

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

May, 2023

Biden's war on hunting faces blowback from Republicans, sportsmen groups

The Biden administration is under fire for regulatory proposals critics have warned could serve as a backdoor attack on hunting and could lead to more aggressive measures targeting hunting.

According to experts and hunting industry officials, the U.S. Fish and Wildlife Service (FWS) is expected to publish draft hunting guidelines that would substantially curb the type of equipment sportsmen are allowed to use on federal refuge properties. The guidelines are, among other provisions, expected to expand the refuge area where cost-effective lead ammunition and fishing tackle will be banned.

In 2021, the Center for Biological Diversity — an influential environmental group with assets exceeding \$40 million that advocates for stringent federal wildlife protections — sued the federal government over a Trump administration rule expanding hunting and fishing on 2.3 million acres across 147 wildlife refuges and national fish hatcheries.

Instead of defending the rule, the Biden administration asked the court to delay proceedings in the case in February 2022, and in November agreed to a settlement with the Center for Biological Diversity that stipulated the government would take wide-ranging steps to protect wildlife "harmed by expanded hunting and fishing" on national wildlife refuges.

Under the settlement, the FWS promised to expand lead ammunition prohibitions across various refuges beginning in 2026 as part of the 2023-2024 annual rule expected to be proposed in May... as recently as Friday morning, the Biden administration announced in federal filings its intention to prohibit recreational shooting on approximately 94,900 acres of lands managed by the Department of Agriculture's Forest Service.

<https://www.foxnews.com/politics/bidens-war-hunting-faces-blowback-republicans-sportsmen-groups>

Lead hunting ammo ban bill passes NYS Assembly

Assembly Bill A2084A: Prohibits the use of lead ammunition in the taking of wildlife on state-owned land and on land contributing surface water to the New York city water supply (which is arguably most of New York State). It is awaiting action in the New York State Senate

<https://www.nysenate.gov/legislation/bills/2023/a2084>

New York State Bill would remove the National Rifle Association from the list of entities authorized to grant certificates as instructors in small arms practice.

A companion has been introduced to Sen Sean Ryan's bill S-138, Removes the NRA from the list of entities authorized to grant certificates as instructors in small arms practice, A-6663 PatriciaFahy is the sponsor.

<https://nyassembly.gov/leg/?bn=a6663>

New York State: Pistol Permits application and training changed¹

Residents in New York State who own, want to own, or had previously posed a pistol have new requirements they need to meet. To use the weapon, pistol owners must take a 16-hour course, criminal history, and mental hygiene check, and pay all the fees.

The training requirements. Previously it was 5 hours and now it is a mandatory 16-hour course.

Whether you have or had a permit, New York now requires recertification every three years versus the previous five-year requirement. The first 8 hours of training include laws, de-escalation how to deal with people who are suicidal. On the second day, the training includes stances and shooting from the meadows and more.

The fee previously ranged in the low one-hundred-dollar range. In 2023, for the course, applications, and personal background checks it is roughly \$500 dollars.

In Chemung County, Sheriff Bill Schrom acknowledges this law may stay or may not be in place for long. Either way, all counties across New York State are complying with the pistol permit and training requirements. Schrom wants to simplify the process.

<https://www.weny.com/story/48790312/new-york-state-pistol-permits-application-and-training-changed>

Re-enactors want clear gun language in final budget deal²

Officials in charge of historic forts and battlefields are urging state lawmakers and Gov. Kathy Hochul to formally exempt re-enactments from gun law changes last year that limited where firearms can be in public as part of a final budget deal.

¹ (Note: This interpretation of the recertification process may apply only in certain counties. This is still being investigated).

² At press time, it was unknown whether this was included in Hochul's budget deal.

The push from the organizations this week comes as the state budget is in flux and months after Hochul first proposed easing restrictions on guns for designated security personnel in houses of worship.

“Historical reenactments at Old Fort Niagara and historic sites across New York State could be a thing of the past unless the New York State Legislature takes timely action,” said Robert Emerson, the executive director of Old Fort Niagara.

The law approved last year in the wake of a U.S. Supreme Court ruling that found the state's century-old concealed carry law was unconstitutional included new parameters for where firearms are permitted in public.

Almost immediately, re-enactors worried the law was too broadly written and would cover their activities.

<https://spectrumlocalnews.com/nys/central-ny/ny-state-of-politics/2023/04/12/re-enactors-want-clear-gun-language-in-final-budget-deal>

Assemblyman Beephan introduces bill to change state’s Red Flag Law

Assemblyman Anil Beephan (R, East Fishkill) has introduced a bill that provides discretion to police officers and district attorneys in applying for Extreme Risk Protection Orders (ERPO).

This bill precedes the ruling of Acting State Supreme Court Judge Craig Stephen Brown in Orange County last week, which declared unconstitutional a Temporary Risk Protection Order against a Middletown man.

“The simple yet noteworthy amendment changes an operational term from ‘shall’ to ‘may,’ which allows a police officer or district attorney certain discretion concerning the obligation to file an application for extreme risk protection order,” said Beephan.

An ERPO, more commonly known as a “Red Flag” law, is a court-issued order that prohibits someone who is believed to be dangerous to themselves or others from temporarily purchasing or possessing a firearm, rifle, or shotgun. Nineteen states, as well as Washington DC, have “Red Flag” laws and their provisions have been challenged constitutionally.

“This bill strikes a balance between protecting the public from potential harm and preserving the constitutional rights of individuals,” said Beephan. “We need to ensure that our laws are constitutional and protect the rights of our citizens.”

<https://midhudsonnews.com/2023/04/10/assemblyman-beephan-introduces-bill-to-change-states-red-flag-law/>

New York State Court declares Temporary Extreme Risk Protection Order unconstitutional in Orange County

Acting State Supreme Court Justice Craig Stephen Brown has declared unconstitutional a Temporary Extreme Risk Protection Order (TERPO) against a Middletown man and ordered it be dismissed against the respondent only identified in court papers as "C.M."

The matter arises out of the issuance of a TERPO against C.M. on January 20. It was alleged that on January 18, at a Concord Lane, Middletown address, he brandished a loaded shotgun, cocked it, and pointed it at his neighbor during a verbal dispute.

He denied the allegations and challenged the constitutionality of the state's Red Flag Law.

Justice Brown noted that "while 'a licensed physician' or 'licensed psychiatrist' may (under the law), be a petitioner, there is no requirement that such licensed professional be a petitioner or be involved in any manner to provide any evaluation or opinion whatsoever as a basis for the issuance of a Temporary Extreme Risk Protection Order or a Final Extreme Risk Protection Order," and he said, "Therein lies one constitutional impediment with New York's Red Flag Law."

Brown wrote in his decision issued on April 4 that "without the requirement of any input from a medical or mental health expert, the court is required to make a determination of whether the respondent 'is likely to engage in conduct that would result in serious harm to himself, herself, or others.'"

He also said in order to extend any curtailment of liberty beyond 48 hours, "a second doctor's opinion must be obtained and such opinion must be consistent with the first doctor's opinion."

The decision only applies to Justice Brown's court in Orange County, but it can be a persuasive argument in Orange or other counties

<https://midhudsonnews.com/2023/04/05/supreme-court-justice-declares-temporary-extreme-risk-protection-order-unconstitutional-in-orange-county-2/>

"Petitioner's Second Amendment Rights Are Not Dependent on Her Spouse's Acquisition of an unrestricted concealed carry pistol permit," says N.Y. appellate court.

The case arose before Bruen, when New York required a showing of special need to get a license to carry a gun for self-defense. The petitioner had argued that she needed a gun because she and her husband would often carry substantial sums of cash for business, but the New York licensing authorities responded that she "failed to explain why her stated self-defense needs were not already adequately and independently addressed by her husband's recent acquisition of an unrestricted concealed carry license."

The New York intermediate appellate court rejected that logic (Matter of DiPerna-Gillen v. Ryba, decided (April 28) in an opinion by Justice Stan Prizker, joined by Presiding Justice Elizabeth Garry and Justices Michael Lynch, Molly Reynolds Fitzgerald and Eddie McShan). The court's main point was that, given the decision in Bruen, which came down while the appeal was pending, petitioner had a constitutionally protected right to carry, even without a showing of special need. But the court added: To the extent that the Attorney General attempts, inexplicably, to justify the determination based upon petitioner's "fail[ure] to explain why her stated self-defense needs were not already adequately and independently addressed by her husband's recent acquisition of an unrestricted concealed carry license," we note that this was not a basis for the denial of this application and "judicial review of an administrative determination is limited to the grounds invoked by" respondent.

More to the point, the statutory framework contains no such required showing and, suffice it to say that petitioner's Second Amendment rights are not dependent on her spouse's acquisition of an unrestricted concealed carry pistol permit.

<https://reason.com/volokh/2023/04/29/petitioners-second-amendment-rights-are-not-dependent-on-her-spouses-acquisition/>

NRA, New York attorney general prepare for trial as soon as this fall

(NYS Attorney General) James filed a lawsuit in 2020 with the aim of dissolving the pro-Second Amendment group for "years of self-dealing and illegal conduct."

A judge had denied James' quest to shut down the organization, but her office was still seeking an independent monitor to oversee its spending.

James accused the NRA and its executives of mismanaging funds for pricey meals, expensive trips and private jet rides while the nonprofit organization — chartered in New York state in 1871 — lost millions of dollars.

As the case nears a trial tentatively planned for the fall, both sides were still arguing over thousands of documents the attorney general's office has requested, which the NRA claimed might be privileged. Prosecutors claimed the NRA is withholding relevant documents, while the gun rights organization argued that a set of search terms it's been instructed to use is too broad.

<https://gothamist.com/news/nra-new-york-attorney-general-prepare-for-trial-as-soon-as-this-fall>

18 Attorneys General Join Forces to Support NRA Against New York's Alleged First Amendment Violations

A group of 18 attorneys general from across the United States have come together to support the National Rifle Association (NRA) in its legal battle against the state of New York. The attorneys general filed an amicus brief with the Supreme Court of the United States, contending that First Amendment violations by New York officials warranted its review. On Feb. 7, the NRA petitioned the U.S. Supreme Court to review a controversial judgment issued by the United States Court of Appeals for the Second Circuit in *NRA v. Maria Vullo*, the former superintendent of New York's Department of Financial Services (DFS). Attorney General Austin Knudsen of Montana led the coalition in support of that petition.

The suit alleges in detail that Vullo and other New York state officials improperly targeted the NRA by threatening and coercing banks and insurance companies to sever ties with the organization. The NRA contends that these actions were designed to shut it down in retaliation for its gun rights advocacy, and thus violated its First Amendment rights to free speech and association.

“The Second Circuit’s decision gives government officials license to financially cripple their political opponents, or otherwise stifle their protected speech – whether those rivals advocate for school choice, abortion rights, religious liberty, environmental protections, or any other politically salient issue,” the attorneys general said in the brief.

In a news release, the attorneys general highlight the fact that the Court of Appeals split from the consensus approach of at least six federal circuits when issuing their decision.

<https://home.nra.org/statements/18-attorneys-general-join-forces-to-support-nra-against-new-york-s-alleged-first-amendment-violations/>

Saratoga Springs considers outlawing carrying firearm while drunk, high

The ordinance... is in response to a Nov. 20 incident when a bar dispute between an off-duty Vermont sheriff’s deputy and three men from Utica spilled out into the street and erupted in gunfire. City police responded by shooting the sheriff deputy who allegedly pointed his weapon at them after shooting one of the Utica men. The incident took place after a night of drinking on Caroline Street, the hub of the city’s night life. If approved, violating the ordinance would be a violation, or akin to a ticket to appear in City Court.

The standard for proving intoxication would be the same as officers do with state Vehicle and Traffic Law.

<https://tinyurl.com/yeyn3rmb>

Warning labels at NYC gun stores spelling out risk of death from firearms proposed under new council bill

Stores that sell guns in New York City could soon be required to post signs informing potential buyers of the potential risks that go along with owning them.

The requirement is being proposed in a bill Councilwoman Marjorie Velazquez (D-Bronx) plans to introduce (April 27).

<https://www.nydailynews.com/news/politics/new-york-elections-government/ny-gun-warning-bill-marjorie-velazquez-city-council-bottcher-20230427-2mesdgplhvgrfjmw2bed2o2fp4-story.html>

Second Amendment Scholar Challenges Gun Control Narrative, Says It Increases Racial Bias In Criminal Justice

An African American Second Amendment scholar is bringing a perspective challenging many of the mainstream narratives that firearms increase crime in America. Instead, he believes gun control laws exacerbate racial bias in the criminal justice system.

“We need to take a harder look at those programs, rather than pursuing what we call the modern orthodoxy,” said Nicholas Johnson at the University of Wyoming’s Firearm Research Center on Thursday night. “The community would be better if we took a case-by-case policy look. We need a hard-look approach that is pursued with rigor.”

In his "A Race-Sensitive Hard Look at Firearms and the Black Community" presentation, Johnson explains that studies show many of the same laws leading to disproportionate incarceration of African Americans and other minorities are interconnected with gun control laws that Democrats and many of the same people impacted by the policies support.

Johnson said there are... racial disparities in the prosecutions of gun laws, with studies showing African Americans are much more likely to be charged with this crime than other groups of people and twice as likely to be charged for mandatory minimums as white people.

Johnson cited the example of his home of New York City, which has particularly strict gun laws. To own a handgun in NYC, you need a valid city handgun license and to possess a rifle or shotgun, you need a city-issued permit.

Johnson argues these restrictions have had a disproportionate effect on working class residents of the city, who have a difficult time understanding the “Byzantine” laws and taking time off from work if they have appear in court on gun charges, leading to further legal problems.

“People who are poor or on the bottom half of the economic scale, it’s simply harder to work through the legal process,” he said.

Johnson also brought up a few instances of people traveling to NYC with firearms and being charged with crimes they had no idea they would be committing beforehand.

<https://cowboystatedaily.com/2023/04/16/second-amendment-scholar-challenges-gun-control-narrative-says-it-increases-racial-bias-in-criminal-justice/>

Federal judge strikes down Minnesota law banning 18-20-year-olds from obtaining gun permits

A federal judge struck down a Minnesota law that prohibits adults age 18-20 from obtaining permits to carry handguns in public.

Assisted by gun-rights advocacy groups, three individuals who were under 21 challenged a 2003 state law that enacted an age requirement to apply for a permit to carry a pistol. They argued that the law unconstitutionally prohibited young adults from exercising their Second Amendment right to bear arms.

In a 50-page ruling, U.S. District Court Judge Kathleen Menendez agreed. Relying on the Supreme Court's 2022 decision in *New York State Rifle & Pistol Ass'n v. Bruen*, the judge concluded that Minnesota's law was unconstitutional and blocked the state from enforcing it.

Menendez's ruling enables adults under 21 to obtain a license to carry a handgun in public in Minnesota, provided they meet all the other requirements of the law, including showing proof they received training, passing a background check, and having no criminal history or serious mental health problems.

Bryan Stawser, chair of the Minnesota Gun Owners Caucus, cheered the decision as "a resounding victory for 18-20-year-old adults who wish to exercise their constitutional right to bear arms."

<https://www.foxnews.com/politics/federal-judge-strikes-down-minnesota-law-banning-18-20-year-olds-obtaining-gun-permits>

Gun rights rejected for undocumented immigrants

In a case stemming from a man brandishing a gun in Tampa, an appeals court Monday rejected a challenge to a federal law that bars undocumented immigrants from having firearms.

A three-judge panel of the 11th U.S. Circuit Court of Appeals said the law does not violate the Second Amendment.

“None of this, of course, is to suggest that illegal aliens in the United States have no constitutional rights whatsoever,” said the 17-page opinion, written by Judge Kevin Newsom and joined by Judges Elizabeth Branch and Andrew Brasher. “But consistent with the Second Amendment’s text and history, they do not enjoy the right to keep and bear arms. Accordingly, we hold that (federal law) passes constitutional muster. The law’s ban on firearm possession by illegal aliens does not ‘infringe’ the right that the Second Amendment embodies.”

<https://www.wlrn.org/news/2022-05-24/gun-rights-rejected-for-undocumented-immigrants>

Government seeks review of federal gun regulations on domestic abusers, bump stocks

Both cases arise under the federal firearm statute, 18 U.S.C. § 922. Enacted by Congress in 1994, Section 922(g)(8) criminalizes gun ownership by anyone subject to a domestic-violence restraining order. Another provision enacted in 1986, Section 922(o)(1), bars the possession or sale of any “machinegun.” In a mass shooting at a concert in Las Vegas in 2017, a gunman killed 58 people and wounded 500 more using semi-automatic weapons equipped with “bump-stock” devices, which transform semi-automatic rifles into fully automatic, assault-style weapons. One year later, the Bureau of Alcohol, Tobacco, Firearms and Explosives interpreted the definition of machineguns under federal law to include bump stocks.

In both *United States v. Rahimi* and *Garland v. Cargill*, the government asks the justices to weigh in. The domestic-violence ban is consistent with the test the court outlined in *Bruen*, the government argues, because Section 922(g)(8) only kicks in once a court has deemed someone to be a credible threat to their partner or child, and there is a long historical practice of limiting gun ownership by people who pose a threat to the safety of others. Likewise, the government defends ATF’s interpretation of Section 922(o)(1) as including bump stocks, which fall unambiguously within the federal definition of machineguns because the devices enable a gun to shoot multiple bullets automatically with one squeeze of the trigger. The government emphasizes that the justices previously declined to review three separate rulings by the U.S. Courts of Appeals for the 6th, 10th, and District of Columbia Circuits that rejected challenges to the bump-stock regulation.

<https://www.scotusblog.com/2023/04/government-seeks-review-of-federal-gun-regulations-on-domestic-abusers-bump-stocks/>

Restraining Orders Do Not Prove That People Are 'Dangerous'

Three decades ago, Congress enacted a law that seemed commonsensical: It prohibits gun possession by people who are subject to restraining orders aimed at preventing domestic violence. But as the legal battle over that rule shows, its intuitive appeal is complicated by the reality that judges often issue such orders without any credible evidence that the respondent poses a danger.

That policy, according to a unanimous decision by the U.S. Court of Appeals for the 5th Circuit, is inconsistent with the Second Amendment.

As Judge James Ho notes in an opinion concurring with the 5th Circuit's decision, "Family court judges may face enormous pressure to grant civil protective orders—and no incentive to deny them." Even when there is little evidence that someone is apt to assault a spouse or other "intimate partner," that possibility, combined with the negative publicity and career consequences it might entail, tends to loom much larger than the risk of approving an unnecessary order.

It is therefore not surprising that restraining orders "are granted to virtually all who apply," as Elaine Epstein, former president of the Massachusetts Women's Bar Association, noted in 1993. And "because they are incredibly easy to obtain," family and matrimonial attorney Liz Mandarano observed in 2011, "orders of protection are misused."

How often that happens is a matter of dispute. But because protective orders can help parties in divorce cases obtain favorable rulings on "critical issues" such as financial support, exclusion from the marital residence, disposition of property, and child custody, Ho says, they are "a tempting target for abuse."

Harvard law professor Jeannie Suk notes that "many divorce lawyers routinely recommend pursuit of civil protection orders for clients in divorce proceedings, either because they assume abused women are not candid about being abused or as a tactical leverage device." Mandarano cited studies suggesting that unfounded abuse allegations are common, accounting for most protective orders in some jurisdictions.

That outcome, Ho says, "may be especially perverse considering the common practice of 'mutual' protective orders": A judge "may see no downside in forbidding both parties from harming one another," including the victim of domestic abuse as well as the perpetrator. In such cases, Ho writes, the law "effectively disarms victims of domestic violence," potentially putting them "in greater danger than before."

The problem that Congress was trying to address is real: guns in the hands of domestic abusers who might use them to injure or kill "an intimate partner." But its solution affects many Americans who are not "dangerous," which makes it hard to reconcile with the constitutional right to armed self-defense.

<https://reason.com/2023/04/05/restraining-orders-do-not-prove-that-people-are-dangerous/>

Tennessee Advances Bill to Arm Teachers After Deadly Nashville School Shooting

Republican lawmakers in Tennessee advanced a bill allowing teachers to carry guns in classrooms in the wake of a school shooting that killed three 9-year-olds and three staffers.

<https://www.usnews.com/news/national-news/articles/2023-04-05/tennessee-advances-bill-to-arm-teachers-after-deadly-nashville-school-shooting>

There have been no shooting attacks in schools where teachers can legally carry guns (editorial)

Here's the reality: Guns in the hands of teachers and other responsible citizens can prevent mass shootings.

On March 27, a mass murderer once again attacked a place where guns were already banned. Six were killed at The Covenant School in Nashville, Tennessee.

As with many other mass public shootings, people with guns actually deterred the school shooter from attacking another potential location. In the words of Nashville Police Chief John Drake: "There was another location that was mentioned, but because of a threat assessment by the suspect of too much security, they decided not to." It was soon revealed that she had passed up two different targets because "the security was too great to do what she wanted to do."

Many other shooters have expressed similar fears of armed pushback. Last year, the shooter in Buffalo, New York, wrote: "Areas where CCW permits are low may also be good areas of attack."

Most national media outlets refuse to report on that and also ignore similar explicit statements by other attackers. They also fail to report that 94% of mass public shootings occur in places where civilians are banned from having guns.

Twenty states already allow teachers to carry concealed handguns. In Utah and New Hampshire, any teacher with a concealed handgun permit can carry. In other states, it is up to school boards or superintendents to decide. And there have been no mass shootings under that policy.

<https://www.washingtontimes.com/news/2023/apr/10/there-have-been-no-shooting-attacks-in-schools-whe/>

Maryland lawmakers pass series of gun control bills

Supporters of the measures say this is a way to reduce gun violence.

However, Mark Pennak, the president of the local gun rights group Maryland Shall Issue, says this is a clear violation of the Constitution.

He testified in front of the General Assembly.

“It’s well established statistically that permit holders commit crimes at one-twelfth the rate of police officers nationwide. They say they don’t want the wild-west, well permit holders are not the problem,” Pennak told 7News.

Under the new bills, violators could face up to a year in jail, a fine of up to \$1,000, or both. The same penalty could be imposed if a person trespasses on private property without permission or enters a property with “a clear sign” that indicates no firearms.

<https://wjla.com/news/local/maryland-gun-laws-bills-general-assembly-governor-wes-more-carry-concealed-legislation-firearm-concealed-carry-schools-hospitals-church-shootings-handguns-weapons-sensitive-places-sb1-hb824-legal-possession-restrict-safety-vote-election>

Second Amendment Roundup: To Preserve Liberty, Not Slavery

Denigrating America's patriots in order to infect the Second Amendment with racism makes it easier today to criminalize the right to keep and bear arms, and is consistent with other contemporary efforts, such as the 1619 Project, to demonize America and its founders.

During the Revolution, four states adopted arms guarantees in their bills of rights, and three of them were in the North. Most states thereafter adopted arms guarantees, almost all of which were read to protect individual rights.

<https://reason.com/volokh/2023/04/11/second-amendment-roundup-to-preserve-liberty-not-slavery/>

Do 'More Guns Lead To More Deaths'? No, and that good news needs to be front and center in all discussions of gun control

Over the past few decades, the number of guns in America has increased massively, so much so that there are now more guns than people in the United States. Yet federal crime statistics show that firearm homicides dropped about 40 percent between 1993 and 2018, from 7 per 100,000 people to 4.3 per 100,000 people (for nonfatal crimes involving guns, the decline was 71 percent). Violent crime, including homicides, did spike during the pandemic, and while the most recent data is incomplete, it's clear that gun-related

violence remains far below where it was 30 years ago despite more guns than ever being out there.

When it comes to schools, the 2020–21 academic year, the latest for which full data is available, did see the highest number of school shootings with casualties this century. There are thankfully too few violent deaths to generate statistically significant conclusions, but the long-term trends show no increase in homicides or suicides among students, staff, and teachers.

Overall, schools are becoming safer and safer, with the government finding that between 2009 and 2020, "the rate of nonfatal criminal victimization (including theft and violent victimization) decreased for students ages 12–18, from 51 to 11 victimizations per 1,000 students."

<https://reason.com/video/2023/04/05/do-more-guns-lead-to-more-deaths/>

AR rifle ammunition is less powerful than most other rifle ammunition

Disinformation about the lethality of the civilian AR is widespread in media reports, court filings, and judicial opinions. The facts do not support claims by gun control advocates and some judges that high-velocity bullets from "assault weapons" like the AR are exceptionally dangerous or lethal. The AR rifle's bullet can cause more serious wounds than a handgun, but such wounds typically are no more severe than those caused by projectiles fired from shotguns or larger-caliber hunting rifles. The AR bullet normally penetrates less through walls than common handgun and shotgun rounds, reducing the risk to public safety from bullet over-penetration. While the AR's high-velocity bullet can penetrate soft body armor worn by law enforcement officers, almost every centerfire rifle bullet has that capability. In short, the AR's high-velocity bullet makes it a lethal weapon, but not more so than other centerfire rifles.

<https://reason.com/volokh/2023/04/11/ar-rifle-ammunition-is-less-powerful-than-most-other-rifle-ammunition/>

Why the 'Red State Murder Problem' Is Not a Convincing Argument for More Gun Control

It is widely known that to the extent there is a "red state murder problem," it is mostly the cities causing this problem. Missouri makes for an excellent case study on this phenomenon. According to the CDC, in 2021 Missouri had a total of 716 homicides, or a rate of 11.6 per 100,000. That figure is significantly higher than the national average in 2021, which the CDC data tells us was 7.8 per 100,000.

But where were those homicides in Missouri? For the most part, they were in just three counties out of dozens. Specifically, Jackson County (containing Kansas City), St. Louis County, and St. Louis City. These three areas covering two major cities combine for a total

population of 2,007,359, while their homicides added up to 523 in 2021. This means that while these counties account for just 32.5% of Missouri's population, they are responsible for about 73% of the state's homicides. In other words, if you are one of the approximately two-thirds of Missourians who don't live in Jackson County, St. Louis County, or St. Louis City, your homicide rate isn't really 11.6 per 100,000. It instead drops to roughly 4.6 per 100,000 when those counties are excluded, well below the US national average.

To the extent party affiliations are meaningful, Kansas City's last Republican mayor left office in 1991. St. Louis's last Republican Mayor left office in 1949. In Missouri, the two big blue cities drive up homicide rates, not the rest of the state, which leans much more conservative.

Finally, the "red state murder problem" moniker is misleading because of the giant variance even just among red states themselves. There isn't really a red state murder problem, but a southern state murder problem. Look again at Third Way's chart posted above. Every red state listed with a murder rate higher than 10 per 100,000 is a Southern state (though Missouri and Kentucky both straddle the line between the South and Midwest). There are several red states on the list with low murder rates, such as Idaho, Utah, Iowa, and more.

<https://www.gunsamerica.com/digest/why-the-red-state-murder-problem-is-not-a-convincing-argument-for-more-gun-control/>

First-ever 'smart gun' with fingerprint and facial recognition unlocking system hits the market

The \$1,499 gun unlocks in less than a second, using either a fingerprint or facial recognition sensor, then quickly locks again when it's no longer in use.

<https://nypost.com/2023/04/13/first-ever-smart-gun-with-fingerprint-unlocking-system-hits-the-market/>