

Client Alert
March 2, 2023

COMMON-SENSE GUN CONTROL

Gun violence has darkened the doorstep of college campuses, elementary schools, grocery stores, malls, movie theaters, and churches across the United States. Stories of mass shootings have become a familiar part of the news cycle, the recent tragedy at Michigan State University being just one of approximately eighty shootings as of mid-February. But this epidemic is far from inescapable. While no single, simple solution exists, states that have common-sense gun control laws continue to rank lowest in gun violence and gun-related death.

As one of those states, Massachusetts offers one such tried and true blueprint for common-sense gun control. For example, Massachusetts is one of only a few states that requires a license to own a firearm. This license is obtained by submitting an application with the local police department. Convicted felons or individuals with a restraining order against them, as well as applicants who pose a risk to public safety, are denied a license. A firearm license may also be revoked and firearms confiscated if an extreme risk protection order is issued by a judge, a practice commonly referred to as red flag laws. And until last year, applicants who could not offer a personal or property related safety reason for requiring a gun could have their license restricted to activities like hunting or target shooting. But this provision is no longer enforceable.

The 2022 United States Supreme Court decision *New York State Rifle & Pistole Association v. Bruen* held that a similar provision in New York was a violation of the Second Amendment right to keep and bear arms. While the Court reiterated in this decision that the Second Amendment does not generally prohibit regulation of the ownership and commercial sale of firearms, it did state that those regulations must be “part of the historical tradition” of regulating the conduct in question.

In the aftermath of *Bruen*, we are witnessing an uptick in lawsuits challenging sound barriers to gun violence. But this has not and should not deter states from continuing to advocate for and implementing common-sense gun control laws. In New York, a new Concealed Carry Improvement Act is tightening gun licensing laws by requiring background checks when buying ammunition and enumerating sensitive places where concealed carry is prohibited. Here in Massachusetts, the legislator has this year introduced bills banning semi-automatic firearms and the sale of untraceable guns. Governor Maura Healy is advancing the discussion on the root causes of gun violence, with plans to fund programs that support mental health and target youth violence prevention. And Attorney General Andrea Campbell has formed a new anti-gun unit, poised to defend and enforce Massachusetts gun laws. These are just some examples of the steps states need to be taking towards a comprehensive approach to gun violence prevention and public safety.

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In the face of increasing opposition to what should be commonplace, lifesaving laws, we cannot lose sight of the necessity of implementing and maintaining common-sense gun control laws, defending against the lawsuits that threaten to chip away at those protections, and advocating for change at the federal level. In Massachusetts we are proud to lead by example, but this is a national problem, requiring national attention, and national reform.

This Client Alert was prepared by Attorneys Madison Harris-Parks and Brett Cavanaugh. This Alert was reviewed by Attorneys Arthur Murphy and Katherine Hesse. If you have any questions about this issue, please contact Arthur Murphy or the attorney responsible for your account, or call (617) 479-5000.

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