

Things potentially impacted by Bruen

The following is a listing of things that *may* provide guidance on what the Bruen decision *could* ultimately impact over the long term. At this point; and given the strength of the Benitez rulings from the District Court of Southern California (that AWBs and High-Capacity Magazine bans are patently unconstitutional), it seems clear that the 2nd Circuit has already set itself up to have to strike both down as unconstitutional under the Bruen lens.

Under a recent ruling by the New York Supreme Court, ERPO/Red Flag laws that allow for Ex Parte separation of property are unconstitutional, and as Domestic Violence Ex Parte operates the same way – they are both unconstitutional under Bruen.

- **Arms in Churches**
There was no general prohibition that outlawed the bearing of arms in churches when the Constitution and Bill of Rights were ratified
- **Arms in taverns and inns**
There was no widespread and broadly applied state laws restricting the right to keep and bear arms in taverns and inns at the Founding
- **Storing inoperable/unloaded firearms**
There were no widespread or broadly enforced laws in the 1790s requiring that firearms be stored in an inoperable condition, separate from ammunition
- **Arms and Transportation**
There were no general prohibitions restricting the right to bear arms on ferries, barges, and stages – the forms of mass transportation at the time. State laws restricting law-abiding citizens from carrying in a parking lot, on a subway, bus, ferry or train today are likely to be constitutional infringements
- **Arms at Sporting Events**
There were no general prohibitions against carrying arms at a horserace or at a public amphitheater – the stadiums of their day. Today, state laws restricting law-abiding citizens from carrying their personal firearms at sporting events that receive public funds are likely unconstitutional
- **Arms in Hospitals**
There were no laws outlawing the bearing of arms in hospitals. Denying a doctor, nurse, technician, staff member or visitor their right to self-defense likely violates civil rights
- **Armed Citizen Firearms vs Military & Law Enforcement Firearms**
Citizens in 1790 did not face broad legal prohibitions from bearing personal firearms that met or exceeded the performance of arms born by the military or law enforcement of the day. Either

the military and law enforcement are restricted to what we allow civilians to carry, or we should allow citizens to carry weapons equal to those used by the military and police.

- **Co-Equal Right**

The right to keep and bear arms CANNOT be removed without Due Process of law. This impacts both ERPO/Red Flag laws, as well as Domestic Violence laws that allow for firearms to be confiscated ex Parte

- **Background Checks**

Once a background check has been performed that allows a law-abiding citizen to obtain a firearm, then repeated background checks to buy ammunition, secure a carry permit, or buy another firearm are likely to be found as abuses and impediments of the right to bear arms

- **Prohibitions on Youth**

In the 1790s, there were no widespread prohibitions on our youth to buy firearms

- **Prohibitions on Concealed Carry**

It is likely that, if a state outlaws concealed carry, they must allow open carry, and vice-versa.

- **Restitution**

What can now be done to rectify the fact that victims were unjustly prosecuted under unconstitutional laws already on the books? Most of these victims were people of color. How do we make them whole again after the state took their fortunes and years of their lives in prison?

- **2nd Amendment an Equal Right?**

If the 2nd Amendment is an Equal Right, why is it necessary to seek and receive dozens of permits to exercise that right as state lines are crossed?