

“Good Cause” Requirement for Concealed Firearm License Invalidated

06.29.2022

The government may not require law-abiding citizens to show “proper cause” to obtain a permit to carry a firearm in public. In a case with significant implications for gun laws, the United States Supreme Court has established a new framework to evaluate Second Amendment challenges.

In ***New York State Rifle & Pistol Association, Inc. v. Bruen***, the U.S. Supreme Court held unconstitutional the State of New York’s law requiring applicants to show “proper cause” to obtain a license to carry a gun for self-defense in public. Two residents challenged the law after the State denied each a license to carry a handgun in public because neither demonstrated a “special need” beyond general self-defense.

The Court examined New York’s law under the framework set out in *District of Columbia v. Heller* and *McDonald v. Chicago*, to both invalidate the law and reject the two-step approach that almost all lower courts had used in evaluating Second Amendment claims under *Heller* and *McDonald*.

The Court articulated a new framework based on constitutional text and history. When the Second Amendment’s plain text encompasses a person’s conduct, the Constitution presumptively protects that conduct. The government must then justify its law by showing that the law is consistent with the historical tradition of firearms regulation in the United States. Only then does the regulated conduct fall outside of the Second Amendment’s protections. It remains uncertain what the precise contours of that framework are, and how they will apply to an ever-expanding body of firearms laws.

The *Bruen* decision has far-reaching implications for state and local firearms laws. Specifically, the requirement in California Penal Code Sections 26150 and 26155 that concealed firearm license applicants prove “good cause” for issuance has been invalidated in light of the Court’s holding. Since California’s firearm regulations are ripe for a constitutional challenge, local officials must review their license eligibility criteria to ensure that applicants are not disqualified in violation of the Second Amendment right to armed self-defense in public.

ATTORNEYS

Kyle H. Brochard
Natalie C. Kalbakian
David Lim
Jennifer Petrusis
T. Peter Pierce

For more information about this case or any Second Amendment matter, please contact **Peter Pierce, Jennifer Petrusis, Kyle Brochard, David Lim, Natalie Kalbakian**, or any attorney in the Firm's **Public Law Department**.