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February 18, 2022

Honorable Scott S. Harris  
Clerk  
Supreme Court of the United States  
Washington, D.C. 20543

Re: New York State Rifle & Pistol Association, et al. v. Kevin P. Bruen, et al.,  
No. 20-843.

Dear Mr. Harris:

This case involves a statutory scheme in New York that allows a member of the public to obtain a license to carry a concealed handgun for the purpose of self-defense only if a licensing officer determines that “proper cause” exists for the issuance of the license. *See* N.Y. Penal Law § 400.00(2)(f). The “proper cause” standard requires New Yorkers to demonstrate that they have “a special need for self-protection distinguishable from that of the general community . . . .” *Kachalsky v. Cnty of Westchester*, 701 F.3d 81, 86 (CA2 2012) (quoting *Klenosky v. New York City Police Dep’t*, 428 N.Y.S.2d 256 (N.Y. App. Div. 1980)). In practice, this standard strictly limits the number of New Yorkers who may carry firearms outside the home for self defense. New York City, for example, instructs permitting officials to consider whether a license applicant demonstrates “extraordinary personal danger, documented by proof of recurrent threats to life or safety.” 38 R. City of N.Y. § 5-03.

The District Court held that New York’s handgun licensing laws did not violate the Second Amendment of the United States Constitution. *N.Y. State Rifle & Pistol Ass’n, Inc. v. Beach*, 354 F. Supp. 3d 143 (N.D.N.Y. 2018). The Second Circuit summarily affirmed. *N.Y. State Rifle & Pistol Ass’n, Inc. v. Beach*, 818 F. App’x 99 (CA2 2020). This Court granted certiorari on the question whether New York’s denial of petitioners’ applications for concealed-carry licenses for self-defense violated the Second Amendment. *N.Y. State Rifle & Pistol Ass’n, Inc. v. Corlett*, 141 S. Ct. 2566 (Apr. 26, 2021) (No. 20-843).

Virginia joined a group of eighteen States and the District of Columbia contending that the New York permitting scheme was constitutional because the public carry of

firearms has been subject to substantial and varied forms of regulation throughout Anglo-American history. See Brief for State of California, et al. as *Amici Curiae*, *N.Y. State Rifle & Pistol Ass'n v. Bruen*, No. 20-843 (Sept. 21, 2021).

Following the change in Administration on January 15, 2022, the Attorney General has reconsidered Virginia's position in this case. The purpose of this letter is to notify the Court that Virginia no longer adheres to the arguments contained in its previously filed brief. Virginia is now of the view that New York's handgun permit regime is irreconcilable with the Second Amendment to the United States Constitution, which secures an individual right to bear arms outside the home for self-defense.

Virginia now therefore urges this Court to reverse the Second Circuit. New York's requirement that its citizens show "proper cause" to carry a handgun in public is incompatible with the original public meaning of the Second Amendment and irreconcilable with Virginia's Constitution and statutes. Accordingly, it is Virginia's position that the "proper cause" requirement should be struck down.

I would appreciate it if you would circulate this letter to the Members of the Court.

Sincerely,

*/s/ Andrew N. Ferguson*

Andrew N. Ferguson  
Solicitor General of Virginia

CC: See attached service list.

20-843

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