

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

September, 2023

NYS taking over background checks for all gun and ammo purchases and charging for them

We all know you have to undergo a federal background check if you want to buy a gun in New York but soon you'll have to go through a background check every time you want to buy ammunition as well. Starting (Sept 13), you'll have to pay for those background checks too.

Right now, there is no charge to the customer for a background check but when the troopers take over, it will cost \$9 for a new gun purchase and \$2.50 any time you want to buy ammunition for that gun or any other gun you might already own.

"If you shoot for sport, skeet and things like that, this is going to definitely get expensive and it depends, are you gonna buy one time and buy 1,000 rounds, 2,000 rounds, 10k rounds? Depends on how much you're going to buy and I don't know if they're going to put a limit on that,"

A spokesperson for New York State Police tells News10NBC that upon receiving a request from a licensed dealer for a gun purchase, the Division of State Police will contact the National Instant Criminal Background Check System (NICS) to initiate a background check similar to what is occurring today. Dealer training documents will be posted to the NYSP website and dealer registration in the New York State background check system will begin in the next couple of weeks and NYSP says September 13 is still the anticipated start date.

NYSP is continuing to develop an appeals process for people who feel they have been unfairly denied. The state legislation requiring NYS to perform background checks for both firearm and ammunition transfers also mandates a fee be charged for each transaction and requires that the money be used to fund the expenses incurred by the NYSP to perform the checks. The \$9 fee for gun background transactions and the \$2.50 fee for ammunition background transactions will be used to do that.

News10NBC asked NYSP if there would be any limitation on the number of rounds of ammunition a person can buy per transaction, we were told there would not be.

<https://www.whec.com/top-news/news10nbc-investigates-nys-taking-over-background-checks-for-all-gun-and-ammo-purchases-and-charging-for-them/>

New ammo law will burden high school trap shooting teams

Executive Law 228 is set to take effect Sept. 13. It requires the New York State Police to conduct instant criminal background checks for all firearm and ammunition purchases or transfers in New York state. The FBI has conducted NICS checks on firearm purchases at no cost to gun buyers since 1998.

High school trap team coaches, registered as “ammunition keepers” with the state police for their teams, typically buy shotgun ammunition in bulk and then give it to team members during practice and competition. Last week, the coach/ammunition keepers received letters from Gov. Kathy Hochul and Acting State Police Superintendent Steven Nigrelli requiring them to register with NYSNICS and establish a method of payment to cover the cost of the background checks.

NYS Senator George Borrello’s office indicated the state is charging \$9 for each firearm transfer and \$2.50 for each transfer of ammunition.

“This is about protecting a program that is an essential part of hunter and firearm safety education,” Borrello said. “More than 2,500 student-athletes representing 144 high school clay target teams participate in the NYS High School Clay Target League.”

Requiring a NICS check each time a coach gives a team member a box of ammunition “is ridiculous and unworkable,” Borrello continued. “These teams have a perfect safety record. Not one student has been injured during practice or competition since the league started in 2001. Not one. Think about that.”

https://www.oleantimesherald.com/news/borrello-new-law-will-burden-high-school-trap-shooting-teams/article_5c0ec25a-45f7-11ee-86b7-539377c6bc40.html

New York Court of Appeals to review gun control cases

In a pivotal moment for gun rights in New York, the state’s highest court is set to review five cases challenging the constitutionality of the state’s gun control laws. The decision, expected in mid-September, comes in the wake of a U.S. Supreme Court ruling that struck down a New York law restricting handgun possession in public.

Four of the cases under review — *People v. Pastrana*, *People v. Rivera*, *People v. Cabrera*, and *People v. Garcia* — challenge Penal Law section 265.03(3), which criminalizes gun possession in public places. The fifth case, *People v. David*, targets Penal Law section 265.05, which criminalizes possession of a loaded firearm outside one’s home or business.

The defendants in these cases are making a variety of arguments, ranging from claims that the state laws violate the U.S. Constitution to more specific procedural objections.

For instance, Jose Rivera, represented by Guy A. Talia of Reeve Brown in Rochester, was sentenced as an adult to 10 years in prison for possessing a loaded, unlicensed handgun at age 17. He displayed the gun during an argument over a parking space. Rivera’s lawyers argue that New York’s criminal laws violate the Constitution by punishing all unlicensed public firearm possession as a Class C violent felony, regardless of the reason for the lack of licensure.

Carlos L. David, also represented by Talia, is challenging the validity of the police search that led to his 10-year sentence for possessing two loaded, unlicensed handguns in his girlfriend’s car. He was pulled over for allegedly driving without headlights and only possessed a learner’s permit. Talia argues that the law is unconstitutional “because it is an outright prohibition of the constitutionally protected conduct of carrying a loaded firearm in public.”

George Garcia, represented by Katharine Skolnick of the Center for Appellate Litigation, is asking for his convictions for possession of a loaded, unlicensed firearm outside his home or place of business and possession of a loaded firearm with intent to use it unlawfully to be reversed and the indictment dismissed. Garcia had retrieved the gun from his parked car after being thrown out of a Manhattan nightclub. Skolnick argues that Garcia’s acquisition of a Utah permit shows he could meet the requirements of a “shall issue” licensing regime.

In response, Assistant Deputy New York Solicitor General Andrew Amend argues that the Supreme Court’s decision in Bruen “did not magically de-criminalize” unlicensed public firearm possession. Amid a national epidemic of mass shootings, he argued that Rivera’s lawyer’s reading of the Second Amendment “would turn New York into the Wild West.”

<https://brooklyneagle.com/articles/2023/08/16/new-york-court-of-appeals-to-review-controversial-gun-control-cases/>

D.A. Bragg Moves To Defend New York’s Red Flag Gun Law Against Court Challenges

Manhattan District Attorney Alvin L. Bragg, Jr., announced the filing of motions to submit three amicus briefs in the Appellate Division in support of New York’s Extreme Risk Protection Order (ERPO) or “Red Flag” law, which allows law enforcement to petition a court to prohibit a person from legally purchasing and possessing firearms. The briefs – two in the Second Department and one in the Fourth Department – were filed amid ongoing litigation over the law, which is being defended by State Attorney General Letitia James. D.A. Bragg’s briefs were joined by Queens District Attorney Melinda Katz, Staten Island District Attorney Michael McMahon, and Westchester District Attorney Miriam E. Rocah.

The briefs state that “the problem that the ERPO statute addresses—an imminent risk of gun violence—is of the utmost exigency and importance,” and that the law “serves the public interest by enabling law enforcement to swiftly respond to common warning signs of mass shootings by temporarily preventing high-risk individuals from possessing guns during periods of great danger.”

<https://manhattanda.org/d-a-bragg-moves-to-defend-new-yorks-red-flag-gun-law-against-court-challenges/>

Can a device turn rifles into machine guns? The debate heats up in Brooklyn court.

Federal prosecutors in Brooklyn argued in court this week that a device that makes it easier to fire a barrage of bullets violates a federal machine gun ban and should not be sold.

But executives of Rare Breed Triggers, a company that sells a special kind of trigger that can be inserted into a rifle to make the gun shoot a series of bullets quickly, vehemently disagreed.

The company sold more than 80,000 “forced reset triggers” — known as FRT-15s — nationwide, including to residents of New York City and Long Island, according to court documents. The dispute over whether the devices turn firearms into machine guns is similar to an ongoing debate over bump stocks, another device that makes it easier to quickly fire many rounds of ammunition. Bump stocks gained notoriety when a man used them to fire more than 1,000 rounds into a crowd at a Las Vegas music festival in 2017, killing 58 people and injuring more than 800.

The U.S. attorney for the Eastern District of New York filed a lawsuit earlier this year to stop the company from selling the device. Prosecutors also argued in the civil suit that Rare Breed Triggers set up a “byzantine corporate structure” and used fake company names on some of their shipping labels to hide what they were doing.

<https://gothamist.com/news/can-a-device-turn-rifles-into-machine-guns-the-debate-heats-up-in-brooklyn-court>

Erie County residents say county lost pistol permits

Twelve months ago, thousands of residents flooded to Erie County outreach centers to get pistol permits ahead of new state gun laws imposed by Gov. Kathy Hochul.

Carmen Marino of Cheektowaga was among them, but now one year later, rather than a permit in hand, he’s looking at possibly having to start the entire process again.

After submitting his permit in August of 2022, Marino didn’t hear from the Erie County Clerk’s office until May. He spent three months attempting to contact them after catching wind that his permit could be lost.

Eventually, someone returned his call.

“They're like, ‘We don't see it in the system, and we can't find it anywhere. Oh, you're one of those people who we've lost their application,’ ” he said.

Marino said he believes the office has lost a number of other applications over the last year.

(Now) a four-month audit into the Erie County Clerk's office revealed a number of missteps within the pistol permit office, specifically, that, among other things, found the office overcharged new permit applicants, improperly gave employees access to applicants' mental health records, and allowed for a flawed permit fee process that led to an imbalance in cashflow for the county.

<https://www.wgrz.com/article/news/local/erie-county-residents-lost-pistol-permits/71-6c7942df-0ced-4a35-a2ea-0c1aeb94fd59>

Mike Bloomberg Gun Control Group Files Lawsuit on Behalf of Mass Shooting Witnesses

Mike Bloomberg-affiliated Everytown for Gun Safety filed a lawsuit Tuesday on behalf of 16 people who witnessed the May 14, 2022, shooting in which an attacker took the lives of ten people in a Buffalo, New York, grocery store.

Breitbart News reported that the gun used in the attack at Tops Friendly Markets was purchased legally. ABC 7 indicated the attacker used a rifle that was purchased at a store in Broome County, New York.

NBC News noted that the lawsuit alleges the 16 witnesses — some of whom were Tops employees, others of whom were customers — “survived the racist attack but had to endure moments of terror that left lasting effects, such as nightmares, trouble sleeping, anxiety and paranoia.”

Some of the witnesses who worked at Tops claim they have been psychologically unable to return to the store.

The lawsuit names social media platforms believed to have been vehicles for radicalizing the attacker, as well as “RMA Armament, a body armor manufacturer, and Vintage Firearms LLC, a gun retailer.”

<https://www.breitbart.com/2nd-amendment/2023/08/16/mike-bloomberg-gun-control-group-files-lawsuit-on-behalf-of-mass-shooting-witnesses/>

Do Gun-Control Groups Care What Really Causes Mass Shootings? Everytown Lawsuit Says No

(A)ttorneys from Everytown Law, the legal arm of Michael Bloomberg's gun-control group Everytown for Gun Safety, filed a lawsuit against a shop that sold the gun used in the fatal shooting of 10 people at a grocery store in Buffalo, New York, in May 2022. The murderer is a racist who specifically targeted racial minorities. Everytown claims the attack "could have been prevented," but in fact, the gun seller performed all of the proper background checks.

Others are also being sued, including the 18-year-old murderer's parents and social media companies that allegedly "transformed and addicted" the murderer by allowing extremist content on their sites.

But the lessons from this shooting, like many other mass public shootings, are hiding in plain sight. One needs only to read the killer's manifesto.

"Areas where CCW [carrying a concealed weapon] are outlawed or prohibited may be good areas of attack," wrote the shooter. "Areas with strict gun laws are also great places of attack."

But Everytown ignores those quotes. Nor does the organization mention that the Buffalo mass murderer self-identified as an "eco-fascist national socialist" and a member of the "mild-moderate authoritarian left." The shooter expressed concern that minority immigrants have too many children and will damage the environment. "The invaders are the ones overpopulating the world," he wrote. "Kill the invaders, kill the overpopulation and by doing so save the environment."

The murderer argued that capitalists are destroying the environment and are at the root of much of the problem. "The trade of goods is to be discouraged at all costs," he insisted.

Overpopulation, business-hating, and the environment are hardly signature conservative issues.

Unfortunately, lawsuits, such as this one by interest groups like Everytown, are more interested in punishing people they oppose or causing others to change their behavior in desired ways than seeking the truth. With billionaire Michael Bloomberg's deep pockets, Everytown does not worry about funding its lawsuits. The same can't be said for their targets, such as a small gun store. Social media companies aren't going to be bankrupted by the lawsuits, but they may be even more likely to censor material that gun-control groups such as Everytown dislike.

<https://thefederalist.com/2023/08/25/do-gun-control-groups-care-what-really-causes-mass-shootings-everytown-lawsuit-says-no/>

The Law for Defending Yourself in Public in New York

In the United States, the common law principle known as the "castle doctrine" allows individuals to use deadly force, if reasonable, to protect themselves from home intruders. Variations of the castle doctrine are the law of the land in all but a handful of states. But in recent years, a number of states have expanded on the principle, allowing individuals to use deadly force in public spaces under certain circumstances, even if they have the option to safely retreat. These statutes are commonly known as "stand your ground" or "shoot first" laws.

Unlike the castle doctrine, which is deeply rooted in historical precedent, stand your ground laws represent a meaningful departure from American legal tradition. According to gun control advocacy group Giffords Law Center, stand your ground laws increase the likelihood of avoidable violence and death -- especially if firearms are involved, which, in states with these laws and weak gun control regulations, they often are.

New York is a state that does not have stand your ground laws on the books and where citizens have a legal duty to retreat from potentially dangerous public confrontations if doing so safely is possible. State residents are also required to have a permit to carry a concealed firearm in public.

According to the Centers for Disease Control and Prevention, there were 1,078 firearm-related fatalities in New York in 2021, or 5.4 for every 100,000 people

https://www.thecentersquare.com/new_york/article_b368a77b-2d07-55a3-bcca-b845e9af1c7a.html

Supreme Court Sides with White House on 'Ghost Gun' Regulations

The Supreme Court ruled in favor of the Biden administration's temporary measure to institute new regulations surrounding so-called ghost guns — firearms that can be fabricated from kits within one's personal residence.

The judgment comes after a Texas federal court overturned a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regulation passed in 2022, which expanded the agency's definition of "firearm," placing new expectations of licensing and background checks on ghost gun manufacturers

On Tuesday, Chief Justice John Roberts Jr. and Amy Coney Barrett crossed the aisle and joined the court's liberal contingent — Kentanji Brown Jackson, Elena Kagan, and Sonia Sotomayor — to rule in support of the White House. Meanwhile, conservative justices Clarence Thomas, Samuel Alito, Neil Gorsuch, and Brett Kavanaugh sided with the lower court's original ruling.

Cody J. Wisniewski, a general counsel for the Firearms Policy Coalition, condemned the ruling by noting that the lower-court ruling was on solid legal ground. "We're deeply

disappointed that the Court pressed pause on our defeat of ATF's rule effectively redefining 'firearm' and 'frame or receiver' under federal law," the attorney told Fox News Digital. "Regardless of today's decision, we're still confident that we will yet again defeat ATF and its unlawful rule at the Fifth Circuit when that Court has the opportunity to review the full merits of our case."

<https://tinyurl.com/yrtx8vy2>

Biden admin crackdown on legal gun dealers leads to 350% rise in license loss

Gun dealers are crying foul as the Biden administration pursues an apparent crackdown on legal firearms sellers, whose licenses have been revoked at an unprecedented rate over the last two years.

"This policy is designed to be a backdoor violation of the Second Amendment," Anthony Navarro, a Greeley, Colorado, dealer who lost his license last year, told the Wall Street Journal.

The Bureau of Alcohol, Tobacco, Firearms and Explosives has taken away the licenses of 122 gun dealers since October — up from just 27 revocations in all of fiscal year 2021, a 350% increase in the first nine months of this fiscal year alone.

Dealers complain that many of the violations leading to the loss of their businesses amount to little more than paperwork errors.

<https://nypost.com/2023/08/19/fed-gun-shop-crackdown-leads-to-350-rise-in-license-loss/>

Biden administration proposes requiring more firearms dealers to run background checks

The Biden administration is proposing a new rule that would require thousands more firearms dealers to run background checks

People who sell firearms online or at gun shows would be required to be licensed and run background checks on the buyers before the sales

The Bureau of Alcohol, Tobacco, Firearms and Explosives estimates the rule would affect anywhere from 24,500 to 328,000 sellers

<https://ny1.com/nyc/all-boroughs/politics/2023/08/31/biden-administration-proposes-requiring-more-firearms-dealers-to-run-background-checks-requiring-more-firearms-dealers>

Democrats demand 1,000% excise tax on 'assault weapons,' high-capacity magazines

More than two dozen House Democrats put forward legislation that would slap "assault weapons" and high-capacity magazines with a 1,000% excise tax, a change that would raise the price of a \$500 weapon to \$5,000 in a bid to reduce access to guns across the country.

Rep. Don Beyer, D-Va., and 24 other House Democrats introduced the legislation Friday. It's the second time Democrats have put forward the idea. His bill from last year imposed the tax on any magazine or related device that can accept more than 10 rounds of ammunition.

The same 1,000% tax would be imposed on any "semiautomatic assault weapon," which last year's bill defined as a semiautomatic rifle or pistol with a fixed magazine of 10 rounds or more or that have other various features.

Under that rule, a weapon that normally costs \$2,000 would force customers to pay more than \$20,000, a change Beyer argued last year could help "curb the epidemic of gun violence."

The National Rifle Association has argued gun control advocates invented the term "assault weapon" to "deliberately confuse the public and advance the political cause of gun control." The NRA says the term "assault rifle" applies only to automatic weapons, while gun control advocates are looking to put controls on semi-automatic weapons.

<https://www.foxnews.com/politics/democrats-demand-1000-excise-tax-assault-weapons-high-capacity-magazines>

NSSF Intervenes In Mexico's Court Battle Against U.S. Gunmakers

At issue is a \$10 billion lawsuit brought by Mexico and that is currently being considered on appeal by the U.S. Court of Appeals for the First Circuit after being dismissed by a U.S. District Court for the District of Massachusetts. Mexico has also brought a second case against five Arizona firearm retailers, baselessly accusing them of illegal international firearms trafficking. A motion to dismiss the case is pending.

"Mexico is attempting to improperly influence sovereign U.S. Courts by co-opting an international human rights court that has no jurisdiction on the pending appellate decision," Lawrence G. Keane, NSSF's senior vice president and general counsel, said in a news item released by the organization. "Mexican authorities failed to disclose this \$10 billion lawsuit against U.S. manufacturers, a result of their own failures to confront narco-terrorists on their side of the border, which are responsible for the horrific crimes and illegal international firearms trafficking."

While sympathetic to the plight of Mexican people who are besieged by the nation's runaway, incredibly powerful drug cartels, Keane says the blame rests on the Mexican government, not American gunmakers.

<https://www.firearmsnews.com/editorial/mexico-gun-lawsuit/480395>

Massachusetts Judge Rules Law Against Carrying Guns Across State Lines Unconstitutional

A person's right to carry a firearm in public for self-defense does not end at state lines, a Massachusetts trial judge has ruled.

Earlier this month, Lowell District Court Justice John F. Coffey dismissed a criminal case against a New Hampshire man charged with carrying a firearm without a license in Massachusetts. He found the state's requirement that non-residents obtain a temporary license to carry in Massachusetts violates the Second Amendment.

"An individual only loses a constitutional right if he commits an offense or is or has been engaged in certain behavior that is covered by *18 USC section 922*," Judge Coffey wrote on August 3rd in *Commonwealth of Massachusetts v. Dean F. Donnell*. "He doesn't lose that right simply by traveling into an adjoining state whose statute mandates that residents of that state obtain a license prior to exercising their constitutional right. To hold otherwise would inexplicably treat Second Amendment rights differently than other individually held rights. Therefore, the Court finds that GL. 269, sec. (10a) is unconstitutional as applied to this particularly situated defendant and allows the motion to dismiss on that ground."

The ruling could have significant implications for determining the scope of the right to carry a firearm in public. It is one of the first legal decisions to address gun-carry rights across state lines since the Supreme Court recognized a general public carry right in *New York State Rifle and Pistol Association v. Bruen* last June. It could fuel gun-rights advocates' push for the right to travel in all 50 states with firearms in public, also known as "national reciprocity."

<https://thereload.com/massachusetts-judge-rules-law-against-carrying-guns-across-state-lines-unconstitutional/>

Federal judge delivers win to young gun rights advocates

A Virginia-based federal judge issued an injunction prohibiting the federal government from enforcing a collection of laws that bars otherwise eligible 18 to 20-year-olds from purchasing handguns.

U.S. District Judge Robert Payne, a George H.W. Bush appointee, issued three orders in the case Wednesday. The first granted class certification to an estimated 10 million Americans aged 18 to 21, while the second granted declaratory judgment against the government and ordered an injunction of the gun laws, and the third stayed the injunction.

Other courts considering similar legislation have ruled in favor of the government, meaning the government is likely to appeal the lower court's orders to the Fourth Circuit.

<https://www.courthousenews.com/federal-judge-delivers-win-to-young-gun-rights-advocates/>

Illinois Supreme Court Upholds Ban on ‘Assault Weapons’ and ‘Large Capacity Magazines’

In a 4–3 decision, the Supreme Court of Illinois upheld the state’s ban on “assault weapons” and “large capacity magazines.” The plaintiffs argued the Protect Illinois Communities Act (PICA) violated the Illinois constitution by denying them equal protection of the law and because of procedural deficiencies in PICA’s enactment.

The court declined to address PICA’s Second Amendment implications because the “plaintiffs expressly waived in the circuit court any independent claim that the restrictions impermissibly infringe the second amendment.” Because of the waiver, the court “express[ed] no opinion on the potential viability of plaintiffs’ waived claim concerning the second amendment.”

Neither of the dissenting opinions challenged this finding or argued the court should have considered PICA’s Second Amendment implications.

The court also declined to address the plaintiffs’ procedural deficiency claim. The plaintiffs argued the legislature enacted PICA in violation of the Illinois constitution, which requires three readings of a bill on three different days.

At the trial court, the plaintiffs prevailed on their equal protection claim but not their procedural deficiency claim. The state appealed its loss on the equal protection claim, but the plaintiffs did not cross-appeal their loss on the procedural deficiency claim.

Because the plaintiffs failed to cross-appeal their loss, the court found it lacked jurisdiction to review the claim on appeal: “plaintiffs’ failure to cross-appeal is a jurisdictional bar to renewing their three-readings claim.”

One justice, in a dissent, criticized the majority’s reasoning, noting, “a reviewing court can uphold the decision of the circuit court on any grounds which are called for by the record.”

<https://legalinsurrection.com/2023/08/illinois-supreme-court-upholds-ban-on-assault-weapons-and-large-capacity-magazines/>

Illinois Gov. JB Pritzker signs law banning firearm advertisements that appeal to children

Illinois Gov. J.B. Pritzker has signed a law banning firearms advertising that officials determine produces a public safety threat or appeals to children, militants or others who might later use the weapons illegally — opening the door for lawsuits against firearms manufacturers or distributors.

Pritzker signed the Firearm Industry Responsibility Act, making Illinois the eighth state to approve legislation that rolls back legal protections for firearms manufacturers or distributors.

<https://www.foxnews.com/politics/illinois-gov-jb-pritzker-signs-law-banning-firearm-advertisements-appeal-children>

National Shooting Sports Foundation lawsuit: Firearm liability law is unconstitutional, preempted by Lawful Commerce in Arms legislation

The National Shooting Sports Foundations Inc. (NSSF) is suing Illinois Attorney General Kwame Raoul in response to a bill signed by Gov. J.B. Pritzker on Aug. 12, which “radically expands liability in Illinois for members of the firearm industry - and them alone.”

The lawsuit was filed Monday in the U.S. District Court for the Southern District of Illinois through Edwardsville attorney Gary Pinter and Chicago attorney Andrew Lothson of Swanson Martin & Bell LLP. NSSF is also represented by Clement & Murphy PLLC in Alexandria, Va.

NSSF argues that while House Bill 218, or the Firearm Industry Responsibility Act, purports to prevent firearms from being used to endanger public safety or health, the law “does not regulate the use (or misuse) of firearms. Nor does it impose liability on individuals who misuse firearms to the detriment of themselves or others.”

“Instead, HB 218 regulates selling, manufacturing, and advertising lawful (and constitutionally protected) firearms and related products,” the lawsuit states. “In other words, HB 218 regulates commerce in and speech relating to arms - even when that commerce and speech takes place entirely outside of Illinois, as will often be the case.”

NSSF further argues that the measure eliminates traditional elements of tort law to ensure that liability is not imposed on private parties for engaging in constitutionally protected conduct.

“Making matters worse, the statute jettisons traditional proximate cause in favor of allowing state courts to impose liability on licensed industry members for the actions of third-party criminals with whom the industry members never dealt,” the suit states.

<https://tinyurl.com/2f4e46rz>

New Jersey Can Sue Gun Companies As A ‘Public Nuisance,’ Appeals Court Rules

The state of New Jersey can sue firearms manufacturers under a new state public nuisance law designed to target the industry, a federal appellate court ruled on August 18.

New Jersey, in July of 2022, enacted new statutory law that allows the attorney general to sue gun manufacturers for being a “public nuisance” if they have “endangered the safety and health of New Jersey residents through the sale, manufacture, distribution, and marketing of lethal, but nonetheless legal, gun-related products,” according to the law. The state was then sued by the National Shooting Sports Foundation (NSSF) in

November of 2022 in a “pre-enforcement action,” to stop them from bringing a suit under the law, which was on Thursday dismissed for a lack of ripeness — meaning that it hasn’t matured to the point where a genuine dispute exists — according to the court’s ruling dismissing the suit

<https://dailycaller.com/2023/08/18/new-jersey-sue-gun-companies-under-public-nuisance-law/>

Missouri AG tells St. Louis mayor proposed gun legislation violates state constitution's right to bear arms

The Missouri attorney general put St. Louis Mayor Tishaura Jones on notice this week, telling her in a letter that her proposed plans to ban "military-grade weapons on our streets" and "prohibit insurrectionists and those convicted of hate crimes from having guns" would violate citizens' rights under the state constitution to bear arms.

Jones announced her intent to enact "common sense" gun safety legislation, saying she and members of the city’s Board of Alderman share a vision of a "safer, stronger St. Louis, ready to stand up for our values."

On the same day as the announcement, state Attorney General Andrew Bailey sent a letter to Jones, putting her on notice for targeting gun rights.

"Our state constitution guarantees that the right of law-abiding citizens to bear arms ‘shall be unalienable’ and that ‘Any restriction on these rights shall be subject to strict scrutiny and the state of Missouri shall be obligated to uphold these rights and shall under no circumstances decline to protect against their infringement,’” said Bailey, who added that local elected officials already spoke on the issue and implementing the plan would violate state law. "By this letter, let me be clear — I will zealously perform my constitutional duty to defend the rights of each law-abiding citizen to ‘keep and bear arms ... in defense of [their] home, person, family and property...’ which is the promise made to them by the Missouri Constitution."

"The fact that there are currently statutes on the books to address these issues further proves that your proposal will not survive strict scrutiny.

"It is my hope that you will reverse course and use existing law to combat the crime plaguing your city, rather than choosing to target the rights of law-abiding Missourians. In other words, I encourage you to go after criminals, not guns."

<https://www.foxnews.com/us/missouri-ag-tells-st-louis-mayor-proposed-gun-legislation-violates-state-constitutions-right-bear-arms>

Despite Fearmongering On Firearms, A Majority Of Americans Own Guns Or Want To Own Guns

A majority of Americans are happy or prospective gun owners who keep firearms around to protect themselves, Pew Research found in its latest poll.

The poll, which surveyed 5,115 U.S. adults in June, found that, contrary to Democrats' anti-gun rhetoric, Americans across all demographics enjoy exercising their Second Amendment rights by personally owning guns or living with someone who does.

Nearly two-thirds of Americans either already live in a household with a gun or have expressed interest in buying a gun in the future. Considering the U.S. is experiencing the highest personal gun ownership uptick since 2011, even those who aren't firearm owners yet could be soon.

When Pew measured Americans' attitudes towards guns in 2017, only 67 percent of firearm owners said they had guns for protection. After years of soaring gun sales due to rising crime and the summer 2020 riots, 72 percent of American gun owners now say protection is the primary reason they keep firearms around.

Overall, 81 percent of gun owners say owning a firearm makes them feel safer. A majority of non-gun owners, 57 percent, say they also feel safer if someone in their household owns a gun.

<https://thefederalist.com/2023/08/29/despite-democrats-fearmongering-on-firearms-a-majority-of-americans-own-guns-or-want-to-own-guns/>

