



Written by [Bob Adelman](#) on August 19, 2023

Pro-gun Groups Urge Court to Make Temporary Injunction Against N.J. “Sensitive Places” Law Permanent

The Citizens Committee for the Right to Keep and Bear Arms (CCRKBA) and the Firearms Policy Coalition (FPC) filed a [friend of the court brief](#) on Wednesday urging the Third Circuit Court of Appeals to make permanent its temporary injunction imposed against New Jersey in May.

Rather like a child being told “no,” New Jersey anti-gun politicians enacted the state’s “sensitive places” law in response to the Supreme Court’s ruling in *Bruen*. Those politicians had, according to court records, no intention of obeying, or even reading, the *Bruen* ruling issued last summer.



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Instead, it enacted a law that prohibited the carrying of a firearm in a vast array of places, such as:

- Polling places
- Any public gathering
- Schools, colleges, universities, “or any other educational institution”
- Any childcare facility
- Any nursery school
- Any park, beach, or recreation facility
- All youth sporting events
- All libraries and museums
- All homeless shelters
- All facilities assisting people with disabilities
- All bars and restaurants where alcohol is being sold
- All marijuana dispensaries
- All entertainment facilities including theaters, stadiums, museums, arenas, racetracks, “or other place[s] where performances, concerts, exhibits, games or contests are held”
- All casinos and “related facilities,” including hotels, retail shops, restaurants, and bars
- Any power plant “that produces ... energy”
- All airports “or public transportation hub”
- All healthcare facilities including hospitals, nursing homes, assisted living centers, home health care agencies, and medical offices
- All locations that are being used “for making motion picture or television images”
- All private property “unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry” a firearm.

The initial complaint, filed by CCRKBA and the FPC in February, zeroed in on the most egregious limits: parks, libraries, bars and restaurants, entertainment centers, airports, healthcare facilities, and private property. The lawsuit complained that these limits “violate the right to bear arms” as spelled out in the



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Second Amendment to the U.S. Constitution, claiming that “there is no established historical tradition that could justify” those restrictions.

In May [the court agreed](#), issuing a TRO (temporary restraining order) against enforcement while the case was being heard more fully. The judge, a George Bush nominee, Renee Marie Bumb, wrote:

In *Bruen*’s wake, New Jersey’s Legislature sprang into action, amending the State’s firearm laws in many ways.

First, the Legislature dropped the State’s firearm law requiring a person to show “justifiable need” to carry a handgun in public for self-defense—a requirement that *Bruen* explicitly struck down.

Second, the Legislature created a list of 25 “sensitive places” where firearms are banned under threat of criminal prosecution. These places range from government-owned buildings, libraries, entertainment facilities, and restaurants that serve alcohol to all private property unless prior consent to carry is given.

In enacting the “sensitive places” law, the Legislature purported to abide by *Bruen* by declaring the Nation’s “history and tradition” supported banning firearms at these identified locations.

It was a child’s tantrum in response to being told “no”:

The new legislation, in their minds, was nothing more than a sovereign’s knee-jerk reaction to a Supreme Court ruling the State abhorred.

To prove her point, the judge provided an extensive footnote: “The legislative record reveals the [state] Legislature paid little to no mind to *Bruen* and the law-abiding New Jerseyans’ right to bear arms in public for self-defense.”

Specifically, when the bill’s sponsor was asked if he had even read *Bruen*, Assemblyman Joseph Daniels responded: “Me reading the Court’s decision [in *Bruen*] is not part of the bill.” When pressed, the leftist politician made clear his intention with the bill: “You [speaking to those law-abiding New Jerseyans who had already survived the state’s onerous permitting process] are not going to mindlessly put a loaded firearm on your person and just leave the house.”

Judge Bumb saw whom the law was directed toward: “This legislation is aimed primarily—not at those who unlawfully possess firearms—but at law-abiding, responsible citizens who satisfy detailed background and training requirements and whom the State seeks to prevent from carrying a firearm in public for self-defense.”

In issuing the TRO, she added that “the State disagrees with *Bruen*, but it cannot disobey the Supreme Court by declaring most of New Jersey off limits for law-abiding citizens who have the constitutional right to armed self-defense.”

In her conclusion, Judge Bumb wrote:

But what the Second Amendment prohibits the States from doing, and what the State of New Jersey has done here ... is to prevent law-abiding citizens with ordinary self-defense



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needs from exercising their right to keep and bear arms.

That is plainly unconstitutional.

Bruen required the State to bring its firearm laws into compliance with the Second Amendment. [The contested law] was the State’s response, but it went too far, becoming the kind of law that Founding Father Thomas Jefferson would have warned against since it “disarm[s] only those who are not inclined or determined to commit crimes [and] worsen[s] the plight of the assaulted, but improve[s] those of the assailants.”

The friend of the court brief filed last week by CCRKBA reminds the court of Judge Bumb’s previous conclusions and adds this: “Early Americans were *required* by law to carry firearms in many of the locations—such as places of worship and at public assemblies—where the State [of New Jersey] now seeks to disarm citizens altogether.”



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