

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

April, 2023

SCOPE Annual Members Meeting, Saturday April 29, 2023, 10 AM

Montour Falls Moose Lodge #426, 2096 State Route 14, Montour Falls, NY 14865.

The meeting is open to all SCOPE members in good standing.

Our Speakers Will Be:

Robert Young, MD

Doctors for Responsible Gun Ownership

DRGO educates health professionals and the public in the best available science and expertise about firearms, including gun safety and preventing injury and death through wise use and lawful self-defense. They teach what science shows—that guns in responsible hands save lives, reduce injuries, and protect property by preventing violent crime.

Assemblyman Phil Palmesano

Assembly District 132

The 132nd Assembly District consists of a majority of Steuben County, all of Schuyler and Yates counties, and portions of Chemung and Seneca counties.

Congressman Nick Langworthy

23rd Congressional District

The 23rd Congressional District of New York includes Allegany, Cattaraugus, Chautauqua, Chemung, Schuyler, and Steuben Counties and parts of Erie County

check SCOPEny2a.org for possible additional speakers

RSVP is Required and must be post marked No later than April 14th, 2023

[https://www.scopeny2a.org/resources/MM%202023%20Montour%20Falls\(2\).pdf?fbclid=IwAR1rhfWgXmerJ2w7DyWBQ2m-hS31YC7dA_FX6BqcLUZ2_XsNpVteQi_Zzjg](https://www.scopeny2a.org/resources/MM%202023%20Montour%20Falls(2).pdf?fbclid=IwAR1rhfWgXmerJ2w7DyWBQ2m-hS31YC7dA_FX6BqcLUZ2_XsNpVteQi_Zzjg)

NY lawmakers looking to impose ammunition tax for gun owners

Democratic state lawmakers are looking to impose a plan to tax ammunition as they look for ways to reduce gun violence.

Assemblywoman Pat Fahy (D-Albany), who sponsors the bill in the Assembly, said the tax will depend on the size of the bullet – anywhere from 2 to 5 cents a round.

This would be an excise tax that would go toward funding community-based programs.

But Republican lawmakers, like Assemblyman Chris Tague (R-Schoharie), disagree.

"We're going to penalize law-abiding citizens, and we're thinking that by doing this it's going to stop gun violence," Tague said. "I don't think so."

Paul Catucci, president of Pine Tree Rifle Club in Fulton County, agrees. Not only does he feel this bill is just another hit against responsible gun owners, he also believes it won't be effective in reducing gun violence.

"It's not going to help," Catucci said. "It's not the law-abiding citizens that are getting in trouble. It's the people that are stealing this stuff."

"They're just regulating you right to death," said Catucci.

<https://cbs6albany.com/news/local/ny-lawmakers-looking-to-impose-ammunition-tax>

New York gun control advocates' agenda includes wrongful death statute expansion again

New Yorkers Against Gun Violence is advocating ...for an overhaul of New York's wrongful death statute. The Legislature passed a bill with bipartisan support last session that, among other things, would allow family members of gun violence victims to sue for emotional damages.

The governor, however, vetoed it, citing potentially significant economic impacts and calling for more research.

The bill's sponsors expect to move forward with it again after budget negotiations are finished.

<https://spectrumlocalnews.com/nys/buffalo/politics/2023/03/28/gun-control-advocates-agenda-includes-wrongful-death-statute-expansion-again>

Everytown lobbying report

Everytown's gun control lobbyists in Albany have been working on the following bills so far this session:

- A-5199/S-270, Relates to an excise tax on the sale of ammunition. Adds a five to ten percent excise tax on ammunition, the revenue of which will go to the firearm violence intervention fund.
- A-710/S-182, Relates to providing a civil action for deprivation of rights. The purpose of this legislation is to end the defense of qualified immunity for public officials when they deprive the rights of New Yorkers as well as to provide a state cause of action that may be brought by an injured individual and/or the Attorney General.
- A-2105/S-214, Expands eligibility for victims and survivors of crime to access victim compensation funds. To expand eligibility for victims and survivors of crime to access victim compensation funds by removing the mandatory law enforcement reporting requirement and providing alternative forms of evidence that would show that a qualifying crime was committed.
- A-2893/S-580, Relates to the provision of and payment for violence prevention programs. To allow Medicaid reimbursement for violence prevention programs.

A-3005/S-4005, Enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2023-2024 state fiscal year. Relates to criminal possession of a firearm, rifle or shotgun in a sensitive location; exempts possession of a firearm within the Adirondack Park and the Catskill Park (Subpart A); relates to criminal purchase of a semiautomatic rifle (Subpart B) (Part F);

<http://www.gunpoliticsny.com/?p=26879>

NYC lawmakers want new definition for mass shooting in wake of Brooklyn gun violence

Under a bill Assemblywoman Monique Chandler-Waterman (D-Brooklyn) is proposing in the state Assembly, a mass shooting would be defined as any gun violence that resulted in the death or injury of at least four people.

Declaring such violence as a mass shooting would allow communities to pursue additional funding resources from the state and federal governments.

<https://tinyurl.com/37nxzusy>

Proposed legislation to extend support to gun violence victims and their families

There are currently four bills introduced in the Senate and three in the Assembly intending to extend support and protections for crime victims and their families.

These pieces of legislation intend to do this by expanding accessibility toward victim compensation funds and violence prevention services, creating a firearm violence intervention fund, and ending the defense of qualified immunity--a legal principle that protects public officials like police officers from some civil lawsuits.

<https://www.weny.com/story/48487060/proposed-legislation-to-extend-support-to-gun-violence-victims-and-their-families>

Appeals court reserves decision on constitutionality of New York gun law

For just over two and a half hours Monday (March 20), a three-judge panel of the U.S. Second Circuit Court of Appeals seemed to struggle to find a framework to determine if New York's Concealed Carry Improvement Act (CCIA) is constitutional.

The justices listened to arguments in four related cases concerning the CCIA, including one brought by Niagara Falls pastor Jimmie Hardaway Jr. of Trinity Baptist Church and others. One of the three justices hearing the arguments suggested that whatever constitutional determination they made was likely to be reviewed by the U.S. Supreme Court.

Pete Patterson, an attorney representing persons challenging the CCIA, told the justices that the "plain text" of the Second Amendment "gives a right to carry" to people entering private property.

In the case of Hardaway and Rev. Larry Boyd, pastor of Open Praise Full Gospel Baptist Church in Buffalo, along with two national pro-gun groups — Las Vegas-based Firearms Policy Coalition and Bellevue, Washington-based Second Amendment Foundation — justices were considering a challenge to a provision of the CCIA that bars individuals from bringing firearms into places of worship.

Hardaway and Boyd have argued that they would suffer irreparable harm, and that their Second Amendment rights would be violated, if the places of worship restriction was not blocked. In an affidavit accompanying the original lawsuit, Hardaway acknowledges that he is a member of the two pro-gun groups involved in the case and that he is licensed to carry a handgun in New York.

Esther Murdukhayeva, arguing on behalf of the state attorney general told, the court that, “New York properly designed places of worship as sensitive locations in which firearms could not be carried.”

John Ohlendorf, the attorney representing Hardaway and Boyd, pushed back aggressively, telling the justices that the “plain text” of the Second Amendment would allow the pastors to carry guns in their churches, except for the CCIA.

The justices also heard a request from Niagara County District Attorney Brian Seaman, who asked that them to rule on whether, under the current stay allowing the CCIA to be enforced while its constitutionality is under review, he is required to bring cases for violations of the act. Attorney Brian Crosby, appearing on behalf of Seaman, told the justices the DA was in an untenable position.

https://www.niagara-gazette.com/news/local_news/appeals-court-reserves-decision-on-constitutionality-of-new-york-gun-law/article_7c1611f4-c774-11ed-88fd-2ffb73dd84ee.html

A federal court in NY will consider whether people should be allowed to carry guns in public

The Second Circuit Court of Appeals heard oral arguments ... on a handful of lawsuits that argue the Concealed Carry Improvement Act — passed days after the U.S. Supreme Court struck down the state’s prior concealed carry law — violates New Yorkers’ second amendment rights.

It could take months or even years before the courts decide whether the law will stand in the long term. The Monday hearing will only determine if the state can continue to enforce the law while the challenges wind their way through the legal system. Experts expect that the law will eventually land back in front of the Supreme Court.

<https://gothamist.com/news/a-federal-court-in-ny-will-consider-whether-people-should-be-allowed-to-carry-guns-in-public>

How ‘Raise the Age’ led to More kids with guns

In 2017, with enthusiastic support from Gov. Andrew Cuomo, the Legislature passed the now infamous “Raise the Age” law that radically changed the scope of criminal and juvenile justice in New York.

The RTA law creates a new category of juvenile criminal, as well as a new court part: 16- and 17-year-olds arrested for felony offenses are now brought before a “Youth Part” in the criminal court as “Adolescent Offenders” (instead of tried as adults).

Currently, gun possession cases must be removed to the Family Court absent any proof that the young offender displayed the firearm as part of a criminal act.

Removal to the Family Court, however, does not mean that the young offender will appear in a courtroom at all. Most of the youth do not get sent to court to be prosecuted, but rather they appear before the NYC Probation Service, in the Family Court, for “Adjustment Services.”

The NYPD says that following the passage of RTA, gun crime has increased 200%.

Experts believe that gangs have younger members hold onto guns, knowing they can’t be prosecuted.

By “Raising the Age,” legislators have lowered the age of the average hardened criminal.

<https://nypost.com/2023/03/06/how-raise-the-age-led-to-more-kids-with-guns/>

City of Syracuse proposes paying high risk youth to reduce gun violence in the city

A spokesperson for Syracuse Mayor Ben Walsh confirms he's proposing a new program that would pay gang members to help reduce gun violence in the city. Mayor Walsh's Office to Reduce Gun Violence is asking the common council to approve a \$1 million dollar budget, that would go towards a Community Violence Interruption Plan.

The Mayor's Office confirms about 10-20 percent of that budget would go towards paying 50 "high-risk" young people \$100 a week to stop committing gun violence.

<https://cnycentral.com/news/local/syracuse-mayor-proposing-paying-gang-members-to-reduce-gun-violence-in-the-city>

Class Action Suit Filed Against NYPD For Denial of Second Amendment Rights

A class action lawsuit filed March 6 accuses the New York City Police Department of violating New Yorker's Civil rights by unreasonably delaying the issuance of gun licenses and by refusing to accept out-of-state gun licenses.

The NYPD License Division which oversees the issuance of gun licenses in the City of New York is accused of delaying the issuance of even a home-premise license for more than a year leaving one resident who moved into New York City in extended limbo while he waits for his gun license.

In addition, the lawsuit argues that New York City policy and State law which refuse to allow citizens who are licensed outside of New York City to carry and possess firearms inside New York City violates both the Second Amendment and the “full faith and credit” clause of the US Constitution.

The law suit has been filed by New York Second Amendment law firm Tilem & Associates, PC which is based in White Plains and represents gun owners throughout New York State. Peter H. Tilem, Esq., the founder of Tilem & Associates, PC, stated: “The actions of the NYPD License Division and other Defendants, outlined in the complaint, are consistent with their long standing history and policy of creating as many roadblocks to gun ownership and possession in New York City. These policies have resulted in the denial of New Yorker’s Second Amendment rights for decades and continue unabated even after the United States Supreme Court Bruen decision striking down New York’s concealed carry laws.”

The lawsuit was filed in the Federal District Court for the Southern District of New York in Manhattan, it is entitled Meissner v. The City of New York and was assigned Case Number: 1:23-cv-01907.

https://www.einnews.com/pr_news/620539673/class-action-suit-filed-against-nypd-for-denial-of-second-amendment-rights?fbclid=IwAR2gawrRaaLqx4jtXIfLeJzJISj_HG9Imt6vQDAMoTzURQI4vcv74K1EudA

Court Order Restricts Sale of ‘Ghost Gun’ Parts in New York

The New York attorney general has won an order that stops gun companies from selling or distributing unfinished or unserialized gun parts used to assemble untraceable “ghost guns” to New York consumers.

U.S. District Judge Jesse Furman in Manhattan granted the state a preliminary injunction against 10 national gun distributors. The order requires that they immediately stop selling and shipping unfinished or untraceable frames and receivers to New York consumers.

The 10 gun distributors banned from shipping ghost gun kits into New York are: Brownells Inc., Blackhawk Manufacturing Group (80 Percent Arms), Salvo Technologies Inc. (80 P Builder or 80P Freedom Co.), G.S. Performance LLC (Glockstore), Indie Guns LLC, Primary Arms LLC, Arm or Ally LLC, Rainier Arms LLC, KM Tactical LLC, and Rock Slide USA LLC.

Last June, Attorney General James filed a lawsuit against those 10 national gun distributors for selling and shipping ghost gun parts into New York without background checks. That case is pending in the Southern District of New York.

The preliminary order will be in effect until and unless the state law is repealed, held to be unconstitutional, held to be unenforceable, or amended, so as permit the sale of “unfinished frames or receivers” to customers in New York, the order states.

<https://www.insurancejournal.com/news/east/2023/03/13/712008.htm>

NRA digs in for legal fight against NYS Attorney General over alleged 'roadmap' of abuse

The National Rifle Association (NRA) is hitting back against Democratic New York Attorney General Letitia James' years-long legal battle and self-described campaign to "take on the NRA" over alleged corruption.

The NRA filed an appeal Monday with the New York Supreme Court's Appellate Division stemming from an ongoing 2020 suit the attorney general filed against the Second Amendment group, which originally sought to dissolve the organization. The NRA is arguing that James weaponized the powers of her office "to silence" the Second Amendment group.

James was elected to office in November 2018 and publicly slammed the NRA in the lead-up to her becoming New York's chief law officer. While on the campaign trail, James called the group "an organ of deadly propaganda" and vowed to investigate whether the NRA could keep its charity status.

James came through on her campaign pledge in August 2020 with a dissolution lawsuit aiming to break up the NRA over alleged corruption.

The NRA filed counterclaims against the suit, alleging that James worked to shut down the group over "a desire to silence its pro-Second Amendment advocacy," the NRA said in a press release. The gun rights advocacy group accused the state AG of targeting them for political reasons, describing the matter as a vendetta and citing James' comments ahead of her election.

The New York Supreme Court dismissed the First Amendment and Equal Protection Clause counterclaims without allowing discovery in June of last year.

The NRA is arguing that the "lower court's opinion practically draws a roadmap for how officials can abuse state power to destroy the ability for non-profits to advocate for positions disfavored by the government. An official can run for office with the stated aim of taking adverse action to silence a disfavored speaker."

The appeal added Tuesday that "under the lower court's decision, so long as the targeted entity has committed any technical infraction whatsoever, it would have no redress for the blatant violation of its First Amendment rights. This would mark a decisive and dangerous break with both federal and New York law."

<https://www.foxnews.com/politics/nra-legal-fight-against-woke-prosecutor-alleged-roadmap-abuse>

Biden beefs up background checks on gun sales, pushes 'red flag' laws

President Biden signed an executive order (March 14) meant to increase the number of background checks before gun purchases take effect and boost the use of "red flag" laws — in what the White House touted as the most comprehensive policy the president can enact without Congress.

Specifically, the order directs Attorney General Merrick Garland to clarify who needs a federal license to sell firearms so that they can be made to comply with background check requirements.

Biden also asked Garland to formulate a plan to stop firearms dealers whose federal licenses have been revoked or surrendered from selling guns.

The order also directs Garland, the Pentagon, the Department of Homeland Security, the Department of Health and Human Services, the secretary of education and the surgeon general to raise public awareness of "red flag" orders, which allow a judge to remove a firearm from someone deemed likely to hurt themselves or others.

Further, Biden asked the Federal Trade Commission to issue a public report on how gun makers market firearms to minors and how the manufacturers use military imagery to advertise weapons to the general public.

Federal law enforcement agencies were also given six months to develop regulations to better report ballistics data to the federal clearinghouse.

Pro-gun groups said the order would do little to stop growing gun violence.

<https://nypost.com/2023/03/14/biden-to-beef-up-background-checks-on-gun-sales/>

Biden makes multiple false Second Amendment claims in wake of Nashville shooting

The president, who describes himself as a "Second Amendment guy," said the weapons used on Monday were "weapons of war" and that the right to bear arms is not absolute.

"You're not allowed to go out and own an automatic weapon. You're not allowed to own a machine gun. You're not allowed to own a flamethrower," Biden said. "You're not allowed to own so many other things. Why in God's name do we allow these weapons of war on our streets and in our public schools?"

While the National Firearms Act imposes strict limits on machine guns, it allows for exceptions, though minimal.

In addition, the law does not specifically ban flamethrowers. A 2019 House bill that aimed to subject flamethrowers to the same federal regulation never passed.

Biden has previously said that the Second Amendment also banned the ownership of cannons when it was passed in 1791, but that, too, has been debunked.

He continued making claims about firearms, especially when it comes to the death of children.

<https://www.foxnews.com/politics/biden-makes-multiple-second-amendment-claims-wake-nashville-shooting-reality-isnt-clear-cut>

Pentagon panel recommends bases stop selling guns to troops under 25 to fight suicides

An external evaluation of suicide in the U.S. military has produced a report calling for greater gun control restrictions for troops.

The Suicide Prevention and Response Independent Review Committee (SPRIRC) was formed by the Department of Defense in March 2020 to help combat the rising rate of suicides among servicemembers.

In the committee's report, released Friday, the independent body recommends, "On DoD property, raise the minimum age for purchasing firearms and ammunition to 25 years."

The report goes on to suggest several other alterations to gun laws on DOD property that reflect common gun control tactics, including suggestions to "implement a 7-day waiting period for any firearm purchased on DoD property" and "develop a national database for recording serial numbers of firearms purchased on DoD property."

<https://www.foxnews.com/politics/pentagon-panel-recommends-bases-stop-selling-guns-troops-under-25-fight-suicides>

Senate Republicans Introduce Bill Codifying Right To Bear Arms Outside The Home

The bill would incorporate elements from the Supreme Court's 2008 District of Columbia v. Heller decision and the New York State Rifle and Pistol Association v. Bruen decision from 2022, he said.

In Heller, the court affirmed an individual's right to own a firearm. The Bruen decision affirmed the individual's right to carry a gun for self-protection outside their home. Sen. Lindsey Graham said the bill would enshrine those rights in federal law. It would also give citizens the right to sue any government agency or official who tried to infringe on that right.

<https://www.zerohedge.com/political/senate-republicans-introduce-bill-codifying-right-bear-arms-outside-home>

Here's how progressive lawyers are using public nuisance lawsuits to outlaw guns

A consumer protection group is warning Republican governors against attempts by left-leaning lawyers to use public nuisance lawsuits as a backdoor way to outlaw guns.

The Alliance For Consumers (AFC), a nonprofit organization aimed at "ensuring consumer protection efforts, class action lawsuits, and attorney general enforcement actions benefit consumers," sent a letter to all GOP governors Friday saying that since the many state legislatures have recently flipped to a Republican majority, they should be on the lookout for progressive activists attacking gun rights through these legal actions.

"With victories through the legislative process becoming harder to achieve, the progressive left is increasingly looking to an alliance of activists, officials, and trial lawyers to weaponize the judicial system against conservatives and impose key policy priorities by way of public nuisance lawsuits," AFC president O.H. Skinner wrote.

"Under the guise of compensation for injuries to the overall public interest, these lawsuits open the door to courts imposing sweeping policy solutions outside the traditional governmental processes or otherwise reshaping the economy through massive money transfers," Skinner added.

Skinner said "activists have found a way to use the court system as a weapon to force companies and consumers to comply with a progressive worldview without legislative oversight or public scrutiny."

Skinner said that progressive trial lawyers will try to make the case that just as fossil fuels and plastics are bad for the environment that is shared by the public, guns can also cause public harm, and therefore, courts should curb their use because of this "public nuisance."

According to Skinner, that suit claimed that major American firearms manufacturers' work to design, produce, market and sell has "created, contributed to, and maintained the public nuisance of unlawful possession, transportation and disposition of firearms, and the utilization of guns in the commission of an offense."

<https://www.foxnews.com/politics/heres-how-progressive-lawyers-using-public-nuisance-lawsuits-outlaw-guns>

More relatives of Colorado shooting victims sue Sturm Ruger

More relatives of people shot to death at a Colorado supermarket in 2021 are suing gun-maker Sturm, Ruger & Co. over how it marketed the firearm used in the massacre, adding to litigation first filed earlier this month against the company.

The lawsuit by relatives of five of the 10 people killed in Boulder was served on the company Thursday and is expected to be filed this week in Superior Court in Stamford, Connecticut, according to Andrew Garza, a lawyer for the plaintiffs. The son of a sixth victim sued the company on March 14.

Both lawsuits accuse Sturm, Ruger & Co. of marketing its AR-556 pistol, which resembles a rifle, in a "reckless" and "immoral" way that promoted its killing capability and glorified lone gunmen. The lawsuits, which seek undisclosed damages, are expected to be consolidated into one case, Garza said.

<https://www.breitbart.com/news/more-relatives-of-colorado-shooting-victims-sue-sturm-ruger/>

Banks Increasingly Back Political Scheme To Track Gun Purchases by Credit Card

The first credit card processor to announce plans to track purchases at gun shops is Discover Financial Services. The company hints that its competitors, specifically Visa, MasterCard, and American Express, are on the same schedule to implement a controversial gun-specific merchant category code announced last year.

Merchant category codes (MCCs) are an IRS-developed scheme for tracking transactions. Behind the push for the gun-specific merchant category code is Amalgamated Bank, which boasts that it "supports sustainable organizations, progressive causes, and social justice." It's basically a political operation that uses its presence in the financial industry to advance political goals, and it joined with Democratic politicians to urge adoption of the new MCC.

When the code was approved, firearms-specific payment firm GunTab warned that it was a step towards filing government-mandated Suspicious Activity Reports with the authorities on gun purchases.

<https://reason.com/2023/03/06/banks-increasingly-back-political-scheme-to-track-gun-purchases-by-credit-card/>

Visa, Mastercard pause decision to track gun shop purchases

Visa and Mastercard paused their decision to start categorizing purchases at gun shops, a significant win for conservative groups and Second Amendment advocates who felt that tracking gun shop purchases would inadvertently discriminate against legal firearms purchases....

A group of 24 GOP state attorneys general wrote a letter to the payment networks threatening legal action against Visa and Mastercard if they moved forward with their plan.

There are also bills pending in several state legislatures that would ban the tracking of purchases at gun shops, which would have made it even more difficult for Visa and Mastercard to implement the categorization.

In a statement, Visa indicated that the legal pushback was partially the reason they have paused their implementation.

https://apnews.com/article/mastercard-visa-guns-second-amendment-c2f5db1f0be066458ee0041a5816736e?utm_campaign=TrueAnthem&utm_medium=AP&utm_source=Twitter

Eleventh Circuit Upholds Restriction on Gun Purchases by 18-to-20-Year-Olds

The opinion... is *Jones v. Bonti*, written by Judge Robin Rosenbaum, and joined by District Judge Anne Conway (M.D. Fla.); Judge Charles Wilson concurred in the judgment...the quick summary:

The majority concludes that the Florida law is comparable to various bans on handgun purchases—and, in some states, on handgun possession—by under-21-year-olds in the late half of the 19th century.

And the majority concludes that this history, from around the time the Fourteenth Amendment was enacted, is more significant than Framing-era history, because it is the Fourteenth Amendment that applies the Second Amendment to the states.

By way of perspective, until about 1970, the age of majority in the U.S. was generally 21, which helps explain why such restrictions coexisted with a general recognition of the right of adults (at the time, those 21 or over) to buy guns.

<https://reason.com/volokh/2023/03/09/eleventh-circuit-upholds-restriction-on-gun-purchases-by-18-to-20-year-olds/>

Justice Department Says Ending Gun Ban For Medical Marijuana Patients Would Have 'Wide-Ranging Consequences' In New Federal Court Brief

The U.S. Department of Justice has filed a brief in a federal appeals court as part of an ongoing lawsuit over the government's ban preventing medical marijuana patients from possessing firearms.

Many of DOJ's arguments in the brief filed on Wednesday mirror points that the agency made in earlier filings in the case, including in a federal district court that dismissed the lawsuit that's now being appealed by its plaintiffs. But the latest document places new emphasis on the "wide-ranging consequences" that the Biden administration says would result from a ruling that favors the plaintiffs.

Those plaintiffs are medical cannabis patients in Florida who are challenging the constitutionality of the firearms ban, arguing that it violates the Second Amendment on several grounds.

<https://www.marijuanamoment.net/justice-department-says-ending-gun-ban-for-medical-marijuana-patients-would-have-wide-ranging-consequences-in-new-federal-court-brief/>

Florida OKs bill to carry concealed guns without a permit

Floridians will be able to carry concealed guns without a permit under a bill the Legislature sent to Republican Gov. Ron DeSantis on Thursday. The governor said at a suburban Atlanta gun store that he will sign the bill.

The Senate passed the bill on a 27-13 vote. It will allow anyone who can legally own a gun in Florida to carry one without a permit. It means training and a background check will not be needed for people to carry concealed guns in public.

"You don't need a permission slip from the government to be able to exercise your Second Amendment rights," DeSantis said to cheers at the Smyrna, Georgia, gun store that is often a location for GOP campaign events. "And as of right now there's 25 states, so half the states, that allow that. Well in Florida, next week, we're going to make it 26."

The arguments over the legislation were divided on political lines, with Republicans saying law-abiding citizens have a right to carry guns and protect themselves

<https://abcnews.go.com/US/wireStory/florida-oks-bill-carry-concealed-guns-permit-98245140>

The History of Bans on Types of Arms Before 1900

The U.S. Supreme Court's decision *New York State Rifle & Pistol Association v. Bruen* instructed lower courts to decide Second Amendment cases "consistent with *Heller*, which demands a test rooted in the Second Amendment's text, as informed by history." Bruen examined the legal history of restrictions on the right to bear arms through 1899. This Article focuses on one aspect of the legal history of the right to keep arms: prohibitions on particular types of arms.

Part I describes prohibitions on possession of firearms and other arms in England. The lance, a type of light lance for horsemen, was banned, as were small handguns, although the handgun ban was widely ignored. A class-based handgun licensing law was apparently little enforced. While most firearms were single-shot, repeating firearms existed for centuries in England, with no special restrictions.

Part II covers America from the colonial period through the Early Republic. No colonial law banned any particular arm. The Dutch colony New Netherland came the closest when it limited the number of flintlocks colonists could bring into the colony, in an effort to quash the trading of flintlocks to Indians. In the British colonies, there were many laws requiring most people, including many women, to possess particular types of arms. The Article is the first to provide a complete, item-by-item list of every mandated arm. Some private individuals owned repeating (multi-shot) firearms and cannons, but such arms were far too expensive for a government to mandate individual possession.

As summarized in Part III, the nineteenth century was the greatest century before or since for firearms technology and affordability. When the century began, an average person could afford a single-shot flintlock musket or rifle. By the end of the century, an average person could afford the same types of firearms that are available today, such as repeaters with semiautomatic action, slide action, lever action, or revolver action. Ammunition had improved even more.

The rest of the article describes nineteenth century laws forbidding particular types of arms. Part IV examines the four prohibitory laws on particular types of firearms: Georgia (most handguns), Tennessee and Arkansas (allowing only "Army & Navy" type handguns, i.e. large revolvers), and Florida (race-based licensing system for Winchesters and other repeating rifles).

Part V turns in depth to the most controversial arm of nineteenth-century America: the Bowie knife. Sales were banned in a few states, and possession was punitively taxed in a few others. The mainstream approach, adopted in most states, was to ban concealed carry, to forbid sales to minors, or to impose extra punishment for criminal misuse. As Part V explains, Bowie knife laws usually applied to other weapons too.

Part VI summarizes the nineteenth century laws about the various other arms. These are other sharp weapons (such as dirks, daggers, and sword canes), flexible impact arms (such as slungshots and blackjacks), rigid impact arms (such as brass knuckles), and cannons. Possession bans were rare, whereas laws on concealed carry, sales to minors, or extra punishment for misuse were more common.

Part VII applies modern Second Amendment doctrine to the legal history presented in the Article. It suggests that some arms prohibitions and regulations may be valid, but bans on modern semiautomatic rifles and magazines are not.

<https://reason.com/volokh/2023/03/21/the-history-of-bans-on-types-of-arms-before-1900/>

10 Things the Mainstream Media Doesn't Want You To Know About Concealed Carry

1. Prohibitions on Lawful Carry are Unconstitutional
2. Gun Control and Gun Safety Are Two Very Different Things
3. Concealed Carriers Frequently Stop Mass Murderers
4. Concealed-Carry Permittees are Among the Most-Law-Abiding Americans
5. Concealed-Carry Laws Do Not Make it Easier for Criminals to Carry Firearms
6. Blood Has Never "Run in the Streets" After Carry Laws Were Improved
7. The Police Don't Have a Duty to Protect You
8. Passage of Constitutional Carry Doesn't "Weaken Gun Laws"
9. Constitutional Carry has not Made States Less Safe
10. National Reciprocity is Safe and Much-Needed

<https://www.americas1stfreedom.org/content/10-things-the-mainstream-media-doesn-t-want-you-to-know-about-concealed-carry/>



SCOPE
Annual
Members
Meeting



April 29, 2023
10:00 am

Montour Falls
Moose Lodge #426
2096 State Route 14
Montour Falls, NY 14865

Our Speakers Will Be:
Robert Young, MD
Doctors for Responsible Gun Ownership
DRGO educates health professionals and the public in the best available science and expertise about firearms, including gun safety and preventing injury and death through wise use and lawful self-defense. They teach what science shows—that guns in responsible hands save lives, reduce injuries, and protect property by preventing violent crime.
Assemblyman Phil Palmesano
Assembly District 132
The 132nd Assembly District consists of a majority of Steuben County, all of Schuyler and Yates counties, and portions of Chemung and Seneca counties.
check SCOPEny2a.org for possible additional speakers

The meeting is open to all SCOPE members in good standing.

You must RSVP with the attached form.

Lunch will be provided



Yes I will be attending the 2023 SCOPE Annual Members Meeting

No, I cannot attend, however I am committed to S.C.O.P.E.'s mission to Protect and Restore 2nd Amendment Rights here in New York State.

Please accept my donation of

\$50 _____ \$25 _____ \$10 _____ Other _____

Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

Email _____

RSVP is Required
And must be post marked
No later than
April 14th, 2023

Please return this form to:
SCOPE Member Meeting
PO Box 165
East Aurora, NY 14052