



Written by [Bob Adelman](#) on November 5, 2024

Lawsuit Challenges Texas Carry Bans

The Firearms Policy Coalition (FPC) [filed a lawsuit last week](#) challenging Texas' laws restricting law-abiding citizens the freedom to carry in certain "sensitive places" such as bars, sporting events, and racetracks. It's part of FPC's mission to erase such infringements nationally.



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The lawsuit leans on the 2022 Supreme Court decision in *Bruen (New York State Rifle & Pistol Association, Inc. v. Bruen)*, which declared that "the Second Amendment guarantees a general right to public carry." This means that law-abiding citizens may "'bear' arms in public for self-defense."

A Texas law dating back to 1995 declares 14 "sensitive places" to be off-limits for firearms. Last week's filing only challenges three of them. It's FPC's strategy to get a foot in the door. This will allow the group to file other lawsuits in Texas and elsewhere to eliminate other such unconstitutional bans.

As part of its FPCLaw program, the firm currently has more than 50 lawsuits pending. They challenge laws restricting access to firearms and firearm parts, "sensitive places" laws, laws prohibiting the making of so-called ghost guns at home, and laws prohibiting adults under 21 from owning and bearing a firearm.

The present lawsuit, *Ziegenfuss v. McCraw*, puts the onus on the state of Texas to defend its "sensitive places" law: "The State bears the burden of 'justifying its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation.'"

No Defense

According to the FPC lawsuit, Texas cannot legally justify its law:

But the State cannot meet its burden here, as there is no historical tradition banning the carriage of firearms in these or analogous locations....

Accordingly, Defendant's enforcement of the Carry Bans violates the Second Amendment rights of the Individual Plaintiffs as well as similarly situated law-abiding members of Plaintiff Firearms Policy Coalition.

This Court should enter judgment enjoining their enforcement and declaring them unconstitutional.

At present, bars and other establishments serving alcohol must post a bright red sign near their entrances declaring "Notice: 51%." This refers to a Texas law that prohibits carrying a firearm in an establishment that generates more than 50 percent of its revenue from sales of alcohol. Racetracks and other public venues for sporting events post similar restrictive notices.



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The lawsuit continued,

The three Carry Bans individually and collectively operate to deny Plaintiffs, including FPC's similarly situated members and other typical law-abiding individuals from carrying loaded, operable handguns in case of confrontation for immediate self-defense in public places....

The State cannot meet its burden here because there is no historical tradition — let alone a well-established and representative one — for banning the carriage of firearms at bars, restaurants, racetracks, sporting events, or analogous locations.

Three Remedies

FPC seeks three remedies from the state of Texas. First, a court needs to declare that the laws creating these “sensitive places” are unconstitutional. Second, FPC wants “permanent injunctive relief” preventing enforcement of the newly declared unconstitutional laws. And third, a court must “award costs of [the] suit, including reasonable attorneys’ fees ... and all further relief to which Plaintiffs may be entitled.”

In its press release, the FPC noted that the present lawsuit is “the newest addition to FPC’s high-impact strategic litigation program ... aimed at eliminating immoral laws and creating a world of maximal liberty.... Our FPC Law program is the nation’s preeminent legal action initiative focused on restoring the right to keep and bear arms throughout the United States.”

Said FPC President Brandon Combs:

FPC already struck down Texas’s ban on firearm carry for adults under the age of 21.

We now set our sights on ending enforcement of these locational bans so that all peaceable adults may carry firearms in public places without fear of criminal prosecution.

This case is one of dozens we are litigating to help us achieve our strategic objectives and eliminate Unconstitutional and immoral carry restrictions throughout the United States.

The 2022 *Bruen* decision continues to reshape the legal landscape in favor of liberty. Americans can thank the prodigious efforts of the FPC and other pro-Second Amendment public-interest law firms.

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