159

	Federal Disqualifitcations		**Details for applicable checks (queries)**
1	Convicted of felony or misdemeanor punishable by more than 2 years	NICS INDEX/CJIS/JIS/MD Case Search	
2	Fugitive from justice	METERS NCIC	**METERS** Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state
3	Unlawful user of, or addicted to, CDS	METERS/CJIS/JIS	**METERS** Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA **CJIS** MAFFS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID **JIS** Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City
4	Adjudicated mental defective or committed to a mental institution	NICS/INDEX/MD Case Search	
5	Illegal or unlawful alien	METERS (IAQ)	**IAQ** - Criminal Alien Query (INS check)
6	Dishonorably discharged from the Armed Forces	METERS (FBI Record)	**METERS** - QH - obtain FBI#, QR - response from FBI
7	Has renounced US citizenship	METERS (FBI Record)	**METERS** - QH - obtain FBI#, QR - response from FBI
8	Subject to restraining order concerning intimate partner or child, on finding of credible threat to physical safety of same, that forbids threat or use of force	METERS NCIC/NICS INDEX	Which check in METERS are doing? What is completed for a NICS Index? (how do you run that?)
9	Convicted of misdemeanor crime of domestic violence	METERS/CJIS/JIS/MD Case Search	**METERS** QR - FBI Record Run FQ - Out of State SID **CJIS** MAFFS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID **JIS** Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City **MD Case Search** - Courts
10	Under indictment or information for crime punishable for term exceeding one year	under indictment – MD case search/CJIS using court case number open case - METERS/CJIS/JIS/MD Search	**METERS** Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA **CJIS** MAFFS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID **JIS** Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City **MD Case Search** - Courts

2A Maryland - SB 1, SB 86, SB 113, SB 159

	State law disqualifications		**Details for applicable checks (queries)**
1	Convicted of:		
	a) Crime of Violence	a. METERS/CJIS/JIS	**METERS** Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA **CJIS** MAFFS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID **JIS** Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City
	b) Felony	b. METERS/CJIS/JIS	Same as above
	c) Misdemeanor (in MD or elsewhere) punishable in MD by more than 2 years	c. METERS/CJIS/JIS	Same as above
	d) Common law offense and rec'd term of imprisonment exceeding 2 years	d. METERS/CJIS/JIS	Same as above
2	Fugitive from justice	METERS/JIS	**METERS** Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA **JIS** Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City
3	Habitual drunkard	METERS/CJIS/JIS/MVA	**METERS** Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA **CJIS** MAFFS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID **JIS** Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City **MVA** – ID/Driving records
4	Addicted to, or habitual user of CDS	METERS/CJIS/JIS	**METERS** Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA **CJIS** MAFFS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID **JIS** Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City
5	Suffers from mental disorder and has history of violent behavior to self or others	DHMH/NICS CHECK (Also "Flagged" in MAFSS by FRS at request of Law Enforcement and Physicians, records kept in a Flagged File)	**DHMH** Mental Health Records **NICS CHECK** (Also "Flagged" in MAFSS by FRS at request of Law Enforcement and Physicians, records kept in a Flagged File) **Explain a NICS check**
6	Before 10/1/13 - Has been confined to a facility for more than 30 consecutive days. After 9/30/13 - Has been involuntarily committed to a facility	DHMH DHMH, NICS INDEX	Explain NICS Index???
7	Is a respondent on MD non-ex parte protective order	METERS	**METERS** Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA
8	If under 30 and adjudicated delinquent by juvenile court for act that would be disqualifying crime	DJS Assist	EXPLAIN?
9	After 9/30/13 - Found incompetent to stand trial	NICS INDEX/CJIS/JIS/MD Case Search	**CJIS** MAFFS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID **JIS** Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City **MD Case Search** - Courts Explain NICS index?????
10	After 9/30/13 - Found not criminally responsible	NICS INDEX/CJIS/JIS/MD Case Search	**CJIS** MAFFS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID **JIS** Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City **MD Case Search** - Courts Explain NICS index?????
11	After 9/30/13 - Voluntarily admitted to a facility for more than 30 consecutive days	DHMH	**DHMH** Mental Health Records
12	After 9/30/13 - Under protection of guardian for non-physical disability	CJIS/JIS/NICS – testing phase and will be ready for 10/1. No concrete info on which database the return will come from at this time.	CJIS/JIS/NICS – testing phase and will be ready for 10/1. No concrete info on which database the return will come from at this time.
13	After 9/30/13 - Respondent on out-of-state protective order	METERS NCIC	**METERS** Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA

2A Maryland - SB 1, SB 86, SB 113, SB 159

Crime_Dashboard_02-05-2023.pdf

Uploaded by: John Josselyn

Position: UNF

GOVERNOR'S OFFICE OF
Crime Prevention, Youth, and Victim Services

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Crime Dashboard

http://goccp.maryland.gov/data-dashboards/crime-dashboard/

About the Crime Dashboard

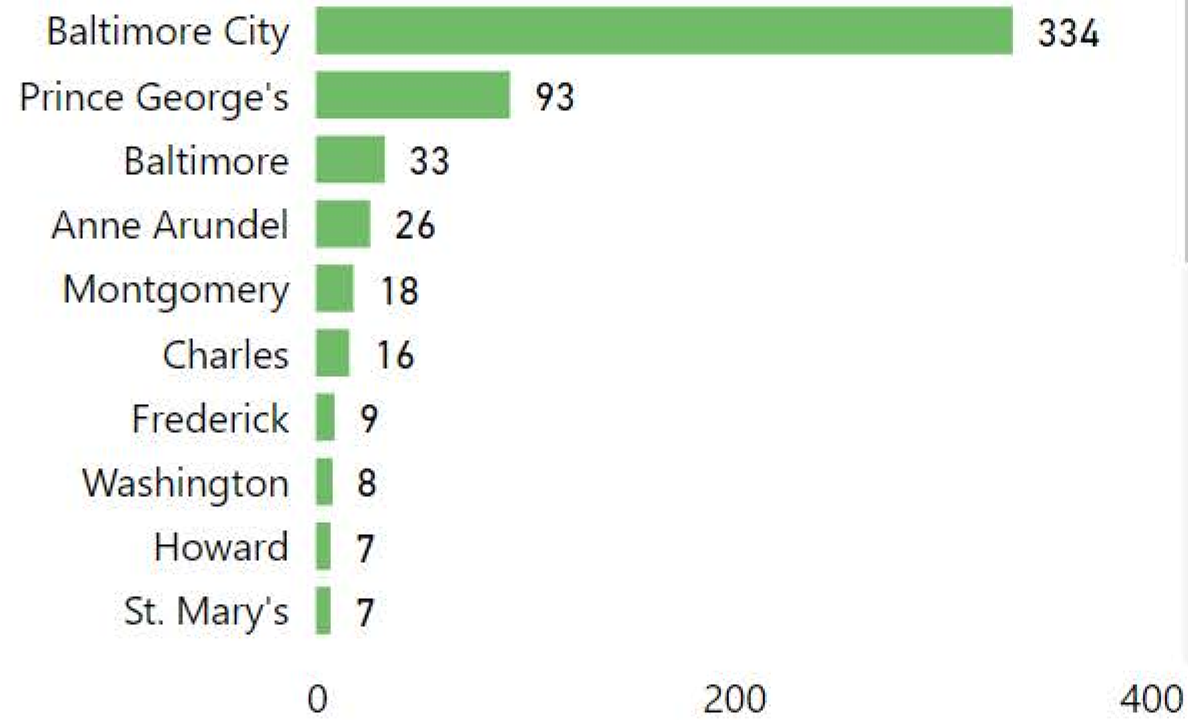
The dashboard includes crime statistics at the county, municipal, and state level.

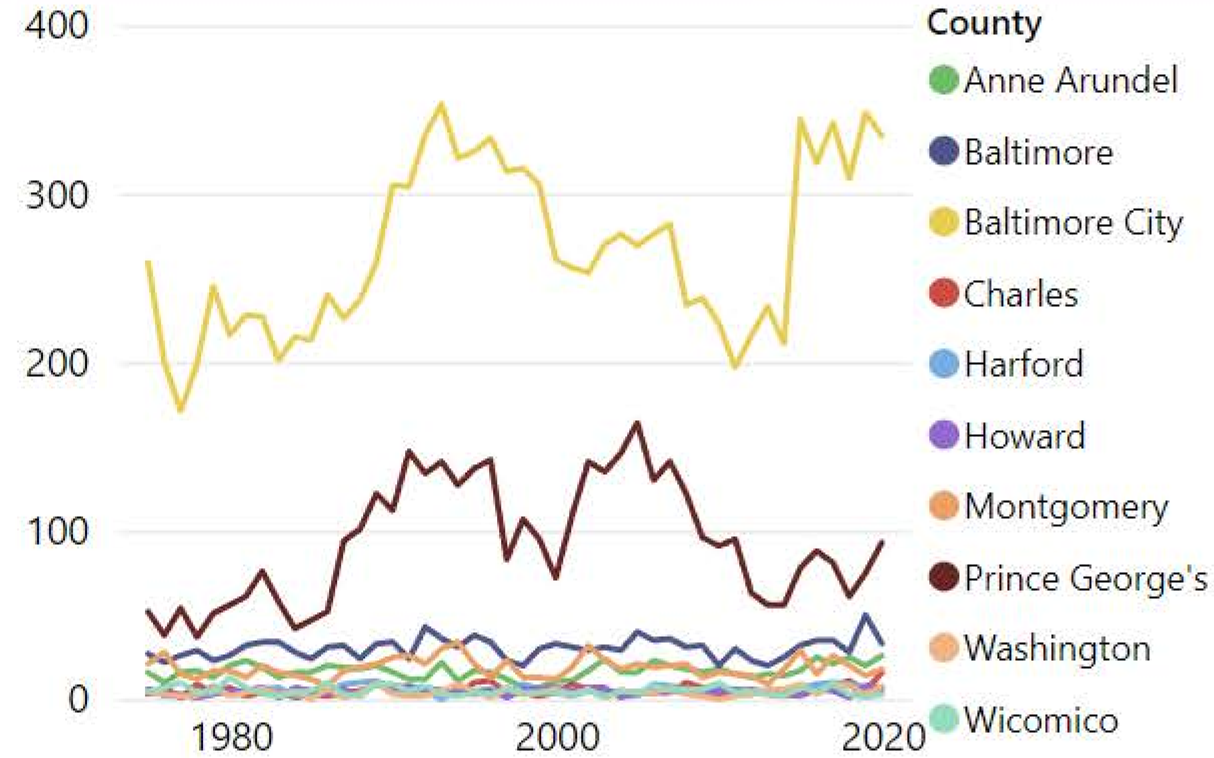
Data Sources

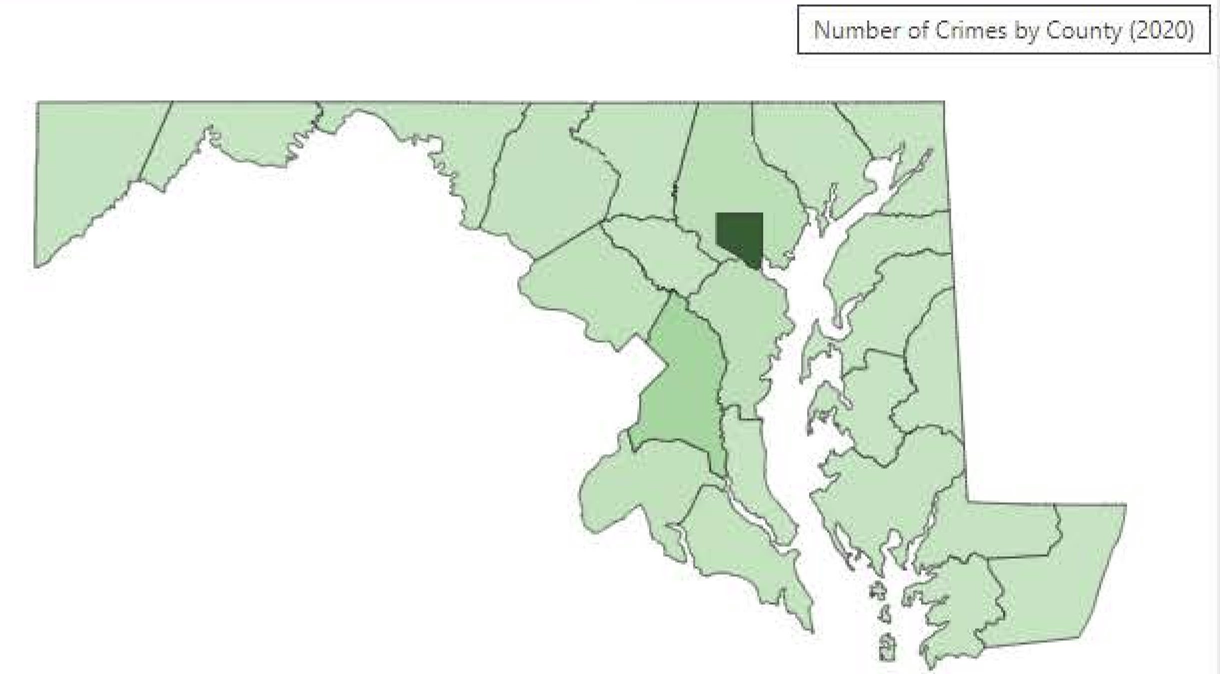
Data reflected at the county and municipal level is provided by the Maryland Department of State Police Central Records Division, through the Uniform Crime Reporting (UCR) Program which consists of all crimes reported to law enforcement agencies in Maryland. Data reflected at the state level is consistent with UCR data which is reported to the Federal Bureau of Investigation (FBI) from all law enforcement agencies in the country. Please select this link to view additional dashboards created by the Governor's Office of Crime Prevention, Youth, and Victim Services.

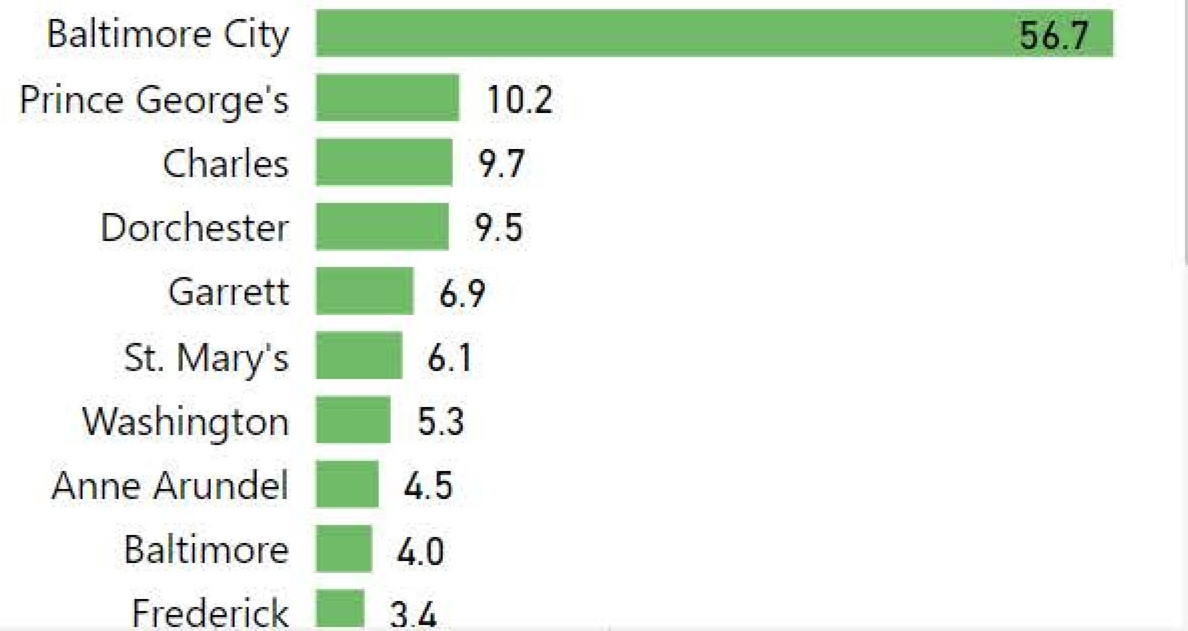
2A Maryland SB1,SB86, SB113, SB159

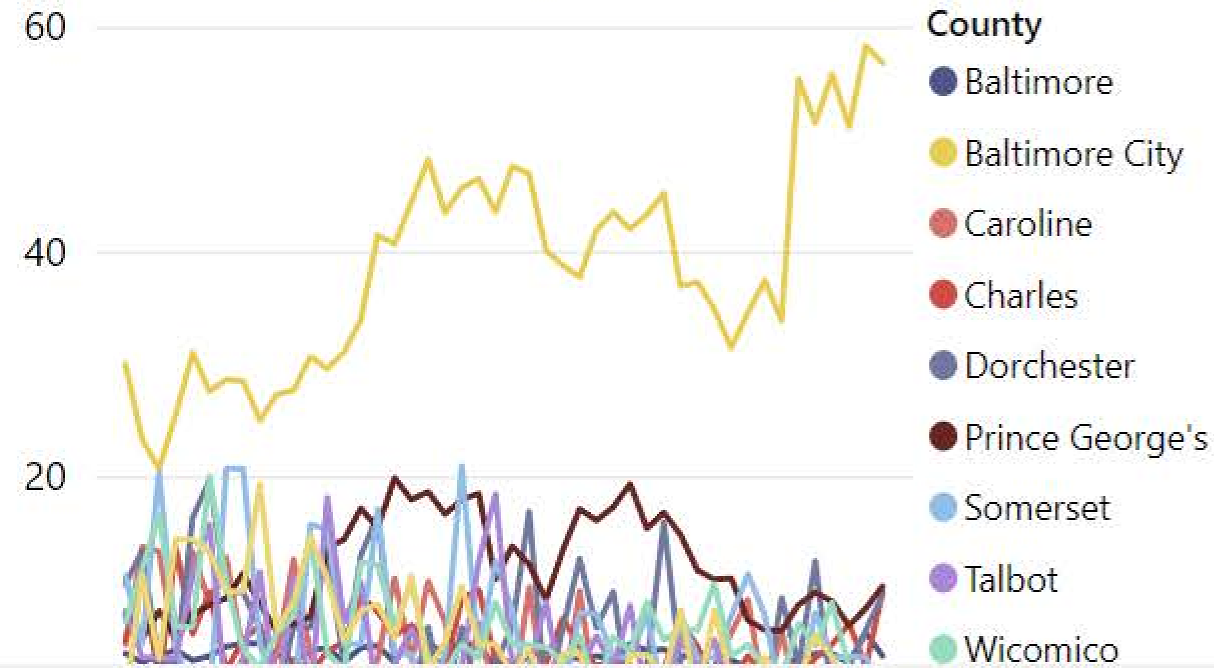
Murder | Rape | Robbery | Aggravated Assault | Breaking & Entering | Larceny/Theft | Motor Vehicle Theft | Violent Crime

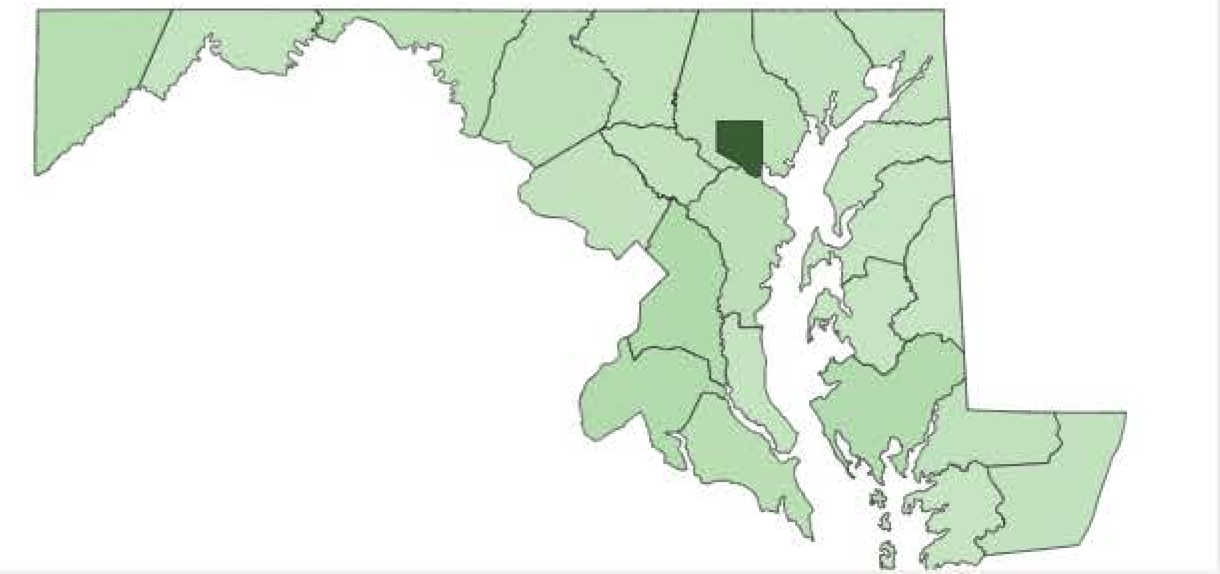












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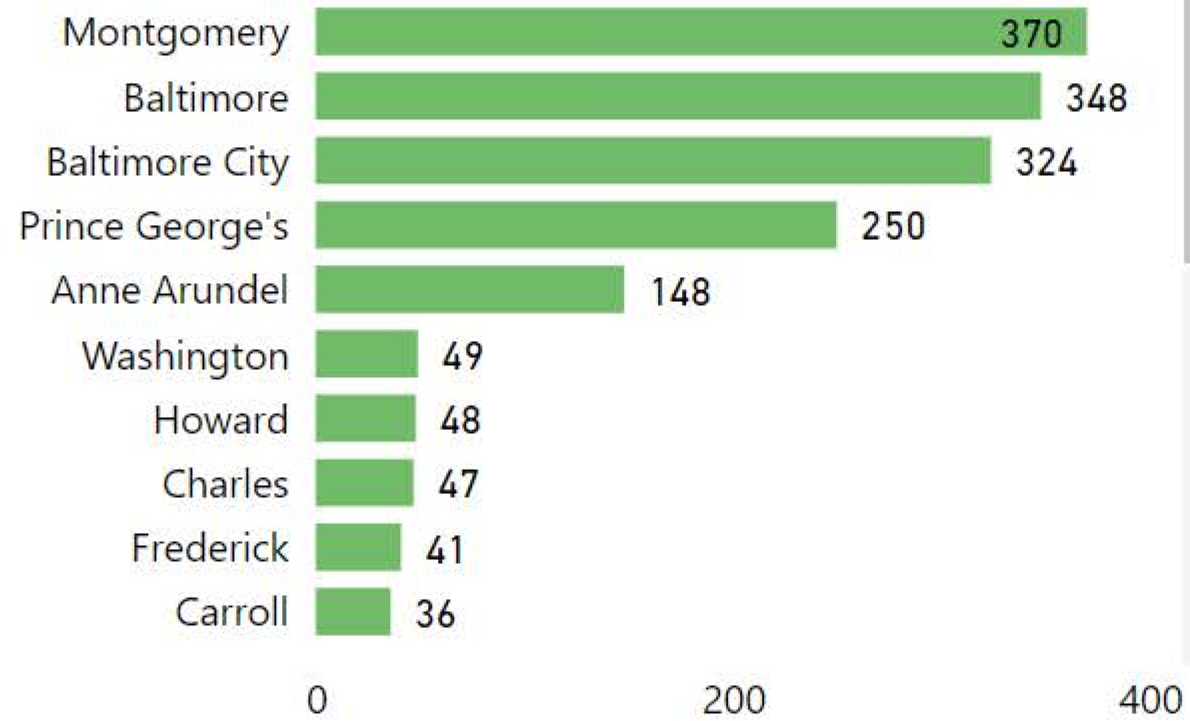
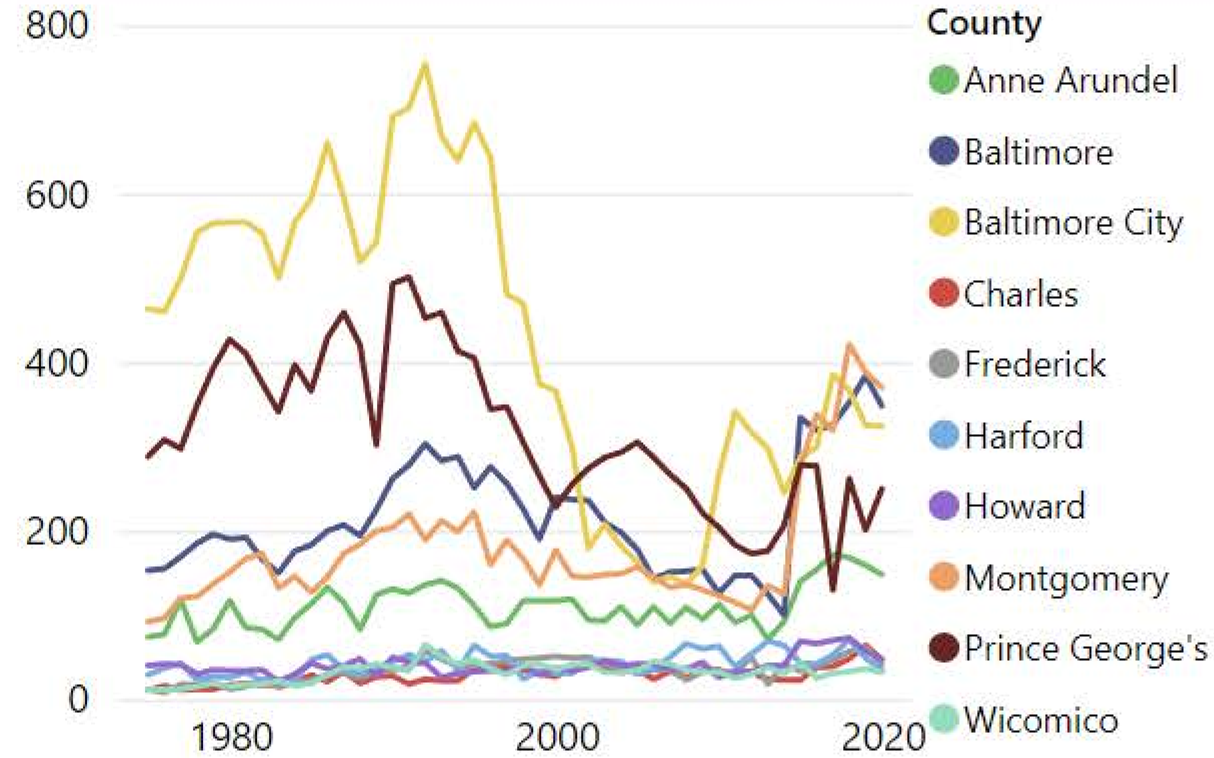
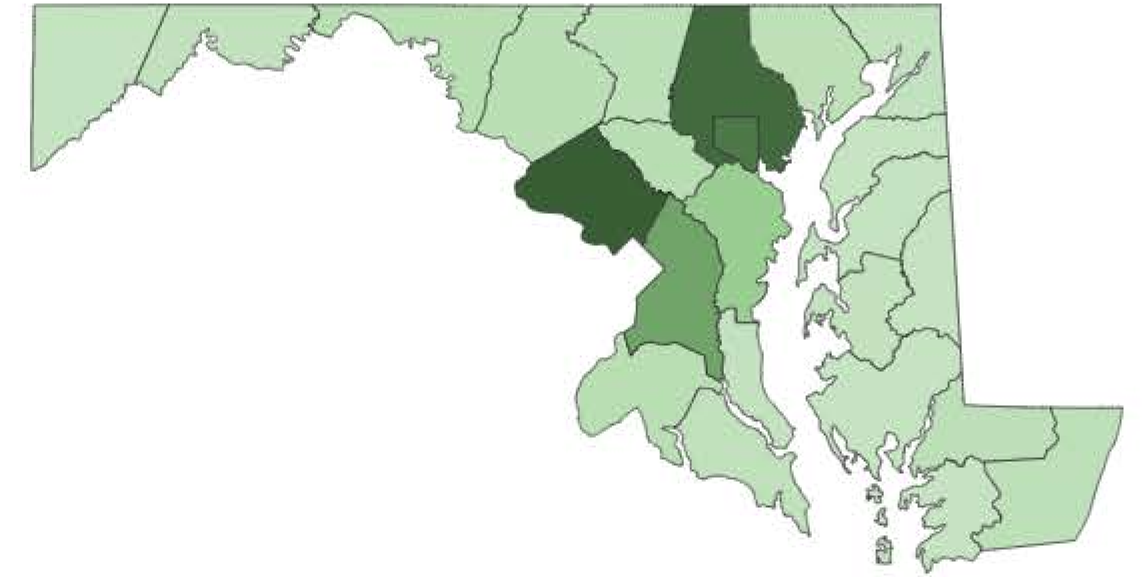
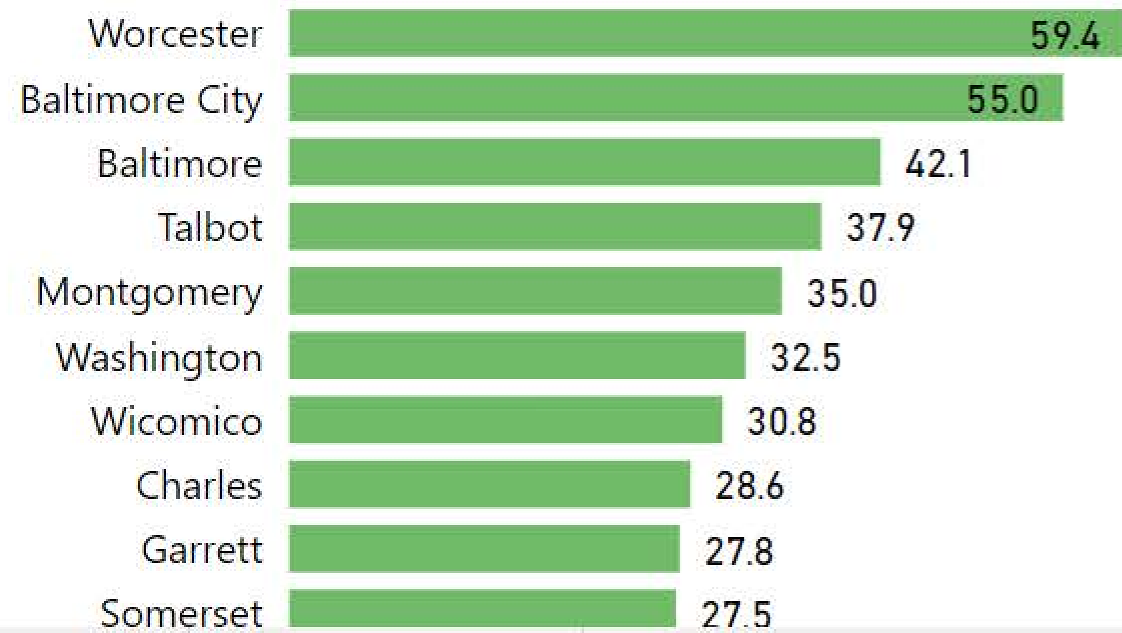
2A Maryland SB1,SB86, SB113, SB159

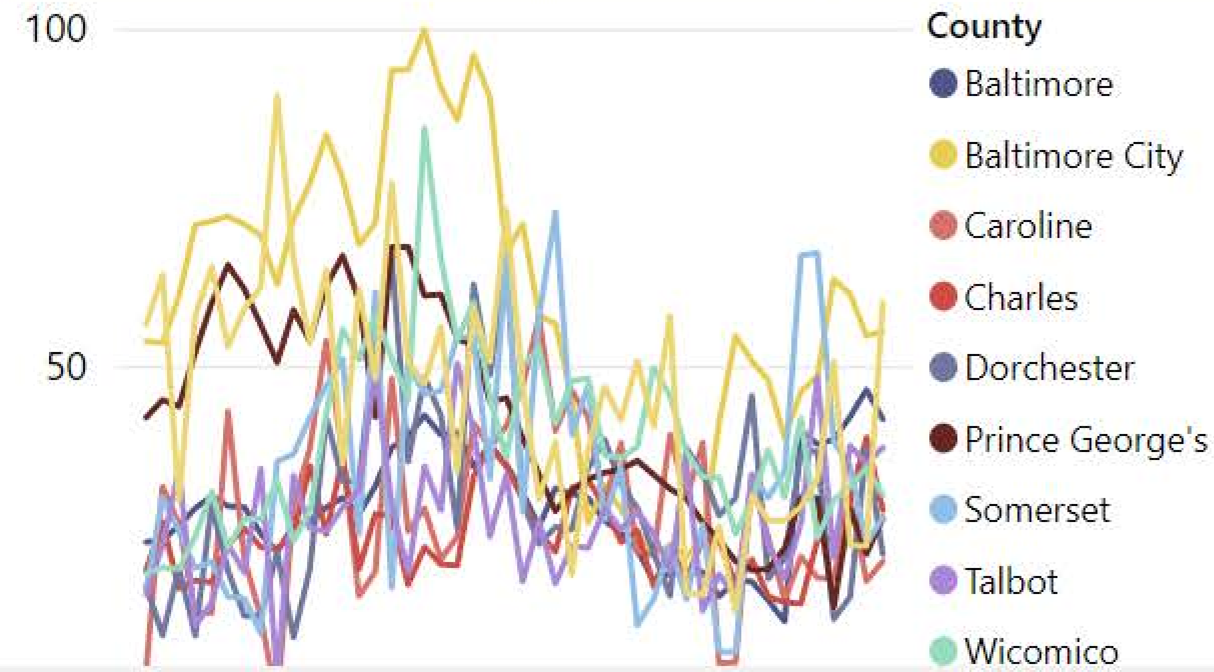
Murder | Rape | Robbery | Aggravated Assault | Breaking & Entering | Larceny/Theft | Motor Vehicle Theft | Violent Crime

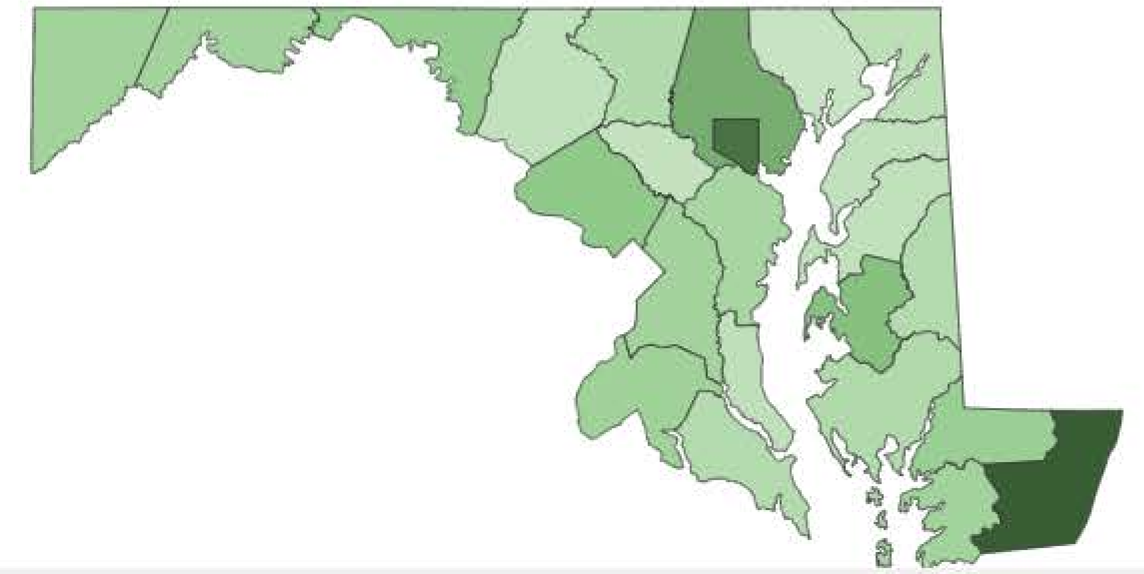












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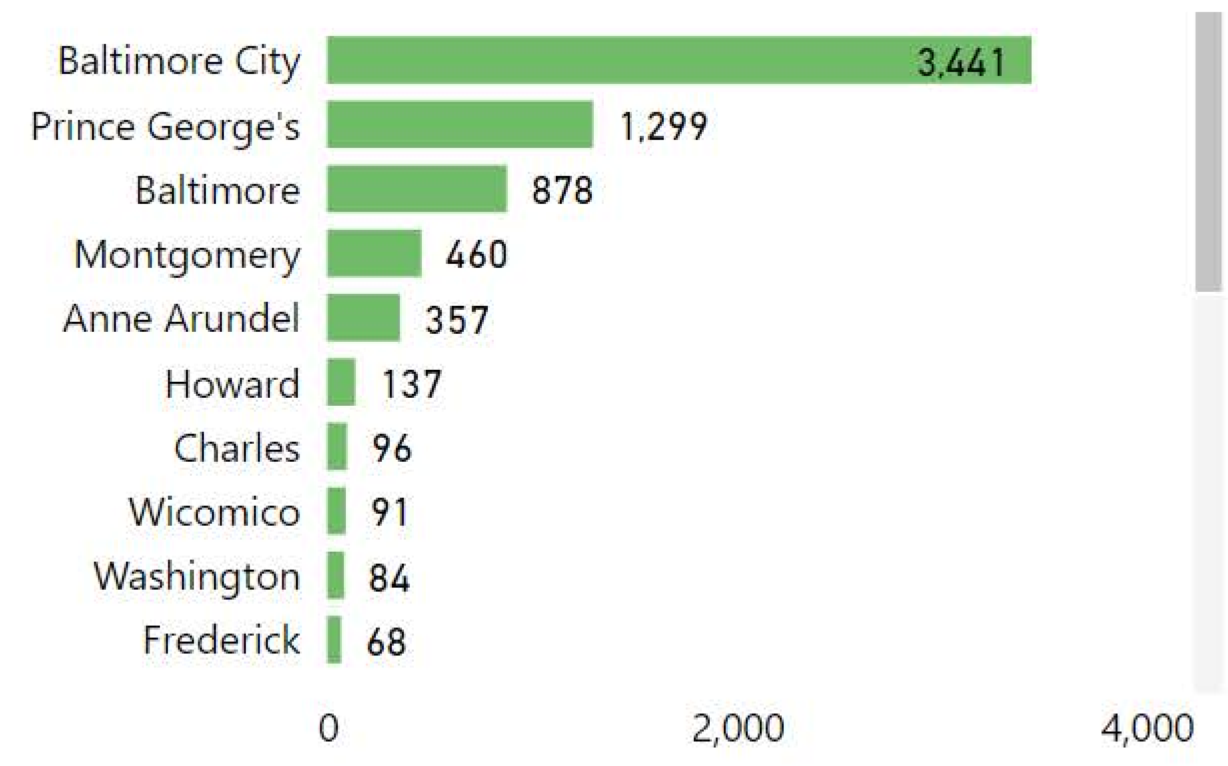
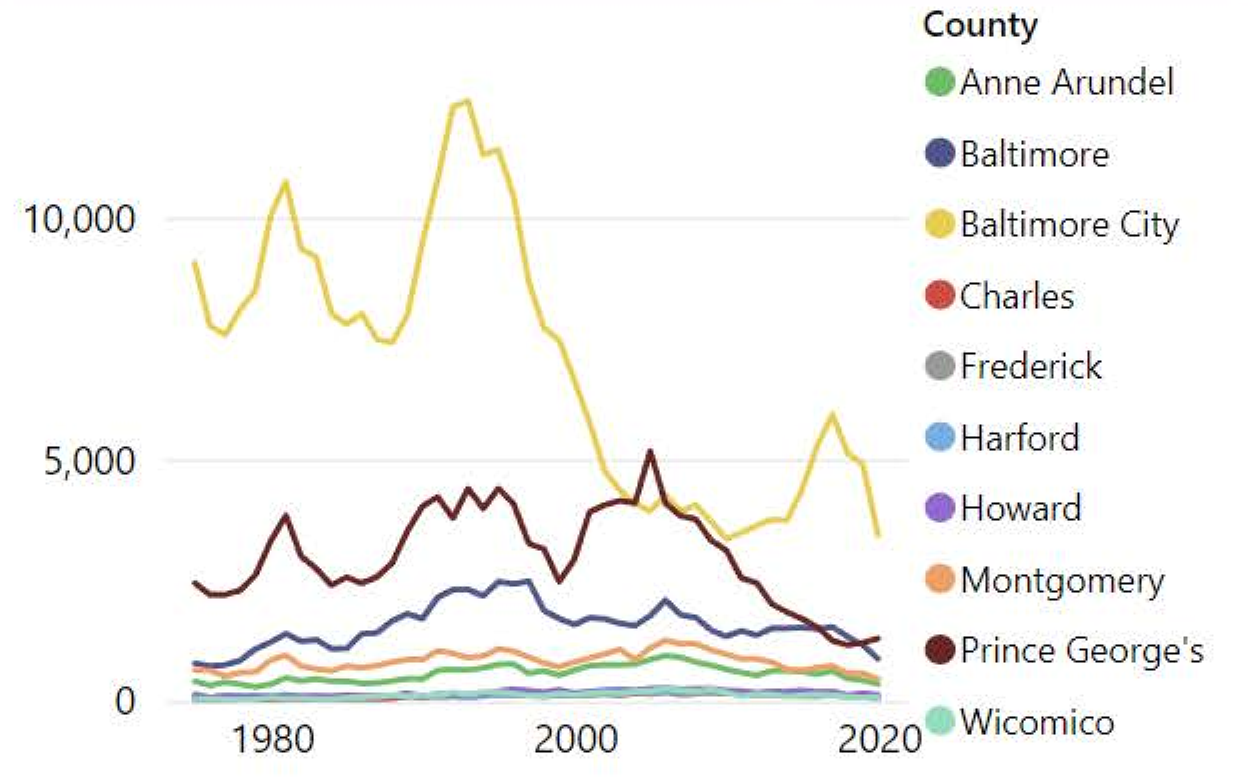
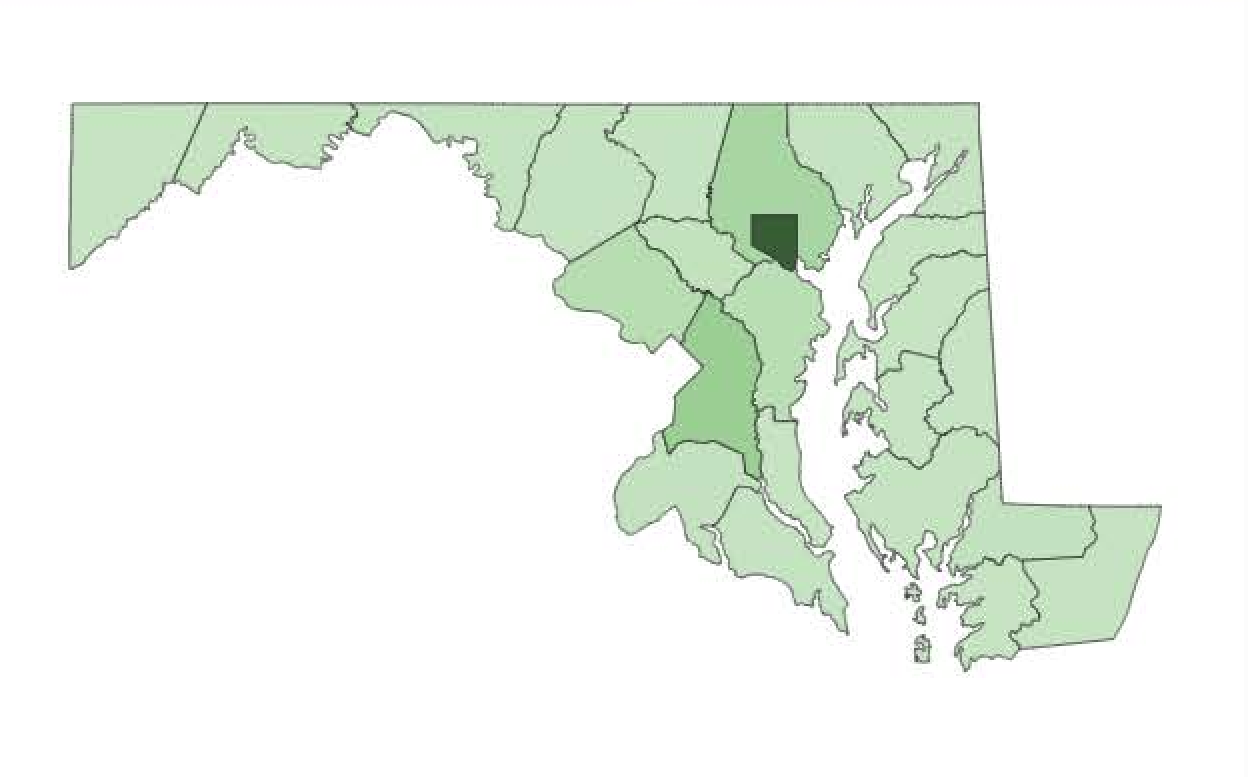
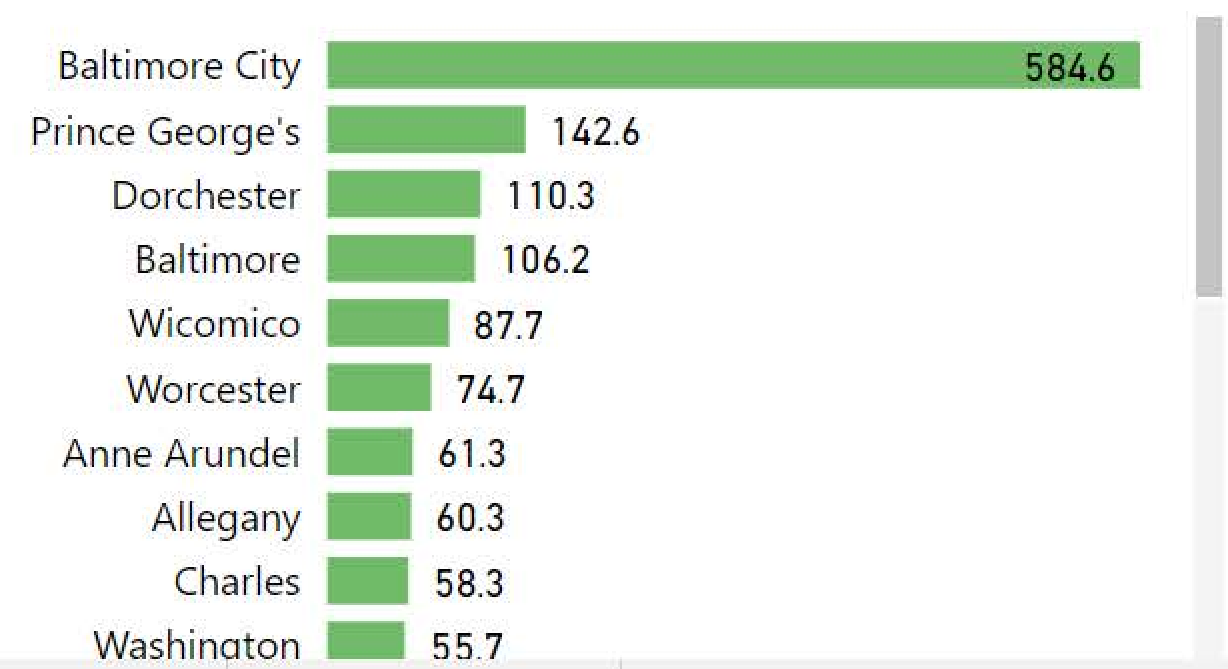
2A Maryland SB1,SB86, SB113, SB159

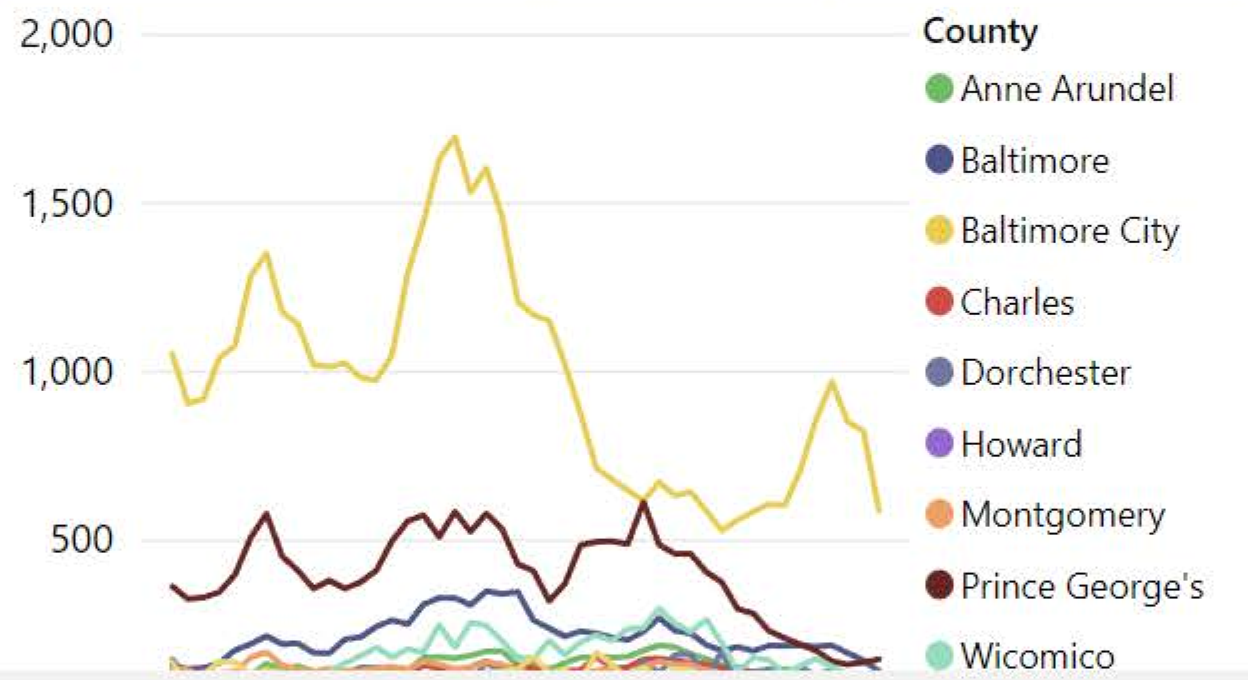
Murder | Rape | Robbery | Aggravated Assault | Breaking & Entering | Larceny/Theft | Motor Vehicle Theft | Violent Crime

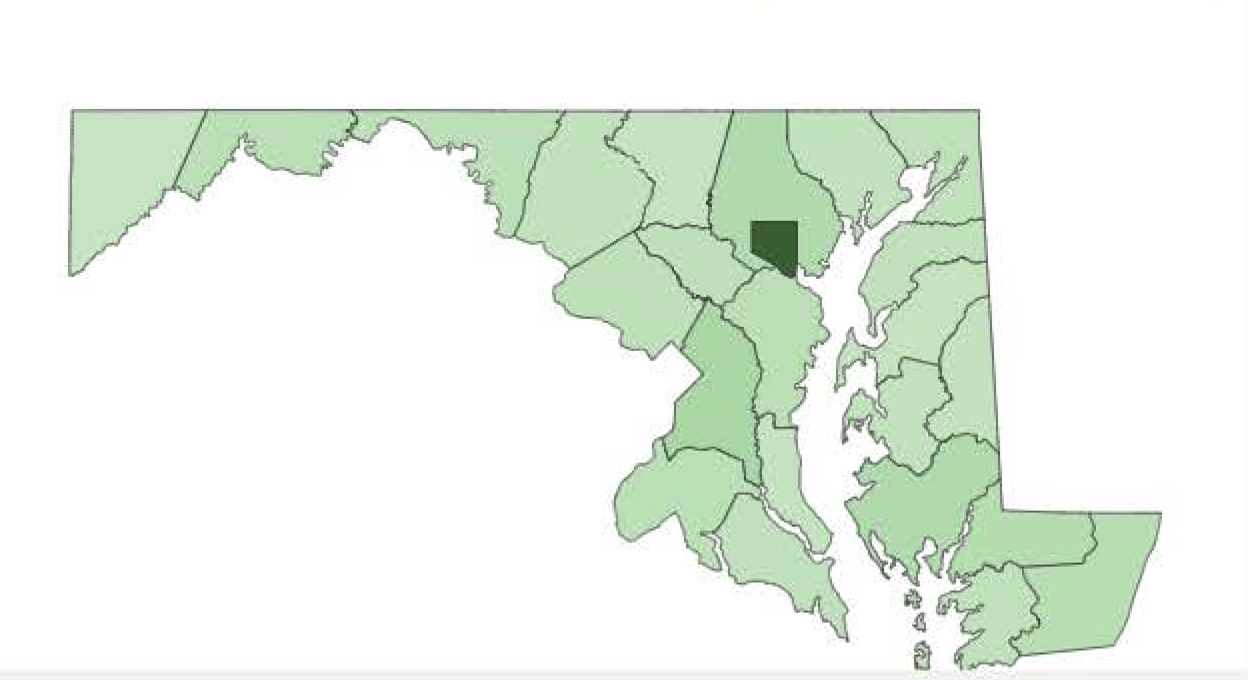










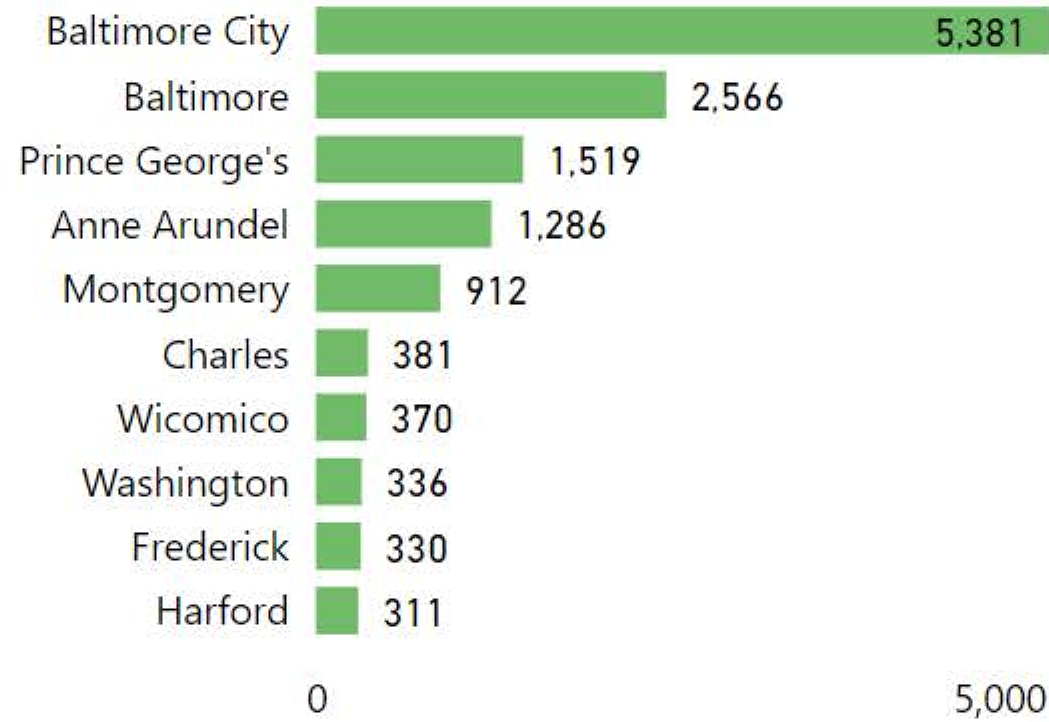


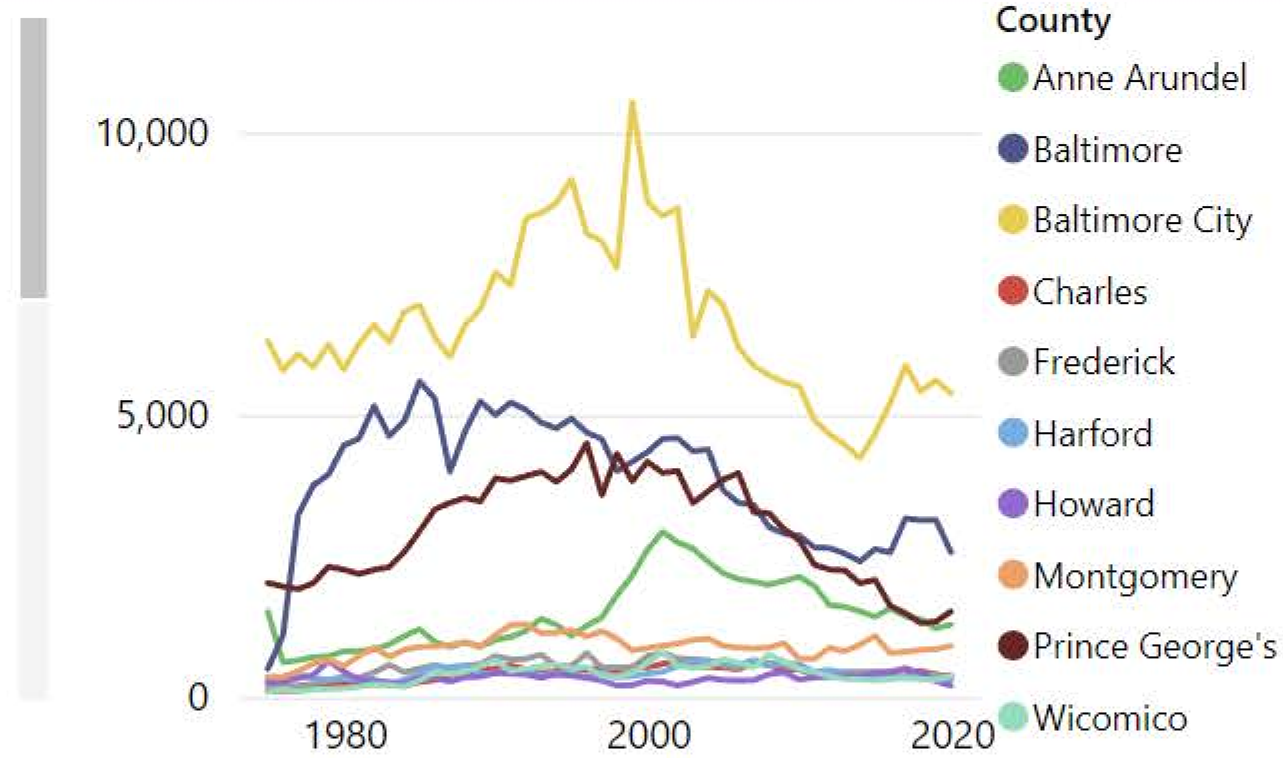
Go back | County Crime

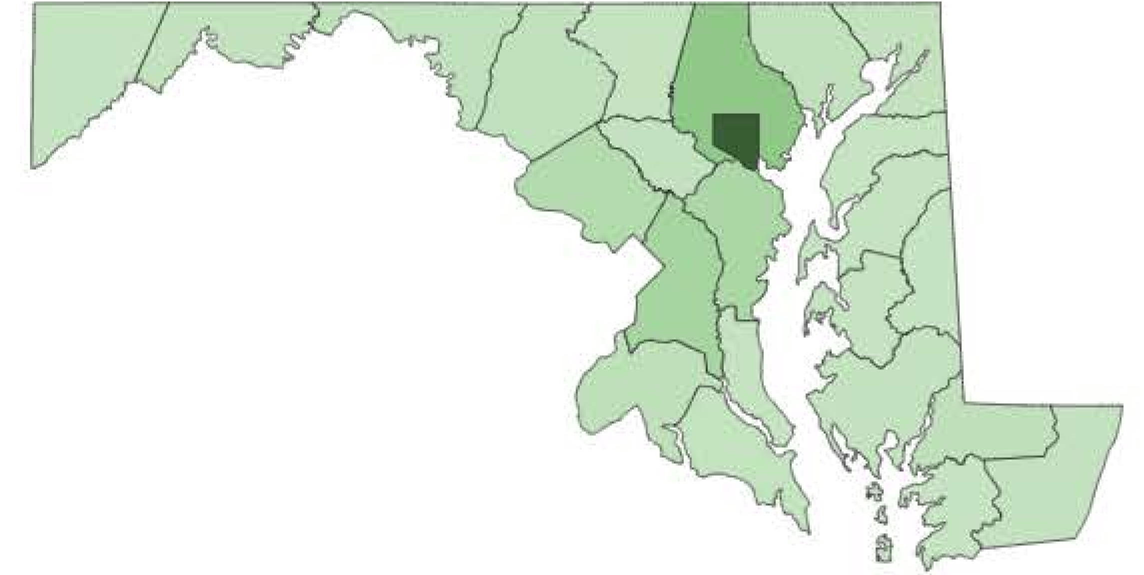
Microsoft Power BI

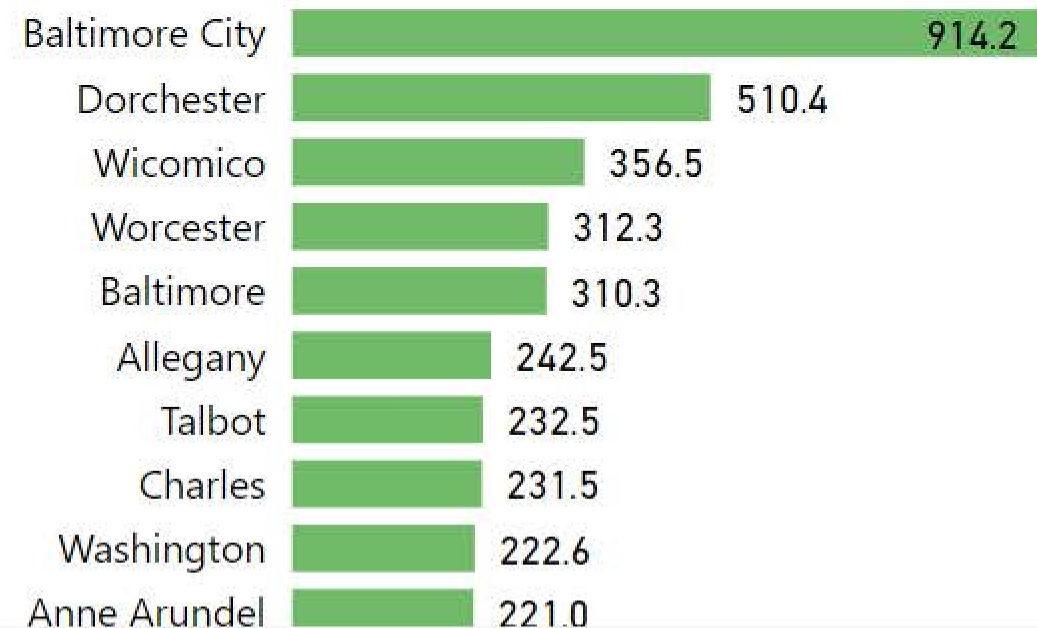
2A Maryland SB1,SB86, SB113, SB159

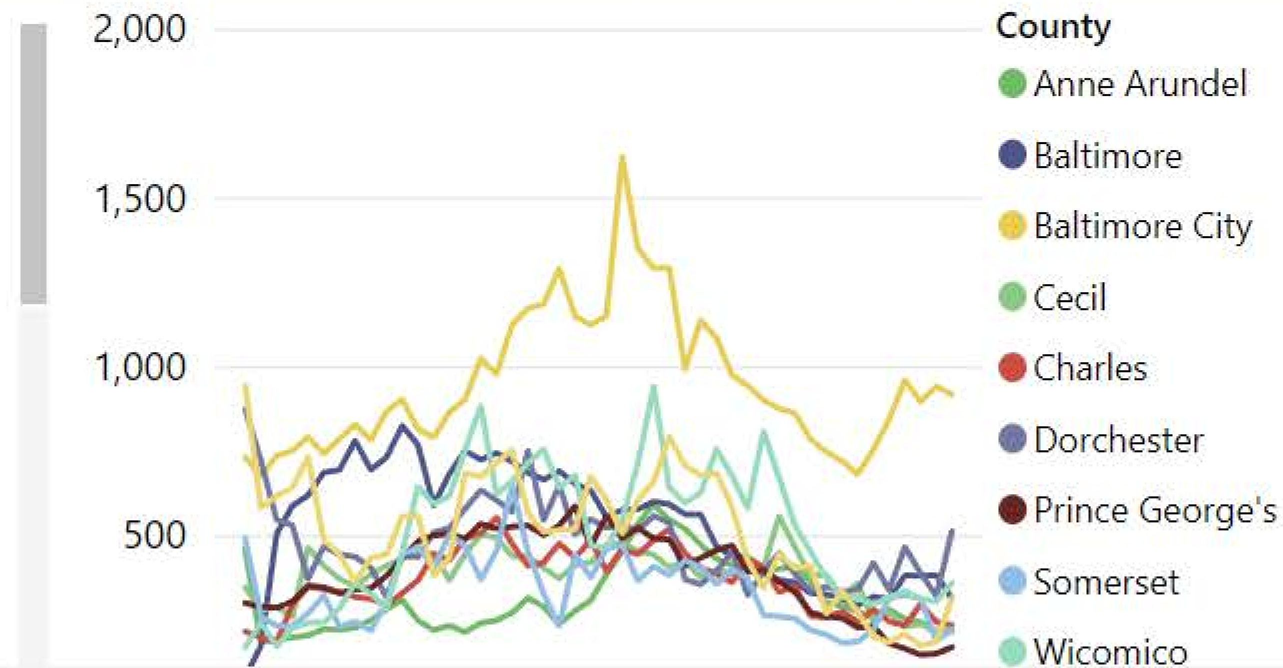
Murder | Rape | Robbery | Aggravated Assault | Breaking & Entering | Larceny/Theft | Motor Vehicle Theft | Violent Crime

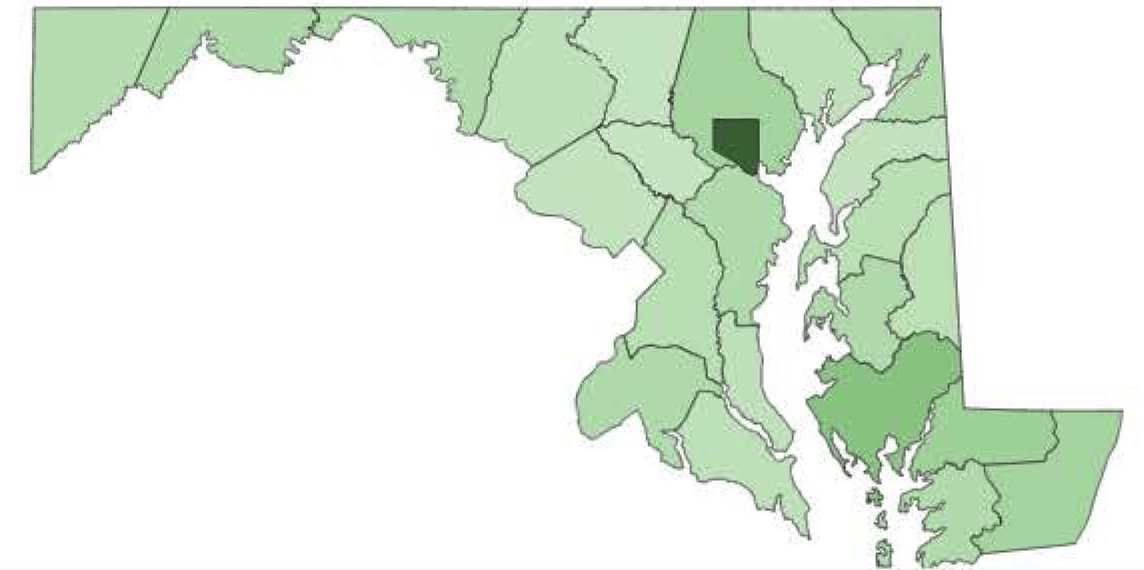












Go back | County Crime

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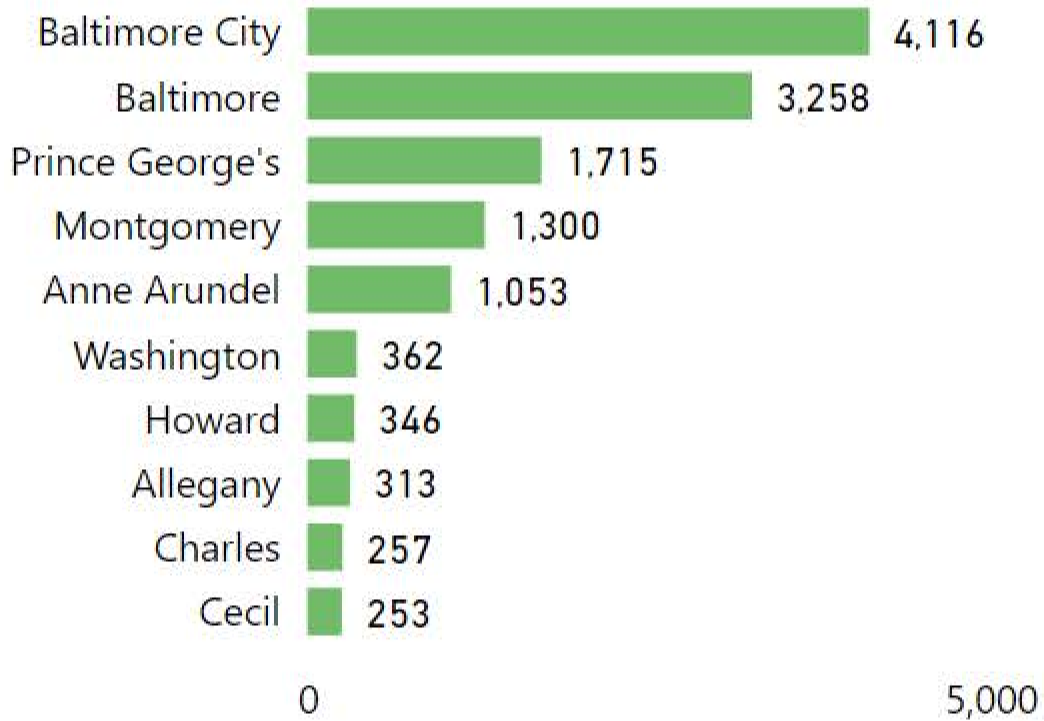
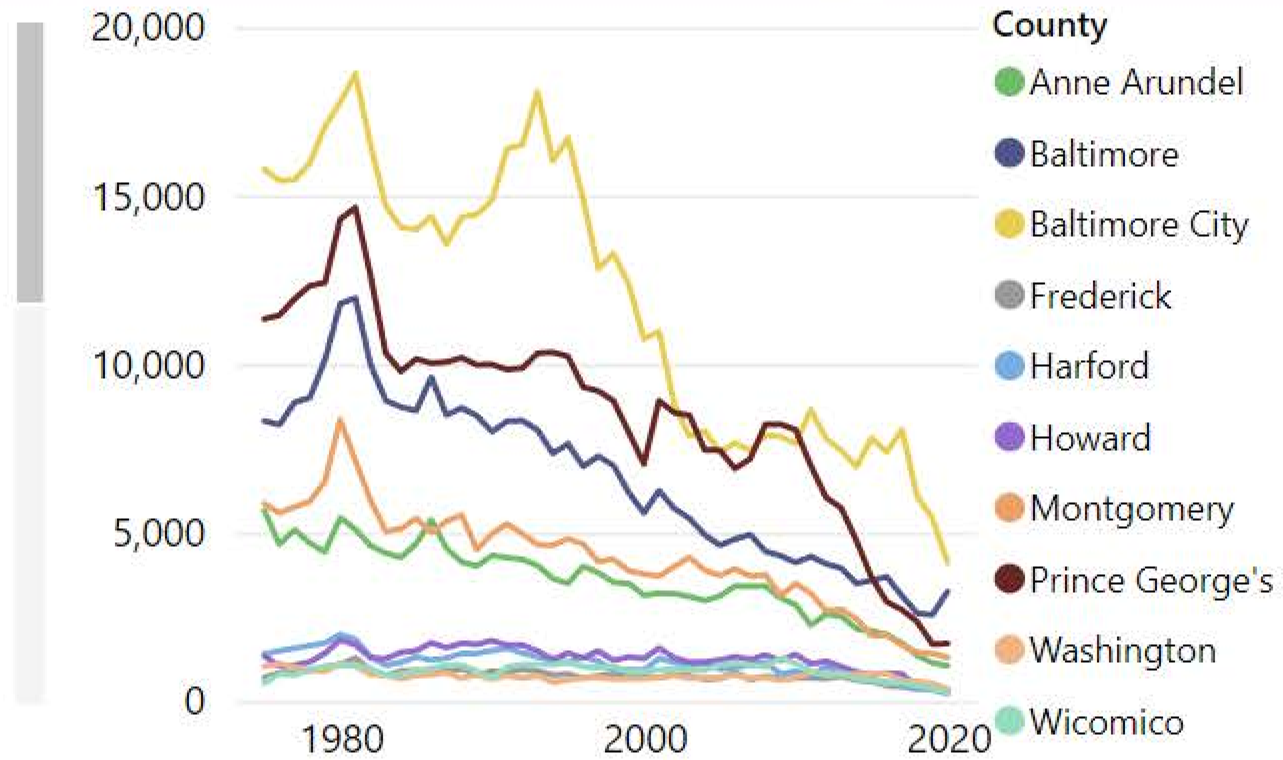
2A Maryland SB1,SB86, SB113, SB159

Murder | Rape | Robbery | Aggravated Assault | Breaking & Entering | Larceny/Theft | Motor Vehicle Theft | Property Crime

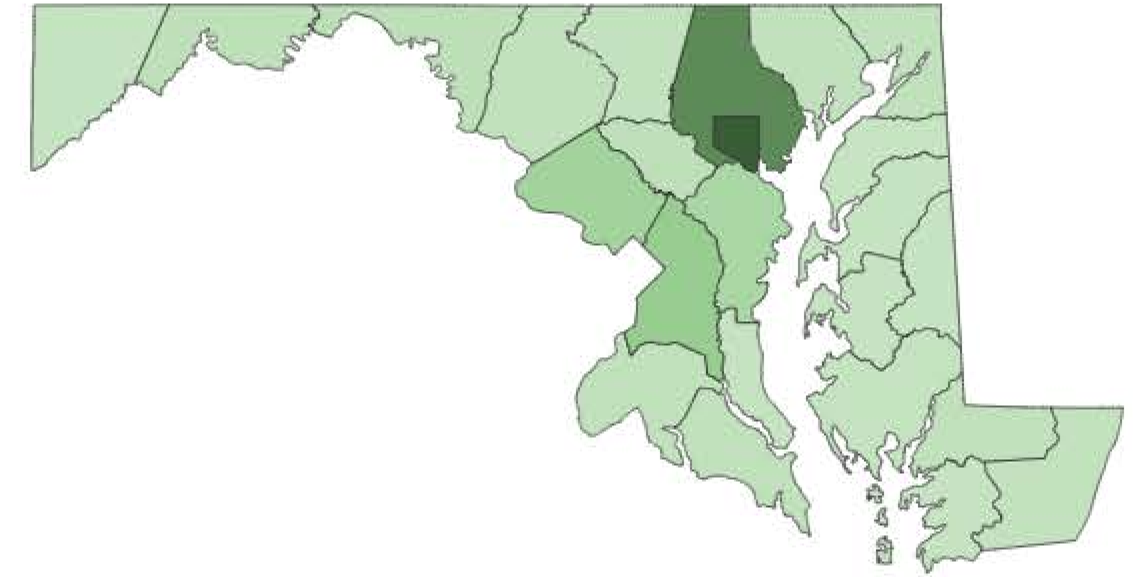
Crimes by County (2020)



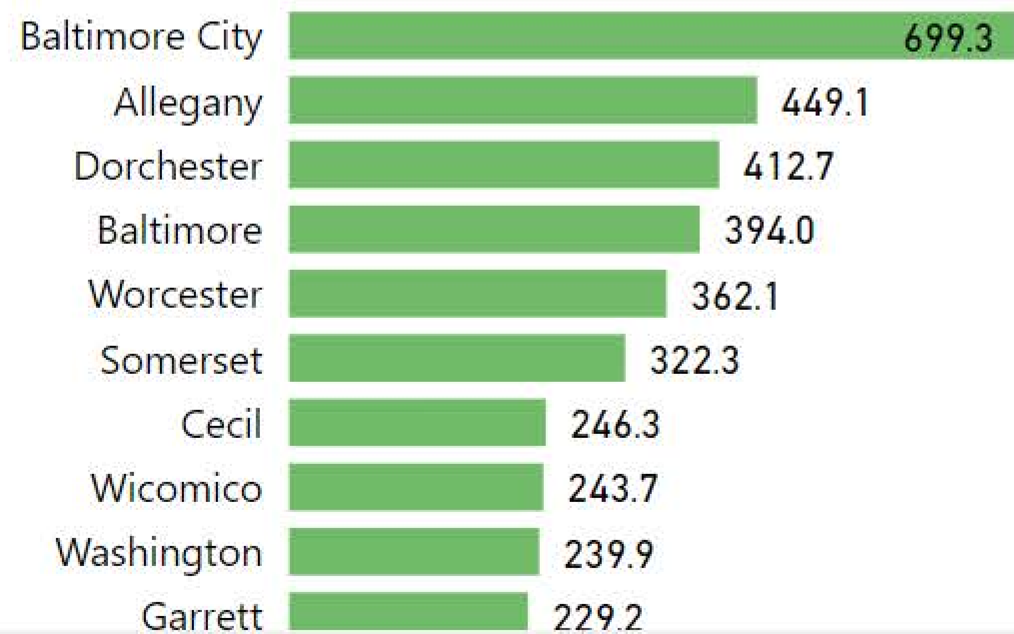
Number of Crimes by Year



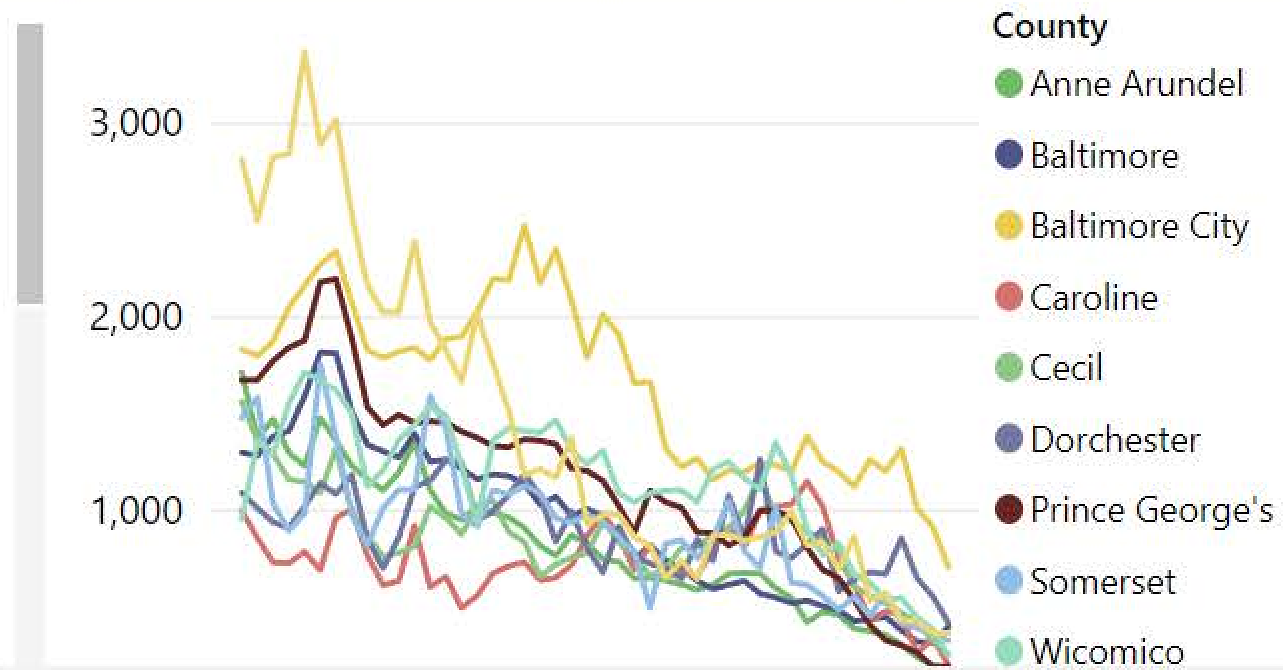
Number of Crimes by County (2020)



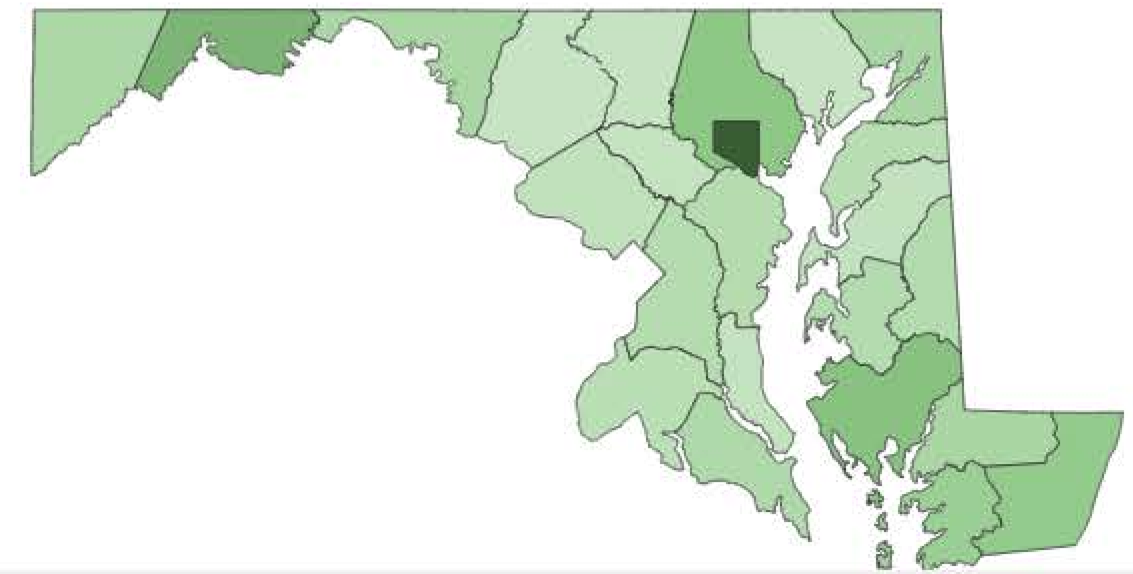
Crime Rate by County (2020)



Crime Rate per 100,000 by Year



Crime Rate by County (2020)



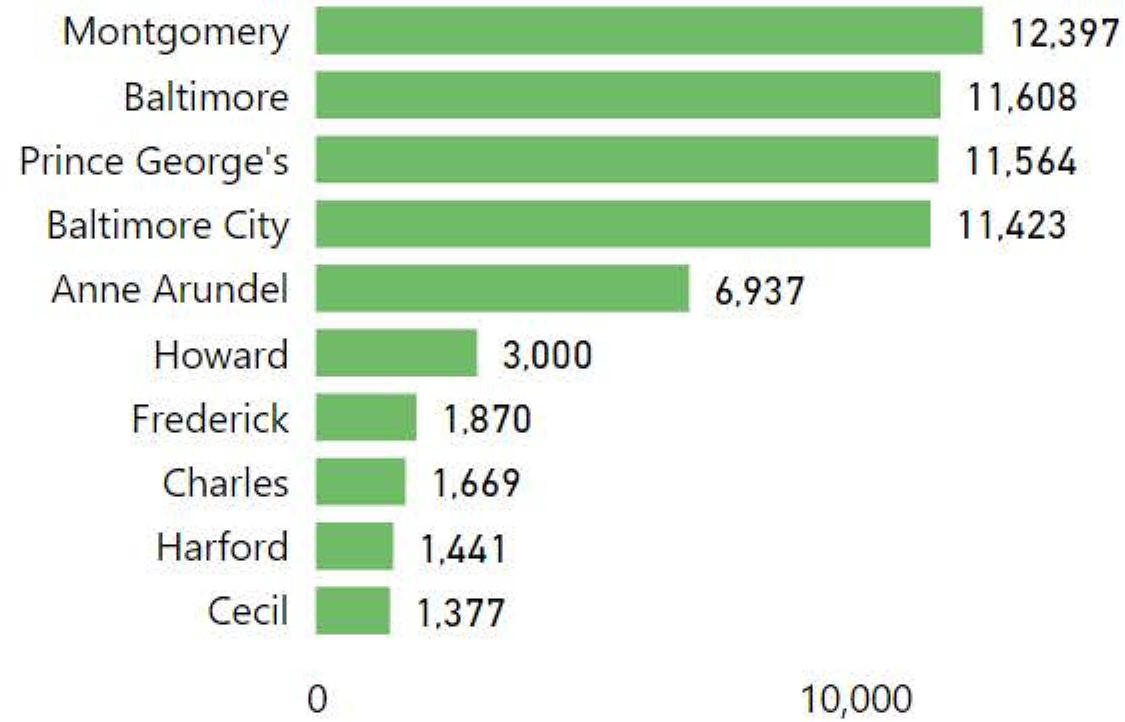
Go back | County Crime

Microsoft Power BI

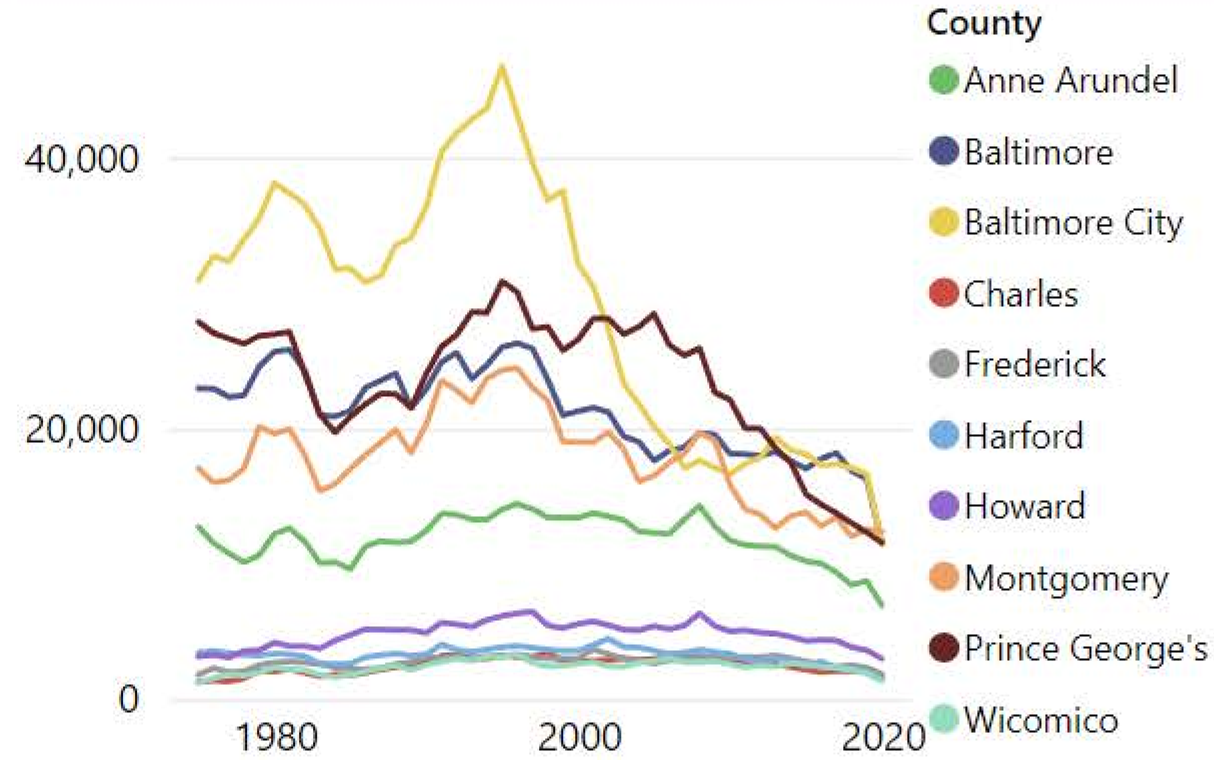
2A Maryland SB1,SB86, SB113, SB159

Murder | Rape | Robbery | Aggravated Assault | Breaking & Entering | Larceny/Theft | Motor Vehicle Theft | Property Crime

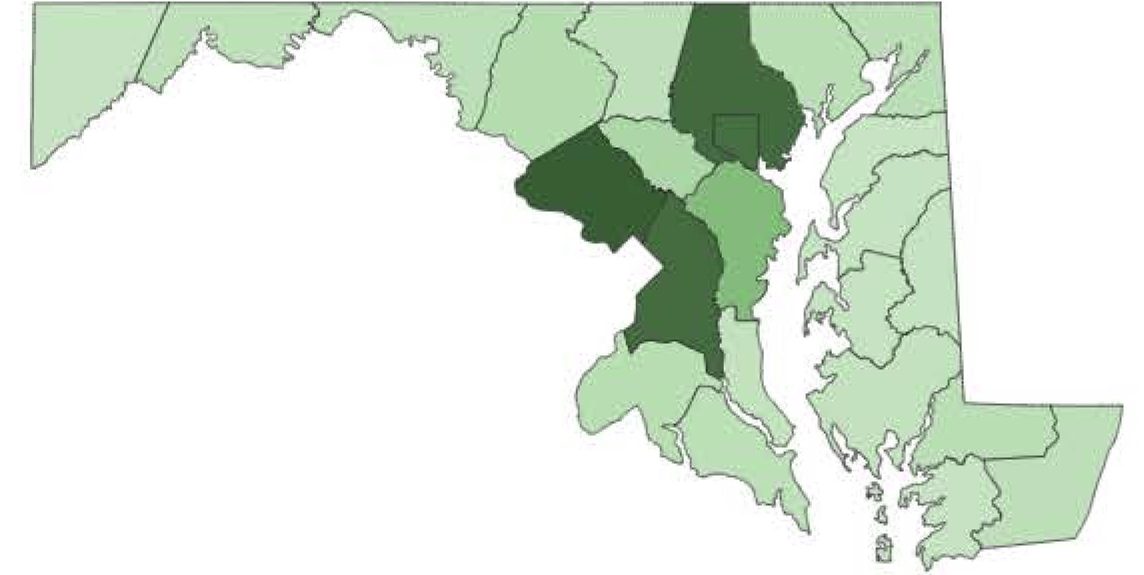
Crimes by County (2020)



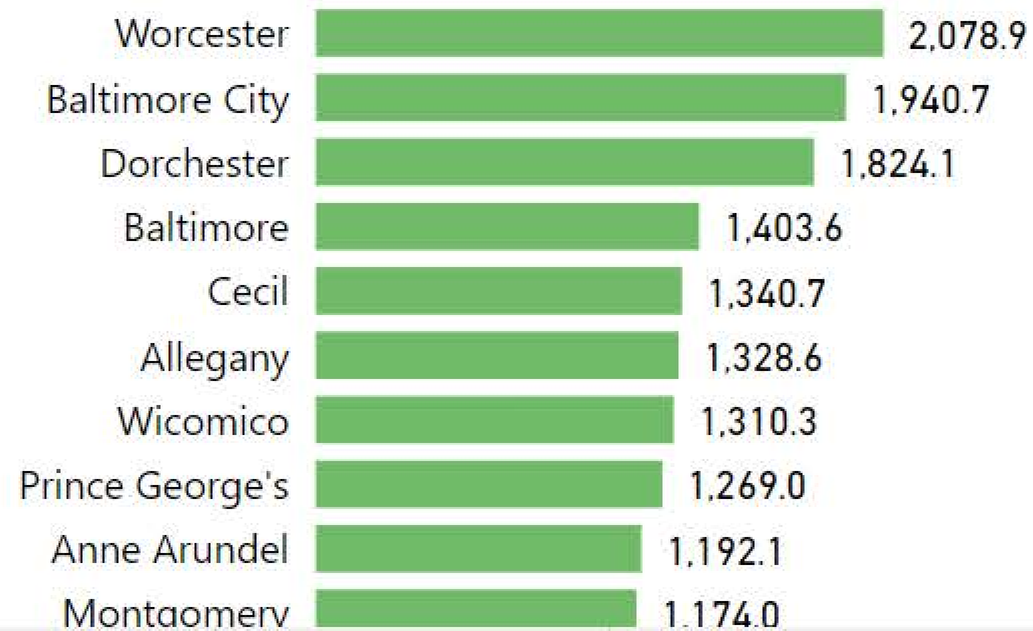
Number of Crimes by Year



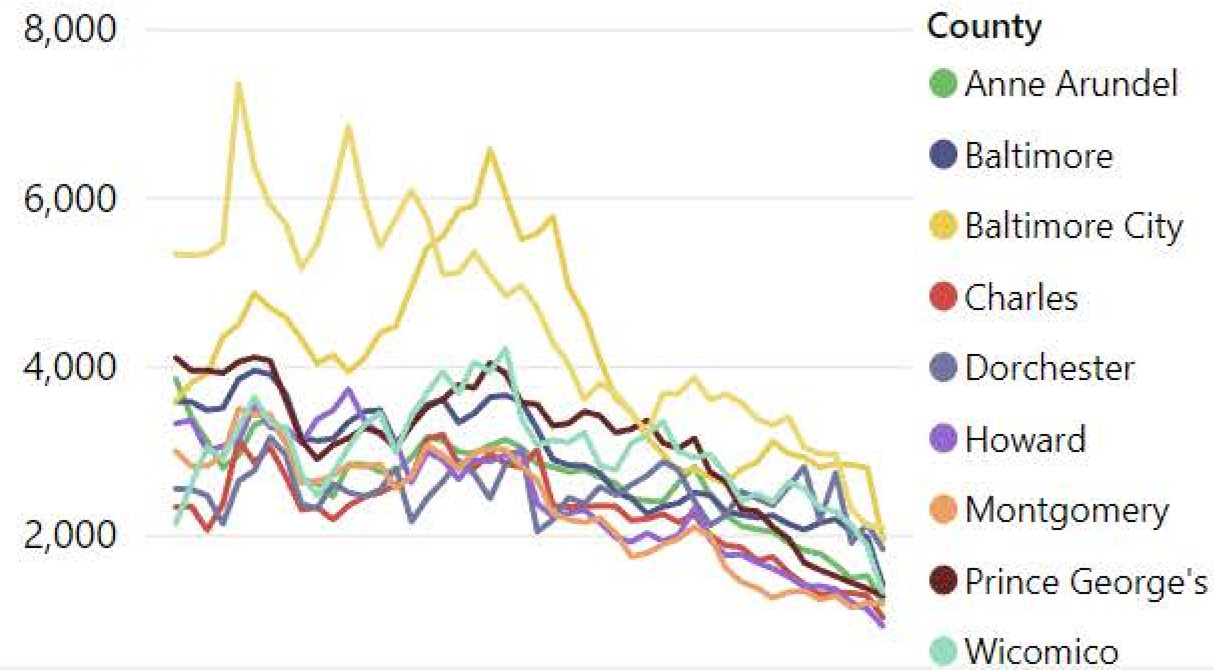
Number of Crimes by County (2020)



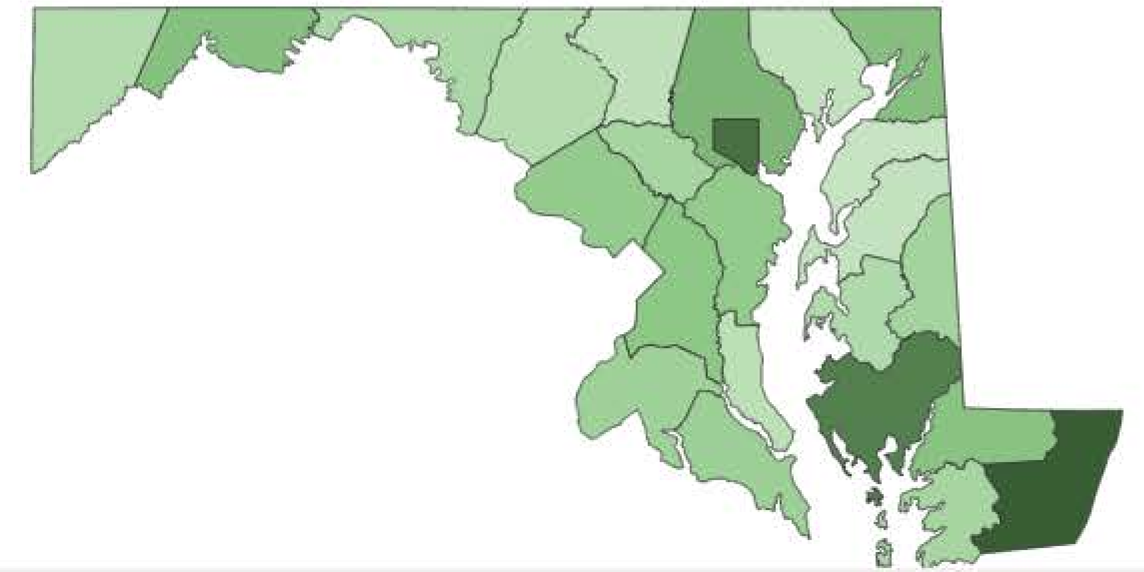
Crime Rate by County (2020)



Crime Rate per 100,000 by Year



Crime Rate by County (2020)



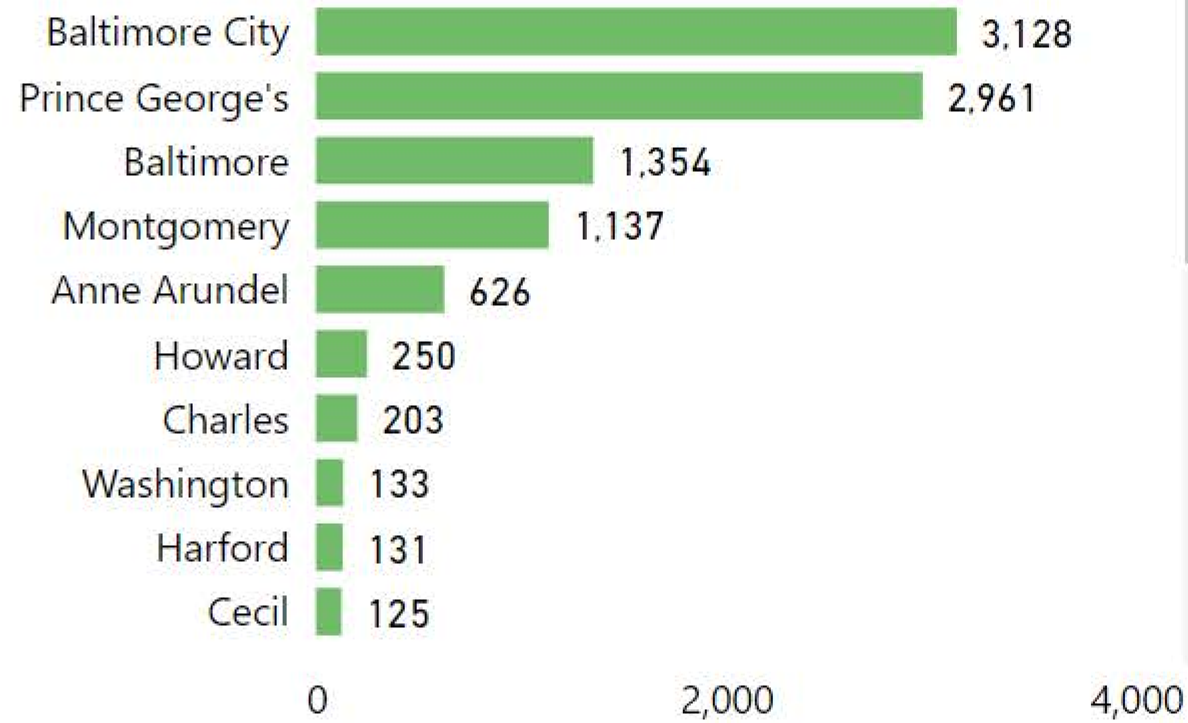
Go back | County Crime | 148%

Microsoft Power BI

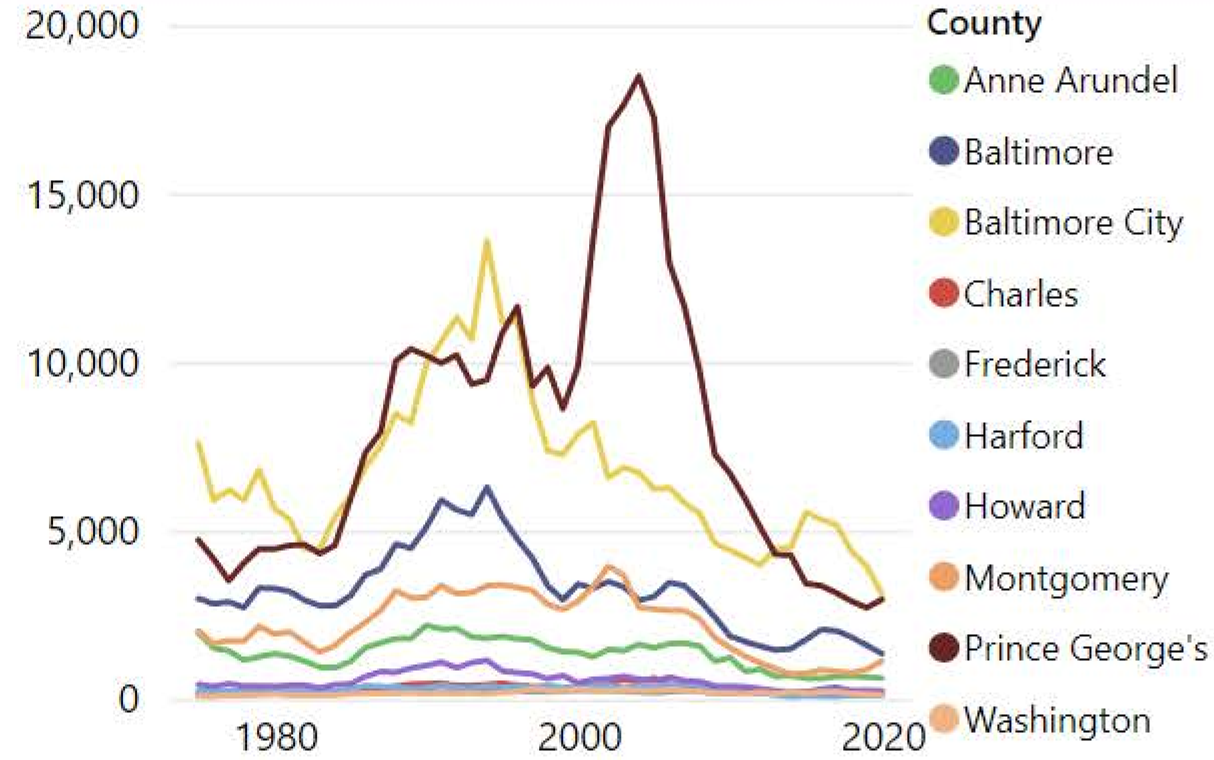
2A Maryland SB1,SB86, SB113, SB159

Murder | Rape | Robbery | Aggravated Assault | Breaking & Entering | Larceny/Theft | Motor Vehicle Theft | Property Crime

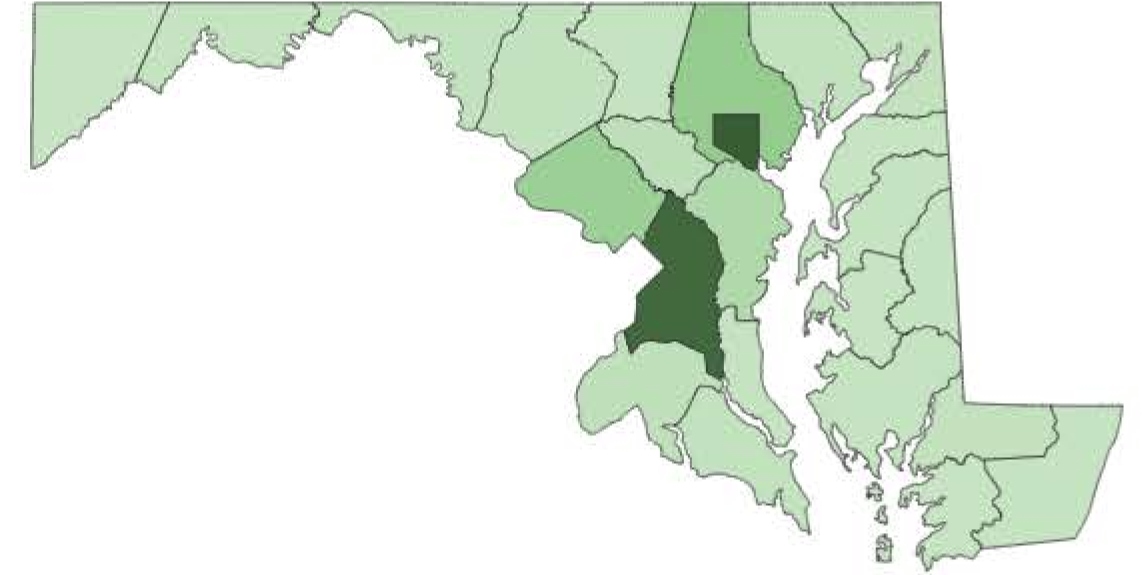
Crimes by County (2020)



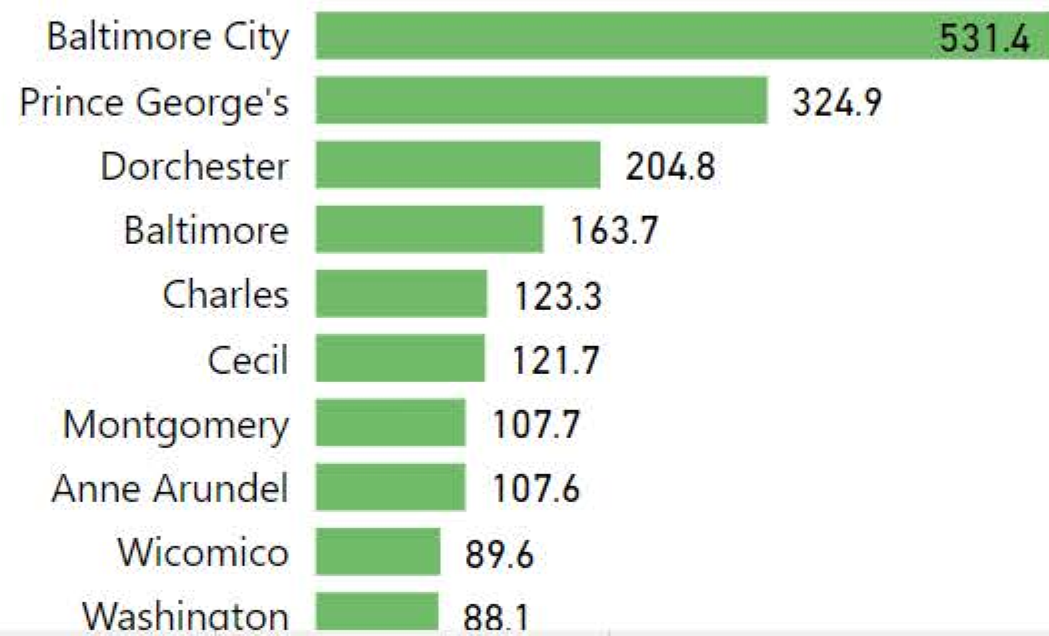
Number of Crimes by Year



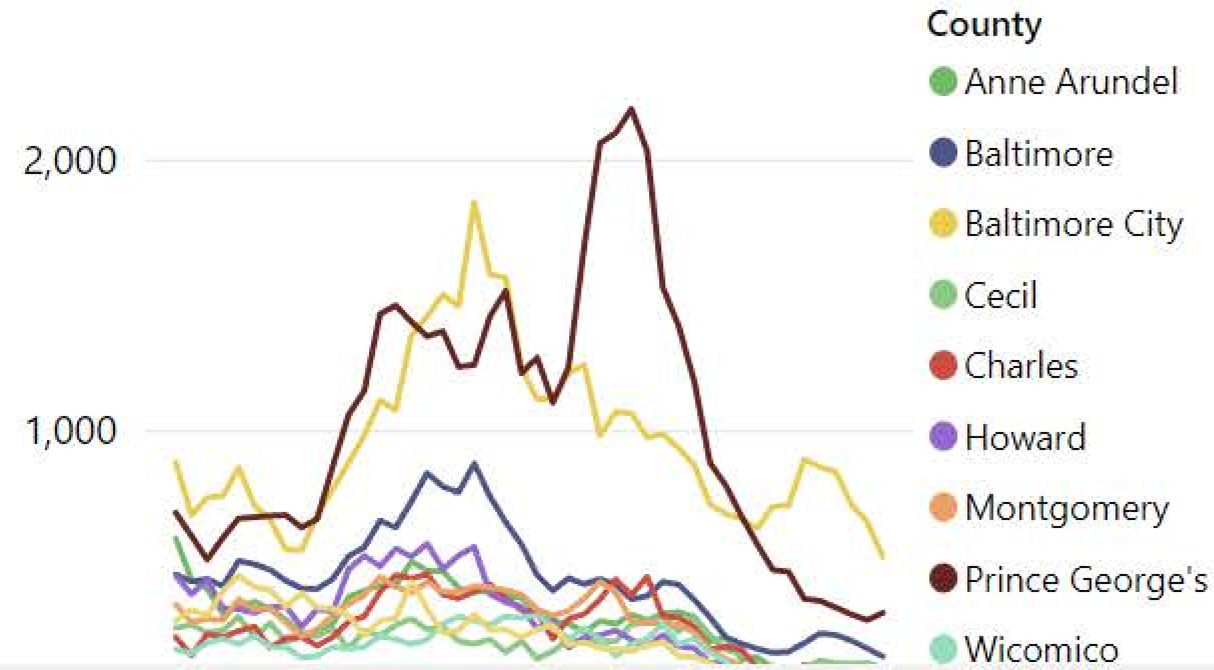
Number of Crimes by County (2020)



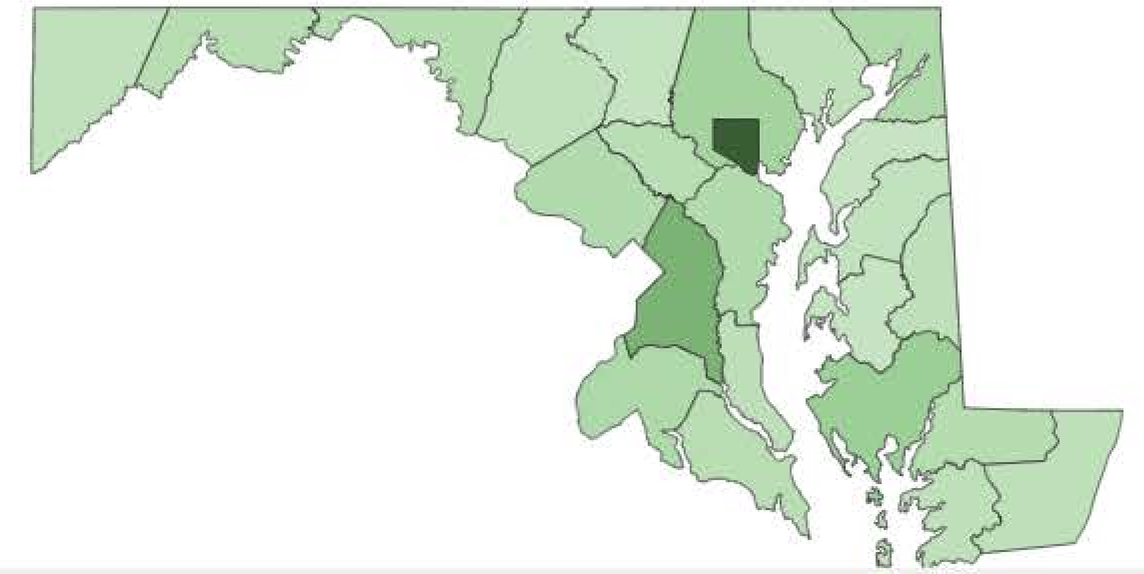
Crime Rate by County (2020)



Crime Rate per 100,000 by Year



Crime Rate by County (2020)



Go back | County Crime

Microsoft Power BI

2A Maryland SB1,SB86, SB113, SB159

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Position: UNF

Maryland State Police Licensing Division

Regulated Firearm Applications, Licenses and Permits

Maryland State Police Licensing Division

Mission and Goals

The Maryland State Police Licensing Division administers the provisions of the Annotated Code of Maryland and COMAR related to: the Maryland Handgun Qualification License, the registration of Maryland Qualified Handgun Instructors, the sale and transfer of regulated firearms and machine guns, the licensing and regulation of Maryland Regulated Firearms Dealers, the commissioning of Special Police and Railroad Police Officers, the licensing of Private Detectives, Private Detective Agencies, Security Guards and Security Guard Agencies, the licensing of Security Systems Technicians and Security Systems Agencies, the registration of Maryland Law Enforcement K-9 dogs, eavesdropping, wiretapping and electronic listening devices, and the issuance of State of Maryland Wear & Carry Handgun Permits and Law Enforcement Officer Safety Act certifications.

Maryland State Police Licensing Division

Captain Andrew Rossignol – Division Commander
Lieutenant Gregory Shackelford – Assistant Division Commander

First Sergeant Donald Pickle – Section Commander, Firearms Services Section
- Firearms Registration Unit
- Handgun Qualification License Unit

First John Hickey – Section Commander, Professional Licensing Section
- Security Services Unit
- Police and Security Systems Unit

First Sergeant Patrick McCrory – Section Commander, Permits & Compliance Section
- Handgun Permit Unit
- Administrative Investigations Unit
- Inspection & Compliance Unit

39 sworn personnel & 58 civilian personnel

Maryland State Police Licensing Division

Firearms Applications

Year	Total Applications	Not Disapproved	Disapproved
2017	51,847	50,647	177
2018	55,188	53,684	213
2019	53,736	51,703	233
2020	104,456	101,243	585
2021	109,205	103,127	574
2022	118,262	116,328	518

7 day legislative mandate

Maryland State Police Licensing Division

Wear & Carry Permit Applications

	2017	2018	2019	2020	2021	2022
Submitted	8840	9936	13689	16398	18517	101115
Approved	10448	13947	14255	13100	18913	80933
Disapproved	617	759	619	958	2017	1680

90 day legislative mandate

Maryland State Police Licensing Division

Total Maryland Wear & Carry Permits: 114,730

County	Number of permits
Baltimore	17464
Prince George's	12856
Anne Arundel	12809
Baltimore City	8218
Harford	7181
Carroll	6101
Montgomery	5933
Frederick	5275
Charles	4555
Howard	3941
Washington	3702
St. Mary's	3387
Calvert	3250
Cecil	2669
Allegany	1835
Wicomico	1760
Queen Anne's	1636
Worcester	1241
Garrett	920
Caroline	890
Talbot	831
Dorchester	799
Somerset	513
Kent	355
Out of State	6611

■ Number of permits

Maryland State Police Licensing Division

Handgun Qualification Licenses

Year	Number of HQL's
2017	23888
2018	21727
2019	20083
2020	66526
2021	45549
2022	47647

30 day legislative mandate

SB0001_Testimony_2A_Maryland.pdf

Uploaded by: John Josselyn

Position: UNF

2A *Maryland*

2A@2AMaryland.org

Senate Bill 1

Criminal Law – Wearing, Carrying or Transporting Firearms - Restrictions

UNFAVORABLE

"Cowardice" and "self-respect" have largely disappeared from public discourse. In their place we are offered "self-esteem" as the bellwether of success and a proxy for dignity. "Self-respect" implies that one recognizes standards, and judges oneself worthy by the degree to which one lives up to them. "Self-esteem" simply means that one feels good about oneself. "Dignity" used to refer to the self-mastery and fortitude with which a person conducted himself in the face of life's vicissitudes and the boorish behavior of others. Now, judging by campus speech codes, dignity requires that we never encounter a discouraging word and that others be coerced into acting respectfully, evidently on the assumption that we are powerless to prevent our degradation if exposed to the demeaning behavior of others. These are signposts proclaiming the insubstantiality of our character, the hollowness of our souls.

It is impossible to address the problem of rampant crime without talking about the moral responsibility of the intended victim. Crime is rampant because the law-abiding, each of us, condone it, excuse it, permit it, submit to it. We permit and encourage it because we do not fight back, immediately, then and there, where it happens. Crime is not rampant because we do not have enough prisons, because judges and prosecutors are too soft, because the police are hamstrung with absurd technicalities. The defect is there, in our character. We are a nation of cowards and shirkers."

- ***A Nation of Cowards*** by Jeffrey R. Snyder 1993

Laws do not control human behavior, the simply define unacceptable behavior. By limiting the citizens' means to self-defense SB 1 cedes the initiative to the lawless, it codifies the old bumper sticker "When guns are outlawed, only outlaws will have guns."

Senate Bill 1 is a breach of faith and trust in the law-abiding citizens by the legislators who were elected by those citizens. Trust is reciprocal, when the elected officials have neither faith nor trust the citizens, how can those same citizens trust in return? Why should they?

We strongly urge an unfavorable report.

John H. Josselyn, Director
2A Maryland

A Nation of Cowards

by Jeffrey R. Snyder

OUR SOCIETY has reached a pinnacle of self-expression and respect for individuality rare or unmatched in history. Our entire popular culture -- from fashion magazines to the cinema -- positively screams the matchless worth of the individual, and glories in eccentricity, nonconformity, independent judgment, and self-determination. This enthusiasm is reflected in the prevalent notion that helping someone entails increasing that person's "self-esteem"; that if a person properly values himself, he will naturally be a happy, productive, and, in some inexplicable fashion, responsible member of society.

And yet, while people are encouraged to revel in their individuality and incalculable self-worth, the media and the law enforcement establishment continually advise us that, when confronted with the threat of lethal violence, we should not resist, but simply give the attacker what he wants. If the crime under consideration is rape, there is some notable waffling on this point, and the discussion quickly moves to how the woman can change her behavior to minimize the risk of rape, and the various ridiculous, non-lethal weapons she may acceptably carry, such as whistles, keys, mace or, that weapon which really sends shivers down a rapist's spine, the portable cellular phone.

Now how can this be? How can a person who values himself so highly calmly accept the indignity of a criminal assault? How can one who believes that the essence of his dignity lies in his self-determination passively accept the forcible deprivation of that self-determination? How can he, quietly, with great dignity and poise, simply hand over the goods?

The assumption, of course, is that there is no inconsistency. The advice not to resist a criminal assault and simply hand over the goods is founded on the notion that one's life is of incalculable value, and that no amount of property is worth it. Put aside, for a moment, the outrageousness of the suggestion that a criminal who proffers lethal violence should be treated as if he has instituted a new social contract "I will not hurt or kill you if you give me what I want." For years, feminists have labored to educate people that rape is not about sex, but about domination, degradation, and control. Evidently, someone needs to inform the law enforcement establishment and the media that kidnapping, robbery, carjacking, and assault are not about property.

Crime is not only a complete disavowal of the social contract, but also a commandeering of the victim's person and liberty. If the individual's dignity lies in the fact that he is a moral agent engaging in actions of his own will, in free exchange with others, then crime always violates the victim's dignity. It is, in fact, an act of enslavement. Your wallet, your purse, or your car may not be worth your life, but your dignity is; and if it is not worth fighting for, it can hardly be said to exist.

The Gift of Life

Although difficult for modern man to fathom, it was once widely believed that life was a gift from God, that not to defend that life when offered violence was to hold God's gift in contempt, to be a coward and to breach one's duty to one's community. A sermon given in Philadelphia in 1747 unequivocally equated the failure to defend oneself with suicide:

He that suffers his life to be taken from him by one that hath no authority for that purpose, when he might preserve it by defense, incurs the Guilt of Self Murder since God hath enjoined him to seek the continuance of his life, and Nature itself teaches every creature to defend itself.

"Cowardice" and "self-respect" have largely disappeared from public discourse. In their place we are offered "self-esteem" as the bellwether of success and a proxy for dignity. "Self-respect" implies that one recognizes standards, and judges oneself worthy by the degree to which one lives up to them. "Self-esteem" simply means that one feels good about oneself. "Dignity" used to refer to the self-mastery and fortitude with which a person conducted himself in the face of life's vicissitudes and the boorish behavior of others. Now, judging by campus speech codes, dignity requires that we never encounter a discouraging word and that others be coerced into acting respectfully, evidently on the assumption that we are powerless to prevent our degradation if exposed to the demeaning behavior of others. These are signposts proclaiming the insubstantiality of our character, the hollowness of our souls.

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Do you Feel Lucky?

In 1991, when then-Attorney General Richard Thornburgh released the FBI's annual crime statistics, he noted that it is now more likely that a person will be the victim of a violent crime than that he will be in an auto accident. Despite this, most people readily believe that the existence of the police relieves them of the responsibility to take full measures to protect themselves. The police, however, are not personal bodyguards. Rather, they act as a general deterrent to crime, both by their presence and by apprehending criminals after the fact. As numerous courts have held, they have no legal obligation to protect anyone in particular. You cannot sue them for failing to prevent you from being the victim of a crime.

Insofar as the police deter by their presence, they are very, very good. Criminals take great pains not to commit a crime in front of them. Unfortunately, the corollary is that you can

pretty much bet your life (and you are) that they won't be there at the moment you actually need them.

Should you ever be the victim of an assault, a robbery, or a rape, you will find it very difficult to call the police while the act is in progress, even if you are carrying a portable cellular phone. Nevertheless, you might be interested to know how long it takes them to show up. Department of Justice statistics for 1991 show that, for all crimes of violence, Only 2 percent of calls are responded to within five minutes. The idea that protection is a service people can call to have delivered and expect to receive in a timely fashion is often mocked by gun owners, who love to recite the challenge, "call for a cop, call for an ambulance, and call for a pizza. See who shows up first."

Many people deal with the problem of crime by convincing themselves that they live, work, and travel only in special "crime-free" zones. Invariably, they react with shock and hurt surprise when they discover that criminals do not play by the rules and do not respect these imaginary boundaries. If, however, you understand that crime can occur anywhere at anytime, and if you understand that you can be maimed or mortally wounded in mere seconds, you may wish to consider whether you are willing to place the responsibility for safeguarding your life in the hands of others.

Power and Responsibility

Is your life worth protecting? If so, whose responsibility is it to protect it? If you believe that it is the police's, not only are you wrong since the courts universally rule that they have no legal obligation to do so -- but you face some difficult moral quandaries. How can you rightfully ask another human being to risk his life to protect yours, when you will assume no responsibility yourself? Because that is his job and we pay him to do it? Because your life is of incalculable value, but his is only worth the $30,000 salary we pay him? If you believe it reprehensible to possess the means and will to use lethal force to repel a criminal assault, how can you call upon another to do so for you?

Do you believe that you are forbidden to protect yourself because the police are better qualified to protect you, because they know what they are doing but you're a rank amateur? Put aside that this is equivalent to believing that only concert pianists may play the piano and only professional athletes may play sports. What exactly are these special qualities possessed only by the police and beyond the rest of us mere mortals?

One who values his life and takes seriously his responsibilities to his family and community will possess and cultivate the means of fighting back, and will retaliate when threatened with death or grievous injury to himself or a loved one. He will never be content to rely solely on others for his safety or to think he has done all that is possible by being aware of his surroundings and taking measures of avoidance. Let's not mince words: He will be armed, will be trained in the use of his weapon, and will defend himself when faced with lethal violence.

Fortunately, there is a weapon for preserving life and liberty that can be wielded effectively by almost anyone - the handgun. Small and light enough to be carried habitually, lethal, but unlike the knife or sword, not demanding great skill or strength, it truly is the "great equalizer." Requiring only hand-eye coordination and a modicum of ability to remain cool under pressure, it can be used effectively by the old and the weak against the young and the strong, by the one against the many.

The handgun is the only weapon that would give a lone female jogger a chance of prevailing against a gang of thugs intent on rape, a teacher a chance of protecting children at recess from a madman intent on massacring them, a family of tourists waiting at a mid-town subway station the means to protect themselves from a gang of teens armed with razors and knives.

But since we live in a society that by and large outlaws the carrying of arms, we are brought into the fray of the Great American Gun War. Gun control is one of the most prominent battlegrounds in our current culture wars. Yet it is unique in the half-heartedness with which our conservative leaders and pundits -- our "conservative elite" -- do battle, and have conceded the moral high ground to liberal gun control proponents. It is not a topic often written about or written about with any great fervor, by William F. Buckley or Patrick Buchanan. As drug czar, William Bennett advised President Bush to ban "assault weapons." George Will is on record as recommending the repeal of the Second Amendment, and Jack Kemp is on record as favoring a ban on the possession of semiautomatic "assault weapons." The battle for gun rights is one fought predominantly by the common man. The beliefs of both our liberal and conservative elites are in fact abetting the criminal rampage through our society.

Selling Crime Prevention

By any rational measure, nearly all gun control proposals are hokum. The Brady Bill, for example, would not have prevented John Hinckley from obtaining a gun to shoot President Reagan; Hinckley purchased his weapon five months before that attack, and his medical records could not have served as a basis to deny his purchase of a gun, since medical records are not public documents filed with the police. Similarly, California's waiting period and background check did not stop Patrick Purdy from purchasing the "assault rifle" and handguns he used to massacre children during recess in a Stockton schoolyard; the felony conviction that would have provided the basis for stopping the sales did not exist, because Mr. Purdy's previous weapons violations were plea-bargained down from felonies to misdemeanors.

In the mid-sixties there was a public service advertising campaign targeted at car owners about the prevention of car theft. The purpose of the ad was to urge car owners not to leave their keys in their cars. The message was, "Don't help a good boy go bad. The implication was that, by leaving his keys in his car, the normal, law-abiding car owner was contributing to the delinquency of minors who, if they just weren't tempted beyond their limits, would be "good." Now, in those

days people still had a fair sense of just who was responsible for whose behavior. The ad succeeded in enraging a goodly portion of the populace and was soon dropped.

Nearly all of the gun control measures offered by Handgun Control, Inc. (HCI) and its ilk employ the same philosophy. They are founded on the belief that America's law-abiding gun owners are the source of the problem. With their unholy desire for firearms, they are creating a society awash in a sea of guns, thereby helping good boys go bad, and helping bad boys be badder. This laying of moral blame for violent crime at the feet of the law-abiding, and the implicit absolution of violent criminals for their misdeeds, naturally infuriates honest gun owners.

The files of HCI and other gun control organizations are filled with proposals to limit the availability of semiautomatic and other firearms to law-abiding citizens, and barren of proposals for apprehending and punishing violent criminals. It is ludicrous to expect that the proposals of HCI, or any gun control laws, will significantly curb crime. According to Department of Justice and Bureau of Alcohol, Tobacco and Firearms (ATF) statistics, fully 90 percent of violent crimes are committed without a handgun, and 93 percent of the guns obtained by violent criminals are not obtained through the lawful purchase and sale transactions that are the object of most gun control legislation. Furthermore, the number of violent criminals is minute in comparison to the number of firearms in America -- estimated by the ATF at about 200 million, approximately one-third of which are handguns. With so abundant a supply, there will always be enough guns available for those who wish to use them for nefarious ends, no matter how complete the legal prohibitions against them, or how draconian the punishment for their acquisition or use. No, the gun control proposals of HCI and other organizations are not seriously intended as crime control. Something else is at work here.

The Tyranny of the Elite

Gun control is a moral crusade against a benighted, barbaric citizenry. This is demonstrated not only by the ineffectualness of gun control in preventing crime, and by the fact that it focuses on restricting the behavior of the law-abiding rather than apprehending and punishing the guilty, but also by the execration that gun control proponents heap on gun owners and their evil instrumentality, the NRA. Gun owners are routinely portrayed as uneducated, paranoid rednecks fascinated by and prone to violence, i.e., exactly the type of person who Opposes the liberal agenda and whose moral and social "re-education" is the object of liberal social policies. Typical of such bigotry is New York Governor Mario Cuomo's famous characterization of gun-owners as hunters who drink beer, don't vote, and lie to their wives about where they were all weekend. Similar vituperation is rained upon the NRA, characterized by Sen. Edward Kennedy as the "pusher's best friend," lampooned in political cartoons as standing for the right of children to carry firearms to school and, in general, portrayed as standing for an individual's God-given right to blow people away at will.

The stereotype is, of course, false. As criminologist and constitutional lawyer Don B. Kates, Jr. and former HCI contributor Dr. Patricia Harris have pointed out, "studies consistently show that, on the average, gun owners are better educated and have more prestigious jobs than non-owners.... Later studies show that gun owners are *less* likely than non-owners to approve of police brutality, violence against dissenters, etc."

Conservatives must understand that the antipathy many liberals have for gun owners arises in good measure from their statist utopianism. This habit of mind has nowhere been better explored than in The Republic. There, Plato argues that the perfectly just society is one in which an unarmed people exhibit virtue by minding their own business in the performance of their assigned functions, while the government of philosopher-kings, above the law and protected by armed guardians unquestioning in their loyalty to the state, engineers, implements, and fine-tunes the creation of that society, aided and abetted by myths that both hide and justify their totalitarian manipulation.

The Unarmed Life

When columnist Carl Rowan preaches gun control and uses a gun to defend his home, when Maryland Gov. William Donald Schaefer seeks legislation year after year to ban semi-automatic "assault weapons" whose only purpose, we are told, is to kill people, while he is at the same time escorted by state police armed with large-capacity 9mm semi-automatic pistols, it is not simple hypocrisy. It is the workings of that habit of mind possessed by all superior beings who have taken upon themselves the terrible burden of civilizing the masses and who understand, like our Congress, that laws are for other people. The liberal elite know that they are philosopher-kings. They know that the people simply cannot be trusted; that they are incapable of just and fair self-government; that left to their own devices, their society will be racist, sexist, homophobic, and inequitable -- and the liberal elite know how to fix things. They are going to help us live the good and just life, even if they have to lie to us and force us to do it. And they detest those who stand in their way.

The private ownership of firearms is a rebuke to this utopian zeal. To own firearms is to affirm that freedom and liberty are not gifts from the state. It is to reserve final judgment about whether the state is encroaching on freedom and liberty, to stand ready to defend that freedom with more than mere words, and to stand outside the state's totalitarian reach.

The Florida Experience

The elitist distrust of the people underlying the gun control movement is illustrated beautifully in HCI's campaign against a new concealed-carry law in Florida. Prior to 1987, the Florida law permitting the issuance of concealed-carry permits was administered at the county level. The law was vague, and, as a result, was subject to conflicting interpretation and political manipulation. Permits were issued principally to security personnel and the privileged few with political connections. Permits were valid only within the county of issuance.

In 1987, however, Florida enacted a uniform concealed-carry law which mandates that county authorities issue a permit to anyone who satisfies certain objective criteria. The law requires that a permit he issued to any applicant who is a resident, at least twenty-one years of age, has no criminal record, no record of alcohol or drug abuse, no history of mental illness, and provides evidence of having satisfactorily completed a firearms safety course offered by the NRA or other competent instructor. The applicant must provide a set of fingerprints, after which the authorities make a background check. The permit must be issued or denied within ninety days, is valid throughout the state, and must be renewed every three years, which provides authorities a regular means of reevaluating whether the permit holder still qualifies.

Passage of this legislation was vehemently opposed by HCI and the media. The law, they said, would lead to citizens shooting each other over everyday disputes involving fender benders, impolite behavior, and other slights to their dignity. Terms like "Florida, the Gunshine State" and "Dodge City East" were coined to suggest that the state, and those seeking passage of the law, were encouraging individuals to act as judge, jury, and executioner in a "Death Wish" society.

No HCI campaign more clearly demonstrates the elitist beliefs underlying the campaign to eradicate gun ownership. Given the qualifications required of permit holders, HCI and the media can only believe that common law-abiding citizens are seething cauldrons of homicidal rage, ready to kill to avenge any slight to their dignity, eager to seek out and summarily execute the lawless. Only lack of immediate access to a gun restrains them and prevents the blood from flowing in the streets. They are so mentally and morally deficient that they would mistake a permit to carry a weapon in self-defense as a state-sanctioned license to kill at will. Did the dire predictions come true? Despite the fact that Miami and Dade County have severe problems with the drug trade, the homicide rate fell in Florida following enactment of this law, as it did in Oregon following enactment of similar legislation there. There are, in addition, several documented cases of new permit holders successfully using their weapons to defend themselves. Information from the Florida Department of State shows that, from the beginning of the program in 1987 through June 1993, 160,823 permits have been issued, and only 530, or about 0.33 percent of the applicants, have been denied a permit for failure to satisfy the criteria, indicating that the law is benefitting those whom it was intended to benefit -- the law abiding. Only 16 permits, less than 1/100th of 1 percent, have been revoked due to the post-issuance commission of a crime involving a firearm.

The Florida legislation has been used as a model for legislation adopted by Oregon, Idaho, Montana, and Mississippi. There are, in addition, seven other states (Maine, North and South Dakota, Utah, Washington, West Virginia and, with the exception of cities with a population in excess of 1 million, Pennsylvania) which provide that concealed-carry permits must be issued to law-abiding citizens who satisfy various objective criteria. Finally, no permit is required at all in Vermont. Altogether, then, there are thirteen states in which law-abiding citizens who wish to carry arms to defend themselves may do so. While no one appears to have compiled the statistics from

all of these jurisdictions, there is certainly an ample data base for those seeking the truth about the trustworthiness of law-abiding citizens who carry firearms.

Other evidence also suggests that armed citizens are very responsible in using guns to defend themselves. Florida State University criminologist Gary Kleck, using surveys and other data, has determined that armed citizens defend their lives or property with firearms against criminals approximately 1 million times a year. In 98 percent of these instances, the citizen merely brandishes the weapon or fires a warning shot. Only in 2 percent of the cases do citizens actually shoot their assailants. In defending themselves with their firearms, armed citizens kill 2,000 to 3,000 criminals each year, three times the number killed by the police. A nationwide study by Kates, the constitutional lawyer and criminologist, found that only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The "error rate" for the police, however, was 11 percent, over five times as high.

It is simply not possible to square the numbers above and the experience of Florida with the notions that honest, law-abiding gun owners are borderline psychopaths itching for an excuse to shoot someone, vigilantes eager to seek out and summarily execute the lawless, or incompetent fools incapable of determining when it is proper to use lethal force in defense of their lives. Nor upon reflection should these results seem surprising. Rape, robbery, and attempted murder are not typically actions rife with ambiguity or subtlety, requiring special powers of observation and great book-learning to discern. When a man pulls a knife on a woman and says, "You re coming with me," her judgment that a crime is being committed is not likely to be in error. There is little chance that she is going to shoot the wrong person. It is the police, because they are rarely at the scene of the crime when it occurs, who are more likely to find themselves in circumstances where guilt and innocence are not so clear-cut, and in which the probability for mistakes is higher.

Arms and Liberty

Classical republican philosophy has long recognized the critical relationship between personal liberty and the possession of arms by a people ready and willing to use them. Political theorists as dissimilar as Niccolo Machiavelli, Sir Thomas More, James Harrington, Algernon Sidney, John Locke, and Jean-Jacques Rousseau all shared the view that the possession of arms is vital for resisting tyranny, and that to be disarmed by one's government is tantamount to being enslaved by it. The possession of arms by the people is the ultimate warrant that government governs only with the consent of the governed. As Kates has shown, the Second Amendment is as much a product of this political philosophy as it is of the American experience in the Revolutionary War. Yet our conservative elite has abandoned this aspect of republican theory. Although our conservative pundits recognize and embrace gun owners as allies in other arenas, their battle for gun rights is desultory. The problem here is not a statist utopianism, although goodness knows that liberals are not alone in the confidence they have in the state's ability to solve society's problems. Rather, the problem seems to lie in certain cultural traits shared by our conservative and liberal elites.

One such trait is an abounding faith in the power of the word. The failure of our conservative elite to defend the second Amendment stems in great measure from an overestimation of the power of the rights set forth in the First Amendment, and a general undervaluation of action. Implicit in calls for the repeal of the Second Amendment is the assumption that our First Amendment rights are sufficient to preserve our liberty. The belief is that liberty can be preserved as long as men freely speak their minds; that there is no tyranny or abuse that can survive being exposed in the press; and that the truth need only be disclosed for the culprits to be shamed. The people will act, and the truth shall set us, and keep us, free.

History is not kind to this belief, tending rather to support the view of Hobbes, Machiavelli, and other republican theorists that only people willing and able to defend themselves can preserve their liberties. While it may be tempting and comforting to believe that the existence of mass electronic communication has forever altered the balance of power between the state and its subjects, the belief has certainly not been tested by time, and what little history there is in the age of mass communication is not especially encouraging. The camera, radio, and press are mere tools and, like guns, can be used for good or ill. Hitler, after all, was a masterful orator, used radio to very good effect, and is well known to have pioneered and exploited the propaganda opportunities afforded by film. And then, of course, there were the Brownshirts, who knew very well how to quell dissent among intellectuals.

Polite Society

In addition to being enamored of the power of words, our conservative elite shares with liberals the notion that an armed society is just not civilized or progressive, that massive gun ownership is a blot on our civilization. This association of personal disarmament with civilized behavior is one of the great unexamined beliefs of our time.

Should you read English literature from the sixteenth through nineteenth centuries, you will discover numerous references to the fact that a gentleman, especially when out at night or traveling, armed himself with a sword or a pistol against the chance of encountering a highwayman or other such predator. This does not appear to have shocked the ladies accompanying him. True, for the most part there were no police in those days, but we have already addressed the notion that the presence of the police absolves people of the responsibility to look after their safety, and in any event the existence of the police cannot be said to have reduced crime to negligible levels.

It is by no means obvious why it is "civilized" to permit oneself to fall easy prey to criminal violence, and to permit criminals to continue unobstructed in their evil ways. While it may be that a society in which crime is so rare that no one ever needs to carry a weapon is "civilized," a society that stigmatizes the carrying of weapons by the law-abiding -- because it distrusts its citizens more than it fears rapists, robbers, and murderers -- certainly cannot claim this distinction. Perhaps the notion that defending oneself with lethal force is not civilized arises from the view that violence is always wrong, or the view that each human being is of such intrinsic worth that it is wrong to

kill anyone under any circumstances. The necessary implication of these propositions, however, is that life is not worth defending. Far from being "civilized," the beliefs that counterviolence and killing are always wrong are an invitation to the spread of barbarism. Such beliefs announce loudly and clearly that those who do not respect the lives and property of others will rule over those who do.

In truth, one who believes it wrong to arm himself against criminal violence shows contempt of God's gift of life (or, in modern parlance, does not properly value himself), does not live up to his responsibilities to his family and community, and proclaims himself mentally and morally deficient, because he does not trust himself to behave responsibly. In truth, a state that deprives its law-abiding citizens of the means to effectively defend themselves is not civilized but barbarous becoming an accomplice of murderers, rapists, and thugs and revealing its totalitarian nature by its tacit admission that the disorganized, random havoc created by criminals is far less a threat than are men and women who believe themselves free and independent, and act accordingly.

While gun control proponents and other advocates of a kinder, gentler society incessantly decry our "armed society," in truth we do not live in an armed society. We live in a society in which violent criminals and agents of the state habitually carry weapons, and in which many law-abiding citizens own firearms but do not go about armed. Department of Justice statistics indicate that 87 percent of all violent crimes occur outside the home. Essentially, although tens of millions own firearms, we are an unarmed society.

Take Back the Night

Clearly the police and the courts are not providing a significant brake on criminal activity. While liberals call for more poverty, education, and drug treatment programs, conservatives take a more direct tack. George Will advocates a massive increase in the number of police and a shift toward "community-based policing." Meanwhile, the NRA and many conservative leaders call for laws that would require violent criminals serve at least 85 percent of their sentences and would place repeat offenders permanently behind bars.

Our society suffers greatly from the beliefs that only official action is legitimate and that the state is the source of our earthly salvation. Both liberal and conservative prescriptions for violent crime suffer from the "not in my job description" school of thought regarding the responsibilities of the law-abiding citizen, and from an overestimation of the ability of the state to provide society's moral moorings. As long as law-abiding citizens assume no personal responsibility for combatting crime, liberal and conservative programs will fail to contain it.

Judging by the numerous articles about concealed-carry in gun magazines, the growing number of products advertised for such purpose, and the increase in the number of concealed-carry applications in states with mandatory-issuance laws, more and more people, including growing numbers of women, are carrying firearms for self-defense. Since there are still many states in which the issuance of permits is discretionary and in which law enforcement officials routinely

deny applications, many people have been put to the hard choice between protecting their lives or respecting the law. Some of these people have learned the hard way, by being the victim of a crime, or by seeing a friend or loved one raped, robbed, or murdered, that violent crime can happen to anyone, anywhere at anytime, and that crime is not about sex or property but life, liberty, and dignity.

The laws proscribing concealed-carry of firearms by honest, law-abiding citizens breed nothing but disrespect for the law. As the Founding Fathers knew well, a government that does not trust its honest, law-abiding, taxpaying citizens with the means of self-defense is not itself worthy of trust. Laws disarming honest citizens proclaim that the government is the master, not the servant, of the people. A federal law along the lines of the Florida statute -- overriding all contradictory state and local laws and acknowledging that the carrying of firearms by law-abiding citizens is a privilege and immunity of citizenship -- is needed to correct the outrageous conduct of state and local officials operating under discretionary licensing systems.

What we certainly do not need is more gun control. Those who call for the repeal of the Second Amendment so that we can really begin controlling firearms betray a serious misunderstanding of the Bill of Rights. The Bill of Rights does not grant rights to the people, such that its repeal would legitimately confer upon government the powers otherwise proscribed. The Bill of Rights is the list of the fundamental, inalienable rights, endowed in man by his Creator, that define what it means to be a free and independent people, the rights which must exist to ensure that government governs only with the consent of the people.

At one time this was even understood by the Supreme Court. In United States v. Cruikshank (1876), the first case in which the Court had an opportunity to interpret the Second Amendment, it stated that the right confirmed by the Second Amendment "is not a right granted by the constitution. Neither is it in any manner dependent upon that instrument for its existence." The repeal of the Second Amendment would no more render the outlawing of firearms legitimate than the repeal of the due process clause of the Fifth Amendment would authorize the government to imprison and kill people at will. A government that abrogates any of the Bill of Rights, with or without majoritarian approval, forever acts illegitimately, becomes tyrannical, and loses the moral right to govern.

This is the uncompromising understanding reflected in the warning that America's gun owners will not go gently into that good, utopian night: "You can have my gun when you pry it from my cold, dead hands." While liberals take this statement as evidence of the retrograde, violent nature of gun owners, we gun owners hope that liberals hold equally strong sentiments about their printing presses, word processors, and television cameras. The Republic depends upon fervent devotion to all our fundamental rights.

***

This is the article that changed George Will's mind on firearms ownership & the Second Amendment. He drew national attention to it in his November 15, 1993 Newsweek editorial. Where Will previously called for the repeal of the Second Amendment, he now recognizes that access to effective defense is indeed a right (& responsibility). Jeff Chan obtained reprint permission for the Internet for Jeffrey Snyder's "A Nation of Cowards". It may be reproduced freely, including forwarding copies to politicians, provided that it is not distributed for profit and subscription information is included.

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Senate Bill 1

Criminal Law – Wearing, Carrying or Transporting Firearms - Restrictions

UNFAVORABLE

"Cowardice" and "self-respect" have largely disappeared from public discourse. In their place we are offered "self-esteem" as the bellwether of success and a proxy for dignity. "Self-respect" implies that one recognizes standards, and judges oneself worthy by the degree to which one lives up to them. "Self-esteem" simply means that one feels good about oneself. "Dignity" used to refer to the self-mastery and fortitude with which a person conducted himself in the face of life's vicissitudes and the boorish behavior of others. Now, judging by campus speech codes, dignity requires that we never encounter a discouraging word and that others be coerced into acting respectfully, evidently on the assumption that we are powerless to prevent our degradation if exposed to the demeaning behavior of others. These are signposts proclaiming the insubstantiality of our character, the hollowness of our souls.

It is impossible to address the problem of rampant crime without talking about the moral responsibility of the intended victim. Crime is rampant because the law-abiding, each of us, condone it, excuse it, permit it, submit to it. We permit and encourage it because we do not fight back, immediately, then and there, where it happens. Crime is not rampant because we do not have enough prisons, because judges and prosecutors are too soft, because the police are hamstrung with absurd technicalities. The defect is there, in our character. We are a nation of cowards and shirkers."

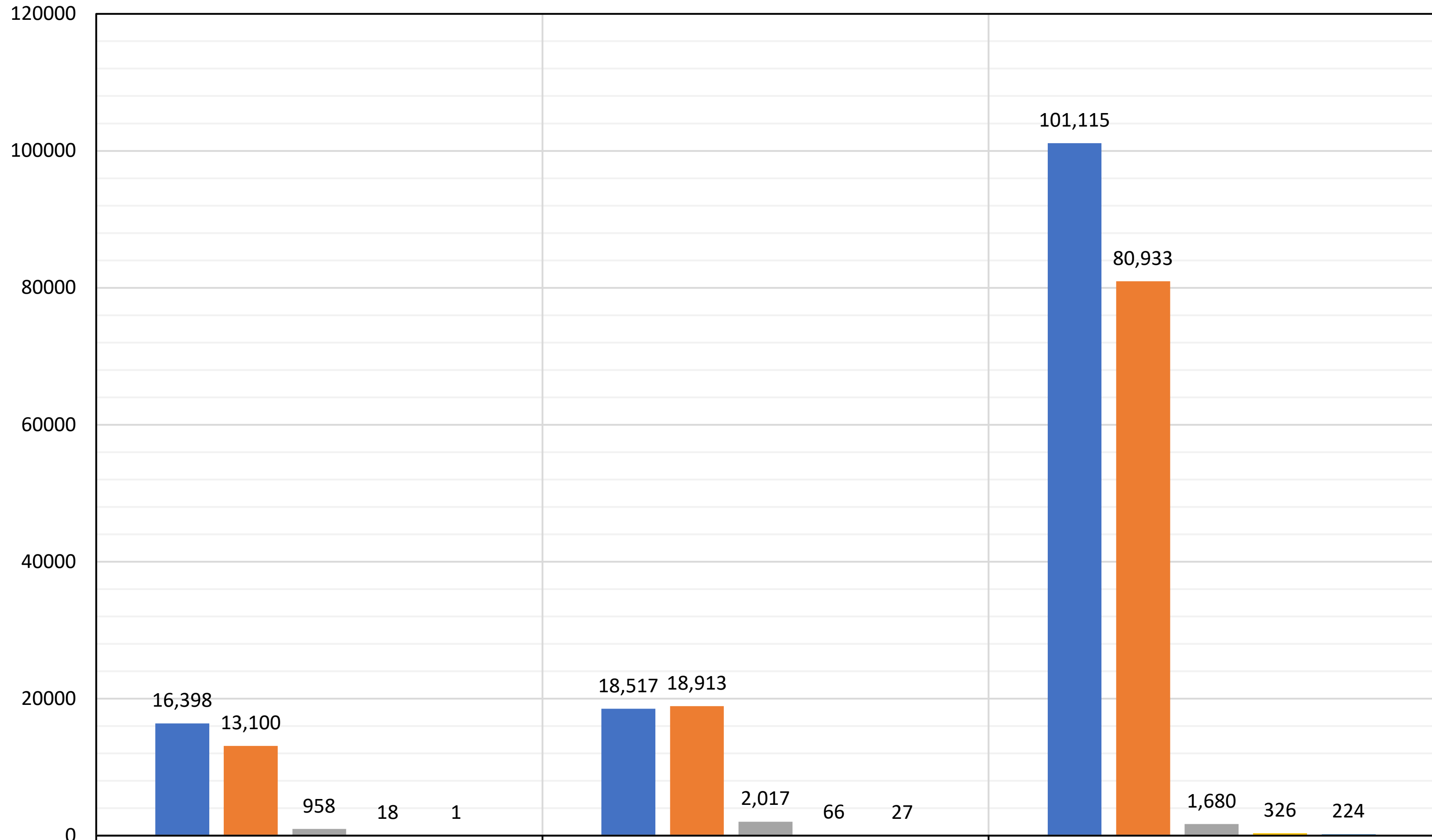
- ***A Nation of Cowards*** by Jeffrey R. Snyder 1993

Laws do not control human behavior, the simply define unacceptable behavior. By limiting the citizens' means to self-defense SB 1 cedes the initiative to the lawless, it codifies the old bumper sticker "When guns are outlawed, only outlaws will have guns."

Senate Bill 1 is a breach of faith and trust in the law-abiding citizens by the legislators who were elected by those citizens. Trust is reciprocal, when the elected officials have neither faith nor trust the citizens, how can those same citizens trust in return? Why should they?

We strongly urge an unfavorable report.

John H. Josselyn, Director
2A Maryland



	2020	2021	2022
Applications Submitted	16,398	18,517	101,115
Approved	13,100	18,913	80,933
Disapproved	958	2,017	1,680
Revoked	18	66	326
Reinstated	1	27	224

A Nation of Cowards

by Jeffrey R. Snyder

OUR SOCIETY has reached a pinnacle of self-expression and respect for individuality rare or unmatched in history. Our entire popular culture -- from fashion magazines to the cinema -- positively screams the matchless worth of the individual, and glories in eccentricity, nonconformity, independent judgment, and self-determination. This enthusiasm is reflected in the prevalent notion that helping someone entails increasing that person's "self-esteem"; that if a person properly values himself, he will naturally be a happy, productive, and, in some inexplicable fashion, responsible member of society.

And yet, while people are encouraged to revel in their individuality and incalculable self-worth, the media and the law enforcement establishment continually advise us that, when confronted with the threat of lethal violence, we should not resist, but simply give the attacker what he wants. If the crime under consideration is rape, there is some notable waffling on this point, and the discussion quickly moves to how the woman can change her behavior to minimize the risk of rape, and the various ridiculous, non-lethal weapons she may acceptably carry, such as whistles, keys, mace or, that weapon which really sends shivers down a rapist's spine, the portable cellular phone.

Now how can this be? How can a person who values himself so highly calmly accept the indignity of a criminal assault? How can one who believes that the essence of his dignity lies in his self-determination passively accept the forcible deprivation of that self-determination? How can he, quietly, with great dignity and poise, simply hand over the goods?

The assumption, of course, is that there is no inconsistency. The advice not to resist a criminal assault and simply hand over the goods is founded on the notion that one's life is of incalculable value, and that no amount of property is worth it. Put aside, for a moment, the outrageousness of the suggestion that a criminal who proffers lethal violence should be treated as if he has instituted a new social contract "I will not hurt or kill you if you give me what I want." For years, feminists have labored to educate people that rape is not about sex, but about domination, degradation, and control. Evidently, someone needs to inform the law enforcement establishment and the media that kidnapping, robbery, carjacking, and assault are not about property.

Crime is not only a complete disavowal of the social contract, but also a commandeering of the victim's person and liberty. If the individual's dignity lies in the fact that he is a moral agent engaging in actions of his own will, in free exchange with others, then crime always violates the victim's dignity. It is, in fact, an act of enslavement. Your wallet, your purse, or your car may not be worth your life, but your dignity is; and if it is not worth fighting for, it can hardly be said to exist.

The Gift of Life

Although difficult for modern man to fathom, it was once widely believed that life was a gift from God, that not to defend that life when offered violence was to hold God's gift in contempt, to be a coward and to breach one's duty to one's community. A sermon given in Philadelphia in 1747 unequivocally equated the failure to defend oneself with suicide:

He that suffers his life to be taken from him by one that hath no authority for that purpose, when he might preserve it by defense, incurs the Guilt of Self Murder since God hath enjoined him to seek the continuance of his life, and Nature itself teaches every creature to defend itself.

"Cowardice" and "self-respect" have largely disappeared from public discourse. In their place we are offered "self-esteem" as the bellwether of success and a proxy for dignity. "Self-respect" implies that one recognizes standards, and judges oneself worthy by the degree to which one lives up to them. "Self-esteem" simply means that one feels good about oneself. "Dignity" used to refer to the self-mastery and fortitude with which a person conducted himself in the face of life's vicissitudes and the boorish behavior of others. Now, judging by campus speech codes, dignity requires that we never encounter a discouraging word and that others be coerced into acting respectfully, evidently on the assumption that we are powerless to prevent our degradation if exposed to the demeaning behavior of others. These are signposts proclaiming the insubstantiality of our character, the hollowness of our souls.

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Do you Feel Lucky?

In 1991, when then-Attorney General Richard Thornburgh released the FBI's annual crime statistics, he noted that it is now more likely that a person will be the victim of a violent crime than that he will be in an auto accident. Despite this, most people readily believe that the existence of the police relieves them of the responsibility to take full measures to protect themselves. The police, however, are not personal bodyguards. Rather, they act as a general deterrent to crime, both by their presence and by apprehending criminals after the fact. As numerous courts have held, they have no legal obligation to protect anyone in particular. You cannot sue them for failing to prevent you from being the victim of a crime.

Insofar as the police deter by their presence, they are very, very good. Criminals take great pains not to commit a crime in front of them. Unfortunately, the corollary is that you can

pretty much bet your life (and you are) that they won't be there at the moment you actually need them.

Should you ever be the victim of an assault, a robbery, or a rape, you will find it very difficult to call the police while the act is in progress, even if you are carrying a portable cellular phone. Nevertheless, you might be interested to know how long it takes them to show up. Department of Justice statistics for 1991 show that, for all crimes of violence, Only 2 percent of calls are responded to within five minutes. The idea that protection is a service people can call to have delivered and expect to receive in a timely fashion is often mocked by gun owners, who love to recite the challenge, "call for a cop, call for an ambulance, and call for a pizza. See who shows up first."

Many people deal with the problem of crime by convincing themselves that they live, work, and travel only in special "crime-free" zones. Invariably, they react with shock and hurt surprise when they discover that criminals do not play by the rules and do not respect these imaginary boundaries. If, however, you understand that crime can occur anywhere at anytime, and if you understand that you can be maimed or mortally wounded in mere seconds, you may wish to consider whether you are willing to place the responsibility for safeguarding your life in the hands of others.

Power and Responsibility

Is your life worth protecting? If so, whose responsibility is it to protect it? If you believe that it is the police's, not only are you wrong since the courts universally rule that they have no legal obligation to do so -- but you face some difficult moral quandaries. How can you rightfully ask another human being to risk his life to protect yours, when you will assume no responsibility yourself? Because that is his job and we pay him to do it? Because your life is of incalculable value, but his is only worth the $30,000 salary we pay him? If you believe it reprehensible to possess the means and will to use lethal force to repel a criminal assault, how can you call upon another to do so for you?

Do you believe that you are forbidden to protect yourself because the police are better qualified to protect you, because they know what they are doing but you're a rank amateur? Put aside that this is equivalent to believing that only concert pianists may play the piano and only professional athletes may play sports. What exactly are these special qualities possessed only by the police and beyond the rest of us mere mortals?

One who values his life and takes seriously his responsibilities to his family and community will possess and cultivate the means of fighting back, and will retaliate when threatened with death or grievous injury to himself or a loved one. He will never be content to rely solely on others for his safety or to think he has done all that is possible by being aware of his surroundings and taking measures of avoidance. Let's not mince words: He will be armed, will be trained in the use of his weapon, and will defend himself when faced with lethal violence.

Fortunately, there is a weapon for preserving life and liberty that can be wielded effectively by almost anyone - the handgun. Small and light enough to be carried habitually, lethal, but unlike the knife or sword, not demanding great skill or strength, it truly is the "great equalizer." Requiring only hand-eye coordination and a modicum of ability to remain cool under pressure, it can be used effectively by the old and the weak against the young and the strong, by the one against the many.

The handgun is the only weapon that would give a lone female jogger a chance of prevailing against a gang of thugs intent on rape, a teacher a chance of protecting children at recess from a madman intent on massacring them, a family of tourists waiting at a mid-town subway station the means to protect themselves from a gang of teens armed with razors and knives.

But since we live in a society that by and large outlaws the carrying of arms, we are brought into the fray of the Great American Gun War. Gun control is one of the most prominent battlegrounds in our current culture wars. Yet it is unique in the half-heartedness with which our conservative leaders and pundits -- our "conservative elite" -- do battle, and have conceded the moral high ground to liberal gun control proponents. It is not a topic often written about or written about with any great fervor, by William F. Buckley or Patrick Buchanan. As drug czar, William Bennett advised President Bush to ban "assault weapons." George Will is on record as recommending the repeal of the Second Amendment, and Jack Kemp is on record as favoring a ban on the possession of semiautomatic "assault weapons." The battle for gun rights is one fought predominantly by the common man. The beliefs of both our liberal and conservative elites are in fact abetting the criminal rampage through our society.

Selling Crime Prevention

By any rational measure, nearly all gun control proposals are hokum. The Brady Bill, for example, would not have prevented John Hinckley from obtaining a gun to shoot President Reagan; Hinckley purchased his weapon five months before that attack, and his medical records could not have served as a basis to deny his purchase of a gun, since medical records are not public documents filed with the police. Similarly, California's waiting period and background check did not stop Patrick Purdy from purchasing the "assault rifle" and handguns he used to massacre children during recess in a Stockton schoolyard; the felony conviction that would have provided the basis for stopping the sales did not exist, because Mr. Purdy's previous weapons violations were plea-bargained down from felonies to misdemeanors.

In the mid-sixties there was a public service advertising campaign targeted at car owners about the prevention of car theft. The purpose of the ad was to urge car owners not to leave their keys in their cars. The message was, "Don't help a good boy go bad. The implication was that, by leaving his keys in his car, the normal, law-abiding car owner was contributing to the delinquency of minors who, if they just weren't tempted beyond their limits, would be "good." Now, in those

days people still had a fair sense of just who was responsible for whose behavior. The ad succeeded in enraging a goodly portion of the populace and was soon dropped.

Nearly all of the gun control measures offered by Handgun Control, Inc. (HCI) and its ilk employ the same philosophy. They are founded on the belief that America's law-abiding gun owners are the source of the problem. With their unholy desire for firearms, they are creating a society awash in a sea of guns, thereby helping good boys go bad, and helping bad boys be badder. This laying of moral blame for violent crime at the feet of the law-abiding, and the implicit absolution of violent criminals for their misdeeds, naturally infuriates honest gun owners.

The files of HCI and other gun control organizations are filled with proposals to limit the availability of semiautomatic and other firearms to law-abiding citizens, and barren of proposals for apprehending and punishing violent criminals. It is ludicrous to expect that the proposals of HCI, or any gun control laws, will significantly curb crime. According to Department of Justice and Bureau of Alcohol, Tobacco and Firearms (ATF) statistics, fully 90 percent of violent crimes are committed without a handgun, and 93 percent of the guns obtained by violent criminals are not obtained through the lawful purchase and sale transactions that are the object of most gun control legislation. Furthermore, the number of violent criminals is minute in comparison to the number of firearms in America -- estimated by the ATF at about 200 million, approximately one-third of which are handguns. With so abundant a supply, there will always be enough guns available for those who wish to use them for nefarious ends, no matter how complete the legal prohibitions against them, or how draconian the punishment for their acquisition or use. No, the gun control proposals of HCI and other organizations are not seriously intended as crime control. Something else is at work here.

The Tyranny of the Elite

Gun control is a moral crusade against a benighted, barbaric citizenry. This is demonstrated not only by the ineffectualness of gun control in preventing crime, and by the fact that it focuses on restricting the behavior of the law-abiding rather than apprehending and punishing the guilty, but also by the execration that gun control proponents heap on gun owners and their evil instrumentality, the NRA. Gun owners are routinely portrayed as uneducated, paranoid rednecks fascinated by and prone to violence, i.e., exactly the type of person who Opposes the liberal agenda and whose moral and social "re-education" is the object of liberal social policies. Typical of such bigotry is New York Governor Mario Cuomo's famous characterization of gun-owners as hunters who drink beer, don't vote, and lie to their wives about where they were all weekend. Similar vituperation is rained upon the NRA, characterized by Sen. Edward Kennedy as the "pusher's best friend," lampooned in political cartoons as standing for the right of children to carry firearms to school and, in general, portrayed as standing for an individual's God-given right to blow people away at will.

The stereotype is, of course, false. As criminologist and constitutional lawyer Don B. Kates, Jr. and former HCI contributor Dr. Patricia Harris have pointed out, "studies consistently show that, on the average, gun owners are better educated and have more prestigious jobs than non-owners.... Later studies show that gun owners are *less* likely than non-owners to approve of police brutality, violence against dissenters, etc."

Conservatives must understand that the antipathy many liberals have for gun owners arises in good measure from their statist utopianism. This habit of mind has nowhere been better explored than in The Republic. There, Plato argues that the perfectly just society is one in which an unarmed people exhibit virtue by minding their own business in the performance of their assigned functions, while the government of philosopher-kings, above the law and protected by armed guardians unquestioning in their loyalty to the state, engineers, implements, and fine-tunes the creation of that society, aided and abetted by myths that both hide and justify their totalitarian manipulation.

The Unarmed Life

When columnist Carl Rowan preaches gun control and uses a gun to defend his home, when Maryland Gov. William Donald Schaefer seeks legislation year after year to ban semi-automatic "assault weapons" whose only purpose, we are told, is to kill people, while he is at the same time escorted by state police armed with large-capacity 9mm semi-automatic pistols, it is not simple hypocrisy. It is the workings of that habit of mind possessed by all superior beings who have taken upon themselves the terrible burden of civilizing the masses and who understand, like our Congress, that laws are for other people. The liberal elite know that they are philosopher-kings. They know that the people simply cannot be trusted; that they are incapable of just and fair self-government; that left to their own devices, their society will be racist, sexist, homophobic, and inequitable -- and the liberal elite know how to fix things. They are going to help us live the good and just life, even if they have to lie to us and force us to do it. And they detest those who stand in their way.

The private ownership of firearms is a rebuke to this utopian zeal. To own firearms is to affirm that freedom and liberty are not gifts from the state. It is to reserve final judgment about whether the state is encroaching on freedom and liberty, to stand ready to defend that freedom with more than mere words, and to stand outside the state's totalitarian reach.

The Florida Experience

The elitist distrust of the people underlying the gun control movement is illustrated beautifully in HCI's campaign against a new concealed-carry law in Florida. Prior to 1987, the Florida law permitting the issuance of concealed-carry permits was administered at the county level. The law was vague, and, as a result, was subject to conflicting interpretation and political manipulation. Permits were issued principally to security personnel and the privileged few with political connections. Permits were valid only within the county of issuance.

In 1987, however, Florida enacted a uniform concealed-carry law which mandates that county authorities issue a permit to anyone who satisfies certain objective criteria. The law requires that a permit he issued to any applicant who is a resident, at least twenty-one years of age, has no criminal record, no record of alcohol or drug abuse, no history of mental illness, and provides evidence of having satisfactorily completed a firearms safety course offered by the NRA or other competent instructor. The applicant must provide a set of fingerprints, after which the authorities make a background check. The permit must be issued or denied within ninety days, is valid throughout the state, and must be renewed every three years, which provides authorities a regular means of reevaluating whether the permit holder still qualifies.

Passage of this legislation was vehemently opposed by HCI and the media. The law, they said, would lead to citizens shooting each other over everyday disputes involving fender benders, impolite behavior, and other slights to their dignity. Terms like "Florida, the Gunshine State" and "Dodge City East" were coined to suggest that the state, and those seeking passage of the law, were encouraging individuals to act as judge, jury, and executioner in a "Death Wish" society.

No HCI campaign more clearly demonstrates the elitist beliefs underlying the campaign to eradicate gun ownership. Given the qualifications required of permit holders, HCI and the media can only believe that common law-abiding citizens are seething cauldrons of homicidal rage, ready to kill to avenge any slight to their dignity, eager to seek out and summarily execute the lawless. Only lack of immediate access to a gun restrains them and prevents the blood from flowing in the streets. They are so mentally and morally deficient that they would mistake a permit to carry a weapon in self-defense as a state-sanctioned license to kill at will. Did the dire predictions come true? Despite the fact that Miami and Dade County have severe problems with the drug trade, the homicide rate fell in Florida following enactment of this law, as it did in Oregon following enactment of similar legislation there. There are, in addition, several documented cases of new permit holders successfully using their weapons to defend themselves. Information from the Florida Department of State shows that, from the beginning of the program in 1987 through June 1993, 160,823 permits have been issued, and only 530, or about 0.33 percent of the applicants, have been denied a permit for failure to satisfy the criteria, indicating that the law is benefitting those whom it was intended to benefit -- the law abiding. Only 16 permits, less than 1/100th of 1 percent, have been revoked due to the post-issuance commission of a crime involving a firearm.

The Florida legislation has been used as a model for legislation adopted by Oregon, Idaho, Montana, and Mississippi. There are, in addition, seven other states (Maine, North and South Dakota, Utah, Washington, West Virginia and, with the exception of cities with a population in excess of 1 million, Pennsylvania) which provide that concealed-carry permits must be issued to law-abiding citizens who satisfy various objective criteria. Finally, no permit is required at all in Vermont. Altogether, then, there are thirteen states in which law-abiding citizens who wish to carry arms to defend themselves may do so. While no one appears to have compiled the statistics from

all of these jurisdictions, there is certainly an ample data base for those seeking the truth about the trustworthiness of law-abiding citizens who carry firearms.

Other evidence also suggests that armed citizens are very responsible in using guns to defend themselves. Florida State University criminologist Gary Kleck, using surveys and other data, has determined that armed citizens defend their lives or property with firearms against criminals approximately 1 million times a year. In 98 percent of these instances, the citizen merely brandishes the weapon or fires a warning shot. Only in 2 percent of the cases do citizens actually shoot their assailants. In defending themselves with their firearms, armed citizens kill 2,000 to 3,000 criminals each year, three times the number killed by the police. A nationwide study by Kates, the constitutional lawyer and criminologist, found that only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The "error rate" for the police, however, was 11 percent, over five times as high.

It is simply not possible to square the numbers above and the experience of Florida with the notions that honest, law-abiding gun owners are borderline psychopaths itching for an excuse to shoot someone, vigilantes eager to seek out and summarily execute the lawless, or incompetent fools incapable of determining when it is proper to use lethal force in defense of their lives. Nor upon reflection should these results seem surprising. Rape, robbery, and attempted murder are not typically actions rife with ambiguity or subtlety, requiring special powers of observation and great book-learning to discern. When a man pulls a knife on a woman and says, "You re coming with me," her judgment that a crime is being committed is not likely to be in error. There is little chance that she is going to shoot the wrong person. It is the police, because they are rarely at the scene of the crime when it occurs, who are more likely to find themselves in circumstances where guilt and innocence are not so clear-cut, and in which the probability for mistakes is higher.

Arms and Liberty

Classical republican philosophy has long recognized the critical relationship between personal liberty and the possession of arms by a people ready and willing to use them. Political theorists as dissimilar as Niccolo Machiavelli, Sir Thomas More, James Harrington, Algernon Sidney, John Locke, and Jean-Jacques Rousseau all shared the view that the possession of arms is vital for resisting tyranny, and that to be disarmed by one's government is tantamount to being enslaved by it. The possession of arms by the people is the ultimate warrant that government governs only with the consent of the governed. As Kates has shown, the Second Amendment is as much a product of this political philosophy as it is of the American experience in the Revolutionary War. Yet our conservative elite has abandoned this aspect of republican theory. Although our conservative pundits recognize and embrace gun owners as allies in other arenas, their battle for gun rights is desultory. The problem here is not a statist utopianism, although goodness knows that liberals are not alone in the confidence they have in the state's ability to solve society's problems. Rather, the problem seems to lie in certain cultural traits shared by our conservative and liberal elites.

One such trait is an abounding faith in the power of the word. The failure of our conservative elite to defend the second Amendment stems in great measure from an overestimation of the power of the rights set forth in the First Amendment, and a general undervaluation of action. Implicit in calls for the repeal of the Second Amendment is the assumption that our First Amendment rights are sufficient to preserve our liberty. The belief is that liberty can be preserved as long as men freely speak their minds; that there is no tyranny or abuse that can survive being exposed in the press; and that the truth need only be disclosed for the culprits to be shamed. The people will act, and the truth shall set us, and keep us, free.

History is not kind to this belief, tending rather to support the view of Hobbes, Machiavelli, and other republican theorists that only people willing and able to defend themselves can preserve their liberties. While it may be tempting and comforting to believe that the existence of mass electronic communication has forever altered the balance of power between the state and its subjects, the belief has certainly not been tested by time, and what little history there is in the age of mass communication is not especially encouraging. The camera, radio, and press are mere tools and, like guns, can be used for good or ill. Hitler, after all, was a masterful orator, used radio to very good effect, and is well known to have pioneered and exploited the propaganda opportunities afforded by film. And then, of course, there were the Brownshirts, who knew very well how to quell dissent among intellectuals.

Polite Society

In addition to being enamored of the power of words, our conservative elite shares with liberals the notion that an armed society is just not civilized or progressive, that massive gun ownership is a blot on our civilization. This association of personal disarmament with civilized behavior is one of the great unexamined beliefs of our time.

Should you read English literature from the sixteenth through nineteenth centuries, you will discover numerous references to the fact that a gentleman, especially when out at night or traveling, armed himself with a sword or a pistol against the chance of encountering a highwayman or other such predator. This does not appear to have shocked the ladies accompanying him. True, for the most part there were no police in those days, but we have already addressed the notion that the presence of the police absolves people of the responsibility to look after their safety, and in any event the existence of the police cannot be said to have reduced crime to negligible levels.

It is by no means obvious why it is "civilized" to permit oneself to fall easy prey to criminal violence, and to permit criminals to continue unobstructed in their evil ways. While it may be that a society in which crime is so rare that no one ever needs to carry a weapon is "civilized," a society that stigmatizes the carrying of weapons by the law-abiding -- because it distrusts its citizens more than it fears rapists, robbers, and murderers -- certainly cannot claim this distinction. Perhaps the notion that defending oneself with lethal force is not civilized arises from the view that violence is always wrong, or the view that each human being is of such intrinsic worth that it is wrong to

kill anyone under any circumstances. The necessary implication of these propositions, however, is that life is not worth defending. Far from being "civilized," the beliefs that counterviolence and killing are always wrong are an invitation to the spread of barbarism. Such beliefs announce loudly and clearly that those who do not respect the lives and property of others will rule over those who do.

In truth, one who believes it wrong to arm himself against criminal violence shows contempt of God's gift of life (or, in modern parlance, does not properly value himself), does not live up to his responsibilities to his family and community, and proclaims himself mentally and morally deficient, because he does not trust himself to behave responsibly. In truth, a state that deprives its law-abiding citizens of the means to effectively defend themselves is not civilized but barbarous becoming an accomplice of murderers, rapists, and thugs and revealing its totalitarian nature by its tacit admission that the disorganized, random havoc created by criminals is far less a threat than are men and women who believe themselves free and independent, and act accordingly.

While gun control proponents and other advocates of a kinder, gentler society incessantly decry our "armed society," in truth we do not live in an armed society. We live in a society in which violent criminals and agents of the state habitually carry weapons, and in which many law-abiding citizens own firearms but do not go about armed. Department of Justice statistics indicate that 87 percent of all violent crimes occur outside the home. Essentially, although tens of millions own firearms, we are an unarmed society.

Take Back the Night

Clearly the police and the courts are not providing a significant brake on criminal activity. While liberals call for more poverty, education, and drug treatment programs, conservatives take a more direct tack. George Will advocates a massive increase in the number of police and a shift toward "community-based policing." Meanwhile, the NRA and many conservative leaders call for laws that would require violent criminals serve at least 85 percent of their sentences and would place repeat offenders permanently behind bars.

Our society suffers greatly from the beliefs that only official action is legitimate and that the state is the source of our earthly salvation. Both liberal and conservative prescriptions for violent crime suffer from the "not in my job description" school of thought regarding the responsibilities of the law-abiding citizen, and from an overestimation of the ability of the state to provide society's moral moorings. As long as law-abiding citizens assume no personal responsibility for combatting crime, liberal and conservative programs will fail to contain it.

Judging by the numerous articles about concealed-carry in gun magazines, the growing number of products advertised for such purpose, and the increase in the number of concealed-carry applications in states with mandatory-issuance laws, more and more people, including growing numbers of women, are carrying firearms for self-defense. Since there are still many states in which the issuance of permits is discretionary and in which law enforcement officials routinely

deny applications, many people have been put to the hard choice between protecting their lives or respecting the law. Some of these people have learned the hard way, by being the victim of a crime, or by seeing a friend or loved one raped, robbed, or murdered, that violent crime can happen to anyone, anywhere at anytime, and that crime is not about sex or property but life, liberty, and dignity.

The laws proscribing concealed-carry of firearms by honest, law-abiding citizens breed nothing but disrespect for the law. As the Founding Fathers knew well, a government that does not trust its honest, law-abiding, taxpaying citizens with the means of self-defense is not itself worthy of trust. Laws disarming honest citizens proclaim that the government is the master, not the servant, of the people. A federal law along the lines of the Florida statute -- overriding all contradictory state and local laws and acknowledging that the carrying of firearms by law-abiding citizens is a privilege and immunity of citizenship -- is needed to correct the outrageous conduct of state and local officials operating under discretionary licensing systems.

What we certainly do not need is more gun control. Those who call for the repeal of the Second Amendment so that we can really begin controlling firearms betray a serious misunderstanding of the Bill of Rights. The Bill of Rights does not grant rights to the people, such that its repeal would legitimately confer upon government the powers otherwise proscribed. The Bill of Rights is the list of the fundamental, inalienable rights, endowed in man by his Creator, that define what it means to be a free and independent people, the rights which must exist to ensure that government governs only with the consent of the people.

At one time this was even understood by the Supreme Court. In United States v. Cruikshank (1876), the first case in which the Court had an opportunity to interpret the Second Amendment, it stated that the right confirmed by the Second Amendment "is not a right granted by the constitution. Neither is it in any manner dependent upon that instrument for its existence." The repeal of the Second Amendment would no more render the outlawing of firearms legitimate than the repeal of the due process clause of the Fifth Amendment would authorize the government to imprison and kill people at will. A government that abrogates any of the Bill of Rights, with or without majoritarian approval, forever acts illegitimately, becomes tyrannical, and loses the moral right to govern.

This is the uncompromising understanding reflected in the warning that America's gun owners will not go gently into that good, utopian night: "You can have my gun when you pry it from my cold, dead hands." While liberals take this statement as evidence of the retrograde, violent nature of gun owners, we gun owners hope that liberals hold equally strong sentiments about their printing presses, word processors, and television cameras. The Republic depends upon fervent devotion to all our fundamental rights.

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This is the article that changed George Will's mind on firearms ownership & the Second Amendment. He drew national attention to it in his November 15, 1993 Newsweek editorial. Where Will previously called for the repeal of the Second Amendment, he now recognizes that access to effective defense is indeed a right (& responsibility). Jeff Chan obtained reprint permission for the Internet for Jeffrey Snyder's "A Nation of Cowards". It may be reproduced freely, including forwarding copies to politicians, provided that it is not distributed for profit and subscription information is included.

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Testimony before the Maryland State Senate Judiciary Committee on SB1

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February 7, 2023

I would like to thank Chairman William Smith, Michael McKay who invited me to testify, and the other distinguished members of the committee for the opportunity to speak to you.

SB1 proposes to ban the "transport of a firearm within 100 feet of a place of public accommodation." [1] That is a long list of places, from hotels to restaurants, movie theaters, sports arenas, and retail establishments.

The implications of the Supreme Court's Bruen Decision.

Take what Justice Thomas wrote in his Bruen decision last June. There are three passages that summarize the issue of sensitive places where concealed handguns can be banned.[2]

> p. 17 -- "The test that we set forth in Heller and apply today requires courts to assess whether modern firearms regulations are consistent with the Second Amendment's text and historical understanding."
>
> p. 21 -- "Heller's discussion of 'longstanding' 'laws forbidding the carrying of firearms in sensitive places such as schools and government buildings.' 554 U. S., at 626. Although the historical record yields relatively few 18th- and 19th-century 'sensitive places' where weapons were altogether prohibited—e.g., legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions."
>
> p. 22 -- "expanding the category of 'sensitive places' simply to all places of public congregation that are not isolated from law enforcement defines the category of

> 'sensitive places' far too broadly. Respondents' argument would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry arms for self-defense that we discuss in detail below. See Part III–B, infra. Put simply, there is no historical basis for New York to effectively declare the island of Manhattan a 'sensitive place' simply because it is crowded and protected generally by the New York City Police Department."

The bottom line is clear. If the text of the Amendment or the debate over it isn't clear, the courts should look at the laws in common use (not a few outliers) at the time of adoption for the 2nd or 14th Amendments. Thomas noted that sensitive places during those earlier periods were common for "legislative assemblies, polling places, and courthouses." While Thomas seemed open to historical evidence on other places that banned carrying guns, the list of places provided in SB1 clearly bans guns in any place where the public congregates, which is explicitly what the Bruen decision indicates would be struck down.

Nor has this extensive list of gun-free zones even been observed in any state laws until recently, so proponents for the gun-free zones can't even point to these prohibitions being in common use no. Indeed, the seven May-Issue states, of which Maryland had been one up until the Bruen decision, had relatively few gun free-zones. But New Jersey's new law now bans permitted concealed handguns in public places.[3] New York's new law is much more restrictive than its previous list of sensitive locations.[4] But even New York's law doesn't go as far as SB1. For example, instead of banning guns in all restaurants, it limits the ban to places that serve alcohol. In 2021, 16 states banned guns in bars, and no states had a blanket ban in restaurants that served alcohol.[5]

While California's Governor Gavin Newsom is calling to change the state's law so that carrying guns would now be banned in churches, public libraries, zoos, amusement parks, playgrounds, banks and other privately-owned businesses, the legislation has yet to be passed.[6]

Will Gun-free Zones increase Public Safety?

Maryland is moving to create more gun-free zones, though relatively few people in the state have a concealed handgun permit. By the end of 2022, there were 85,266 permits – one permit holder for every 55 adults.[7] By comparison, there is one permit holder for every nine people in the 43 right-to-carry states.[8]

Permit holders are extremely law-abiding and lose their permits for any firearms related violations at thousandths or tens of thousandths of one percent.[9] Permit holders are convicted of firearms-related violations at 1/12th the rate of police officers.[10] Also relevant is that while the revocation rate for permit holders is low in all states, it is actually lower for Right-to-Carry states than for May-Issues states such as Maryland.[11]

Unsurprisingly, concealed handgun permit holders don't stop mass public shootings in states such as Maryland or California or other very restrictive states. But they do make a difference in the 43 states where there are a lot of permit holders. Indeed, people legally carrying guns

stopped at least 31 mass public shootings since 2020.[12] And when Americans are allowed to legally carry concealed handguns, they stop about half the active shooting attacks in the US.[13]

It is hard to ignore that these mass public shooters purposefully pick targets where they know their victims cannot protect themselves. Yet, the media refuses to discuss that these mass murderers often discuss in their diaries and manifestos how they pick their targets. For example, the Buffalo mass murderer last year wrote in his manifesto explaining why he chose the target that he did: "Areas where CCW are outlawed or prohibited may be good areas of attack" and "Areas with strict gun laws are also great places of attack."[14]

That is a common theme among mass murderers.[15] These killers may be crazy, but they aren't stupid. Their goal is to get media coverage, and they know that the more people they kill, the more media attention they will receive. And if they go to a place where their victims are defenseless, they will be able to kill more people.

Even if an officer is in the right place at the right time, a single uniformed police officer has an almost impossible job in stopping mass public shootings. An officer's uniform is a neon sign saying, "Shoot me first." Once the murderer kills the officer, the attacker has free rein to go after others. But where concealed carry is allowed, the attacker will have to worry that someone behind him is also armed.

Take school shootings: Twenty states, with thousands of schools, have armed teachers and staff. There has not been one attack at any of these schools during school hours since at least 2000 where anyone has been killed or wounded.[16] All the attacks where people have been killed or wounded occurred in schools where teachers and staff can't have guns.

Newsom's approach contrasts sharply with another country that faces constant terrorist attacks. After a Jan. 27 mass public shooting in Israel left seven people dead, Israel Prime Minister Benjamin Netanyahu declared: "Firearm licensing will be expedited and expanded in order to enable thousands of additional citizens to carry weapons."[17]

Unfortunately, Maryland's strict gun control laws create fertile ground for successful mass public shootings. But the new push for more gun-free zones is guaranteed to give mass murderers and other criminals even more hunting grounds.

Many promised that Maryland's 2013 Firearms Safety Act would lower the state's crime rates. Take the pre-pandemic data. The act instituted handgun licensing and training requirements that added hundreds of dollars and months of delay to a purchase, and handgun sales in the state plummeted by 36% from 2012 to 2019. Meanwhile, between 2012 and 2019, Maryland's murder rate rose three times faster than the national rate and four times faster than in neighboring states.[18] The state's robbery rate also got much worse relative to either the national or neighboring rates.

Conclusion.

Criminals like to attack defenseless victims and they are attracted to gun-free zones. Indeed, 94% of mass public shootings occur in places where guns are banned.[19] But the legislature has

to also consider what the courts are likely to decide after the Supreme Court's Bruen decision this past June, and the Supreme Court

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Opposition to bills SB 1 SB 118 SB 86 SB 113.pd

Uploaded by: Jonathan Norris

Position: UNF

Jonathan Norris Jr. 1110 Mandarin Dr. Upper Marlboro MD 20774 3012520239 Jonnynorris@comcast.net

Honorable Senators and Delegates

Hello my name is Jonathan Norris Jr,
I am originally from Baltimore Maryland I currently reside in upper Marlboro and I am a Howard University alumnus. As someone who supports lawful and license concealed carriers I want to go on record with my opposition to these bills. I still don't understand how these things get created as if people who break the law would actually follow these laws and the people who do everything they can to comply with them should be penalized even more for being compliant. If it is your right to protect your family yourself your business those of us that have high level clearances. Why is it now that the state of Maryland decide that we should be vulnerable in public.
I would also like to add that being from Baltimore I have survived more than one gun related crime in my lifetime. I can tell you that at least one of those instances that happened to be someone else with a firearm that came to my aid and all of these were before I reached the age of 19 years old.

Law abiding citizens aren't out here committing gun violence but they deserve to defend themselves from the violence has been committed.
I can also remember in my digital forensics class speaking with federal law enforcement and local telling me that with the response time that things would happen and go down before they could even be on the scene it would be Over.

I am 100% opposed to : SB 1; SB 118; SB 86 & SB 113

Thank you

Jonathan Norris Jr.
Former Producer 96.3 FM radio DC
Manager Fleet Tv
Digital Forensics and Cyber Security Contractor to the Federal Government
Former AEAN US NAVY Reserve
Graduate Howard university

Father to a young son

Senate Bill 001 Testimony - Kotlar, Joe.pdf
Uploaded by: Joseph Kotlar
Position: UNF

February 4, 2023

RE: Senate Bill SB0001 Criminal Law – Wearing, Carrying, or Transporting Firearms – Restriction Act (Gun Safety Act of 2023)

Dear Committee Members,

The proposed Senate Bill 0001 is not only unconstitutional and in direct defiance of the Supreme Court, it is also unsupported by any evidence of making a difference in criminal activity in Maryland. If implemented, it will not have an effect on crime or violence but will only effect law-biding citizens. It is an attempt to address the feelings not actual well-being of citizens.

It has not been long since the ruling in the Bruen case by the Supreme Court has come down. Since then, there has been a large increase in the number of Wear and Carry Handgun Permit (WCHP) applicants in Maryland. Having happened so soon, there is no data to support or contradict the effects of this sudden change. It is unknown if this decision was good or bad. What we do know, however, is criminals can no longer assume the advantage when encountering an unsuspected armed citizen. Maryland has put in place very good requirements for obtaining a permit which teaches the laws, responsibilities, and use when carrying a firearm. This knowledge and the right to carry a concealed weapon legally is helping make more law abiding citizens confident in their ability to protect themselves and others.

So what brings us here? Fear.

On one hand you have citizens who fear being around armed law abiding citizens. The fear of being in a public place wondering if the armed citizen intends to harm someone. The fear of a person taking the law into his hands instead of waiting for police. The fear of there being more firearms available in the publics' hands. To these people, firearms are seen as man's evil creation which only purpose is to cause violence.

On the other hand, you have law abiding citizens who fear the imminent threat of death or severe bodily harm. The fear of not being able to protect family and other innocent lives before help arrives. The fear of losing one's rights. To these people, firearms are seen as tool and equalizer available to assist in preserving their life.

It is agreeable, on both sides, there is a group of people who have little or no fear - criminals. Criminals do not fear retaliation from law abiding citizens because of the anti-gun culture we live in. In most cases, mass shootings and violent attacks, which we see in the media, happen where strict gun control has been established – a school, a mall, a place of worship. Criminals know they are less likely to be stopped in these areas because there is no threat to them until police arrive. These attacks are not being done by permit holders carrying a firearm. If this bill is intended to reduce these acts of violence, it has already failed. Only those who respect the law, who want to do the right thing, will suffer from this. Criminals who will not follow this law.

I have had the honor of applying for and obtaining my WCHP for Maryland. In order to apply, a mandatory 2 day 16 hour course had to be taken. Fingerprinting and background checks were also part of the process. In the course, taught by former police, I learned the necessary skills to handle, operate, and effectively use a firearm to defend myself, and others, in the event of an attack. This invaluable knowledge taught me the importance of being a responsible firearm carrier and, more so, the importance of always being prepared to defend myself and others. The time, money, and effort someone puts into obtaining a WCHP is not worth jeopardizing by being unlawful. It is too common these days for people to fear what they do not understand and do everything in their power to control that fear. I encourage everyone whether

pro or anti-gun to take a class like this - to learn about firearms - to become more aware of their purpose - to better understand.

The more educated people can be about the proper use of firearms and training, the more likely crime will be prevented. The more focus and resources spent on the root problems, the more likely crime will be prevented. Targeting law abiding citizens – trying to do the right thing – is not the solution. This bill will not make people safe, it will only make people "feel" safe and only those who are not knowledgeable of firearms for personal protection. I encourage you to reconsider Senate Bill 001 by realizing how ineffective it will be in making people safer and deterring crime and violence.

Everyone can agree something needs to be done to stop crime and violence. Living in a society where a person can take another's life for a reason other than self-defense is intolerable. Some of us may be parents who would do anything for our children’s safety. I pose a question to anyone who has lost someone during a violent attack and to anyone with a family: If you were legally carrying a firearm with your loved one during what could be the final moments of your life, would you not do everything in your means to stop the threat? This bill will make the means impossible.

Respectfully,

Joe Kotlar

SB-0001 - 2023.pdf
Uploaded by: Joseph Winter
Position: UNF

WESTERN MARYLAND SPORTSMEN'S COALITION, INC.

Garrett Allegany Washington Frederick Carroll

February 6, 2023

Honorable Members of the
Maryland Senate Judicial Proceedings Committee
Senate Office Building
Annapolis, Md. 21401

Subject: SB -0001 Wearing, Carrying, or Transporting Firearms- Restrictions (Gun Safety Act of 2023) OPPOSE

Dear Honorable Senators:

My name is Ben Kelkye and I currently hold the office of President of the Western Maryland Sportsmen's Coalition, Inc. (WMSC) The Coalition is an organization that consists of nearly twenty-six thousand individual members of many sportsmen's clubs of the five western Maryland counties of Garrett, Allegany, Washington, Frederick, and Carroll. We meet regularly with authorized representatives of our members' sporting clubs, their designated county representatives and members of other associations & organizations affiliated with our sport.

Briefly stated, our mission is to provide recognition and publicity for area sportsmen and conservation clubs engaged in wildlife management and/or the preservation of land, water, and open space resources and to provide a forum in which each member organization may present and discuss its local memberships' views on such issues.

We strive to promote and protect the right of every law-abiding citizen to keep and bear arms and ammunition for self-defense and for all other lawful purposes, especially shooting sports, and to provide the sportsmen and conservationists of Western Maryland an opportunity to present a united and more effective voice in matters relating to the environment and fish and game management.

According to the National Fish & Wildlife Service and our own Department of Natural Resources there are more than 119,000 licensed hunters in our state that spend approximately $240 million per year in hunting related activities that mainly utilize sporting long-guns. Of that $240 million, about $120 million is spent on a nearly endless list of related gear and hardware such as optics, clothing, ammunition, and the like. In addition, many thousands of other folks utilize shotguns and rifles in both competitive and/or recreational shooting events such as still targets, trap, skeet, and sporting clays. These folks spend millions of dollars more each year in their individual pursuits.

Every year thousands of hunters, competitive and recreational shooters travel all over the State of Maryland to engage in their sport. Many more hunters and recreational shooters from other states come to Maryland to participate in our bountiful big game and waterfowl hunting opportunities. Millions of additional dollars are spent on travel, lodging and in eating establishments in the many small, local community businesses in the rural Maryland counties of Western Maryland as well as the Eastern Shore of Maryland.

Senate Bill 0001 as written, will essentially prohibit any of these sportsmen and women from traveling any distance in our state that would require refueling their vehicle, stopping for a quick lunch or dinner while on the road, or even staying in a motel or hotel while they have a firearm in their possession. Even parking a vehicle in the parking lot of an establishment with a cased shotgun will be prohibited. The financial implications of this proposed legislation could be devastating to our Western Maryland counties that depend heavily on hunting season revenue.

Sportsmen all over this state and residents of rural western Maryland angrily regard this bill as an over-reaching infringement on the pursuit of their sport and recreation. We are sportsmen, not criminals, and we are offended to be treated as such. Criminals, by the way, are highly unlikely to be affected by this legislation, but we surely will be. Again!

Lastly, and most unfortunately, this very restrictive legislation will most likely affect normal law-abiding citizens unwittingly into some type of loosely defined criminal activity via a technicality of law with serious penalties while they are merely trying to enjoy and share their sport. This proposed legislation is over-reaching, very unnecessary, and predictably will be ineffective.

I, as a private citizen of this State, together with the thousands of club members that are the heart of the Western Maryland Sportsmen's Coalition, Inc. **strongly urge you to oppose SB-0001,** Titled: **Wearing, Carrying, or Transporting Firearms- Restrictions (Gun Safety Act of 2023).**

Respectfully,

Ben Kelkye

Ben Kelkye
President, Western Maryland Sportsmen's Coalition, Inc.
Frederick County Sportsmen's Council
ben@kelkye.com
301 401-6262

Signed: Joe Winter, President, Washington County Federation of Sportsmen's Clubs
Jerry Zembower, President, Allegany & Garrett County Sportsmen's Association
Matt Guilfoyle, President, Carroll County Sportsmen's Association

SB 1.pdf
Uploaded by: Joshua Anderson
Position: UNF

Joshua Anderson
3825 Old Columbia Pike
Ellicott City, MD 21043

02/04/2023

To Whom it May Concern:

I am writing in opposition of Senate Bill 1 and to urge you to reject this legislation. This bill would effectively make the Maryland Wear and Carry Permit obsolete.

I have been a responsible and law-abiding gun owner for 20 years. I take gun ownership and safety very seriously. I have spent countless hours training on firearm operation/safety, Maryland self-defense law, and, most importantly, how to de-escalate situations so as to NOT use a firearm. It is my sincere hope that I would never have to use my firearm for self-defense or to defend my family, but I respect the right to carry a firearm for these purposes.

I am a healthcare professional and business owner in Maryland. I have a 2-month-old son and am active in the community. I do not live in fear, however, I am well aware of the violent crime statistics throughout the various counties and cities. Criminals do not respect the law. Criminals don't spend the time to study self-defense law and firearms safety. Criminals do not apply for a wear-and-carry permit, they would carry a firearm regardless. If passed, this bill would weaken law-abiding citizens' ability to defend themselves against criminals.

Please respect the training and testing required to obtain a wear-and-carry permit in Maryland and reject Senate Bill 1.

Sincerely,

Joshua Anderson

Julian Test.pdf
Uploaded by: Julian Adkins
Position: UNF

My name is Julian Adkins, I am a business owner in the State of Maryland and currently serving in the United States Military. I would like to start by saying that as a business owner I pick up money and checks from different stores that I sell merchandise in resulting in having to carry around a significant amount of cash on my person. Not having permission to carry a firearm in a business or residence defeats the purpose of having a concealed carry permit. As the law currently stands if you aren't allowed to carry a firearm into a building, it is posted and visible.

Every year, I receive training on foreign as well domestic terrorism and threats through my service in the United States Military. This training tells me that the uniform I wear to serve the great nation we live in essentially paints a target on my back to the people who would wish to cause harm to our nation. . Those who serve in law enforcement find themselves in a similar scenario.

The Supreme Court last year made a ruling that Maryland's gun laws were unconstitutional. In accordance with said ruling Governor Hogan directed the Maryland State Police to suspend the good and substantial reason to get a carry permit. The current bill which the Senate is attempting to pass would place the State of Maryland back on a list of a state having unconstitutional gun laws. Simply put, I do not agree with this bill being passed. This bill is unconstitutional and infringes on my 2nd amendment rights which I serve my country to defend and uphold.

SB1.pdf
Uploaded by: Julio Barreto
Position: UNF

Good day, ladies and gentlemen. My name is Julio Barreto. I appreciate the opportunity to submit testimony in opposition to Senate Bill 1 (SB1), The Gun Safety Act of 2023.

Similar to the Montgomery County legislation which the County Council approved, Bill 21-22, I believe SB1 is ill conceived and will not increase public safety as advertised. I believe it will place law abiding citizens in greater danger and embolden the criminal elements which prey on our communities.

I have been a Maryland and Montgomery County resident for almost 40 years and a gun owner for the last several years and have been issued my wear and carry permit. I am also a member of Maryland Shall Issue and support their comments in opposition to this bill. The issuance of my wear and carry permit by the Maryland State Police (MSP), after an extensive background check, demonstrated that I am both a law-abiding citizen and responsible enough to carry a firearm for self-protection. Now politicians are reacting to certain situations looking to create political points as opposed to salving real problems.

I have spent my professional career representing local governments in various capacities including drugs, crime and community policing issues, https://www.linkedin.com/in/juliobarretojr/. I am very familiar with the issues elected officials are trying address. SB1 does not do that. It places individuals like me and my wife, both in our 60s, at greater risk to the criminal elements who by definition do not comply with the law.

The 100 foot seems to be an arbitrary figure designed to prevent law-abiding citizen from being able to protect themselves against bodily threats. Most attackers will come within 100 foot todo harm to someone. I have yet to see any justification for the 100 foot ban. There is no evidence the wave of armed violent crime in Maryland, or throughout the country, is perpetuated by licensed wear and carry holders who are otherwise law abiding citizens. None of the crime statistics reveal whether the perpetuator of a violent crime with the use of a firearm is a licensed owner or simply a criminal illegally in possession of a firearm.

Currently, I work with a developer in West Baltimore where we redevelop homes in distressed neighborhoods in Park Heights, Harlem Park and Mt. Saint Clare. Our mission is to create homeownership opportunities for first-time buyers and also assist new or novice investors interested in real estate development. Many of the neighborhoods are distressed saddled with crime, drug trafficking and other illicit activity. These neighborhoods are littered with vacant properties which are used to stash drugs, as havens for drug use, shelter for the homeless and a stain on the community. In order to revitalize these neighborhoods we recognize there is a certain amount of risk someone in real estate has to expect. Personal protection is critical in these areas because police response to violent crimes are usually after the fact. When the criminal element realizes you d not fear them, they eave you alone. Many assume we are armed for why else would we venture into these neighborhoods, in their minds, if we are not armed and wiling to

protect ourselves. As a result, we have few problems and can navigate freely. The Baltimore City chief attorney has essentially said he does not want people like us out and about in his community. We are actually making a difference in some of the city's poorest and most dangerous areas. Being armed provides a measure of protection before police arrive on the scene.

Second, SB1 places greater pressure on local and state police to respond in rapid fashion to dangerous incidences at a time when police departments nationwide are experiencing high rates of retirements, low retention rates and a smaller pool of qualified candidates to patrol the streets. I was born and raised in the Bronx in New York City and I have seen first hand how a moment of tranquility can turn to chaos in a matter of seconds. While I have tremendous respect, admiration and support for the police and law enforcement, police response time in those seconds of chaos can seem like an eternity. Life and death can hang in the balance in those seconds. If I am in one of those situations waiting for police to arrive, carrying a firearm for self-protection can be the difference between living and dying.

I understand why the public has faith in the police's ability to protect them when in need. However, the unfortunate incidences in California, Buffalo, New York, and Uvalde, Texas to name a few, illustrate potential victims cannot always expect police to respond in sufficient time to prevent a potentially deadly situations from occurring. In Uvalde, Texas and in Parkland High School police presence on site could not prevent those situations from having dire circumstances.

Additionally, the Warren vs the District of Columbia decision made it clear police have no obligation to protect members of the public. Therefore, I must take responsibility to protect myself when a situation arises and there are no police to prevent a situation from being dangerous or deadly. yet both the County and the State do not want me to protect myself or my family. The police can't be everywhere and to the extent possible, I should be able to protect myself to the maximum extent possible, even if deadly force is necessary.

Third, SB1 will place greater pressure, responsibility and increased expenses on local businesses to increase security in and around their establishments. I am within a mile of two supermarkets which have high rates of theft, muggins and attempted car jackings in the last year or so. There has been a murder and several shootings instances within a mile of our home. These incidences have increased steadily over the years. At 65, I am not he same person I was at 25 although my ego would like to convince myself I can take on a 25-year assailant on my own. The truth age and illness has taken its toll on my body. I need to ensure I can protect myself and my family if the need calls for it.

Fourth, the bill does not address many of the issues which allows crime to flourish like poverty, homelessness, drug use/trafficking and the illegal sales of firearms. Addressing those issues will do more to protect citizens than to treat law-abiding citizens as if they are either criminals or may become criminals. For those who commit crime, there are plenty of laws on the books to held them accountable for their actions.

Finally, I am angry and distressed that some politician gets to make a judgment about me simply because I am willing to take on the responsibility of being a gun owner. And it is a responsibility one I took seriously enough to allow the State Police to investigate my background, interview me and those who know me and get trained on the proper use of a firearm. Maybe some of these politicians should take the time to pursue a firearms license and experience the requirements needed to become a gun owner, especially a person who wants to carry publicly.

Gun owners are taught strict safety rules and understand firearms are used only for hunting and self-protection when the use of firearms for safety purposes is the last resort. We are all taught that the best gun fight is the one you are not a part of and during active shooter situations your first responsibility is to remove yourself from potential danger not attempt to be a hero.

In closing, I am against passage of this bill. It will give the criminal elements free reign over the streets of Maryland, it will not create a safer state for me and my family and it will deny me a constitutional right granted to me by the Supreme Court. Vote no on SB1.

Thank you.

SB1.pdf
Uploaded by: Justin Lee
Position: UNF

My name is Justin from the 6th District. As a police officer in this great state, I feel I'm uniquely qualified to tell you all: you're targeting the wrong people.

When we catch a perp with a gun, we're not asking for their carry permit because they don't have one. When a student slips a gun into their backpack, they're not wondering whether they're too close to a school. Whatever effect you think these new laws might have, it's safe to say the ones now aren't doing much.

Those you target aren't the criminals. They're your bus driver. Your mailman. Your cashier. Your bank teller. Your teacher. Your friends. Your neighbors. I can't always say they're in a line of work that lets them carry. But I've seen them out there. And when I do I don't hassle them for their papers or break out a measuring tape. Instead I shake their hand and say "Thank you," because they're out there doing the job we can't.

What do I mean? It's no secret. Police are stretched thin. I've heard countless stories and myself have regularly witnessed times where calls for service aren't responded to until hours after they're made. There's nothing more shameful than responding to a call just to have the caller say "That was hours ago! Where were you?" The truth is we're so short-staffed that your call had to hold. Police in this state, through no fault of their own, have had to hold everything from alarms and assaults all the way to car thefts and burglaries on a regular basis.

Even in the most dire calls, it's minutes before police arrive. That leaves callers staring down active robbers and attackers while they wait for help. And despite that priority response, we still might not be fast enough to prevent harm or even catch the suspect. In situations like these, it's civilians who are forced to act. And when they act they ought to do so with every advantage at their disposal. Because their safety shouldn't be at the whims of politicians looking to put another feather in their cap. I dare any of you to tell your neighbor or God forbid your child that they'll be jailed for defending themselves because they didn't ask the gas station they stopped at whether they were allowed to carry (as if that's a question people are just expected to ask).

I leave you with this final point: On July 17, 2022, there was a mass shooting at a mall in Greenwood, Indiana. Three were killed by the shooter until 22-year old Elisjsha Dicken shot and killed the shooter. Elisjsha was not military or police, just an armed bystander. Ironically, the mall prohibited guns on its premises. That didn't seem to stop the shooter, but thankfully not Elisjsha either. Notably, Elisjsha took out the shooter with 10 shots from 40 yards. I can say with complete confidence that most cops would miss all 10 of those shots on their best day.

All this to say: good luck getting the police exactly when you need them. And good luck finding police who are going to arrest their friends and neighbors whose only crime was following the law just to have it flipped on them when they needed it the most. I'm sure that will be a popular policy that won't backfire at all.

SB0001.pdf
Uploaded by: Karla Mooney
Position: UNF

Senator Smith,

I am sending in a written testimony and wish to speak as well on Tuesday February 7th regarding the bills being heard at the Judicial proceedings.

First SB0001 Criminal Law – Wearing, Carrying, or Transporting Firearms- Restrictions (Gun Safety Act 2023)

When I read what this bill says, the determination that now all public places and private places are gun free zones I begin to realize that this law is to say that all citizens who follow the law do not matter. As you can imagine criminals do not follow the law so they will be very happy to have free reign to go where ever they please to use their illegal guns to commit crimes and go un punished while doing so.

A call to the police when a criminal is pointing a gun at a law abiding citizen could be answered in 20 minutes or so if the police have the staff to do so. But think of the terror of a Mother with her children being held at gunpoint and being robbed or beaten, or worse just so a criminal can get what every they want. Then if the mother survives, she will know that the criminal might get a slap on the wrist and be out of jail in hours if caught.

The number of Concealed Carry holder in this state is up substantially because it has become a scarry place to live, not because the people just want to freely carry a gun. So many of the students I have taught are truly grateful to be able to provide the first response to a threat, rather than wait 20 minutes for some one to come when the threat is long gone.

SB0001.pdf
Uploaded by: Karla Mooney
Position: UNF

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Karla Mooney

21175 Marigold St

Leonardtown MD 20650

Maryland State Leader of The DC Project

Maryland State Leader of Armed Woman of America

NRA Multidiscipline Firearms Instructor

Katie_Novotny_UNF_SB001.pdf
Uploaded by: Katie Novotny
Position: UNF

WRITTEN TESTIMONY OF KATIE NOVOTNY IN OPPOSITION OF SB001

February 7, 2023

Senate Bill 1, otherwise known as the "Gun Safety Act of 2023" is an absurd attack on the rights of lawful firearms owners. Nothing about this bill will make anyone safer. This is simply a knee-jerk reaction to the Bruen decision by those whose delicate sensibilities are offended by even the *possibility* of being in close proximity to a firearm while out in public. The rights of individuals are not to be eroded based on the feelings of others. Someone simply being *uncomfortable* is not an adequate reason to deny a right. In fact, the Bruen decision soundly rejects the interest balancing method previously used to decide if a gun control law was constitutional. Instead, it replaces with a plain text and historical tradition test. There simply is no historical analog to banning firearms in any place of public accommodation, and especially not to banning them within 100 feet of such locations. The Bruen decision lays out 5 locations with known historical analogs where prohibitions are permitted. Places of public accommodation are not amongst them. Furthermore, it was stated in the decision that states could not make entire areas off limits, such as restricting firearms from Manhattan. That is exactly what this bill proposes to do. Even in news conferences, the bills sponsor states that citizens would still be able to carry in their own homes, and in homes of others with permission. Sen Waldstreicher is not even attempting to hide the fact that this eliminates a functional system in which a person may wear and carry a firearm. In fact, that is a feature, not a fault, to gun control activists. This is blatantly unconstitutional.

Prior to the Bruen decision, a massive majority of the country had liberal permitting processes known as "shall issue" or even permitless carry. Having a large number of legally armed citizens moving throughout the community is not unusual or dangerous. Because of the expansion of the ability of people to obtain permits to wear and carry firearms, we have data proving that concealed carry permit holders do not contribute to crime. The January 2019 study published by the American College of Surgeons found this conclusion: "This study demonstrated no statistically significant association between the liberalization of state level firearm carry legislation over the last 30 years and the rates of homicides or other violent crime. Policy efforts aimed at injury prevention and the reduction of firearm-related violence should likely investigate other targets for potential intervention." https://www.sciencedirect.com/science/article/abs/pii/S107275151832074X

There is data available for many states crime rates for before and then after the introduction of shall issue permitting. Florida, and especially Dade County, tracked crime rates and other relevant data from the time they enacted carry reform in 1987 until August 31, 1992. They stopped at that point because it was clear there was no need to continue because of how rare incidents with permit holders were. The numbers from this study were as follows: A total of 6 permit holders were convicted of perpetrating crimes with firearms; Just 13 permit holders used their firearms to thwart or attempt to thwart crimes; and there was no known incident of a permit holder intervening in an incompetent or dangerous manner, such as shooting an innocent bystander by mistake. This data was taken from the study titled "Shall Issue": The New Wave of Concealed Handgun Permit Laws" http://www.davekopel.org/2A/LawRev/Shall%20Issue.pdf

As of 2022, Maine, Vermont and New Hampshire were rated as the three safest states, and they are all Constitutional Carry. From 2014 to 2018, Illinois had an average of over 189,000 active permits. Over that same period, no one had been convicted of committing a crime with their permitted concealed handgun. https://crimeresearch.org/2018/06/illinois-more-evidence-that-concealed-handgun-permitsholders-are-extremely-law-abiding/ In 2017, Milwaukee, Wisconsin's police union president stated that they had not arrested even one permit holder since they went shall issue in 2011.

Studies also show that concealed carry permit holders are more law abiding than even police officers. https://www.dailywire.com/news/report-concealed-carry-permit-holders-are-most-law-aaron-bandler Firearms violations rates for police officers are at 16.5 per 100,000. In Texas and Florida, for permit holders, that rate is only 2.4 per 100,000.

Even pre-Bruen, when Maryland was operating under a may-issue permitting scheme, people were able to obtain handgun permits for the purpose of defending their place of worship. It requires no links to a study or news article. We have all heard of attacks on synagogues, churches, and mosques. This bill would strip these people of their defense to such attacks, which was recognized as valid, even BEFORE the Supreme Court found "good and substantial" reason requirements unconstitutional. Furthermore, it strips victims of domestic abuse, those with threats against them, and other vulnerable people, of their means of self defense, while offering no guarantee of safety. The police have no duty to protect, and it is well documented that do not contact orders rarely are effective at preventing harm. This law will not stop someone intent on doing harm. They will simply ignore the law, and use it as an opportunity to attack unarmed people. 97.8% of mass shootings occur in gun free zones.

As of Jan 3, 2023, there were over 1.5 million license to carry permits active in Pennsylvania, out of a state population of about 12.8M. To our south, Virginia has issued about 685K license, out of a state population of 8.6M. The bottom line is, with the large percentages of permit holders in these states, if issuing handgun permits created a wild west situation, we would be surrounded by violence to our north and south. Instead, members of this body wish to ignore statistics and data and eviscerate the right of citizens to armed self defense in this state. Leaving us as sitting ducks to violent crime which is spiraling out of control, with no solutions in sight other than further restricting the rights of peaceful and lawful gun owners.

I respectfully request an unfavorable report.

Katie Novotny

District 35A

Katie.novotny@hotmail.com

443-617-7568

Senate Bill 0001.pdf
Uploaded by: keith coleman
Position: UNF

Keith Coleman

5020 Cameo Ter, Perry Hall MD, 21128

443-831-3077

Bpiengineer@gmail.com

Senate Bill 0001 (SB0001)

Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

I am vehemently **OPPOSED** to the passing of Senate Bill 0001 (SB1). As one of many law-abiding Maryland residents, I rejoiced when this state switched from being a "may-issue" to "shall-issue" state following the decision in the Supreme Court Ruling of NYSPR vs Bruen during the summer of 2022. This decision from the highest court in our land meant that Maryland (along with several other states) could no longer subject residents to unconstitutional, subjective requirements in order to legally carry a firearm. While I already have an inalienable right to the self defense of myself/loved ones, the 2nd amendment doubles down that this right SHALL NOT BE INFRIGNED. This bill seeks to subvert a decision made by the Supreme Court.

By definition, a criminal disregards law. Passing SB1, will have no effect on that demographic. However, it will have a profoundly detrimental effect on people like myself who simply want to continue to peacefully live in a law-abiding manner while still having the tools AND locality permissions in order to exercise lethal measures should I/loved ones be confronted with great bodily harm/potential death with no means of retreating.

I have been violently victimized in this state before. I revisit that frightening experience at times. Knowing that I was cornered by multiple assailants, had I been armed, the story might have turned out a bit differently. Thankfully, I am still here to tell the tale. However, that is not always true of other cases. The fact is that police/law enforcement are not omnipresent. They cannot always rescue citizens when it matters most. Because of this, we should be strive to be our own first responders, as our very lives can literally depend on it. As your constituents, we should be encouraged/empowered to defend ourselves as best as possible against these types of heinous acts.

Stated plainly, this bill only endangers the wrong demographic (law-abiding citizens) while simultaneously emboldening the criminal element, as they'd be unlikely to think twice about victimizing a citizen because that citizen likely will not be armed anywhere accept inside their homes.

Please withdraw this bill expeditiously.

Respectfully,

Keith C.

SB 1 2023 Testimony.pdf
Uploaded by: Kenneth Gross
Position: UNF

SB 1: Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023)

Name: Kenneth C. Gross
4713 Knapp Court
Ellicott City, MD 21043
grossken21043@gmail.com
410-258-8781

Position: OPPOSE

SB1 affects me personally and essentially bans concealed carry in Maryland by citizens with MSP-issued Wear and Carry permits, arguably the most law-abiding group of citizens in the state.

Similar laws were enacted after the “Bruen” ruling by New York and New Jersey. Both of those concealed carry bans were quickly struck down by the federal district courts. If enacted, SB 1 would be dead on arrival in federal court as it is intended to ban the very carry in public that “Bruen” clearly stated that states must allow. There is no reason to pass SB 1 knowing it will be struck down.

SB-1 Witness.pdf
Uploaded by: Kimberly Stauffer
Position: UNF

From: tony.stauffer@verizon.net,
To: tony.stauffer@verizon.net,
Subject: Fwd: SB1
Date: Tue, Jan 31, 2023 7:47 am

NAME: Anthony Stauffer

HOME ADDRESS AND ZIP CODE: 7111 Rumford Dr, Glen Burnie, MD 21061

PHONE NUMBER: 443-694-6612

I am a law abiding citizen concerned about the increase in violent crime and protecting myself and my family. Senate Bill 1 is in violation of our constitutional rights and is intended to undermine the Bruen decision by the Supreme in 2022 which upholds said constitutional rights. Criminals, by definition, will not obey this or any other law regarding guns. So this bill and ones like it, if made law, will only serve to give advantage to those intending on breaking the law, even if it means inflicting bodily harm or death upon their victims. Only law abiding citizens would be affected by this law.

Under this bill, it is difficult to see how a law-abiding gun owner could take a firearm to the range to practice or to a gun shop for maintenance with confidence that he/she would not unintentionally break this unreasonable law. How can one be sure that while transporting the firearm in a car, you don't drive past a "place of gathering" within 100 ft just driving? Or perhaps just walking into a gun shop for maintenance you pass within 100 feet of another business considered a "place of gathering". This makes no sense. YOu want gun owners to stay current with their skills in handling their firearms and you want them to be well maintained. Bills like this show that elected officials are either ignorant and do not think things through before drawing up bills and passing laws, or they are intentionally trying to manipulate the legal system by circumventing Maryland's Concealed Wear and Carry permit and our second amendment rights. It's dirty. It's under-handed and its obvious that the motive is not to protect Maryland citizens.

I would ask how many cases have been documented in 2022 where an individual with a concealed wear and carry permit committed a crime with a firearm? We all know how many criminals did so, breaking all manner of crimes already on the books. We do not need more gun laws to protect us. What we need is for prosecutors to enforce the laws already on the books instead of letting violent criminals back on the streets.

If this bill becomes law, many law-abiding citizens, good people of Maryland, will remember this when considering how to campaign and vote during our next election.

Sincerely,

Antony Stauffer

Senate Bill 0001.pdf
Uploaded by: Kimberly Tipton
Position: UNF

Kimberly Tipton
1611 Bayside Drive
Chester, MD 21619
Kimtipton428@mail.com
410-599-5977

Dear Members of the Senate Judiciary Committee,

My name is Kimberly Tipton. I strongly oppose SB0001.

I operate a small personal care business in Anne Arundel County. My business is located in a very small strip of stores along a busy highway with a public transportation bus stop on the nearby corner. The nature of my business requires me to provide services until very late in the evening, after the few other business located within the strip are closed. I am most times leaving alone and the parking lot is vacant. 10 or 11pm is not uncommon for me to be finishing up. I have on several occasions witnessed various different vehicles pulling into the lot with multiple individuals occupying the vehicle. On a few occasions, a vehicle has pulled directly in front of my business as I turned off the lights to lock up, just sitting and watching. During those circumstances, I facetime with my husband until they leave. On one particular occasion, a vehicle with multiple male occupants pulled next to my car, which was the lone vehicle on the lot at the far end of the strip furthest from my business. I watched for a moment and when the driver saw me, he pulled the vehicle around directly in front of my door and sat and watched until finally leaving.

Until September 2022, My business and another business were the only two business operation within the strip. The other storefronts were vacant. One of the occupants operates a business that sells paraphernalia that is known to be used for drug use.

We constantly have people banging and pulling on our door, which we keep locked whenever anyone is working alone or after dark. They are usually asking to use the restroom (even though we have posted no public restroom), a cigarette lighter or directions. It is not uncommon to have people "sleeping" in there vehicles on our parking lot or just drive through.

All of this suspicious activity, the ever increasing violent criminal activity in our area and the fact that I am many times alone late into the evening renders me feeling extremely uneasy and unsafe.

I am a 63 year old female with physical limitations rendering me pretty much defenseless against any potential attacker.

I have been the victim of domestic abuse in 1993 by an intoxicated partner which resulted in an ambulance ride to what was then known as North Arundel Hospital. I was lucky to come away with a broken rib and a few stitches in my face because it could have ended so much worse. My 10 year old son witnessed the occurrence.

I use to be petrified of guns. My son took me to the range after returning from military basic training. He taught me how to properly and safely handle the firearm and how to shoot it. He reminded me of the incident when I was the victim of abuse.

After that first day at the range, I signed up for some formal training with a certified instructor and purchased my first handgun. That was in 2012. I have since taken the required training, passed the NICS background check and obtained my Maryland concealed carry permit. I continue to train regularly. Does that 100 percent ensure my safety? Absolutely it does not…but it at least gives me a better chance should I find myself in a situation where my life is endangered.

Prior to the recent change in Maryland becoming a “Shall Issue” state, a business owner could, after fulfilling the requirements of “Good and Substantial” , obtain a Maryland concealed carry permit. If SB0001 is passed into law, ALL permit holders lose the ability to defend their life should they fall victim of the ever increasing violent crime. We will no longer be able to carry even to and from our businesses since many are in leased spaces with other businesses located within the 100 yards.

The vast majority of violent crime with a handgun is committed by someone unlawfully possessing and/or carrying a gun. THAT is where the Maryland judicial system needs to focus their attention. Enforce the laws already written and tighten up the penalties for illegal gun AND drug activity. Going after legal gun owners and permit holders is not going to do anything at all to solve the current crisis happening across our state.

Respectfully,

Kimberly Tipton

SB001-Witness Testimony.pdf
Uploaded by: Kristine Augustyniak
Position: UNF

I am not in favor of restricting law-abiding citizens from carrying or transporting firearms. This state has consistently allowed true criminals to carry weapons that have murdered law abiding citizens on the city streets of Baltimore and all around the state. The sanctuary state of Maryland has allowed criminals that come across our borders to seek refuge in our state and theses criminals have stayed true to their nature of murdering innocent individuals. Case and point the young woman from Aberdeen, Maryland (the city that I live in) that was raped and murdered, cut down before her time by an MS-13 gang member. It is my right as an American citizen to be able to defend myself, my family, and my property.

Kristine S. Augustyniak

Kristine S. Augustyniak

Document2.pdf
Uploaded by: Kyle Bradley
Position: UNF

I strongly oppose SB0001. This bill is illegal and unconstitutional. This blatantly restricts the citizens rights to carry a firearm for self defense. A right that we had to pay a lot of money for to even be allowed to exercise. Concealed carry permit holders are some of the most law abiding citizens and are not a threat. The threat comes from criminals violating the law and being allowed to walk free and not stay in jail. Focus on criminals and not infringing law abiding citizens rights. If this bill passes, Maryland will be more dangerous than it already is. Please vote no on this bill.

SB1 testimony.pdf
Uploaded by: Larry Jaffe
Position: UNF

Bill SB 1
Unfavorable

Judicial Proceeding Committee

To the Honorable Chair, Vice Chair, and Members of the Judicial Proceeding Committee,

I urge you to provide an unfavorable report on Bill SB 1. I know you want to make me safer, but this bill does the exact opposite.

Antisemitic incidents are on the rise in Maryland, particularly by white supremacists[i]. White supremacists are the most likely of all extremists to use violence[ii]. They target synagogues because these facilities serve the Jewish community and assure the presence of a significant number of Maryland citizens at certain times of the week. Furthermore, In the orthodox community, Sabbath synagogue attendees do not carry their phones, so there would be a delay in alerting police to an active threat.

An additional factor impacting incident response is that throughout the state, police are understaffed and recruitment is down. In Montgomery County, where I live, our sworn officers per capita is only half the national average[iii]. It is unrealistic to expect police to be able to engage with an active threat fast enough to prevent mass casualties.

Furthermore, turning places of worship into gun free zones would do the precise opposite of this bill's intent. It would serve as a welcome sign for potential mass murderers as to which locations they can "safely" unleash their mayhem[iv] — and there'll be nobody there (with a gun) to stop them! This is because the only people who will comply are law-abiding, licensed gun owners. Do you really think someone intent on mass murder will leave their gun at home because of this law?

CCW permit holders should be allowed to carry their concealed weapon to their place of worship specifically because of the heightened threat against places of worship. This bill will make it illegal for them to protect themselves specifically at the place they need it most. Therefore, I strongly urge you to provide an unfavorable report on Bill SB 1.

Larry Jaffe
Silver Spring, MD

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[i] 'Way Out of Control': I-Team Examines Rise in Antisemitic Incidents in Montgomery County – NBC4 Washington (nbcwashington.com)

"Sharp rise in anti-Semitism in Maryland, Virginia and D.C., ADL reports" https://www.washingtonjewishweek.com/sharp-rise-in-anti-semitism-in-maryland-virginia-and-d-c-adl-reports/ and "ADL H.E.A.T. Map™ (Hate, Extremism, Antisemitism, Terrorism)" https://www.adl.org/resources/tools-to-track-hate/heat-map

[ii] "Domestic Extremism in America: Examining White Supremacist Violence in the Wake of Recent Attacks" https://www.humanrightsfirst.org/resource/domestic-extremism-america-examining-white-supremacist-violence-wake-recent-attacks Relevant excerpt below:

In Pittsburgh, Pennsylvania, the killer who attacked worshippers in a synagogue wrote that he believed Western Civilization was facing "extinction" and that refugees were "invaders";[5]

The Christchurch, New Zealand killer titled his writings "The Great Replacement" and targeted Muslims in a country he was initially only visiting;[6]

The shooter in El Paso, Texas targeted Latinx people in the United States but wrote that he "supported" the racist screed from Christchurch;[7]

In Poway, California, the shooter first targeted a mosque and then a month later opened fire in a synagogue, claiming that Jews were orchestrating a "planned genocide of the European race";[8]

And most recently, the killer in Buffalo, New York, spent weeks identifying a locale in which to murder Black Americans. His own screed was largely a plagiarism of the Christchurch shooter's "Great Replacement" text, but was so sloppy that at times he merely swapped out terms for one victimized community for another.[9]

This heartbreaking trail of violence illustrates how fluidly the Great Replacement conspiracy theory travels across borders and populations.

Unfortunately, these mass casualty attacks are only one element in the larger phenomenon of violent white supremacism and domestic extremism.

Over the last decade in available data, white supremacist terrorism in the United States has increased many times over. Of the 100 white supremacist attacks between 2000 and 2019, 80 of them occurred after 2009, according to the Global Terrorism Database (GTD).[10] And while these terrorist attacks have increased, they have also become more lethal. Mass casualty attacks perpetrated by white supremacist terrorists like the horrific attack in Buffalo, used to be a rare occurrence. Now, they are frequent tragedies.

[iii] "Departures, sagging recruitment plague Montgomery County police (bethesdamagazine.com)" https://bethesdamagazine.com/bethesda-beat/police-fire/departures-sagging-recruitment-plague-montgomery-county-police-even-as-crime-soars/

[iv] "Mass Public Shootings keep occurring in Gun-Free Zones: 94% of attacks since 1950" https://crimeresearch.org/2018/06/more-misleading-information-from-bloombergs-everytown-for-gun-safety-on-guns-analysis-of-recent-mass-shootings/

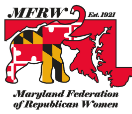
Laura testimony.pdf
Uploaded by: Laura Schmidt
Position: UNF

I am a 64-year-old woman with disabilities and resident of Pasadena, Maryland. I am opposed to SB0001. I am a firm believer in my Second Amendment rights. I have been shooting firearms for over 30 years and have completed all the training required for my wear and carry permit. The limitations on where I can carry my firearm in this proposal severely restricts my ability to shop and travel safely.

Testimony MFRW SB0001 Gun Safety Act of 2023.pdf

Uploaded by: Laurie Halverson

Position: UNF



Ella Ennis, Legislative Chairman
Maryland Federation of Republican Women
PO Box 6040, Annapolis MD 21401
Email: eee437@comcast.net

February 7, 2023

The Honorable Senator William C. Smith Jr., Chairman
And Members of the Judicial Proceedings Committee
Maryland Senate
Annapolis, Maryland

Dear Chairman Smith and Members,

RE: **SB0001** – Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023) -- **OPPOSE**

Officer Edward Paden, Jr. was off duty on September 1, 2010, but it was a day he became a hero (and was subsequently awarded a Congressional Badge of Bravery).

A man named James Lee, with a backpack full of IED devices and a gun, was holding three hostages in the lobby of the Discovery Building in Silver Spring. Officer Paden risked his life to help responding officers and ensure the safety of those hostages.

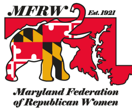
If SB0001 had been law back in 2010, the outcome that day could have been very different. Rather than getting an award for his valor, Officer Paden would be under scrutiny for his actions. It's unclear whether off duty police officers would be considered "persons" who are held to the restrictions under this bill; but well-trained citizens with concealed carry permits would have faced up to a year in jail and a minimum of a misdemeanor charge if they chose to help and step within 100 feet of the Discovery Building.

What is this bill trying to accomplish? Shouldn't we be targeting criminals and their use of firearms? The vast majority of people who commit homicides are not concealed carry permit holders. A 15-year study showed that just 0.7% -- 7/10ths of 1% -- of firearm related homicides were committed by permit holders[1].

Something else notable: Because of a previous 2008 incident, James Lee (the criminal with the gun and bombs in his backpack) had been warned by a judge not to go within 500 feet of the Discovery Building. But that didn't stop him, did it? It's unlikely that SB0001 would have deterred him from using his firearm to take hostages.

This bill hurts law-abiding people who could help in a defensive criminal situation. They are not the problem here, yet this bill targets them as a public safety threat. This bill does nothing to deter criminals.

[1] https://www.heritage.org/firearms/commentary/debunking-the-mythconcealed-carry-killers



Ella Ennis, Legislative Chairman
Maryland Federation of Republican Women
PO Box 6040, Annapolis MD 21401
Email: eee437@comcast.net

Citizens with concealed carry permits have gone through rigorous training in gun safety and relevant laws. They register their firearms. They have met the high standards required to receive the government's approval to carry a firearm.

SB0001 would also infringe on Second Amendment rights, which MFRW strongly supports. The Supreme Court has ruled in support of Second Amendment rights, affirming that an individual is not constrained to defend himself/herself only in the home, but can do so outside the home as well without having to prove a "proper cause" such as a prior threat to their safety. Enacting a law like SB0001 that essentially keeps people from defending themselves outside the home, especially in high crime areas, is in direct conflict with our Second Amendment rights.

For all of these reasons, please give **SB0001** an **UNFAVORABLE** report.

Sincerely,

Laurie Halverson, President
Montgomery County Federation of Republican Women
lsh2727@verizon.net

Opposition to SB 1.pdf
Uploaded by: Leonardo Marino-Ramirez
Position: UNF

I am writing to express my strong opposition to SB 1 & SB 118. As a licensed and legal firearms owner in Rockville, Maryland, I believe that it is unfair and unjust for my legal rights to be restricted, making me a criminal for carrying my legally owned firearm.

I am a Latino man, a father, homeowner, taxpayer, and highly educated. I have fulfilled all the necessary legal and statutory requirements to obtain and carry my legally owned firearm. I am part of a growing demographic of Latinos who have obtained the education and training necessary to carry firearms safely.

I live in Montgomery County, where recent reports show that various types of crimes have significantly increased, particularly violent crime. Furthermore, assaults, robberies, and sex offenses are also on the rise. As a minority, I want to have the ability to defend myself and my loved ones in the face of danger. However, SB 1 & SB 118 would infringe on my right to self-defense and put other minorities, such as blacks and Latinos, at a higher risk of gun violence.

As a private citizen, I do not have the privilege of having 24/7 security for myself or my family, unlike those in positions of authority. Every minute that I must wait for police assistance puts my life and the lives of my loved ones in the hands of criminals. However, SB 1 & SB 118 would make it a crime for me, a legal and licensed firearms owner, to carry my firearm outside my home, while actual criminals would not be impacted by these bills.

While these bills may be aimed at saving lives, they put more innocent lives at risk by denying them the opportunity to defend themselves. The Second Amendment of the US Constitution, which I have sworn to protect, guarantees my right to protect my life and the lives of my loved ones.

Leonardo Marino

SB1-MGA2023-v2-MarkGolczewski.pdf
Uploaded by: Mark Golczewski
Position: UNF

Mark Golczewski

1823 Morning Brook Drive
Forest Hill, MD 21050
Registered Voter
District 35A

February 7, 2023

Testimony to the Senate Judiciary Committee

Oppose SB 1

Members of the Judiciary Committee

I Oppose SB 1.

A recent Supreme Court of the United States (SCOTUS) ruling[1] has made it clear that limiting the scope of carrying a firearm for defense outside of the home is unconstitutional. Specifically SCOTUS called out only five (5) specific places a legislature could legally prohibit firearms based on historical precedent established in 1791 when the Bill of Rights was ratified. SCOTUS was very clear that the government (states) did not have the right to arbitrarily ban carry of a firearm in public places not consistent with the text and tradition of that timeframe. Recent lower court decisions have shown that states like New York that attempt to pass similar laws to SB 1 will ultimately uphold SCOTUS' directives. Maryland's attempt to pass similar laws with SB 1 will be met with legal challenges that will ultimately prove costly for Maryland and it's taxpayers, and embarrassing to lawmakers who continue to support such laws.

It may be that Maryland legislators who support this bill may not be aware that crime committed by legal carry permit holders nationwide is almost non-existent and bills similar to SB 1 do not make Marylanders safer. Defensive gun use (DGU) instances in general nationwide have conservatively been estimated at between 500,000 and 2.8 million times in a single year. A 2021 survey[2] (attached) found that guns are used 1.67 million times per year in self defense in the United States. Many of these instances happen without a shot being fired. With over 9% of respondents indicating DGU in public, that would indicate over **150,000 instances of DGU each year in public places**!

As such, it is common sense that more permit holders in public places make Maryland more safe.

I respectfully request a UNFAVORABLE report on SB 1.

Sincerely yours,

Mark Golczewski

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[1] New York State Rifle & Pistol Association, Inc. v. Bruen, 142 S.Ct. 2111 (2022)

[2] **"2021 National Firearms Survey"** William English
McDonough School of Business, Georgetown University
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3887145

2021 National Firearms Survey

William English, PhD

Georgetown University

Draft Report: July 13, 2021

Abstract

This report summarizes the findings of a national survey of firearms ownership and use conducted between February 17th and March 23rd, 2021 by the professional survey firm Centiment. This survey, which is part of a larger book project, aims to provide the most comprehensive assessment of firearms ownership and use patterns in America to date. This online survey was administered to a representative sample of approximately fifty-four thousand U.S. residents aged 18 and over, and it identified 16,708 gun owners who were, in turn, asked in-depth questions about their ownership and their use of firearms, including defensive uses of firearms.

Consistent with other recent survey research, the survey finds an overall rate of adult firearm ownership of 31.9%, suggesting that in excess of 81.4 million Americans aged 18 and over own firearms. The survey further finds that approximately a third of gun owners (31.1%) have used a firearm to defend themselves or their property, often on more than one occasion, and it estimates that guns are used defensively by firearms owners in approximately 1.67 million incidents per year. Handguns are the most common firearm employed for self-defense (used in 65.9% of defensive incidents), and in most defensive incidents (81.9%) no shot was fired. Approximately a quarter (25.2%) of defensive incidents occurred within the gun owner's home, and approximately half (53.9%) occurred outside their home, but on their property. About one out of ten (9.1%) defensive gun uses occurred in public, and about one out of twenty (4.8%) occurred at work.

A majority of gun owners (56.2%) indicate that they carry a handgun for self-defense in at least some circumstances, and about 35% of gun owners report carrying a handgun with some frequency. We estimate that approximately 20.7 million gun owners (26.3%) carry a handgun in public under a "concealed carry" regime; and 34.9% of gun owners report that there have been instances in which they had wanted to carry a handgun for self-defense, but local rules did not allow them to carry.

The average gun owner owns 5 firearms, and handguns are the most common type of firearm owned. 48.0% of gun owners have owned magazines that hold over 10 rounds, and 30.2% of gun owners – totaling about 24.6 million individuals – have owned an AR-15 or similarly styled rifle. Demographically, gun owners are diverse. 42.2% are female

Electronic copy available at: https://ssrn.com/abstract=3887145

and 57.8% are male. Approximately 25.4% of Blacks own firearms, 28.3% of Hispanics own firearms, 19.4% of Asians own firearms, and 34.3% of Whites own firearms.

1 Introduction

This report summarizes the main findings of a national survey of firearms ownership and use conducted between February 17th and March 23rd, 2021 by the professional survey firm Centiment. This survey, which is part of a larger book project, aims to provide the most comprehensive assessment of firearms ownership and use patterns in America to date.

Before this survey, the most authoritative resource for estimating details of gun ownership in the U.S. has been the "Comprehensive National Survey on Firearms Ownership and Use" conducted by Cook and Ludwig in 1994 (Cook and Ludwig, 1996), and the most authoritative resource for estimating defensive gun use in the U.S. has been the "National Self-Defense Survey" conducted by Kleck and Gertz in 1993 (Kleck and Gertz, 1995, 1998). While valuable resources, they are both now a quarter century old, and no surveys of similar scope and depth have documented firearms ownership and use in more recent years.

Hepburn et al. (2007) conducted a more limited survey to ascertain the "gun stock" in 2004, a version of which was repeated in 2015 (Azrael et al., 2017). However, as they explain in introducing their latter survey, data sources on firearms ownership and use remain scarce:

> Although the National Opinion Research Center's General Social Survey and other surveys have asked respondents whether they personally own a firearm or live in a home with firearms, few have asked about the number of guns respondents own, let alone more detailed information about these firearms and the people who own them, such as reasons for firearm ownership, where firearms were acquired, how much firearms cost, whether they are carried in public, and how they are stored at home (Smith and Son 2015; Gallup 2016; Morin 2014). Because of this, the best and most widely cited estimates of the number of firearms in civilian hands are derived from two national surveys dedicated to producing detailed, disaggregated, estimates of the U.S. gun stock, one conducted in 1994, the other in 2004 (Cook and Ludwig 1997, 1996; Hepburn et al. 2007).

Electronic copy available at: https://ssrn.com/abstract=3887145

Richer survey data on firearms ownership and use has been collected by industry association such as the National Shooting Sports Foundation (NSSF).[1] However, these surveys generally aim at assessing industry trends and market segmentation and are not necessarily designed to be nationally representative. In 2017, the Pew Research Center conducted one of the most recent and detailed surveys of the demographics of gun ownership (Brown, 2017).[2] Although it did not ask detailed questions concerning defensive use of firearms and the types of firearms owned, this recent Pew survey serves as a helpful benchmark for corroborating the general ownership estimates of the present survey.

Advances in survey research technologies make it possible to reach large, representative respondent populations today at a much lower cost than a quarter century ago. One of the limitations of the Cook and Ludwig survey, which sought to be nationally representative, was that the survey sample was relatively small, with about 2,500 respondents of whom only about 600, or (24.6%), owned a firearm when the survey was administered. As the investigators noted in their report, some sub-questions were not sufficiently well powered to make confident inferences, particularly concerning the defensive use of firearms. Similarly, Kleck and Gertz's survey was limited to 4,977 respondents, and the more recent surveys by Pew, Hepburn, and Azrael are all based on less than 4,000 respondents.

Today, professional survey firms like Centiment[3] cultivate large pools of survey respondents, enabling representative sampling, and have techniques that encourage high response and completion rates while also ensuring the integrity of responses.[4] The online survey summarized here was presented to a nationally representative sample (excluding residents of Vermont who had already responded to a pilot version of this survey) of 54,244 individuals aged 18 or over who completed an initial questionnaire that included an indirect question indicating whether they owned a firearm (respondents were presented with a list of items commonly owned for outdoor recreational purposes, including firearms, and were asked to

[1] See https://www.nssf.org/research/

[2] See Pew Research Center, June 2017, "America's Complex Relationship With Guns" https://www.pewresearch.org/social-trends/wp-content/uploads/sites/3/2017/06/Guns-Report-FOR-WEBSITE-PDF-6-21.pdf

[3] See https://www.centiment.co/

[4] See https://help.centiment.co/how-we-safeguard-your-data

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select all items that they own).

This question identified 16,708 individuals as gun owners, who were then transferred to the main survey, which then asked detailed questions about their ownership and use of firearms. Given the length and detail of the survey, there was a slight amount of attrition, as 7.5%, or 1,258 individuals, did not make it through all questions to the end of the survey. However, 92.5% of the responding firearms owners (15,450) did proceed through all of the survey questions.

This survey thus contains what we believe is the largest sample of firearms owners ever queried about their firearms ownership and firearms use in a scientific survey in the United States. This survey was approved by Georgetown University's Institutional Review Board. Of note, this survey was conducted just after a period of widespread social unrest across the U.S. and a contentious presidential election, which background check data suggests led to record gun sales (approximately 39.7 million in 2020, up 40% from the prior year).[5] It is thus a comprehensive and timely assessment of the state of firearms ownership and use in the United States. Finally, the extraordinarily large size of this sample enables us to make well-powered, statistically informative inferences within individual states, which considerably extends the value of this data.

The initial sample of respondents achieved excellent demographic representation across all 49 states and DC, excluding Vermont (see Appendix A and B). For the purpose of estimating firearms ownership rates for the general U.S. population we employed raked weighting on gender, income, age, race, and state of residence. Note that there was a brief period in the first two days after the soft launch of the survey that comprehensive demographic data was not collected from those respondents who did not indicate firearms ownership, and thus did not proceed to the main survey (approximately 300 respondents). Although the survey company, Centiment, maintained demographic data on these panel respondents, it was determined that this data was not as comprehensive as the data collected by the survey, at which point the demographic questions were moved to the front of the survey, and

[5] See McIntyre, Douglas A. "Guns in America: Nearly 40 million guns were purchased legally in 2020 and another 4.1 million bought in January" `https://www.usatoday.com/story/money/2021/02/10/this-is-how-many-guns-were-sold-in-all-50-states/43371461/`

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asked of all respondents, including those who did not indicate firearms ownership. For the purpose of calculating statistics on national firearms ownership rates, we exclude the entire sample of both firearms owners and non-firearms owners from these first two days (410 respondents), leaving us with 53,834 respondents after this date for whom we have comprehensive demographic data. Firearms-owning respondents from the first two days are included in subsequent analysis of firearms owners, and we do possess comprehensive demographic information for these individuals.

Appendix B contains tables reporting the demographic sampling rates and the Census demographics used for raked weighting of the national survey. Note that the overall effect of weights is minimal given the high representativeness of the initial sample. For the purposes of analyzing responses within the sub-sample of firearms owners, we do not employ weighting schemes, in part because the "true" demographics of gun ownership are not knowable from an authoritative source analogous to the U.S. Census Bureau. However, as a robustness exercise, using weights based on estimates derived from the larger survey response rates yields results that are substantially identical for the analysis of responses from firearms owners.

One of the challenges in asking questions about firearms is eliciting truthful responses from firearms owners who may be hesitant to reveal information about practices that are associated with public controversy. The "tendency to respond to questions in a socially acceptable direction" when answering surveys is often referred to as "social desirability bias" (Spector, 2004), and there is evidence that it can influence survey responses to questions regarding firearms. For example, when Rafferty et al. (1995) conducted a telephone survey of Michigan residents who had purchased a hunting license or registered a handgun, only 87.3 percent of the handgun registrants and 89.7 percent of hunting license holders reported having a gun in their household. Similarly, Ludwig et al. (1998) have documented a large gender gap in reporting of firearms ownership, finding that "in telephone surveys, the rate of household gun ownership reported by husbands exceeded wives' reports by an average of 12 percentage points." Asking questions via an anonymous survey instrument on the internet is likely to cause less concern or worry than traditional phone-based questionnaires with a live person on the other end or during face-to-face interviews, which is how the General Social Survey – one of the most prominent national surveys that regularly asks

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about firearm ownership – is conducted.[6] Even when presented in the more impersonal setting of a computer interface, however, a survey must be worded thoughtfully so as to assure anonymity, and not give respondents reason to worry about answering truthfully.

This survey employs five common devices to encourage more truthful responses. First, it uses an indirect "teaser" question to pre-screen respondents in order to select those who own firearms. The initial question prompt presents the survey as concerned with "recreational opportunities and related public policies" and asks respondents if they own any of the following items, presented in a random order: Bicycle, Canoe or Kayak, Firearm, Rock Climbing Equipment, None of the Above. Only those who select "Firearm" are then presented the full survey. We also ask demographic questions at the outset, which allows us to assess the representativeness of the sample, including those who do not indicate firearms ownership. Second, the survey was carefully phrased so as to not suggest animus towards gun owners or ignorance of firearms-related terminology. Third, the survey assures respondents of anonymity. Fourth, in order to ensure that respondents are reading the survey questions carefully, and then responding with considered answers thereto, a "disqualifying" question (sometimes referred to as a "screening" question) was embedded a little over half of the way through the survey instructing respondents to select a particular answer for that question, which only those who read the question in its entirety would understand. Anyone registering an incorrect answer to this question was disqualified from the survey and their responses to any of the survey questions were neither considered nor tallied.

Finally, while responses were required for basic demographic questions, if questions of a sensitive nature were left blank, the software would first call attention to the blank response and prompt the respondent to enter a response. However, if a respondent persisted in not responding and again tried to progress, rather than kick them out of the survey, they would be allowed to progress to the next section in the interest of obtaining the maximum amount of information that they were willing to share. Respondents were not made aware of this possibility in advance, and in practice such "opting out" of a particular question was seldom done (less than 1% of responses for the average question). This is the reason that small

[6] For a description of the methods of the General Social Survey see: https://www.nsf.gov/pubs/2007/nsf0748/nsf0748_3.pdf

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variations are sometimes observed in the total number of respondents for certain questions.

A pilot version of this survey was first fielded in Vermont as part of a research project aimed at documenting firearms ownership and firearms use rates in that specific state. The Vermont survey served as a proof of concept for the national version, demonstrating that this survey is a viable instrument for eliciting responses from firearms owners with both high response rates and low disqualification rates. The results of the Vermont survey are presented separately in Appendix A of this report and closely mirror national results.

This report focuses on providing descriptive statistics of answers to the major questions asked in the survey. Future research will examine responses, and relationships between them, in more detail. The report proceeds as follows: the next (second) section summarizes national firearms ownership estimates and demographics; the third section examines defensive uses of firearms; the fourth section examines question regarding carrying for self-defense; the fifth section summarizes ownership statistics, and the sixth section concludes.

2 Gun Ownership Demographics

- About a third of adults in the U.S. report owning a firearm, totaling about 81.4 million adult gun owners.
- 57.8% of gun owners are male, 42.2% are female.
- 25.4% of Blacks own firearms.
- 28.3% of Hispanics own firearms.
- 19.4% of Asians own firearms.
- 34.3% of Whites own firearms.

With raked weighting employed for gender, state, income, race, and age we find that 32.5% of US adults age 21 and over own a firearm. Expanding the sample population to include those age 18-20, who are restricted in some states from purchasing firearms, 31.9% of US adults age 18 and over own firearms. This is slightly above, but consistent with, the

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most recent in-depth survey of firearms ownership conducted by Pew in 2017, which reports that 30% of adults in America own a firearm (Brown, 2017).

As a benchmark to assess the accuracy of the teaser question used to ascertain firearm ownership, we can also compare ownership rates of other items reported by respondents for this question. We find 52% of respondents indicating owning a bicycle, which closely matches Pew's finding that 53% of Americans own a bicycle, according to a poll conducted in 2014.[7]

The distribution of gun owners surveyed by state is illustrated in Figure 1, and ranges from 1,287 in California and 1,264 in Texas to 26 in Washington, DC and 24 in North Dakota.

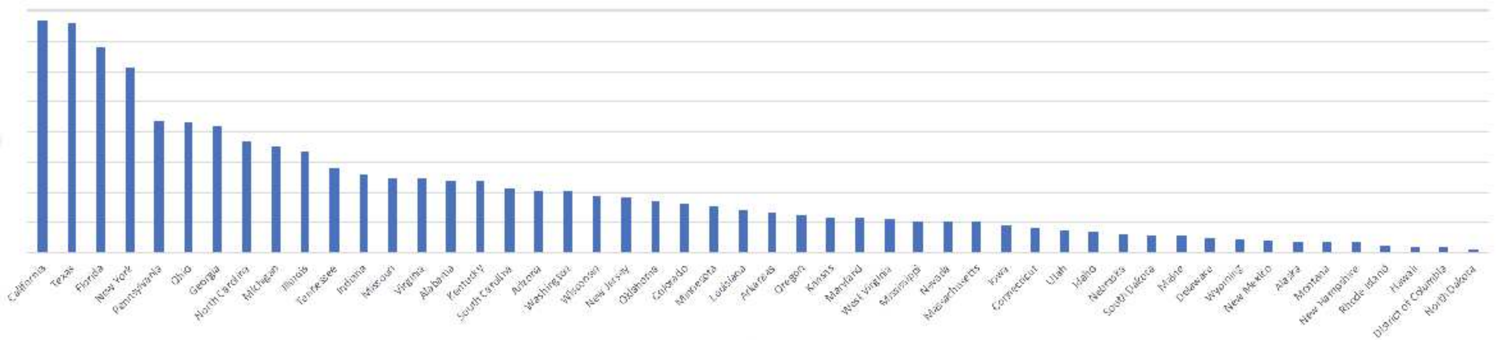

Figure 1: Distribution of Firearms Owners Surveyed

Regarding the demographics of gun ownership, we find that 57.8% of gun owners are male and 42.2% are female, the average age of gun owners is 46-50 years old, and the average annual household income is $80,000-$90,000. Approximately 18% of gun owners do not identify as White (alone). Overall, approximately 10.6% of gun owners identify as Black, 3.6% identify as Asian, 1.6% identify as American Indian, .2% identify as Pacific Islander, 82.0% identify as White, and 2.0% identify as Other. When analyzed within racial groups, we find that 25.4% of Blacks own firearms, 28.3% of Hispanics own firearms, 19.4% of Asians own firearms, and 34.3% of Whites own firearms.

According to the latest (2019) census estimates, there are approximately 255,200,373 individuals age 18 and over in the U.S., which implies that there are about 81.4 million

[7] See `https://www.pewresearch.org/fact-tank/2015/04/16/car-bike-or-motorcycle-depends-on-where-you-live/`

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adult gun owners.[8] Note that this figure does not include those under the age of 18 who may use or possess firearms for purposes such as hunting or shooting sports.

In sum, firearms ownership is widespread, and firearms owners are diverse.

3 Defensive Use of Firearms

- 31.1% of gun owners, or approximately 25.3 million adult Americans, have used a gun in self-defense.
- In most cases (81.9%) the gun is not fired.
- There are approximately 1.67 million defensive uses of firearms per year.
- The majority of defensive gun uses take place outside of the home (74.8%), and many (51.2%) involve more than one assailant.
- Handguns are the firearm most commonly used in defensive incidents (65.9%), followed by shotguns (21.0%) and rifles (13.1%).

Defensive use of firearms was assessed through a series of questions that asked for increasingly detailed information from those who indicated that they had used a firearm in self-defense.

First, all gun owners were asked, "Have you ever defended yourself or your property with a firearm, even if it was not fired or displayed? Please do not include military service, police work, or work as a security guard." About a third (31.1%) answered in the affirmative, and they were then asked how many times they defended themselves with a firearm (from "once" to "five or more times"). As Figure 2 shows, a majority of gun owners who have used a firearm to defend themselves have done so on more than one occasion.

Given that 31.1% of firearms owners have used a firearm in self-defense, this implies that approximately 25.3 million adult Americans have defended themselves with a firearm. Answers to the frequency question suggest that these gun owners have ever been involved

[8]Census date is available at https://www2.census.gov/programs-surveys/popest/tables/2010-2019/national/asrh/nc-est2019-syasexn.xlsx

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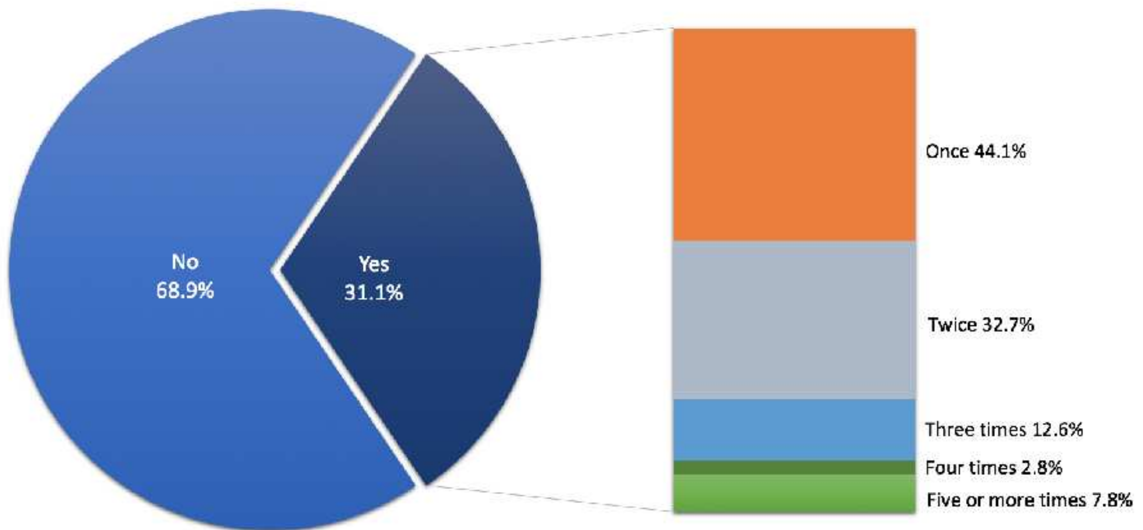

Figure 2: Defensive Gun Use: 31.1% of firearms owners have defended themselves of their property with a gun, and a majority have done so more than once.

in approximately 50 million defensive incidents. Assuming that defensive uses of firearms are distributed roughly equally across years, this suggests at least 1.67 million defensive uses of firearms per year in which firearms owners have defended themselves or their property through the discharge, display, or mention of a firearm (excluding military service, police work, or work as a security guard).[9]

[9] This is calculated by taking the total number of defensive incidents represented by the survey responses (50 million) and dividing by the number of adult years of the average respondent, which is 30. According to U.S. Census data, the average age of U.S. adults (i.e. the average age of those in the set of everyone 18 years or older) is 48, which also matches our survey data. Thus, the average respondent of the survey has 30 years of adult experience (48 years - 18 years = 30 adult years), over which the defensive incidents captured in this survey are reported.

Note that this estimate is inherently conservative for two reasons. First, it assumes that gun owners possessed firearms, or had access to firearms, from the age of 18. In so far as firearms were only first acquired/accessed by some respondents in later years, this would reduce the number of adult firearms owning years represented by the survey responses and result in a higher estimate of the number of defensive incidents per year. Second, this figure only captures defensive gun uses by those currently indicating firearms

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Gun owner respondents were asked to answer detailed questions regarding each defensive incident that they reported. As Figure 3 shows, in the vast majority of defensive gun uses (81.9%), the gun was not fired. Rather, displaying a firearm or threatening to use a firearm (through, for example, a verbal threat) was sufficient. This suggests that firearms have a powerful deterrent effect on crime, which, in most cases, does not depend on a gun actually being fired or an aggressor being injured.

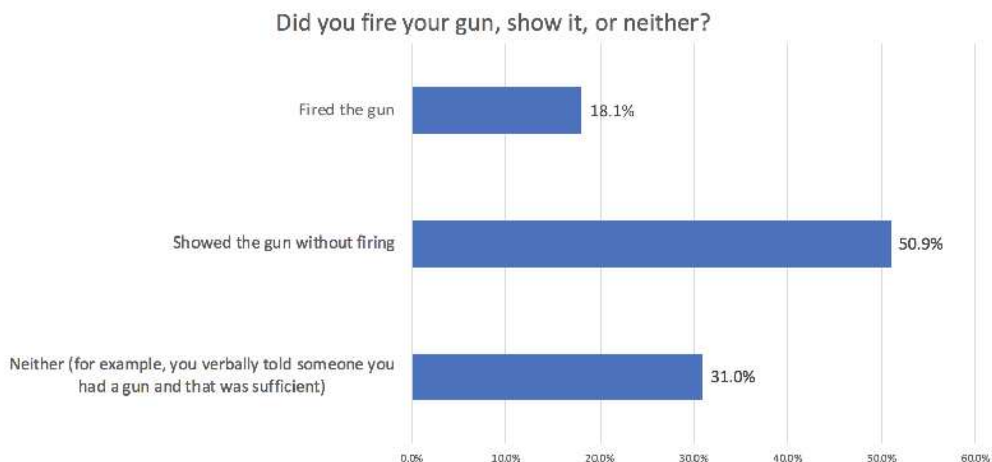

Figure 3: How Guns are Employed in Self-defense: In most defensive incidents no shots are fired.

Figure 4 shows where defensive gun uses occurred. Approximately a quarter (25.2%) of defensive incidents took place within the gun owner's home, and approximately half (53.9%) occurred outside their home but on their property. About one out of ten (9.1%) of defensive

ownership. According to Kleck and Gertz (1995), only 59.5% of respondents who reported a defensive gun use personally owed a gun (p.187). This would suggest that the true number of defensive gun uses, if those who do not personally own firearms are included in the estimate, could be substantially higher - perhaps as high as 2.8 million per year.

Finally, note that our overall approach assumes that children are not employing firearms for self-defense with any meaningful frequency. However, for the purpose of sensitivity analysis, if we lower the age used for calculating defensive incident frequency to assume that children as young as 12 years old are commonly possessing and using firearms for self-defense (and no non-firearms owning adults used firearms for self-defense), this would still imply 1.39 million defensive uses of firearms per year (48 years - 12 years = 36 years over which 50 million defensive incidents took place).

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gun uses occurred in public, and about one out of twenty (4.8%) occurred at work.

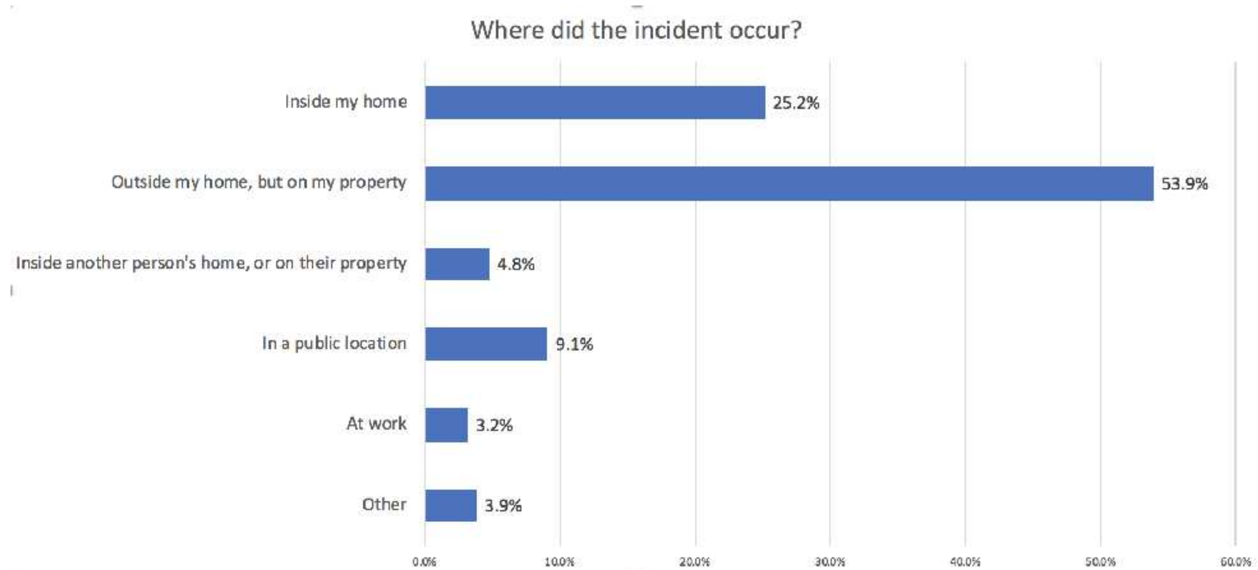

Figure 4: The Location of Defensive Incidents: Most take place outside the home.

For each incident, respondents were asked to indicate what sort of firearm was used. Figure 5 show the distribution of types of firearms employed in defensive incidents. Handguns were the most commonly used firearm for self-defense, used in nearly two-thirds (65.9%) of defensive incidents, followed by shotguns (21.0%) and rifles (13.1%).

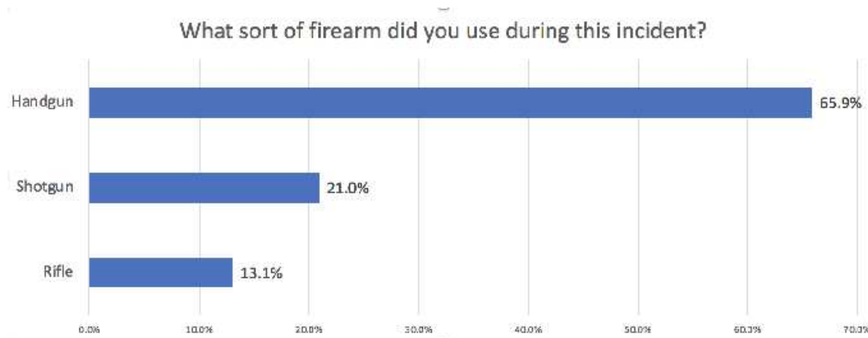

Figure 5: Type of Gun Used for Defense: Handguns are the most common type of firearm used in defensive encounters, followed by shotguns and rifles.

Respondents were also asked to indicate how many assailants were involved in each defensive incident. As Figure 6 illustrates, about half of defensive encounters (51.2%) involved

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more than one assailant. Presumably, part of the value of using a firearm in self-defense is that it serves as a force multiplier against more powerful or more numerous assailants. Survey responses confirm that encountering multiple assailants is not an infrequent occurrence in defensive incidents. 30.8% of defensive incidents involved two assailants, and 20.4% involved three or more, while slightly less than half (48.8%) involved a single assailant.

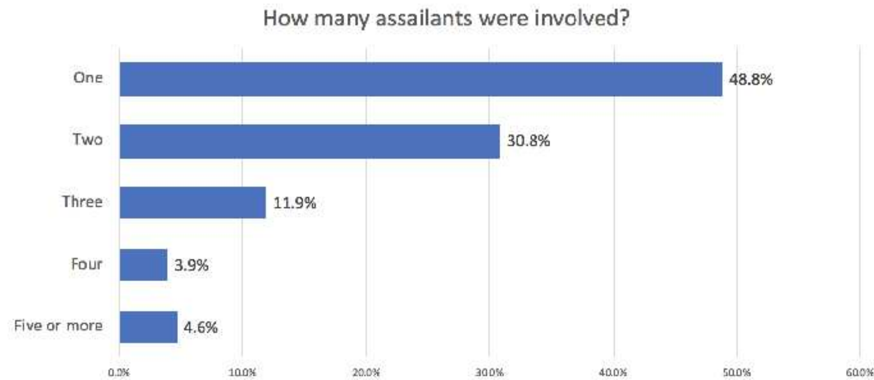

Figure 6: Distribution of the Number of Assailants Involved in a Defensive Incident: Multiple assailants are common.

Finally, after respondents answered these detailed questions about each defensive incident, which all flowed from their initial affirmative answer to the question, "Have you ever defended yourself or your property with a firearm, even if it was not fired or displayed?", all gun owners were asked, "Separate from any incident in which you directly used a gun to defend yourself, has the presence of a gun ever deterred any criminal conduct against you, your family, or your property?" Respondents answering in the affirmative could indicate how many time such deterrence occurred, from once to five or more occasions. As Figure 7 illustrates, separate from the self-defense incidents summarized earlier, 31.8% of gun owners reported that the mere presence of a gun has deterred criminal conduct, and 40.2% of these individuals indicated that this has happened on more than one occasion. Extrapolated to the population at large, this suggests that approximately 25.9 million gun owners have been involved in an incident in which the presence of a firearm deterred crime on some 44.9 million occasions. This translates to a rate of approximately 1.5 million incidents per year for which the presence of a firearm deterred crime.

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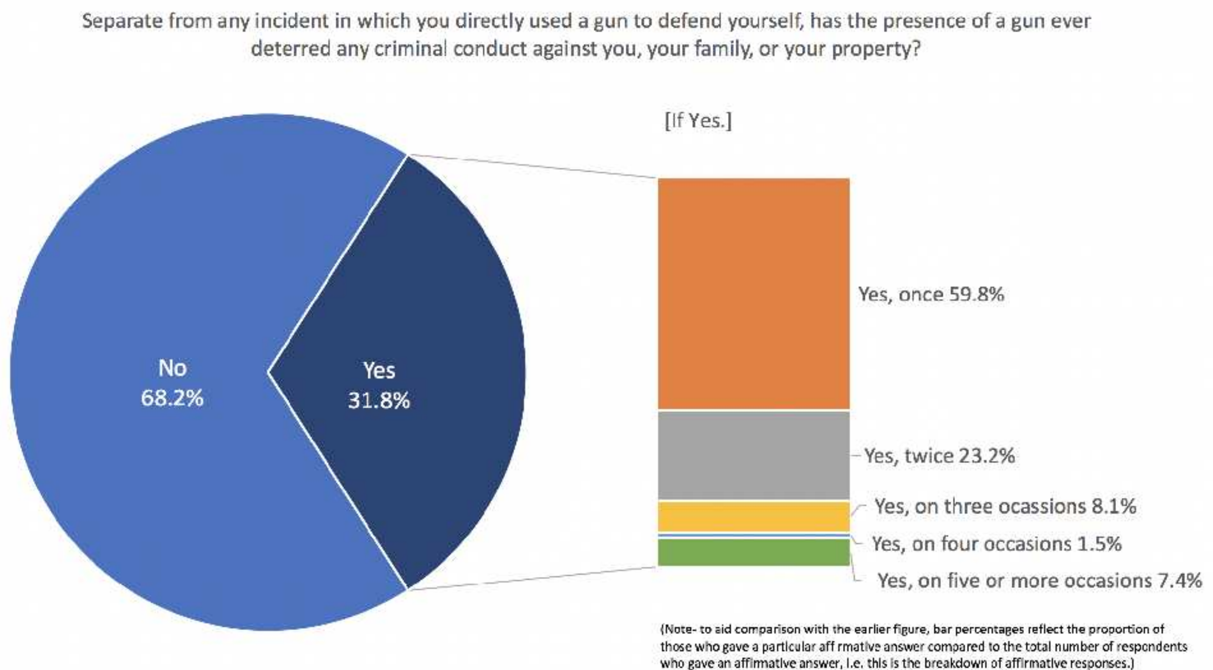

Figure 7: Frequency with which Firearms Deter Crime: 31.8% of firearms owners report that the presence of a firearm has deterred criminal conduct against them, often on more than one occasion.

4 Carry Outside of the Home

- A majority of gun owners (56.2%) indicate that there are some circumstances for which they carry a handgun for self-defense.
- Approximately 26.3% of gun owners, or 20.7 million individuals, carry handguns for defensive purposes under a "concealed carry" regime.
- About a third of gun owners (34.9%) have wanted to carry a handgun for self-defense in a particular situation but local rules prohibited them from doing so.

As Figure 8 illustrates, a majority of gun owners (56.2%), or about 45.8 million, indicate that there are some circumstances in which they carry a handgun for self-defense (which can include situations in which no permit is required to carry, such as on their own property);

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and about 35% of gun owners report carrying a handgun with some frequency (indicating that they carry "Sometimes," "Often," or "Always or almost always."). Moreover, as Figure 9 summarizes, 34.9% of gun owners report that there have been instances in which they wanted to carry a handgun for self-defense, but local rules did not allow them to carry.

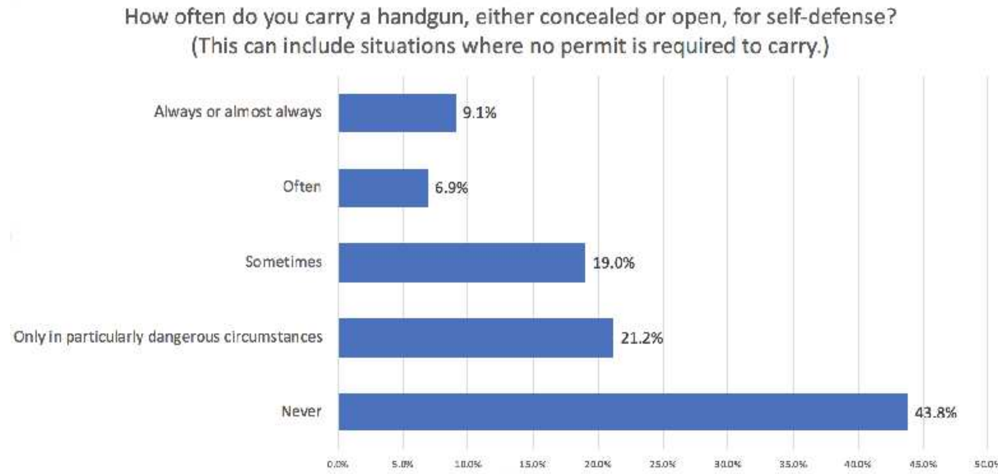

Figure 8: Frequency of Defensive Carry: Carrying a handgun for self-defense is common.

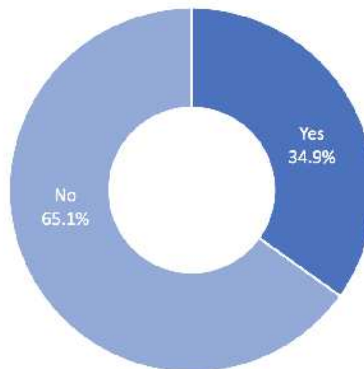

Figure 9: Prohibition of Carry: About a third of gun owners have wanted to carry a handgun for self-defense in a particular situation but local rules prohibited them from doing so.

Assessing the number of people who carry a concealed handgun in public is complicated due, in part, to the proliferation of so-called "constitutional carry" or "permitless carry"

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states in recent years. These states - about 18 at the time this survey was conducted - generally allow adults in good legal standing (often restricted to those age 21 and older) to carry a concealed weapon without a permit. Most of these states previously had a permitting process for concealed carry and required permits to be renewed at regular intervals in order to remain valid. Under constitutional carry, law abiding adults in these states are permitted to carry concealed without an official "permit." However, most of these states continue to issue permits to residents who desire them because such permits can be useful for reciprocal carry benefits in other states. For example, a person acquiring a Utah carry permit would be entitled to carry a handgun in a number of other states such as neighboring Colorado and Nevada.[10] Thus, while basically all gun owners age 21 and over are "permitted" to carry a handgun for self-defense in constitutional carry states, many individuals may also possess a "permit," even though it is redundant for in-state carry.

Unsurprisingly, when asked "Do you have a concealed carry permit?" gun owning residents of many constitutional carry states respond in the affirmative at high rates. Also complicating this question about concealed carry permits is the fact that many states refer to such permits by different names, the fact that the right to carry a handgun can be conferred in certain circumstances by hunting or fishing licenses in some states,[11] and the existence of other related permits, some of which do not license concealed carry (e.g. standard pistol permits in North Carolina or New York, eligibility certificates in Connecticut) and some of which do (most License To Carry permits required for handgun ownership in Massachusetts, state pistol permits in Connecticut, and LEOSA permits available to current and retired law enforcement officers nationwide). Finally, it is also possible for individuals to obtain concealed carry permits in states other than the one in which they reside.

In order to provide a robust but conservative estimate of those who actually carry in public, we code as "public carriers" those individuals who indicated both that they have a

[10] See https://bci.utah.gov/concealed-firearm/reciprocity-with-other-states/

[11] For example, a number of states such as California, Georgia, and Oregon allow those with a hunting or fishing license to carry concealed while engaged in hunting or fishing or while going to or returning from an expedition. See: https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/pdf/cfl2016.pdf, https://law.justia.com/codes/georgia/2010/title-16/chapter-11/article-4/part-3/16-11-126/, https://codes.findlaw.com/or/title-16-crimes-and-punishments/or-rev-st-sect-166-260.html

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concealed carry permit and that they carry a handgun for self-defense at least "sometimes." We also restrict analysis and population estimates to those age 21 and over given that most states restrict those under 21 from carrying concealed in public.

Using this simple definition, we find that 26.3% of gun owners are "public carriers," which translates to approximately 20.7 million individuals who carry handguns in public under a concealed carry regime. Note that this could include current and former law enforcement officers who may be represented in the survey. However, the number of active law enforcement officers in the U.S. is well under a million (approximately 700,000 in 2019).[12]

5 Types of Firearms Owned

- 82.7% of gun owners report owning a handgun, 68.8% report owning a rifle, and 58.4% report owning a shotgun.
- 21.9% of gun owners own only one firearm.
- The average gun owner owns 5 firearms.
- 30.2% of gun owners, about 24.6 million people, have owned an AR-15 or similarly styled rifle.
- 48.0% of gun owners have owned magazines that hold over 10 rounds.

6 Conclusion

This report summarizes the main findings of the most comprehensive survey of firearms ownership and use conducted in the United States to date. While many of its estimates corroborate prior survey research in this area, it also provides unique insights that are relevant to timely public policy debates - particularly regarding the defensive use of firearms. Moreover, it does so in the wake of a period of social unrest, which has led to rising crime rates and record gun sales. This report has focused on presenting top-line results and summary

[12]See https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-74

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statistics, but the breadth and detail of this survey equip it to be a valuable resource for further research. This data will be analyzed in greater depth within a larger book-length project and ultimately made available for public use.

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Appendix A: Vermont Pilot Survey

An initial version of this survey was fielded in Vermont. We report below the top line results from the Vermont survey, which closely mirror the results of the national survey.

In sum, 572 Vermont residents were surveyed, of which 163 indicated owning firearms. The survey sample represented the demographics of Vermont well on all dimensions except gender, as women were overrepresented and comprised 65.2% of respondents. Thus, weights were employed for gender.

With weighting employed, we find that 30% of Vermont residents own a firearm. Given that the adult population of Vermont is approximately 486,000, this suggest that there are over 145,600 firearms owners in Vermont. 42.1% of Vermont firearms owners are estimated to be female and 57.9% male.

As Figure 10 illustrates, almost a third of gun owners (29.3%) reported having used a firearm to defend themselves or their property (not counting incidents that were due to military service, police work, or work as a security guard). In nearly half of these defensive gun uses (45.9%), respondents reported facing multiple assailants. 85.8% of all incidents were resolved without the firearm owner having to fire a shot (e.g. by simply showing a firearm or verbally threatening to use it).

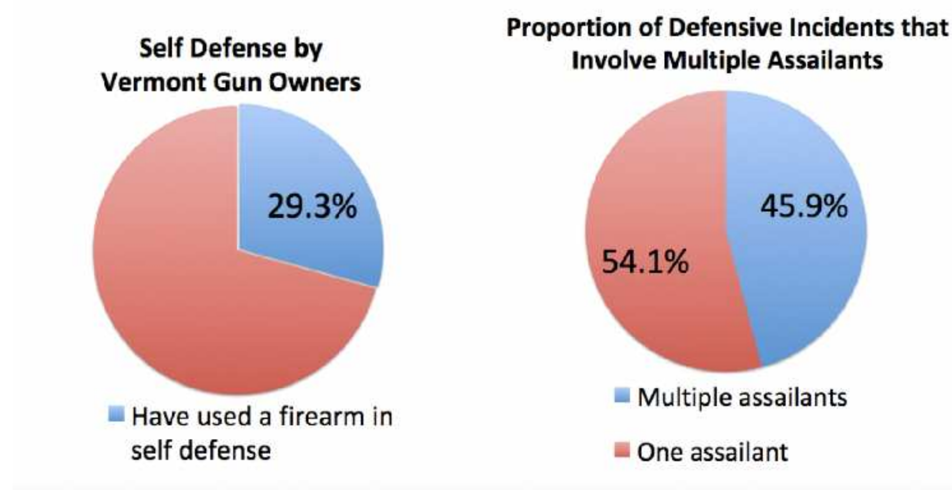

Figure 10: Proportion of gun owners in Vermont who have use a firearm in self-defense and number of assailants involved.

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Appendix B: Sampling Proportions With and Without Weights for National Survey

Gender	Initial Sample Proportions	Census Based Weighted Proportions
Male	49.32%	49.23%
Female	50.68%	50.77%

Age Range	Initial Sample Proportions	Census Based Weighted Proportions
18-20	7.89%	5.04%
21-25	8.11%	8.58%
26-30	7.30%	9.24%
31-35	11.67%	8.67%
36-40	12.66%	8.44%
41-45	8.49%	7.70%
46-50	6.46%	8.09%
51-55	6.37%	8.13%
56-60	7.39%	8.52%
61-65	7.67%	7.87%
66-70	8.03%	6.59%
71-75	5.07%	5.13%
76-80	1.94%	3.50%
Over 80	0.93%	4.49%

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Annual Household Income	Initial Sample Proportions	Census Based Weighted Proportions
Less than $10,000	8.87%	3.40%
$10,000-20,000	8.95%	4.89%
$20,000-30,000	9.69%	6.26%
$30,000-40,000	8.78%	7.06%
$40,000-50,000	7.44%	7.21%
$50,000-60,000	7.72%	6.96%
$60,000-70,000	6.00%	6.96%
$70,000-80,000	6.37%	6.37%
$80,000-90,000	4.51%	5.76%
$90,000-100,000	5.89%	5.76%
$100,000-150,000	17.67%	19.11%
Over $150,000	8.12%	20.23%

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State of Residence	Initial Sample Proportions	Census Based Weighted Proportions
Alabama	1.83%	1.52%
Alaska	0.39%	0.22%
Arizona	2.10%	2.16%
Arkansas	1.10%	0.91%
California	9.75%	11.95%
Colorado	1.59%	1.75%
Connecticut	1.23%	1.09%
Delaware	0.56%	0.30%
District of Columbia	0.27%	0.21%
Florida	7.29%	6.51%
Georgia	3.67%	3.24%
Hawaii	0.36%	0.44%
Idaho	0.44%	0.56%
Illinois	4.14%	3.87%
Indiana	2.13%	2.05%
Iowa	0.91%	0.96%
Kansas	0.92%	0.89%
Kentucky	1.61%	1.36%
Louisiana	1.23%	1.41%
Maine	0.51%	0.41%
Maryland	1.67%	1.87%
Massachusetts	1.88%	2.13%
Michigan	3.21%	3.05%
Minnesota	1.36%	1.73%
Mississippi	0.83%	0.90%
Missouri	1.93%	1.86%
Montana	0.25%	0.33%
Nebraska	0.53%	0.59%
Nevada	0.90%	0.94%
New Hampshire	0.40%	0.42%
New Jersey	2.97%	2.81%

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Race	**Initial Sample Proportions**	**Census Based Weighted Proportions**
White	81.26%	76.30%
Black	9.85%	13.40%
Asian	3.98%	5.90%
Native American	2.19%	1.30%
Pacific Islander	0.49%	0.20%
Other	2.22%	2.90%

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MSI Testimony on SB 1 and SB 118 carry restriction
Uploaded by: Mark Pennak
Position: UNF

February 7, 2023

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO SB 1 and SB 118

Introduction: I am the President of Maryland Shall Issue ("MSI"). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners' rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License ("HQL") and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle-loader. This testimony is respectfully submitted in OPPOSITION to SB 1 and SB 118.

SB 1: SB 1 provides that "A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A FIREARM ONTO THE REAL PROPERTY OF ANOTHER UNLESS THE OTHER HAS GIVEN PERMISSION, GENERALLY, EXPRESS EITHER TO THE PERSON OR TO THE PUBLIC TO WEAR, CARRY, PROPERTY. OR TRANSPORT A FIREARM ON THE REAL PROPERTY." A violation of this provision is punishable by imprisonment up to 1 year.

SB 1 also provides "A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT AFIREARM WITHIN 100 FEET OF A PLACE OF PUBLIC ACCOMMODATION." A violation of this provision is likewise punishable by imprisonment by up to 1 year. The Bill does not allow for any exceptions to this ban. As written, the ban applies to the owners and operators of every such "place of public accommodation." Such owners are not allowed to give permission to anyone.

For purposes of this provision, a "place of public accommodation" is defined by reference to the meaning of that term set forth in MD Code, State Government, § 20-301, which very broadly defines the term to mean any place that "provides lodging to transient guests," any "restaurant" or similar location that sells "food or alcohol" for consumption "on or off the premises," any "retail establishment" that is operated by any "private or public entity" and "offers goods, services, entertainment, recreation or transportation."

SB 118: SB 118 provides that "A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A FIREARM ON PRIVATE PROPERTY OWNED BY ANOTHER UNLESS:

(1) THE OWNER OF THE PROPERTY HAS GIVEN THE PERSON EXPRESS PERMISSION TO WEAR, CARRY, OR TRANSPORT THE FIREARM ON THE PROPERTY, OR

(2) THE OWNER OF THE PROPERTY HAS POSTED A CLEAR AND CONSPICUOUS SIGN INDICATING THAT IT IS PERMISSIBLE TO WEAR, CARRY, OR TRANSPORT A FIREARM ON THE PROPERTY."

In a separate section, SB 118 provides that "A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A FIREARM IN OR ON PROPERTY CONTROLLED BY THE FEDERAL GOVERNMENT, THE STATE GOVERNMENT, OR A LOCAL GOVERNMENT." SB 118 creates a "REBUTTABLE PRESUMPTION" that any violation of its provisions is done "knowingly." A violation of these provisions is punishable by up to 2 years in prison and a $5,000 fine.

Introduction And The Current State of the Law: These Bills are in response to the June 2022 decision of the Supreme Court in *New York State Rifle & Pistol Association, Inc. v. Bruen,* 142 S.Ct. 2111 (2022), where the Court struck down as unconstitutional New York's "proper cause" requirement for issuance of a permit to carry a handgun in public. That holding effectively abrogated Maryland's "good and substantial reason" requirement for permits, found in MD Code, Public Safety, 5-306(a)(6)(ii), as there is not a scintilla's worth of difference between New York's "proper cause" requirement and Maryland's "good and substantial reason" requirement. As a result, the Maryland Attorney General and the Governor instructed the State Police that the "good and substantial reason" requirement could no longer be enforced. https://bit.ly/3UraHuB. The Maryland Court of Special Appeals agreed. *Matter of Rounds*, 255 Md.App. 205, 213, 279 A.3d 1048 (2022) ("We conclude that this ruling [in *Bruen*] requires we now hold Maryland's 'good and substantial reason' requirement unconstitutional."). Maryland wear and carry permits are thus now issued on a "shall issue" basis to all applicants who otherwise satisfy the stringent training, fingerprinting and background investigation requirements otherwise set forth in MD Code, Public Safety, § 5-306(a)(5),(6). The General Assembly should thus repeal the "good and substantial reason" requirement. Neither of these Bills purport to do so.

Bruen holds that "the Second Amendment guarantees a general right to public carry." 142 S.Ct. at 2135. See also *Bruen*, 142 S.Ct. at 2156 ("The Second Amendment guaranteed to 'all Americans' the right to bear commonly used arms in public subject to certain reasonable, well-defined restrictions."); id., at 2134 (there is a "general right to publicly carry arms for self-defense." A "general right" to carry in public cannot be reasonably limited to particular places. *Bruen* explains that the "'textual elements' of the Second Amendment's operative clause— 'the right of the people to keep and bear Arms, shall not be infringed'— 'guarantee the individual right to possess and carry weapons in case of confrontation.'" 142 S.Ct. at 2134, quoting *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008). The right to bear arms thus "naturally encompasses public carry" because confrontation "can surely take place outside the home." Id. The text of the Second Amendment is thus informed by the right of self-defense. No one can dispute that *Bruen* recognizes that the right of self-defense extends outside the home. See also *United States v. Rahimi*, --- F.4th ----, 2023 WL 1459240, slip op. at 12 (5th Cir. Feb. 2, 2023).

For the reasons explained below, if enacted into law, these extreme Bills (SB 1 and SB 118) would be "dead on arrival" in federal court as these bills are plainly intended to ban the very "general right" to carry in public that *Bruen* expressly holds that the State must allow under the Second Amendment. As Congressman Raskin recently stated in the context of a carry bill enacted by Montgomery County, "there is no reason for us to be passing ordinances that we know that will be struck down." https://youtu.be/TrM4_JVlURs?t=733 (at 13:56).

The Bills are extreme. Both Bills ban the possession of any firearm on the private or real property of "another" unless given permission by the owner, either via express permission (SB 1) or via signage (SB 118). Yet even such permission would be insufficient at or within 100 feet of any place of "public accommodation," where the ban would be total. SB 118 (unlike SB 1) also broadly bans possession of any firearm, without exception, 'in or on property controlled" by *any* governmental entity. Both Bills are unprecedented in American law. *Bruen* holds that a State may not enact legislation that "would in effect exempt cities from the Second Amendment" because such laws "would eviscerate **the general right to publicly carry arms for self-defense**." *Bruen*, 142 S.Ct. at 2134. The Court thus stated "there is no historical basis for New York to effectively declare the island of Manhattan a "sensitive place" simply because it is crowded and protected generally by the New York City Police Department." Id. Taken together, the Bills would effectively "eviscerate" the right to carry in cities and throughout much of Maryland. Maryland's urban areas are no more "sensitive" than Manhattan.

Indeed, it is hard to think of a single location in urban Maryland at which firearms would not be banned as the Bills, taken together would ban possession on all private property open to the public and on all government-controlled property, regardless of whether a person had a wear and carry permit. Carry on private property is presumptively banned. SB 118 bans carry in or on any government "controlled" property. What's left? Indeed, these Bills would quite literally ban all firearms by any person at the store of a **federally licensed or state licensed firearms dealer and thus force the closure of every such dealer**. The Bill would also literally prevent every business owner from carrying a firearm in his own business if it was open to the public. Yet, such business possession is currently allowed, without a carry permit, by MD Code, Criminal Law, §§ 4-203(b)(6) and 4-203(b)(7). By banning all firearms on or in all property controlled by any government, the Bills would literally ban hunting on all public lands and mandate the closure of firing ranges currently maintained by the Department of Natural Resources. The Bill would thus devastate economies of rural areas of the State that rely on hunting and deprive owners of much-need access to public ranges where skills can be honed and practiced. This ban on possession on government-controlled property would preclude the mere possession of firearms in locked containers and being shipped at airports in accordance with TSA regulations. 49 C.F.R. § 1540.111(c), 1544.203(f). One must seriously question whether any thought given to these realities in crafting the Bill.

A word on penalties. SB 1 punishes violations by up to one year of imprisonment. The punishment for a violation of SB 118 is up to (but not exceeding) 2 years imprisonment. Neither punishment creates a disqualification for the possession of firearms. See MD Code, Public Safety, § 5-101(g) (defining disqualifying crime as a misdemeanor punishable by

more than 2 years imprisonment); 18 U.S.C. § 921(a)(20) (same). But, for permit holders (and for everyone with respect to handguns), the penalty is likely to be much higher. That is because nothing in these Bills amends the broad ban on the wear, carry and transport of handguns imposed by MD Code, Criminal Law, § 4-203(a), subject to specific exceptions in subsection 4-203(b). Pursuant to the authority granted by MD Code, Public Safety, § 5-307, the State Police have placed a restriction on every permit providing that the permit is "not valid where firearms are prohibited by law." That means every "sensitive place" ban on firearms imposed by the State, by an agency regulation or by a locality invalidates a permit at that location and makes the permit holder open to prosecution under MD Code, Public Safety, 4-203(a), a violation of which is punishable by up to 3 years imprisonment for the first offense. Section 4-203(a) is a strict liability criminal statute, and thus does not require the State to satisfy any *mens rea* requirement. See *Lawrence v. State*, 475 Md. 384, 257 A.3d 588 (2021). A conviction under Section 4-203(a) results in a life-time firearms disqualification under State and federal law. A simple mistaken entry into a "sensitive place" can thus have draconian consequences for a permit holder. Indeed, broad "sensitive area" restrictions would effectively ban all firearms in places where persons are specifically **allowed** to wear, carry and transport **handguns**, such in businesses and other locations specified in subsection 4-203(b). State-issued permits should thus be narrow, well-defined and governed by **very clear** State-wide rules and regulations.

Highly restrictive "sensitive place" laws were enacted after the decision in *Bruen* by New York and New Jersey. Those bans were promptly enjoined by the federal courts, including by separate federal district courts in New York and by the federal district court for the District of New Jersey. See *Koons v. Reynolds*, --- F.Supp.3d ----2023 WL 128882 (D.N.J. Jan. 9, 2023) (granting a temporary restraining order); *Siegel v. Platkin*, 2023 WL 1103676 (D.N.J. Jan. 30, 2023) (same); *Antonyuk v. Hochul*, --- F.Supp.3d ---, 2022 WL 16744700 (N.D.N.Y. Nov. 7, 2022) (granting a preliminary injunction) and *Christian v. Nigrelli*, --- F.Supp.3d ---, 2022 WL 17100631 (W.D.N.Y. Nov. 22, 2022) (same). In *Hardaway v. Nigrelli*, --- F.Supp.3d ---, 2022 WL 16646220 (W.D.N.Y. Nov. 3, 2022) (preliminary injunction), and *Hardaway v. Nigrelli*, --- F.Supp.3d ---, 2022 WL 11669872 (W.D.N.Y. Oct. 20, 2022) (TRO), the court enjoined that part of the New York statute that banned possession in houses of worship. That holding was followed in *Spencer v. Nigreilli*, 2022 WL 17985966 (W.D.N.Y. Dec. 29, 2022) (preliminary injunction).

Particularly instructive for purposes of these Bills are the decisions in *Antonyuk*, *Christian*, *Siegel* and *Koons*. *Antonyuk* and *Christian* held that New York may not constitutionally establish a "default rule" that would presumptively ban carry on private property without the owner's express permission. That is precisely the sort of ban imposed by these Bills. The court in *Antonyuk* ruled that New York's attempt to impose such a presumptive ban on all carry on private property "appears to be a thinly disguised version of the sort of impermissible "sensitive location" regulation that the Supreme Court considered and rejected in *NYSRPA*." 2022 WL 16744700 at *81. That court found no historically appropriate analogue for such a ban. Id. at *80. Likewise in *Christian*, the court held that historically "carrying on private property" was "generally permitted absent the owner's prohibition," 2022 WL 17100631 at *9, and that the right to exclude persons from private property "has always been one *belonging to the private property owner*—not to the State."

Id. (emphasis the court's). The *Christian* court thus concluded New York's "current policy preference" for such a presumptive ban "is one that, because of the interest balancing already struck by the people and enshrined in the Second Amendment, is no longer on the table." Id., citing *Heller*, 554 U.S. at 636, and *Bruen*, 142 S.Ct. at 2131.

Similarly, in *Koons*, the New Jersey federal district court granted a TRO to enjoin New Jersey's presumptive ban with respect to carry on private property, stating that the New Jersey defendants "seem to turn a private property owner's lack of consent and/or right to exclude into a general proposition that the Second Amendment does not presume the right to bear arms on private property. Nothing in the text of the Second Amendment draws that distinction." 2023 WL 128882 at *16. As the court explained, "the State is, in essence, criminalizing the conduct that the *Bruen* Court articulated as a core civil right." Id. In *Siegel*, the court enjoined New Jersey bans on the carrying of firearms in parks, beaches, recreational facilities, public libraries, museums, bars, restaurants, where alcohol is served, entertainment facilities, in vehicles and on private property without the prior permission of the owner. In each instance, the court found that "the Second Amendment's plain text covers the conduct in question (carrying a concealed handgun for self-defense in public)." Slip op. at 23, 29, 30, 31, 32, 46 (emphasis added). In so holding the court relied on the very "textual elements" identified in *Bruen*, *viz.,* the right to be armed "'in a case of conflict with another person,'" noting that "this definition naturally encompasses one's right to public carry on another's property, unless the owner says otherwise." Id. at 38. The same analysis applies, *a fortiori*, to the possession and carry on public property, such as on a public sidewalk or in other public places where confrontation can and does take place.

These holdings are consistent with and, indeed, mandated by *Bruen's* holding that there is a general right to carry in public, subject to narrowly confined restrictions. Indeed, the bans imposed by these Bills are even more extreme than imposed by New York and New Jersey. For example, under the New York law, shop owners had the option of allowing carry by permit holders at their places of business, either by signage or by express permission. See *Christian*, 2022 WL 17100631 at *1. The same is true under the New Jersey statute at issue in *Koons* and *Siegel Koons*, 2023 WL 128882 at *2. In contrast, SB 1 bans all carry at any place of "public accommodation" (a term that includes every retail store or location open to the public), **regardless** of whether permission is granted. Bill SB 1 thus does not merely establish a presumptive ban on carry at such private property, it **totally** bans such carry without regard to the private owner's preferences. The statutes at issue in New York are New Jersey are already extreme, but neither State sought to go that far. Maryland would be the first and only State to impose that restriction on the general right to carry articulated in *Bruen*.

New York has appealed the preliminary injunctions issued in these cases to the Court of Appeals for the Second Circuit. That court has stayed these preliminary injunctions pending appeal and ordered expedited briefing and argument. However, that stay order expressly exempts from the stay that part of the any preliminary injunction that enjoined the New York's ban on possession in places of worship for persons "tasked" with protection of these places. The Supreme Court has allowed the Second Circuit's stay to remain in place pending a merits decision, but Justices Alito and Thomas cautioned in a separate statement that the

Supreme Court's order was not on the merits. Rather, it was entered simply to allow the Second Circuit to manage its docket. See *Antonyuk v. Nigrelli,* 143 S.Ct. 481 (2023) (Mem). These two Justices likewise noted that "[t]he New York law at issue in this application presents novel and serious questions under both the First and the Second Amendments." Id. A similar order denying a stay was issued by the Supreme Court in *Gazzola v. Hochul*, --- F.Supp.3d ----2022 WL 17485810 (N.D.N.Y. 2022), a case involving claims by firearms dealers challenging several different New York laws under a variety of claims. See *Gazzola v. Hochul*, 2023 WL 221511 (S.Ct. Jan. 18, 2023) (denying an application for a stay).

It is thus fair to say that these issues are already on the Supreme Court's radar. Indeed, Justices Alito and Thomas invited the *Antonyuk* plaintiffs to again seek relief from the Supreme Court "if the Second Circuit does not, within a reasonable time, provide an explanation for its stay order or expedite consideration of the appeal." 143 S.Ct. at 481. As a result, the Second Circuit quickly expedited these cases and has scheduled oral argument for March 20, 2023, in all five of these appeals (*Antonyuk*, *Christian*, *Hardaway*, *Spencer* and *Gazzola*). No appeal has been filed in *Koons* and *Siegel* (TRO orders are generally not appealable). We expect a preliminary injunction to be issued soon in both cases. New Jersey may then elect to appeal such an order to the Court of Appeals for the Third Circuit under 28 U.S.C. § 1292(a)(1).

***Bruen* Holdings:** The *Bruen* Court ruled that "the standard for applying the Second Amendment is as follows: When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." 142 S.Ct. at 2127. The relevant time period for that historical analogue is 1791, when the Bill of Rights was adopted. 142 S.Ct. at 2135. That is because "'Constitutional rights are enshrined with the scope they were understood to have when the people adopted them.'" Id., quoting *District of Columbia v. Heller*, 554 U.S. 570, 634–635 (2008). As stated in *Hirschfeld v. Bureau of Alcohol, Firearms, Tobacco & Explosives*, 5 F.4th 407, 417 (4th Cir.), *vacated as moot*, 14 F.4th 322 (4th Cir. 2021), *cert. denied*, 142 S.Ct. 1447 (2022), "[w]hen evaluating the original understanding of the Second Amendment, 1791—the year of ratification—is 'the critical year for determining the amendment's historical meaning." 5 F.4th at 419, quoting *Moore v. Madigan*, 702 F.3d 933, 935 (7th Cir. 2012) (citing *McDonald*, 561 U.S. at 765 & n.14). Thus, "'how the Second Amendment was interpreted from immediately after its ratification through the end of the 19th century" represented a "critical tool of constitutional interpretation."' *Bruen*, 142 S.Ct. at 2136, quoting *Heller*, 554 U.S. at 605. The Court stressed, however, that "to the extent later history contradicts what the text says, the text controls." Id. at 2137. Similarly, "because post-Civil War discussions" of the right to keep and bear arms "took place 75 years after the ratification of the Second Amendment, **they do not provide as much insight into its original meaning as earlier sources**."' Id., at 2137, quoting *Heller*, 554 U.S. at 614 (emphasis added).

Under *Bruen*, the historical analogue necessary to justify a regulation must also be "a well-established and representative historical analogue," not outliers. Id. at 2133. Thus, historical "outlier" requirements of a few jurisdictions or of the Territories are to be

disregarded. Id. at 2133, 2153, 2147 n.22 & 2156. Such outliers do not overcome what the Court called "the overwhelming evidence of an otherwise enduring American tradition permitting public carry." 142 S.Ct. at 2154. Laws enacted in "the latter half of the 17th century" are "particularly instructive." Id. at 2142. In contrast, the Court considered that laws in enacted in the Territories were not "instructive." Id. at 2154. Similarly, the Court disregarded "20th century historical evidence" as coming too late to be useful. Id. at 2154 n.28.

Under that standard articulated in *Bruen*, "the government may not simply posit that the regulation promotes an important interest." 142 S.Ct. at 2126. Likewise, *Bruen* expressly rejected deference "to the determinations of legislatures." Id. at 2131. *Bruen* thus abrogates the two-step, "means-end," "interest balancing" test that the courts had previously used to sustain gun bans. 142 S.Ct. at 2126. Those prior decisions are no longer good law. So, the constitutionality of SB 1, and SB 118 will turn exclusively on an historical analysis, as *Heller* and *Bruen* make clear that the term "keep and bear arms" in the text of the Second Amendment necessarily includes the right to possess ("keep") and the right to carry ("bear").

Bruen also holds that governments may regulate the public possession of firearms at **five** very specific locations, *viz.*, "legislative assemblies, polling places, and courthouses," "in" schools and "in" government buildings. *Bruen*, 142 S.Ct. at 2133, citing *Heller*, 554 U.S. at 599. These five all are historically justified and share the common feature that all are discrete locations that are easily identifiable. These locations are also places where armed security may be provided by the government, thus making it unnecessary for an individual to be armed for self-defense. *Bruen* states that "courts can use analogies to those historical regulations of 'sensitive places' to determine that modern regulations prohibiting the carry of firearms in new and analogous sensitive places are constitutionally permissible." (Id.).

Again, this historical inquiry focuses on the Founding era. Thus, in *Bruen*, the Court rejected New York's reliance on "a handful of late-19th-century jurisdictions," stating these laws did not demonstrate a tradition of broadly prohibiting the public carry of commonly used firearms for self-defense." 142 S.Ct. at 2138. The Court rejected New York's reliance as well on other post-1791 statutory prohibitions, holding that "the history reveals a consensus that States could *not* ban public carry altogether." 142 S.Ct. at 2146 (emphasis the Court's). Thus, the State is not free to enact "sensitive area" legislation that that "would in effect exempt cities from the Second Amendment" because such laws "would eviscerate the general right to publicly carry arms for self-defense." *Bruen*, 142 S.Ct. at 2134. See *Koons,* 2023 WL 128882 at *12 (holding that "'sensitive place' is a term within the Second Amendment context that should not be defined expansively").

In order to be a well-established, representative historical analogue, the historical law must be "relevantly similar" to the modern law (Id. at 2132). *Bruen* makes clear that this analogue inquiry is controlled by two "metrics," viz., "how and why the regulations burden a law-abiding citizen's right to armed self-defense." Id. at 2133 (emphasis added). The inquiry is "whether modern and historical regulations impose a comparable burden on the right of armed self-defense." Id. at 2133 (emphasis added). The Court thus ruled that "whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are '*central'*

considerations when engaging in an analogical inquiry." (Id.) (emphasis added). See *Koons*, slip. op. at *15-*16. This focus on self-defense rules out, for example, any reliance on historical statutes that were "anti-poaching laws." *Antoynuk*, 2022 WL 16744700, at *79-81. That is because such laws were **not** intended to restrict the right of self-defense, they were intended to protect game and the property owner's right to hunt game on his own land. Those rights of owners are well recognized. For example, current Maryland law provides that owners and their families are not required to obtain a hunting license to hunt on the owner's farmland, MD Code, Natural Resources, § 10-301, and owners are allowed to bar access to their land by others simply by marking their property. MD Code, Natural Resources, § 10-411.

The *Bruen* Court remarked that the analogue inquiry might be different where the regulation was prompted by some "unprecedented societal concerns or dramatic technological changes" id. at 2132, these Bills do not purport to identify any such matters. Gun violence is hardly new or "unprecedented." The bans imposed by these Bills apply to all firearms and thus do not involve any "dramatic technological change." Thus, the analysis is "straightforward" and controlled by "the lack of a distinctly similar historical regulation." Id. Again, a State may not enact "sensitive places" legislation that that is so broad that it "would eviscerate the **general right** to publicly carry arms for self-defense." *Bruen*, 142 S.Ct. at 2134 (emphasis added).

Nothing in *Bruen* can be read to allow a State to establish any "buffer zone" around such sensitive places, such as the 100-foot zone created around all places of "public accommodation" by SB 1. Such a broad ban on carry would cover sidewalks and could easily extend into the street and thus effectively ban public carry in virtually all urban areas and many rural areas. Such a ban would plainly violate the holding in *Bruen* that the Second Amendment protects a broad, "general right" to carry in public, including in cities. For example, *Bruen* rejected New York's attempt to justify its "good cause" requirement as a "sensitive place" regulation, holding that a government may not ban guns where people may "congregate" or assemble. 142 S.Ct. at 2133-34. The Court held that such a ban on places where people typically congregate "defines the category of 'sensitive places' far too broadly" and, if allowed, "would eviscerate the general right to publicly carry arms for self-defense." Id. at 2134. These Bills effectively "eviscerate" that general right to carry by banning possession by a permit holder on any property "of another" and at or within 100 feet of any place of "public accommodation" (regardless of permission of the owner) and on or in any property "controlled" by any government entity. Under these Bills, there is hardly **any** public place where carry **is** permitted. The Bills would thus effectively "eviscerate" the general right to carry recognized in *Bruen*.

Bruen ruled that the State may ban guns "in" a "**government building**," but the Court did not thereby bless gun bans on any "*property"* that a government might merely "*control*." Bans in or on government-controlled property would sweep far too broadly. It would, for example, include vast tracts of State Forest lands and parks and other places where there is no historical support for such bans. See, e.g., *Bridgeville Rifle & Pistol Club, Ltd. v. Small*, 176 A.3d 632, 652 (Del. 2017) (holding that State parks and forests were not "sensitive places" and that Delaware's regulation broadly banning firearms in such places was unconstitutional under Delaware's version of the Second Amendment"); *Ezell v. City of*

Chicago, 846 F.3d 888, 894-95 (7th Cir. 2017) (holding that Chicago's zoning restrictions for firing ranges could not be justified as a restriction on sensitive places); *Solomon v. Cook County Board of Commissioners,* 550 F. Supp.3d 675, 690-96 (N.D. Ill. 2021) (invalidating a county ban on carry in parks); *Morris v. Army Corps of Engineers*, 60 F. Supp. 3d 1120 (D. Idaho 2014), *appeal dismissed,* 2017 WL 11676289 (9th Cir. 2017) (rejecting the government's argument that Corps' outdoor recreation sites were sensitive places).

The term "government building" as used in *Bruen* also plainly implies that "*government*" functions are performed in the building and thus that the building is secured accordingly. Such government functions do not include *proprietary* interests, such as mere ownership or control. As noted, *Bruen* made clear that a government may not ban guns in any place where people may "congregate" or assemble, and that rule does not turn on ownership. 142 S.Ct. at 2133-34 (holding that such a ban on places where people typically congregate "defines the category of 'sensitive places' far too broadly"). Indeed, there is a model for a proper regulation on government property, found in 18 U.S.C. § 930. That law bans firearms in "federal facilities" where such possession is done "knowingly." 18 U.S.C. § 930(a),(b). See *Rehaif v. United States*, 139 S. Ct. 2191, 2196 (2019) (discussing the meaning of a "knowing" violation). Whether an act is done "knowingly" is determined by the trier of fact based on the circumstances presented in the case.

Section 930 does not create any "presumption" that any possession is done "knowingly." Indeed, the Bill 118's "rebuttable presumption" that a person "knowingly" possesses a firearm on the private property of another or on government "controlled" property is of dubious constitutionality. See *Leary v. United States*, 395 U.S. 6, 36-38 (1969) (striking down a statutory presumption and holding "that a criminal statutory presumption must be regarded as 'irrational' or 'arbitrary,' and hence unconstitutional, unless it can at least be said with substantial assurance that the presumed fact is more likely than not to flow from the proved fact on which it is made to depend"). Stated simply, it is "not more likely than not" that any person would know the **meaning** of the term "property controlled" by a government, much less the **boundaries** of all such property and thus cannot be presumed to knowingly violate this prohibition. Private property lines are often likewise indistinct or lacking in notice.

Such actual notice is critically important to compliance. For example, Section 930 specifically provides that "[n]otice of the provisions of subsections (a) and (b) *shall be posted conspicuously* at each public entrance to each Federal facility," and that "*no person shall be convicted* ... if such notice is not so posted at such facility, unless such person had actual notice" of this law. 18 U.S.C. § 930(h) (emphasis added). Finally, Section 930 narrowly defines "federal facility" to mean "a building or part thereof owned or leased by the Federal Government, *where Federal employees are regularly present for the purpose of performing their official duties*." 18 U.S.C. § 930(g)(1) (emphasis added). This federal ban also applies only to possession "**in**" a federal facility and thus does not impose any "buffer zone." In other words, a federal facility is **not** covered by this provision *unless* federal employees are "regularly" present in that building for work. Section 930 passes muster under *Bruen*. A ban on all property controlled by a government does not.

Remarkably, SB 118 also presumes to regulate possession on all property controlled by the federal government. There are many tracts of property over which the federal government constitutionally exercises *exclusive* jurisdiction. See U.S. Const. Article I, § 8, cl. 17; 18 U.S.C. § 7. Stated simply, the State has no jurisdiction to regulate **at all** in such areas. Examples of such exclusive jurisdiction areas include military installations, federal buildings, post offices, and some high-value or security-sensitive sites, all of which are abundant in Maryland. SB 118 is thus flatly unconstitutional under Article I, § 8, cl. 17, to the extent it purports to ban firearms on **all** property "controlled" by the federal government. Exclusive means just that, exclusive.

To be sure, federal law may *incorporate* State laws by *reference* as to lands over which there is *concurrent* jurisdiction (but not as to exclusive jurisdiction areas). See Assimilative Crimes Act, 18 U.S.C. § 13 ("ACA"). Such "assimilated" crimes are enforced by federal law enforcement and are tried in federal court. But even then, such incorporation may not occur if the State law is contrary to federal policy. See, e.g., *United States v. Kelly*, 989 F.2d 162, 164 (4th Cir.), *cert. denied,* 510 U.S. 114 (1993) ("federal courts have consistently declined to assimilate provisions of state law through the ACA if the state law provision would conflict with federal policy"). For example, federal policy specifically addresses possession in the National Park System. Pub. Law 113-287, § 3, 128 Stat. 3168 (2014), codified at 54 U.S.C. § 104906. That legislation provides that "[f]ederal laws should make it clear that the 2d amendment rights of an individual at a System unit should not be infringed," 54 U.S.C. § 104906(a)(7). Permit holders throughout the United States thus may carry in the National Park System. SB 118 would flatly ban such carry and is thus contrary to federal policy.

The "Critical Year" Under *Bruen* Is 1791: Again, the relevant date for historical analogues is 1791, when the Bill of Rights was adopted. See *Bruen*, 142 S.Ct. at 2136 ("when it comes to interpreting the Constitution, not all history is created equal. Constitutional rights are enshrined with the scope they were understood to have when the people adopted them."). Thus, the Supreme Court has "generally assumed that the scope of the protection applicable to the Federal Government and States is pegged to the public understanding of the right when the Bill of Rights was adopted in 1791." *Bruen*, 142 S.Ct. at 2137. *Bruen* thus looked primarily to 1791 in conducting its historical analysis. *Bruen*, 142 S.Ct. at 2144-46. The Court also examined and rejected New York's reliance on post-Civil War history, stating "because post-Civil War discussions of the right to keep and bear arms 'took place 75 years after the ratification of the Second Amendment, they do not provide as much insight into its original meaning as earlier sources.'" 142 S.Ct. at 2137, quoting *District of Columbia v. Heller,* 554 U.S. 570, 614 (2008). The appropriate line is thus the Civil War, the late 19th century. As noted, Territorial laws and laws enacted in the 20th century may not be considered.

That line is fully consistent with the Court's reliance on the "relatively few 18th- and 19th-century" laws in identifying the five sensitive places found by the Court. 142 S.Ct. at 2133. Given the Court's reluctance to rely on post-Civil War laws, that reference to "relatively few 18th- and 19th-century" laws can only be reasonably understood to refer to laws in the 1700s and early 1800s. Indeed, the Court cautioned "against giving post-enactment history more weight than it can rightly bear." 142 S.Ct. at 2136. Thus, as Justice

Barrett noted in concurrence, "today's decision should not be understood to endorse freewheeling reliance on historical practice from the mid-to-late 19th century to establish the original meaning of the Bill of Rights." *Bruen*, 142 S.Ct. at 2163 (Barrett, J., concurring). In short, 1868 is of minor importance in the analogue analysis. See *NRA v. BATFE*, 714 F.3d 334, 339 n.5 (5th Cir. 2013) (Jones, E., J. dissenting from the denial of rehearing en banc and joined by six other circuit judges) ("*Heller* makes plain that 19th-century sources may be relevant to the extent they illuminate the Second Amendment's original meaning, but they cannot be used to construe the Second Amendment in a way that is inconsistent with that meaning");

Importantly, the Second Amendment cannot mean one thing for the States and another thing for the federal government. Any such suggestion was squarely rejected in *McDonald v. City of Chicago*, 561 U.S. 742, 783-84 (2010). There, the Court held that "if a Bill of Rights guarantee is fundamental from an American perspective, then . . . that guarantee is fully binding on the States." *Bruen* held that "individual rights enumerated in the Bill of Rights and made applicable against the States through the Fourteenth Amendment have the same scope as against the Federal Government." 142 S.Ct. at 2137. Thus, cases involving federal restrictions are directly precedential in cases involving State restrictions.

The *McDonald* Court found that Second Amendment rights were "fundamental to our scheme of ordered liberty and system of justice." McDonald, 561 U.S. at 764. Nothing in that analysis speaks to "investing" 1791 rights with "new 1868 meaning" or the intent of the "people" in 1868. Quite to the contrary, the right was "fundamental" because "[s]elf-defense is a basic right, recognized by many legal systems from ancient times to the present day." Id. The incorporation of the Second Amendment into the 14th Amendment is by operation of law; it does not rely on any legal fiction that the "people" desired to incorporate the Bill of Rights when the 14th Amendment was adopted. The incorporation doctrine emerged long after 1868, as *McDonald* makes clear. 561 U.S. at 759-60.

Bruen relies on two very recent decisions, *Ramos v. Louisiana*, 140 S.Ct. 1390 (2020), and *Timbs v. Indiana*, 139 S.Ct. 682 (2019), in holding that the Bill of Rights is the same for both the federal government and the States. Ramos held that the Sixth Amendment right to a unanimous jury verdict was incorporated against the States and overruled prior precedent that had allowed the States to adopt a different rule under a "dual track" approach to incorporation. In so holding, the Court relied on 1791 as the relevant historical benchmark. *Ramos*, 140 S.Ct. at 1396. Similarly, in *Timbs*, the Court held that the Excessive Fines provision of the Eighth Amendment was incorporated as against the States. *Timbs*, 139 S.Ct. at 686-87. In so holding, the Court once again looked to the scope of the right as it existed in 1791. Id. at 688. The *Timbs* Court found that this scope was simply confirmed by "an even broader consensus" in 1868. Id. *Ramos* and *Timbs* make clear that 1791 is the controlling inquiry and that later understandings may be viewed as confirmation, not changing the right itself. In all cases, the text is controlling over history. *Bruen*, 142 S.Ct. at 2137 ("the extent later history contradicts what the text says, the text controls") (citation omitted). The text of the Second Amendment thus controls over history and that text did not change in 1868.

No court, including the pre-*Bruen* State law cases, has suggested that the 1868 meaning applies to the federal government. The few cases involving State laws looked to 1868 without examining whether 1868 is controlling as to the federal government. Those prior decisions pre-date not only *Bruen*, but came before *Ramos* and *Timbs*, where the Court made clear that the Bill of Rights mean the same thing for both the federal government and the States. While the Third Circuit's 2021 decision in *Drummond v. Robinson Township*, 9 F.4th 217, 227 (3d Cir. 2021), made a reference to "the Second and Fourteenth Amendments' ratifiers," it did not address, much less resolve, the question of whether the 1868 meaning is controlling, even as to State laws. It certainly did not suggest that 1868 was controlling for federal laws. Indeed, if 1868 is controlling there would have no point to the court's reliance on Second Amendment "ratifiers." Likewise, *Gould v. Morgan*, 907 F.3d 659, 669 (1st Cir. 2018), never addressed whether the 1868 meaning was controlling for the federal government.

In *Hirschfeld v. BATF,* 5 F.4th 407, 417 (4th Cir.), *vacated as moot*, 14 F.4th 322 (4th Cir. 2021), *cert. denied,* 142 S.Ct. 1447 (2022). (decided in 2021), the Fourth Circuit held that "[w]hen evaluating the original understanding of the Second Amendment, 1791—the year of ratification—is 'the critical year for determining the amendment's historical meaning.'" Id. at 419. In so holding, *Hirschfeld* quotes and relies on *Moore v. Madigan*, 702 F.3d 933, 935 (7th Cir. 2012), where the Seventh Circuit looked to 1791 as the "critical" period in invalidating a State law (Illinois) that had restricted the right to the home. *Hirschfeld* and *Moore* are not alone in looking to 1791. See *United States v. Rowson*, 2023 WL 431037 at *22 (S.D.N.Y. Jan. 26, 2023) ("Viewing these laws in combination, the above historical laws bespeak a 'public understanding of the [Second Amendment] right' in the period leading up to 1791 as permitting the denial of access to firearms to categories of persons based on their perceived dangerousness."); *United States v. Connelly*, 2022 WL 17829158 at *2 *n.5 (W.D. Tex. Dec. 21, 2022) (rejecting the government's reliance on "several historical analogues from 'the era following ratification of the Fourteenth Amendment in 1868'"); *United States v. Stambaugh*, --- F.Supp.3d ---, 2022 WL 16936043 at *2 (W.D. Okl. Nov. 14, 2022) ("And since '[c]onstitutional rights are enshrined with the scope they were understood to have when the people adopted them,' the government must identify a historical analogue in existence near the time the Second Amendment was adopted in 1791.") (citation omitted); *United States v. Price,* --- F.Supp.3d ----, 2022 WL 6968457 at *1 (S.D. W.Va, Oct. 12, 2022) ("Because the Second Amendment was adopted in 1791, only those regulations that would have been considered constitutional then can be constitutional now.").

Hirschfeld involved a federal statute (the ban on sales of handguns to 18-20-year-olds codified at 18 U.S.C. § 922(b)(1)), but the court's holding that 1791 was the "critical" period and its reliance on *Moore* is plainly at war with any notion that the 1868 meaning controls the scope of the right for either the federal government or the States. The General Assembly should follow *Hirschfeld*.

Outlier History Must Be Disregarded: As noted above, *Bruen* holds that the text and history of the Second Amendment establish a "general right" to public carry subject only to the five exceptions specified by the Court, *viz.*, schools, government buildings, polling places,

legislative assemblies and courthouses. While *Bruen* did not rule out other locations, the Court made clear that the burden is on the government to justify additional locations by reference to Founding era laws that were "relevantly similar" and "comparable" under the two metrics specified by the Court. See *Bruen*, 142 S.Ct. at 2132-34. Those two metrics are "how and why the regulations burden a law-abiding citizen's right to armed self-defense." Id. at 2133. Historical laws that did not or were not intended to burden that right in comparable ways are simply not analogues. Such "[a]nalogical reasoning requires judges to apply faithfully the balance struck by the founding generation to modern circumstances." *Bruen*, 142 S.Ct. at 2133 n.7. That approach "is not an invitation to revise" "the balance struck by the founding generation" "through means-end scrutiny." Id.

Any attempt to abrogate *Bruen*'s recognition of a "general right" to carry in public through the imposition of a multitude of locations and/or or exclusion zones cannot possibly be justified. *Bruen* holds that courts should not "uphold every modern law that remotely resembles a historical analogue," because doing so "risk[s] endorsing outliers that our ancestors would never have accepted." 142 S.Ct. at 2133 (citation omitted). That point is particularly applicable to legislative schemes, like New York's and New Jersey's, that effectively sought to do away with the "general right" to carry in public. Our "ancestors" would have "never accepted" such a law. That the New York and New Jersey laws have been enjoined is thus not surprising. Any attempt to enact similarly broad bans on the general right to carry in public will meet the same fate.

The five locations specified in *Bruen* are easily identified, discrete and quite limited in scope. The Court was willing to accept these five locations only because there was solid support from the Founding era for such very limited exceptions to the "general right" to carry and the Court was "aware of no disputes regarding the lawfulness of such prohibitions." 142 S.Ct. at 2133. Again, these discrete five locations do not materially detract from the "general right" to carry in public, as they can be easily identified and avoided by a permit holder. To be comparable, any additional locations would need to make a similar historical Founding era showing for each location using the Court's two metrics and demonstrate that the County's bans do not materially and adversely affect the "general right" to carry in public. Laws that "eviscerate the general right to publicly carry arms for self-defense" are not acceptable under any circumstances. *Bruen*, 142 S.Ct. at 2134. SB 1 and SB 118 plainly "eviscerates" that right by making it impossible to legally travel throughout the State with a carry permit. Again, any law enacted for the very purpose of minimizing the right to carry would be manifestly illegitimate.

McDonald holds that federalism principles are simply irrelevant under the incorporation doctrine. See *McDonald*, 561 U.S. at 784 (noting that "[t]ime and again, however, those pleas [to federalism] failed" in prior cases). Certainly, the test adopted in *Bruen* leaves no room for consideration of federalism principles. After *Bruen* was decided, the Supreme Court vacated and remanded the Fourth Circuit's decision sustaining Maryland's ban on assault weapons for reconsideration in light of the decision in *Bruen*. *Bianchi v. Frosh*, 142 S.Ct. 2898 (June 30, 2022). The Court likewise vacated and remanded decisions from the Ninth Circuit, Third Circuit and First Circuit for reconsideration in light of *Bruen*. See *Morin v. Lyver*, 143 S.Ct. 69 (Oct. 3, 2022) (First Circuit, sustaining a denial

of a license to carry); *Association of New Jersey Rifle & Pistol Clubs, Inc. v. Bruck*, 142 S.Ct. 2894 (June 30, 2022) (Third Circuit, sustaining a ban on large capacity magazines); *Duncan v. Bonta*, 142 S.Ct. 2895 (9th Cir. June 30, 2022) (Ninth Circuit, same); *Young v. Hawaii,* 142 S.Ct. 2895 (June 30, 2022) (Ninth Circuit, sustaining denial of carry permit). In short, *Bruen* applies across the board.

Permit Holders under *Bruen*: *Bruen* squarely holds that the Second Amendment protects the general right to carry in public while also making clear that a State may condition that right on obtaining a wear and carry permit from the State, if the permit is issued on an otherwise reasonable and objective "shall issue" basis. 142 S.Ct. at 2138 & n.9. As this holding recognizes, permit holders are treated as a separate class as such individuals have been thoroughly vetted through a permit process. Through their fingerprints, all permit holders in Maryland are identifiable by the FBI's RAP BACK system, under which a mere arrest of any permit holder anywhere in United States will be immediately reported to the Maryland State Police. https://bit.ly/3B8l142.

All permit holders in Maryland have also received at least 16 hours of training, as required by MD Code, Public Safety, § 5-306(a)(5), unless they are otherwise exempted from such training by MD Code, Public Safety, § 5-306(a)(6), such as law enforcement officers and certified firearms instructors. Every renewal of a permit must be accompanied by proof of an additional 8 hours of training, again unless the permit holder is training exempt. All permit holders are screened and thoroughly investigated by the State Police, including being fingerprinted. As part of the training requirement, permit holders must demonstrate proficiency by passing a live-fire qualification course and achieve a minimum score. COMAR 29.03.02.05 C.(4). The State Police will deny a permit to any person who has "exhibited a propensity for violence or instability that may reasonably render the person's possession of a handgun a danger to the person or to another." MD Code, Public Safety, § 5-306(a)(6)(i). The State Police have continued to enforce all these requirements, even after *Bruen*. See Maryland State Police Advisory, LD-HPU-22-002 (July 5, 2022). Of the 43 "shall issue" States identified in *Bruen*, 142 U.S. at 2123 n.1, only Illinois requires as many hours of training as Maryland.

As of the end of 2022, the Maryland State Police had issued 85,266 permits. https://bit.ly/3kolxVR. That number is comparably quite small for a State with a population of over 6 million. For example, as of August 2022, Pennsylvania had 1.486 *million* permits and Virginia had 717,290 resident permits and 54,404 non-resident permits. Massachusetts had issued 470,012 permits while, as of the end of June of 2021, Florida had over 2.5 *million* permits. Even New York, which was a "good cause" state like Maryland, had 194,145 permit holders as of June 30, 2021, a year prior to the decision in *Bruen* which, as noted, struck down New York's good cause requirement. Nationally, there are over 21 million permit holders. Stated differently, 8.3% of the adult population in the United States have carry permits. See Lott, J., *Concealed Carry Permit Holders Across the United States*: 2021 (2021) (available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3937627. Twenty-four States are "constitutional carry" jurisdictions in which carry is permitted without any permit at all. Those States are Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Mississippi, Missouri, Montana, New Hampshire,

Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia and Wyoming. See https://bit.ly/3QM6Ms0. In short, Maryland is already an outlier in every respect.

The Public Safety: Permit holders are among the most law-abiding individuals in America. Prior to *Bruen*, 43 States issued permits on a "shall issue" basis. *Bruen*, 142 S.Ct. at 2123 & n.1 (listing these States). The crime rate of the permit holders in these States is but a small fraction of that of commissioned police officers. See Lott, at 43-44. Permit holders are simply not the problem. Possession and transport of firearms by **non**-permit holders continues to be strictly regulated by State criminal law. For example, MD Code, Criminal Law, § 4-203(a), bans **any** "wear, carry or transport" of a handgun, subject to limited exceptions, like in the home or transport of an unloaded handgun to a dealer or to a range for target shooting or by an owner of a business. Illegal carry by non-permit holders is already punished by up to 3 years in prison. MD Code, Criminal Law, § 4-203(c)(4)(ii). These Bills do not change such laws.

Gun control advocates generally do not dispute that permit holders are extremely law-abiding and don't commit crimes with the weapons that they carry. This Committee heard as much from Everytown and Professor Webster of Johns Hopkins University at the Committee's briefing on *Bruen*. These advocates do argue, however, that that shall-issue laws are "associated with" (read "correlated") violent crime. Such advocates do not assert that shall-issue laws actual "cause" violent crime, as even the most ardent advocate cannot dispute that correlation is not causation. In any event, the assertion that shall-issue laws are even properly correlated with violent crime **is not a given**, as it hotly contested in the scientific literature. In a recent publication, those studies are critically examined and summarized by the Rand Corporation, which does not otherwise take sides in this debate. See Rand Corporation, *The Science of Gun Policy*, *A Critical Synthesis of Research Evidence on the Effects of Gun Policies in the United States*, 277 et seq. (2d Ed. 2020) (available at https://www.rand.org/pubs/research_reports/RR2088.html).

This Rand publication found that many studies on which gun control advocates typically rely were flawed methodologically. The Rand publication concludes that there is "*inconclusive evidence for the effect of shall-issue laws*" with respect to homicides, robberies and assaults. Id. at 301 (emphasis in original). Similarly, this Rand publication concludes that there is "*inconclusive evidence for the effect of shall-issue laws on mass shootings*." (Id. at 307) (emphasis in original). It likewise found that "there is *inconclusive evidence for the effect of shall-issue concealed-carry laws on unintentional firearm injuries and deaths*." Id. at 304 (emphasis in original). This Committee thus should not assume that restricting carry with permits will have **any** positive effect on public safety. It is **just as likely** that *restricting* public carry with a permit will *adversely* affect public safety by eliminating the ability to defend oneself and others, as found in multiple studies noted by Rand. Id. at 283 (Table summarizing findings of various studies). All doubts should be resolved in favor of self-defense, as self-defense is a fundamental human right and is constitutionally protected, as *Bruen* and *Heller* make clear. Certainly, the shoppers at an Indiana mall are grateful that legally armed Elisjsha Dicken was in the mall one day this last summer when a deranged

individual opened fire. https://nypost.com/2022/07/19/indiana-mall-hero-elisjsha-dicken-returned-fire-just-15-seconds-into-shooting/.

We believe that substantial public safety benefits would be realized by holding wrong-doers to account through a vigorous enforcement of existing laws. Illegal carry by **disqualified** persons, MD Code, Public Safety, § 5-101(g) (defining "disqualified person"), is severely punished under State and federal law. Under federal law, the mere possession of any firearm or modern ammunition by a disqualified person is a 10-year federal felony. 18 U.S.C. § 922(g), 18 U.S.C. § 921(a)(20)(B). Under Maryland State law, mere possession of a handgun by any disqualified person who was not previously convicted of a felony is a serious misdemeanor and is punishable by up to 5 years imprisonment and a $10,000 fine. MD Code, Public Safety, § 5-144(b). Mere possession by persons previously convicted of a **felony** is an additional felony and is punishable by not less than 5 years but not more than 15 years in prison. MD Code, Public Safety, § 5-133(c)(1). Mere possession by a disqualified person of a long gun is a serious misdemeanor and is punishable by up to 3 years in prison. MD Code, Public Safety, § 5-205(d).

Yet, notwithstanding these draconian laws, Maryland's murder rate **substantially exceeds** that of neighboring Pennsylvania and Virginia, where "shall issue" carry permits have long been issued and carry is widely practiced. Maryland has the **4th highest murder rate** in the country at a rate of 9 per 100,000. Pennsylvania comes in 19th highest at a rate of 5.8 per 100,000 and Virginia's rate is even lower at 5.3 per 100,000. https://besttoppers.com/murder-rate-by-state/#C4. The idea that permit-holders are a danger to public safety simply does not jib with the experience of Maryland's neighbors. Rather, Maryland should focus on combatting recidivism among violent criminals. See, e.g., Prescott, et al, *Understanding Violent-Crime Recidivism*, 95 Notre Dame L. Rev. 1643-98 (May 2020).

Certainly, it is no answer to *Bruen* to assert that violent crime in Maryland is rampant. Violent crime **is** widely perceived as getting worse and worse, but as noted, permit holders are not remotely the reason. Until *Bruen* was decided in June of 2022, the number of permit holders in Maryland was truly tiny. They can hardly be blamed for Maryland's crime rate. The right "to keep and bear Arms" is "an individual right," *Bruen*, 142 S.Ct. at 2125, and for individuals who may find themselves at imminent risk of death or severe bodily harm, a gun may well be the only way for such a person to survive. *Bruen*, 142 S.Ct. at 2158 (Alito, J., concurring) (noting that "defensive firearm use occurs up to 2.5 million times per year"). The law-abiding citizen's right to armed self-defense is thus important *because* of violent crime. See id. at 2159 ("it is these very facts that cause law-abiding citizens to feel the need to carry a gun for self-defense"). It is questionable that the public safety was promoted by the wholesale release of 2,000 prisoners in 2020 or the more than 700 additional persons released by executive order that year. http://bit.ly/3XvYtmJ. See also http://bit.ly/3XUlGyL. The history of non-prosecution and non-enforcement in Baltimore should also not be ignored. That history is documented in Johns Hopkins Center for Gun Policy and Research, *Reducing Violence And Building Trust* (June 2020).

Indeed, that same Johns Hopkins study found that carry by otherwise law-abiding persons in Baltimore is very common **because** of violent crime and the lack of trust in the ability of

the police to protect them. See Johns Hopkins Center for Gun Policy and Research, *Reducing Violence And Building Trust* at 5 (June 2020) ("In Baltimore neighborhoods most impacted by gun violence, residents lack faith in BPD's ability to bring individuals who commit violence to justice. Perceived risk of being shot and perceptions that illegal gun carrying is likely to go unpunished lead some residents to view gun carrying as a necessary means for self-defense."). That lack of trust is well-founded. The law enforcement abuses of the Gun Trace Task Force in Baltimore were too numerous and are too recent to ignore. http://bit.ly/3ZEJwAo. The social justice issues associated with further criminalizing these individuals should be apparent. As much as some may assert that more guns are not the "answer" to violent crime, that belief is not shared by those who are most at risk of a violent attack. https://americangunfacts.com/guns-used-in-self-defense-stats/. As the Hopkins study confirms, otherwise law-abiding people who fear for their safety will simply ignore State laws banning carry, regardless of the penalties. Layering on still more punishments and restrictions will not deter people who perceive that their survival is at stake. For these people, the far superior option is for them to fulfill the training requirements and obtain carry permits. At least that way, these individuals will have an opportunity to be vetted and trained and are thus more likely to carry responsibly. Restricting carry with permits is obviously incompatible with that objective.

Any Desire To Curtail *Bruen* Is Constitutionally Illegitimate: A government may not suppress possible adverse secondary effects flowing from the exercise of a constitutional right by suppressing the right itself. See, e.g., *City of L.A. v. Alameda Books, Inc.,* 535 U.S. 425, 449-50 (2002) (Kennedy, J., concurring) ("It is no trick to reduce secondary effects by reducing speech or its audience; but [the government] may not attack secondary effects indirectly by attacking speech"). See *Imaginary Images, Inc. v. Evans*, 612 F.3d 736, 742 (4th Cir. 2010) (same); *St. Michael's Media, Inc. v. Mayor and City Council of Baltimore*, 566 F.Supp.3d 327, 374 (D. Md. 2021), *aff'd.*, 2021 WL 6502219 (4th Cir. 2021) (same). This point applies to Second Amendment rights no less than to other constitutional rights. *Grace v. District of Columbia*, 187 F.Supp.3d, 124, 187 (D.D.C. 2016), *aff'd, sub. nom. Wrenn v. Dist. of Columbia,* 864 F.3d 650 (D.C. Cir. 2017) ("it is not a permissible strategy to reduce the alleged negative effects of a constitutionally protected right by simply reducing the number of people exercising the right") (quotation marks omitted). See *Bruen*, 142 S.Ct. at 2126, 2148 (citing *Wrenn* with approval). "[T]he enshrinement of constitutional rights necessarily takes certain policy choices off the table." *Heller*, 554 U.S. at 636. As the Supreme Court noted in *Bruen*, "[t]he constitutional right to bear arms in public for self-defense is not 'a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.'" *Bruen*, 142 S.Ct. at 2156 (citation omitted).

The Senate leadership has suggested that the exercise of Second Amendment rights by permit holders under *Bruen* is outweighed by the fears or discomforts the non-permit holding members of public may have that a permit holder may be carrying a concealed firearm nearby. See https://www.youtube.com/watch?v=wx0ZJm69X7E&t=1599s starting at minute 28.00. However, legislation based on that notion is constitutionally illegitimate. Any law enacted for the avowed purpose of minimizing or curtailing the exercise of a constitutional right is "patently unconstitutional." See *Saenz v. Roe*, 526 U.S. 489, 499 n.11 (1999) ("[i]f a law has 'no other purpose . . . than to chill the assertion of constitutional rights

by penalizing those who choose to exercise them, then it [is] patently unconstitutional.'"), quoting *United States v. Jackson*, 390 U.S. 570, 581 (1968) (brackets and ellipsis the Court's).

Fundamentally, unpopular constitutional rights may not be suppressed merely because their exercise might cause discomfort in others. *Kenney v. Bremerton School District*, 142 S.Ct. 2407, 2427-28 (2022) (rejecting a "heckler's veto"). See also *Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 134-35 (1992) ("Speech cannot be ... punished ... simply because it might offend a hostile mob."). *Bruen* abrogated "means-end," interest-balancing under which such concerns might have been relevant and made clear that "[t]he constitutional right to bear arms in public for self-defense is not 'a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.'" *Bruen*, 142 S.Ct. at 2156 (citation omitted). See *Koons*, slip op. at *9 ("a balancing of interests" is something "this Court cannot do" under *Bruen*).

It is no answer to *Bruen* to emotionally assert that guns are not the answer to violent crime. Law-abiding residents of Maryland are rushing to obtain carry permits after *Bruen* because Maryland, with all its highly restrictive gun-control laws and policies, has been singularly **unsuccessful** in controlling violent crime, particularly in urban areas. *Bruen* confirms that law-abiding people have a constitutional right to obtain carry permits on a "shall issue" basis so that they may defend themselves with firearms. As the segregationists discovered in the 1950s and 1960 when they refused to accept *Brown v. Board of Education*, defying the Supreme Court ultimately fails. It also results in massive attorneys' fees awards against the State and local governmental defendants under 42 U.S.C. § 1988. For example, the attorneys for plaintiffs in *Bruen* have sought a fee award of $1,269,232.13, and will likely receive most if not all of that amount. And that litigation proceeded very quickly. More importantly, restricting the right to carry and imposing still more gun control restrictions will not make people feel safer. People feel *less* safe when they cannot defend themselves, which is why, as noted above, otherwise law-abiding people carry in Baltimore.

Insanity is commonly defined as "doing the same thing over and over and expecting different results." These Bills fit that that definition. The General Assembly should stop focusing on inanimate objects and restricting the rights of law-abiding citizens and start insisting on (and funding) accountability from State government agencies and local government officials who are in the position to bring justice to disqualified persons who illegally possess and carry firearms. Persons who use firearms for criminal purposes must be arrested and prosecuted and thus individually held accountable. Consequences need not be harsh; they **must** be reasonably certain to be effective as a deterrent. As the Department of Justice's National Institute of Justice has stated, "[r]esearch shows clearly that the chance of being caught is a vastly more effective deterrent than even draconian punishment." https://nij.ojp.gov/topics/articles/five-things-about-deterrence. Maryland fails miserably on that score.

Hunting: Remarkably, SB 118 imposes an absolute ban on the wear, carry or transport of **any** firearm by any person (whether that person is a permit holder or not) anywhere in or on the property "controlled" by any governmental entity. The Bill admits of no exceptions to this ban. This ban thus bans hunting (with a firearm) on all public lands, including State

Forests and lands managed or controlled by the Department of Natural Resources for marksmanship or hunting. See https://www.eregulations.com/maryland/hunting/public-hunting-lands/. The Bill would effectively end hunting on public lands in the State.

One must wonder whether there was been any consultation with the Maryland Department of Natural Resources before this Bill was drafted and filed. Hunting in Maryland is a multi-million industry and is essential to the economies of rural areas across the State. The rich and connected have access to private lands, but most hunters in this State do not. We know of no public safety rationale that could possibly justify this class-based ban on hunting in the State. Indeed, the Bill will likely have a direct impact on Maryland's receipt of federal funding under the Pittman-Robertson Wildlife Restoration Act, 16 U.S.C. § 669 et seq. That federal legislation provides matching grants to the States as measured by "the number of paid hunting-license holders of each State." 16 U.S.C. § 669c(b). "According to the Congressional Sportsmen's Foundation, in 2017 alone, state fish and wildlife agencies received over $629 million from Pittman-Robertson funds." http://bit.ly/3Dbozn3. Much of these federal funds are generated by federal taxes on the sale of firearms. http://bit.ly/3Wyfmw1. The Bill's effective ban on hunting on public lands will undoubtedly adversely impact the number of hunting licenses sold in this State and thus diminish this federal funding for the State. The State's wildlife restoration efforts will suffer as a result. A performative and emotionally driven dislike of firearms cannot rationally be allowed to trump all other considerations.

Preemption: A final note. State law, MD Code, Criminal Law, 4-209(a) broadly preempts local regulation of firearms subject to the limited exceptions specified in subsection 4-209(b)(1). Other express preemptions of local regulation are found at Section 6 of Chapter 13, of the 1972 Sessions Laws of Maryland (preempting local regulation of the wear and carry of a handgun); MD Code, Public Safety, § 5-134(a) (preempting local regulation of *transfers* of regulated firearms); MD Code, Public Safety, § 5-207(a) (preempting local regulation of *long gun transfers*); MD Code, Public Safety, § 5-133(a) (preempting local regulation of *possession* of a regulated firearm); and MD Code, Public Safety, § 5-104 (preempting local regulation of *the sale* of a regulated firearm). Such preemption statutes necessarily embody a recognition that regulation of firearms is an important State-wide matter. Indeed, the latest of these preemption provisions, Section 5-207(a), was enacted in 2020 as part of the long-gun background check legislation (SB 208).

Notwithstanding these preemption provisions, some jurisdictions, such as Montgomery County, and even more recently, Charles County, have exploited the limited exception provisions of subsection 4-209(b)(1) to restrict permit holders. Such a broad application of the limited authority accorded by this subsection is highly problematic as a matter of State law. In *Mora v. City of Gaithersburg*, 462 F.Supp.2d 675, 689 (D.Md. 2006), *modified on other grounds,* 519 F.3d 216 (4th Cir. 2008), a federal district court here in Maryland held that "the Legislature" has "occup[ied] virtually the entire field of weapons and ammunition regulation," holding further there can be no doubt that "the exceptions [in Section 4-209(b)] to otherwise blanket preemption [in Section 4-209(a)] are narrow and strictly construable." That holding is in accord with the general rule that exceptions to an otherwise broad provision, such as the preemption imposed by subsection 4-209(a), are to be narrowly

construed. See, e.g*., Blue v. Prince George's County*, 434 Md. 681 76 A.3d 1129 (2013) ("Under the canons of statutory construction, '[w]hen a general provision in a statute has certain limited exceptions, all doubts should be resolved in favor of the general provision rather than the exceptions.'") (citation omitted). Of course, the scope of authority conferred by subsection 4-209(b)(1) is irrelevant to the constitutionality of any law, as the Constitution is controlling over local law *and* State law.

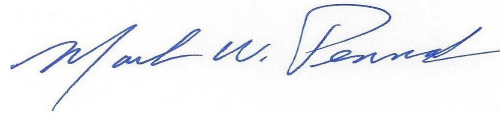
The constitutionality and legality of the Montgomery County ordinance (Bill 21-22E) is currently being challenged by MSI and others in federal district court. *MSI et al. v. Montgomery County, MD,* No. 21-01736 (D. Md.). Plaintiffs have filed a motion for a TRO and a preliminary injunction under the Second Amendment with respect to the County's ban on carry by permit holders and a decision on that motion should issue soon. The Charles County bill was withdrawn after encountering furious opposition at the public hearing held January 11, 2023. Given Montgomery County's example, other local jurisdictions can be expected to follow suit. Such local regulation will create a potential minefield of criminal restrictions that will likely widely vary from County to County, jurisdiction to jurisdiction. That reality creates massive traps for the unwary. Permit holders, like most Marylanders, do not live their lives in one county but rather routinely travel throughout the State.

The same standards for permit holders should apply State-wide. Permits are issued by one State agency, the Maryland State Police, under specific laws enacted by the General Assembly, MD Code, Public Safety, §§ 5-303, 5-304, 5-305 and 5-306. Those permits apply throughout the State. The State Police are authorized to impose restrictions on permits by MD Code, Public Safety, § 5-307, and the scope of carry is controlled by those restrictions under MD Code, Public Safety, § 4-203(b)(2) (providing that carry under a permit must be "in compliance with any limitations imposed" under Section 5-307). As noted above, the State Police have implemented that authority by placing a restriction on *every* permit, providing that the permit is "not valid where firearms are prohibited by law." That means every "sensitive place" ban on firearms imposed by the State, by an agency regulation or by a locality makes the permit holder open to prosecution under MD Code, Public Safety, 4-203(a), a violation of which is, as noted, punishable by up to 3 years imprisonment for the first offense.

Accordingly, MD Code, Criminal Law, 4-209(b) should be amended to make clear that the exceptions found in subsection § 4-209(b)(1) do not authorize local regulation **of permit holders**. A similar limitation on local regulation is already found in subsection 4-209(b)(2), which provides that a locality "may not prohibit the teaching of or training in firearms safety, or other educational or sporting use of the items listed in subsection (a) of this section." A new subsection 4-209(b)(3) should be enacted to provide that localities may not regulate permit holders or the places where a permit holder may carry. State law should supersede such local regulation and provide that any local regulation concerning wear and carry permits is superseded and future local regulation of permit holders and carry by permit holders is preempted. Such language may be easily adapted from the preemption language found in the preemption provision enacted in 2020 as part of MD Code, Public Safety, § 5-207(a) ("This section supersedes any restriction that a local jurisdiction in the

State imposes on the transfer by a private party of a rifle or shotgun, and the State preempts the right of any local jurisdiction to regulate the transfer of a rifle or shotgun.").

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

SB1 Testimony.pdf
Uploaded by: Mark Schneider
Position: UNF

SB1 Testimony
2/6/2023

My Name is Mark Schneider, Vice President of the Maryland Licensed Firearms Dealers Association and Atlantic Guns.

On behalf of our organization and its members, my company and our employees, and myself as a 2nd amendment advocate, I oppose SB1.

What should be clear from the events following the recent pandemic, civil unrest and a spike in violent crime across our country, is the reality that the individual's right to self-preservation has never been more important.

There is a reason law abiding citizens from every socioeconomic, racial, religious, and political backgrounds are purchasing firearms and attending training. They see the limitations of our police departments response time and understand violent criminal acts can occur at a moment's notice. Responsible gun owners across the State of Maryland have qualified, per the state's standard, and received Wear and Carry Permits so they can protect themselves

and their family should a criminal attempt to victimize them.
The premise of the bill is the recent issuances of Wear and Carry licenses has made the State less safe. I would like to know how many crimes have been committed by Wear and Carry license holders. I presume that number is statistically insignificant.

I have had my Maryland Wear and Carry Permit for years. Well before the recent application spike we have seen since the Bruen decision. If SB1 passed I would no longer be able to transport, deliver, and demo firearms to police departments we do business with. I would no longer be able to conceal a defensive handgun when picking up estate collections across the region. I also would not be able to carry when making bank deposits. All of which are unreasonable restrictions especially given the sensitive items we handle.

SB1 would prevent law abiding citizens from exercising their 2nd amendment rights. It is not only irresponsible and unconstitutional, but also dangerous, and will put Maryland citizens in harm's way if passed.

I urge and unfavorable report

MGA opposition to SB0001.pdf
Uploaded by: Martin Taylor
Position: UNF

Martin Taylor

300 Red brook Blvd #204

Owings Mills, MD 21117

Re: SB0001 (Gun Safety Act of 2023)

Position: Unfavorable

Date: 2/6/2023

Honorable members of the Maryland General Assembly,

I am writing today to oppose the Gun Safety Act of 2023.

In recent years the Jewish community has come under attack, both verbally and physically.. According to the Anti-Defamation League 2021 recorded the highest levels of Antisemitic attacks since record keeping began in the 1970s.

In 2019 Jews were attacked in a Kosher supermarket in New Jersey and in 2018 we all remember the horrific Tree of Life Synagogue shooting, leaving 11 dead.

The proposed bill would limit my right, as an American Jew to defend myself and my family against such an attack. It will serve to make our synagogues, schools and communities soft targets as criminals, who don't follow the rule of law, would know that no one in the area is armed and no one will confront an attack on a Jewish institution.

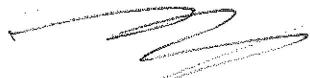
In our community many wealthier synagogues and schools have hired armed security. This comes at an incredible cost to our community. Yet many other institutions can't handle the financial burden of paying someone else to provide the security that keeps us safe. We, as a community have formed Gun Safety Advocacy Groups, we provide instruction on safe firearm handling, provide instruction and provide first aid and stop the bleed training. What other communities need to do that?

SB0001 would make all of our efforts worthless and turn our responsible gun owners into criminals for protecting their homes, schools and places of worship. SB0001 would declare open season on our community.

Only 10 days after International Holocaust Remembrance Day, this assembly is looking to once again, turn our people defenseless. While we say Never Forget, it looks like some don't understand that Never Forget is easily forgotten. America is supposed to be a place where we can feel safe to practice our religion without fear. Disarming us in our places of worship is doing the exact opposite.

Please consider my testimony and please do not force Jewish Marylanders to choose between following a law and defending themselves against those who wish to harm us.

Thank you,



Martin Taylor

testimony.pdf
Uploaded by: Mathew Kyser
Position: UNF

Mathew Kyser

908 S Pine Ridge Ct

Bel Air, MD 21014

Mat@thekyserfamily.com

Hello, I am writing to voice my opposition to this bill. I am an IT professional with a wife and children that have lived in Maryland their whole lives. I believe our second amendment rights should not be infringed and this bill, and bills like it, will only inflict harm on law abiding citizens.

Criminals are going to disregard this bill like they do the laws currently in affect. We don't need more laws that inhibit the freedom of law-abiding citizens. We need to prosecute habitual criminals who are already breaking laws with impunity.

Thank you,
Mathew Kyser

sb001.pdf
Uploaded by: Matthew Crisafulli
Position: UNF

Worcester County Sheriff's Office

Matthew Crisafulli
Sheriff

Nate Passwaters
Chief Deputy

February 6th, 2023

Chair William Smith
2 East
Miller Senate Office Building
Annapolis, Md. 21401

Vice Chair Jeff Waldstreicher
2 East
Miller Senate Office Building
Annapolis, Md. 21401

Dear Chair Smith and Vice Chair Waldstreicher,

As you are aware, there are numerous gun laws that have already been enacted in legislation. These laws protect our community from individuals who are banned from carrying firearms, to individuals who use firearms for felonious purposes. These laws need to continue to be enforced and hold those violators accountable for their egregious actions. We cannot penalize law-abiding residents with laws that encroach on their constitutional rights.

As the Sheriff of Worcester County, I am the only law enforcement officer elected by the residents of Worcester County and I am directly accountable to them. I am privileged to be able to defend our United States Constitution. I hold my honor in the highest regard, in protecting the rights of my Worcester County residents. The second amendment is an inalienable right afforded to our law abiding residents of the United States of America.

My office stands upon our record of working closely with our States Attorney to convict people that commit crimes with firearms, and we will continue to safeguard our communities by holding those offenders accountable.

Worcester County Sheriff's Office
One West Market Street, Room 1001
Snow Hill, MD 21863
410-632-1111- phone / 410-632-3070- fax
www.WorcesterSheriff.com

Worcester County Sheriff's Office

Matthew Crisafulli
Sheriff

Nate Passwaters
Chief Deputy

I implore you to support the laws that have already been enacted into legislation, that hold violent firearm offenders accountable for their crimes. Please, do not penalize our law abiding residents, who have a constitutionally protected right to keep and bear arms. Senate Bill 0001(Gun safety Act of 2023), in my opinion, is an encroachment on the rights of our law abiding residents and respectfully request this bill to not be passed into legislation.

Respectfully,

Matt Crisafulli
Sheriff of Worcester County, Maryland.

"Proud to Protect, Ready to Serve"

Worcester County Sheriff's Office
One West Market Street, Room 1001
Snow Hill, MD 21863
410-632-1111- phone / 410-632-3070- fax
www.WorcesterSheriff.com

SB0001_MatthewMasciocchi_UNFAV.pdf
Uploaded by: Matthew Masciocchi
Position: UNF

Date of Hearing: 2/07/2023

TESTIMONY ON SB0001 - POSITION: UNFAVORABLE

Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judiciary Committee

FROM: Matthew Masciochi

OPENING: **My name is Matthew. I am a resident of District 14. I am submitting this testimony against SB0001, the Gun Safety Act of 2023.**

I should state up front that I am a lifelong Democrat. Issues related to firearms can fall along party lines and I wanted to make it clear that this is not one of those situations. I also want to mention that I hold a degree in psychology and have an academic background in criminology and statistics, which I draw on in consideration of judiciary matters.

My first reason for opposing SB0001 is that there is no evidence this bill would have any effect at reducing violent crime. Information I've compiled from national crime statistics as well as reading specific criminal cases suggest that laws restricting the transportation of weapons are almost always ignored by criminals intending to commit acts of violence, meaning there is no deterrent effect. As an example, MD Criminal Law 4-203 already makes it illegal to carry handguns on one's person, and yet armed robberies and homicides with handguns remain commonplace in the state. As a converse example, the state of Vermont has almost no restriction on carrying or transporting firearms, and yet despite having a population larger than the city of Baltimore, has between 8 to 17 homicides per year (2011-2021), only a third of which involved firearms. Baltimore, by comparison, had *24 times* that many homicides in the same time period. From this data, it should be clear that there is no connection between permissiveness of firearm transportation and rate of homicide.

Instead, laws with provisions like SB0001 only burden citizens like myself who have no ill intent towards other people, and are just trying to engage in lawful behavior such as target shooting, hunting, commerce, maintenance, and self-preservation.

That last part leads to my second reason for opposing this bill: Besides its lack of exemption for law enforcement and security personnel, SB0001 also lacks an exemption for citizens that have permits to carry firearms for personal protection. I myself have one of these permits, which was not easy to obtain, and my reason for getting one is having been the victim of violence and threats on my life, as well as acts of violence in my community that I feel give me reasonable fear for my safety. In my many years living in District 14, I have been assaulted several times in public by individuals on the basis of my apparent race or religion, as well as persons suffering a mental health crisis that turned violent. In my local community over the past few years, there have been numerous instances of hate/bias-motivated violence, and individuals with mental illness physically assaulting people, often with deadly weapons like knives or chunks of cement. As an example, one of my neighbors was murdered walking home from work by a local man who suffered from psychosis. And just two weeks ago in my town, someone driving a van tried to abduct a woman during the early evening; as of this writing, the perpetrator is still at large.

All of these acts of violence had a few things in common. First, they happened too fast for police to be summoned in a reasonable time, but were prevented by the victim being armed, or could have been. Second, they occurred in publicly-accessible property owned by others, in places were people congregate. Third, the victims were completely innocent, having done nothing that would have provoked an attack.

In closing, if you pass this bill, it will only burden law-abiding citizens. It will functionally make myself and the thousands of others like me unable to carry our defensive firearms in the places were we am most likely to be assaulted, while doing nothing to prevent such assaults from happening. While there is clearly a problem to be solved, the solution lies somewhere else besides making more firearm restrictions.

Thank you for the opportunity to provide testimony.

Matthew Masciocchi

SB1.pdf
Uploaded by: Meagan Benson
Position: UNF

February 6, 2023

To whom it may concern:

My name is Meagan Benson. I am a small business owner in the state of Maryland but first and foremost and I am a wife and mother. As such, I greatly value my life and my right to protect it. I have been a firearms owner for nearly 20 years and have jumped every hurdle that Maryland has set forth to remain a law abiding gun owner. I possess a valid HQL, Maryland Wear and Carry, and I am a registered Collector. Maryland does not make it easy for law abiding citizens to exercise their constitution right to bear arms but with time and due diligence I have navigated the path because as I stated before, I greatly value my person safety and I understand that when seconds count, one must have the means to self rescue.

SB1 is a nightmare for Maryland citizens. It is a blatant attack on our constitutional rights. This bill does nothing to prevent crime. SB1 only further endangers innocent victims during a time where violent crime is so sharply on the rise. I urge Maryland law makers to deny the passing of this atrocity. Protect your innocent citizens and save yourself the embarrassment. The passing of SB1 only guarantees a lengthy court battle for violation of the Constitution.

Meagan Benson
Pasadena, MD

gov.uscourts.njd.506033.51.0.pdf
Uploaded by: Michael Bourque
Position: UNF

FOR PUBLICATION [Docket No. 8]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

AARON SIEGEL, *et al.*, Plaintiffs, v. MATTHEW PLATKIN, *et al.*, Defendants.	Civil No. 22-7464 (RMB/AMD) **OPINION**

APPEARANCES:

Daniel L. Schmutter
Hartman & Winnicki, P.C.
74 Passaic Street
Ridgewood, NJ 07450

On behalf of Plaintiffs

Angela Cai, Deputy Solicitor General
Jean Reilly, Assistant Attorney General
David Chen, Deputy Attorney General
Amy Chung, Deputy Attorney General
Viviana Hanley, Deputy Attorney General
Chandini Jha, Deputy Attorney General
Samuel L. Rubinstein, Deputy Attorney General
Office of the New Jersey Attorney General
25 Market Street
Trenton, New Jersey 08625

On behalf of New Jersey State Defendants

BUMB, United States District Judge:

This matter comes before the Court upon the Motion for a Temporary Restraining Order and Preliminary Injunction by individual plaintiffs Aaron Siegel,

Jason Cook, Joseph Deluca, Nicole Cuozzo, Timothy Varga, Christopher Stamos, Kim Henry, and the Association of New Jersey Rifle and Pistol Clubs, Inc. (collectively, the "Plaintiffs" or "Siegel Plaintiffs") against Defendants Matthew Platkin in his official capacity as Attorney General of New Jersey and Patrick J. Callahan in his official capacity as Superintendent of the New Jersey Division of State Police (the "State" or "Defendants"). On December 23, 2022, Plaintiffs filed a Motion for a Temporary Restraining Order and Preliminary Injunction (the "Motion"). [Docket No. 8]

In addition to opposing the Motion, Defendants filed an Emergency Motion for Consolidation before the Honorable Karen M. Williams, U.S.D.J. [Docket No. 7.] Judge Williams held a hearing on January 12, 2023, and thereafter granted the Motion to Consolidate, in part. This matter has now been consolidated into Koons v. Reynolds, --- F.Supp.3d ---, Case No. 22-CV-7464, 2023 WL 128882 (D.N.J. Jan. 9, 2023), a case brought by individual plaintiffs Ronald Koons, Nicholas Gaudio, and Jeffrey Muller, Second Amendment Foundation, Firearms Policy Coalition, Inc., Coalition of New Jersey Firearm Owners, and New Jersey Second Amendment Society (together, the "Koons Plaintiffs") against the New Jersey Attorney General, Matthew J. Platkin, Superintendent of the New Jersey State Police, Patrick Callahan and County Prosecutors William Reynolds (Atlantic County Prosecutor), Grace C. Macaulay (Camden County Prosecutor), and Annemarie Taggart (Sussex County Prosecutor) (together, the "Koons Defendants").

On January 5, 2023, this Court heard oral argument on the Koons Plaintiffs'

separate Motion for a Temporary Restraining Order. Like the Siegel Plaintiffs here, the Koons Plaintiffs challenged New Jersey's recently enacted legislation. By Opinion and Order dated January 9, 2023, this Court agreed with the Koons Plaintiffs and entered an Order temporarily restraining the Koons Defendants, their officers, agents, servants, employees and attorneys from enforcing several provisions of Chapter 131 of the 2022 Laws of New Jersey, to wit, Section 7(a), Subparts 12, 15, 17, and 24, and Section 7(b)(1).

Unlike the Koons Plaintiffs, the Siegel Plaintiffs also assert challenges to additional "sensitive place" designations, as well as other new requirements applicable to concealed carry permit holders in Chapter 131. On January 26, 2023, the Court held oral argument on the Siegel Plaintiffs' Motion. For the reasons set forth below, the Motion will be granted, in part, and denied, in part.

I. BACKGROUND

The legislation at issue here, Chapter 131, was enacted in response to the United States Supreme Court decision in New York State Rifle & Pistol Ass'n, Inc. v. Bruen, which held "that the Second and Fourteenth Amendments protect an individual's right to carry a handgun for self-defense outside the home." 597 U.S. ___, 142 S.Ct. 2111, 2122 (2022). The Bruen Court struck down a New York statute that required an applicant for a concealed carry permit to demonstrate "proper cause," and acknowledged the unconstitutionality of analogous statutes in other states that required a "showing of some additional special need," such as New Jersey's law requiring that an applicant show "justifiable need" to obtain a license to carry. Id. at

2124 n.2.

In response to Bruen, the New Jersey Legislature passed sweeping legislation. On December 22, 2022, New Jersey Governor Phil Murphy signed into law Chapter 131 of the 2022 Laws of New Jersey that imposed a new set of requirements, many of which became effective immediately, including declaring certain locations as "sensitive places" where handguns are prohibited even by licensed carriers, as well as a ban on carrying functional guns in vehicles.

The Koons Plaintiffs, licensed carriers, alleged that the newly-enacted legislation was unconstitutional as to several provisions; however, they did not challenge most provisions of the legislation. The Siegel Plaintiffs, both licensed carriers and those in the process of obtaining licenses to carry, are not so surgical. Both sets of Plaintiffs, however, contend that the legislation saps the Bruen ruling of any significance, as it makes the lawful carrying of arms effectively impossible in almost all of New Jersey.

A. Plaintiffs' Complaint

Plaintiffs challenge Chapter 131 on several constitutional grounds, including deprivation of Plaintiffs' rights under the Second and Fourteenth Amendments (Count One), Equal Protection (Count Two) and Due Process (Count Three) under the Fourteenth Amendment, and various First Amendment challenges (Counts Four,

Five, and Six).[1] [Docket No. 1 (the "Complt."), at 47–58.] According to Plaintiffs, the new legislation "renders nearly the entire State of New Jersey a 'sensitive place' where handgun carry is prohibited." [*Id.* ¶ 49.] They challenge fifteen Section 7 restrictions (unlike the Koons Plaintiffs who challenged five restrictions) that prohibit carrying a handgun in a location classified by the state legislature as a "sensitive place," including a vehicle. Plaintiffs also seek to invalidate New Jersey laws that pre-date the newly enacted legislation, including statutes and regulations limiting firearms at parks, schools, casinos, and gaming properties. See N.J.S.A. 2C: 39–5(e); N.J.A.C. 7:2-2.17(b); N.J.A.C. 13:69D-1.13; N.J.AC. 7:25-5.23 (a), (c), (f), (i), and (m) as unconstitutional sensitive place designations in light of the Supreme Court's dictate in Bruen. Finally, Plaintiffs challenge several of the permitting requirements, insurance requirements (Section 4), and fee increases (Sections 2 and3) included in Chapter 131, but those challenges are not part of this emergent Motion for temporary restraints. Because the parties' arguments, particularly those by Defendants, essentially mirror

[1] Plaintiffs contend that Chapter 131 "creates a costly and onerous obstacle to the exercise of the right to bear arms - one with no precedent in American history." [Complt. ¶ 59.] More specifically, in Count One of their Complaint, Plaintiffs assert Second Amendment claims against most (beyond those challenged in the Koons case) of the "sensitive place" provisions in Section 7, as well as against certain permitting provisions in Sections 2 and 3. Count 2 asserts Equal Protection claims against Section 8's exemptions for judges, prosecutors and attorneys general and Section 7 (a)(24)'s private property default rule. Count 3 asserts void-for-vagueness claims against certain provisions of Sections 2, 5, and 7, including Section (5)(a)(5) which makes it a crime of the fourth degree to engage in an "unjustifiable display of a handgun." Count 4 asserts a First Amendment challenge again Section 7(a)(24). Count 5 asserts a First Amendment challenge against certain permitting provisions in Section 3. Count 6 asserts a First Amendment claim under Section 7(a)(12).

the arguments previously presented to this Court in Koons, the Court incorporates many of its applicable findings, as set forth below, from its earlier Opinion of January 9, 2023.

B. Plaintiffs' Motion for a Temporary Restraining Order

First, Plaintiffs seek to immediately and temporarily enjoin enforcement of Section 7(a) of the legislation, as it relates to the following enumerated "sensitive places":[2]

1. Subpart 6 (prohibiting handguns "within 100 feet of a place for a public gathering, demonstration or event is held for which a government permit is required, during the conduct of such gathering, demonstration or event");

2. Subpart 9 (prohibition on carrying handguns at a zoo only[3]);

3. Subpart 10 (prohibiting handguns at "a park, beach, recreation facility or area or playground owned or controlled by a State, county or local government unit, or any part of such a place, which is designated as a gun free zone by the governing authority based on considerations of public safety");[4]

4. Subpart 11 (prohibiting handguns "at youth sports events, as defined in N.J.S.5: 17-1, during and immediately preceding in following the conduct of the event . . .");

5. *Subpart 12 (prohibiting handguns in "a publicly owned or leased library or museum");

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[2] Those provisions indicated with an asterisk ("*") were also challenged (and restrained by this Court) in Koons.

[3] Plaintiffs have not sought temporary restraints as to any of the other "sensitive places" expressly listed in Subpart 9, namely any "nursery school, pre-school, or summer camp."

[4] Relatedly, Plaintiffs challenge N.J.A.C. 7:22.17(b).

6. *Subpart 15 (prohibiting handguns in “a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises”);

7. *Subpart 17 (prohibiting handguns in “a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held”);

8. Subpart 18 (prohibiting handguns at “a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant and bar facilities, and entertainment in recreational venues located within the casino property);[5]

9. Subpart 20 (prohibiting handguns at “an airport or public transportation hub”);

10. Subpart 21 (prohibiting handguns at “a health care facility, including but not limited to a general hospital, special hospital, mental psychiatric hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, assisted living center, home health care agency, residential treatment facility, or residential healthcare facility“);

11. Subpart 22 (prohibiting handguns in a “facility licensed or regulated by the Department of Human Services, Department of Children and Families or Department of Health, other than a health care facility, that provides addiction or mental health treatment or support services)

12. Subpart 23 (prohibiting handguns at “ a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose“) ; and

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[5] Relatedly, Plaintiffs challenge N.J.A.C. § 13:69D–1.13.

> 13. *Subpart 24 (prohibiting handguns in "private property, including but not limited to residential, commercial, industrial, agricultural, institutional or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit under N.J.S.2C:58-4, provided that nothing in this paragraph shall be construed to affect the authority to keep or carry a firearm established under subsection e. of N.J.S.2C:39-6").

2022 N.J. Laws c. 131.

Also in Section 7(a), Plaintiffs challenge Subpart 7, which prohibits handguns "in a school, college, university or other educational institution," because, they contend, the restriction could apply to multi-use properties that offer classes and the like might fall under the umbrella of this restriction. Id. Because they fear they will be exposed to criminal liability for carrying concealed in these multi-purpose properties, Plaintiffs challenge this restriction as well.

Moreover, Plaintiffs (like the Koons Plaintiffs) challenge Section 7(b) of the legislation that imposes an additional "sensitive place" ban on functional firearms in vehicles, and more specifically, making it a fourth degree offense to transport or carry a firearm "while in a vehicle in New Jersey, unless the handgun is unloaded and contained in a closed and securely fastened case, gunbox, or locked unloaded in the trunk of the vehicle." *Id.* The maximum sentence for this crime is 18 months' imprisonment. *See* N.J.S.A. §§ 2C:43-6(a)(4). Like the Koons Plaintiffs, Plaintiffs here point out the unconstitutional effect of Section 7(b): that licensed handgun carriers such as themselves now must transport a handgun in a vehicle the same way as

someone who does not have a permit to carry from the State.

Finally, Plaintiffs seek a temporary restraining order barring the enforcement of several statutes and regulations that existed before Bruen was decided to the extent they restrict the type of ammunition a person may possess while in the woods, fields, marshlands, or on the water, or while hunting various game. Those are N.J.A.C. 7:25-5,23(m), N.J.A.C. 7:25-5.23(i), N.J.A.C. 7:25-5.23(a),(c), and (f) (to the extent they restrict the type of ammunition a person may possess while In the woods, fields, marshlands, or on the water, or while hunting various game and N.J.A.C. 7:25-5.23(f)(5)(requiring firearms to be unloaded and enclosed in a securely fastened case when in a motor vehicle). (Collectively the "Fish and Game Restrictions").

C. Plaintiffs' Declarations, Backgrounds, and Daily Routines

In support of their request, Plaintiffs have submitted the sworn declarations of each individual Plaintiff. [See Docket No. 8.] Below, the Court has highlighted certain averments by some of the individual Plaintiffs most central to resolving the pending Motion.

Plaintiff Siegel, a handgun permit holder, lives in Hopatcong, New Jersey and is a registered nurse and a volunteer New Jersey Medical Reserve Corps. [Docket No. 8-2 ¶ 2–4.] He previously served as an Emergency Medical Technician, and in the course of his employment works "variously at medical offices and medical boarding homes." [Id. ¶ 7–8.] Prior to the passage of Chapter 131, he frequently carried his handgun in the course of his medical work. [Id. ¶ 9.] He frequently hikes and walks his dog in public parks and publicly owned beaches. [Id. ¶ 11.] He takes his son to

Tae Kwan Do classes at a martial arts school located in a strip mall and takes his son to participate in youth Tae Kwan Do competitions. [Id. ¶ 12.] He also frequently takes his son to "museums throughout New Jersey, the public library, the Turtle Back Zoo in West Orange, New Jersey and the Van Saun Zoo in Paramus, New Jersey." [Id. ¶ 13.] Every year he takes his son deer hunting. [Id. ¶ 15.] They go to movie theaters frequently. [Id. ¶ 16.] He "sometimes" attends New Jersey Devils Hockey games at the Prudential Center in Newark, New Jersey and, in doing so, "sometimes" takes the bus or train. [Id. ¶ 17.] He enjoys trips to the casinos in Atlantic City, New Jersey and dining out. [Id. ¶¶ 1819.] "From time to time" he drives his friends and family to the Newark Airport. [Id. ¶ 20.] Now that the law is in effect, he avers, he can carry his handgun "virtually nowhere outside [his] home." [Id. ¶ 45.]

Plaintiff Cook, a Handgun Carry Permit holder, is the general manager of a pharmacy in Willingboro, New Jersey. [Docket No. 8-3 ¶ 3.] He obtained a handgun carry permit because he is concerned about the area where he works, "which is an area that experiences elevated levels of crime." [Id. ¶ 6.] Similar to the other Plaintiffs, prior to the passage of Chapter 131, he carried his firearm to almost everywhere he went including medical appointments where he did not need to disrobe. [Id. ¶ 7.] Several times per month, he enjoys walking trails in State parks, and during the summer, the public beaches of the State. [Id. ¶ 8.] Several times per year, he enjoys "the Popcorn Park Zoo in Forked River, New Jersey, the Adventure Aquarium in Camden, New Jersey, and Jenkinson's Aquarium in Point Pleasant Beach, New Jersey. [Id. ¶ 11.] He enjoys dining out, going to the Atlantic City casinos, the theater,

and Atco Dragway racetrack at Waterford Township, New Jersey. [Id. ¶¶ 1517.] He avers because of the extensive prohibitions set forth in Chapter 131, he "can carry [his] handgun virtually nowhere outside [his] home." [*Id.* ¶ 11.]

Plaintiff DeLuca, a Handgun Carry Permit holder, is an automotive repair mechanic in Marlton, New Jersey. [Docket No. 8-4 ¶ 3.] He avers many of the same routines and concerns similar to Plaintiffs Siegel and Cook.

Plaintiff Cuozzo, a firearms owner who is applying for Handgun Carry Permit, lives in New Egypt, New Jersey and is a member of the Bible Baptist Church there. [Docket No. 8-5 ¶¶ 36.] He is applying for his carry permit because he recognizes the violent crime that can take place anywhere including in places of worship. [Id. ¶ 5.]

Plaintiff Varga, a firearms owner who is applying for a Handgun Carry Permit, lives in Wall Township, New Jersey and is a Deacon of the Grace Bible Church there . [Docket No. 8-6 ¶¶ 1–3.] He is applying for his carry permit because, like Plaintiff Cuozzo, he recognizes the violent crime that can take place anywhere, including in places of worship. [*Id.* ¶ 5.] His church also has a "meager" budget for security. [Id. ¶ 17.]

Plaintiff Stamos, a Handgun Permit Holder, lives in Bayonne, New Jersey and is a data analyst. [Docket No. 8-7 ¶¶ 24.] He annually accompanies his wife to the Paddle the Peninsula event at 16th Street Park in Bayonne and enjoys the park several times per year. [Id. ¶ 67.] From "time to time" he takes his nephew to the park and the Cottage Street Park, but he has refrained from carrying his handgun to these parks

because of the legislation. [Id. ¶ 9.]

Plaintiff Henry resides in Pemberton, New Jersey. She does not own and firearm but desires to apply for one. [Docket No. 8-8 ¶¶ 89.] She is a single mother of two children and lives "in constant fear from death threats from [her] ex-boyfriend." [Id. ¶ 9.]

D. Defendants' Response

Defendants oppose the Motion, arguing first that Plaintiffs fail to establish Article III injury redressable by the issuance of a temporary restraining order. [See Docket No. 15 ("Defs.' Opp'n").] They argue that each Plaintiff has failed to establish a sufficiently imminent injury, and therefore, that standing is lacking such that the Court's jurisdiction is defective. [Id. at 1121.]

As to the merits of the Motion, Defendants contend that many of the provisions Plaintiffs challenge "fall outside the scope of the Second Amendment entirely." [Id. at 1.] Even if covered by the Second Amendment, Defendants also assert that the challenged provisions are supported by a historical tradition of firearm regulation consistent with the dictates of Bruen. [Id.] Defendants put the restrictions for which they claim there are supporting historical analogues into four categories: (1) locations for Government and constitutionally-protected activity; (2) locations where crowds gather; (3) locations where vulnerable or incapacitated people gather; and (4) private

property without express permission of the property owner. [6]

II. LEGAL STANDARD

Federal Rule of Civil Procedure 65 governs the issuance of temporary restraining orders and preliminary injunctions. In the Third Circuit, the four requirements Plaintiffs must satisfy to obtain the emergent injunctive relief sought are familiar ones:

> (1) a reasonable probability of eventual success in the litigation, and (2) that [they] will be irreparably injured ... if relief is not granted.... [In addition,] the district court, in considering whether to grant a preliminary injunction, should take into account, when they are relevant, (3) the possibility of harm to other interested persons from the grant or denial of the injunction, and (4) the public interest.

Reilly v. City of Harrisburg, 858 F.3d 173, 176 (3d Cir. 2017), as amended (June 26, 2017) (citing Del. River Port Auth. v. Transamerican Trailer Transport, Inc., 501 F.2d 917, 919–20 (3d Cir. 1974) (citations omitted)). The Third Circuit has also made clear that "[p]reliminary injunctive relief is 'an extraordinary remedy' and 'should be granted only in limited circumstances.'" Kos Pharms., Inc. v. Andrx Corp., 369 F.3d 700, 708 (3d Cir. 2004) (quoting American Tel. & Tel. Co. v. Winback & Conserve Program, Inc., 42 F.3d 1421, 1427 (3d Cir.1994)). Temporary restraining orders have the same requirements and are "stay-put orders … designed to maintain the status quo during the course of proceedings. They 'function[ ], in essence as an automatic

[6] The Court reiterates its observation made in Koons that while the State dedicates a significant portion of its opposition discussing the benefits of firearms regulations, the Bruen Court was clear that this Court shall not venture into or consider interest balancing in this context.

preliminary injunction.'" J.O. ex rel. C.O. v. Orange Twp. Bd. of Educ., 287 F.3d 267, 272 (3d Cir. 2002) (quoting Drinker v. Colonial Sch. Dist., 78 F.3d 859, 864 (3d Cir.1996)). However, relevant for purposes of appeal, "a party cannot be a prevailing party if the interim relief received is not merit-based." Id. at 273 (citations omitted).

III. ANALYSIS

A. Standing

For there to be a case or controversy before this Court under Article III, Plaintiffs must first satisfy their burden to establish standing. Plaintiffs must show "(i) that [they] suffered an injury in fact that is concrete, particularized, and actual or imminent; (ii) that the injury was likely caused by the defendant; and (iii) that the injury would likely be redressed by judicial relief. TransUnion LLC v. Ramirez, 141 S. Ct. 2190, 2203 (2021) (citing Lujan v. Defenders of Wildlife, 504 U.S. 555, 560–561 (1992)). As this Court found in Koons, the State's demand that Plaintiffs allege a future, concrete time and date as to when they will visit each of Chapter 131's enumerated "sensitive places" is too demanding. After all, risk of future harm is sufficient "so long as the risk of harm is sufficiently imminent and substantial." Id. at 2210 (citations omitted). "[T]he injury required for standing need not be actualized. A party facing prospective injury has standing to sue where the threatened injury is real, immediate, and direct." Davis v. Fed. Election Comm'n, 554 U.S. 724, 734, 128 S. Ct. 2759, 2769 (2008). The State is correct that Plaintiffs must demonstrate standing as to each claim. Id. However, once one plaintiff is found to have standing as to a

claim, the Court need not inquire as to the standing of other plaintiffs on that claim for purposes of the Motion. See Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, 536 U.S. 822, 826 n.1 (2002).

The Court now takes the opportunity to clarify its standing analysis. Both the Koons Plaintiffs and Siegel Plaintiffs allege, generally, that they have visited the challenged "sensitive places" in the past. However, the Court is not satisfied that the threat of criminal penalty for not abiding by the requirements of Chapter 131 is *imminent* based on such allegations alone. What distinguishes the limited, challenged "sensitive places" in Koons from the longer list of challenged places here is that in Koons the sensitive places were not only "generally open to the public and where ordinary persons like Plaintiffs would be expected to frequent upon occasion," but also places where the Koons Plaintiffs visited as part of their ordinary, daily routines. Koons, 2023 WL 128882, at *24. Thus, the Court could determine from the Koons Plaintiffs' sworn declarations that the threat of criminal penalty was imminent if the Court did not temporarily enjoin enforcement of the applicable provisions. Conversely, here there is no imminent threat of criminal penalty in places infrequently visited by Plaintiffs' or locations where Plaintiffs make plans far in advance to visit and thus, are not likely to be a part of or "happened upon" as part of the Plaintiffs' ordinary, daily routines.

As to the other two standing requirements, four of the Plaintiffs (Siegel, Cook, DeLuca, and Stamos) have concealed carry permits and have sufficiently shown that the threatened injury they would suffer (*i.e.*, the threat of criminal prosecution) is

redressable by judicial relief, and that each Defendant is a proper party for the reasons stated in their Complaint, affidavits, motion papers, and oral argument. [See Docket Nos. 8, 8-1, 8-2, 8-3, 8-7.] However, as noted earlier, unlike the Koons Plaintiffs who challenged a narrow category of sensitive places that are a part of their daily, ordinary life (public libraries and museums, bars/restaurants where alcohol is served, entertainment facilities, in vehicles, and on private property such as businesses), the Siegel Plaintiffs challenge far more restrictions. The Court now examines standing as to the challenged restrictions.

i. The Overlapping "Sensitive Places" Restrained in Koons

As in Koons, each of four Plaintiffs who hold permits to carry handguns has submitted a sworn declaration that prior to Chapter 131, he exercised his carry permit in his day-to-day life, which included regularly going (typically by vehicle) to public libraries and museums, bars/restaurants where alcohol is served, entertainment facilities, and on private property such as commercial businesses. [Id.] Similar to what the Court found in Koons, the Siegel Plaintiffs' Complaint is that, at least as to these provisions, the restrictions are "so sweeping and comprehensive so as to make it largely impossible for most people to carry a handgun during the course of their typical day.“ [Complt. ¶ 55.] Each Plaintiff also has averred credible threats of prosecution, and there has been nothing presented to this Court to suggest that Defendants do not intend to enforce this legislation. Thus, the Court finds that, as holders of concealed carry permits, these Plaintiffs have standing to pursue the current relief as to Sections 7(a) Subparts 12(public libraries and museums), 15 (bars or restaurants where alcohol

is served), 17 (entertainment facilities), and 7(a)(24)(private property), as well as 7(b)(1)(vehicles).

ii. Zoos and Medical/Treatment Facilities

Plaintiff Siegel avers that he frequently visits two specific zoos in New Jersey, namely, "the Turtle Back Zoo in West Orange, New Jersey and the Van Saun Zoo in Paramus, New Jersey." [Docket No. 8-3 ¶ 13.] Plaintiff DeLuca avers that "[f]rom time to time" he enjoys Cape May Zoo. [Docket No. 8-4 ¶ 8.] Similarly, Plaintiff Cook visits the Popcorn Park Zoo in Forked River, New Jersey. With respect to the long list of medical/treatment facilities at Subparts 21 and 22, Plaintiff Siegel, who works as a nurse practitioner and previously served as an EMT, makes these same kinds of specific allegations in relation to his standing; naming Skylands Urgent Care in Lake Hopatcong, New Jersey, and Free Clinic Newton, in Newton, Jersey as the facilities where he works.

However, the Defendants are correct that this level of specificity in Plaintiffs' declarations, without more, creates a traceability or redressability issue as to zoos, and medical or treatment facilities. What is conspicuously absent from Plaintiffs' declarations are allegations that but for Chapter 131, Section 7(a), Subparts 9, 21, and 22, they would conceal carry at Turtle Back Zoo, Van Saun Zoo, Cape May Zoo, Popcorn Park Zoo, Skylands Urgent Care, and Free Clinic Newton. In fact, the Court even suspects that several of these places maintain policies prohibiting firearms outright, in which case, Plaintiffs certainly would not be able to claim they would carry

at these institutions "but for" Chapter 131.[7] Plaintiff Siegel also avers that he visits the homes of his patients in the course of his work, but the provision that addresses this aspect is Section 7(a)(24)'s broad prohibition against having firearms on all private property unless express permission is given by the owner (which Plaintiffs have standing to challenge, no doubt). Because of this traceability issue,[8] the Court finds that Plaintiffs have failed to show standing to challenge these three provisions in this Motion for temporary restraints.

iii. Airports and Movie Sets

With respect to the challenge to airports and movie sets, Plaintiffs' averments as to standing are also lacking. Such locations are clearly not locations where Plaintiffs frequent as part of their ordinary, daily lives. The Court also finds that averments of a past encounter, without more, do not establish that a revisit or reencounter is imminent. In fact, only two of the Plaintiffs declare that they have ever previously

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[7] As to Subparts 20 and 21, the Court notes that even if Plaintiff Cook had standing based on a "guns allowed" policy at either Skylands Urgent Care or Free Clinic Newton, the relief he seeks – invalidating the entirety of both subparts – is overbroad. At most, Plaintiff Cook could challenge only those types of medical facilities he works at (*e.g.*, a clinic) and not the many other types of medical facilities listed (*e.g.*, a mental psychiatric hospital, rehabilitation center, nursing home, tuberculosis hospital, dispensary, etc.).

[8] To be sure, the same traceability issue was not present in Koons. The limited challenges to the sensitive place restrictions there clearly involved locations that were not only clearly a part of at least one of the Koons Plaintiffs' daily lives, but also because those provisions swept so broadly and applied to hundreds of locations (*e.g.*, anywhere that serves alcohol) judicial relief obviously alleviated the Plaintiffs' threatened injury.

encountered a movie being filmed out in public, and *if* they encountered such a scene again, they would likely be deterred from carrying their handgun.

As to airports, Plaintiff Siegel declares that "[f]rom time to time" he drives his friends and family and drops them off and pick them up from Newark Airport. [Docket No. 8-2 ¶ 20.] This does not swear a sufficiently a concrete intention to go in the immediate future. Plaintiff Cook's Declaration fares no better as he swears that "[a]t least once per month," he drives his family members and drops them off or picks them up at Newark Airport or Atlantic City Airport. This does not set forth an intent to conceal carry in the immediate future. [Docket No. ¶ 18.] Air travel does not appear to be a part of any of the Plaintiffs' daily lives, but instead, depends on the lives and plans of others, to wit, their families and friends. Thus, the Court will also deny the Motion with respect to these specific provisions for lack of standing.

iv. Fish and Game Restrictions

Plaintiffs also lack standing to seek emergency restraint of the Fish and Game Restrictions pre-dating Bruen. At most, Plaintiff Siegel alleges he goes deer hunting with his son annually. [Docket No. ¶ 15.] Yet, deer season in New Jersey is in the late autumn and early winter. N.J. DEP'T ENV'T PROT., N.J. FISH & WILDLIFE, *Deer Season and Regulations*, https://dep.nj.gov/njfw/hunting/deer-season-and-regulations/ (last updated Jan. 13, 2023). Thus, there is no imminent threat.

v. Public Gatherings and Events

At oral argument, Plaintiffs withdrew their application for a temporary

restraining order as to Section 7(a)(6), prohibiting handguns "within 100 feet of a place for a public gathering, demonstration or event is held for which a government permit is required, during the conduct of such gathering, demonstration or event." The parties generally agree that Plaintiffs' averments as to public gatherings are limited to past attendance, and the Defendants expressed a concern that such a public gathering or event might not even occur during the relatively short TRO phase of litigation. [Tr. at 51.] However, because Plaintiffs were willing to withdraw their Motion as to this "sensitive place," Defendants withdrew their standing challenge for purposes of the longer, PI phase.[9]

vi. Remaining Challenged "Sensitive Places"

As to the remaining challenged provisions, the Court is satisfied that Plaintiffs have standing because such places are clearly part of at least one Plaintiffs' daily life.

With regard to parks and beaches,[10] the Court is satisfied that such places are part of several of the Plaintiffs' daily lives. Plaintiff Siegel avers that he frequently hikes and walks in public parks near his home; he also goes to publicly owned beaches

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[9] The Court finds Plaintiffs' void for vagueness argument convincing but leaves the issue for another day. Moreover, it seems Plaintiffs would be unduly burdened, or even unable, to determine whether a particular public gathering or event is one for which a government permit is required.

[10] As in Koons, the Court reserves on the definitive question as to whether it should parse each "sensitive place" in the relevant provisions of the statute to find standing. However, Plaintiffs raise a good point that the legislature made an intentional decision as to how to group the sensitive places enumerated in the respective subparts of Section 7(a).

including the Wildwood, New Jersey beach. [Docket No. 8-2 ¶ 11.] Plaintiff Cook enjoys walking trails in State parks several times per month. [Docket No. 8-3 ¶ 8.] Plaintiff DeLuca "regularly" enjoys walking his dog in State parks and on public beaches. [Docket No. 8-4 ¶ 7.]

With regard to youth sports events, Plaintiff Siegel declares that takes his son to Tae Kwan Do classes at a martial arts school near his home and he takes his son to participate in youth Tae Kwan Do competitions. [Docket No. 8-2 ¶ 11.]

With regard to casinos, Plaintiff Cook avers that "[o]nce per month" he enjoys trips to the casinos in Atlantic City. [Docket No. 8-2 ¶ 15.] Although a close call, the Court finds that this is sufficient to have standing for purposes of temporary relief. Further, Plaintiff DeLuca weekly visits a friend and must traverse through the waters owned by a casino. [Docket No. 8-4 ¶ 11.]

Like the Court found in Koons, these remaining "sensitive places" in Chapter 131 are places where these Plaintiffs ordinary routines often take them. They require little planning, and are integrated into the Plaintiffs' daily lives, as their Declarations demonstrate. As a result, they have shown an immediate threat of injury if they were to resume carrying their concealed handguns with them as they did prior to the law's enactment. Having determined that Plaintiffs have standing as to some of the challenged restrictions, the Court turns next to the merits of the Motion.

B. Likelihood of Success on the Merits and Bruen's Dictate of Historical Tradition

With respect to the challenged provisions of New Jersey law for which Plaintiffs

have met their standing burden, the Court next considers Plaintiffs' likelihood of success on the merits.

The analysis by which the Court determines this prong is familiar to the parties. The Supreme Court in Bruen, in making "the constitutional standard endorsed in Heller more explicit," clarified that:

> the standard for applying the Second Amendment is as follows: When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The Government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition.

Bruen, 142 S. Ct. at 2129–30. The Court's role is a straightforward one: first, does the conduct being challenged fall within the text of the Second Amendment? If so, is there historical support for the conduct being restricted? Defendants must justify the provisions of Chapter 131 by "demonstrat[ing] that the regulation is consistent with this Nation's historical tradition of firearm regulation." Bruen, 142 S. Ct. at 2126.[11]

i. Subpart 10 (Parks, Beaches, Recreation Facilities, and Playgrounds); N.J.A.C § 7:2–2.17(b)

Section 7(a)(10) prohibits the carry of a firearm onto "a park, beach, recreation facility or area or playground owned or controlled by a State, county or local government unit, or any part of such a place, which is designated as a gun free zone by the governing authority based on considerations of public safety." 2022 N.J. Laws

[11] By stating that Defendants must justify the regulation at issue, the Court does not mean to shift the burden that Plaintiffs have to obtain injunctive relief. Rather, it is a factor that this Court considers as to whether Plaintiffs have met their burden as to the likelihood of success on the merits prong.

c. 131 § 7(a)(10). Plaintiffs contend that Subpart 10 violates their right to public carry.[12]

First, the Second Amendment's plain text covers the conduct in question (carrying a firearm in public for self-defense in the places identified in Subpart 10), so the threshold inquiry articulated in Bruen is met. As a result, Defendants must be able to rebut the presumption of protection against this regulation by demonstrating that the regulation is consistent with this Nation's historical tradition of firearm regulation. The Court proceeds in reverse order.

To begin, this Court will not grant the restraints Plaintiffs seek with respect to playgrounds. In Bruen and Heller, the Supreme Court expressly identified restrictions at certain sensitive places (such as schools) to be well-settled, even though the 18th- and 19th-century evidence has revealed few categories in number. Bruen, 142 S.Ct. at 2133 (citing Heller, 554 U.S. at 626)). The inference, the Court suggested, is that some gun-free zones are simply obvious, undisputed, and uncontroversial. These are: (a) certain government buildings (such as legislative assemblies or courthouses or where the Government is acting within the heartland of its authority), (b) polling places, and (c) schools. Id. Bruen further instructs courts to consider analogies to such sensitive places when considering whether the Government can meet its burden of showing that

[12] Plaintiffs also claim that an existing New Jersey law similarly restricts their right to public carry, as the statute prohibits the possession of firearms and other weapons "while on State Park Service property without the specific approval of the Superintendent or designee." [Pls.' Br. at 14 (quoting N.J.A.C. § 7:2–2.17(b)).] Because such law involves the same analysis as Subpart 10, the Court addresses them together.

a given regulation is constitutionally permissible. Id.

Here, Defendants subsume playgrounds within their discussion of historical statutes that regulate firearms where crowds gather and where the vulnerable or incapacitated are located. [See Defs.' Opp'n at 34–35.] Unfortunately, Defendants neither point to a particular or analogous prohibition on carrying firearms at playgrounds nor provide a more meaningful analysis, despite this Court's persistent invitation. In particular, Defendants have done no analysis to answer the question Bruen leaves open: is it "settled" that this is a location where firearms-carrying could be prohibited consistent with the Second Amendment? Where the right to self-defense and sensitive place designations could be read in harmony under the Second Amendment? For that matter, nor have Plaintiffs. This issue must be explored at the preliminary injunction stage. Despite these shortcomings, the Court concludes that schools and playgrounds intersect, that is, playgrounds fall within the sphere of schools. Therefore, under Bruen, the Court "can assume it settled" that playgrounds are a "sensitive place." See Bruen, 142 S.Ct. at 2133. Accordingly, because Plaintiffs cannot meet their burden as to their challenge to playgrounds in Subpart 10, the Motion will be denied as to playgrounds.

Second, the Court considers "recreational facilities," another exceptionally broad catch-all. Defendants again situate their discussion of the historical evidence supporting a restriction on carrying firearms at such facilities under the banner of laws that restrict firearms where crowds gather and where the vulnerable or incapacitated are located. The Court observes that Defendants rely upon the same historical

evidence that they invoked in Koons to support Subpart 17 (entertainment facilities). But the Court already explained why such evidence should be rejected. See Koons v. Reynolds, 2023 WL 128882, at *14–*15. Finding that there is no reason to reach a different application here, the Court will grant Plaintiffs' Motion as to this restriction of Subpart 10 with respect to such facilities.

Third, the Court considers public beaches. Defendants have not come forward with any historical evidence at all to suggest that the right to public carry for self-defense on beaches is within our history or tradition, nor have Defendants put forward an analogue from which this Court could conclude that Subpart 10 is constitutional with respect to beaches. Without more, the Court finds that Plaintiffs' have shown a likelihood of success on the merits as to beaches. Bruen, 142 S.Ct. at 2130.

Fourth and finally, the Court considers public parks, which requires greater discussion as the State has provided something more for the Court to consider. Defendants cite to the following as historical analogues for the State's authority to restrict firearms in parks that are publicly owned or controlled. First, Defendants rely upon a Central Park Ordinance in New York from 1861. [See Defs.' Opp'n at 35 (citing Fourth Annual Report of the Commissioners of the Central Park 106 (1861)).] In that Ordinance, the Board of Commissioners of Central Park forbade all persons "[t]o carry firearms or to throw stones or other missiles within [the park]." The Ordinance set forth other prohibited activities as well, such as no climbing or walking up on the wall; no livestock; entry by gateways only; and no injury to any parts of the park. [Id.] Defendants also cite to an Ordinance regarding Fairmount Park in

Philadelphia. [See id. (citing Acts of Assembly Relating to Fairmount Park 18 (1870) ("No persons shall carry fire-arms, or shoot birds in the Park, or within fifty yards thereof, or throw stones or missiles therein.")).] The other provisions are similar to those of the Central Park Ordinance. Finally, Defendants present evidence that firearms were prohibited in parks in St. Louis, Missouri (1881), Chicago, Illinois (1881), St. Paul, Minnesota (1888), and Pittsburgh, Pennsylvania (1893).[13] Id.

The Court acknowledges that Defendants have attempted to comply with Bruen insofar as they have introduced several historical analogues from which this Court could conclude that Subpart 10 accords with our historical tradition of firearm regulation, as it relates to public parks. However, because Defendants' evidence is not convincing for at least three reasons, the Court will temporarily enjoin the prohibition on carrying in public parks. First, the statutes Defendants cite all refer to public parks *in a city* (*i.e.*, New York, Philadelphia, St. Louis, Chicago, St. Paul, and Pittsburgh). Thus, while there may be some historical precedent for restricting public carry in parks located in densely populated areas, Subpart 10 goes much further. It forbids firearms in any park "owned or controlled by a State, county or local government unit." 2022

[13] As in Koons, there is uncertainty regarding whether the key time period for this Court's analysis of historical evidence is when the Second Amendment was adopted (*i.e.*, 1791) or when the Fourteenth Amendment was adopted (*i.e.*, 1868). [Compare Pls.' Br. at 37–38, with Defs.' Opp'n at 40–41 n.24.] "Because New Jersey's lack of support for its newly enacted legislation fails in either time period, . . . at this stage the Court need not decide this issue that had been left unresolved in Bruen." Koons, 2023 WL 128882, at *12 n.13 (citing Bruen, 142 S. Ct. at 2163 ("Here, the lack of support for New York's law in either period makes it unnecessary to choose between them.") (Barrett, J., concurring)).

N.J. Laws c. 131 § 7(a)(10). The New Jersey State Park Service alone "administers over 452,000 acres of land comprising parks, forests, historic sites, and other recreation areas." N.J. DEP'T ENV'T PROT., N.J. STATE PARK SERV., https://www.nj.gov/dep/parksandforests/ (last updated Jan. 26, 2023). Accordingly, the evidence cited does not support the sweeping proposition that New Jersey may prohibit law-abiding firearm owners from carrying their firearms in *all* public parks; Subpart 10 is not constitutional as drafted.

Second, Defendants' city laws do not establish a historical *tradition* of restricting firearms in all public parks because the practice of restricting firearms in city parks is not representative of the nation. Accord Antonyuk v. Hochul, --- F.Supp.3d ---, 2022 WL 16744700, at *67 (N.D.N.Y. Nov. 7, 2022). Six cities do not speak for, what was by 1893, 44 states. [Pls.' Reply Br. at 19–20.] Under Bruen, the state's evidence is not sufficient for the broader proposition that carrying firearms can be forbidden in all public parks in the State of New Jersey.

Third, it is worth noting that even before Bruen, other courts have recognized that overbroad restrictions on carrying a firearm in or near public parks for self-defense may violate the Second Amendment. See, e.g., People v. Chairez, 104 N.E.3d 1158, 1176 (Ill. 2018) (ruling that prohibition on carrying a firearm within 1,000 feet of a public park is unconstitutional and observing that "the State [of Illinois] conceded at oral argument that the 1000-foot firearm restriction zone around a public park would effectively prohibit the possession of a firearm for self-defense within a vast majority

of the acreage in the city of Chicago because there are more than 600 parks in the city"); Bridgeville Rifle & Pistol Club v. Small, 176 A. 3d 632, 654 (Del. 2017) (finding that, under Delaware's Constitution, the State's designation of public parks as gun-free zones did "not just infringe—but destroy[ed]—the core . . . right of self-defense for ordinary citizens").

In light of these cases, and the reasons identified above, the Court finds that Defendants' have not put forward sufficient evidence at this juncture to justify their regulation of firearms in public parks. The analogous, existing restriction of N.J.A.C § 7:2–2.17(b), which requires the "specific approval" of the State Park Service to public carry on State Park Service lands, must be temporarily enjoined for the same reason. Accordingly, the Court finds that Plaintiffs have met their burden at this stage of showing a likelihood of success that the restrictions of Subpart 10 are unconstitutional as to public parks, beaches, and recreational facilities; they have not shown a likelihood of success with respect to playgrounds.

ii. Subpart 11 (Youth Sports Events)

Plaintiffs also challenge Section 7(a), subpart 11, which bans handguns "at youth sports events, as defined in N.J.S.A. 5:17-1, during and immediately preceding and following the conduct of event." 2022 N.J. Laws c. 131 § 7(a)(11).[14] As defined in Section 5:17-1(a), a "youth sports event" means "a competition practice or

[14] For reasons not clear to this Court, Plaintiffs challenge this restriction but not the restriction regarding "summer camps" in Section 7(a)(9).

instructional event involving one or more interscholastic sports teams or sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a league organized by or affiliated with a county or minutes or recreation."

First, the Second Amendment's plain text covers the conduct in question (carrying a concealed handgun for self-defense in public).

"Bruen made clear that schools are paradigmatic sensitive locations where firearms can be banned." [Defs.' Opp'n at 35.] However, just as they argue with respect to playgrounds, Defendants also argue that the standard should be more broadly applied to any place where "great numbers of defenseless people (e.g., children) gather." [Id. at 36.]

As discussed above, the Supreme Court has recognized the permissibility of a restriction when it applies to "schools." See Bruen, 142 S. Ct. at 2133; Heller, 554 U.S. at 626. As the Court in Heller stated, "[n]othing in our opinion should be taken to cast doubt on long-standing prohibitions on … laws forbidding the carrying of firearms in sensitive places such as … schools"). Heller, 554 U.S. at 626. Unfortunately, again, Defendants have done no meaningful analysis to answer the question as to whether this is a location that already is—or should be considered—settled, as Bruen discusses. Both sides will need to explore this issue more fully at the preliminary injunction stage. For purposes of this Motion, the Court concludes that schools and youth sports events intersect, that is, youth sports events fall within the sphere of schools. Therefore, under Bruen, the Court "can assume it settled" that youth sports events are a "sensitive place." See Bruen, 142 S.Ct. at 2133. Accordingly,

because Plaintiffs cannot meet their likelihood of success burden regarding their challenge to the youth-sports-events restriction, this part of the Motion is denied.

iii. Subpart 12 (Public Libraries and Museums)

Section 7(a), subpart 12 bans handguns in "a publicly owned or leased library or museum." 2022 N.J. Laws c. 131. First, the Second Amendment's plain text covers the conduct in question (carrying a concealed handgun for self-defense in public). For similar reasons set forth by this Court in Koons, the Court finds that the historical analogues provided by the State are not sufficient to rebut the presumption of Second Amendment protection.

Defendants point out that this Court appeared to have overlooked the scope of New Jersey's law when it stated that the restriction "does not limit libraries and museums to government-owned ones." [Docket No. 25 ("Defs.' Suppl. Br."), at 7 n.3.] It is true that the Court did, but that does not change the Court's conclusion. Defendants contend that the Second Amendment does not limit the Government's right to exclude from its own property those persons who do not conform with conditions of their license. [Defs.' Suppl. Br. at 7.] But this argument shortcuts their obligation under Bruen by claiming that the State may prohibit the carrying of handguns on government property as the owner. Nothing in the approach Bruen dictates says that the analysis depends upon whether or not the State is the owner of the property. Nothing in Bruen allows that. The cases that Defendants rely upon pre-date Bruen. Those cases also applied intermediate scrutiny in considering whether the Government could show that the regulation was substantially related to the

achievement of an important governmental interest. Bruen, 142 S. Ct. at 2127. This is now precluded and is no longer the test.

If the Government had to prove prior to *Bruen* that the regulation was narrowly tailored to achieve a compelling governmental interest, and after Bruen it must prove that the regulation is consistent with historical tradition, then what is clear is that the fact that whether the Government is the proprietor is not relevant before and after Bruen. Under the State's theory, any property it owned could be designated as gun-free. Yet, no one could seriously contend, for example, that the State could impose a gun-free highway system simply because it owns the infrastructure. Thus, before a state's regulation can pass constitutional master, it must satisfy Bruen regardless of whether the Government is the proprietor. Defendants have failed to rebut the presumption that Second Amendment protection applies here. The Court finds that Plaintiffs have therefore met their burden of showing that they will likely succeed in showing that this restriction is unconstitutional based upon the lack of historical evidence offered by the State.

iv. Subpart 15 (Bars, Restaurants, Where Alcohol is Served)

Subpart 15 bans handguns in "a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises." 2022 N.J. Laws c. 131 § 7(a). First, the Second Amendment's plain text covers the conduct in question (carrying a concealed handgun for self-defense in public). As a result, Defendants must rebut the presumption of protection against this regulation by

demonstrating that the regulation is consistent with this Nation's historical tradition of firearm regulation. Defendants make the same arguments here that they did in Koons. Since nothing has changed since the Court's Opinion and Defendants have not offered any additional historical analogues despite this Court's instruction, the Court finds for the same reasons expressed in Koons that Plaintiffs have met their burden of showing that they are likely to succeed on their constitutional challenge as to this provision.

v. Subpart 17 (Entertainment Facilities)

The Court repeats its impression noted in Koons, that is, subpart 17 of the statute is exceptionally broad, which makes it is a criminal offense to carry handguns in "a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held." 2022 N.J. Laws c. 131 § 7(a).

First, the Second Amendment's plain text covers the conduct in question (carrying a concealed handgun for self-defense in public). As a result, Defendants must rebut the presumption of protection against this regulation by demonstrating that the regulation is consistent with this Nation's historical tradition of firearm regulation. Defendants make the same arguments here that they did in Koons, nothing has changed since the Court's Opinion, and Defendants have not offered any additional historical analogues since then, despite this Court's invitation. Accordingly, for the reasons the Court expressed in Koons, Plaintiffs have met their burden of showing that

they are likely to succeed on their constitutional challenge as to this provision.

vi. Subpart 18 (Casinos); N.J.A.C. § 13:69D–1.13

Section 7(a), Subpart 18 prohibits firearms in "a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant and bar facilities, and entertainment and recreational venues located with the casino property." 2022 N.J. Laws c. 131 § 7(a)(18). Similarly, N.J.A.C. § 13:69D–1.13 prohibits firearms in casinos by establishing a default exclusionary rule, similar in structure to Subpart 24 (private property), which is discussed below. See infra § III.B.vii. Section 13:69D–1.13(a) provides the following:

> No person, including the security department members, shall possess or be permitted to possess any pistol or firearm within a casino or casino simulcasting facility without the express written approval of the Division provided that employees and agents of the Division may possess such pistols or firearms at the discretion of the director of the Division. At the request of the casino licensee's security department and upon its notification to the State Police, a law enforcement officer may, in an emergency situation, enter a casino or casino simulcasting facility with a firearm.

N.J.A.C. § 13:69D–1.13(a). Additionally, the law provides that, to obtain permission from the Division of Gaming Enforcement to possess a firearm at a casino, the individual must demonstrate that: (1) "He or she has received an adequate course of training in the possession and use of such pistol or firearm"; (2) "He or she is the holder of a valid license for the possession of such pistol or firearm"; and (3) "There is a compelling need for the possession of such pistol or firearm within the casino or casino simulcasting facility." Id. § 13:69D–1.13(b). Finally, the law provides that casino licensees must post a conspicuous sign stating the following: "By law, no person shall

possess any pistol or firearm within the casino or casino simulcasting facility without the express written permission of the Division of Gaming Enforcement." Id. § 13:69D–1.13(c). Plaintiffs contend that Subpart 18 violates their right to public carry, [see Pls.' Br. at 36–38], and they argue that N.J.A.C. § 13:69D–1.13 is unconstitutional for the same reason, [see id. at 14–15]. Accordingly, they ask the Court to temporarily enjoin both laws.

First, the Second Amendment's text plainly covers the conduct in question (carrying a firearm in public for self-defense, at casinos), so the threshold question is met. See Bruen 142 S. Ct. at 2126, 2129–30 ("When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct."). Accordingly, the burden to justify Subpart 18 and N.J.A.C. § 13:69D–1.13 rests with Defendants. See id. at 2130 ("The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation.").

Defendants have not come forward with strong historical evidence that the State may prohibit firearms at casinos or related facilities. Defendants point to the same statutes restricting firearms "where crowds gather," but the Court has already discussed, and distinguished, such evidence above. See supra §§ III.B.i (recreational facilities), III.B.v (entertainment facilities). It is not any more convincing as applied here. Because the State has not met its burden of showing that Subpart 18 or N.J.A.C. § 13:69D–1.13 is within our Nation's historical tradition of firearm regulation, under Bruen the Court must temporarily enjoin such laws. See 142 S. Ct. at 2130.

The Court will make a few additional observations. Section 13:69D–1.13 reflects a blend of firearm regulation principles that have come into focus in this litigation thus far. The law represents a default rule forbidding a firearm owner from carrying his or her firearm at a designated location (*i.e.*, casinos), unless he or she has obtained permission to do so (here, it is "express written approval" from the Division of Gaming Enforcement). N.J.A.C. § 13:69D–1.13(a) (emphasis added). A default exclusionary rule for all casino licensees that situates approval authority in a government entity cannot cohere with the Second Amendment test articulated in Bruen. The law wrests from casino licensees the power to exclude (or permit) firearms on their property. Additionally, Section (b) articulates threshold requirements that an individual must meet for the Division of Gaming Enforcement to approve a request to public carry at a casino. While the State of New Jersey may certainly condition the approval of a license to carry a firearm on any number of rational requirements, see Bruen, 142 S.Ct. at 2157 ("[Bruen] decides nothing about who may lawfully possess a firearm or the requirements that must be met to buy a gun") (Alito, J., concurring), it may not empower bureaucrats with the discretion to thereafter restrict the exercise thereof based on their assessment of an individual's "compelling need for the possession of such pistol or firearm." N.J.A.C. § 13:69D–1.13(b). Finally, casino licensees are free to restrict firearms on their property, see GeorgiaCarry.Org, Inc. v. Georgia, 687 F.3d 1244, 1264 (11th Cir. 2012), and the conspicuous notice is an established method of accomplishing that goal. But the State may not compel casino licensees to prohibit firearms on their property, nor to post a notice to accomplish the

same. N.J.A.C. § 13:69D–1.13(c). For these additional reasons, the Court temporarily enjoins N.J.A.C. § 13:69D–1.13.

Ultimately, Plaintiffs have met their burden of demonstrating a likelihood of success on the merits of their challenge to Subpart 18 and N.J.A.C. § 13:69D–1.13.

vii. Subpart 24 (Private Property Unless Indicated Otherwise by Owner)

Subpart 24 of the statute deals with private property, which is broadly defined as:

> [P]rivate property, including but not limited to residential, commercial, industrial, agricultural, institutional or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit under N.J.S.A. 2C:58-4, provided that nothing in this paragraph shall be construed to affect the authority to keep or carry a firearm established under subsection e. of N.J.S.A. 2C:39-6.

2022 N.J. Laws c. 131 § 7(a)(24).

First, the plain text of the Second Amendment covers the conduct in question, so the threshold inquiry articulated in Bruen is met. See 142 S. Ct. at 2126, 2129–30 ("When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct."). Accordingly, the burden to justify Subpart 24 rests with Defendants. See id. at 2130 ("The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation."). Defendants make the same arguments that they did in Koons to justify Subpart 24 and offer no additional historical analogues. For the same reasons that this Court rejected Defendants' arguments in Koons, it rejects them

here.

Likewise, the Court rejects as unpersuasive Defendants' supplemental arguments claiming that the Court erred in its prior analysis. First, Defendants argue that the Court's conclusion in Koons as to Subpart 24 "springs from its mistaken premise that the Second Amendment 'presumes the right to bear arms on private property' that belongs to another." [Defs.' Suppl. Br. at 6.] No such presumption exists, they claim, because Bruen only held that " 'the Second Amendment's plain text . . . presumptively guarantees . . . a right to bear arms in *public* for self-defense.' " [Id. (citing Bruen, 142 S. Ct. at 2135).] Drawing a distinction thus, Defendants seek to persuade this Court that the Second Amendment's text does not cover the right to public carry on someone else's private property, notwithstanding the Government's historical evidence. [Id.] At Oral Argument, Defendants doubled down and insisted that Bruen's articulation of the right makes evident that self-defense "in public" necessarily excludes private property, ostensibly because one cannot be "in public" on private lands. [See Tr. at 67 ("And there's no question that whether or not it's a private residence or a small business or any other private property, that's not what the Court was talking about when it said [']in public.[']"); see also id. at 67–76.] Second, they state that "there is simply no support in precedent for the idea that there is a presumptive right enshrined in the Constitution to bear arms on someone else's *private* property simply because the carrier does not know, and did not try to ascertain, whether the owner would consent." [Defs.' Suppl. Br. at 6.] And third, Defendants argue that the Court misread or overlooked their historical evidence. [Id. at 10–11.]

The Court addresses each point in turn.

First, in their argument lurks a paralogism. The Second Amendment's text draws *no* distinction between one's right to bear arms for self-defense on either *public* or *private* property. Rather, as the Court confirmed in Bruen, the "textual elements" of the Second Amendment confirm that the right to "keep and bear arms" "outside the home" refers to one's right to " 'wear, bear, or carry . . . upon the person or in the clothing or in a pocket, for the purpose . . . of being armed and ready for offensive or defensive action in a case of conflict with another person.' " 142 S. Ct. at 2134 (quoting Heller, 554 U.S. at 584). Addressing the confrontation concern, this definition naturally encompasses one's right to public carry on another's property, unless the owner says otherwise. After all, the Second Amendment in no way "abrogated the well[-]established property law, tort law, and criminal law that embodies a private property owner's exclusive right to be king of his own castle." GeorgiaCarry.Org, Inc. v. Georgia, 687 F.3d 1244, 1264 (11th Cir. 2012) (collecting historical citations). In other words, "the pre-existing right codified in the Second Amendment does not include protection for a right to carry a firearm in a place . . . *against the owner's wishes*." Id. (emphasis added). Thus, because the Second Amendment covers the conduct at issue, it is presumptively protected, unless Subpart 24 is consistent with this Nation's historical tradition of firearms regulation. Bruen, 142 S. Ct. at 2135.

Furthermore, Defendant's principal argument—that Bruen held the plain text of the Second Amendment guarantees the right to bear arms in *public*, and therefore

public means *not private*—is wishful thinking. Bruen does not so hold. In discussing the right to carry, the Supreme Court distinguished between the need for self-defense in the home versus in public. And while the Court recognized that the need for self-defense is perhaps "most acute" in the home, it did not hold that the need was insignificant "elsewhere," or "outside the home." Bruen, 142 S. Ct. at 2135 (quoting Heller, 554 U.S. at 628). In fact, the Court observed that if the Second Amendment applied only to the home, half of the Amendment would be nullified. Id. at 2134–35. By similar reasoning, if the Second Amendment applied only to *publicly*-owned property, half of the Amendment (or more) would be nullified. In our state, the vast majority of property is privately owned.

Next, Defendants' second point is a misdescription of this Court's analysis. In Koons, the Court did not find that there is a presumptive right to bear arms on someone else's private property simply *because* the firearm carrier did not try to ascertain whether the land owner would consent. Instead, this Court applied the analytical structure endorsed in Bruen and concluded that (a) the Second Amendment's text plainly protected the Koons plaintiffs' right to public carry for self-defense, including on the private property of others, unless the owners state otherwise (*i.e.*, "that a rebuttable presumption to carry exists"), and (b) Defendants' purported historical evidence fell short of establishing that Subpart 24 is consistent with our history and tradition of firearms regulations. Koons, 2023 WL 128882, at *16. As the Court further explained, a regulation that mandates a lawful permit holder "try to

ascertain" the owner's consent transforms the presumption in favor of allowing the right to bear arms into a presumption against that right. Defendants are, "in essence, criminalizing the conduct that the Bruen Court articulated as a core civil right." Id.

Finally, Defendants' position has no basis in this country's history and tradition of firearms regulation. Generally, the historical practice of establishing sensitive place designations—or "gun-free zones"—has centered on a few distinct locations: (a) government buildings (such as legislative assemblies or courthouses or where the State is acting within the heartland of its authority), (b) polling places, and (c) schools. Bruen, 142 S.Ct. at 2133–34 (citing Heller, 554 U.S. at 626); see also Brief of Indep. Inst. as Amicus Curiae in Support of Petitioners at 7–8, Bruen, 142 S.Ct. 2111 (No. 20-843) (hereinafter, "Brief of Indep. Inst."). In the colonial and Founding era in particular, restrictions on the right to carry firearms in public appears to have been quite limited. The " 'settlers had the liberty to carry their privately-owned arms openly or concealed in a peaceable manner,' and nine of the thirteen original colonies declined to regulate the keeping or bearing of arms whatsoever." Brief of Indep. Inst., supra, at 12 (citing STEPHEN P. HALBROOK, THE RIGHT TO BEAR ARMS: A CONSTITUTIONAL RIGHT OF THE PEOPLE OR A PRIVILEGE OF THE RULING CLASS? 109 (2021)). Following Independence from Britain and throughout the 19th Century, some states began to experiment with gun-free zones, but aside from the categories outlined above, many of these restrictions were short-lived. See Brief of Indep. Inst., supra, at 11–17. Here, Defendants' rehash the same arguments regarding a 1771 New Jersey law and an 1865 Louisiana law that the Court analyzed, and disposed of, in Koons. [Defs.'

Suppl. Br. at 10–11; see 2023 WL 128882, at *17.] They have provided no persuasive reason for this Court to reconsider its conclusions today.

In the end, Plaintiffs have met their burden of showing that they will likely succeed in proving that Subpart 24 is unconstitutional.

viii. Section 7(b) (Functional Firearms in Vehicles)

Section 7(b) of Chapter 131 makes a vehicle essentially a prohibited sensitive place "unless the handgun is unloaded and contained in a closed and securely fastened case, gunbox, or locked unloaded in the trunk of the vehicle." 2022 N.J. Laws c. 131. First, the Second Amendment's plain text covers the conduct in question (carrying a concealed handgun for self-defense in public). As a result, Defendants must be able to rebut the presumption of protection against this regulation by demonstrating that the regulation is consistent with this Nation's historical tradition of firearm regulation. Defendants make the same arguments that they did in Koons and offer no additional historical analogues. For the same reasons this Court rejected Defendants' arguments in Koons, it rejects them here. Plaintiffs have met their burden of showing that they will likely succeed in proving that this provision is unconstitutional.

ix. Subpart 7 (Multi-Purpose Facilities Relating to Schools)

Finally, Plaintiffs seek immediate relief against the State's restrictions on multi-use properties. In the lead-in to the enumerated list of "sensitive places" in Section 7(a) of Chapter 131, the statute also specifies that is applies "in any of the following places, including in or upon any part of the buildings, grounds, or parking area of…"

2022 N.J. Laws c. 131. Another New Jersey statute, pre-dating Bruen, makes it a crime to "enter upon any part of the buildings or grounds of any school, college, university, or other education institution." N.J.S.A. 2C:39-5(e). Plaintiffs' argument goes that, read in connection with Section 7(a)(7) which prohibits firearms in "a school, college, university or other educational institution," the restriction could include properties or places where "classes" that Plaintiffs attend. For example, Plaintiff Siegel is concerned that his presence at his son's Tae Kwon Do classes in a strip mall might fall within the restricted location.

At oral argument, the State alleviated Plaintiffs concerns that the law would be enforced against them in this unpredictable manner. Although the legislature did not include a new set of definitions as part of Chapter 131's long list of "sensitive places," there should be no doubt that the notion of what is and what is not a "school" for purposes of New Jersey law remains unchanged:

> THE STATE: [W]hat I can tell you is this: The school, college, university or other educational institution language has existed in Section 2C:39-5 for at least 30 years. And [P]laintiffs have never challenged it before, at least these plaintiffs as far as I know. So it cannot be a genuine issue to say I'm confused now by what the word "school" means. I will tell Your Honor that we think "school" means the meaning that it has in other parts of the New Jersey code. So it means places where people are regulated by other things that schools must have.

[Tr. at 30.] Going through the other classes Plaintiffs expressed a concern about being able to attend with their firearms (motorcycle classes, firearms training, Sunday school within a church, Tae Kwon Do, and bagpipe lessons), the State conceded that none of these classes fell within the tradition legal definition as to what constitutes a "school."

[Tr. at 32.]

With respect to properties that have both restricted and non-restricted uses, the State clarified that other parts of the statute contain applicable exceptions as to common grounds:

> Section 7(d) talks about how a person would not be in violation if they're traveling along a public right-of-way that touches or crosses any of the places enumerated as sensitive, if they abide by the other carry provisions, you know, like carrying it on a holster and all that, which plaintiffs don't challenge.

[Tr. at 25.] Thus, Chapter 131 is only appliable in buildings or the part(s) of a building that have a restricted use, and thus, are a "sensitive place" when used as such. Further, the law excepts shared, public grounds, which includes parking areas and walkways.

Accordingly, the Court will deny the Motion as to Plaintiffs' challenges concerning multiuse property as moot.

C. Plaintiffs Have Met the Requirements for Emergent Relief

Plaintiffs have made a strong showing of irreparable harm if the emergent relief is not granted. As discussed above, Plaintiffs have made a strong showing of constitutional injury given their Second Amendment rights as secured by the Fourteenth Amendment. This Court also agrees that "[i]n cases alleging constitutional injury, a strong showing of a constitutional deprivation that results in noncompensable damages ordinarily warrants a finding of irreparable harm." A.H. by & through Hester v. French, 985 F.3d 165, 176 (2d Cir. 2021). Defendants argue that violation of constitutional rights is insufficient to show irreparable harm. [Defs.' Opp'n at 23

(arguing that "neither the Supreme Court nor the Third Circuit has ever expanded Elrod to cover all alleged violations of constitutional rights"). However, Defendants' argument mischaracterizes the harm that Plaintiffs allege. Plaintiffs do not allege a bare constitutional deprivation, but that they fear the threat of severe criminal penalties if they choose to exercise their Second Amendment rights. Even if constitutional deprivations are not *per se* irreparable injuries, the threat of prosecution for engaging in constitutionally protected conduct certainly is. Thus, the Court is satisfied that the first and second requirements for emergent relief have been met.

Finally, the Court finds that temporary restraints will only impact individuals who have already gone through the State's vetting process to obtain a concealed carry permit, so other interested parties will not be harmed if the requested relief is granted. After all, "neither the Government nor the public generally can claim an interest in the enforcement of an unconstitutional law." Am. C.L. Union v. Ashcroft, 322 F.3d 240, 251 n.11 (3d Cir. 2003), aff'd and remanded, 542 U.S. 656 (2004). The Court also finds that the State's interest, the possibility of harm, and the public interest all tip in a favor of granting Plaintiffs the relief they seek as to the applicable laws discussed above.

Further, Plaintiffs are excused from giving security because the Court is satisfied that there is no risk that a Defendant will sustain "costs and damages" if "found to have been wrongfully enjoined or restrained" pursuant to Fed. R. Civ. P. 65(c). The Court also finds that based on the showing made by Plaintiffs, good cause exists to extend the duration of this Temporary Restraining Order beyond fourteen (14) days

pursuant to Fed. R. Civ. P. 65(b)(2). Thus, this Temporary Restraining Order will be in effect pending a hearing on Plaintiff's motion for a preliminary injunction (which shall occur as expeditiously as possible once a briefing schedule for such motion has been set).

IV. CONCLUSION

Plaintiffs have demonstrated a probability of success on the merits of their Second Amendment challenge to certain provisions of Chapter 131 Section 7(a), specifically: Subparts 10 (parks, beaches, and recreational facilities/areas), 12 (public libraries or museums), 15 (bars, restaurants, and where alcohol is served), 17 (entertainment facilities), 18 (casinos), and 24 (private property); Section 7(b)'s ban on functional firearms in vehicles; and related pre-Bruen New Jersey statutes—N.J.A.C. 7:2–2.17(b) and N.J.A.C. 13:69D–1.13. The State may regulate conduct squarely protected by the Second Amendment only if supported by a historical tradition of firearm regulation. Here, Defendants cannot demonstrate a history of firearm regulation to support these challenged provisions for which they have demonstrated Article III standing. The threat of criminal prosecution for exercising their Second Amendment rights, as the holders of valid permits from the State to conceal carry handguns, constitutes irreparable injury on behalf of Plaintiffs, and neither the State nor the public has an interest in enforcing unconstitutional laws.

Accordingly, good cause exists, and the Court will **GRANT**, in part, and **DENY**, in part, the Motion for temporary restraints. [Docket No. 8.] An

accompanying Order of today's date shall issue.

January 30, 2023
Date

s/Renée Marie Bumb
Renée Marie Bumb
United States District Judge

SB01 Opposition.pdf
Uploaded by: Michael Bourque
Position: UNF

Background:

Any analysis regarding the constitutionality of a restriction on the 2cd Amendment must start with the text of the Second Amendment. To aid in this analysis, the meaning of all terms in the 2cd Amendment are now clearly defined by Supreme Court precedence in Heller, McDonald, Cattaneo and Bruen.

The second part of an analysis puts the burden on the government to demonstrate that laws or contemplated laws are constitutional by proving historical analogous laws existed that restricted firearm use in the same existing or proposed ways during the founding period. To employ historical analog, at a minimum for a current law to be relevant some historical equivalent law must have existed from about the American Revolution through the founding era which is somewhere between 1760 to 1826 given the last founding fathers instrumental in the development of our Constitution, Thomas Jefferson, and John Adams, both died on July 4th, 1826. That is the historical period. The Supreme Court in Bruen explained the limited use of other periods. Example below:

> "As we recognized in *Heller* itself, because post-Civil War discussions of the right to keep and bear arms "took place 75 years after the ratification of the Second Amendment, they do not provide as much insight into its original meaning as earlier sources." 554 U. S., at 614; cf. *Sprint Communications Co.*, 554 U. S., at 312 (Roberts, C. J., dissenting) ("The belated innovations of the mid- to late-19th-century courts come too late to provide insight into the meaning of [the Constitution in 1787]"). And we made clear in *Gamble* that *Heller*'s interest in mid- to late-19th-century commentary was secondary. *Heller* considered this evidence "only after surveying what it regarded as a wealth of authority for its reading—including the text of the Second Amendment and state constitutions." *Gamble*, 587 U. S., at ___ (majority opinion) (slip op., at 23). **In other words, this 19th-century evidence was "treated as mere confirmation of what the Court thought had already been established**." From Bruen Opinion

The following from the "New York State Rifle & Pistol Association Inc. v. Bruen" relates to SB1,

- The Government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.
- There is no historical basis for New York to effectively declare the island of Manhattan a "sensitive place" simply because it is crowded and protected generally by the New York City Police Department.
- The standard for applying the Second Amendment is as follows: **When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct.** The Government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition.

The Supreme Court in Bruen did not restrict the definition of “sensitive places” to only government-sanctioned or affiliated places but **it did indicate a skepticism as to expanding the definition of “sensitive places” based on the historical record**. See Bruen, 142 S. Ct. at 2133 (indicating that “although the historical record yields relatively few 18th- and 19th-century “sensitive places” where weapons were altogether prohibited—e.g., legislative assemblies, polling places, and courthouse— we are also aware of no disputes regarding the lawfulness of such prohibitions.”) Thus, “sensitive place” is a term within the Second Amendment context that should not be defined expansively.

SB1 contains very similar text and concepts discussed on some antigun law web sites like the Brennan Center for Justice and were included in recent New Jersey enacted legislation, “Chapter 131 of the 2022 Laws of New Jersey that imposed a new set of requirements, many of which became effective immediately, including declaring certain locations as “sensitive places” where handguns are prohibited even by licensed carriers. All of this was post and reactionary to Bruen. In Section 7(a) of the New Jersey legislation the enumerated “sensitive place” under subpart 24 contains SB1 similar “private property” sensitive areas in New Jersey’s new law.

> *Subpart 24 (prohibiting handguns in “private property, including but not limited to residential, commercial, industrial, agricultural, institutional or undeveloped property, **unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry** on the premises a concealed handgun with a valid and lawfully issued permit under N.J.S.2C:58-4, provided that nothing in this paragraph shall be construed to affect the authority to keep or carry a firearm established under subsection e. of N.J.S.2C:39-6”).

This was challenged in two different lawsuits. One, AARON SIEGEL, et al., Plaintiffs, v. MATTHEW PLATKIN, et al., Defendants was consolidated under KOONS v. REYNOLDS, -- with concurrence of Judge Karen M. Williams (Biden Appointee).

Judge Renee Marie Bumb, United States District issued and opinion in regard to a motion for a Temporary Restraining Order and Preliminary Injunction specific to New Jersey’s Subpart 24:

> “Subpart 24 (Private Property Unless Indicated Otherwise by Owner) Subpart 24 of the statute deals with private property, which is broadly defined as: [P]rivate property, including but not limited to residential, commercial, industrial, agricultural, institutional or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit under N.J.S.A. 2C:58-4, provided that nothing in this paragraph shall be construed to

> affect the authority to keep or carry a firearm established under subsection e. of N.J.S.A. 2C:39-6. 2022 N.J. Laws c. 131 § 7(a)(24). "[1]
>
> **"First, the plain text of the Second Amendment covers the conduct in question, so the threshold inquiry articulated in Bruen is met.** See 142 S. Ct. at 2126, 2129–30 ("When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct."). Accordingly, **the burden to justify Subpart 24 rests with Defendants**. See id. at 2130 ("The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation."). Defendants make the same arguments that they did in Koons to justify Subpart 24 and offer no additional historical analogues. For the same reasons that this Court rejected Defendants' arguments in Koons, it rejects them here."

The temporary restraining order was granted as in all likelihood the plaintiffs will be successful.

As of the filing of this written testimony the State of New Jersey has yet to appeal Judge Bumb's decision that granted a temporary restraining order and announced a desire for an expedited trial.

<u>My Direct Opposition to Senate Bill 1</u>

I am absolutely opposed to SB1. The text of SB1 is a grossly unconstitutional attempt to make most of Maryland a sensitive place. The logic in New Jersey's Koons v. Reynolds Temporary Restraining Order and Preliminary Injunction Opinion by Judge Bumb based on the text of Bruen applies. If SB1 passes a lawsuit will be immediately filed.

- **The plain text of the Second Amendment covers the conduct in question in SB1, so the threshold inquiry articulated in Bruen will be met**.
- **The burden to justify SB1 will rest with Defendants.**

In this case, there exists no historical tradition for the central proposal in this bill. The state will fail the historical burden test. **Simple question**: When did all property owners in the times of our founding fathers or any point in our history been required by the government to post activities ALLOWED on their property or required by the government provide express consent for activities on their property and notify the public? This

[1] IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY CAMDEN VICINAGE, AARON SIEGEL, et al., Plaintiffs, v. MATTHEW PLATKIN, et al., Defendants. Opinion BUMB, United States District Judge: Motion for a Temporary Restraining Order and Preliminary Injunction. (Uploaded as second document for review)

completely **reverses the traditional logic of prohibiting activity** and forces property owners to now list or announce approved activities. If such a law stands, the State of Maryland will become a de facto sensitive area.

Specific to my issue, I will be severely limited to where I can legally carry a firearm for personal protection in reference to where I have carried my firearm as an FFL and Regulated Firearm licensee in my daily routine since my first permit issued in 2016. Depending on language in the final bill, I may need to actually get approval from two utility companies who have an easement on my land to legally check my own mailbox while armed. My movements throughout the day to include the conduct of my business will be severely impeded if this unconstitutional bill were to pass.

For additional consideration, Five Federal Circuit Courts in New York have issued temporary restraining orders against bills with very similar unconstitutional restrictions. In those cases, an Appellate Court stayed the restraining orders. An Emergency appeal to the Supreme Court predictively was denied on technical issues as the cases had not actually been heard. However, Justice Alito was joined by Justice Thomas in a statement issued with the Supreme Court order.

> _______________ _______________ 1 Cite as: 598 U. S. ____ (2023)
>
> Statement of ALITO, J. SUPREME COURT OF THE UNITED STATES No. 22A557 IVAN ANTONYUK, ET AL. v. STEVEN NIGRELLI, IN HIS OFFICIAL CAPACITY AS ACTING SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL. ON APPLICATION TO VACATE STAY [January 11, 2023]
>
> The application to vacate stay presented to JUSTICE SOTOMAYOR and by her referred to the Court is denied. Statement of JUSTICE ALITO, with whom JUSTICE THOMAS joins, respecting the denial of the application to vacate stay.
>
> The New York law at issue in this application presents novel and serious questions under both the First and the Second Amendments. **The District Court found, in a thorough opinion, that the applicants were likely to succeed on a number of their claims, and it issued a preliminary in-junction as to twelve provisions of the challenged law. With one exception, the Second Circuit issued a stay of the in- junction in full, and in doing so did not provide any explanation for its ruling**.
>
> App. to Emergency Application 2. In parallel cases presenting related issues, **the Second Circuit has likewise issued unreasoned summary stay orders**, but in those cases it has ordered expedited briefing. See, e.g., Order in Hardaway v. Nigrelli, No. 22–2933 (CA2, Dec. 7, 2022), ECF Doc. 53; Order in Christian v. Nigrelli, No. 22– 2987 (CA2, Dec. 12, 2022), ECF Doc. 40.
>
> I understand the Court's denial today to reflect respect for the Second Circuit's procedures in managing its own docket, rather than expressing any view on the merits of ANTONYUK v. NIGRELLI Statement of ALITO, J. the case.
>
> **Applicants should not be deterred by today's order from again seeking relief if the Second Circuit does not, within a reasonable time, provide an explanation for its stay order or expedite consideration of the appeal**.

Noteworthy, "**The District Court found, in a thorough opinion, that the applicants were likely to succeed on a number of their claims**, and it issued a preliminary injunction as to twelve provisions of the challenged law" contrasted to "**the Second Circuit has likewise issued unreasoned summary stay orders**."

In the end if SB1 passes then law-abiding citizens of Maryland will once again have their rights denied until SB1 is overturned via the legal process. Heller was clear but apparently not clear enough and Bruen fixed that. Now Bruen is clear on sensitive places but seeing unconstitutional laws passed by several antigun State governments, apparently not clear enough. The next case won't take 10 years and I expect the Supreme Court to fully define an all-encompassing "sensitive places list" and address all other unconstitutional issues being pushed by desperate antigun groups.

Though law-abiding citizens of Maryland may have to wait if SB1 passes and watch as our rights are denied by this unconstitutional law, in the end we will make major gains like we did after Heller. Like we did after McDonald. Like we did after Cattaneo. Like we did most recently after Bruen. **The antigun crowd advising you are the same ones on the wrong side of Heller, McDonald, Cattaneo and Bruen. Their advocacy in passing unconstitutional laws always backfires on them by further solidifying the constitutional rights of law-abiding citizens after the legal process completes.**

Though no financial rider may be required for SB1, serious planning should occur to plan out how all legal bills associated with trying to defend SB1 to include paying fees of those who win in this challenge to an unconstitutional law. As a MD taxpayer I oppose from this vector as well.

If the Senate wants too actually pass laws that effect criminals and not blatantly attack law-abiding citizens, then make theft of any firearm, regardless of monetary value a felony. Show us you are serious about gun related crime.

Hopefully by next year we finally get to point where no new restrictive gun laws are proposed. Eventually the Courts will get us to that point. Either national reciprocity or what is commonly referred to as Constitutional Carry may be at the end of this road paved with overturned unconstitutional laws.

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SB 1.pdf
Uploaded by: Michael Burke
Position: UNF

February 7, 2023

WRITTEN TESTIMONY OF MICHAEL F BURKE, IN OPPOSITION TO SB 1-the "Gun Safety Act of 2023"

In introduction, please be informed that I am a Veteran, with 21 years of Service with the US Army, as a Military Police Office, MP Investigator, and Counterintelligence Agent. Beyond that, I have more than 25 years of experience as a County, State, and federal Law Enforcement Officer and Special Agent. I am an expert in Maryland Firearms Law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License and a certified NRA instructor in pistol, as well as a Chief Range Safety Officer. I am also a member of Maryland Shall Issue ("MSI"). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan, non-profit organization dedicated to the preservation and advancement of gun owners' rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I appear today in opposition to SB 1.

To begin, let's consider the statements of the sponsors of this measure that they "fear guns." Humans fear numerous things, and that is a natural right. Not long ago in Maryland, Senators feared having African Americans, Native Americans, even Catholic Americans in their children's schools and in the workplace. Banning people from exercising their human rights because of unsubstantiated fears = Racism and Discrimination.

That is simply wrong.

Banning women from the workplace – the polls – and the House and Senate – also **WRONG**.

In June of 2022, the Supreme Court issued a decision in a lawsuit titled

NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., ET AL. v. BRUEN, SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL. No. 20–843. Argued November 3, 2021—Decided June 23, 2022.

Held: New York's proper-cause requirement violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self-defense. Pp. 8–63.

Maryland's Attorney General, Brian Frosh, reviewed that decision and understood that Maryland law requiring a "good and substantial reason" to obtain a Handgun Permit (HGP) was unconstitutional. He agreed that Maryland (and the General Assembly) MUST obey the plain text of the US Constitution and this decision. Your oaths of office, recently renewed in January, obligate you to protect, defend, and OBEY that text.

In this Bill, SB-1, the Senate would seek to render several hundred thousand Handgun Permits null and void across the State. **This is WRONG.**

I ask this Committee to review the past practice of the Maryland State Police (MSP) over the past 50 years in reviewing applications and approving HGP's for citizens. In general, they granted HGP's for 6 broad categories and reasons:

A) Security Guards, Private Detectives, and Armored Car Drivers. These men and women have protected the citizens and business interests across the State since 1972, guarding banks, retail establishments (furriers, jewelers, watchmakers, etc) as well as government buildings (Federal, State and Local), jails and prisons, senior business executives, Judges, Senators, Delegates and Representatives, political party leadership, and other sensitive locations. As written, SB 1 disarms all of these protective officers and agents, and invites criminal organizations and individuals to murder, rob, rape and assault millions of undefended Maryland citizens. ATM's will go unserviced, prescription drugs will be undelivered, banks and retail businesses will be unable to receive or deposit cash. Kidnapping wealthy family members will skyrocket, ransoms will be demanded, and people left defenseless will be seriously injured or die. **This is WRONG.**

B) Victims of past crimes have been granted thousands of HGP's for self-defense. Domestic violence victims, LGBTQ victims, religious minorities (Jews, Sikhs, Muslims, Catholics, etc.), all sorts of Maryland Citizens who have been assaulted, beaten, raped, burned, and otherwise violated by criminals (often uncaught and unpunished) who will continue to stalk, harass, and pursue their victims. Many of these victims filed lengthy police reports, and underwent the tortuous process to obtain Domestic Violence Protective Orders or Peace Orders. Papers that do nothing to prevent the next horrendous attack, by the way. Yet MSP accepted such documentation to issue HGP's to thousands of these victims. SB-1 will negate those permits, disarm these victims (again) and leave helpless women defenseless as they go about their lives. **This is WRONG**.

C) Business owners have been able to obtain HGP's from MSP for decades, after producing reams of documentation and exhaustive investigation into the bona fides of their businesses. Industrious men and women who have proven that they routinely carry sensitive valuables (Jewish diamond merchants, Jewelers, bankers, Realtors, etc) who have carried handguns for decades while doing business without incidents – this bill will disarm ALL of them. Realtors who are often women, showing homes and apartments alone at all hours – people who have been brutally raped or murdered – shall be left defenseless by SB-1. **This is WRONG**.

D) Assumed Risk Positions: MSP has issued thousands of HGP's to Judges, Attorneys (Prosecutors and Defense); Senators, Delegates, Representatives, and several other "special" individuals who didn't need to show a specific threat or past assault, but whom were given HGP's merely because they held a title or job function that MSP deemed sufficient for a waiver of all the rules that applied to "normal" citizens. This professional courtesy even extended to former (retired) members of the Bar, County Executives, Mayors, local Councilmen, etc. As written, SB-1 disarms these distinguished ladies and gentlemen, without regard to any lingering threats that may exist. **This is WRONG**.

E) Federal employees, Military members and Contractors who hold “Top Secret” or other high level Security Clearances based on their positions, men and women who have daily access to our nation’s most sensitive military and intelligence information. Folks engaged in counter terrorism activities, or who safeguard our communities from cyber-attacks, hacking, ransomware, etc. MSP recognized long ago that these individuals were subject to attempts to kill or kidnap them (or their family members) either to seek revenge for action taken against terrorist cells, or by hostile intelligence organizations seeking access to our most sensitive data and/or facilities. As with other Maryland citizens, these are the most well behaved, deeply investigated and vetted members of society. SB – 1 would effectively disarm these vital national defense workers as they travel between highly secured facilities and their homes**. This is WRONG**.

F) MSP also issues thousands of HGP’s to our other most worthy, and most vulnerable citizens. Law Enforcement officers, Correctional Officers, and Bail Bondsmen/Fugitive Recovery Agents. Permits are issued to these men and women based on the well established risk that they face from individuals they may have arrested or pursued in their past, as well as the threats they face daily from misguided individuals who would assassinate them or attempt to kill them BECAUSE of their affiliation with the criminal justice system. While on duty, these officers, deputies and agents may be armed- but off duty, or after separation or retirement, they must surrender their badges and sidearms. Bail Bondsmen may carry hundreds of thousands of dollars in cash to be “on call” to respond to jails or county commissioners to post cash bonds, and collect cash for deposit from family members or friends to obtain the release of someone awaiting trial. Disarm them, and NOBODY will be posting bonds for your voters who have been detained. Disarming off duty and retired officers will also place hundreds of thousands of Citizens at risk, because these men and women have the training and experience to prevent mass shootings before they occur. Removing handguns from these HGP holders is **WRONG**.

THE TEXT OF THE SECOND AMENDMENT COVERS POSSESSION AND

TRANSPORTATION OF FIREARMS.

The Senate cannot dispute that Bruen holds that there is a general right to armed self-defense outside the home. The proposed bill eliminates that right (Contrary to the text of the Second Amendment) and would prohibit self-defense in “PLACES OF PUBLIC ACCOMMODATION”

To issue a Statute that seeks to disarm all lawful permit holders- That is simply wrong.

First, it is well-established that “[t]he government bears the burden to show that the regulation clearly falls outside the scope of the Second Amendment.” Hirschfeld v. BATF, 5 F.4th 407, 417 (4th Cir.), vacated as moot, 14 F.4th 322 (4th Cir. 2021), cert. denied, 142 S.Ct. 1447 (2022).

The right recognized in Bruen is that “the Second Amendment guarantees a general right to public carry,” 142 S.Ct. at 2135, and that there is a “general right to publicly carry arms for self-

defense." Bruen, 142 S.Ct. at 2134. A "general right" to carry in public cannot be reasonably limited to particular places,

Bruen explains that the "'textual elements' of the Second Amendment's operative clause— 'the right of the people to keep and bear Arms, shall not be infringed'— 'guarantee the individual right to possess and carry weapons in case of confrontation.'" 142 S.Ct. at 2134, quoting

District of Columbia v. Heller, 554 U.S. 570, 592 (2008). The right to bear arms thus "naturally

encompasses public carry" because confrontation "can surely take place outside the home." Id. The text of the Second Amendment is thus informed by the right of self-defense. Not even the Sponsors of this bill dispute that Bruen recognizes that the right of self-defense extends outside the home. See also United States v. Rahimi, No 21-11001, slip op. at 12 (5th Cir. Feb. 2, 2023) ("Rahimi's possession of a pistol and a rifle easily falls within the purview of the Second Amendment. The amendment grants him the right "to keep" firearms, and "possession" is included within the meaning of "keep."), quoting Bruen, 142 S.Ct. 2134–35.

(While the decision in Hirschfeld was vacated as moot when the plaintiffs no longer fell within

the 18-20-year-old range, such decisions are still entitled to persuasive effect. See, e.g., Russman

v. Board of Educ. of Enlarged City School Dist. of City of Watervliet, 260 F.3d 114, 121 n.2 (2d

Cir. 2001); Rosenbloom v. Pyott, 765 F.3d 1137, 1154 n.14 (9th Cir. 2014) ("decisions vacated for reasons unrelated to the merits may be considered for the persuasive of their reasoning").

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The Sponsors sentiments were also recently rejected in Siegel v. Platkin, 2023 WL 1103676

(D.N.J. Jan. 30, 2023) (submitted as supplemental authority on January 30, 2023). In that case, the court enjoined New Jersey bans on the carrying of firearms in parks, beaches, recreational facilities, public libraries, museums, bars, restaurants, where alcohol is served, entertainment facilities, in vehicles and on private property without the prior permission of the owner. In each instance, the court found that "the Second Amendment's plain text covers the conduct in question (carrying a concealed handgun for self-defense in public)." Slip op. at 23, 29, 30, 31, 32, 46 (emphasis added). In so holding the court relied on the very "textual elements" identified in Bruen, viz., the right to be armed "'in a case of conflict with another person,'" noting that "this definition naturally encompasses one's right to public carry on another's property, unless the owner says otherwise." Id. at 38. The same analysis applies, a fortiori, to the possession and carry on public property, such as on a public sidewalk or in other public places where confrontation can take place.

The text thus encompasses a broad right to possess and carry outside the home anywhere in

public, subject to restrictions that may be imposed by the government for the five, very specific

sensitive places identified by Bruen. See Bruen, 142 S.Ct. at 2133-34. Under the Court's approach, the government may ban firearms in other places only if it can show an appropriate,

well-established and representative historical analogue for that restriction. Id. at 2134. Under this bill's approach, the text would not permit carry in any public place unless the plaintiff could show that there was support for carry in that specific place. The Sponsors approach thus contravenes the Court's holding that it is the government's burden to justify additional sensitive places, not the plaintiffs. See Bruen, 142 S.Ct. at 2150 ("Of course, we are not obliged to sift the historical materials for evidence to sustain New York's statute. That is respondents' burden.").

Here, Senate Bill 1 bans all firearms at and and within 100 feet of places that the State has defined to be places of "public accommodation." and thus negates the very "general right" upheld in Bruen. SB 1 was plainly intended to encompass all places outside the home. It is the State's burden to justify these restrictions, and the Sponsors have offered no such justification.

Bruen relies on two very recent decisions, Ramos v. Louisiana, 140 S.Ct. 1390 (2020), and Timbs v. Indiana, 139 S.Ct. 682 (2019), in holding that the Bill of Rights is the same for both the federal government and the States. Ramos held that the Sixth Amendment right to a unanimous jury verdict was incorporated against the States and overruled prior precedent that had allowed the States to adopt a different rule under a "dual track" approach to incorporation. In so holding, the Court relied on 1791 as the relevant historical benchmark. Ramos, 140 S.Ct. at 1396. Similarly, in Timbs, the Court held that the Excessive Fines provision of the Eighth Amendment was incorporated as against the States. Timbs, 139 S.Ct. at 686-87.

In so holding, the Court once again looked to the scope of the right as it existed in 1791. Id. at 688. The Timbs Court found that this scope was simply confirmed by "an even broader consensus" in 1868. Id. Ramos and Timbs make clear that 1791 is the controlling inquiry and that later understandings may be viewed as confirmation, not changing the right itself. In all cases, the text is controlling over history. Bruen, 142 S.Ct. at 2137 ("the extent later history contradicts what the text says, the text controls") (citation omitted). The text of the Second Amendment thus controls over history and that text did not change in 1868.

Hirschfeld and Moore are not alone in looking to 1791. See NRA v. BATFE, 714 F.3d 334, 339 n.5 (5th Cir. 2013) (Jones, E., J. dissenting from the denial of rehearing en banc and joined by six other circuit judges) (quoting Moore's holding that 1791 is the "critical year" and further noting that "Heller makes plain that 19th-century sources may be relevant to the extent they illuminate the Second Amendment's original meaning, but they cannot be used to construe the Second Amendment in a way that is inconsistent with that meaning"); United States v. Rowson, 2023 WL 431037 at *22 (S.D.N.Y. Jan. 26, 2023) ("Viewing these laws in combination, the above historical laws bespeak a 'public understanding of the [Second Amendment] right' in the period leading up to 1791 as permitting the denial of access to firearms to categories of persons based on their perceived dangerousness."); United States v. Connelly, 2022 WL 17829158 at *2

*n.5 (W.D. Tex. Dec. 21, 2022) (rejecting the government's reliance on "several historical analogues from 'the era following ratification of the Fourteenth Amendment in 1868'"); United States v. Stambaugh, --- F.Supp.3d ---, 2022 WL 16936043 at *2 (W.D. Okl Nov. 14, 2022) ("And since '[c]onstitutional rights are enshrined with the scope they were understood to have when the people adopted them,' the government must identify a historical analogue in existence near the time the Second Amendment was adopted in 1791.) (citation omitted); United States v. Price --- F.Supp.3d ----, 2022 WL 6968457 at *1 (S.D.

W.Va, Oct. 12, 2022) ("Because the Second Amendment was adopted in 1791, only those regulations that would have been considered constitutional then can be constitutional now".)

In so holding, Hirschfeld quotes and relies on Moore v. Madigan, 702 F.3d 933, 935 (7th Cir. 2012), where the Seventh Circuit looked to 1791 as the "critical" period in

invalidating a State law (Illinois) that had restricted the right to the home. That decision in Moore

came after the Seventh Circuit's decision in Ezell v. City of Chicago, 651 F.3d 684 (7th Cir. 2011). Hirschfeld and Moore are not alone in looking to 1791. See NRA v. BATFE, 714 F.3d 334, 339 n.5 (5th Cir. 2013) (Jones, E., J. dissenting from the denial of rehearing en banc and joined by six other circuit judges) (quoting Moore's holding that 1791 is the "critical year" and further noting that "Heller makes plain that 19th-century sources may be relevant to the extent they illuminate the Second Amendment's original meaning, but they cannot be used to construe the Second Amendment in a way that is inconsistent with that meaning"); United States v. Rowson, 2023 WL 431037 at *22 (S.D.N.Y. Jan. 26, 2023) ("Viewing these laws in combination, the above historical laws bespeak a 'public understanding of the [Second Amendment] right' in the period leading up to 1791 as permitting the denial of access to firearms to categories of persons based on their perceived dangerousness."); United States v. Connelly, 2022 WL 17829158 at *2 *n.5 (W.D. Tex. Dec. 21, 2022) (rejecting the government's reliance on "several historical analogues from 'the era following ratification of the Fourteenth Amendment in 1868'"); United States v. Stambaugh, --- F.Supp.3d ---, 2022 WL 16936043 at *2 (W.D. Okl Nov. 14, 2022) ("And since '[c]onstitutional rights are enshrined with the scope they were understood to have when the people adopted them,' the government must identify a historical analogue in existence near the time the Second Amendment was adopted in 1791.") (citation omitted); United States v. Price --- F.Supp.3d ----, 2022 WL 6968457 at *1 (S.D. W.Va, Oct. 12, 2022) ("Because the Second Amendment was adopted in 1791, only those regulations that would have been considered constitutional then can be constitutional now.").

I urge an unfavorable report for these reasons.

2021 National Firearms Survey

William English, PhD

Georgetown University

Draft Report: July 13, 2021

Abstract

This report summarizes the findings of a national survey of firearms ownership and use conducted between February 17th and March 23rd, 2021 by the professional survey firm Centiment. This survey, which is part of a larger book project, aims to provide the most comprehensive assessment of firearms ownership and use patterns in America to date. This online survey was administered to a representative sample of approximately fifty-four thousand U.S. residents aged 18 and over, and it identified 16,708 gun owners who were, in turn, asked in-depth questions about their ownership and their use of firearms, including defensive uses of firearms.

Consistent with other recent survey research, the survey finds an overall rate of adult firearm ownership of 31.9%, suggesting that in excess of 81.4 million Americans aged 18 and over own firearms. The survey further finds that approximately a third of gun owners (31.1%) have used a firearm to defend themselves or their property, often on more than one occasion, and it estimates that guns are used defensively by firearms owners in approximately 1.67 million incidents per year. Handguns are the most common firearm employed for self-defense (used in 65.9% of defensive incidents), and in most defensive incidents (81.9%) no shot was fired. Approximately a quarter

(25.2%) of defensive incidents occurred within the gun owner's home, and approximately half (53.9%) occurred outside their home, but on their property. About one

out of ten (9.1%) defensive gun uses occurred in public, and about one out of twenty (4.8%) occurred at work.

A majority of gun owners (56.2%) indicate that they carry a handgun for self-defense in at least some circumstances, and about 35% of gun owners report carrying

a handgun with some frequency. We estimate that approximately 20.7 million gun owners (26.3%) carry a handgun in public under a "concealed carry" regime; and 34.9% of gun owners report that there have been instances in which they had wanted to carry a handgun for self-defense, but local rules did not allow them to carry. The average gun owner owns 5 firearms, and handguns are the most common type of firearm owned. 48.0% of gun owners have owned magazines that hold over 10 rounds,

and 30.2% of gun owners – totaling about 24.6 million individuals – have owned an AR-15 or similarly styled rifle. Demographically, gun owners are diverse. 42.2% are femaleand 57.8% are male. Approximately 25.4% of Blacks own firearms, 28.3% of Hispanics own firearms, 19.4% of Asians own firearms, and 34.3% of Whites own firearms.

1 Introduction

This report summarizes the main findings of a national survey of firearms ownership and use conducted between February 17th and March 23rd, 2021 by the professional survey firm

Centiment. This survey, which is part of a larger book project, aims to provide the most comprehensive assessment of firearms ownership and use patterns in America to date. Before this survey, the most authoritative resource for estimating details of gun ownership in the U.S. has been the "Comprehensive National Survey on Firearms Ownership and Use"

conducted by Cook and Ludwig in 1994 (Cook and Ludwig, 1996), and the most authoritative

resource for estimating defensive gun use in the U.S. has been the "National Self-Defense

Survey" conducted by Kleck and Gertz in 1993 (Kleck and Gertz, 1995, 1998). While valuable

resources, they are both now a quarter century old, and no surveys of similar scope and depth

have documented firearms ownership and use in more recent years.

Hepburn et al. (2007) conducted a more limited survey to ascertain the "gun stock" in

2004, a version of which was repeated in 2015 (Azrael et al., 2017). However, as they explain

in introducing their latter survey, data sources on firearms ownership and use remain scarce:

Although the National Opinion Research Center's General Social Survey and

other surveys have asked respondents whether they personally own a firearm

or live in a home with firearms, few have asked about the number of guns re-

spondents own, let alone more detailed information about these firearms and the

people who own them, such as reasons for firearm ownership, where firearms were

acquired, how much firearms cost, whether they are carried in public, and how

they are stored at home (Smith and Son 2015; Gallup 2016; Morin 2014). Be-

cause of this, the best and most widely cited estimates of the number of firearms

in civilian hands are derived from two national surveys dedicated to producing

detailed, disaggregated, estimates of the U.S. gun stock, one conducted in 1994,

the other in 2004 (Cook and Ludwig 1997, 1996; Hepburn et al. 2007).

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Richer survey data on firearms ownership and use has been collected by industry asso-

ciation such as the National Shooting Sports Foundation (NSSF).1 However, these surveys

generally aim at assessing industry trends and market segmentation and are not necessarily

designed to be nationally representative. In 2017, the Pew Research Center conducted one of

the most recent and detailed surveys of the demographics of gun ownership (Brown, 2017).2

Although it did not ask detailed questions concerning defensive use of firearms and the types

of firearms owned, this recent Pew survey serves as a helpful benchmark for corroborating the general ownership estimates of the present survey.

Advances in survey research technologies make it possible to reach large, representative respondent populations today at a much lower cost than a quarter century ago. One of the limitations of the Cook and Ludwig survey, which sought to be nationally representative, was that the survey sample was relatively small, with about 2,500 respondents of whom only about 600, or (24.6%), owned a firearm when the survey was administered. As the investigators noted in their report, some sub-questions were not sufficiently well powered to

make confident inferences, particularly concerning the defensive use of firearms. Similarly, Kleck and Gertz's survey was limited to 4,977 respondents, and the more recent surveys by Pew, Hepburn, and Azrael are all based on less than 4,000 respondents.

Today, professional survey firms like Centiment3 cultivate large pools of survey respondents, enabling representative sampling, and have techniques that encourage high response and completion rates while also ensuring the integrity of responses.4 The online survey summarized here was presented to a nationally representative sample (excluding residents of

Vermont who had already responded to a pilot version of this survey) of 54,244 individuals aged 18 or over who completed an initial questionnaire that included an indirect question indicating whether they owned a firearm (respondents were presented with a list of items commonly owned for outdoor recreational purposes, including firearms, and were asked to

1See https://www.nssf.org/research/

2See Pew Research Center, June 2017, "America's Complex Relationship With Guns"

https://www.pewresearch.org/social-trends/wp-content/uploads/sites/3/2017/06/Guns-Report-

FOR-WEBSITE-PDF-6-21.pdf

3See https://www.centiment.co/

4See https://help.centiment.co/how-we-safeguard-your-data

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select all items that they own).

This question identified 16,708 individuals as gun owners, who were then transferred to the main survey, which then asked detailed questions about their ownership and use of firearms. Given the length and detail of the survey, there was a slight amount of attrition, as 7.5%, or 1,258 individuals, did not make it through all questions to the end of the survey. However, 92.5% of the responding firearms owners (15,450) did proceed through all of the survey questions.

This survey thus contains what we believe is the largest sample of firearms owners ever queried about their firearms ownership and firearms use in a scientific survey in the United States. This survey was approved by Georgetown University's Institutional Review Board.

Of note, this survey was conducted just after a period of widespread social unrest across the U.S. and a contentious presidential election, which background check data suggests led to record gun sales (approximately 39.7 million in 2020, up 40% from the prior year).5 It is thus a comprehensive and timely assessment of the state of firearms ownership and use in the United States. Finally, the extraordinarily large size of this sample enables us to make well-powered, statistically informative inferences within individual states, which considerably extends the value of this data.

The initial sample of respondents achieved excellent demographic representation across all 49 states and DC, excluding Vermont (see Appendix A and B). For the purpose of estimating firearms ownership rates for the general U.S. population we employed raked weighting on gender, income, age, race, and state of residence. Note that there was a brief period in the first two days after the soft launch of the survey that comprehensive demographic data was not collected from those respondents who did not indicate firearms ownership, and thus did not proceed to the main survey (approximately 300 respondents). Although the

survey company, Centiment, maintained demographic data on these panel respondents, it was determined that this data was not as comprehensive as the data collected by the survey, at which point the demographic questions were moved to the front of the survey, and

5See McIntyre, Douglas A.“Guns in America: Nearly 40 million guns were purchased legally in 2020 and another 4.1 million bought in January” https://www.usatoday.com/story/money/2021/02/10/this-is-how-many-guns-were-sold-in-all-50-states/43371461/

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asked of all respondents, including those who did not indicate firearms ownership. For the purpose of calculating statistics on national firearms ownership rates, we exclude the entire sample of both firearms owners and non-firearms owners from these first two days (410 respondents), leaving us with 53,834 respondents after this date for whom we have comprehensive demographic data. Firearms-owning respondents from the first two days are included in subsequent analysis of firearms owners, and we do possess comprehensive demographic information for these individuals.

Appendix B contains tables reporting the demographic sampling rates and the Census demographics used for raked weighting of the national survey. Note that the overall effect of weights is minimal given the high representativeness of the initial sample. For the purposes of analyzing responses within the sub-sample of firearms owners, we do not employ weighting schemes, in part because the “true” demographics of gun ownership are not knowable from an authoritative source analogous to the U.S. Census Bureau. However, as a robustness exercise, using weights based on estimates derived from the larger survey response rates yields results

that are substantially identical for the analysis of responses from firearms owners.

One of the challenges in asking questions about firearms is eliciting truthful responses from firearms owners who may be hesitant to reveal information about practices that are associated with public controversy. The "tendency to respond to questions in a socially acceptable direction" when answering surveys is often referred to as "social desirability bias" (Spector, 2004), and there is evidence that it can influence survey responses to questions regarding firearms. For example, when Rafferty et al. (1995) conducted a telephone survey of Michigan residents who had purchased a hunting license or registered a handgun, only 87.3 percent of the handgun registrants and 89.7 percent of hunting license holders reported having a gun in their household. Similarly, Ludwig et al. (1998) have documented a large gender gap in reporting of firearms ownership, finding that "in telephone surveys, the rate of household gun ownership reported by husbands exceeded wives' reports by an average of 12 percentage points." Asking questions via an anonymous survey instrument on the internet is likely to cause less concern or worry than traditional phone-based questionnaires with a live person on the other end or during face-to-face interviews, which is how the General Social Survey – one of the most prominent national surveys that regularly asks

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about firearm ownership – is conducted.6 Even when presented in the more impersonal setting of a computer interface, however, a survey must be worded thoughtfully so as to assure anonymity, and not give respondents reason to worry about answering truthfully.

This survey employs five common devices to encourage more truthful responses. First, it uses an indirect "teaser" question to pre-screen respondents in order to select those who own firearms. The initial question prompt presents the survey as concerned with "recreational opportunities and related public policies" and asks respondents if they own any of the following items, presented in a random order: Bicycle, Canoe or Kayak, Firearm, Rock

Climbing Equipment, None of the Above. Only those who select “Firearm” are then presented the full survey. We also ask demographic questions at the outset, which allows us to assess the representativeness of the sample, including those who do not indicate firearms ownership. Second, the survey was carefully phrased so as to not suggest animus towards gun owners or ignorance of firearms-related terminology. Third, the survey assures respondents of anonymity. Fourth, in order to ensure that respondents are reading the survey questions carefully, and then responding with considered answers thereto, a “disqualifying” question (sometimes referred to as a “screening” question) was embedded a little over half of the way through the survey instructing respondents to select a particular answer for that question, which only those who read the question in its entirety would understand. Anyone registering an incorrect answer to this question was disqualified from the survey and their responses to any of the survey questions were neither considered nor tallied.

Finally, while responses were required for basic demographic questions, if questions of a sensitive nature were left blank, the software would first call attention to the blank response and prompt the respondent to enter a response. However, if a respondent persisted in not responding and again tried to progress, rather than kick them out of the survey, they would be allowed to progress to the next section in the interest of obtaining the maximum amount of information that they were willing to share. Respondents were not made aware of this possibility in advance, and in practice such “opting out” of a particular question was seldom done (less than 1% of responses for the average question). This is the reason that small

6For a description of the methods of the General Social Survey see: https://www.nsf.gov/pubs/2007/nsf0748/nsf0748_3.pdf

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variations are sometimes observed in the total number of respondents for certain questions.
A pilot version of this survey was first fielded in Vermont as part of a research project aimed at documenting firearms ownership and firearms use rates in that specific state. The Vermont survey served as a proof of concept for the national version, demonstrating that this survey is a viable instrument for eliciting responses from firearms owners with both high response rates and low disqualification rates. The results of the Vermont survey are presented separately in Appendix A of this report and closely mirror national results.
This report focuses on providing descriptive statistics of answers to the major questions asked in the survey. Future research will examine responses, and relationships between them,
in more detail. The report proceeds as follows: the next (second) section summarizes national
firearms ownership estimates and demographics; the third section examines defensive uses of
firearms; the fourth section examines question regarding carrying for self-defense; the fifth section summarizes ownership statistics, and the sixth section concludes.

2 Gun Ownership Demographics

- About a third of adults in the U.S. report owning a firearm, totaling about 81.4 million adult gun owners.
- 57.8% of gun owners are male, 42.2% are female.
- 25.4% of Blacks own firearms.
- 28.3% of Hispanics own firearms.
- 19.4% of Asians own firearms.
- 34.3% of Whites own firearms.

With raked weighting employed for gender, state, income, race, and age we find that 32.5% of US adults age 21 and over own a firearm. Expanding the sample population to include those age 18-20, who are restricted in some states from purchasing firearms, 31.9% of US adults age 18 and over own firearms. This is slightly above, but consistent with, the

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most recent in-depth survey of firearms ownership conducted by Pew in 2017, which reports

that 30% of adults in America own a firearm (Brown, 2017).

As a benchmark to assess the accuracy of the teaser question used to ascertain firearm

ownership, we can also compare ownership rates of other items reported by respondents for

this question. We find 52% of respondents indicating owning a bicycle, which closely matches

Pew's finding that 53% of Americans own a bicycle, according to a poll conducted in 2014.[7]

The distribution of gun owners surveyed by state is illustrated in Figure 1, and ranges

from 1,287 in California and 1,264 in Texas to 26 in Washington, DC and 24 in North Dakota.

Figure 1: Distribution of Firearms Owners Surveyed

Regarding the demographics of gun ownership, we find that 57.8% of gun owners are

male and 42.2% are female, the average age of gun owners is 46-50 years old, and the

average annual household income is $80,000-$90,000. Approximately 18% of gun owners do

not identify as White (alone). Overall, approximately 10.6% of gun owners identify as Black,

3.6% identify as Asian, 1.6% identify as American Indian, .2% identify as Pacific Islander,

82.0% identify as White, and 2.0% identify as Other. When analyzed within racial groups,

we find that 25.4% of Blacks own firearms, 28.3% of Hispanics own firearms, 19.4% of Asians

own firearms, and 34.3% of Whites own firearms.

According to the latest (2019) census estimates, there are approximately 255,200,373

individuals age 18 and over in the U.S., which implies that there are about 81.4 million

7See https://www.pewresearch.org/fact-tank/2015/04/16/car-bike-or-motorcycle-depends-

on-where-you-live/

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Given that 31.1% of firearms owners have used a firearm in self-defense, this implies that approximately 25.3 million adult Americans have defended themselves with a firearm. Answers to the frequency question suggest that these gun owners have ever been involved

8Census date is available at https://www2.census.gov/programs-surveys/popest/tables/2010-2019/national/asrh/nc-est2019-syasexn.xlsx

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Figure 2: Defensive Gun Use: 31.1% of firearms owners have defended themselves of their property with a gun, and a majority have done so more than once.

in approximately 50 million defensive incidents. Assuming that defensive uses of firearms are distributed roughly equally across years, this suggests at least 1.67 million defensive uses of firearms per year in which firearms owners have defended themselves or their property through the discharge, display, or mention of a firearm (excluding military service, police work, or work as a security guard).9

9This is calculated by taking the total number of defensive incidents represented by the survey responses (50 million) and dividing by the number of adult years of the average respondent, which is 30. According to U.S. Census data, the average age of U.S. adults (i.e. the average age of those in the set of everyone 18 years or older) is 48, which also matches our survey data. Thus, the average respondent of the survey has 30 years of adult experience (48 years - 18 years = 30 adult years), over which the defensive incidents captured in this survey are reported.

Note that this estimate is inherently conservative for two reasons. First, it assumes that gun owners

possessed firearms, or had access to firearms, from the age of 18. In so far as firearms were only first ac-

quired/accessed by some respondents in later years, this would reduce the number of adult firearms owning

years represented by the survey responses and result in a higher estimate of the number of defensive inci-

dents per year. Second, this figure only captures defensive gun uses by those currently indicating firearms

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Gun owner respondents were asked to answer detailed questions regarding each defensive incident that they reported. As Figure 3 shows, in the vast majority of defensive gun uses (81.9%), the gun was not fired. Rather, displaying a firearm or threatening to use a firearm (through, for example, a verbal threat) was sufficient. This suggests that firearms have a powerful deterrent effect on crime, which, in most cases, does not depend on a gun actually being fired or an aggressor being injured.

Figure 3: How Guns are Employed in Self-defense: In most defensive incidents no shots are fired.

Figure 4 shows where defensive gun uses occurred. Approximately a quarter (25.2%) of defensive incidents took place within the gun owner's home, and approximately half (53.9%)

occurred outside their home but on their property. About one out of ten (9.1%) of defensive

ownership. According to Kleck and Gertz (1995), only 59.5% of respondents who reported a defensive gun

use personally owed a gun (p.187). This would suggest that the true number of defensive gun uses, if those

who do not personally own firearms are included in the estimate, could be substantially higher - perhaps as

high as 2.8 million per year.

Finally, note that our overall approach assumes that children are not employing firearms for self-defense

with any meaningful frequency. However, for the purpose of sensitivity analysis, if we lower the age used

for calculating defensive incident frequency to assume that children as young as 12 years old are commonly

possessing and using firearms for self-defense (and no non-firearms owning adults used firearms for self-

defense), this would still imply 1.39 million defensive uses of firearms per year (48 years - 12 years = 36 years

over which 50 million defensive incidents took place).

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gun uses occurred in public, and about one out of twenty (4.8%) occurred at work.

Figure 4: The Location of Defensive Incidents: Most take place outside the home.

For each incident, respondents were asked to indicate what sort of firearm was used.

Figure 5 show the distribution of types of firearms employed in defensive incidents. Handguns

were the most commonly used firearm for self-defense, used in nearly two-thirds (65.9%) of defensive incidents, followed by shotguns (21.0%) and rifles (13.1%).

Figure 5: Type of Gun Used for Defense: Handguns are the most common type of firearm used in defensive encounters, followed by shotguns and rifles.

Respondents were also asked to indicate how many assailants were involved in each defensive incident. As Figure 6 illustrates, about half of defensive encounters (51.2%) involved

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more than one assailant. Presumably, part of the value of using a firearm in self-defense is that it serves as a force multiplier against more powerful or more numerous assailants.

Survey responses confirm that encountering multiple assailants is not an infrequent occurrence in defensive incidents. 30.8% of defensive incidents involved two assailants, and 20.4%

involved three or more, while slightly less than half (48.8%) involved a single assailant.

Figure 6: Distribution of the Number of Assailants Involved in a Defensive Incident: Multiple assailants are common.

Finally, after respondents answered these detailed questions about each defensive incident, which all flowed from their initial affirmative answer to the question, “Have you ever

defended yourself or your property with a firearm, even if it was not fired or displayed?", all gun owners were asked, "Separate from any incident in which you directly used a gun to defend yourself, has the presence of a gun ever deterred any criminal conduct against you, your family, or your property?" Respondents answering in the affirmative could indicate how many time such deterrence occurred, from once to five or more occasions. As Figure 7 illustrates, separate from the self-defense incidents summarized earlier, 31.8% of gun owners
reported that the mere presence of a gun has deterred criminal conduct, and 40.2% of these
individuals indicated that this has happened on more than one occasion. Extrapolated to the population at large, this suggests that approximately 25.9 million gun owners have been involved in an incident in which the presence of a firearm deterred crime on some 44.9 million
occasions. This translates to a rate of approximately 1.5 million incidents per year for which
the presence of a firearm deterred crime.

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Figure 7: Frequency with which Firearms Deter Crime: 31.8% of firearms owners report that
the presence of a firearm has deterred criminal conduct against them, often on more than one occasion.

4 Carry Outside of the Home

• A majority of gun owners (56.2%) indicate that there are some circumstances for which they carry a handgun for self-defense.

• Approximately 26.3% of gun owners, or 20.7 million individuals, carry handguns for

defensive purposes under a "concealed carry" regime.

• About a third of gun owners (34.9%) have wanted to carry a handgun for self-defense in a particular situation but local rules prohibited them from doing so.

As Figure 8 illustrates, a majority of gun owners (56.2%), or about 45.8 million, indicate that there are some circumstances in which they carry a handgun for self-defense (which can include situations in which no permit is required to carry, such as on their own property);

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and about 35% of gun owners report carrying a handgun with some frequency (indicating that they carry "Sometimes," "Often," or "Always or almost always."). Moreover, as Figure 9 summarizes, 34.9% of gun owners report that there have been instances in which they wanted to carry a handgun for self-defense, but local rules did not allow them to carry.

Figure 8: Frequency of Defensive Carry: Carrying a handgun for self-defense is common.

Figure 9: Prohibition of Carry: About a third of gun owners have wanted to carry a handgun for self-defense in a particular situation but local rules prohibited them from doing so.

Assessing the number of people who carry a concealed handgun in public is complicated due, in part, to the proliferation of so-called "constitutional carry" or "permitless carry"

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states in recent years. These states - about 18 at the time this survey was conducted - generally allow adults in good legal standing (often restricted to those age 21 and older) to carry a concealed weapon without a permit. Most of these states previously had a permitting process for concealed carry and required permits to be renewed at regular intervals in order to remain valid. Under constitutional carry, law abiding adults in these states are permitted to carry concealed without an official "permit." However, most of these states continue to issue permits to residents who desire them because such permits can be useful for reciprocal carry benefits in other states. For example, a person acquiring a Utah carry permit would be entitled to carry a handgun in a number of other states such as neighboring Colorado and Nevada.10 Thus, while basically all gun owners age 21 and over are "permitted" to carry a handgun for self-defense in constitutional carry states, many individuals may also possess a "permit," even though it is redundant for in-state carry.

Unsurprisingly, when asked "Do you have a concealed carry permit?" gun owning residents of many constitutional carry states respond in the affirmative at high rates. Also complicating this question about concealed carry permits is the fact that many states refer to such permits by different names, the fact that the right to carry a handgun can be conferred in certain circumstances by hunting or fishing licenses in some states,11 and the existence of other related permits, some of which do not license concealed carry (e.g. standard pistol permits in North Carolina or New York, eligibility certificates in Connecticut)

and some of which do (most License To Carry permits required for handgun ownership in Massachusetts, state pistol permits in Connecticut, and LEOSA permits available to current and retired law enforcement officers nationwide). Finally, it is also possible for individuals to obtain concealed carry permits in states other than the one in which they reside.

In order to provide a robust but conservative estimate of those who actually carry in public, we code as "public carriers" those individuals who indicated both that they have a

10See https://bci.utah.gov/concealed-firearm/reciprocity-with-other-states/

11For example, a number of states such as California, Georgia, and Oregon allow those with a hunting or fishing license to carry concealed while engaged in hunting or fishing or while going to or returning from an expedition. See: https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/pdf/cfl2016.pdf, https://law.justia.com/codes/georgia/2010/title-16/chapter-11/article-4/part-3/16-11-126/, https://codes.findlaw.com/or/title-16-crimes-and-punishments/or-rev-st-sect-166-260.html

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concealed carry permit and that they carry a handgun for self-defense at least "sometimes."

We also restrict analysis and population estimates to those age 21 and over given that most states restrict those under 21 from carrying concealed in public.

Using this simple definition, we find that 26.3% of gun owners are "public carriers," which translates to approximately 20.7 million individuals who carry handguns in public under a concealed carry regime. Note that this could include current and former law enforcement

officers who may be represented in the survey. However, the number of active law enforcement

officers in the U.S. is well under a million (approximately 700,000 in 2019).12

5 Types of Firearms Owned

- **82.7% of gun owners report owning a handgun, 68.8% report owning a rifle, and 58.4% report owning a shotgun.**
- **21.9% of gun owners own only one firearm.**
- **The average gun owner owns 5 firearms.**
- **30.2% of gun owners, about 24.6 million people, have owned an AR-15 or similarly styled rifle.**
- **48.0% of gun owners have owned magazines that hold over 10 rounds.**

6 Conclusion

This report summarizes the main findings of the most comprehensive survey of firearms

ownership and use conducted in the United States to date. While many of its estimates corroborate prior survey research in this area, it also provides unique insights that are relevant

to timely public policy debates - particularly regarding the defensive use of firearms. More-over, it does so in the wake of a period of social unrest, which has led to rising crime rates

and record gun sales. This report has focused on presenting top-line results and summary

12See https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-74

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statistics, but the breadth and detail of this survey equip it to be a valuable resource for further research. This data will be analyzed in greater depth within a larger book-length project and ultimately made available for public use.

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Appendix A: Vermont Pilot Survey

An initial version of this survey was fielded in Vermont. We report below the top line results

from the Vermont survey, which closely mirror the results of the national survey.

In sum, 572 Vermont residents were surveyed, of which 163 indicated owning firearms.

The survey sample represented the demographics of Vermont well on all dimensions except

gender, as women were overrepresented and comprised 65.2% of respondents. Thus, weights

were employed for gender.

With weighting employed, we find that 30% of Vermont residents own a firearm. Given

that the adult population of Vermont is approximately 486,000, this suggest that there are

over 145,600 firearms owners in Vermont. 42.1% of Vermont firearms owners are estimated

to be female and 57.9% male.

As Figure 10 illustrates, almost a third of gun owners (29.3%) reported having used

a firearm to defend themselves or their property (not counting incidents that were due to

military service, police work, or work as a security guard). In nearly half of these defensive

gun uses (45.9%), respondents reported facing multiple assailants. 85.8% of all incidents

were resolved without the firearm owner having to fire a shot (e.g. by simply showing a

firearm or verbally threatening to use it).

Figure 10: Proportion of gun owners in Vermont who have use a firearm in self-defense and

number of assailants involved.

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Appendix B: Sampling Proportions With and Without Weights for National Survey

Gender

Initial Sample Proportions

Census Based Weighted Proportions

Male 49.32% 49.23%

Female 50.68% 50.77%

Age Range

Initial Sample Proportions

Census Based Weighted Proportions

18-20 7.89% 5.04%

21-25 8.11% 8.58%

26-30 7.30% 9.24%

31-35	11.67%	8.67%
36-40	12.66%	8.44%
41-45	8.49%	7.70%
46-50	6.46%	8.09%
51-55	6.37%	8.13%
56-60	7.39%	8.52%
61-65	7.67%	7.87%
66-70	8.03%	6.59%
71-75	5.07%	5.13%
76-80	1.94%	3.50%
Over 80	0.93%	4.49%

Electronic copy available at: https://ssrn.com/abstract=3887145

Annual Household Income	Initial Sample Proportions	Census Based Weighted Proportions
Less than $10,000	8.87%	3.40%
$10,000-20,000	8.95%	4.89%
$20,000-30,000	9.69%	6.26%

$30,000-40,000	8.78%	7.06%
$40,000-50,000	7.44%	7.21%
$50,000-60,000	7.72%	6.96%
$60,000-70,000	6.00%	6.96%
$70,000-80,000	6.37%	6.37%
$80,000-90,000	4.51%	5.76%
$90,000-100,000	5.89%	5.76%
$100,000-150,000	17.67%	19.11%
Over $150,000	8.12%	20.23%

Electronic copy available at: https://ssrn.com/abstract=3887145

State of Residence	Initial Sample Proportions	Census Based Weighted Proportions
Alabama	1.83%	1.52%
Alaska	0.39%	0.22%
Arizona	2.10%	2.16%
Arkansas	1.10%	0.91%
California	9.75%	11.95%
Colorado	1.59%	1.75%

Connecticut 1.23% 1.09%

Delaware 0.56% 0.30%

District of Columbia 0.27% 0.21%

Florida 7.29% 6.51%

Georgia 3.67% 3.24%

Hawaii 0.36% 0.44%

Idaho 0.44% 0.56%

Illinois 4.14% 3.87%

Indiana 2.13% 2.05%

Iowa 0.91% 0.96%

Kansas 0.92% 0.89%

Kentucky 1.61% 1.36%

Louisiana 1.23% 1.41%

Maine 0.51% 0.41%

Maryland 1.67% 1.87%

Massachusetts 1.88% 2.13%

Michigan 3.21% 3.05%

Minnesota 1.36% 1.73%

Mississippi 0.83% 0.90%

Missouri 1.93% 1.86%

Montana 0.25% 0.33%

Nebraska 0.53% 0.59%

Nevada 0.90% 0.94%

New Hampshire 0.40% 0.42%

New Jersey 2.97% 2.81%

New Mexico 0.36% 0.64%

New York 8.09% 6.11%

North Carolina 3.18% 3.16%

North Dakota	0.13%	0.24%
Ohio	4.13%	3.57%
Oklahoma	1.32%	1.20%
Oregon	1.05%	1.28%
Pennsylvania	4.30%	3.93%
Rhode Island	0.33%	0.33%
South Carolina	1.68%	1.55%
South Dakota	0.48%	0.27%
Tennessee	2.18%	2.09%
Texas	6.91%	8.81%
Utah	0.56%	0.99%
Virginia	2.43%	2.61%
Washington	2.03%	2.33%
West Virginia	0.71%	0.54%
Wisconsin	1.83%	1.78%
Wyoming	0.32%	0.17%

Electronic copy available at: https://ssrn.com/abstract=3887145

Race

Initial Sample

Proportions

Census Based

Weighted Proportions

White 81.26% 76.30%

Black 9.85% 13.40%

Asian 3.98% 5.90%

Native American 2.19% 1.30%

Pacific Islander 0.49% 0.20%

Other 2.22% 2.90%

Electronic copy available at: https://ssrn.com/abstract=3887145

oppose SB0001 .pdf
Uploaded by: Michelle Klein
Position: UNF

I respectfully request you vote to **oppose** on my behalf on bill SB0001. My name is Michelle Klein, and I am a mom, woman of color, small business owner, licensed pistol instructor who volunteers, and a woman's shooting chapter co-leader in Maryland. I am writing to you today through the lens of all these, but especially as a **woman of color small business owner**.

Many years ago I applied for a concealed carry permit through Maryland State Police so that I could conceal carry while doing business. I stand only 5 foot 3 inches, am middle aged and a woman of color in an…. Interesting time. You see, I once called 911 and had to wait 20 minutes for assistance. 20 very long, scary and dangerous minutes. I vowed after that to learn all I could so that I could protect my life should I ever need to wait long and scary minutes again. With all respect, no mom, no woman should sit in fear for their lives waiting for help.

You see, every item in this bill will prohibit my ability to utilize the permit my state has thought, for years, was perfectly fine considering my background check, references and training requirements. This bill puts my life at risk. My life - mom, woman of color, small business owner - me - the woman in this picture. This person!

It scares me to my core to think that my ability to protect my life and spouse while doing business is in jeopardy. Please, take a good hard look at my picture here. Please know that there are thousands of women just like me who please with you to not take our ability to protect our lives away from us.

On behalf of those of us who own business, treat all around us with kindness and grace, but never again want to wait in fear… I beg you to oppose these bills.

sb1.pdf
Uploaded by: Mike Zaloudek
Position: UNF

I am opposed to SB0001 This is an attempt to infringe on a constitutional right. This will be found unconstitutional in the courts. I should have a right to defend myself and my family wherever I can freely travel and this infringes on where I can travel. On it's face it is a violation of the constitution, but why is this even being proposed? Was there a sudden surge of crime from law abiding citizens? THis law will only make the law abiding more vulnerable to the criminals. Vote Unfavorable

Mike Zaloudek
Severna Park, MD

SB0001 Written Testimony Final.pdf
Uploaded by: Natasha Khalfani
Position: UNF

NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 0001 Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 02/06/2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 001.

Senate Bill SB001 makes it illegal for a person to knowingly wear, carry or transport a firearm onto the real property of another unless the other has given express permission, either to the person or to the public generally to wear, carry or transport a firearm on the real property. Violation of this bill carries a penalty of one year in prison.

There are a number of problems with this bill. First, increased criminal penalties and the creation of additional crimes in response to any problem does not work. Increase penalties does not deter unlawful behavior especially when the commission of such acts are rooted in issues of poverty, mental illness and substance use disorder.

As is often the case with laws that increase penalties, especially where the enforcement of gun regulations and drugs are concerned, SB 0001 will disproportionately impact black and Latinx populations. In Montgomery County alone, attorneys are seeing a huge increase in the racial disparity in the charging of "non- use" gun crimes. In the words of one attorney in our office, "Pretty much every person being charged with a non- use gun crime is black. And if they are not black, they are Latino."

While we know that this law will disproportionately impact black and Latinx communities in terms of who will be charged and prosecuted for these crimes, we also understand that Senate Bill 0001 will only create an increase in the number of people who will be exposed to having criminal charges brought against them. In places like the Western MD (Allegany and Garrett) region because a large portion of people there hunt, they drive to state game lands, to other peoples' property to hunt, they may stop at a restaurant, at a person's house, or at a store like Lowes or Walmart on their way to or on their way back from hunting. This bill would allow such citizens who are lawfully carrying and transporting firearms to be charged

under this new law in those circumstances. As stated by another attorney who practices in Western Maryland, “Basically they could charge half the people in Denny's with rifles in their trucks during hunting season.” This would also be true for places like the Rockville Town Center and Downtown Silver Spring. While these spaces are not commonly known for instances of gun violence, licensed gun carriers who lawfully carry concealed weapons, no doubt visit these establishments and would thereby be at risk of being arrested and convicted to one year in prison for violating the law under Senate Bill 0001. Even further, this bill would also expose various delivery persons (i.e. DoorDash, Uber/ Lyft, Amazon, etc.) who may carry guns for protection while doing their jobs to criminal charges under this law.

This bill appears to be a response to the Supreme Court’s decision in New York State Rifle and Pistol Association verses Bruen, and the resulting increase in applications for gun permits. If this is the case, the appropriate response to issues of increased gun permitting and exercise of the Second Amendment is to attach gun regulations for lawful wearing, carrying and transporting to the gun license itself thereby creating civil penalties instead of criminal ones. This means, for any new regulations, the penalties should impact the violator’s ability to maintain his permit or license and not result in a criminal conviction.

The creation of new crimes and increased penalties is not effective in addressing issues surrounding guns. Legislative proposals of this magnitude should be supported by research and data to demonstrate and support passage of laws and policy in a direction that will positively impact crime and reduce recidivism. Simply putting forth statistics outlining the problem does not suffice for providing evidence of data proven solutions.

While this bill is purported by its proponents to be a “common sense” measure to combat crime, not a single bill proponent has put forth any empirical data or evidence to show that enhancing criminal penalties and increasing lengths of incarceration significantly deters or reduces crime. **Rather, research and data show the opposite, that harsh criminal penalties do not deter crime or prevent recidivism**. Tough on crime policies do not make our communities safer because they are proven to increase rates of recidivism and the commission of violent crimes.

Crime policies like SB 0001 fail to understand that safety is inextricably intertwined with equity and economic opportunity. Investing in and expanding opportunities for Maryland’s communities is a smarter way to address public safety. Instead of attempting to resolve a complex problem with a simple yet costly solution of expanding prison populations, a more thoughtful and comprehensive effort should entail the following: adequate and equitable funding for schools; fair and affordable housing opportunities; employment opportunities for Marylanders returning from incarceration; and investment in community-based crime-intervention programs, which really work.

While the list is not exhaustive on research and data demonstrating the deleterious effects of mass incarceration and “tough on crime” policies on increased recidivism, a limited list of additional resources supporting real efforts to reduce recidivism is provided below.

Maryland Office of the Public Defender, Government Relations Division, 45 Calvert St, Suite 108, Annapolis MD 21401
For further information please contact Krystal Williams, krystal.williams@maryland.gov 443-908-0241;
Elizabeth Hilliard, Elizabeth.hilliard@maryland.gov 443-507-8414.

Final Report of the Maryland Justice Reinvestment Coordinating Council, December 2015 https://goccp.maryland.gov/jrcc/documents/jrcc-final-report.pdf

Winnable criminal justice reforms in 2022 by Naila Awan, A Prison Initiative Report, December 2021 https://www.prisonpolicy.org/reports/winnable2022.html

States of Incarceration: The Global Context 2021, A Prison Initiative Report by Emily Widra and Tiana Herring, September 2021 https://www.prisonpolicy.org/global/2021.html

Arrest, Release, Repeat: How police and jails are misused to respond to social problems, A Prison Initiative Report, by Alexi Jones and Wendy Sawyer, August 2019 https://www.prisonpolicy.org/reports/repeatarrests.html

Era of Mass Expansion: Why State Officials Should Fight Jail Growth, A Prison Initiative Report, by Joshua Aiken, May 31, 2017 https://www.prisonpolicy.org/reports/jailsovertime.html

Sentencing Laws and How They Contribute to Mass Incarceration, To fight for fairer sentencing, we first need to understand how the system works by James Cullen, October 5, 2018 https://www.brennancenter.org/our-work/analysis-opinion/sentencing-laws-and-how-they-contribute-mass-incarceration

Long-Term Sentences: Time to Reconsider the Scale of Punishment, The Sentencing Project by Marc Mauer, November 5, 2018 https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scale-punishment/

Criminal Justice Solutions: Model State Legislation, The Brennan Center, December 20, 2018 https://www.brennancenter.org/our-work/policy-solutions/criminal-justice-solutions-model-state-legislation

Smart, Safe, and Fair II: Creating Effective Systems to Work with Youth Involved in Violent Behavior, Justice Policy Institute, November 18, 2021 https://justicepolicy.org/wp-content/uploads/2021/09/child_not_the_charge_report5.26.pdf

***Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland*, Justice Policy Institute**, November 6, 2019 https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf

The Ungers, 5 Years and Counting: A Case Study in Safely Reducing Long Prison Terms and Saving Taxpayer Dollars, Justice Policy Institute, November 15, 2018

Maryland Office of the Public Defender, Government Relations Division, 45 Calvert St, Suite 108, Annapolis MD 21401
For further information please contact Krystal Williams, krystal.williams@maryland.gov 443-908-0241;
Elizabeth Hilliard, Elizabeth.hilliard@maryland.gov 443-507-8414.

https://justicepolicy.org/wp-content/uploads/2021/06/The_Ungers_5_Years_and_Counting.pdf

Maryland Justice Reinvestment Act: One Year Later, Justice Policy Institute, October 31, 2018
https://justicepolicy.org/research/policy-briefs-2018-maryland-justice-reinvestment-act-one-year-later/

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 0001.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Natasha Khalfani (301) 580-3786

Maryland Office of the Public Defender, Government Relations Division, 45 Calvert St, Suite 108, Annapolis MD 21401
For further information please contact Krystal Williams, krystal.williams@maryland.gov 443-908-0241;
Elizabeth Hilliard, Elizabeth.hilliard@maryland.gov 443-507-8414.

SB1 Testimony.pdf
Uploaded by: Nathaniel Lohrmann
Position: UNF

Dear Delegates,
Thank you for providing this opportunity for me to express my opposition to SB1. As a law-abiding citizen who is employed in the field of Financial Compliance (hence, I have an understanding of how legislation affects the day to day operations of citizens), I believe this bill would do nothing to deter the actions of violent criminals. It would serve only to decimate the rights of law-abiding citizens to protect themselves and their families from violent criminals. Law-abiding citizens must already attend 20 hours of training, pass a shooting qualification (demonstrating safe-handling and proficiency with a handgun), submit fingerprints to the Maryland State Police for a full background check, and certify (under penalty of perjury) that they are eligible under current state law to own a firearm. These are not the citizens who are committing violent crimes.

Violent crime occurs in every location that SB1 would prohibit the legal wear/carry of a handgun for personal protection. This bill would restrict a citizen's ability to defend themselves with a firearm to their home, or another home where they have received permission to carry their firearm. The bill would essentially condemn citizens to face armed criminals with their hands. It would sentence citizens to enduring grave bodily harm. Even to death.

I choose to believe that it is not your goal to endanger your law-abiding citizens. I choose to believe that your intention is to try and reduce crime by passing legislation. Unfortunately, the definition of a "criminal" is "someone who doesn't obey the law." These laws will not deter violent criminals from using firearms. They will only stop law-abiding citizens from having the ability to defend themselves with the same force that violent criminals are using to inflict violence and terror on civilians.

I have experienced two situations where I could only wish that I was allowed to have a firearm on my person. The first was at my workplace. There was an accidental triggering of the "Active Shooter Alert." All associates (~3,000 people) were notified on their computer screens that there was an "active shooter" on our campus and that it was not a drill. We were instructed not to try and leave the building, but to hide in conference rooms or offices (which have see-through glass walls). I watched as associates hid under their desks, crying and trying to call their families to say that they may never see them again. Our building has unarmed security guards. I felt a sense of complete helplessness wash over me as I clutched my two, glass "coach of the quarter" awards that I intended to throw at the shooter if they came onto my floor of the building. After a terrifying 30 minutes, we were informed that there was no active shooter and the alert was triggered by accident. The second incident was at the church that my family attends. During a time of prayer, where the Minister's eyes were closed, a tall man wearing sunglasses and a trench coat with the insignia of a motorcycle gang walked slowly to the front of the church. There had been no alter-call and there was no reason for anyone to walk to the front. He became agitated and began flailing his arms when the minister failed to notice him. I looked towards the off-duty police officer who was working armed security for the church. He was staring down at his phone. He hadn't even noticed what was transpiring. As I stood there, defenseless and praying that the man did not begin a violent attack, I realized that if the man were to turn produce a weapon, he would have been able to harm or end a lot of lives before the officer would have been able drop his phone, unholster his firearm find a safe location to return fire and stop the threat. Were the man to have produced a weapon, a legally armed parishioner who was facing the man would have been in a much more advantageous position (close to the front of the church, with no innocent bystanders in the way) to stop the threat without harming innocent people. Thankfully, two of the church elders approached the man and led him to another area of the church to offer him counsel and aid. It turned out the man was drunk and distressed, but not intent on attacking anyone.

I am grateful that neither of these instances required me to use force to defend my life and the lives of my family or my work and church families. As a Wear & Carry permit holder, I have no

desire or interest in ever having to draw my firearm. However, both of those situations served to teach me. They taught me that the only person who is immediately capable of countering a violent criminal who is using a firearm is the individual who is there and is able to use the same force that the criminal has chosen to use.

My final concern with this bill is that it will destroy the ability of women to have access to life-saving force. As a firearms instructor, I frequently encounter biological female students who express that they live in some form of fear at all times. Many of them are significantly smaller than most males. They live in fear that with only their larger size, higher bone density and higher muscle mass, a predatory male (with or without a firearm) could inflict severe bodily harm or even death on them. My wife is one such small woman who is living with stage 4 breast cancer. She has indicated that she wants to obtain her Wear & Carry permit because she lives with persistent fear of being attacked, raped, abducted or killed by a predatory male. She does not like firearms and wants nothing to do with them, however, even though I have my Wear & Carry permit, she knows that I cannot be physically present with her at all times. I have a full time job that requires me to be in the office several days of the week. She knows that if she is attacked, she does not have the physical strength to fend off even a small male. She needs a force multiplier to increase her chances of escaping such an attack. SB1 would leave her nearly defenseless as she tries to go about her day.

Please don't force your citizens to become helpless victims of violent crime. Law-abiding citizens who have gone through the training and background checks to obtain their Wear & Carry permits are not the people who are committing crimes. In the classes that I have taught, no student has ever expressed a desire to use their firearm for anything other than going to the range, hunting or competitive shooting events. They certainly do not want to every have to use them for self defense. They only want to protect themselves, their families and other innocent by-standers if confronted by a criminal with a firearm. Please do the right thing and reject SB1. Please focus your efforts on legislation that will keep violent criminals off the streets and will add additional penalties to anyone who uses a firearm in a criminal manner.

Thank you for hearing my testimony.
Best Regards,

Nathaniel Lohrmann

Oppose SB-1.pdf
Uploaded by: Nicholas Andraka
Position: UNF

I oppose SB-1

Maryland has had zero crime problems with citizens that that legally exercise their right to carry a firearm. Maryland has a huge problem with repeat, violent felons using firearms in commission of crimes.

This bill would restrict citizens who LEGALLY carry a firearm from carrying almost everywhere.

This bill does NOTHING to address the problem of violence with firearms by those who are committing those crimes,, NOTHING.

NO one has been able to articulate how restricting Maryland's legal gun owners will reduce "gun crimes",, Because it does not.

For those simple reasons I oppose SB-1

Nicholas Andraka
5725 Saint Johns Chapel Rd
Owings, MD 20736

SB001_Nicholas_DeTello.pdf
Uploaded by: Nicholas DeTello
Position: UNF

Nicholas DeTello

SB001 - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Unfavorable

2/6/2023

A storm is a-Bruening; Marylanders can now safely apply for a Maryland carry permit without fear of being denied due to Police Discretion. Marylanders are all too familiar with how Police are unfair arbiters when it comes to administering laws due to Bias in race, color, age, sex, gender, nationality, disability, and religion. Regardless of the MGA's stance on the Bruen decision, it cannot be denied that Bruen has fixed a much-broken part of our legal system depending solely on the same law enforcement that MD lawmakers are already trying desperately to reform. Please do not let this opportunity of equality go to waste by passing this bill into law; SB001 restricts the freedoms of Marylanders who need their right to self-defense the most.

As one of your Maryland constituents I too have been under the impression that I could be denied - forfeiting an investment in firearms training, passport ID, electronic fingerprints, and application fee. I consider myself to be fortunate enough to have a privileged lifestyle; how do you think MD law has impacted those who find themselves much less fortunate than I? None of the above strict MD requirements I listed changed at all, and law enforcement will still catch applicants who legally cannot carry a firearm regardless. SB001 is an over-reaction with a solution to a problem that doesn't exist.

Adding additional legal barriers to entry will only incentivize the previous status-quo; Marylanders in life-threatening scenarios will have to choose between being unarmed or carrying a firearm illegally. SB001 only creates new problems; we should be fixing real problems, such as criminalizing the theft of a firearm.

For these reasons I urge an unfavorable report of Senate Bill 001.

Nicholas DeTello
District 44B
ndetello@hotmail.com

SB1 Testimony PDF.pdf
Uploaded by: Noah Sann
Position: UNF

Judicial Proceedings Committee
Noah Sann
February 6th, 2023
Testimony in opposition of SB1

Members of the committee,

I am a 22-year-old resident of Baltimore City urging your opposition to this bill for the following reasons.

I have been carrying a firearm in public areas since 2021 with a Maryland wear and carry permit. My ability to lawfully carry my firearm for self-defense has been used to helped myself and others avoid injury from violent attacks on multiple occasions. The passing of this bill would severely restrict my ability to defend against certain kinds of violence that occurs in my community daily by forcing me to leave my firearm locked in my vehicle or home, and not on my person ready to be used in defense.

This bill does not work to stop the robberies and shootings in my community. These are largely committed by people who do not possess wear and carry permits. While this is not the focus of this bill, I think that the legislature's efforts should focus more on crime instead of restricting where people can lawfully carry firearms. I have seen time and time again people ignore gun laws to illegally acquire guns and use them to commit violent crimes, and this bill would only impact those in my community who follow the law by getting permits to carry.

There are also frequent vehicle break-ins where I live and in areas I go to frequently. If this bill were to be passed into law, more firearms would have to be locked up in cars while people go into certain areas of the community. This creates a risk of having more guns get stolen and passed around in the streets.

Due to these reasons, I urge your opposition to SB1. Thank you for your consideration.

Noah Sann
443-631-6151

MTA Unfavorable SB1 2-7-23.pdf
Uploaded by: P.J. Hogan
Position: UNF

Maryland Troopers Association

INCORPORATED 1979

February 7, 2023

The Honorable Will Smith, Chair and Members of the Judicial Proceedings Committee

RE: **SB 1 - Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)**
POSITION: OPPOSE

The Maryland Troopers Association (MTA) opposes SB 1, the Gun Safety Act of 2023.

Based on the bill language, every law enforcement officer, legal concealed carry holder, and law abiding hunter would be in violation of this law, when legally carrying.

Under this law, those who are legally allowed to carry, including law enforcement officers and legal citizens, would not be allowed to patronize convenience stores, gas stations, hotels, department stores, and so much more. They would be violating the law, just by traveling throughout the state.

We understand that the Sponsor of this legislation will be offering amendments to significantly alter this bill and provide for certain exemptions. We look forward to reviewing those amendments but at this time with SB1 as introduced the MTA requests an unfavorable report of SB 1.

Brian Blubaugh
President
Maryland Troopers Association

SB0001 Written Testimony 2-7-23.pdf
Uploaded by: Paige Burns
Position: UNF

SB0001 “Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023)
Position – Unfavorable
Paige Burns
3032 Eutaw Forest Drive, Waldorf, MD 20603
February 7, 2023

This letter is written in opposition to SB0001. As American citizens the Constitution protects our right to bear arms. Maryland law currently restricts gun owners significantly. Those who possess a Wear and Carry Permit obtained it by paying fees, being fingerprinted and background checked and completing the required training, which includes an emphasis on safety. Anyone with a permit has been certified by an instructor as competent to safely use and carry a firearm. Many people applied for and received a permit by meeting the requirement of citing a good and substantial reason to carry a firearm.

In seeking to enact this law, you are not only creating multiple difficulties for those who lawfully carry firearms; you are also putting their lives at risk. To be prohibited from carrying a firearm within any of the noted places would necessarily require an ever-changing map of restricted areas, creating a navigational labyrinth.

When in daily transit, those who lawfully carry firearms are often required to make decisions regarding safe storage within a vehicle, due to unplanned circumstances, emergency stops and the like; all governed by various complicated laws and restrictions open to interpretation that cause great difficulty for those trying wholeheartedly to follow the law. Firearms are much safer when carried by a person with a permit rather than left locked in a vehicle which could be burglarized.

This bill is unnecessary and would negatively impact law abiding citizens. Are the lives of those who ignore the law more important than those who continually abide by it? People with nefarious intent are not concerned about the laws at all. If someone is determined to commit a violent act (which is itself illegal, unless done for the purposes of self-defense) they will not be deterred from criminal behavior by this law. I would argue that any place is safer, in general, when permit holders are present with firearms. The more places advertised as “gun free zones,” the more targets created for those wishing to do harm. Most lawfully armed citizens, when put in harm’s way by a criminal, would protect themselves, their families and anyone else in the vicinity.

Violence, in any form, is not stopped by creating layers of mindless, unenforceable laws. Evil actions emanate from people’s hearts, hence the need for firearm possession for purposes of protection. Firearms are called “great equalizers” for a reason. Many people, including myself, may not have the ability to defend themselves by physically fighting someone or running away, but with a firearm we stand a fighting chance. Danger abounds; Instead of being passive, I have chosen readiness and action. Stop trying to disarm law abiding citizens. Focus on catching, punishing and rehabilitating criminals and better yet, finding ways to help people avoid that path altogether.

SB-1 PRESS RELEASE 01.13.23.pdf
Uploaded by: Patricia Fallon
Position: UNF

Baltimore County Republican Party

Baltimore County Republican Party Opposes Senate Bill 1

FOR IMMEDIATE RELEASE

January 13, 2023

Contact: Patricia Fallon

Chairman

hanoverpf@comcast.net

410-429-6005

Baltimore, Maryland - The Baltimore County GOP strongly opposes Senate Bill 1. This bill takes away the 2nd Amendment rights of law-abiding citizens, particularly those who have undergone background investigations, extensive training, and have been approved by the Maryland State Police to carry a firearm.

The Baltimore area is experiencing an historic increase in crime along with a critical shortage of police officers due to the "Police Reform" legislation. SB-1 basically removes the Constitutional right of self-protection for law-abiding citizens in an increasingly crime-ridden environment.

We urge the Maryland legislature to refrain from moving this bill forward.

###

Authority: Baltimore County Republican Party;
K. Olkowski, Treasurer
www.baltimorecountygop.com

SB0001 testimony - Greenbeck_Paul.pdf
Uploaded by: Paul Greenbeck
Position: UNF

My name is Paul Greenbeck, I am 60 years old and live in Parkville Maryland. I am **opposed** to SB1 because the bill does nothing to deter crime or provide safety to the citizens of Maryland or the visitors to Maryland. SB1 seems to be based on fear, and not fact. Fear is a powerful persuasion. It builds emotion and feelings that tend to cause people to make rash judgments. But feelings and emotions are not truths. Truths are based on facts, and the facts provide context and clarity.

Unfortunately, the facts do not support or defend SB1. The simple facts are:

- Crime is up in Maryland and continues to increase. Baltimore County Fraternal Order of Police reported assaults up from 5,191 to 5,857, thefts up from 5,512 to 6,167. Crime is up where I make my home, where I work, where I worship, where my children go to school, where I shop, where I eat and where I go for entertainment.
- Police Departments across the State of Maryland are facing record shortages of Police Officers. They are facing great difficulty in retaining and recruiting Police Officers.
- Police will freely admit they cannot be everywhere, all the time. And now there are significantly less Police to safeguard everyone.
- The vast majority of guns used in crimes are not legally purchased or carried by the criminal.
- SB1 is not fiscally responsible. Similar legislation has been passed in other States, such as New Jersey and New York, and has been legally challenged and temporarily blocked by lawsuits. Why incur such costs knowing there will be legal challenges? Surely the State of Maryland has more important issues to defend.

SB1 does not reduce crime, increase the number of Police, protect me or my family and is costly to the citizens of Maryland. SB1 restricts the freedom of Marylanders like me who have taken the time and demonstrated the responsibility to obtain a permit to legally carry a concealed weapon.

(continued on page 2)

Again, the facts are simple. CCW permit holders:

- Have not been convicted of a felony or a misdemeanor or served more than 2 years incarceration.
- Have not been convicted of a crime involving CDS.
- Are not an alcoholic, addict or habitual users of CDS.
- Do not exhibit a propensity for violence.
- Have completed an approved firearms training course consisting of 16 hours of instruction on State firearm law, home firearm safety, handgun mechanisms and operation.
- Have demonstrated gun safety and proficiency.
- Have submitted a written application containing work and personal references.
- Have been fingerprinted and background checked by the Maryland State Police

SB1 restricts the law-abiding Marylanders that have completed a lengthy, costly and demanding process to obtain a CCW permit. It does not address the criminal element that unlawfully uses firearms in the commission of crime and will not abide by this legislation if passed and ratified into law.

Simply stated, SB1 will not allow me to protect myself or my family in the public places I go even though the United States Constitution provides me the right and I have completed the necessary requirements to legally carry a concealed weapon in Maryland.

I strongly urge you to vote against SB1!

Senate Hearing.pdf
Uploaded by: Randall Morris
Position: UNF

SB1 Restricting Wear and Carry

I am not in favor of this bill as it is unconstitutional to it's core and goes against everything that came out of the Bruen Case heard before the Supreme Court.

SB86 Restricting Adults from 18 to under 20

I am not in favor of this bill, this bill is so clearly unconstitutional and an intentional violation of the rights of adults 18 to 20 years ago in that it totally denies them the right to buy any firearm to protect themselves, their families and ability to obtain food through lawful hunting. This bill would not even be before this committee if it took away their right to vote and I want this committee to think about this bill if it were, because it is taking away a Constitutional Right

SB113

I am not in favor of this bill, this bill is absurd and would force FFL dealers to shutdown or have to pay ridiculous insurance that would be passed onto lawful customers. It would seem that the intent of this bill is only to such that.
Would this committee even consider this bill if it was holding car companies, car dealerships and car salesman accountable if a buyer got into an accident intentionally or not.

SB118

I am not in favor of this bill, those that carry legally should not be restricted to what places of business or homes that don't like firearms, the permit holder should be under no obligation to inform anyone of the general public of wether or not they are carrying, nor should any anti-2nd Amendment Policy be enforced by State Law that would clearly be unconstitutional as per the Bruen case heard before the Supreme Court.

SB 185
Unfavourable as it was just found to be unconstitutional

SB0001 Wearing, Carrying, or Transporting Firearms

Uploaded by: Randolph Sena

Position: UNF

February 1, 2023
Randolph Sena
Hughesville Maryland 20637

To: Maryland General Assembly

Subject: SB0001 Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

As State legislator you should not have an interest in creating or enforcing unconstitutional laws. As elected officials you swore or affirmed in an oath of office that you will support the US Constitution In accordance with MD Constitution Article 1 section 9, and under penalties of section 11. For any person violating said oath.

Maryland's declaration of rights, article 2 establishes the US constitution as the Supreme Law of the State; that all the People of this State, are, and shall be bound thereby. This includes the Second amendment, "the right of the people to keep and bear Arms, shall not be infringed."

The US constitution clearly acknowledges under the second amendment the people retain the right to keep and bear Arms, It further limits the government's power by stating "shall not be infringed." The 14th amendment states, "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." Under this amendment the States clearly cannot abridge our inalienable rights.

The support of the US Constitution is not discretional, to do so just leads to litigation and unwarranted cost to taxpayers; it leads to an erosion of the foundation of this state and county's governing principles.

SB0001 does not defend or support our Second amendment rights; it merely infringes upon them under pain of criminal prosecution. It shows a willful overreach of those sponsoring SB0001 and the disregard for the second and

14th amendment, Maryland’s declaration of rights, article 2 and MD Constitution Article 1 section 9.it is not a gun safety act but as stated in its title” Wearing, Carrying, or Transporting Firearms – Restrictions” Act.

I'm calling on this legislative body to hold true to your oath of office and demonstrate your support of our rights, and the US and Maryland’s Constitution by vacating this bill and any bill infringing on our Constitutional rights.

If you cannot defend ALL our Constitutional rights under the oath you have taken, then I respectfully request you stepdown from your position.

Sincerely,

Randolph Sena

Written testimony of Rashonda Stansbury-Beck SB000

Uploaded by: Rashonda Stansbury-Beck
Position: UNF

Written testimony of Rashonda Stansbury-Beck in opposition of SB0001 and SB0118

My name is Rashonda Stansbury-Beck, born and raised in Annapolis, Md in the Broadneck Peninsula. I'm a God fearing, married mother of five. I spend my days homeschooling three of my children, and my evenings tutoring other children in the county. I'm a member of the Annapolis Alumnae Chapter of Delta Sigma Theta Sorority Inc., and spend countless hours serving our community. I'm also a member of the Annapolis Chapter of NAAGA, the National African American Gun Association.

In addition to all of that and so much more, I'm a law-abiding citizen who has gone through the proper background check, fingerprinting process and training to obtain a legal carry license in Maryland and Pennsylvania. I continue to physically train and educate myself as well as my children about firearm safety. My husband works out of town and the majority of my days and nights are spent alone with our children. Seven days a week, we are traveling around Maryland whether it be errands or even more so dropping off and picking up my children for all of their sports and community involvements. Day in and day out, our immediate protection starts with me. If we are ever faced with danger, I am the first responder while we wait for the police to arrive. It is up to me to make sure my family feels safe. It is up to you to make sure that I am able to feel safe. Making it impossible to carry my tool on my person wherever I go, is the exact way you would make this tax paying, law abiding citizen feel unsafe. Passing these bills would make the law-abiding citizens the criminals simply because we want to be safe and have the means to protect ourselves and our families. Unfortunately, the criminals that are out every day to harm the good citizens of Maryland will still be carrying their illegal firearms regardless if this bill is passed. Those criminals would love for this bill to pass, as they would know their target cannot protect themselves and allow them to easily carry out their crime.

Almost everywhere one travels, they would be within 100 feet of the restricted place of public accommodation. Thus, making the law-abiding citizen a criminal. Having to obtain permission to conceal and/or carry their legal firearm on private property completely defeats the purpose of being able to wear and carry. Anyone for these bills should be ashamed of themselves for trying to find a way to go against the Constitution. Adding the proposed additional restrictions on us responsible gun owners would only jeopardize our Constitutional Right to bear arms and the ability to defend ourselves. It only penalizes the citizens who have been following the law. Disarming me will not protect me and my family.

I am against SB0001 and SB0118 as they both would hinder my ability to feel safe, to defend myself and my family. I strongly urge the committee to vote against SB0001 and SB0118.

Respectfully,

Rashonda Stansbury-Beck
161 Browns Woods Rd
Annapolis, MD 21409

Testimony SB0001.pdf
Uploaded by: Richard Rosa
Position: UNF

After decades of waiting, last summer the Supreme Court (Bruen case) finally confirmed that Maryland residents have a constitutional right to carry firearms outside the home for self defense. The Supreme Court confirmed that the Maryland "may issue" rules to acquire a handgun permit were unconstitutional (as they directly mimicked the New York laws challenged in the Bruen case).
SB0001 is an unconstitutional back-door attack on the Supreme Court decision that basically eliminates the capability of valid handgun permit holders to exercise their 2nd amendment rights. It nullifies the Maryland handgun permits that law abiding citizens have waited decades for.

For example, if a Maryland handgun permit holder is carrying a handgun outside of his home, where will the holder be able to exercise his rights of self defense if SB0001 becomes law?
If this bill passes, the permit holder will not be able to carry in any public accommodation or private property unless the owner's of these properties gives specific written approval. I would argue that when a person leaves their home, they are normally traveling to a private or public accommodation. So again without written permission, the permit is invalidated if this bill passes.

When traveling down a roadway, there are many places of public accommodation that are within 100 feet of the roadway. So if this bill passes, the permit holder would not even be able to legally drive by the public accommodation while exercising their 2nd amendment rignts.

Would Maryland residents want their Freedom of Speech, or Freedom of Religion, to be restricted on private property or within 100 feet of a public accommodation? They should not.

If this unconstitutional bill becomes law, it will be challenged in court, and Maryland resident's tax dollars should not be wasted in defending this bill/law.

SB101_Testimony.pdf
Uploaded by: Rodney Cobb
Position: UNF

My name is Rodney Cobb, I am a lifelong voting Democrat, healthcare worker, husband and father to three sons. I am writing to speak against SB001 which will severely restrict Maryland residents who have obtained their wear and carry permits from the Maryland State Police. In Maryland we have allowed criminals to dictate policy regarding the regulation of firearms. We have combined our fight against illegal gun violence in our state and legal gun ownership into the same fight. I contend that we can fight against illegal gun violence and protect legal gun owners simultaneously. Gun violence is the enemy of us all and we are not on separate ends of the spectrum on this subject. Myself like many Marylanders support legislation directed at reducing gun violence, but this bill is not directed towards the criminal element. The target of this bill is squarely directed toward law abiding citizens who only want a peaceful community and will have no impact on the criminals who are the perpetrators of gun violence. For decades Maryland restricted wear and carry permits to business owners and the politically well connected, yet we still had am epidemic of gun violence. Further proof that restricting Marylanders from carrying firearms has no impact on gun violence. Law abiding citizens who choose to legally carry a firearm should have some restrictions as I concede this right is not absolute, but this bill essentially eliminates your ability to defend yourself nearly anyplace that you could possibly encounter the criminal element.

In 2013 the General Assembly passed the Firearms Safety Act. It was sold to us as a way to reduce gun violence. In the near decade since this legislation was passed, Maryland has only grown more dangerous. Gun violence and gun crimes have only increased. We can't legislate our way out of the epidemic of gun violence. Marylanders deserve to have the ability to defend ourselves against what is seemingly and daily barrage of gun violence. The police can't be omnipresent, so the responsibility falls on each of us to defend ourselves when possible against the criminal element.

Lastly in the Maryland General Assembly handbook issued to all state legislators under the Federal limitations section, it clearly says the state is specially prohibited from passing certain laws. They may not enact laws that impair the freedoms guaranteed in the Bill of Rights. Until recently what the Second amendment guaranteed was ambiguous and up for debate, but the US Supreme court recently clarified its position on the matter. In the 2022 Bruen v NY Rifle and Pistol association that went before the US Supreme Court, the court clarified that self defense is covered under the Second amendment. The majority opinion wrote that "respondents argument would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry firearms for self-defense". The decision goes on to say that "expanding the category of sensitive places to simply to all places of public congregation defines the category of sensitive places far to broadly". The current SB001 bill does exactly what the US Supreme Court says was unconstitutional. This decision is now the law of the land, and it is quite reprehensible that this General Assembly would attempt to craft legislation that not only defies the letter of the law but also the spirited intent of the law. Your own rules prohibit this piece of legislation from moving forward.

Rodney Cobb
Rodney_Cobb@outlook.com
410-419-2197
4 Morning Star Ct Baltimore, MD 21206

SB0001_Aughenbaugh.pdf
Uploaded by: Ron Aughenbaugh
Position: UNF

Senate Bill 0001
Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)
OPPOSE

Mr. Chairman and members of the Judicial Proceedings Committee,

I have thoroughly read the proposed bill.
Let us review a history of the most recent failed attempt on gun control.
Be reminded that FSA2013 did nothing to penalize criminals, it only made it more difficult for law abiding citizens to purchase a firearm.
Effects of FSA2013 Enacted Oct 1st, 2013

Year	2013*	2014*	2015*	2016	2017	2018	2019	2020
Firearms Homicides	309	290	442	402	441	452	514	529

Data taken from https://mdsp.maryland.gov
* Breakdown by weapon used not provided, however 2016-2020 78%-82% homicides were by firearm. Multiplied the total homicides by 0.80 to provide numbers for 2013-2015.

309 Firearm Homicides in 2013 to 529 Firearm Homicides in 2020 is a 71% increase.

Similar to FSA2013, SB0001 will be doing nothing to prevent a criminal from illegally carrying a firearm in a "safe" zone, but will prevent a Handgun Carry Permit holder from protecting him or herself in a "safe" zone, while providing the increased opportunity for theft of firearms from vehicles.

I OPPOSE SB0001. Vote **UNFAVORABLE** to this proposed bill.

Ronald Lee Aughenbaugh II (D, 7A)
6 Nickel Court
Middle River, Md. 21220
301-338-8300
02/04/2023

First I would like to thank our representatives fo

Uploaded by: RS Mitchell

Position: UNF

First I would like to thank our representatives for their service to the state. I am R.S. Mitchell . I have lived in Maryland for my entire live. My family has lived on the eastern shore of Maryland since the late 1700's. We have three businesses on the eastern shore and I am a lifetime Democrat. I also have a Maryland wear and carry permit.

I am here to ask you to oppose any more gun laws that affect law abiding citizens. Curtailing them does nothing to suppress gun violence since concealed carry holders have not been found to break the law.

I do believe that there should be mandatory sentencing for gun offenders and anyone who breaks the laws. To curtail where a wear and carry permit holder can carry,adding any more restrictions than already in place is nothing more than decimation. All you are doing is placing chains on a portion of the population that does no harm. Go after people who sell guns to criminals and go after the people who commit felonies and confiscate their guns but don't take away the rights of innocent citizens.

I thing you will find in the future that there are quite a few democrats that agree with me.

Sincerely

R.S. Mitchell

SB0001 Testimony Russell J Bohart 20230204.pdf
Uploaded by: Russell Bohart
Position: UNF

To Whom it May Concern:

I am Russell J Bohart, citizen of Baltimore County Maryland, and I am opposed to Senate Bill 1. It prevents me from exercising my right to protect and defend myself and my family. At the same time, it does not protect anyone else who chooses not to carry means to protect and defend themselves. This law only stands to make a law-abiding citizen a criminal, not because of any action against anyone else, but by exercising their right to defend themselves. We have data showing increases in mass shootings and the patterns they use. If enacted, this law would be in favor of the mass shooter.

The reason that I carry is so that I would be able to defend myself and my loved ones in places that are unsecured and provide exactly what a mass shooter needs to carry out his crime. FBI Statistics show that between 2017 and 2021, the number of mass shooting incidents has doubled from 31 to 61 in those years respectively. Data on past mass shootings show a pattern that the shooter plans for easy access, confinement of a large number of potential victims and time. Most of the places of public accommodation in this bill provide easy access, confinement, and a large number of potential victims. With this law enacted, mass shooters will know that those places must be gun free with no other means of security. This equals easier access and more time as there will be no resistance show to their use of force.

What is the purpose of this law? I don't see where it provides safety for the public nor any individual. It seems to assume that if it is illegal to carry a firearm into a public place, then mass shootings will stop. But the mass shooter by default doesn't care about the law. If he did, he wouldn't commit mass murder.

The crimes we see committed in the news are not by people who are legal concealed carry permit holders. Some are legal gun owners, but they have not been registered to carry their firearms. They certainly didn't need a carry permit to commit their heinous crime, nor would they care if there is a law in place preventing them from carrying into the locations where they killed so many. Once they have decided they are willing to commit a crime that brings a penalty of life in prison, it makes no sense they will care about a law that brings with it a significantly smaller penalty.

With the recent changes increasing carry permits, many have said that there will be more crimes of passion because the gun is already there. But the issues we have today are not crimes of passion. They are premeditated plans by a deranged person who wants to do as much harm to as many people as they can.

I would argue that we will not see crimes of passion amongst permit holders as we have a system that checks both criminal background and likelihood to commit violent crime in our application process. Maryland is one of the few states in the nation that puts so much effort into understanding what kind of person is applying for the permit. Many states require a quick background check, $50 and that's it.

Last year that was over 90,000 HGP applications for permit according to Maryland State Police. A majority of those were issued. This is over 10 times prior years. In this past year, we have not heard of one HGP holder who has committed a crime with their firearm. I am unaware of any permit holder who has committed a crime with their firearm in recent times.

I believe that there is a problem with shootings in our society and in our state. I believe that we need a solution. I believe that whether we take guns away from law abiding citizens or make laws restricting where they carry, the criminal minded will always have guns and will always carry them wherever they please.

Please do not put legal gun owners and permit holders at a disadvantage.

SB001 2023.pdf
Uploaded by: Sarah Flakowitz
Position: UNF

SB001 opposed (UNF)

Maryland Legislators,

"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." The second amendment of the U.S. Constitution clearly states "the right of the people to keep and bear arms, shall not be infringed." SB001 goes against the exact wording of the second amendment and infringes on the law-abiding citizens of Maryland. Not only does SB001 violate the second amendment it also eliminates the ability of self-defense. District of Colombia vs. Heller has already affirmed the second amendment not only established the right to bear arms, but also for self-defense.

Maryland is the 18th most dangerous state in North America. One of the most dangerous cities in the entire country is Baltimore City, MD. Police forces are short staffed, over worked, and under paid. Police cannot be everywhere at every moment. We all hear about the drug addict robbing stores, car jackings, sexual assaults, mass shootings... Who stops a mass shooter? A good guy with a gun. That "good guy" may be a law-abiding citizen with a CCW. How many people with a CCW illegally used a gun to commit a crime? None. If people with a CCW aren't using guns illegally why is this bill being proposed? What even caused this gun control measure to be discussed? Maryland citizens should not have to fear for their lives because they can no longer defend themselves against criminals. Vote no to SB001.

SB001 will take away the legal rights of law-abiding citizens. Criminals will always have guns. The issue at hand isn't law-abiding citizens protecting themselves and others from harm. The problem is the criminals that don't follow the law. If you want to decrease gun violence and not be the 18th most dangerous state the focus needs to be on

enforcement of the laws already in place. Stop letting repeat offenders off the hook. If you want to stop mass shootings let law-abiding citizens carry guns. Oppose SB001.

The MSP central records division does not contain crime statistics past 2020. I live in Worcester County. Rape has doubled from 2015 to 2020, robbery has increased, and aggravated assault has significantly increased. If you are a woman, it is scary to leave the house. My own child is fearful to go out after dark. I am a law-abiding citizen with a CCW. I take my 9mm everywhere I am legally allowed as I will protect my family and myself as is my God given right to do so. When leaving the house, I always tell my children not to worry because mom has her gun. I am setting an example to not leave in fear. You taking away the ability to carry protection only instills fear in Marylanders and allows crime and evil to prevail. Banning citizens of freely carrying firearms only causes crime to increase. Look at Chicago. Look at Washington D.C. Oppose SB001.

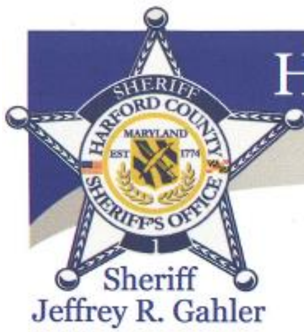
The founding fathers specifically wrote the second amendment to protect the citizens from government. As the government, you have a heavy burden to prove justification for attempting to take away God given rights stated in the U.S. constitution. That case has yet to be proven. We all know if you lose the second amendment you lose the first amendment. Stop infringing on our rights. Oppose SB001.

Thank you for your time.

Gratefully,

Sarah Flakowitz
16 Edgewood Drive
Berlin, MD 21811

SB 1 2023 Gahler (003).pdf
Uploaded by: Sheriff Jeff Gahler
Position: UNF



HARFORD COUNTY SHERIFF'S OFFICE

COURAGE HONOR INTEGRITY

Senate Bill 1 – Oppose

Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions

Letter of Opposition to the Senate Judicial Proceedings Committee

February 7, 2023

Mr. Chairman and Members of the Committee, I write today to oppose Senate Bill 1 as an overreaching and unconstitutional impediment on the rights of law-abiding citizens who went through the process and legally obtained a wear and carry permit in the State of Maryland.

As the elected Sheriff of Harford County with over 38 years of experience in law enforcement and public safety, I believe it is the right of all law-abiding citizens to own firearms and to be permitted to follow the legal process to obtain a wear and carry permit for their personal protection.

This legislation, as drafted, would make it nearly impossible for law abiding citizens to exercise their legal right to carry a firearm in most urban and densely populated suburban areas in the State of Maryland. This legislation would make it illegal in public areas, like malls, restaurants, and other retail establishments, for law abiding citizens to carry a firearm for protection.

We have seen time and time again that a law-abiding citizen, who is legally carrying a firearm, have prevented many criminals from carrying out acts that would have killed and injured many innocent victims. What we have not seen are law-abiding citizens who have gone through the process to legally obtain a wear and carry permit committing crimes and killing or injuring innocent Marylander's.

Looking at the ten years since the last "Maryland Gun Safety Act" became law, we need only look at homicides in Baltimore City, which continue to increase going from a low of 197 in 2011 to an average of 340 a year for each of the last five years, to see legislation targeting firearms and citizens who legally possess them,

www.harfordsheriff.org
410-838-6600
45 S. Main St. Bel Air, MD 21014

are having no effect on the violence, shootings and murders that are continuing to increase.

These "gun safety" measures have had no effect addressing the problem of crimes committed with firearms in our state, yet we are here again this year looking to say we are "Addressing the Problem", however data and facts clearly show this approach did not work 10 years ago and it will do nothing to stop the steady increases in homicides and non-fatal shootings that are increasing, not only in Baltimore city, but throughout the State of Maryland.

It's clear that the goal of this legislation is to circumvent the supreme court decision (New York State Rifle and Pistol Assn VS Buen) which affirmed constitutional rights for Law Abiding citizens and said "the Government cannot prohibit the carrying of firearms in public for self-defense" and individual's do not need a "good and substantial" reason to carry. In this day and age, where the General Assembly has chosen to make criminals the victims, do nothing to address the violence and murders that are out of control in our urban areas and pass laws making it more difficult for police to protect and serve our community, it's imperative that Marylanders' Constitutional right to protect themselves not be taken away or infringe upon further.

I urge the members of the committee to issue an unfavorable report on SB 1.

Sincerely,

Sheriff Jeffrey R. Gahler

SB1 UNFAVORABLE - Stephen Johnston.pdf
Uploaded by: Stephen Johnston
Position: UNF

Stephen Johnston

1003 Tasker Ln.
Arnold MD 21012
SteveJohnston93@gmail.com

February 7, 2023

SB1 – Criminal Law – Wearing, Carrying, or Transporting Firearms (Gun Safety Act of 2023)
Unfavorable

I am a defense contractor whose current and prior employers include one of the top research laboratories in the United States and one of the leading aerospace corporations in the world. In my spare time I enjoy shooting sports, volunteering in the community, watchmaking, and woodworking. I write in opposition to SB1, a bill that would place Maryland residents including myself in danger of unknowingly running afoul of overly broad sensitive place restrictions. This bill also serves to add yet another opportunity for selective enforcement in a time when police reform has taken front and center stage, all in the hope of improving safety by disarming or otherwise threatening people who have gone through the considerable time, effort, and exhaustive background investigation to wear and carry a firearm in self-defense.

This Bill Creates a Minefield of Sensitive Places

The wording of the bill encompasses a broad variety of places as well as the surrounding areas that would create a patchwork of prohibited locations, some of them not being visible as prohibited places until you are nearby. I often spend time in Baltimore City and Annapolis, areas where a combination of stores, residences, and public establishments are often physically close to one another but visibly obscured by buildings, vehicles, foliage, or other impediments to line of sight. In the case of locations where wear and carry would be prohibited, how would the distance be calculated? By shortest paved path? As the crow flies? Or some other methodology of determining distance. There may be no way for a person to travel between two points without knowingly or unknowingly traveling through one of these prohibited locations.

What Does Enforcement Look Like?

I like to imagine that police have my best interests in their mind as they look to uphold the law across the state of Maryland, but time has shown that among the many officers who passionately work to ensure the safety of communities we all love, there exist some who harbor discriminatory or prejudicial views toward enforcement of laws. I fear this will create more opportunities for arbitrary and discretionary enforcement of gun laws based on race, gender, monetary situation, or even

political standing. I think back to the painful days of learning what the Baltimore City Police Department's Gun Trace Task Force had been accused and later members convicted of. This bill leaves things such as how distance to a prohibited location is determined or what sort of test there is for "knowingly" carrying near or within a prohibited location. I have a sinking feeling that the same leeway given to a person in a business suit and luxury car who unknowingly passes by an Air B&B with no external indicators that it is, in fact, a rental property would be given to a person in a cheaper car who wore stained and tattered clothing.

Bruen Already Outlined Prohibited Places

One of the items that the United States Supreme Court addressed in the Bruen decision was the prediction that New York (or any other state or local government entity) would try to determine an entire area as a sensitive location that should be barred from firearm possession. Forecasting this, the Supreme Court decision specifically outlined what places wear and carry could be restricted and limited the scope to "in" those locations. As the bill is currently written, it goes well beyond the scope of what the Supreme Court has outlined as a reasonable restriction that follows the level of scrutiny that Second Amendment cases are examined under, text, history, and tradition.

What Effect Will This Bill Have Upon Public Safety?

The rationale for this bill is weak, the bill does not specifically go after those who carry a firearm without a permit illegally, but appears to be mainly targeted at Maryland residents who have spent the time taking a training course approved by the State Police, getting fingerprinted, passing a live fire qualification, and a federal background check. The bill seems to be an in terrorem threat to all Maryland residents to not concealed carry with a permit, because under this bill most residents will have no idea what the patchwork of prohibited places and locations looks like, often finding out there is a bar in a shopping center, for instance, after they are already within the proximity.

For these reasons, I must urge you give an unfavorable report to this bill. If it were enacted into law, the State will be prosecuting inevitable violations by otherwise law-abiding citizens of Maryland, destroying reputations and inflicting legal and economic ruin on these individuals and their families. Instead of putting more of a lens upon those who have gone through the training and background check required for obtaining a wear and carry permit from the State Police, it would better serve public interest to instead focus on intervening in cases of individuals carrying without a permit. People who have demonstrated a willful disregard for the law.

Sincerely yours,

Stephen Johnston
1003 Tasker Ln.
Arnold MD 21012
SteveJohnston93@gmail.com

01.31.23 LOO SB 0001 Joint.pdf
Uploaded by: Terry Hale
Position: UNF

Danielle Hornberger
County Executive

Steven Overbay
Acting Director of Administration

Office: 410.996.5202
Email: dhornberger@ccgov.org

Jackie Gregory
Council President

Robert Meffley
Vice President

Office: 410.996.5201
Email: council@ccgov.org

CECIL COUNTY GOVERNMENT
Cecil County Administration Building
200 Chesapeake Boulevard, Elkton, MD 21921

January 30, 2023

The Honorable William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

RE: SB 0001 Criminal Law – Wearing, Carrying or Transportation Firearms Restrictions (Gun Safety Act of 2023)
Letter of Opposition

Dear Chairman Smith and Members of the Senate Judicial Proceedings Committee:

The County Council and the County Executive of Cecil County unanimously opposes SB 0001 Criminal law – Wearing, Carrying or Transportation Firearms Restrictions (Gun Safety Act of 2023). The hearing on this legislation is scheduled on February 7, 2023.

It is our understanding that this legislation provides that a person may not wear, carry or transport a firearm onto the real property of another unless given express permission. It also bans such possession within 100 feet of a place of accommodation, which would include as per the Maryland Code, retail establishments, inns, hotels and motels, restaurants, or theaters or other places the offers goods, services, entertainment, recreation or transportation.

Cecil County strongly opposes any bill the removes the right for any law-abiding member of the public to provide for self-defense. The 2nd Amendment of the United States Constitution expressly grants this right to all citizens of the United States and any legislation that impinges upon this right and attempts to criminalize our law-abiding citizenry needs to be defeated.

The County Executive and County Council of Cecil County respectfully requests that the Judicial Proceedings Committee send an unfavorable report on SB 0001.

Sincerely,

Danielle Hornberger
County Executive

Jackie Gregory
President of County Council

SB 001 Criminal Law - Wearing, Carrying, Transport

Uploaded by: Theodore Mathison

Position: UNF

WRITTEN TESTIMONY IN <u>OPPOSITION</u> TO SB 001 (February 7, 2023)

Submitted by Theodore E. Mathison
322 Lazywood Court
Millersville, MD 21108
Email: tem2@verizon.net; Ph: 410-987-9591

<u>Senate Bill 001 Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023)</u>

I am writing to oppose SB 001 because it creates firearms restrictions that are unrealistic, impossible to meet and will entrap innocent Maryland citizens exposing them to imprisonment.

The Bill appears intended to restrict the concealed, on-person carrying of firearms by citizens authorized to do so by the Maryland State Police. However, it not only restricts concealed carry firearms, but the transport of rifles and shotguns throughout the State. I have been a resident of Maryland since 1970 and have enjoyed hunting, and in particular, the target shooting sports. I have been an instructor for many years in the State's Hunter Safety program teaching firearms safety, wildlife conservation and shooting ethics. Under the Bill, I would not be able to participate in the shooting sports because it would be virtually impossible to transport a firearm anywhere in Maryland, without coming within 100 feet of gas stations, restaurants, and other places of "public accommodation". Finally, the Bill, if passed, would prohibit anyone from transporting firearms transiting Maryland to another destination.

There would be a severe financial impact from the Bill's implementation as well. Many businesses and individuals within the State are financially dependent upon the shooting sports industry, in particular hunting. They would suffer a drastic reduction in income and many would go out of business. Currently, Maryland receives approximately $6 million annually in federal Pittman-Robertson-Act funds from the sales tax on ammunition and firearms sold in the State. These funds, which support wildlife refuges, private/public habitat management and the State's Hunter Safe Program, would lost.

Turning to the question of carry permit firearms, it seems criminal to deprive individuals, particularly those who carry payrolls and other valuable items for business, as well as the average citizen who is deeply concerned about self-protection, the ability to carry a firearm. These individuals have undergone a background check by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, have been thoroughly vetted by Maryland's leading law enforcement agency and have undergone thorough training. Statistics compiled by the Crime Prevention Research Center (*Wall Street Journal,* 03/31/2017) indicate those throughout the United States who legally carry firearms commit fewer crimes than are committed by established law enforcement agency personnel. Why then is there a need to restrict further concealed carry?

Accordingly, I strongly urge that SB 001 receive an unfavorable report.

Sincerely,

Theodore E. Mathison

kasuba_sb0001_2023.pdf
Uploaded by: Thomas Kasuba
Position: UNF

Please **OPPOSE** SB1

Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023)

This bill announces open season on the small business owner who transports cash. In previous years, Maryland acknowledged the need for the small business owner to protect themselves. But now, even that glimmer of the real world is no more. What about abused women? Are they relegated back to using the imaginary force field otherwise known as a restraining order? This bill WILL place many good people in sever jeopardy for no reason what-so-ever.

If this bill is about "feeling safe", where do you feel safer? Baltimore or West Virginia? Baltimore or Pennsylvania? Baltimore or Virginia? These are serious questions and the answer is what your gut, visceral reaction is. Be honest with yourself. 10.67% of the West Virginia adult population has a conceal carry license and, given West Virginia is a "Constitutional carry" state, there is no permit required to carry so ANY adult could be legally carrying a firearm yet no one is going to avoid a West Virginian vacation due to fear of legally armed locals. It just doesn't enter into one's mind as something to rationally fear. Pennsylvania has 14.89% of its adult population in possession of a conceal carry license; in Virginia the percentage is 10.67%; even D.C. stands at 1.81%. In 2022, not even 1% of Maryland adults had a carry license. [1] Some of our surrounding states have over 14 TIMES more firearm carrying adults and there is are no problems nor the unrealistic feelings of lack of safety. This bill is completely unwarranted based upon our observations of our nearest neighbors.

Thomas J. Kasuba (registered Democrat)
2917 Rosemar Drive
Ellicott City, MD 21043-3332
tomkasubamd@netscape.net
301-688-8543 (day)
February 7, 2023

[1] https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4279137 (downloadable statistics)

SB001 oppose.pdf
Uploaded by: Thomas Scollins
Position: UNF

Written Testimony in opposition to SB 0001 Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Dear members of the Judicial Proceedings Committee:

I am writing in staunch opposition to the ill-conceived SB 0001, a bill aimed at nullifying my wear and carry permit.
I am an employed, law abiding family man. I do not hold any one political party affiliation. I spent months of training, thousands of dollars and qualified under Maryland law, and in the subjective examination of the Maryland State Police to carry a firearm. I carry a firearm proudly, as a shield to defend my life and the life of my loved ones if it is ever needed. Please justify the reason for this BIll.
What percentage of crimes are committed by citizens that have wear and carry permit? Of the hundred of murders in the State of Maryland, how many are committed by citizens with a wear and carry permit?
Overall, how many gun crimes (robbery, assault, murder) are committed by legal gun owners?
I am confident the data shows, if it even exists, that gun violence is almost NEVER committed by legal gun owners and/or those who qualify for a wear and carry permit. Therefore this bill is not based in ANY reality of crime reduction, in fact it promotes the opposite and tips the scales in favor of those who do commit the crime, un-licensed gun users i.e. criminals.
The University of Pittsburgh released a study in 2008 that showed less than a fifth of crimes were committed by a legal gun owner. That is a fact.
Laws that restrict gun ownership/carry by otherwise qualified persons disproportionately affect low income citizens. These citizens are those that need protection the most. Those that do not have the privilege of crime free communities and private security deserve the natural right to defend their lives when no other means are available.
Why are we not fixing a broken justice system that allows repeat offenders time and time again to commit the vast majority of crime (this data is available)?
Law abiding, hard working citizens are a low hanging fruit. Please address the real causes of crime, please devote my tax dollars to fixing what we know is the problem, not “fixing” a problem that does not exist.
Finally the Supreme Court of the United States recently ruled in New York Rifle and Pistol vs Bruen ET. AL. that the very restrictions called for in SB 0001 are unconstitutional. Passing this Bill guarantees lawsuits from our local Second Amendment advocacy groups based on this case law. I would support such lawsuits. Tax dollars spent defending these lawsuits could be spent on addiction treatment, improving education, and enriching programs aimed at ending poverty. These are the issues that cause crime. These are the hard issues, but the issues we have entrusted our elected officials to solve.
Logic, data, case law and common sense supports giving SB 001 an UNFAVORABLE report.
I thank you for your time and attention.

Tom Scollins
6304 Mayflower RD
Baltimore MD 21212
410-299-4413

230106 SB 001 Walters Testimony.pdf

Uploaded by: Tim Walters

Position: UNF

Tim Walters

Linthicum, Maryland

SUBG: Opposition to SB 001, Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Since the Bruen decision Maryland Democrats have been fear mongering about the surge of violence about to descend on Maryland. This surge is occurring and has been occurring despite every gun restriction law you have passed against the law abiding citizens.

Case in point, last summer an accidental discharge occurred at Arundel Mills Mall. Within hours Democratic County Executive blamed the recent SCOTUS decision for the event. This was done before any facts were discovered and was meant to spread fear. Eventually, County Executive Pittman's police force determined caught the individual who did not have a carry permit. But the hysteria had already begun.

Despite passing extreme gun control in SB281 some years back, despite passing more and more nuisance laws against lawful gun owners "gun violence" has increased every year. This too will most likely pass given your legislative majority and despite this the violence will continue. This only impacts legal and lawful gun owners.

Never waste an opportunity. There is NO data on what is going to happen in MD due to recent SCOTUS decision and this is simply a partisan solution looking for a problem while take advantage of a political opportunity. Even the esteemed JHU expert admitted under questioning that this…

California has had several "mass shootings" despite being the most gun restrictive state. These shootings, which sadly is every weekend in Baltimore City, are not stopping with restrictions on law abiding citizens. Additionally, several judges, including a President Biden appointed Judge have ruled this law unconstitutional. Passing this law will simply waste time and state funds defending a law that has already fallen in several other states.

There is another issue no one is addressing in this discussion. That is the fact that many of us have had carry permits prior to this decision through YOUR previous tyrannical "may carry" system that YOU built based. We managed to articulate real reasons based on actual threats and concern. What about us? Now we have to ask permission from everyone else if we can protect ourselves.

This is where this law is truly cowardly and brilliant. The "brave" legislators of this state behind their privilege and state security apparatus will make it the responsibility of the citizens of this state to enforce this law. This law is designed to make people ask fellow citizens for the permission to exercise their constitutional right to bear arms. This is both sad and deplorable when government does this.

Lastly, when you pass this law, I expect that you will tear down the metal detectors in your legislative buildings and other search tools you use to protect these chambers and facilities. IF you actually believe this law is valid AND WILL WORK then you have no need for these protections. These protections, if left up invalidate your belief in your laws and this specific law. If laws work then there is no need for anything BUT the law. If you do not believe in your laws then neither should we. Let that sink in. That is where your constant assaults on freedom are leading us. Your decisions, like ours have consequences.

It is obvious you neither care about your laws or believe in them. Truthfully, why should you? They have not worked once as you predicted and planned for them too. The only people here today are law abiding carry permit holders. The second amendment literally exists because of you and your government. It exists to protect us from you. We are now going to have to make hard decisions based on what you do. If you think most of these people are going to ask permission of strangers and friends or stores if they can carry you are sadly mistaken.

Consider these words from the Declaration of Independence. This is the argument for the Constitution and the reason for it and the amendments. “But when a *long train of abuses and usurpations*, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, *it is their right, it is their duty, to throw off such Government*, and to provide new Guards for their future security.”

Don’t vote in ignorance or by political ideology, but vote for freedom, vote per your oath to uphold the Constitution. Provide us the opportunity to believe in you again and to partner with you for finding real solutions. Stop doing the same thing and let’s look for real solutions.

I will be praying to the One whom all rights come from, including self-defense, for wisdom and discernment for you during this time. I hope you, like me, will lean on His wisdom.

Please oppose SB 0001.

Tim Walters

Linthicum, MD

state testimony(1).pdf
Uploaded by: Timothy Otwell
Position: UNF

Good afternoon,

First I would like to thank the members of this committee for their service to the state of Maryland.

My name is Timothy Otwell, I am a retired law enforcement officer from the state of Maryland. During my time of service, I served as road patrol, road supervisor and shift supervisor, additionally I served in the division of homeland security and intelligence at the Maryland Terrorist watch center where I was a shift suppervisor and performed duties as the acting assistant commander during my tenure. Furthermore, I served in the gang intelligence unit providing training for civilians and law enforcement throughout the state on gang trends and activities.

I was born and raised in the city of Baltimore and Northern Anne Arundel County where I lived up until retirement. As a former law enforcement officer, and resident who spent most of his life in and around Baltimore, and somone who has a vast and intimate knowlegde of gun violence and crime, I can say with certainty that this bill would do nothing to stop or curb gun violence. The notion that preventing a law abiding citizen who would lawfully purchase, receive required training, and complete all background checks, from concealed carrying in a public place will reduce gun violence is simply not accurate. Violent criminals already violate the law with unlawful purchase, unlawful possesion, unlawful use and unlawfully carrying of firearms. Drawing from both professional and personal experiences, the concept that an additional law, rather then harsher punishment on current violations is doomed to be ineffective legislation which will not achieve any real effects on violent crime in the state of Maryland.

sb 1 testimony.pdf
Uploaded by: Victoria Bergstrom
Position: UNF

Hello, my name is Victoria Bergstrom, and I am a Charles county, Maryland resident. I oppose the bill introduced by the senate – SB 1, which would effectively make it illegal for wear and carry permit holders to carry their firearms anywhere. After fulfilling training requirements, background and reference checks, paying the state of Maryland, and waiting months to receive them, our permits will be useless. Will you be reimbursing the citizens the millions of dollars they have paid the state of Maryland to obtain them?

A politician from Montgomery county said that the reason they passed a similar bill was because of the alarming increase in firearm related crime. This is also the reason that there has been an increase in wear and carry permit holders. We have a right to self defense. It is a basic human right that is protected by our country's constitution. You are supposed to uphold the constitution, not pass overreaching bills because you are upset that the Supreme Court did its job. Data have shown that making it illegal for law abiding citizens to carry for self defense does absolutely nothing to reduce gun related crimes. It gives criminals less fear that there will be any consequence for their actions. A person intent on committing a gun related crime is not going to pay upwards of $500, complete multiple days of training, and then wait months to receive permission from the state to carry a weapon to their crime.

This bill is also not supported historically by the constitution. "Sensitive" places can only be limited to legislative buildings, polling places, and maybe schools. Guns are already prohibited in these places. Eventually this bill will be overturned in the legal system. Passing this bill will only cost the Maryland taxpayers hard earned money that could be spent somewhere else, and will leave them defenseless in the meantime.

Finally, I would like to point out that all gun control is historically rooted in racism. All historical attempts in this country were to disarm black and indigenous people. Today, gun control laws disproportionately affect minorities. The second amendment right to keep AND BEAR arms is essential to equality.

SB001 Written Testimony Hudson.pdf
Uploaded by: William Hudson
Position: UNF

Reference: SENATE BILL 001

Position: OPPOSE

Written Testimony
submitted by:

William E. Hudson Sr.
11190 Snethen Church Road
Mardela Springs, Maryland 21837 Wicomico County Maryland, District 37A

TO: State of Maryland Senate Judiciary Committee

Honorable Senators,

I write to you in opposition to the proposed legislation referenced above as a **taxpayer** and **citizen** taxpayer to the state. I was born in the state of Maryland and except for two years in the early 1980's have lived in the state my entire life. My father retired from the Maryland State Police in the early 70's, his career in law enforcement with the aviation division instilled in me nothing but respect for the law and respect for others.

As a **taxpayer** I question why this legislation is being put forward right now. There are other states that have passed or proposed similar legislation, every single one has been challenged in court, and the overall early results are not promising for these types of laws to be long lived. So again, as a taxpayer I ask, why burden our Attorney General with this when we know it will be challenged in the court system, perhaps all the way to the Supreme Court. Let other states expend their resources to fight this battle before expending Maryland taxpayer dollars to so the same. Be more prudent with the tax dollars collected from Maryland citizens, the people you work for.

As a **citizen** I have long recognized that for the most part, it is up to me and not the State for personal security. While I live in a relatively safe area and feel generally safe, it is not because of the government, it is because of the attitude of the people around the geography where I am. And I am safe **UNTIL I AM NOT**. So when I (or anyone else) becomes **not safe** *due to the actions of others* that are mentally unfit or someone who is generally criminally minded, we know that most times there are only seconds or perhaps a few minutes to react, hopefully to retreat, but in cases where retreat is not possible, one has to defend oneself until law enforcement can arrive.

That being said, I am sure that you will ***never be able to control illegal actions*** of others in public areas if they mean to do harm, and until you can without infringing rights and responsibilities of citizens, creating restrictions on those law abiding citizens to be able to defend oneself will in its self create harm to the citizens.

It is easy to do the due diligence and find unbiased statistics on firearm crime. So do that, and realize that in general the crimes committed by firearms are committed by criminals who purchased or obtained said firearm illegally. You can also find some unbiased statistics that indicate there a hundreds

of thousand possible altercations where a citizen with a firearm was able to defend themselves without firing a shot. It is also surmised that many of those altercations are never even reported and no one is injured or worse.

When the Supreme Court handed down the Bruin Decision in 2022 and Maryland had to drop its substantial reason requirement, I decided that it was prudent to be better prepared for personal defense issues as the 2nd amendment allows, again, **you are safe until you are not**. So I expended my treasure, took the comprehensive training, got the fingerprinting done for background checks, applied for and proudly received my State of Maryland permit. Am I safer when I carry? I am as safe as I was before the permit **until I am not**, but at least now I have another tool to work with until law enforcement can be there. I do not want that ability of any tool to defend and protect family or myself to be taken from me, and I am not just talking about in my home, but in public settings where bad things happen to good people by others with no disregard for the laws you may pass.

If the State moves forward with this type of legislation and passes this as law, I believe that class action and other lawsuits could be filed against the state for several reasons –

First: The harm (cost) of allowing citizens to pay for the privilege of exercising their 2nd amendment rights when the Maryland regulations were changed because of Bruin, all of the costs that citizens paid for this should be refunded in full because of the denial of self protection caused by this new law.

Second: The first time a citizen who is/was legally permitted is injured (or worse) because they were confronted with danger from others criminally or mental health issues and were unable to successfully retreat and defend themselves before law enforcement can arrive, all the damages sustained by that person or God forbid, the persons estate should be paid by the State of Maryland.

Can this State promise me (or anyone) or even infer that I will be safe if this legislation becomes law? I believe the answer to that question is NO. Therefore I will be remain responsible to myself and my family the best I can - let me and responsible others do the same. I stand OPPOSED to the bill.

Thank you for taking my written testimony for your consideration.

Sincerely,

William Hudson

cc: Honorable Senator Johnny Mautz and the Honorable Sheree Sample-Hughes

20230206135513.pdf
Uploaded by: William Turner
Position: UNF

MD Legislative Testimony

SB0001 WEARING, CARRING, OR TRANSPORTING FIREARMS RESTRICTIONS

My name is William Turner. I live in Cambridge, MD. I am opposed to this bill because more limitations imposed on legal gun owners will do nothing to deter crime.

Concealed carry permit holders are the most law abiding of gun owners. They have undergone hours of training, been fingerprinted and have undergone a stringent background check.

This proposed Bill will not stop crime. All these "feel good" laws that many governments pass now only restrict the law abiding citizens who are not committing the crimes. The criminals are not affected by them. The criminals are smart enough to work around them. The criminals are not worried about braking a concealed carry violation when they don't have a concealed carry license anyway and are already in violation of the law by carrying a firearm. The criminals won't care about violating this proposed Bill when they are dealing drugs or committing robberies, rapes and murders.

This Bill helps criminals because it would make it safer and easier for them to commit crimes, because criminals could be fairly sure no legal gun owner is carrying a firearm.

SB 0001.pdf
Uploaded by: Willie Coleman
Position: UNF

Feb 6, 2023

Willie Coleman, Jr

Reference: SB 0001, SB 0086, SB 0113/HB 0259, SB 0118

Proposed Changes to Maryland Concel Carry Laws!

It has been a very long time since the news was not full of armed attacks on American citizens, carjackings are on the rise, and Police are short-staffed. I am a disabled American Veteran, and the proposed changes will remove my sense of security as I go about my everyday life functions, such as buying food and clothes and going out to eat. I have defended my country in the jungles of Vietnam, and you are now proposing to take my right to protect myself away, leaving me to the mercy of the criminals running the streets.   This measure is not why I voted for you.

SB0001_DNR_LOI_JPR_2-7-23.pdf

Uploaded by: Emily Wilson

Position: INFO

Wes Moore, *Governor*
Aruna Miller, *Lt. Governor*
Josh Kurtz, *Acting Secretary*
Allan Fisher, *Deputy Secretary*

February 7, 2023

Bill Number: SB 1 - First Reader

Short Title: Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Department's Position: **LETTER OF INFORMATION**

Explanation of Department's Position

The Department is pleased to provide this letter of information for SB 1 as drafted. This bill would subject licensed hunters to unnecessarily harsh penalties for inadvertently crossing property boundaries. These property boundaries are often not marked at all, or poorly marked, making it difficult for hunters to properly see, especially when hunters are typically entering or exiting hunting areas. This type of behavior is currently addressed in Natural Resources (NR) Article 10-411. If charged for violating this statute a person can currently either pre-pay a fine of $500, or appear for trial and be subject to a maximum penalty of $1500 (first offense), or $4000 and/or one year incarceration for a subsequent offense within two years. If the hunter decides to pre-pay the fine, there is no need for the police officer to appear for court. Unlike SB 1, NR 10-411 also does not require any action by the landowner, including appearing as a witness, to successfully prosecute the violator.

Background Information

NR 10-411 has been the controlling statute on issues of hunting without written permission for decades. This statute was enacted to provide a means for law enforcement officers to charge hunters for hunting on private property without written permission, yet relieve the burden upon the property owner to appear in court as a government witness. Criminal Law Article 4-104 provides an exception to the prohibition on permitting access to firearms by a child - "the child has a certificate of firearm and hunter safety issued under §10-301.1 of the Natural Resources Article" – which demonstrates the Maryland General Assembly's acknowledgement and past efforts to differentiate hunters and hunting activity from general criminal behavior. In 2021, Natural Resources Police issued 103 citations and 133 warnings for hunting without written permission. In 2022, 86 citations and 115 warnings were issued.

Bill Explanation

Under a generalized effort to alter criminal laws relative to gun safety, this bill exposes hunters to increased penalties that are inconsistent with current penalties under the Natural Resources Article, if they inadvertently cross onto private property without permission while pursuing a licensed recreational activity.

Contact: Emily Wilson, Director, Legislative and Constituent Services (Acting)
emilyh.wilson@maryland.gov ♦ 410-260-8426 (office) ♦ 443-223-1176 (cell)

SB0001.pdf
Uploaded by: Jonathan Dayton
Position: INFO

Statement of Maryland Rural Health Association

To the Senate Judicial Proceedings Committee
February 6th, 2023

Senate Bill 0001- Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Letter of Information

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee, the Maryland Rural Health Association (MRHA) wishes to provide this letter of information Senate Bill 0001- Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023).

While the Maryland Rural Health Association supports improved gun safety measures, we are curious about the impacts this bill would have on the enforcement and the safety of public health places of business including hospitals. Currently the Maryland Rural Health Association looks to monitor this piece of proposed legislation.

Sincerely,

Maryland Rural Health Association Legislative Committee

P.O. Box 475 • Centreville, Maryland 21617

MSP Position Paper.pdf
Uploaded by: Kathy Anderson
Position: INFO

State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: **February 7, 2023**

BILL NUMBER: **Senate Bill 0001** **POSITION: Letter of Information**

BILL TITLE: **Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023)**

REVIEW AND ANALYSIS

This legislation seeks to prohibit the wearing, carrying or transporting of a firearm on the real property of another without the express permission of the other. The legislation also prohibits the wearing, carrying, or transporting a firearm with 100 feet of a place of public accommodation as defined in law.

Under current law, a person may not carry a firearm in the following areas:
1. On school property (CR 4-102)
2. Within 1,000 feet of a demonstration in a public place (CR 4-208)
3. In legislative buildings (SG 2-1702)
4. Aboard aircraft (TR 5-1008)
5. In lodging establishments where the innkeeper reasonably believes individuals possess property that may be dangerous to other individuals, such as firearms or explosives (BR 15-203)
6. On dredge boats, other than two 10 gauge shotguns (NR 4-1013)
7. In or around State-owned public buildings and grounds (COMAR 04.05.01.03)
8. On Chesapeake Forest Lands (COMAR 08.01.07.14)
9. In State Forests (COMAR 08.07.01.04)
10. In State Parks (COMAR 08.07.06.04)
11. In State Highway Rest Areas, unless properly secured within vehicle (COMAR 11.04.07.12)
12. In community adult rehabilitation centers (COMAR 12.02.03.10)
13. In child care centers, except for small centers located in residences, firearms may not be kept on the premises (COMAR 13A.16.10.04)

Senate Bill 1 expands the list of restricted areas to almost everywhere but the firearm owner's residence. However, the legislation does not exempt public safety personnel such as police officers both on and off duty, police officers from other states within Maryland on official business, active military personnel, security guards, private detectives, federal contractors, correctional officers, special agents of the railroad, armored car personnel, or special police officers.

The legislation doesn't consider those permit holders who received a wear and carry permit for a "good and substantial reason" prior to the issuance of the Bruen decision. As an example, judges, state's attorneys, victims of crime or domestic violence, and legislators to name a few, have applied for and received handgun permits due to direct threats against their lives. There are thousands or permit holders who received a permit for business purposes who transport money, bonds, or precious jewels.

State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

Although the Bruen decision eliminates the need for a “good and substantial reason” to carry a firearm, this legislation makes it a crime for those who had a good reason to carry a firearm prior to Bruen to carry a firearm to protect themselves.

Maryland law does not recognize handgun permits from other states. This position does not change as a result of the Bruen decision. Laws similar to SB 1 have passed in New York and are currently in litigation in Federal court.