



Written by [Bob Adelman](#) on January 10, 2023

New Jersey Judge Halts State's New Gun-control Law, Dismantles State's Arguments Supporting It

In her issuing of a [temporary restraining order \(TRO\)](#) against implementation of New Jersey's attempt to nullify the Supreme Court's ruling in *Bruen*, George W. Bush appointee U.S. District Court Judge Renee Marie Bumb took the defendants to the cleaners:

Plaintiffs [three New Jersey residents holding concealed carry permits, along with the Second Amendment Foundation and other pro-Second Amendment groups] have demonstrated a probability of success on the merits of their Second Amendment challenge to the relevant provisions of [the new law] which criminalizes carrying handguns in certain "sensitive places," ... public libraries or museums, bars, restaurants, and where alcohol is served, entertainment facilities, and private property, as well as [the law's] ban on functional firearms in vehicles.



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She invoked the new standard by which such laws are to be measured, according to the Supreme Court's ruling in *Bruen*:

The State may regulate conduct squarely protected by the Second Amendment only if supported by a historical tradition of firearm regulation.

Here, Plaintiffs have shown that Defendants will not be able to demonstrate a history of firearm regulation to support any of the challenged provisions.

The deprivation of Plaintiffs' Second Amendment rights, as the holders of valid permits from the State to conceal carry handguns, constitutes irreparable injury, and neither the State nor the public has an interest in enforcing unconstitutional laws.

Accordingly, good cause exists, and the Court will grant the motion for temporary restraints.

As *The New American* previously noted, the new law that anti-gun Democrat New Jersey Governor Phil Murphy signed in December was "giving a raspberry to the high court." The new law effectively turned the entire state into a "sensitive place" where no one could carry a firearm for self-defense.



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In a work of surgical legal precision, Judge Bumb dissected and dismembered every attempt by attorneys trying to defend the law. The 60-page ruling is highly recommended reading to those in the freedom fight seeking an enjoyable break from the fight to see how she obliterates an enemy of the Second Amendment (the State of New Jersey).

Here are some select and especially relevant quotes from her order:

Plaintiffs decry the challenged legislation as declaring war on the Second Amendment because it essentially renders the entire State of New Jersey a “sensitive place” where firearms are prohibited.

[Plaintiffs have claimed that] New Jersey “has declared most of the State to be off limits to carry through the artifice of ‘sensitive places’”.

That “artifice” includes 25 categories of locations where it is a third-degree offense (punishable by imprisonment for up to five years) to “knowingly carry a firearm,” including schools, courthouses, childcare centers, nursing homes, polling places, government buildings, hospitals, bars and restaurants where alcohol is served, airports, parks, beaches, demonstrations, movie theaters, casinos, and other entertainment centers.

She quotes the new standard New Jersey must meet, from the *Bruen* decision:

When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct.

The Government [in the *Bruen* case, the State of New York] must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition....

But expanding the category of “sensitive places” simply to all places of public congregation ... defines the category of “sensitive places” far too broadly....

Put simply, there is no historical basis for New York to effectively declare the island of Manhattan a “sensitive place” simply because it is crowded....

Did New Jersey’s defense attorneys even come close to making a cogent defense of the intrusion under the new *Bruen* standard? She wrote: “The Court must answer two questions: one, does the Second Amendment’s plain text cover the challenged provision? And two, does historical evidence support the restriction?”

Her answer:

Plaintiffs have submitted sworn statements that the challenged regulations are so broad that they severely impact their ability to even leave their own home and property with their firearms, notwithstanding the fact that they were previously permitted by the State to freely do so, without fear of severe criminal penalty.

This has substantially impacted their ability to carry a handgun at all within the State.

She chose to include some especially juicy segments from the oral arguments attorneys for New Jersey tried to make in defending the new law.



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At issue was how a citizen carrying a firearm would know if a private landowner wouldn't allow him onto his property before coming onto the property:

THE COURT: [D]oes the UPS man, woman, violate the law when he gets up to the front door and the owner says you should not have come on my property if you're armed?

MS. CAI [attorney for New Jersey]: Yes. Yes.

THE COURT: But to make it liable for trespassing under New Jersey, it has to be known to the potential trespasser ahead of time before he or she can be charged with trespassing.

This law has no such provision. This law says you can walk down the winding driveway, get to the front door and the [armed] repairmen is told [by the owner you do not have consent and] have just now violated the law, I'm calling the police.

MS. CAI: And that's exactly what the law provides...

Wrote Judge Bumb:

But here, by Defendant's own admission, the wrongful conduct includes scenarios in which the permit holder does not know, or even know how to know, if he has the owner's consent to carry until it is too late.

This, by definition, is the criminalization of an innocent act, to wit, the lawful possession of a firearm.

Stated differently, by removing any requirement of a permit holder's [knowing he is breaking the law], the legislation punishes an individual for the exercise of his Second Amendment rights.

It gets better. Here is another interchange between Attorney Cai and the court. This time the issue is the new law prohibiting a gun owner from carrying a firearm in his vehicle unless it is locked up in the trunk:

THE COURT: And so the State envisions it that if someone with a concealed carry permit wakes up and plans his day, that ... he puts the firearm in the trunk.

He goes to his cousin who doesn't want firearms. He leaves it in the trunk.

He then goes to the local market that permits firearms. He goes and he gets it out of the trunk, puts it together in public view, citizens see.

Citizens are going to get alarmed. Perhaps he's brandishing the weapon, one might argue.

And then [he] goes to the local market, then he comes back out, he then brandishes the weapon, one could argue, puts it into the trunk and goes to another establishment where he's not quite sure, so he puts it in the trunk and then goes up, gets the expressed consent, yes, that's fine, goes back to his trunk, gets the firearm, assembles the firearm and then goes about and reenters the property.

That's how the State envisions the day in the life of a gun owner?

MS. CAI: That could be, Your Honor.



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Judge Bumb concluded:

In the final analysis, at some point on the line, when a constitutional right becomes so burdensome or unwieldy to exercise, it is, in effect, no longer a constitutional right.

Plaintiffs have made a convincing case that this legislation has reached that point....

Plaintiffs' right to carry a firearm in public for self-defense can be restored only by enjoining [prohibiting] implementation of the challenged provisions.

She was not done, however. One of the phony arguments attorneys for the state trotted out was that the presence of concealed carry owners in public places actually increased the likelihood of an incident of gun violence.

She had to ask attorney Cai for such proof:

Lastly, at oral argument, this Court specifically pressed the State whether it had empirical evidence to suggest that concealed carry permit holders are responsible for gun crimes or an increase in gun crimes in New Jersey, which they cite as justification for the law.

However, the State had no such evidence.

She ended with this:

Plaintiffs have demonstrated a probability of success on the merits of their Second Amendment challenge to the relevant provisions of [the new law] which criminalizes carrying handguns in certain "sensitive places."...

The State may regulate conduct squarely protected by the Second Amendment only if supported by a historical tradition of firearm regulation.

Here, Plaintiffs have shown that Defendants will not be able to demonstrate a history of firearm regulation to support any of the challenged provisions.

The deprivation of Plaintiffs' Second Amendment rights, as the holders of valid permits from the State to conceal carry handguns, constitutes irreparable injury, and neither the State nor the public has an interest in enforcing unconstitutional laws.

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