



Written by [Bob Adelman](#) on April 26, 2024

Pennsylvania's Handgun Ban for 18- to 20-year-olds Lifted

After four years of legal wrangling, Pennsylvanians 18 to 20 years old [may now fully enjoy their Second Amendment-protected rights](#). Under Pennsylvania's peculiar laws, those adults may carry a handgun openly in public without violating the law. But because Pennsylvania has been operating under a state of emergency since 2018, those under age 21 must have a concealed-carry license even though state law bans them from obtaining one.

A lawsuit filed in 2020 by the Second Amendment Foundation (SAF) and the Firearms Policy Coalition (FPC) representing three of the state's citizens who were then over 18 but under 21 challenged the law. The state dragged out the suit for nearly four years until Wednesday this week when District Court Judge William Stickman (a Trump appointee) cleared away the underbrush:



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IT IS HEREBY ORDERED that the Commissioner of the Pennsylvania State Police is hereby ENJOINED from arresting law-abiding persons 18 to 20 years old who openly carry firearms during a state of emergency declared by the Commonwealth of Pennsylvania.

IT IS FURTHER ORDERED that 1) the Commissioner and his officers ... are ENJOINED from enforcing laws, policies, and practices that prevent Plaintiffs, and those similarly situated between the ages of 18 and 20 years old, who ... wish to acquire a license ... from applying for or being issued such a license.

Judge Stickman went further:

The Commissioner and his officers ... are ENJOINED from enforcing [state laws] that ... prevent any individual between the ages 18 and 20 years old ... from carrying loaded, operable firearms, including handguns, on their person, in public and in their vehicles, for all lawful purposes including self-defense.

Adam Kraut, SAF's executive director, rejoiced: "Judge Stickman's injunction has conferred the same Second Amendment rights upon 18-20-year-olds that those over 21 have had." And further, they "may apply for License to Carry Firearms ... this is a victory for Second Amendment rights in Pennsylvania."

Alan Gottlieb, the founder of SAF, added, "This is a major win for gun rights in the Keystone State. We're encouraged [that] the courts are finally looking at this issue in terms of the constitutional rights



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of young adults.”

Judge Stickman’s ruling expanded on a decision last month by the Third U.S. District Court of Appeals to deny an appeal by the state for a rehearing in the case. He ruled that those young adults under age 21 are now free to apply for licenses to carry a firearm.

While the ruling is a good long distance away from “constitutional carry” laws being passed by other states, it is encouraging that previous rulings from the Supreme Court — *Heller* and *McDonald* — were cited in the original complaint. In addition, it pointed out that American history has no precedent of such restrictions:

Throughout American history, arms carrying was a right available to all peaceable citizens. Sometimes, it was even a duty....

Moreover, young adults between 18 and 21 were fully protected by the Second Amendment at the time of its ratification. Hundreds of statutes from the colonial and founding eras required 18-to-20-year-olds to keep and bear arms.

Such citations make it much more difficult for Pennsylvania’s anti-gun Attorney General Michelle Henry to appeal to the high court. Left to stand, it provides more precedent for future cases brought by gun-rights advocates to succeed in restoring Second Amendment rights in other states. If challenged and affirmed by the high court, that precedent would apply to all states.

Judge Stickman’s ruling, therefore, is indeed a major victory for the Second Amendment.



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