

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

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Attorney General Karl A. Racine Requests Appeals Court Issue Stay of Decision on Handgun-Carry Permits

Motion Notes that Lower Court's Decision Differs from Other Federal Courts

WASHINGTON, D.C. – The Office of the Attorney General (OAG) has asked the U.S. Court of Appeals for the District of Columbia Circuit to quickly stay 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 request came as part of a motion to the appeals court requesting a full stay pending the District's appeal of the May 18 decision by U.S. District Judge Frederick J. Scullin. 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 has so far declined to stay his own decision pending appeal, and he has declined to even consider the matter of staying his decision until a hearing on July 7 — six weeks after the District first filed a motion requesting a stay.

The OAG motion requesting a quick halt in enforcing 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 7th — 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 2nd, 3rd and 4th) have approved the use of a “good reason” requirement for licenses to carry firearms in public.

Attorney General Karl A. 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.”**

A copy of the District’s motion to stay Judge Scullin’s order is attached.

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