

No. 25-1324

**In The
Supreme Court of the United States**

KATHERINE NOVOTNY, *et al.*,
Petitioners,
v.
WES MOORE, *et al.*,
Respondents.

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

BRIEF IN OPPOSITION

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August 2026

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QUESTION PRESENTED

Are Maryland's laws prohibiting the carrying of firearms in sensitive places consistent with the Second Amendment, where they are grounded in this Nation's historical tradition of firearms regulation?

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BRIEF IN OPPOSITION

INTRODUCTION

The Second Amendment right to carry firearms publicly does not extend to “sensitive places.” *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 30 (2022). These include schools, government buildings, and “*new* and analogous” sensitive places where firearms regulation of those kinds of places is supported by the historical record. *Id.* This Court has explained that the historical record will support firearms regulation in “*new* and analogous” sensitive places where regulation in those locations “is consistent with the *principles* that underpin our regulatory tradition.” *United States v. Rahimi*, 602 U.S. 680, 692 (2024) (emphasis added).

Building on this Court’s assurance in *McDonald v. City of Chicago* that “reasonable firearms regulation,” including “solutions to social problems that suit local needs and values,” could “continue under the Second Amendment,” 561 U.S. 742, 785 (2010), state and local governments have enacted regulations restricting the public carrying of firearms in sensitive places. In addressing the constitutionality of these laws, the Fourth Circuit and other courts of appeals have employed the historical analysis established by this Court’s precedents. Consistent with this Court’s directive in *Bruen* to “reason[] by analogy,” these courts have scoured the historical record and uncovered laws from this Nation’s past that are not only analogous to, but in some cases are “dead ringer[s]” for, the challenged modern regulations. 597 U.S. at 28, 30. Similarly, consistent with this Court’s directive in *Rahimi* to consider “whether the challenged regulation is consistent with the principles that underpin our regulatory tradition,” 602 U.S. at 692,

courts have derived from the robust historical record several principles that animate both “how” and “why” our Nation’s forebears restricted the public carrying of firearms at locations similar to those covered by the laws of today.

Ignoring these foundational principles, petitioners present an unduly restrictive view that pushes aside much of the historical record and applies the kind of rigid history-and-tradition analysis rejected in *Rahimi*. Petitioners advance their own “guiding principle,” one not found in any of this Court’s precedents: for a place to qualify as “sensitive,” the place must be protected by armed government security. Pet. 26-33. As detailed below, the petitioner’s theory turns *Bruen* on its head by eschewing a historical analysis for a place-by-place, moment-by-moment determination that ebbs and flows based on the shifting interests and budgets of today’s governmental decision makers.

Petitioners’ novel comprehensive-security theory has been uniformly rejected by the courts of appeals, even by judges otherwise sympathetic to petitioners’ position, App.¹ 49a; instead, the courts have remained true to the historical analysis required by *Bruen*. Although there may be minor disagreements among the circuits relating to particular locational restrictions (or the underlying rationale supporting their constitutionality), these minor disputes are overshadowed by the vast areas of shared consensus. Given this harmony among the circuits, there is no need for this Court’s intervention now, and this Court should instead allow the percolation process to continue.

¹ All references to “App.” are to the appendix in the petition in No. 25-1324.

STATEMENT

Statutory Background

Maryland's Longstanding Restrictions on Public Carry

In this case, petitioners challenge nearly all of Maryland's restrictions on where firearms may be carried publicly. Some of these restrictions are longstanding, including the following restrictions set forth in the Maryland Code:

- Public school property. Md. Code Ann., Crim. Law § 4-102 (LexisNexis 2021).
- Public demonstration: An individual may not possess a firearm at a demonstration in a public place or have a firearm in their vehicle within 1,000 feet of the demonstration. This provision, however, applies only after (1) the individual has been advised by a law enforcement officer that a demonstration is occurring; and (2) the individual has been ordered by the law enforcement officer to leave the area. *Id.* § 4-208.
- Public transit: An individual may not possess a “concealed weapon[]” in any transit vehicle or transit facility owned or controlled by the Maryland Transit Administration. Md. Code Ann., Transp. § 7-705(b)(6) (LexisNexis 2020).

Other longstanding restrictions are set forth in the Code of Maryland Regulations (COMAR):

- Certain state buildings and grounds: An individual may not carry firearms on “state public buildings, improvements, grounds, and multi-service centers under the jurisdiction of the Department of General Services.” COMAR 04.05.01.01, 04.05.01.03B.

- State parks, state forests, and Chesapeake Forest Lands. COMAR 08.01.07.14, 08.07.01.04, 08.07.06.04.
- A horse-racing facility. COMAR 09.10.03.03A(10).
- The Camden Yards Sports Complex (which includes Oriole Park at Camden Yards, M&T Bank Stadium, and the various surrounding buildings). COMAR 14.25.01.01, 14.25.02.06.
- A “State museum,” which is defined to include “any property operated as a museum by the Department [of Planning] or a unit within the Department.” COMAR 34.04.08.02, 34.04.08.04.
- Casinos. COMAR 36.03.01.02B(6), 36.03.10.48.

Locational Restrictions Enacted by the Maryland General Assembly in 2023

In 2023, in the wake of this Court’s decision in *Bruen*, the Maryland General Assembly enacted Senate Bill 1,² which restricted the ability to carry a firearm publicly at several additional locations, even if an individual otherwise possesses a public-carry permit.³

Senate Bill 1 prohibits individuals from carrying firearms in three categories of locations. The first category, an “[a]rea for children and vulnerable individuals,” encompasses daycare facilities, private

² That year the Maryland General Assembly also passed House Bill 824, which changed Maryland’s public-carry permitting process by, among other things, eliminating the “good and substantial reason” standard. 2023 Md. Laws ch. 651.

³ Senate Bill 1 also provided that a person with a public-carry permit generally must keep the handgun concealed. Md. Code Ann., Pub. Safety § 5-307(b) (LexisNexis Supp. 2023).

schools, and medical facilities. It is defined to mean (1) “a preschool or prekindergarten facility or the grounds of the facility”; (2) “a private primary or secondary school or the grounds of the school”; and (3) “a health care facility,” which means hospitals, ambulatory surgical centers, and facilities that are “organized primarily to help in the rehabilitation of disabled individuals.” Crim. Law § 4-111(a)(2); Md. Code Ann., Ins. § 15-10B-01(g)(1)-(4) (LexisNexis 2017).

The second category, a “[g]overnment or public infrastructure area,” covers “building[s] or any part of a building owned or leased by a unit of State or local government,” buildings on college and university campuses, polling places, and power plants. Crim. Law § 4-111(a)(4). With regard to government buildings, the law requires “a clear and conspicuous sign at the main entrance” stating that carrying firearms is prohibited. *Id.* § 4-111(d)(2).

The third category, a “[s]pecial purpose area,” encompasses certain places where the public gathers for entertainment, educational enrichment, or other collective social pursuits. It is defined as “(i) a location licensed to sell or dispense alcohol or cannabis for on-site consumption; (ii) a stadium; (iii) a museum; (iv) an amusement park; (v) a racetrack; or (vi) a [casino].” *Id.* § 4-111(a)(9).

Senate Bill 1 also contains a provision that prohibits individuals from entering buildings on private property while carrying firearms without first obtaining permission to do so. *Id.* § 6-411. This

private property consent rule, which is not being enforced as to property open to the public, is not at issue in this case.⁴

These prohibitions contain exemptions. One exemption is for active and retired law enforcement personnel. *Id.* § 4-111(b). Also exempted are the owner or lessee of a (non-governmental) location and any person expressly authorized to provide security at the location. *Id.* § 4-111(b)(9). Finally, the law provides an exemption for a firearm carried or transported in a motor vehicle, so long as the firearm is either carried by an individual with a valid public-carry permit or locked in a container. *Id.* § 4-111(b)(11).

Proceedings Below

On the same day that Senate Bill 1 was signed into law, two sets of plaintiffs filed lawsuits challenging the law’s constitutionality, primarily on Second Amendment grounds. Collectively, they challenged restrictions applying to (1) state parks and forests; (2) mass transit facilities and vehicles; (3) school property (but not the school buildings); (4) healthcare facilities, (5) property under the jurisdiction of the Department of General Services; (6) entertainment facilities, such as stadiums, racetracks, amusement parks, and casinos;

⁴ As discussed below, petitioners challenged this law as part of this case, and the district court enjoined enforcement of the law as it applied to property open to the public. App. 124a. The Fourth Circuit unanimously affirmed that aspect of the district court’s decision. App. 43a. Maryland then filed a petition for writ of certiorari. *Moore v. Kipke*, No. 25-1206 (U.S. docketed Apr. 22, 2026). But given this Court’s decision in *Wolford v. Lopez*, 146 S. Ct. 2032 (2026), which held Hawaii’s nearly identical private property consent rule unconstitutional, Maryland moved to dismiss the petition, which this Court granted. Accordingly, the injunction issued by the district court remains in place.

(7) property operated as a museum by the Department of Planning; (8) buildings owned or leased by a unit of state or local government (but not legislative assemblies, polling places, or courthouses); (9) locations selling alcohol for on-site consumption; and (10) public demonstrations (and areas within 1,000 feet). The plaintiffs also challenged the private property consent rule, but not for dwellings.

Both sets of plaintiffs moved for preliminary injunction and for summary judgment. The State also moved for summary judgment as to all claims.

After consolidating the cases, the district court denied injunctive relief as to the bulk of plaintiffs' claims, including with regard to restrictions at museums, health care facilities, mass transit facilities and vehicles, state parks, entertainment facilities, school grounds, and government buildings. App. 144a-174a. The district court, however, granted injunctive relief as to the private property consent rule and the restrictions at public demonstrations and locations that sell alcohol for on-site consumption. App. 144a-174a.

The court also denied all summary judgment motions without prejudice. App. 173a. The parties then renewed those motions, which the court granted in part and denied in part consistent with its disposition of the preliminary injunction motions. App. 107a-125a. All parties timely appealed.

The Fourth Circuit's Decision

The Fourth Circuit, in a partially divided decision, affirmed in part and reversed in part. Judge Gregory, joined by Chief Judge Diaz, concluded that Maryland's challenged location-based firearm restrictions are consistent with the Second Amendment. In particular,

the court affirmed the district court's judgment upholding Maryland's prohibitions on carrying firearms in government buildings, public transportation, school grounds, healthcare facilities, museums, stadiums, racetracks, amusement parks, casinos, and other specified places of amusement. App. 6a-8a. It reversed the district court's judgment invalidating Maryland's restrictions on carrying firearms within 1,000 feet of public demonstrations and at locations licensed to sell alcohol for on-premises consumption. App. 6a-8a.

The court began by acknowledging that it had not yet "addressed the proper sensitive place analysis," and that this case therefore required it "to clarify the sensitive place doctrine and its role within the broader *Bruen* analysis." App. 10a. To that end, the court rejected the view that sensitive places fall outside the Second Amendment's textual coverage at *Bruen*'s first step. App. 14a. Instead, the court held that restrictions on carrying firearms in sensitive places regulate conduct protected by the Amendment's text and therefore must be justified through the historical-tradition analysis conducted at step two. App. 14a.

The court noted that, "[a]t *Bruen* step two, [courts] must determine whether 'a firearm regulation is *consistent* with this Nation's historical tradition.'" App. 12a (quoting *Bruen*, 597 U.S. at 17). Drawing from this Court's decision in *Rahimi*, the court emphasized that the historical inquiry focuses on whether modern regulations are analogous to historical regulations in both their purposes and their burdens (i.e., their "why" and "how"), not whether historical and modern laws are identical. App. 12a. The court explained that historical evidence relevant to step two is not confined to 1791 but may extend

through the Reconstruction era and beyond, particularly when modern regulations address circumstances or locations that did not exist at the Founding. App. 13a.

The court then addressed each of the challenged locational restrictions. The court concluded unanimously that Maryland's prohibition on carrying firearms in government buildings was constitutional because this Court had identified government buildings as paradigmatic sensitive places in which firearms may be prohibited. App. 15a (citing *Bruen*, 597 U.S. at 31, and *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008)). In the court's view, this Court had resolved the question, making further historical analysis unnecessary. App. 15a.

The court likewise unanimously upheld Maryland's prohibition on firearms on school grounds. App. 23a-24a. Relying on this Court's pronouncement that "schools" are sensitive places, the court concluded that school grounds serve the same educational purposes as school buildings, and that extending the firearms restrictions to adjoining school property did not exceed the historical understanding of sensitive places. App. 23a-24a.

The court also upheld Maryland's prohibition on firearms in mass-transit facilities and vehicles. Rather than relying exclusively upon the sensitive-places doctrine, the majority concluded that the restriction was independently justified under the government's proprietary authority to manage property that it owns or controls. App. 16a-19a. Borrowing principles developed in First Amendment jurisprudence, the court reasoned that when the government acts as a proprietor, it enjoys greater authority to regulate conduct on its own property in order to preserve the

property's intended use. App. 17a-19a. The court concluded that Maryland's prohibition independently comported with the Nation's historical tradition of firearm regulation. App. 19a-21a. Recognizing that no modern public transportation systems existed at the Founding, the majority looked to nineteenth-century railroad regulations governing privately operated passenger railroads, which frequently prohibited passengers from carrying firearms while on board and instead required them to be inspected or checked before travel. App. 19a-21a. Although the court acknowledged that Maryland's public transit system generally lacks checked-luggage facilities, the court reasoned that prohibiting passengers from carrying readily accessible firearms represented a comparable modern response to the same safety concerns addressed by historical railroad regulations. App. 21a-23a.

The majority next concluded that Maryland's prohibition on carrying firearms at public demonstrations is consistent with the Nation's historical tradition under the First Amendment of promoting peaceful public assemblies. App. 24a-29a. The court surveyed English common law, colonial unlawful-assembly statutes, Founding-era riot laws, and Reconstruction-era regulations restricting firearms at public gatherings and concluded that these historical sources demonstrated a longstanding tradition of dispersing armed assemblies and treating the presence of weapons as increasing the threat to public peace. App. 26a-29a. The court viewed Maryland's requirement that an armed individual first receive notice from law enforcement and an opportunity to leave the demonstration before committing any offense as analogous to historical dispersal orders issued

before unlawful assemblies could be punished. App. 28a-29a.

The court then upheld Maryland's prohibitions on carrying firearms in state parks and state forests as consistent with the Nation's historical tradition of firearm regulation. App. 29a-32a. The court explained that, because modern public parks did not exist at the Founding, courts may examine regulations adopted when analogous institutions first emerged. App. 30a-31a. Here, the court found a robust tradition of prohibiting firearms in public parks, beginning with New York's ban in Central Park in 1858 and followed by similar restrictions in numerous States and major municipalities. App. 30a-31a. The court further held that Maryland's regulations governing state forests are supported by the same historical tradition. App. 31a-32a. Although forests differ from urban parks, Maryland's publicly owned forests serve recreational and educational purposes sufficiently analogous to parks. App. 31a-32a.

The court unanimously upheld Maryland's prohibition on carrying firearms in healthcare facilities. App. 33a-34a. Recognizing that modern hospitals have no direct Founding-era analogue, the court looked to historical regulations governing comparable institutions. App. 33a. It identified a historical tradition of restricting firearms in places serving vulnerable populations and in institutions devoted to scientific and educational pursuits, and it concluded that Maryland's restrictions at healthcare facilities are consistent with that tradition. App. 33a-34a.

The court upheld Maryland's prohibitions on carrying firearms in places of amusement, including stadiums, amusement parks, racetracks, museums, and casinos. App. 34a-36a. Because many of these

venues did not exist in their modern form at the Founding, the court examined nineteenth-century regulations governing analogous places as they emerged and found a historical tradition of prohibiting firearms in crowded places of amusement and public gathering, such as ballrooms, public assemblies, and educational events. App. 34a-36a. The court further concluded that modern museums are analogous to historically protected educational institutions, rendering that restriction consistent with the Second Amendment. App. 35a.

With respect to Maryland’s prohibition on carrying firearms in establishments licensed to sell alcohol for on-premises consumption, the court concluded that the restriction is supported by three overlapping historical traditions. App. 36a-38a. First, the court identified Founding-era and early American regulations addressing the dangers associated with combining firearms and alcohol, including laws restricting alcohol sales to armed militia members, limiting the discharge of firearms during drinking celebrations, and prohibiting intoxicated persons from carrying firearms. App. 36a-37a. Second, the court relied on the historical tradition of regulating firearms at crowded public gatherings, such as ballrooms and public assemblies, where alcohol was often present and governments sought to preserve public order. App. 37a-38a. Third, the court identified nineteenth-century laws specifically prohibiting firearms in “any place where intoxicating liquors are sold.” App. 38a.

Finally, the court unanimously held that Maryland’s private property consent rule for property open to the public violates the Second Amendment. App. 38a-42a. The court concluded that the historical statutes that Maryland offered in support of its law did

“not support a broader tradition of excluding all weapons for all purposes from the private property of others without express permission.” App. 40a.

Judge Agee concurred in part and dissented in part. As noted above, he agreed with the majority that Maryland’s prohibitions on carrying firearms in government buildings, school property, and healthcare facilities are constitutional and that the State’s default rule prohibiting firearms on private property open to the public absent the owner’s affirmative consent is not. App. 44a.

Judge Agee, however, would have held all the other locational restrictions unconstitutional. App. 44a. In doing so, he criticized the majority’s methodology for applying *Bruen*. In his view, the majority adopted an overly expansive conception of the sensitive-places doctrine by identifying broad themes in the historical record rather than requiring sufficiently analogous historical regulations. App. 61a-62a. Judge Agee also disagreed with the majority’s reliance on nineteenth-century regulations as a source of historical evidence. App. 61a-62a. Although acknowledging that later history may sometimes illuminate constitutional tradition, he emphasized that the Second Amendment’s meaning was fixed at the Founding and that post-ratification enactments cannot establish new limitations absent evidence that they reflect an already existing constitutional tradition. App. 54a, 61a-62a.

REASONS FOR DENYING REVIEW

The Fourth Circuit correctly decided that Maryland’s locational restrictions on firearm carrying are consistent with this Nation’s historical tradition of firearm regulation and thus constitutional under the Second Amendment. Contrary to petitioners’ claims, the decision below reaffirms the widespread consensus among the lower courts as to the broad principles to be applied in analyzing whether a modern locational restriction will properly be considered a “sensitive place” where firearms may be altogether prohibited. For these reasons, this Court’s intervention is not warranted.

I. THE FOURTH CIRCUIT’S DECISION IS CONSISTENT WITH THIS COURT’S SECOND AMENDMENT PRECEDENTS.

In 2022, this Court in *Bruen* held that, if “the Second Amendment’s plain text covers an individual’s conduct,” then the government seeking to regulate that conduct “must demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation.” *Bruen*, 597 U.S. at 17. Recognizing the need for such regulation, this Court endorsed several types of restrictions. Addressing the issue central to this litigation, the Court “assume[d] it settled” that certain locations are “‘sensitive places’ where arms carrying could be prohibited consistent with the Second Amendment.” *Id.* at 30. This Court endorsed such “longstanding” bans in schools, legislative assemblies, polling places, and courthouses, while recognizing that this list was non-exhaustive and “that modern regulations prohibiting the carry of firearms in *new* and analogous sensitive places are constitutionally permissible.” *Id.*

Bruen acknowledged that applying the restated Second Amendment standard would require further analysis by lower courts. Although the historical inquiry “will often involve reasoning by analogy,” the Court declined to “provide an exhaustive survey of the features that render regulations relevantly similar,” except to identify “at least two metrics: how and why the regulations burden a law-abiding citizen’s right to armed self-defense.” *Id.* at 28-29. As the Court recognized, in some cases historical analogies will be “relatively simple to draw,” while “other cases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach.” *Id.* at 27.

The Court cautioned that its standard was not intended to be a “regulatory straightjacket,” and made clear that governments were not required to identify “historical twin[s]” or “dead ringer[s]” to support modern regulations. *Id.* at 30. The Court recognized that “[t]he regulatory challenges posed by firearms today are not always the same as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868,” and “the Constitution can, and must, apply to circumstances beyond those the Founders specifically anticipated.” *Id.* at 27-28. Accordingly, when “[p]roperly interpreted, the Second Amendment allows a ‘variety’ of gun regulations.” *Id.* at 80 (Kavanaugh, J., concurring) (quoting *Heller*, 554 U.S. at 636).

In *Rahimi*, this Court reaffirmed that “the right secured by the Second Amendment is not unlimited.” 602 U.S. at 690. In doing so, the Court expressed concern that lower courts had been applying *Bruen* too strictly. *Id.* at 691. Thus, it clarified that “the appropriate analysis involves considering whether the

challenged regulation is consistent with the *principles* that underpin our regulatory tradition.” *Id.* at 692 (emphasis added). And most recently, in *Wolford v. Lopez*, this Court explained that the historical inquiry is not “mechanical,” and instead asks whether the record is “close enough to enable a court to say: ‘Because this historical law was understood to be compatible with the right codified by the Second Amendment, we can infer that the restriction imposed by the modern law is likewise consistent with that right.’” 146 S. Ct. 2032, 2044 (2026). The proper test allows the court to “identify the range of permissible regulatory goals and how far States may go to achieve them,” to ensure “end[s] pursued and means deployed” cohere with those principles. *Id.* at 2055 (Barrett, J., concurring).

**A. Limiting Firearms in Certain Locations
Has a Rich American Tradition Derived
from Our English Forebears.**

This Nation’s historical tradition of firearm regulation supports the constitutionality of Maryland’s locational restrictions. “The beginning of the relevant tradition . . . is 1328’s Statute of Northampton, a British statute forbidding going or riding ‘armed by night [or by day, in fairs [or] markets.’” *Schoenthal v. Raoul*, 150 F.4th 889, 911 (7th Cir. 2025), *cert. denied*, 146 S. Ct. 2158 (2026) (citations and some quotation marks omitted). “This firearm restriction in traditionally crowded public spaces persisted into American law, including in Virginia and North Carolina.” *Id.* at 911-12 (citations omitted); *see also Bruen*, 597 U.S. at 35 (noting that “[a] long, unbroken line of common-law precedent stretching from Bracton to Blackstone” will demonstrate a relevant historical tradition).

At the beginning of the nineteenth century, jurisdictions began to enact express, location-specific restrictions that prohibited firearm carry in “confined and crowded spaces.” *Schoenthal*, 150 F.4th at 912 (citing an 1817 New Orleans ordinance prohibiting firearms in public ballrooms); *see also* *Wolford v. Lopez*, 116 F.4th 959, 986 (9th Cir. 2024), *rev’d on other grounds*, 146 S. Ct. 2032 (2026) (describing an 1853 New Mexico law restricting weapons at ballrooms). As Professor Saul Cornell has explained, these “laws did not represent a new constitutional principle different than the common law restrictions that existed for centuries, but an application of the same legal principles to new circumstances brought about by changes in firearms technology, consumer behavior, and the demographic changes associated with greater urbanization.” (4th Cir. J.A. 169.) One exemplar is an 1870 Texas law that prohibited going armed “into any church or religious assembly, any school room or other place where persons are assembled for educational, literary or scientific purposes, or into a ball room, social party or other social gathering composed of ladies and gentlemen, or to any election precinct on the day or days of any election,” or into “any other place where people may be assembled to muster or perform any other public duty, or any other public assembly.” (4th Cir. J.A. 403.) Around this same time, at least seven other States and territories enacted specific locational restrictions on firearms. (*See* 4th Cir. J.A. 393-421 (chronicling laws from Tennessee (1869), Georgia (1870), Missouri (1874), Arizona (1889), Oklahoma (1890), Idaho (1901), and Montana (1903).)

In addition to these state laws, many local ordinances restricted the carrying of firearms in specific locations. As historian Patrick Charles

explained, the historical tradition is marked by the concept of “firearms localism,” a “preference among state and local lawmakers to regulate firearms and deadly weapons more strictly at the local rather than the state level.” (4th Cir. J.A. 209-211.) Similar to the state statutes set forth above, these ordinances, such as ones enacted in Stockton, Kansas (1887) and Columbia, Missouri (1890), restricted the carrying of firearms in places such as those “where people have assembled for educational, literary or social purposes” and, more generally, at “any other public assemblage of persons met for any lawful purpose.” (4th Cir. J.A. 261, 423-424.) Moreover, consistent with firearms localism, many local jurisdictions enacted ordinances that restricted the carrying of firearms in “corporate” or “incorporate” areas. These ordinances, which restricted the carrying of firearms in entire municipalities, rendered more specific restrictions unnecessary. (See 4th Cir. J.A. 213-215 (setting forth ordinances from local jurisdictions in North Carolina (1882), Louisiana (1874), Pennsylvania (1873), Utah (1893), Nebraska (1889), and modern-day South Dakota (1882).))

There is no evidence that any of these sensitive-place restrictions were ever found to be unconstitutional. See *Bruen*, 597 U.S. at 36 (noting that an important factor in whether a historical regulation supports an analogous modern restriction is whether it faced contemporaneous challenges to its constitutionality). Indeed, the opposite is true. See, e.g., *Hill v. State*, 53 Ga. 472 (1874); *State v. Shelby*, 90 Mo. 302 (1886); *Owens v. State*, 3 Tex. App. 404 (1878). Not only do these cases show that these restrictions passed legal muster, but they reveal the prevailing attitudes of the very people who decided to subordinate their States’ police powers to the limitations of the Second Amendment:

We confess it appears to us little short of ridiculous, that any one should claim the right to carry upon his person any of the mischievous devices inhibited by the statute, into a peaceable public assembly, as, for instance into a church, a lecture room, a ball room, or any other place where ladies and gentlemen are congregated together.

English v. State, 35 Tex. 473, 478-79 (1871); *see also Andrews v. State*, 50 Tenn. 165, 182 (1871); *Hill*, 53 Ga. at 476 (“[T]he bearing of arms of any sort [at concerts] is an eye-sore to good citizens, offensive to peaceable people, an indication of a want of a proper respect for the majesty of the laws, and a marked breach of good manners.”). In the words of this Court, these cases demonstrate unequivocally that these “historical law[s] were] understood to be compatible with the right codified by the Second Amendment.” *Wolford*, 146 S. Ct. at 2044.

B. Maryland’s Laws Are Consistent with the Principles Underlying This Historical Tradition.

As the Fourth Circuit’s comprehensive opinion demonstrates, Maryland’s sensitive places laws are consistent with the historical laws referenced above and the underlying principles of firearm regulation that they embody. Some of Maryland’s restrictions draw directly from these historical laws to prohibit the carrying of firearms at crowded locations (i.e., bars, mass transit, and places of amusement), while others implicate places where vulnerable populations may be found (i.e., healthcare facilities and museums). In some cases, these and other laws draw from a more specific tradition of regulation, including such “dead ringers” as Reconstruction-era laws that prohibited

firearms in parks or laws that prohibited firearms in places where alcohol was served. But in all cases, Maryland’s laws are linked with a widespread tradition of prohibiting firearms in locations where firearms are incompatible with the nature and purpose of the location, even when used in legitimate self-defense. *See Schoenthal*, 150 F.4th at 910 (noting that the “unifying principle” among historical regulations of public carry is that “[t]hey are all discrete places with unavoidable characteristics that potentially render it ill-advised to allow firearms”). That feature ensures that courts “can infer that the restriction[s] imposed by the modern law[s are] consistent with” the Second Amendment right. *Wolford*, 146 S. Ct. at 2044.

Maryland’s laws do not “amount[] to an effective ban on carrying in any public place,” Pet. 17, as petitioners argue. Instead, Maryland’s laws prohibit public carrying of firearms at only those discrete locations where restricting the carrying of firearms is consistent with history and tradition and their underlying principles.

To illustrate the impact of Maryland’s laws “in practice,” consider the “ordinary day” referenced in this Court’s decision in *Wolford*. 146 S. Ct. at 2048-49. There, this Court described a “hypothetical young woman” who wished to legally carry a firearm as she goes to a gas station, her workplace, a fast-food restaurant at lunchtime, and then runs errands after work at a large drug store, a dry cleaner, and a grocery store. *Id.* Although this Court found that Hawaii’s private property consent rule burdened the woman’s journey at every step, *id.*, Maryland’s sensitive places laws do not stand as an obstacle at *any* of those locations. That Maryland’s law does not affect firearm

carriage during such an “ordinary day” speaks to its targeted approach.

II. PETITIONER’S SECURITY RATIONALE IS AHISTORICAL AND UNWORKABLE.

Boxed in by this Court’s pronouncement that the history and tradition embodied in the Second Amendment establish that there are sensitive places where firearms may be prohibited, petitioners advance their own theory about the relevant principles underlying this tradition. But this theory—upon which their whole case rises and falls—underscores the unsoundness of their position.

Petitioners argue that the “guiding principle” underlying the sensitive places doctrine is “the presence of security”: “Where the government takes upon itself the burden to prevent unlawful entry with arms into a place frequented by the general public, then, and only then, may the individual right to armed self-defense be subject to a temporary restriction.” Pet. 2-3, 27. But this theory—which the courts of appeal, and even the dissenting judge in this case, have uniformly rejected—is impossible to square with precedent, history, or “common sense.” *Rahimi*, 602 U.S. at 698; App. 49a n.2 (“While this argument rests on questionable factual support, it more fundamentally lacks foundation in the Supreme Court’s cases.” (Agee, J., concurring and dissenting)); *Schoenthal*, 150 F.4th at 910 (noting that the “core principles unifying” the sensitive places doctrine “[s]urely” do not include the presence of “government provided security”); *Wolford*, 116 F.4th at 981.

To begin, petitioners’ argument “flatly contradicts” this Court’s precedents. *Wolford*, 116 F.4th at 981. Indeed, petitioners do not even attempt to show that

their theory accounts for schools, which both *Bruen* and *Heller* expressly identified as sensitive places. *Bruen*, 597 U.S. at 30; *Heller*, 554 U.S. at 626. Nor could they, given that there is no history of comprehensive security in schools. *Wolford*, 116 F.4th at 981.

Further, petitioners’ historical evidence is lacking even with respect to the locations they do attempt to address—courthouses, legislative assemblies, and polling places. First, with respect to courthouses, petitioners rely on an assortment of statutes assigning sheriffs and constables various roles in court proceedings. But these laws did not require those officers to provide security for the public, but instead gave them “administrative responsibilities,” such as executing judgments, managing juries, and serving process or writs.⁵ *Schoenthal*, 150 F.4th at 909 & n.17. Nor do the Statute of Northampton or the early state laws modeled on it support petitioners’ view. *Contra* Pet. 31-32. Those laws excepted royal or judicial officers from general prohibitions on carry near the king or in court but, again, did not provide any security for the public.⁶

Similarly, for legislative assemblies, petitioners cite inapposite statutes appointing or setting daily pay for doorkeepers or sergeants-at-arms for legislative bodies. Pet. 27-29. Those statutes—which often contemplated irregular attendance—did not specify how

⁵ See, e.g., *Laws of the State of New Jersey* 50 (J. Wilson 1811) (1798 New Jersey statute making constables “ministerial officers of the . . . court” responsible for “execut[ing] and return[ing] all precepts, summons, warrants, writs and other process”), <https://tinyurl.com/3hv2spnu>.

⁶ See Statute of Northampton 1328, 2 Edw. 3 c.3 (Eng.); 1786 Va. Acts 35, 35, ch. 49.

often those individuals would attend legislative sessions, identify their duties, require them to be armed, or even mention security.⁷ *Schoenthal*, 150 F.4th at 909 & n.16. Other historical evidence demonstrates that these roles did not focus on security: for example, the duties of one doorkeeper for Maryland’s House of Delegates, Cornelius Mills, “included supplying wood for the use of the [legislature] and maintaining the furniture.”⁸ And, while petitioners purport to identify a single incident in the late 1600s in which the doorkeeper of the Maryland General Assembly turned away armed visitors, Pet. 29, their own source states that “the Burgesses”—that is, the legislators themselves—denied the individuals entry because it was “contrary to the Antient rules & Custume of this house.”⁹ As the Seventh Circuit observed, the measures petitioners identify “would be less-than-adequate to stave off violence.” *Schoenthal*, 150 F.4th at 909.

The historical laws petitioners cite concerning polling places, Pet. 30, also do not demonstrate a tradition of comprehensive security. Rather, these laws show that the role of officers “was largely to help run elections rather than provide security.”

⁷ See, e.g., *Extracts from the Journal of Proceedings of the Provincial Congress of New Jersey* 240 (J. Sailer 1835) (1775 New Jersey ordinance setting doorkeeper’s pay “for each day that he hath or shall attend”), <https://tinyurl.com/22za9db7>.

⁸ *Cornelius Mills (c.1755-1823)*, Archives of Md., <https://tinyurl.com/5878zf59>. While serving as doorkeeper and, later, as sergeant-at-arms, Mr. Mills also worked “as a carpenter/joiner, ran a boardinghouse, and advertised his experience as an auctioneer,” *id.*— roles not requiring any security expertise.

⁹ Raphael Semmes, *Captains and Mariners of Early Maryland* 286 (1937), <https://tinyurl.com/5hev2d2f>.

Schoenthal, 150 F.4th at 909-10. In other words, States traditionally required sheriffs to staff the polls and announce results—not screen visitors for firearms.¹⁰

Thus, petitioners’ claim that there is a tradition of meaningful security at courthouses, legislative assemblies, or polling places is unsupported by the historical record. At most, it shows that some of these places sometimes had a law enforcement officer present, almost always for non-security reasons. This history of “lax and irregular security practices,” *id.* at 909, does not provide a unifying principle for sensitive places.

Moreover, this Court effectively foreclosed petitioners’ narrow view when, in *Bruen*, it identified characteristics of locations it might recognize as sensitive places. In rejecting New York’s assertion that firearms could be prohibited in all “places where people typically congregate and where law-enforcement and other public safety professionals are presumptively available,” this Court stated, “It is true that people sometimes congregate in ‘sensitive places,’ and it is likewise true that law enforcement professionals are usually presumptively available in those locations.” *Bruen*, 597 U.S. at 30-31. The Court’s observation that law enforcement officials are “usually presumptively available” in sensitive places thus refutes petitioners’ theory that government-provided security must *always* be present.

¹⁰ See, e.g., *2 Laws of the State of Delaware* 984-86 (1797) (1790 statute requiring sheriffs to announce elections; “attend, conduct, and regulate” polling; and deliver results), <https://tinyurl.com/2vcn3f8b>.

Ironically, petitioners' theory could even expand the concept of sensitive places beyond what this Court had in mind. Petitioners claim that States may transform a location into a sensitive place wherever the government "takes steps to ensure it is providing for [its citizens'] protection." Pet. 33. In doing so, however, petitioners concede that any public place in Maryland may potentially be a sensitive place where public carrying of a firearm may be prohibited, regardless of historical tradition. For example, under petitioners' theory, Maryland may decide to impose government-provided security on a grocery store, and—simply by virtue of that decision—individuals may be prohibited from carrying firearms in that grocery store, even if there is no historical tradition supporting such a restriction.

On the flip side, petitioners' security theory fails to account for places that this Court has already recognized are sensitive. Under petitioners' theory, because Maryland does not currently provide comprehensive security at any of its more than 1,500 polling places, its prohibition on firearm carriage there would violate the Second Amendment—despite *Heller* and *Bruen*'s express approval of such a prohibition. Petitioners have seemingly replaced history and tradition with "flexibility." Pet. 32.

Moreover, although petitioners tout their security theory as a "*robust* principle," Pet. 32, it is unworkable even on its own terms. They do not answer critical questions about how such a theory would work in practice, such as how much security is in fact needed for a weapons restriction to cross the invisible line

from unconstitutional to valid. And is the notion of the requisite security transitory, such that the ability to carry a firearm might spring into existence if the security guard momentarily steps away?

Finally, petitioners' security theory creates a fatal flaw in their argument. Petitioners seek to invalidate the challenged restrictions on their face. But as this Court recently explained, a facial challenge "is the 'most difficult challenge to mount successfully,' because it requires a defendant to 'establish that no set of circumstances exists under which the Act would be valid.'" *Rahimi*, 602 U.S. at 693 (citation omitted). Under petitioners' theory, however, whether a particular location is a "sensitive place" depends on the level of security being provided *at that time*. Plainly, if any location could be transformed into a sensitive place within moments merely by implementing government security, then a "set of circumstances" always "exists under which [Maryland's sensitive places laws] would be valid." *Id.* This type of fact-dependent inquiry would thus preclude the broad facial relief that petitioners are seeking in this case.

III. COURTS ARE NOT DIVIDED ON THE PRINCIPLES UNDERLYING A SENSITIVE PLACES ANALYSIS.

Petitioners argue that "[t]he courts of appeals are divided over how to assess locational restrictions on the right to bear arms." Pet. 17. This claim is vastly overstated.

Of the more than 12 broad categories of places addressed by the courts of appeals, petitioners have identified only three locations over which there is any disagreement: public transit, healthcare facilities,

and public assemblies. A closer look, however, reveals that any disagreement within these categories is more circumscribed than petitioners let on.

First, every court of appeals to have considered the issue has determined that there is a historical tradition of restricting the public carry of firearms on public transit. App. 19a-21a; *Frey v. City of New York*, 157 F.4th 118, 135 (2d Cir. 2025); *Schoenthal*, 150 F.4th at 920-22; *Wolford*, 116 F.4th at 1000-01. To the extent there is potential disagreement, it is over whether such a restriction must contain an exception for an inoperable or securely stored firearm. Compare App. 21a-22a with *Wolford*, 116 F.4th at 1001-02. But those courts that have found such an exception to be unnecessary either did not address the issue or did so on the premise that the plaintiffs had brought a facial challenge against restrictions on *all* public transit, which included transportation systems intended only for short-distance travel where checking luggage would be impractical. See, e.g., App. 21a-22a. Those courts left open the possibility that, applied to larger-scale public transit, a firearms prohibition that did not contain any exception might be inconsistent with historical tradition. See, e.g., App. 21a-22a.

Of the three courts of appeals to have considered bans at healthcare facilities, only one—the Ninth Circuit—concluded that the restriction was unconstitutional. *Wolford*, 116 F.4th at 999-1000. But this is an outlier: even Judge Agee, who dissented below as to every other locational restriction not expressly referenced in *Heller* and *Bruen*, concluded that healthcare facilities, as a category, fell within the sensitive places doctrine. App. 65a-66a. Moreover, the Ninth Circuit’s decision was based on its

conclusion, at the preliminary injunction stage, that the government had failed to support its argument with historical laws. *Wolford*, 116 F.4th at 1000.

With respect to public assemblies, again the Ninth Circuit stands as the sole outlier. *Id.* at 997-98. Moreover, even if this Court were inclined to consider this issue, this case would be a poor vehicle for doing so. Rather than banning firearms at a permitted public gathering outright, as other jurisdictions (both past and present) have, Maryland’s law prohibits the public carry of a firearm at a “demonstration in a public place” only after (1) the person is “advised by a law enforcement officer that a demonstration is occurring at the public place” and (2) the officer orders the person “to leave the area of the demonstration until the person disposes of the firearm.” Crim. Law § 4-208(b)(2). As the Fourth Circuit concluded, these attributes align Maryland’s law with historical “unlawful assembly” laws from the Founding “that ordered dispersal of assemblies, particularly where individuals were armed with weapons.” App. 27a-28a. Moreover, addressing Maryland’s law would have little impact: no other State—except Alabama¹¹—has a comparable statute.

Petitioners’ attempt to conjure up a split among the circuits regarding the general principles that animate the underlying historical tradition also falls flat. Pet. 19-20. Again relying solely on the Ninth Circuit in *Wolford*, petitioners assert that the courts of appeals are split as to whether a firearms ban “may be sustained ‘in places that serve vulnerable populations.’” Pet. 19 (citing App. 33a). But nothing in the Fourth Circuit’s decision (or any other circuit’s

¹¹ Ala. Code § 13A-11-59(c).

decision) stands for the proposition that, as petitioners claim, a place may be deemed “sensitive” *solely* on the basis that vulnerable populations can be found there. Instead, as *Wolford* concedes, the presence of vulnerable populations *is* a principle that should be considered as one factor when distilling the scope of the relevant historical tradition. 116 F.4th at 981. Similarly, the Fourth Circuit concluded that health-care facilities were sensitive places because they “serve vulnerable populations” *and* because “[t]here is also a historical tradition of banning guns in places used for scientific purposes.” App. 33a-34a. Likewise, the Fourth Circuit concluded that museums were sensitive places not only because they “serve children,” but also because “locations that serve an educational purpose . . . are historically protected.” App. 35a. Petitioners’ claim that the lower courts are using the protection of “vulnerable populations” as a freestanding, independent principle misrepresents those cases.

Petitioners’ complaint that lower courts have improperly relied on a “well-established tradition of prohibiting firearms at crowded places” suffers from the same flaw. Pet. 21 (quoting App. 36a-37a). Indeed, their claim that this Court in *Bruen* “expressly rejected” “crowded” places as a historical justification, Pet. 22, is especially misplaced. All that *Bruen* explained was that the relatively crowded nature of Manhattan could not be used as a stand-alone justification for banning firearms throughout the entire island, because to do so would “define[] the category of ‘sensitive places’ far too broadly.” 597 U.S. at 31. But, in doing so, this Court implicitly acknowledged that more targeted regulations would pass constitutional muster—so long as they were supported by historical tradition. *See id.* (noting that this Court did “not undertake an exhaustive historical

analysis . . . of the full scope of the Second Amendment”). Yet that is what Maryland and other States have done, enacting their locational restrictions in discrete locations that do not eviscerate the right to public carry.

Petitioners’ focus on disagreements as to the viability of the government proprietary doctrine is also inapt. Pet. 19. Although the Fourth and Ninth Circuits have adopted a more robust version of this principle, App. 16a-19a, *Wolford*, 116 F.4th at 970-71, no court of appeals has concluded that government ownership is irrelevant. *See Schoenthal*, 150 F.4th at 918 (“We consider government ownership at *Bruen*’s second step as a guidepost for locating the public transit restriction within our nation’s tradition.”). And no court has relied exclusively on the government proprietary doctrine to uphold a firearms prohibition. *See* App. 19a-21a. (concluding that Maryland’s restriction on public transit is also supported by an analogous historical tradition). Similarly, to the extent that the Ninth Circuit articulated the principle in *Wolford*, it was as dicta, unmoored to any concrete claim before the court. *See Wolford*, 116 F.4th at 970 (noting that, although the government may not restrict firearms at banks generally, the government may do so “*if* [it] operates a bank” (emphasis added)).

Finally, in addition to the lower courts’ unanimous rejection of petitioners’ security theory, there is no disagreement among the circuits in rejecting one of petitioner’s other central principles: a purported “tradition of permitting—and sometimes requiring—firearm carrying in crowded places of public assembly where people would otherwise be vulnerable to armed violence.” Pet. 21; *see Wolford*, 116 F.4th at 997. Most of these laws date from the early colonial era, and all

of them served distinct purposes that are no longer relevant today. Although *Bruen* instructs courts to consider both “how” and “why” a regulation “burden[s] a law-abiding citizen’s right to armed *self*-defense,” 597 U.S. at 29 (emphasis added), these laws do not burden that right at all; rather, much like militia laws generally, they related only to the community’s *collective* defense.¹² Specifically, the express purpose of these laws was to protect citizens from external threats such as slave insurrections and Native American attacks along the colonial frontier, not interpersonal violence among American citizens.¹³ However existential those threats may have been at the time, they do not exist anymore. Moreover, the racist origins of these laws—which often applied on their face only to “white male inhabitants”¹⁴—

¹² If, as petitioners claim, there was a robust tradition of carrying firearms in public, one must wonder why these colonial legislatures felt the need to compel their citizens to comply with such a tradition.

¹³ To the extent that these laws demonstrate a tradition of armed protection of premises where people gather, Maryland’s sensitive places laws honor that tradition. With regard to non-governmental locations referenced in Senate Bill 1, the prohibitions on the carrying of firearms do not apply to “a person who is authorized by the owner or lessee of the location to wear, carry, or transport a firearm at the location for the purpose of . . . employment as a [licensed] security guard [or] protecting any individual or property at the location with an express agreement between the parties.” Crim. Law § 4-111(b)(9). Thus, instead of the government conscripting its own citizens into the collective defense of the community, property owners are now free to determine whether, and to what extent, to provide armed security at the places they control.

¹⁴ See *An Act for the Better Security of the Inhabitants, by Obliging the Male White Persons to Carry Fire Arms to Places of*

undermines any reliance on these laws as a source of enduring principles. See *Goldstein v. Hochul*, 680 F. Supp. 3d 370, 396 (S.D.N.Y. 2023) (observing that “these statutes are rooted in racism[,] not the Second Amendment”). For example, the 1743 South Carolina statute cited by petitioners (Pet. 21), which required colonists to bring their guns to church, also laid bare its purpose: so that “inhabitants of this Province may be the better secured and provided against the insurrections and other wicked attempts of negroes and other slaves.”¹⁵ “Unless we put history entirely out of our minds, [petitioners’] claim that this tainted artifact illuminates the original understanding of the right to keep and bear arms cannot be taken seriously.” *Wolford*, 146 S. Ct. at 2053.

IV. THIS COURT’S INTERVENTION IS NOT WARRANTED AT THIS TIME.

As set forth above, this Court should decline to hear this case because Maryland’s locational restrictions are consistent with this Nation’s historical tradition of firearm regulation. But this Court should also decline to exercise certiorari review for additional reasons.

First, contrary to petitioners’ assertion that “the lower courts have expressed deep frustration with their own analyses,” Pet. 2, this is not because those courts are struggling with applying this Court’s precedents. It is true that, at the close of its opinion, the Ninth Circuit in *Wolford* remarked that its

Public Worship (1770), reprinted in *A Digest of the Laws of the State of Georgia*, 157–58 (R. Aitken 1800), <https://tinyurl.com/3umyvry2>.

¹⁵ Act No. 702, reprinted in *7 Statutes at Large of South Carolina* 417–19 (D.J. McCord ed. 1840), <https://tinyurl.com/38cpkmbj>.

decision, which upheld some locational restrictions but not others, might “appear arbitrary.” 116 F.4th at 1003. But, as this Court has acknowledged, “the history-based analysis [*Heller*] prescribed would not be easy,” and that nonetheless this “mode of analysis [would be] necessary to prevent judges from balancing away the” Second Amendment right. *Wolford*, 146 S. Ct. at 2042. Thus, the Ninth Circuit was simply making this same point, noting that, after “taking a step back from the historical analysis,” its decision was the result demanded by fidelity to this Court’s history and tradition test as articulated in *Bruen*. See *Wolford*, 116 F.4th at 1003 (noting that, although “the lack of an apparent logical connection among the sensitive places is hard to explain in ordinary terms,” “[t]he deep historical analysis required by the Supreme Court provides the missing link”).

With the lower courts faithfully applying this “deep historical analysis,” it is thus not a reason for concern that those courts may be grappling with emerging Second Amendment questions. Indeed, that is how the process should work. And, as detailed above, the courts of appeal have coalesced around a robust historical record that identifies several foundational principles, as well as specific locations, that—following this Court’s directives—inform a modern-day analysis.

The lack of any meaningful circuit split thus counsels in favor of allowing further percolation in the lower courts. Only five courts of appeals, the Second, Fourth, Fifth, Seventh, and Ninth, have issued non-vacated merits decisions in challenges to sensitive-place laws since *Bruen*. See App. 6a-8a; *Schoenthal*, 150 F.4th at 899; *United States v. Allam*, 140 F.4th 289, 295-299 (5th Cir. 2025); *Antonyuk v. James*, 120

F.4th 941, 955 (2d Cir. 2024), *cert. denied*, 145 S. Ct. 1900 (2025); *Wolford*, 116 F.4th at 970. Two of those circuits addressing broad challenges to several locations have done so only in appeals from orders granting or denying preliminary injunctions, such that their conclusions were tentative.¹⁶ See *Antonyuk*, 120 F.4th at 1048 n.126; *Wolford*, 116 F.4th at 1002-03. And the Fifth Circuit, like the Seventh (whose decision involved only mass transit), decided only a very narrow issue, rejecting an as-applied challenge to a statute prohibiting firearms in a school zone brought by an individual who “behav[ed] erratically and menacingly,” while “offer[ing] no opinion regarding the [statute’s] constitutionality . . . in any other context.” *Allam*, 140 F.4th at 299-300. In addition, the stakes in a constitutional challenge are unusually high: any decision the Court issues “cannot be overruled by statutory amendments.” Stephen Shapiro et al., *Supreme Court Practice* § 6.37(i)(1) (11 ed. 2019). Having declined to preemptively “comprehensively define ‘sensitive places’” in *Bruen*, 597 U.S. at 30, this Court should not deny itself the benefit of percolation now.

Indeed, that percolation is still continuing. Currently pending before the en banc Third Circuit is a challenge to a slate of locational restrictions in New Jersey that essentially mirrors the restrictions being challenged in this case. *Koons v. Attorney General New Jersey*, 156 F.4th 210, 270-71 (3d Cir.), *reh’g en banc granted and opinions vacated*, 162 F.4th 100 (3d Cir. 2025). Allowing the full Third Circuit to address

¹⁶ Although the Second Circuit addressed a challenge to firearms restrictions in mass transit and in Times Square at the preliminary injunction stage in *Frey*, the Second Circuit entered a final judgment rejecting a challenge to restrictions in parks in *Christian v. James*, 176 F.4th 189, 203-06 (2d Cir. 2026).

this challenge will provide further insight into whether this Court's intervention is in fact needed on this issue.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

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August 2026

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