

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**OFFICE OF THE ATTORNEY GENERAL**

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## **Attorney General Karl A. Racine Pleaded Appeals Court Granted Administrative Stay of Decision on Handgun-Carry Permits**

**WASHINGTON, D.C.** – Attorney General Karl A. Racine today said he was pleased that the U.S. Court of Appeals for the District of Columbia Circuit issued an administrative stay of a lower court’s order declaring unconstitutional a key part of the District’s law allowing individuals to obtain permits for carrying concealed handguns. The court granted the stay shortly after the Office of the Attorney General (OAG) filed a motion June 11 with the court requesting it as well as a full stay pending the District’s appeal of a May 18 decision by U.S. District Judge Frederick J. Scullin.

**“I am grateful that the judges of the D.C. Circuit responded quickly to our request for an administrative stay of this ruling,”** Attorney General Racine said. **“This allows us to continue protecting public safety while the court considers the merits of our motion for a full stay pending appeal.”**

The provision Judge Scullin enjoined the District from enforcing requires an individual applying for a concealed-carry permit to state a “good reason to fear injury to his or her person or property” or another reason for carrying a handgun.

“Three federal circuits have considered provisions similar to the District’s ‘good reason’ standard, and all three have upheld the standard, citing the same considerations the District relies on here,” the District’s motion says. “Especially given the weakness of plaintiffs’ showing of a threat of irreparable injury — their theory is that they need *not* show any particularized need to carry handguns — a stay is warranted.”

Judge Scullin had declined to stay his own decision pending appeal, and he declined to even consider the matter of staying his decision until a scheduled hearing on July 7 – six weeks after the District first filed a motion requesting a stay.

The OAG motion requesting that the D.C. Circuit issue both administrative and full stays of Judge Scullin’s ruling argues that:

- The judge’s order enjoined District officials from enforcing the central element of the city’s

concealed-carrying regime — the requirement that suitable applicants have a “good reason” to carry a deadly weapon in public — as it applies to the plaintiffs. In its Order, the Court misinterpreted and misapplied the relevant case law.

- Neither the Supreme Court nor the D.C. Circuit has determined whether the Second Amendment extends beyond the home, nor has either court determined whether local governments may impose a “good reason” requirement on carrying deadly weapons in public. Only one U.S. circuit appeals court — the 7<sup>th</sup> — has gone so far as to extend the Second Amendment right beyond the home. And of the United States Circuit Courts of Appeal to have addressed the issue directly, all three (the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup>) have approved the use of a “good reason” requirement for licenses to carry firearms in public.

Attorney General Racine said the District’s handgun-permitting regime was constructed with careful attention to the state of the law and in response to previous court rulings, and that a weeks-long halt in enforcing key provisions of it could create serious harm for the District. **“The law the District’s officials have adopted is in line with laws in New Jersey, New York and Maryland – all of which have been upheld by federal appeals courts,”** he said. **“We believe we will prevail on appeal, and a stay is necessary to maintain the status quo in the law while the courts consider constitutional issues with important implications for public safety.”**

Copies of the District’s motion to stay Judge Scullin’s order and the D.C. Circuit’s order issuing the administrative stay are attached.

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