

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Association of New Jersey Rifle and Pistol Clubs, Inc. v. Attorney General New Jersey

No. 18-3170, United States Court of Appeals for the Third Circuit (December 5, 2018)

SUMMARY

New Jersey’s law limiting ammunition magazines to ten rounds does not violate the Second Amendment; the Third Circuit upheld the restriction under intermediate scrutiny, finding it reasonably fits the state’s interest in public safety without severely burdening the core right to self-defense in the home. The court also rejected Fifth Amendment Takings and Fourteenth Amendment Equal Protection claims, holding that the law’s compliance options (modify, register, transfer, or surrender) avoid a taking, and that retired law enforcement officers’ exemption is justified by their training and experience.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	SHWARTZ; GREENAWAY, JR.; BIBAS
JURISDICTION	Federal
DECIDED	December 5, 2018
DOCKET	18-3170
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from denial of preliminary injunction
STANDARD OF REVIEW	Findings of fact for clear error, legal conclusions de novo, and ultimate decision for abuse of discretion.
PRECEDENTIAL VALUE	precedential
PARTIES	Association of New Jersey Rifle and Pistol Clubs, Inc.; Blake Ellman; Alexander Dembrowski v. Attorney General New Jersey; Superintendent New Jersey State Police; Thomas Williver; James B. O'Connor

TOPICS

- second amendment
- constitutional law
- takings clause
- equal protection
- injunctions

PRACTICE AREAS

Constitutional Law

Gun Control

Civil Rights

QUESTIONS PRESENTED

1. Whether the Act violates the Second Amendment
2. Whether the Act violates the Fifth Amendment's Takings Clause
3. Whether the Act violates the Fourteenth Amendment's Equal Protection Clause

HOLDINGS

1. The Act does not violate the Second Amendment because it survives intermediate scrutiny. The Act does not severely burden the core right to self-defense in the home, and the law reasonably fits the state's interest in public safety.
2. The Act does not result in an unconstitutional taking because it provides compliance options that allow owners to retain their property, and it does not deprive them of all economically beneficial use.
3. The exemption does not violate equal protection because retired law enforcement officers are not similarly situated to other citizens due to their training and experience.

KEY QUOTATIONS

“New Jersey’s law reasonably fits the State’s interest in public safety and does not unconstitutionally burden the Second Amendment’s right to self-defense in the home.” (at 5)

“The Act here does not severely burden the core Second Amendment right to self-defense in the home for five reasons.” (at 22)

“The Act reasonably fits the State’s interest in promoting public safety.” (at 30)

FACTUAL BACKGROUND

New Jersey enacted a law prohibiting possession of magazines capable of holding more than ten rounds of ammunition. The law provides options for compliance: modification, registration, transfer, or surrender. The record showed that LCMs are commonly owned and used for lawful purposes but also used in mass shootings. Evidence indicated that reloading delays provide opportunities for victims to escape or intervene. Law enforcement officers have training and experience distinguishing them from the general public.

PROCEDURAL HISTORY

Plaintiffs filed a complaint challenging New Jersey's law limiting magazine capacity to ten rounds, seeking a preliminary injunction. The District Court (D.N.J.) held a three-day evidentiary hearing and denied the motion. Plaintiffs appealed.

DISPOSITION

affirmed

CASES CITED

- District of Columbia v. Heller, 554 U.S. 570 (2008)
- United States v. Marzzarella, 614 F.3d 85 (3d Cir. 2010)
- Drake v. Filko, 724 F.3d 426 (3d Cir. 2013)
- Kolbe v. Hogan, 849 F.3d 114 (4th Cir. 2017)
- N.Y. State Rifle & Pistol Ass'n v. Cuomo, 804 F.3d 242 (2d Cir. 2015)
- Fyock v. City of Sunnyvale, 779 F.3d 991 (9th Cir. 2015)
- Friedman v. City of Highland Park, 784 F.3d 406 (7th Cir. 2015)
- Heller v. District of Columbia (Heller II), 670 F.3d 1244 (D.C. Cir. 2011)
- Jackson v. City & Cty. of San Francisco, 746 F.3d 953 (9th Cir. 2014)
- United States v. Miller, 307 U.S. 174 (1939)