

**Testimony of Adam Skaggs
Chief Counsel & Policy Director
Giffords Law Center to Prevent Gun Violence**

**Before the Pennsylvania Senate Judiciary Committee
on
Gun Policy and the Second Amendment**

Wednesday, September 25, 2019

INTRODUCTION

Thank you, Chair Baker and members of the Committee, for the opportunity to testify here today, and for your attention to this critically important topic. My name is Adam Skaggs, and I am Chief Counsel and Policy Director at Giffords Law Center to Prevent Gun Violence, the legal arm of the gun safety organization led by former Congresswoman Gabby Giffords.

Originally known as the Legal Community Against Violence, Giffords Law Center was formed more than a quarter century ago after a mass shooting at a California law firm in which 14 were shot and eight lost their lives. For the last twenty-six years, our attorneys have researched, written, and defended the laws, policies, and programs proven to save lives from gun violence. Each year, we track hundreds of pieces of gun legislation — including more than 1600 bills in 2019 alone — and we participate in dozens of gun lawsuits annually, principally Second Amendment challenges to various federal, state, and occasionally local gun laws. And every year we rank the strength of states' gun laws and compare their rankings with the states' rates of gun death. The evidence that emerges from this analysis could not be clearer: states with stronger gun laws have lower rates of gun death.

Pennsylvania's gun death rate is higher than the national average.¹ While Pennsylvania strengthened its gun laws significantly last year by prohibiting gun possession by domestic abusers, there are a number of areas where the law can and should be strengthened.

The Commonwealth should, for example, strengthen its background check requirements to require a background check on every gun sale. Currently, private sales of rifles and shotguns are not subject to a background check. Universal background checks are supported of 90 percent of the public, including majorities of Democrats, Republicans and Independents.

Other laws could further help protect Pennsylvanians and reduce gun violence in the Commonwealth. An extreme risk law would empower families and law enforcement to petition a court to temporarily

remove firearms from the possession of individuals found to present a serious danger to themselves or others. A safe storage law would prevent children and other unauthorized people from accessing guns by requiring that their owners store firearms safely and responsibly when not being used. These are just some of the policies that I would urge the legislature to adopt, but they are among the most important.

There are two key points that I wish to emphasize today. The first is that these laws, and others supported by strong social science evidence, will promote public safety, and will save lives. The second is that, whatever political challenges there may be to strengthening Pennsylvania's gun laws, claims that the Second Amendment ties legislators' hands are unfounded. The Founders understood that with rights come responsibilities, and that regulating guns to make sure they are used responsibly has been part of the states' police power throughout American history. The kinds of common-sense safety measures and life-saving legislation I have described are thus fully consistent with the Second Amendment, and their enactment would be consistent with more than two centuries of American law, history, and tradition.

To explain how passing strong public safety laws are consistent with our history and constitutional tradition, I am providing the Committee with an overview of the development of Second Amendment jurisprudence beginning with the Supreme Court's landmark decision in *District of Columbia v. Heller*, 554 U.S. 570 (2008). In the years since *Heller*, Giffords Law Center has tracked more than 1,300 cases involving the Second Amendment. While some outlier laws that imposed excessive burdens on core Second Amendment rights have been struck down, courts have consistently upheld lifesaving gun safety laws, including, among many others, laws restricting public carry of firearms, prohibiting dangerous people from accessing guns, banning large-capacity magazines, and regulating commercial firearms dealers, among many others.

OVERVIEW OF SECOND AMENDMENT JURISPRUDENCE

In a 5–4 ruling in *Heller*, the Supreme Court held for the first time that the Second Amendment protects an individual right of law-abiding citizens to possess an operable handgun in the home for self-defense. The Supreme Court cautioned, however, that the Second Amendment right is “not unlimited,” and does not confer a “right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”² The Court identified a non-exhaustive list of “presumptively lawful regulatory measures,” including “longstanding prohibitions on the possession of firearms by felons and the mentally ill, laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, [and] laws imposing conditions and qualifications on the commercial sale of arms.”³

In 2010, in *McDonald v. City of Chicago*, 561 U.S. 742 (2010), the Supreme Court held in another 5–4 ruling that the Second Amendment is among the “fundamental rights”⁴ that limit state and local governments as well as the federal government. The Court reaffirmed the *Heller* list of presumptively lawful regulatory measures and stated that “[s]tate and local experimentation with reasonable firearms regulations will continue under the Second Amendment.”⁵

Since *Heller* and *McDonald*, the lower courts have heard many Second Amendment challenges to various federal, state, and local laws regulating firearms. The vast majority of these challenges to gun safety laws have failed, largely because they fell within the categories of “presumptively lawful” regulatory measures that do not offend the Second Amendment. In the relatively small number of cases where gun laws have been struck down, most courts have been careful to note that the Second Amendment does not prohibit most laws designed to reduce gun violence.

Moreover, the Supreme Court has declined to review over 150 Second Amendment cases since *Heller*, leaving lower court decisions upholding many reasonable gun laws undisturbed. To be sure, the Court this year has taken another Second Amendment case for the first time in nearly a decade. But that case involves an outlier New York City rule that, to my knowledge, exists in no other jurisdiction, so even a decision striking down that regulation would have no effect on the laws in most jurisdictions, and would not call into question the lifesaving laws I have recommended today.

Below are examples of specific gun safety laws and policies that courts have upheld over the eleven years since the *Heller* decision.

A. Guns in Public

Heller did not address restrictions on the public carry of guns, and the question of its applicability to public carry has been among the most-litigated questions since the decision. Some courts have declined to extend *Heller*’s holding outside the home,⁶ while others have held or assumed that the Second Amendment does apply outside the home.⁷ Even where courts have accepted or assumed a right outside the home, there is a strong consensus that public carrying of firearms may be subject to reasonable regulation.⁸ Indeed, courts have held that the government has significantly more authority to regulate guns in public than it does in private homes.⁹

Reflecting this consensus, courts generally have affirmed the constitutionality of laws restricting the carrying of guns in public, including laws requiring all concealed carry permit applicants to show that they have good-cause, or a special need to engage in armed self-defense in public.¹⁰

B. Particularly Dangerous Weapons and Ammunition

In *Heller*, the Supreme Court noted that one limitation on the Second Amendment right is “the historical tradition of prohibiting the carrying of ‘dangerous and unusual weapons.’”¹¹ The Court acknowledged that “weapons that are most useful in military service—M-16 rifles and the like—may be banned” without violating the Second Amendment.¹² Courts have accordingly upheld laws prohibiting or regulating “dangerous and unusual” weapons.

In particular, courts have consistently upheld restrictions on assault weapons and large-capacity magazines.¹³ The reasoning courts have applied in these decisions have varied. Some held that military-style assault weapons and large-capacity magazines are unprotected by the Second Amendment, either

because they are dangerous and unusual, or because they are comparable to the M-16, a weapon *Heller* permits prohibiting.¹⁴ Other courts assumed that assault weapons and LCMs are protected by the Second Amendment, but held that restrictions on LCMs or assault weapons survive the applicable level of scrutiny.¹⁵ Overall, six federal appeals courts have upheld restrictions on large-capacity magazines and/or assault weapons, and no appeals court has struck down a restriction on either type of dangerous weaponry.

Courts have also uniformly held that machine guns are “dangerous and unusual,”¹⁶ as are silencers, grenades, bombs, mines, and short-barreled shotguns,¹⁷ and have accordingly held that they may be banned from civilian possession without implicating the Second Amendment.

C. Possession of Firearms by Criminals and Other Dangerous People

Courts have also consistently upheld prohibitions on gun possession by criminals. Courts have rejected most challenges to laws prohibiting the possession of firearms by persons convicted of felonies,¹⁸ including those convicted of felony crimes alleged to be non-violent;¹⁹ possession of firearms by persons convicted of domestic violence misdemeanors;²⁰ providing a firearm to a fugitive felon;²¹ possession of firearms by individuals under indictment for a felony;²² possession of firearms by unlawful users of a controlled substance, or a category of individuals reasonably believed to be controlled substance users;²³ and possession of firearms during the commission of a crime.²⁴ Courts have also rejected challenges to sentence enhancements that impose additional penalties on criminals who possessed firearms while engaging in illegal activity.²⁵

Courts have also routinely upheld prohibitions that apply to other categories of persons determined to pose a threat to public safety. In particular, courts have upheld laws prohibiting the possession of firearms by individuals who have been involuntarily committed to a mental institution;²⁶ prohibiting gun possession by individuals subject to a domestic violence restraining order;²⁷ authorizing the seizure of firearms in cases of domestic violence;²⁸ prohibiting or restricting the possession or carrying of firearms by minors under 21;²⁹ and prohibiting gun possession by individuals who pose an imminent risk of danger to self or others.³⁰

D. Commercial Sale of Firearms

The Supreme Court stated in *Heller* that “laws imposing conditions and qualifications on the commercial sale of arms” are presumptively lawful regulatory measures that do not offend the Second Amendment.³¹ Either by relying on this statement or by applying Second Amendment heightened scrutiny, courts have routinely upheld laws regulating the sale of guns and accessories, including laws prohibiting the sale of guns and ammunition to people younger than twenty-one;³² requiring a waiting period before firearms may be transferred to a purchaser to discourage impulsive criminal acts and suicides;³³ requiring that all new handguns sold meet certain safety requirements, chamber loaded indicators and microstamping technology;³⁴ regulating zoning to prohibit gun stores near schools, residential neighborhoods, and other sensitive places;³⁵ imposing a fee on all firearm sales conducted

within a state;³⁶ and requiring a license to engage in firearms dealing.³⁷

E. Firearms in Sensitive Places

Courts have relied on similar reasoning to uphold laws prohibiting the carrying of firearms in sensitive public areas. As with conditions on the commercial sale of firearms, “laws forbidding the carrying of firearms in sensitive places such as schools and government buildings” are among the presumptively lawful regulatory measures *Heller* recognized.³⁸ Courts have upheld laws prohibiting guns in a variety of sensitive public areas as presumptively lawful, and have also upheld such laws by applying intermediate scrutiny. Under either approach, the vast majority of courts have upheld laws prohibiting the possession of firearms in school zones;³⁹ college campuses;⁴⁰ national parks or other federal property;⁴¹ places of worship;⁴² common areas of public housing units,⁴³ county-owned property;⁴⁴ and federal court facilities.⁴⁵ Courts have also upheld bans on loaded and accessible firearms in motor vehicles.⁴⁶

F. Other Regulations

The above policy areas are merely a selection of policy areas. Courts across the country have also upheld numerous other laws regulating firearms, including those requiring the registration of firearms⁴⁷ and safe storage at home.⁴⁸

CONCLUSION

Following the Supreme Court’s decisions in *Heller*, a substantial volume of Second Amendment cases have been litigated in the nation’s lower courts. In the vast majority of these cases, courts have rejected Second Amendment attacks on reasonable gun laws and recognized that most federal, state, and local firearms laws are plainly constitutional, often because those laws were recognized as constitutional in the *Heller* decision itself.

There is nothing in the constitution that prevents this body from taking bold action to save lives from gun violence, if it demonstrates the courage to do so.

Thank you again for the opportunity to testify today. I look forward to your questions.

NOTES

¹ Centers for Disease Control and Prevention, *Firearm Mortality by State*, available at https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm.

² *Heller*, 554 U.S. at 626.

³ *Id.* at 626-27, 627 n.26.

⁴ *McDonald*, 561 U.S. at 778.

⁵ *Id.* at 785-86 (restating “presumptively valid” categories identified in *Heller*, 554 U.S. at 627 n.26) (quoting the brief of amici supporting petitioners).

⁶ *E.g.*, *Commonwealth v. Williams*, 951 N.E.2d 55, 2011 Mass. App. Unpub. LEXIS 934, at *9 (Mass. App. Ct. Aug. 3, 2011) (“The Second Amendment does not protect [defendant] because he was in possession of the firearm outside of his home.”); *In re Pantano*, 60 A.3d 507, 514 (N.J. Super. Ct. App. Div. 2013).

⁷ *E.g.*, *Woollard v. Gallagher*, 712 F.3d 865, 876 (4th Cir. 2013); *Drake v. Filko*, 724 F.3d 426, 431 (3d Cir. 2013); *United States v. Masciandaro*, 638 F.3d 458, 475 (4th Cir. 2011); *Kachalsky v. Cty. of Westchester*, 701 F.3d 81, 89 (2d Cir. 2012); *Moore v. Madigan*, 702 F.3d 933, 935-36 (7th Cir. 2012) (concluding “*Heller* repeatedly invokes a broader Second Amendment right than the right to have a gun in one’s home”).

⁸ *E.g.*, *Moore v. Madigan*, 702 F.3d 933, 940, 942 (7th Cir. 2012).

⁹ *E.g.*, *United States v. Masciandaro*, 638 F.3d 458, 470 (4th Cir. 2011).

¹⁰ *Gould v. Morgan*, 907 F.3d 659 (1st Cir. 2018); *Peruta v. Cty. of San Diego*, 824 F.3d 919 (9th Cir. 2016) (en banc); *Mishtaku v. Espada*, 699 Fed. App’x 35 (2nd Cir. 2016) (summary order); *Drake v. Filko*, 724 F.3d 426 (3d Cir. 2013).

¹¹ *Heller*, 554 U.S. at 627.

¹² *Id.*

¹³ *Worman v. Healey*, No. 18-1545, 2019 U.S. App. LEXIS 12588 (1st Cir. Apr. 26, 2019); *Ass’n of N.J. Rifle & Pistol Clubs v. Grewal*, 910 F.3d 106 (3d Cir. 2018); *Kolbe v. Hogan*, 849 F.3d 114, 135 (4th Cir. 2017) (en banc), *cert. denied*, 2017 U.S. LEXIS 7002 (U.S. Nov. 27, 2017); *N.Y. State Rifle & Pistol Ass’n v. Cuomo*, 804 F.3d 242, 261-64 (2d Cir. 2015), (New York and Connecticut laws prohibiting possession of assault weapons and large-capacity magazines survive intermediate scrutiny and do not violate the Second Amendment) *cert. granted*, 139 S. Ct. 939 (2019); *Friedman v. City of Highland Park*, 784 F.3d 406 (7th Cir. 2015) (upholding local ordinance prohibiting assault weapons and large capacity magazines, after examining evidence including that “linking the availability of assault weapons to gun-related homicides”); *Worman v. Healey*, 293 F. Supp. 3d 251, 266 (D. Mass. Apr. 5, 2018), *aff’d on other grounds*, No. 18-1545, 2019 U.S. App. LEXIS 12588 (1st Cir. Apr. 26, 2019); *Heller v. District of Columbia (“Heller II”)*, 670 F.3d 1244, 1260-64 (D.C. Cir. 2011) (upholding the District’s ban on assault weapons and large capacity ammunition magazines after applying intermediate scrutiny); *People v. Zondorak*, 220 Cal. App. 4th 829, 836 (Cal. Ct. App. 2013); *People v. James*, 174 Cal. App. 4th 662, 677 (Cal. Ct. App. 2009) (assault weapons fall outside the scope of the Second Amendment because they are “at least as dangerous and unusual as the short-barreled shotgun”); *Edlund v. Cook Cnty.*, 17-7002, 2018 U.S. Dist. LEXIS 130507 (N.D. Ill. Aug. 3, 2018); *Colo. Outfitters Ass’n v. Hickenlooper*, 24 F. Supp. 3d 1050 (D. Colo. 2014), *vacated on other grounds*, 823 F.3d 537 (10th Cir. Colo., Mar. 22, 2016); *see also Fyock v. City of Sunnyvale*, 779 F.3d 991 (9th Cir. 2015) (affirming denial of preliminary injunction in challenge to local law prohibiting large-capacity magazine possession); *Wiese v. Becerra*, 306 F. Supp. 3d 1190 (E.D. Cal. 2018) (granting motion to dismiss Second Amendment challenge to California law prohibition possession of large-capacity magazines).

¹⁴ *E.g.*, *N.Y. State Rifle & Pistol Ass’n v. Cuomo*, 804 F.3d 242, 261-64 (2d Cir. 2015) *cert. granted*, 139 S. Ct. 939 (2019); *Heller v. District of Columbia (“Heller II”)*, 670 F.3d 1244, 1260-64 (D.C. Cir. 2011).

¹⁵ *E.g.*, *Worman v. Healey*, No. 18-1545, 2019 U.S. App. LEXIS 12588 (1st Cir. Apr. 26, 2019); *Ass’n of N.J. Rifle & Pistol Clubs v. Grewal*, 910 F.3d 106 (3d Cir. 2018); *People v. Zondorak*, 220 Cal. App. 4th 829, 836 (Cal. Ct. App.

2013).

¹⁶ *E.g.*, *Hollis v. Lynch*, 827 F.3d 436, 451 (5th Cir. 2016); *United States v. One (1) Palmetto State Armory PA-15 Machinegun Receiver/Frame*, 822 F.3d 136, 142 (3d Cir. 2016).

¹⁷ *See United States v. Cox*, 906 F.3d 1170, 1185-86 (10th Cir. 2018) (short-barreled shotguns and silencers are not within the scope of the Second Amendment), *cert. denied*, 2019 U.S. LEXIS 3931 (U.S., June 10, 2019); *United States v. McCartney*, 357 F. App'x 73, 76 (9th Cir. 2009) (unpublished) (silencers, grenades, and directional mines not protected by the Second Amendment); *Stauder v. Stephens*, No. 2:13-CV-11, 2016 U.S. Dist. LEXIS 31222, at *25 (N.D. Tex. Feb. 19, 2016) (upholding state law prohibiting possession of smoke grenade); *United States v. Garcia*, No. CR. S-11-290 LKK, 2011 U.S. Dist. LEXIS 113748, at *6-7 (E.D. Cal. Oct. 3, 2011) (upholding federal prohibition on possession of pipe bombs).

¹⁸ *E.g.*, *United States v. Barton*, 633 F.3d 168 (3d Cir. 2011); *United States v. Bogle*, 717 F.3d 281 (2d Cir. 2013) (per curiam); *United States v. Pruess*, 703 F.3d 242 (4th Cir. 2012); *United States v. Carey*, 602 F.3d 738, 741 (6th Cir. 2010); *United States v. Vongxay*, 594 F.3d 1111 (9th Cir. 2010); *United States v. Rozier*, 598 F.3d 768 (11th Cir. 2010).

¹⁹ *E.g.*, *Kanter v. Barr*, 919 F.3d 437, 438 (7th Cir. 2019) (application of felon-possession ban to challenger who committed felony Medicare fraud does not violate the Second Amendment); *Medina v. Whitaker*, 913 F.3d 152 (D.C. Cir. 2019); *Hamilton v. Pallozzi*, 848 F.3d 614 (4th Cir. 2017), *cert. denied*, 2017 U.S. LEXIS 7187 (U.S. Dec. 4, 2017).

²⁰ *E.g.*, *Stimmel v. Sessions*, 879 F.3d 198 (6th Cir. 2018); *Fisher v. Kealoha*, 855 F.3d 1067 (9th Cir. 2017); *Fortson v. L.A. City Attorney's Office*, 852 F.3d 1190 (9th Cir. 2017), *cert. denied*, 199 L. Ed. 2d 48 (U.S. 2017); *United States v. Armstrong*, 706 F.3d 1 (1st Cir. 2013), *vacated and remanded on other grounds*, 134 S. Ct. 1759 (2014); *United States v. Staten*, 666 F.3d 154 (4th Cir. 2011).

²¹ *United States v. Stegmeier*, 701 F.3d 574 (8th Cir. 2012).

²² *United States v. Laurent*, 861 F. Supp. 2d 71 (E.D.N.Y. 2011); *United States v. Call*, 874 F. Supp. 2d 969 (D. Nev. 2012).

²³ *See, e.g.*, *Wilson v. Lynch*, 835 F.3d 1083 (9th Cir. 2016); *United States v. Carter*, 669 F.3d 411 (4th Cir. 2012); *United States v. Yancey*, 621 F.3d 681 (7th Cir. 2010) (per curiam); *United States v. Seay*, 620 F.3d 919 (8th Cir. 2010).

²⁴ *United States v. Jackson*, 555 F.3d 635 (7th Cir. 2009).

²⁵ *See, e.g.*, *United States v. Napolitan*, 762 F.3d 297 (3rd Cir. 2014); *Garcia v. United States*, 2014 U.S. Dist. LEXIS 101409, (W.D. Mo. July 25, 2014); *United States v. Greeno*, 679 F.3d 510 (6th Cir. 2012); *United States v. Xiao Cheng Mei*, No. 14-cr-00196, 2017 U.S. Dist. LEXIS 198232 (N.D. Cal. Dec. 1, 2017); *United States v. Darby*, 2014 U.S. Dist. LEXIS 88392 (D.S.C. June 27, 2014); *Ohio v. Israel*, 2012 Ohio 4876 (Ohio Ct. App. 2012).

²⁶ *E.g.*, *Doe I v. Evanchick*, No. 16-6039, 2019 U.S. Dist. LEXIS 5590 (E.D. Pa. Jan. 10, 2019) (rejecting facial due process challenge to Pennsylvania laws prohibiting gun possession after an involuntary emergency mental commitment); *Simpson v. Sessions*, 2017 U.S. Dist. LEXIS 71109 (E.D. Pa. May 10, 2017).

²⁷ *United States v. Elkins*, 495 F. App'x 330 (4th Cir. 2012) (per curiam) (unpublished); *United States v. Chapman*, 666 F.3d 220 (4th Cir. 2012); *United States v. Mahin*, 668 F.3d 119 (4th Cir. 2012); *United States v. Bena*, 664 F.3d 1180 (8th Cir. 2011); *United States v. Reese*, 627 F.3d 792 (10th Cir. 2010).

²⁸ *In re State for Forfeiture of Pers. Weapons & Firearms Identification Card Belonging to F.M.*, 225 N.J. 487 (N.J.

2016); *Crespo v. Crespo*, 201 N.J. 207 (N.J. 2010).

²⁹ *People v. Jordan G.* 2015 IL 116834 (Ill. 2015); *United States v. Rene E.*, 583 F.3d 8 (1st Cir. 2009); *State ex rel. J.M.*, 144 So. 3d 853 (La. 2014); *Horsley v. Trame*, 808 F.3d 1126 (7th Cir. 2015); *Nat'l Rifle Ass'n of Am., Inc. v. McCraw*, 719 F.3d 338, 348 (5th Cir. 2013); *Powell v. Tompkins*, 926 F. Supp. 2d 367 (D. Mass. 2013). *Nat'l Rifle Ass'n v. Bureau of Alcohol, Tobacco, Firearms, & Explosives*, 714 F.3d 334 (5th Cir. 2013).

³⁰ *Hope v. State*, 163 Conn. App. 36, 43 (Conn. Ct. App. 2016); *Redington v. Indiana*, 992 N.E.2d 823 (Ind. Ct. App. 2013) (rejecting Second Amendment challenge to law that allows police officers to petition for a court order removing firearms from a person who is adjudged to be imminently dangerous).

³¹ *Heller*, 554 U.S. at 626-27.

³² *Nat'l Rifle Ass'n v. Bureau of Alcohol, Tobacco, Firearms, and Explosives*, 700 F.3d 185 (5th Cir. 2012); *see also L.S. v. State*, 120 So. 3d 55 (Fla. Dist. Ct. App. 2013).

³³ *Silvester v. Harris*, 843 F.3d 816 (9th Cir. 2016). Note that the court's rationale did not rest on the *Heller* presumption of lawfulness for conditions on the commercial sale of arms, but rather a determination that even assuming the presumption did not apply, waiting periods would satisfy intermediate scrutiny. *See id.* at 828. However, one judge would have relied solely on the *Heller* presumption to uphold the waiting period law. *Id.* at 829 (Thomas, C.J., concurring).

³⁴ *Peña v. Lindley*, No. 15-15449, 2018 U.S. App. LEXIS 21565 (9th Cir. Aug. 3, 2018); *Draper v. Healey*, 98 F. Supp. 3d 77 (D. Mass. 2015), *aff'd on other grounds by Draper v. Healey*, 827 F.3d 1 (1st Cir. 2016).

³⁵ *Teixeira v. Cty. of Alameda*, 873 F.3d 670 (9th Cir. 2017) (en banc) (upholding gun dealer zoning ordinance that required dealers to be located at least 500 feet from residentially zoned districts, schools and day-care centers, other firearm retailers, and liquor stores); *Second Amendment Arms v. City of Chicago*, 135 F. Supp. 3d 743, 754 (N.D. Ill. 2015) ("Requiring an individual to drive to one part of a city as opposed to another in order to purchase a firearm does not, on its face, burden the core right to possess a firearm for protection").

³⁶ *Bauer v. Harris*, 94 F. Supp. 3d 1149, 1155 (E.D. Cal. 2015), *aff'd on other grounds by Bauer v. Becerra*, 858 F.3d 1216 (9th Cir. 2017); *see also Bauer v. Becerra*, 858 F.3d 1216 (9th Cir. 2017).

³⁷ *United States v. Focia*, 869 F.3d 1269 (11th Cir. 2017) (federal law prohibiting unlicensed dealing of firearms "merely 'impos[es] conditions and qualifications on the commercial sale of arms'" so "qualifies as the kind of 'presumptively lawful regulatory measure[']' described in *Heller*"); *United States v. Hosford*, 843 F.3d 161, 166 (4th Cir. 2016).

³⁸ *Heller*, 554 U.S. at 626-27.

³⁹ *United States v. Redwood*, 2016 U.S. Dist. LEXIS 109735 (N.D. Ill. Aug. 18, 2016); *S.B. v. Seymour Cmty. Sch.*, 2018 Ind. App. LEXIS 111 (Ind. Ct. App. Mar. 26, 2018) (rejecting Second Amendment challenge to protective order prohibiting parent from carrying firearm on school property); *but see People v. Green*, 2018 IL App (1st) 143874 (Ill. Ct. App. Jun. 14, 2018) (sustaining Second Amendment challenge to prior version of Illinois unlawful use of a weapon statute that prohibited concealed weapon permit-holders from carrying firearms within 1,000 feet of a school).

⁴⁰ *E.g., Wade v. Univ. of Mich.*, 2017 Mich. App. LEXIS 904 (Mich. Ct. App. Jun. 6, 2017) (rejecting Second Amendment challenge to University of Michigan's firearm ban); *Tribble v. State Bd. of Educ.*, No. 11-0069 (Dist. Ct. Idaho Dec. 7, 2011) (upholding University of Idaho policy prohibiting firearms in University-owned housing).

⁴¹ *E.g., United States v. Masciandaro*, 638 F.3d 458 (4th Cir. 2011) (affirming defendant's conviction for possession

of a loaded weapon in a motor vehicle in a national park).

⁴² *GeorgiaCarry.Org, Inc. v. Georgia*, 764 F. Supp. 2d 1306 (M.D. Ga. 2011), *aff'd*, 687 F.3d 1244 (11th Cir. 2012).

⁴³ *Doe v. Wilmington Hous. Auth.*, 880 F. Supp. 2d 513 (D. Del. 2012), *rev'd on other grounds*, *Doe v. Wilmington Hous. Auth.*, 568 Fed. Appx. 128 (3d Cir. 2014).

⁴⁴ *Nordyke v. King*, 681 F.3d 1041 (9th Cir. 2012) (en banc).

⁴⁵ *United States v. Giraitis*, 127 F. Supp. 3d 1 (D.R.I. 2015) (upholding conviction for possession of a handgun in a federal court facility).

⁴⁶ *E.g., Clark v. City of Shawnee*, 2017 U.S. Dist. LEXIS 1758 (D. Kan. Jan. 5, 2017).

⁴⁷ *Justice v. Town of Cicero*, 577 F.3d 768, 774 (7th Cir. 2009); *Heller v. District of Columbia ("Heller III")*, 801 F.3d 264 (D.C. Cir. 2015).

⁴⁸ *E.g., Jackson v. City & Cty. of San Francisco*, 746 F.3d 953 (9th Cir. 2014).