

Nos. 25-238, 25-566

In the
Supreme Court of the United States

CUTBERTO VIRAMONTES, *et al.*,
Petitioners,

v.

COOK COUNTY, ILLINOIS, *et al.*,
Respondents.

EDDIE GRANT, JR., *et al.*,
Petitioners,

v.

RONNELL HIGGINS, IN HIS OFFICIAL CAPACITY AS COM-
MISSIONER OF THE CONNECTICUT DEPARTMENT OF
EMERGENCY SERVICES AND PUBLIC PROTECTION, *et al.*,
Respondents.

**On Writs of Certiorari to the United States
Courts of Appeals for the Seventh and Second
Circuits**

**BRIEF OF *AMICUS CURIAE*
SANDY HOOK PROMISE
IN SUPPORT OF RESPONDENTS**

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INTEREST OF *AMICUS CURIAE*¹

In December 2012, a man carrying a semiautomatic rifle, fitted with a large-capacity magazine, entered Sandy Hook Elementary School and in approximately four minutes killed 20 first graders and six educators.² Following the shooting, families from the school waited hours in the reunification center for their loved ones to arrive. Some remained until the governor informed them no one else would be returning. Among those mortally wounded were seven-year-old Daniel Barden, six-year-old Dylan Hockley, and Mary Sherlach, the school psychologist. In the days and weeks that followed, parents and community members comforted each other in their grief and became resolute that they had to act to prevent such a shooting from ever happening again. Those efforts led to the creation of Sandy Hook Promise (“SHP”), co-

¹ *Amicus* certifies that no counsel for any party helped author this brief and no entity or person other than *amicus* and its counsel made any monetary contribution toward this brief.

² As a matter of practice, *amicus* does not use the phrases “assault rifle” or “assault weapon” because they are often contested terms. Though that is the language used in the challenged Connecticut statute, *see* CONN. GEN. STAT. § 53-202a (2026), *amicus* uses “semiautomatic rifle” in this brief to refer to the weapons regulated in the challenged statute. *See Nat’l Ass’n for Gun Rights v. Lamont*, 153 F.4th 213, 222–26 (2d Cir. 2025) (describing at length the types of weapons defined as “assault weapon” in the Connecticut statute). *Amicus* uses the phrase “large capacity magazine” to be consistent with the language of the statute, *see* CONN. GEN. STAT. § 53-202w(a)(1), (b), and the Second Circuit’s decision, *see Lamont*, 153 F.4th at 226.

founded by Daniel’s father Mark Barden, Dylan’s mother Nicole Hockley, and Mary’s husband William Sherlach. Nearly 14 years since its founding, Sandy Hook Promise has grown into a national organization.

It has instituted campaigns and trainings in schools to reduce the risk of school shootings, including the *Start With Hello* and *No One Eats Alone* campaigns to address social isolation and the *Say Something* program, including the *Say Something – Anonymous Reporting System*, which trains students and educators to recognize the warning signs of peers experiencing mental-health crises. Though it has grown substantially in size, its mission remains the same: preventing school shootings.

This is *amicus’s* first friend-of-the-court brief. It writes to urge the Court to affirm the decisions below and preserve the practical regulations that the people of Connecticut passed to protect their children and educators from another mass school shooting.³

SUMMARY OF ARGUMENT

On a Friday morning in December 2012, a 20-year-old man entered Sandy Hook Elementary School in Newtown, Connecticut, wielding a semiautomatic rifle (*i.e.*, a Bushmaster XM15-E2S). He fired 154

³ In the light of *amicus’s* Connecticut-specific experience, this brief focuses specifically on the Second Circuit’s decision. But *amicus’s* arguments apply equally to the Seventh Circuit’s decision and the underlying Cook County ordinance.

bullets in approximately four minutes, killing 20 first graders and six adults. That night, as families grieved and waited to learn the names of the children who had been killed, members of the community knew they had to act.

After four months of advocacy by *amicus* and a broad coalition of community members, the Connecticut Legislature strengthened its existing law to ban possession of the weapon and magazine type that the shooter used, and weapons like it. About a decade later, the Legislature acted again to close a loophole that existed in the law.

Petitioners now seek to overturn, *inter alia*, that law and prevent any community from regulating these weapons. This case centers on the authority of the citizens of a State to identify a grave risk to the safety and welfare of children and to respond with a narrowly tailored law regulating the possession of certain semiautomatic firearms and large-capacity magazines.

Certain semiautomatic weapons and large-capacity magazines are uniquely capable of causing mass-casualty shooting events because of their ability to fire a high volume of rounds in a short period. The Sandy Hook shooting, like many active-shooter incidents, lasted no more than five minutes.⁴ The shooter

⁴ *Active Shooter Study: Quick Reference Guide*, FBI, <https://perma.cc/M2WV-CN38> (last visited Oct. 27, 2026).

was able to fire 154 rounds in that short period solely because of the semiautomatic nature of his weapon and the large capacity of the magazine.

The effects of these weapons on children's bodies are catastrophic and obscene. Seven-year-old Daniel Barden was shot in the head. Six-year-old Dylan Hockley was shot five times, his body destroyed so completely, his mother was told not to touch him to say goodbye as he lay in his coffin.

Connecticut's legislative reform also had to address the fact that the shooter possessed a lawfully purchased weapon (as is common in many mass-shooting incidents). So, the people of Connecticut had to address a public-safety problem posed by assailants who abuse their possession of a lawfully purchased firearm capable of firing a high volume of rounds without violating the Second Amendment.

The result is a law that has helped prevent a mass-casualty school shooting from happening in Connecticut in the nearly 14 years since the shooting at Sandy Hook. Consistent with this Nation's tradition of firearm regulation, the law removes access to the most dangerous weapons and leaves available more than a thousand alternative firearms for lawful possession and use, including hunting, sport shooting, and self-defense. Petitioners have not pointed to any historical tradition that suggests otherwise.

The Second Circuit correctly applied *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1

(2022), in concluding that States have long had the right to address the risks posed by dangerous weapons through regulation. See *Nat’l Ass’n for Gun Rights v. Lamont*, 153 F.4th 213, 235–47 (2d Cir. 2025); *infra* Part I.B.

Petitioners seek to overturn that decision and disrupt the thoughtful and extensively debated firearm law that the people of Connecticut have formulated over decades. And the path they ask this Court to take in doing so is far-reaching. They ask this Court to break new ground and hold that if a firearm is in “common use”—a term even they concede is undefined and amorphous—then the people may *never* ban possession of the weapon.

This Court’s precedent holds no such thing. And how could it? In Petitioners’ telling, so long as a judge determines that a firearm is in “common use,” the people forfeit their right to ban possession of the weapon and the State forfeits its right to protect the welfare of its citizens by regulating the firearm. Parents, too, forfeit their liberty interest in providing for the welfare of their children because they are left without democratic recourse against the risks posed by the weapon. In other words, Petitioners seek an immunity for the Second Amendment that virtually no other constitutional right enjoys.

This Court has held that the Second Amendment right is not unlimited. In response to an unthinkable tragedy, and determined to prevent that tragedy from

ever repeating itself, the people of Connecticut regulated an unusually dangerous weapon—*i.e.*, a select category of firearms and large-capacity magazines—without violating the Second Amendment right of their neighbors.

The Second Circuit’s judgment should be affirmed.

ARGUMENT

I. MASS SCHOOL SHOOTINGS ARE AN UNPRECEDENTED SOCIETAL CONCERN THAT THE STATE MUST BE ABLE TO ADDRESS THROUGH LEGISLATION.

As the Connecticut Respondents and the Second Circuit highlight, certain semiautomatic weapons have enabled lone shooters to perpetrate unthinkable and unprecedented mass-shooting events. Resp.Br.⁵ at 30–31, 36; *see Lamont*, 153 F.4th at 236–40. *Amicus* focuses on the narrower and deadlier problem that precipitated the challenged Connecticut statute: mass school shootings at K-12 institutions.

The Connecticut law at issue was a direct, democratic byproduct of the Sandy Hook school shooting in 2012. As discussed below, mass school shootings are a modern societal problem. *Lamont*, 153 F.4th at 236–40. The citizens of many States, including Connecticut, have identified that threat and addressed it—not through a sweeping judicial decision—but through the labor-intensive and deliberate legislative process. And citizens’ ability to protect themselves

⁵ Citations to “Resp.Br.” refer to the Connecticut Respondents’ brief.

from unreasonably dangerous weapons through reasonable and narrow legislation is entirely consistent with the long-held tradition of regulating firearms in our Nation.

A. The Unprecedented Problem of Mass School Shootings.

School shootings were virtually nonexistent until the turn of the century. In the quarter-century since the shooting at Columbine High School in 1999, which was the deadliest school shooting at the time, more than 398,000 students have experienced gun violence at school.⁶ Since Columbine, there have been more than 435 school shootings.⁷

And the statistics on mass school shootings are even more bleak. In the nearly 14 years since the shooting at Sandy Hook, there have been at least six mass school shootings by a shooter wielding certain semiautomatic rifles.⁸ Schools are uniquely exposed

⁶ John Woodrow Cox et al., *More Than 398,000 Students Have Experienced Gun Violence at School Since Columbine*, WASH. POST (Sept. 11, 2025), <https://perma.cc/6LCW-FNF9>.

⁷ *Id.*

⁸ Marjory Stoneman Douglas High School (Parkland, Fla.): 17 killed and 17 wounded; Robb Elementary School (Uvalde, Tex.): 21 killed and 18 wounded; Central Visual and Performing Arts High School (St. Louis, Mo.): 2 killed and 7 wounded; The Covenant School (Nashville, Tenn.): 6 killed and 2 wounded; Apalachee High School (Winder, Ga.): 4 killed and 9 wounded; Annunciation Catholic School (Minneapolis, Minn.): 2 killed and 30 wounded. *K-12 School Homicides*, VIOLENCE PREVENTION PROJECT, <https://perma.cc/JWJ7-4R79> (last visited Oct. 27, 2026). Though there is no settled definition on the number of casualties that would constitute a mass shooting, SHP defines it

to the danger from these weapons. Students are gathered in classrooms at regularly scheduled times, they vastly outnumber the adults who could lead them to safety, and they have little to no ability to defend themselves. These problems are exacerbated when these shootings occur at elementary or middle schools. Those six shootings have killed 52 people and wounded 83.⁹

That evidence confirms that these weapons are unusually dangerous and pose unprecedented societal concerns. *Bruen*, 597 U.S. at 27, 47–48. This is the societal condition the people of Connecticut legislated against.

B. The People of Connecticut Legislate to Prevent Another School Shooting.

Foreseeing the risks that fully automatic, semiautomatic, or burst-fire weapons posed, Connecticut passed a law in 1993 banning possession of many of those weapons. *See Lamont*, 153 F.4th at 222; CONN. GEN. STAT. § 53-202a. Despite that law, on December 14, 2012, a person armed with a semiautomatic weapon (which is now prohibited by the challenged law) entered Sandy Hook Elementary School, fired 154 bullets in approximately four minutes, and killed 20 first graders and six educators.¹⁰

as a shooting with four or more casualties (*i.e.*, those killed or injured, not including the shooter) for purposes of this brief.

⁹ *Id.*

¹⁰ *Our History, SANDY HOOK PROMISE*, <https://perma.cc/2XV8-RHR5> (last visited Oct. 27, 2026).

In response, a groundswell of citizens from all backgrounds—including 24 people who had a family member killed or wounded in the shooting—engaged in the democratic process to pass a law that would prevent another school shooting from happening.¹¹ Like most mass school shooters since Sandy Hook, *supra* note 8, the perpetrator of the shooting used lawfully purchased weapons when he initiated the violence on December 14th.¹² *See Lamont*, 153 F.4th at 221.

So the people of Connecticut confronted a grave threat to public safety and responded, consistent with this Nation’s tradition, by regulating the purchase and possession of these unusually dangerous weapons. After four months of advocacy, debate, and drafting, the democratic process worked: Connecticut amended its prior law to refine the restrictions on semiautomatic rifles and large-capacity magazines. *See Lamont*, 153 F.4th at 222. That tailored law was prescient: it correctly anticipated that certain semiautomatic rifles would become the weapons of choice for perpetrators of mass school shootings.¹³ And the law did not paint with a broad brush; it imposed a tailored restriction that left the purchase of over a thousand firearms *untouched*, including other semiautomatic weapons. *See id.* at 249. Nearly a

¹¹ *Id.*

¹² *K-12 School Homicides*, VIOLENCE PREVENTION PROJECT, <https://perma.cc/JWJ7-4R79> (last visited Oct. 27, 2026) (showing that nearly all semiautomatic weapons used in a mass school shooting since Sandy Hook were purchased legally).

¹³ *See id.*

decade later, Connecticut closed loopholes in the 2013 law, but as Petitioners concede, *see* Pet.Br. at 37, still left more than a thousand weapons otherwise available for lawful purchase, *see Lamont*, 153 F.4th at 223, 225, 249.

That law is entirely “consistent with this Nation’s historical tradition of firearm regulation.”¹⁴ *Bruen*, 597 U.S. at 17. Connecticut regulated both (1) an unprecedented, modern societal concern and (2) a dramatic technological change in weaponry, which “require[s] a more nuanced approach” to identifying a historical analogue. *Id.* at 27; *see* Resp.Br. at 36. And the historical analogue does not require a founding-era statute addressing mass school shootings. The Second Amendment is not “a law trapped in amber,” and a modern regulation need only be “relevantly similar” to the historical tradition, not a “dead ringer” or a “historical twin.” *United States v. Rahimi*, 602 U.S. 680, 691–92 (2024).

The Second Circuit upheld Connecticut’s law because it regulates “unusually dangerous” weapons—the modern heirs of the dirk, the Bowie knife, and the machine gun—arms a legislature may restrict when used to kill or terrorize. *Lamont*, 153 F.4th at 233–34, 243–45, 249. Legislatures have long been able to regulate weapons “to preserve the public peace, and [to] protect [its] citizens from the terror which a

¹⁴ Because the Second Circuit assumed without deciding that the regulated firearms and magazines are “arms” under the Second Amendment, and proceeded to *Bruen*’s second step, *amicus* will not address the merits of that issue. *See Lamont*, 153 F.4th at 235.

wanton and unusual exhibition of arms might produce.”¹⁵ *Aymette v. State*, 21 Tenn. 154, 155 (1840); e.g., Resp.Br. at 9–23 (detailing the long-held tradition of regulating unusually dangerous weapons). For well over a century and a half, courts have recognized that the legislature has “the authority to adopt such regulations of police, as may be dictated **by the safety of the people** and the advancement of public morals.” *State v. Reid*, 1 Ala. 612, 616 (1840) (emphasis added). That includes laws “intended merely to promote personal security, and to put down lawless aggression and violence.” *Id.* at 617. And courts have recognized too that laws which “exert an unhappy influence upon the moral feelings of the [bearer]” of the weapon “do[] not come in collision with the constitution.” *Id.* Privileging the Second Amendment right—as Petitioners seek to do here, *see infra* Part II.B—over all other constitutional rights, and preventing the legislature from regulating a weapon the people have determined to be too dangerous “would be to pervert a great political right to the worst of purposes.” *Aymette*, 21 Tenn. at 159.

The people of Connecticut have acted consistently with that tradition. To curtail the grave threat to public safety caused by an unusually dangerous weapon, they regulated possession of the weapon. And in doing so, they correctly anticipated what the

¹⁵ *Amicus* agrees with the Second Circuit’s historical reading of “unusually dangerous,” *Lamont*, 153 F.4th at 233–34; *id.* at 250–52 (Nathan, J., concurring), with which Petitioners take issue, *see* Pet.Br. at 43–45. But to avoid repeating arguments raised by Respondents, *see* Resp.Br. at 23–33, *amicus* will not address the merits of that argument.

rest of the country would come to learn: that certain semiautomatic rifles would become the weapon of choice for assailants who target schoolchildren. See *supra* Part I.A.

Petitioners cannot escape this clear historical tradition. Though they acknowledge *Bruen*’s command that “cases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach,” Pet.Br. at 42; *Bruen*, 597 U.S. at 27, they suggest that this Court has held that cases implicating the issue of mass shootings are neither. In their view, *Bruen* and *Heller* both implicated the issue of mass shootings, and the Court did not apply a nuanced historical approach there. But neither case implicated the issue of mass shootings. *Bruen* addressed a challenge to a regulation that required showing a special need for self-defense to carry a handgun publicly, and *Heller* addressed a challenge to a regulation that required a license for at-home possession of a handgun. *Bruen*, 597 U.S. at 8–11; *District of Columbia v. Heller*, 554 U.S. 570, 574 (2008). In deciding both cases, the Court never suggested that either regulation was enacted to prevent mass shootings, particularly those targeting children in their schools, and neither decision’s historical inquiry addressed the issue. *Bruen*, 597 U.S. at 27; *Heller*, 554 U.S. at 628.

At bottom, Connecticut’s law is consistent with this Nation’s historical tradition of firearms regulation, whether under a nuanced approach or otherwise. That historical tradition is inescapable here and Petitioners offer no persuasive answer to it.

II. PETITIONERS' AHISTORICAL POSITION IS UNWORKABLE AND WOULD PRIVILEGE THE SECOND AMENDMENT OVER OTHER RIGHTS.

Despite the Court's admonition that, "like most rights, the right secured by the Second Amendment is not unlimited," *Bruen*, 597 U.S. at 21 (cleaned up), Petitioners seek an unlimited right. In their view, so long as they can show a weapon is in common use, the Constitution prohibits a ban on possession. Pet.Br. at 24–25, 40, 49–50. Their desired categorical immunity confers on the Second Amendment *exceptional* treatment, not equal treatment.

Given its background and interests in the resolution of the question presented to the Court, *amicus* focuses here on two arguments. First, Petitioners frame the common-use test as reflecting the will of the people, but the test in fact *immunizes* the Second Amendment from regulation by the people. And they frame the duly enacted law at issue here as tantamount to judge-made, empirical second-guessing. That is counterfactual and an inversion of the parties' posture. Second, Petitioners' desired immunity for weapons that satisfy their amorphous "common use" test runs roughshod over other constitutional rights. There is no historical tradition for offering a constitutional right such exceptional treatment, especially not at the clear and inexplicable cost of other constitutional rights.

A. Petitioners Seek a Common-Use Test That Immunizes the Second Amendment from Regulation.

Petitioners' position in this case is that if a weapon is in common use, its possession cannot be banned. Pet.Br. at 1 (“*Heller* stands for the proposition that arms in common use cannot be banned.”); *id.* at 2 (“AR-15s and similar semiautomatic rifles cannot be banned because they are in common use.”); *id.* at 40 (“Here, the relevant historical principle is that arms that are in common use cannot be banned.”); *id.* at 49–50 (“[T]he people of this Nation overwhelmingly choose AR-15 platform and similar semiautomatic rifles for ordinary and lawful use and, therefore, a complete prohibition of their use is invalid” (citation omitted)). But Petitioners’ test, which functionally seeks a common-use immunity, poses two fundamental problems.

The first problem is that this Court abandoned an “intermediate scrutiny” analysis to inform the meaning of the Second Amendment in exchange for a historical analysis because the former analysis required judges to “make difficult empirical judgments.” *Bruen*, 597 U.S. at 25. To start, Petitioners’ common-use test fails because it has no historical analogue. But even if it could overcome that fatal flaw, the test they invite this Court to adopt has not a single parameter on what is “common.” Petitioners admit as much. Pet.Br. at 24. Judges would be left with the unworkable task of line-drawing around which weapons are common and which are not. Though Petitioners would have commonality determine the outcome in Second Amendment cases, they are unconcerned with the “margins” of what that phrase means, *see* Pet.Br. at 24, asking this Court to impose a new rule without confronting the scope of the test beyond the most obvious examples. In other words, they ask this Court

to impose a new rule that turns on a phrase they cannot define, which would leave district and appellate courts in the lurch when resolving the flood of firearms challenges that would result from such a groundbreaking new rule. *Cf.* Resp.Br. at 48 (noting that Petitioners and the federal government disagree on how to measure “common use”). The second problem is that Petitioners’ test would provide judges ample room to override duly enacted law—a clear manifestation of the will of the people—if judges thought the regulated weapon was too common. *Cf.* Pet.Br. at 39.

In an effort to preempt those problems, Petitioners turn the dispute upside down: they argue that any regulation of a weapon in common use overrides the will of the people, even if the regulation was enacted through the legislative process—the clearest political manifestation of the people’s will. Pet.Br. at 39. Indeed, they argue that because the at-issue weapons are common “it is impossible to conclude that the people have determined the arm is so dangerous it is unfit for use by ordinary citizens.” Pet.Br. at 39. But the people of Connecticut did exactly that. Aware that the harms of mass school shootings they were trying to prevent were caused by “ordinary citizens”—*i.e.*, lawful purchasers—they banned possession outright. Petitioners offer not one word to address that fact.

And that silence is made all the worse by how extreme Petitioners’ position is: in Petitioners’ view, once a weapon has become common—a threshold for which they offer no bounds—there is no political expression of the people restricting the possession of

that weapon that is constitutional. Unsurprisingly, Petitioners offer no historical analogue for such a position.

B. Petitioners’ Common-Use Test Would Override the State’s Police Power and Parents’ Rights.

If adopted, Petitioners’ test also would override the State’s police power and parents’ fundamental constitutional rights. As described above, *supra* Part II.A, Petitioners’ common-use test seeks a categorical immunity no other constitutional right enjoys. Their test, which would expand the Second Amendment into a limitless right whenever a judge finds that a weapon is “common,” tramples other constitutional rights, and violates this Court’s admonition that “[l]ike most rights ... the right secured by the Second Amendment is not unlimited.” *Rahimi*, 602 U.S. at 691 (quotation marks omitted); *see Bruen*, 597 U.S. at 24 (holding that the Court’s Second Amendment precedent “accords with how we protect other constitutional rights” which includes allowing the Government to “prov[e] the constitutionality of its actions”); *Heller*, 554 U.S. at 595 (noting that the “individual right to keep and bear arms” is “not unlimited”).

For example, under Petitioners’ test, once a judge determines that a weapon is “in common use,” the State forfeits its police power. It forfeits that power regardless of the level of criminal misuse associated with the weapon. Pet.Br. at 13 (“[C]riminal misuse is irrelevant to whether an arm in common use is protected.”). But “[a] State’s most basic responsibility is

to keep its people safe.” *Caetano v. Massachusetts*, 577 U.S. 411, 421 (2016) (Alito, J., concurring). Petitioners’ test would strip a State of its inherent authority to police the use and possession of a weapon that poses a significant risk to the welfare of its people. U.S. CONST. amend. X; see *United States v. Comstock*, 560 U.S. 126, 148 (2010) (recognizing a State’s inherent police power). And it would frustrate the State’s use of that police power in keeping schools safe. CONN. GEN. STAT. § 10-222n (2026) (mandating that the Department of Emergency Services and Public Protection “develop school security and safety plan standards”); CONN. GEN. STAT. § 10-220f (2026) (permitting each local and regional board of education to establish a school district safety committee “to increase staff and student awareness of safety and health issues and to review the adequacy of emergency response procedures at each school”).

The result is that, contrary to this Nation’s history and tradition of regulating firearms, the people of a State are without recourse to regulate a firearm in the face of “the terror which a wanton and unusual exhibition of arms might produce.” *Aymette*, 21 Tenn. at 159. Petitioners would use the “arms guarantee” of the Second Amendment to remove from “the Legislature the authority to adopt such regulations of police, as may be dictated by the safety of the people.” *Reid*, 1 Ala. at 616.

By restricting the State’s police power to regulate weapons which the people have decisively agreed need to be regulated, Petitioners’ test privileges the Second Amendment in another way: it prioritizes the Second Amendment—which is a right available to

adults only—over the welfare of children. Embedded in a State’s general police power is a unique obligation to the welfare of children, its most vulnerable citizens who are unable to defend or advocate for themselves. This obligation is enshrined in the Constitution’s Preamble: “We the People of the United States, in Order to form a more perfect Union ... promote the general Welfare, and secure the Blessings of Liberty to ourselves **and our Posterity**[.]” U.S. CONST. pmbl. (emphasis added). And this Court has long recognized “the state as *parens patriae*.” *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944).

To fulfill that obligation, the State regularly enacts laws that protect the welfare of children. *E.g.*, CONN. GEN. STAT. § 14-100a(d)(1)(C) (2026) (state law mandating various “child restraint system[s]” or booster seats for children traveling in motor vehicles based on their age and weight); CONN. GEN. STAT. § 53-21 (2026) (state law penalizing “[a]ny person who ... willfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child[.]”); CONN. BLDG. CODE, R326.6, R326.6.1 (2018) (requiring a four-foot fence around residential outdoor swimming pools to prevent drownings). Petitioners’ test would hamstring the State from fulfilling that obligation.

Another liberty interest would be overridden too: the liberty “interest of parents in the care, custody, and control of their children.” *Troxel v. Granville*, 530

U.S. 57, 65–66 (2000) (plurality opinion). This Court has described that right as “perhaps the oldest of the fundamental liberty interests recognized by this Court.” *Id.* The natural outcome of Petitioners’ argument is that a parent would be left with no recourse to address the threats posed by an unusually dangerous weapon like the ones banned here. Roughly a third of parents of K-12 students polled across multiple studies reported feeling very or extremely worried about a school shooting;¹⁶ many teenagers are worried about a shooting too.¹⁷ Parents have resorted to a host of measures to keep their children safe at school, ranging from purchasing bulletproof backpacks to

¹⁶ Kiley Hurst, *About a Third of K-12 Parents Are Very or Extremely Worried a Shooting Could Happen at Their Children’s School*, PEW RSCH. CTR. (Oct. 18, 2022), <https://perma.cc/A4SW-4MBJ>; see Lydia Saad, *Parents’ Unease Over School Safety Elevated for Fourth Year*, GALLUP (Aug. 29, 2025), <https://perma.cc/R4HA-YMY4> (finding that “[f]orty-one percent of U.S. parents of K-12 students ... fear for their oldest child’s physical safety at school.”).

¹⁷ Nikki Graf, *A Majority of U.S. Teens Fear a Shooting Could Happen at Their School, and Most Parents Share Their Concern*, PEW RSCH. CTR. (Apr. 18, 2018), <https://perma.cc/R3WV-EXLL> (finding that “a majority of American teens [ages 13 to 17] say they are very or somewhat worried about the possibility of a shooting happening at their school – and most parents of teens share that concern[.]”); *Our Children Are Saying “We Are Afraid,”* CHILDREN’S DEF. FUND, <https://perma.cc/KC2Q-43KS> (last visited Oct. 27, 2026) (noting that “[o]ne-third of children surveyed said they are worried about a shooting happening at their school. Only worries about being bullied are more common.”).

removing their children from public schools entirely.¹⁸ Indeed, parents are so defenseless against these risks that nearly half of adults would buy their child a bulletproof backpack, even though its armor would likely not stop a bullet fired from the type of firearms most commonly used in most mass school shootings.¹⁹

Parents must have legislative recourse to restrict access to weapons that pose such grave dangers to their children.

CONCLUSION

Across three decades, the people of Connecticut regulated the challenged weapons to, among other things, protect schoolchildren from another mass school shooting. That law was tailored, leaving more than a thousand alternative weapons available for lawful individual use that pose far less of a threat in the hands of a potential assailant who would abuse his possession of a lawfully purchased weapon to commit a mass school shooting. That manner of regulation—the purest form of democratic response to a

¹⁸ Coralie Kraft, *When Back-to-School Shopping Includes Bulletproof Backpacks*, N.Y. TIMES (Sept. 21, 2026), <https://perma.cc/5LQH-26LU>.

¹⁹ Ben Popken, *Bulletproof Backpacks Wouldn't Have Saved Anyone in Recent Shootings*, NBC NEWS (Aug. 21, 2019, at 14:40 ET), <https://perma.cc/QHL5-HN5R> (noting that even though most bulletproof backpacks do not have the level of armor necessary “[t]o block the kind of piercing ammunition frequently fired by military-style rifles in recent ... school shootings ... almost half of adults say they would buy a bulletproof backpack for their child.”).

grave public-safety concern—is entirely consistent with this Nation’s historical tradition of firearm regulation.

Those legislative efforts have successfully regulated an unusually dangerous weapon that poses a grave public-safety risk to the people of Connecticut. The Second Circuit’s decision should be affirmed.

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