



Written by [Jacob Sullum](#) on January 10, 2024

California Made Carry Permits Easier to Obtain but Nearly Impossible to Use

California Gov. Gavin Newsom thinks the Constitution should be amended to accommodate the gun regulations he favors. But in the meantime, he is trying out a different strategy: If we ignore the Second Amendment, maybe it will go away.

In 2022, the U.S. Supreme Court upheld the right to carry guns in public for self-defense, saying states could not require residents to demonstrate a “special need” before allowing them to exercise that right. Newsom responded to what he called a “very bad ruling” by backing a new law that makes carry permits easier to obtain but nearly impossible to use.



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Senate Bill 2 bans guns from 26 categories of “sensitive places,” including parks, playgrounds, zoos, libraries, museums, banks, hospitals, houses of worship, public transportation, stadiums, athletic facilities, casinos, bars, and restaurants that serve alcohol. The list also covers any “privately owned commercial establishment that is open to the public” unless the owner “clearly and conspicuously posts a sign at the entrance” saying guns are allowed.

S.B. 2 “turns nearly every public place in California into a ‘sensitive place,’ effectively abolishing the Second Amendment rights of law-abiding and exceptionally qualified citizens to be armed and to defend themselves in public,” U.S. District Judge Cormac Carney noted last month, when he issued a preliminary injunction barring California from enforcing many of the law’s provisions. “California will not allow concealed carry permit holders to effectively practice what the Second Amendment promises. SB2’s coverage is sweeping, repugnant to the Second Amendment, and openly defiant of the Supreme Court.”

Carney’s response to *May v. Bonta*, a lawsuit challenging S.B. 2, was not surprising. New York, New Jersey, Maryland and Hawaii have attempted similar end runs around the Supreme Court’s decision, provoking lawsuits that in each case resulted in a court order blocking at least some of the challenged restrictions.

Undeterred by those warnings, Newsom and his legislative allies are hoping that the U.S. Court of Appeals for the 9th Circuit, which historically has been highly sympathetic to gun control, will bless their blatant trickery. On Saturday, the appeals court dissolved an administrative stay that briefly blocked Carney’s injunction, which means the new gun-free zones are on hold until it decides the case.

California has the burden of showing that each of its location-specific gun bans is “consistent with this Nation’s historical tradition of firearm regulation” — the test that the Supreme Court has said gun control laws must pass. But even without a detailed analysis, the overall impact of the state’s new rules is plainly inconsistent with the right recognized by the Supreme Court.



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Under S.B. 2, the plaintiffs in *May v. Bonta* note, “Californians who desire to exercise their enumerated right to carry are essentially limited to some streets and sidewalks (so long as those public places are not adjacent to certain other ‘sensitive’ places), plus a few businesses willing to post a ‘guns allowed’ sign at the risk of potentially losing other customers by doing so.” The law “creates a patchwork quilt of locations where Second Amendment rights may and may not be exercised, thus making exercise of the right so impractical and legally risky in practice that ordinary citizens will be deterred from even attempting to exercise their rights in the first place.”

That, of course, is the whole idea. S.B. 2 itself notes that restricting the discretion of licensing officials, as the Supreme Court’s ruling required California to do, could have opened the door to “broadly allowing individuals to carry firearms in most public areas.” Deeming that outcome intolerable, legislators instead decreed that guns may *not* be carried in most public areas.

At the press conference announcing the introduction of S.B. 2, the complaint in *May v. Bonta* notes, Newsom “used air quotes when discussing the ‘right’ to carry firearms outside the home, making his contempt for the Constitution clear.” Newsom might as well have held up a single finger, aimed directly at the Supreme Court.

Jacob Sullum is a senior editor at Reason magazine. Follow him on Twitter: @JacobSullum. To find out more about Jacob Sullum and read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate webpage at www.creators.com.

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