

No. 24-1046

IN THE

Supreme Court of the United States

JASON WOLFORD, ALISON WOLFORD,
ATOM KASPRZYCKI, AND THE
HAWAII FIREARMS COALITION,
Petitioners,

v.

ANNE E. LOPEZ, IN HER OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF THE STATE OF HAWAII,
Respondent.

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

**AMICI CURIAE BRIEF OF PEACE OFFICERS
RESEARCH ASSOCIATION OF CALIFORNIA,
CALIFORNIA ASSOCIATION OF HIGHWAY
PATROLMEN, AND THE CRIME PREVENTION
RESEARCH CENTER IN SUPPORT OF
PETITIONER JASON WOLFORD**

TIMOTHY K. TALBOT	DAVID E. MASTAGNI
MICHAEL A. MORGUESS	<i>Counsel of Record</i>
RAINS LUCIA STERN	TAYLOR DAVIES-MAHAFFEY
ST. PHALLE & SILVER, PC	MASTAGNI HOLSTEDT, APC
2300 Contra Costa Blvd	1912 I Street
Ste 500	Sacramento, CA 95811
Pleasant Hill, CA 94523	(916) 446-4692
(916) 646-2860	davidm@mastagni.com
ttalbot@rlslawyers.com	

Counsel for Amici Curiae

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INTEREST OF AMICI CURIAE

Peace Officers Research Association of California (“PORAC”) was incorporated in 1953 as a professional federation of local, state, and federal law enforcement agencies, and represents over 83,000 law enforcement and public safety professionals in California.¹ As California’s largest law enforcement organization, PORAC’s mission is to maintain a leadership role in organizing, empowering, and representing the interests of rank-and-file peace officers. PORAC identifies the needs of law enforcement and conducts research, education, and training to enhance professional standards. PORAC protects the rights and benefits of officers while fostering an environment in which law enforcement and the communities they serve work to achieve common goals and objectives.

PORAC lobbies to advance or amend laws and regulations. PORAC provides history, context, and perspective unique to law enforcement professionals on key public policy issues. PORAC also files *amicus curiae* briefs in litigation impacting public safety.

Founded in 1920, the California Association of Highway Patrolmen (“CAHP”) advocates on behalf of California Highway Patrol (“CHP”) officers. Philosophically rooted in collaborative-based initiatives, CAHP often partners with the CHP to ensure high levels of public trust. CAHP aspires to be an example for all law enforcement officers and to provide the public the highest level of service.

¹ No counsel for a party authored this brief in whole or in part, nor did such counsel or any party make a monetary contribution to fund this brief. No person other than the amicus parties, its members or counsel, made a monetary contribution intended to fund the preparation or submission of this brief.

The Crime Prevention Research Center (“CPRC”) is a research and education organization dedicated to conducting and publishing academic quality research on the relationship between laws regulating firearms, crime, and public safety. CPRC strives to advance the scientific understanding of policing to promote enhanced public safety through improved awareness and knowledge.

As a 501(c)(3) nonprofit organization, CPRC does not accept donations from organizations associated with guns, ammunition, or the gun control debate.

Academic advisors for CPRC are affiliated with Wharton, University of Chicago, Harvard, University of Michigan, Emory, and other universities. Dr. John R. Lott, Jr., an economist and a world-recognized expert on guns and crime, founded CPRC. Lott has served as the Senior Advisor for Research and Statistics in the Office of Justice Programs and the Office of Legal Policy in the U.S. Department of Justice. He has held research or teaching positions at academic institutions, including the University of Chicago, Yale University, the Wharton School of the University of Pennsylvania, Stanford University, UCLA, and Rice University, and was the chief economist at the United States Sentencing Commission from 1988-1989. He holds a Ph.D. in economics from UCLA, and has published over 100 articles in peer-reviewed academic journals and written ten books, including “More Guns, Less Crime,” “The Bias Against Guns,” and “Freedomnomics.”

Amici Curiae promote policies and laws that enhance public safety while respecting individual self-defense rights. *Amici Curiae* represent thousands of individuals whose lives and ability to protect the public depend upon “the inherent right of self-defense [that] has been central to the Second Amendment

right.” *District of Columbia v. Heller*, 554 U.S. 570, 628 (2008). Firearm legislation should be tailored to increase the consequences and risks armed criminals face while committing crimes, not to impair law-abiding citizens’ self-defense rights. California peace officers possess an interest in avoiding enforcement of unconstitutional concealed carry restrictions. Moreover, enforcement of such restrictions targeting a small, vetted, and law-abiding group of individuals harms public safety by diverting scarce law enforcement resources from where they are needed to prevent violent crimes and apprehend actual criminals.

Amici Curiae urge this court to reverse the Ninth Circuit’s decision in *Wolford v. Lopez*, 116 F.4th 959 (9th Cir. 2024) authorizing states to enact presumption-flipping laws that require concealed carry weapon (CCW) holders to obtain advance permission to carry on private property open to the public. The decision is pernicious to Second Amendment rights because it effectively disarms highly vetted, law-abiding citizens from public carry by presumptively prohibiting firearms on all private property. In so doing, the restrictions also designate soft targets for gun violence where a life-saving law enforcement response is several minutes away. *Amici Curiae* fear *Wolford* will provide a framework for flipping the private property consent presumption in other jurisdictions hostile to self-defense rights.

SUMMARY OF ARGUMENT

Bruen held “only if a firearm regulation is consistent with this Nation’s historical tradition may a court conclude that the individual’s conduct falls outside the Second Amendment’s ‘unqualified command.’” *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 17 (2022). The Ninth Circuit erred in holding “that a

national tradition likely exists of prohibiting the carrying of firearms on private property without the owner's oral or written consent." *Wolford*, 116 F.4th at 996. *Amici Curiae* support Petitioners and urge this Court to reverse the Ninth Circuit's consolidated opinion in *Wolford* upholding this inversion of the traditional rules of consent as it pertains to property held open to the public. *Id.* at 993-96. The panel cherry-picked "trespass with arms" history while ignoring this Court's command to analogize based on "how and why" regulations burden the right. *Bruen*, 597 U.S. 1.

Although the court struck down California's rule as unconstitutional because it restricts consent to signage only, it found Hawaii's rule constitutional because it allows property owners to grant consent through any "[u]nambiguous written or verbal authorization," including signage. *Wolford*, 116 F.4th at 973. The differential treatment was based on the flexibility of consent mechanisms rather than the presumption-flipping concept itself. Thus, the court's analysis of the "how and why" undergirding the distinction remains infused with the same Constitutional error and ignores this Court's holding that the Second Amendment protects the right to bear arms outside the home. *Bruen*, 597 U.S. at 33. The statutory reversal of the longstanding presumption of permission to carry on private property open to the public cannot be reconciled with this Nation's historical tradition of firearms regulations. Further, the Constitutional violation occurs by flipping the presumption, not the implementation constrictions.

This flip creates insurmountable obstacles to lawful carry, chilling Second Amendment rights without advancing the purported legislative intent. The Ninth Circuit erred by analogizing at an overly broad level and relying on two outlier historical laws. As Circuit

Judge VanDyke noted, the novelty lies in reversing the presumption itself, not in restoring permission. *Wolford v. Lopez*, 125 F.4th 1230, 1236 n.1 (9th Cir. 2025) (VanDyke, J., dissenting from denial of reh’g en banc). The court’s historical analogies are overly generalized, failing to address the specific “how and why” of regulations. The cited laws, including a 1771 New Jersey law (a colonial anti-poaching statute) and an 1865 Louisiana Reconstruction-era “Black Code” (an act designed to deprive African Americans of their rights), fail *Bruen*’s “how and why” tests. These precedents addressed poaching and racial discrimination, not gun violence prevention, and applied to limited private property not open to the public. Such laws provide no historical basis for the sweeping restrictions at issue here.

These historical analogues fail at the threshold. Even if Hawaii could justify its presumption-flipping regime by appealing to public-safety concerns, empirical evidence undermines that justification. Modern evidence confirms what history already suggests: law-abiding citizens who obtain concealed-carry permits are not the source of gun violence, and restricting their ability to carry does not enhance public safety.

CCW permit holders are some of the most highly vetted, trained, responsible and law-abiding citizens, who do not jeopardize public safety. *May v. Bonta*, 709 F. Supp. 3d 940, 969-70 (C.D. Cal. 2023), *aff’d in part, rev’d in part sub nom, cert. granted in part*, No. 24-1046, 2025 WL 2808808 (U.S. Oct. 3, 2025). PORAC President Brian Marvel explained, “[v]iolent criminals don’t bother with CCW permits and simply carry illegally.” *Id.* at 948. Thus, it is no surprise that crime data demonstrates that permissive right to carry laws actually reduce violent crime, especially murder and rape.

Empirical data confirms that CCW permit holders demonstrate a strong predisposition to comply with the law. With exceedingly low revocation and conviction rates, permit holders present no measurable threat to public safety. In 26 states with comprehensive data, the average permit revocation rate for any reason is less than 0.2%, and permit holders are convicted of firearms-related violations at just 1/12th the rate of police officers and 1/240th the rate of the general population. John R. Lott, Jr., Carl Moody, and Rujun Wang, *Concealed Carry Permit Holders Across the United States: 2024*, SSRN (Nov. 29, 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5040077.

Moreover, studies relied upon to argue that right-to-carry (RTC) laws increase crime collapse under closer methodological scrutiny. Many fail to account for differences in permitting requirements between early- and late-adopting states, where later states impose higher barriers leading to fewer permits and smaller crime reductions. When these variables are properly controlled, advanced statistical models demonstrate that RTC laws reduce overall violent crime—with significant declines in murder (up to 6.47%) and rape (up to 9.92%)—and show no significant increases in robbery or assault. *See* Table 5, *infra*. Weighted by victim costs, these laws yield a net reduction in violent crime costs of 5.72% to 6.49%. *See id.* These findings confirm that permissive carry regimes enhance public safety by deterring criminals who cannot reliably predict armed resistance.

This deterrent effect also explains why armed citizens provide a critical layer of protection that police—through no fault of their own—cannot always supply. Even when police are present, attackers can wait for them to leave the area before attacking, move

to another target, or shoot the officer first since they know the officer is the only person armed. Permissive concealed carry laws enhance both public safety—because criminals will not know who is able to stop them—and officer safety—because attackers cannot eliminate their risk of being stopped by solely engaging the officer.

Although purportedly intended to protect vulnerable people, Hawaii’s law actually subjects them to greater risks of gun violence. Regrettably, gun-free zones without comprehensive police protection attract mass shooting incidents by advertising that only the mass murderers will have guns. *May*, 709 F. Supp. 3d at 970. Law-abiding citizens will obey the law, while criminals intent on murder will not be deterred by these sensitive places designations. “Someone intent on committing a mass murder will likely choose to do so in a ‘sensitive’ place, where he or she is less likely to encounter armed victims.” *Id.* Rather than divert scarce law-enforcement resources to enforcing symbolic prohibitions, states should focus on suppressing and prosecuting violent firearm related crimes.

Reversal is necessary to restore self-defense rights in Hawaii and correct the Ninth Circuit’s continuing departures from this Court’s Second Amendment jurisprudence.

ARGUMENT

I. Reversal is Necessary to Vindicate *Bruen*.

The Court recently reaffirmed the appropriate standard for Second Amendment analysis in *Bruen*, as follows:

When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation. Only then may a court conclude that the individual’s conduct falls outside the Second Amendment’s “unqualified command.” 597 U.S. 24.

The government has the burden of proving that the challenged regulation is consistent with the “Nation’s historical tradition of firearm regulation” by analogy to historic regulations which imposed a “comparable burden on the right of armed self-defense and [] that [the] burden is comparably justified.” *Id.* at 29.

As to whether the right to bear arms might be restricted in certain locations without infringing Second Amendment rights, this Court identified “settled” sensitive places, such as “legislative assemblies, polling places, and courthouses,” where the carrying of firearms may be prohibited and directed lower courts to “use analogies to those historical regulations” to determine if other location restrictions are constitutionally permissible. *Id.* at 20. The Court explained that “the historical record yields relatively few 18th- and 19th-century ‘sensitive places’ where weapons were altogether prohibited.” *Id.* at 30. Thus, locational restrictions are intended to be the exception to the

general rule that firearms must be permitted virtually everywhere.

The Court cautioned that:

[E]xpanding the category of “sensitive places” simply to all places of public congregation that are not isolated from law enforcement defines the category of “sensitive places” far too broadly. . . . [It] would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry arms for self-defense. *Id.* at 2134.

For example, “there is no historical basis for New York to effectively declare the island of Manhattan a ‘sensitive place’ simply because it is crowded and protected generally by the New York City Police Department.” *Id.* at 2118-19. The presumption flip accomplishes this foreclosed prohibition.

Following *Bruen*, states began issuing laws in an obvious attempt to evade the ruling. New York was the first, and New Jersey, Hawaii, Maryland, Illinois, and California followed with similar restrictions on where individuals may carry a concealed firearm. These include presumption-flipping laws, requiring explicit consent for carry on private property open to the public.

The Second and Third Circuits have struck down laws creating default prohibitions requiring property owners to affirmatively consent to CCW carry. *Antonyuk v. James*, 120 F.4th 941, 1046 (2024), *cert. denied*, 145 S. Ct. 1900 (2025) (holding, “all of the State’s analogues appear to, by their own terms, have created a default presumption against carriage only on private lands not open to the public.”); *Koons v. Att’y Gen. New Jersey*, 156 F.4th 210, 252 (3d Cir. 2025), as amended (Sept. 17, 2025) (holding the cited “[h]istorical

examples were seemingly limited to private property that was not impliedly held open to the public, such as plantations and estates.”); *see, also, Kipke v. Moore*, 695 F.Supp.3d 638, 659 (D. Md. 2023) (finding that anti-poaching laws and “Black codes” were not appropriate historical analogs). By upholding Hawaii’s flexible consent requirement while striking down California’s rigid sign-only approach, *Wolford* created a circuit split regarding this presumption. *Wolford*, 116 F.4th at 996. (“We acknowledge that our primary holding—that a national tradition likely exists of prohibiting the carrying of firearms on private property without the owner’s oral or written consent—differs from the decisions by the Second Circuit and some district courts.”)

In so doing, the Ninth Circuit ignored this Court’s warning against “expanding the category of ‘sensitive places’ simply to all places of public congregation.” *Id.* at 31. By presuming non-consent absent express permission, the panel erects nearly insurmountable obstacles to Second Amendment exercise. Requiring advance permission for protected conduct forces citizens either to disarm preemptively or to risk arrest by entering armed to seek oral consent. As Judge VanDyke observed, “the novelty of the two states’ attempts to flip the presumption has little to do with nuances of how someone might go about restoring permission to bear a firearm on their property. The overwhelming impact of California’s and Hawaii’s innovation is the reversal in the presumption itself.” *Wolford*, 125 F.4th at 1236 n.1 (VanDyke, J., dissenting from denial of reh’g en banc). This distinction creates “the illusion of analytical precision, but it strains the proverbial gnat while swallowing the camel.” *Id.*

The Ninth Circuit concluded that “Hawaii’s modern law falls well within the historical tradition” because it preserves pathways for property owners to grant permission, consistent with colonial and post-Civil War precedents. *Id.* at 995. The *Wolford* court “justified its conclusion by pointing to just two outlier laws—one an anti-poaching colonial law and the other a discriminatory Reconstruction era “Black Code.” *Id.* at 1232. The court mischaracterized a 1771 New Jersey law and 1865 Louisiana law as “historical dead ringers” that prohibited carrying firearms on private property without the owner’s consent. *Wolford*, 116 F.4th at 995. However, these laws bear no resemblance to Hawaii’s new law and thus fail the “how” and “why” tests.

The hunting laws cited by the court did not restrict carry in the same manner because the law covered only a subset of private property which was presumably not open to the public. *See Koons*, 156 F.4th at 252. The “why” was preventing poaching, not gun violence.

The second supposed analogue relied on by the panel was an 1865 Louisiana law enacted as part of the “Black Codes” seeking to deprive African Americans of their rights, including the right to keep and bear arms otherwise protected by state law. *Wolford*, 125 F.4th at 1239 (VanDyke, J., dissenting from denial of reh’g en banc), citing *Heller*, 554 U.S. at 614; *McDonald v. City of Chicago*, 561 U.S. 742, 771, 779 (2010). Thus, the “why” was to invidiously discriminate, not prevent gun violence.

II. Empirical Evidence Demonstrates that Presumptive Restrictions from Private Property Reduce Public Safety.

These laws not only violate Second Amendment rights, they also undermine lawmakers' purported legislative intent. Restricting carrying on most private property open to the public makes little sense from a law enforcement perspective. CCW permit holders are remarkably law-abiding. *May*, 709 F. Supp. 3d at 947. Obtaining a CCW permit requires significant effort and expense. Applicants subject themselves to a months-long process that usually includes considerable fees, a mandatory training course, a thorough background check, and, in certain jurisdictions, a psychological exam. *See, e.g.*, Cal. Penal Code §§ 26202(a)-(b), 26165(a), 26190(e)(2). Individuals willing to go through this process are simply not likely to break the law; quite the opposite – they demonstrate a tremendous law-abiding predisposition. In the 26 states with comprehensive data, the average permit revocation rate for any reason, including relinquishment when moving out of the state, is less than 2/10ths of 1%. John R. Lott, Jr., Carl Moody, and Rujun Wang, *Concealed Carry Permit Holders Across the United States: 2024*, SSRN (Nov. 29, 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5040077. Permit holders are convicted of firearms-related violations at 1/12 the rate of police officers, and about 1/240th the rate of the general population. *Id.*

Conversely, criminals intent on committing gun violence are not going to obtain CCW permits or refrain from committing gun crimes in an area simply because concealed carry is prohibited. The recent mass murder at the Covenant School in Nashville, Tennessee in March, 2023 illustrates this point.

Individuals who violate Tennessee’s gun-free school zone laws can receive up to six years in prison. Tenn. Code § 39-17-1309. While a severe penalty for law-abiding citizens, an additional six years is irrelevant to a mass murderer facing multiple life sentences or the death penalty. Adding six years to multiple life sentences offers no additional deterrence.

Opponents of concealed carry and self-defense rights argue that such laws escalate violence by enabling avoidable killings, often misframed as “justified” homicides. The Violence Policy Center’s (VPC) “Concealed Carry Killers” database, for example, claims over 1,300 fatalities by permit holders since 2007, portraying these as evidence of rampant misuse. *Concealed Carry Killers*, Violence Policy Center, <https://concealedcarrykillers.org/> (last visited Nov. 16, 2025). Similarly, a recent Wall Street Journal article asserts that stand-your-ground (SYG) laws in 30 states have driven a 59% rise in civilian justifiable homicides from 2019 to 2024 (versus a 16% increase in total homicides), making it “easier than ever to kill someone and get away with it” by simply claiming fear for one’s life. Mark Maremont & Paul Overberg, *Six Words Every Killer Should Know: ‘I Feared for My Life, Officer’*, Wall St. J. (Oct. 28, 2025), <https://www.wsj.com/us-news/homicide-stand-your-ground-law-crime-f25bd211>.

These narratives amplify rare incidents while ignoring aggressors’ roles and the life-saving potential of defensive gun use. *Heller* recognized self-defense is an inherent constitutional right and is expressly enshrined in Article I, Section 1 of the California Constitution. 554 U.S. at 606. Further, VPC blatantly inflates its figures by triple- or even quadruple-counting incidents and includes incidents that do not involve concealed carry by permit holders, such as

suicides and unauthorized carry. John R. Lott, Jr., *How Gun Control Advocates Play the Mainstream Media for Suckers*, The Hill (May 16, 2017), <https://thehill.com/blogs/pundits-blog/crime/333473-how-gun-control-advocates-play-the-mainstream-media-for-suckers/> (detailing Michigan's overcounted 78 homicides as actually 17 convictions and 390 suicides over the ten years from May 2007 to April 2017, accounting for 40% of all the deaths that VPC attributes to permit holders).

The VPC treated pending cases the same as convictions for statistical purposes. The Michigan State Police report the number of pending cases and convictions each year. But since most cases never result in a conviction and many cases can be listed as pending for two or even three calendar years, this results in massive over-counting. An additional 30 cases are added from news stories without controls for avoiding double counting. Thus, when only taking into account the 17 convictions, the actual statistics show 1.7 shootings per year out of 560,000 permit holders in June 2016 – a 0.00030% rate.

Even accepting VPC's current tally of 2,817 people killed, including 1,732 suicides, it yields a negligible annual rate of ~0.00033% (excluding suicides) among 17.25 million permit holders during the midpoint of the 19 years. *Concealed Carry Killers, supra*. Permit holders commit crimes at fractions of general population rates, with state revocation data showing minimal firearms violations (e.g., Florida: 0.0002% overall, 1987–2014). *Id.*

The SYG analysis is equally flawed and biased. The increase in justifiable homicides occurred nationwide, not only in SYG-specific states. Additionally the cited FBI data (NIBRS) is incomplete, undercovering key SYG states like Florida and Pennsylvania. The increases

track overall crime spikes from 2019–2024, and justifiable homicides remain tiny (rising from 2.8% to 3.8% of total homicides in SYG states). More importantly, while justifiable homicides rose, the murder rate fell slightly. Five years after adoption, murder rates in SYG states dropped on average over 8%. Moreover, gun use in self-defense requires an objective reasonable belief of an imminent threat of death or serious bodily injury, which prosecutors investigate thoroughly. Reliable studies reveal that permissive right-to-carry laws deter violent crime and carrying in places open to the public deters mass shootings. Finally, the Wall Street Journal article only counted states that enacted SYG into a codified form, but several others (including California, Oregon, and Washington) have long had SYG via their common law and jury instructions.

The FBI defines an “active shooter incident” as one or more individuals actively attempting to kill people in a populated public or confined area, excluding shootings stemming from other crimes (e.g., robbery or gang violence). This broad definition encompasses everything from a single missed shot to mass-casualty events. Fed. Bureau of Investigation, *Active Shooter Incidents in the United States*, 2024 (U.S. Dep’t of Just., 2025).

Armed civilians typically lack police-level training, increasing the risk that they will mistakenly shoot bystanders, complicate the scene for responding officers, or fail to neutralize the threat. In many scenarios, trained police therefore remain more effective at stopping active shooters. Yet police face their own acute disadvantages. Uniforms make them immediately identifiable, giving attackers a tactical edge. Shooters can simply wait for officers to leave, select a different location, or target the officers first.

These factors heighten officer risk while reducing their preventive impact. By contrast, armed civilians offer distinct advantages. They can intervene discreetly anywhere concealed carry is permitted, before an attacker detects them, and they vastly outnumber on-duty police. In 2024, 21.5 million Americans—about 8.2% of adults—held concealed handgun permits, with an additional unknown millions in the 29 constitutional-carry states. John R. Lott, Jr., Carl Moody, and Rujun Wang, *Concealed Carry Permit Holders Across the United States: 2024*, SSRN (Nov. 29, 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5040077; McLaughlin & Associates, *General Election Voters*, National Crime Prevention Research Center (Dec. 17, 2024), <https://crimeresearch.org/wp-content/uploads/2025/11/National-CPRC-Topline-12-17-24.pdf>. There were only roughly 671,000 full-time sworn law enforcement officers in 2020, meaning fewer than 240,000 are typically on duty, or less than 0.1% of the population. Sean E. Goodison, Bureau of Just. Stats., U.S. Dep’t of Just., *Local Police Departments Personnel, 2020* (2022), <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/lpdp20.pdf>. Connor Brooks, Bureau of Just. Stats., U.S. Dep’t of Just., *Primary State Law Enforcement Agencies: Personnel, 2020* (2024), <http://bjs.ojp.gov/document/psleap20.pdf>; Connor Brooks, Bureau of Just. Stats., U.S. Dep’t of Just., *Federal Law Enforcement Officers, 2020* (2022), <https://bjs.ojp.gov/document/fleo20st.pdf>.

From 2014 to 2024, using the FBI’s active-shooter definition, armed civilians stopped 199 of 562 incidents, preventing 35.4% of the attacks, and rising to 52.5% in locations where carry was allowed. By contrast, police stopped 167 incidents (29.7%).

Overall, armed civilians have proven remarkably safe and effective. In the 199 civilian interventions, bystanders were accidentally shot only once (0.5% of cases), with zero instances of interfering with police. Civilians were killed in just 2 cases (1.0%) and wounded in 49 (24.6%), and in 58 incidents (32%) they prevented potential mass shootings.

Uniformed police, despite superior training, faced greater risks and error rates in the 167 incidents they stopped. They accidentally shot bystanders or fellow officers five times (3.0%)—over five times the civilian rate—and suffered 19 officers killed (11.4%, eleven times the civilian rate) and 51 wounded (30.5%). In no active-shooter incident did either group have their firearm taken by the attacker. While neither civilians nor police stop every attack, the data demonstrates the presence of armed civilians improves outcomes.

Mass murderers exploit gun-free zones knowing they alone will be armed. Nashville Police Chief John Drake commented on the shooter's manifesto, noting, "there was another location that was mentioned, but because of a threat assessment by the suspect of too much security, they decided not to." Lydia Fielder and Tony Garcia, *Nashville school shooter purchased 7 guns, planned attack on multiple locations, police say*, WSMV (Mar. 27, 2023), <https://www.wsmv.com/2023/03/28/nashville-school-shooter-purchased-7-guns-planned-attack-multiple-locations-police-say/>. Similarly, the Tops Friendly Markets shooter in Buffalo, New York wrote in his manifesto, "Areas where CCW permits are outlawed or prohibited may be good areas of attack." John R. Lott, Jr., *New York Mass Public Shooter Explicitly targeted: "areas where CCW are outlawed or prohibited may be good areas of attack" "areas with strict gun laws are also great places of*

attack,” Another Socialist/Environmentalist, Crime Policy Research Center (May 14, 2022), <https://crimeresearch.org/2022/05/new-york-mass-public-shooter-explicitly-targeted-areas-where-ccw-are-outlawed-or-prohibited-may-be-good-areas-of-attack-areas-with-strict-gun-laws-are-also-great-places-of-attack/>.

The August 2025 shooter at Annunciation Catholic School in Minneapolis explicitly targeted a gun-free zone. His manifesto stated: “I recently heard a rumor that James Holmes, the Aurora theater shooter, may have chosen venues that were ‘gun-free zones.’ I would probably aim the same way. . . . Holmes wanted to make sure his victims would be unarmed. That’s why I and many others like schools so much. At least for me, I am focused on them. Adam Lanza is my reason.” He deliberately avoided morning drop-off and afternoon pick-up times, when concealed-carry permit holders might be present. John R. Lott, Jr. and Thomas Massie, *Another Mass Shooting in a ‘Gun-Free Zone’*, Wall St. J. (Aug. 28, 2025), <https://www.wsj.com/opinion/another-mass-shooting-in-a-gun-free-zone-55e29255>.

This pattern is common. Many 2023 attacks occurred in gun-free zones, including the Old National Bank in Louisville, Kentucky, an outlet mall in Allen, Texas, and a hospital in Atlanta, Georgia. John R. Lott, Jr., *Old National Bank Shooting in Louisville was in yet ANOTHER Gun-free Zone, the murderer was another left-winger*, Crime Policy Research Center (Apr. 11, 2023), <https://crimeresearch.org/2023/04/old-national-bank-shooting-in-louisville-was-in-yet-another-gun-free-zone/>; John R. Lott, Jr., *UPDATE: Texas Mall Shooting in yet ANOTHER Gun-free Zone, though not all parts of the mall might have been properly posted*, Crime Policy Research Center (May 6, 2023), <https://crimeresearch.org/2023/05/texas-mall-shooting-in-yet-anoth>

er-gun-free-zone/; John R. Lott, Jr., *Active shooter attack in Atlanta Hospital occurred in yet another Gun-free Zone*, Crime Policy Research Center (May 3, 2023), <https://crimeresearch.org/2023/05/active-shooter-attack-in-atlanta-hospital-occurred-in-yet-another-gun-free-zone/>. From 1998 through 2024, 92% of mass public shootings in the United States took place in locations where civilian carry was prohibited. John R. Lott, Jr., *Updated Detailed Information on Mass Public Shootings from 1998 to 2024*, Crime Policy Research Center (Jan. 2, 2025), <https://crimeresearch.org/2025/01/updated-information-on-mass-public-shootings-from-1998-to-2024/>; John R. Lott, Jr., *UPDATED: Mass Public Shootings keep occurring in Gun-Free Zones: 92% of attacks since 1950*, Crime Policy Research Center (Jun. 15, 2018), <https://crimeresearch.org/2018/06/more-misleading-information-from-bloombergs-everytown-for-gun-safety-on-guns-analysis-of-recent-mass-shootings/>. Dozens of mass shooters have admitted they chose their target specifically because it was where guns are banned. John R. Lott, Jr., *UPDATED: How mass killers pick out venues where their victims are sitting ducks*, Crime Policy Research Center (Aug. 27, 2025), <https://crimeresearch.org/2025/08/vince-vau-ghn-explains-the-obvious-how-mass-killers-pick-out-venues-where-their-victims-are-sitting-ducks/>.

As the Ninth Circuit conceded in *Wolford*, its mistaken presumption of non-consent was dispositive to the outcome. *Wolford*, 116 F.4th at 993. Because property owners rarely grant or deny permission, rendering lawful carry prohibited by default on nearly all private property open to the public effectively converts all such property into de facto sensitive places where those intent on killing can do so without fear of encountering armed civilians.

III. The Studies Relied on to Support Bans on Most Locations are Fatally Flawed.

The majority of studies on the effects of RTC laws², generally employ three methodologies: cross-section, synthetic control, and panel data two-way fixed-effects models. Each suffers from serious flaws that bias results against RTC laws.

An obvious bias plagues cross-section studies. Cross-sectional studies compare crime rates across states at a single point in time, attributing differences to the presence or absence of RTC laws. For example, Texas and Alaska have RTC laws, while New York and Hawaii do not. Yet states differ in countless unobserved ways (climate, culture, history, attitudes toward guns and crime) that are constant over time and cannot be controlled for. Because these constant characteristics are unobservable, they are omitted by cross-section studies. This “unobserved heterogeneity” renders cross-sectional analyses unreliable.

Synthetic control models were developed as a second-best approach when data is extremely limited because there is only one experiment to observe. These limitations do not exist with RTC laws, where 42 states enacted such laws. Because only one experiment is being observed, synthetic control methodology cannot control for other factors such as changes in laws, police activity, prison population, income, unemployment, poverty, etc., in the post-law period. This weakness invalidates studies that employ the synthetic control method.

² Within the literature, RTC laws are defined as laws which have objective requirements to obtain a permit (passing a criminal background check, age, and sometimes requiring training).

These concerns have led to the widespread adoption of panel data models with repeated observations on states for several years using the so-called “fixed effects” model. Different crime rates cannot be attributed to a particular law by simply comparing states such as California and Idaho. If California adopts a gun control law, it is necessary to compare crime rates in the two states both before and after adoption of the law. Fixed-geographic effects allow estimates to measure the pre-existing differences in state crime rates.

Similarly, crime rates often fluctuate nationally, which requires recognition of the timing that particular states adopted a law in relation to national crime rate changes. The correct question is whether the crime rates changed in states that adopted the law relative to those states that did not adopt a similar law. Fixed-year effects account for the average drop from one year to another so that the state-level changes can be meaningfully compared to the national change.

The gold standard for panel data policy analyses is the two-way fixed-effects (“TWFE”) model. The TWFE model includes fixed effects for states to solve the unobserved heterogeneity problem and fixed effects for years to control for federal laws and other factors that could affect all states in a given year.

Yet these particular TWFE models have a potential problem because researchers calculated the effect of RTC laws by finding the difference in the crime rate for states recently adopting RTC laws compared to states that already had RTC laws. The correct comparison is between recently adopting states and states that have not adopted the policy. Overlooking this issue causes seriously biased estimates of the effect of the policy. *See* Clément de Chaisemartin and

Xavier D'Haultfouelle, *Two-Way Fixed Effects Estimators with Heterogeneous Treatment Effects*, 110 Am. Econ. Rev. 9 (2020); Clément de Chaisemartin and Xavier D'Haultfouelle, *Two-Way Fixed Effects and Differences-in-Differences Estimators With Several Treatments*, 236 J. of Econometrics 2 (2023).

IV. Studies that Compare Early Adopting States to Late Adopting States Do Not Account for Differences in Permitting Requirements.

Regression analysis studies found RTC laws reduce violent crime. Since the publication of John R. Lott, Jr. and David B. Mustard's *Crime, Deterrence, and Right-to-Carry Concealed Handguns*, 26 J. of Legal Stud. 1 (1997), fifty-two (52) academic studies on the empirical effect of RTC laws on violent crime have been conducted. Forty (40) out of fifty-two (52) studies found that RTC laws did not increase violent crime, and twenty-five (25) studies found these laws reduce violent crime. Considering only peer reviewed studies, 22 found RTC laws reduce crime, while 9 found the contrary. Moreover, the studies that found RTC laws increase violent crime were all published after 2010. This discrepancy is attributable to bias resulting from comparing early adopting states to later adopting states. Carlisle Moody & John R. Lott, Jr., *Do Right to Carry Laws Still Reduce Violent Crime?*, 2022 Academia Letters, 1-6; Carl Moody & John R. Lott, *Estimating the Effect of Concealed Carry Laws on Murder: A Response to Bondy, Et Al*, 80 Int'l Rev. L. & Econ. 1-7 (2024).

The date a state adopted RTC laws is closely related to permissiveness of the permitting requirements and the number of permits issued. When forced to recognize a disfavored right, the government often conjures restrictions to limit that right. Unsurprisingly,

the early adopting states generally imposed the fewest restrictions on obtaining a permit. States that more recently adopted RTC laws often did so reluctantly and imposed more barriers.

Regulations governing the issuance of CCW permits during 2005, the mid-period examined, provides a useful comparison. As shown in Tables 1 and 2, the late-adopting states imposed much more restrictive regulations—higher fees, longer training requirements, more location restrictions, and slightly higher age restrictions. Within a single state, permitting rules generally became more permissive over time. Thus, early-adopting states continue to make it easier for people to get a permit, resulting in further increases to the number of permits issued.

As shown in Tables 1 and 2, the longer it took states to adopt RTC laws, the more restrictive their permitting rules. In Table 1, the pre-1977 RTC states have permit fees that are just one-fourth the average yearly fee for states that adopted after 2000, and their training requirements are just 7% as long. While fees and training requirements have declined considerably between 2005 and 2021, the pattern remains the same in 2021, with later-adopting states enacting higher fees and longer training requirements (Table 2).

The more costly obtaining a permit is, the less likely people are to obtain one and the number of permits will grow less over time. Hence, relatively few people obtain permits in the later-adopting states, which have relatively smaller drops in violent crime rates. John R. Lott, Jr., *More Guns, Less Crime: Understanding Crime and Gun Control Laws* 177-178, 255-277, Ch. 10 (3rd ed. 2010).

For example, consider two neighboring states: Illinois and Indiana. Given that the total cost of obtaining a permit is over \$400 in Illinois and is free in Indiana, it is not surprising that in 2023, Illinois had 4.9% of the population holding permits while Indiana had 23%. John R. Lott, Jr., *Concealed Carry Permit Holders Across the United States: 2023*, SSRN (Nov. 30, 2023). Correspondingly, Indiana had a lower violent crime rate than Illinois (373.5 vs 414.4 per 100,000) and a lower murder rate (6.2 vs 7.1 per 100,000). Federal Bureau of Investigation, *2019 Crime in the United States*, <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-4> (last visited February 21, 2024).

Accordingly, studies examining this later period are comparing these late-adopting states to the states that already had very liberal RTC laws. These studies fail to account for the number of permits issued in each state; only Lott’s 2010 study accounted for that fact.

Table 1: Criteria for permits based on the Right-to-Carry laws during 2005

Year law adopted	Average permit fee per year	Average training hours	Average qualifying age
Before 1977	\$5.81	0.63	19.13
1980s	\$11.21	2.83	20.00
1990s	\$15.13	6.12	20.59
2000s	\$22.09	9.50	20.88

See Lott (2010), *supra*, at 256-57.

Table 2: Criteria for permits based on the Right-to-Carry laws during 2021

Year law adopted	Average permit fee per year	Average training hours	Average qualifying age
Before 1977	\$3.89	0.00	18.43
1980s	\$9.82	1.50	20.40
1990s	\$5.31	2.56	20.44
2000s	\$13.61	6.00	20.38

See John R. Lott, Jr. and Rujun Wang, *Concealed Carry Permit Holders Across the United States: 2020*, SSRN (Sept. 21, 2020), appendix.

The growth rate of permits, which is slower in late-adopting states, reflects their difficulty to acquire.

Table 3: The change in the percent of the adult population with Right-to-Carry permits

	Percent- age point change in permits from 1999 to 2015	Percent- age point change in permits from 2007 to 2015	Percent- age point change in permits from 1999 to 2017	Percent- age point change in permits from 2007 to 2017	Percent- age point change in permits from 1999 to 2019	Percent- age point change in permits from 2007 to 2019
States that adopted right- to- carry laws after 1999	3.1% (8)	3.1% (11)	3.9% (8)	4.3% (11)	4.3% (8)	4.8% (11)
All other states	4.2% (19)	3.7% (35)	5.3% (19)	5.0% (35)	6.0% (19)	5.8% (35)

See CPRC, *annual report on number of concealed handgun permits*, <https://crimeresearch.org/tag/annual-report-on-number-of-concealed-handgun-permits> (last visited February 21, 2024).

To summarize, recent studies are flawed because they confine themselves to more recent data. These later empirical analyses of the impact of RTC laws all assume that these laws are the same across states and over time. However, the effects of these laws are not the same because states differ widely as to the number of permits issued. Therefore, the findings of recent panel data studies showing that RTC laws increase crime should be discounted more than earlier studies, which overwhelmingly find the opposite.

Even the California Legislature noted that the “existing data and methods” were likely insufficient to resolve the question and that “new analytical approaches and data” were needed “if further headway is to be made.” National Research Council, *Firearms and Violence, A Critical Review* 272, 275 (2005). The following section applies such new analytical approaches and data to determine the effect of RTC laws on violent crime.

V. Conclusive Evidence Shows that Right-to-Carry Laws Do Not Increase Violent Crime.

Two new procedures exist for avoiding the problems of unobserved heterogeneity and omitted variables in the post-law period. The first procedure is by de Chaisemartin and D’Hautfouelle ((2020), *supra*, and (2023), *supra*) and the second is by Kirill Borusyak, Xavier Jaravel, and Jann Spiess, *Revisiting Event Study Designs: Robust and Efficient Estimation*, 91 Rev. Econ. Stud. 6, 3253–85 (2024).

The below analysis by CPRC applies these methods to the FBI violent index crimes: murder, rape, robbery, and assault. These crimes were studied separately and the results were combined into an overall measure of the effect of RTC laws by weighting the effect of each law by the corresponding victim costs (including

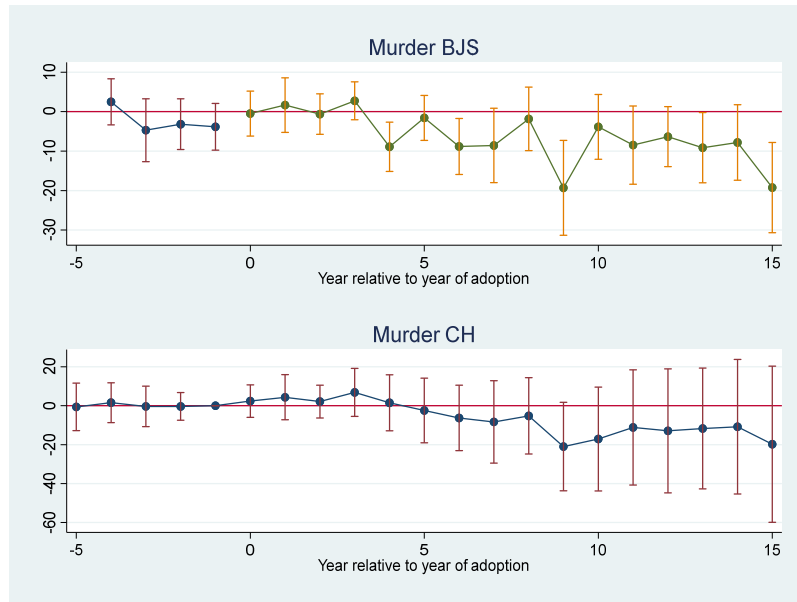
hospital costs, lost wages, pain and suffering, and value of lost life) to get an overall benefit-cost ratio. The effect of the RTC law can be shown graphically with the average change year-by-year before and after the year of adoption, over a 15-year period since implementation.³

The event study graphs include four years before the implementation of the RTC law as a reality test for the analysis, because the laws were not in effect before the implementation date. The effect of the pre-implementation “placebo” law should be insignificantly different from zero, even though the actual estimate could be randomly positive or negative.

All the event studies have insignificant placebo law estimates. The vertical lines are 95% confidence intervals. If they include a point on the zero line, the corresponding effect estimate is not significantly different from zero using the standard 5% significance level. National Research Council, *Reference Manual on Scientific Evidence*, 251 (3rd ed., 2011).

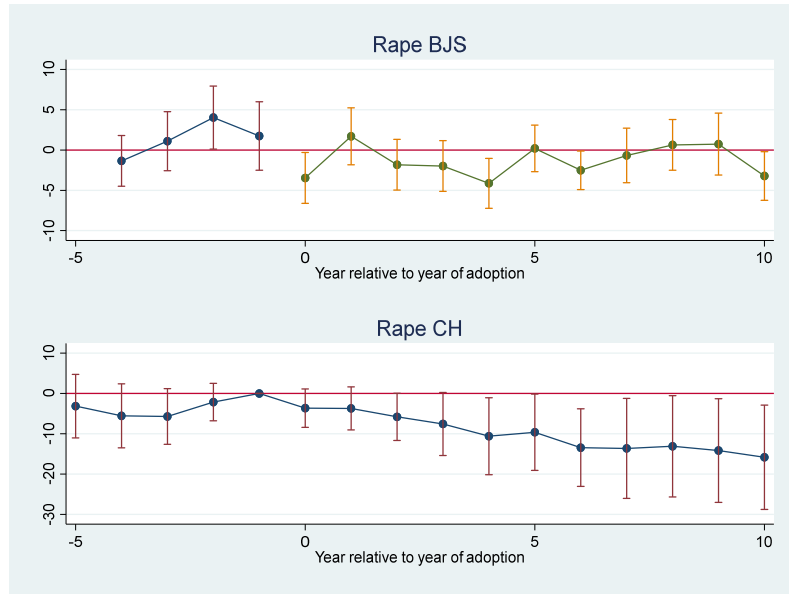
³ The FBI changed the definition of rape in 2013 and published data using the legacy definition until 2016. Therefore, the study reduced the event study for rape to 10 years in the post-law period for both models.

Figure 1: Murder



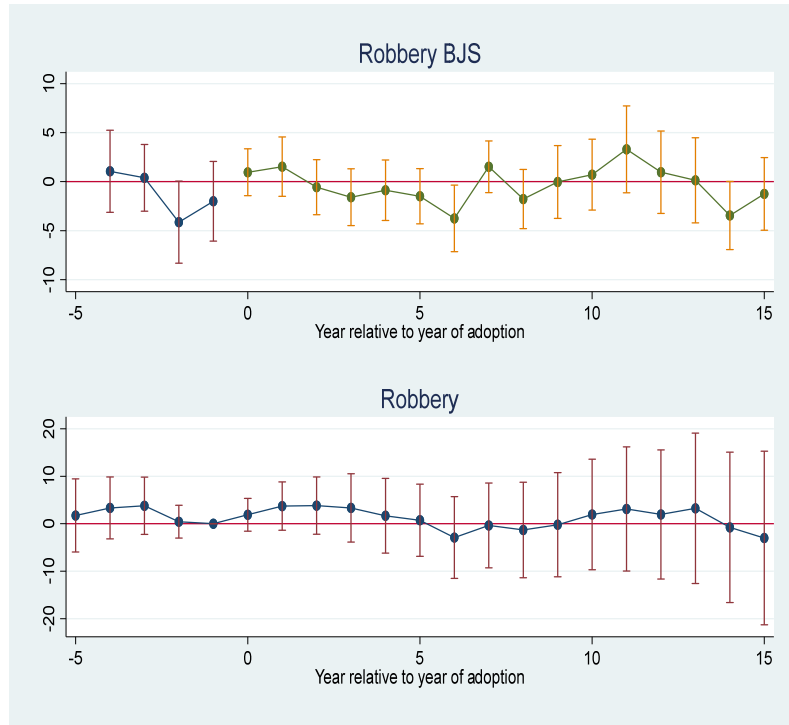
The average effect of the RTC law on the murder rate in the post-law period is significantly negative in the BJS Model. The average effect on murder in the post-law period for the CH Model is not significantly different from zero, but it is negative in 11 out of the 15 years.

Figure 2: Rape



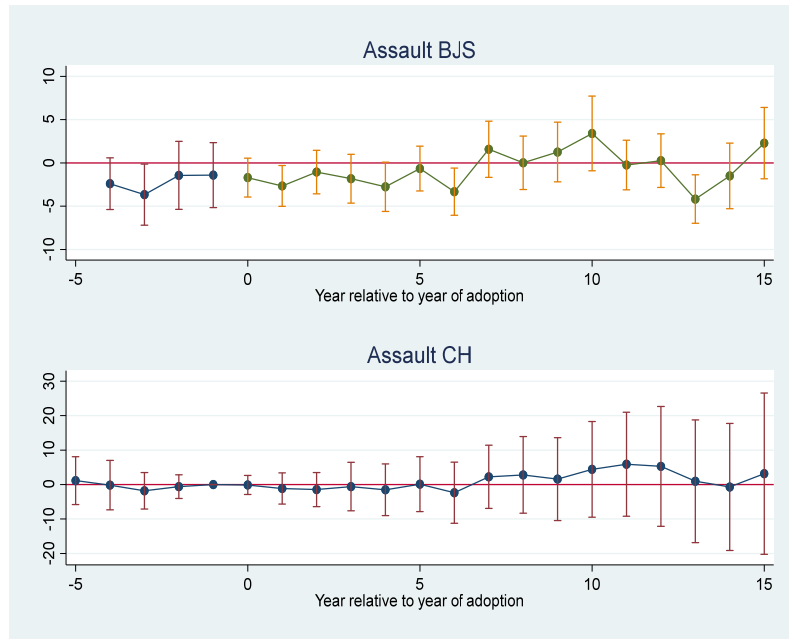
The average effect of the RTC law on the rape rate is negative in the BJS Model, but not significantly different from zero. The average effect of the RTC law on the rape rate in the CH Model is uniformly negative and highly significantly different from zero ($p < .01$).

Figure 3: Robbery



The average effect of the RTC law on the robbery rate is slightly negative and not significantly different from zero in the BJS Model and slightly positive and not significantly different from zero in the CH Model.

Figure 4: Assault



The effect of the RTC law on the assault rate is slightly negative but insignificantly different from zero in the BJS Model. In the CH Model, where the effect is slightly positive, it is insignificantly different from zero.

The overall effect of the RTC law on violent crime depends on the model used to evaluate the policy and the different effects on the four components: murder, rape, robbery, and assault. The effect is summarized in Table 5. Per-incident victim costs are taken from U.S. Department of Justice reports published in 1993 and 1996, and are updated to 2022 costs using the Consumer Price Index.

Table 5: Victim costs for the RTC law (Using the BJS Model and the CH Model).

Violent Crime	Average Effect		Victim Costs	Weight	Weighted Average Victim Costs	
	BJS	CH			BJS	CH
Murder	-5.88	-6.47	\$5,556,600	0.962	-5.66	-6.23
Rape	-1.13	-9.92	\$163,485	0.028	-0.03	-0.28
Robbery	-4.41	1.88	\$35,910	0.006	-0.03	0.01
Assault	-0.89	1.09	\$17,672	0.003	0.00	0.00
Sum	-12.31	-13.42	\$5,773,667	1.000	-5.72	-6.49

Note: Average effects and average victim costs are percentages; bold indicates significant at the five percent level.

Focusing on the significant results and assuming the insignificant effects are zero, then the RTC law is associated with a 5.88 percent decline in the murder rate and/or a 9.92 percent decline in rape, depending on which model is used. The BJS results consistently indicate that RTC laws reduce all types of violent crimes. The CH Model estimates are mixed, with the average effect on rape and murder showing benefits while the effects on robbery and assault are essentially zero. The net result for the CH Model is a reduction in victim costs of 6.49 percent.

The BJS Model finds a significant decline in murder and an insignificant decline in rape while the CH Model finds a significant decline in rape and an insignificant decline in murder. No matter which model is used, the RTC laws are associated with declines in victim costs. Overall, the data show that

RTC laws reduce violent crime, especially murder and rape. There is no statistically significant evidence of an increase in any type of violent crime.

This data illustrates the Ninth Circuit’s flawed “how” and “why” analysis, which this Court should correct. *Wolford* ignores the empirical evidence that vulnerable individuals are subjected to greater risks of gun violence by expansive firearm prohibitions in public places. Unless corrected, *Wolford’s* expansion of concerns over vulnerable populations would render almost any privately owned property that is open to the public place sufficiently similar to a historical analogue, thereby establishing a roadmap for states antagonistic to *Bruen* to eviscerate any meaningful right to bear arms.

VI. Less Restrictive and More Effective Means of Reducing Gun Violence Exist.

States possess a myriad of options to reduce gun violence without insisting on symbolic carry restrictions foreclosed by *Bruen*. *Amici Curiae* support public safety, victims’ rights, and a fair criminal justice system. The provisions at issue do not advance these interests.

States sincerely desiring to reduce gun violence and promote public safety could enact laws and fund enforcement to keep guns out of the hands of prohibited persons and to impose meaningful consequences when guns are used in violent crime. Imposing consequences for gun violence is effective deterrence.

While promoting legislation to fight gun violence, California has counterintuitively weakened sentencing enhancements for actually using a gun in the commission of a crime. In 2017, California enacted SB 620 which amended California Penal Code sections 12022.5 and 12022.53(h) to eliminate the prohibition

on striking allegations or findings relating to gun enhancements and expand the grounds to strike or dismiss gun enhancements at the time of sentencing. In 2021, SB 81 amended Penal Code section 1385 to further expand the grounds to dismiss firearm enhancements.

Governor Gavin Newson incorrectly credited California's 1990 assault weapon ban with reducing firearm mortality by 55% from 1993 to 2017. Office of Governor Gavin Newson, *FACT SHEET: California's Gun Safety Policies Save Lives, Provide Model for a Nation Seeking Solutions* (Jun. 2, 2022) <https://www.gov.ca.gov/2022/06/02/fact-sheet-californias-gun-safety-policies-save-lives-provide-model-for-a-nation-seeking-solutions/>. California's murder rate actually rose immediately after the 1990 ban and peaked in 1993 at 13.1 per 100,000 people, compared to 10.9 in 1989. The Disaster Center, *California Crime Rates 1960 – 2019*, <https://www.disastercenter.com/crime/cacrime.htm> (last visited February 21, 2024). The murder rate fell by 10% in 1994 after the enactment of California's tough three-strikes law, and continued to fall by 53% through 2000. San Diego County Public Defender Office, *Three Strikes Law*, https://www.sandiegocounty.gov/public_defender/strikes.html (last visited February 21, 2024).

There is a wide array of civil and criminal laws that permit the commitment and prosecution of those who use or may use firearms to commit crimes. Law enforcement and prosecutors should take their obligations to enforce these laws seriously. Families and the public at large should report concerning behavior. Judges should exercise their prudent judgment in committing individuals that pose a threat to the public and imposing sentences that punish, not just lightly inconvenience, those guilty of firearm-related crimes.

Barnett v. Raoul, No. 3:23-cv-00209-SPM, 2023 WL 3160285, at *12 (S.D. Ill. Apr. 28, 2023).

It is critical that we keep guns out of the hands of prohibited persons and disincentivize the unlawful use of firearms through both enforcement and criminal enhancements. The challenged “sensitive places” restrictions do not further these common-sense goals.

CONCLUSION

This Court should affirm the supremacy of the U.S. Constitution and this Court’s application of citizens’ constitutional rights over legislative disobedience of *Bruen*. Unless reversed, *Wolford* will invite politicians to reverse the consent presumption in order to subvert the effect of *Bruen*. Such laws will increase gun violence, as criminals will continue to violate carry laws knowing they create defenseless targets.

We urge the Court to affirm the inherent right of self-defense, which our nation’s peace officers uphold daily, by reversing *Wolford*.

Respectfully submitted,

TIMOTHY K. TALBOT
MICHAEL A. MORGUESS
RAINS LUCIA STERN ST.
PHALLE & SILVER, PC
2300 Contra Costa Blvd
Ste 500
Pleasant Hill, CA 94523
(916) 646-2860
ttalbot@rlslawyers.com

DAVID E. MASTAGNI
Counsel of Record
TAYLOR DAVIES-MAHAFFEY
MASTAGNI HOLSTEDT, APC
1912 I Street
Sacramento, CA 95811
(916) 446-4692
davidm@mastagni.com

Counsel for Amici Curiae

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