



UNITED STATES SUPREME COURT DECISION BRIEF

Texas Conservative Coalition
Research Institute

*New York State Rifle and Pistol Association v.
Bruen*

(Decided on June 23, 2022)

FACTS AND BACKGROUND

Under New York State law, possessing a firearm under any circumstances without a license is a crime. Carrying a firearm while outside of the home requires a license to “have and carry,” but state law required the applicant to prove that a “proper cause exists” for so carrying. Satisfying the “proper cause” requirement requires demonstrating “a special need for self-protection distinguishable from that of the general community.” In other words, law-abiding citizens are required to convince a government bureaucrat that they have a need for self-defense in order to carry a firearm outside of the home.

The plaintiffs were denied a have and carry license because they failed to satisfy the “proper cause” requirement. They challenged that determination, asserting that a general interest in self-defense should satisfy the licensing requirement as the Second Amendment does not justify an ad hoc government approval process for self-defense.

LOWER COURT RULING

The district court dismissed the plaintiffs’ claims and the Second Circuit Court of Appeals affirmed based on the circuit’s prior precedent, which held that the special need requirement was “substantially related to the achievement of an important governmental interest.”

QUESTION PRESENTED FOR THE U.S. SUPREME COURT

1. Does it violate the Second Amendment to the United States Constitution to require a showing of special need in order to carry for self-defense?

HOLDING BY THE U.S. SUPREME COURT

Justice Clarence Thomas delivered the opinion for a 6-3 majority, holding that New York’s proper cause requirement violates the Second Amendment’s right to keep and bear arms in public for self-defense.

As Justice Thomas points out, “the exercise of other constitutional rights does not require individuals to demonstrate to government officers some special need,” and the Second Amendment’s right to carry arms in public is no different.

MEANING FOR TEXAS

With the passage of House Bill 1927 (87R, Schaefer | et al.), Texas allows open carry of firearms without requiring a license. Should a future legislature see fit to reimpose a licensing requirement, *Bruen* makes clear that such a scheme may not require otherwise law-abiding citizens to make a showing of need and prove why self-defense is necessary.