

SB1 Testimony

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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 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.