

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

October, 2023

Hunters warned to expect possible snags for ammunition purchases amidst Concealed Carry Improvement Act

New York State Assemblyman Ken Blankenbush (R, C – Black River) is warning hunters to expect possible snags for when it comes to purchasing ammunition amidst the Concealed Carry Improvement Act (which took effect Wednesday, September 13).

This legislation mandates the New York State Police to act as the central authority for conducting background checks, utilizing both the National Instant Criminal Background Check System (NICS) and the Statewide License and Record Database, for all transactions involving firearms and ammunition.

“Gun shop owners and hunters are scratching their heads about how to navigate these new restrictions,” Assemblyman Blankenbush alleged.

The law requires NYS to perform background checks for both firearm and ammunition transfers mandates a fee be charged for each transaction.

<https://flackbroadcasting.com/news/assemblyman-blankenbush-warns-hunters-to-expect-possible-snags-for-ammunition-purchases-amidst-concealed-carry-improvement-act-taking-effect-september-13>

NYSFA Files Federal Lawsuit Against Kathy Hochul

The New York State Firearms Association (NYSFA) has filed a federal lawsuit — NYSFA v. Nigrelli — against New York Governor Kathy Hochul in the Western District of New York challenging her blatantly unconstitutional ammunition registration / tax scheme.

Hochul’s new ammunition registration / tax scheme mandates that everyone in the state submit to a New York government background check every time they buy ammo and pay a \$2.50 tax on every ammunition transaction, giving the State of New York a database of New Yorkers who are gun owners and how many rounds of ammo they own.

Aaron Dorr, Executive Director of NYSFA had this to say about Hochul’s new scheme: “This is blatantly unconstitutional. 100%. And that was before last year’s Bruen decision. Post Bruen, this is nothing more than a middle finger from Kathy Hochul to gun owners. The Bruen decision made it clear that ANY current or future gun control laws needed to show a ‘historical precedent’ or they would immediately be deemed unconstitutional. There is ZERO historical precedent for registering people who buy ammunition. And that goes doubly true for requiring gun owners to pay a tax to the government for the ‘privilege!’”

Hochul’s new ammunition background check process:

>>> Makes you a criminal for buying ammunition in New York State from anyone unless you go through a background check with the State Police, first.

>>> Forces you to pay a tax of \$2.50 each time you go to buy ammunition. If you buy a single box of .22LR, that tax could raise the cost of the purchase by almost 50%!

>>> Requires a background check on muzzleloaders, even though the ATF has repeatedly said that these are not firearms in a legal sense and does not require them to be tracked.

>>> Will very likely force a background check on the sale of black powder. This is not confirmed as of this writing, but it seems very likely, and retailers are bracing for it.

"In short, this is Kathy Hochul's attempt to register, track and trace every single gun owner in New York State! She wants to know what guns they own, how many rounds of ammo they possess, and she plans to tax the hell out of them when ammo is bought.

<https://www.newyorkstatefirearmsassociation.org/lawsuit-press-release/>

'It's not working': State police ammo database sees issues, delays

Gun owners in the state say they've been improperly denied, or experienced lengthy delays to purchase ammunition for their legal firearms in the days since a new law took effect requiring a New York State Police background check to purchase firing rounds.

Gun rights advocates are questioning how efficiently State Police can process incoming applications, and if the department has the necessary technology and staff to manage appeals in a timely manner.

Gun and ammunition dealers can submit background check applications to the State Police through with an online submission form 24 hours a day, seven days per week, but gun owners said Monday it can take from 30 minutes to a few days until the person requesting to make the purchase gets a response.

"The system isn't working — they're making mistakes," said Tom King, executive director of the state Rifle and Pistol Association.

King said he was denied over the weekend when he filed an application for a background check to purchase .410 shotgun shells in Rensselaer County.

A person has 30 days to appeal if State Police deny the attempted sale, and police have 30 days to respond and explain the reason for the denial. Additional appeals are filed with the state attorney general's office.

The length of appeal may vary based on the reason for denial, according to State Police.

King, who's had a pistol permit in the state for more than 40 years, is preparing to go through the appeal process. He cannot try to buy ammunition again until the appeals process concludes as the fall hunting season approaches.

"The only people that this is affecting is the lawful legal citizen in New York state," King said Monday. "We're the ones that are being discriminated against."

<https://spectrumlocalnews.com/nys/central-ny/politics/2023/09/19/-it-s-not-working---state-police-ammo-database-sees-issues--delays>

Mom-and-pop shops around state already feel effects of new gun laws

Lock N Load Sporting Goods Employee Sam Reeves said even after this process, customers have to wait up to a day to find out if they are approved and able to buy their ammo.

“Especially getting closer to deer season, I mean it backs up a lot,” Reeves said. “And with a lot of people living close to the border, no one wants to stand in line for five to 10 minutes or even 24 hours for their ammo especially when they can jump right across the border, pick it up like nothing, and be on their way.”

<https://www.wbng.com/2023/09/19/mom-and-pop-shops-around-state-already-feel-effects-new-gun-laws/>

Supreme Court Justice Thomas to consider challenge to New York ammunition background law

U.S. Supreme Court Justice Clarence Thomas has moved to consider a challenge to New York's provision of the Concealed Carry Improvement Act on background checks for ammunition purchases that went into effect a few weeks ago, according to Supreme Court records.

Thomas agreed to bring the case to the full court for a conference day on Oct. 6.

Supreme Court Justice Sonia Sotomayor rejected a similar request a day before the new measures took effect on Sept. 13.

<https://spectrumlocalnews.com/nys/central-ny/politics/2023/09/26/supreme-court-justice-thomas-new-york-ammunition-background-law>

Gov. Hochul signs legislation strengthening New York's already tough gun laws

Governor Kathy Hochul signed new legislation to exempt applications for an Extreme Risk Protection Order from requiring an index number fee.

According to Governor Hochul, this legislation will strengthen New York State's Extreme Risk Protection Order law, which belongs under the state's Red Flag Law. The law prevents individuals who are a risk to themselves and others from owning or buying a gun. New York already has some of the toughest gun laws in the nation.

The legislation exempts applications for an Extreme Risk Protection Order from requiring an index number fee. By eliminating this fee, the enacted legislation will (supposedly) ensure there is no financial barrier for New Yorkers to keep their communities safe, Hochul's office said.

<https://www.wbng.com/2023/09/15/gov-hochul-signs-legislation-strengthens-new-yorks-already-tough-gun-laws/>

Insurance Carrier Asks Court for Relief From Coverage for NY 'Ghost Gun' Lawsuits

Subsidiaries of insurance giant AIG this week filed four lawsuits against companies accused of shipping “ghost gun” parts into New York, asking the court to declare that the insurers are not obligated to provide coverage for ghost gun-related lawsuits.

The defendants in the suits are Texas-based firearms retailer Primary Arms, Tennessee-based retailer GS Performance, Washington-based retailer Rainier Arms and Missouri-based retailer KM Tactical. The suits were first surfaced by Law.com Radar.

The four companies are named as defendants in a trio of lawsuits filed by New York Attorney General Letitia James and the cities of Rochester and Buffalo in 2022 against a group of gun manufacturers and distributors.

The ghost gun lawsuits accused the companies of shipping firearm components, including unfinished frames and receivers easily assembled into functional firearms, into New York. All three suits are pending in federal court.

According to the four complaints filed this week, each of the firearms retailers tendered the ghost gun lawsuits to Granite State, asking the insurer to pay its defense expenses and indemnify it for any settlements or damages resulting from the lawsuit. Granite State denied the claims for coverage, according to the four complaints.

Accepting the allegations in the lawsuits as true for the purposes of the insurance coverage determination, the retailers are “not entitled to a defense or indemnity” from the insurers for several reasons, St. Jeanos wrote in the complaints.

St. Jeanos argued that the retailers’ insurance policies only offer coverage for lawsuits that allege accidental conduct.

<https://www.law.com/newyorklawjournal/2023/09/01/insurance-carrier-asks-court-for-relief-from-coverage-for-ny-ghost-gun-lawsuits/>

New Yorkers fight gun convictions on heels of Supreme Court permit ruling

Six people convicted of gun charges sought to clear their records on (September 13), making their cases before the New York Court of Appeals in light of in light of the U.S. Supreme Court’s 2022 ruling that the state's permit law violates the Second and 14th Amendments protecting an individual’s right to carry a handgun for self-defense outside the home.

The court scheduled a marathon three-hour session — which extended well beyond that — to hear oral arguments from the who appellants argue their convictions are unconstitutional.

New York requires gun permit applicants to submit to an investigation and show they are of good moral character and have not been convicted of a felony nor other serious offense. Before the U.S. Supreme Court’s 2022 ruling, applicants for a concealed firearm permit for self-defense also had to show “proper cause” for the permit.

The Court of Appeals must now decide whether other provisions of the state's gun registration statute apart from the "proper cause" language are unconstitutional as well, as the appellants argued Wednesday.

The six, otherwise unrelated cases argued Wednesday were filed by appellants challenging their convictions for a variety of criminal offenses, but all claiming their convictions and sentences for illegal weapon possession violated their Second Amendment rights in the wake of the Bruen decision.

The New York Attorney General's Office intervened in all six cases.

<https://www.courthousenews.com/new-yorkers-fight-gun-convictions-on-heels-of-supreme-court-permit-ruling/>

US wins injunction over devices it says turn rifles into machine guns

The U.S. government on (Sept. 5) won a court injunction blocking a firearms company from selling after-market triggers that let gun enthusiasts convert AR-15 style rifles into weapons that can shoot as fast as machine guns.

U.S. District Judge Nina Morrison in Brooklyn said the Department of Justice was likely to prove that the "forced-reset triggers" sold by Rare Breed Triggers LLC and its owners were illegal machine guns under federal law.

The government said rifles equipped with Rare Breed's FRT-15 triggers were capable of firing faster than military-grade M-16 machine guns, which can fire at least 700 rounds a minute.

In a 129-page decision, Morrison said the defendants defrauded customers by saying its FRT-15s were "absolutely" legal, despite having failed to win Bureau of Alcohol, Tobacco, Firearms and Explosives approval for their sale.

Morrison was appointed to the bench by Democratic President Joe Biden.

<https://www.reuters.com/legal/us-wins-court-injunction-against-seller-machine-gun-converters-2023-09-05/>

Legality of Hunter Biden gun charges challenged by Supreme Court Bruen ruling

The landmark Second Amendment ruling at the Supreme Court last summer condemned by President Joe Biden is poised to become a legal lifeline for his recently indicted son, Hunter Biden.

The president's son was indicted ... on charges stemming from a gun purchase in 2018, including a charge for allegedly illegally possessing the firearm, which could prove to be an uphill battle for prosecutors due to the 2022 high court decision in Bruen v. New York Rifle & Pistol Association, which has been used to scrutinize many federal firearm regulations.

Biden's son was charged with violating 18 U.S. Code § 922(g)(3), which bars firearm ownership by anyone who is an "unlawful user of or addicted to any controlled substance" and is punishable by a fine or up to 10 years in prison if convicted.

That same statute has been challenged in lower courts after the 6-3 Bruen ruling, which saw the six-member Republican-appointed majority on the high court declare gun regulations must be “consistent with the Nation’s historical tradition of firearm regulation” and has resulted in at least a dozen state and federal gun control laws being partially or completely held unconstitutional.

Biden's attorney Abbe Lowell signaled his plans to challenge the charges on the basis of the Bruen opinion, writing in a statement Thursday that they believe the charges are "barred by ... the recent rulings by several federal courts that this statute is unconstitutional, and the facts that he did not violate that law, and we plan to demonstrate all of that in court."

Following the ruling in Bruen, the president released a statement saying it "contradicts both common sense and the Constitution, and should deeply trouble us all," urging states to enact "common sense" gun laws, many of which have come under legal scrutiny in Democratic-controlled states.

<https://www.washingtonexaminer.com/policy/courts/hunter-biden-indictment-supreme-court-bruen-gun-charges>

Biden to announce first-ever federal office of gun violence prevention

President Joe Biden will announce the creation of the first-ever federal office of gun violence prevention on Friday, fulfilling a key demand of gun safety activists....Stefanie Feldman, a longtime Biden aide who previously worked on the Domestic Policy Council, will play a leading role, the people said.

Greg Jackson, executive director of the Community Justice Action Fund, and Rob Wilcox, the senior director for federal government affairs at Everytown for Gun Safety, are expected to hold key roles in the office alongside Feldman

https://news.yahoo.com/biden-create-white-house-office-140432846.html?soc_src=social-sh&soc_trk=tw&tsrc=twtr

Merrick Garland proposes ever-more intrusive ATF regulations.

Attorney General Merick Garland is proposing new ATF regulations that would expand definitions in the Gun Control Act to require ever-more gun owners to obtain federal dealer licenses. This follows a new regulation redefining "frame or receiver" and another one reclassifying pistols with braces as "short-barreled rifles."

These three new, expansive regulatory schemes are unprecedented since passage of the Gun Control Act of 1968 (GCA).

The new rule is calculated to require potentially hundreds of thousands of gun owners who occasionally buy and sell firearms to obtain dealer licenses from ATF.

Consider offering comments to the proposed rule. The deadline is December 7.

<https://reason.com/volokh/2023/09/11/second-amendment-roundup-hes-at-it-again/>

GOP Senators Demand 'Immediate Withdrawal' of DOJ's Proposed Gun-Control Regulation

Senator Roger Marshall (R., Kan.) and six other Republican senators submitted a letter to U.S. attorney general Merrick Garland on Thursday, voicing their “strong opposition” to a new gun-control rule proposed by the Department of Justice.

Under the recently proposed “Definition of ‘Engaged in the Business’ as a Dealer in Firearms,” any person who sells a gun for profit to anyone else, including family members, would be considered “engaged in the business” of dealing in firearms. As a result, a person would be required under federal law to obtain a federal permit, conduct a background check, and complete gun registration paperwork.

Senators John Barrasso (R., Wyo.), Rick Scott (R., Fla.), Steve Daines (R., Mont.), Cynthia Lummis (R., Wyo.), Eric Schmitt (R., Mo.), and Cindy Hyde-Smith (R., Miss.) joined Kansas’s Marshall in urging the “immediate withdrawal” of the DOJ’s rule, which would amend current Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulations.

Marshall and his colleagues further warn the rule will “circumvent the U.S. Congress” by working around passed and signed gun-control legislation with “administrative action,” according to the letter.

It added the federal government should not infringe upon citizens’ Second Amendment rights while there’s no provision for the rule’s application in court against criminals.

The senators argued that the proposal misinterprets the Bipartisan Safer Communities Act’s language in order to place firearm purchases under the ATF’s purview. Notably, the rule ignores the legislation’s exemption for a person who occasionally engages in firearm transactions from being labeled a firearms dealer.

<https://www.nationalreview.com/news/gop-senators-demand-immediate-withdrawal-of-dojs-proposed-gun-control-regulation/>

Congressman Higgins (D-NY) Announces Introduction of the Disarm Hate Act

Congressman Brian Higgins (NY-26) joined Senator Bob Casey (D-PA), and Representatives Veronica Escobar (TX-16), Maxwell Frost (FL-10), James Clyburn (SC-06), Earl Blumenauer (OR-03), John Garamendi (CA-08), Katie Porter (CA-08), Nikema Williams (GA-06), and Summer Lee (PA-12) in introducing H.R. 5435, the Disarm Hate Act, to prevent individuals convicted of violent misdemeanor hate crimes from purchasing or possessing firearms.

The Disarm Hate Act would (provide) that individuals who have been convicted of a misdemeanor-level hate crime or received an enhanced sentence for a misdemeanor crime after a judicial finding that they acted with hate or bias motivation, (are) prohibited from buying or possessing guns.

<https://higgins.house.gov/news/documentsingle.aspx?DocumentID=4877>

Republican lawmakers introduce bill to allow schools to fund gun safety, archery programs

GOP lawmakers Rep. Andy Ogles of Tennessee and Sen. Rand Paul of Kentucky introduced the Educating Responsible Future Hunters Act to amend federal law to programs that teach proper safety and training with a "dangerous weapon."

Currently, the Elementary and Secondary Education Act of 1965 prohibits funds under the law's jurisdiction "for the provision to any person of a dangerous weapon ... or training in the use of a dangerous weapon."

"Biden's war on hunters and recreational shooters has been elevated to unprecedented heights by blocking these funds that have supported firearm safety programs in American schools for nearly six decades," Mark Jones of GOA's Second Amendment Hunters told Fox News Digital.

<https://www.foxnews.com/politics/republican-lawmakers-introduce-bill-to-allow-schools-to-fund-gun-safety-archery-programs>

NY ethics panel says judges can join NRA

The New York State Advisory Committee on Judicial Ethics has issued an opinion that a judge can be a member of the National Rifle Association, after concluding that the group is not a purely political organization.

A judge asked the court system's advisory panel if he must cancel the lifetime membership in the NRA, which was purchased before taking office. Ethics opinions issued by the Committee do not identify the judge making the inquiry or the court where they work.

"The NRA's website suggests that it is a not-for-profit organization that engages in extensive litigation, lobbying and political activity. The website explicitly states that membership dues and contributions are not tax deductible," the Committee wrote in the opinion.

Under the state's rules of conduct, a judge may not engage in any political activity, unless an exception applies. And the rules forbid a judge from being a member of a political organization other than enrollment and membership in a political party, the Committee wrote.

Under the rules, a "political organization" is defined as a "political party, political club or other group, the principal purpose of which is to further the election or appointment of candidates to political office."

The Committee previously defined a framework for a judge to evaluate an organization's activities. If a not-for-profit entity engages in some clearly permissible activities for judges, along with some potentially controversial lobbying, advocacy and litigation activities, a judge may not get involved in the litigations, publicly associate themselves with the organization's positions on matters of public controversy or assume a leadership role in the group.

"Taking a leadership role in such organizations may publicly associate the judge with organizational positions on matters of public controversy, in a way that simple membership does not," the Committee wrote.

<https://nydailyrecord.com/2023/09/20/ethics-panel-says-judges-can-join-nra/>

Gun-Safe Company Facing Backlash after Helping FBI Open January 6 Defendant's Safe

A leading firearm safe manufacturer, Liberty Safe, is facing fierce public backlash after it complied with an FBI request to aid the bureau's attempt to gain entry to an alleged January 6 rioter's personal safe.

The firm cooperated after the FBI shared with Liberty Safe a warrant to open the gun safe of Nathan Hughes. The Arkansan was arrested by the bureau last Thursday on felony and misdemeanor charges in connection with his role during the January 6 attack on the Capitol.

The company later released an update clarifying that "existing customers" could "have records of their access codes expunged." The policy, Liberty Safe, added was: "Effective immediately." Moving forward, the company "will require a subpoena that legally compels Liberty Safe to supply access codes but can only do so if these codes still exist in our system."

<https://www.nationalreview.com/news/gun-safe-company-facing-backlash-after-helping-fbi-open-january-6-defendants-safe/>

New Mexico's Governor Suspends the Right To Bear Arms, Saying the Second Amendment Is Not 'Absolute'

New Mexico Gov. Michelle Lujan Grisham on (Sept 8) issued a "public health emergency order" that purportedly suspends the right to bear arms in Albuquerque and surrounding Bernalillo County. The order, which lasts for 30 days but can be renewed, applies to concealed or open carry of firearms on public property, with exceptions for police officers and security guards. Grisham said "citizens with permits to carry firearms are free to possess their weapons on private property (such as at a gun range or gun store), provided they transport the firearm in a locked box, use a trigger lock, or [use] some other mechanism that renders the gun incapable of being fired."

When a reporter asked Grisham whether her order was consistent with her oath to uphold the Constitution, she reiterated that "no constitutional right, in my view, including my oath, is intended to be absolute." And "this emergency," she claimed, empowers her to restrict Second Amendment rights—an argument that could be deployed to override those rights in any jurisdiction plagued by gun violence.

Historically, George Mason law professor Robert Leider told the Times, orders like this one have been issued "when you have public disorders or other states of emergency, but most states of emergency usually involve something more acute." Leider was skeptical that the ban would be upheld in court, saying, "I'm not aware of any precedent for this just for general criminal wrongdoing."

State Reps. Stefani Lord (R–Sandia Park) and John Block (R–Alamogordo) on Saturday said Grisham's order was grounds for impeachment.

<https://reason.com/2023/09/10/new-mexicos-governor-suspends-the-right-to-bear-arms-saying-the-second-amendment-is-not-absolute/>

Federal court strikes down California ban on gun magazines for second time

A federal judge yet again declared California's ban on gun magazines unconstitutional Friday.

The ban was first instituted in a 2000 measure signed into law by then-Gov. Gray Davis, a Democrat, and prohibited state residents from buying or selling magazines that hold 10 or more rounds. U.S. District Judge Roger T. Benitez struck it down after previously striking it in 2019.

The 9th U.S. Circuit Court of Appeals overturned Benitez's ruling in 2021, arguing that the ban fell in line with the state's efforts to reduce gun violence and is compatible with the Second Amendment. Then, the Supreme Court vacated the appeals court ruling and ordered new proceedings consistent with the decision in *New York State Rifle & Pistol Association v. Bruen*.

Benitez cited the case in his decision because it clarified that gun control laws must be "consistent with this nation's historical tradition of firearm regulation." The judge claimed this magazine ban was not.

"The history and tradition of the Second Amendment clearly supports state laws against the use or misuse of firearms with unlawful intent, but not the disarmament of the law-abiding citizen," Benitez wrote in his 71-page decision.

Benitez previously served on the California Superior Court and was appointed to the Southern District of California by then-President George W. Bush in 2004.

<https://www.washingtonexaminer.com/news/courts/federal-court-california-ban-magazines-second-time>

Newsom signs gun laws that add new taxes and limit where owners can carry firearms

California Gov. Gavin Newsom signed several gun-control measures on Tuesday, including a bill that tightens the state's concealed-carry rules and another that imposes a new tax on firearm and ammunition sales.

Senate Bill 2 is California's response to the U.S. Supreme Court ruling in *New York State Rifle & Pistol Assn. vs. Bruen* last year, when the 6-3 conservative majority justices struck down restrictive concealed-carry laws as unconstitutional.

Despite the changes, the new law still seriously limits who can obtain a license to carry a concealed firearm and is already facing a legal challenge from gun-rights advocates.

It details more than two dozen "sensitive places" that are off-limits to firearms, such as child care centers and schools, public transit, banks, museums, zoos, medical facilities, parks, playgrounds and bars. The bill also includes a controversial provision that renders commercial businesses automatically gun-free zones unless the owner explicitly says otherwise.

Licensing authorities, namely sheriff's departments, will now be required to conduct in-person interviews with applicants, request character references and review publicly available statements such as social media posts to determine whether someone is a public safety risk and therefore a "disqualified" person. The law also increases training and safety storage rules and requires concealed-carry applicants to be 21, the same age required in California to buy a handgun.

The second major proposal Newsom signed is Assembly Bill 28, landmark legislation by Assemblymember Jesse Gabriel (D-Encino) that will impose an 11% tax on dealers and manufacturers for sales of guns and ammunition. The new law is expected to raise more than \$160 million annually for violence prevention, school safety programs and victim support services.

Opponents of AB 28 expanded beyond the 2nd Amendment advocacy organizations that typically fight California's firearms laws to include wildlife, conservation and hunting groups concerned that lawful gun owners would bear the tax burden. They argued hunting and shooting sports would become unaffordable to low-income communities and that the new law would discourage outdoor recreation.

<https://www.hawaiitribune-herald.com/2023/09/27/nation-world-news/newsom-signs-gun-laws-that-add-new-taxes-and-limit-where-owners-can-carry-firearms/>

A Blatantly Unconstitutional Gun Edict Highlights the Hazards of Emergency Powers

When New Mexico Gov. Michelle Lujan Grisham issued "a public health emergency order" that purportedly suspended the right to bear arms in Albuquerque and surrounding Bernalillo County last week, her justification was seemingly straightforward. "I have emergency powers," she told The New York Times. "Gun violence is an epidemic. Therefore, it's an emergency."

Grisham's stunt was widely condemned as blatantly unconstitutional, even by some leading supporters of gun control. But her legal rationale also underlined the perils posed by the sweeping emergency powers that legislators in many states have granted governors—a problem that was abundantly clear during the COVID-19 pandemic.

Grisham, a Democrat, laid the ground for her ban on public possession of operable firearms last Thursday, when she declared that gun violence in New Mexico "constitutes a statewide public health emergency of unknown duration" under the state's Public Health Emergency Response Act. That law defines a "public health emergency" as "an extremely dangerous condition or a highly infectious or toxic agent, including a threatening communicable disease, that poses an imminent threat of substantial harm."

Unlike gun violence, COVID-19 was a literal epidemic. But Grisham thinks both threats empower her to act like a dictator for however long she deems necessary. She repeatedly renewed her COVID-19 emergency orders, and she is threatening to do the same with her gun decree, which initially lasts for 30 days but can be renewed indefinitely.

It seems unlikely that the persistent, omnipresent threat of violent crime constitutes the sort of "emergency" that New Mexico legislators had in mind. But the more important point, repeatedly confirmed by state and federal courts, is that even properly defined emergencies do not nullify constitutional rights.

<https://reason.com/2023/09/13/a-blatantly-unconstitutional-gun-edict-highlights-the-hazards-of-emergency-powers/>

After years of labor, Nebraskans can now bear arms without a license

It's a new day in Nebraska, where after years of struggle lawful gun owners can now bear arms in self-defense without having to first obtain a government-issued permission slip.

Gov. Jim Pillen signed LB 77 into law back in April, declaring that the bill upheld the promise made to voters to “protect our constitutional rights and promote commonsense, conservative values” and praising state Sen. Tom Brewer for championing the bill year after year, slowly making progress until the legislation finally had the votes to cross the finish line.

While the bill was signed into law months ago, its provisions didn't officially take effect until today, making Nebraska officially the 27th state to recognize the right to bear arms in some form or fashion without the need for lawful gun owners first receive a license.

<https://bearingarms.com/camedwards/2023/09/02/after-years-of-labor-nebraskans-can-now-bear-arms-without-a-license-n74454>

Oregon judge to decide in new trial whether voter-approved gun control law is constitutional

An Oregon judge is set to decide whether a gun control law approved by voters in November violates the state's constitution in a trial that started Monday.

The law, one of the toughest in the nation, was among the first gun restrictions to be passed after a major U.S. Supreme Court ruling last year changed the guidance judges are expected to follow when considering Second Amendment cases.

The law requires people to undergo a criminal background check and complete a gun safety training course to obtain a permit to buy a gun. It also bans high-capacity magazines holding more than 10 rounds.

Circuit Court Judge Robert S. Raschio is presiding over the trial in Harney County, in rural southeast Oregon. Raschio temporarily blocked the law from taking effect in December after gun owners filed a lawsuit arguing it infringed upon the right to bear arms under the Oregon Constitution.

<https://www.courthousenews.com/oregon-judge-to-decide-in-new-trial-whether-voter-approved-gun-control-law-is-constitutional/>

Defensive Gun Uses Show That Armed Citizens Make Communities Safer

These residents say they will soon start conducting “legal, armed community patrols” on a regular basis.

In 2021, the most comprehensive study ever conducted on the issue concluded that roughly 1.6 million defensive gun uses occur in the United States every year.

While most communities won't feel the need to organize armed citizen patrols, they should nonetheless embrace their fellow citizens who choose to.

<https://www.heritage.org/second-amendment/commentary/12-defensive-gun-uses-show-armed-citizens-make-communities-safer>