
US Supreme Court Delivers Landmark 2nd Amendment Ruling

The United States Supreme Court has struck down a New York handgun-licensing law that required New Yorkers who want a permit to carry a concealed handgun in public to show a special need to defend themselves. Today's 6-3 ruling written by Justice Clarence Thomas is the Court's first significant decision on gun rights in over a decade.

In *New York State Rifle & Pistol Association v. Bruen*, the Supreme Court considered whether a New York state law requiring anyone who wants to carry a concealed handgun outside the home to show "proper cause" for the license was unconstitutional. New York courts interpreted "proper cause" to require applicants to show more than a general desire to protect themselves or their property. Instead, applicants must demonstrate a special need for self-defense such as a pattern of physical threats. The lower courts upheld the New York law against a challenge from two men whose applications for concealed-carry licenses were denied.

In holding New York's law unconstitutional, the Supreme Court noted that the Second Amendment right to bear arms in public for self-defense is not "a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees," noting that the exercise of other constitutional rights does not require individuals to demonstrate to government officers some special need. According to the Court, New York's proper-cause requirement violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their right to keep and bear arms in public.

The Supreme Court's decision appears to apply only to handguns, and does not prohibit states from imposing licensing requirements for carrying a handgun for self-defense. Forty-three states already employ objective "shall-issue" licensing requirements. The Court's decision addresses only the unusual discretionary licensing schemes, known as "may-issue" regimes, that grant open-ended discretion to licensing officials and authorizes licenses only for those applicants who can show some special need apart from ordinary self-defense. Those features, the Court indicated, in effect unconstitutionally deny the right to carry handguns for self-defense to many "ordinary, law-abiding citizens." It is anticipated the Court's decision may likely impact California's discretionary licensing statutes.



Summary of Peace Officer Rights

(CA Gov't Code §§ 3300-3313)

WHEN DOES THE ACT APPLY?

The POBRA applies when a peace officer is:

- Under investigation about a matter that could lead to punitive action, AND
- Subjected to interrogation.

WHEN MAY THE ACT NOT APPLY?

- Counseling, instruction, or informal verbal admonishment.
- Routine or unplanned contact.
- Investigations of purely criminal matters.

"PUNITIVE ACTION" INCLUDES:

- Written Reprimand
- Reduction in Salary, including loss of specialty position pay
- Transfer for Purposes of Punishment
- Demotion
- Suspension
- Dismissal

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On-Duty Injury Checklist



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