

What Does SCOTUS Stance on Assault Weapons Mean for Firearm

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The legal landscape for firearms continues its evolution with a recent development from the U.S. Supreme Court (SCOTUS) signaling a possible shift in gun control laws. In June 2025, the High Court declined to take up an appeal of Maryland's ban on assault-style weapons, which includes the popular AR-15. While SCOTUS declined to hear the case, its actions provide critical insights into the Court's current approach to Second Amendment challenges and hint at what to expect when an assault rifle ban case eventually reaches its docket.

Understanding the Maryland Decision

SCOTUS recently declined to hear an appeal in the matter of *Snope v. Brown* regarding whether the Constitution permits the State of Maryland to ban semi-automatic rifles, which in effect upheld a decision handed-down by the Fourth Circuit Court of Appeals. The appellate court ruled that guns in this military-grade category are not protected by the Second Amendment, a legal logic based in the country's historical tradition of regulating certain firearms which are deemed excessively dangerous.

The refusal to hear this particular firearms case, however, does not mean that SCOTUS will never rule on the legality of the bans on assault weapons -- now effective in 10 states and the District of Columbia. To the contrary, the dissenting opinions from Justices Alito, Gorsuch and Thomas and a statement from Justice Kavanaugh make it clear that SCOTUS intends to rule on the constitutionality of assault rifle bans sooner rather than later.

What to Expect When SCOTUS Takes an Assault Weapons Ban Case

When the Supreme Court eventually decides to rule on an assault weapons ban, its prior ruling in *New York State Rifle & Pistol Association v. Bruen* is likely to provide the guiding legal framework for the decision.

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In striking down a requirement for concealed weapons permit applicants to have a proper cause to obtain an unrestricted license to have and carry a concealed pistol or revolver, SCOTUS said in *Bruen* that gun regulations must be consistent with the nation's historical tradition rather than based on modern policy considerations. The ruling in *Bruen* opened the door for challenges to assault weapons bans in several states, as lower courts grappled with how to apply new standards regarding a basis of historical tradition for the regulation of firearms.

Keeping these factors in mind, here is what municipalities, law enforcement agencies, firearms industry manufacturers/retailers, and gun owners might expect when SCOTUS hears a case concerning an assault weapons ban:

- **Likelihood of a Decision Favoring Second Amendment Rights** The conservative majority on the Court has steadily and consistently expanded Second Amendment protections. Many legal observers believe that a carefully crafted challenge probably grounded in the *Bruen* case framework -- to an assault rifle ban stands a significant chance of success. If the Justices find that assault-style weapons have been historically protected and commonly used by citizens, they could rule that bans on them are unconstitutional. Alternatively, the Court may uphold statewide bans on assault rifles and concur with some lower court rulings that they are exceptionally dangerous weapons and comparable to machine guns which have been regulated for decades.
- **Emphasis on Common Use of Assault-Style Weapons** The common use argument also plays a central role in how SCOTUS currently evaluates firearms regulations, particularly bans on assault rifles. Under prior decisions, firearms that are widely-owned and used for lawful purposes such as self-defense are generally protected under the Second Amendment. In fact, several of the Court's conservative justices have acknowledged that millions of AR-15s are now owned and in common use by millions across the country. When SCOTUS eventually hears the appeal of an assault rifle ban, the common use argument is also likely to be a critical element in whether the ban stands or falls.
- **Partial Repeal, Rather Than Dismantling of All Assault Rifle Regulation** Even a favorable ruling for gun rights is not likely to result in a full national repeal of firearms regulations. SCOTUS could uphold certain restrictions if they align with historical traditions of regulating particularly dangerous or unusual weapons, or if they are narrowly tailored to address specific safety concerns without unduly burdening the core Second Amendment right.

Impact on Municipalities, Law Enforcement and the Firearms Industry

- **Municipalities and Law Enforcement** A ruling against assault weapons bans would create some significant issues for municipalities and law enforcement agencies. It would necessitate a re-evaluation of existing ordinances, policies, and standards, potentially limiting the tools available to address gun violence. Local governments may need to explore alternative regulatory approaches, including enhanced background checks, red flag laws, and restrictions on high-capacity magazines. Law enforcement may also require policy or operational adjustments if certain popular firearms become widely available.

- **Firearms Industry** A ruling striking down an assault weapons ban would undoubtedly be a boon for the firearms industry overall, but particularly the manufacturers and retailers of semi-automatic rifles. Such a ruling could potentially open new markets in states with assault rifle regulations, leading to increased production and sales. However, the industry should also be prepared for continued legal battles in various states and potential challenges to other types of firearms regulation.

What Does This Mean Going Forward?

In today's dynamic environment of firearms regulation, rapid initiative-taking engagement and legal preparedness are paramount. We encourage those involved with firearms and their regulations to remain informed regarding the fast-moving legal situation, carefully review their current policies and seek specialized legal counsel to competently navigate the ever-changing landscape of firearms law.

The attorneys of Foster Swift's Firearms Law Group have deep expertise with federal, state and local gun laws and are monitoring the U.S. Supreme Court's stated intent to rule in the near future on the constitutionality of assault weapons bans. Our experienced team works closely with government and law enforcement agencies on all matters related to firearms laws and is prepared to assist with your response to any Supreme Court decision regarding firearms regulation. If you have questions about assault weapons bans or other gun laws, please contact a member of our firearm regulation law team.