

S.C.O.P.E. Legal Update

December, 2022

Gazzola v Hochul Lawsuit

Another lawsuit against Hochul's (gun control) laws - Gazzola v Hochul - has been filed in the U.S. District Court for The Northern District of NY.

This lawsuit challenges thirty-one (31) inter-connected statutes that contain a multitude of new mandates impacting Federal Firearms Licensees (FFL's) as both individuals and businesses who are engaged in the lawful commerce in firearms and in gun shows. The thirty-one (31) statutory provisions being challenged originated in four (4) Bills, signed into law between May 30, 2022 and July 1, 2022:

- Bill S.9407-B – signed May 30, 2022 (eff. June 30, 2022);
- Bill S.9458 – signed May 30, 2022 (eff. August 30, 2022);
- Bill S.4970-A – signed June 6, 2022 (eff., generally, June 30, 2022);
- Bill 51001 – signed July 1, 2022 (eff., generally, September 1, 2022)

The lawsuit charges: “express animus against Plaintiffs...seeking to exercise their rights under the Second Amendment...the new laws collectively impair and impede the ability of the Plaintiffs to engage in the lawful commerce of firearms and to host a gun show, and to serve as a conduit for those seeking to exercise their fundamental Second and Fourteenth Amendment rights. The new laws also violate the Fifth Amendment rights of the Plaintiffs, including the right against self-incrimination.”

The Plaintiffs ask for a declaratory judgment that all thirty-one (31) new laws, rules, and regulations shall be struck down and denied of having any legal force or effect; an injunctive relief order restraining Defendants and their officers, agents, servants, employees, and all others from enforcing the laws, rules, and regulations complained of herein.

the lawsuit further requests that: “...the appointment of a special referee or magistrate to monitor any actions by the Defendants and other associated offices and agencies...to monitor any claims of future Defendant compliance with their responsibilities...”

The hearing is scheduled for (Thursday the 1st of December) before Judge Brenda K. Sannes, the Chief U.S. District Judge. She was an Obama appointment in 2014.

<https://nygunforum.com/threads/gazzola-v-hochul-lawsuit.55420/#post-1177881>

New York: replica gun ban took effect November 14

With holiday shopping about to begin, there is a new ban on the books when it comes to toy guns in New York. It will be illegal for toy stores and retailers to sell any firearm replicas.

Governor Kathy Hochul signed a bill on August 16, banning any replica gun that is black or blue in color or covered in aluminum and will not be allowed to be sold anywhere in the state, starting Monday, November 14. Which just happens to be in time for Christmas and just before Black Friday sales begin.

Instead, the replica guns must be brightly colored or entirely translucent. Federal law already requires toy guns have an orange tip or a stripe on both sides of the barrel. According to a memo in the bill Hochul signed, toy guns have been involved in at least 63 shootings, eight of them fatal, since 1994.

<https://www.news10.com/top-stories/new-york-replica-gun-ban-takes-effect-november-14/>

Syracuse judge eagerly rewrites NY firearms law

A Syracuse federal judge has taken a prominent role in the nation's legal battle over gun control after the U.S. Supreme Court struck down a century-old New York gun law.

U.S. District Judge Glenn Suddaby has welcomed a chance to do what the Supreme Court didn't do: make it clear what states like New York are allowed to do to limit where guns can be carried.

Suddaby tackled this – and much more – in an ambitious gun-rights decision last month. He's written three opinions in three months on the matter. And gun rights scholars across the nation have noticed what he's doing.

In June, the U.S. Supreme Court struck down a 1911 New York law that required a gun applicant to provide a specific reason for needing a handgun.

The court, led by Justice Clarence Thomas, threw out that law and greatly expanded the Second Amendment right to carry a gun in public across the nation. Thomas' opinion made it harder for states to ban guns from entire categories of public settings, but it didn't specify the places where states could ban guns.

The decision also established a new historical test for judging the constitutionality of gun laws: To survive, a modern law must conform with a similar firearm tradition at the time of muskets and horse-drawn carriages.

New York lawmakers quickly moved to pass a new law that was even more restrictive, prompting immediate court challenges.

Enter Suddaby, a Republican former Onondaga County prosecutor and U.S. attorney.

The judge struck down much of New York's new gun law as unconstitutional. Suddaby painstakingly put to work Thomas' historical test to decide the fitness of New York's gun bans in dozens of locations.

Suddaby... other judges are only beginning what will be a long legal process that may end up back in front of Thomas and the rest of the Supreme Court.

Erich Pratt, senior vice president of Gun Owners of America, is counting down the days until Thomas can, in Pratt's words, "slap down" New York's laws once again.

For now, the Second Circuit Court of the U.S. Court of Appeals is collecting decisions from trial judges. But expect more rulings – each with an individual judge's own historical test – to make their way to the appellate court, which covers New York, Connecticut and Vermont.

It could be a year or more before the Second Circuit comes up with its own criteria...The nation's 11 other appellate courts may be asked to grapple with Bruen.

Jake Charles, [a] legal expert from Pepperdine University, said the higher courts need to set clear standards.

"If you're an appellate judge, what's really needed is some kind of uniform standard," Charles said. "Even if I think that the Bruen test is hard to work in practice, (the real problem is) it's generating inconsistent and unpredictable conclusions."

Charles agree[s] that Suddaby's first shot at creating the new Second Amendment standard will have influence.

"Other judges are going to have to respond to Suddaby's arguments," Charles said. "They're going to have to wrestle with it."

<https://www.syracuse.com/news/2022/12/can-you-pack-heat-at-a-zoo-on-a-bus-syracuse-judge-eagerly-rewrites-new-york-gun-law.html>

Federal appeals court reinstates key provisions of New York concealed carry law

A three-judge panel on (November 15) moved to reinstate the enforcement of multiple provisions of New York's concealed carry law amid an ongoing legal challenge that has turned into a seesaw battle over injunctions.

The development at the U.S. Court of Appeals for the Second Circuit means the enforcement of the law which took effect in September placing new requirements on obtaining a concealed carry license in the state as well as limitations on where guns can be taken in public will go back into effect during the legal challenge.

U.S. District Court Judge Glenn Suddaby on Nov. 7 placed a temporary injunction on several aspects of the measure's enforcement. The ruling by the higher appeals court, however, places an emergency interim stay on Suddaby's injunction.

<https://spectrumlocalnews.com/nys/central-ny/ny-state-of-politics/2022/11/15/federal-appeals-court-re-instates-key-provisions-of-new-york-concealed-carry-law>

Calling All Gun Historians

The Second Amendment has long been fertile turf for historical grazing, not to mention grammatical scrutiny. The relationship between the “well ordered Militia” invoked in its first clause and right to “keep and bear Arms” in its second has occasioned tomes on colonial self-defense and constitutional prose. In *Bruen*, Justice Thomas trained his sights on “history and tradition.”

Judge Reeves gave both parties a month to brief him on whether he should appoint a historian to opine on whether restrictions on felons owning firearms were of requisite venerability. His order explained that “not wanting to itself cherry-pick the history, the Court now asks the parties whether it should appoint a historian to serve as a consulting expert in this matter.”

Bruen is not the only recent case centering on Empire State gun restrictions to have occasioned a historical turn. In *Antonyuk v. Hochul*, a federal district judge at Syracuse, Glenn Suddaby, stayed, among other measures, New York state’s designation that an expanded Times Square district was a “gun free zone.” That notion was cooked up in the days after *Bruen* struck down New York’s carry permit process on both Second and 14th Amendment grounds.

Judge Suddaby ruled that it was “not permissible” for Albany to make Times Square off-limits to concealed carry. He arrived at that conclusion by sifting through “historical analogues.” The judge entertained the argument that “historical statutes banning the carrying of guns in ‘fairs or markets’ are analogous to this prohibition,” before dismissing it.

“Two statutes,” Judge Suddaby explains, “do not make a tradition.” Mayor Adams denounced the decision, thundering that “once again, the courts have opened up another river leading to the sea of gun violence, making it harder for us to protect New Yorkers.”

Judge Suddaby’s ruling is itself temporarily on hold pending review of the case by the riders of the Second Circuit of the United States Court of Appeals.

<https://www.nysun.com/article/calling-all-gun-historians>

Judge extends hold on NY’s gun ban in houses of worship

A federal judge extended an order blocking a part of New York’s new gun law that makes it a crime for people to carry firearms in places of worship.

U.S. District Judge John Sinatra Jr. sided with two Buffalo-area clerics and gun rights organizations who had sued and sought a hold on enforcement of the law until the judge decides the case on its merits.

The preliminary injunction issued late Thursday (November 3) extends a temporary hold Sinatra ordered last month.

“(T)he nation's history does not countenance such an incursion into the right to keep and bear arms across all places of worship across the state,” Sinatra wrote.

New York faces multiple federal challenges to its new gun law.

In a separate lawsuit, the state is appealing a federal judge's order to put a hold on several of the state's new licensing rules for carrying handguns in public. That judge's order is being stayed on appeal.

<https://www.wgrz.com/article/news/crime/judge-blocks-ny-ban-on-guns-in-places-of-worship-new-york-state/71-d73beae3-6420-42ff-af5e-c5e7543f3c90>

Judge blocks New York limits on carrying guns on private property

A federal judge has blocked New York from restricting the carrying of guns on private property under a Democratic-backed law adopted following the U.S. Supreme Court's June ruling that struck down the state's strict gun permitting regime.

(November 22's) ruling by U.S. District Judge John Sinatra in Buffalo struck down a provision in the law that made it a felony for a licensed gun owner to possess a firearm on any private property unless the property owner allowed it with a sign or by giving express consent.

The ruling marked the latest courtroom victory for gun owners challenging New York's law, called the Concealed Carry Improvement Act, that as of Sept. 1 made obtaining a firearms license more difficult and barred firearms from a long list of "sensitive" public and private places. A federal appeals court has put on hold rulings by another judge that blocked major parts of the law including bars on people from carrying concealed guns in certain "sensitive locations."

In a court filing, the office of New York Attorney General Letitia James, a Democrat, said it would appeal.

<https://www.reuters.com/legal/judge-blocks-new-york-limits-carrying-guns-private-property-2022-11-23/>

Preliminary injunction against New York bans on licensed carry

(November 7's) 184-page preliminary injunction opinion in Antonyuk v. Hochul is the latest step in a challenge by Gun Owners of America, represented by Stephen Stamboulieh and Robert J. Olson. The case was filed shortly after the anti-carry statute was enacted. Shortly before the act's September 1 effective date, Judge Suddaby ruled that none of the plaintiffs had pleaded sufficient specific facts to create standing. After an amended complaint was filed, the Judge granted a temporary restraining order on October 6, which was stayed by a Second Circuit panel.

In Part IV.B of the opinion, "Substantial Likelihood of Success on the Merits," there are three major sections:

1. Application requirements
 - a. "Good Moral Character"

Based on the historical record presented by the parties, "America lacks a historical tradition of firearm-licensing schemes conferring open-ended discretion on licensing officers." Unlike the current NY law, many states have constitutionally-valid laws that allow for license denials "for applicants who have been found, based on their

past conduct, to be likely to use the weapon in a manner that would injure themselves or others (other than in self-defense). This standard is objective, easily applied, and finds support in numerous analogues that deny the right to carry to citizens based on their past conduct (including crimes, demonstrations of mental illnesses, and dangerous behavior)."

b. List of Four Character References

The court found "eight laws (five of which came from states in 1777, including Virginia) were sufficiently established and representative to constitute a historical tradition of firearm regulation based on reputation. The burden of character references "is reasonably proportionate to the burdensomeness of the relevant historical analogues."

c. List of Family Members and Cohabitants

The character references requirement was analogized to historic laws involving public reputation. There are no comparable historical analogies for private reputation.

d. List Social Media Accounts for Past Three Years

No historic analogies. Modern background check laws are not analogous, nor are modern laws about social media disclosure for convicted sex offenders. Moreover, required disclosure of anonymous speeches raises First Amendment problems.

e. "Such Other Information Required by the Licensing Officer"

While minor follow-up information might sometimes be appropriate, the statute's "unbridled discretion" is too open-ended.

f. Eighteen Hours of Firearm Training

Analogies to required militia training are improper, because *Heller* says that the right to keep and bear arms is not dependent on militia service. *Bruen* says that "exorbitant fees" for carry permits are unconstitutional, but plaintiffs have not produced sufficient proof of their claim that training and fees could cost over \$700. Of course plaintiffs at trial will have the opportunity to introduce more evidence about costs.

g. In-Person Meeting

Although the historical analogies are tenuous, the burden on applicants is slight. So "based on better briefing by the State Defendants (and in the absence of testimony at the Preliminary Injunction Hearing), the Court reconsiders its prior ruling on this issue (in its Decision and Temporary Restraining Order of October 6, 2022), and denies Plaintiffs' motion for a preliminary injunction with regard to this regulation."

2. Prohibition in "Sensitive Locations"

a. "[A]ny location providing ... behavioral health, or chemical dependence care or services"

No valid historical analogies. Laws against arms possession by alcoholics cannot be analogized to laws against possession by everyone. There are no historical examples of firearms bans in doctors' offices, hospitals, or almshouses. The prohibition is enjoined, "except to places to which the public or a substantial group of persons have not been granted access."

b. "[A]ny place of worship or religious observation"

The court agrees with the preliminary injunction issued by the W.D.N.Y. in *Hardaway v. Nigrelli*, 22-CV-0771, 2022 WL 16646220 (W.D.N.Y. Nov. 3, 2022) (Sinatra, J.).

In the alternative, the court provides additional reasoning. Bans on carry in churches were enacted 1870-83, plus the Arizona territory in 1889 and the Oklahoma territory in 1890. Per *Bruen*, the late 19th century territorial laws are discounted.

Here, as with many of the other restrictions, the court is dubious that restrictive laws in a few states can establish a tradition that overcomes the practice in the large majority of states. But the court assumes *arguendo* that there is such a restrictive tradition, and then proceeds to evaluate the analogy. Here, the analogy fails.

First, the NY law even bans firearms possession by owners or authorized employees of the religious premises. The only exception is if the church, synagogue, etc. hires employees of a state-licensed security guard company. The court notes that there are at least three twentieth-century examples of people in a church using a handgun to stop a mass shooter.

Second, the NY laws bans home firearms possession for Bible studies classes and similar home religious meetings.

Third, the law "treads too close to infringing on one's First Amendment right to participate in congregate religious services." While the TRO had only applied to church employees, the entire subsection of the statute is now enjoined.

c. "[P]ublic playgrounds, public parks, and zoos"

Defendants analogize to Texas 1870, Missouri 1883, Arizona territory 1899, Oklahoma territory 1890, and eight municipal ordinances 1861-95. As before, the territorial laws count for little, including Salt Lake City 1888. Likewise of low value are Pittsburgh 1893 and Detroit 1895.

The ban on "public playgrounds" is upheld (for preliminary injunction purposes) as sufficiently analogous to bans in schools, which were specifically approved in *Heller*.

The two state laws that arguably could be read to include parks bans, plus the five municipal laws that definitely do, are insufficient to show that such laws are representative of the nation.

"Zoos" are in-between playgrounds and public parks. Zoos existed in the 19th century, but there were no bans on peaceable carry at zoos. Besides that, zoos can set their own policies.

As for the ban in "libraries," the plaintiffs did not have standing, but footnote 24 of the opinion is quite skeptical that there is a historical basis for a libraries ban.

d. "[N]ursery schools [and]preschools"

Upheld pursuant to *Heller's* language about schools. Additionally, there are enough historic analogies.

e. "[A]viation transportation," "airports" and "buses"

Historic analogies are weak, and even states that restricted carrying in general made exceptions for people on a "journey." The burden is severe; the N.Y. statute even prohibits an air traveler from checking an unloaded handgun in a locked case as luggage in compliance with Federal Aviation Administration regulations. Preliminary injunction granted for air travelers who comply with FAA regulations, and for buses and vans.

f. "[A]ny establishment issued a license ...where alcohol is consumed"

Five state laws (1867-89) and two territorial laws (1889-90) banned gun carrying by persons who are "intoxicated." Mississippi in 1878 banned selling guns to intoxicated people. Assuming *arguendo* that such laws establish a representative tradition, there is no analogy between an intoxicated person and a sober person who merely happens to be dining at a restaurant with a liquor license.

g. "[T]heaters," "conference centers," and "banquet halls"

Defendants analogize to a 1786 Virginia law, but that was only for people who brandished arms "in terror of the county" at a fair or market. The law did not apply to fair-goers who kept their arms concealed. The 1889-90 Oklahoma and Arizona territorial laws get little weight. Texas and Tennessee (1869-70) are too few to show that such bans are either established or representative.

The burdensomeness of the regulation is disproportionate, especially for license-holders who "have provided four character references, completed numerous hours of firearms training, and satisfied the demands of a licensing officer."

h. "[A]ny gathering of individuals to collectively express their constitutional rights to protest or assemble"

Three laws from the usual suspects of Tennessee, Missouri, and Texas, the two territories, plus Georgia 1870. With the usual discount for late 19th century territories, the four states do not show a nationally representative tradition.

Even if they did, the laws were limited to "public assembly" or "public gathering," and the N.Y. law goes much further. It even applies to small religious gatherings of a congregation in a home, and to gun shows. And to people who simply happen to be standing on a sidewalk when a group of protesters unexpectedly appear.

3. Prohibition in "Restricted Locations"

Besides categorical ban on arms carrying in the above "sensitive places," the N.Y. statute bans arms carrying almost everywhere else: in all homes, and in all commercial property, whether or not the property is open to the public. There is an exception if the property owner has given "express consent" or has posted a sign to that effect.

The six historic laws against hunting on someone else's "inclosed land" without permission are not analogous. The purpose of those laws was anti-poaching. A law barring some people from open carry of rifles on other people's land is not analogous to law against carrying a concealed handgun into every commercial building. "Rest assured, none of the six Plaintiffs in this action has alleged that he has been injured by not being able to hunt turkey and deer (with his handgun) inside commercial establishments on privately owned property that is open for business to the public." The ban on carry as to commercial establishments open to the public is substantially likely to violate the Second Amendment.

As for residences and for private commercial establishments that are not open to the public, the Second Amendment is not the best source to protect plaintiffs' rights. Supreme Court precedent has only spoken of the right to arms at home and in public.

The First Amendment generally prohibits compelled speech, and under modern doctrine, compelled speech is subject to strict scrutiny.

It is unreasonably burdensome to expect a small business owner, like the small hotel/B&B-owning plaintiff, to station himself at the property boundary and give express consent to every person who enters. If he doesn't, then the a licensed carrier who wishes to stay and keep his handgun in his room cannot enter the business premises in order to ask for permission at the front desk. The moment that the would-be guest steps an inch onto the outer boundary of the hotels grounds, the would-be guest is a N.Y. felon.

Alternatively, the hotel owner could post a "Guns Welcome" sign at the property boundary. Thus, the sign posting law forces a business to take a public stand on a controversial public issue, which is sure to alienate some customers.

Notably, the five modern laws (4 states plus D.C.) that require advance consent on private property in certain situations do not coerce how consent may be given.

As for residences, N.Y. has introduced no evidence that there is any problem at all of licensed carriers causing trouble after entering residences despite not having been given "express permission."

All of the "Restricted Locations" subsection is enjoined.

Of course the injunction does not disturb the right of property owners to exclude licensed carriers or anyone else, as the owners see fit.

Scope and Stay

The request for a stay of the preliminary injunction is denied. Although not dispositive, it is relevant that five of the nine defendants "have not even opposed Plaintiffs' motion to preliminarily enjoin the below-enjoined provisions of this patently unconstitutional law."

<https://reason.com/volokh/2022/11/07/preliminary-injunction-against-new-york-bans-on-licensed-carry/?comments=true#comment-9782171>

Attorney General James Cracks Down on Online Ammunition Sellers Illegally Shipping Ammunition to New York

New York Attorney General Letitia James today cracked down on online ammunition sellers illegally shipping ammunition to New York residents and failing to keep records of these sales. An investigation by the Office of the Attorney General (OAG) found that 39 ammunition sellers have been shipping ammunition directly to New York residents in violation of New York's SAFE Act, which prohibits direct online sales of ammunition to New York residents. Attorney General James sent cease and desist orders to these ammunition sellers demanding that they stop shipping ammunition directly to New York and warned them of serious legal consequences if they continue to violate New York's law.

<https://ag.ny.gov/press-release/2022/attorney-general-james-cracks-down-online-ammunition-sellers-illegally-shipping>

Biden wants to take your guns

In case there is any doubt, President Joe Biden wants to take your guns.

On yet another vacation, Biden spoke to reporters about the recent shooting of University of Virginia football players and the Walmart shooting in Chesapeake, Virginia. "The idea we still allow semi-automatic weapons to be purchased is sick," Biden said. "Just sick. It has no, no social redeeming value. Zero. None. Not a single solitary rationale for it except profit for the gun manufacturers."

Note that Biden did not say "assault weapons" or "assault-style weapons" — the liberal description of semi-automatic rifles that Democrats think look scary. Biden was not talking about AR-15s. He said it is "sick" and there is "not a single solitary rationale" for people to be able to own semi-automatic weapons. That includes handguns.

Handguns are the most popular firearms for self-defense. Using 2019 data from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, we can determine that roughly 84% of all handguns manufactured in the United States were semi-automatic weapons. That number has stayed relatively stable over the years, including 85% in 2018, 84% in 2017, and 85% in 2016. Therefore, we can assume that roughly 85% of privately owned handguns are semi-automatic.

<https://www.washingtonexaminer.com/restoring-america/faith-freedom-self-reliance/biden-wants-to-take-your-guns>

Supreme Court declines to hear another challenge to federal bump stock ban

The Supreme Court declined to hear another challenge on Monday to the federal ban on bump stocks, which enable a semi-automatic gun to fire like a fully automatic weapon.

The Trump administration enacted the ban following the 2017 mass shooting in Las Vegas, which left 58 people dead and hundreds of others injured.

<https://www.foxnews.com/us/supreme-court-declines-hear-another-challenge-federal-bump-stock-ban>

Third Circuit Reaffirms that Even Nonviolent Felons May Lose Second Amendment Rights

The case is *Range v. Attorney General*, an opinion jointly authored by Judges Patty Schwartz, Cheryl Ann Krause, and Jane Roth; it's the first circuit case to deal with the issue under the *Bruen* framework, and it has (following *Bruen's* instructions) a long and detailed historical analysis. Here's the quick summary of the result:

Based on history and tradition, we conclude that "the people" constitutionally entitled to bear arms are the "law-abiding, responsible citizens" of the polity, a category that properly excludes those who have demonstrated disregard for the rule of law through the commission of felony and felony-equivalent offenses, whether or not those crimes are violent. Additionally, we conclude that even if Range [who had been convicted of a state felony-equivalent charge of welfare fraud] falls within "the people," the Government has met its burden to demonstrate that its prohibition is consistent with historical tradition.

<https://reason.com/volokh/2022/11/16/third-circuit-reaffirms-that-even-nonviolent-felons-may-lose-second-amendment-rights/>

Gun rights group suing state over CT's assault weapons ban

The National Association for Guns Rights filed a federal lawsuit in September, seeking to get rid of a ban on assault weapons in the state.

Earlier Friday, they filed what's called a preliminary injunction, asking the judge to immediately stop the state from enforcing the assault weapons ban while the case is ongoing.

Attorney General William Tong calls the group "radical outside extremists" and said he won't allow them to attack Connecticut laws.

“Our motion for preliminary injunction is simply saying that when rights are at stake, we cannot waste another day in allowing unconstitutional gun control to stand,” (said) Dudley Brown, President, National Association for Gun Rights.

<https://www.wfsb.com/2022/11/05/gun-rights-group-suing-state-over-cts-assault-weapons-ban/>

New Jersey faces lawsuit challenging gun control law

A national firearms trade group is challenging a New Jersey law that allows the state and private individuals to file lawsuits against firearm manufacturers.

The National Shooting Sports Foundation, a Connecticut-based firearms industry trade group, filed a lawsuit in U.S. District Court on Thursday asking a judge to overturn a recently enacted "public nuisance" law that the group argues was "specifically designed to evade the judgment of Congress – and the Constitution."

The lawsuit claims Congress barred such "baseless lawsuits" against gun makers in 2005 when it passed the bipartisan Protection of Lawful Commerce in Arms Act, which gave firearm manufacturers and sellers broad immunity from most litigation.

The trade group filed a similar federal lawsuit on Thursday against Delaware, President Joe Biden's home state, which enacted a similar public nuisance law earlier this year.

The group said the PLCAA law "keeps activist lawyers from placing the blame on members of the firearm industry" for the criminal misuse of lawfully manufactured firearms.

The group also claims in the lawsuit that the public nuisance laws would "impose liability" on industry members for firearms lawfully sold in other states that later find their way into Delaware or New Jersey through the independent actions of remote third parties and criminals.

https://www.thecentersquare.com/new_jersey/new-jersey-faces-lawsuit-challenging-gun-control-law/article_232b5048-676d-11ed-99cc-b7e8b12f82a6.html

Federal Judge (Texas): Disarming those under protective orders violates Second Amendment rights

A Texas judge ruled that a law preventing those under protective orders from owning firearms is unconstitutional. Now, this decision is impacting gun laws nationwide.

On Thursday, U.S. District Judge David Counts handed down a decision that said a federal law banning a person from possessing a firearm while under a restraining order actually violates that person's 2nd Amendment rights.

<https://www.audacy.com/krld/news/state/disarming-under-protective-orders-violates-second-amendment>

12 More Incidents in Which Lawful Gun Owners Stopped Criminals

Oct. 3, Hartford, Connecticut: When two armed carjackers ambushed a driver and tried to steal his car at gunpoint, police said, the driver—a concealed carry permit holder—drew his own handgun and exchanged fire with the carjackers, killing one and wounding the other. Although

injured, the driver was expected to recover. The surviving carjacking suspect was charged with several felonies, including first-degree assault, first-degree robbery, and criminal possession of a firearm.

Oct. 4, Dunn, North Carolina: Police said a woman woke up at home to discover an intruder trying to steal several items—including her dog. She grabbed her handgun and, despite never having fired a gun before, successfully “shot [the intruder] out of the house.” Police said they later arrested the intruder, who was shot twice, and charged him with first-degree burglary.

Oct. 7, Upper Southampton, Pennsylvania: Authorities said three men attacked a concealed carry permit holder as he walked to his vehicle outside a bar, repeatedly punching him in the face and knocking him down. The permit holder retrieved his firearm and shot at his assailants, fatally striking two and wounding the third before calling 911.

Oct. 9, Church Road, Virginia: After a man fatally shot his father and two dogs during an argument, police said, an armed family friend intervened and held the suspect at gunpoint until police arrived. Local law enforcement officials said his actions likely saved the lives of several others inside the home.

Oct. 13, Chicago: A knife-wielding man attacked a woman as she entered a residential building, cutting her hands and thigh, police said. A second woman armed herself with a gun and intervened, shooting the assailant multiple times in the chest area. He was hospitalized in critical condition. His victim was treated at the same hospital.

Oct. 14, Orlando, Florida: Police said the owner of a jewelry store confronted four would-be robbers, at least one armed, who stormed into his business and attempted a “smash and grab” robbery. The owner drew his own gun and shot at the intruders, fatally striking two and sending the other two running. The jeweler told reporters that many other store owners in the shopping mall also are concealed carry permit holders, explaining: “If you come to the Magic Mall and you want to commit a crime, there’s a really good chance you’re going to get shot.”

Oct. 17, Gainesville, Georgia: Police said an armed good Samaritan shot and wounded a knife-wielding man who damaged several vehicles and threatened multiple people—including two female paramedics—during a mental health crisis. The good Samaritan and one paramedic were treated for minor injuries. The suspect, in critical condition, faced several serious criminal charges, including attempted murder.

Oct. 21, Harrisburg, Pennsylvania: A homeowner shot and wounded an intruder who kicked in his back door in the middle of the afternoon and then refused his order to leave, police said. The wounded intruder fled, but police found him nearby as he walked down a street carrying a large butcher knife. Police charged him with felony trespassing, attempted burglary, and making terroristic threats.

Oct. 22, Las Vegas, Nevada: When a mentally disturbed man broke into a home, grabbed a kitchen knife, and threatened to kill everyone inside, the homeowner and his wife barricaded themselves in a second-floor bedroom. Police said the homeowner grabbed his gun and fired a warning shot, but the intruder continued trying to force his way inside. The homeowner fired the next round

through the door, striking the man in the leg. Police arrested the intruder, who they said was the subject of several 911 calls that night and may have tried to break into other homes.

Oct. 25, Edinburg, Texas: Police said a woman shot and wounded an intruder through the door of the bedroom in which she and her children were hiding. The intruder fled, but responding deputies found him about 100 yards from the home. He had entered the residence through a garage and continued trying to break down the bedroom door even after the woman warned him that she was armed and had called police.

Oct. 27, Kokomo, Indiana: When a masked intruder tried to rob three apartment residents at gunpoint, police said, they fought back, knocking away the handgun as well as a second one the intruder reached for during the struggle. One resident retrieved his own firearm and held the suspect at gunpoint until police arrived. No one inside the apartment was injured.

Oct. 29, Hatchechubbee, Alabama: A woman fatally shot her estranged husband after he forced his way into her home, police said. The woman was in the process of having a restraining order reinstated against her husband after its recent expiration.

https://www.heritage.org/firearms/commentary/12-more-incidents-which-lawful-gun-owners-stopped-criminals?ute_source=twitter&utm_medium=social&utm_campaign=thf-tw

