BILL057(22)
Testimony

MISC. COMM. 518

COUNCIL

COUNCIL Meeting
Meeting Date: Nov 29, 2022 @ 10:00 AM
Support: 26
Oppose: 91
I wish to comment: 12

Name:	Email:	Zip:
Asia Leong	asialeong@gmail.com	96817
Representing:	Position:	Submitted:
Self	Support	Nov 28, 2022 @ 03:55 PM

Testimony:
I strongly support Bill 57, and for our state to continue safe, sensible gun control laws.

Name:	Email:	Zip:
Theodore Miller	tedmiller725@gmail.com	96815
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 28, 2022 @ 03:55 PM

Testimony:
This type of legislation is already being overturned in NY. What is the point of throwing away public resources by passing ordinances that any unbiased observer can see will be invalidated in the courts?

Name:	Email:	Zip:
Tracy Lawson	tracy@lawsonsafety.com	96817
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 03:59 PM

Testimony:
This will not stop criminals who illegally carry firearms. It only takes away the rights of law-abiding citizens. I am sure other people submitting testimony will go over the legal discrepancies of this legislation as it has already been attempted and thrown out in other states. What you are proposing is limiting where law-abiding citizens can exercise their legal right to bear arms, in a city and county that is more lawless than ever before. This is just another abuse of power by the Mayor through the City Council to restrict our freedoms and stinks of the prolonged emergency orders stripping citizens of freedom to travel, eat, live and work during COVID under the guise of safety. If the City was so concerned about crime and safety, you would have done more to staff our police, be hard on crime, police our politicians, and protect our streets from drugs. You should be proposing legislation to protect people from crime in our parks, schools, and other public places. We can't walk down the street without being impacted by the homeless, feeling afraid, or being the victim of the crime which our City Leadership has allowed to flourish. To this date, there still are not enough police officers and we lack meaningful response and change by the City Council. Yet, you are working on legislation which will take away our right and means to defend ourselves. Its a narrative that we have seen too often from the City Leadership. It sounds good and looks like you are promoting safety to people who don't pay much attention to the rights you are chipping away at. Your focus is clear - limiting law-abiding citizens who have registered their firearms, taken training, and passed background checks and medical checks by not allowing carrying of firearms in most places. This will take police resources away from fighting real crime and turn police officers focus to citizens exercising their rights. How would someone carry in one place and not another. You are trying to take our freedoms to travel, eat, live, work by this legislation. Stand up for the constitution and the rights of all, not just those you personally agree with or are politically pressured to agree with. Follow the law, not the court of public opinion!

Name:	Email:	Zip:
Ingrid Peterson	irpmailbiz@icloud.com	96734
Representing:	Position:	Submitted:
Self	Support	Nov 28, 2022 @ 03:59 PM

Testimony:
Aloha, Councilmembers!

I strongly support restricting guns at schools and playgrounds and on public transport. This is common sense and in line with Hawaii's long time support of a non-gun culture (aside from hunting.) Mahalo for listening and creating this law.

From a retired teacher and Hawaii resident from 1963, Ingrid Peterson

Name:	Email:	Zip:
Ernesto Bonilla	popeye415@yahoo.com	96706
Representing:	Position:	Submitted:

Self	Oppose	Nov 28, 2022 @ 04:05 PM

Testimony:
As a 1st responder in the State of Hawaii, I vehemently oppose this bill. This bill does nothing to stop criminals from disobeying proposed laws and severely handicaps trained and properly licensed citizens from protecting themselves and others in potentially dangerous violent situations; be it from man or beast. (ie.. hiking in a state park and running into a boar; or being held up at knife or gunpoint while on a trail.) My fellow 1st responders, the Honolulu Police Department are already stretched thin. Officers can not be everywhere when seconds count.
I respectfully request our elected officials to have trust in our state's law abiding citizens and understand that this bill will only embolden criminals....IT CREATES SAFE ZONES FOR CRIMINALS AND EVIL DOERS.
Thank you for your time.

Name: B.A. ALEXANDER	Email: babs@ladybuglan.com	Zip: 96734
Representing: Self	Position: I wish to comment	Submitted: Nov 28, 2022 @ 04:06 PM

Testimony:
Dear Council Chair Waters and Council Members,

While I know there was a Supreme Court ruling that has lead us to this issue, I fail to see the need for a private ie; non-military or law enforcement, individual carrying a weapon.

One problem in this County is having laws that are NOT enforced. Exactly how will this be enforced? Must we wait for someone with a concealed weapon to do harm to others before we realize (s)he is not licensed to carry that weapon?

To the point that folks mention most on this, excluded zones. Please tell me how we can keep these gun-toting private individuals out of excluded zones? We live on a mostly congested island. An excluded zone to me would basically be anywhere there is a congregation of people. So where is it that these concealed gun-toting individuals could carry?

I support no concealed carry near schools, churches, temples, businesses, playgrounds, ball fields, on the freeway/highway, beach parks and on the beach, in restaurants/cafes/coffee houses, on public transit, in residential neighborhoods...basically anywhere that person could come into close contact with other folks.

An attorney must come up with a solution that does not ignore the new paradigm BUT basically, this must be drafted to limit in an extreme fashion, if you will, an individuals 'right' to conceal carry in public. What about our rights to a safe environment in which to live?

Mahalo.

B.A. Alexander

Name: Deborah Nehmad	Email: debnehmad@hawaii.rr.com	Zip: 96825
Representing: Brady United, Hawaii Chapter	Position: I wish to comment	Submitted: Nov 28, 2022 @ 04:08 PM

Name: Jacob Char	Email: iKai0505@gmail.com	Zip: 96744
Representing: Self	Position: Oppose	Submitted: Nov 28, 2022 @ 04:20 PM

Testimony:
This will only benefit the lawless. Your law abiding citizens deserve the right to self protection wherever they may be, just as our Constitution deems.
Mahalo.

Name:	Email:	Zip:

Patricia Beekman	kaaina@mac.com	96701
Representing: Self	Position: Oppose	Submitted: Nov 28, 2022 @ 04:23 PM

Testimony:
I oppose this bill as a clear violation of the Second Amendment, U.S. Constitution, as well as section 17 of the Hawaii Constitution's Bill of Rights, "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms SHALL NOT BE INFRINGED."

Name: Robert Okuda	Email: robokuda002@gmail.com	Zip: 96818
Representing: Self	Position: Oppose	Submitted: Nov 28, 2022 @ 05:01 PM

Testimony:
Dear Chair Waters and members of the Council, I strongly oppose any bill that will allow unlawful people to harm others in these so called "sensitive places". This has zero logic to it.

Thank you for the opportunity to comment.

Name: Cindy Delongchamp	Email: cdelongchamp1@hotmail.com	Zip: 96744
Representing: Self	Position: Oppose	Submitted: Nov 28, 2022 @ 05:09 PM

Testimony:
A woman has the right to protect herself and if it means driving across the city or anywhere especially at night, she should be able to carry protection with her.

Name: Gregory Sheindlin	Email: gsheindlin@gmail.com	Zip: 96813
Representing: Self	Position: Oppose	Submitted: Nov 28, 2022 @ 05:11 PM

Testimony:
The Bill is nakedly performative. It lacks any foundation in criminology and contradicts the current precedents set by Federal SCOTUS.

The proposed ordinance prohibits carrying firearms on the premises of private businesses, including parking lots, unless the private business “expressly” consents to it, such as by signage. This is the Council actively interfering with our exercise of the Second Amendment and creating a minefield of compliance. Please consider similar rules regarding exercise of the 1st amendment. Are we considering prohibiting exercise of the 1st Amendment as well? The 4th Amendment? Equal protections laws based on the fact that someone signed a lease for the shop somewhere?

The proposed premise of the ordinance claims that the goal is to “preserve the order and security of the City,”. This broad and absurd language is applicable virtually to any activity under the Sun.

Our City is drowning in crime, filth and lawlessness but instead of improving the clearance rates for the crimes, which is about 6-8 percent (!!!) the Council engages in promoting criminality and preventing law abiding citizens from exercising their rights to self defence? Who's side are you on?

Finally, it is a matter of time that this ordnance is tossed into the wastebasket by the Federal Courts. Performative actions directed at law abiding while refusing to remove mentally ill criminals in charge of our streets does not give us any confidence in Council's ability to perform their duties.

Name: Elizabeth O’Connor	Email: island.auntee@gmail.com	Zip: 96815
Representing:	Position:	Submitted:

Self	Support	Nov 28, 2022 @ 05:11 PM

Testimony:
Please provide more Safe Places -
Beaches, all parks, movie theaters, restaurants, bars, grocery stores, all shops, shopping centers, hospitals, all medical facilities, colleges, dorms, libraries, domestic violence shelters, homeless shelters, churches, all city streets and facilities, parades, all community gatherings
No one in Hawai'i needs to walk around with a gun - open carry or concealed
Hawai'i has been without guns for 170 years and is considered a Paradise and safe for all
With allowing people to carry guns we will be inviting the gun violence of the Mainland
Let Hawai'i remain Paradise

Name:	Email:	Zip:
Daniel Benz	1337z33@gmail.com	96822
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 05:18 PM

Testimony:
I am opposed to this bill. I am in favor of sensible gun control, and agree with the recent rules enacted by HPD to screen and qualify applicants who wish to conceal carry. Once vetted by HPD, these good citizens will have gone through all requirements and training, and will be allowed to safely and legally carry firearms. This bill, however, does nothing but hinder the rights of these good citizens, who have opened their lives to overbearing scrutiny in order to be validated being of good moral character and sound mind, in order to exercise their rights established by the federal government of the United States of America. I argue that the vagueness of this bill would unfairly place these good citizens in a position of unknowingly or unintentionally breaking the law, while ignoring the many criminals who carry illegal firearms daily in this state, whom would never pass HPD vetting for this license. Furthermore, this bill would subject the State and tax payers to burden the cost of defense from a mountain of litigation. It is irresponsible and unnecessary, and I reiterate my opposition to this bill.

Name:	Email:	Zip:
Chris Enomoto	chris_enomoto@yahoo.com	96822
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 05:25 PM

Testimony:
I oppose this ordinance. This proposed ordinance claims that the goal is to "preserve the order and security of the City," but it fails to explain how disarming law-abiding, trained, and licensed individuals will accomplish that. It, also, presents no plan as to how the council intends to disarm violent criminals, who already ignore the existing laws. It does not prescribe active measures, such as metal detectors or guaranteed police presence, for any of these areas to ensure that disarmed citizens are kept safe.

Name:	Email:	Zip:
Kyle Hara	kylehara@gmail.com	96797
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 05:33 PM

Testimony:
I'm writing in opposition of this proposed bill. It's an overreach that will end in challenged lawsuits for the state and city and county. Which will ultimately be paid by the public's tax payers. As other states are trying similar proposed sensitive places bills and being tied up in litigation.

Name:	Email:	Zip:
Rick Bratt	RickBratt@gmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 05:44 PM

Testimony:
In vehemently oppose this bill. It is clearly not thought out and directly opposed to the spirit of the Supreme court's decision.

Name:	Email:	Zip:
Cody G	gantan@hawaii.edu	96789

Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 05:50 PM

Testimony:
I oppose the proposed definition of sensitive places and the limitations set forth. The places which are being proposed as sensitive places are exactly the places where the need to protect ourselves may arise and are the same places being targeted by people with ill intention. Why do we need to redefine and further restrict places where one can and cannot legally conceal carry when we can follow example of places in the mainland where they have successfully implemented a concealed carry weapons curriculum?

Name:	Email:	Zip:
William Fiebig	wafiebig@hotmail.com	96812
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 05:51 PM

Testimony:
This bill is a blatant attempt to suppress constitutional rights that have been recently confirmed by court rulings. With this exhaustive list of places off limits to carry, the council is saying that these locations are perfectly secure as is and crossing their fingers that no tragedy ever takes place there. If they were truly worried about a threat in these locations, they would arrange to have security screening equipment/personnel stationed there to find all the knives, bomb making material etc. that can be used to cause destruction. It also fails to take into account that anyone exercising their right to carry a weapon is going to be trained and physically/mentally cleared. They have no such ability to account for, prevent or defend against the insane person that will disregard their rules and take a weapon anywhere they want. The properly trained and licensed individual carrying a weapon is no threat to anyone, just like the law enforcement and security people that are carrying around their weapons. My suggestion is to ensure that the licensing process is thorough and regular, identifying and eliminating potential problems and that the mental health professionals in the community take seriously their mandate to say something if they see something and identify potential future threats. Thank you for the opportunity to address this issue.

Name:	Email:	Zip:
Melissa Kim	melissa.c.kim@gmail.com	96821
Representing:	Position:	Submitted:
Self	Support	Nov 28, 2022 @ 05:52 PM

Testimony:
Dear Chair, Vice Chair, and members of the committee,

My name is Melissa Kim, I live in Kalani Valley, and I am testifying today in support of Bill 57. I am a mother of a 10-year-old boy and aunty to other precious children. The massacres that have taken place on American campuses over the past 20+ years haunt me as a mother. I want to believe that sending my child to school every day is the right thing to do, but this has to be done in partnership with leaders like you to protect our keiki and the schools you're in charge of. Guns do not belong in places where our children gather. They do not belong in places where friends and family gather where alcohol is served. This ordinance ensures that those who would willfully misuse their firearm are held responsible for bringing their firearm to an off-limit location in the first place.

Concealed firearms create a false sense of security and I hope this common-sense ordinance from our mayor to protect our children will pass with every vote in support.

Thank you for this opportunity to testify.
Melissa Kim
96821

Name:	Email:	Zip:
Dirck Sielken	dsielken@hipco.com	96707
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 05:59 PM

Testimony:
Aloha,

I oppose Bill 57 as it is written. The City and County along with the State continue to burden law-abiding citizens with more restrictions on their Constitutional 2nd Amendment Rights.

As this is written, it is too restrictive, vague, and unfairly goes after "law abiding citizens". Wanting to make the penalty for mistakenly crossing an imaginary line a "misdemeanor". Being a misdemeanor, it is punishable by up to one year in prison and or a $2000 fine and making the person a criminal. And yet there are currently real criminals going in and out thru the revolving door of our justice system. Please remember, this is a Bill that applies to law-abiding citizens, the criminals do not care what is in this Bill. We are only asking to be able to live our daily lives being able to protect ourselves and those whom we love. I work at a dead-end street in Campbell Industrial Park. In late after hour times, we must open our shop to help service the power plants and refinery. This is becoming a dangerous service as the remote location makes it a target rich environment for criminals. We have problems with break ins, theft, and threats from homeless and other mischievous characters. Being a victim of workplace violence as well as receiving threats while arriving and leaving my workplace has made me pursue a conceal carry license. At times when I need to use public transportation, I would no longer be able to protect myself or the ones that I love as this would now be a crime to take public transportation. Please revise, do not go after a law-abiding citizen...please go after the criminals.

Our Honolulu Mayor Rick Blangiardi on November 21, 2022, Spot-Lite Hawaii conversation has stated that he has taken a "very strong position" and that he has made it known to Chief Logan, HPD and also the Prosecutors office and Council. The mayor ended his comments with "Here in Hawaii and so we're gonna be, we're gonna be restrictive" His comments and actions suggest that he is more willing to go after the law abiding citizens than criminals.

Please note that those who obtain a conceal carry license are law abiding citizens authorized to have and already own firearms. They have gone thru firearm education, training and shooting proficiency testing. This means that they have shown and exercised a high degree of competence or skill; expertise at a level required by the Honolulu Chief of Police.

I would like to close with the statements from our own Honolulu Chief of Police Arthur "Joe" Logan. On November 22, 2022, Chief Logan had a press conference. Chief Logan said, "these are law abiding citizens by and large so 'um I don't see any concern that these individuals are gonna, uh be a concern to any law enforcement or to the average citizen".

I appreciate your time and review of my testimony.

Mahalo,
Dirck

Name:	Email:	Zip:
Lori Fujimoto	roaringlow808@gmail.com	96744
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 06:09 PM

Name:	Email:	Zip:
Rory Fujimoto	Rory.K.Fujimoto@dea.gov	96744
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 06:12 PM

Testimony:
I am writing to submit written testimony for less restrictions for qualified civilians to carry firearms concealed and non-concealed (open carry).
The proposed bans from carrying in locations such as schools, government buildings, parks, voting locations, public transportation, private businesses, banks, and medical establishments in effect is a “back door ban” and portrays the corruption of the public officials making these restrictions. You use your authority to violate our Constitutional Rights.
Qualified citizens cannot get buy food, eat at a restaurant, get medical attention, cannot withdraw or deposit money at their bank. Basically, the above-restrictions only allows carrying while driving or walking on public streets. Furthermore, public officials do not have the authority to restrict what private property owners allow on their property.
I have been employed as a federal Special Agent working as a federal law enforcement agent/officer for the past 18 years. My wife would be passing the same background database checks as me. Yet your “back door ban” treats my wife as a criminal, who has no constitutional right to carry a firearm for self-defense.
Qualified citizens should be able to carry both open and concealed. .Open carry can serves as an effective deterrent to crime.
I also support qualified citizens to carry high capacity magazines. This will allow the qualified citizen to defend themselves on a

more even playing field, when defending against violent criminal attackers who are well-known to disobey firearms laws.
On another note, you could add restrictions like the same prohibitions to driving under the influence of alcohol as with carrying a firearm. You could also require citizens to report that they are legally carrying a firearm, if the are encountered by law enforcement.

Name:	Email:	Zip:
Edgar Silva	kahala53@aol.com	96817
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 06:18 PM

Testimony:
The right to bear arms protects law abiding citizens, and any unnecessary restrictions to those rights only benefits the criminal element within our community. It emboldens criminals to break the law knowing that their victims won't be armed in certain locations. It does nothing to protect from mass shootings by criminals or mentally/emotionally unstable individuals. Law abiding citizens must be able to protect themselves.

Name:	Email:	Zip:
Glenn Philhower	101Philhower@gmail.com	96744
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 06:38 PM

Testimony:
To whom it may concern,
I strongly oppose Bill 57. It is my constitutional right to keep and bear arms. It is obvious that the councils proposed "sensitive areas" is a means to deny law abiding citizens from exercising our second amendment right to bear arms. I don't remember in the recent past where this council has come together with a proposal to stop criminals from obtaining firearms, and here we are today trying to deny law-abiding citizens that are trained and license to carry firearms from doing so.

I would implore each and every member of the council to think again about the security of your neighbors, your community and the state of Hawaii and allow law-abiding citizens trained and licensed to carry firearms, to help and deter criminal activity in our state by loosening the restrictions recommended in bill 57.

Sincerely,
Glenn Philhower

Name:	Email:	Zip:
Paul Fukuda	paulie96789@gmail.com	96789
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 07:04 PM

Testimony:
I oppose this bill because it is too broad and is an example of government over reach. There should not be default restrictions on private property unless a duly authorized person approves. If the private property doesn't want weapons on site they should have signs stating so. These gun free zones will be a safe haven for criminals.

Name:	Email:	Zip:
Jacob Kapu	jacobkapu.jk@gmail.com	96761
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 07:28 PM

Testimony:
I Oppose Bill 57 because it's going to affect Law abiding Citizens and not criminals that carry a weapon everywhere they go.

Name:	Email:	Zip:
Paul Cudal	hawaiitacticaldivision@gmail.com	96819
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 07:34 PM

Testimony:

Prior to the NY vs. Bruen decision, everywhere in Hawaii was a “”Gun Free”” zone. Did that stop criminals from carrying in public? No! Shootings still occurred and was on the rise.

Name:	Email:	Zip:
Angelina Mercado	amercado@hscadv.org	96814
Representing:	Position:	Submitted:
Hawaii State Coalition Against Domestic Violence	Support	Nov 28, 2022 @ 07:39 PM

Name:	Email:	Zip:
Millicent Cox	midicox@gmail.com	96822
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 28, 2022 @ 07:40 PM

Testimony:
I am Millicent Cox, a resident of Manoa. As a Quaker, I am concerned to see the reduction of access to guns in the world. That reduction begins at home. Generally, I support Bill 57 from the moral and religious background. As we are learning from the news in our country, gun violence is increasing because guns are available and it is time to make sure that we protect our communities first, and allow gun owners to register themselves and abide by clear rules that allow their specific sporting uses of the guns.

Name:	Email:	Zip:
Kamalu Han	k.han@hotmail.com	96818
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 07:43 PM

Testimony:
I strongly oppose this. It has already been struck down in NYC when they tried to name almost the same “sensitive” places as Honolulu is trying. Criminals will not follow the laws and again, it leaves law abiding citizens at a disadvantage. Why are you delaying and infringing on our Constitutional rights?!?

Name:	Email:	Zip:
CRISTINA ROTHWELL	hipetlover@gmail.com	96707
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 07:44 PM

Testimony:
I oppose this bill as written

Name:	Email:	Zip:
Cydnee Yamamoto	yamamoto@fordham.edu	96816
Representing:	Position:	Submitted:
Self	Support	Nov 28, 2022 @ 07:47 PM

Testimony:
I am in support of restricting public carry of firearms.

Name:	Email:	Zip:
Maikaike English	maikaike.english@gmail.com	96790
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 07:53 PM

Testimony:
Criminals by definition will not abide by this law. This would only make law abiding citizens more vulnerable to those who seek to do harm. To prohibit law abiding people from carrying the most effective tool to defend their life against violent criminals is unjust and immoral.

Name:	Email:	Zip:
Elise Kahikina	eliseuk@hawaii.edu	96819
Representing:	Position:	Submitted:

Self	Oppose	Nov 28, 2022 @ 07:59 PM
Testimony: I oppose this bill.		

Name: Alejandro Salinas-Nakanishi	Email: asalinas1313@gmail.com	Zip: 96817
Representing: Self	Position: Support	Submitted: Nov 28, 2022 @ 08:03 PM
Testimony: Please do everything in your power to keep firearms out of these sensitive places. Firearms circulating through public spaces of any kind feels like a disruption of the fundamental culture of non-violence so many in our community work to cultivate. Safeguarding these particular places just makes common sense, and it's a shame that doing so legislatively is even necessary in the current climate. Thanks for advocating for a safer and more loving Honolulu.		

Name: David Silva	Email: davidsilvahawaii@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Nov 28, 2022 @ 08:05 PM
Testimony: I believe it is important for us as American citizens to be able to protect ourselves from criminals who do not abide by our laws. Our second amendment right to protect ourselves against criminals. This goes for our homes & our businesses. So many criminals are harming innocent people who cannot protect themselves properly.		

Name: Joseph Monfort	Email: joemonfort47@yahoo.com	Zip: 96789
Representing: Self	Position: Oppose	Submitted: Nov 28, 2022 @ 08:08 PM
Testimony: Please do not infringe on my second amendment rights		

Name: Senator Kurt Fevella	Email: senfevella@capitol.hawaii.gov	Zip: 96706
Representing: Self	Position: Oppose	Submitted: Nov 28, 2022 @ 08:09 PM

Name: James Templo	Email: jamestemplo@yahoo.com	Zip: 96816
Representing: Self	Position: Oppose	Submitted: Nov 28, 2022 @ 08:10 PM
Testimony: By passing this bill you will be infringing on our 2nd amendment rights which is unconstitutional. The restrictions would make it a moot point to conceal carry since it would not be allowed almost anywhere. Please reconsider this bill.		

Name: Kevin Mulkern	Email: KevinJMulkern@gmail.com	Zip: 96821
Representing: Self	Position: Oppose	Submitted: Nov 28, 2022 @ 08:19 PM

Name: Benjamin Rowe	Email: benjamin_rowe@msn.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Nov 28, 2022 @ 08:20 PM
Testimony:		

Aloha,
My name is Benjamin Rowe. I write to you in opposition of bill 57. I do not think the current draft of bill 57 as I understand it will pass the legal challenges it will certainly face if passed. It does not comply with the recent Supreme Court ruling that has triggered the drafting of the current bill that is being proposed. While I am in favor of some structure and restricted areas such as hospitals and government buildings and related government locations. I am in favor of those restrictions because I believe they have security measures in place that include trained personnel capable of protecting the patrons and citizens that have reasonable business to do in such locations. With that the current bill is so restrictive it will not allow trained , authorized citizens who meet the criteria for concealed carry to do so. The bill as proposed WILL NOT stop or deter criminals in any such way from carrying firearms in any of the proposed restricted areas making all of the restricted areas more dangerous as only criminals will be carrying firearms and possibly some law enforcements who may or may not be available due to staffing shortages or other pressing matters.

With the restricted areas proposed any of the persons authorized to conceal carry will be limited drastically in their ability to move freely throughout the city and county with no good alternatives on how to transition from allowed areas versus prohibited areas, thus denying in part the intent of the Supreme Court ruling .

I have not chosen to apply for a concealed carry permit at this time, I may or may not in the futre While eligible by current requirements and expected proficiency completion (also pending reopening of kokohead complex)

I do not believe it is in the best interests of the upstanding , qualified positive contributing citizens to be denied rights that are afforded in our constitution.

Lastly , it is my understanding in part that some of the distress is that people who are not comfortable with knowing that there are or maybe armed persons amongst them, the definition of concealed should be considered as know one should really see or identify something that is concealed. Criminal who carry do so freely and without regard for laws, rules or safety as such they have not only a threat multiplier with them if they carry a firearm they also have additional variable of most likely not having adequate training in firearm safety , proficiency and things that are required to own and utilize firearms in the state. This bill in its current form enhances the danger of the criminals and puts additional risk to the public at large. My request for you is to take this back to the drawing board. Draft a revision that complies with the legal aspect, includes the considerations for safety and concerns of those who are not comfortable with firearms within the community and find balance that will enable the bill to withstand scrutiny much more than it can now,, the bill when challenged will cost the tax payers in legal fees as the law suits challenging rack up and will likely be successful based on recent rulings and challenging parties reliable contesting and positive track record of advocacy for the 2a community.

Aloha

Name:	Email:	Zip:
Myrna Cobb	cobbster94@hotmail.com	96709-1268
Representing:	Position:	Submitted:
Self	Support	Nov 28, 2022 @ 08:28 PM

Testimony:
To The Honolulu City Council,

The proposed restrictions to ban firearms in public infringes on my 2nd amendment rights which were reaffirmed in the Supreme Court Bruen decision. The money used to defend the city against the lawsuits could be better used elsewhere. This proposal will not stop criminals from bringing guns into sensitive places. This proposal only matters to law abiding citizens who want to defend themselves in the event of violent confrontation. The police are not responsible for the individuals safety. The individual must be responsible for their own safety. Thank you.

Name:	Email:	Zip:
Eric Alferes	alfie457@gmail.com	96797
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 08:50 PM

Testimony:
I do not agree with this.

Name:	Email:	Zip:
Alex Rodriguez	alexrodriguez100665@gmail.com	96706
Representing:	Position:	Submitted:
Self	Support	Nov 28, 2022 @ 09:01 PM

Name:	Email:	Zip:
Elisha Faasu	elibrown1438@gmail.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 09:03 PM

Testimony:
Law abiding citizens should have the right to protect themselves and their families from harm. With that being said I mean every law abiding citizen should go through a background check and attend classes like they already do to carry a weapon. Most of the crimes committed with a weapon (guns) are committed by people who own them illegally. With law abiding citizens owning and carrying weapons, this can deter crime and save lives. Law enforcement are not always there or there on time, and with proper training law abiding citizens can defuse dangerous situations. Owning weapons is our right just like the elites own them. Thank you!

Name:	Email:	Zip:
Anthony Empting	antman@hawaii.rr.com	96789
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 09:19 PM

Testimony:
This is an attempt to hinder 2nd amendment rights by making gun free zones out of way too many areas. The whole point of concealed carry is to have it concealed where no one "knows" your carrying, but you are just in case an incident occurs where a law abiding citizen will "need" a firearm. Lets say "your" family member, Grandmother, wife, son, or daughter is being attacked by a criminal. Do you just stand by and let it happen? Wait while I go get my gun.... Ludicrous!

Name:	Email:	Zip:
Jamie Detwiler	jamiedetwiler@protonmail.com	96789
Representing:	Position:	Submitted:
Hawaii Federation of Republican Women, President Elect 2023	Oppose	Nov 28, 2022 @ 09:21 PM

Name:	Email:	Zip:
Eric Akiyama	officer.slash-03@icloud.com	96819
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 09:22 PM

Testimony:
Aloha,
I strongly oppose BILL057(22) which will severely limit where I am able to conceal carry a firearm for self protection if I decide to do so. Please do not restrict my ability to protect myself.
Eric

Name:	Email:	Zip:
April Ching	hollyc@hawaii.edu	96822
Representing:	Position:	Submitted:
Self	Support	Nov 28, 2022 @ 09:28 PM

Testimony:
As a citizen and mother of two, watching the numerous mass shootings take place over the past few weeks has been extremely challenging. These shootings take place in public spaces where as many people as possible can be killed. I do not want this for Hawaii, my home. Weapons have no place in public spaces. Shooting has no place in public spaces. Our theaters, parks, churches, hospitals, libraries, sidewalks, stores, beaches and homes are not war zones or spaces we need to defend but are spaces for living together. Our right to live must outweigh the right to bring weapons to public spaces. I ask you to take action to protect life. Protect our public spaces.

Name:	Email:	Zip:
PHILIP LAPID	lapid_philip@yahoo.com	96825
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 09:38 PM

Testimony:
I oppose Bill 057. Criminals with guns don't even care for any rules. This Bill 057 is anti-law abiding citizens and is pro-criminals.

Name:	Email:	Zip:
Robert Hechtman	hechtmanr@gmail.com	96706
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 09:44 PM

Testimony:
I oppose Bill 057 "OAHU SENSITIVE PLACES Bill"

This bill is in direct contradiction of the Supreme Courts Bruen decision.

It is merely designed to prevent Law Abiding Hawaii Residents from exercising their constitutional rights under the 2nd amendment.

It will not make the public any safer as criminals will continue to ignore the law and carry weapons. Just like they continue to rob, assault and murder people even though there are multiple laws against these crimes.

Crime is rising on Oahu at a drastic rate and this bill will keep law abiding citizens from carrying a means of defense against criminals.

Thank you,
Robert Hechtman

Name:	Email:	Zip:
Kenny Kwan	kennyk@hawaii.edu	96814
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 09:45 PM

Testimony:
I oppose any restrictions on places to carry firearms simply because you are not able to predict when and where you'll need to protect yourself. By restricting places to carry, criminals know exactly where to commit crimes without being stopped. This makes easy targets for criminals especially since HPD is not able to be in all theses places at once. In addition, legal gun owners are already legally owning firearms. How will carrying it outside the home be more dangerous? Criminals do not have to worry about these laws, and they are already carrying firearms wherever they want. Criminals want more restrictions so they would be able to get away with crimes. Why restrict the law abiding citizen and help criminals?

I am in 100% opposition of restrictions on places for concealed carry.

Name:	Email:	Zip:
K S	kaikas57@gmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 09:47 PM

Testimony:
I strongly oppose this bill. It is an infringement upon the rights of those that qualify to carry a firearm and practically make it impossible to carry anywhere to protect your family or yourself. Criminals do not and will not abide by these laws and it only hinders the everyday person. Thank you

Name:	Email:	Zip:
Amanda Severson	seversonamanda@gmail.com	96816
Representing:	Position:	Submitted:

Self	Support	Nov 28, 2022 @ 09:58 PM

Testimony:
Aloha,
Concealed carry laws have never stopped a criminal from carrying without a license. All it does is prevent law abiding citizens from carrying a firearm. Concealed carry licensing systems can easily prevent people from carrying a firearm to protect themselves. They also leave people vulnerable during the often long process applying and being approved.
More people would carry firearms, which often results in a lower violent crime rate. In the last decade concealed carry permits have tripled, and in that same time the murder rate has dipped to the lowest it's been since 1993.
Constitutional carry takes the right to bear arms and returns it to the status of a right. If you need to be permitted to carry a gun it's a privilege and not a right.

Thank you.

Name:	Email:	Zip:
Carolyn Pearl	ncpearl@gmail.com	96818
Representing:	**Position:**	**Submitted:**
Self	Support	Nov 28, 2022 @ 09:58 PM

Testimony:
Dear Chair, Vice Chair, and members of the committee,
My name is Carolyn Pearl. I live in Honolulu, and I am testifying today in support of Bill 57. I appreciate the Mayor proposing this common-sense ordinance and I hope the Council will pass it.

Currently, Hawaii is one of the safest places from gun violence in the country. This is due to our common sense gun laws and our geographic separation from other jurisdictions that have lax (or no) firearms regulation. While there are some who want Hawaii to mimic those lax jurisdictions, most Honolulu residents prefer that Honolulu remain a safe place to live and raise our families by limiting the presence of firearms in public spaces.

We should be able to continue to go shopping, to worship, to work or school, to parks and beaches without worrying that our lives are in the hands of some random guy with a gun who's having a bad day.

More guns in public places do not make anyone safer. That is proven across the mainland every single day, where even parking lot beefs and roadside fender-benders turn into shootouts, and people's lives are ruined - or ended - as a result. Why? Because of easy access to guns. Please don't let that happen here.

I support this draft ordinance and I am grateful to local leaders in Honolulu who understand the importance of keeping firearms out of locations where the risk of harm is particularly high. I hope that the ordinance passes and that the state will follow Honolulu's lead by passing statewide legislation to address this pressing issue.

Thank you for this opportunity to testify.
Carolyn Pearl
96818

Name:	Email:	Zip:
George Antonelis	bantonelis@aol.com	96734
Representing:	**Position:**	**Submitted:**
Self	I wish to comment	Nov 28, 2022 @ 09:58 PM

Testimony:
Hawai‘i has the lowest violent firearm crime rate and the lowest possession of guns per capita in the nation. That tells all of us that we have been taking the best approach to gun control in the country. To have our Supreme Court invalidate a 170-year-old law in Hawai‘i that required firearms permit applicants to prove a special need to carry a concealed gun on their person should be of grave concern to the citizens of Hawaii and the citizens of many other states.

This Supreme Court decision should not be accepted and the powers the be in this State must sue the Supreme Court for such a flagrant violation against the rights of our citizens.

We are proud of our low gun violence and gun possession statistics and want to keep it that way. Guaranteed, gun violence rates will increase if this law stays in effect here in Hawai‘i. Do not capitulate! There should be no compromise! Do everything possible to nullify the Supreme Court decision ASAP.

Name:	Email:	Zip:
james wallace	diehd49@yahoo.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 10:08 PM

Testimony:
Communism is not essential.Hawaii's government already forced people to get the experimental bio weapon.They are never correct on health and safety.Hundreds if not thousands died in hawaii forced jab and they dont care.I just watched the movie Sudden Death.Over 33 thousand died in US of vax so they dont want us to protect our selves they want us to die.All the reason why I will fight tooth and nail for our right to bear arms.2nd Ammendment is key to lawfull citizens success.

Name:	Email:	Zip:
Rachel Logan	rachelalogan@gmail.com	96825
Representing:	Position:	Submitted:
Self	Support	Nov 28, 2022 @ 10:09 PM

Testimony:
IN SUPPORT OF BILL057(22):

Aloha,

When I was 19 years old, one of my best friends accidentally shot himself in the leg while holding his hand gun. He had been trained to handle and shoot the gun and claimed it “just went off”. My friend believed that he had a responsibility to protect people in his community and had talked about how he wanted to be their “silent protector”. After the incident, thinking about my personal safety in the hands of this young man I knew so well did little to comfort me, in fact it did the opposite. That is too much power for someone other than a trained soldier or police officer to have and I cannot put my trust in a stranger like that and risk the safety of my children in public places. The thought of being in close proximity with these powerful weapons makes me anxious and fearful, it does not make me feel more safe. Putting guns out into our community, as we go about our daily lives, will significantly increase the risk of injury and violence, just by their mere presence.

I believe in the 2nd Amendment right to bear arms, but I do not believe that guns have a place everywhere in our modern society. I support common sense gun laws. If we must have concealed weapons in our community, there should be some limits. Guns don’t belong in schools and parks and other places that children play. Guns should not be allowed where alcohol is sold and consumed. When I go to the grocery store, I don’t want to have to worry about being around guns and other “silent protectors”. Especially when I am with my family. We should have access to gun-free zones where we can take our families if we do not feel safe about the potential presence of concealed guns - and businesses should have to openly post out front if guns are allowed on their property.

Military bases do not allow soldiers and off-duty soldiers to carry guns on base unless it pertains specifically to their job requirements, such as military police. Lt. Gen Mark Milley, the nation’s highest-ranking military officer, has commented in the past that he doesn’t think soldiers should carry concealed weapons on base. If the United States military doesn’t think concealed carry is wise, even in a heavily controlled area such a base, why do we think the general public are qualified for blanketed access throughout our community to carry guns? If we want people to act with firearm common sense, we have to set the precedent by passing common sense gun legislation. I strongly support this draft ordinance and am very grateful to our local leaders in Honolulu who understand the importance of keeping guns out of places where the risk of harm is particularly high.

Mahalo,

Rachel Logan
Concerned Parent & Citizen
Events Lead - Moms Demand Action - Hawaii Chapter

Name:	Email:	Zip:
Waipahu Resident	waipahuanon808@gmail.com	96797

Representing:	Position:	Submitted:
Self	I wish to comment	Nov 28, 2022 @ 10:19 PM

Name:	Email:	Zip:
Keith Daniel	keitheowen@gmail.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 10:29 PM

Testimony:
This resolution does nothing to protect people and only infringes on our 2nd Amendment rights. This creates soft targets and emboldens criminals which will only exacerbate our increasing crime rates. Please tell Waters, the member that thinks Vitamin D and zinc being good for the immune system is dangerous information, that this is an asinine proposal that makes hawaii and it's people less safe. Criminals won't abide by this potential law. Restrictive gun laws enable criminals. Good guys with guns save lives!

Name:	Email:	Zip:
Rikki Rutt	rikkirutt@yahoo.com	96782
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 10:30 PM

Testimony:
I am strongly opposed to the proposal. First off, we have already seen similar restrictions already beginning to be overturned in the courts. By prohibiting carry by licensed individuals in public areas goes completely against the ruling of the supreme court. Also, only law-abiding individuals will obey (the responsible people that will not be the source of problems) resulting in the rules providing no safety. Another issue with the proposed rules is that on prohibitions on private property. The ruling the courts issues determined that carrying a firearm outside of the home is a constitutionally protected right. That is the default, and if an individual does not want to allow that on their private property it is their right to post such. The default being no carry permitted unless explicitly stated is a blatant disregard of the ruling of the supreme court. The proposed rules are unconstitutional and go against recent supreme court and other court rulings (let alone provide absolutely no benefits to public safety and potentially hurt that issue). An added issue is that these rules will be challenged in the courts and as we have seen have precedence to be overturned which will only end up costing the residence of the City and County of Honolulu through the waste of public funds to fight the challenges to the preposed rules. I hope that the Council use logic and facts and do not pass this bill.

Name:	Email:	Zip:
David Vea	321go930@gmail.com	96789
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 10:44 PM

Testimony:
I strongly oppose Bill 57, Honolulu Sensitive Places law.

I agree with most law-abiding gun owners of Hawaii that this type of bill is a knee-jerk reaction to the Supreme Court Decision in Bruen vs New York Rifle and Pistol Association (NYRPA). Section 1 of this Bill states, the purpose of this ordinance is to define those sensitive locations consistent with our 2nd Amendment and the Supreme Courts ruling in Bruen v NYSRPA. However, Bill 57 is in direct opposition to the Supreme Courts recent Decision. It is as if Tommy Waters, proposing official of this bill did not take the time to do his due diligence to review the Supreme Court's decision in its entirety to understand the intent and or how the use of Text, History, and Tradition was used to arrive at this decision.

Firstly, Bill 57 and its proposed definition of Sensitive Places is contrary to the Supreme Courts decision in Bruen. More specifically, Bill 57s attempt of a laundry list of locations is effectively to characterize most public areas as a "sensitive-place" lacks merit because there is no historical basis for the city and county of Honolulu or the State of Hawaii to effectively declare all common locations a "sensitive place."

The Bruen decision declared the burden falls on council representative and the city to show that the City and County of Honolulu or the State meet proper-cause requirement is consistent with this Nation's historical tradition of firearm regulation. To do so, the city would need to demonstrate though the historical record reflecting these were actual "sensitive places" where weapons were "altogether prohibited." They failed to do so.

The argument claimed by Mr. Waters indicates that the other purpose of this ordinance is to protect sensitive areas that traditionally been subject to restrictions on carrying or possessing arms actually holds no weight because prior to the Bruen decision, law enforcement and other personnel were the only personnel permitted to carry firearms. Consequently, this is not a historical account of a sensitive place "where weapons were altogether prohibited." Moreover, for Mr. Water to claim any locations were previously and historically restricted locations is disingenuous because law abiding citizens were Not allowed to carry a firearm for self-defense at all.

I do agree that the court used laws forbidding the carrying of firearms in sensitive places such as schools and government buildings but expanding the category of sensitive places to most common areas as described in Bill 57 is overreaching, too broad, contrary to the Bruen ruling, and more importantly contrary to 2nd amendments intent. The Supreme Court explained this in Heller, stating the "textual elements" of the Second Amendment's operative clause— "the right of the people to keep and bear Arms, shall not be infringed"—"guarantee the individual right to possess and carry weapons in case of confrontation." With that being said and using modern examples as a reference, statistically most mass shootings in the past decade occur in these common places. Statistically, when these shootings occur and the shooter is confronted by a law-abiding gun owner, the threat is neutralized far quicker and with far less bloodshed than those incidents that occur in a gun free zone a.k.a. sensitive place.

Please take the time to review the data, the courts decision, and we can avoid a longer drawn battle in the courts if this is passed which will result in Supreme Court vacating this law. If the overreaching and broad definition of sensitive places is passed as stated in this bill, I fear more litigation, drawn out legal battles, wasting the people's time, the people's money, and it will be contributing to the ever-decreasing confidence the public has in their elected officials. If the rule of law was adjudicated at the highest court in the land but yet we do not uphold this law and decision as declared by the Supreme Court, will we be a land of lawlessness?

I pray for our leaders and that we make the right decision. If there is any text we must heed, it is God's word. "When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn." Proverbs 29:2.

Name:	Email:	Zip:
Brett Kulbis	chair@oahugop.com	96706
Representing:	Position:	Submitted:
Honolulu County Republican Party	Oppose	Nov 28, 2022 @ 10:44 PM

Testimony:
Need video meeting link.

Name:	Email:	Zip:
Jorge Torres	jdtorres02@gmail.com	96707
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 10:50 PM

Testimony:
This bill is a very poor attempt at skirting the true rights of law abiding citizens. It undermines the ability to provide defense and security by those who do have integrity, as those without are still unaffected.

Name:	Email:	Zip:
Tod Gushiken	tod.gushiken@gmail.com	96814
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 10:59 PM

Testimony:
Aloha,

I am providing written testimony in opposition to BILL057(22) as currently written.

The Supreme Court of the United States (SCOTUS), through the NYSRPA vs. Bruen decision, recently established "text, history, and tradition" as the new standard for jurisprudence regarding the Second Amendment. Any precedent analyzed using the text, history, and tradition method must have its origins rooted near the creation of the Second Amendment in 1791.

The SCOTUS ruling specifically mentioned polling places, schools, and government buildings as examples of sensitive places that

historically prohibited the bearing of arms. Additional proposed locations noted in BILL057(22) fail to provide historical context or justification for inclusion on a list of sensitive areas.

New York included all of the sensitive areas defined in BILL057(22) in the Concealed Carry Improvement Act (CCIA), which was a response to the SCOTUS decision. Numerous judges have already ruled large parts of the (CCIA), particularly many of the sensitive locations, are unconstitutional and do not adhere to text, history, and tradition.

BILL057(22) does not indicate conformity to the text, history, and tradition method set forth by SCOTUS. Banning the bearing of arms in various proposed sites, which mimic New York's CCIA, have already been ruled unconstitutional. Given these facts, BILL057(22) will likely not pass constitutional muster.

Thank you,
Tod Gushiken

Name:	Email:	Zip:
Zion Vea	kegenda1@gmail.com	96789
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 11:06 PM

Testimony:
BILL057(22) Is unconstitutional and contrary to the recent Supreme Court Decision in Bruen vs. New York Rifle and Pistol Association. By broadly defining most common locations as sensitive places is overreaching and is in opposition to the Supreme court decision.

Name:	Email:	Zip:
Sean Loo	seanhl10@gmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 11:26 PM

Testimony:
I oppose this bill because you cannot predict when and where criminals will commit crimes. Putting restrictions on where a law abiding citizen is allowed to carry is unconstitutional but it also creates a place where criminals will want to target because now they know people are not able to defend themselves in these so called sensitive places. Criminals do not follow the law no matter what laws you try to pass and they sure will not follow this law especially if they are not suppose to be in possession of a firearm in the first place. This law only negatively affects the law abiding citizens because it prevents them from using the best tool to defend themselves.

Name:	Email:	Zip:
Glen Miguel-Matsumoto	glen.miguelmatsumoto20@gmail.com	96819
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 11:41 PM

Testimony:
In the wake of the Supreme Court ruling that struck down New York's Gun Law requiring conceal carry applicants to provide "proof of an actual need," hundreds of citizens lined up at HPD Headquarters to fill out an application to own and carry a gun. Every single one of the law-abiding citizens who signed up wants to exercise their second amendment right, "to keep and bear arms." The restrictions on gun owners in the "sensitive places" as described on Bill 57 directly infringes that right -- especially in cases where self-defense is absolutely necessary and needed to protect their property, friends and loved ones.

Name:	Email:	Zip:
Myra Lodge	mlodge@dick.com	96789
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 11:46 PM

Name:	Email:	Zip:
Alan Miller	mill8316@gmail.com	96818
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 11:52 PM

Testimony:
I strongly oppose this new rule. The recent Supreme Court ruling in NYSRPA vs Bruen has clearly defined “that the Second and Fourteenth Amendments protect an individual's right to carry a hand- gun for self-defense outside the home."

The ruling allows some reasonable limitations for “sensitive” places where concealed carry is not allowed. Highlighted were historical places that understandably limited carry of firearms. These included polling places, courthouses and legislative assemblies. Also noted as possible reasonable places to limit carry were government buildings and schools. These locations for the most part seem reasonable and are places that have been limited by other states in the past. But I will also note that many of the mass shootings in the past were perpetrated by demented criminals at schools and universities. So limiting the ability of law abiding citizens who have followed all laws to apply and acquire a CCW permit, from being able to carry at a school to protect themselves and the people around them is wrong. Allowing permitted CCW permit holders to carry at schools would likely increase public safety. (In my research I have not been able to find a single case where CCW permit holder has committed a mass shooting)

The rest of the proposed law is far over reach and an attempt at a backdoor ban on concealed carry anywhere on Oahu. There are limitations that would restrict law abiding citizens from concealed carry in some very dangerous areas where people would most likely need concealed carry, such as parks and public transportation. Also as we have seen over the last 10 years many “peaceful” protests and first amendment gatherings have become violent, so limiting concealed carry in this environment prevents law abiding citizens from being able to protect themselves.

The final part of the rule which bans concealed carry on any private property unless that business clearly allows it (for example signs on the wall allowing CCW) is another attempt at a backdoor CCW ban. Traditionally states with CCW have required private property/businesses to post signs banning CCW, rather than a blanket ban unless the business/private property specifically posted signs allowing it. We should continue to follow the established practice rather than legislating a blanket ban on a constitutionally protected right.

All of these rules seem eerily similar to the legislation in New York City in response to the Bruen Decision. Many of these currently proposed rules are in the process of being challenged in New York City. Supreme Court guidance from the Bruen decision changed the standard for evaluating second amendment challenges so that “Text and History” are the only determining factors in the decision. Because of this, the vast majority of these proposed new rules in Hawaii and New York will likely be found unconstitutional.

I believe that these new rules are being proposed because, for many people in Hawaii and this legislature there is an irrational fear based on the Bruen decision, that there will suddenly be a massive increase in gun crime, and also that we will suddenly see people carrying guns everywhere in public. This is simply untrue, it is a fact that CCW permit holders commit crimes at a far lower rate than the general population. And based on the Police department permitting schemes in Hawaii it is almost guaranteed all permit holders in Hawaii will have CCW permits, rather than open carry permits. So by definition the general public will not “see” a massive increase in gun carrying individuals, because these guns will be concealed and hidden from view.

In conclusion I strongly oppose the current law. I believe that Honolulu and the State of Hawaii would actually be safer by increasing the places that CCW permit holders are allowed to carry firearms, rather than trying to limit them.

Name:	Email:	Zip:
Marlee Kamakaala-Miller	mkamakaala@gmail.com	96818
Representing:	Position:	Submitted:
Self	Oppose	Nov 28, 2022 @ 11:59 PM

Testimony:
I oppose the proposed legislation to limit places where CCW permit holders may carry firearms. I believe these limitations go against the US Supreme Court Bruen decision and are unconstitutional. These new regulations would limit the ability of law abiding CCW permit holders to protect themselves, their loved ones, and the general public.

Name:	Email:	Zip:
Martin Humpert	777arty.H@Gmail.com	96793
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 12:21 AM

Testimony:

My name is Martin Humpert and I am opposed to Bill057(22).

I am a life long Hawaii resident and a certified firearms instructor. I have trained hundreds of members of the public on the safe use of firearms and I feel uniquely qualified to address the faults of Bill057(22).

Earlier this year a wide majority of the US Supreme Court recognized the absolute right of honest citizens to possess the means of self defense beyond the boundaries of their home.

Bill057(22) seeks to block a basic constitutional right by creating a near endless list of prohibited places where all constitutional rights EXCEPT ONE, exist.

Bill057(22) ignores that in every single place that it proposes to bar citizens from possessing the means of self defense, there is a record of violent crime. It can also be said that in every single case of violent crime striking the multi ethnic citizenry of Hawaii within Bill057(22) boundaries of proposed prohibited places these past incidences of crime involved unarmed victims.

Bill057(22) can therefore be concluded to seek to protect criminals and continue to deprive Hawaii's citizens, its women and largely minority population the means of self defense.

Bill057(22) is therefor a pro-crime bill that should be defeated and voted down.

Thank you.

Martin Humpert.

Name:	Email:	Zip:
Dale Hayama	youngguns@hawaii.rr.com	96819
Representing:	**Position:**	**Submitted:**
Young Guns	Oppose	Nov 29, 2022 @ 12:38 AM

Testimony:
Honorable Honolulu City Council Members,

For the past decades and as long as I can remember, Honolulu has had a Unconstitutional, pseudo ban on the Second Amendment. Though the State of Hawaii has claimed to be a Concealed Carry State, the City and County of Honolulu, has issued only 4 CCW permits since 2001 to my knowledge. My other half, Martha Kiyabu and I have both applied for CCW permits in the past and have been denied. We have had our lives threatened, we transport guns and large sums of money from time to time and just the opening and closing up our shop on a daily basis poses a danger that we feel a CCW would be justified. Our applications were denied, stating that there is was no situation that the Honolulu Police Department could not protect us from. Every Honolulu Police Officer that I personally spoke to about this, active, retired and deceased, said that was a lie! Yet it was that the basis that the Honolulu Police Department used as the justification to deny our Constitutional Right.

Since then, the United States Supreme Court has determined that this pseudo ban (denying our CCW permits) was Unconstitutional.

However, now that the State of Hawaii and the City and County of Honolulu can no longer deny our Second Amendment Right here. The Executive Branch, I believe, through Tommy Waters is DICTATING that IF law abiding citizens are to be able exercise their Second Amendment Right in their City; Then the Mayor, though The Honolulu City Council are going to dictate where these law abiding citizens will be allowed to exercise their CONSTITUTIONAL RIGHT. Bill 57 (2022) DICTATES where law abiding citizens are allowed to protect themselves and exercise their Constitutional Right. Bill 57 pretty much bans CCWs, from most of the City and on private property too. Think about it, the Mayor and possibly the City Counsel will be DICTATING where we can exercise our CONSTITUTIONAL RIGHT. Under Bill 57 (2022), the people that would be most affected the most, would be the poorest people who use public transportation and the areas that are off limits are areas where families would probably need to be able to protect themselves the most.

Bill 57 (2022) will continue most of this Unconstitutional Ban on the Second Amendment. You the City Council are Check and Balance to the Executive Branch of the City. Please represent the people and protect our rights. Please do not pass this Bill.

We do not Support Bill 57 (2022)

Sincerely,

Dale Hayama

Young Guns

Name:	Email:	Zip:
Donn Nagamine	dynagamine@yahoo.com	96826
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 12:44 AM

Testimony:
My name is Donn Nagamine and I oppose Bill 57.

This Bill as it is written does little if anything to satisfy its intent to protect citizens from harm. Instead it does the opposite and puts more people at risk. In the recent United States Supreme Court ruling in New York State Rifle & Pistol Association, Inc. v. Bruen, the Supreme Court did make exceptions for so called sensitive places. But Justice Clarence Thomas also wrote and said, referring to New York City, that the government can not make the entire island of Manhattan a sensitive place. In effect, that is what Bill 57 will do to the island of Oahu.

The intent of having sensitive places are to keep people safe. But much like so called "gun free zones" in many parts of the country who are you making it safe from? Most of the recent shootings that have occurred in our country have happened in what you propose to be sensitive spaces. A nightclub in Colorado, a college in Virginia, a 4th of July parade in Chicago, and an elementary school in Texas to name a few. Under this Bill, if any of these incidents happened here there would not be one law-abiding citizen who would have the ability to defend themselves or others from potential danger. Criminals or anyone wishing to hurt others are not inhibited by any laws. Evil can not be legislated out of existence.

Here in Hawaii many people have a "not going to happen here" type of mentality when it comes to increases in crime. But one only has to look at the uptick in crime to see that that thinking is wrong. There are more confrontations happening and the types of crimes committed are more brazen. Only a few weeks ago, three separate robberies occurred at a popular shopping mall in the middle of the day. Shootings, which previously were an anomaly in Hawaii are growing in frequency. The growing homeless problem only adds to the danger. While not all homeless people are bad and most clearly have mental health issues, I myself have been in confrontations that could have turned violent. I work in a school that is fortunate to have security guards. However they have a large area to cover, are few in number and are unarmed. The open nature of Hawaii schools means that anyone with bad intentions can come onto a campus with relative ease. The Honolulu Police Department does what it can with the resources they have, but they can't be everywhere. Law-abiding citizens need to be able to protect themselves.

The total amount of restrictions that Bill 57 would put on legally armed citizens is not only counter intuitive to safety but also impractical for the average citizen to adhere to. I am a father to two children who go to a daycare facility. Under this Bill I would not be able to legally enter the facility just to pick up my children with my firearm. If I wanted to then take them to a park, zoo, aquarium I would not be able to do that as well. The Bill also poorly defines how private businesses and property owners are to state whether firearms may be carried on their premises. I respect the decision of a business or property owner to allow or not allow firearms on their premises but there needs to be a clear process on how that should be done to avoid confusion. Not allowing firearms to be carried on public transportation would disproportionately affect people who use it as their only means of transport. Not everyone owns a private vehicle. This Bill unfairly targets these people. Crime is also increasing in and around bus stops as well as in the actual bus. These law-abiding citizens are being left defenseless.

When you look at Bill 57 in totality you have to ask yourself truthfully. Is this Bill practical for the public to adhere to? Could someone realistically go through their daily life carrying a firearm with all these onerous restrictions? Does this Bill really give us the ability to protect ourselves in the places that we need to be protected? My answer, unequivocally, NO. Therefore, I oppose Bill 57.

Donn Nagamine

Name:	Email:	Zip:

Daniel Layugan	Layugand@gmail.com	96797
Representing: Self	Position: Oppose	Submitted: Nov 29, 2022 @ 12:46 AM

Testimony:
Greetings Mayor Rick Blangiardi and City Council,

Thank you for hearing our testimony. I would like to make mention that gun laws/restrictions did not prevent the tragedies in Chesapeake, Uvalde, Colorado, Buffalo, and the 1999 Xerox shooting. The killers were in violation of the gun laws of their respective states, but the sad fact is the law didn't stop this. Instead, these tragedies have been used to vilify lawful gun owners and 2A proponents around our nation and Bill 057 will make any law-abiding citizen residing in Hawaii, helpless. As a gun owner in the state of Hawaii, I desire to carry because I want to protect the lives of the ones I love. Could these tragedies have been prevented if the victims were armed or laws did not make it a crime to protect and save lives? Good people stopping bad people from killing indiscriminately rarely make national headlines if a gun is involved. Making people helpless is never going to help us, please empower the people by allowing law-abiding citizens to carry the most effective tool in protecting our families.

Sincerely,
Daniel Layugan

Name: Kerry Nagai	Email: itsmeksn@gmail.com	Zip: 96822
Representing: Self	Position: Oppose	Submitted: Nov 29, 2022 @ 12:56 AM

Testimony:
This bill is too restrictive.

Name: Victor Muh	Email: vic@victormuh.com	Zip: 96826
Representing: Self	Position: Oppose	Submitted: Nov 29, 2022 @ 12:57 AM

Testimony:
This is unconstitutional.

Name: Richard Budar	Email: budar@aol.com	Zip: 96822
Representing: Self	Position: Oppose	Submitted: Nov 29, 2022 @ 12:58 AM

Testimony:
I feel the bill is too restrictive.

Name: KIN CHAU	Email: afrodo38@gmail.com	Zip: 96701
Representing: Self	Position: Oppose	Submitted: Nov 29, 2022 @ 12:59 AM

Testimony:
I oppose this bill as I believe it will cause an unjust burden to people lawfully carrying an firearm. We as gun owners want to responsibly carry them for self defense. I feel if this bill were to pass, gun owners would have to tiptoe through a minefield of unlawful places to carry a firearm. This notion of "People in Hawaii aren't used to seeing people with guns" is uncalled for. We will be carrying a concealed handgun, it will not be visibly seen. That is the whole point of a concealed carry permit.

Name: Eric Popko	Email: ericpopko2@gmail.com	Zip: 96707
Representing: Self	Position: Oppose	Submitted: Nov 29, 2022 @ 01:21 AM

Testimony:

disarming law-abiding, trained, and licensed individuals will not make Hawaii any safer.

Name:	Email:	Zip:
Geoffrey Scott	geosscott@gmail.com	96838
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 01:46 AM

Testimony:
Oppose Bill 57. Sensitive place restrictions should be extremely narrowly tailored. Businesses should have to post "PROHIBITED." Carry regulations should be uniform across the state. Carry permits should be valid State-wide, not just in the issuing county. Which parks? All parks, including federal, state, and county jurisdictions? SCOTUS ruled the people have the right to carry arms, so SHAME on all public servants who would infringe on that right by prohibiting carry in as many locations as possible, in direct defiance of SCOTUS! It is a fact that lawsuits will plague you for years if Bill 57 is passed containing the current language. STOP FEARING THE LAW- ABIDING!!

Name:	Email:	Zip:
Scott Shedko	shkpah7@protonmail.com	96820
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 29, 2022 @ 01:51 AM

Testimony:
Amendment II to the constitution of the United States of America clearly states, "…the right of the people to keep and bear arms, shall not be infringed."
You should be doing everything in your power to defend the Constitution, not trying to infringe upon it by saying THIS RIGHT NO LONGER EXISTS in "sensitive places" as arbitrarily defined by the writer of this bill!!

Name:	Email:	Zip:
Fredierick De La Cruz	dierick808@gmail.com	96782
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 02:36 AM

Testimony:
2nd amendment is the right to bear arms. This is the same right to carry for self, family and community protection. Implementing Rules should be made including where gun should be off limits (eg. planned occasions where police visibility is available, "gun is not allowed"). However in a place where safety is compromised, gun can be carry for deterrent of the bad guys. A law abiding citizen that carry gun won't be a threat to our law enforcement, instead they can help to deter criminals to commit bad actions while police are not around. In addition for gun carry license, we should require every 3 years renewal to Re evaluate all permit to carry if they are still fit to have it. These include , criminal background, mental issues, psychological and psychiatric evaluation. Most of the gun violence is been acted by a mentally disturbed individual not a family loving human. The often victim of a preventable crime is a family oriented individual.

Name:	Email:	Zip:
Charles-michael Victorino	victorinokeao@yahoo.com	96797
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 03:37 AM

Testimony:
I oppose the on the grounds that commonly restricted places are already outlined in federal law and those places suffice. Adding additionally restricted public places doesn't make the space any safer. It just makes criminals of the law abiding citizens that want to defend themselves. Have you ever caught the bus after a night shift from Waikiki back to Waianae? I would argue that is one of the most dangerous commutes you can make. Yet someone using that commute who would definitely need a ccw would now not be able to make it legally being that they would need to pass through most of the additional restricted areas. This bill will make it so the people that need personal protection most will not be able to actually utilize it this making them less safe. Not safer

Name:	Email:	Zip:
Robert Meacham	rtmeack@hotmail.com	96707
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 05:40 AM

Testimony:
I as a concerned citizen of Hawaii oppose Bill 57 relating to the public carry of firearms as written.
The vast majority of locations mentioned are the key areas one would need to provide the protection of self and others from those that wish to do harm and conduct illegal activities.
The county has only just signed off on a method for legal citizens to submit for a firearm carry permit that as of this writing are not obtainable due to the extravagant requirements and lack of personnel approved to administer the requirements. They also do not take into account for individuals that may have physical attributes that would prevent them from being able to comply with the testing procedures.
If a citizen can complete the requirements that exceed many other states requirements to conceal carry, then there is no justification to restrict the location in which they can carry. The state can't even come up with a unified process to show their continuous lack of knowledge and experience in these matters that continually inhibit one's constitutional rights.
Please reevaluate your thinking and realize the benefits of having trained armed citizens in your community that is historically short staffed on law enforcement and continues increase in crime. Start trusting you citizens vice trying to control and restrict their freedoms.

Name:	Email:	Zip:
Erica Yamauchi	erica.yamauchi@gmail.com	96816
Representing:	Position:	Submitted:
Moms Demand Action for Gun Sense in America - Hawai'i Chapter	Support	Nov 29, 2022 @ 05:57 AM

Name:	Email:	Zip:
Nathan Soriano	natesoriano@outlook.com	96818
Representing:	Position:	Submitted:
Self	Support	Nov 29, 2022 @ 06:08 AM

Testimony:
I wish that common sense would come back. It seems that some people do not understand that criminals do not follow the laws. It's our responsibility as law abiding Americans to protect our fellow Americans. We can not do that if ridiculous laws prevent that. I, as a parent should have the right to protect my children from criminals. My rights should not be infringed.

Name:	Email:	Zip:
Ted Baldonado	baldonado.ted@gmail.com	96817
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 06:19 AM

Testimony:
I oppose the measure. The measure has no basis in proven fact. The measure is does not take into account that we (law abiding citizens) have not followed federal and state laws up to this point. By not allowing law abiding citizens the ability to defend themselves or others in places that statistically have a higher change of danger, the measure ensures that criminals have an advantage over the defenseless and helpless. I ask to at least reconsider opposing this measure until we can come together and discuss a better option.

Name:	Email:	Zip:
Kyle Kaiser	kylekaiser808@gmail.com	96815
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 06:34 AM

Testimony:
I Strongly Oppose Bill 57,

This is simply another way for Biased Partisan Politicans to defy the US Supreme Courts Ruling by not allowing law abiding citizens to practice their 2nd Amendment right by having a firearm on their person in any places where it would be useful such as a Park.

This Bill opens the door to discriminate against law abiding citizens and makes it possible for good law abiding men and woman to catch a serious unjust unnecessary charge for forgetting to remove their conceal carry from a "sensitive" place.

"Sensitive places" also known as "gun free zones" such as schools have not been able to stop mass shootings and mascres from happening because criminals and psychotic psychiatric patients don't care to follow your gun laws.

Your legislation is only targeting law abiding men and woman with a clean record whom already passed a background check.

Name:	Email:	Zip:
Jordan Kaia	ikaikakaia@gmail.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 06:38 AM

Testimony:
I strongly oppose bill 57. It criminalizes law abiding citizens who went above and beyond to legally acquire a ccw permit. After determining that these individuals are fit to carry a firearm through not only mental evaluations but also a shooting qualification, bill 57 will restrict their ability to carry these life saving tools in nearly every public and private space. These individuals went through this arduous process only to be left as defenseless as they once were. The violent crimes have increased and law enforcement hasnt made any impact. Our streets are no longer safe and by removing ones second amendment rights will only create more victims.

Name:	Email:	Zip:
Stacey Aldrich	stlib@librarieshawaii.org	96813
Representing:	Position:	Submitted:
Hawaii State Public Library System	Support	Nov 29, 2022 @ 06:42 AM

Name:	Email:	Zip:
Bernice Jarra	b_jarra@yahoo.com	96818
Representing:	Position:	Submitted:
Self	Support	Nov 29, 2022 @ 06:56 AM

Testimony:
Living and raised in Hawaii, crime has raised in the past 3 years. I do not feel safe anymore. There’s been more shootings here. As a citizen how do we protect our family and ourselves from criminals? I would like to practice my 2nd amendment rights as well as protect my children.

Name:	Email:	Zip:
Rikki Kaia	rikkikaia@gmail.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 06:56 AM

Testimony:
As a women and a mother, I am opposed to Bill057(22). The places you aren’t allowing me to protect myself and my children in the best effective way possible are all places we frequent. These are also places that have the highest risks historically for victimization. If the point is to give the public back their constitutional right and the ability to protect themselves this is the worst way you could propose to do so.

Name:	Email:	Zip:
William Iaela	william.iaela@gmail.com	96816
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 29, 2022 @ 07:01 AM

Testimony:
To whom it may concern,
Although I am heartened to see Hawaii as a state and it's counties beginning to acknowledge and respect the right of an individual to act in self-defense and in the defense of others, I am against this Bill as it is written. The restrictions imposed herein would once again only serve to hinder a law-abiding citizen's ability to protect him/herself and/or others.
It makes it illegal for an educator to protect the students and co-workers around him. It makes it illegal for a citizen to protect herself and her family in the parking lot of a shopping mall when being robbed under the threat of deadly or disparate force or even inside the mall or a store itself.
These are but a few of the problems I see with this Bill and so I respectfully submit my testimony in opposition to it being adopted.

William Iaela		
Name: Michael Thomas	Email: michael.t@havoc-srt.com	Zip: 96707
Representing: Self	Position: Oppose	Submitted: Nov 29, 2022 @ 07:08 AM

Testimony:
The purpose of the CCW permit is to be able to protect ourselves WHEREVER we are. Federal buildings, schools, were/are always protected by some sort of security but no one is protecting public areas in EVERYONEs immediate vicinity. We have a shortage of almost 300 HPD officers. If I am at the park in Kapolei it could take 7-10 minutes before an officer can reach me depending on time of day. The average home invasion lasts 6-7 minutes, longer if there's malicious intent. Restricting my right to defend myself is unconstitutional and sheep-esque at best. People are being stabbed every week, but y'all wanna overlook that. Guns aren't the enemy, people using the guns for evil purposes are, and that's an easy fix

Name: Nozomu Yamauchi	Email: noz@islandendohawaii.com	Zip: 96816
Representing: Island Endodontics, Inc.	Position: Support	Submitted: Nov 29, 2022 @ 07:18 AM

Testimony:
As a local business owner, I strongly support this ordinance. The last thing business owners need is another burden -- so thank you to the mayor and council for not allowing guns on private property and in private businesses unless they specify they are allowed. I don't want to have to have stressful interactions with my patients and clients, worrying if they are bringing in a gun to my practice and/or having to ask them not to. This ordinance is critical to keep our current quality of life, safe public spaces and workplaces we have in Hawaii right now.

Name: Jamie Detwiler	Email: jamiedetwiler@protonmail.com	Zip: 96789
Representing: Hawaii Federation of Republican Women, President Elect 2023 (Corrected Copy attached)	Position: Oppose	Submitted: Nov 29, 2022 @ 07:37 AM

Name: Geoffrey Scott	Email: geosscott@gmail.com	Zip: 96738
Representing: Self	Position: Oppose	Submitted: Nov 29, 2022 @ 07:47 AM

Testimony:
Today, Firearms Policy Coalition (FPC) announced that United States District Judge John Sinatra, Jr. has issued a preliminary injunction against New York's law banning guns on all private property without express consent. The order in Christian v. Nigrelli can be viewed at FPCLegal.org.

"These are places that people, exercising their rights, frequent every day when they move around outside their homes," wrote Judge Sinatra in his opinion. "The exclusion here makes all of these places presumptively off limits, backed up by the threat of prison. The Nation's historical traditions have not countenanced such an incursion into the right to keep and bear arms across all varieties of private property spread across the land. The right to self-defense is no less important and no less recognized on private property."

In addition, Judge Sinatra added that "[n]othing in this decision purports to impact the traditional property right to exclude others, so long as the property owner (not the State) is the one actually exercising that right."

Name: Julieann Miller	Email: halelea15@yahoo.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Nov 29, 2022 @ 07:52 AM

Testimony:

I strongly support Bill 57. There need to be places where the community can be free of guns. More guns don't make us safer as we've seen from all of the mass shootings across the U.S. The Supreme Court's decision is making all of our communities less safe.

Thank you for your consideration.

Name:	Email:	Zip:
Sungwook Kim	sungwookkim@gmail.com	96821
Representing:	Position:	Submitted:
Self	Support	Nov 29, 2022 @ 07:56 AM

Testimony:
Dear Chair, Vice Chair, and members of the committee,

My name is Sungwook Kim. I live in East Honolulu and I am testifying today in support of Bill 57.
I am a veteran, having just retired from a 20 year career in the armed forces, so I understand the importance of gun safety and have seen firsthand what happens when we don't have proper policies and rules in place to protect others. I want to make it clear that guns don’t belong at schools, parks, or other places where children play, but without this ordinance that’s exactly what will happen. Guns also do not belong in bars, restaurants, and family areas (such as the zoo, aquarium, etc...). Please help keep our families safe.

Thank you for this opportunity to testify.
Sungwook Kim
96821

Name:	Email:	Zip:
Todd Yukutake	toddyukutake@gmail.com	96701-3936
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 07:56 AM

Name:	Email:	Zip:
Nancy Manali-Leonardo	relaxamommy@yahoo.com	96815
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 29, 2022 @ 08:07 AM

Testimony:
I am a mother, grandmother, retired registered nurse and 41 year resident of Honolulu.
During my career as an RN in Hawaii, I have worked in the areas of mental health, the operating room, and community health centers.
When discharged I have seen what guns do to a human body. And the people who fire these guns are not necessarily mentally ill.
Hawaii does have a high incidence of domestic violence cases. Will more guns help or hurt this issue?
Hawaii is noted for a low incidence of citizens killing each other by gun use. Will having more guns, or concealed guns help or hurt this issue?
My point is, it's not the mentally ill or the criminal that will kill more people, it's the easy access to guns that will kill more people.
Keep Hawaii's strick gun laws strict, like Japan, and New Zealand. Let's *not* follow in the footsteps of the mainland.
We will all be shot at some point if we do.
I don't want that for me, my family, or my neighbors.

Name:	Email:	Zip:
Benjie Tamamoto	btama642@hotmail.com	96797
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 08:33 AM

Testimony:
I oppose this Bill because it goes against the Constitution of the United States. I am asking you to please follow the law and vote against this Bill. Alternatively, can we at least have a discussion on what is a "sensitive place?"

Thank you.

Name:	Email:	Zip:
steve kumasaka	macsak@gmail.com	96821
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 08:34 AM

Testimony:
it appears that the city and county of honolulu has decided to base its "sensitive places" rules on those of new york
multiple portions of new york's rules have been challenged in court and were denied IMMEDIATELY
please do not waste time and money fighting lawsuits that the city WILL LOSE
the supreme court in the bruen decision was VERY SPECIFIC in what it considers to be sensitive places
please comply with the bruen decision and do not cost our city time and money fighting lawsuits that will result in losses...

mahalo for your consideration

aloha

steve

Name:	Email:	Zip:
Karin Lynn	dklynn2@comcast.net	96826
Representing:	Position:	Submitted:
Self	Support	Nov 29, 2022 @ 08:37 AM

Name:	Email:	Zip:
Jack James	jackljames@hotmail.com	96801
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 08:42 AM

Testimony:
I submit my written testimony in opposition to BILL057(22) RELATING TO THE PUBLIC CARRY OF FIREARMS.

I would offer two comments:

First, Bill 57 should be complaint with and comport in all ways to the June 23, 2022 US Supreme Court Ruling in New York State Rifle & Pistol Association Inc. v. Bruen where the Court reversed and remanded the lower court.

The Court held in their Judgement that New York’s proper-cause requirement for obtaining an unrestricted license to carry a concealed firearm violates the Fourteenth Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms.

Secondly, the Supreme Court has given guidance on the matter of “sensitive places” and to go beyond SCOTUS’s direction will only subject the taxpayers of the City and County of Honolulu to certain legal defense expenses that will surely follow should Bill 57 is enacted.

I submit we as a community have core human needs where our limited financial resources are better targeted than for legal fees to defend an ill advised piece of legislation.

Thank you for the opportunity to submit my written testimony.

Jack James
Honolulu, Hawaii

Name:	Email:	Zip:
Collin Mansanas	kuumaka7373@gmail.com	96706
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 08:44 AM

Testimony:

I strongly oppose Bill 57

Name:	Email:	Zip:
Donald Wilson	wilsond049@hawaii.rr.com	96820
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 08:50 AM

Name:	Email:	Zip:
Maui Quizon	rmquizon82@gmail.com	96789
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 09:01 AM

Testimony:
Vote NO on Bill 57. As we have seen in Hawaii County and various other parts of the country, these bills are a knee-jerk reaction to the Bruen decision. The most common reason being cited in Hawaii is "People in Hawaii aren't used to seeing people with guns." Peoples feelings on the matter are irrelevant. How someone else feels about a right has no bearing on others exercising it. But more importantly, in the matter... we are talking about concealed carry. No one is going to know who is carrying a legal firearm.

So while violent crime is on the rise (Oahu violent crime at 3-year high, Honolulu Police Department report finds) and HPD is facing critical manpower shortages (Police union calls officer shortages at HPD a ‘dire public health crisis’), Chair Waters believes infringing on our 2nd Amendment right will ensure the safety of our keiki, kupuna, and all residents

Vote NO on Bill 57.

Name:	Email:	Zip:
Vince Vento	uscoins1@aol.com	96744
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 09:03 AM

Testimony:
Please vote against the rules which will make it harder for law abiding citizens to exercise their right to carry.

Name:	Email:	Zip:
Henry Vincent	henryvincent3@gmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 09:06 AM

Name:	Email:	Zip:
Brian Lawton	8wovenstrands@gmail.com	96706
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 09:08 AM

Testimony:
Aloha
I am a Veteran that has had many years of training when it comes to carring a weapon. I also have a concel permit for the state of Washington. The way Bill 57 is written it will not allow a person to carry anywhere. The only way to stop a bad person is a good person willing to carry, risk their live, and defend a person that is being harmed with a weapon. When a person is being harm at knive or gun point the cops only show up to clean up the mess. There is already a shortage of cops on the Isand.

Name:	Email:	Zip:
Michael Kitchens	mikek@stolenstuffhawaii.com	96706
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 09:09 AM

Testimony:
Honorable City Council Members,

In regards to Bill 57, I strongly oppose the Bill 57 - Relating to the Public Carry of Firearms. This bill attempts to place restrictions

not justified by the June 23rd, 2022 US Supreme Court ruling NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., ET AL. v. BRUEN, SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL. which clearly stated that restrictions like these violate the Fourteenth Amendment by preventing law-abiding citizens with ordinary self defense needs from exercising their Second Amendment right to keep and bear arms in public for self-defense. The Supreme Court's opinion the importance of respecting our constitutional right to carry handguns for self-defense. Bill 57 seeks to add restrictions which will go against the Supreme Court's clear justification and therefore Bill 57 should not be allowed to pass. To do so would open up the City to further litigation due to the violation of our constitutional rights.

I run the largest anti-crime group in the Hawaii with over 208,000+ active Hawaii citizens on Facebook and Instagram. I deal with crime victims every day and the common denominator is that criminals don't care about gun laws. They will use a gun with or without them. This bill would make innocent victims the criminal and lessen their constitutional right to defend themselves.

Therefore I ask the City Council to strongly oppose this bill.

Mahalo,

Michael Kitchens
Founder,
Stolen Stuff Hawaii

Name:	Email:	Zip:
Carolyn Adams	cchristien@hotmail.com	96818
Representing:	Position:	Submitted:
Self	Support	Nov 29, 2022 @ 09:13 AM

Testimony:
My name is Carolyn Adams. I live in Honolulu. I am submitting written testimony today IN SUPPORT of Bill 57. I want to feel safe in my community. I want my kids to be safe in our community. I strongly believe that guns DO NOT belong at schools, parks, or any other public places where my children will be playing. I strongly agree that guns SHOULD NOT be allowed in bars or restaurants, especially where alcohol is being served. This draft ordinance is common sense and I hope it passes.
Sincerely,
Carolyn Adams
96818

Name:	Email:	Zip:
Maui Quizon	rmquizon82@gmail.com	96789
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 09:35 AM

Testimony:
Vote NO on Bill 57.

Honolulu City Members: I urge you to oppose Bill 57.

In 1995 the SCOTUS has ruled in United States v. Lopez, that "gun
free zones" are unconstitutional. "Sensitive Places" are nothing more than a new name for gun-free zones and are therefore unconstitutional.

As Justice Thomas has stated, "We know of no other constitutional right that an individual may exercise only after demonstrating to government officers some special need. That is not how the First Amendment works when it comes to unpopular speech or the free exercise of religion. It is not how the Sixth Amendment works when it comes to a defendant's right to confront the witnesses against him. And it is not how the Second Amendment works when it comes to public carry for self-defense."

Restricting law abiding citizens in the types of firearms they can own, magazine capacities, methods of carry, places in which they

can carry, etc. will not make the public safer.

In the landmark SCOTUS decision in NYSYRPA vs. Bruen, the court reaffirmed a citizen's right to BEAR arms in public and stated

that the "sensitive places" doctrine cannot be used as a blanket prohibition on weapons carry.

Vote NO on Bill 57.

//signed//
Susan V. Silva-Quizon
Mililani Mauka

Name:	Email:	Zip:
Joel Borgquist	joel@borgquist.org	96789
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 09:37 AM

Testimony:
This bill is un-Constitutional and misguided, violating our Rights and fostering criminal activity.

1. The US Constitution states that "...the Right of the people to keep and bear arms, shall not be infringed." This bill is a clear infringement of the Constitution, by any definition. It is disallowing the exercise of the Second Amendment.

2. The First and Second Amendment do, and must, co-exist. The Bill would disallow both Rights to be practiced simultaneously, which is entirely unjustifiable, and in and of itself a violation of the Constitution.

3. Self-defense is hindered, and criminals are aided, by this bill. The locations listed as "sensitive" are areas in which greater amounts of crimes are committed in public, specifically violent crimes. This bill would greatly inhibit self-defense by law-abiding citizens from criminals.

4. This bill's definition of these specific locations as "sensitive" is an opinion, without evidence or justification.

5. This bill only stops law-abiding citizens from defending themselves. By definition, criminals commit crimes, not law-abiding citizens. Those intent on harming other people are emboldened by "gun free zones," or just ignore them altogether. This is clearly proven time and again.

Name:	Email:	Zip:
Lahela Twist	Islandhoney1389@gmail.com	96788
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 09:49 AM

Testimony:
I oppose this bill. Law abiding citizens should be allowed to carry as a constitutional right. For protection if so needed for themselves &/or others in the event of a threat. Gun owners go through training and do all the paperwork needed to carry. They are not the ones committing felonies etc. I would feel safer in the company of a legally armed citizen than helpless and vulnerable in face of a threat.

Name:	Email:	Zip:
Darsha Lee	darsha@hawaii.edu	96789
Representing:	Position:	Submitted:
Self	Support	Nov 29, 2022 @ 09:50 AM

Testimony:
Thank you very much for proposing Bill 57 which helps to create a balanced approach to conceal carry laws. We need to use common sense to understand that places like schools and childcare/child-centered spaces are not places where conceal carry rights should be exerted. Places where we often disagree with one another, or have long waits (such as government buildings) are also not the place to add increased volatility.
Equally important, businesses and private property owners should have the ability to determine whether or not they want to have conceal carry in their own spaces. Overarchingly, I think we need to take our community and history into context. This is Hawai'i, not the continental U.S, and the notion of unchecked 2nd amendment rights is largely a continental U.S. construct. If we delve even further into Hawai'i's history, it is readily apparent that the very sovereignty of Hawai'i as an independent nation was forever

changed because of the actions of U.S. businessmen who also believed that their 2nd amendment rights should remain unchecked--leading to the illegal occupation of Hawai'i and the illegal imprisonment of our Queen. More recently, rioters at the U.S. Capitol also believed that unchecked armed insurrection was their right, which led to violent attacks aimed at policymakers and law enforcement. I support this bill in its balanced approach to safety, personal rights, the use of common sense, and respect for Hawai'i's unique history, location, and local communities.

Name:	Email:	Zip:
Rebecca Soon	rebecca.ji.soon@gmail.com	96825
Representing:	Position:	Submitted:
Self	Support	Nov 29, 2022 @ 09:51 AM

Testimony:
Honolulu has long remained a jurisdiction with among the lowest for gun violence in the country. As the Council and Legislature seeks to navigate the SCOTUS ruling requiring a broadening of guns allowed outside the household, our community supports any and all efforts to maintain the safety of our keiki, our kpuna, our residents wherever they may be. Given the dangerous of domestic violence, escalating altercations, and other challenges our community already faces, introducing guns into our communities has the potential for devastating impacts. Mahalo for taking up this important issue.

Name:	Email:	Zip:
Daniel Yoro	dyoro@parpacific.com	96707
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 09:56 AM

Testimony:
Strike down BILL057(22). Unconstitutional. You give one but take two away. Puts the people back in the same place. No to BILL057(22)

Name:	Email:	Zip:
Alexander Redeker	alex@mauipestcontrol.com	96732
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 09:58 AM

Testimony:
City Council
City and County of Honolulu
Honolulu, Hawaii

RE: Bill 57 (2022)
Relating to the Public Carry of Firearms

Aloha Honorable Members of the City Council,
My name is Alexander J. Redeker. I am a certified NRA Training Counselor and Training Coach covering the education of shooting sports with youth as well as adults. As a training counselor it is a part of my role and responsibility to help educate and develop quality students and instructors. I'm also an NRA personal protection inside the home and outside the home instructor. Looking at your proposed bill for ordinance relating to the public carry of firearms, it is my professional opinion that this bill has completely failed the purpose of education and training.
In order to pass these courses you must demonstrate the knowledge skills and attitude to safely and effectively carry and utilize a firearm in an unforeseen self defense encounter. If you are truly concerned about firearms in sensitive locations before you pass these ordinances, I would highly recommend you take a few these classes so that you can better understand the high standard that is already in play for Hawaii gun owners and the responsibility that our training ensures.

Due to laws that the State of Hawaii creates we are stricter than ¾ of the United States. To be a gun owner in Hawaii you need to be a role model citizen whom does not engage in any lucrative or aggressive behavior.
Putting it simply this is an ordinance that will be a benefit for criminals.
If you are worried about a person brandishing a firearm at a school, church business or other "sensitive location" this bill will not prohibit criminals, but will use a broad cast approach. This bill is unfair and prejudice towards a classification of individuals. Most

sensitive locations deemed by business owners already have posted signs labeled as “no weapons” or “no firearms allowed” A violation of this establishments policies would result in a violation of the HRS.

As an NRA firearms instructor part of the course requirements, we teach involves bringing in a legal advisor to discuss the current legal situations and state requirements in owning firearms.

The fact that we allow Hawaii’s high school students to participate in a varsity sport shooting air guns helps demonstrate the ability and positive reinforcement of proper education and training.

I would highly urge you to allow business owners and others to have a pro-choice method for their businesses and property in restriction of sensitive places rather than dictating where one can and cannot choose to protect themselves.

I will leave you with one last piece if you can’t personally guarantee the physically and financially the safety of and properties very single man woman and child in Oahu City & County and tell me that they won’t be a victim of aggressive homelessness emotionally disturbed people (EDP) or victims of hate crimes, then the ordinance you are proposing does absolutely nothing for the greater good and continues to foster and promote the victimization of the residents of Oahu.

Sincerely,
Alexander J Redeker
NRA Training Counselor
#2621198239

Name:	Email:	Zip:
Marijedheka EWW	wisdomjoycambio@gmail.com	96817
Representing:	Position:	Submitted:
Marijedheka	I wish to comment	Nov 29, 2022 @ 10:02 AM

Testimony:
My name is MERIJEDHEKA EEWW.

Name:	Email:	Zip:
Dain Christensen	dainlc@hawaii.edu	96826-4233
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 10:05 AM

Testimony:
To whom it may concern,

I strongly oppose this measure to restrict the right to bear arms. I believe it is improper and illegal for the city and county of Honolulu to speak on behalf of private business.

Mahalo for your time.

Name:	Email:	Zip:
Kau'i Fitzsimmons	sashf@hotmail.com	96791
Representing:	Position:	Submitted:
Self	Oppose	Nov 29, 2022 @ 10:13 AM

Testimony:
Aloha City Council,

This Bill of prohibiting the legal carry of firearms in "sensitive areas" is in invitation for criminals to commit their crimes knowing that no one will have self protection.
Signs of "Gun Free Zones" should be change to "Criminal Activity Allowed"
When seconds matter calls to 911 are minutes away, we need self protection in ALL public areas for our selves and protection of our Ohana.
Ask yourself, would you post a "Gun Free" sign on you home? no you wouldn't , criminals would gladly pick your home for their next home invasion.

Criminals don't follow gun laws, this Bill would only hurt the good citizen that is legally allowed to carry as ruled by our United States Supreme Court.

Mahalo nui Loa,

Kau'i Fitzsimmons

Name:	Email:	Zip:
jane raymond	trekkinjane@gmail.com	96734-3155
Representing:	Position:	Submitted:
triple j & co anuenue llc	I wish to comment	Nov 29, 2022 @ 10:18 AM

Testimony:
guns are bad. would like to speak live now

Name:	Email:	Zip:
Jane Raymond	trekkinjane@gmail.com	96734-3155
Representing:	Position:	Submitted:
triple j & co anuenue LLC and hoku n.e.w.s.	I wish to comment	Nov 29, 2022 @ 10:37 AM

Testimony:
men are 4 times more likely to commit suicide. firearms are one of the most contributing factors to suicide and road rage situations that end in violence. veterans are susceptible to suicide and doctors also die from suicide at higher rates. industries with moral distress such as law have higher incidences. making guns more accessible is dangerous. kids playing in the dark can be pulled into a homeowners home with a gun and your kids will be at more risk with veterans and mentally neglected citizens holding firearms.

Name:	Email:	Zip:
Dylan Fujitani	gen.fujitani@gmail.com	96822
Representing:	Position:	Submitted:
Self	Support	Nov 29, 2022 @ 10:41 AM

Testimony:
By compelling Hawaii to allow concealed carry, the US Supreme Court is forcing a largely unwanted and locally illegitimate change in our community's relationship to weapons. Hawaii has no history or tradition of private citizens carrying firearms in public, and our low rates of gun violence reflect, in part, a culture in which doing so is not normalized.

This measure, if adopted, would at least allow for the preservation of Hawaii's gun-free norms in certain areas where they have no place. Hawaii has no history of school shootings or bar shootouts. Adding guns to these places cannot improve and will likely worsen our record in this regard.

As a fifth generation community member and a parent, I urge you to support this measure.

Name:	Email:	Zip:
Griselda Flamenco	griselduh@yahoo.com	96822
Representing:	Position:	Submitted:
Self	Support	Nov 29, 2022 @ 10:44 AM

Testimony:
As a mother, I believe guns have no place in schools. Please support this measure.

TESTIMONY ON BILL 57

Deborah Nehmad, Hawaii chapter of the Brady United

November 29, 2022

My name is Deborah Nehmad. I am head of the Hawaii Chapter of Brady United and a Board member of the Hawaii Coalition to Prevent Gun Violence.

I want to voice our full support for Bill 57. The only change we are recommending is the addition of homeless shelters to the list of sensitive places where guns would be prohibited.

I want to emphasize that it is vital that the provision prohibiting guns in business establishments and charitable organizations without the express consent of the property owner become law. It is very important that the government not force the burden onto private businesses (including stores and hotels) and charitable organizations by default. Express consent must be given. However, I do have a few concerns with the current provisions:

--I am unclear as to why 40-___.4 (b) excludes privately owned or maintained streets or sidewalks. In my view they should be included.

--40-___.4 is limited to private businesses' and charitable organizations' premises. "Charitable organizations" includes 501(c)(3) organizations. It should also include non-profit organizations, for example a Homeowners' Association which is neither a business nor a 501(c)(3) organization but which owns private property (the Commons). There may be other examples of non-profits that own title to property, so non-profits should also be included in this protection.

--For that matter, ALL private property should be included. An assumption residential private property is already protected, because you have a right to exclude trespassers is not sufficient. There may be cases of people given permission to enter your property (e.g. delivery persons However, there, mail persons, service providers) without being given permission to carry weapons on your property. Thus the common law concept of preventing trespass in general is inadequate and **all private property** must be protected under this bill.

There is nothing in the second amendment or the Bruen decision that extends the right to carry a weapon on PRIVATE property. The second amendment only refers

to public property. The burden of stating whether weapons will be permitted on private property should be placed on those who so choose. This is also a matter of public safety. The best analogy is the shop owners and/or their employees forced to enforce mask mandates on customers. The assumption should not be that someone can carry weapons onto your private property unless you are willing to confront them, bearing in mind they have a gun. It doesn't take a great leap of imagination to understand how intimidated a proprietor/employee would be having to enforce a no weapons policy against someone who assumes that the standard is that they have a right to bring their weapon onto your property.

We understand there are concerns among Council members that the bill be able to pass constitutional muster. However, the determination of what will be viewed as "constitutional" will no doubt be litigated for years. We do not think it prudent that the City shy away from being as inclusive as possible at this stage because of concern of what the courts will say in the future. There have already been some far-fetched findings by courts on the mainland and there is no way of predicting where this will end up. The City should proceed with what the City determines is the most effective approach to keep its citizens safe.

In the past we did not have broadly applied carry laws and the courts and government buildings still had security safeguards that prevented weapons from being brought into their spaces. The rest of us deserve the same consideration.

In conclusion, there is a **misperception** among members of the gun carrying community that the public is unhappy because they are "not used to seeing people carrying weapons". This is misleading and implies that once everyone is carrying, the overly-sensitive will get used to it and stop being concerned. THIS IS NOT THE CASE. Public opinion polls confirm that the vast majority of people in Hawaii are concerned because the data clearly demonstrate that increasing the number of amateurs carrying weapons, concealed or unconcealed, makes us all less safe, not safer.

The following comments raise issues of general concern and are not specifically directed at Bill 57.

It is imperative that licensees understand that there is no "self-deputizing" to "help" or "backup" the police. This sentiment was actually stated at the HPD

hearings, when proponents for concealed carry mentioned the current staffing shortage in the police department and advocated for gun-carrying civilians to assist the police.. If the licensee were required to undergo training, education and proficiency similar to what the police and the military are required to do, then this could be open for consideration. As things stand, we think that the training, proficiency, and safety requirements in the HPD regs are NOT sufficient. Police are trained to discriminate between "good guys" and "bad guys" under pressure. Amateurs do not get this training.

There is NO stand your ground law outside one's home or business in Hawaii. Individuals have a duty to mitigate or leave a confrontation if they can safely do so. In addition, licensees need to understand that the use of lethal force is NOT permitted to protect property rights outside the home or business.

Hawaii has a history of low gun violence and high property crime, but carrying guns will not make us safer. One cannot shoot and turn property crime into a capital offense with the civilian shooter acting unilaterally as judge, jury, and executioner.

Chapter 15 of the Rules of the Chief of Police, HPD, entitled "Firearms Permits and Licenses."

I am writing to submit written testimony for less restrictions for qualified civilians to carry firearms concealed and non-concealed (open carry).

The proposed bans from carrying in locations such as schools, government buildings, parks, voting locations, public transportation, private businesses, banks, and medical establishments in effect is a "back door ban" or "disguised ban" and portrays the **corruption and lack of integrity** of the public officials making these restrictions. You use your authority to violates our Constitutional Rights.

Qualified citizens cannot get buy food, eat at a restaurant, get medical attention, cannot withdraw or deposit money at their bank. Basically, the above-restrictions only allows carrying while driving or walking on public streets. Furthermore, public officials do not have the authority to restrict what private property owners allow on their property.

My husband has been employed as a federal Special Agent, working as a federal law enforcement agent/officer for the past 18 years. I, as his wife, would pass the same background database checks as him. Yet your "back door ban" treats me as a criminal, who has no constitutional right to carry a firearm for self-defense.

Qualified citizens should be able to carry both open and concealed. Open carry can serves as an effective deterrent to violent crime.

Integrity demands that you public officials abide by the US Constitution and specified by the US Supreme Court, and not circumvent or suppress the law with your own political bias. The restrictions are an indirect attack on the law-abiding citizens of the State of Hawaii.

I also support qualified citizens to carry high capacity magazines. This will allow the qualified citizen to defend themselves on a more even playing field, when defending against violent criminal attackers who are well-known to disobey firearms laws like the laws restricting magazine capacity.

On another note, you could add restrictions like the same prohibitions to driving under the influence of alcohol as with carrying a firearm. And you could also require citizens to report that they are legally carrying a firearm, if they are encountered by law enforcement.

Lori K. Fujmoto, 10/3/2022
last four of social security number 7284

HAWAIʻI STATE
COALITION AGAINST
DOMESTIC VIOLENCE

Re: Bill 57 (2022) Relating to the Public Carry of Firearms

Aloha Chair, Vice Chair, and Members of the Council,

The Hawaiʻi State Coalition Against Domestic Violence (HSCADV) advances the safety and healing of survivors of domestic violence and their families. We are the collective voice of a diverse network of organizations and individuals, working to eliminate all forms of domestic violence in Hawaiʻi.

On behalf of HSCADV and our 29 member programs statewide, **we support Bill 57 (2022)**. **This measure would have a profound impact on public safety, survivors of domestic violence, their children and the nonprofit organizations that serve them.**

Perpetrators of domestic violence with access to guns use the threat of gun violence inflict emotional abuse on their partners or escalate to homicide. The presence of a firearm in domestic violence situations increases the risk of homicide for women by 500%. Additionally, more than half of women killed by gun violence are killed by family members or intimate partners.[1]

And the trend is worsening: in the ten-year period between 2008 and 2017, intimate partner homicides of women involving guns increased by 15 percent. [2] Adults are not the only victims. On March 4, 2022 a father under a restraining order killed his three daughters during a court-ordered family visitation at a church.

We must create safe spaces where survivors of domestic violence are free to heal and seek help after traumatic events. Prohibiting the public carrying of firearms in these spaces is paramount to creating this healing environment without threat of harm, revictimization, or re-traumatization.

Mahalo for the opportunity to submit testimony on this important matter.

Sincerely,
Angelina Mercado, Executive Director

[1] Campbell JC, Webster D, Koziol-McLain J, Block C, Campbell D, Curry MA, Gary F, Glass N, McFarlane J, Sachs C, Sharps P, Ulrich Y, Wilt SA, Manganello J, Xu X, Schollenberger J, Frye V, Laughon K. Risk factors for femicide in abusive relationships: results from a multisite case control study. Am J Public Health. 2003 Jul;93(7):1089-97. Doi: 10.2105/ajph.93.7.1089. PMID: PMC1447915

[2] Fridel EE, Fox JA. Gender differences in patterns and trends in the US homicide, 1976-2017. *Violence and Gender*. 2019; doi: 10.1089/vio.2019.0005. Data from this study were obtained by Everytown from the author James Alan Fox directly over email dated October 1, 2019 for this analysis.

The Senate

STATE CAPITOL
HONOLULU, HAWAIʻI 96813

November 29, 2022

The Honorable Tommy Waters, Chair and Presiding Officer
and Members of the Honolulu City Council
Honolulu Hale
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Aloha Chair Waters and Members of the Honolulu City Council:

Subject: Bill 57 (2022) Relating to Public Carry of Firearms

I would like to go on record to voice my opposition to the City Administration's draft of Bill 57 (2022) that proposes to define sensitive locations with the City and County of Honolulu where an individual would be prohibited from carrying a firearm. As defined in proposed Bill 57, chief among the various proposed "sensitive place" the City and County of Honolulu proposed to prohibit an individual from carrying a firearm includes schools, child care facilities and places frequented by children.

I am of the opinion that Congress has reenacted its right to prohibit an unauthorized individual to possess a firearm in a school zone while finding that the importance of education to interstate commerce that authorizes Congress to act. For this reason, State and counties should defer to the federal government on this matter under the doctrine of federal preemption. Under this doctrine, Congress has the right to insist on one uniform set of national regulations for the benefit of having one national set of rules for consistent enforcement.

Thank you for this opportunity to share this testimony for the Honolulu City Council's consideration.

Sincerely,

Kurt Fevella

Senator Kurt Fevella
State of Hawai'i, District 20
Minority Leader

State Capitol, Room 231
415 S. Beretania Street
Honolulu, HI 96813
Phone: (808) 586-6360
Fax: (808) 586-6361
senfevella@capitol.hawaii.gov

I urge you to oppose any restrictions on carrying firearms in sensitive areas.

The only positive aspect is creating an ‘improved perception of public safety” which was the justification used by a former police chief for building the Aina Haina substation. That was the response to a question I asked regarding the substations role in reducing crime or response time to 911 calls.

Restricting firearms to sensitive areas would be no different then restricting the installation of sprinkler systems on the 13th floor of condominiums. With someone planning a crime that would be a green light and in the case of an accidental electrical fire it would pretty much guarantee that there would be more damage to the building and people.

I am concerned that several years ago senator Chang introduced a resolution to help better define our Second Amendment rights. when asked directly he was honest and straightforward stating he did not believe that it was an individual right.

I respect him for his position though disagree with it as does the Supreme Court.

I'm concerned that when it comes to signage those that are law abiding citizens do not require it and those that don't abide by our laws don’t read.

As I drive on Kalanianole highway the average speed of the traffic is 45 and occasionally 50 the police are often traveling with us the speed limit though is 35. in Waimanalo I'm constantly dealing with illegal dumping along the side of the road it seems when there's a sign people do exactly the opposite.

I'm concerned that if we don't enforce our laws it's going to be very difficult for our children to understand the meaning and how to interpret them as we are not leading by example. I am extremely concerned that when our elected officials swear the oath of office, they interpret it in their own way.

Our country is not like anywhere else in the world the public's right to bear arms is protected by our constitution

The discussion should not be on restricting access but making sure that anyone who owns a firearm has a safe place to shoot. Over the years the community has made some excellent suggestions on how to improve the Koko Head Range.

Sincerely

Kevin Mulkern
808 396 6595

Syllabus

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

SUPREME COURT OF THE UNITED STATES

Syllabus

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

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

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

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

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

Syllabus

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

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

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

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

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

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

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

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

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

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

Syllabus

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

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

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

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

Syllabus

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

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

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

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

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

Syllabus

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

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

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

818 Fed. Appx. 99, reversed and remanded.

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

SUPREME COURT OF THE UNITED STATES

No. 20–843

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

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

[June 23, 2022]

JUSTICE THOMAS delivered the opinion of the Court.

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

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

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

I

A

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

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

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

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

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

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

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

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

---

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

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

---

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

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

B

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

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

---

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

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

Between 2008 and 2017, Koch was in the same position as Nash: He faced no special dangers, wanted a handgun for general self-defense, and had only a restricted license permitting him to carry a handgun outside the home for hunting and target shooting. In late 2017, Koch applied to a licensing officer to remove the restrictions on his license, citing his extensive experience in safely handling firearms. Like Nash's application, Koch's was denied, except that the officer permitted Koch to "carry to and from work." *Id.*, at 114.

C

Respondents are the superintendent of the New York State Police, who oversees the enforcement of the State's licensing laws, and a New York Supreme Court justice, who oversees the processing of licensing applications in Rensselaer County. Petitioners sued respondents for declaratory and injunctive relief under Rev. Stat. 1979, 42 U. S. C. §1983, alleging that respondents violated their Second and Fourteenth Amendment rights by denying their unrestricted-license applications on the basis that they had failed to show "proper cause," *i.e.*, had failed to demonstrate a unique need for self-defense.

The District Court dismissed petitioners' complaint and the Court of Appeals affirmed. See 818 Fed. Appx. 99, 100 (CA2 2020). Both courts relied on the Court of Appeals' prior decision in *Kachalsky*, 701 F. 3d 81, which had sustained New York's proper-cause standard, holding that the requirement was "substantially related to the achievement of an important governmental interest." *Id.*, at 96.

We granted certiorari to decide whether New York's denial of petitioners' license applications violated the Constitution. 593 U. S. ___ (2021).

II

In *Heller* and *McDonald*, we held that the Second and Fourteenth Amendments protect an individual right to keep and bear arms for self-defense. In doing so, we held unconstitutional two laws that prohibited the possession and use of handguns in the home. In the years since, the Courts of Appeals have coalesced around a "two-step" framework for analyzing Second Amendment challenges that combines history with means-end scrutiny.

Today, we decline to adopt that two-part approach. In keeping with *Heller*, we hold that when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. To justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation. Only if a firearm regulation is consistent with this Nation's historical tradition may a court conclude that the individual's conduct falls outside the Second Amendment's "unqualified command." *Konigsberg* v. *State Bar of Cal.*, 366 U. S. 36, 50, n. 10 (1961).[3]

---

[3] Rather than begin with its view of the governing legal framework, the dissent chronicles, in painstaking detail, evidence of crimes committed by individuals with firearms. See *post,* at 1–9 (opinion of BREYER, J.). The dissent invokes all of these statistics presumably to justify granting States greater leeway in restricting firearm ownership and use. But, as Members of the Court have already explained, "[t]he right to keep and bear arms . . . is not the only constitutional right that has controversial public safety implications." *McDonald* v. *Chicago*, 561 U. S. 742, 783 (2010) (plurality opinion).

A

Since *Heller* and *McDonald*, the two-step test that Courts of Appeals have developed to assess Second Amendment claims proceeds as follows. At the first step, the government may justify its regulation by "establish[ing] that the challenged law regulates activity falling outside the scope of the right as originally understood." *E.g.*, *Kanter* v. *Barr*, 919 F. 3d 437, 441 (CA7 2019) (internal quotation marks omitted). But see *United States* v. *Boyd*, 999 F. 3d 171, 185 (CA3 2021) (requiring claimant to show "'a burden on conduct falling within the scope of the Second Amendment's guarantee'"). The Courts of Appeals then ascertain the original scope of the right based on its historical meaning. *E.g.*, *United States* v. *Focia*, 869 F. 3d 1269, 1285 (CA11 2017). If the government can prove that the regulated conduct falls beyond the Amendment's original scope, "then the analysis can stop there; the regulated activity is categorically unprotected." *United States* v. *Greeno*, 679 F. 3d 510, 518 (CA6 2012) (internal quotation marks omitted). But if the historical evidence at this step is "inconclusive or suggests that the regulated activity is *not* categorically unprotected," the courts generally proceed to step two. *Kanter*, 919 F. 3d, at 441 (internal quotation marks omitted).

At the second step, courts often analyze "how close the law comes to the core of the Second Amendment right and the severity of the law's burden on that right." *Ibid.* (internal quotation marks omitted). The Courts of Appeals generally maintain "that the core Second Amendment right is limited to self-defense *in the home*." *Gould*, 907 F. 3d, at 671 (emphasis added). But see *Wrenn*, 864 F. 3d, at 659 ("[T]he Amendment's core generally covers carrying in public for self defense"). If a "core" Second Amendment right is burdened, courts apply "strict scrutiny" and ask whether the Government can prove that the law is "narrowly tailored to achieve a compelling governmental interest." *Kolbe* v. *Hogan*, 849 F. 3d 114, 133 (CA4 2017) (internal quotation

marks omitted). Otherwise, they apply intermediate scrutiny and consider whether the Government can show that the regulation is "substantially related to the achievement of an important governmental interest." *Kachalsky*, 701 F. 3d, at 96.[4] Both respondents and the United States largely agree with this consensus, arguing that intermediate scrutiny is appropriate when text and history are unclear in attempting to delineate the scope of the right. See Brief for Respondents 37; Brief for United States as *Amicus Curiae* 4.

B

Despite the popularity of this two-step approach, it is one step too many. Step one of the predominant framework is broadly consistent with *Heller*, which demands a test rooted in the Second Amendment's text, as informed by history. But *Heller* and *McDonald* do not support applying means-end scrutiny in the Second Amendment context. Instead, the government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.

1

To show why *Heller* does not support applying means-end scrutiny, we first summarize *Heller*'s methodological approach to the Second Amendment.

In *Heller*, we began with a "textual analysis" focused on

---

[4] See *Association of N. J. Rifle & Pistol Clubs, Inc.* v. *Attorney General N. J.*, 910 F. 3d 106, 117 (CA3 2018); accord, *Worman* v. *Healey*, 922 F. 3d 26, 33, 36–39 (CA1 2019); *Libertarian Party of Erie Cty.* v. *Cuomo*, 970 F. 3d 106, 127–128 (CA2 2020); *Harley* v. *Wilkinson*, 988 F. 3d 766, 769 (CA4 2021); *National Rifle Assn. of Am., Inc.* v. *Bureau of Alcohol, Tobacco, Firearms, and Explosives*, 700 F. 3d 185, 194–195 (CA5 2012); *United States* v. *Greeno*, 679 F. 3d 510, 518 (CA6 2012); *Kanter* v. *Barr*, 919 F. 3d 437, 442 (CA7 2019); *Young* v. *Hawaii*, 992 F. 3d 765, 783 (CA9 2021) (en banc); *United States* v. *Reese*, 627 F. 3d 792, 800–801 (CA10 2010); *GeorgiaCarry.Org, Inc.* v. *Georgia*, 687 F. 3d 1244, 1260, n. 34 (CA11 2012); *United States* v. *Class*, 930 F. 3d 460, 463 (CADC 2019).

the "'normal and ordinary'" meaning of the Second Amendment's language. 554 U. S., at 576–577, 578. That analysis suggested that the Amendment's operative clause—"the right of the people to keep and bear Arms shall not be infringed"—"guarantee[s] the individual right to possess and carry weapons in case of confrontation" that does not depend on service in the militia. *Id.*, at 592.

From there, we assessed whether our initial conclusion was "confirmed by the historical background of the Second Amendment." *Ibid.* We looked to history because "it has always been widely understood that the Second Amendment . . . codified a *pre-existing* right." *Ibid.* The Amendment "was not intended to lay down a novel principle but rather codified a right inherited from our English ancestors." *Id.*, at 599 (alterations and internal quotation marks omitted). After surveying English history dating from the late 1600s, along with American colonial views leading up to the founding, we found "no doubt, on the basis of both text and history, that the Second Amendment conferred an individual right to keep and bear arms." *Id.*, at 595.

We then canvassed the historical record and found yet further confirmation. That history included the "analogous arms-bearing rights in state constitutions that preceded and immediately followed adoption of the Second Amendment," *id.*, at 600–601, and "how the Second Amendment was interpreted from immediately after its ratification through the end of the 19th century," *id.*, at 605. When the principal dissent charged that the latter category of sources was illegitimate "postenactment legislative history," *id.*, at 662, n. 28 (opinion of Stevens, J.), we clarified that "examination of a variety of legal and other sources to determine *the public understanding* of a legal text in the period after its enactment or ratification" was "a critical tool of constitutional interpretation," *id.*, at 605 (majority opinion).

In assessing the postratification history, we looked to four

different types of sources. First, we reviewed "[t]hree important founding-era legal scholars [who] interpreted the Second Amendment in published writings." *Ibid.* Second, we looked to "19th-century cases that interpreted the Second Amendment" and found that they "universally support an individual right" to keep and bear arms. *Id.*, at 610. Third, we examined the "discussion of the Second Amendment in Congress and in public discourse" after the Civil War, "as people debated whether and how to secure constitutional rights for newly freed slaves." *Id.*, at 614. Fourth, we considered how post-Civil War commentators understood the right. See *id.*, at 616–619.

After holding that the Second Amendment protected an individual right to armed self-defense, we also relied on the historical understanding of the Amendment to demark the limits on the exercise of that right. We noted that, "[l]ike most rights, the right secured by the Second Amendment is not unlimited." *Id.*, at 626. "From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." *Ibid.* For example, we found it "fairly supported by the historical tradition of prohibiting the carrying of 'dangerous and unusual weapons'" that the Second Amendment protects the possession and use of weapons that are "'in common use at the time.'" *Id.*, at 627 (first citing 4 W. Blackstone, Commentaries on the Laws of England 148–149 (1769); then quoting *United States* v. *Miller*, 307 U. S. 174, 179 (1939)). That said, we cautioned that we were not "undertak[ing] an exhaustive historical analysis today of the full scope of the Second Amendment" and moved on to considering the constitutionality of the District of Columbia's handgun ban. 554 U. S., at 627.

We assessed the lawfulness of that handgun ban by scrutinizing whether it comported with history and tradition. Although we noted that the ban "would fail constitutional

muster" "[u]nder any of the standards of scrutiny that we have applied to enumerated constitutional rights," *id.*, at 628–629, we did not engage in means-end scrutiny when resolving the constitutional question. Instead, we focused on the historically unprecedented nature of the District's ban, observing that "[f]ew laws in the history of our Nation have come close to [that] severe restriction." *Id.*, at 629. Likewise, when one of the dissents attempted to justify the District's prohibition with "founding-era historical precedent," including "various restrictive laws in the colonial period," we addressed each purported analogue and concluded that they were either irrelevant or "d[id] not remotely burden the right of self-defense as much as an absolute ban on handguns." *Id.*, at 631–632; see *id.*, at 631–634. Thus, our earlier historical analysis sufficed to show that the Second Amendment did not countenance a "complete prohibition" on the use of "the most popular weapon chosen by Americans for self-defense in the home." *Id.*, at 629.

2

As the foregoing shows, *Heller*'s methodology centered on constitutional text and history. Whether it came to defining the character of the right (individual or militia dependent), suggesting the outer limits of the right, or assessing the constitutionality of a particular regulation, *Heller* relied on text and history. It did not invoke any means-end test such as strict or intermediate scrutiny.

Moreover, *Heller* and *McDonald* expressly rejected the application of any "judge-empowering 'interest-balancing inquiry' that 'asks whether the statute burdens a protected interest in a way or to an extent that is out of proportion to the statute's salutary effects upon other important governmental interests.'" *Heller*, 554 U. S., at 634 (quoting *id.*, at 689–690 (BREYER, J., dissenting)); see also *McDonald*, 561 U. S., at 790–791 (plurality opinion) (the Second Amendment does not permit—let alone require—"judges to assess

the costs and benefits of firearms restrictions" under means-end scrutiny). We declined to engage in means-end scrutiny because "[t]he very enumeration of the right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is *really worth* insisting upon." *Heller*, 554 U. S., at 634. We then concluded: "A constitutional guarantee subject to future judges' assessments of its usefulness is no constitutional guarantee at all." *Ibid.*

Not only did *Heller* decline to engage in means-end scrutiny generally, but it also specifically ruled out the intermediate-scrutiny test that respondents and the United States now urge us to adopt. Dissenting in *Heller*, JUSTICE BREYER's proposed standard—"ask[ing] whether [a] statute burdens a protected interest in a way or to an extent that is out of proportion to the statute's salutary effects upon other important governmental interests," *id.*, at 689–690 (dissenting opinion)—simply expressed a classic formulation of intermediate scrutiny in a slightly different way, see *Clark* v. *Jeter*, 486 U. S. 456, 461 (1988) (asking whether the challenged law is "substantially related to an important government objective"). In fact, JUSTICE BREYER all but admitted that his *Heller* dissent advocated for intermediate scrutiny by repeatedly invoking a quintessential intermediate-scrutiny precedent. See *Heller*, 554 U. S., at 690, 696, 704–705 (citing *Turner Broadcasting System*, *Inc.* v. *FCC*, 520 U. S. 180 (1997)). Thus, when *Heller* expressly rejected that dissent's "interest-balancing inquiry," 554 U. S., at 634 (internal quotation marks omitted), it necessarily rejected intermediate scrutiny.[5]

---

[5] The dissent asserts that we misread *Heller* to eschew means-end scrutiny because *Heller* mentioned that the District of Columbia's handgun ban "would fail constitutional muster" "[u]nder any of the standards of scrutiny that we have applied to enumerated constitutional rights." *Heller*, 554 U. S., at 628–629; see *post,* at 23 (opinion of BREYER, J.). But *Heller*'s passing observation that the District's ban would fail under any

In sum, the Courts of Appeals' second step is inconsistent with *Heller*'s historical approach and its rejection of means-end scrutiny. We reiterate that the standard for applying the Second Amendment is as follows: When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation. Only then may a court conclude that the individual's conduct falls outside the Second Amendment's "unqualified command." *Konigsberg*, 366 U. S., at 50, n. 10.

C

This Second Amendment standard accords with how we protect other constitutional rights. Take, for instance, the freedom of speech in the First Amendment, to which *Heller* repeatedly compared the right to keep and bear arms. 554 U. S., at 582, 595, 606, 618, 634–635. In that context, "[w]hen the Government restricts speech, the Government bears the burden of proving the constitutionality of its actions." *United States* v. *Playboy Entertainment Group*, *Inc.*, 529 U. S. 803, 816 (2000); see also *Philadelphia Newspapers*, *Inc.* v. *Hepps*, 475 U. S. 767, 777 (1986). In some cases, that burden includes showing whether the expressive conduct falls outside of the category of protected speech. See *Illinois ex rel. Madigan* v. *Telemarketing Associates*, *Inc.*, 538 U. S. 600, 620, n. 9 (2003). And to carry that burden, the government must generally point to *historical* evidence about the reach of the First Amendment's protections. See,

---

heightened "standar[d] of scrutiny" did not supplant *Heller*'s focus on constitutional text and history. Rather, *Heller*'s comment "was more of a gilding-the-lily observation about the extreme nature of D.C.'s law," *Heller* v. *District of Columbia*, 670 F. 3d 1244, 1277 (CADC 2011) (Kavanaugh, J., dissenting), than a reflection of *Heller*'s methodology or holding.

e.g., *United States* v. *Stevens*, 559 U. S. 460, 468–471 (2010) (placing the burden on the government to show that a type of speech belongs to a "historic and traditional categor[y]" of constitutionally unprotected speech "long familiar to the bar" (internal quotation marks omitted)).

And beyond the freedom of speech, our focus on history also comports with how we assess many other constitutional claims. If a litigant asserts the right in court to "be confronted with the witnesses against him," U. S. Const., Amdt. 6, we require courts to consult history to determine the scope of that right. See, *e.g.*, *Giles* v. *California*, 554 U. S. 353, 358 (2008) ("admitting only those exceptions [to the Confrontation Clause] established at the time of the founding" (internal quotation marks omitted)). Similarly, when a litigant claims a violation of his rights under the Establishment Clause, Members of this Court "loo[k] to history for guidance." *American Legion* v. *American Humanist Assn.*, 588 U. S. ___, ___ (2019) (plurality opinion) (slip op., at 25). We adopt a similar approach here.

To be sure, "[h]istorical analysis can be difficult; it sometimes requires resolving threshold questions, and making nuanced judgments about which evidence to consult and how to interpret it." *McDonald*, 561 U. S., at 803–804 (Scalia, J., concurring). But reliance on history to inform the meaning of constitutional text—especially text meant to codify a *pre-existing* right—is, in our view, more legitimate, and more administrable, than asking judges to "make difficult empirical judgments" about "the costs and benefits of firearms restrictions," especially given their "lack [of] expertise" in the field. *Id.*, at 790–791 (plurality opinion).[6]

---

[6]The dissent claims that *Heller*'s text-and-history test will prove unworkable compared to means-end scrutiny in part because judges are relatively ill equipped to "resolv[e] difficult historical questions" or engage in "searching historical surveys." *Post*, at 26, 30. We are unpersuaded. The job of judges is not to resolve historical questions in the abstract; it

If the last decade of Second Amendment litigation has taught this Court anything, it is that federal courts tasked with making such difficult empirical judgments regarding firearm regulations under the banner of "intermediate scrutiny" often defer to the determinations of legislatures. But while that judicial deference to legislative interest balancing is understandable—and, elsewhere, appropriate—it is not deference that the Constitution demands here. The Second Amendment "is the very *product* of an interest balancing by the people" and it "surely elevates above all other interests the right of law-abiding, responsible citizens to use arms" for self-defense. *Heller*, 554 U. S., at 635. It is this balance—struck by the traditions of the American people—that demands our unqualified deference.

D

The test that we set forth in *Heller* and apply today requires courts to assess whether modern firearms regulations are consistent with the Second Amendment's text and historical understanding. In some cases, that inquiry will be fairly straightforward. For instance, when a challenged regulation addresses a general societal problem that has persisted since the 18th century, the lack of a distinctly similar historical regulation addressing that problem is relevant evidence that the challenged regulation is inconsistent with the Second Amendment. Likewise, if earlier generations addressed the societal problem, but did so through materially different means, that also could be evidence that

---

is to resolve *legal* questions presented in particular cases or controversies. That "legal inquiry is a refined subset" of a broader "historical inquiry," and it relies on "various evidentiary principles and default rules" to resolve uncertainties. W. Baude & S. Sachs, Originalism and the Law of the Past, 37 L. & Hist. Rev. 809, 810–811 (2019). For example, "[i]n our adversarial system of adjudication, we follow the principle of party presentation." *United States* v. *Sineneng-Smith*, 590 U. S. ___, ___ (2020) (slip op., at 3). Courts are thus entitled to decide a case based on the historical record compiled by the parties.

a modern regulation is unconstitutional. And if some jurisdictions actually attempted to enact analogous regulations during this timeframe, but those proposals were rejected on constitutional grounds, that rejection surely would provide some probative evidence of unconstitutionality.

Heller itself exemplifies this kind of straightforward historical inquiry. One of the District's regulations challenged in *Heller* "totally ban[ned] handgun possession in the home." *Id.*, at 628. The District in *Heller* addressed a perceived societal problem—firearm violence in densely populated communities—and it employed a regulation—a flat ban on the possession of handguns in the home—that the Founders themselves could have adopted to confront that problem. Accordingly, after considering "founding-era historical precedent," including "various restrictive laws in the colonial period," and finding that none was analogous to the District's ban, *Heller* concluded that the handgun ban was unconstitutional. *Id.,* at 631; see also *id.,* at 634 (describing the claim that "there were somewhat similar restrictions in the founding period" a "false proposition").

New York's proper-cause requirement concerns the same alleged societal problem addressed in *Heller*: "handgun violence," primarily in "urban area[s]." *Ibid.* Following the course charted by *Heller*, we will consider whether "historical precedent" from before, during, and even after the founding evinces a comparable tradition of regulation. *Id.,* at 631. And, as we explain below, we find no such tradition in the historical materials that respondents and their *amici* have brought to bear on that question. See Part III–B, *infra*.

While the historical analogies here and in *Heller* are relatively simple to draw, other cases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach. The regulatory challenges posed by firearms today are not always the same

as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868. Fortunately, the Founders created a Constitution—and a Second Amendment—"intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." *McCulloch* v. *Maryland*, 4 Wheat. 316, 415 (1819) (emphasis deleted). Although its meaning is fixed according to the understandings of those who ratified it, the Constitution can, and must, apply to circumstances beyond those the Founders specifically anticipated. See, *e.g., United States* v. *Jones*, 565 U. S. 400, 404–405 (2012) (holding that installation of a tracking device was "a physical intrusion [that] would have been considered a 'search' within the meaning of the Fourth Amendment when it was adopted").

We have already recognized in *Heller* at least one way in which the Second Amendment's historically fixed meaning applies to new circumstances: Its reference to "arms" does not apply "only [to] those arms in existence in the 18th century." 554 U. S., at 582. "Just as the First Amendment protects modern forms of communications, and the Fourth Amendment applies to modern forms of search, the Second Amendment extends, prima facie, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding." *Ibid.* (citations omitted). Thus, even though the Second Amendment's definition of "arms" is fixed according to its historical understanding, that general definition covers modern instruments that facilitate armed self-defense. Cf. *Caetano* v. *Massachusetts*, 577 U. S. 411, 411–412 (2016) (*per curiam*) (stun guns).

Much like we use history to determine which modern "arms" are protected by the Second Amendment, so too does history guide our consideration of modern regulations that were unimaginable at the founding. When confronting such present-day firearm regulations, this historical inquiry that courts must conduct will often involve reasoning by analogy—a commonplace task for any lawyer or judge. Like all

analogical reasoning, determining whether a historical regulation is a proper analogue for a distinctly modern firearm regulation requires a determination of whether the two regulations are "relevantly similar." C. Sunstein, On Analogical Reasoning, 106 Harv. L. Rev. 741, 773 (1993). And because "[e]verything is similar in infinite ways to everything else," *id.,* at 774, one needs "some metric enabling the analogizer to assess which similarities are important and which are not," F. Schauer & B. Spellman, Analogy, Expertise, and Experience, 84 U. Chi. L. Rev. 249, 254 (2017). For instance, a green truck and a green hat are relevantly similar if one's metric is "things that are green." See *ibid.* They are not relevantly similar if the applicable metric is "things you can wear."

While we do not now provide an exhaustive survey of the features that render regulations relevantly similar under the Second Amendment, we do think that *Heller* and *McDonald* point toward at least two metrics: how and why the regulations burden a law-abiding citizen's right to armed self-defense. As we stated in *Heller* and repeated in *McDonald*, "individual self-defense is 'the *central component*' of the Second Amendment right." *McDonald*, 561 U. S., at 767 (quoting *Heller*, 554 U. S., at 599); see also *id.,* at 628 ("the inherent right of self-defense has been central to the Second Amendment right"). Therefore, whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are "'*central*'" considerations when engaging in an analogical inquiry. *McDonald*, 561 U. S., at 767 (quoting *Heller*, 554 U. S., at 599).[7]

---

[7] This does not mean that courts may engage in independent means-end scrutiny under the guise of an analogical inquiry. Again, the Second Amendment is the "product of an interest balancing *by the people*," not the evolving product of federal judges. *Heller*, 554 U. S., at 635 (emphasis altered). Analogical reasoning requires judges to apply faithfully the balance struck by the founding generation to modern circumstances, and

To be clear, analogical reasoning under the Second Amendment is neither a regulatory straightjacket nor a regulatory blank check. On the one hand, courts should not "uphold every modern law that remotely resembles a historical analogue," because doing so "risk[s] endorsing outliers that our ancestors would never have accepted." *Drummond* v. *Robinson*, 9 F. 4th 217, 226 (CA3 2021). On the other hand, analogical reasoning requires only that the government identify a well-established and representative historical *analogue*, not a historical *twin*. So even if a modern-day regulation is not a dead ringer for historical precursors, it still may be analogous enough to pass constitutional muster.

Consider, for example, *Heller*'s discussion of "longstanding" "laws forbidding the carrying of firearms in sensitive places such as schools and government buildings." 554 U. S., at 626. Although the historical record yields relatively few 18th- and 19th-century "sensitive places" where weapons were altogether prohibited—*e.g.,* legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions. See D. Kopel & J. Greenlee, The "Sensitive Places" Doctrine, 13 Charleston L. Rev. 205, 229–236, 244–247 (2018); see also Brief for Independent Institute as *Amicus Curiae* 11–17. We therefore can assume it settled that these locations were "sensitive places" where arms carrying could be prohibited consistent with the Second Amendment. And courts can use analogies to those historical regulations of "sensitive places" to determine that modern regulations prohibiting the carry of firearms in *new* and analogous sensitive places are constitutionally permissible.

Although we have no occasion to comprehensively define

---

contrary to the dissent's assertion, there is nothing "[i]roni[c]" about that undertaking. *Post,* at 30. It is not an invitation to revise that balance through means-end scrutiny.

"sensitive places" in this case, we do think respondents err in their attempt to characterize New York's proper-cause requirement as a "sensitive-place" law. In their view, "sensitive places" where the government may lawfully disarm law-abiding citizens include all "places where people typically congregate and where law-enforcement and other public-safety professionals are presumptively available." Brief for Respondents 34. It is true that people sometimes congregate in "sensitive places," and it is likewise true that law enforcement professionals are usually presumptively available in those locations. But expanding the category of "sensitive places" simply to all places of public congregation that are not isolated from law enforcement defines the category of "sensitive places" far too broadly. Respondents' argument would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry arms for self-defense that we discuss in detail below. See Part III–B, *infra*. Put simply, there is no historical basis for New York to effectively declare the island of Manhattan a "sensitive place" simply because it is crowded and protected generally by the New York City Police Department.

Like *Heller*, we "do not undertake an exhaustive historical analysis . . . of the full scope of the Second Amendment." 554 U. S., at 626. And we acknowledge that "applying constitutional principles to novel modern conditions can be difficult and leave close questions at the margins." *Heller* v. *District of Columbia*, 670 F. 3d 1244, 1275 (CADC 2011) (Kavanaugh, J., dissenting). "But that is hardly unique to the Second Amendment. It is an essential component of judicial decisionmaking under our enduring Constitution." *Ibid.* We see no reason why judges frequently tasked with answering these kinds of historical, analogical questions cannot do the same for Second Amendment claims.

III

Having made the constitutional standard endorsed in *Heller* more explicit, we now apply that standard to New York's proper-cause requirement.

A

It is undisputed that petitioners Koch and Nash—two ordinary, law-abiding, adult citizens—are part of "the people" whom the Second Amendment protects. See *Heller*, 554 U. S., at 580. Nor does any party dispute that handguns are weapons "in common use" today for self-defense. See *id.*, at 627; see also *Caetano*, 577 U. S., at 411–412. We therefore turn to whether the plain text of the Second Amendment protects Koch's and Nash's proposed course of conduct—carrying handguns publicly for self-defense.

We have little difficulty concluding that it does. Respondents do not dispute this. See Brief for Respondents 19. Nor could they. Nothing in the Second Amendment's text draws a home/public distinction with respect to the right to keep and bear arms. As we explained in *Heller*, the "textual elements" of the Second Amendment's operative clause— "the right of the people to keep and bear Arms, shall not be infringed"—"guarantee the individual right to possess and carry weapons in case of confrontation." 554 U. S., at 592. *Heller* further confirmed that the right to "bear arms" refers to the right to "wear, bear, or carry . . . upon the person or in the clothing or in a pocket, for the purpose . . . of being armed and ready for offensive or defensive action in a case of conflict with another person." *Id.*, at 584 (quoting *Muscarello* v. *United States*, 524 U. S. 125, 143 (1998) (Ginsburg, J., dissenting); internal quotation marks omitted).

This definition of "bear" naturally encompasses public carry. Most gun owners do not wear a holstered pistol at their hip in their bedroom or while sitting at the dinner table. Although individuals often "keep" firearms in their home, at the ready for self-defense, most do not "bear" (*i.e.*,

carry) them in the home beyond moments of actual confrontation. To confine the right to "bear" arms to the home would nullify half of the Second Amendment's operative protections.

Moreover, confining the right to "bear" arms to the home would make little sense given that self-defense is "the *central component* of the [Second Amendment] right itself." *Heller*, 554 U. S., at 599; see also *McDonald*, 561 U. S., at 767. After all, the Second Amendment guarantees an "individual right to possess and carry weapons in case of confrontation," *Heller*, 554 U. S., at 592, and confrontation can surely take place outside the home.

Although we remarked in *Heller* that the need for armed self-defense is perhaps "most acute" in the home, *id.*, at 628, we did not suggest that the need was insignificant elsewhere. Many Americans hazard greater danger outside the home than in it. See *Moore* v. *Madigan*, 702 F. 3d 933, 937 (CA7 2012) ("[A] Chicagoan is a good deal more likely to be attacked on a sidewalk in a rough neighborhood than in his apartment on the 35th floor of the Park Tower"). The text of the Second Amendment reflects that reality.

The Second Amendment's plain text thus presumptively guarantees petitioners Koch and Nash a right to "bear" arms in public for self-defense.

B

Conceding that the Second Amendment guarantees a general right to public carry, contra, *Young*, 992 F. 3d, at 813, respondents instead claim that the Amendment "permits a State to condition handgun carrying in areas 'frequented by the general public' on a showing of a nonspeculative need for armed self-defense in those areas," Brief for Respondents 19 (citation omitted).[8] To support

[8]The dissent claims that we cannot answer the question presented without giving respondents the opportunity to develop an evidentiary record fleshing out "how New York's law is administered in practice, how

that claim, the burden falls on respondents to show that New York's proper-cause requirement is consistent with this Nation's historical tradition of firearm regulation. Only if respondents carry that burden can they show that the pre-existing right codified in the Second Amendment, and made applicable to the States through the Fourteenth, does not protect petitioners' proposed course of conduct.

Respondents appeal to a variety of historical sources from the late 1200s to the early 1900s. We categorize these periods as follows: (1) medieval to early modern England; (2) the American Colonies and the early Republic; (3) antebellum America; (4) Reconstruction; and (5) the late-19th and early-20th centuries.

We categorize these historical sources because, when it comes to interpreting the Constitution, not all history is created equal. "Constitutional rights are enshrined with the scope they were understood to have *when the people adopted them*." *Heller*, 554 U. S., at 634–635 (emphasis added). The Second Amendment was adopted in 1791; the

---

much discretion licensing officers in New York possess, or whether the proper cause standard differs across counties." *Post,* at 20. We disagree. The dissent does not dispute that any applicant for an unrestricted concealed-carry license in New York can satisfy the proper-cause standard only if he has "'"a special need for self-protection distinguishable from that of the general community."'" *Post,* at 13 (quoting *Kachalsky* v. *County of Westchester*, 701 F. 3d 81, 86 (CA2 2012)). And in light of the text of the Second Amendment, along with the Nation's history of firearm regulation, we conclude below that a State may not prevent law-abiding citizens from publicly carrying handguns because they have not demonstrated a special need for self-defense. See *infra*, at 62. That conclusion does not depend upon any of the factual questions raised by the dissent. Nash and Koch allege that they were denied unrestricted licenses because they had not "demonstrate[d] a special need for self-defense that distinguished [them] from the general public." App. 123, 125. If those allegations are proven true, then it simply does not matter whether licensing officers have applied the proper-cause standard differently to other concealed-carry license applicants; Nash's and Koch's constitutional rights to bear arms in public for self-defense were still violated.

Fourteenth in 1868. Historical evidence that long predates either date may not illuminate the scope of the right if linguistic or legal conventions changed in the intervening years. It is one thing for courts to "reac[h] back to the 14th century" for English practices that "prevailed up to the 'period immediately before and after the framing of the Constitution.'" *Sprint Communications Co.* v. *APCC Services, Inc.*, 554 U. S. 269, 311 (2008) (ROBERTS, C. J., dissenting). It is quite another to rely on an "ancient" practice that had become "obsolete in England at the time of the adoption of the Constitution" and never "was acted upon or accepted in the colonies." *Dimick* v. *Schiedt*, 293 U. S. 474, 477 (1935).

As with historical evidence generally, courts must be careful when assessing evidence concerning English common-law rights. The common law, of course, developed over time. *Associated Gen. Contractors of Cal., Inc.* v. *Carpenters*, 459 U. S. 519, 533, n. 28 (1983); see also *Rogers* v. *Tennessee*, 532 U. S. 451, 461 (2001). And English common-law practices and understandings at any given time in history cannot be indiscriminately attributed to the Framers of our own Constitution. Even "the words of *Magna Charta*"—foundational as they were to the rights of America's forefathers—"stood for very different things at the time of the separation of the American Colonies from what they represented originally" in 1215. *Hurtado* v. *California*, 110 U. S. 516, 529 (1884). Sometimes, in interpreting our own Constitution, "it [is] better not to go too far back into antiquity for the best securities of our liberties," *Funk* v. *United States*, 290 U. S. 371, 382 (1933), unless evidence shows that medieval law survived to become our Founders' law. A long, unbroken line of common-law precedent stretching from Bracton to Blackstone is far more likely to be part of our law than a short-lived, 14th-century English practice.

Similarly, we must also guard against giving postenactment history more weight than it can rightly bear. It is true

that in *Heller* we reiterated that evidence of "how the Second Amendment was interpreted from immediately after its ratification through the end of the 19th century" represented a "critical tool of constitutional interpretation." 554 U. S., at 605. We therefore examined "a variety of legal and other sources to determine *the public understanding* of [the Second Amendment] after its . . . ratification." *Ibid.* And, in other contexts, we have explained that "'a regular course of practice' can 'liquidate & settle the meaning of' disputed or indeterminate 'terms & phrases'" in the Constitution. *Chiafalo* v. *Washington*, 591 U. S. ___, ___ (2020) (slip op., at 13) (quoting Letter from J. Madison to S. Roane (Sept. 2, 1819), in 8 Writings of James Madison 450 (G. Hunt ed. 1908)); see also, *e.g., Houston Community College System* v. *Wilson*, 595 U. S. ___, ___ (2022) (slip op., at 5) (same); The Federalist No. 37, p. 229 (C. Rossiter ed. 1961) (J. Madison); see generally C. Nelson, *Stare Decisis* and Demonstrably Erroneous Precedents, 87 Va. L. Rev. 1, 10–21 (2001); W. Baude, Constitutional Liquidation, 71 Stan. L. Rev. 1 (2019). In other words, we recognize that "where a governmental practice has been open, widespread, and unchallenged since the early days of the Republic, the practice should guide our interpretation of an ambiguous constitutional provision." *NLRB* v. *Noel Canning*, 573 U. S. 513, 572 (2014) (Scalia, J., concurring in judgment); see also *Myers* v. *United States*, 272 U. S. 52, 174 (1926); *Printz* v. *United States*, 521 U. S. 898, 905 (1997).

But to the extent later history contradicts what the text says, the text controls. "'[L]iquidating' indeterminacies in written laws is far removed from expanding or altering them." *Gamble* v. *United States*, 587 U. S. ___, ___ (2019) (THOMAS, J., concurring) (slip op., at 13); see also Letter from J. Madison to N. Trist (Dec. 1831), in 9 Writings of James Madison 477 (G. Hunt ed. 1910). Thus, "post-ratification adoption or acceptance of laws that are *inconsistent* with the original meaning of the constitutional text

obviously cannot overcome or alter that text." *Heller*, 670 F. 3d, at 1274, n. 6 (Kavanaugh, J., dissenting); see also *Espinoza* v. *Montana Dept. of Revenue*, 591 U. S. ___, ___ (2020) (slip op., at 15).

As we recognized in *Heller* itself, because post-Civil War discussions of the right to keep and bear arms "took place 75 years after the ratification of the Second Amendment, they do not provide as much insight into its original meaning as earlier sources." 554 U. S., at 614; cf. *Sprint Communications Co.*, 554 U. S., at 312 (ROBERTS, C. J., dissenting) ("The belated innovations of the mid- to late-19th-century courts come too late to provide insight into the meaning of [the Constitution in 1787]"). And we made clear in *Gamble* that *Heller*'s interest in mid- to late-19th-century commentary was secondary. *Heller* considered this evidence "only after surveying what it regarded as a wealth of authority for its reading—including the text of the Second Amendment and state constitutions." *Gamble*, 587 U. S., at ___ (majority opinion) (slip op., at 23). In other words, this 19th-century evidence was "treated as mere confirmation of what the Court thought had already been established." *Ibid.*

A final word on historical method: Strictly speaking, New York is bound to respect the right to keep and bear arms because of the Fourteenth Amendment, not the Second. See, *e.g.*, *Barron ex rel. Tiernan* v. *Mayor of Baltimore*, 7 Pet. 243, 250–251 (1833) (Bill of Rights applies only to the Federal Government). Nonetheless, we have made clear that individual rights enumerated in the Bill of Rights and made applicable against the States through the Fourteenth Amendment have the same scope as against the Federal Government. See, *e.g.*, *Ramos* v. *Louisiana*, 590 U. S. ___, ___ (2020) (slip op., at 7); *Timbs* v. *Indiana*, 586 U. S. ___, ___–___ (2019) (slip op., at 2–3); *Malloy* v. *Hogan*, 378 U. S. 1, 10–11 (1964). And we have generally assumed that the

scope of the protection applicable to the Federal Government and States is pegged to the public understanding of the right when the Bill of Rights was adopted in 1791. See, *e.g.*, *Crawford* v. *Washington*, 541 U. S. 36, 42–50 (2004) (Sixth Amendment); *Virginia* v. *Moore*, 553 U. S. 164, 168–169 (2008) (Fourth Amendment); *Nevada Comm'n on Ethics* v. *Carrigan*, 564 U. S. 117, 122–125 (2011) (First Amendment).

We also acknowledge that there is an ongoing scholarly debate on whether courts should primarily rely on the prevailing understanding of an individual right when the Fourteenth Amendment was ratified in 1868 when defining its scope (as well as the scope of the right against the Federal Government). See, *e.g.*, A. Amar, The Bill of Rights: Creation and Reconstruction xiv, 223, 243 (1998); K. Lash, Re-Speaking the Bill of Rights: A New Doctrine of Incorporation (Jan. 15, 2021) (manuscript, at 2), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3766917 ("When the people adopted the Fourteenth Amendment into existence, they readopted the original Bill of Rights, and did so in a manner that invested those original 1791 texts with new 1868 meanings"). We need not address this issue today because, as we explain below, the public understanding of the right to keep and bear arms in both 1791 and 1868 was, for all relevant purposes, the same with respect to public carry.

* * *

With these principles in mind, we turn to respondents' historical evidence. Throughout modern Anglo-American history, the right to keep and bear arms in public has traditionally been subject to well-defined restrictions governing the intent for which one could carry arms, the manner of carry, or the exceptional circumstances under which one could not carry arms. But apart from a handful of late-19th-century jurisdictions, the historical record compiled by respondents does not demonstrate a tradition of broadly

prohibiting the public carry of commonly used firearms for self-defense. Nor is there any such historical tradition limiting public carry only to those law-abiding citizens who demonstrate a special need for self-defense.[9] We conclude that respondents have failed to meet their burden to identify an American tradition justifying New York's proper-cause requirement. Under *Heller*'s text-and-history standard, the proper-cause requirement is therefore unconstitutional.

1

Respondents' substantial reliance on English history and custom before the founding makes some sense given our statement in *Heller* that the Second Amendment "codified a right 'inherited from our English ancestors.'" 554 U. S., at 599 (quoting *Robertson* v. *Baldwin*, 165 U. S. 275, 281 (1897)); see also *Smith* v. *Alabama*, 124 U. S. 465, 478

---

[9] To be clear, nothing in our analysis should be interpreted to suggest the unconstitutionality of the 43 States' "shall-issue" licensing regimes, under which "a general desire for self-defense is sufficient to obtain a [permit]." *Drake* v. *Filko*, 724 F. 3d 426, 442 (CA3 2013) (Hardiman, J., dissenting). Because these licensing regimes do not require applicants to show an atypical need for armed self-defense, they do not necessarily prevent "law-abiding, responsible citizens" from exercising their Second Amendment right to public carry. *District of Columbia* v. *Heller*, 554 U. S. 570, 635 (2008). Rather, it appears that these shall-issue regimes, which often require applicants to undergo a background check or pass a firearms safety course, are designed to ensure only that those bearing arms in the jurisdiction are, in fact, "law-abiding, responsible citizens." *Ibid.* And they likewise appear to contain only "narrow, objective, and definite standards" guiding licensing officials, *Shuttlesworth* v. *Birmingham*, 394 U. S. 147, 151 (1969), rather than requiring the "appraisal of facts, the exercise of judgment, and the formation of an opinion," *Cantwell* v. *Connecticut*, 310 U. S. 296, 305 (1940)—features that typify proper-cause standards like New York's. That said, because any permitting scheme can be put toward abusive ends, we do not rule out constitutional challenges to shall-issue regimes where, for example, lengthy wait times in processing license applications or exorbitant fees deny ordinary citizens their right to public carry.

(1888). But this Court has long cautioned that the English common law "is not to be taken in all respects to be that of America." *Van Ness* v. *Pacard*, 2 Pet. 137, 144 (1829) (Story, J., for the Court); see also *Wheaton* v. *Peters*, 8 Pet. 591, 659 (1834); *Funk*, 290 U. S., at 384. Thus, "[t]he language of the Constitution cannot be interpreted safely except by reference to the common law and to British institutions *as they were when the instrument was framed and adopted*," not as they existed in the Middle Ages. *Ex parte Grossman*, 267 U. S. 87, 108–109 (1925) (emphasis added); see also *United States* v. *Reid*, 12 How. 361, 363 (1852).

We interpret the English history that respondents and the United States muster in light of these interpretive principles. We find that history ambiguous at best and see little reason to think that the Framers would have thought it applicable in the New World. It is not sufficiently probative to defend New York's proper-cause requirement.

To begin, respondents and their *amici* point to several medieval English regulations from as early as 1285 that they say indicate a longstanding tradition of restricting the public carry of firearms. See 13 Edw. 1, 102. The most prominent is the 1328 Statute of Northampton (or Statute), passed shortly after Edward II was deposed by force of arms and his son, Edward III, took the throne of a kingdom where "tendency to turmoil and rebellion was everywhere apparent throughout the realm." N. Trenholme, The Risings in the English Monastic Towns in 1327, 6 Am. Hist. Rev. 650, 651 (1901). At the time, "[b]ands of malefactors, knights as well as those of lesser degree, harried the country, committing assaults and murders," prompted by a more general "spirit of insubordination" that led to a "decay in English national life." K. Vickers, England in the Later Middle Ages 107 (1926).

The Statute of Northampton was, in part, "a product of . . . the acute disorder that still plagued England." A. Verduyn, The Politics of Law and Order During the Early

Years of Edward III, 108 Eng. Hist. Rev. 842, 850 (1993). It provided that, with some exceptions, Englishmen could not "come before the King's Justices, or other of the King's Ministers doing their office, with force and arms, nor bring no force in affray of the peace, nor to go nor ride armed by night nor by day, in Fairs, Markets, nor in the presence of the Justices or other Ministers, nor in no part elsewhere, upon pain to forfeit their Armour to the King, and their Bodies to Prison at the King's pleasure." 2 Edw. 3 c. 3 (1328).

Respondents argue that the prohibition on "rid[ing]" or "go[ing] . . . armed" was a sweeping restriction on public carry of self-defense weapons that would ultimately be adopted in Colonial America and justify onerous public-carry regulations. Notwithstanding the ink the parties spill over this provision, the Statute of Northampton—at least as it was understood during the Middle Ages—has little bearing on the Second Amendment adopted in 1791. The Statute of Northampton was enacted nearly 20 years before the Black Death, more than 200 years before the birth of Shakespeare, more than 350 years before the Salem Witch Trials, more than 450 years before the ratification of the Constitution, and nearly 550 years before the adoption of the Fourteenth Amendment.

The Statute's prohibition on going or riding "armed" obviously did not contemplate handguns, given they did not appear in Europe until about the mid-1500s. See K. Chase, Firearms: A Global History to 1700, p. 61 (2003). Rather, it appears to have been centrally concerned with the wearing of armor. See, *e.g.*, Calendar of the Close Rolls, Edward III, 1330–1333, p. 131 (Apr. 3, 1330) (H. Maxwell-Lyte ed. 1898); *id.*, at 243 (May 28, 1331); *id.*, Edward III, 1327–1330, at 314 (Aug. 29, 1328) (1896). If it did apply beyond armor, it applied to such weapons as the "launcegay," a 10- to 12-foot-long lightweight lance. See 7 Rich. 2 c. 13 (1383); 20 Rich. 2 c. 1 (1396).

The Statute's apparent focus on armor and, perhaps,

weapons like launcegays makes sense given that armor and lances were generally worn or carried only when one intended to engage in lawful combat or—as most early violations of the Statute show—to breach the peace. See, *e.g.*, Calendar of the Close Rolls, Edward III, 1327–1330, at 402 (July 7, 1328); *id.*, Edward III, 1333–1337, at 695 (Aug. 18, 1336) (1898). Contrast these arms with daggers. In the medieval period, "[a]lmost everyone carried a knife or a dagger in his belt." H. Peterson, Daggers and Fighting Knives of the Western World 12 (2001). While these knives were used by knights in warfare, "[c]ivilians wore them for self-protection," among other things. *Ibid.* Respondents point to no evidence suggesting the Statute applied to the smaller medieval weapons that strike us as most analogous to modern handguns.

When handguns were introduced in England during the Tudor and early Stuart eras, they did prompt royal efforts at suppression. For example, Henry VIII issued several proclamations decrying the proliferation of handguns, and Parliament passed several statutes restricting their possession. See, *e.g.*, 6 Hen. 8 c. 13, §1 (1514); 25 Hen. 8 c. 17, §1 (1533); 33 Hen. 8 c. 6 (1541); Prohibiting Use of Handguns and Crossbows (Jan. 1537), in 1 Tudor Royal Proclamations 249 (P. Hughes & J. Larkin eds. 1964). But Henry VIII's displeasure with handguns arose not primarily from concerns about their safety but rather their inefficacy. Henry VIII worried that handguns threatened Englishmen's proficiency with the longbow—a weapon many believed was crucial to English military victories in the 1300s and 1400s, including the legendary English victories at Crécy and Agincourt. See R. Payne-Gallwey, The Crossbow 32, 34 (1903); L. Schwoerer, Gun Culture in Early Modern England 54 (2016) (Schwoerer).

Similarly, James I considered small handguns—called dags—"utterly unserviceable for defence, Militarie practise, or other lawful use." A Proclamation Against Steelets,

Pocket Daggers, Pocket Dagges and Pistols (R. Barker printer 1616). But, in any event, James I's proclamation in 1616 "was the last one regarding civilians carrying dags," Schwoerer 63. "After this the question faded without explanation." *Ibid.* So, by the time Englishmen began to arrive in America in the early 1600s, the public carry of handguns was no longer widely proscribed.

When we look to the latter half of the 17th century, respondents' case only weakens. As in *Heller*, we consider this history "[b]etween the [Stuart] Restoration [in 1660] and the Glorious Revolution [in 1688]" to be particularly instructive. 554 U. S., at 592. During that time, the Stuart Kings Charles II and James II ramped up efforts to disarm their political opponents, an experience that "caused Englishmen . . . to be jealous of their arms." *Id.*, at 593.

In one notable example, the government charged Sir John Knight, a prominent detractor of James II, with violating the Statute of Northampton because he allegedly "did walk about the streets armed with guns, and that he went into the church of St. Michael, in Bristol, in the time of divine service, with a gun, to terrify the King's subjects." *Sir John Knight's Case*, 3 Mod. 117, 87 Eng. Rep. 75, 76 (K. B. 1686). Chief Justice Holt explained that the Statute of Northampton had "almost gone in *desuetudinem*," *Rex* v. *Sir John Knight*, 1 Comb. 38, 38–39, 90 Eng. Rep. 330 (K. B. 1686), meaning that the Statute had largely become obsolete through disuse.[10] And the Chief Justice further explained

---

[10] Another medieval firearm restriction—a 1541 statute enacted under Henry VIII that limited the ownership and use of handguns (which could not be shorter than a yard) to those subjects with annual property values of at least £100, see 33 Hen. 8 c. 6, §§1–2—fell into a similar obsolescence. As far as we can discern, the last recorded prosecutions under the 1541 statute occurred in 1693, neither of which appears to have been successful. See *King and Queen* v. *Bullock*, 4 Mod. 147, 87 Eng. Rep. 315 (K. B. 1693); *King* v. *Litten*, 1 Shower, K. B. 367, 89 Eng. Rep. 644 (K. B. 1693). It seems that other prosecutions under the 1541 statute during the late 1600s were similarly unsuccessful. See *King* v. *Silcot*, 3 Mod. 280, 280–

that the act of "go[ing] armed *to terrify* the King's subjects" was "a great offence at the *common law*" and that the Statute of Northampton "is but an affirmance of that law." 3 Mod., at 118, 87 Eng. Rep., at 76 (first emphasis added). Thus, one's conduct "will come within the Act,"—*i.e.*, would terrify the King's subjects—only "where the crime shall appear to be malo animo," 1 Comb., at 39, 90 Eng. Rep., at 330, with evil intent or malice. Knight was ultimately acquitted by the jury.[11]

281, 87 Eng. Rep. 186 (K. B. 1690); *King* v. *Lewellin*, 1 Shower, K. B. 48, 89 Eng. Rep. 440 (K. B. 1689); cf. *King and Queen* v. *Alsop*, 4 Mod. 49, 50–51, 87 Eng. Rep. 256, 256–257 (K. B. 1691). By the late 1700s, it was widely recognized that the 1541 statute was "obsolete." 2 R. Burn, The Justice of the Peace, and Parish Officer 243, n. (11th ed. 1769); see also, *e.g.,* The Farmer's Lawyer 143 (1774) ("entirely obsolete"); 1 G. Jacob, Game-Laws II, Law-Dictionary (T. Tomlins ed. 1797); 2 R. Burn, The Justice of the Peace, and Parish Officer 409 (18th ed. 1797) (calling the 1541 statute "a matter more of curiosity than use").

In any event, lest one be tempted to put much evidentiary weight on the 1541 statute, it impeded not only public carry, but further made it unlawful for those without sufficient means to "kepe in his or their houses" any "handgun." 33 Hen. 8 c. 6, §1. Of course, this kind of limitation is inconsistent with *Heller*'s historical analysis regarding the Second Amendment's meaning at the founding and thereafter. So, even if a severe restriction on keeping firearms in the home may have seemed appropriate in the mid-1500s, it was not incorporated into the Second Amendment's scope. We see little reason why the parts of the 1541 statute that address public carry should not be understood similarly.

We note also that even this otherwise restrictive 1541 statute, which generally prohibited shooting firearms in any city, exempted discharges "for the defence of [one's] p[er]son or house." §4. Apparently, the paramount need for self-defense trumped the Crown's interest in firearm suppression even during the 16th century.

[11] The dissent discounts *Sir John Knight's Case*, 3 Mod. 117, 87 Eng. Rep. 75, because it only "arguably" supports the view that an evil-intent requirement attached to the Statute of Northampton by the late 1600s and early 1700s. See *post*, at 37. But again, because the Second Amendment's bare text covers petitioners' public carry, the respondents here shoulder the burden of demonstrating that New York's proper-cause requirement is consistent with the Second Amendment's text and historical scope. See *supra,* at 15. To the extent there are multiple plausible

Just three years later, Parliament responded by writing the "predecessor to our Second Amendment" into the 1689 English Bill of Rights, *Heller*, 554 U. S., at 593, guaranteeing that "Protestants . . . may have Arms for their Defence suitable to their Conditions, and as allowed by Law," 1 Wm. & Mary c. 2, §7, in 3 Eng. Stat. at Large 417 (1689). Although this right was initially limited—it was restricted to Protestants and held only against the Crown, but not Parliament—it represented a watershed in English history. Englishmen had "never before claimed . . . the right of the individual to arms." Schwoerer 156.[12] And as that individual right matured, "by the time of the founding," the right to keep and bear arms was "understood to be an individual right protecting against both public and private violence." *Heller*, 554 U. S., at 594.

To be sure, the Statute of Northampton survived both *Sir John Knight's Case* and the English Bill of Rights, but it was no obstacle to public carry for self-defense in the decades leading to the founding. Serjeant William Hawkins, in his widely read 1716 treatise, confirmed that "no wearing of Arms is within the meaning of [the Statute of Northampton], unless it be accompanied with such Circumstances as are apt to terrify the People." 1 Pleas of the Crown 136. To illustrate that proposition, Hawkins noted as an example that "Persons of Quality" were "in no Danger of Offending against this Statute by wearing common Weapons" because, in those circumstances, it would be clear that they

---

interpretations of *Sir John Knight's Case*, we will favor the one that is more consistent with the Second Amendment's command.

[12] Even Catholics, who fell beyond the protection of the right to have arms, and who were stripped of all "Arms, Weapons, Gunpowder, [and] Ammunition," were at least allowed to keep "such necessary Weapons as shall be allowed . . . by Order of the Justices of the Peace . . . for the Defence of his House or Person." 1 Wm. & Mary c. 15, §4, in 3 Eng. Stat. at Large 399 (1688).

had no "Intention to commit any Act of Violence or Disturbance of the Peace." *Ibid.*; see also T. Barlow, The Justice of Peace 12 (1745). Respondents do not offer any evidence showing that, in the early 18th century or after, the mere public carrying of a handgun would terrify people. In fact, the opposite seems to have been true. As time went on, "domestic gun culture [in England] softened" any "terror" that firearms might once have conveyed. Schwoerer 4. Thus, whatever place handguns had in English society during the Tudor and Stuart reigns, by the time we reach the 18th century—and near the founding—they had gained a fairly secure footing in English culture.

At the very least, we cannot conclude from this historical record that, by the time of the founding, English law would have justified restricting the right to publicly bear arms suited for self-defense only to those who demonstrate some special need for self-protection.

2

Respondents next point us to the history of the Colonies and early Republic, but there is little evidence of an early American practice of regulating public carry by the general public. This should come as no surprise—English subjects founded the Colonies at about the time England had itself begun to eliminate restrictions on the ownership and use of handguns.

In the colonial era, respondents point to only three restrictions on public carry. For starters, we doubt that *three* colonial regulations could suffice to show a tradition of public-carry regulation. In any event, even looking at these laws on their own terms, we are not convinced that they regulated public carry akin to the New York law before us.

Two of the statutes were substantively identical. Colonial Massachusetts and New Hampshire both authorized justices of the peace to arrest "all Affrayers, Rioters, Disturbers, or Breakers of the Peace, and such as shall ride or

go armed Offensively . . . by Night or by Day, in Fear or Affray of Their Majesties Liege People." 1692 Mass. Acts and Laws no. 6, pp. 11–12; see 1699 N. H. Acts and Laws ch. 1. Respondents and their *amici* contend that being "armed offensively" meant bearing any offensive weapons, including firearms. See Brief for Respondents 33. In particular, respondents' *amici* argue that "'offensive'" arms in the 1600s and 1700s were what Blackstone and others referred to as "'dangerous or unusual weapons,'" Brief for Professors of History and Law as *Amici Curiae* 7 (quoting 4 Blackstone, Commentaries, at 148–149), a category that they say included firearms, see also *post,* at 40–42 (BREYER, J., dissenting).

Respondents, their *amici*, and the dissent all misunderstand these statutes. Far from banning the carrying of any class of firearms, they merely codified the existing common-law offense of bearing arms to terrorize the people, as had the Statute of Northampton itself. See *supra*, at 34–37. For instance, the Massachusetts statute proscribed "go[ing] armed Offensively . . . in Fear or Affray" of the people, indicating that these laws were modeled after the Statute of Northampton to the extent that the statute would have been understood to limit public carry *in the late 1600s*. Moreover, it makes very little sense to read these statutes as banning the public carry of all firearms just a few years after Chief Justice Holt in *Sir John Knight's Case* indicated that the English common law did not do so.

Regardless, even if respondents' reading of these colonial statutes were correct, it would still do little to support restrictions on the public carry of handguns *today*. At most, respondents can show that colonial legislatures sometimes prohibited the carrying of "dangerous and unusual weapons"—a fact we already acknowledged in *Heller*. See 554 U. S., at 627. Drawing from this historical tradition, we explained there that the Second Amendment protects only the carrying of weapons that are those "in common use at the

time," as opposed to those that "are highly unusual in society at large." *Ibid.* (internal quotation marks omitted). Whatever the likelihood that handguns were considered "dangerous and unusual" during the colonial period, they are indisputably in "common use" for self-defense today. They are, in fact, "the quintessential self-defense weapon." *Id.*, at 629. Thus, even if these colonial laws prohibited the carrying of handguns because they were considered "dangerous and unusual weapons" in the 1690s, they provide no justification for laws restricting the public carry of weapons that are unquestionably in common use today.

The third statute invoked by respondents was enacted in East New Jersey in 1686. It prohibited the concealed carry of "pocket pistol[s]" or other "unusual or unlawful weapons," and it further prohibited "planter[s]" from carrying all pistols unless in military service or, if "strangers," when traveling through the Province. An Act Against Wearing Swords, &c., ch. 9, in Grants, Concessions, and Original Constitutions of the Province of New Jersey 290 (2d ed. 1881) (Grants and Concessions). These restrictions do not meaningfully support respondents. The law restricted only concealed carry, not all public carry, and its restrictions applied only to certain "unusual or unlawful weapons," including "pocket pistol[s]." *Ibid.* It also did not apply to all pistols, let alone all firearms. "Pocket pistols" had barrel lengths of perhaps 3 or 4 inches, far smaller than the 6-inch to 14-inch barrels found on the other belt and hip pistols that were commonly used for lawful purposes in the 1600s. J. George, English Pistols and Revolvers 16 (1938); see also, *e.g.*, 14 Car. 2 c. 3, §20 (1662); H. Peterson, Arms and Armor in Colonial America, 1526–1783, p. 208 (1956) (Peterson). Moreover, the law prohibited only the *concealed* carry of pocket pistols; it presumably did not by its terms touch the

open carry of larger, presumably more common pistols, except as to "planters."[13] In colonial times, a "planter" was simply a farmer or plantation owner who settled new territory. R. Lederer, Colonial American English 175 (1985); New Jersey State Archives, J. Klett, Using the Records of the East and West Jersey Proprietors 31 (rev. ed. 2014), https://www.nj.gov/state/archives/pdf/proprietors.pdf. While the reason behind this singular restriction is not entirely clear, planters may have been targeted because colonial-era East New Jersey was riven with "strife and excitement" between planters and the Colony's proprietors "respecting titles to the soil." See W. Whitehead, East Jersey Under the Proprietary Governments 150–151 (rev. 2d ed. 1875); see also T. Gordon, The History of New Jersey 49 (1834).

In any event, we cannot put meaningful weight on this solitary statute. First, although the "planter" restriction may have prohibited the public carry of pistols, it did not prohibit planters from carrying long guns for self-defense—including the popular musket and carbine. See Peterson 41. Second, it does not appear that the statute survived for very long. By 1694, East New Jersey provided that no slave "be permitted to carry any gun or pistol . . . into the woods, or plantations" unless their owner accompanied them. Grants and Concessions 341. If slave-owning planters were prohibited from carrying pistols, it is hard to comprehend why slaves would have been able to carry them in the planter's presence. Moreover, there is no evidence that the 1686 statute survived the 1702 merger of East and West New Jersey. See 1 Nevill, Acts of the General Assembly of the Province of New-Jersey (1752). At most eight years of

---

[13] Even assuming that pocket pistols were, as East Jersey in 1686 deemed them, "unusual or unlawful," it appears that they were commonly used at least by the founding. See, *e.g.*, G. Neumann, The History of Weapons of the American Revolution 150–151 (1967); see also H. Hendrick, P. Paradis, & R. Hornick, Human Factors Issues in Handgun Safety and Forensics 44 (2008).

history in half a Colony roughly a century before the founding sheds little light on how to properly interpret the Second Amendment.

Respondents next direct our attention to three late-18th-century and early-19th-century statutes, but each parallels the colonial statutes already discussed. One 1786 Virginia statute provided that "no man, great nor small, [shall] go nor ride armed by night nor by day, in fairs or markets, or in other places, in terror of the Country." Collection of All Such Acts of the General Assembly of Virginia ch. 21, p. 33 (1794).[14] A Massachusetts statute from 1795 commanded justices of the peace to arrest "all affrayers, rioters, disturbers, or breakers of the peace, and such as shall ride or go armed offensively, to the fear or terror of the good citizens of this Commonwealth." 1795 Mass. Acts and Laws ch. 2, p. 436, in Laws of the Commonwealth of Massachusetts. And an 1801 Tennessee statute likewise required any person who would "publicly ride or go armed to the terror of the people, or privately carry any dirk, large knife, pistol or any other dangerous weapon, to the fear or terror of any person" to post a surety; otherwise, his continued violation of the law would be "punished as for a breach of the peace, or riot at common law." 1801 Tenn. Acts pp. 260–261.

A by-now-familiar thread runs through these three statutes: They prohibit bearing arms in a way that spreads "fear" or "terror" among the people. As we have already explained, Chief Justice Holt in *Sir John Knight's Case* interpreted this *in Terrorem Populi* element to require something more than merely carrying a firearm in public. See *supra*, at 34–35. Respondents give us no reason to think that the founding generation held a different view. Thus, all told, in the century leading up to the Second Amendment

---

[14] The Virginia statute all but codified the existing common law in this regard. See G. Webb, The Office and Authority of a Justice of Peace 92 (1736) (explaining how a constable "may take away Arms from such who ride, or go, offensively armed, in Terror of the People").

and in the first decade after its adoption, there is no historical basis for concluding that the pre-existing right enshrined in the Second Amendment permitted broad prohibitions on all forms of public carry.

3

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

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

For example, the Tennessee attorney general once charged a defendant with the common-law offense of affray, arguing that the man committed the crime when he "'arm[ed] himself with dangerous and unusual weapons, in such a manner as will naturally cause terror to the people.'" *Simpson* v. *State*, 13 Tenn. 356, 358 (1833). More specifically, the indictment charged that Simpson "with force and arms being arrayed in a warlike manner . . . unlawfully, and to the great terror and disturbance of divers good citizens, did make an affray." *Id.*, at 361. The Tennessee Supreme Court quashed the indictment, holding that the Statute of Northampton was never part of Tennessee law. *Id.*, at 359. But even assuming that Tennesseans' ancestors brought with them the common law associated with the Statute, the *Simpson* court found that if the Statute had

made, as an "independent ground of affray," the mere arming of oneself with firearms, the Tennessee Constitution's Second Amendment analogue had "completely abrogated it." *Id.*, at 360. At least in light of that constitutional guarantee, the court did not think that it could attribute to the mere carrying of arms "a necessarily consequent operation as terror to the people." *Ibid.*

Perhaps more telling was the North Carolina Supreme Court's decision in *State* v. *Huntly*, 25 N. C. 418 (1843) (*per curiam*). Unlike the Tennessee Supreme Court in *Simpson*, the *Huntly* court held that the common-law offense codified by the Statute of Northampton was part of the State's law. See 25 N. C., at 421–422. However, consistent with the Statute's long-settled interpretation, the North Carolina Supreme Court acknowledged "that the carrying of a gun" for a lawful purpose "*per se* constitutes no offence." *Id.*, at 422–423. Only carrying for a "wicked purpose" with a "mischievous result . . . constitute[d a] crime." *Id.*, at 423; see also J. Haywood, The Duty and Office of Justices of Peace 10 (1800); H. Potter, The Office and Duties of a Justice of the Peace 39 (1816).[15] Other state courts likewise recognized that the common law did not punish the carrying of

---

[15] The dissent concedes that *Huntly*, 25 N. C. 418, recognized that citizens were "'at perfect liberty' to carry for 'lawful purpose[s].'" *Post*, at 42 (quoting *Huntly*, 25 N. C., at 423). But the dissent disputes that such "lawful purpose[s]" included self-defense, because *Huntly* goes on to speak more specifically of carrying arms for "business or amusement." *Id.*, at 422–423. This is an unduly stingy interpretation of *Huntly*. In particular, *Huntly* stated that "the citizen is at perfect liberty to carry his gun" "[f]or *any* lawful purpose," of which "business" and "amusement" were then mentioned. *Ibid.* (emphasis added). *Huntly* then contrasted these "lawful purpose[s]" with the "wicked purpose . . . to terrify and alarm." *Ibid.* Because there is no evidence that *Huntly* considered self-defense a "wicked purpose," we think the best reading of *Huntly* would sanction public carry for self-defense, so long as it was not "in such [a] manner as naturally will terrify and alarm." *Id.*, at 423.

deadly weapons *per se*, but only the carrying of such weapons "for the purpose of an affray, and in such manner as to strike terror to the people." *O'Neil* v. *State*, 16 Ala. 65, 67 (1849). Therefore, those who sought to carry firearms publicly and peaceably in antebellum America were generally free to do so.

Statutory Prohibitions. In the early to mid-19th century, some States began enacting laws that proscribed the concealed carry of pistols and other small weapons. As we recognized in *Heller*, "the majority of the 19th-century courts to consider the question held that [these] prohibitions on carrying concealed weapons were lawful under the Second Amendment or state analogues." 554 U. S., at 626. Respondents unsurprisingly cite these statutes[16]—and decisions upholding them[17]—as evidence that States were historically free to ban public carry.

In fact, however, the history reveals a consensus that States could *not* ban public carry altogether. Respondents'

---

[16] Beginning in 1813 with Kentucky, six States (five of which were in the South) enacted laws prohibiting the concealed carry of pistols by 1846. See 1813 Ky. Acts §1, p. 100; 1813 La. Acts p. 172; 1820 Ind. Acts p. 39; Ark. Rev. Stat. §13, p. 280 (1838); 1838 Va. Acts ch. 101, §1, p. 76; 1839 Ala. Acts no. 77, §1. During this period, Georgia enacted a law that appeared to prohibit both concealed and open carry, see 1837 Ga. Acts §§1, 4, p. 90, but the Georgia Supreme Court later held that the prohibition could not extend to open carry consistent with the Second Amendment. See *infra*, at 45–46. Between 1846 and 1859, only one other State, Ohio, joined this group. 1859 Ohio Laws §1, p. 56. Tennessee, meanwhile, enacted in 1821 a broader law that prohibited carrying, among other things, "belt or pocket pistols, either public or private," except while traveling. 1821 Tenn. Acts ch. 13, §1, p. 15. And the Territory of Florida prohibited concealed carry during this same timeframe. See 1835 Terr. of Fla. Laws p. 423.

[17] See *State* v. *Mitchell*, 3 Blackf. 229 (Ind. 1833); *State* v. *Reid*, 1 Ala. 612, 616 (1840); *State* v. *Buzzard*, 4 Ark. 18 (1842); *Nunn* v. *State*, 1 Ga. 243 (1846); *State* v. *Chandler*, 5 La. 489 (1850); *State* v. *Smith*, 11 La. 633 (1856); *State* v. *Jumel*, 13 La. 399 (1858). But see *Bliss* v. *Commonwealth*, 12 Ky. 90 (1822). See generally 2 J. Kent, Commentaries on American Law *340, n. *b*.

cited opinions agreed that concealed-carry prohibitions were constitutional only if they did not similarly prohibit *open* carry. That was true in Alabama. See *State* v. *Reid*, 1 Ala. 612, 616, 619–621 (1840).[18] It was also true in Louisiana. See *State* v. *Chandler*, 5 La. 489, 490 (1850).[19] Kentucky, meanwhile, went one step further—the State Supreme Court *invalidated* a concealed-carry prohibition. See *Bliss* v. *Commonwealth*, 12 Ky. 90 (1822).[20]

The Georgia Supreme Court's decision in *Nunn* v. *State*, 1 Ga. 243 (1846), is particularly instructive. Georgia's 1837 statute broadly prohibited "wearing" or "carrying" pistols "as arms of offence or defence," without distinguishing between concealed and open carry. 1837 Ga. Acts 90, §1. To the extent the 1837 Act prohibited "carrying certain weapons *secretly*," the court explained, it was "valid." *Nunn*, 1

---

[18] See *Reid*, 1 Ala., at 619 (holding that "the Legislature cannot inhibit the citizen from bearing arms openly"); *id.*, at 621 (noting that there was no evidence "tending to show that the defendant could not have defended himself as successfully, by carrying the pistol openly, as by secreting it about his person").

[19] See, *e.g.*, *Chandler*, 5 La., at 490 (Louisiana concealed-carry prohibition "interfered with no man's right to carry arms (to use its words) 'in full open view,' which places men upon an equality"); *Smith*, 11 La., at 633 (The "arms" described in the Second Amendment "are such as are borne by a people in war, or at least carried openly"); *Jumel*, 13 La., at 399–400 ("The statute in question does not infringe the right of the people to keep or bear arms. It is a measure of police, prohibiting only *a particular mode* of bearing arms which is found dangerous to the peace of society").

[20] With respect to Indiana's concealed-carry prohibition, the Indiana Supreme Court's reasons for upholding it are unknown because the court issued a one-sentence *per curiam* order holding the law "not unconstitutional." *Mitchell*, 3 Blackf., at 229. Similarly, the Arkansas Supreme Court upheld Arkansas' prohibition, but without reaching a majority rationale. See *Buzzard*, 4 Ark. 18. The Arkansas Supreme Court would later adopt Tennessee's approach, which tolerated the prohibition of all public carry of handguns except for military-style revolvers. See, *e.g.*, *Fife* v. *State*, 31 Ark. 455 (1876).

Ga., at 251. But to the extent the Act also prohibited "bearing arms *openly*," the court went on, it was "in conflict with the Constitutio[n] and *void*." *Ibid.*; see also *Heller*, 554 U. S., at 612. The Georgia Supreme Court's treatment of the State's general prohibition on the public carriage of handguns indicates that it was considered beyond the constitutional pale in antebellum America to altogether prohibit public carry.

Finally, we agree that Tennessee's prohibition on carrying "publicly or privately" any "belt or pocket pisto[l]," 1821 Tenn. Acts ch. 13, p. 15, was, on its face, uniquely severe, see *Heller*, 554 U. S., at 629. That said, when the Tennessee Supreme Court addressed the constitutionality of a substantively identical successor provision, see 1870 Tenn. Acts ch. 13, §1, p. 28, the court read this language to permit the public carry of larger, military-style pistols because any categorical prohibition on their carry would "violat[e] the constitutional right to keep arms." *Andrews* v. *State*, 50 Tenn. 165, 187 (1871); see also *Heller*, 554 U. S., at 629 (discussing *Andrews*).[21]

All told, these antebellum state-court decisions evince a consensus view that States could not altogether prohibit the public carry of "arms" protected by the Second Amendment or state analogues.[22]

---

[21] Shortly after *Andrews*, 50 Tenn. 165, Tennessee codified an exception to the State's handgun ban for "an[y] army pistol, or such as are commonly carried and used in the United States Army" so long as they were carried "openly in [one's] hands." 1871 Tenn. Pub. Acts ch. 90, §1; see also *State* v. *Wilburn*, 66 Tenn. 57, 61–63 (1872); *Porter* v. *State*, 66 Tenn. 106, 107–108 (1874).

[22] The Territory of New Mexico made it a crime in 1860 to carry "any class of pistols whatever" "concealed or otherwise." 1860 Terr. of N. M. Laws §§1–2, p. 94. This extreme restriction is an outlier statute enacted by a territorial government nearly 70 years after the ratification of the Bill of Rights, and its constitutionality was never tested in court. Its value in discerning the original meaning of the Second Amendment is insubstantial. Moreover, like many other stringent carry restrictions

Surety Statutes. In the mid-19th century, many jurisdictions began adopting surety statutes that required certain individuals to post bond before carrying weapons in public. Although respondents seize on these laws to justify the proper-cause restriction, their reliance on them is misplaced. These laws were not *bans* on public carry, and they typically targeted only those threatening to do harm.

As discussed earlier, Massachusetts had prohibited riding or going "armed offensively, to the fear or terror of the good citizens of this Commonwealth" since 1795. 1795 Mass. Acts and Laws ch. 2, at 436, in Laws of the Commonwealth of Massachusetts. In 1836, Massachusetts enacted a new law providing:

> "If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided." Mass. Rev. Stat., ch. 134, §16.

In short, the Commonwealth required any person who was reasonably likely to "breach the peace," and who, standing accused, could not prove a special need for self-defense, to post a bond before publicly carrying a firearm. Between 1838 and 1871, nine other jurisdictions adopted variants of

---

that were localized in the Western Territories, New Mexico's prohibition ended when the Territory entered the Union as a State in 1911 and guaranteed in its State Constitution that "[t]he people have the right to bear arms for their security and defense, but nothing herein shall be held to permit the carrying of concealed weapons." N. M. Const., Art. II, §6 (1911); see *infra*, at 61.

the Massachusetts law.[23]

Contrary to respondents' position, these "reasonable-cause laws" in no way represented the "direct precursor" to the proper-cause requirement. Brief for Respondents 27. While New York presumes that individuals have *no* public carry right without a showing of heightened need, the surety statutes *presumed* that individuals had a right to public carry that could be burdened only if another could make out a specific showing of "reasonable cause to fear an injury, or breach of the peace." Mass. Rev. Stat., ch. 134, §16 (1836).[24] As William Rawle explained in an influential treatise, an individual's carrying of arms was "sufficient cause to require him to give surety of the peace" only when "attended with circumstances giving just reason to fear that he purposes to make an unlawful use of them." A View of the Constitution of the United States of America 126 (2d ed. 1829). Then, even on such a showing, the surety laws did not *prohibit* public carry in locations frequented by the general community. Rather, an accused arms-bearer "could go on carrying without criminal penalty" so long as he "post[ed] money that would be forfeited if he breached the peace or injured others—a requirement from which he was exempt if *he* needed self-defense." *Wrenn*, 864 F. 3d, at 661.

Thus, unlike New York's regime, a showing of special need was required only *after* an individual was reasonably accused of intending to injure another or breach the peace. And, even then, proving special need simply avoided a fee rather than a ban. All told, therefore, "[u]nder surety laws

---

[23] See 1838 Terr. of Wis. Stat. §16, p. 381; Me. Rev. Stat., ch. 169, §16 (1840); Mich. Rev. Stat., ch. 162, §16 (1846); 1847 Va. Acts ch. 14, §16; Terr. of Minn. Rev. Stat., ch. 112, §18 (1851); 1854 Ore. Stat. ch. 16, §17, p. 220; D. C. Rev. Code ch. 141, §16 (1857); 1860 Pa. Laws p. 432, §6; W. Va. Code, ch. 153, §8 (1868).

[24] It is true that two of the antebellum surety laws were unusually broad in that they did not expressly require a citizen complaint to trigger the posting of a surety. See 1847 Va. Acts ch. 14, §16; W. Va. Code, ch. 153, §8 (1868).

. . . everyone started out with robust carrying rights" and only those reasonably accused were required to show a special need in order to avoid posting a bond. *Ibid.* These antebellum special-need requirements "did not expand carrying for the responsible; it shrank burdens on carrying by the (allegedly) reckless." *Ibid.*

One Court of Appeals has nonetheless remarked that these surety laws were "a severe constraint on anyone thinking of carrying a weapon in public." *Young*, 992 F. 3d, at 820. That contention has little support in the historical record. Respondents cite no evidence showing the average size of surety postings. And given that surety laws were "intended merely for prevention" and were "not meant as any degree of punishment," 4 Blackstone, Commentaries, at 249, the burden these surety statutes may have had on the right to public carry was likely too insignificant to shed light on New York's proper-cause standard—a violation of which can carry a 4-year prison term or a $5,000 fine. In *Heller*, we noted that founding-era laws punishing unlawful discharge "with a small fine and forfeiture of the weapon . . . , not with significant criminal penalties," likely did not "preven[t] a person in the founding era from using a gun to protect himself or his family from violence, or that if he did so the law would be enforced against him." 554 U. S., at 633–634. Similarly, we have little reason to think that the hypothetical possibility of posting a bond would have prevented anyone from carrying a firearm for self-defense in the 19th century.

Besides, respondents offer little evidence that authorities ever enforced surety laws. The only recorded case that we know of involved a justice of the peace *declining* to require a surety, even when the complainant alleged that the arms-bearer "'did threaten to beat, wou[n]d, mai[m], and kill'" him. Brief for Professor Robert Leider et al. as *Amici Curiae* 31 (quoting *Grover* v. *Bullock*, No. 185 (Worcester Cty.,

Aug. 13, 1853)); see E. Ruben & S. Cornell, Firearm Regionalism and Public Carry: Placing Southern Antebellum Case Law in Context, 125 Yale L. J. Forum 121, 130, n. 53 (2015). And one scholar who canvassed 19th-century newspapers—which routinely reported on local judicial matters—found only a handful of other examples in Massachusetts and the District of Columbia, all involving black defendants who may have been targeted for selective or pretextual enforcement. See R. Leider, Constitutional Liquidation, Surety Laws, and the Right To Bear Arms 15–17, in New Histories of Gun Rights and Regulation (J. Blocher, J. Charles, & D. Miller eds.) (forthcoming); see also Brief for Professor Robert Leider et al. as *Amici Curiae* 31–32. That is surely too slender a reed on which to hang a historical tradition of restricting the right to public carry.[25]

Respondents also argue that surety statutes were severe restrictions on firearms because the "reasonable cause to fear" standard was essentially *pro forma*, given that "merely carrying firearms in populous areas breached the peace" *per se*. Brief for Respondents 27. But that is a counterintuitive reading of the language that the surety statutes actually used. If the mere carrying of handguns breached the peace, it would be odd to draft a surety statute requiring a complainant to demonstrate "reasonable cause to fear an injury, or breach of the peace," Mass. Rev. Stat., ch. 134, §16, rather than a reasonable likelihood that the armsbearer carried a covered weapon. After all, if it was the nature of the weapon rather than the manner of carry that

---

[25] The dissent speculates that the absence of recorded cases involving surety laws may simply "show that these laws were normally followed." *Post,* at 45. Perhaps. But again, the burden rests with the government to establish the relevant tradition of regulation, see *supra,* at 15, and, given all of the other features of surety laws that make them poor analogues to New York's proper-cause standard, we consider the barren record of enforcement to be simply one additional reason to discount their relevance.

was dispositive, then the "reasonable fear" requirement would be redundant.

Moreover, the overlapping scope of surety statutes and criminal statutes suggests that the former were not viewed as substantial restrictions on public carry. For example, when Massachusetts enacted its surety statute in 1836, it reaffirmed its 1794 criminal prohibition on "go[ing] armed offensively, to the terror of the people." Mass. Rev. Stat., ch. 85, §24. And Massachusetts continued to criminalize the carrying of various "dangerous weapons" well after passing the 1836 surety statute. See, *e.g.*, 1850 Mass. Acts ch. 194, §1, p. 401; Mass. Gen. Stat., ch. 164, §10 (1860). Similarly, Virginia had criminalized the concealed carry of pistols since 1838, see 1838 Va. Acts ch. 101, §1, nearly a decade before it enacted its surety statute, see 1847 Va. Acts ch. 14, §16. It is unlikely that these surety statutes constituted a "severe" restraint on public carry, let alone a restriction tantamount to a ban, when they were supplemented by direct criminal prohibitions on specific weapons and methods of carry.

To summarize: The historical evidence from antebellum America does demonstrate that *the manner* of public carry was subject to reasonable regulation. Under the common law, individuals could not carry deadly weapons in a manner likely to terrorize others. Similarly, although surety statutes did not directly restrict public carry, they did provide financial incentives for responsible arms carrying. Finally, States could lawfully eliminate one kind of public carry—concealed carry—so long as they left open the option to carry openly.

None of these historical limitations on the right to bear arms approach New York's proper-cause requirement because none operated to prevent law-abiding citizens with ordinary self-defense needs from carrying arms in public for that purpose.

Evidence from around the adoption of the Fourteenth Amendment also fails to support respondents' position. For the most part, respondents and the United States ignore the "outpouring of discussion of the [right to keep and bear arms] in Congress and in public discourse, as people debated whether and how to secure constitutional rights for newly free slaves" after the Civil War. *Heller*, 554 U. S., at 614. Of course, we are not obliged to sift the historical materials for evidence to sustain New York's statute. That is respondents' burden. Nevertheless, we think a short review of the public discourse surrounding Reconstruction is useful in demonstrating how public carry for self-defense remained a central component of the protection that the Fourteenth Amendment secured for all citizens.

A short prologue is in order. Even before the Civil War commenced in 1861, this Court indirectly affirmed the importance of the right to keep and bear arms in public. Writing for the Court in *Dred Scott* v. *Sandford*, 19 How. 393 (1857), Chief Justice Taney offered what he thought was a parade of horribles that would result from recognizing that free blacks were citizens of the United States. If blacks were citizens, Taney fretted, they would be entitled to the privileges and immunities of citizens, including the right "to keep and carry arms *wherever they went*." *Id.*, at 417 (emphasis added). Thus, even Chief Justice Taney recognized (albeit unenthusiastically in the case of blacks) that public carry was a component of the right to keep and bear arms—a right free blacks were often denied in antebellum America.

After the Civil War, of course, the exercise of this fundamental right by freed slaves was systematically thwarted. This Court has already recounted some of the Southern abuses violating blacks' right to keep and bear arms. See *McDonald*, 561 U. S., at 771 (noting the "systematic efforts"

made to disarm blacks); *id.*, at 845–847 (THOMAS, J., concurring in part and concurring in judgment); see also S. Exec. Doc. No. 43, 39th Cong., 1st Sess., 8 (1866) ("Pistols, old muskets, and shotguns were taken away from [freed slaves] as such weapons would be wrested from the hands of lunatics").

In the years before the 39th Congress proposed the Fourteenth Amendment, the Freedmen's Bureau regularly kept it abreast of the dangers to blacks and Union men in the postbellum South. The reports described how blacks used publicly carried weapons to defend themselves and their communities. For example, the Bureau reported that a teacher from a Freedmen's school in Maryland had written to say that, because of attacks on the school, "[b]oth the mayor and sheriff have warned the colored people to go armed to school, (which they do,)" and that the "[t]he superintendent of schools came down and brought [the teacher] a revolver" for his protection. Cong. Globe, 39th Cong., 1st Sess., 658 (1866); see also H. R. Exec. Doc. No. 68, 39th Cong., 2d Sess., 91 (1867) (noting how, during the New Orleans riots, blacks under attack "defended themselves . . . with such pistols as they had").

Witnesses before the Joint Committee on Reconstruction also described the depredations visited on Southern blacks, and the efforts they made to defend themselves. One Virginia music professor related that when "[t]wo Union men were attacked . . . they drew their revolvers and held their assailants at bay." H. R. Rep. No. 30, 39th Cong., 1st Sess., pt. 2, p. 110 (1866). An assistant commissioner to the Bureau from Alabama similarly reported that men were "robbing and disarming negroes upon the highway," H. R. Exec. Doc. No. 70, 39th Cong., 1st Sess., 297 (1866), indicating that blacks indeed carried arms publicly for their self-protection, even if not always with success. See also H. R. Exec. Doc. No. 329, 40th Cong., 2d Sess., 41 (1868) (describing a Ku Klux Klan outfit that rode "through the country

. . . robbing every one they come across of money, pistols, papers, &c."); *id.*, at 36 (noting how a black man in Tennessee had been murdered on his way to get book subscriptions, with the murderer taking, among other things, the man's pistol).

Blacks had "procured great numbers of old army muskets and revolvers, particularly in Texas," and "employed them to protect themselves" with "vigor and audacity." S. Exec. Doc. No. 43, 39th Cong., 1st Sess., at 8. Seeing that government was inadequately protecting them, "there [was] the strongest desire on the part of the freedmen to secure arms, revolvers particularly." H. R. Rep. No. 30, 39th Cong., 1st Sess., pt. 3, at 102.

On July 6, 1868, Congress extended the 1866 Freedmen's Bureau Act, see 15 Stat. 83, and reaffirmed that freedmen were entitled to the "full and equal benefit of all laws and proceedings concerning personal liberty [and] personal security . . . *including the constitutional right to keep and bear arms*." §14, 14 Stat. 176 (1866) (emphasis added). That same day, a Bureau official reported that freedmen in Kentucky and Tennessee were still constantly under threat: "No Union man or negro who attempts to take any active part in politics, or the improvement of his race, is safe a single day; and nearly all sleep upon their arms at night, and carry concealed weapons during the day." H. R. Exec. Doc. No. 329, 40th Cong., 2d Sess., at 40.

Of course, even during Reconstruction the right to keep and bear arms had limits. But those limits were consistent with a right of the public to peaceably carry handguns for self-defense. For instance, when General D. E. Sickles issued a decree in 1866 pre-empting South Carolina's Black Codes—which prohibited firearm possession by blacks—he stated: "The constitutional rights of all loyal and well-disposed inhabitants to bear arms will not be infringed; nevertheless this shall not be construed to sanction the unlawful practice of carrying concealed weapons. . . . And no

disorderly person, vagrant, or disturber of the peace, shall be allowed to bear arms." Cong. Globe, 39th Cong., 1st Sess., at 908–909; see also *McDonald*, 561 U. S., at 847–848 (opinion of THOMAS, J.).[26] Around the same time, the editors of The Loyal Georgian, a prominent black-owned newspaper, were asked by "A Colored Citizen" whether "colored persons [have] a right to own and carry fire arms." The editors responded that blacks had "the *same* right to own and carry fire arms that *other* citizens have." The Loyal Georgian, Feb. 3, 1866, p. 3, col. 4. And, borrowing language from a Freedmen's Bureau circular, the editors maintained that "[a]ny person, white or black, may be disarmed if convicted of making an improper or dangerous use of weapons," even though "no military or civil officer has the right or authority to disarm any class of people, thereby placing them at the mercy of others." *Ibid.* (quoting Circular No. 5, Freedmen's Bureau, Dec. 22, 1865); see also *McDonald*, 561 U. S., at 848–849 (opinion of THOMAS, J.).[27]

---

[26] Respondents invoke General Orders No. 10, which covered the Second Military District (North and South Carolina), and provided that "[t]he practice of carrying deadly weapons, except by officers and soldiers in the military service of the United States, is prohibited." Headquarters Second Military Dist., Gen. Orders No. 10 (Charleston, S. C., Apr. 11, 1867), in S. Exec. Doc. No. 14, 40th Cong., 1st Sess., 64 (1867). We put little weight on this categorical restriction given that the order also specified that a violation of this prohibition would "render the offender amenable to trial and punishment by military commission," *ibid.*, rather than a jury otherwise guaranteed by the Constitution. There is thus little indication that these military dictates were designed to align with the Constitution's usual application during times of peace.

[27] That said, Southern prohibitions on concealed carry were not always applied equally, even when under federal scrutiny. One lieutenant posted in Saint Augustine, Florida, remarked how local enforcement of concealed-carry laws discriminated against blacks: "To sentence a negro to several dollars' fine for carrying a revolver concealed upon his person, is in accordance with an ordinance of the town; but still the question naturally arises in my mind, 'Why is this poor fellow fined for an offence which is committed hourly by every other white man I meet in the streets?'" H. R. Exec. Doc. No. 57, 40th Cong., 2d Sess., 83 (1867); see

As for Reconstruction-era state regulations, there was little innovation over the kinds of public-carry restrictions that had been commonplace in the early 19th century. For instance, South Carolina in 1870 authorized the arrest of "all who go armed offensively, to the terror of the people," 1870 S. C. Acts p. 403, no. 288, §4, parroting earlier statutes that codified the common-law offense. That same year, after it cleaved from Virginia, West Virginia enacted a surety statute nearly identical to the one it inherited from Virginia. See W. Va. Code, ch. 153, §8. Also in 1870, Tennessee essentially reenacted its 1821 prohibition on the public carry of handguns but, as explained above, Tennessee courts interpreted that statute to exempt large pistols suitable for military use. See *supra*, at 46.

Respondents and the United States, however, direct our attention primarily to two late-19th-century cases in Texas. In 1871, Texas law forbade anyone from "carrying on or about his person . . . any pistol . . . unless he has reasonable grounds for fearing an unlawful attack on his person." 1871 Tex. Gen. Laws §1. The Texas Supreme Court upheld that restriction in *English* v. *State*, 35 Tex. 473 (1871). The Court reasoned that the Second Amendment, and the State's constitutional analogue, protected only those arms "as are useful and proper to an armed militia," including holster pistols, but not other kinds of handguns. *Id.*, at 474–475. Beyond that constitutional holding, the *English* court further opined that the law was not "contrary to public policy," *id.*, at 479, given that it "ma[de] all necessary exceptions" allowing deadly weapons to "be carried as means of self-defense," and therefore "fully cover[ed] all wants of society," *id.*, at 477.

Four years later, in *State* v. *Duke*, 42 Tex. 455 (1875), the Texas Supreme Court modified its analysis. The court reinterpreted Texas' State Constitution to protect not only

---

also H. R. Rep. No. 16, 39th Cong., 2d Sess., 427 (1867).

military-style weapons but rather all arms "as are commonly kept, according to the customs of the people, and are appropriate for open and manly use in self-defense." *Id.*, at 458. On that understanding, the court recognized that, in addition to "holster pistol[s]," the right to bear arms covered the carry of "such pistols at least as are not adapted to being carried concealed." *Id.*, at 458–459. Nonetheless, after expanding the scope of firearms that warranted state constitutional protection, *Duke* held that requiring any pistol-bearer to have "'reasonable grounds fearing an unlawful attack on [one's] person'" was a "legitimate and highly proper" regulation of handgun carriage. *Id.*, at 456, 459–460. *Duke* thus concluded that the 1871 statute "appear[ed] to have respected the right to carry a pistol openly when needed for self-defense." *Id.*, at 459.

We acknowledge that the Texas cases support New York's proper-cause requirement, which one can analogize to Texas' "reasonable grounds" standard. But the Texas statute, and the rationales set forth in *English* and *Duke*, are outliers. In fact, only one other State, West Virginia, adopted a similar public-carry statute before 1900. See W. Va. Code, ch. 148, §7 (1887). The West Virginia Supreme Court upheld that prohibition, reasoning that *no* handguns of any kind were protected by the Second Amendment, a rationale endorsed by no other court during this period. See *State* v. *Workman*, 35 W. Va. 367, 371–374, 14 S. E. 9, 11 (1891). The Texas decisions therefore provide little insight into how postbellum courts viewed the right to carry protected arms in public.

In the end, while we recognize the support that postbellum Texas provides for respondents' view, we will not give disproportionate weight to a single state statute and a pair of state-court decisions. As in *Heller*, we will not "stake our interpretation of the Second Amendment upon a single law, in effect in a single [State], that contradicts the overwhelming weight of other evidence regarding the right to keep and

bear arms for defense" in public. 554 U. S., at 632.

5

Finally, respondents point to the slight uptick in gun regulation during the late-19th century—principally in the Western Territories. As we suggested in *Heller*, however, late-19th-century evidence cannot provide much insight into the meaning of the Second Amendment when it contradicts earlier evidence. See *id.*, at 614; *supra*, at 28.[28] Here, moreover, respondents' reliance on late-19th-century laws has several serious flaws even beyond their temporal distance from the founding.

The vast majority of the statutes that respondents invoke come from the Western Territories. Two Territories prohibited the carry of pistols in towns, cities, and villages, but seemingly permitted the carry of rifles and other long guns everywhere. See 1889 Ariz. Terr. Sess. Laws no. 13, §1, p. 16; 1869 N. M. Laws ch. 32, §§1–2, p. 72.[29] Two others prohibited the carry of *all* firearms in towns, cities, and villages, including long guns. See 1875 Wyo. Terr. Sess. Laws ch. 52, §1; 1889 Idaho Terr. Gen. Laws §1, p. 23. And one Territory completely prohibited public carry of pistols *everywhere*, but allowed the carry of "shot-guns or rifles" for certain purposes. See 1890 Okla. Terr. Stats., Art. 47, §§1–2, 5, p. 495.

These territorial restrictions fail to justify New York's

---

[28] We will not address any of the 20th-century historical evidence brought to bear by respondents or their *amici*. As with their late-19th-century evidence, the 20th-century evidence presented by respondents and their *amici* does not provide insight into the meaning of the Second Amendment when it contradicts earlier evidence.

[29] The New Mexico restriction allowed an exception for individuals carrying for "the lawful defence of themselves, their families or their property, and the same being then and there threatened with danger." 1869 Terr. of N. M. Laws ch. 32, §1, p. 72. The Arizona law similarly exempted those who have "reasonable ground for fearing an unlawful attack upon his person." 1889 Ariz. Terr. Sess. Laws no. 13, §2, p. 17.

proper-cause requirement for several reasons. First, the bare existence of these localized restrictions cannot overcome the overwhelming evidence of an otherwise enduring American tradition permitting public carry. For starters, "[t]he very transitional and temporary character of the American [territorial] system" often "permitted legislative improvisations which might not have been tolerated in a permanent setup." E. Pomeroy, The Territories and the United States 1861–1890, p. 4 (1947). These territorial "legislative improvisations," which conflict with the Nation's earlier approach to firearm regulation, are most unlikely to reflect "the origins and continuing significance of the Second Amendment" and we do not consider them "instructive." *Heller*, 554 U. S., at 614.

The exceptional nature of these western restrictions is all the more apparent when one considers the miniscule territorial populations who would have lived under them. To put that point into perspective, one need not look further than the 1890 census. Roughly 62 million people lived in the United States at that time. Arizona, Idaho, New Mexico, Oklahoma, and Wyoming combined to account for only 420,000 of those inhabitants—about two-thirds of 1% of the population. See Dept. of Interior, Compendium of the Eleventh Census: 1890, Part I.–Population 2 (1892). Put simply, these western restrictions were irrelevant to more than 99% of the American population. We have already explained that we will not stake our interpretation of the Second Amendment upon a law in effect in a single State, or a single city, "that contradicts the overwhelming weight of other evidence regarding the right to keep and bear arms" in public for self-defense. *Heller*, 554 U. S., at 632; see *supra,* at 57–58. Similarly, we will not stake our interpretation on a handful of temporary territorial laws that were enacted nearly a century after the Second Amendment's adoption, governed less than 1% of the American population, and also "contradic[t] the overwhelming weight" of

other, more contemporaneous historical evidence. *Heller*, 554 U. S., at 632.

Second, because these territorial laws were rarely subject to judicial scrutiny, we do not know the basis of their perceived legality. When States generally prohibited both open and concealed carry of handguns in the late-19th century, state courts usually upheld the restrictions when they exempted army revolvers, or read the laws to exempt at least that category of weapons. See, *e.g.*, *Haile* v. *State*, 38 Ark. 564, 567 (1882); *Wilson* v. *State*, 33 Ark. 557, 560 (1878); *Fife* v. *State*, 31 Ark. 455, 461 (1876); *State* v. *Wilburn*, 66 Tenn. 57, 60 (1872); *Andrews*, 50 Tenn., at 187.[30] Those state courts that upheld broader prohibitions without qualification generally operated under a fundamental misunderstanding of the right to bear arms, as expressed in *Heller*. For example, the Kansas Supreme Court upheld a complete ban on public carry enacted by the city of Salina in 1901 based on the rationale that the Second Amendment protects only "the right to bear arms as a member of the state militia, or some other military organization provided for by law." *Salina* v. *Blaksley*, 72 Kan. 230, 232, 83 P. 619, 620 (1905). That was clearly erroneous. See *Heller*, 554 U. S., at 592.

Absent any evidence explaining *why* these unprecedented prohibitions on *all* public carry were understood to comport with the Second Amendment, we fail to see how they inform "the origins and continuing significance of the Amendment." *Id.*, at 614; see also The Federalist No. 37,

---

[30] Many other state courts during this period continued the antebellum tradition of upholding concealed carry regimes that seemingly provided for open carry. See, *e.g.*, *State* v. *Speller*, 86 N. C. 697 (1882); *Chatteaux* v. *State*, 52 Ala. 388 (1875); *Eslava* v. *State*, 49 Ala. 355 (1873); *State* v. *Shelby*, 90 Mo. 302, 2 S. W. 468 (1886); *Carroll* v. *State*, 28 Ark. 99 (1872); cf. *Robertson* v. *Baldwin*, 165 U. S. 275, 281–282 (1897) (remarking in dicta that "the right of the people to keep and bear arms . . . is not infringed by laws prohibiting the carrying of concealed weapons").

at 229 (explaining that the meaning of ambiguous constitutional provisions can be "liquidated and ascertained *by a series of particular discussions and adjudications*" (emphasis added)).

Finally, these territorial restrictions deserve little weight because they were—consistent with the transitory nature of territorial government—short lived. Some were held unconstitutional shortly after passage. See *In re Brickey*, 8 Idaho 597, 70 P. 609 (1902). Others did not survive a Territory's admission to the Union as a State. See Wyo. Rev. Stat., ch. 3, §5051 (1899) (1890 law enacted upon statehood prohibiting public carry only when combined with "intent, or avowed purpose, of injuring [one's] fellow-man"). Thus, they appear more as passing regulatory efforts by not-yet-mature jurisdictions on the way to statehood, rather than part of an enduring American tradition of state regulation.

Beyond these Territories, respondents identify one Western State—Kansas—that instructed cities with more than 15,000 inhabitants to pass ordinances prohibiting the public carry of firearms. See 1881 Kan. Sess. Laws §§1, 23, pp. 79, 92.[31] By 1890, the only cities meeting the population threshold were Kansas City, Topeka, and Wichita. See Compendium of the Eleventh Census: 1890, at 442–452. Even if each of these three cities enacted prohibitions by 1890, their combined population (93,000) accounted for only 6.5% of Kansas' total population. *Ibid.* Although other Kansas cities may also have restricted public carry unilaterally,[32] the lone late-19th-century state law respondents

---

[31] In 1875, Arkansas prohibited the public carry of all pistols. See 1875 Ark. Acts p. 156, §1. But this categorical prohibition was also short lived. About six years later, Arkansas exempted "pistols as are used in the army or navy of the United States," so long as they were carried "uncovered, and in [the] hand." 1881 Ark. Acts p. 191, no. 96, §§1, 2.

[32] In 1879, Salina, Kansas, prohibited the carry of pistols but broadly exempted "cases when any person carrying [a pistol] is engaged in the pursuit of any lawful business, calling or employment" and the circumstances were "such as to justify a prudent man in carrying such weapon,

identify does not prove that Kansas meaningfully restricted public carry, let alone demonstrate a broad tradition of States doing so.

* * *

At the end of this long journey through the Anglo-American history of public carry, we conclude that respondents have not met their burden to identify an American tradition justifying the State's proper-cause requirement. The Second Amendment guaranteed to "all Americans" the right to bear commonly used arms in public subject to certain reasonable, well-defined restrictions. *Heller*, 554 U. S., at 581. Those restrictions, for example, limited the intent for which one could carry arms, the manner by which one carried arms, or the exceptional circumstances under which one could not carry arms, such as before justices of the peace and other government officials. Apart from a few late-19th-century outlier jurisdictions, American governments simply have not broadly prohibited the public carry of commonly used firearms for personal defense. Nor, subject to a few late-in-time outliers, have American governments required law-abiding, responsible citizens to "demonstrate a special need for self-protection distinguishable from that of the general community" in order to carry arms in public. *Klenosky*, 75 App. Div., at 793, 428 N. Y. S. 2d, at 257.

IV

The constitutional right to bear arms in public for self-defense is not "a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees." *McDonald*, 561 U. S., at 780 (plurality opinion). We know of no other constitutional right that an individual may exercise only after demonstrating to government offic-

---

for the defense of his person, property or family." Salina, Kan., Rev. Ordinance No. 268, §2.

ers some special need. That is not how the First Amendment works when it comes to unpopular speech or the free exercise of religion. It is not how the Sixth Amendment works when it comes to a defendant's right to confront the witnesses against him. And it is not how the Second Amendment works when it comes to public carry for self-defense.

New York's proper-cause requirement violates the Fourteenth Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their right to keep and bear arms. We therefore reverse the judgment of the Court of Appeals and remand the case for further proceedings consistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

No. 20–843

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

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

[June 23, 2022]

JUSTICE ALITO, concurring.

I join the opinion of the Court in full but add the following comments in response to the dissent.

I

Much of the dissent seems designed to obscure the specific question that the Court has decided, and therefore it may be helpful to provide a succinct summary of what we have actually held. In *District of Columbia* v. *Heller*, 554 U. S. 570 (2008), the Court concluded that the Second Amendment protects the right to keep a handgun in the home for self-defense. *Heller* found that the Amendment codified a preexisting right and that this right was regarded at the time of the Amendment's adoption as rooted in "'the natural right of resistance and self-preservation.'" *Id.,* at 594. "[T]he inherent right of self-defense," *Heller* explained, is "central to the Second Amendment right." *Id.*, at 628.

Although *Heller* concerned the possession of a handgun in the home, the key point that we decided was that "the people," not just members of the "militia," have the right to use a firearm to defend themselves. And because many people face a serious risk of lethal violence when they venture

outside their homes, the Second Amendment was understood at the time of adoption to apply under those circumstances. The Court's exhaustive historical survey establishes that point very clearly, and today's decision therefore holds that a State may not enforce a law, like New York's Sullivan Law, that effectively prevents its law-abiding residents from carrying a gun for this purpose.

That is all we decide. Our holding decides nothing about who may lawfully possess a firearm or the requirements that must be met to buy a gun. Nor does it decide anything about the kinds of weapons that people may possess. Nor have we disturbed anything that we said in *Heller* or *McDonald* v. *Chicago*, 561 U. S. 742 (2010), about restrictions that may be imposed on the possession or carrying of guns.

In light of what we have actually held, it is hard to see what legitimate purpose can possibly be served by most of the dissent's lengthy introductory section. See *post*, at 1–8 (opinion of BREYER, J.). Why, for example, does the dissent think it is relevant to recount the mass shootings that have occurred in recent years? *Post*, at 4–5. Does the dissent think that laws like New York's prevent or deter such atrocities? Will a person bent on carrying out a mass shooting be stopped if he knows that it is illegal to carry a handgun outside the home? And how does the dissent account for the fact that one of the mass shootings near the top of its list took place in Buffalo? The New York law at issue in this case obviously did not stop that perpetrator.

What is the relevance of statistics about the use of guns to commit suicide? See *post*, at 5–6. Does the dissent think that a lot of people who possess guns in their homes will be stopped or deterred from shooting themselves if they cannot lawfully take them outside?

The dissent cites statistics about the use of guns in domestic disputes, see *post,* at 5, but it does not explain why these statistics are relevant to the question presented in

this case. How many of the cases involving the use of a gun in a domestic dispute occur outside the home, and how many are prevented by laws like New York's?

The dissent cites statistics on children and adolescents killed by guns, see *post,* at 1, 4, but what does this have to do with the question whether an adult who is licensed to possess a handgun may be prohibited from carrying it outside the home? Our decision, as noted, does not expand the categories of people who may lawfully possess a gun, and federal law generally forbids the possession of a handgun by a person who is under the age of 18, 18 U. S. C. §§922(x)(2)–(5), and bars the sale of a handgun to anyone under the age of 21, §§922(b)(1), (c)(1).[1]

The dissent cites the large number of guns in private hands—nearly 400 million—but it does not explain what this statistic has to do with the question whether a person who already has the right to keep a gun in the home for self-

---

[1]The dissent makes no effort to explain the relevance of most of the incidents and statistics cited in its introductory section (*post*, at 1–8) (opinion of BREYER, J.). Instead, it points to studies (summarized later in its opinion) regarding the effects of "shall issue" licensing regimes on rates of homicide and other violent crimes. I note only that the dissent's presentation of such studies is one-sided. See RAND Corporation, Effects of Concealed-Carry Laws on Violent Crime (Apr. 22, 2022), https://www.rand.org/research/gun-policy/analysis/concealed-carry/violent-crime-html; see also Brief for William English et al. as *Amici Curiae* 3 ("The overwhelming weight of statistical analysis on the effects of [right-to-carry] laws on violent crime concludes that RTC laws do not result in any statistically significant increase in violent crime rates"); Brief for Arizona et al. as *Amici Curiae* 12 ("[P]opulation-level data on licensed carry is extensive, and the weight of the evidence confirms that objective, non-discriminatory licensed-carry laws have two results: (1) statistically significant reductions in some types of violent crime, or (2) no statistically significant effect on overall violent crime"); Brief for Law Enforcement Groups et al. as *Amici Curiae* 12 ("[O]ver the period 1991–2019 the inventory of firearms more than doubled; the number of concealed carry permits increased by at least sevenfold," but "murder rates fell by almost half, from 9.8 per 100,000 people in 1991 to 5.0 per 100,000 in 2019" and "[v]iolent crimes plummeted by over half").

defense is likely to be deterred from acquiring a gun by the knowledge that the gun cannot be carried outside the home. See *post*, at 3. And while the dissent seemingly thinks that the ubiquity of guns and our country's high level of gun violence provide reasons for sustaining the New York law, the dissent appears not to understand that it is these very facts that cause law-abiding citizens to feel the need to carry a gun for self-defense.

No one apparently knows how many of the 400 million privately held guns are in the hands of criminals, but there can be little doubt that many muggers and rapists are armed and are undeterred by the Sullivan Law. Each year, the New York City Police Department (NYPD) confiscates thousands of guns,[2] and it is fair to assume that the number of guns seized is a fraction of the total number held unlawfully. The police cannot disarm every person who acquires a gun for use in criminal activity; nor can they provide bodyguard protection for the State's nearly 20 million residents or the 8.8 million people who live in New York City. Some of these people live in high-crime neighborhoods. Some must traverse dark and dangerous streets in order to reach their homes after work or other evening activities. Some are members of groups whose members feel especially vulnerable. And some of these people reasonably believe that unless they can brandish or, if necessary, use a handgun in the case of attack, they may be murdered, raped, or suffer some other serious injury.

Ordinary citizens frequently use firearms to protect

---

[2] NYPD statistics show approximately 6,000 illegal guns were seized in 2021. A. Southall, This Police Captain's Plan To Stop Gun Violence Uses More Than Handcuffs, N. Y. Times, Feb. 4, 2022. According to recent remarks by New York City Mayor Eric Adams, the NYPD has confiscated 3,000 firearms in 2022 so far. City of New York, Transcript: Mayor Eric Adams Makes Announcement About NYPD Gun Violence Suppression Division (June 6, 2022), https://www1.nyc.gov/office-of-the-mayor/news/369-22/trascript-mayor-eric-adams-makes-announcement-nypd-gun-violence-suppression-division.

themselves from criminal attack. According to survey data, defensive firearm use occurs up to 2.5 million times per year. Brief for Law Enforcement Groups et al. as *Amici Curiae* 5. A Centers for Disease Control and Prevention report commissioned by former President Barack Obama reviewed the literature surrounding firearms use and noted that "[s]tudies that directly assessed the effect of actual defensive uses of guns . . . have found consistently lower injury rates among gun-using crime victims compared with victims who used other self-protective strategies." Institute of Medicine and National Research Council, Priorities for Research To Reduce the Threat of Firearm-Related Violence 15–16 (2013) (referenced in Brief for Independent Women's Law Center as *Amicus Curiae* 19–20).

Many of the *amicus* briefs filed in this case tell the story of such people. Some recount incidents in which a potential victim escaped death or serious injury only because carrying a gun for self-defense was allowed in the jurisdiction where the incident occurred. Here are two examples. One night in 1987, Austin Fulk, a gay man from Arkansas, "was chatting with another man in a parking lot when four gay bashers charged them with baseball bats and tire irons. Fulk's companion drew his pistol from under the seat of his car, brandished it at the attackers, and fired a single shot over their heads, causing them to flee and saving the would-be victims from serious harm." Brief for DC Project Foundation et al. as *Amici Curiae* 31 (footnote omitted).

On July 7, 2020, a woman was brutally assaulted in the parking lot of a fast food restaurant in Jefferson City, Tennessee. Her assailant slammed her to the ground and began to drag her around while strangling her. She was saved when a bystander who was lawfully carrying a pistol pointed his gun at the assailant, who then stopped the assault and the assailant was arrested. *Ibid.* (citing C. Wethington, Jefferson City Police: Legally Armed Good Samaritan Stops Assault, ABC News 6, WATE.com (July 9, 2020),

https://www.wate.com/news/local-news/jefferson-city-police-legally-armed-good-samaritan-stops-assault/).

In other incidents, a law-abiding person was driven to violate the Sullivan Law because of fear of victimization and as a result was arrested, prosecuted, and incarcerated. See Brief for Black Attorneys of Legal Aid et al. as *Amici Curiae* 22–25.

Some briefs were filed by members of groups whose members feel that they have special reasons to fear attacks. See Brief for Asian Pacific American Gun Owners Association as *Amicus Curiae*; Brief for DC Project Foundation et al. as *Amici Curiae*; Brief for Black Guns Matter et al. as *Amici Curiae*; Brief for Independent Women's Law Center as *Amicus Curiae*; Brief for National African American Gun Association, Inc., as *Amicus Curiae*.

I reiterate: All that we decide in this case is that the Second Amendment protects the right of law-abiding people to carry a gun outside the home for self-defense and that the Sullivan Law, which makes that virtually impossible for most New Yorkers, is unconstitutional.

II

This brings me to Part II–B of the dissent, *post*, at 11–21, which chastises the Court for deciding this case without a trial and factual findings about just how hard it is for a law-abiding New Yorker to get a carry permit. The record before us, however, tells us everything we need on this score. At argument, New York's solicitor general was asked about an ordinary person who works at night and must walk through dark and crime-infested streets to get home. Tr. of Oral Arg. 66–67. The solicitor general was asked whether such a person would be issued a carry permit if she pleaded: "[T]here have been a lot of muggings in this area, and I am scared to death." *Id.,* at 67. The solicitor general's candid answer was "in general," no. *Ibid.* To get a permit, the applicant would have to show more—for example, that she

had been singled out for attack. *Id.,* at 65; see also *id.,* at 58. A law that dictates that answer violates the Second Amendment.

III

My final point concerns the dissent's complaint that the Court relies too heavily on history and should instead approve the sort of "means-end" analysis employed in this case by the Second Circuit. Under that approach, a court, in most cases, assesses a law's burden on the Second Amendment right and the strength of the State's interest in imposing the challenged restriction. See *post*, at 20. This mode of analysis places no firm limits on the ability of judges to sustain any law restricting the possession or use of a gun. Two examples illustrate the point.

The first is the Second Circuit's decision in a case the Court decided two Terms ago, *New York State Rifle & Pistol Assn., Inc.* v. *City of New York*, 590 U. S. ___ (2020). The law in that case affected New York City residents who had been issued permits to keep a gun in the home for self-defense. The city recommended that these permit holders practice at a range to ensure that they are able to handle their guns safely, but the law prohibited them from taking their guns to any range other than the seven that were spread around the city's five boroughs. Even if such a person unloaded the gun, locked it in the trunk of a car, and drove to the nearest range, that person would violate the law if the nearest range happened to be outside city limits. The Second Circuit held that the law was constitutional, concluding, among other things, that the restriction was substantially related to the city's interests in public safety and crime prevention. See *New York State Rifle & Pistol Assn., Inc.* v. *New York*, 883 F. 3d 45, 62–64 (2018). But after we agreed to review that decision, the city repealed the law and admitted that it did not actually have any beneficial effect on public safety. See N. Y. Penal Law Ann.

§400.00(6) (West Cum. Supp. 2022); Suggestion of Mootness in *New York State Rifle & Pistol Assn., Inc.* v. *City of New York*, O. T. 2019, No. 18–280, pp. 5–7.

Exhibit two is the dissent filed in *Heller* by JUSTICE BREYER, the author of today's dissent. At issue in *Heller* was an ordinance that made it impossible for any District of Columbia resident to keep a handgun in the home for self-defense. See 554 U. S., at 574–575. Even the respondent, who carried a gun on the job while protecting federal facilities, did not qualify. *Id.,* at 575–576. The District of Columbia law was an extreme outlier; only a few other jurisdictions in the entire country had similar laws. Nevertheless, JUSTICE BREYER's dissent, while accepting for the sake of argument that the Second Amendment protects the right to keep a handgun in the home, concluded, based on essentially the same test that today's dissent defends, that the District's complete ban was constitutional. See *id.,* at 689, 722 (under "an interest-balancing inquiry. . ." the dissent would "conclude that the District's measure is a proportionate, not a disproportionate, response to the compelling concerns that led the District to adopt it").

Like that dissent in *Heller*, the real thrust of today's dissent is that guns are bad and that States and local jurisdictions should be free to restrict them essentially as they see fit.[3] That argument was rejected in *Heller*, and while the dissent protests that it is not rearguing *Heller*, it proceeds to do just that. See *post*, at 25–28.

Heller correctly recognized that the Second Amendment

---

[3] If we put together the dissent in this case and JUSTICE BREYER's *Heller* dissent, States and local governments would essentially be free to ban the possession of all handguns, and it is unclear whether its approach would impose any significant restrictions on laws regulating long guns. The dissent would extend a very large measure of deference to legislation implicating Second Amendment rights, but it does not claim that such deference is appropriate when any other constitutional right is at issue.

codifies the right of ordinary law-abiding Americans to protect themselves from lethal violence by possessing and, if necessary, using a gun. In 1791, when the Second Amendment was adopted, there were no police departments, and many families lived alone on isolated farms or on the frontiers. If these people were attacked, they were on their own. It is hard to imagine the furor that would have erupted if the Federal Government and the States had tried to take away the guns that these people needed for protection.

Today, unfortunately, many Americans have good reason to fear that they will be victimized if they are unable to protect themselves. And today, no less than in 1791, the Second Amendment guarantees their right to do so.

SUPREME COURT OF THE UNITED STATES

No. 20–843

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

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

[June 23, 2022]

JUSTICE KAVANAUGH, with whom THE CHIEF JUSTICE joins, concurring.

The Court employs and elaborates on the text, history, and tradition test that *Heller* and *McDonald* require for evaluating whether a government regulation infringes on the Second Amendment right to possess and carry guns for self-defense. See *District of Columbia* v. *Heller*, 554 U. S. 570 (2008); *McDonald* v. *Chicago*, 561 U. S. 742 (2010). Applying that test, the Court correctly holds that New York's outlier "may-issue" licensing regime for carrying handguns for self-defense violates the Second Amendment.

I join the Court's opinion, and I write separately to underscore two important points about the limits of the Court's decision.

First, the Court's decision does not prohibit States from imposing licensing requirements for carrying a handgun for self-defense. In particular, the Court's decision does not affect the existing licensing regimes—known as "shall-issue" regimes—that are employed in 43 States.

The Court's decision addresses only the unusual discretionary licensing regimes, known as "may-issue" regimes, that are employed by 6 States including New York. As the

Court explains, New York's outlier may-issue regime is constitutionally problematic because it grants open-ended discretion to licensing officials and authorizes licenses only for those applicants who can show some special need apart from self-defense. Those features of New York's regime—the unchanneled discretion for licensing officials and the special-need requirement—in effect deny the right to carry handguns for self-defense to many "ordinary, law-abiding citizens." *Ante*, at 1; see also *Heller*, 554 U. S., at 635. The Court has held that "individual self-defense is 'the *central component*' of the Second Amendment right." *McDonald*, 561 U. S., at 767 (quoting *Heller*, 554 U. S., at 599). New York's law is inconsistent with the Second Amendment right to possess and carry handguns for self-defense.

By contrast, 43 States employ objective shall-issue licensing regimes. Those shall-issue regimes may require a license applicant to undergo fingerprinting, a background check, a mental health records check, and training in firearms handling and in laws regarding the use of force, among other possible requirements. Brief for Arizona et al. as *Amici Curiae* 7. Unlike New York's may-issue regime, those shall-issue regimes do not grant open-ended discretion to licensing officials and do not require a showing of some special need apart from self-defense. As petitioners acknowledge, shall-issue licensing regimes are constitutionally permissible, subject of course to an as-applied challenge if a shall-issue licensing regime does not operate in that manner in practice. Tr. of Oral Arg. 50–51.

Going forward, therefore, the 43 States that employ objective shall-issue licensing regimes for carrying handguns for self-defense may continue to do so. Likewise, the 6 States including New York potentially affected by today's decision may continue to require licenses for carrying handguns for self-defense so long as those States employ objective licensing requirements like those used by the 43 shall-issue States.

Second, as *Heller* and *McDonald* established and the Court today again explains, the Second Amendment "is neither a regulatory straightjacket nor a regulatory blank check." *Ante*, at 21. Properly interpreted, the Second Amendment allows a "variety" of gun regulations. *Heller*, 554 U. S., at 636. As Justice Scalia wrote in his opinion for the Court in *Heller*, and JUSTICE ALITO reiterated in relevant part in the principal opinion in *McDonald*:

> "Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. . . . [N]othing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms. [Footnote 26: We identify these presumptively lawful regulatory measures only as examples; our list does not purport to be exhaustive.]
>
> "We also recognize another important limitation on the right to keep and carry arms. *Miller* said, as we have explained, that the sorts of weapons protected were those in common use at the time. We think that limitation is fairly supported by the historical tradition of prohibiting the carrying of dangerous and unusual weapons." *Heller*, 554 U. S., at 626–627, and n. 26 (citations and quotation marks omitted); see also *McDonald*, 561 U. S., at 786 (plurality opinion).

* * *

With those additional comments, I join the opinion of the Court.

SUPREME COURT OF THE UNITED STATES

No. 20–843

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

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

[June 23, 2022]

JUSTICE BARRETT, concurring.

I join the Court's opinion in full. I write separately to highlight two methodological points that the Court does not resolve. First, the Court does not conclusively determine the manner and circumstances in which postratification practice may bear on the original meaning of the Constitution. See *ante*, at 24–29. Scholars have proposed competing and potentially conflicting frameworks for this analysis, including liquidation, tradition, and precedent. See, *e.g.*, Nelson, Originalism and Interpretive Conventions, 70 U. Chi. L. Rev. 519 (2003); McConnell, Time, Institutions, and Interpretation, 95 B. U. L. Rev. 1745 (2015). The limits on the permissible use of history may vary between these frameworks (and between different articulations of each one). To name just a few unsettled questions: How long after ratification may subsequent practice illuminate original public meaning? Cf. *McCulloch* v. *Maryland*, 4 Wheat. 316, 401 (1819) (citing practice "introduced at a very early period of our history"). What form must practice take to carry weight in constitutional analysis? See *Myers* v. *United States*, 272 U. S. 52, 175 (1926) (citing a "legislative exposition of the Constitution . . . acquiesced in for a long term of years"). And may practice settle the meaning of individual

rights as well as structural provisions? See Baude, Constitutional Liquidation, 71 Stan. L. Rev. 1, 49–51 (2019) (canvassing arguments). The historical inquiry presented in this case does not require us to answer such questions, which might make a difference in another case. See *ante*, at 17–19.

Second and relatedly, the Court avoids another "ongoing scholarly debate on whether courts should primarily rely on the prevailing understanding of an individual right when the Fourteenth Amendment was ratified in 1868" or when the Bill of Rights was ratified in 1791. *Ante*, at 29. Here, the lack of support for New York's law in either period makes it unnecessary to choose between them. But if 1791 is the benchmark, then New York's appeals to Reconstruction-era history would fail for the independent reason that this evidence is simply too late (in addition to too little). Cf. *Espinoza* v. *Montana Dept. of Revenue*, 591 U. S. ___, ___–___ (2020) (slip op., at 15–16) (a practice that "arose in the second half of the 19th century . . . cannot by itself establish an early American tradition" informing our understanding of the First Amendment). So today's decision should not be understood to endorse freewheeling reliance on historical practice from the mid-to-late 19th century to establish the original meaning of the Bill of Rights. On the contrary, the Court is careful to caution "against giving postenactment history more weight than it can rightly bear." *Ante*, at 26.

SUPREME COURT OF THE UNITED STATES

No. 20–843

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

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

[June 23, 2022]

JUSTICE BREYER, with whom JUSTICE SOTOMAYOR and JUSTICE KAGAN join, dissenting.

In 2020, 45,222 Americans were killed by firearms. See Centers for Disease Control and Prevention, Fast Facts: Firearm Violence Prevention (last updated May 4, 2022) (CDC, Fast Facts), https://www.cdc.gov/violenceprevention/firearms/fastfact.html. Since the start of this year (2022), there have been 277 reported mass shootings—an average of more than one per day. See Gun Violence Archive (last visited June 20, 2022), https://www.gunviolencearchive.org. Gun violence has now surpassed motor vehicle crashes as the leading cause of death among children and adolescents. J. Goldstick, R. Cunningham, & P. Carter, Current Causes of Death in Children and Adolescents in the United States, 386 New England J. Med. 1955 (May 19, 2022) (Goldstick).

Many States have tried to address some of the dangers of gun violence just described by passing laws that limit, in various ways, who may purchase, carry, or use firearms of different kinds. The Court today severely burdens States' efforts to do so. It invokes the Second Amendment to strike down a New York law regulating the public carriage of con-

cealed handguns. In my view, that decision rests upon several serious mistakes.

First, the Court decides this case on the basis of the pleadings, without the benefit of discovery or an evidentiary record. As a result, it may well rest its decision on a mistaken understanding of how New York's law operates in practice. Second, the Court wrongly limits its analysis to focus nearly exclusively on history. It refuses to consider the government interests that justify a challenged gun regulation, regardless of how compelling those interests may be. The Constitution contains no such limitation, and neither do our precedents. Third, the Court itself demonstrates the practical problems with its history-only approach. In applying that approach to New York's law, the Court fails to correctly identify and analyze the relevant historical facts. Only by ignoring an abundance of historical evidence supporting regulations restricting the public carriage of firearms can the Court conclude that New York's law is not "consistent with the Nation's historical tradition of firearm regulation." See *ante,* at 15.

In my view, when courts interpret the Second Amendment, it is constitutionally proper, indeed often necessary, for them to consider the serious dangers and consequences of gun violence that lead States to regulate firearms. The Second Circuit has done so and has held that New York's law does not violate the Second Amendment. See *Kachalsky* v. *County of Westchester*, 701 F. 3d 81, 97–99, 101 (2012). I would affirm that holding. At a minimum, I would not strike down the law based only on the pleadings, as the Court does today—without first allowing for the development of an evidentiary record and without considering the State's compelling interest in preventing gun violence. I respectfully dissent.

I

The question before us concerns the extent to which the

Second Amendment prevents democratically elected officials from enacting laws to address the serious problem of gun violence. And yet the Court today purports to answer that question without discussing the nature or severity of that problem.

In 2017, there were an estimated 393.3 million civilian-held firearms in the United States, or about 120 firearms per 100 people. A. Karp, Estimating Global Civilian-Held Firearms Numbers, Small Arms Survey 4 (June 2018), https://www.smallarmssurvey.org/sites/default/files/resources/SAS-BP-Civilian-Firearms-Numbers.pdf. That is more guns per capita than in any other country in the world. *Ibid.* (By comparison, Yemen is second with about 52.8 firearms per 100 people—less than half the per capita rate in the United States—and some countries, like Indonesia and Japan, have fewer than one firearm per 100 people. *Id.,* at 3–4.)

Unsurprisingly, the United States also suffers a disproportionately high rate of firearm-related deaths and injuries. Cf. Brief for Educational Fund To Stop Gun Violence et al. as *Amici Curiae* 17–18 (Brief for Educational Fund) (citing studies showing that, within the United States, "states that rank among the highest in gun ownership also rank among the highest in gun deaths" while "states with lower rates of gun ownership have lower rates of gun deaths"). In 2015, approximately 36,000 people were killed by firearms nationwide. M. Siegel et al., Easiness of Legal Access to Concealed Firearm Permits and Homicide Rates in the United States, 107 Am. J. Pub. Health 1923 (2017). Of those deaths, 22,018 (or about 61%) were suicides, 13,463 (37%) were homicides, and 489 (1%) were unintentional injuries. *Ibid.* On top of that, firearms caused an average of 85,694 emergency room visits for nonfatal injuries each year between 2009 and 2017. E. Kaufman et al., Epidemiological Trends in Fatal and Nonfatal Firearm Injuries in the US, 2009–2017, 181 JAMA Internal Medicine

237 (2021) (Kaufman).

Worse yet, gun violence appears to be on the rise. By 2020, the number of firearm-related deaths had risen to 45,222, CDC, Fast Facts, or by about 25% since 2015. That means that, in 2020, an average of about 124 people died from gun violence every day. *Ibid.* As I mentioned above, gun violence has now become the leading cause of death in children and adolescents, surpassing car crashes, which had previously been the leading cause of death in that age group for over 60 years. Goldstick 1955; J. Bates, Guns Became the Leading Cause of Death for American Children and Teens in 2020, Time, Apr. 27, 2022, https://www.time.com/6170864/cause-of-death-children-guns/. And the consequences of gun violence are borne disproportionately by communities of color, and Black communities in particular. See CDC, Age-Adjusted Rates of Firearm-Related Homicide, by Race, Hispanic Origin, and Sex—National Vital Statistics System, United States, 2019, at 1491 (Oct. 22, 2021), https://www.cdc.gov/mmwr/volumes/70/wr/pdfs/mm7042a6-H.pdf (documenting 34.9 firearm-related homicides per 100,000 population for non-Hispanic Black men in 2019, compared to 7.7 such homicides per 100,000 population for men of all races); S. Kegler et al., CDC, *Vital Signs*: Changes in Firearm Homicide and Suicide Rates—United States, 2019–2020, at 656–658 (May 13, 2022), https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7119e1-H.pdf.

The dangers posed by firearms can take many forms. Newspapers report mass shootings occurring at an entertainment district in Philadelphia, Pennsylvania (3 dead and 11 injured); an elementary school in Uvalde, Texas (21 dead); a supermarket in Buffalo, New York (10 dead and 3 injured); a series of spas in Atlanta, Georgia (8 dead); a busy street in an entertainment district of Dayton, Ohio (9 dead and 17 injured); a nightclub in Orlando, Florida (50 dead and 53 injured); a church in Charleston, South Carolina (9 dead); a movie theater in Aurora, Colorado (12 dead and 50

injured); an elementary school in Newtown, Connecticut (26 dead); and many, many more. See, *e.g.,* R. Todt, 3 Dead, 11 Wounded in Philadelphia Shooting on Busy Street, Washington Post, June 5, 2022; A. Hernández, J. Slater, D. Barrett, & S. Foster-Frau, At Least 19 Children, 2 Teachers Killed at Texas Elementary School, Washington Post, May 25, 2022; A. Joly, J. Slater, D. Barrett, & A. Hernandez, 10 Killed in Racially Motivated Shooting at Buffalo Grocery Store, Washington Post, May 14, 2022; C. McWhirter & V. Bauerlein, Atlanta-Area Shootings at Spas Leave Eight Dead, Wall Street Journal, Mar. 17, 2021; A. Hassan, Dayton Gunman Shot 26 People in 32 Seconds, Police Timeline Reveals, N. Y. Times, Aug. 13, 2019; L. Alvarez & R. Pérez-Peña, Orlando Gunman Attacks Gay Nightclub, Leaving 50 Dead, N. Y. Times, June 12, 2016; J. Horowitz, N. Corasaniti, & A. Southall, Nine Killed in Shooting at Black Church in Charleston, N. Y. Times, June 17, 2015; R. Lin, Gunman Kills 12 at 'Dark Knight Rises' Screening in Colorado, L. A. Times, July 20, 2012; J. Barron, Nation Reels After Gunman Massacres 20 Children at School in Connecticut, N. Y. Times, Dec. 14, 2012. Since the start of this year alone (2022), there have already been 277 reported mass shootings—an average of more than one per day. Gun Violence Archive; see also Gun Violence Archive, General Methodology, https://www.gunviolencearchive.org/methodology (defining mass shootings to include incidents in which at least four victims are shot, not including the shooter).

And mass shootings are just one part of the problem. Easy access to firearms can also make many other aspects of American life more dangerous. Consider, for example, the effect of guns on road rage. In 2021, an average of 44 people each month were shot and either killed or wounded in road rage incidents, double the annual average between 2016 and 2019. S. Burd-Sharps & K. Bistline, Everytown for Gun Safety, Reports of Road Rage Shootings Are on the Rise (Apr. 4, 2022), https://www.everytownresearch.org/reports-

of-road-rage-shootings-are-on-the-rise/; see also J. Donohue, A. Aneja, & K. Weber, Right-to-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Control Analysis, 16 J. Empirical Legal Studies 198, 204 (2019). Some of those deaths might have been avoided if there had not been a loaded gun in the car. See *ibid.*; Brief for American Bar Association as *Amicus Curiae* 17–18; Brief for Educational Fund 20–23 (citing studies showing that the presence of a firearm is likely to increase aggression in both the person carrying the gun and others who see it).

The same could be said of protests: A study of 30,000 protests between January 2020 and June 2021 found that armed protests were nearly six times more likely to become violent or destructive than unarmed protests. Everytown for Gun Safety, Armed Assembly: Guns, Demonstrations, and Political Violence in America (Aug. 23, 2021), https://www.everytownresearch.org/report/armed-assembly-guns-demonstrations-and-political-violence-in-america/ (finding that 16% of armed protests turned violent, compared to less than 3% of unarmed protests). Or domestic disputes: Another study found that a woman is five times more likely to be killed by an abusive partner if that partner has access to a gun. Brief for Educational Fund 8 (citing A. Zeoli, R. Malinski, & B. Turchan, Risks and Targeted Interventions: Firearms in Intimate Partner Violence, 38 Epidemiologic Revs. 125 (2016); J. Campbell et al., Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study, 93 Am. J. Pub. Health 1089, 1092 (2003)). Or suicides: A study found that men who own handguns are three times as likely to commit suicide than men who do not and women who own handguns are seven times as likely to commit suicide than women who do not. D. Studdert et al., Handgun Ownership and Suicide in California, 382 New England J. Med. 2220, 2224 (June 4, 2020).

Consider, too, interactions with police officers. The presence of a gun in the hands of a civilian poses a risk to both officers and civilians. *Amici* prosecutors and police chiefs tell us that most officers who are killed in the line of duty are killed by firearms; they explain that officers in States with high rates of gun ownership are three times as likely to be killed in the line of duty as officers in States with low rates of gun ownership. Brief for Prosecutors Against Gun Violence as *Amicus Curiae* 23–24; Brief for Former Major City Police Chiefs as *Amici Curiae* 13–14, and n. 21, (citing D. Swedler, M. Simmons, F. Dominici, & D. Hemenway, Firearm Prevalence and Homicides of Law Enforcement Officers in the United States, 105 Am. J. Pub. Health 2042, 2045 (2015)). They also say that States with the highest rates of gun ownership report four times as many fatal shootings of civilians by police officers compared to States with the lowest rates of gun ownership. Brief for Former Major City Police Chiefs as *Amici Curiae* 16 (citing D. Hemenway, D. Azrael, A. Connor, & M. Miller, Variation in Rates of Fatal Police Shootings Across US States: The Role of Firearm Availability, 96 J. Urb. Health 63, 67 (2018)).

These are just some examples of the dangers that firearms pose. There is, of course, another side to the story. I am not simply saying that "guns are bad." See *ante,* at 8 (ALITO, J., concurring). Some Americans use guns for legitimate purposes, such as sport (*e.g.,* hunting or target shooting), certain types of employment (*e.g.,* as a private security guard), or self-defense. Cf. *ante,* at 4–6 (ALITO, J., concurring). Balancing these lawful uses against the dangers of firearms is primarily the responsibility of elected bodies, such as legislatures. It requires consideration of facts, statistics, expert opinions, predictive judgments, relevant values, and a host of other circumstances, which together make decisions about how, when, and where to regulate guns more appropriately legislative work. That consideration counsels modesty and restraint on the part of judges

when they interpret and apply the Second Amendment.

Consider, for one thing, that different types of firearms may pose different risks and serve different purposes. The Court has previously observed that handguns, the type of firearm at issue here, "are the most popular weapon chosen by Americans for self-defense in the home." *District of Columbia* v. *Heller*, 554 U. S. 570, 629 (2008). But handguns are also the most popular weapon chosen by perpetrators of violent crimes. In 2018, 64.4% of firearm homicides and 91.8% of nonfatal firearm assaults were committed with a handgun. Dept. of Justice, Bureau of Justice Statistics, G. Kena & J. Truman, Trends and Patterns in Firearm Violence, 1993–2018, pp. 5–6 (Apr. 2022). Handguns are also the most commonly stolen type of firearm—63% of burglaries resulting in gun theft between 2005 and 2010 involved the theft of at least one handgun. Dept. of Justice, Bureau of Justice Statistics, L. Langton, Firearms Stolen During Household Burglaries and Other Property Crimes, 2005–2010, p. 3 (Nov. 2012).

Or consider, for another thing, that the dangers and benefits posed by firearms may differ between urban and rural areas. See generally Brief for City of Chicago et al. as *Amici Curiae* (detailing particular concerns about gun violence in large cities). Firearm-related homicides and assaults are significantly more common in urban areas than rural ones. For example, from 1999 to 2016, 89.8% of the 213,175 firearm-related homicides in the United States occurred in "metropolitan" areas. M. Siegel et al., The Impact of State Firearm Laws on Homicide Rates in Suburban and Rural Areas Compared to Large Cities in the United States, 1991–2016, 36 J. Rural Health 255 (2020); see also Brief for Partnership for New York City as *Amicus Curiae* 10; Kaufman 237 (finding higher rates of fatal assault injuries from firearms in urban areas compared to rural areas); C. Branas, M. Nance, M. Elliott, T. Richmond, & C. Schwab, Urban-Rural Shifts in Intentional Firearm Death: Different

Causes, Same Results, 94 Am. J. Pub. Health 1750, 1752 (2004) (finding higher rates of firearm homicide in urban counties compared to rural counties).

JUSTICE ALITO asks why I have begun my opinion by reviewing some of the dangers and challenges posed by gun violence and what relevance that has to today's case. *Ante,* at 2–4 (concurring opinion). All of the above considerations illustrate that the question of firearm regulation presents a complex problem—one that should be solved by legislatures rather than courts. What kinds of firearm regulations should a State adopt? Different States might choose to answer that question differently. They may face different challenges because of their different geographic and demographic compositions. A State like New York, which must account for the roughly 8.5 million people living in the 303 square miles of New York City, might choose to adopt different (and stricter) firearms regulations than States like Montana or Wyoming, which do not contain any city remotely comparable in terms of population or density. See U. S. Census Bureau, Quick Facts: New York City (last updated July 1, 2021) (Quick Facts: New York City), https://www.census.gov/quickfacts/newyorkcitynewyork/; Brief for City of New York as *Amicus Curiae* 8, 22. For a variety of reasons, States may also be willing to tolerate different degrees of risk and therefore choose to balance the competing benefits and dangers of firearms differently.

The question presented in this case concerns the extent to which the Second Amendment restricts different States (and the Federal Government) from working out solutions to these problems through democratic processes. The primary difference between the Court's view and mine is that I believe the Amendment allows States to take account of the serious problems posed by gun violence that I have just described. I fear that the Court's interpretation ignores these significant dangers and leaves States without the ability to address them.

II

A

New York State requires individuals to obtain a license in order to carry a concealed handgun in public. N. Y. Penal Law Ann. §400.00(2) (West Cum. Supp. 2022). I address the specifics of that licensing regime in greater detail in Part II–B below. Because, at this stage in the proceedings, the parties have not had an opportunity to develop the evidentiary record, I refer to facts and representations made in petitioners' complaint and in *amicus* briefs filed before us.

Under New York's regime, petitioners Brandon Koch and Robert Nash have obtained restricted licenses that permit them to carry a concealed handgun for certain purposes and at certain times and places. They wish to expand the scope of their licenses so that they can carry a concealed handgun without restriction.

Koch and Nash are residents of Rensselaer County, New York. Koch lives in Troy, a town of about 50,000, located eight miles from New York's capital city of Albany, which has a population of about 98,000. See App. 100; U. S. Census Bureau, Quick Facts: Troy City, New York (last updated July 1, 2021), https://www.census.gov/quickfacts/troycitynewyork; *id.*, Albany City, New York, https://www.census.gov/quickfacts/albanycitynewyork. Nash lives in Averill Park, a small town 12.5 miles from Albany. App. 100.

Koch and Nash each applied for a license to carry a concealed handgun. Both were issued restricted licenses that allowed them to carry handguns only for purposes of hunting and target shooting. *Id.*, at 104, 106. But they wanted "unrestricted" licenses that would allow them to carry concealed handguns "for personal protection and all lawful purposes." *Id.*, at 112; see also *id.*, at 40. They wrote to the licensing officer in Rensselaer County—Justice Richard

McNally, a justice of the New York Supreme Court—requesting that the hunting and target shooting restrictions on their licenses be removed. *Id.,* at 40, 111–113. After holding individual hearings for each petitioner, Justice McNally denied their requests. *Id.,* at 31, 41, 105, 107, 114. He clarified that, in addition to hunting and target shooting, Koch and Nash could "carry concealed for purposes of off road back country, outdoor activities similar to hunting, for example fishing, hiking & camping." *Id.,* at 41, 114. He also permitted Koch, who was employed by the New York Court System's Division of Technology, to "carry to and from work." *Id.*, at 111, 114. But he reaffirmed that Nash was prohibited from carrying a concealed handgun in locations "typically open to and frequented by the general public." *Id.*, at 41. Neither Koch nor Nash alleges that he appealed Justice McNally's decision. Brief for Respondents 13; see App. 122–126.

Instead, petitioners Koch and Nash, along with the New York State Rifle & Pistol Association, Inc., brought this lawsuit in federal court against Justice McNally and other State representatives responsible for enforcing New York's firearms laws. Petitioners claimed that the State's refusal to modify Koch's and Nash's licenses violated the Second Amendment. The District Court dismissed their complaint. It followed Second Circuit precedent holding that New York's licensing regime was constitutional. See *Kachalsky*, 701 F. 3d, at 101. The Court of Appeals for the Second Circuit affirmed. We granted certiorari to review the constitutionality of "New York's denial of petitioners' license applications." *Ante,* at 8 (majority opinion).

B

As the Court recognizes, New York's licensing regime traces its origins to 1911, when New York enacted the "Sullivan Law," which prohibited public carriage of handguns without a license. See 1911 N. Y. Laws ch. 195, §1, p. 443.

Two years later in 1913, New York amended the law to establish substantive standards for the issuance of a license. See 1913 N. Y. Laws ch. 608, §1, pp. 1627–1629. Those standards have remained the foundation of New York's licensing regime ever since—a regime that the Court now, more than a century later, strikes down as unconstitutional.

As it did over 100 years ago, New York's law today continues to require individuals to obtain a license before carrying a concealed handgun in public. N. Y. Penal Law Ann. §400.00(2); *Kachalsky*, 701 F. 3d, at 85–86. Because the State does not allow the open carriage of handguns at all, a concealed-carry license is the only way to legally carry a handgun in public. *Id.*, at 86. This licensing requirement applies only to handguns (*i.e.,* "pistols and revolvers") and short-barreled rifles and shotguns, not to all types of firearms. *Id.*, at 85. For instance, the State does not require a license to carry a long gun (*i.e.,* a rifle or a shotgun over a certain length) in public. *Ibid.*; §265.00(3) (West 2022).

To obtain a concealed-carry license for a handgun, an applicant must satisfy certain eligibility criteria. Among other things, he must generally be at least 21 years old and of "good moral character." §400.00(1). And he cannot have been convicted of a felony, dishonorably discharged from the military, or involuntarily committed to a mental hygiene facility. *Ibid.* If these and other eligibility criteria are satisfied, New York law provides that a concealed-carry license "shall be issued" to individuals working in certain professions, such as judges, corrections officers, or messengers of a "banking institution or express company." §400.00(2). Individuals who satisfy the eligibility criteria but do not work in one of these professions may still obtain a concealed-carry license, but they must additionally show that "proper cause exists for the issuance thereof." §400.00(2)(f).

The words "proper cause" may appear on their face to be

broad, but there is "a substantial body of law instructing licensing officials on the application of this standard." *Id.*, at 86. New York courts have interpreted proper cause "to include carrying a handgun for target practice, hunting, or self-defense." *Ibid.* When an applicant seeks a license for target practice or hunting, he must show "'a sincere desire to participate in target shooting and hunting.'" *Ibid.* (quoting *In re O'Connor*, 154 Misc. 2d 694, 697, 585 N. Y. S. 2d 1000, 1003 (Westchester Cty. 1992)). When an applicant seeks a license for self-defense, he must show "'a special need for self-protection distinguishable from that of the general community.'" 701 F. 3d, at 86 (quoting *In re Klenosky*, 75 App. Div. 2d 793, 793, 428 N. Y. S. 2d 256, 257 (1980)). Whether an applicant meets these proper cause standards is determined in the first instance by a "licensing officer in the city or county . . . where the applicant resides." §400.00(3). In most counties, the licensing officer is a local judge. *Kachalsky*, 701 F. 3d, at 87, n. 6. For example, in Rensselaer County, the licensing officer who denied petitioners' requests to remove the restrictions on their licenses was a justice of the New York Supreme Court. App. 31. If the officer denies an application, the applicant can obtain judicial review under Article 78 of New York's Civil Practice Law and Rules. *Kachalsky*, 701 F. 3d, at 87. New York courts will then review whether the denial was arbitrary and capricious. *Ibid.*

In describing New York's law, the Court recites the above facts but adds its own gloss. It suggests that New York's licensing regime gives licensing officers too much discretion and provides too "limited" judicial review of their decisions, *ante,* at 4; that the proper cause standard is too "demanding," *ante,* at 3; and that these features make New York an outlier compared to the "vast majority of States," *ante,* at 4. But on what evidence does the Court base these characterizations? Recall that this case comes to us at the pleading stage. The parties have not had an opportunity to conduct

discovery, and no evidentiary hearings have been held to develop the record. See App. 15–26. Thus, at this point, there is no record to support the Court's negative characterizations, as we know very little about how the law has actually been applied on the ground.

Consider each of the Court's criticisms in turn. First, the Court says that New York gives licensing officers too much discretion and "leaves applicants little recourse if their local licensing officer denies a permit." *Ante*, at 4. But there is nothing unusual about broad statutory language that can be given more specific content by judicial interpretation. Nor is there anything unusual or inadequate about subjecting licensing officers' decisions to arbitrary-and-capricious review. Judges routinely apply that standard, for example, to determine whether an agency action is lawful under both New York law and the Administrative Procedure Act. See, *e.g.,* N. Y. Civ. Prac. Law Ann. §7803(3) (2021); 5 U. S. C. §706(2)(A). The arbitrary-and-capricious standard has thus been used to review important policies concerning health, safety, and immigration, to name just a few examples. See, *e.g., Biden* v. *Missouri*, 595 U. S. ___, ___ (2022) (*per curiam*) (slip op., at 8); *Department of Homeland Security* v. *Regents of Univ. of Cal.*, 591 U. S. ___, ___, ___ (2020) (slip op., at 9, 17); *Department of Commerce* v. *New York*, 588 U. S. ___, ___ (2019) (slip op., at 16); *Motor Vehicle Mfrs. Assn. of United States, Inc.* v. *State Farm Mut. Automobile Ins. Co.*, 463 U. S. 29, 41, 46 (1983).

Without an evidentiary record, there is no reason to assume that New York courts applying this standard fail to provide license applicants with meaningful review. And there is no evidentiary record to support the Court's assumption here. Based on the pleadings alone, we cannot know how often New York courts find the denial of a concealed-carry license to be arbitrary and capricious or on what basis. We do not even know how a court would have reviewed the licensing officer's decisions in Koch's and

Nash's cases because they do not appear to have sought judicial review at all. See Brief for Respondents 13; App. 122–126.

Second, the Court characterizes New York's proper cause standard as substantively "demanding." *Ante,* at 3. But, again, the Court has before it no evidentiary record to demonstrate how the standard has actually been applied. How "demanding" is the proper cause standard in practice? Does that answer differ from county to county? How many license applications are granted and denied each year? At the pleading stage, we do not know the answers to these and other important questions, so the Court's characterization of New York's law may very well be wrong.

In support of its assertion that the law is "demanding," the Court cites only to cases originating in New York City. *Ibid.* (citing *In re Martinek*, 294 App. Div. 2d 221, 743 N. Y. S. 2d 80 (2002) (New York County, *i.e.,* Manhattan); *In re Kaplan*, 249 App. Div. 2d 199, 673 N. Y. S. 2d 66 (1998) (same); *In re Klenosky*, 75 App. Div. 2d 793, 428 N. Y. S. 2d 256 (same); *In re Bernstein*, 85 App. Div. 2d 574, 445 N. Y. S. 2d 716 (1981) (Bronx County)). But cases from New York City may not accurately represent how the proper cause standard is applied in other parts of the State, including in Rensselaer County where petitioners reside.

To the contrary, *amici* tell us that New York's licensing regime is purposefully flexible: It allows counties and cities to respond to the particular needs and challenges of each area. See Brief for American Bar Association as *Amicus Curiae* 12; Brief for City of New York as *Amicus Curiae* 20–29. *Amici* suggest that some areas may interpret words such as "proper cause" or "special need" more or less strictly, depending upon each area's unique circumstances. See *ibid.* New York City, for example, reports that it "has applied the [proper cause] requirement relatively rigorously" because its densely populated urban areas pose a heightened risk of gun violence. Brief for City of New York

as *Amicus Curiae* 20. In comparison, other (perhaps more rural) counties "have tailored the requirement to their own circumstances, often issuing concealed-carry licenses more freely than the City." *Ibid.*; see also *In re O'Connor*, 154 Misc. 2d, at 698, 585 N. Y. S. 2d, at 1004 ("The circumstances which exist in New York City are significantly different than those which exist in Oswego or Putnam Counties. . . . The licensing officers in each county are in the best position to determine whether any interest of the population of their county is furthered by the use of restrictions on pistol licenses"); Brief for Citizens Crime Commission of New York City as *Amicus Curiae* 18–19. Given the geographic variation across the State, it is too sweeping for the Court to suggest, without an evidentiary record, that the proper cause standard is "demanding" in Rensselaer County merely because it may be so in New York City.

Finally, the Court compares New York's licensing regime to that of other States. *Ante,* at 4–6. It says that New York's law is a "may issue" licensing regime, which the Court describes as a law that provides licensing officers greater discretion to grant or deny licenses than a "shall issue" licensing regime. *Ante,* at 4–5. Because the Court counts 43 "shall issue" jurisdictions and only 7 "may issue" jurisdictions, it suggests that New York's law is an outlier. *Ibid.*; see also *ante,* at 1–2 (KAVANAUGH, J., concurring). Implicitly, the Court appears to ask, if so many other States have adopted the more generous "shall issue" approach, why can New York not be required to do the same?

But the Court's tabulation, and its implicit question, overlook important context. In drawing a line between "may issue" and "shall issue" licensing regimes, the Court ignores the degree of variation within and across these categories. Not all "may issue" regimes are necessarily alike, nor are all "shall issue" regimes. Conversely, not all "may issue" regimes are as different from the "shall issue" re-

gimes as the Court assumes. For instance, the Court recognizes in a footnote that three States (Connecticut, Delaware, and Rhode Island) have statutes with discretionary criteria, like so-called "may issue" regimes do. *Ante,* at 5, n. 1. But the Court nonetheless counts them among the 43 "shall issue" jurisdictions because, it says, these three States' laws operate in practice more like "shall issue" regimes. *Ibid.*; see also Brief for American Bar Association as *Amicus Curiae* 10 (recognizing, conversely, that some "shall issue" States, *e.g.,* Alabama, Colorado, Georgia, Oregon, and Virginia, still grant some degree of discretion to licensing authorities).

As these three States demonstrate, the line between "may issue" and "shall issue" regimes is not as clear cut as the Court suggests, and that line depends at least in part on how statutory discretion is applied in practice. Here, because the Court strikes down New York's law without affording the State an opportunity to develop an evidentiary record, we do not know how much discretion licensing officers in New York have in practice or how that discretion is exercised, let alone how the licensing regimes in the other six "may issue" jurisdictions operate.

Even accepting the Court's line between "may issue" and "shall issue" regimes and assuming that its tally (7 "may issue" and 43 "shall issue" jurisdictions) is correct, that count does not support the Court's implicit suggestion that the seven "may issue" jurisdictions are somehow outliers or anomalies. The Court's count captures only a snapshot in time. It forgets that "shall issue" licensing regimes are a relatively recent development. Until the 1980s, "may issue" regimes predominated. See *id.*, at 9; R. Grossman & S. Lee, May Issue Versus Shall Issue: Explaining the Pattern of Concealed-Carry Handgun Laws, 1960–2001, 26 Contemp. Econ. Pol'y 198, 200 (2008) (Grossman). As of 1987, 16 States and the District of Columbia prohibited concealed

carriage outright, 26 States had "may issue" licensing regimes, 7 States had "shall issue" regimes, and 1 State (Vermont) allowed concealed carriage without a permit. Congressional Research Service, Gun Control: Concealed Carry Legislation in the 115th Congress 1 (Jan. 30, 2018). Thus, it has only been in the last few decades that States have shifted toward "shall issue" licensing laws. Prior to that, most States operated "may issue" licensing regimes without legal or practical problem.

Moreover, even considering, as the Court does, only the present state of play, its tally provides an incomplete picture because it accounts for only the number of States with "may issue" regimes, not the number of people governed by those regimes. By the Court's count, the seven "may issue" jurisdictions are New York, California, Hawaii, Maryland, Massachusetts, New Jersey, and the District of Columbia. *Ante,* at 5–6. Together, these seven jurisdictions comprise about 84.4 million people and account for over a quarter of the country's population. U. S. Census Bureau, 2020 Population and Housing State Data (Aug. 12, 2021) (2020 Population), https://www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html. Thus, "may issue" laws can hardly be described as a marginal or outdated regime.

And there are good reasons why these seven jurisdictions may have chosen not to follow other States in shifting toward "shall issue" regimes. The seven remaining "may issue" jurisdictions are among the most densely populated in the United States: the District of Columbia (with an average of 11,280.0 people/square mile in 2020), New Jersey (1,263.0), Massachusetts (901.2), Maryland (636.1), New York (428.7), California (253.7), and Hawaii (226.6). U. S. Census Bureau, Historical Population Density (1910–2020) (Apr. 26, 2001), https://www.census.gov/data/tables/time-series/dec/density-data-text.html. In comparison, the average population density of the United States as a whole is

93.8 people/square mile, and some States have population densities as low as 1.3 (Alaska), 5.9 (Wyoming), and 7.4 (Montana) people/square mile. *Ibid*. These numbers reflect in part the fact that these "may issue" jurisdictions contain some of the country's densest and most populous urban areas, *e.g.,* New York City, Los Angeles, San Francisco, the District of Columbia, Honolulu, and Boston. U. S. Census Bureau, Urban Area Facts (Oct. 8, 2021), https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural/ua-facts.html. New York City, for example, has a population of about 8.5 million people, making it more populous than 38 States, and it squeezes that population into just over 300 square miles. Quick Facts: New York City; 2020 Population; Brief for City of New York as *Amicus Curiae* 8, 22.

As I explained above, *supra,* at 8–9, densely populated urban areas face different kinds and degrees of dangers from gun violence than rural areas. It is thus easy to see why the seven "may issue" jurisdictions might choose to regulate firearm carriage more strictly than other States. See Grossman 199 ("We find strong evidence that more urban states are less likely to shift to 'shall issue' than rural states").

New York and its *amici* present substantial data justifying the State's decision to retain a "may issue" licensing regime. The data show that stricter gun regulations are associated with lower rates of firearm-related death and injury. See, *e.g.,* Brief for Citizens Crime Commission of New York City as *Amicus Curiae* 9–11; Brief for Former Major City Police Chiefs as *Amici Curiae* 9–12; Brief for Educational Fund 25–28; Brief for Social Scientists et al. as *Amici Curiae* 9–19. In particular, studies have shown that "may issue" licensing regimes, like New York's, are associated with lower homicide rates and lower violent crime rates than "shall issue" licensing regimes. For example, one study compared homicide rates across all 50 States during

the 25-year period from 1991 to 2015 and found that "shall issue" laws were associated with 6.5% higher total homicide rates, 8.6% higher firearm homicide rates, and 10.6% higher handgun homicide rates. Siegel, 107 Am. J. Pub. Health, at 1924–1925, 1927. Another study longitudinally followed 33 States that had adopted "shall-issue" laws between 1981 and 2007 and found that the adoption of those laws was associated with a 13%–15% increase in rates of violent crime after 10 years. Donohue, 16 J. Empirical Legal Studies, at 200, 240. Numerous other studies show similar results. See, *e.g.,* Siegel, 36 J. Rural Health, at 261 (finding that "may issue" laws are associated with 17% lower firearm homicide rates in large cities); C. Crifasi et al., Association Between Firearm Laws and Homicide in Urban Counties, 95 J. Urb. Health 383, 387 (2018) (finding that "shall issue" laws are associated with a 4% increase in firearm homicide rates in urban counties); M. Doucette, C. Crifasi, & S. Frattaroli, Right-to-Carry Laws and Firearm Workplace Homicides: A Longitudinal Analysis (1992–2017), 109 Am. J. Pub. Health 1747, 1751 (Dec. 2019) (finding that States with "shall issue" laws between 1992 and 2017 experienced 29% higher rates of firearm-related workplace homicides); Brief for Social Scientists et al. as *Amici Curiae* 15–16, and nn. 17–20 (citing "thirteen . . . empirical papers from just the last few years linking ["shall issue"] laws to higher violent crime").

JUSTICE ALITO points to competing empirical evidence that arrives at a different conclusion. *Ante,* at 3, n. 1 (concurring opinion). But these types of disagreements are exactly the sort that are better addressed by legislatures than courts. The Court today restricts the ability of legislatures to fulfill that role. It does so without knowing how New York's law is administered in practice, how much discretion licensing officers in New York possess, or whether the proper cause standard differs across counties. And it does so without giving the State an opportunity to develop the

evidentiary record to answer those questions. Yet it strikes down New York's licensing regime as a violation of the Second Amendment.

III

A

How does the Court justify striking down New York's law without first considering how it actually works on the ground and what purposes it serves? The Court does so by purporting to rely nearly exclusively on history. It requires "the government [to] affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of 'the right to keep and bear arms.'" *Ante,* at 10. Beyond this historical inquiry, the Court refuses to employ what it calls "means-end scrutiny." *Ibid.* That is, it refuses to consider whether New York has a compelling interest in regulating the concealed carriage of handguns or whether New York's law is narrowly tailored to achieve that interest. Although I agree that history can often be a useful tool in determining the meaning and scope of constitutional provisions, I believe the Court's near-exclusive reliance on that single tool today goes much too far.

The Court concedes that no Court of Appeals has adopted its rigid history-only approach. See *ante,* at 8. To the contrary, every Court of Appeals to have addressed the question has agreed on a two-step framework for evaluating whether a firearm regulation is consistent with the Second Amendment. *Ibid.*; *ante,* at 10, n. 4 (majority opinion) (listing cases from the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Eleventh, and D. C. Circuits). At the first step, the Courts of Appeals use text and history to determine "whether the regulated activity falls within the scope of the Second Amendment." *Ezell* v. *Chicago*, 846 F. 3d 888, 892 (CA7 2017). If it does, they go on to the second step and consider "'the strength of the government's justification for restricting or regulating'" the Second

Amendment right. *Ibid*. In doing so, they apply a level of "means-ends" scrutiny "that is proportionate to the severity of the burden that the law imposes on the right": strict scrutiny if the burden is severe, and intermediate scrutiny if it is not. *National Rifle Assn. of Am., Inc.* v. *Bureau of Alcohol, Tobacco, Firearms, and Explosives*, 700 F. 3d 185, 195, 198, 205 (CA5 2012).

The Court today replaces the Courts of Appeals' consensus framework with its own history-only approach. That is unusual. We do not normally disrupt settled consensus among the Courts of Appeals, especially not when that consensus approach has been applied without issue for over a decade. See Brief for Second Amendment Law Professors as *Amici Curiae* 4, 13–15; see also this Court's Rule 10. The Court attempts to justify its deviation from our normal practice by claiming that the Courts of Appeals' approach is inconsistent with *Heller*. See *ante,* at 10. In doing so, the Court implies that all 11 Courts of Appeals that have considered this question misread *Heller*.

To the contrary, it is this Court that misreads *Heller*. The opinion in *Heller* did focus primarily on "constitutional text and history," *ante,* at 13 (majority opinion), but it did *not* "rejec[t] . . . means-end scrutiny," as the Court claims, *ante,* at 15. Consider what the *Heller* Court actually said. True, the Court spent many pages in *Heller* discussing the text and historical context of the Second Amendment. 554 U. S., at 579–619. But that is not surprising because the *Heller* Court was asked to answer the preliminary question whether the Second Amendment right to "bear Arms" encompasses an individual right to possess a firearm in the home for self-defense. *Id.*, at 577. The *Heller* Court concluded that the Second Amendment's text and history were sufficiently clear to resolve that question: The Second Amendment, it said, does include such an individual right. *Id.*, at 579–619. There was thus no need for the Court to go further—to look beyond text and history, or to suggest what

analysis would be appropriate in other cases where the text and history are not clear.

But the *Heller* Court did not end its opinion with that preliminary question. After concluding that the Second Amendment protects an individual right to possess a firearm for self-defense, the *Heller* Court added that that right is "not unlimited." *Id.,* at 626. It thus had to determine whether the District of Columbia's law, which banned handgun possession in the home, was a permissible regulation of the right. *Id.*, at 628–630. In answering that second question, it said: "Under *any of the standards of scrutiny that we have applied to enumerated constitutional rights*, banning from the home 'the most preferred firearm in the nation to "keep" and use for protection of one's home and family' would fail constitutional muster." *Id.,* at 628–629 (emphasis added; footnote and citation omitted). That language makes clear that the *Heller* Court understood some form of means-end scrutiny to apply. It did not need to specify whether that scrutiny should be intermediate or strict because, in its view, the District's handgun ban was so "severe" that it would have failed either level of scrutiny. *Id.,* at 628–629; see also *id.,* at 628, n. 27 (clarifying that rational-basis review was not the proper level of scrutiny).

Despite *Heller*'s express invocation of means-end scrutiny, the Court today claims that the majority in *Heller* rejected means-end scrutiny because it rejected my dissent in that case. But that argument misreads both my dissent and the majority opinion. My dissent in *Heller* proposed directly weighing "the interests protected by the Second Amendment on one side and the governmental public-safety concerns on the other." *Id.,* at 689. I would have asked "whether the statute burdens a protected interest in a way or to an extent that is out of proportion to the statute's salutary effects upon other important governmental interests." *Id.,* at 689–690. The majority rejected my dissent,

not because I proposed using means-end scrutiny, but because, in its view, I had done the opposite. In its own words, the majority faulted my dissent for proposing "a *freestanding* 'interest-balancing' approach" that accorded with "*none of the traditionally expressed levels* [of scrutiny] (strict scrutiny, intermediate scrutiny, rational basis)." *Id.,* at 634 (emphasis added).

The majority further made clear that its rejection of freestanding interest balancing did *not* extend to traditional forms of means-end scrutiny. It said: "We know of no other enumerated constitutional right whose core protection has been subjected to a freestanding 'interest-balancing' approach." *Ibid.* To illustrate this point, it cited as an example the First Amendment right to free speech. *Id.*, at 635. Judges, of course, regularly use means-end scrutiny, including both strict and intermediate scrutiny, when they interpret or apply the First Amendment. See, *e.g., United States* v. *Playboy Entertainment Group, Inc.*, 529 U. S. 803, 813 (2000) (applying strict scrutiny); *Turner Broadcasting System, Inc.* v. *FCC*, 520 U. S. 180, 186, 189–190 (1997) (applying intermediate scrutiny). The majority therefore cannot have intended its opinion, consistent with our First Amendment jurisprudence, to be read as rejecting all traditional forms of means-end scrutiny.

As *Heller*'s First Amendment example illustrates, the Court today is wrong when it says that its rejection of means-end scrutiny and near-exclusive focus on history "accords with how we protect other constitutional rights." *Ante,* at 15. As the Court points out, we do look to history in the First Amendment context to determine "whether the expressive conduct falls outside of the category of protected speech." *Ibid.* But, if conduct falls within a category of protected speech, we then use means-end scrutiny to determine whether a challenged regulation unconstitutionally burdens that speech. And the degree of scrutiny we apply

often depends on the type of speech burdened and the severity of the burden. See, *e.g., Arizona Free Enterprise Club's Freedom Club PAC* v. *Bennett*, 564 U. S. 721, 734 (2011) (applying strict scrutiny to laws that burden political speech); *Ward* v. *Rock Against Racism*, 491 U. S. 781, 791 (1989) (applying intermediate scrutiny to time, place, and manner restrictions); *Central Hudson Gas & Elec. Corp.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 557, 564–566 (1980) (applying intermediate scrutiny to laws that burden commercial speech).

Additionally, beyond the right to freedom of speech, we regularly use means-end scrutiny in cases involving other constitutional provisions. See, *e.g., Church of Lukumi Babalu Aye, Inc.* v. *Hialeah*, 508 U. S. 520, 546 (1993) (applying strict scrutiny under the First Amendment to laws that restrict free exercise of religion in a way that is not neutral and generally applicable); *Adarand Constructors, Inc.* v. *Peña*, 515 U. S. 200, 227 (1995) (applying strict scrutiny under the Equal Protection Clause to race-based classifications); *Clark* v. *Jeter*, 486 U. S. 456, 461 (1988) (applying intermediate scrutiny under the Equal Protection Clause to sex-based classifications); see also *Virginia* v. *Moore*, 553 U. S. 164, 171 (2008) ("When history has not provided a conclusive answer, we have analyzed a search or seizure in light of traditional standards of reasonableness").

The upshot is that applying means-end scrutiny to laws that regulate the Second Amendment right to bear arms would not create a constitutional anomaly. Rather, it is the Court's rejection of means-end scrutiny and adoption of a rigid history-only approach that is anomalous.

B

The Court's near-exclusive reliance on history is not only unnecessary, it is deeply impractical. It imposes a task on the lower courts that judges cannot easily accomplish. Judges understand well how to weigh a law's objectives (its

"ends") against the methods used to achieve those objectives (its "means"). Judges are far less accustomed to resolving difficult historical questions. Courts are, after all, staffed by lawyers, not historians. Legal experts typically have little experience answering contested historical questions or applying those answers to resolve contemporary problems.

The Court's insistence that judges and lawyers rely nearly exclusively on history to interpret the Second Amendment thus raises a host of troubling questions. Consider, for example, the following. Do lower courts have the research resources necessary to conduct exhaustive historical analyses in every Second Amendment case? What historical regulations and decisions qualify as representative analogues to modern laws? How will judges determine which historians have the better view of close historical questions? Will the meaning of the Second Amendment change if or when new historical evidence becomes available? And, most importantly, will the Court's approach permit judges to reach the outcomes they prefer and then cloak those outcomes in the language of history? See S. Cornell, *Heller*, New Originalism, and Law Office History: "Meet the New Boss, Same as the Old Boss," 56 UCLA L. Rev. 1095, 1098 (2009) (describing "law office history" as "a results oriented methodology in which evidence is selectively gathered and interpreted to produce a preordained conclusion").

Consider *Heller* itself. That case, fraught with difficult historical questions, illustrates the practical problems with expecting courts to decide important constitutional questions based solely on history. The majority in *Heller* undertook 40 pages of textual and historical analysis and concluded that the Second Amendment's protection of the right to "keep and bear Arms" historically encompassed an "individual right to possess and carry weapons in case of confrontation"—that is, for self-defense. 554 U. S., at 592; see also *id.,* at 579–619. Justice Stevens' dissent conducted an

equally searching textual and historical inquiry and concluded, to the contrary, that the term "bear Arms" was an idiom that protected only the right "to use and possess arms in conjunction with service in a well-regulated militia." *Id.,* at 651. I do not intend to relitigate *Heller* here. I accept its holding as a matter of *stare decisis.* I refer to its historical analysis only to show the difficulties inherent in answering historical questions and to suggest that judges do not have the expertise needed to answer those questions accurately.

For example, the *Heller* majority relied heavily on its interpretation of the English Bill of Rights. Citing Blackstone, the majority claimed that the English Bill of Rights protected a "'right of having and using arms for self-preservation and defence.'" *Id.*, at 594 (quoting 1 Commentaries on the Laws of England 140 (1765)). The majority interpreted that language to mean a private right to bear arms for self-defense, "having nothing whatever to do with service in a militia." 554 U. S., at 593. Two years later, however, 21 English and early American historians (including experts at top universities) told us in *McDonald* v. *Chicago*, 561 U. S. 742 (2010), that the *Heller* Court had gotten the history wrong: The English Bill of Rights "did not . . . protect an individual's right to possess, own, or use arms for private purposes such as to defend a home against burglars." Brief for English/Early American Historians as *Amici Curiae* in *McDonald* v. *Chicago*, O. T. 2009, No. 08–1521, p. 2. Rather, these *amici* historians explained, the English right to "have arms" ensured that the Crown could not deny Parliament (which represented the people) the power to arm the landed gentry and raise a militia—or the right of the people to possess arms to take part in that militia—"should the sovereign usurp the laws, liberties, estates, and Protestant religion of the nation." *Id.,* at 2–3. Thus, the English right did protect a right of "self-preservation and defence," as Blackstone said, but that right "was to

be exercised not by individuals acting privately or independently, but as a militia organized by their elected representatives," *i.e.,* Parliament. *Id.,* at 7–8. The Court, not an expert in history, had misread Blackstone and other sources explaining the English Bill of Rights.

And that was not the *Heller* Court's only questionable judgment. The majority rejected Justice Stevens' argument that the Second Amendment's use of the words "bear Arms" drew on an idiomatic meaning that, at the time of the founding, commonly referred to military service. 554 U. S., at 586. Linguistics experts now tell us that the majority was wrong to do so. See, *e.g.,* Brief for Corpus Linguistics Professors and Experts as *Amici Curiae* (Brief for Linguistics Professors); Brief for Neal Goldfarb as *Amicus Curiae*; Brief for Americans Against Gun Violence as *Amicus Curiae* 13–15. Since *Heller* was decided, experts have searched over 120,000 founding-era texts from between 1760 and 1799, as well as 40,000 texts from sources dating as far back as 1475, for historical uses of the phrase "bear arms," and they concluded that the phrase was overwhelmingly used to refer to "'war, soldiering, or other forms of armed action by a group rather than an individual.'" Brief for Linguistics Professors 11, 14; see also D. Baron, Corpus Evidence Illuminates the Meaning of Bear Arms, 46 Hastings Const. L. Q. 509, 510 (2019) ("Non-military uses of *bear arms* in reference to hunting or personal self-defense are not just rare, they are almost nonexistent"); *id.*, at 510–511 (reporting 900 instances in which "bear arms" was used to refer to military or collective use of firearms and only 7 instances that were either ambiguous or without a military connotation).

These are just two examples. Other scholars have continued to write books and articles arguing that the Court's decision in *Heller* misread the text and history of the Second Amendment. See generally, *e.g.,* M. Waldman, The Second Amendment (2014); S. Cornell, The Changing Meaning of

the Right To Keep and Bear Arms: 1688–1788, in Guns in Law 20–27 (A. Sarat, L. Douglas, & M. Umphrey eds. 2019); P. Finkelman, The Living Constitution and the Second Amendment: Poor History, False Originalism, and a Very Confused Court, 37 Cardozo L. Rev. 623 (2015); D. Walker, Necessary to the Security of Free States: The Second Amendment as the Auxiliary Right of Federalism, 56 Am. J. Legal Hist. 365 (2016); W. Merkel, *Heller* as Hubris, and How *McDonald* v. *City of Chicago* May Well Change the Constitutional World as We Know It, 50 Santa Clara L. Rev. 1221 (2010).

I repeat that I do not cite these arguments in order to relitigate *Heller*. I wish only to illustrate the difficulties that may befall lawyers and judges when they attempt to rely *solely* on history to interpret the Constitution. In *Heller*, we attempted to determine the scope of the Second Amendment right to bear arms by conducting a historical analysis, and some of us arrived at very different conclusions based on the same historical sources. Many experts now tell us that the Court got it wrong in a number of ways. That is understandable given the difficulty of the inquiry that the Court attempted to undertake. The Court's past experience with historical analysis should serve as a warning against relying exclusively, or nearly exclusively, on this mode of analysis in the future.

Failing to heed that warning, the Court today does just that. Its near-exclusive reliance on history will pose a number of practical problems. First, the difficulties attendant to extensive historical analysis will be especially acute in the lower courts. The Court's historical analysis in this case is over 30 pages long and reviews numerous original sources from over 600 years of English and American history. *Ante,* at 30–62. Lower courts—especially district courts—typically have fewer research resources, less assistance from *amici* historians, and higher caseloads than we do. They are therefore ill equipped to conduct the type of

searching historical surveys that the Court's approach requires. Tellingly, even the Courts of Appeals that have addressed the question presented here (namely, the constitutionality of public carriage restrictions like New York's) "have, in large part, avoided extensive historical analysis." *Young* v. *Hawaii*, 992 F. 3d 765, 784–785 (CA9 2021) (collecting cases). In contrast, lawyers and courts are well equipped to administer means-end scrutiny, which is regularly applied in a variety of constitutional contexts, see *supra,* at 24–25.

Second, the Court's opinion today compounds these problems, for it gives the lower courts precious little guidance regarding how to resolve modern constitutional questions based almost solely on history. See, *e.g., ante,* at 1 (BARRETT, J., concurring) ("highlight[ing] two methodological points that the Court does not resolve"). The Court declines to "provide an exhaustive survey of the features that render regulations relevantly similar under the Second Amendment." *Ante,* at 20. Other than noting that its history-only analysis is "neither a . . . straightjacket nor a . . . blank check," the Court offers little explanation of how stringently its test should be applied. *Ante,* at 21. Ironically, the only two "relevan[t]" metrics that the Court does identify are "how and why" a gun control regulation "burden[s the] right to armed self-defense." *Ante,* at 20. In other words, the Court believes that the most relevant metrics of comparison are a regulation's means (how) and ends (why)—even as it rejects the utility of means-end scrutiny.

What the Court offers instead is a laundry list of reasons to discount seemingly relevant historical evidence. The Court believes that some historical laws and decisions cannot justify upholding modern regulations because, it says, they were outliers. It explains that just two court decisions or three colonial laws are not enough to satisfy its test. *Ante,* at 37, 57. But the Court does not say how many cases or laws would suffice "to show a tradition of public-carry

regulation." *Ante,* at 37. Other laws are irrelevant, the Court claims, because they are too dissimilar from New York's concealed-carry licensing regime. See, *e.g., ante,* at 48–49. But the Court does not say what "representative historical analogue," short of a "twin" or a "dead ringer," would suffice. See *ante,* at 21 (emphasis deleted). Indeed, the Court offers many and varied reasons to reject potential representative analogues, but very few reasons to accept them. At best, the numerous justifications that the Court finds for rejecting historical evidence give judges ample tools to pick their friends out of history's crowd. At worst, they create a one-way ratchet that will disqualify virtually any "representative historical analogue" and make it nearly impossible to sustain common-sense regulations necessary to our Nation's safety and security.

Third, even under ideal conditions, historical evidence will often fail to provide clear answers to difficult questions. As an initial matter, many aspects of the history of firearms and their regulation are ambiguous, contradictory, or disputed. Unsurprisingly, the extent to which colonial statutes enacted over 200 years ago were actually enforced, the basis for an acquittal in a 17th-century decision, and the interpretation of English laws from the Middle Ages (to name just a few examples) are often less than clear. And even historical experts may reach conflicting conclusions based on the same sources. Compare, *e.g.,* P. Charles, The Faces of the Second Amendment Outside the Home: History Versus Ahistorical Standards of Review, 60 Clev. St. L. Rev. 1, 14 (2012), with J. Malcolm, To Keep and Bear Arms: The Origins of an Anglo-American Right 104 (1994). As a result, history, as much as any other interpretive method, leaves ample discretion to "loo[k] over the heads of the [crowd] for one's friends." A. Scalia & B. Garner, Reading Law: The Interpretation of Legal Texts 377 (2012).

Fourth, I fear that history will be an especially inade-

quate tool when it comes to modern cases presenting modern problems. Consider the Court's apparent preference for founding-era regulation. See *ante,* at 25–28. Our country confronted profoundly different problems during that time period than it does today. Society at the founding was "predominantly rural." C. McKirdy, Misreading the Past: The Faulty Historical Basis Behind the Supreme Court's Decision in District of Columbia v. Heller, 45 Capital U. L. Rev. 107, 151 (2017). In 1790, most of America's relatively small population of just four million people lived on farms or in small towns. *Ibid.* Even New York City, the largest American city then, as it is now, had a population of just 33,000 people. *Ibid.* Small founding-era towns are unlikely to have faced the same degrees and types of risks from gun violence as major metropolitan areas do today, so the types of regulations they adopted are unlikely to address modern needs. *Id.,* at 152 ("For the most part, a population living on farms and in very small towns did not create conditions in which firearms created a significant danger to the public welfare"); see also *supra,* at 8–9.

This problem is all the more acute when it comes to "modern-day circumstances that [the Framers] could not have anticipated." *Heller*, 554 U. S., at 721–722 (BREYER, J., dissenting). How can we expect laws and cases that are over a century old to dictate the legality of regulations targeting "ghost guns" constructed with the aid of a three-dimensional printer? See, *e.g.,* White House Briefing Room, FACT SHEET: The Biden Administration Cracks Down on Ghost Guns, Ensures That ATF Has the Leadership It Needs To Enforce Our Gun Laws (Apr. 11, 2022), https://whitehouse.gov/briefing-room/statements-releases/2022/04/11/fact-sheet-the-biden-administration-cracks-down-on-ghost-guns-ensures-that-atf-has-the-leadership-it-needs-to-enforce-our-gun-laws/. Or modern laws requiring all gun shops to offer smart guns, which can only be fired by authorized users? See, *e.g.,* N. J. Stat. Ann. §2C:58–

2.10(a) (West Cum. Supp. 2022). Or laws imposing additional criminal penalties for the use of bullets capable of piercing body armor? See, *e.g.,* 18 U. S. C. §§921(a)(17)(B), 929(a).

The Court's answer is that judges will simply have to employ "analogical reasoning." *Ante,* at 19–20. But, as I explained above, the Court does not provide clear guidance on how to apply such reasoning. Even seemingly straightforward historical restrictions on firearm use may prove surprisingly difficult to apply to modern circumstances. The Court affirms *Heller*'s recognition that States may forbid public carriage in "sensitive places." *Ante,* at 21–22. But what, in 21st-century New York City, may properly be considered a sensitive place? Presumably "legislative assemblies, polling places, and courthouses," which the Court tells us were among the "relatively few" places "where weapons were altogether prohibited" in the 18th and 19th centuries. *Ante,* at 21. On the other hand, the Court also tells us that "expanding the category of 'sensitive places' simply to all places of public congregation that are not isolated from law enforcement defines th[at] category . . . far too broadly." *Ante,* at 22. So where does that leave the many locations in a modern city with no obvious 18th- or 19th-century analogue? What about subways, nightclubs, movie theaters, and sports stadiums? The Court does not say.

Although I hope—fervently—that future courts will be able to identify historical analogues supporting the validity of regulations that address new technologies, I fear that it will often prove difficult to identify analogous technological and social problems from Medieval England, the founding era, or the time period in which the Fourteenth Amendment was ratified. Laws addressing repeating crossbows, launcegays, dirks, dagges, skeines, stilladers, and other ancient weapons will be of little help to courts confronting modern problems. And as technological progress pushes

our society ever further beyond the bounds of the Framers' imaginations, attempts at "analogical reasoning" will become increasingly tortured. In short, a standard that relies solely on history is unjustifiable and unworkable.

IV

Indeed, the Court's application of its history-only test in this case demonstrates the very pitfalls described above. The historical evidence reveals a 700-year Anglo-American tradition of regulating the public carriage of firearms in general, and concealed or concealable firearms in particular. The Court spends more than half of its opinion trying to discredit this tradition. But, in my view, the robust evidence of such a tradition cannot be so easily explained away. Laws regulating the public carriage of weapons existed in England as early as the 13th century and on this Continent since before the founding. Similar laws remained on the books through the ratifications of the Second and Fourteenth Amendments through to the present day. Many of those historical regulations imposed significantly stricter restrictions on public carriage than New York's licensing requirements do today. Thus, even applying the Court's history-only analysis, New York's law must be upheld because "historical precedent from before, during, and . . . after the founding evinces a comparable tradition of regulation." *Ante,* at 18 (majority opinion) (internal quotation marks omitted).

A. England.

The right codified by the Second Amendment was "'inherited from our English ancestors.'" *Heller*, 554 U. S., at 599 (quoting *Robertson* v. *Baldwin*, 165 U. S. 275, 281 (1897)); see also *ante,* at 30 (majority opinion). And some of England's earliest laws regulating the public carriage of weapons were precursors of similar American laws enacted

roughly contemporaneously with the ratification of the Second Amendment. See *infra,* at 40–42. I therefore begin, as the Court does, *ante,* at 30–31, with the English ancestors of New York's laws regulating public carriage of firearms.

The relevant English history begins in the late-13th and early-14th centuries, when Edward I and Edward II issued a series of orders to local sheriffs that prohibited any person from "going armed." See 4 Calendar of the Close Rolls, Edward I, 1296–1302, p. 318 (Sept. 15, 1299) (1906); *id.,* at 588 (July 16, 1302); 5 *id.*, Edward I, 1302–1307, at 210 (June 10, 1304) (1908); *id.*, Edward II, 1307–1313, at 52 (Feb. 9, 1308) (1892); *id.,* at 257 (Apr. 9, 1310); *id.,* at 553 (Oct. 12, 1312); *id.*, Edward II, 1323–1327, at 560 (Apr. 28, 1326) (1898); 1 Calendar of Plea and Memoranda Rolls of the City of London, 1323–1364, p. 15 (Nov. 1326) (A. Thomas ed. 1926). Violators were subject to punishment, including "forfeiture of life and limb." See, *e.g.,* 4 Calendar of the Close Rolls, Edward I, 1296–1302, at 318 (Sept. 15, 1299) (1906). Many of these royal edicts contained exemptions for persons who had obtained "the king's special licence." See *ibid.*; 5 *id.*, Edward I, 1302–1307, at 210 (June 10, 1304); *id.*, Edward II, 1307–1313, at 553 (Oct. 12, 1312); *id.*, Edward II, 1323–1327, at 560 (Apr. 28, 1326). Like New York's law, these early edicts prohibited public carriage absent special governmental permission and enforced that prohibition on pain of punishment.

The Court seems to suggest that these early regulations are irrelevant because they were enacted during a time of "turmoil" when "malefactors . . . harried the country, committing assaults and murders." *Ante,* at 31 (internal quotation marks omitted). But it would seem to me that what the Court characterizes as a "right of armed self-defense" would be more, rather than less, necessary during a time of "turmoil." *Ante,* at 20. The Court also suggests that laws that were enacted before firearms arrived in England, like

these early edicts and the subsequent Statute of Northampton, are irrelevant. *Ante,* at 32. But why should that be? Pregun regulations prohibiting "going armed" in public illustrate an entrenched tradition of restricting public carriage of weapons. That tradition seems as likely to apply to firearms as to any other lethal weapons—particularly if we follow the Court's instruction to use analogical reasoning. See *ante,* at 19–20. And indeed, as we shall shortly see, the most significant prefirearm regulation of public carriage—the Statute of Northampton—was in fact applied to guns once they appeared in England. See *Sir John Knight's Case*, 3 Mod. 117, 87 Eng. Rep. 75, 76 (K. B. 1686)

The Statute of Northampton was enacted in 1328. 2 Edw. 3, 258, c. 3. By its terms, the statute made it a criminal offense to carry arms without the King's authorization. It provided that, without such authorization, "no Man great nor small, of what Condition soever he be," could "go nor ride armed by night nor by day, in Fairs, Markets, nor in the presence of the Justices or other Ministers, nor in no part elsewhere, upon pain to forfeit their Armour to the King, and their Bodies to Prison at the King's pleasure." *Ibid.* For more than a century following its enactment, England's sheriffs were routinely reminded to strictly enforce the Statute of Northampton against those going armed without the King's permission. See Calendar of the Close Rolls, Edward III, 1330–1333, at 131 (Apr. 3, 1330) (1898); 1 Calendar of the Close Rolls, Richard II, 1377–1381, at 34 (Dec. 1, 1377) (1914); 2 *id*., Richard II, 1381–1385, at 3 (Aug. 7, 1381) (1920); 3 *id*., Richard II, 1385–1389, at 128 (Feb. 6, 1386) (1921); *id.,* at 399–400 (May 16, 1388); 4 *id*., Henry VI, 1441–1447, at 224 (May 12, 1444) (1937); see also 11 Tudor Royal Proclamations, The Later Tudors: 1553–1587, pp. 442–445 (Proclamation 641, 21 Elizabeth I, July 26, 1579) (P. Hughes & J. Larkin eds. 1969).

The Court thinks that the Statute of Northampton "has little bearing on the Second Amendment," in part because

it was "enacted . . . more than 450 years before the ratification of the Constitution." *Ante,* at 32. The statute, however, remained in force for hundreds of years, well into the 18th century. See 4 W. Blackstone, Commentaries 148–149 (1769) ("The offence of *riding* or *going armed*, with dangerous or unusual weapons, is a crime against the public peace, by terrifying the good people of the land; *and is particularly prohibited by the Statute of Northampton*" (first emphasis in original, second emphasis added)). It was discussed in the writings of Blackstone, Coke, and others. See *ibid.*; W. Hawkins, 1 Pleas of the Crown 135 (1716) (Hawkins); E. Coke, The Third Part of the Institutes of the Laws of England 160 (1797). And several American Colonies and States enacted restrictions modeled on the statute. See *infra,* at 40–42. There is thus every reason to believe that the Framers of the Second Amendment would have considered the Statute of Northampton a significant chapter in the Anglo-American tradition of firearms regulation.

The Court also believes that, by the end of the 17th century, the Statute of Northampton was understood to contain an extratextual intent element: the intent to cause terror in others. *Ante,* at 34–38, 41. The Court relies on two sources that arguably suggest that view: a 1686 decision, *Sir John Knight's Case*, and a 1716 treatise written by Serjeant William Hawkins. *Ante,* at 34–37. But other sources suggest that carrying arms in public was prohibited *because* it naturally tended to terrify the people. See, *e.g.,* M. Dalton, The Country Justice 282–283 (1690) ("[T]o wear Armor, or Weapons not usually worn, . . . seems also be a breach, or means of breach of the Peace . . . ; *for* they strike a fear and terror in the People" (emphasis added)). According to these sources, terror was the natural consequence—not an additional element—of the crime.

I find this view more persuasive in large part because it is not entirely clear that the two sources the Court relies on

actually support the existence of an intent-to-terrify requirement. Start with *Sir John Knight's Case*, which, according to the Court, considered Knight's arrest for walking "'about the streets'" and into a church "'armed with guns.'" *Ante,* at 34 (quoting *Sir John Knight's Case*, 3 Mod. 117, 87 Eng. Rep., at 76). The Court thinks that Knight's acquittal by a jury demonstrates that the Statute of Northampton only prohibited public carriage of firearms with an intent to terrify. *Ante,* at 34–35. But by now the legal significance of Knight's acquittal is impossible to reconstruct. Brief for Patrick J. Charles as *Amicus Curiae* 23, n. 9. The primary source describing the case (the English Reports) was notoriously incomplete at the time *Sir John Knight's Case* was decided. *Id.,* at 24–25. And the facts that historians can reconstruct do not uniformly support the Court's interpretation. The King's Bench required Knight to pay a surety to guarantee his future good behavior, so it may be more accurate to think of the case as having ended in "a conditional pardon" than acquittal. *Young*, 992 F. 3d, at 791; see also *Rex* v. *Sir John Knight*, 1 Comb. 40, 90 Eng. Rep. 331 (K. B. 1686). And, notably, it appears that Knight based his defense on his loyalty to the Crown, not a lack of intent to terrify. 3 The Entring Book of Roger Morrice 1677–1691: The Reign of James II, 1685–1687, pp. 307–308 (T. Harris ed. 2007).

Similarly, the passage from the Hawkins treatise on which the Court relies states that the Statute of Northampton's prohibition on the public carriage of weapons did not apply to the "wearing of Arms . . . unless it be accompanied with such Circumstances as are apt to terrify the People." Hawkins 136. But Hawkins goes on to enumerate relatively narrow circumstances where this exception applied: when "Persons of Quality . . . wea[r] common Weapons, or hav[e] their usual Number of Attendants with them, for their Ornament or Defence, in such Places, and upon such Occasions, in which it is the common Fashion to make use

of them," or to persons merely wearing "privy Coats of Mail." *Ibid.* It would make little sense if a narrow exception for nobility, see Oxford English Dictionary (3d ed., Dec. 2012), https://www.oed.com/view/Entry/155878 (defining "quality," A.I.5.a), and "privy coats of mail" were allowed to swallow the broad rule that Hawkins (and other commentators of his time) described elsewhere. That rule provided that "there may be an Affray where there is no actual Violence; as where a Man arms himself with dangerous and unusual Weapons, in such a Manner as will naturally cause a Terror to the People, which is . . . strictly prohibited by [the Statute of Northampton]." Hawkins 135. And it provided no exception for those who attempted to "excuse the wearing such Armour in Publick, by alleging that . . . he wears it for the Safety of his Person from . . . Assault." *Id.,* at 136. In my view, that rule announces the better reading of the Statute of Northampton—as a broad prohibition on the public carriage of firearms and other weapons, without an intent-to-terrify requirement or exception for self-defense.

Although the Statute of Northampton is particularly significant because of its breadth, longevity, and impact on American law, it was far from the only English restriction on firearms or their carriage. See, *e.g.,* 6 Hen. 8 c. 13, §1 (1514) (restricting the use and ownership of handguns); 25 Hen. 8 c. 17, §1 (1533) (same); 33 Hen. 8 c. 6, §§1–2 (1541) (same); 25 Edw. 3, st. 5, c. 2 (1350) (making it a "Felony or Trespass" to "ride armed covertly or secretly with Men of Arms against any other, to slay him, or rob him, or take him, or retain him till he hath made Fine or Ransom for to have his Deliverance") (brackets and footnote omitted). Whatever right to bear arms we inherited from our English forebears, it was qualified by a robust tradition of public carriage regulations.

As I have made clear, I am not a historian. But if the foregoing facts, which historians and other scholars have

presented to us, are even roughly correct, it is difficult to see how the Court can believe that English history fails to support legal restrictions on the public carriage of firearms.

B. The Colonies.

The American Colonies continued the English tradition of regulating public carriage on this side of the Atlantic. In 1686, the colony of East New Jersey passed a law providing that "no person or persons . . . shall presume privately to wear any pocket pistol, skeines, stilladers, daggers or dirks, or other unusual or unlawful weapons within this Province." An Act Against Wearing Swords, &c., ch. 9, in Grants, Concessions, and Original Constitutions of the Province of New Jersey 290 (2d ed. 1881). East New Jersey also specifically prohibited "planter[s]" from "rid[ing] or go[ing] armed with sword, pistol, or dagger." *Ibid.* Massachusetts Bay and New Hampshire followed suit in 1692 and 1771, respectively, enacting laws that, like the Statute of Northampton, provided that those who went "armed Offensively" could be punished. An Act for the Punishing of Criminal Offenders, 1692 Mass. Acts and Laws no. 6, pp. 11–12; An Act for the Punishing of Criminal Offenders, 1771 N. H. Acts and Laws ch. 6, §5, p. 17.

It is true, as the Court points out, that these laws were only enacted in three colonies. *Ante,* at 37. But that does not mean that they may be dismissed as outliers. They were successors to several centuries of comparable laws in England, see *supra,* at 34–40, and predecessors to numerous similar (in some cases, materially identical) laws enacted by the States after the founding, see *infra,* at 41–42. And while it may be true that these laws applied only to "dangerous and unusual weapons," see *ante,* at 38 (majority opinion), that category almost certainly included guns, see Charles, 60 Clev. St. L. Rev., at 34, n. 181 (listing 18th century sources defining "'offensive weapons'" to include "'Fire Arms'" and "'Guns'"); *State* v. *Huntly*, 25 N. C. 418, 422

(1843) (*per curiam*) ("A gun is an 'unusual weapon,' wherewith to be armed and clad"). Finally, the Court points out that New Jersey's ban on public carriage applied only to certain people or to the concealed carriage of certain smaller firearms. *Ante,* at 39–40. But the Court's refusal to credit the relevance of East New Jersey's law on this basis raises a serious question about what, short of a "twin" or a "dead ringer," qualifies as a relevant historical analogue. See *ante,* at 21 (majority opinion) (emphasis deleted).

C. The Founding Era.

The tradition of regulations restricting public carriage of firearms, inherited from England and adopted by the Colonies, continued into the founding era. Virginia, for example, enacted a law in 1786 that, like the Statute of Northampton, prohibited any person from "go[ing] nor rid[ing] armed by night nor by day, in fairs or markets, or in other places, in terror of the Country." 1786 Va. Acts, ch. 21. And, as the Court acknowledges, "public-carry restrictions proliferate[d]" after the Second Amendment's ratification five years later in 1791. *Ante,* at 42. Just a year after that, North Carolina enacted a law whose language was lifted from the Statute of Northampton virtually verbatim (vestigial references to the King included). Collection of Statutes, pp. 60–61, ch. 3 (F. Martin ed. 1792). Other States passed similar laws in the late-18th and 19th centuries. See, *e.g.,* 1795 Mass. Acts and Laws ch. 2, p. 436; 1801 Tenn. Acts pp. 260–261; 1821 Me. Laws p. 285; see also Charles, 60 Clev. St. L. Rev., at 40, n. 213 (collecting sources).

The Court discounts these laws primarily because they were modeled on the Statute of Northampton, which it believes prohibited only public carriage with the intent to terrify. *Ante,* at 41. I have previously explained why I believe

that preventing public terror was one *reason* that the Statute of Northampton prohibited public carriage, but not an *element* of the crime. See *supra,* at 37–39. And, consistent with that understanding, American regulations modeled on the Statute of Northampton appear to have been understood to set forth a broad prohibition on public carriage of firearms without any intent-to-terrify requirement. See Charles, 60 Clev. St. L. Rev., at 35, 37–41; J. Haywood, A Manual of the Laws of North-Carolina, pt. 2, p. 40 (3d ed.1814); J. Ewing, The Office and Duty of a Justice of the Peace 546 (1805).

The Court cites three cases considering common-law offenses, *ante,* at 42–44, but those cases do not support the view that only public carriage in a manner likely to terrify violated American successors to the Statute of Northampton. If anything, they suggest that public carriage of firearms was not common practice. At least one of the cases the Court cites, *State* v. *Huntly*, wrote that the Statute of Northampton codified a pre-existing common-law offense, which provided that "riding or going armed with dangerous or unusual weapons, is a crime against the public peace, *by* terrifying the good people of the land." 25 N. C., at 420–421 (quoting 4 Blackstone, Commentaries, at 149; emphasis added). *Huntly* added that "[a] gun is an 'unusual weapon'" and that "[n]o man amongst us carries it about with him, as one of his every-day accoutrements—as a part of his dress—and never, we trust, will the day come when any deadly weapon will be worn or wielded in our peace-loving and law-abiding State, as an appendage of manly equipment." 25 N. C., at 422. True, *Huntly* recognized that citizens were nonetheless "at perfect liberty" to carry for "lawful purpose[s]"—but it specified that those purposes were "business or amusement." *Id.,* at 422–423. New York's law similarly recognizes that hunting, target shooting, and certain professional activities are proper causes justifying lawful carriage of a firearm. See *supra,* at 12–13. The other two

cases the Court cites for this point similarly offer it only limited support—either because the atextual intent element the Court advocates was irrelevant to the decision's result, see *O'Neill* v. *State*, 16 Ala. 65 (1849), or because the decision adopted an outlier position not reflected in the other cases cited by the Court, see *Simpson* v. *State*, 13 Tenn. 356, 360 (1833); see also *ante,* at 42–43, 57 (majority opinion) (refusing to give "a pair of state-court decisions" "disproportionate weight"). The founding-era regulations—like the colonial and English laws on which they were modeled—thus demonstrate a longstanding tradition of broad restrictions on public carriage of firearms.

D. The 19th Century.

Beginning in the 19th century, States began to innovate on the Statute of Northampton in at least two ways. First, many States and Territories passed bans on concealed carriage or on any carriage, concealed or otherwise, of certain concealable weapons. For example, Georgia made it unlawful to carry, "unless in an open manner and fully exposed to view, any pistol, (except horseman's pistols,) dirk, sword in a cane, spear, bowie-knife, or any other kind of knives, manufactured and sold for the purpose of offence and defence." Ga. Code §4413 (1861). Other States and Territories enacted similar prohibitions. See, *e.g.,* Ala. Code §3274 (1852) (banning, with limited exceptions, concealed carriage of "a pistol, or any other description of fire arms"); see also *ante,* at 44, n. 16 (majority opinion) (collecting sources). And the Territory of New Mexico appears to have banned all carriage whatsoever of "any class of pistols whatever," as well as "bowie kni[ves,] . . . Arkansas toothpick[s], Spanish dagger[s], slung-shot[s], or any other deadly weapon." 1860 Terr. of N. M. Laws §§1–2, p. 94. These 19th-century bans on concealed carriage were stricter than New York's law, for they prohibited concealed carriage with at most limited exceptions, while New York permits concealed carriage

with a lawfully obtained license. See *supra,* at 12. Moreover, as *Heller* recognized, and the Court acknowledges, "the majority of the 19th-century courts to consider the question held that [these types of] prohibitions on carrying concealed weapons *were lawful* under the Second Amendment or state analogues." 554 U. S., at 626 (emphasis added); see also *ante,* at 44.

The Court discounts this history because, it says, courts in four Southern States suggested or held that a ban on concealed carriage was only lawful if open carriage or carriage of military pistols was allowed. *Ante,* at 44–46. (The Court also cites *Bliss* v. *Commonwealth*, 12 Ky. 90 (1822), which invalidated Kentucky's concealed-carry prohibition as contrary to that State's Second Amendment analogue. *Id.,* at 90–93. *Bliss* was later overturned by constitutional amendment and was, as the Court appears to concede, an outlier. See *Peruta* v. *County of San Diego*, 824 F. 3d 919, 935–936 (CA9 2016); *ante,* at 45.) Several of these decisions, however, emphasized States' leeway to regulate firearms carriage as necessary "to protect the orderly and well disposed citizens from the treacherous use of weapons not even designed for any purpose of public defence." *State* v. *Smith*, 11 La. 633 (1856); see also *Andrews* v. *State*, 50 Tenn. 165, 179–180 (1871) (stating that "the right to *keep*" rifles, shotguns, muskets, and repeaters could not be "*infringed* or *forbidden*," but "[t]heir *use* [may] be subordinated to such regulations and limitations as are or may be authorized by the law of the land, passed to subserve the general good, so as not to infringe the right secured and the necessary incidents to the exercise of such right"); *State* v. *Reid*, 1 Ala. 612, 616 (1840) (recognizing that the constitutional right to bear arms "necessarily . . . leave[s] with the Legislature the authority to adopt such regulations of police, as may be dictated by the safety of the people and the advancement of public morals"). And other courts upheld concealed-carry restrictions without any reference to an exception allowing

open carriage, so it is far from clear that the cases the Court cites represent a consensus view. See *State* v. *Mitchell*, 3 Blackf. 229 (Ind. 1833); *State* v. *Buzzard*, 4 Ark. 18 (1842). And, of course, the Court does not say whether the result in this case would be different if New York allowed open carriage by law-abiding citizens as a matter of course.

The second 19th-century innovation, adopted in a number of States, was surety laws. Massachusetts' surety law, which served as a model for laws adopted by many other States, provided that any person who went "armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon," and who lacked "reasonable cause to fear an assualt [*sic*]," could be made to pay a surety upon the "complaint of any person having reasonable cause to fear an injury, or breach of the peace." Mass. Rev. Stat., ch. 134, §16 (1836). Other States and Territories enacted identical or substantially similar laws. See, *e.g.,* Me. Rev. Stat., ch. 169, §16 (1840); Mich. Rev. Stat., ch. 162, §16 (1846); Terr. of Minn. Rev. Stat., ch. 112, §18 (1851); 1854 Ore. Stat., ch. 16, §17; W. Va. Code, ch. 153, §8 (1868); 1862 Pa. Laws p. 250, §6. These laws resemble New York's licensing regime in many, though admittedly not all, relevant respects. Most notably, like New York's proper cause requirement, the surety laws conditioned public carriage in at least some circumstances on a special showing of need. Compare *supra,* at 13, with Mass. Rev. Stat., ch. 134, §16.

The Court believes that the absence of recorded cases involving surety laws means that they were rarely enforced. *Ante,* at 49–50. Of course, this may just as well show that these laws were normally followed. In any case, scholars cited by the Court tell us that "traditional case law research is not especially probative of the application of these restrictions" because "in many cases those records did not survive the passage of time" or "are not well indexed or digitally searchable." E. Ruben & S. Cornell, Firearms

Regionalism and Public Carry: Placing Southern Antebellum Case Law in Context, 125 Yale L. J. Forum 121, 130–131, n. 53 (2015). On the contrary, "the fact that restrictions on public carry were well accepted in places like Massachusetts and were included in the relevant manuals for justices of the peace" suggests "that violations were enforced at the justice of peace level, but did not result in expensive appeals that would have produced searchable case law." *Id.*, at 131, n. 53 (citation omitted). The surety laws and broader bans on concealed carriage enacted in the 19th century demonstrate that even relatively stringent restrictions on public carriage have long been understood to be consistent with the Second Amendment and its state equivalents.

E. Postbellum Regulation.

After the Civil War, public carriage of firearms remained subject to extensive regulation. See, *e.g.,* Cong. Globe, 39th Cong., 1st Sess., 908 (1866) ("The constitutional rights of all loyal and well-disposed inhabitants to bear arms will not be infringed; nevertheless this shall not be construed to sanction the unlawful practice of carrying concealed weapons"). Of course, during this period, Congress provided (and commentators recognized) that firearm regulations could not be designed or enforced in a discriminatory manner. See *ibid.*; Act of July 16, 1866, §14, 14 Stat. 176–177 (ensuring that all citizens were entitled to the "full and equal benefit of all laws . . . including the constitutional right to keep and bear arms . . . without respect to race or color, or previous condition of slavery"); see also The Loyal Georgian, Feb. 3, 1866, p. 3, col. 4. But that by-now uncontroversial proposition says little about the validity of nondiscriminatory restrictions on public carriage, like New York's.

What is more relevant for our purposes is the fact that, in the postbellum period, States continued to enact generally applicable restrictions on public carriage, many of

which were even more restrictive than their predecessors. See S. Cornell & J. Florence, The Right to Bear Arms in the Era of the Fourteenth Amendment: Gun Rights or Gun Regulation? 50 Santa Clara L. Rev. 1043, 1066 (2010). Most notably, many States and Western Territories enacted stringent regulations that prohibited *any* public carriage of firearms, with only limited exceptions. For example, Texas made it a misdemeanor to carry in public "any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purpose of offense or defense" absent "reasonable grounds for fearing an [immediate and pressing] unlawful attack." 1871 Tex. Gen. Laws ch. 34, §1. Similarly, New Mexico made it "unlawful for any person to carry deadly weapons, either concealed or otherwise, on or about their persons within any of the settlements of this Territory." 1869 Terr. of N. M. Laws ch. 32, §1. New Mexico's prohibition contained only narrow exceptions for carriage on a person's own property, for self-defense in the face of immediate danger, or with official authorization. *Ibid.* Other States and Territories adopted similar laws. See, *e.g.,* 1875 Wyo. Terr. Sess. Laws ch. 52, §1; 1889 Idaho Terr. Gen. Laws §1, p. 23; 1881 Kan. Sess. Laws §23, p. 92; 1889 Ariz. Terr. Sess. Laws no. 13, §1, p. 16.

When they were challenged, these laws were generally upheld. P. Charles, The Faces of the Second Amendment Outside the Home, Take Two: How We Got Here and Why It Matters, 64 Clev. St. L. Rev. 373, 414 (2016); see also *ante,* at 56–57 (majority opinion) (recognizing that postbellum Texas law and court decisions support the validity of New York's licensing regime); *Andrews*, 50 Tenn., at 182 (recognizing that "a man may well be prohibited from carrying his arms to church, or other public assemblage," and that the carriage of arms other than rifles, shot guns, muskets, and repeaters "may be prohibited if the Legislature

deems proper, absolutely, at all times, and under all circumstances").

The Court's principal answer to these broad prohibitions on public carriage is to discount gun control laws passed in the American West. *Ante,* at 58–61. It notes that laws enacted in the Western Territories were "rarely subject to judicial scrutiny." *Ante,* at 60. But, of course, that may well mean that "[w]e . . . can assume it settled that these" regulations were "consistent with the Second Amendment." See *ante,* at 21 (majority opinion). The Court also reasons that laws enacted in the Western Territories applied to a relatively small portion of the population and were comparatively short lived. See *ante,* 59–61. But even assuming that is true, it does not mean that these laws were historical aberrations. To the contrary, bans on public carriage in the American West and elsewhere constitute just one chapter of the centuries-old tradition of comparable firearms regulations described above.

F. The 20th Century.

The Court disregards "20th-century historical evidence." *Ante,* at 58, n. 28. But it is worth noting that the law the Court strikes down today is well over 100 years old, having been enacted in 1911 and amended to substantially its present form in 1913. See *supra,* at 12. That alone gives it a longer historical pedigree than at least three of the four types of firearms regulations that *Heller* identified as "presumptively lawful." 554 U. S., at 626–627, and n. 26; see C. Larson, Four Exceptions in Search of a Theory: *District of Columbia* v. *Heller* and Judicial *Ipse Dixit*, 60 Hastings L. J. 1371, 1374–1379 (2009) (concluding that "'prohibitions on the possession of firearms by felons and the mentally ill [and] laws imposing conditions and qualifications on the commercial sale of arms'" have their origins in the 20th century); *Kanter* v. *Barr*, 919 F. 3d 437, 451 (CA7 2019) (Barrett, J., dissenting) ("Founding-era legislatures

did not strip felons of the right to bear arms simply because of their status as felons"). Like JUSTICE KAVANAUGH, I understand the Court's opinion today to cast no doubt on that aspect of *Heller*'s holding. *Ante,* at 3 (concurring opinion). But unlike JUSTICE KAVANAUGH, I find the disconnect between *Heller*'s treatment of laws prohibiting, for example, firearms possession by felons or the mentally ill, and the Court's treatment of New York's licensing regime, hard to square. The inconsistency suggests that the Court today takes either an unnecessarily cramped view of the relevant historical record or a needlessly rigid approach to analogical reasoning.

* * *

The historical examples of regulations similar to New York's licensing regime are legion. Closely analogous English laws were enacted beginning in the 13th century, and similar American regulations were passed during the colonial period, the founding era, the 19th century, and the 20th century. Not all of these laws were identical to New York's, but that is inevitable in an analysis that demands examination of seven centuries of history. At a minimum, the laws I have recounted *resembled* New York's law, similarly restricting the right to publicly carry weapons and serving roughly similar purposes. That is all that the Court's test, which allows and even encourages "analogical reasoning," purports to require. See *ante,* at 21 (disclaiming the necessity of a "historical *twin*").

In each instance, the Court finds a reason to discount the historical evidence's persuasive force. Some of the laws New York has identified are too old. But others are too recent. Still others did not last long enough. Some applied to too few people. Some were enacted for the wrong reasons. Some may have been based on a constitutional rationale that is now impossible to identify. Some arose in historically unique circumstances. And some are not sufficiently

analogous to the licensing regime at issue here. But if the examples discussed above, taken together, do not show a tradition and history of regulation that supports the validity of New York's law, what could? Sadly, I do not know the answer to that question. What is worse, the Court appears to have no answer either.

V

We are bound by *Heller* insofar as *Heller* interpreted the Second Amendment to protect an individual right to possess a firearm for self-defense. But *Heller* recognized that that right was not without limits and could appropriately be subject to government regulation. 554 U. S., at 626–627. *Heller* therefore does not require holding that New York's law violates the Second Amendment. In so holding, the Court goes beyond *Heller*.

It bases its decision to strike down New York's law almost exclusively on its application of what it calls historical "analogical reasoning." *Ante,* at 19–20. As I have admitted above, I am not a historian, and neither is the Court. But the history, as it appears to me, seems to establish a robust tradition of regulations restricting the public carriage of concealed firearms. To the extent that any uncertainty remains between the Court's view of the history and mine, that uncertainty counsels against relying on history alone. In my view, it is appropriate in such circumstances to look beyond the history and engage in what the Court calls means-end scrutiny. Courts must be permitted to consider the State's interest in preventing gun violence, the effectiveness of the contested law in achieving that interest, the degree to which the law burdens the Second Amendment right, and, if appropriate, any less restrictive alternatives.

The Second Circuit has previously done just that, and it held that New York's law does not violate the Second Amendment. See *Kachalsky*, 701 F. 3d, at 101. It first evaluated the degree to which the law burdens the Second

Amendment right to bear arms. *Id.,* at 93–94. It concluded that the law "places substantial limits on the ability of law-abiding citizens to possess firearms for self-defense in public," but does not burden the right to possess a firearm in the home, where *Heller* said "'the need for defense of self, family, and property is most acute.'" *Kachalsky*, 701 F. 3d, at 93–94 (quoting *Heller,* 554 U. S., at 628). The Second Circuit therefore determined that the law should be subject to heightened scrutiny, but not to strict scrutiny and its attendant presumption of unconstitutionality. 701 F. 3d, at 93–94. In applying such heightened scrutiny, the Second Circuit recognized that "New York has substantial, indeed compelling, governmental interests in public safety and crime prevention." *Id.,* at 97. I agree. As I have demonstrated above, see *supra,* at 3–9, firearms in public present a number of dangers, ranging from mass shootings to road rage killings, and are responsible for many deaths and injuries in the United States. The Second Circuit then evaluated New York's law and concluded that it is "substantially related" to New York's compelling interests. *Kachalsky*, 701 F. 3d, at 98–99. To support that conclusion, the Second Circuit pointed to "studies and data demonstrating that widespread access to handguns in public increases the likelihood that felonies will result in death and fundamentally alters the safety and character of public spaces." *Id.,* at 99. We have before us additional studies confirming that conclusion. See, *e.g., supra,* at 19–20 (summarizing studies finding that "may issue" licensing regimes are associated with lower rates of violent crime than "shall issue" regimes). And we have been made aware of no less restrictive, but equally effective, alternative. After considering all of these factors, the Second Circuit held that New York's law does not unconstitutionally burden the right to bear arms under the Second Amendment. I would affirm that holding.

New York's Legislature considered the empirical evidence about gun violence and adopted a reasonable licensing law to regulate the concealed carriage of handguns in order to keep the people of New York safe. The Court today strikes down that law based only on the pleadings. It gives the State no opportunity to present evidence justifying its reasons for adopting the law or showing how the law actually operates in practice, and it does not so much as acknowledge these important considerations. Because I cannot agree with the Court's decision to strike New York's law down without allowing for discovery or the development of any evidentiary record, without considering the State's compelling interest in preventing gun violence and protecting the safety of its citizens, and without considering the potentially deadly consequences of its decision, I respectfully dissent.

November 29, 2022

Good day Honorable Chair Waters and City Council Members:

Name: Mrs. Jamie Detwiler, President Elect 2023
Organization: Hawaii Federal of Republican Women

I strongly OPPOSE Bill 57, RELATING TO THE PUBLIC CARRY OF FIREARMS

The U.S. Constitution Second Amendment: the right of the people to keep and bear Arms, shall not be infringed. Furthermore, the Second and Fourteenth Amendments protect an individual's right to carry a handgun for self-defense outside the home.

There are countless stories verified by law enforcement records where criminals intending to kill innocent citizens in shopping malls, restaurants, and other heavily populated areas were stopped by a trained law-abiding conceal-carrying citizen. Additionally, if schools and places of business were to require their existing security personnel to complete a certified conceal carry course, that would provide an added layer of security in those establishments and save many innocent lives.

In the 2022 Bruen decision, Supreme Court Justice Clarence Thomas said that there were a handful of places where guns could be constitutionally banned. He called these “sensitive areas” and they include places like courthouses, jails, and similar establishments. This makes sense as these are places where some are more inclined to be violent. These specific places are secured so that virtually no one can bring a gun in because metal detectors are used, not signs on the door. Currently, the term “sensitive area” is being used to justify additional restrictions

Once again, I strongly OPPOSE Bill 57. I recommend that the City Council reconvene to re-write Bill 57 to reflect our Constitutional right to keep and bear arms. It should also include the recent remarks by U.S. Supreme Court Justice Thomas regarding sensitive areas that he specifically noted.

Thank you, Chair Waters and the City Council for the opportunity to testify.

Respectfully,

Jamie Detwiler, President Elect 2023
Hawaii Federal of Republican Women

Concealed/Open Carry and Sensitive Places Bill Testimony

I was born and raised in Hawaii. For 36 years of my life, I have enjoyed the islands absent of the scope of gun violence we see across this country. I fear that with the new Supreme Court ruling, that that time is coming to an end. I fully oppose concealed/open carry in this place I call home. I am for the Sensitive Places bill but with concerns, which I will address later in this letter.

Some people may say, "Just let it go. It's happening everywhere else."

Well, Hawaii is not "everywhere else". We have one of the lowest gun violence rates in the country, and this is not by accident. It is the result of our strict gun laws and our culture which does not embrace guns. Sure, they exist here, but this new ruling opens Pandora's Box. What I mean is this – I have not seen any evidence that looser gun laws result in positive outcomes. Have you? Nothing good comes out of "more guns". You may call me an alarmist, but I'd say I'm a realist. Just seeing the rate of gun violence when gun laws are not restrictive convinces me that we are headed down a dangerous path.[1]

My father is a gun owner and Vietnam vet. One day my sister and I were watching him clean his rifle when it accidently went off. The bullet hit the tile inches from our feet. My father was trained with this weapon, yet it still discharged. Had the gun been pointed higher, one of us may not be here today.

I have no problems with guns or gun owners. Before this ruling, I could avoid them. I could avoid their homes, or gun shops, or shooting ranges. But now, I may cross paths with them while out shopping or at work. This is of great concern. How will I know it is safe? What if an accident happens? A trained gun owner does not guarantee they will be safe (just like my father). And a legal gun owner does not guarantee a responsible one. We've seen it many times in mass shootings.[2] A lot of them were trained with their weapons and a lot of them were "legal" gun owners.

What if someone tries to play hero and ends up shooting an innocent bystander in the chaos? What if that bystander was you or a family member?

Where are the guns going to be kept if they cannot be brought into a store or a school? In their car? Will it be locked up? What if they forget? Who is going to make sure they do this? We have a high rate of car theft on the island. You see how that becomes a problem?

I guarantee you that this new ruling will change our culture and inundate our islands with guns. How so, you may ask.

A survey conducted in 2016 of prison inmates [3] shows that 43% had obtained firearms from the underground market. Now, where do the guns in the underground market come from? Is it safe to say that a lot of them had been stolen? Now we will have criminals with guns that they otherwise would not have had which will result in more crimes committed with firearms.

Culturally, people who would never think to buy a gun may now feel unsafe and seek one. So now you have an influx of guns out in the streets at any given time. Now more people are carrying in the streets. It will also desensitize us. How will be able to tell the good guys from the bad guys if everyone is carrying? And we know that background checks do fail at times. People succumb to emotions. Now you have someone who was otherwise mentally sound become irate, in a crowded place, with a gun on their

hip and nothing to stop them from using it.

What about arguments or road rage? There have been instances of deadly encounters before the ruling however the risk increases when a gun is involved. Whereas a person may have retreated before, they may now feel bolder and escalate knowing they have a gun on them.

An increase in guns on our islands will also lead to an increase in suicide by guns, and accidental shootings. Look at the accidental shooting of the 12-year-old boy on the Big Island. He was in a controlled area with gun owners, yet his life was tragically taken away too soon.

What about our LEOs (law enforcement officers). We already face a shortage of personnel. I have 2 uncles, one is an HPD officer, the other a Sheriff. I fear for their safety so much more since this ruling.

All this may not be immediate, but it will happen. I hope I'm wrong, God knows I do.

And these gun owners will stop at nothing to push their 2A agenda. They do not care about our culture, our history, our low rates of gun violence. They will try to overturn everything. We are already seeing their push back on the Sensitive Places bill. Unconstitutional! We've seen the attempt at revising HB 2464 so that one need not retreat. Who does this benefit? The gun owners! Next it will be the types of weapons allowed. If we don't fight, the place we know, and love will be unrecognizable.

After the Supreme Court ruling, an article written by Matt Vasilogambros [4] mentioned a Hawaii resident, Andrew Namiki Roberts, who is also Director of the Hawaii Firearms Coalition, rushing to the HPD office to apply for 4 permits to carry. Was that a typo? What does that mean? Why do you need 4 permits to carry? That's not safety, that's overkill.

I question how the minority of the residents – and they are the minority, can supersede the majority. I have rights too! I am a tax paying, born and raised resident! My spouse and I work hard to be able to stay here even though the cost of living is high because we don't want to raise our children around guns! I know there are many like me.

Many say they want guns because of the rise in crime. Some argue that more guns or armed civilians reduce crime. Well, there was an increase in first time purchases in 2020 and 2021.[5] And a survey showed that more people were carrying guns in 2019 compared to 2015.[6] Why then is crime up? This is not about feeling "safe". It is about their rights and freedoms and that is dangerous. Laws will be changed not because of public safety, but because of their beliefs. Where do we draw the line?

Let's take a look at history for a second. The right to bear arms. One could argue that "arms" is a broad term and that it does include the types we have today. Well then, let's allow all arms. Remove restrictions on knives as well. Let us own modern-day cannons such as howitzers and mortars. Crazy thought, right? Restrictions are not new. Restrictions are needed to keep the public safe. They are the result of a negative action or to prevent a negative action. Restrictions are not to control people, but to save people such as during COVID. There will always be opposition to it, but public safety should be the top priority, always.

Why weren't the residents asked their opinion on it? Why not a statewide survey? Even if it wouldn't have changed the outcome, at least we would have been made aware of the new ruling. Those who do not watch the news or have social media, how do they even know what's happening with this?

The court's ruling is erroneous. It puts citizens above the state and strips the state of its right to govern. I ask our state not to go belly up. We need to fight for our land, our people, our culture. Break out the law books and history books. Do whatever you need to because those gun owners will.

I do agree with the Sensitive Places bill. My concern is who will make sure that it is enforced and how? As mentioned above, we already have a shortage of LEOs. And if all licenses are issued, that is close to 600 guns that will be out on the streets. Will there be a number to report violations? How long do we expect this ban to hold? Gun owners will continue to fight it. Slowly they will pick away one by one at each sensitive place until they are able to carry anywhere.

The laws to get guns should be revisited. How far back are the background checks? It should go into adolescence. How is it that LEOs need to go through more stringent tests and yet we are forced to trust civilians gun owners by allowing them to obtain guns more easily? If they really need a gun for safety, as they claim, then they will jump through hoops to get them. Don't make it easier, make it harder.

We as a people need to do our part. Business owners not protected by the bill should not allow guns into their establishments. Residents should boycott the places that do. We can come together to show them that we don't need guns out here. Our Aloha and our Ohana are more important than their guns.

Don't let us be like Australia, who only after their worst mass shooting, decided to fight back and change their laws. I hope that the council will fight to preserve our standing as one of the states with the lowest gun violence, which is something we should be proud of as the nation sees a rise in mass shootings and violent crime. I hope we can become a beacon to the rest of the country.

In conclusion, I believe that open/concealed carry will impact our culture here on the islands and lead to an increase in the number of guns on our streets at any given time. With more guns and less restrictions, the risks of gun violence rise dramatically as well as suicides and accidental shootings. [7] The Sensitive Places bill is a good measure if it can be enforced fully.

Thank you for allowing me the time to express my concerns. I apologize that most of my testimony is directed at the open/concealed carry ruling and had I known there was a hearing on it, I would have submitted it then. Again, thank you all for your time.

Sincerely,

Concerned Waipahu Resident

1. Everytown Research & Policy, *Gun Safety Policies Save Lives*, Everytown for Gun Safety Support, www.everytownresearch.org/rankings

2. National Institute of Justice, *"Public Mass Shootings: Database Amasses Details of a Half Century of U.S. Mass Shootings with Firearms, Generating Psychosocial Histories,"* February 3, 2022, nij.ojp.gov: https://nij.ojp.gov/topics/articles/public-mass-shootings-database-amasses-details-half-century-us-mass-shootings

3. Alper, Mariel and Lauren Glaze, *Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates*, *2016*, Bureau of Justice Statistics, January 9th, 2019, www.bjs.gov/index.cfm?ty=pbdetail&iid=6486

4. Vasilogambros, Matt, *Supreme Court's Gun Rights Decision Upends State Restrictions,* Stateline, The Pew Charitable Trusts, July 8th, 2022, www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/07/08/supreme-courts-gun-rights-decision-upends-state-restrictions

5. National Shooting Sports Foundation (NSSF), *NSSF Retailer Surveys Indicate 5.4 Million First-Time Gun Buyers in 2021*, National Shooting Sports Foundation, January 25th, 2022, www.nssf.org/articles/nssf-retailer-surveys-indicate-5-4-million-first-time-gun-buyers-in-2021

6. Stimson, Brie, *Handgun Owners Carrying Daily in US Doubled in 4 Years; Self-Protection Cited as Main Reason: Study*, Fox News, November 26th, 2022, www.foxnews.com/us/handgun-owners-carrying-daily-us-doubled-4-years-self-protection-cited-main-reason-study

7. Wilson, Nick, Fact Sheet: *Weakening Requirements to Carry a Concealed Firearm Increases Violent Crime*, Center for American Progress (CAP), October 4th, 2022, www.americanprogress.org/article/fact-sheet-weakening-requirements-to-carry-a-concealed-firearm-increases-violent-crime/

BILL057(22)
Fire Arms Reading on
November 29th @10am
November 28, 2022

Dear Council,

I am a 62 yr old Asian women of only 5' tall who originally opposed to all fire arms.
Today, that has changed due to the change in our world and where safety is needed.
I am a Care Giver to my 25 yr old young man with severe Autism.
Severe in his behavior, vocally and times physically.

His behavior creates attention and offense to those ignorant to this spectrum.
Protection for my son requires hands on and close supervision with his approach to strangers out in the community. At times he is stronger and quicker than me to stop him from going up to strangers. He taps their shoulders to say hi as he's non verbal. Most people are nice, understanding, and corresponds appropriately. But not everyone! It's unpredictable at times all it takes is approaching the wrong group of people. The retaliation of misunderstanding his approach could cause him harm.
My sons behavior can rub people the wrong way. I wouldn't want this to happen, but my son does get hurt in the care of facilities who knows him. Imaging those that don't know him..

My husband is often away on business trips and I have to care for our son Micah alone.

I am all for carrying firearm. I have completed the class required, and practice at the shooting range.
My fear of guns has changed once learning how to operate it safely.
I'm a owner of a 9mm MPL for mine and my sons safety.

Thank you for hearing my testimony,

Myra Lodge

Aloha, Chair, Vice Chair, and members of the committee,

My name is Erica Yamauchi, I live in Kaimukī, and I am testifying today in strong support of Bill 57.

I am the statewide co-lead of Moms Demand Action for Gun Sense in America, which currently has local groups on Oʻahu, Kauaʻi and Hawaiʻi Island.

Guns don't belong at schools, parks and other places where people gather and children play, but without this ordinance that's exactly what will happen. We've already seen this take place on the Big Island, where their county council is leaving it up to each individual public park, playground and school to make a decision about whether firearms are allowed or not allowed, which will only lead to confusion and negative interactions among public workers and community members.

As a mother of two young children, I don't want to have to now wonder whether someone is carrying a gun every time I go into a local business or when I take my family to the zoo, the playground or the beach. It's also just common sense that guns don't belong in bars and restaurants where alcohol is being served.

Further, my husband and I are small business owners in Kaimukī, one of Honolulu's neighborhoods to live, work, shop and dine in. Many business owners like us don't want the undue burden of having to create signage and/or have to tell people they can't bring their firearms into our business. We especially appreciate this provision in Bill 57, where businesses must proactively state with signage that firearms are welcome.

More guns equals more gun violence. The idea that concealed guns could now be in these public places makes me feel less safe in our community, and honestly, it makes me sad that these special places in our everyday lives could now be potentially dangerous.

Hawaii is currently one of the safest states in the nation, with one of the lowest rates of gun deaths per capita. This is not due to chance. It's due to sound public policy, and we must do everything we can to protect it.

I appreciate the Mayor proposing this common-sense ordinance and I hope the Council will pass it quickly, as the new Honolulu Police Department rules are already in effect with potentially hundreds of public carry permits being approved very soon.

On behalf of Moms Demand Action and our members, I stand in support this draft ordinance and am grateful to local leaders in Honolulu who understand the importance of keeping firearms out of locations where the risk of harm is particularly high.

We hope the ordinance passes and that the legislature will follow Honolulu’s lead by passing statewide legislation to address this pressing issue.

Thank you for this opportunity to testify.

Erica Yamauchi, State Co-Lead
Moms Demand Action for Gun Sense in America, Hawai'i Chapter
Kaimukī (96816)

DAVID Y. IGE
GOVERNOR

STACEY A. ALDRICH
STATE LIBRARIAN

STATE OF HAWAII
HAWAII STATE PUBLIC LIBRARY SYSTEM
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAII 96813

November 29, 2022

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
Special Council Meeting
Tuesday, November 29, 2022
10:00 am

TO: Council Chair Tommy Waters, Chair & Presiding Officer
Councilmember Ester Kia'aina, Vice Chair
Honolulu City Council Members

RE: Bill 57(2022) - Relating to the Public Carry of Firearms

The Hawaii State Public Library System (HSPLS) **supports** Bill 57 (2022) to define those sensitive locations within the City and County of Honolulu where the carrying of firearms is prohibited. Specifically, the HSPLS supports subsection (b) which would include the buildings of the HSPLS on Oahu as sensitive locations and prohibit guns from being allowed into our buildings.

Along with schools, government buildings, parks, voting locations and public transportation, we are pleased to see the language "*except as otherwise provided by federal or State law, all areas within or on buildings or offices owned or controlled by the United States or the State, excluding any dwelling unit or lodging unit when not used as a child care facility*." This language would ensure that all buildings utilized by the HSPLS will be included in the exclusionary language.

As a statewide public library system, HSPLS operates 51 public libraries statewide, with 25 public libraries and one support facility on Oahu. Our public libraries are community hubs where individuals and families gather to read, use technology and learn. Many families consider the public library a safe place for their children to read and study. Our libraries are for everyone, which means we serve all who come into our physical spaces.

In the past 3-5 years, we have seen an increase in hostility in our libraries and staff have reported an increase in threatening confrontations with people. Often, these threats are from people who have mental health issues and/or are disgruntled and projecting their anger at the government in a public space. There

have also been incidences where individuals are looking for family members during a domestic dispute.

The idea that firearms could be added to an already volatile situation is alarming to our staff and patrons. We have serious concerns that there may be unstable individuals coming into the space with firearms, as well as armed citizens responding to individuals with mental health issues in our spaces, or that individuals in crisis use our spaces inappropriately, increasing the danger to everyone in the library.

We truly appreciate your dedication to helping to create safe spaces for everyone in our community, and especially at our State public libraries.

Thank you for the opportunity to provide written testimony.

November 29, 2022

Good day Honorable Chair Waters and City Council Members:

Name: Mrs. Jamie Detwiler, President Elect 2023
Organization: Hawaii Federation of Republican Women

I strongly OPPOSE Bill 57, RELATING TO THE PUBLIC CARRY OF FIREARMS

The U.S. Constitution Second Amendment: the right of the people to keep and bear Arms, shall not be infringed. Furthermore, the Second and Fourteenth Amendments protect an individual's right to carry a handgun for self-defense outside the home.

There are countless stories verified by law enforcement records where criminals intending to kill innocent citizens in shopping malls, restaurants, and other heavily populated areas were stopped by a trained law-abiding conceal-carrying citizen. Additionally, if schools and places of business were to require their existing security personnel to complete a certified conceal carry course, that would provide an added layer of security in those establishments and save many innocent lives.

In the 2022 Bruen decision, Supreme Court Justice Clarence Thomas said that there were a handful of places where guns could be constitutionally banned. He called these “sensitive areas” and they include places like courthouses, jails, and similar establishments. This makes sense as these are places where some are more inclined to be violent. These specific places are secured so that virtually no one can bring a gun in because metal detectors are used, not signs on the door. Currently, the term “sensitive area” is being used to justify additional restrictions

Once again, I strongly OPPOSE Bill 57. I recommend that the City Council reconvene to re-write Bill 57 to reflect our Constitutional right to keep and bear arms. It should also include the recent remarks by U.S. Supreme Court Justice Thomas regarding sensitive areas that he specifically noted.

Thank you, Chair Waters and the City Council for the opportunity to testify.

Respectfully,

Jamie Detwiler, President Elect 2023
Hawaii Federation of Republican Women

Honolulu City Council

HEARING: November 29, 2022 10am
RE: Bill 57 Public Carry of Firearms

I OPPOSE Bill 57. I need to protect myself and those around me from violence from crime and I would do so by carrying a permitted firearm. No one is responsible for my safety except for myself. The Mayor cannot guarantee my safety. The City Council cannot guarantee my safety. The Police Chief cannot guarantee my safety as police mostly respond to investigate after the crime has happened.

Bill 57 appears to be "common sense" on the surface and many people would agree. However, it makes no sense. Some places currently ban the carry of guns and are considered safe: courts, airport terminals, prisons, Federal buildings, police stations. These places have screening with X-ray machines and metal detectors to prevent criminals from bringing weapons in. They also have a lot of armed security patrolling everywhere. In effect, they take responsibility for your safety.

The places listed in Bill 57 have none of these protections listed above. There is no security at satellite city halls. No security on the bus. The same is true for almost all schools, parks, zoos, most private establishments open to the public. Bill 57 will not stop crime because criminals will still take guns into these places to harm others, yet it prevents people from defending themselves from crime in those places. People catching the bus or walking to these places would in effect be banned from carrying a firearm for protection all day. People catching the bus in high crime neighborhoods at night would have to walk to the bus stop and stand at the bus stop alone and vulnerable to attacks.

Please don't associate me with criminals which Bill 57 does. I am a trained firearms carrier who has taken many firearms training courses and practice regularly. I passed a background check and mental health checks to possess my firearm and to carry it in public. I am a responsible citizen that only wants to be able to protect myself and those around me from harm.

Please oppose Bill 57.

Mahalo,

Todd Yukutake
Resident of District 7
(808) 255-3066
toddyukutake@gmail.com

29 Nov 2022

Dear Chair, Vice Chair, and Members of the committee,

My name is Karin Lynn. I live in District V (Mō'ili'ili), and I am testifying today in **strong support of Bill 57**.

Part of why I have loved living in Hawai'i are our strong traditions in protection of our residents and ʻohana from gun violence, which as we all know have led to our having one of the lowest violent crimes rate in the country. The USSC's extremely unfortunate ruling in June took away our inherent right to regulate guns in our state, and I am among the many who support enactment of whatever regulations we can to restrict the carrying of guns in public and other sensitive places – not the *right* to carry (the Courts have decided the basics), but the *rules, responsibilities and conditions* under which one may carry a concealed weapon.

My fervent beliefs are these:

- *Guns don't belong* at schools, parks, government buildings, voting places, grocery stores or anywhere else people and children go about their day-to-day business - but without this ordinance that's exactly what will happen.
- I don't want to wonder whether someone is carrying a gun every time I go into a local business or go to the aquarium or the zoo. The feeling of *constantly looking over your shoulder and trying to judge intent of the person beside* you not only makes me feel less safe but makes me not want to even go out and about. How is that Aloha?
- It's simply common sense that guns just don't belong in bars and restaurants where alcohol is being served.

Please don't let the extremely vocal minority sway you from common-sense, easily understood and strongly enforced restrictions about how permits are issued and where guns may be carried (openly or concealed).

Thanks to Mayor Blangiardi for proposing this ordinance; I **strongly urge the Council to pass it.**

Mahalo for the opportunity to testify.
Karin Lynn / 96826

Comments submitted concerning City Council Bill 057

Council Members,

Please accept this letter in opposition to Bill 057 in the spirit in which it is offered: to underscore the inherent flaw in a bill that contradicts what the US Supreme Court just ruled as lawful. Carried to its logical conclusion, this bill would effectively render null and void the US Supreme Court decision, by "carving out" particular locales, buildings, or other common elements, creating a patchwork of authorized and prohibited venues. Consider, if you will, an approved, legally compliant, authorized concealed weapon carrier going from an "authorized" zone to a prohibited zone. What does the individual do? Stow the weapon in his vehicle? Not only illegal, it also places others at risk. Pass the weapon to a friend, to "hold" for him while he is in a prohibited zone? Unlawful; the friend – even if approved to carry a weapon, cannot carry (or hold) someone else's weapon, even on a temporary basis. The law specifies a particular weapon, caliber, etc., aligned against a particular individual – hence, the contradiction. With a patchwork of authorized and prohibited areas, Bill 057 would effectively eliminate anyone from carrying a weapon – which, I believe – is the intent of the bill.

In context, I am a former federal law enforcement agent, who worked with HI State Department of Public Safety and the various county police departments over a lengthy career. It was an honor to work with these professionals, and I entrusted my life to them (and vice versa) on matters of mutual concern. Upon retirement, many of these individuals could – based on years of professional training – serve as adjunct "backups" to incumbent law enforcement officers, if they were allowed to carry in the same circumstances as if they were still on duty. They are no less trustworthy now, than then, and should be the first to be considered for authorized carry – provided these restrictions are removed.

Very respectfully, the Council as a whole should consider that those who apply for authorization to carry have demonstrated their proficiency in handling firearms, are NOT convicted felons, addicts, mentally deficient, or have restraining orders against them for domestic violence. If denied or restricted as to when and where to carry, then only those determined criminals will have the opportunity to prey upon the defenseless.

Would any council member be content knowing his or her decision to restrict lawful carriers from going anywhere incumbent officers/agents go now, to effectively allow only criminals to do so?

Bill 057 would penalize authorized, vetted, trained, and experienced carriers from exercising constitutional rights to the benefit of criminals, who are only too happy to pursue their chosen profession.

I am opposed to the bill, and strongly – and respectfully - encourage the Council to reject it. If the council is looking for a "trial" period, then start with former law enforcements officers, whose professionalism assures safe "carry" no matter what the venue. Once the Council and public are assured there is no Wild West attitude, then comply with the US Supreme Court ruling, and permit authorized carry without restriction.

Thank you for the opportunity to comment.

LVAD PATIENT TEST, HEARTMATE

1. True or False: It is important to eat about the same amount of Vitamin K each day to maintain a steady INR and reduce your risk of clotting or bleeding.

   A. True

   B. False

2. What should you do if you experience stroke symptoms?

   A. Send a MyChart message to the LVAD coordinator.

   B. Call a friend drive you to the hospital.

   C. Call 911 and then page the LVAD coordinator.

   D. Call the LVAD coordinator.

3. Which is a symptom of stroke?

   A. Weakness on one side of the body

   B. Inability to speak or inability to understand speech

   C. Drooping of one side of the face

   D. Vision problems

   E. All of the above

4. Do not take these medications if you have a cold or flu:

   A. Decongestants and NSAIDs (like Aleve or Motrin)

   B. Acetaminophen (Tylenol) and Antihistamines (like Benadryl)

   C. Cough drops and expectorants (like Robitussin)

   D. Throat spray and cough suppressant

5. Dressing changes are performed
   A. Whenever there is a small amount of drainage on the dressing
   B. Usually every three days with sterile technique
   C. Usually every week with sterile technique
   D. By the LVAD coordinator only

6. True or False: I should secure my equipment at night when I am sleeping to prevent

tugging or pulling at the driveline site which can lead to a driveline infection.

A. True
B. False

7. What are the items that must be in your “go-bag”?

A. My pill-box and back-up controller

B. My daily log sheet and pill-box

C. My back-up controller, back-up batteries, and back-up clips

D. My extra batteries and extra dressing kit

8. Which of these instructions is wrong?

A. When passing through inspection at airports and other secure facilities, choose a physical search or pat-down instead of scanning or wanding.
B. You may plug your LVAD equipment into a power strip, surge protector strip or use extension cords.
C. You should obtain an emergency alert bracelet.
D. Walking is the best exercise. Try to increase your walking time and distance each day, taking rest breaks as you need them.
E. Have an electricity access plan for LVAD operation during prolonged power outage.

9. Which of these would you call the LVAD coordinator to notify? (select all that apply)

A. Temperature greater than 100.4F

B. Driveline tug/driveline drainage

C. Missed my medication or ran out of a medicine

D. You have contacted your dressing provider but still do not have dressing supplies

E. LVAD malfunction alarms

F. Nausea, vomiting, and diarrhea

G. Planning to travel out of the area

10. Eating too much salt (more than 2 grams a day) can cause my body to:

A. Raise my blood sugar levels

B. Put me at greater risk for a driveline infection

C. Hold onto water and cause swelling/weight gain

D. Cause me to have a fever

11. If you have a low flow alarm and you feel well, what should you do?

A. Drink a glass of water. If the alarm resolves I do not need to do anything. If it continues or if I have symptoms, call the LVAD coordinator emergency line.

B. Call the LVAD coordinator emergency line first.

C. Call the LVAD coordinator non-emergency line first.

D. Hold my next dose of blood pressure medications.

12. If you have an alarm, but it resolves before you are able to see it on the screen, how can you access past alarms on your system controller?

A. Hold the silence alarm button down for 5 seconds.

B. You cannot see alarms on the controller, so you need to call the LVAD coordinator.

C. Hold the silence alarm and display button down at the same time, then use the display button to scroll through your last 6 alarms.

D. Hold the display button down for 5 seconds.