

No. 24-1046

In The
Supreme Court of the United States

JASON WOLFORD, ET AL.,

Petitioners,

-v-

ANNE E. LOPEZ, ATTORNEY
GENERAL OF HAWAII,

Respondent.

**On Petition for Writ of Certiorari to the United
States Court of Appeals for the Ninth Circuit**

**BRIEF OF ASSOCIATION OF NEW JERSEY
RIFLE & PISTOL CLUBS, INC. AS AMICUS
CURIAE IN SUPPORT OF PETITIONERS**

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May 5, 2025

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INTEREST OF AMICUS CURIAE¹

Association of New Jersey Rifle & Pistol Clubs, Inc. (“ANJRPC”) is a not-for-profit membership corporation, incorporated in the State of New Jersey in 1936 and represents its members, including tens of thousands of members who reside in New Jersey. ANJRPC represents the interests of target shooters, hunters, competitors, outdoors people, and other law abiding firearms owners. Among ANJRPC’s purposes is aiding such persons in every way within its power and supporting and defending the people’s right to keep and bear arms, including the right of its members and the public to purchase, possess, and carry firearms. In contumacious violation of this Court’s ruling in *New York State Rifle & Pistol Association v. Bruen*, New Jersey imposes severe restrictions on the carry of handguns at least as restrictive and unconstitutional as the ones at issue in this case. Such unconstitutional restrictions are a direct affront to ANJRPC’s central mission.

ANJRPC is not publicly traded and has no parent corporation.

¹ All parties have provided a written waiver of the 10-day notice requirement of Rule 37, and ANJRPC respectfully requests that the Court accept the provision of such written waivers in satisfaction of the notice requirement of Rule 37. No counsel for a party authored this brief in whole or in part. No person or entity, other than amicus or its counsel, made a monetary contribution intended to fund the preparation or submission of this brief.

SUMMARY OF THE ARGUMENT

The Petition should be granted because unconstitutional prohibitions on the fundamental right to carry a handgun for self-defense, including the private property rule at issue in this matter, exist in multiple states. Granting the Petition would broadly vindicate the fundamental right to keep and bear arms throughout the Nation. This is particularly so for New Jerseyans who lived under perhaps the most aggressive of such rights violating regimes.

In *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), this Court put an end to the notion that States could broadly suppress the fundamental right to carry a handgun for lawful purposes such as self-defense. The Court made clear that, by default, the people have a fundamental right to carry handguns, and they have the right to do so in most places and under most circumstances. That is, public carry of handguns is the rule, not the exception.

Immediately following the Court's June 23, 2022 ruling in *Bruen*, the very States whose unconstitutional carry prohibitions had just been stricken *raged* in open defiance of this Court. Importantly, the Hawaii law at issue in the Petition is not alone in its total affront to the fundamental right to carry recognized in *Bruen*. Rather, it is part of a comprehensive and coordinated assault on this

Court's historic ruling.

In rapid succession, five States, New York, New Jersey, Maryland, Hawaii, and California, enacted *Bruen* attack laws which overtly sought to nullify this Court's ruling in *Bruen* and the fundamental right to carry a handgun in public for self-defense.

The States are simply not getting the message, and until this Court squarely takes up this issue the defiance will continue.

What all of these laws share in common is that they very clearly target for destruction *Bruen's* holding that States may not materially impair the right to carry a handgun in public, and they do so in not coincidentally "copycat" ways. For example, they all share the private property rule that is the subject of the Petition.

New Jersey's *Bruen* attack law is almost certainly the worst (uniquely also prohibiting carry in one's car and compelling the purchase of costly liability insurance, for example). In this way, *amicus curiae* ANJRPC seeks to bring to the Court's attention just how bad these infringements can get if the Court does not take up this issue.

For these reasons the Petition should be granted.

ARGUMENT**The Petition Should be Granted Because Multiple States Have Enacted Similar Prohibitions on the Fundamental Right to Carry a Handgun for Self-Defense in Direct and Open Defiance of *New York State Rifle & Pistol Association v. Bruen*.**

In *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), this Court put an end to the notion that States could broadly suppress the fundamental right to carry a handgun for lawful purposes such as self-defense. The Court made clear that, by default, the people have a fundamental right to carry handguns, and they have the right to do so in most places and under most circumstances. That is, public carry of handguns is the rule, not the exception.

In *Bruen*, the Court invalidated the easiest and most common method of denying the fundamental right to carry a handgun—requiring that an applicant for a permit to carry a handgun show some sort of “need.” Under the New York law at issue in *Bruen* the requirement was called “proper cause,” In New Jersey it was called “justifiable need.” See former N.J. Stat. Ann. 2C:58-4 (prior to December 22, 2022 amendments).

The Court did not merely rule that requiring a showing of “need” is unconstitutional. The Court

made clear that any scheme that broadly impairs the right to carry a handgun is unconstitutional. The Court was unambiguous that a general right to carry is the irreducible constitutional minimum, and any attempt to interfere with that right is constitutionally suspect. In essence, Court swept away the notion that States could materially interfere with the fundamental right to carry a handgun in public for self-defense.

Or so it seemed.

Immediately following the Court's June 23, 2022 ruling in *Bruen*, the very States whose unconstitutional carry prohibitions had just been stricken *raged* in open defiance of this Court. Importantly, the Hawaii law at issue in the Petition is not alone in its total affront to the fundamental right to carry recognized in *Bruen*. Rather, it is part of a comprehensive and coordinated assault on this Court's historic ruling.

On June 24, 2022, the very next day after *Bruen* was announced by this Court, New Jersey Governor Phil Murphy held a defiant press conference. (<https://www.youtube.com/watch?v=EJ9ZJR-Sk24>). Like his predecessors in the Southern states in 1954 in the wake of *Brown v. Board of Education*, Governor Murphy blasted this Court's decision upholding fundamental constitutional rights and vowed to find ways to undermine and/or circumvent the ruling. In addition to announcing a wish list of

new legislation aimed at preventing law abiding individuals from carrying handguns, Governor Murphy signed Executive Order 299 (<https://nj.gov/infobank/eo/056murphy/pdf/EO-299.pdf>), which declared the *Bruen* decision “deeply flawed,” stated that “the vast majority of New Jerseyans do not support relaxing restrictions on who may carry a gun in public,” and directed all State agencies to “immediately review their statutes, rules, regulations, and program requirements to identify actions that may be taken under existing authority determining whether, and in what manner, firearms may be carried, displayed, or otherwise regulated.” *Id.* In other words, the Governor announced his clear intention to resist the Court’s ruling in *Bruen* in any and every way possible.

New York Fires the First Shot

A week later, on July 1, 2022, New York fired its first salvo at the broadside of *Bruen*. After calling an extraordinary session of the legislature, New York enacted a new law, Senate Bill S51001, the ironically named “Conceal Carry Improvement Act” (“CCIA”) which placed massive new restrictions on the carrying of handguns in public through the state. See NEW YORK GOV.’S PRESS OFFICE, *Governor Hochul Signs Landmark Legislation to Strengthen Gun Laws and Bolster Restrictions on Concealed Carry Weapons in Response to Reckless Supreme Court Decision*, July 1, 2022, available at

<https://on.ny.gov/3nXWrvA> (last visited May 5, 2025).

The CCIA pioneered a restriction similar to the one at issue in the Petition, prohibiting carry on all private property without having first received express consent. *See* N.Y. Penal L. § 265.01-d. (“Private Property Rule.”)

The CCIA also prohibits carry in a vast array of public places such as houses of worship, parks, public gatherings, Times Square, subways, theaters, libraries, zoos, etc. *See* N.Y. Penal L. § 265.01-e(2).

In addition, the CCIA also introduced a broad variety of new licensing requirements. *See* N.Y. Penal L. § 400.00(1)(o).

Taken together, these provisions constituted a creative new means to ignore this Court’s ruling in *Bruen* and, once again, massively restrict the fundamental right to carry a handgun in public for self-defense.

Multiple lawsuits were commenced challenging the CCIA. As a result of these lawsuits, major portions of the CCIA were preliminarily enjoined. *See, e.g., Antonyuk v. Hochul*, 639 F. Supp. 3d 232 (W.D.N.Y. 2022); *Hardaway v. Negrelli*, 639 F. Supp. 3d 422 (W.D.N.Y. 2022); *Christian v. Negrelli*, 642 F. Supp. 3d 393 (W.D.N.Y. 2022); *Spencer v. Nigrelli*, 648 F. Supp. 3d 451 (W.D.N.Y. 2022).

These preliminary injunctions eventually made their way to the Court of Appeals for the Second Circuit, which heard them together and affirmed in part and reversed in part. *See Antonyuk v. Chiumento*, 89 F.4th 271 (2d Cir. 2023).²

New Jersey’s Infringement on Steroids

On December 22, 2022, New Jersey Governor Murphy signed into law A4769—solidifying New Jersey’s defiance of this Court and its ruling in *Bruen*. A4769 picked up where the unconstitutional “justifiable need” left off. A4769 so comprehensively precludes the lawful carry of handguns in public that one would not know, by reading A4769, that the Court ever decided *Bruen*. *Bruen* holds that the Constitution precludes a State from broadly preventing the law abiding from carrying a handgun in public. A4769 does exactly that which the Constitution forbids.

First, like New York’s CCIA, A4769 creates an enormous list of places and circumstances where carrying a handgun is off limits, including uniquely, *in one’s own car* and, presumptively, all private property. Handgun carry is banned in nearly all

² Subsequent to the Second Circuit’s remand for further proceedings beyond the preliminary injunction stage, each of these lawsuits has continued forward and they are each at various stages in litigation.

common public places, places where the people have a fundamental constitutional right to defend themselves with a handgun in the event they encounter violent crime—places such as parks, beaches, theatres, stadiums, restaurants, hospitals, malls, casinos, museums, libraries, trains, buses, and even one’s own car. The effect is that there are almost no places in New Jersey, other than one’s own home, where one can lawfully carry a handgun—exactly the state of affairs under “justifiable need” prior to *Bruen*. See N.J. Stat. Ann. 2C:58-4.6.

Second, A4769 imposes massive fees increases (N.J. Stat, Ann. 2C:58-4(c)) and a new requirement to purchase liability insurance (N.J. Stat. Ann. 2C:58-4.3), both calculated to impose a substantial financial burden as an obstacle to exercising the right to bear arms in public.

Third, A4769 creates new and onerous procedures and standards for obtaining a Handgun Carry Permit—all obvious obstacles to exercising the fundamental right to bear arms in public. See *generally*, N.J. Stat. Ann. 2C:58-4.

These amended provisions, increasing the number of required references from three to four, requiring them to sit for a character interview, and essentially demanding that they provide an *essay* to investigating authorities, are hard to fathom in a different scenario—like requiring the submission of

essays as a condition for being allowed to operate a church or publish a newspaper or put on a parade.

Taken together, they are obviously designed to make an already cumbersome process so burdensome on the rightsholder and her family and friends that they might become too discouraged to even make the effort to exercise a fundamental constitutional right.

The law also invites the permitting authority to engage in a fishing expedition:

The chief police officer or the superintendent may require such other information from the applicant or any other person, including but not limited to publicly available statements posted or published online by the applicant, as the chief police officer or superintendent deems reasonably necessary to conduct the review of the application.

N.J.S. 2C:58-4(c). This encourages the exercise of unbridled discretion for the investigating official to compel a limitless production of information, including private social media postings protected by the First Amendment and an entire lifetime of information, as well as to exercise uneven and disparate treatment of applicants merely because the officer deems it “reasonably necessary”—all to exercise a fundamental constitutional right.

If all of that were not bad enough, N.J. Stat. Ann. 2C:58-4 requires that Handgun Carry Permits be renewed every two years, thus requiring all applicants to submit to this inquisition every other year.

In open defiance of this Court, New Jersey enacted A4769, which is nothing more than a comprehensive new scheme to, once again (but by a new method), suppress the fundamental right of the people to carry arms in public. New Jersey's law prohibits the carry of arms nearly everywhere in the State, including, by default, on all private property, in common public places, and even in one's own vehicle. In other words, although people now have a fundamental right to *obtain* permits to carry firearms thanks to *Bruen*, New Jersey has made sure they cannot actually *use* those permits in most places, by falsely labelling vast swaths of common public areas as "sensitive places" where firearms carry is categorically prohibited. This creates the illusion that carry rights are being upheld, while it actually blocks those rights nearly everywhere.

In multiple legislative committee hearings and floor debates, lawmakers sponsoring A4769 were repeatedly asked by their colleagues where citizens can lawfully carry handguns under the bill, and each time they were asked, they refused to answer. That is because the answer is "almost nowhere" which would reveal their sleight of hand.

But even this new and improper place-based restriction was not enough for lawmakers. New Jersey also made it more difficult and costly to even obtain the predicate permit, improperly ballooning the fee four-fold and adding arbitrary new hurdles for applicants and new impermissible discretionary prerogatives for licensing officials to deny permits on a whim.

Even with a carry permit in hand, New Jersey now requires a person to purchase an *insurance policy* just to exercise the fundamental right to bear arms—as if it were conceivable to require insurance to read a book, attend church, write a blog post, or attend a government meeting.

Compounding all these problems, New Jersey drafted its new law not with a fine point pen, but with a giant paint roller. By speaking in sweeping, broad, undefined, and unclear terms, the law is designed to ensure that the people cannot be quite sure what they may and may not do, thereby massively chilling the right to bear arms.

This litany of burdens on Second Amendment rights makes clear that, despite this Court's ruling that was just months old when the law was passed, New Jersey simply does not want law abiding people to be able to carry handguns for self-defense. In a moment of astonishing candor, A4769 co-sponsor Assemblyman John McKeon admitted as much in a hearing before the New Jersey Assembly Judiciary

Committee on November 14, 2022:

[D]oes anybody really want to put more guns in the hands of people that live in Paterson and Newark and Elizabeth and Camden . . . ?

<https://njleg.state.nj.us/archived-media/2022/AJU-meeting-list/media-player?committee=AJU&agendaDate=2022-11-14-10:00:00&agendaType=M&av=A>, at marker 1:54:20. (Last visited May, 5, 2025)

Assemblyman McKeon and others may believe the Second Amendment should be relegated to a “second-class right.” *Bruen*, 597 U.S. at 70. But that is not their choice to make. This Court has spoken, and the law-abiding citizens of Paterson, Newark, Elizabeth, and Camden—just like others across New Jersey—have the same constitutional rights as all Americans.

The bottom line is that before *Bruen*, New Jersey blocked right to carry by suppressing issuance of permits. After *Bruen*, New Jersey is blocking carry by prohibiting it nearly everywhere.

In consolidated lawsuits captioned *Koons v. Platkin* and *Siegel v. Platkin*, much of A4769 was preliminarily enjoined, including the private property prohibition, the vehicle prohibition, the insurance requirement, and many of the specific so-called “sensitive place” prohibitions. *See Koons v.*

Platkin, 673 F. Supp. 3d 515 (D.N.J. 2023).

On June 20, 2023, on a 2-1 vote, a panel of the Court of Appeals for the Third Circuit entered, without opinion, a stay pending appeal as to most of the preliminary injunctive relief ordered on the specific “sensitive place” restrictions. However, the stay order left in place the injunctive relief ordered blocking the private property prohibition, the vehicle prohibition, and the insurance requirement. *See Koons v. Platkin*, No. 23-1900, ECF No. 29 (3d Cir. June 20, 2023).

As the stay order was issued without opinion, one can only speculate, but it is notable that the stay temporarily swept away much of the rigorous and sound analysis of the district judge but preserved the relief below as to the private property rule. While this entire attack on *Bruen* and the fundamental right to carry a handgun is shocking and contumacious, the private property rule is particularly insidious, as it essentially turns *everywhere* into a prohibited place – *precisely* what *Bruen* forbids. 597 U.S. at 31.

Oral argument before the Third Circuit took place on October 25, 2023. More than 18 months later, the *Koons* and *Siegel* litigants await the court’s decision.

More “Usual Suspect” States Pile On

Not to be left out of the party, more pre-*Bruen* carry denial States joined in. Maryland, California and, of course, Hawaii subsequently passed similar *Bruen* attack laws. See, e.g., *Kipke v. Moore*, 2024 WL 3638025 (D. Md. August 2, 2024); *Wolford v. Lopez*, 116 F.4th 959 (9th Cir. 2024) (including the consolidated California cases *Carralero v. Bonta* and *May v. Bonta*).

All of these decisions illustrate the not-so-coincidental similarity of these *Bruen* attack laws, and it is also no coincidence that all five of these States (New York, New Jersey, Maryland, California, and Hawaii) were pre-*Bruen* carry deniers.

Having continuously fought against New Jersey’s relentless attacks on the right to keep and bear arms year after year after year, *amicus* ANJRPC, is all too familiar with New Jersey’s leading role as a repeat infringer. As is often the case with New Jersey, New Jersey’s *Bruen* attack law illustrates just how bad such attacks can get, and it is for this reason, ANJRPC brings the New Jersey experience to the Court’s attention to demonstrate the broader constitutional implications of Petitioner’s claims.

For this reason the Petition should be granted.

CONCLUSION

For the foregoing reasons, this Court should grant the petition for a writ of certiorari.

Respectfully submitted,

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