

# TIME

## The Supreme Court Just Expanded Gun Rights. Here's What That Means

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June 23, 2022

The Supreme Court ruled that the Constitution protects the right to carry a handgun for self-defense outside of the home, a decision that experts say will make it easier for millions of Americans to carry firearms in public.

In a 6-3 vote split along ideological lines, the high court on Thursday struck down a century-old New York gun-control law that required people to prove they have a special need for self protection if they want to carry a concealed handgun outside of their home. In his majority opinion, Justice Clarence Thomas wrote that the law violates the Fourteenth Amendment by “preventing law-abiding citizens with ordinary self-defense needs” from exercising their right to “keep and bear arms in public for self-defense” established by the Second Amendment. The court’s three liberal justices dissented.

This is the first time the Supreme Court has ruled on a gun-rights case since its major decisions in 2008 and 2010 stating that the Second Amendment protects a private citizen’s right to keep a firearm in the home for “traditionally lawful purposes,” including self-defense. On Thursday, the high court ruled that private citizens have the constitutional right to carry that firearm outside of their home, as well. In his opinion, Thomas wrote that the Second Amendment does not distinguish between the home and public areas in regards to the “right to keep and bear arms.”

The biggest Second Amendment decision in more than a decade is a significant win for gun-rights advocates and a blow to the gun control movement, which gained renewed steam this spring after a series of deadly mass shootings catapulted gun reform back into the center of national conversation. Congress is poised to advance a bipartisan gun safety bill, which includes incentives for states to enact red-flag laws that would allow authorities to temporarily confiscate firearms from people deemed to be a threat. (The court’s decision would not impact those policies.)

The case, *New York State Rifle & Pistol Association Inc. v. Bruen*, was brought by two men in New York—with the backing by the NRA-affiliated New York State Rifle & Pistol Association—after they were denied requests for permits to carry firearms outside their home because the licensing officer determined they hadn’t demonstrated they needed the weapons for self-defense. The plaintiffs argued that standard was had become

unattainable and gave too much discretionary power to licensing officers, who are either local judges or law enforcement officers.

Along with New York, California, Hawaii, Maryland, Massachusetts, New Jersey, and the District of Columbia have similar “may-issue” concealed-carry laws, which only grant permits to applicants who can prove they have a sufficient reason for wanting one. In April 2021, roughly 90 million Americans lived in states that have “may-issue” laws, according to Duke Law School professor Joseph Blocher.

Nearly all other states have more permissive “shall-issue” laws, which generally allow people to get a concealed-carry license as long as they don’t fall into a legally non-permitted category, such as having a felony conviction. On Thursday, Thomas wrote that while New York’s law should be struck down, “shall-issue” laws can stand, since they “do not grant open-ended discretion to licensing officials and do not require a showing of some special need apart from self-defense.”

In his dissent, Justice Stephen Breyer argued that the decision does not properly discuss “the nature of severity of” gun violence, and evoked the mass shootings America has experienced in recent years, including the recent shootings in Buffalo, New York, that left ten dead at the hands of an alleged white supremacist, and in Uvalde, Texas, that killed 21 people including 19 children. Breyer also cited the rise in gun violence in recent years; according to the Centers for Disease Control and Prevention (CDC), the firearm homicide rate rose around 35% from 2019 to 2020. “The dangers posed by firearms can take many forms,” Breyer wrote. “And mass shootings are just one part of the problem. Easy access to firearms can also make many other aspects of American life more dangerous.”

New York’s Democratic Governor Kathy Hochul said Thursday that it “is outrageous that at a moment of national reckoning on gun violence, the Supreme Court has recklessly struck down a New York law that limits those who can carry concealed weapons.”

“In response to this ruling, we are closely reviewing our options – including calling a special session of the legislature,” she continued.

Gun control advocates and some experts also argue the decision could be dangerous. A 2017 examination of state-level crime data by Stanford Law School Professor John Donohue found that states saw an estimated 13% to 15% increase in violence crime in the decade after enacting a right-to-carry concealed handgun law. In a statement to TIME, Donohue said he finds it “mind-boggling that the court would go down the path that it has,” predicting that “as various gun safety measures fall in the wake of this profoundly unwise decision, crime will rise and Americans will clearly be less safe from firearm violence.”

But gun rights advocates say the decision is the correct interpretation of the Constitution and point out that it allows “shall-issue” laws, which 43 states have already adopted, to stand. Trevor Burrus, a research fellow at the libertarian Cato Institute, said in a statement to TIME that while “this decision will be criticized by many as a ‘radical’ expansion of gun rights, it is actually a modest decision that only strikes down discretionary licensing laws that limit issuing carry permits to those who can demonstrate specific threats against them.”

“The Second Amendment protects the natural right to self-defense,” he said. “And at the very least, that means that Americans don’t have to convince a bureaucrat that they are sufficiently threatened to be allowed to bear arms.”