

Federal Appeals Court Lifts Suspension on California Gun Ban, Citing Constitutional Concerns



The 9th U.S. Circuit Court of Appeals has given the green light to a judge's decision blocking California from enforcing a new law prohibiting the carrying of guns in most public places. The court deemed the law unconstitutional, asserting that it violated citizens' rights to bear arms under the Second Amendment of the U.S. Constitution.

Temporary Injunction Reversed

This decision comes after a different 9th Circuit panel temporarily suspended an injunction issued by a judge a week earlier. This temporary stay allowed the law to take effect on January 1, but gun rights groups swiftly sought reconsideration. On Saturday, a different panel of judges dissolved the order, suspending the injunction preventing the law from being enforced for the time being.

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"So the politicians' ploy to get around the Second Amendment has been stopped for now," remarked C.D. Michel, a lawyer representing the gun rights groups.

California's Appeal to be Heard in April

Although law enforcement has been halted, California's appeal of the injunction is scheduled to be heard in April. The state's attorney general argued in court papers that blocking the law would put "tens of millions of Californians" at a higher risk of gun violence.

"This dangerous decision puts the lives of Californians on the line," expressed Daniel Villaseñor, a spokesperson for Democratic Governor Gavin Newsom, who signed the law into effect in September.

Legislative Background and Supreme Court Ruling

The law, Senate Bill 2, was enacted in response to a landmark Supreme Court ruling in June 2022. In the case of *New York State Rifle & Pistol Association v. Bruen*, the conservative-majority Supreme Court struck down New York's strict gun permit regulations, expanding gun rights nationwide. The decision affirmed that the Second Amendment protects an individual's right to carry a handgun in public for self-defense.

The ruling also introduced a new test for assessing the constitutionality of gun laws, stating that they must be "consistent with the nation's historical tradition of firearm regulation."

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California's Restrictive Measures

California's law prohibited the carrying of concealed guns in 26 categories of "sensitive places," including hospitals, playgrounds, stadiums, zoos, and places of worship, irrespective of whether individuals held permits. Additionally, the law barred concealed guns at privately owned commercial establishments open to the public unless the business operator posted a sign allowing license holders to carry guns on their premises.

U.S. District Judge Cormac Carney, appointed by Republican former President George W. Bush, supported permit holders and gun advocacy groups, declaring the law in violation of the Second Amendment on December 20. The legal battle continues, with further developments expected in the coming months.

Don't be a silent ninja! Let us know your thoughts in the comment section below.

