

Submitter: Kristin whitney
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure: SB348

Please don't let our constitution be forgotten.

Amdt2.1 Overview of Second Amendment, Right to Bear Arms

“For much of its early history, the Second Amendment went largely unscrutinized by the Supreme Court. The few nineteenth century cases implicating the Second Amendment established for a time that the Amendment was a bar to federal, but not state, government action,¹ and the Court’s only significant Second Amendment decision in the twentieth century seemed to suggest that the right protected under the Amendment was tied only to state militia use of certain types of firearms.² In this relative vacuum, the lower federal courts and legal scholars disputed the meaning of the Second Amendment and how it applied, if at all, to an expanding universe of federal, state, and local laws governing the private possession and sale of firearms.³

By the beginning of the twenty-first century, many of the U.S. Courts of Appeals that considered the matter concluded that the Second Amendment protected a collective right tied to militia or military use of firearms,⁴ while some courts and commentators maintained that the Amendment enshrined an individual right to possess firearms outside the context of militia or military activity.⁵ In the 2008 case *District of Columbia v. Heller*,⁶ the Supreme Court held, after a lengthy historical analysis, that the Second Amendment protects an individual right to possess firearms for historically lawful purposes, including self-defense in the home.⁷ The *Heller* majority also provided some guidance on the scope of the right, explaining that it is not unlimited and that nothing in [the] opinion should be taken to cast doubt on longstanding prohibitions like laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, among other presumptively lawful regulations.⁸

Two years after *Heller*, the Court revisited the question of whether the Second Amendment applies to the states, concluding in *McDonald v. City of Chicago*⁹ that the right to keep and bear arms is a fundamental right that is incorporated through the Fourteenth Amendment against the states.¹⁰ In a subsequent decision in *Caetano v. Massachusetts*,¹¹ the Court issued a brief, per curiam opinion vacating a Massachusetts Supreme Court decision that had upheld a law prohibiting the possession of stun guns. The Court in *Caetano* reiterated that the Second Amendment applies to the states and extends to bearable arms that were not in existence at the time of the founding.¹²

In the 2022 case *New York State Rifle & Pistol Association v. Bruen*,¹³ the Court

considered the constitutionality under the Second Amendment of a portion of New York's firearms licensing scheme that restricts the carrying of certain licensed firearms outside the home. In a 6-3 decision, the Court struck down New York's requirement that an applicant for an unrestricted license to carry a handgun outside the home for self-defense must establish proper cause, ruling that the requirement is at odds with the Second Amendment.¹⁴ In doing so, the Court recognized that the Second Amendment protects a right that extends beyond the home¹⁵ and also clarified that the proper test for evaluating Second Amendment challenges to firearms laws is an approach rooted in text and the historical tradition of firearms regulation, rejecting a two-step methodology employed by many of the lower courts.¹⁶"

Amdt2.2 Historical Background on Second Amendment

Second Amendment:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

As well as more that cannot be written, please don't change our future for the worst, we the people have constitutional rights that continue to be broken, don't let it continue we the people don't agree with SB348