

Steve Marshall
Alabama Attorney General



For **press** inquiries only, contact:

Amanda Priest (334) 322-5694

William Califf (334) 604-3230

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Attorney General Marshall joins 26-state coalition against unconstitutional Hawaii firearm carry ban

(Montgomery, Ala) – Alabama Attorney General Steve Marshall joined a 26-state coalition today asking the Supreme Court of the United States (SCOTUS) to intervene and halt Hawaii’s unconstitutional gun ban which prohibits the carry or possession of firearms in designated “sensitive” places, including bars and restaurants serving alcohol, parks and beaches, banks and financial institutions, and other areas.

The amicus brief was filed in the case of *Wolford v. Lopez*, in support of three residents and the Hawaii Firearms Coalition in their lawsuit to overturn the ban, known as Act 52. Following a U.S. District Court decision that blocked Hawaii from enforcing much of the ban, the state appealed to the Court of Appeals for the Ninth Circuit. The appeals court recently reversed the district court’s decision, which allowed the “sensitive places” restrictions and unconstitutional changes to the “default rule” to stand.

“The Constitution doesn’t stop at the shoreline of the Pacific and disappear over the ocean,” Attorney General Steve Marshall said. “The Supreme Court has made it clear that the right to carry a firearm is the law and yet Hawaii’s law flips that on its head and punishes law-abiding citizens for exercising their freedoms. It’s ridiculous that we even have to ask the Supreme Court to step in and defend this right from a radical political agenda, but as long as states like Hawaii keep trying to dismantle the Second Amendment, we’ll be there to stop them.”

Following the U.S. Supreme Court decisions in *District of Columbia v. Heller* and *New York State Rifle & Pistol Association, Inc. v. Bruen*, courts must determine whether modern firearm regulations are consistent with the Second Amendment’s text and historical understanding. Hawaii’s historical evidence fails to establish an “enduring American tradition” of restricting the right to carry in public parks, beaches, banks, financial institutions, or bars and restaurants. The appeals court’s recent decision erred in concluding that Hawaii’s proposed analogues were “relevantly similar.”

Hawaii’s “default rule” also severely and purposefully narrows the public’s right to carry by flipping the long-held presumption that a citizen could enter a business open to the public with a firearm unless told otherwise by the owner. Rather, Hawaii’s new “default rule” prohibits a citizen from carrying a firearm on another person’s property without advance permission.

The Ninth Circuit created a circuit split by reversing the injunction on the “default rule.” The Second Circuit upheld an injunction on a nearly identical New York law while relying on the same precedent and same historical regulations as the Ninth Circuit. As a result, New Yorkers can exercise their Second Amendment right, while Hawaiians may not.



SCOTUS's *Bruen* decision reassured law-abiding gun owners that the Second Amendment is not "a second-class right." However, decisions from lower courts – like Ninth Circuit Court of Appeals in this case – "have largely failed to follow through on that promise, resorting to manipulative en banc practices, ahistorical interpretations of covered 'arms,' and improperly calibrating the level of generality for *Bruen*'s inquiry."

"Without swift correction, the Ninth Circuit's decision will muddle the clear Second Amendment standards this Court has adopted. And its decision will encourage other states to erode Americans' essential right to keep and bear arms," the brief states.

Attorneys general from Alaska, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia, Wyoming and the Arizona Legislature joined the brief led by Attorney General Knudsen and Idaho Attorney General Raúl Labrador.

[Click here](#) to read the brief.