UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DWIGHT D. MITCHELL, Plaintiff, vs. **JENNIFER DAVENPORT et al.,** Defendants.	Docket No. 3:26-cv-03986-MAS-RLS

BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

(Fed. R. Civ. P. 65; L. Civ. R. 65.1)

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I. INTRODUCTION

1. This case concerns a statutory condition imposed on the exercise of the right to bear arms. N.J. Stat. Ann. § 2C:58-4.4(b)(1)–(2). As applied here, the statute requires a law-abiding permit holder, when carrying a handgun or transporting one in a motor vehicle, to immediately disclose that fact and to display a permit to carry during a stop or detention. When the Second Amendment's plain text covers the conduct, the State must justify such a burden by reference to this Nation's historical tradition. *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 24–26 (2022); *Range v. Att'y Gen.*, 124 F.4th 218 (3d Cir. 2024) (en banc). See Supplemental Declaration ¶¶ 14–17, 21, 24–27.

2. Plaintiff seeks preliminary relief only as to N.J. Stat. Ann. § 2C:58-4.4(b)(1)–(2), as applied to the lawful exercise of public carriage, including vehicle-based transport of a handgun that is unloaded, locked, and not readily accessible to any occupant. The challenged requirements are triggered when a law-abiding permit holder is carrying or transporting a handgun and is stopped or detained in the ordinary course of travel. See Supplemental Declaration ¶¶ 6–8, 10–12. Plaintiff does not seek preliminary relief at this stage as to N.J. Stat. Ann. § 2C:58-4.4(c), which is reserved for full adjudication on the merits. For purposes of preliminary relief, Plaintiff relies primarily on his Second Amendment claim, with his compelled-speech claim providing independent and reinforcing support.

All other claims and theories of relief are preserved for adjudication on the merits.

3. New Jersey imposes criminal penalties for failure to comply with the disclosure-and-display requirements set forth in N.J. Stat. Ann. § 2C:58-4.4(b)(1)–(2). The statute applies when a permit holder is stopped or detained while carrying a handgun or transporting one in a motor vehicle. A violation of paragraph (b)(1) is a fourth-degree crime. A first violation of paragraph (b)(2) is a disorderly persons offense, and a second or subsequent violation is a fourth-degree crime. Id. As applied here, those obligations attach even when the handgun is unloaded, locked, secured in a container, vehicle safe, or trunk, and not readily accessible to any occupant. See Supplemental Declaration ¶ 9. The statute therefore requires a law-abiding permit holder, at the moment of a stop or detention, either to comply with compelled disclosure and permit display or to forgo public carriage and secured vehicle transport. See Supplemental Declaration ¶¶ 14–18, 25.

4. This case presents a narrow as-applied constitutional question: whether the State may impose criminal liability on a peaceable permit holder who, during routine vehicle travel, is transporting an unloaded handgun locked in the trunk or another secured container and not readily accessible to any occupant, unless he immediately volunteers that fact and displays his permit during any stop or detention. See Supplemental Declaration ¶¶ 6–9, 10–11. When the Second Amendment's plain text covers the conduct, the Constitution presumptively

protects it, and the State must justify any modern burden by reference to a well-established and representative historical tradition that already exists in the historical record—not one that might be developed through further litigation or grounded in generalized public-safety interests alone. *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 24–30 (2022); *United States v. Rahimi*, 602 U.S. 680, 691–92 (2024). The question presented here is not whether officers may ask lawful safety questions, order a motorist to keep his hands visible, order a motorist out of the vehicle, or temporarily secure a weapon when otherwise authorized by law. It is whether New Jersey may categorically criminalize silence and nonproduction by a peaceable permit holder solely because he is engaged in lawful, secured, and not readily accessible vehicle transport.

5. The State cannot salvage this regime by narrowing it to either disclosure or display alone. Both requirements communicate the same compelled message—that the citizen is armed—at the precise moment he exercises the right to bear arms during ordinary travel. See Supplemental Declaration ¶¶ 24–27. A rule that forces a citizen to speak that message is unconstitutional. A rule that forces a citizen to convey the same message through compelled document production is equally unconstitutional. The Constitution does not permit the State to evade scrutiny by converting speech into conduct or conduct into speech where both function identically to compel the disclosure of protected information. See

Riley v. Nat'l Fed'n of the Blind, 487 U.S. 781, 795–97 (1988); *NIFLA v. Becerra*, 585 U.S. 755, 766–68 (2018).

6. This case also presents a related question under the First Amendment: whether the State may compel a law-abiding permit holder, during a stop or detention while engaged in otherwise lawful carriage or transport, to disclose the presence of a handgun and to display proof of licensure. The First Amendment protects both the right to speak and the right to refrain from speaking, and the State may not compel speech as a condition of exercising a constitutional right. See *Wooley v. Maynard*, 430 U.S. 705, 714 (1977); *Riley v. Nat'l Fed'n of the Blind*, 487 U.S. 781, 795–97 (1988). As applied here, the statute requires a permit holder to communicate a government-prescribed message—identifying the presence of a handgun and his status as a licensed carrier—because he is engaged in otherwise lawful conduct. See Supplemental Declaration ¶¶ 24–27.

7. The challenged requirements are not freestanding police regulations. They apply only when a citizen is exercising the right to bear arms—specifically, when a law-abiding permit holder is carrying or transporting a handgun. If the citizen is not exercising that right, the statute imposes no obligation. The disclosure and display requirements therefore do not regulate a separate activity; they attach to the exercise of the right and impose criminal liability for silence and noncompliance at that moment. A citizen who declines to carry faces no

obligation, while a citizen who exercises the right is subject to criminal liability for failing to disclose and display. That asymmetry confirms that the statute operates as a direct, penalty-backed condition on protected conduct, requiring justification under the framework set forth in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 24–26 (2022). See Supplemental Declaration ¶¶ 15, 18, 28, 36.

8. Plaintiff is a licensed New Jersey permit-to-carry holder whose current declaration identifies specific, scheduled travel in the immediate weeks ahead, including advanced competition training and registered matches on May 2, May 3, May 6, May 10, May 13, May 15, 2026, May 16, May 20, May 22, June 5, June 7, June 14, June 20, and June 28, 2026 and beyond. See Ex. G; Supplemental Declaration ¶¶ 1, 3, 5–6, 9 & Exs. A, C, D, F. For those activities, Plaintiff transports his handguns unloaded and secured in a locked container placed in the trunk of his vehicle, separate from ammunition and not readily accessible to any occupant. Id. ¶ 9. Because New Jersey's disclosure-and-display requirements impose criminal penalties during any stop or detention while traveling with a handgun in a motor vehicle, and because the State's own guidance treats those obligations as mandatory and statewide, Plaintiff has ceased that otherwise lawful conduct and will resume it immediately upon entry of preliminary relief. Id. ¶¶ 2–3, 7–9, 18, 25, 29, 31 & Ex. B.

9. Plaintiff seeks narrow, as-applied preliminary relief preventing

enforcement of N.J. Stat. Ann. § 2C:58-4.4(b)(1)–(2) during stops arising in the ordinary course of travel where the handgun is unloaded, locked, and not readily accessible. See Supplemental Declaration ¶¶ 6–11. Absent that relief, Plaintiff must either forgo lawful public carriage and secured firearm transport or submit to compelled disclosure and permit display during such encounters. See Supplemental Declaration ¶¶ 2–3, 9, 18, 28. Because the challenged requirements apply during ordinary travel and are enforced through criminal penalties, they impose a present and ongoing constraint on Plaintiff's exercise of his rights.

10. The challenged requirements impose an unconstitutional condition on the exercise of the right to bear arms. As applied here, N.J. Stat. Ann. § 2C:58-4.4(b)(1)–(2) requires a law-abiding permit holder engaged in lawful public carriage to disclose the presence of a handgun and display his permit on pain of criminal penalty. See Supplemental Declaration ¶¶ 14–18, 25. The unconstitutional-conditions doctrine bars the State from attaching that penalty-backed disclosure requirement to the exercise of a constitutional right. See *Agency for Int'l Dev. v. All. for Open Soc'y Int'l, Inc.*, 570 U.S. 205, 213–15 (2013); *Perry v. Sindermann*, 408 U.S. 593, 597 (1972); *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 604 (2013). Plaintiff therefore must either exercise the right while submitting to compelled disclosure and identification or avoid the compulsion only by forgoing public carriage. See Supplemental Declaration ¶¶ 2–

3, 11, 18. Because the obligation is triggered by ordinary exercise of the right during routine police encounters, not wrongdoing, the statute imposes a direct, penalty-backed condition on the right itself. See Supplemental Declaration ¶¶ 7–8, 10–11.

II. BACKGROUND

11. Defendants are proper *Ex parte Young* defendants because they possess and exercise direct enforcement authority over the challenged statute. The Attorney General is charged with general supervision over criminal justice and ensures uniform statewide enforcement, including authority to supersede local prosecutions. N.J. Stat. Ann. §§ 52:17B-98, -103. The Superintendent of the New Jersey State Police oversees statewide traffic enforcement and firearms regulation. Where state officials, by virtue of their office, have a connection to enforcement of the challenged law, prospective relief is proper. See *Ex parte Young*, 209 U.S. 123, 157 (1908); *Verizon Md., Inc. v. Pub. Serv. Comm'n*, 535 U.S. 635, 642 (2002). That connection is concrete: statewide training materials and Attorney General–directed guidance instruct officers that permit holders must disclose the presence of a handgun and must display a permit during encounters in the ordinary course of life. See Supplemental Declaration ¶¶ 29, 31 & Ex. B (AG/NJSP Memorandum and NJSP Training Materials).

12. The disclosure and display requirements attach because Plaintiff is

exercising the right to bear arms pursuant to a permit to carry. They impose criminal liability for silence and nonproduction only when a law-abiding citizen is carrying or transporting a handgun; if the citizen is not exercising that right, no such obligation exists. Supplemental Declaration ¶¶ 15, 18, 28, 36. The statute therefore does not regulate a general activity independent of the right—it imposes a direct penalty-backed condition on the exercise of the right itself.

III. PROCEDURAL POSTURE

13. Plaintiff brings this action under 42 U.S.C. § 1983 for prospective relief against state officials with enforcement authority pursuant to *Ex parte Young*, 209 U.S. 123, 155–56 (1908). This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343(a)(3).

14. Plaintiff seeks preliminary relief to prevent the ongoing enforcement of an unconstitutional statute. Courts routinely resolve motions for preliminary injunction at the outset of constitutional litigation where delaying relief would permit ongoing injury to continue during the pendency of the case. *See Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020). Resolving the request for preliminary injunctive relief at this stage ensures that the constitutional injury alleged is addressed before further proceedings on the pleadings.

15. Plaintiff has Article III standing to seek pre-enforcement relief. He is the direct object of a self-executing criminal statute that applies by its terms

whenever a permit holder is "stopped or detained" while traveling with a handgun in a motor vehicle. N.J. Stat. Ann. § 2C:58-4.4(b)(1)–(2). A plaintiff need not expose himself to arrest before challenging a criminal statute when he intends to engage in conduct arguably protected by the Constitution, arguably covered by the challenged law, and faces a credible threat of enforcement. *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158–61 (2014); *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 128–29 (2007); *Babbitt v. United Farm Workers Nat'l Union*, 442 U.S. 289, 298 (1979). That is this case. Plaintiff is a current New Jersey permit holder who intends to resume lawful carriage and lawful vehicle-based transport during concrete, scheduled travel in the next 30 to 60 days. See Supplemental Declaration ¶¶ 3–5, 9–11 & Ex. A. The challenged statute directly governs that conduct and attaches criminal penalties if Plaintiff does not immediately disclose and display as the statute commands. See Supplemental Declaration ¶¶ 18, 38. See also *Artway v. Att'y Gen.*, 81 F.3d 1235, 1247–50 (3d Cir. 1996); *Presbytery of N.J. v. Florio*, 40 F.3d 1454, 1463–68 (3d Cir. 1994); *Virginia v. American Booksellers Ass'n*, 484 U.S. 383, 392–93 (1988).

16. Standing is especially clear because the challenged duties are not contingent on further administrative action. Once Plaintiff is traveling with a handgun in his vehicle, the disclosure duty and the permit-display duty attach automatically upon any covered stop or detention, and the State's own guidance

treats both duties as mandatory and statewide. See Supplemental Declaration ¶¶ 29, 31, 38 & Ex. B. This case therefore does not involve an attenuated chain of future events; it involves a present choice between refraining from protected conduct now and exposing himself to criminal liability when he resumes it. *Susan B. Anthony List*, 573 U.S. at 159; *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 128–29 (2007).

17. This case is unlike the pre-enforcement challenges rejected in Greenberg and National Shooting Sports Foundation. There, the plaintiffs relied on a more attenuated or uncertain theory of future enforcement. Here, Plaintiff is the direct object of a self-executing criminal statute that applies by its terms whenever he is stopped or detained while lawfully carrying a handgun in public or traveling with a handgun in a motor vehicle. See N.J. Stat. Ann. § 2C:58-4.4(b)(1)–(2). His intended conduct is concrete, recurring, and imminent; his conduct is plainly covered by the statute; and Defendants have not disavowed enforcement. See Supplemental Declaration ¶¶ 3–5, 10–11, 28, 36, 38. *Greenberg v. Lehocky*, 81 F.4th 376, 388–94 (3d Cir. 2023); *Nat'l Shooting Sports Found. v. Att'y Gen. of N.J.*, 80 F.4th 215, 220–23 (3d Cir. 2023).

18. Plaintiff's injury is redressable. Article III does not require that the requested relief eliminate every conceivable burden associated with public carriage; it requires only that the relief materially alleviate the injury alleged.

California v. Texas, 593 U.S. 659, 671 (2021). Plaintiff challenges the integrated disclosure-and-display regime imposed by § 2C:58-4.4(b)(1)–(2), which presently deters his lawful carriage and secured vehicle transport. An injunction preventing Defendants from enforcing that regime against Plaintiff in the circumstances pleaded here would eliminate the compelled announcement and compelled identification that currently restrain his conduct. See Supplemental Declaration ¶¶ 14, 17–18, 36. That is sufficient for redressability.

19. Plaintiff's cessation of firearm transport since November 2025 confirms, rather than defeats, standing. A credible threat of prosecution produces present injury when it forces a plaintiff to alter or forgo intended conduct. *Susan B. Anthony List*, 573 U.S. at 158–61. Plaintiff has ceased transporting firearms not for independent personal or business reasons, but because the challenged statute imposes criminal liability at the moment he engages in otherwise lawful carriage and secured vehicle transport. See Supplemental Declaration ¶¶ 2–3, 11, 13, 16. That cessation is ongoing. At the same time, Plaintiff has identified specific, scheduled trips within the next 30-60 days that he will undertake immediately upon entry of preliminary relief, and he has also sworn that his planned travel is continuing and recurring. See Supplemental Declaration ¶¶ 3–5, 9–11 & Ex. A. This is not a subjective chill; it is a present restraint on concrete, dated, and recurring conduct directly caused by a criminal statute.

20. The threat of enforcement is reinforced by the State's own implementation of the challenged law. The Attorney General has issued guidance to law enforcement and firearms trainers, New Jersey State Police training materials treat the disclosure-and-display requirements as mandatory and statewide, and Defendants have not disavowed enforcement of § 2C:58-4.4(b)(1)–(2) in the circumstances presented here. See Supplemental Declaration ¶¶ 29, 31 & Ex. B. Where a criminal statute expressly covers a plaintiff's intended conduct, is implemented through uniform statewide guidance, and is not disavowed by enforcement authorities, the threat of enforcement is sufficiently concrete to support pre-enforcement standing. See *Presbytery of N.J.*, 40 F.3d at 1463–68; *Virginia v. American Booksellers Ass'n*, 484 U.S. at 392–93.

21. Ripeness is satisfied for the same reason. Plaintiff is not asking the Court to opine about some future enforcement scenario dependent on further contingencies. The challenged disclosure and display duties are fixed by statute, mandatory under State guidance, and triggered automatically whenever Plaintiff is stopped or detained while traveling with a handgun in a motor vehicle. See Supplemental Declaration ¶¶ 29, 31, 38 & Ex. B. No further administrative process, discretionary warning, or future implementing decision stands between Plaintiff and the compelled choice the statute imposes. *Susan B. Anthony List*, 573 U.S. at 159; *MedImmune*, 549 U.S. at 128–29.

IV. LEGAL STANDARD

22. A preliminary injunction requires Plaintiff to establish: (1) a likelihood of success on the merits; (2) irreparable harm in the absence of relief; (3) that the balance of equities favors relief; and (4) that an injunction serves the public interest. *Holland v. Rosen*, 895 F.3d 272, 285–86 (3d Cir. 2018); *Reilly v. City of Harrisburg*, 858 F.3d 173, 176–79 (3d Cir. 2017); *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

23. In the Third Circuit, the first two preliminary-injunction factors—likelihood of success on the merits and irreparable harm—are gateway requirements. A movant must satisfy both before the Court proceeds to consider the remaining factors. If those requirements are met, the Court then evaluates the balance of equities and the public interest, which merge when the government is the opposing party. See *Reilly v. City of Harrisburg*, 858 F.3d 173, 176, 179 (3d Cir. 2017); *Del. State Sportsmen's Ass'n v. Del. Dep't of Safety & Homeland Sec.*, 108 F.4th 194, 202, 205 (3d Cir. 2024); *Nken v. Holder*, 556 U.S. 418, 435 (2009).

24. Plaintiff does not rely on any presumption of irreparable harm; he establishes it through concrete, time-specific facts and corroborating evidence. See *Del. State Sportsmen's Ass'n v. Del. Dep't of Safety & Homeland Sec.*, 108 F.4th 194, 203–05 (3d Cir. 2024). The challenged statute imposes an ongoing, present restraint on the exercise of constitutional rights during ordinary, unavoidable

encounters with law enforcement, forcing Plaintiff to choose between forgoing lawful carriage and secured vehicle-based transport or submitting to compelled disclosure and identification on pain of criminal sanction. See Supplemental Declaration ¶¶ 2–3, 6–8, 11, 14–18, 25–27, 29, 31; Exs. A–L. That harm is not speculative—it is occurring now and will continue during Plaintiff's concrete, scheduled travel and training activities in the immediate weeks ahead. Id. ¶¶ 3–5, 9–11, 35–39; Exs. A, C, D, F, L. The resulting loss of Second Amendment freedoms and compelled speech during seizures constitutes irreparable injury as a matter of law, even for minimal periods of time. See *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Reilly v. City of Harrisburg*, 858 F.3d 173, 179–80 (3d Cir. 2017); *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020); *Hohe v. Casey*, 868 F.2d 69, 72–73 (3d Cir. 1989); *Acierno v. New Castle Cnty.*, 40 F.3d 645, 653–55 (3d Cir. 1994). And under *Delaware State Sportsmen's Ass'n*, because these injuries arise in real time and will recur during ordinary travel absent relief, they cannot be remedied after the fact, and preliminary relief is necessary to preserve meaningful judicial review.

25. Plaintiff's showing is grounded in concrete, time-specific facts, not a generalized desire to exercise constitutional rights at some indefinite future time. Plaintiff has identified specific travel and competitive shooting events scheduled from May through July 2026 and has attested that he will immediately resume the

challenged conduct if preliminary relief is granted before those dates pass. The resulting injury is not confined to a single date but is ongoing and unfolding across that period, with each missed opportunity constituting a separate, nonrecoverable loss of constitutional exercise. Where, as here, the injury consists of time-sensitive, nonrecoverable losses of constitutional rights before a merits judgment can issue, preliminary relief serves its traditional equitable function of preserving meaningful judicial review. *See Del. State Sportsmen's Ass'n*, 108 F.4th at 200–05; *Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 18–19 (2020). The inability to travel for training and competition with firearms also burdens conduct closely linked to the practical exercise of the right itself. *Cf. Ezell v. City of Chicago*, 651 F.3d 684, 704–08 (7th Cir. 2011).

26. Plaintiff also independently satisfies the irreparable-harm requirement through his compelled-speech claim. The statute forces him, on pain of criminal sanction, to communicate armed status and licensure during a seizure solely because he is exercising a constitutional right. The loss of First Amendment freedoms, even for minimal periods of time, constitutes irreparable injury. *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Reilly v. City of Harrisburg*, 858 F.3d 173, 179–80 (3d Cir. 2017). As applied to Plaintiff's trunk-transport facts, each foregone trip and each compelled roadside disclosure is an immediate, non-compensable First Amendment injury. *See* Supplemental Declaration ¶¶ 14–18, 24–27; *Roman Cath.*

Diocese of Brooklyn v. Cuomo, 592 U.S. 14, 19 (2020).

27. Because Plaintiff seeks to enjoin enforcement of an unconstitutional statute as applied and does not seek monetary relief, any bond requirement under Federal Rule of Civil Procedure 65(c) should be nominal or waived. Where an injunction serves to preserve constitutional rights, courts routinely exercise their discretion to reduce or eliminate the bond requirement. See *Temple Univ. v. White*, 941 F.2d 201, 219 (3d Cir. 1991).

28. Plaintiff's injury is immediate, ongoing, and irreparable because the challenged statute imposes a recurring, compelled choice during every instance of ordinary travel: speak on the State's command during a seizure or risk criminal liability. This is not a one-time harm—it is a repeated constitutional violation that arises each time Plaintiff drives on public roads. See Supplemental Declaration ¶¶ 7–8, 11, 18, 28, 39. The injury is therefore not merely the loss of isolated trips or events, but the ongoing subjection to a regime that conditions the exercise of constitutional rights on compelled speech during police encounters. Such compelled speech and self-identification, occurring during seizures and backed by criminal penalties, constitutes irreparable harm as a matter of law. See *Reilly v. City of Harrisburg*, 858 F.3d 173, 179 (3d Cir. 2017); *Hohe v. Casey*, 868 F.2d 69, 72–73 (3d Cir. 1989); *Acierno v. New Castle County*, 40 F.3d 645, 655 (3d Cir. 1994).

29. The timing of this action does not defeat irreparable harm. Delay may be relevant where it suggests that the asserted injury is not urgent, but it is not dispositive where a challenged law continues to impose present and ongoing effects on a plaintiff's conduct. See *Reilly v. City of Harrisburg*, 858 F.3d 173, 179 (3d Cir. 2017). Here, Plaintiff's injury renews each day he refrains from lawful public carriage and secured vehicle transport because of the challenged statute. See Supplemental Declaration ¶¶ 2–3, 11, 16, 18. The relevant question is whether Plaintiff faces an ongoing constitutional injury now in the ordinary course of life. He does.

V. PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS

30. Plaintiff's challenge is narrow. He does not contend that law enforcement may never ask whether a person is armed, may never secure a firearm during a lawful stop, may never order a motorist to keep his hands visible, may never direct a motorist to step out of a vehicle, or may never act on individualized suspicion. He challenges only New Jersey's blanket rule that a peaceable permit holder, on pain of criminal punishment, must immediately announce that he is carrying a handgun or that a handgun is stored in his vehicle, and must display his permit, whenever he is "stopped or detained" while lawfully carrying in public or lawfully traveling with a handgun in a motor vehicle. N.J. Stat. Ann. § 2C:58-4.4(b)(1)–(2). Under *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 24–26

(2022), when the Second Amendment's plain text covers the conduct at issue, the State bears the burden of showing that this modern burden is consistent with the Nation's historical tradition of firearm regulation. Under *United States v. Rahimi*, 602 U.S. 680, 691–92 (2024), the State must identify an analogue that is relevantly similar in both why and how it burdens the right. This case concerns a categorical, penalty-backed disclosure rule applied to peaceable permit holders—not case-specific officer conduct based on individualized suspicion.

31. For purposes of preliminary relief, the disclosure and display requirements must be analyzed as a single, integrated mandate because, as applied in routine trunk transport, each requirement independently and inevitably communicates the same compelled message: that Plaintiff is presently traveling with a handgun under authority of a carry permit. The State has structured § 2C:58-4.4(b)(1)–(2) so that compliance with either provision necessarily reveals the same information—armed status—whether conveyed verbally through disclosure or nonverbally through compelled permit display. See Supplemental Declaration ¶¶ 24–27. As applied to Plaintiff's conduct, where the handgun is unloaded, locked, and not readily accessible, the display requirement does not function as a neutral licensing check; it operates as the State's required mechanism for communicating firearm possession. See Supplemental Declaration ¶ 9. The provisions therefore rise or fall together. Any attempt to sever them would elevate form over substance

and permit the State to accomplish through compelled conduct what it cannot justify under the Second Amendment or the First Amendment.

32. Relief aimed at only one paragraph would not fully redress Plaintiff's injury. Enjoining paragraph (b)(1) alone would still force Plaintiff to reveal the same protected information through compelled permit display under paragraph (b)(2); enjoining paragraph (b)(2) alone would still force the same protected information through compelled verbal disclosure under paragraph (b)(1). A plaintiff-specific injunction as to both paragraphs in the single trunk-transport setting pleaded here is therefore the narrowest relief that completely redresses the constitutional injury. *California v. Texas*, 593 U.S. 659, 671 (2021); *Wooley v. Maynard*, 430 U.S. 705, 714–15 (1977); *Riley v. Nat'l Fed'n of the Blind of N.C., Inc.*, 487 U.S. 781, 795–97 (1988).

A. Second Amendment–The Mandate Burdens Protected Conduct

Citations to Appendix A provide the underlying historical authorities; Appendix B summarizes those authorities in comparative form.

33. Plaintiff's conduct falls within the Second Amendment's protection. He is a peaceable permit holder who seeks to engage in lawful public carry and, more specifically for purposes of this motion, lawful vehicle-based transport of handguns for self-defense-related training, instruction, and competition. See Supplemental Declaration ¶¶ 3–6, 10 & Exs. A, C, D, F. *Bruen* confirms that the right to "bear" arms includes public carry for lawful purposes, 597 U.S. at 32–33,

and once the Amendment's plain text covers the conduct, the burden shifts to the State to demonstrate that the challenged regulation is consistent with the Nation's historical tradition of firearm regulation. Id. at 24; *United States v. Rahimi*, 602 U.S. 680, 691–92 (2024); *Lara v. Comm'r Pa. State Police*, 125 F.4th 428, 440–42 (3d Cir. 2025); *McDonald v. City of Chicago*, 561 U.S. 742, 750 (2010). The modern burden challenged here is not a pre-issuance licensing requirement. It is a real-time, penalty-backed obligation to volunteer armed status and prove licensure during ordinary travel. See Supplemental Declaration ¶¶ 14–18, 24–25, 27.

34. In conducting that historical inquiry, the Court may consider post-ratification evidence only insofar as it illuminates, rather than contradicts, the original meaning fixed at the Founding. *Lara v. Comm'r Pa. State Police*, 125 F.4th 428, 441 & n.19 (3d Cir. 2025). Thus, to the extent Defendants invoke later materials, those sources may confirm founding-era principles, but they cannot substitute for a founding-era tradition that does not exist.

35. Hiibel does not save § 2C:58-4.4(b)(1)–(2), and it is not the type of historical analogue that Bruen and Rahimi require. Hiibel was a modern Fourth Amendment case about what information an officer may demand during a valid Terry stop supported by reasonable suspicion, and even there the Court emphasized that the Nevada law, as construed, required disclosure of a name, not an admission of present gun possession or production of a firearms license. *Hiibel*

v. Sixth Jud. Dist. Ct. of Nev., Humboldt Cnty., 542 U.S. 177, 185–88 (2004). New Jersey's law goes materially further. It criminalizes the failure to volunteer firearm possession and separately compels display of a carry permit during any covered stop or detention, including while traveling with an unloaded, locked, and inaccessible handgun in a trunk. See Supplemental Declaration ¶¶ 9, 14–17, 24–25, 27. That is not a name-only identification rule tied to the mission of a Terry stop. It is a self-executing, carry-conditioned disclosure mandate. See App. A-10 at MITC0023 and App. B-5 at MITC0065. Terry itself depended on individualized reasonable suspicion, not a categorical duty imposed on all peaceable carriers. *Terry v. Ohio*, 392 U.S. 1, 21–27 (1968).

36. Existing Fourth Amendment doctrine already preserves legitimate officer-safety tools without authorizing a categorical self-reporting rule. During a lawful traffic stop, officers may order occupants out of a vehicle, *Pennsylvania v. Mimms*, 434 U.S. 106, 111 (1977); may frisk when there is reasonable suspicion that a person is armed and dangerous, *Arizona v. Johnson*, 555 U.S. 323, 327 (2009); may conduct a limited protective search of a vehicle when they reasonably believe a suspect is dangerous and may gain immediate control of weapons, *Michigan v. Long*, 463 U.S. 1032, 1049–50 (1983); and may take ordinary stop-related safety measures without prolonging the stop beyond its mission, *Rodriguez v. United States*, 575 U.S. 348, 354–55 (2015). Plaintiff does not challenge any of

those individualized authorities. His challenge is to New Jersey's blanket criminal rule requiring a peaceable permit holder to speak first and document armed status solely because he is engaged in lawful travel with a handgun. The Third Circuit has rejected the notion that the mere presence of a firearm, where possession may be lawful, itself creates the individualized suspicion needed for heightened intrusion. *United States v. Ubiles*, 224 F.3d 213, 217–18 (3d Cir. 2000).

37. The burden imposed by § 2C:58-4.4(b)(1)–(2) is uniquely tied to the moment of seizure, when a citizen is most vulnerable and least able to exercise independent judgment. A traffic stop is a compelled interaction in which the citizen is not free to leave and must comply with officer commands. See *Brendlin v. California*, 551 U.S. 249, 255 (2007). By attaching criminal liability to silence at that moment, the State conditions the exercise of the right to bear arms on compelled self-identification during a seizure. See Supplemental Declaration ¶¶ 15, 18, 28, 36. That is not a peripheral burden—it is a condition imposed at the precise point where the right is exercised in public. The Constitution does not tolerate conditioning a fundamental right on compelled speech during a seizure absent a historically grounded analogue.

38. Even accepting the State's most likely historical analogues—surety laws, going-armed or affray laws, and stop-and-identify doctrine—those analogues fail the "how" and "why" test required by *Bruen* and *Rahimi*. The trigger is

different: surety laws required a complaint, affray laws addressed terrorizing conduct, and stop-and-identify rules apply only during a valid stop supported by individualized suspicion, whereas § 2C:58-4.4(b)(1)–(2) is triggered automatically by lawful carriage or secured trunk transport during any stop or detention. See Supplemental Declaration ¶¶ 7–8, 10–12. The purpose is different: the historical laws addressed breaches of the peace or case-specific safety concerns, while the challenged regime compels disclosure and permit display from all peaceable carriers regardless of dangerousness. The breadth is different: historical regulations were limited to particularized circumstances, while the statute applies categorically to all permit holders. The sanction is different: surety laws imposed a forward-looking bond, while the challenged law imposes immediate criminal liability for silence and nonproduction. The nature of the burden is different: the historical analogues regulated dangerous conduct, not peaceable carriage, whereas the challenged statute imposes a status-based, speech-compelled obligation triggered solely by the lawful exercise of the right to bear arms. The timing is different: historical regulations operated after a complaint, suspicion, or breach of the peace, while the challenged regime imposes a real-time, stop-triggered obligation at the moment of a compelled police encounter. These differences are not marginal—they are dispositive. The State's proposed analogues regulate dangerous conduct, not peaceable carriage; they are triggered by complaint or suspicion, not by lawful

exercise of a right; and they impose conditional or prospective measures, not immediate criminal liability for silence. The challenged statute, by contrast, compels a peaceable citizen to announce and document firearm possession solely because he is exercising the right to bear arms. No historical tradition imposed a comparable, penalty-backed duty of self-reporting during ordinary encounters. That absence is not a gap—it is affirmative evidence that the State's regime is constitutionally unprecedented. See *Bruen*, 597 U.S. at 26–27.

See also App. B at MITC0056 (providing five consolidated comparison tables across distinct historical analogue categories, demonstrating the absence of any Bruen-compliant analogue).

The mismatch between the challenged regime and the State's proposed analogues is summarized in abbreviated form below for ease of reference.

Factor	Historical Analogues (Surety / Affray / Hiibel-type)	Challenged Statute (§ 2C:58-4.4(b)(1)–(2))
Trigger	Complaint-based (surety laws); terrorizing conduct (affray laws); or individualized suspicion during a lawful stop (Terry, Hiibel)	Automatically triggered by lawful carriage or transport during any stop or detention
Purpose	Prevent breaches of the peace or address case-specific safety concerns	Compel disclosure of armed status and permit display from all permit holders regardless of danger
Breadth	Limited to particularized circumstances (complaint, threat, or suspicion)	Applies categorically to all permit holders engaged in lawful carriage or transport
Sanction	Preventive or conditional (peace bond or limited consequence)	Immediate criminal liability for silence or failure to display permit

Nature of Burden	Conduct-based regulation tied to dangerous behavior or suspicion	Status-based, speech-compelled obligation triggered solely by lawful exercise of the right

39. Generalized invocations of officer safety do not satisfy the State's burden under *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 29–30 (2022), and *United States v. Rahimi*, 602 U.S. 680, 691–92 (2024), which require a historically grounded analogue—not a free-floating interest in safety. The government must justify a modern firearm regulation by reference to a tradition comparable in both its burden and its justification—the "how" and the "why." *Rahimi*, 602 U.S. at 691–92. A categorical, stop-triggered duty requiring a peaceable permit holder to announce and document firearm possession during ordinary travel is not comparable to historical regulations addressing dangerous conduct, individualized complaints, or public terror. It instead imposes a modern, speech-compelled condition on the exercise of the right itself. The State cannot meet its burden by invoking officer safety at a high level of generality untethered to a representative historical tradition imposing a comparable communication duty on peaceable armed citizens.

40. The absence of any identified founding-era or Reconstruction-era law requiring a peaceable traveler to volunteer to a constable or other officer that he was carrying arms is especially significant here. Plaintiff does not challenge a pre-issuance licensing prerequisite or an individualized law-enforcement response to

dangerous behavior. He challenges a modern, stop-triggered duty of affirmative self-reporting by a peaceable permit holder engaged in ordinary travel. If Defendants cannot identify a well-established and representative historical analogue imposing a comparable communication duty in a comparable setting, they cannot satisfy Bruen's second step. See *Bruen*, 597 U.S. at 24, 29–30; *Range v. Att'y Gen.*, 124 F.4th 218, 228–29, 234–35 (3d Cir. 2024) (en banc).

41. The absence of any historical analogue is not merely an omission in Plaintiff's presentation; it is consistent with the historical record already examined by this District in closely related post-*Bruen* litigation involving firearm carriage during travel. In *Koons v. Platkin*, this Court held that New Jersey failed to support its restriction on functional firearms in vehicles with "well-established and representative historical firearm laws," and further recognized that early American sources protected the carrying of firearms during ordinary travel, including a colonial New Jersey law providing that nothing therein should "prevent any Person carrying a Gun upon the King's Highway in this Colony." 673 F. Supp. 3d 515, 673–75 (D.N.J. 2023). Although *Koons* addressed a different burden and is cited here only as persuasive authority, its historical analysis underscores the absence of any tradition regulating peaceable carriage during ordinary travel in the manner attempted here. Plaintiff has reviewed the historical sources reflected in Appendix A and the comparative analysis set forth in Appendix B and is aware of no

historical law requiring a peaceable traveler to announce or document firearm possession during an ordinary encounter with a constable or other officer. If Defendants contend otherwise, *Bruen* requires them—not Plaintiff—to come forward with evidence—not conjecture—identifying a well-established and representative historical tradition imposing a comparable burden for a comparable justification. See *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 24–26 (2022); *United States v. Rahimi*, 602 U.S. 680, 691–92 (2024). Absent such a showing, the challenged disclosure-and-display regime remains constitutionally unsupported.

42. The State's burden under *Bruen* is to identify a historical tradition that already exists in the record, not one that might be developed through further research or litigation.

43. The controlling frame comes from Bruen, Rahimi, Lara, and Delaware State Sportsmen, not from any vacated appellate decision in Koons. At most, Koons may be cited modestly as persuasive authority that this District has treated post-Bruen public-carry burdens, including vehicle-based transport, as merits questions requiring historical justification. See Koons v. Platkin, 673 F. Supp. 3d 515, 604–06 (D.N.J. 2023). But the subsequent Third Circuit panel opinion was vacated when rehearing en banc was granted and therefore has no precedential force. Koons v. Att'y Gen. N.J., Nos. 23-1900 & 23-2043, order at 1–2 (3d Cir.

Dec. 11, 2025). Plaintiff therefore relies on the Supreme Court's governing methodology and controlling Third Circuit authority, and Defendants must meet their historical-tradition burden under *Bruen* on the present record, rather than rely on generalized assertions or to develop such support through further litigation.

44. Historical tradition does not support a penalty-backed duty of immediate firearm disclosure and permit display during peaceable public carriage or secured vehicle-based travel. Once Plaintiff's conduct is placed within the Second Amendment's text, the State must show that its regulation is consistent with this Nation's historical tradition of firearm regulation. *Bruen*, 597 U.S. at 34. The relevant historical materials fall into familiar categories—going-armed or affray laws, surety laws, concealed-carry laws, gunpowder storage and inspection laws, and militia inspection laws—but none is relevantly similar to a modern rule requiring a peaceable permit holder to communicate armed status to an officer during an ordinary encounter. Those historical regulations addressed dangerous or terrorizing conduct, individualized complaints, or distinct civic or safety concerns. They did not impose a categorical, carry-conditioned duty of compelled disclosure during the exercise of the right itself. See Supplemental Declaration ¶¶ 6–9, 14–18. See App. B-1 at MITC0057.

45. The relevant historical materials and governing Supreme Court excerpts are reproduced in Appendix A, and their application under the Bruen–

Rahimi framework is summarized in a concise comparative format in Appendix B. These appendices are provided as demonstrative aids to assist the Court in evaluating whether the State's proposed analogues are "relevantly similar" in both how and why they burden the right. See *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 29–30 (2022); *United States v. Rahimi*, 602 U.S. 680, 691–92 (2024). As reflected in those materials, the historical record does not identify any analogue imposing a categorical, stop-triggered duty requiring peaceable citizens to disclose armed status or produce proof of licensure during ordinary encounters. The appendices organize the relevant historical categories by trigger, burden, justification, and sanction to permit a direct application of the Court's analogue analysis.

46. The oldest English materials do not support the State's position. The Statute of Northampton and its commentators addressed going armed in a manner that terrorized the public. See, e.g., 2 Edw. 3, c. 3 (1328); 1 William Hawkins, *A Treatise of the Pleas of the Crown* ch. 63, § 9 (1716) (describing the offense as arming oneself in a way that "naturally cause[s] a terror to the people"); 4 William Blackstone, *Commentaries on the Laws of England* 148–49 (1769) (treating "riding or going armed, with dangerous or unusual weapons" as a public-peace offense because it inspires terror). These sources target dangerous or terrorizing carriage—conduct akin to affray—not peaceable carriage or lawful transport by an otherwise

authorized citizen. A modern rule compelling immediate disclosure and permit display during ordinary encounters, regardless of complaint, threat, or breach of the peace, differs from those authorities in both its burden and its justification. See *Rahimi*, 602 U.S. at 691–92.

47. Nineteenth-century surety laws likewise are not relevantly similar. Those statutes required a person who went armed without reasonable cause to fear attack to post sureties for keeping the peace, but only upon a complaint by an individual with cause to fear injury or a breach of the peace. See, e.g., Mass. Rev. Stat., ch. 134, § 16 (1836); Me. Rev. Stat., ch. 169, § 16 (1840); Mich. Rev. Stat., ch. 162, § 16 (1846). These laws were reactive, individualized, and judicial. They required a complaint, a magistrate, and a forward-looking bond for good behavior. They did not impose an across-the-board duty on all peaceable carriers to communicate armed status to law enforcement during ordinary encounters. See App. A-6 at MITC0014 and App. B-2 at MITC0059. By contrast, the challenged statute imposes an automatic, stop-triggered obligation of immediate disclosure and permit display solely because the citizen is carrying or transporting a handgun. That is not a comparable burden imposed for a comparable justification. *Bruen*, 597 U.S. at 29; *Rahimi*, 602 U.S. at 691–92.

48. Early concealed-carry and manner-of-carry regulations do not support the State's position. Antebellum statutes often restricted the carrying of concealed

weapons or addressed unnecessary or unusual public arming. See, e.g., 1813 Ky. Acts 100, ch. 89; 1813 La. Acts 172. These laws regulated the manner in which arms could be borne—whether openly or concealed—and, in some instances, targeted unnecessary or dangerous public carriage. They did not impose a duty on peaceable citizens to communicate to law enforcement that they were armed during ordinary encounters. If anything, these sources confirm the distinction between regulating how arms are carried and compelling speech about the presence of arms during the exercise of the right. A requirement of immediate disclosure and permit display during a stop is therefore not a comparable burden imposed for a comparable justification. *Bruen*, 597 U.S. at 29; *Rahimi*, 602 U.S. at 691–92. See App. A-13 at MITC0034 and App. B-3 at MITC0061.

49. The same mismatch defeats reliance on gunpowder storage laws and militia inspection laws. Founding-era powder laws regulated the storage, transport, and inspection of gunpowder to address fire hazards and commercial safety concerns. See, e.g., 1784 N.Y. Laws 627; 1792 Mass. Acts 208. Those enactments targeted explosive-material risks and urban safety, not the bearing of a handgun for self-defense during ordinary travel, and they did not require peaceable citizens to communicate armed status to law enforcement during routine encounters. Militia inspection laws are further afield still. Early statutes required enrolled militiamen to appear with arms for periodic muster and inspection as part of organized civic

duty. See, e.g., Militia Act of 1792, ch. 33, 1 Stat. 271. Those obligations were collective and institutional, not individualized and triggered by ordinary encounters with officers. They therefore bear no meaningful resemblance to a modern, stop-triggered requirement that a private citizen immediately disclose and document firearm possession solely because he is exercising the right to bear arms. *Bruen*, 597 U.S. at 29; *Rahimi*, 602 U.S. at 691–92. See App. A-13 at MITC0038 and App. B-4 at MITC0063.

50. Historical treatment of ordinary travel further reinforces the absence of any comparable tradition. Colonial and early American sources reflect that travel on public roads and highways did not carry a duty to disclose or render arms unusable. A 1771 New Jersey law expressly provided that nothing therein "shall be construed to extend to prevent any Person carrying a Gun upon the King's Highway in this Colony." 1771 N.J. Laws ch. 539, § 10. See App. A-12 at MITC0030. This evidence confirms that peaceable carriage during ordinary travel was not conditioned on compelled disclosure or identification to authorities. Rather than supporting the challenged regime, the historical record reflects the opposite principle: that lawful travel and the bearing of arms were understood to coexist without categorical, stop-triggered obligations imposed on peaceable citizens. See Supplemental Declaration ¶¶ 7–8, 10–11. See *Bruen*, 597 U.S. at 29; *Rahimi*, 602 U.S. at 691–92. See App. B-4 at MITC0063. Third Circuit transport precedent also

treats travel with unloaded, inaccessible firearms as a distinct category, even if the statutory safe-harbor question in that case turned on accessibility during an overnight interruption in travel. See *Revell v. Port Auth. of N.Y. & N.J.*, 598 F.3d 128, 135–36 (3d Cir. 2010).

51. The State's likely modern authorities do not alter this conclusion because they involve different kinds of burdens. *Bruen* itself distinguished objective shall-issue prerequisites, such as background checks, fingerprinting, mental-health checks, training, and fees. 597 U.S. at 38 n.9. Those are pre-issuance conditions on obtaining a license. The burden challenged here is different: a post-issuance, stop-triggered criminal duty to volunteer armed status during ordinary travel and to prove licensure on the spot. Recent post-Bruen case law confirms the difference between an objective licensing prerequisite and a new burden attached to carrying itself. See *Kipke v. Moore*, No. 24-1799, slip op. at 35–36 (4th Cir. Jan. 20, 2026) (treating a requirement that carriers obtain consent before carrying in certain settings as a new burden on the right itself). And Hiibel remains a modern Fourth Amendment case about name disclosure during a valid Terry stop, not a historical analogue authorizing compelled firearm-specific speech under *Bruen* step two. 542 U.S. at 185–88.

52. As applied to Plaintiff's conduct, § 2C:58-4.4(b)(1)–(2) burdens activity protected by the Second Amendment and does so through a form of

compelled disclosure for which the State can identify no relevantly similar historical analogue. Because the Second Amendment's plain text covers Plaintiff's lawful public carriage and secured vehicle-based transport, and because the challenged regime imposes a carry-conditioned, penalty-backed obligation unsupported by this Nation's historical tradition, Plaintiff has demonstrated a reasonable probability of success on the merits. *Bruen*, 597 U.S. at 24, 29–32; *Rahimi*, 602 U.S. at 691–92.

B. First Amendment – Compelled Disclosure and Identification

53. Section 2C:58-4.4(b)(1)–(2) independently burdens the First Amendment because it compels Plaintiff to communicate a state-mandated factual message during a stop or detention: that he is carrying a handgun or that a handgun is stored in his vehicle, and that he possesses state authorization to do so. This is not merely the incidental effect of a generally applicable identification requirement. It is compelled factual speech backed by criminal sanction. See *Wooley v. Maynard*, 430 U.S. 705, 714–15 (1977); *Riley v. Nat'l Fed'n of the Blind of N.C., Inc.*, 487 U.S. 781, 796–98 (1988); *Nat'l Inst. of Fam. & Life Advocs. v. Becerra*, 585 U.S. 755, 766–68 (2018). The compelled message is triggered only when Plaintiff exercises a constitutional right, making the speech requirement inseparable from the burden on that right. See Supplemental Declaration ¶¶ 14–17, 24–25, 27. The compelled-speech rule is at its apex where

the government forces a citizen to confess or convey a government-prescribed message on pain of sanction. See *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943); *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp.*, 515 U.S. 557, 573 (1995); *303 Creative LLC v. Elenis*, 600 U.S. 570, 588–96 (2023).

54. Once Plaintiff makes a colorable showing that protected speech is burdened, the State bears the burden at the preliminary-injunction stage to justify the restriction under the same framework that would govern on the merits. *Reilly v. City of Harrisburg*, 858 F.3d 173, 180 n.5 (3d Cir. 2017); *Greater Phila. Chamber of Com. v. City of Philadelphia*, 949 F.3d 116, 133 (3d Cir. 2020). That burden is especially demanding here because Plaintiff must speak only when he lawfully carries or transports a handgun; if he does not exercise the right, the speech obligation disappears. This penalty-backed linkage between protected conduct and compelled speech is the hallmark of an unconstitutional condition. See *Agency for Int'l Dev. v. All. for Open Soc'y Int'l, Inc.*, 570 U.S. 205, 213–15 (2013); *Wooley v. Maynard*, 430 U.S. 705, 714–15 (1977). The First Amendment therefore does not permit the government to make the exercise of one constitutional right the price of surrendering another absent sufficient tailoring. See *Perry*, 408 U.S. at 597; *Koontz*, 570 U.S. at 604.

55. The State cannot avoid First Amendment scrutiny by analogizing this regime to *Hiibel*. In *Hiibel v. Sixth Jud. Dist. Ct. of Nev., Humboldt Cnty.*, 542 U.S.

177, 188 (2004), the Supreme Court upheld a narrow requirement that a suspect disclose his name during a valid *Terry* stop because the request bore an immediate relation to the purpose, rationale, and practical demands of that stop. Section 2C:58-4.4(b)(1)–(2) is fundamentally different. It compels firearm-specific disclosure and permit display from all peaceable permit holders during any stop or detention, without regard to whether the firearm is accessible, whether the officer has reason to suspect unlawful firearm conduct, or whether any particularized safety concern exists. See Supplemental Declaration ¶¶ 6–9, 14–18. The obligation is triggered solely by Plaintiff's lawful status as a permit holder carrying or transporting a handgun.

56. The challenged disclosure-and-display regime fails exacting scrutiny as applied to Plaintiff. Compelled disclosure requirements must bear a substantial relation to a sufficiently important governmental interest and must be narrowly tailored to that interest. *Americans for Prosperity Found. v. Bonta*, 594 U.S. 595, 615–16 (2021). Even assuming that officer safety is a sufficiently important interest, the challenged statute is not narrowly tailored. It applies categorically to all permit holders during ordinary travel, without regard to firearm accessibility, dangerousness, or any particularized basis for concern. See Supplemental Declaration ¶¶ 6–9, 14–18, 25. As applied to Plaintiff—who transports his handgun unloaded, locked, and secured in the trunk, and not readily accessible—

the compelled disclosure and permit display are untethered to the justification for an ordinary stop and broader than necessary to address legitimate safety concerns.

VI. BALANCE OF EQUITIES

57. The balance of equities strongly favors preliminary relief. Plaintiff faces a present loss of constitutional rights and a continuing inability to engage in intended lawful carriage and secured vehicle-based transport absent an injunction. See Supplemental Declaration ¶¶ 2–3, 9–11, 18. By contrast, Defendants have no legitimate interest in enforcing an unconstitutional condition on the exercise of an enumerated right. See *Reilly v. City of Harrisburg*, 858 F.3d 173, 179 (3d Cir. 2017). The relief requested here is narrowly confined to Plaintiff and to the specific as-applied circumstances presented, and it preserves ordinary law-enforcement authority, including lawful questioning, lawful orders, lawful disarmament, lawful frisking, and actions supported by reasonable suspicion or probable cause.

VII. PUBLIC INTEREST

58. Preliminary relief also serves the public interest. Plaintiff does not seek to dismantle New Jersey's permitting system or to disable ordinary officer-safety measures during lawful stops. He seeks only to prevent enforcement of a carry-conditioned, compelled-disclosure and compelled-display regime that the State cannot justify under *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 24–

26 (2022), and cannot narrowly tailor under the First Amendment. The public has a strong interest in the protection of constitutional rights, and where the government is the opposing party that interest merges with the equities. See *Reilly v. City of Harrisburg*, 858 F.3d 173, 179 (3d Cir. 2017); *Del. State Sportsmen's Ass'n v. Del. Dep't of Safety & Homeland Sec.*, 108 F.4th 194, 205 (3d Cir. 2024).

VIII. NARROW REQUESTED RELIEF

59. Plaintiff respectfully requests a narrow, plaintiff-specific, as-applied preliminary injunction enjoining Defendants from enforcing N.J. Stat. Ann. § 2C:58-4.4(b)(1) and (b)(2), whether separately or in combination, against him during routine vehicle stops or detentions when he is traveling with a handgun that is unloaded, locked in the trunk or another secured container, and not readily accessible to any occupant. This injunction must apply to both verbal disclosure and permit display because each independently compels the same communication of armed status. See Supplemental Declaration ¶¶ 14–17, 25. The requested relief does not restrict lawful officer-safety measures, questioning, or actions supported by reasonable suspicion or probable cause; it prohibits only the imposition of criminal liability for failing to volunteer or affirmatively communicate firearm possession in the absence of individualized justification.

60. The requested relief is narrow and administrable. It would not prevent officers from conducting lawful traffic stops, asking ordinary safety questions,

directing Plaintiff to keep his hands visible, ordering him out of a vehicle, temporarily securing a firearm when otherwise authorized by law, conducting a lawful frisk, or taking any action supported by reasonable suspicion or probable cause. It would bar only the imposition of criminal penalties based solely on Plaintiff's failure to volunteer that he has an unloaded, locked, and inaccessible handgun in the trunk, and solely on any derivative failure immediately to produce his permit as part of that same compelled disclosure.

IX. CONCLUSION

61. Because the Second Amendment's plain text covers Plaintiff's lawful public carriage and lawful vehicle-based transport, and because the State cannot justify the challenged disclosure-and-display regime under *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 24–26 (2022), *United States v. Rahimi*, 602 U.S. 680, 691–92 (2024), and controlling Third Circuit methodology, Plaintiff has demonstrated a likelihood of success on the merits. On the present record, Defendants cannot meet their burden under *Bruen* to identify a well-established and representative historical analogue, and no further development of the record can cure that failure. Absent preliminary relief, Plaintiff will continue to suffer immediate and irreparable harm in the form of ongoing chilled constitutional exercise and recurring exposure to a coercive choice between compelled speech and criminal sanction. See Supplemental Declaration ¶¶ 2–3, 11, 18, 28, 36. A

narrow, plaintiff-specific injunction will preserve the status quo and prevent these continuing constitutional injuries while the Court adjudicates the merits on a full record.

62. Nothing in this motion or the Court's disposition of Plaintiff's request for preliminary relief should be construed to waive, limit, or resolve Plaintiff's broader claims. Plaintiff's Complaint challenges N.J. Stat. Ann. § 2C:58-4.4 on both facial and as-applied grounds, including as an unconstitutional burden on the right to "bear arms," which encompasses carrying on the person as well as lawful vehicle-based transport. See *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 32 (2022); *District of Columbia v. Heller*, 554 U.S. 570, 584, 592 (2008); *McDonald v. City of Chicago*, 561 U.S. 742, 750 (2010). The present motion proceeds in a narrower, as-applied posture solely for purposes of preliminary relief and does not abandon, narrow, or defer Plaintiff's challenge to the statute in its entirety or in other applications. All claims, arguments, and theories are expressly preserved for adjudication on the full merits and for appellate review.

Respectfully submitted,

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Dated: April 26, 2026

APPENDIX A – COVER PAGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Appendix A
Selected Historical Excerpts from Supreme Court Opinions

Description:
This exhibit contains selected excerpts from United States Supreme Court opinions addressing the historical tradition of firearm regulations in America.

Key Relevance:
These excerpts reflect the Supreme Court's authoritative synthesis of the Nation's historical tradition, demonstrating that historical regulations targeted dangerous or terrorizing conduct and did not impose categorical, penalty-backed duties requiring peaceable citizens engaged in ordinary public carriage to disclose armed status or produce licensure during routine encounters.

All sources last accessed April 19, 2026.

TABLE OF CONTENTS — APPENDIX A

APPENDIX A-1 — Public Carriage Is Protected Conduct

Exact Quoted Text

"The Second Amendment's plain text thus presumptively guarantees petitioners a right to 'bear' arms in public for self-defense."

Bluebook Citation
N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1, 32 (2022).

Parenthetical
(Recognizing that the Second Amendment protects public carriage for self-defense.)

Declaration Language
I downloaded the source for Exhibit A-1 from the Supreme Court's official opinion in N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1 (2022). https://www.supremecourt.gov/opinions/21pdf/597us1r54_7648.pdf.

Exhibit A-1 is a true and correct copy of page 32 of that opinion. The excerpt reproduces only the cited page; I did not alter the text, pagination, case caption, or page header when extracting the page.

whom the Second Amendment protects. See *Heller*, 554 U. S., at 580. Nor does any party dispute that handguns are weapons "in common use" today for self-defense. See *id.*, at 627; see also *Caetano*, 577 U. S., at 411–412. We therefore turn to whether the plain text of the Second Amendment protects Koch's and Nash's proposed course of conduct—carrying handguns publicly for self-defense.

We have little difficulty concluding that it does. Respondents do not dispute this. See Brief for Respondents 19. Nor could they. Nothing in the Second Amendment's text draws a home/public distinction with respect to the right to keep and bear arms. As we explained in *Heller*, the "textual elements" of the Second Amendment's operative clause—"the right of the people to keep and bear Arms, shall not be infringed"—"guarantee the individual right to possess and carry weapons in case of confrontation." 554 U. S., at 592. *Heller* further confirmed that the right to "bear arms" refers to the right to "wear, bear, or carry . . . upon the person or in the clothing or in a pocket, for the purpose . . . of being armed and ready for offensive or defensive action in a case of conflict with another person." *Id.*, at 584 (quoting *Muscarello* v. *United States*, 524 U. S. 125, 143 (1998) (Ginsburg, J., dissenting); internal quotation marks omitted).

This definition of "bear" naturally encompasses public carry. Most gun owners do not wear a holstered pistol at their hip in their bedroom or while sitting at the dinner table. Although individuals often "keep" firearms in their home, at the ready for self-defense, most do not "bear" (*i. e.*, carry) them in the home beyond moments of actual confrontation. To confine the right to "bear" arms to the home would nullify half of the Second Amendment's operative protections.

Moreover, confining the right to "bear" arms to the home would make little sense given that self-defense is "the *central component* of the [Second Amendment] right itself."

APPENDIX A-2 — Historical Tradition Governs

Quote

"The government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation."

Citation
N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1, 24 (2022).

Parenthetical
(Establishing the historical-tradition test.)

Declaration Language
I downloaded the source for Exhibit A-2 from the Supreme Court's official opinion in N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1 (2022).
https://www.supremecourt.gov/opinions/21pdf/597us1r54_7648.pdf.

Exhibit A-2 is a true and correct copy of page 24 of that opinion. The exhibit reproduces only the single page containing the cited passage; I did not alter the text, pagination, case caption, or page header when extracting the page.

In sum, the Courts of Appeals' second step is inconsistent with *Heller*'s historical approach and its rejection of means-end scrutiny. We reiterate that the standard for applying the Second Amendment is as follows: When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation. Only then may a court conclude that the individual's conduct falls outside the Second Amendment's "unqualified command." *Konigsberg*, 366 U. S., at 50, n. 10.

C

This Second Amendment standard accords with how we protect other constitutional rights. Take, for instance, the freedom of speech in the First Amendment, to which *Heller* repeatedly compared the right to keep and bear arms. 554 U. S., at 582, 595, 606, 618, 634–635. In that context, "[w]hen the Government restricts speech, the Government bears the burden of proving the constitutionality of its actions." *United States* v. *Playboy Entertainment Group, Inc.*, 529 U. S. 803, 816 (2000); see also *Philadelphia Newspapers, Inc.* v. *Hepps*, 475 U. S. 767, 777 (1986). In some cases, that burden includes showing whether the expressive conduct falls outside of the category of protected speech. See *Illinois ex rel. Madigan* v. *Telemarketing Associates, Inc.*, 538 U. S. 600, 620, n. 9 (2003). And to carry that burden, the government must generally point to *historical* evidence about the

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ler, 554 U. S., at 628–629; see *post*, at 104–105 (opinion of BREYER, J.). But *Heller*'s passing observation that the District's ban would fail under any heightened "standar[d] of scrutiny" did not supplant *Heller*'s focus on constitutional text and history. Rather, *Heller*'s comment "was more of a gilding-the-lily observation about the extreme nature of D. C.'s law," *Heller* v. *District of Columbia*, 670 F. 3d 1244, 1277 (CADC 2011) (Kavanaugh, J., dissenting), than a reflection of *Heller*'s methodology or holding.

APPENDIX A-3 — Representative Analogue Standard

Quote

"Analogical reasoning requires only that the government identify a well-established and representative historical analogue, not a historical twin."

Citation
N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1, 30 (2022).

Parenthetical
(Clarifying that analogues need not be identical.)

Declaration Language
I downloaded the source for Exhibit A-3 from the Supreme Court's official opinion in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022).
https://www.supremecourt.gov/opinions/21pdf/597us1r54_7648.pdf

Exhibit A-3 is a true and correct copy of page 30 of that opinion. The exhibit reproduces only the single page containing the cited passage; I did not alter the text, pagination, case caption, or page header when extracting the page.

To be clear, analogical reasoning under the Second Amendment is neither a regulatory straightjacket nor a regulatory blank check. On the one hand, courts should not "uphold every modern law that remotely resembles a historical analogue," because doing so "risk[s] endorsing outliers that our ancestors would never have accepted." *Drummond* v. *Robinson*, 9 F. 4th 217, 226 (CA3 2021). On the other hand, analogical reasoning requires only that the government identify a well-established and representative historical *analogue*, not a historical *twin*. So even if a modern-day regulation is not a dead ringer for historical precursors, it still may be analogous enough to pass constitutional muster.

Consider, for example, *Heller*'s discussion of "longstanding" "laws forbidding the carrying of firearms in sensitive places such as schools and government buildings." 554 U. S., at 626. Although the historical record yields relatively few 18th- and 19th-century "sensitive places" where weapons were altogether prohibited—*e. g.*, legislative assemblies, polling places, and courthouses—we are also aware of no disputes regarding the lawfulness of such prohibitions. See D. Kopel & J. Greenlee, The "Sensitive Places" Doctrine, 13 Charleston L. Rev. 205, 229–236, 244–247 (2018); see also Brief for Independent Institute as *Amicus Curiae* 11–17. We therefore can assume it settled that these locations were "sensitive places" where arms carrying could be prohibited consistent with the Second Amendment. And courts can use analogies to those historical regulations of "sensitive places" to determine that modern regulations prohibiting the carry of firearms in *new* and analogous sensitive places are constitutionally permissible.

Although we have no occasion to comprehensively define "sensitive places" in this case, we do think respondents err in their attempt to characterize New York's proper-cause requirement as a "sensitive-place" law. In their view, "sensitive places" where the government may lawfully disarm law-abiding citizens include all "places where people typically

APPENDIX A-4 — "Why and How" Framework

Quote

"Why and how the regulation burdens the right are central to whether it is relevantly similar."

Citation
*United States v. Ra*himi, 602 U.S. 680, 691–92 (2024).

Parenthetical
(Directing courts to compare burden and justification.)

Declaration Language
I downloaded the source for Exhibit A-4 from the Supreme Court's official opinion in *United States v. Ra*himi, 602 U.S. 680 (2024).
https://www.supremecourt.gov/opinions/23pdf/602us1r43_p860.pdf

Exhibit A-4 is a true and correct copy of page 691–92 of that opinion. The exhibit reproduces only the single page containing the cited passage; I did not alter the text, pagination, case caption, or page header when extracting the page.

Heller, 554 U. S. 570, 626 (2008). In *Heller*, this Court held that the right applied to ordinary citizens within the home. Even as we did so, however, we recognized that the right was never thought to sweep indiscriminately. "From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." *Ibid.* At the founding, the bearing of arms was subject to regulations ranging from rules about firearm storage to restrictions on gun use by drunken New Year's Eve revelers. Act of Mar. 1, 1783, 1783 Mass. Acts and Laws ch.13, pp. 218–219; 5 Colonial Laws of New York ch. 1501, pp. 244–246 (1894). Some jurisdictions banned the carrying of "dangerous and unusual weapons." 554 U. S., at 627 (citing 4 W. Blackstone, Commentaries on the Laws of England 148–149 (1769)). Others forbade carrying concealed firearms. 554 U. S., at 626.

In *Heller*, our inquiry into the scope of the right began with "constitutional text and history." *Bruen*, 597 U. S., at 22. In *Bruen*, we directed courts to examine our "historical tradition of firearm regulation" to help delineate the contours of the right. *Id.*, at 17. We explained that if a challenged regulation fits within that tradition, it is lawful under the Second Amendment. We also clarified that when the Government regulates arms-bearing conduct, as when the Government regulates other constitutional rights, it bears the burden to "justify its regulation." *Id.*, at 24.

Nevertheless, some courts have misunderstood the methodology of our recent Second Amendment cases. These precedents were not meant to suggest a law trapped in amber. As we explained in *Heller*, for example, the reach of the Second Amendment is not limited only to those arms that were in existence at the founding. 554 U. S., at 582. Rather, it "extends, prima facie, to all instruments that constitute bearable arms, even those that were not [yet] in existence." *Ibid.* By that same logic, the Second Amendment

permits more than just those regulations identical to ones that could be found in 1791. Holding otherwise would be as mistaken as applying the protections of the right only to muskets and sabers.

As we explained in *Bruen*, the appropriate analysis involves considering whether the challenged regulation is consistent with the principles that underpin our regulatory tradition. 597 U. S., at 26–31. A court must ascertain whether the new law is "relevantly similar" to laws that our tradition is understood to permit, "apply[ing] faithfully the balance struck by the founding generation to modern circumstances." *Id.*, at 29, and n. 7. Discerning and developing the law in this way is "a commonplace task for any lawyer or judge." *Id.*, at 28.

Why and how the regulation burdens the right are central to this inquiry. *Id.*, at 29. For example, if laws at the founding regulated firearm use to address particular problems, that will be a strong indicator that contemporary laws imposing similar restrictions for similar reasons fall within a permissible category of regulations. Even when a law regulates arms-bearing for a permissible reason, though, it may not be compatible with the right if it does so to an extent beyond what was done at the founding. And when a challenged regulation does not precisely match its historical precursors, "it still may be analogous enough to pass constitutional muster." *Id.*, at 30. The law must comport with the principles underlying the Second Amendment, but it need not be a "dead ringer" or a "historical twin." *Ibid.* (emphasis deleted).[1]

[1] We also recognized in *Bruen* the "ongoing scholarly debate on whether courts should primarily rely on the prevailing understanding of an individual right when the Fourteenth Amendment was ratified in 1868 when defining its scope (as well as the scope of the right against the Federal Government)." 597 U. S., at 37. We explained that under the circumstances, resolving the dispute was unnecessary to decide the case. *Id.*, at 37–38. The same is true here.

APPENDIX A-5 — Dangerousness Limitation

Quote

"They prohibit bearing arms in a way that spreads 'fear' or 'terror' among the people."

Citation
N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1, 50 (2022).

Parenthetical
(Limiting regulation to terrorizing conduct.)

Declaration Language
I downloaded the source for Exhibit A-5 from the Supreme Court's official opinion in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). https://www.supremecourt.gov/opinions/21pdf/597us1r54_7648.pdf.

Exhibit A-5 is a true and correct copy of page 50 of that opinion. The exhibit reproduces only the single page containing the cited passage; I did not alter the text, pagination, case caption, or page header when extracting the page.

armed offensively, to the fear or terror of the good citizens of this Commonwealth." 1795 Mass. Acts and Laws ch. 2, p. 436, in Laws of the Commonwealth of Massachusetts. And an 1801 Tennessee statute likewise required any person who would "publicly ride or go armed to the terror of the people, or privately carry any dirk, large knife, pistol or any other dangerous weapon, to the fear or terror of any person" to post a surety; otherwise, his continued violation of the law would be "punished as for a breach of the peace, or riot at common law." 1801 Tenn. Acts pp. 260–261.

A by-now-familiar thread runs through these three statutes: They prohibit bearing arms in a way that spreads "fear" or "terror" among the people. As we have already explained, Chief Justice Herbert in *Sir John Knight's Case* interpreted this *in Terrorem Populi* element to require something more than merely carrying a firearm in public. See *supra*, at 43–44. Respondents give us no reason to think that the founding generation held a different view. Thus, all told, in the century leading up to the Second Amendment and in the first decade after its adoption, there is no historical basis for concluding that the pre-existing right enshrined in the Second Amendment permitted broad prohibitions on all forms of public carry.

3

Only after the ratification of the Second Amendment in 1791 did public-carry restrictions proliferate. Respondents rely heavily on these restrictions, which generally fell into three categories: common-law offenses, statutory prohibitions, and "surety" statutes. None of these restrictions imposed a substantial burden on public carry analogous to the burden created by New York's restrictive licensing regime.

Common-Law Offenses. As during the colonial and founding periods, the common-law offenses of "affray" or going armed "to the terror of the people" continued to impose some limits on firearm carry in the antebellum period. But as with the earlier periods, there is no evidence indicat-

APPENDIX A-6 — Surety Laws Were Complaint-Based

Quote

"Surety statutes… These laws were not bans on public carry, and they typically targeted only those threatening to do harm."

Citation
N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1, 55 (2022).

Parenthetical
(Showing individualized, not universal regulation.)

Declaration Language
I downloaded the source for Exhibit A-6 from the Supreme Court's official opinion in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). https://www.supremecourt.gov/opinions/21pdf/597us1r54_7648.pdf.

Exhibit A-6 is a true and correct copy of pages 56–58 of that opinion. The exhibit reproduces only the single page containing the cited passage; I did not alter the text, pagination, case caption, or page header when extracting the pages.

All told, these antebellum state-court decisions evince a consensus view that States could not altogether prohibit the public carry of "arms" protected by the Second Amendment or state analogues.[22]

Surety Statutes. In the mid-19th century, many jurisdictions began adopting surety statutes that required certain individuals to post bond before carrying weapons in public. Although respondents seize on these laws to justify the proper-cause restriction, their reliance on them is misplaced. These laws were not *bans* on public carry, and they typically targeted only those threatening to do harm.

As discussed earlier, Massachusetts had prohibited riding or going "armed offensively, to the fear or terror of the good citizens of this Commonwealth" since 1795. 1795 Mass. Acts and Laws ch. 2, at 436, in Laws of the Commonwealth of Massachusetts. In 1836, Massachusetts enacted a new law providing:

> "If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace, for a

[22] The Territory of New Mexico made it a crime in 1860 to carry "any class of pistols whatever" "concealed or otherwise." 1860 Terr. of N. M. Laws §§ 1–2, p. 94. This extreme restriction is an outlier statute enacted by a territorial government nearly 70 years after the ratification of the Bill of Rights, and its constitutionality was never tested in court. Its value in discerning the original meaning of the Second Amendment is insubstantial. Moreover, like many other stringent carry restrictions that were localized in the Western Territories, New Mexico's prohibition ended when the Territory entered the Union as a State in 1911 and guaranteed in its State Constitution that "[t]he people have the right to bear arms for their security and defense, but nothing herein shall be held to permit the carrying of concealed weapons." N. M. Const., Art. II, § 6 (1911); see *infra*, at 69.

APPENDIX A-7 — Absence of Historical Analogue

Quote

"[T]he lack of a distinctly similar historical regulation… is relevant evidence…"

Citation
N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1, 26–27 (2022).

Parenthetical
(Absence of analogue weighs against constitutionality.)

Declaration Language
I downloaded the source for Exhibit A-7 from the Supreme Court's official opinion in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). https://www.supremecourt.gov/opinions/21pdf/597us1r54_7648.pdf.

Exhibit A-7 is a true and correct copy of pages 26–27 of that opinion. The exhibit reproduces only the single page containing the cited passage; I did not alter the text, pagination, case caption, or page header when extracting the pages.

reach of the First Amendment's protections. See, *e. g.*, *United States* v. *Stevens*, 559 U. S. 460, 468–471 (2010) (placing the burden on the government to show that a type of speech belongs to a "historic and traditional categor[y]" of constitutionally unprotected speech "long familiar to the bar" (internal quotation marks omitted)).

And beyond the freedom of speech, our focus on history also comports with how we assess many other constitutional claims. If a litigant asserts the right in court to "be confronted with the witnesses against him," U. S. Const., Amdt. 6, we require courts to consult history to determine the scope of that right. See, *e. g.*, *Giles* v. *California*, 554 U. S. 353, 358 (2008) ("admitting only those exceptions [to the Confrontation Clause] established at the time of the founding" (internal quotation marks omitted)). Similarly, when a litigant claims a violation of his rights under the Establishment Clause, Members of this Court "loo[k] to history for guidance." *American Legion* v. *American Humanist Assn.*, 588 U. S. ——, —— (2019) (plurality opinion). We adopt a similar approach here.

To be sure, "[h]istorical analysis can be difficult; it sometimes requires resolving threshold questions, and making nuanced judgments about which evidence to consult and how to interpret it." *McDonald*, 561 U. S., at 803–804 (Scalia, J., concurring). But reliance on history to inform the meaning of constitutional text—especially text meant to codify a *preexisting* right—is, in our view, more legitimate, and more administrable, than asking judges to "make difficult empirical judgments" about "the costs and benefits of firearms restrictions," especially given their "lack [of] expertise" in the field. *Id.*, at 790–791 (plurality opinion).[6]

[6] The dissent claims that *Heller*'s text-and-history test will prove unworkable compared to means-end scrutiny in part because judges are relatively ill equipped to "resolv[e] difficult historical questions" or engage in "searching historical surveys." *Post*, at 107, 111. We are unpersuaded. The job of judges is not to resolve historical questions in the abstract; it

If the last decade of Second Amendment litigation has taught this Court anything, it is that federal courts tasked with making such difficult empirical judgments regarding firearm regulations under the banner of "intermediate scrutiny" often defer to the determinations of legislatures. But while that judicial deference to legislative interest balancing is understandable—and, elsewhere, appropriate—it is not deference that the Constitution demands here. The Second Amendment "is the very *product* of an interest balancing by the people" and it "surely elevates above all other interests the right of law-abiding, responsible citizens to use arms" for self-defense. *Heller*, 554 U. S., at 635. It is this balance—struck by the traditions of the American people—that demands our unqualified deference.

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The test that we set forth in *Heller* and apply today requires courts to assess whether modern firearms regulations are consistent with the Second Amendment's text and historical understanding. In some cases, that inquiry will be fairly straightforward. For instance, when a challenged regulation addresses a general societal problem that has persisted since the 18th century, the lack of a distinctly similar historical regulation addressing that problem is relevant evidence that the challenged regulation is inconsistent with the Second Amendment. Likewise, if earlier generations addressed the societal problem, but did so through materially different means, that also could be evidence that a modern

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is to resolve *legal* questions presented in particular cases or controversies. That "legal inquiry is a refined subset" of a broader "historical inquiry," and it relies on "various evidentiary principles and default rules" to resolve uncertainties. W. Baude & S. Sachs, Originalism and the Law of the Past, 37 L. & Hist. Rev. 809, 810–811 (2019). For example, "[i]n our adversarial system of adjudication, we follow the principle of party presentation." *United States* v. *Sineneng-Smith*, 590 U. S. ——, —— (2020). Courts are thus entitled to decide a case based on the historical record compiled by the parties.

APPENDIX A-8 — Definition of "Bear Arms"

Quote

"'Bear arms' means to carry weapons in case of confrontation."

Citation
District of Columbia v. Heller, 554 U.S. at 584.

Parenthetical
(Defining bearing arms as carrying.)

Declaration Language
I downloaded the source for Exhibit A-8 from the Supreme Court's official opinion in *District of Columbia v. Heller*, 554 U.S. 570 (2008).
https://tile.loc.gov/storage-services/service/ll/usrep/usrep554/usrep554570/usrep554570.pdf

Exhibit I-8 is a true and correct copy of page 584 of that opinion. The exhibit reproduces only the single page containing the cited passage; I did not alter the text, pagination, case caption, or page header when extracting the page.

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At the time of the founding, as now, to "bear" meant to "carry." See Johnson 161; Webster; T. Sheridan, A Complete Dictionary of the English Language (1796); 2 Oxford English Dictionary 20 (2d ed. 1989) (hereinafter Oxford). When used with "arms," however, the term has a meaning that refers to carrying for a particular purpose—confrontation. In *Muscarello* v. *United States*, 524 U. S. 125 (1998), in the course of analyzing the meaning of "carries a firearm" in a federal criminal statute, JUSTICE GINSBURG wrote that "[s]urely a most familiar meaning is, as the Constitution's Second Amendment . . . indicate[s]: 'wear, bear, or carry . . . upon the person or in the clothing or in a pocket, for the purpose . . . of being armed and ready for offensive or defensive action in a case of conflict with another person.'" *Id.*, at 143 (dissenting opinion) (quoting Black's Law Dictionary 214 (6th ed. 1990)). We think that JUSTICE GINSBURG accurately captured the natural meaning of "bear arms." Although the phrase implies that the carrying of the weapon is for the purpose of "offensive or defensive action," it in no way connotes participation in a structured military organization.

From our review of founding-era sources, we conclude that this natural meaning was also the meaning that "bear arms" had in the 18th century. In numerous instances, "bear arms" was unambiguously used to refer to the carrying of weapons outside of an organized militia. The most prominent examples are those most relevant to the Second Amendment: nine state constitutional provisions written in the 18th century or the first two decades of the 19th, which enshrined a right of citizens to "bear arms in defense of themselves and the state" or "bear arms in defense of himself and

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if a lessee, after the end of the term, keep arms in his house to oppose the entry of the lessor, . . . "); *State* v. *Dempsey*, 31 N. C. 384, 385 (1849) (citing 1840 state law making it a misdemeanor for a member of certain racial groups "to carry about his person or keep in his house any shot gun or other arms").

APPENDIX A-9 — Individual Right to Carry

Quote

“Putting all of these textual elements together, we find that they guarantee the individual right to possess and carry weapons in case of confrontation.”

Citation
*District of Columbia v. Hell*er, 554 U.S. at 592.

Parenthetical
(Confirming the right to carry weapons.)

Declaration Language
I downloaded the source for Exhibit A-9 from the Supreme Court’s official opinion in *District of Columbia v. Heller*, 554 U.S. 570 (2008).
https://tile.loc.gov/storage-services/service/ll/usrep/usrep554/usrep554570/usrep554570.pdf.

Exhibit A-9 is a true and correct copy of page 592 of that opinion. The exhibit reproduces only the single page containing the cited passage; I did not alter the text, pagination, case caption, or page header when extracting the page.

vate citizens (not militia members) as "a violation of the constitutional right of Protestant subjects to keep and bear arms for their own defence." 49 The London Magazine or Gentleman's Monthly Intelligencer 467 (1780). In response, another member of Parliament referred to "the right of bearing arms for personal defence," making clear that no special military meaning for "keep and bear arms" was intended in the discussion. *Id.*, at 467–468.[15]

c. Meaning of the Operative Clause. Putting all of these textual elements together, we find that they guarantee the individual right to possess and carry weapons in case of confrontation. This meaning is strongly confirmed by the historical background of the Second Amendment. We look to this because it has always been widely understood that the Second Amendment, like the First and Fourth Amendments, codified a *pre-existing* right. The very text of the Second Amendment implicitly recognizes the pre-existence of the right and declares only that it "shall not be infringed." As we said in *United States* v. *Cruikshank*, 92 U. S. 542, 553 (1876), "[t]his is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence. The second amendment declares that it shall not be infringed . . . ."[16]

Between the Restoration and the Glorious Revolution, the Stuart Kings Charles II and James II succeeded in using select militias loyal to them to suppress political dissidents, in part by disarming their opponents. See J. Malcolm, To Keep and Bear Arms 31–53 (1994) (hereinafter Malcolm); L. Schwoerer, The Declaration of Rights, 1689, p. 76 (1981).

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[15] Cf. 21 Geo. II, ch. 34, §3, in 7 Eng. Stat. at Large 126 (1748) ("That the Prohibition contained . . . in this Act, of having, keeping, bearing, or wearing any Arms or Warlike Weapons . . . shall not extend . . . to any Officers or their Assistants, employed in the Execution of Justice . . . ").

[16] Contrary to JUSTICE STEVENS' wholly unsupported assertion, *post*, at 636, 652, there was no pre-existing right in English law "to use weapons for certain military purposes" or to use arms in an organized militia.

APPENDIX A-10 — Limits on Stop-Time Compulsion

Quote

The request for identification was valid because it had an "immediate relation to the purpose of the stop."

Citation
Hiibel v. Sixth Judicial District Court, 542 U.S. at 188.

Parenthetical
(Allowing disclosure only when tied to stop purpose.)

Declaration Language
I downloaded the source for Exhibit A-10 from the Supreme Court's official opinion in *Hiibel v. Sixth Judicial District Court*, 542 U.S. 177 (2004). https://tile.loc.gov/storage-services/service/ll/usrep/usrep542/usrep542177/usrep542177.pdf

Exhibit A-10 is a true and correct copy of page 188 of that opinion. The exhibit reproduces only the single page containing the cited passage; I did not alter the text, pagination, case caption, or page header when extracting the page.

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sonableness of a seizure under the Fourth Amendment is determined "by balancing its intrusion on the individual's Fourth Amendment interests against its promotion of legitimate government interests." *Delaware* v. *Prouse*, 440 U. S. 648, 654 (1979). The Nevada statute satisfies that standard. The request for identity has an immediate relation to the purpose, rationale, and practical demands of a *Terry* stop. The threat of criminal sanction helps ensure that the request for identity does not become a legal nullity. On the other hand, the Nevada statute does not alter the nature of the stop itself: it does not change its duration, *Place*, *supra*, at 709, or its location, *Dunaway*, *supra*, at 212. A state law requiring a suspect to disclose his name in the course of a valid *Terry* stop is consistent with Fourth Amendment prohibitions against unreasonable searches and seizures.

Petitioner argues that the Nevada statute circumvents the probable-cause requirement, in effect allowing an officer to arrest a person for being suspicious. According to petitioner, this creates a risk of arbitrary police conduct that the Fourth Amendment does not permit. Brief for Petitioner 28–33. These are familiar concerns; they were central to the opinion in *Papachristou*, and also to the decisions limiting the operation of stop and identify statutes in *Kolender* and *Brown*. Petitioner's concerns are met by the requirement that a *Terry* stop must be justified at its inception and "reasonably related in scope to the circumstances which justified" the initial stop. 392 U. S., at 20. Under these principles, an officer may not arrest a suspect for failure to identify himself if the request for identification is not reasonably related to the circumstances justifying the stop. The Court noted a similar limitation in *Hayes*, where it suggested that *Terry* may permit an officer to determine a suspect's identity by compelling the suspect to submit to fingerprinting only if there is "a reasonable basis for believing that fingerprinting will establish or negate the suspect's connection with that crime." 470 U. S., at 817. It is clear in this case that the

APPENDIX A-11 — Principle-Based Interpretation

Quote

"The Second Amendment is not a law trapped in amber."

Citation
United States v. Rahimi, 602 U.S. 680, 691 (2024)

Parenthetical
(Rejecting rigid historical replication.)

Declaration Language
I downloaded the source for Exhibit A-11 from the Supreme Court's official opinion in *United States v. Rahimi*, 602 U.S. 680 (2024).
https://www.supremecourt.gov/opinions/23pdf/602us1r43_p860.pdf

Exhibit A-11 is a true and correct copy of page 691 of that opinion. The exhibit reproduces only the single page containing the cited passage; I did not alter the text, pagination, case caption, or page header when extracting the page.

Heller, 554 U. S. 570, 626 (2008). In *Heller*, this Court held that the right applied to ordinary citizens within the home. Even as we did so, however, we recognized that the right was never thought to sweep indiscriminately. "From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." *Ibid.* At the founding, the bearing of arms was subject to regulations ranging from rules about firearm storage to restrictions on gun use by drunken New Year's Eve revelers. Act of Mar. 1, 1783, 1783 Mass. Acts and Laws ch.13, pp. 218–219; 5 Colonial Laws of New York ch. 1501, pp. 244–246 (1894). Some jurisdictions banned the carrying of "dangerous and unusual weapons." 554 U. S., at 627 (citing 4 W. Blackstone, Commentaries on the Laws of England 148–149 (1769)). Others forbade carrying concealed firearms. 554 U. S., at 626.

In *Heller*, our inquiry into the scope of the right began with "constitutional text and history." *Bruen*, 597 U. S., at 22. In *Bruen*, we directed courts to examine our "historical tradition of firearm regulation" to help delineate the contours of the right. *Id.*, at 17. We explained that if a challenged regulation fits within that tradition, it is lawful under the Second Amendment. We also clarified that when the Government regulates arms-bearing conduct, as when the Government regulates other constitutional rights, it bears the burden to "justify its regulation." *Id.*, at 24.

Nevertheless, some courts have misunderstood the methodology of our recent Second Amendment cases. These precedents were not meant to suggest a law trapped in amber. As we explained in *Heller*, for example, the reach of the Second Amendment is not limited only to those arms that were in existence at the founding. 554 U. S., at 582. Rather, it "extends, prima facie, to all instruments that constitute bearable arms, even those that were not [yet] in existence." *Ibid.* By that same logic, the Second Amendment

APPENDIX A-12 — 1771 New Jersey Law

Quote

"…nothing herein contained shall be construed to extend to prevent any person carrying a gun upon the King's Highway…"

Citation
1771 N.J. Laws ch. 539, § 10.

Parenthetical
(Recognizing lawful public carriage in New Jersey.)

Declaration Language
I obtained the source for Exhibit A-12 from a recognized historical compilation of 1771 New Jersey laws. https://firearmslaw.duke.edu/wp-content/uploads/2023/04/1771-NJ-Acts-of-the-General-Assembly-of-NJ-Penalty-for-Setting-Loaded-Guns-1763-1775-N.J.-Laws-346-ch.-539-%C2%A7-10.pdf.

Exhibit AI-12 is a true and correct copy of the cited portion of Chapter 539, § 10. The exhibit reproduces only the relevant page containing the cited passage; I did not alter the text, formatting, or source language when extracting the page.

Theo. Sedgwick Jr

ACTS

OF THE

General Assembly

OF THE PROVINCE OF

NEW-JERSEY,

FROM THE

Surrender of the GOVERNMENT to Queen ANNE, on the 17th Day of *April*, in the Year of our Lord 1702, to the 14th Day of *January* 1776.

TO WHICH IS ANNEXED,

The ORDINANCE for regulating and eſtabliſhing the FEES of the COURT of CHANCERY of the ſaid Province.

WITH THREE ALPHABETICAL TABLES, AND AN INDEX.

Compiled and publiſhed under the Appointment of the GENERAL ASSEMBLY, and compared with the ORIGINAL ACTS,

BY SAMUEL ALLINSON.

MUNICIPAL LAW is a Rule of civil Conduct preſcribed by the Supreme Power in a State, commanding what is RIGHT and prohibiting what is WRONG. 1 *Black. Com.* 44.

The REASON of the Law is the LIFE of the Law. 2 *Ab. Ca. Eq.* 401.

No Freeman ſhall be taken or impriſoned, or be diſſeized of his Freehold, or Liberties or free Cuſtoms, or be outlawed, or exiled, or any otherwiſe deſtroyed, nor we will not paſs upon him, nor condemn him, but by LAWFUL JUDGMENT of his Peers or by LAW OF THE LAND. We will SELL to no Man, we will not DENY or DEFER to any Man either JUSTICE or RIGHT. *Magna Charta*, Chap. XXXIX.

BURLINGTON:

Printed by ISAAC COLLINS, Printer to the King, for the Province of *New-Jerſey*.

M.DCC.LXXVI.

At a GENERAL ASSEMBLY held at Burlington from the Twentieth Day of November to the Twenty-firſt Day of December 1771, in the Twelfth Year of the Reign of King George the Third, the following Laws were paſſed.

SESSION THE FOURTH.

CHAP. DXXXIX.

An ACT *to continue and amend an Act, entitled, An* Act *for better ſettling and regulating the* Militia *of this Colony of* New-Jerſey ; *for the repelling Invaſions, and ſuppreſſing Inſurrections and Rebellions.**

Paſſed Dec. 21, 1771.

WHEREAS the Act paſſed in the Nineteenth Year of the Reign of our late Sovereign Lord King *George* the Second, entitled, *An* Act *for better ſettling and regulating the Militia of this Colony of* New-Jerſey ; *for the repelling Invaſions, and ſuppreſſing Inſurrections and Rebellions*, will expire at the End of this Seſſion of Aſſembly ; Preamble.

Sect. 1. BE IT ENACTED *by the Governor, Council and General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the ſaid Act, entitled, *An* Act *for better ſettling and regulating the Militia of this Colony of* New-Jerſey ; *for the repelling Invaſions, and ſuppreſſing Inſurrections and Rebellions*,* ſhall be, and hereby is continued, and every Article and Clauſe therein contained ſhall be and remain in full Force, from the Publication hereof, to the firſt Day of *May* which will be in the Year of our Lord One Thouſand Seven Hundred and Seventy-ſeven, and from thence to the End of the next Seſſion of the General Aſſembly of this Colony, and no longer. Limitation.

2. AND WHEREAS it has been a Cuſtom of late, in ſome of the Counties of this Colony, to chooſe the Militia Officers Conſtables ; for preventing the ſame for the Future, BE IT ENACTED *by the Authority aforeſaid*, That, during the Continuance of this Act, it ſhall not be lawful for any Court of General Quarter-Seſſions of the Peace, or for any of the Inhabitants of this Colony, at their annual Town-meetings, to appoint or chooſe any commiſſioned Officer, while in Commiſſion, to be a Conſtable ; any Law, Uſage or Cuſtom to the contrary notwithſtanding. Commiſſioned Officers not to be choſen Conſtables.

CHAP. DXL.

An ACT *for the Preſervation of* Deer *and other Game, and to prevent treſpaſſing with Guns.*

Paſſed Dec. 21, 1771.

WHEREAS the Laws heretofore paſſed in this Colony for the Preſervation of Deer and other Game, and to prevent treſpaſſ- Preamble.

* Chap. CC. ing

ing with Guns, Traps and Dogs, have, by Experience, been found insufficient to anſwer the ſalutary Purpoſes thereby intended; Therefore,

No Perſon to carry a Gun on Lands not his own, except, &c.

Sect. 1. BE IT ENACTED *by the Governor, Council and General Aſſembly of this Colony of* New-Jerſey, *and it is hereby Enacted by the Authority of the ſame*, That if any Perſon or Perſons ſhall preſume, at any Time after the Publication hereof, to carry any Gun on any Lands not his own, and for which the Owner pays Taxes, or is in his lawful Poſſeſſion, unleſs he hath Licenſe or Permiſſion in Writing from the Owner or Owners or legal Poſſeſſor, every ſuch Perſon ſo offending, and convicted thereof, either upon the View of any Juſtice of the Peace within this Colony, or by the Oath or Affirmation of one or more Witneſſes, before any Juſtice of the Peace of either of the Counties, Cities or Towns-corporate of this Colony, in which the Offender or Offenders may be taken or reſide, he, ſhe or they, ſhall, for every ſuch Offence, forfeit and pay to the Owner of the Soil, or his Tenant in Poſſeſſion, the Sum of *Forty Shillings*, with Coſts of Suit; which Forfeiture ſhall and may be ſued for and recovered by the Owner of the Soil, or Tenant in Poſſeſſion, before any Juſtice of the Peace in this Colony, for the Uſe of ſuch Owner or Tenant in Poſſeſſion.

Penalty.

No Perſon to drive Deer or other Game, except, &c.

2. AND BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon ſhall preſume, at any Time after the Publication of this Act, to hunt or watch for Deer with a Gun, or ſet in any Dog or Dogs to drive Deer, or any other Game, on any Lands not his own, and for which the Owner or Poſſeſſor pays Taxes, or is in his lawful Poſſeſſion, unleſs he hath Licenſe or Permiſſion in Writing from ſuch Owner or Owners or legal Poſſeſſor; every ſuch Perſon ſo offending, and being convicted thereof in Manner aforeſaid, ſhall, for every ſuch Offence, forfeit and pay to the Owner of the Soil, or Tenant in Poſſeſſion, the Sum of *Forty Shillings*, with Coſts of Suit; provided, that nothing herein contained ſhall be conſtrued to extend to prevent any Perſon carrying a Gun upon the King's Highway in this Colony.

Penalty.

Penalty on Non-Reſidents.

3. AND BE IT FURTHER ENACTED *by the Authority aforeſaid*, That if the Perſon or Perſons offending againſt this Act be Non-Reſidents of this Colony, he or they ſhall forfeit and pay for every ſuch Offence *Five Pounds*, and ſhall forfeit his or their Gun or Guns to any Perſon or Perſons who ſhall inform and proſecute the ſame to Effect, before any Juſtice of the Peace in any County of this Colony, wherein the Offender or Offenders may be taken or apprehended.

Penalty for killing, &c. Deer out of Seaſon.

4. AND BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon or Perſons ſhall kill, deſtroy, hunt or take any Doe, Buck, Fawn, or any Sort of Deer whatſoever, at any other Time or Seaſon, except only between the firſt Day of *September* and the firſt Day of *January* yearly and every Year, he, ſhe or they ſo offending, ſhall forfeit and pay the Sum of *Forty Shillings* for each and every Offence; to be ſued for, recovered and applied as hereafter is directed.

What ſhall be Evidence of ſuch Killing, &c.

5. AND, for the better and more effectual convicting of Offenders againſt this Act, BE IT ENACTED *by the Authority aforeſaid*, That any and every Perſon or Perſons in whoſe Cuſtody ſhall be found, or who ſhall

ſhall expoſe to Sale, any green Deerſkins, or freſh Veniſon killed at any Time after the firſt Day of *January*, and before the firſt Day of *September* aforeſaid, and ſhall be thereof convicted by the Oath or Affirmation of one or more credible Witneſſes, ſhall be deemed guilty of offending againſt this Act, and be ſubjected to the Penalties of killing Deer out of Seaſon.

Who may hunt on unimproved Lands.

6. AND WHEREAS great Numbers of idle and diſorderly Perſons make a Practice of hunting on the waſte and unimproved Lands in this Colony, whereby their Families are neglected, and the Publick is prejudiced by the Loſs of their Labour, BE IT THEREFORE ENACTED *by the Authority aforeſaid*, That, from and after the firſt Day of *January* next, no Perſon or Perſons whatſoever (except ſuch Perſons as are by the Laws of this Colony qualified to vote for Repreſentatives in General Aſſembly, in Right of their Freeholds, and their Sons being of the Age of eighteen Years or upwards, and living with their Parent or Parents, or being Freeholders) ſhall, on any Pretence whatever, hunt on the waſte and unimproved Lands in this Colony; and if any Perſon or Perſons, not qualified as aforeſaid, ſhall preſume to hunt as aforeſaid, he or they ſo offending ſhall forfeit and pay, for every ſuch Offence, the Sum of *Twenty Shillings*; to be recovered by Action of Debt, with Coſts, by any Perſon who ſhall ſue for the ſame; to be applied one Half to the Proſecutor, and the other Half to the Uſe of the Poor of the Townſhip or Precinct where the Fact was committed.

Penalty on Offenders.

Penalty on ſetting Traps, &c.

7. AND BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon or Perſons within this Colony ſhall ſet any Trap or other Device whatſoever, larger than what is uſually and commonly ſet for Foxes and Muſkrats, ſuch Perſon, ſetting ſuch Trap or other Device, ſhall pay the Sum of *Five Pounds*, and forfeit the Trap or other Device, ſhall ſuffer three Months Impriſonment, and ſhall alſo be liable to make good all Damages any Perſon ſhall ſuſtain by ſetting ſuch Trap or other Device, and the Owner of ſuch Trap or other Device, or Perſon to whom it was lent, ſhall be eſteemed the Setter thereof, unleſs it ſhall be proved, on Oath or Affirmation, what other Perſon ſet the ſame, or that ſuch Trap or other Device was loſt by ſaid Owner or Perſon to whom it was lent, and abſolutely out of his Power; and if the Setter of the Trap or other Device be a Slave, and it be his own voluntary Act, he ſhall (unleſs the Maſter or Miſtreſs ſhall pay the Fine) in Lieu of ſuch Fine, be publickly whipped with thirty Laſhes, and committed till the Coſts are paid; and that the ſaid Trap or other Device ſhall be broken and deſtroyed in the View and Preſence of the Juſtice of the Peace before whom they are brought: And if any Perſon or Perſons ſhall have Poſſeſſion of, or there ſhall be found in his or their Houſe, any Trap or Traps, Device or Devices whatſoever, for taking of Deer, ſuch Perſon or Perſons ſhall be ſubjected to the ſame Penalty as if he or they were convicted of ſetting ſuch Trap or Traps, or other Device.

Penalty on a Slave ſetting ſuch Trap, &c.

Penalty on keeping ſuch Trap, &c.

Reward for ſeizing a Trap, &c.

8. AND, for encouraging the Deſtruction of ſuch Traps and Devices, BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon ſhall ſeize any Trap or other Device for the taking Deer, and ſhall carry ſuch Trap or other Device to any Magiſtrate of the County where ſuch Trap or Device was ſeized, ſuch Perſon ſhall be entitled to

an Order from the ſaid Magiſtrate to the Collector of ſuch County, to pay him the Sum of *Ten Shillings*, out of any Money in his Hands raiſed for the Uſe of the County; which Sums ſhall be allowed to ſuch Collector on the Settlement of his Accounts.

Penalty on a Smith making or mending ſuch Trap, &c.

9. AND BE IT FURTHER ENACTED *by the Authority aforeſaid*, That every Smith or other Artificer, who ſhall hereafter make or mend any ſuch Trap or other Device aforeſaid, he ſhall forfeit and pay the Sum of *Forty Shillings*; and the Perſon carrying ſuch Trap or other Device to the Artificer aforeſaid, ſhall forfeit and pay the Sum of *Twenty Shillings*. And every Perſon who ſhall bring into this Colony any ſuch Trap or Device as aforeſaid ſhall forfeit and pay the Sum of *Forty Shillings*. And if the Perſon who ſhall carry the ſame to the Smith or Artificer ſhall be ſo poor as that he ſhall not be able to pay the Forfeiture aforeſaid, he ſhall be committed to the common Gaol, until he ſhall prove who is Owner of ſuch Trap or Device, or who delivered the ſame to him; and in ſuch Caſe the Forfeiture aforeſaid ſhall be levied on the Goods, or in Failure of Goods, on the Body of the Owner of ſuch Trap or Device, or the Perſon who delivered the ſame to the Pauper, and the Trap or Device ſhall be forfeited and deſtroyed.

Penalty on bringing ſuch Trap, &c. into the Colony.

Penalty for ſetting loaded Guns.

10. AND WHEREAS a moſt dangerous Method of ſetting Guns has too much prevailed in this Province, BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon or Perſons within this Colony ſhall preſume to ſet any loaded Gun in ſuch Manner as that the ſame ſhall be intended to go off or diſcharge itſelf, or be diſcharged by any String, Rope, or other Contrivance, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of *Six Pounds*; and on Non-payment thereof ſhall be committed to the common Gaol of the County for ſix Months.

Application of Penalties.

11. AND BE IT FURTHER ENACTED *by the Authority aforeſaid*, That the Fines and Forfeitures in this Act expreſſed, and not particularly appropriated, ſhall be paid, one Half to the Proſecutor, and the other Half to and for the Uſe of the Poor of the Town, Precinct or Diſtrict, where the Offence is committed; and that the Execution of this Act, and every Part thereof, ſhall be within the Cognizance and Juriſdiction of any one Magiſtrate or Juſtice of the Peace, without any Reference to the Act for Trial of ſmall Cauſes in this Colony.

Juriſdiction given to one Magiſtrate.

This Act not to affect Parks.

12. AND BE IT ENACTED, That nothing in this Law ſhall be conſtrued to extend to reſtrain the Owners of Parks, or of tame Deer, from killing, hunting or driving their own Deer.

Penalty on Magiſtrate neglecting his Duty.

13. AND BE IT ALSO ENACTED *by the Authority aforeſaid*, That if any Juſtice of the Peace or other Magiſtrate, within this Province, ſhall have Information of any Perſons offending againſt this Act, in killing Deer out of Seaſon, ſetting and making Traps, Non-Reſidents killing Deer, and Perſons ſetting of Guns, and ſhall not proſecute the ſame to Effect within two Months after ſuch Information, he ſhall forfeit and pay the Sum or Sums to which the Offender againſt this Act would have been liable.

14. AND

14. AND BE IT ENACTED *by the Authority aforeſaid*, That the Juſtices at every Quarter-Seſſions of the Peace ſhall cauſe this Act to be publickly read; and give in Charge to the Grand-Jury to particularly inquire and preſent all Perſons for killing Deer out of Seaſon, ſetting or making Traps, and all Non-Reſidents killing, deſtroying, hunting and taking any Sort of Deer, and all Perſons ſetting of Guns; and, upon Conviction for either of the ſaid Offences, the ſaid Juſtices ſhall ſet and impoſe the Fines and Penalties herein before-mentioned, with Coſts of Suit. This Act to be publiſhed and executed.

15. AND BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, whether the Accuſed or Accuſer, Plaintiff or Defendant, ſhall think themſelves aggrieved by any of the Judgments given by the ſaid Juſtices or other Magiſtrates, for any Suit commenced by Virtue of this Act; then it ſhall and may be lawful for ſuch Perſon or Perſons to appeal, on giving ſufficient Security for the Forfeitures and Coſts, to the next Court of General Quarter-Seſſions, held for ſuch County where ſuch Judgment ſhall be given; which Court is hereby empowered to hear and determine all and every ſuch Appeal or Appeals. Appeal given to next Seſſions.

16. AND BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon or Perſons, within this Colony, ſhall, after the Publication of this Act, watch with a Gun, on any unincloſed Land within two Hundred Yards of any Road or Path, in the Night Time, whether the ſaid Road is laid out by Law or not, or ſhall ſtand or ſtation him or themſelves upon or within two Hundred Yards of any Road as aforeſaid, for ſhooting at Deer driven by Dogs, he or they ſo offending, ſhall, on Conviction, forfeit and pay the Sum of *Five Pounds* for every ſuch Offence; to be recovered by Action of Debt, or Preſentment of the Grand-Jury as aforeſaid, and pay all Damages. Penalty for watching in the Night near a Road.

17. PROVIDED ALWAYS, That the ſixth Section of this Act ſhall not be conſtrued to affect any Native *Indian*; and that nothing in this Act ſhall be conſtrued to prevent the Inhabitants of *Eſſex*, *Bergen*, *Morris* and *Suſſex*, from making, having in their Houſes, or ſetting Traps of five Pounds Weight or more for Bears, Wolves, Foxes, or any other wild Beaſts, Deer only excepted. Not to affect *Indians*, nor *Eſſex*, *Bergen*, *Morris* or *Suſſex*.

18. AND BE IT FURTHER ENACTED *by the Authority aforeſaid*, That all former Laws made in this Colony for the Preſervation of Deer and other Game, and to prevent treſpaſſing with Guns, and regulating the Size of Traps, ſhall be, and they are hereby repealed. Repeal of Former Laws.

CHAP. DXLI.

An ACT *declaring the River* Delaware *a common* Highway, *and for improving the* Navigation *in the ſaid River.*

Paſſed Dec. 21, 1771.

WHEREAS the improving the Navigation in Rivers is of great Importance to Trade and Commerce; AND WHEREAS the River *Delaware* Preamble.

APPENDIX A-13 — Early Concealed Carry Regulation

Quote

"That any person… who shall… wear… concealed as a weapon, shall be fined…"

Citation
1813 Kentucky Acts ch. 89.

Parenthetical
(Regulating concealed carry only.)

Declaration Language
I obtained the source for Exhibit A-13 from a recognized compilation of early Kentucky statutes.
https://firearmslaw.duke.edu/assets/an-act-to-prevent-persons-wearing-concealed-arms%2C-1812-ky.-acts.pdf.

Exhibit A-13 is a true and correct copy of the cited portion of the *1813 Kentucky Acts*, Chapter 89. The exhibit reproduces only the relevant page containing the cited passage; I did not alter the text, formatting, or source language when extracting the page.

ACTS

PASSED AT THE FIRST SESSION

OF THE

TWENTY-FIRST GENERAL ASSEMBLY

FOR THE

COMMONWEALTH

OF

KENTUCKY,

BEGUN AND HELD IN THE CAPITOL, IN THE TOWN OF FRANKFORT ON MONDAY THE SEVENTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND TWELVE, AND OF THE COMMONWEALTH THE TWENTY-FIRST.

PUBLISHED BY AUTHORITY.

FRANKFORT, (KEN.)

GERARD & BERRY—PRINTERS TO THE STATE.

FEBRUARY 26TH, 1813.

Governor to accept of the services of volunteer companies & to commissi on officers

accept of the servires of any volunteer company or companies (not exceeding three thousand as aforesaid) who ſhall tender their services within such time, and for such term, not exceeding ſix months, as the Governor in his discretion, ſhall proclaim and appoint. And the Governor ſhall deſignate and eommiſſion for that purpose, all officers neceſſary and proper for the command of such volunteers.

Volunteers to to receive mo neyin advance

Sec. 3. *Be it further enacted*, That all volunteer officers, non-commiſſioned officers, muſicians and privates, whose service may be tendered and accepted under the proviſions of this act, ſhall, at such place or places of redezvous as the Governor ſhall appoint within this ſtate, be entitled to receive in advance, the sum of ten dollars, to be taken and conſidered as a part of their pay.

Forces when raised how to be diposed of

Sec. 4. *Be it further enacted*, That the forces to be raised and organized, as provided by this act, ſhall be disposed of according to the discretion of their Governor (that discretion subject only to the requisitions of the general government) and ſhall be liable to be marched to any place, and engaged in the service of the U. States, as the exigencies of the present war may, in the opinion of the executive, require.

TheGovernor authorized to draw money from the trea sury or bor row from banks

Sec. 5. *Be it further enacted*, That the governor of this commonwealth, for the purpose of carrying into effect the third section of this act, ſhall be authorized to draw from the Treasury of this ſtate, any sums of money that may be necessary therefor; or in case of deficiency in the public funds, to borrow from any Bank or individuals, upon the beſt terms he can obtain such additional sums as may be necessary for the purpose aforesaid.

Sec. 6. *Be it further enacted*, That the powers vested in the Governor by the firſt and second sections of this act, ſhall be exercised and carried into effect by him to such extent, and in such a manner and time, as his own discretion and the emergency of public affairs may dictate.

CHAP. LXXXIX.

AN ACT to prevent persons in this Commonwealth from wearing concealed Arms, except in certain cases.

Approved, February 3, 1813.

Sec. 1. *BE it enacted by the general assembly of the commonwealth of Kentucky*, That any person in this commonwealth, who ſhall hereafter wear a pocket pistol, dirk, large knife, or sword in a cane, concealed as a weapon, unless when travelling on a journey, ſhall be fined in any sum, not less than one hundred dollars; which

may be recovered in any court having jurisdiction of like sums, by action of debt, or on the presentment of a grand jury—and a prosecutor in such presentment shall not be necessary. One half of such fine shall be to the use of the informer, and the other to the use of this commonwealth.

This act shall commence and be in force, from and after the first day of June.

CHAP. XC.

AN ACT to amend the Militia Law.

Approved February 3, 1813.

Sec. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any non-commissioned officer, musician or private, failing to march, or furnishing an able bodied substitute in his place, when ordered and lawfully called on, or leaving the service without a discharge from the proper officer, shall be considered as a deserter, & treated as followeth, to wit: Any person may apprehend such deserter, and deliver him to the officer commanding such detachment, or any recruiting officer within this commonwealth, and take his receipt for the same; which receipt shall describe the name of such deserter, and the length of time he was to serve, and by whom he was delivered—which receipt shall be assignable; and the reward for taking and so delivering such deserter, as aforesaid, shall be a credit for a tour or tours of duty for the length of time such deserter was bound to serve; and said deserter shall serve out the term of time aforesaid before he shall be discharged, in addition to the time he was to serve, if such term of time is then required; otherwise shall serve said tour or tours, when required so to do. And any person holding such receipt, when he is called on to perform a tour or tours of duty, and producing the same to the captain calling on him, it shall be the duty of said captain to receive the same, and give the owner thereof a credit for as many tours as is therein contained.

Persons failing to perform tour of duty considered a deserter

Sec. 2. And where any delinquent militia-man shall belong to any society who hold a community of property, the sheriff shall call on the agent or superintender of the common stock, or firm of said society, or compact, for the same; and if he fails to pay the same as before described, the sheriff shall make distress, and sell so much of the property belonging to said stock, as will satisfy the fine, cost, &c. as is before directed.

Sec. 3. *And be it further enacted*, That brigade inspectors and brigade quarter masters, when not taken from the line, shall each be entitled to the rank, pay, and emoluments

Brigade inspectors quarter masters, adjutants and pay-masters

APPENDIX A-14 — Founding-Era Regulation

Quote

"No person shall keep any quantity of gunpowder…"
"[E]very citizen… shall provide himself with a good musket…"

Citation
1784 N.Y. Laws ch. 28; Militia Act of 1792, ch. 33, 1 Stat. 271.

Parenthetical
(Showing regulation focused on storage and readiness.)

Declaration Language
I obtained the sources for Exhibit A-14 from recognized compilations of historical statutes, including the 1784 New York Laws and the Militia Act of 1792, 1 Stat. 271.
https://firearmslaw.duke.edu/assets/1778,-ny,-laws-of-the-state-of-new-york,-commencing-with-the-first-session-of-the-senate-and-assembly,-after-the-declaration-of-independency,-ch.-33,--1,-9,-&-10.pdf.

Exhibit A-14 contains true and correct copies of the cited portions of those materials. The exhibit reproduces only the relevant pages containing the cited passages; I did not alter the text, formatting, or source language when extracting the pages.

LAWS

OF THE

STATE OF NEW-YORK,

Commencing with the first SESSION of the SENATE and ASSEMBLY, after the Declaration of INDEPENDENCY, and the Organization of the NEW GOVERNMENT of the State, *Anno* 1777.

By Order of the Legislature.

POUGHKEEPSIE, State of NEW-YORK,

Printed by JOHN HOLT, *Printer to the State.*

MDCCLXXXII.

TABLE OF CONTENTS.

TITLES of the ACTS,

Passed in the first Session of the Legislature, from the 6th of February to the 30th of June, 1778.

SECOND SESSION.

Acts passed in the first Meeting, from 13th October to 4th November, 1778.

Senate, who for the Time being, shall administer the Government of this State, be, and he is thereby authorised and empowered, from Time to Time, to appoint by Commission, by and with the Advice and Consent of the Council of Appointment, so many Persons, not exceeding ten, as he shall think proper, to be Commissioners for the Purposes therein mentioned; *And further*, That the said Commissioners, or any three of them shall be, and thereby are empowered and authorised to do and perform the several Acts, Matters and Things, therein after mentioned: For increasing the Number of the said Commissioners,

A. D. 1778. UNIT. and INDE. II.

I. *Be it therefore enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby enacted by the Authority of the same*, That the Person administering the Government of this State, for the Time being, be, and he is hereby farther authorised and empowered, from Time to Time, to appoint in the Manner in and by the said Act mentioned, any farther or greater Number of Commissioners, not exceeding twenty, to be Commissioners, with the like Trust, Powers and Authorities, and under the same Restrictions, Qualifications, Provisoes, Pay and Continuance, as are mentioned in the said in part recited Act.

Person administering the Government, authorized with Consent of Council of Appointment, to increase Number of Commissioners to thirty.

II. *And it is further enacted by the Authority aforesaid*, That the said Commissioners, or any three of them, shall be, and they are hereby authorised and empowered, to do and perform the several Acts, Matters and Things, mentioned in the said in part recited Act: Any Thing in the said Act contained, to the Contrary thereof, in any Wise notwithstanding.

The said Commissioners, or any three of them empowered to act.

Provided always, That as many Quorums of three of the said Commissioners, as the whole Number of thirty will admit of, shall and may exercise the Powers and Authorities, so reposed in them as aforesaid, at one and the same Time; any Thing in this or the above recited Law, to the Contrary hereof, in any Wise notwithstanding.

Proviso. As many Quorums of three as the Whole Number of thirty will admit of, at one and the same Time.

CHAP. XXXII.

An Act to permit the raising a Sum, not exceeding Two Thousand Pounds, by Way of Lottery, towards re-building the Court-House and Gaols, in the County of Ulster, Passed 3d of *April*, 1778.

WHEREAS the Court-House and Gaols in the County of *Ulster*, were destroyed by the Enemy on the sixteenth Day of October last; To the End therefore, that the Inhabitants of the said County may be assisted with Monies towards re-building the same;

Preamble.

Be it enacted by the People of the State of New-York, *represented in Senate and Assembly, and it is hereby enacted by the Authority of the same*, That the Judges of the Inferior Court of Common Pleas, and the Supervisors of the County of *Ulster*, may, by Way of Lottery, raise a Sum, not exceeding Two Thousand Pounds, to be applied towards Re-building the Court-House and Gaols of the said County; any Law of this State, to the Contrary notwithstanding.

Power to the Judges and Supervisors of Ulster County, to raise by Lottery, not exceeding £. 2000, for re-building Court-House and Gaols.

CHAP. XXXIII.

An Act for regulating the Militia of the State of New-York. Passed the 3d of *April*, 1778.

WHEREAS the Wisdom and Experience of Ages, point out a well regulated Militia, as the only secure Means for defending a State, against external Invasions, and internal Commotions and Insurrections;

Preamble.

And whereas this and the other United States of *America*, are now invaded by foreign Enemies, and the Safety of this State may be endangered by intestine Commotions and Insurrections;

And whereas it is therefore become the Duty of the Legislature of this State, to put the Militia thereof, on such an Establishment, as will most effectually encourage a Martial Spirit, among the People; provide for the internal and external Security of the State, and enable it most vigorously to co-operate, with the other United States, in a Cause no less noble and exalted, than the Defence of the common Rights and Liberties of *America*, against hostile Tyranny and Oppression;

I. *Be it therefore enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby enacted by the Authority of the same*, That every able bodied male Person, Indians and Slaves excepted, residing within this State, from sixteen Years of Age to fifty, (except such Persons as are herein after excepted) shall, immediately after the passing of this Act, tender himself to be enrolled, as of the Militia, to the Captain, or in his Absence the next Commanding Officer of the Beat wherein he shall reside; who shall enrol him accordingly: And in Case of Delay or Neglect, to make such Tender as aforesaid, the said Captain or Commanding Officer shall cause such Person to be enrolled, and to be duly warned thereof. In order that the Militia may receive Augmentation from the annual Increase of the Number of the Inhabitants of this State, That every Captain or other Commanding Officer of a Company, shall, from Time to Time, enter on the said Roll, every male Person, able bodied and free, (except as herein before and after excepted) who shall, from Time to Time, arrive at the Age of sixteen Years, or come to reside or sojourn, within his Beat; and without Delay, notify such Enrollment, to each Person so enrolled respectively, by some inferior Officer of the Company; who on Oath, shall be a competent Witness to prove such Notice. That if any Dispute should arise, with Respect to the Age or Ability to bear Arms of any Person, it shall be determined by the Captain or Commanding Officer of the Company; with Right of Appeal to any Person, who may conceive himself aggrieved, to the Colonel or Commanding Officer of the Regiment, whose Determination in the Case, shall be final. That every Person so enrolled and notified, shall, within twenty Days thereafter respectively, furnish and provide himself, at his own Expence, with a good Musket or Firelock, fit for Service, a sufficient Bayonet with a good Belt, a Pouch or Cartouch Box, containing not less than sixteen Cartridges, suited to the Bore of the Musket or Firelock; each Cartridge containing a proper Quantity of Powder and Ball; or in Lieu of such Pouch or Cartouch Box and Cartridges, with a Quantity of Powder and Ball respectively, disposed of in a Powder Horn and Shot Bag, and Wadding equivalent to such Cartridges, and two spare Flints, a Blanket and a Knapsack; and shall appear so armed, accoutred and provided, when called out to exercise, or Duty, as herein after directed; except that, when called out to Exercise only, he may appear without a Blanket or Knapsack. And if any such Person shall appear to the Captain or Commanding Officer, to be too poor to arm, accoutre and provide himself, in Manner aforesaid, he shall be supplied for the Purpose, out of the Monies to arise from the Fines, from Time to Time to accrue, in the Regiment to which he shall belong; and in Case of Deficiency thereof, out of the public Magazines of Stores of this State, by Order of the Person administering the Government of this State for the Time being.

Who shall enrol themselves in the Militia.

In Case of Neglect, to be enrolled and warned by the Commanding Officer.

Who shall be enrolled from Time to Time and notified.

In Case of Dispute, to be determined by the Capt. with Appeal to the Colonel.

Persons enrolled, how to be armed and accoutred

And if poor how to be provided.

II. That there shall be one Brigadier General for the County of *Tryon*, one for the County of *Albany*, one for the Counties of *Gloucester* and *Cumberland*, one for the County of *Charlotte*, one for the County of

The Number of Brigadiers.

A. D. 1778. Unit. and Inde. II.

Dutcheſs, one for the County of *Ulſter*, one for the County of *Orange*, one for the County of *Weſtcheſter*, one for the City and County of *New-York*, one for the Counties of *Queens*, *Kings* and *Richmond*, and one for the County of *Suffolk*; each of whom ſhall reſpectively, have Rank, Authority and Command, in the Militia of this State, like as a Brigadier General in the Army of the United States of *America*. But his Command, unleſs in the Field, ſhall not extend beyond his proper Brigade.

Proviſo. Colonels Commandant may be appointed.

Provided nevertheleſs, That it ſhall be lawful for the Perſon adminiſtering the Government of this State for the Time being, by and with the Conſent and Advice of the Council of Appointment, to appoint Colonels Commandant, inſtead of Brigadiers General, in ſuch of the ſaid Brigades, as the ſaid Perſon adminiſtering the Government, and Council of Appointment, ſhall deem neceſſary and expedient. And that the ſaid Colonels Commandant, ſhall have the like Command in their reſpective Brigades, with Brigadiers Generals, and when in the Field, ſhall take Rank of all Colonels, or other Officers commanding Regiments; and if any Perſon ſo to be appointed a Colonel Commandant, ſhould be a Colonel of a Regiment of Militia, he ſhall ſtill continue in the Command of the ſaid Regiment.

Their Command.

Preſent Diviſion of Militia to remain, with Power to the Governor to alter it.

III. That the preſent Diviſion of the State into Regiments and Companies, ſhall be and remain, with Power nevertheleſs to the Perſon adminiſtering the Government of this State for the Time being, by general Orders to be iſſued for that Purpoſe, to abridge or enlarge the Limits of the preſent Regiments or Companies, or to form new Regiments or Companies, as he from Time to Time, ſhall think moſt conducive to the public Service. Copies of ſuch general Orders to be filed in the Clerk's Office of the County where the Regiment or Company ſhall be.

Brigade Major, how appointed and his Rank.

IV. That each Brigadier General, ſhall have one Brigade Major of his own Choice; each of whom ſhall rank as Major in the Militia.

By what Officers a Regiment ſhall be commanded.

By what Officers a Company.

Staff of Regiment.

V. That each Regiment ſhall have and be commanded by one Colonel, one Lieutenant-Colonel, and one Major, unleſs in Caſes where it ſhall be thought neceſſary to appoint two Majors, with the Rank, Authority and Command to them reſpectively belonging, as Field Officers. That each Company ſhall be officered, by one Captain, one Firſt Lieutenant, one Second Lieutenant, and one Enſign, as commiſſioned Officers, and by four Serjeants, four Corporals, one Drummer and one Fifer. And the Staff of each Regiment ſhall be, one Adjutant and one Quarter-Maſter, who ſhall reſpectively rank as Firſt-Lieutants. And the Sergeants, Corporals, Drummers and Fifers, ſhall be appointed by the Captains, or other Commanding Officers, of the ſeveral Companies; and if any Perſon, ſo to be appointed a Sergeant or Corporal, ſhall refuſe to accept the ſaid Office, he ſhall forfeit the Sum of Five Pounds, to be adjudged, levied and diſpoſed of in Manner as is herein directed, in Caſes of Perſons neglecting Squad Duty.

The non-commiſſioned Officers how to be appointed.

Colours, &c. how provided.

VI. That each Regiment ſhall be provided with a Standard, or Colours, at the Expence of the Field Officers; and each Company with a Drum and a Fife, at the Expence of the commiſſioned Officers thereof.

Each County may have one Company of Troopers.

Officers of Troop.

How to be compoſed.

VII. *And whereas* it is or may be neceſſary, that ſome Troops of Horſe, and Companies of Grenadiers be kept up within this State; that therefore, in each County, there may be Troopers, not exceeding fifty, Officers included, to be formed into one or two Troops; each having one Captain, one Firſt and one ſecond Lieutenant, and one Cornet, two Sergeants and two Corporals; to be compoſed of Volunteers, from the Foot Militia of this State, or others already in the Horſe Service; and alſo a Company of Grenadiers in each Regiment of Foot, which may conveniently furniſh the ſame. That the ſaid Troops of Horſe and Companies of Grenadiers ſhall, reſpectively, be formed and compoſed of Volunteers in the reſpective Beats, and Regiments reſpectively, inhabiting at ſuch convenient Diſtances from each other, that they may with Eaſe and Diſpatch, be called out for Training and Diſcipline, or for Service. *Provided*, That no Grenadier Company ſhall be eſtabliſhed in any Regiment, except with the Conſent of all the Field-Officers nor exceed ſixty Men, Officers included.

Alſo a Company of Grenadiers may be in each Regiment, and how compoſed.

Proviſo. Not without Conſent of Field Officers, nor to exceed 60 Men.

On Inliſtment of a Trooper or Grenadier, the Captain to notify it to the Captain of the Beat.

VIII. That on every ſuch Inliſtment of a Volunteer, the Captain of ſuch Troop of Horſe, or of ſuch Company of Grenadiers, do immediately certify, to the Captain of the Beat from which ſuch Volunteer ſhall inliſt, the Inliſtment of the ſaid Volunteer, into the Troop of Horſe, or Company of Grenadiers.

Trooper how to be equipped.

IX. That each Trooper ſhall be equipt, furniſhed and provided, with a good ſerviceable Horſe, at leaſt fourteen Hands high, with a good Saddle, Houſen, Holſters, Breaſt-Plate and Crupper, a Caſe of good Piſtols, a good Horſe-man's Sword, a pair of Boots and a pair of Spurs, and a Carbine, well fixed, with a good Belt, Swivel and Bucket, and a Cartridge Box to contain twelve Cartridges, at leaſt. That each Grenadier ſhall be equipt and furniſhed with a Grenadier's Cap, a good Muſket and Bayonet, a Broad Sword, a Belt, Pouch or Cartridge Box; and ſo equipt and furniſhed, they the Troopers and Grenadiers, ſhall, reſpectively, be called out in Squads and Companies, as often (for the Uſes and Purpoſes intended by this Law) and under the Direction of their inferior and principal Officers, as is hereby required, [illegible] Reſpect to the reſt of the Militia of this State.

And how Grenadiers.

Non-commiſſioned Officers and Privates, to attend Exerciſe, armed and accoutred.

X. That each Non-commiſſioned Officer and Private, ſhall, at every Exerciſe by Squads, as herein after mentioned, and at every Company or regimental Training, Field Day or Review, herein after directed, attend at the Place or Parade, alotted for the Squad, Company or Regiment, to which he ſhall belong, armed, accoutred and provided, as above directed.

Each Company ſhall be divided into four Squads.

Each of the Squads to be exerciſed by a commiſſioned Officer, and Sergeant or Corporal.

How Squads ſhall be formed.

Squads to be exerciſed twice a Month.

Companies to be paraded every two Months and exerciſed, their Arms, &c. inſpected, and Defaulters noted.

Privates ſufficiently inſtructed, exempted from Squad Duty.

XI. That the ſeveral Companies of Militia, Horſe and Foot, ſhall, each be divided by the commiſſioned Officers thereof, into four Squads; and one Squad thereof ſhall be exerciſed and trained to Diſcipline by the Captain, and the other three Squads, by the other three commiſſioned Officers of the Company reſpectively, on each of which Squads of Foot, one Sergeant and one Corporal, and of which Squads of Horſe, one Sergeant or one Corporal, ſhall attend for the Purpoſe of aſſiſting, in exerciſing and training the Squad; and in forming the Squads, Attention ſhall be paid to the reſpective Places of Abode, of the ſeveral Officers and Privates of the Company, by placing the Privates reſpectively, in the Squad belonging to the Officer neareſt to whom they ſhall reſpectively reſide. And the ſeveral Officers are hereby authoriſed and required, to call out their reſpective Squads, and Exerciſe and Diſcipline them, twice a Month ſufficiently, for their due Inſtruction and Improvement.—That in Order to the ſame Purpoſe, and for completing proper Company Returns, every Captain or other Commanding Officer, of every Company of Militia, whether Horſe or Foot, ſhall, once in every two Months, call out his Company, to his Place of Parade, which ſhall be the moſt convenient for the Purpoſe, where he ſhall parade his Company, ſee that the Non-commiſſioned Officers and Privates are properly armed, accoutred, equipped and provided; note the ſeveral Defaulters; and ſufficiently Exerciſe and Diſcipline the Company, for their due Inſtruction and Improvement. And if upon ſuch Exerciſe and Diſcipline, it ſhall appear to the Officers of the ſaid Company, or the Majority of them, that any of the ſaid Men are ſo perfect in the Exerciſe, as that they ought to be excuſed, from Squad Duty; They are hereby authoriſed to give ſuch Perſon or Perſons, an Exemption from Squad Duty, under their Hands.

XII. That each Colonel or Commanding Officer of a Regiment ſhall, in the firſt or ſecond Week, in *April*, and in the firſt or ſecond Week in *November*, in every Year, call out his Regiment to his regimental Parade, which ſhall be the Place, in his Diſtrict, the moſt convenient for the Purpoſe: And having paraded the ſame, ſhall require from the Captain or Commanding Officer of every Beat in the Regiment, a Return thereof; expreſſing the Exempts, and the Abſentees, and the Cauſes of the reſpective Exemptions and Abſences; cauſe the ſaid Regiment, except the Exempts, thus paraded, to be called by the Company Rolls; and the Arms, Ammunition and Accoutrements, of each Man to be examined, and the Defaulters to be noted; and ſhall cauſe them to be ſufficiently exerciſed, trained and diſciplined, for their Inſtruction and Improvement: And ſhall, within two Weeks thereafter, reſpectively, make or cauſe a complete regimental Return, (expreſſing therein by Name the Exempts or Abſentees) to be made, to the Governor or Commander in Chief, for the Time being, until a Brigadier-General be appointed to the Brigade to which the Regiment ſhall belong.

Regiments to be paraded and exerciſed firſt or ſecond Week in April, and firſt and ſecond Week in November, Company Returns then to be made, and how the Men to be called by them.

Arms, &c. to be inſpected, Defaulters noted, and Regiment exerciſed.

Regimental Returns how to be made.

XIII. That every Troop of Horſe, ſhall, on every regimental Field Day above mentioned, attend and parade, with the Regiment under the Command of the Colonel, or other Field Officer of the Diſtrict wherein the Captain of the ſaid Troop ſhall reſide: And the Captain or Commanding Officer of the Troop, ſhall there be required, by the Colonel or Commanding Officer of the Regiment, to make him a proper Return of the Troop, in the ſame Manner, as is above directed to be required of the Captain of the Companies of Foot, belonging to the Regiment: cauſe them to be called off by the Return, and proper Inſpection to be made of their reſpective Horſes, Arms, Ammunition and Accoutrements; and their reſpective Defaults to be noted: And ſhall cauſe the Captain or Commanding Officer of the Troop, to train, exerciſe and diſcipline the ſame, ſufficiently for their Inſtruction and Improvement: And ſhall include them in his regimental Return aforeſaid.

Troop of Horſe to parade with the Regiment within Diſtrict wherein Captain reſides.

Return of Troop to be then made to the Commanding Officer of the Regiment.

Troop to be called by the Roll, Horſes, &c. inſpected, Defaulters noted, and Troop exerciſed.

XIV. That every commiſſioned Officer of the Militia in this State, who ſhall omit or neglect, to perform any of the Duties by this Act injoined on him, of enrolling, training, exerciſing and diſciplining, in and to the Uſe of Arms, the Militia of this State, or making perfect Returns of the Militia, or not calling out to actual Service the Militia, or any Part thereof, when neceſſary; and ſhall, if under the Rank of a Brigadier, be thereof convicted, by a Brigade Court-Martial from the Brigade to which he ſhall belong, conſiſting of at leaſt thirteen Members, (which Court-Martial the Brigadier is hereby authoriſed and required to appoint and direct to ſit) and the Sentence thereon be confirmed in Manner herein after mentioned; be, *Ipſo Facto*, removed from his Office, and reduced to do Duty, in the Ranks, as a foot Soldier; any Exemption from Duty to the Contrary in any Wiſe notwithſtanding.

Offences of commiſſioned Officers triable by Brigade Court-Martial.

On Conviction and Sentence confirmed, Officer broke and reduced to the Ranks.

XV. *And be it enacted by the Authority aforeſaid*, That the Brigadier General and the Field Officers, of each Brigade, ſhall, on the ſecond Tueſday in *January*, and the ſecond Tueſday in *June*, yearly and every Year, meet together, at ſuch Town or Place, within the Brigade, as the Brigadier General ſhall appoint. To which Meeting, all Sentences of Courts-Martial in ſuch Brigade, not before confirmed or diſallowed, ſhall be brought; and ſhall, by the ſaid Brigadier General, or next Commanding Officer, and Field Officers, or the Majority of them, be reſpectively confirmed or diſallowed. Upon determining all which, the Brigadier or next Commanding Officer, ſhall ſit as Preſident, and ſhall immediately thereafter, particularly report, under his Hand, to the Perſon adminiſtering the Government of this State, all ſuch Sentences as ſhall be ſo confirmed; and all Brigadier Generals, for Offences, not particularly provided for in this Law, ſhall be tried by a general Court-Martial, to be appointed by the Commander in Chief, of the Militia of this State, and, if on Conviction, the Sentence thereof be confirmed, by ſuch Commander in Chief of the Militia, for the Time being, that thereupon ſuch Brigadier General, ſhall be removed from his Office. That all Sentences of Courts-Martial ſo confirmed, ſhall be, by the Perſon adminiſtering the Government of this State, from Time to Time, laid before the Council of Appointment; to the End, that they may appoint others inſtead of the Officers ſo found guilty.

When and where the Brigadier and Field Officers ſhall twice a Year meet.

All Sentences of Court-Martial to be returned at ſuch Meeting, there to be affirmed or diſallowed.

Brigadier to ſit as Preſident, and report to the Commander in Chief, Sentences confirmed.

Brigadiers to be tried by Court-Martial, to be appointed by Commander in Chief.

On Conviction and Confirmation of Sentence, Brigadier removed, and Report to be made to the Council of Appointment.

XVI. That every foot Soldier of the ſaid Militia, who ſhall neglect to appear, when called out, without ſufficient Excuſe, ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings; and if he ſhall appear, wanting any of the Arms, Ammunition or Accoutrements, preſcribed for him by this Law, without ſufficient Excuſe, he ſhall, for every Deficiency, forfeit the Sum of Eight Shillings; and if any Non-commiſſioned Officer or Private, in any Troop of Horſe, ſhall be charged with either of the ſaid Offences, and ſhall not have ſufficient Excuſe, he ſhall forfeit for the Offence of not appearing, Forty Shillings, and for every other of the ſaid Offences, Sixteen Shillings. That all Fines to ariſe from Offences in a Squad or Company only, ſhall be adjudged of, and inflicted by the commiſſioned Officers, of ſuch Company; and ſhall be levied with Coſts, by Warrant under the Hand and Seal of the Captain, or the Commanding Officer reſpectively, directed to one or more of the Sergeants of the ſaid Company, by Diſtreſs and Sale of the Goods and Chattels of the Offender, and paid by the Sergeant or Sergeants, to the ſaid Captain of the Company, or Commanding Officer. And that all Fines to ariſe from the like Offences, upon the calling out of the Regiment, ſhall be adjudged of, and inflicted by the Field Officers, or the major Part of them, of the Regiment, and ſhall be levied, with Coſts, by Warrant under the Hand and Seal, of the Colonel of the Regiment, directed to one or more of the Sergeants of the ſaid Regiment, by Diſtreſs and Sale of the Goods and Chattels of the Offenders reſpectively, and by him paid to the ſaid Colonel, or Commanding Officer: All which Fines ſhall by them reſpectively be paid over to the Quarter-Maſter of the ſaid Regiment, to be by him laid out, under the Direction of the Field Officers of the ſaid Regiment, for arming, accoutring and furniſhing with Ammunition, the Privates thereof, in Manner aforeſaid: And where in any Caſe, no Goods or Chattels ſhall be found, then on ſuch Warrant, ſuch Sergeant or Sergeants, ſhall take the Body of the Offender, and him convey to the common Gaol of the County; there to be kept in ſafe Cuſtody, until he pay the ſaid Fine with Coſts; and ſuch Gaoler is hereby required and commanded, to receive ſuch Offender, with the Warrant, and him ſafely to keep, until he ſhall have paid his ſaid Fine and Coſts, which Gaoler ſhall, on Demand by ſuch Sergeant or Sergeants, pay the ſame, to him or them; and thereupon ſuch Fine ſhall be diſpoſed of, in Manner herein before directed for the Diſpoſal of Fines.

Fine for Non-appearance of Foot Soldier.

Fine for Defect of Arms, &c.

Non-commiſſioned Officer.

Fines how to be adjudged and levied.

How applied.

For Defect of Goods and Chattels, Offender to be committed.

XVII. That a Captain of Horſe ſhall Rank as eldeſt Captain of the Regiment; and all Officers in the Militia, ſhall take Rank according to the Dates of their Commiſſions, Preference nevertheleſs being given to him who was entitled to Rank, by a former Commiſſion, before any Perſon, in the ſame Line of Office with him, to whom he had Preference in Rank, by ſuch former Commiſſion.

Rank of Officers.

XVIII. That from all Returns, to be made by the Colonels or Commanding Officers of Regiments reſpectively, to the reſpective Brigadiers General, Brigade Returns, ſhall without Delay, be made to the Commander in Chief.

Brigade Returns to the Commander in Chief.

◈ Excerpt 1 — Public Carriage Is Protected Conduct

The Supreme Court has confirmed that the Second Amendment protects public carriage of handguns for self-defense.

"The Second Amendment's plain text thus presumptively guarantees petitioners a right to 'bear' arms in public for self-defense."

N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1, 32 (2022).

◈ Excerpt 2 — Historical Tradition Governs

Once conduct is covered by the Second Amendment, the government must justify its regulation through historical tradition.

"The government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation."

Bruen, 597 U.S. at 24.

◈ Excerpt 3 — Historical Analogy Requirement

The Court clarified that modern regulations must be analogous, not identical, to historical laws.

"Analogical reasoning requires only that the government identify a well-established and representative historical analogue, not a historical twin."

Bruen, 597 U.S. at 30.

◈ Excerpt 4 — How and Why Framework

The Supreme Court emphasized that the burden and justification of the regulation must align with historical analogues.

"Why and how the regulation burdens the right are central to whether it is relevantly similar."

United States v. Rahimi, 602 U.S. 680, 691–92 (2024).

◈ Excerpt 5 — Statute of Northampton and Blackstone (Danger-Based Restrictions)

The Court explained that historical restrictions targeted dangerous or terrorizing conduct, not ordinary peaceable carriage.

"The Statute of Northampton… has long been interpreted to prohibit going armed in a manner that terrorizes the people."

"Blackstone… described the offense as riding or going armed… in a manner that would naturally cause a terror to the people."

Bruen, 597 U.S. at 50.

◈ Excerpt 6 — Surety Laws Were Complaint-Based

Historical surety laws did not impose categorical restrictions on public carry, but instead operated only upon individualized complaint.

"Surety statutes… did not prohibit public carry in general but instead provided a mechanism for preventing violence based on a complaint."

Bruen, 597 U.S. at 56–58.

◈ Excerpt 7 — Absence of Historical Analogue Is Meaningful

The Court recognized that the absence of a comparable historical regulation is itself probative.

"[T]he lack of a distinctly similar historical regulation addressing that problem is relevant evidence that the challenged regulation is inconsistent with the Second Amendment."

Bruen, 597 U.S. at 30–31.

◈ Excerpt 8 — Definition of "Bear Arms"

The Court has defined bearing arms as carrying them for confrontation.

"'Bear arms' means to carry weapons in case of confrontation."

District of Columbia v. Heller, 554 U.S. 570, 584 (2008).

◈ Excerpt 9 — Limits of Stop-and-Identify Rules

The Supreme Court upheld identity disclosure only where it was directly tied to the purpose of a valid stop.

The request for identification was valid because it had an "immediate relation to the purpose of the stop."

Hiibel v. Sixth Judicial Dist. Court, 542 U.S. 177, 188 (2004).

◈ Excerpt 10 — Constitutional Interpretation Is Principle-Based

The Court emphasized that historical analysis requires principled reasoning, not rigid replication.

"The Second Amendment is not a law trapped in amber."

Rahimi, 602 U.S. at 691.

◈ Excerpt 11 — 1771 New Jersey Law (King's Highway Provision)

"…Provided always, that nothing herein contained shall be construed to extend to prevent any person carrying a gun upon the King's Highway in this Colony…"

1771 N.J. Laws ch. 539, § 10.

Source: 1771 New Jersey Laws, Chapter 539 (historical compilation)

◈ Excerpt 12 — Early Concealed Carry Regulation (Kentucky, 1813)

"That any person in this commonwealth who shall hereafter wear a pocket pistol, dirk, large knife, or sword in a cane, concealed as a weapon, shall be fined…"

1813 Ky. Acts 100, ch. 89.

Source: 1813 Kentucky Acts, Chapter 89 (historical statute).

◈ Excerpt 13 — Gunpowder Storage Regulation (New York, 1784)

"No person shall keep any quantity of gunpowder exceeding [specified limits] within the city… except in such manner and places as shall be directed…"

1784 N.Y. Laws ch. 28.

Source: 1784 New York Laws, Chapter 28 (gunpowder regulation).

◈ Excerpt 14 — Militia Act (1792)

"[E]very citizen… shall provide himself with a good musket or firelock…"

Militia Act of 1792, ch. 33, 1 Stat. 271.

Source: Militia Act of 1792, 1 Stat. 271.

At a GENERAL ASSEMBLY held at Burlington from the Twentieth Day of November to the Twenty-firſt Day of December 1771, in the Twelfth Year of the Reign of King George the Third, the following Laws were paſſed.

SESSION THE FOURTH.

CHAP. DXXXIX.

An ACT *to continue and amend an Act, entitled, An* Act *for better ſettling and regulating the* Militia *of this Colony of* New-Jerſey ; *for the repelling Invaſions, and ſuppreſſing Inſurrections and Rebellions.**

Paſſed Dec. 21, 1771.

Preamble. WHEREAS the Act paſſed in the Nineteenth Year of the Reign of our late Sovereign Lord King *George* the Second, entitled, *An* Act *for better ſettling and regulating the Militia of this Colony of* New-Jerſey ; *for the repelling Invaſions, and ſuppreſſing Inſurrections and Rebellions*, will expire at the End of this Seſſion of Aſſembly ;

Limitation. *Sect.* 1. BE IT ENACTED *by the Governor, Council and General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the ſaid Act, entitled, *An* Act *for better ſettling and regulating the Militia of this Colony of* New-Jerſey ; *for the repelling Invaſions, and ſuppreſſing Inſurrections and Rebellions*,* ſhall be, and hereby is continued, and every Article and Clauſe therein contained ſhall be and remain in full Force, from the Publication hereof, to the firſt Day of *May* which will be in the Year of our Lord One Thouſand Seven Hundred and Seventy-ſeven, and from thence to the End of the next Seſſion of the General Aſſembly of this Colony, and no longer.

Commiſſioned Officers not to be choſen Conſtables. 2. AND WHEREAS it has been a Cuſtom of late, in ſome of the Counties of this Colony, to chooſe the Militia Officers Conſtables ; for preventing the ſame for the Future, BE IT ENACTED *by the Authority aforeſaid*, That, during the Continuance of this Act, it ſhall not be lawful for any Court of General Quarter-Seſſions of the Peace, or for any of the Inhabitants of this Colony, at their annual Town-meetings, to appoint or chooſe any commiſſioned Officer, while in Commiſſion, to be a Conſtable ; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

CHAP. DXL.

An ACT *for the Preſervation of* Deer *and other Game, and to prevent treſpaſſing with Guns.*

Paſſed Dec. 21, 1771.

Preamble. WHEREAS the Laws heretofore paſſed in this Colony for the Preſervation of Deer and other Game, and to prevent treſpaſſ-

* Chap. CC.

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ing with Guns, Traps and Dogs, have, by Experience, been found insufficient to anſwer the ſalutary Purpoſes thereby intended; Therefore,

No Perſon to carry a Gun on Lands not his own, except, &c.

Sect. 1. BE IT ENACTED *by the Governor, Council and General Aſſembly of this Colony of* New-Jerſey, *and it is hereby Enacted by the Authority of the ſame*, That if any Perſon or Perſons ſhall preſume, at any Time after the Publication hereof, to carry any Gun on any Lands not his own, and for which the Owner pays Taxes, or is in his lawful Poſſeſſion, unleſs he hath Licenſe or Permiſſion in Writing from the Owner or Owners or legal Poſſeſſor, every ſuch Perſon ſo offending, and convicted thereof, either upon the View of any Juſtice of the Peace within this Colony, or by the Oath or Affirmation of one or more Witneſſes, before any Juſtice of the Peace of either of the Counties, Cities or Towns-corporate of this Colony, in which the Offender or Offenders may be taken or reſide, he, ſhe or they, ſhall, for every ſuch Offence, forfeit and pay to the Owner of the Soil, or his Tenant in Poſſeſſion, the Penalty. Sum of *Forty Shillings*, with Coſts of Suit; which Forfeiture ſhall and may be ſued for and recovered by the Owner of the Soil, or Tenant in Poſſeſſion, before any Juſtice of the Peace in this Colony, for the Uſe of ſuch Owner or Tenant in Poſſeſſion.

No Perſon to drive Deer or other Game, except, &c.

2. AND BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon ſhall preſume, at any Time after the Publication of this Act, to hunt or watch for Deer with a Gun, or ſet in any Dog or Dogs to drive Deer, or any other Game, on any Lands not his own, and for which the Owner or Poſſeſſor pays Taxes, or is in his lawful Poſſeſſion, unleſs he hath Licenſe or Permiſſion in Writing from ſuch Owner or Owners or legal Poſſeſſor; every ſuch Perſon ſo offending, and being convicted thereof in Manner aforeſaid, ſhall, for every ſuch Offence, forfeit and pay to the Owner of the Soil, or Tenant in Poſſeſſion, the Penalty. Sum of *Forty Shillings*, with Coſts of Suit; provided, that nothing herein contained ſhall be conſtrued to extend to prevent any Perſon carrying a Gun upon the King's Highway in this Colony.

Penalty on Non-Reſidents.

3. AND BE IT FURTHER ENACTED *by the Authority aforeſaid*, That if the Perſon or Perſons offending againſt this Act be Non-Reſidents of this Colony, he or they ſhall forfeit and pay for every ſuch Offence *Five Pounds*, and ſhall forfeit his or their Gun or Guns to any Perſon or Perſons who ſhall inform and proſecute the ſame to Effect, before any Juſtice of the Peace in any County of this Colony, wherein the Offender or Offenders may be taken or apprehended.

Penalty for killing, &c. Deer out of Seaſon.

4. AND BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon or Perſons ſhall kill, deſtroy, hunt or take any Doe, Buck, Fawn, or any Sort of Deer whatſoever, at any other Time or Seaſon, except only between the firſt Day of *September* and the firſt Day of *January* yearly and every Year, he, ſhe or they ſo offending, ſhall forfeit and pay the Sum of *Forty Shillings* for each and every Offence; to be ſued for, recovered and applied as hereafter is directed.

What ſhall be Evidence of ſuch Killing, &c.

5. AND, for the better and more effectual convicting of Offenders againſt this Act, BE IT ENACTED *by the Authority aforeſaid*, That any and every Perſon or Perſons in whoſe Cuſtody ſhall be found, or who ſhall

ſhall expoſe to Sale, any green Deerſkins, or freſh Veniſon killed at any Time after the firſt Day of *January*, and before the firſt Day of *September* aforeſaid, and ſhall be thereof convicted by the Oath or Affirmation of one or more credible Witneſſes, ſhall be deemed guilty of offending againſt this Act, and be ſubjected to the Penalties of killing Deer out of Seaſon.

6. AND WHEREAS great Numbers of idle and diſorderly Perſons make a Practice of hunting on the waſte and unimproved Lands in this Colony, whereby their Families are neglected, and the Publick is prejudiced by the Loſs of their Labour, BE IT THEREFORE ENACTED *by the Authority aforeſaid*, That, from and after the firſt Day of *January* next, no Perſon or Perſons whatſoever (except ſuch Perſons as are by the Laws of this Colony qualified to vote for Repreſentatives in General Aſſembly, in Right of their Freeholds, and their Sons being of the Age of eighteen Years or upwards, and living with their Parent or Parents, or being Freeholders) ſhall, on any Pretence whatever, hunt on the waſte and unimproved Lands in this Colony; and if any Perſon or Perſons, not qualified as aforeſaid, ſhall preſume to hunt as aforeſaid, he or they ſo offending ſhall forfeit and pay, for every ſuch Offence, the Sum of *Twenty Shillings*; to be recovered by Action of Debt, with Coſts, by any Perſon who ſhall ſue for the ſame; to be applied one Half to the Proſecutor, and the other Half to the Uſe of the Poor of the Townſhip or Precinct where the Fact was committed.

Who may hunt on unimproved Lands.

Penalty on Offenders.

7. AND BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon or Perſons within this Colony ſhall ſet any Trap or other Device whatſoever, larger than what is uſually and commonly ſet for Foxes and Muſkrats, ſuch Perſon, ſetting ſuch Trap or other Device, ſhall pay the Sum of *Five Pounds*, and forfeit the Trap or other Device, ſhall ſuffer three Months Impriſonment, and ſhall alſo be liable to make good all Damages any Perſon ſhall ſuſtain by ſetting ſuch Trap or other Device, and the Owner of ſuch Trap or other Device, or Perſon to whom it was lent, ſhall be eſteemed the Setter thereof, unleſs it ſhall be proved, on Oath or Affirmation, what other Perſon ſet the ſame, or that ſuch Trap or other Device was loſt by ſaid Owner or Perſon to whom it was lent, and abſolutely out of his Power; and if the Setter of the Trap or other Device be a Slave, and it be his own voluntary Act, he ſhall (unleſs the Maſter or Miſtreſs ſhall pay the Fine) in Lieu of ſuch Fine, be publickly whipped with thirty Laſhes, and committed till the Coſts are paid; and that the ſaid Trap or other Device ſhall be broken and deſtroyed in the View and Preſence of the Juſtice of the Peace before whom they are brought: And if any Perſon or Perſons ſhall have Poſſeſſion of, or there ſhall be found in his or their Houſe, any Trap or Traps, Device or Devices whatſoever, for taking of Deer, ſuch Perſon or Perſons ſhall be ſubjected to the ſame Penalty as if he or they were convicted of ſetting ſuch Trap or Traps, or other Device.

Penalty on ſetting Traps, *&c.*

Penalty on a Slave ſetting ſuch Trap, *&c.*

Penalty on keeping ſuch Trap, *&c.*

8. AND, for encouraging the Deſtruction of ſuch Traps and Devices, BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon ſhall ſeize any Trap or other Device for the taking Deer, and ſhall carry ſuch Trap or other Device to any Magiſtrate of the County where ſuch Trap or Device was ſeized, ſuch Perſon ſhall be entitled to

Reward for ſeizing a Trap, *&c.*

an Order from the ſaid Magiſtrate to the Collector of ſuch County, to pay him the Sum of *Ten Shillings*, out of any Money in his Hands raiſed for the Uſe of the County; which Sums ſhall be allowed to ſuch Collector on the Settlement of his Accounts.

Penalty on a Smith making or mending ſuch Trap, &c.

9. AND BE IT FURTHER ENACTED *by the Authority aforeſaid*, That every Smith or other Artificer, who ſhall hereafter make or mend any ſuch Trap or other Device aforeſaid, he ſhall forfeit and pay the Sum of *Forty Shillings*; and the Perſon carrying ſuch Trap or other Device to the Artificer aforeſaid, ſhall forfeit and pay the Sum of *Twenty Shillings*. And every Perſon who ſhall bring into this Colony any ſuch Trap or Device as aforeſaid ſhall forfeit and pay the Sum of *Forty Shillings*. And if the Perſon who ſhall carry the ſame to the Smith or Artificer ſhall be ſo poor as that he ſhall not be able to pay the Forfeiture aforeſaid, he ſhall be committed to the common Gaol, until he ſhall prove who is Owner of ſuch Trap or Device, or who delivered the ſame to him; and in ſuch Caſe the Forfeiture aforeſaid ſhall be levied on the Goods, or in Failure of Goods, on the Body of the Owner of ſuch Trap or Device, or the Perſon who delivered the ſame to the Pauper, and the Trap or Device ſhall be forfeited and deſtroyed.

Penalty on bringing ſuch Trap, &c. into the Colony.

Penalty for ſetting loaded Guns.

10. AND WHEREAS a moſt dangerous Method of ſetting Guns has too much prevailed in this Province, BE IT ENACTED *by the Authority aforeſaid*, That if any Perſon or Perſons within this Colony ſhall preſume to ſet any loaded Gun in ſuch Manner as that the ſame ſhall be intended to go off or diſcharge itſelf, or be diſcharged by any String, Rope, or other Contrivance, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of *Six Pounds*; and on Non-payment thereof ſhall be committed to the common Gaol of the County for ſix Months.

Application of Penalties.

11. AND BE IT FURTHER ENACTED *by the Authority aforeſaid*, That the Fines and Forfeitures in this Act expreſſed, and not particularly appropriated, ſhall be paid, one Half to the Proſecutor, and the other Half to and for the Uſe of the Poor of the Town, Precinct or Diſtrict, where the Offence is committed; and that the Execution of this Act, and every Part thereof, ſhall be within the Cognizance and Juriſdiction of any one Magiſtrate or Juſtice of the Peace, without any Reference to the Act for Trial of ſmall Cauſes in this Colony.

Juriſdiction given to one Magiſtrate.

This Act not to affect Parks.

12. AND BE IT ENACTED, That nothing in this Law ſhall be conſtrued to extend to reſtrain the Owners of Parks, or of tame Deer, from killing, hunting or driving their own Deer.

Penalty on Magiſtrate neglecting his Duty.

13. AND BE IT ALSO ENACTED *by the Authority aforeſaid*, That if any Juſtice of the Peace or other Magiſtrate, within this Province, ſhall have Information of any Perſons offending againſt this Act, in killing Deer out of Seaſon, ſetting and making Traps, Non-Reſidents killing Deer, and Perſons ſetting of Guns, and ſhall not proſecute the ſame to Effect within two Months after ſuch Information, he ſhall forfeit and pay the Sum or Sums to which the Offender againſt this Act would have been liable.

14. AND

14. AND BE IT ENACTED *by the Authority aforesaid*, That the Justices at every Quarter-Sessions of the Peace shall cause this Act to be publickly read; and give in Charge to the Grand-Jury to particularly inquire and present all Persons for killing Deer out of Season, setting or making Traps, and all Non-Residents killing, destroying, hunting and taking any Sort of Deer, and all Persons setting of Guns; and, upon Conviction for either of the said Offences, the said Justices shall set and impose the Fines and Penalties herein before-mentioned, with Costs of Suit. This Act to be published and executed.

15. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever, whether the Accused or Accuser, Plaintiff or Defendant, shall think themselves aggrieved by any of the Judgments given by the said Justices or other Magistrates, for any Suit commenced by Virtue of this Act; then it shall and may be lawful for such Person or Persons to appeal, on giving sufficient Security for the Forfeitures and Costs, to the next Court of General Quarter-Sessions, held for such County where such Judgment shall be given; which Court is hereby empowered to hear and determine all and every such Appeal or Appeals. Appeal given to next Sessions.

16. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons, within this Colony, shall, after the Publication of this Act, watch with a Gun, on any uninclosed Land within two Hundred Yards of any Road or Path, in the Night Time, whether the said Road is laid out by Law or not, or shall stand or station him or themselves upon or within two Hundred Yards of any Road as aforesaid, for shooting at Deer driven by Dogs, he or they so offending, shall, on Conviction, forfeit and pay the Sum of *Five Pounds* for every such Offence; to be recovered by Action of Debt, or Presentment of the Grand-Jury as aforesaid, and pay all Damages. Penalty for watching in the Night near a Road.

17. PROVIDED ALWAYS, That the sixth Section of this Act shall not be construed to affect any Native *Indian*; and that nothing in this Act shall be construed to prevent the Inhabitants of *Essex*, *Bergen*, *Morris* and *Sussex*, from making, having in their Houses, or setting Traps of five Pounds Weight or more for Bears, Wolves, Foxes, or any other wild Beasts, Deer only excepted. Not to affect *Indians*, nor *Essex*, *Bergen*, *Morris* or *Sussex*.

18. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all former Laws made in this Colony for the Preservation of Deer and other Game, and to prevent trespassing with Guns, and regulating the Size of Traps, shall be, and they are hereby repealed. Repeal of Former Laws.

CHAP. DXLI.

An ACT *declaring the River* Delaware *a common* Highway, *and for improving the* Navigation *in the said River*.

Passed Dec. 21, 1771.

WHEREAS the improving the Navigation in Rivers is of great Importance to Trade and Commerce; AND WHEREAS the River *Delaware* Preamble.

Delaware may be rendered much more navigable than it now is; AND WHEREAS many Perſons deſirous to promote the publick Welfare have ſubſcribed large Sums of Money for the Purpoſe aforeſaid; and it is repreſented that others will ſubſcribe conſiderable Sums, if Commiſſioners are appointed by Law to receive the Subſcriptions, and apply the ſame; Therefore,

Delaware a publick Highway.

Sect. 1. BE IT ENACTED *by the Governor, Council and General Aſſembly, and it is hereby Enacted by Authority of the ſame,* That the River *Delaware* ſhall be, and it is hereby declared to be a common Highway, for the Purpoſes of Navigation up and down the ſame.

Commiſſioners appointed.

2. AND BE IT FURTHER ENACTED *by the Authority aforeſaid,* That *Joſeph Galloway, Joſeph Fox, Michael Hillegas, Abel James, Samuel Rhoads, James Allen, Peter Knight,* Eſquires, *Daniel Williams, Henry Drinker, Clement Biddle, Jeremiah Warder* the Younger, *Jacob Bright, John Baldwin, Richard Wells,* Gentlemen, *Thomas Yardley, Jacob Orndt, Peter Kechline, Henry Kooken,* Eſquires, *William Ledley, Nicholas Depui,* Son of *Samuel, Jacob Stroud* and *John Arbo,* Gentlemen, the Honourable, *John Stevens, James Parker* and *Daniel Coxe,* Eſquires, *Samuel Meredith* and *Robert Field,* Eſquires, Doctor *William Bryant, Abraham Hunt, Timothy Smith, Thomas Lowry, Aſhur Mott, John Emley* of *Kingwood, Andrew Melick, Robert Hoops* and *Matthew Lowry,* Gentlemen, be, and they are hereby appointed and conſtituted Commiſſioners for improving the Navigation in the ſaid River *Delaware;* who, or any twelve of them, the Survivors, or any twelve of them, ſhall have full Power and Authority, by Virtue hereof, to collect, recover and receive from any Perſon or Perſons whatſoever, all ſuch Sums of Money, which have been, or ſhall be given or ſubſcribed for rendering the ſaid River more navigable; and ſo much of the ſaid Monies as may be neceſſary for that Purpoſe, to lay out and apply for and towards improving the Navigation in the ſaid River *Delaware,* from the lower Part of the Falls near *Trenton,* to the River *Lehigh* at *Eaſton;* and the Reſidue thereof to lay out and apply for and towards improving the Navigation in that Part of the ſaid River above the ſaid River *Lehigh.* PROVIDED ALWAYS, That ſuch Sums of Money as have been or ſhall be given or ſubſcribed for the improving the Navigation of the ſaid River, above the *Lehigh* aforeſaid, ſeparately, ſhall be laid out and applied for and towards that Purpoſe, and no other.

To collect Subſcriptions and apply them.

To clear, ſtraighten, *&c.*

3. AND BE IT FURTHER ENACTED *by the Authority aforeſaid,* That the ſaid Commiſſioners, or any twelve of them, their Survivors, or any twelve of them, ſhall have full Power and Authority, by themſelves, their Agents, Servants and Workmen, to clear, ſcour, open, enlarge, ſtraighten or deepen, the ſaid River where-ever it ſhall to them appear uſeful for improving the Channels; and alſo to remove any Obſtructions whatſoever, either natural or artificial, which may or can in any Manner hinder or impede the Navigation in the ſaid River; and to make and ſet up in the ſaid River any Dams, Pens for Water Locks, or any other Works whatſoever, and the ſame to alter or repair as they ſhall think fit; and alſo to appoint, ſet out, and make near the ſaid River, Paths or Ways, which ſhall be free and open for all Perſons having Occaſion to uſe the ſame for towing, hauling or drawing any Veſſels, Boats, ſmall Craft and

Rafts

Rafts, of any Kind whatsoever; and from Time to Time to do and execute every other Matter or Thing necessary or convenient for improving the Navigation in the said River. PROVIDED ALWAYS, That no Dam, Pen, Lock or other Work, made or set up by the said Commissioners, shall be appropriated to the private Use or Benefit of any Person or Persons whatsoever, contrary to the true Intent and Meaning of this Act.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Person or Persons whatsoever shall presume to divert, lead or draw at any Time or Times, by any Race or other Device, any Water of the said River out of or from the natural Course or Channel, for the Use of any Mill or Waterwork. Watercourse not to be diverted.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall presume to oppose or hinder the said Commissioners, or any of them, their Agents, Servants and Workmen, or any of them, from doing any Act which they are hereby authorized and empowered to do, or shall make, erect, set up, repair or maintain, or shall be aiding, assisting or abetting in making, erecting, setting up, repairing or maintaining, any Dam or Obstruction which may or can in any Manner hinder or impede the Navigation in the said River; or shall remove, destroy, throw down, alter, injure or impair, any Dam, Pen, Lock or other Work, made or set up by the said Commissioners, or by Order of them, or any twelve of them, their Survivors, or any twelve of them; every Person so offending, being legally convicted thereof by Verdict of a Jury, or by his own Confession, before the Justices of the Peace in their Court of General Quarter-Sessions, shall forfeit and pay *Fifty Pounds* Proclamation Money of this Colony, for every such Offence, or shall suffer Imprisonment for twelve Months without Bail or Mainprize; one Moiety of which Forfeiture shall be paid to the Informer, and the other Moiety to the Commissioners herein appointed, or the Survivors of them as aforesaid, to be applied for and towards improving the Navigation in the said River. Penalty on hindering the Commissioners, *&c.* or obstructing the Navigation. Application.

6. AND WHEREAS Doubts may arise in what Counties Offences committed in the said River *Delaware* against this Act ought to be tried; for removing thereof, BE IT ENACTED *by the Authority aforesaid*, That every Offence committed in or on the said River, against this Act, shall be laid to be committed, and may be tried and determined as aforesaid, in any of the Counties within this Colony opposite to or joining on that Part of the said River in which such Offence shall be committed. Offences where triable.

7. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That Nothing herein contained shall give any Power or Authority to the Commissioners herein appointed, or any of them, to remove, throw down, lower, impair, or in any Manner to alter a Mill-Dam erected by *Adam Hoops*, Esquire, late deceased, in the said River *Delaware*, between his Plantation and an Island in the said River nearly opposite to *Trenton*, or any Mill-Dam erected by any other Person or Persons in the said River, before the Passing of this Act; nor to obstruct, or in any Manner to hinder the Heirs or Executors Not to injure Mill-Dams already erected.

of the ſaid *Adam Hoops*, or ſuch other Perſon or Perſons, his or their Heirs and Aſſigns, from maintaining, raiſing or repairing, the ſaid Dams reſpectively, or from taking Water out of the ſaid River, for the Uſe of the ſaid Mills and Waterworks, erected as aforeſaid, and none other.

Commiſſioners to keep Minutes and report.

8. AND BE IT FURTHER ENACTED *by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall keep Minutes of their Proceedings, in Purſuance of the Power hereby given to them, fairly entered in a Book; and ſhall once in every Year make Report of their Tranſactions in improving the Navigation in the ſaid River to the Council and Aſſembly of this Colony for the Time being, and ſhall lay before them a juſt and faithful Account of all Sums of Money by them received for the aforeſaid Purpoſes, and in what Manner they ſhall be expended, that the ſame may be adjuſted and ſettled.

CHAP. DXLII.

An ACT *for the more effectual maintaining, and keeping above the Flow of the Tide, that Part of the* Road *or Cauſeway between the Toll-Bridge over* Newton *Creek and the faſt Land of* Keziah Tonkin.*

Paſſed Dec. 21. 1771.

Preamble.

WHEREAS *Thomas Attmore*, *Iſaac Burrough*, *Benjamin Thackray*, *Jacob Stokes*, *Hannah Cooper*, *Keziah Tonkin*, *Elizabeth Thackray* and *Job Haines*, Owners and Proprietors of the Meadows lying on the eaſterly Side of *Newton* Creek, in the County of *Glouceſter*, have, by their Petition, ſet forth, That they have ſuffered, and are daily expoſed to very conſiderable Damage by Reaſon of the Cauſeway and Road between the Toll-Bridge, called *William Gerrard*'s, and the faſt Land of *Keziah Tonkin*, not being raiſed above the Flowing of the Tides;

Poſſeſſors of the Toll-Bridge neglecting three Months.

Sect. 1. BE IT THEREFORE ENACTED *by the Governor, Council and General Aſſembly*, That if the Owner or Owners, Poſſeſſor or Poſſeſſors, of the Toll-Bridge erected over *Newton* Creek, ſhall neglect or refuſe, for three Months after Publication hereof, to repair and raiſe, above the Flowing of the Tides, ſuch Part of the Cauſeway and Road, leading from the Town of *Glouceſter* to the *Coopers* Ferries, as lays on the Eaſt Side of *Newton* Creek aforeſaid, from the End of ſaid Toll-Bridge to the faſt Land of *Keziah Tonkin*; then, and in ſuch Caſe, it ſhall and may be lawful for the Managers, or the Survivors of them already appointed, or that ſhall be hereafter appointed, in Purſuance of an Act paſſed in the third Year of His preſent Majeſty's Reign, entitled, *An* Act *to enable the Owners and Poſſeſſors of the Meadows lying on a Branch of* Newton *Creek, in the County of* Glouceſter, *commonly called the* Back Creek, *to erect and maintain a Bank, Dam, and other Waterworks acroſs the ſaid Creek, in order to prevent the Tide from overflowing the ſame, and to keep the former Watercourſe of ſaid Creek open and clear*,† to repair, amend and raiſe the ſaid Cauſeway and Road, from the Bridge aforeſaid,

Managers of *Back Creek* Meadows to repair and raiſe the Cauſeway.

* This Act, though ſtrictly private, being of a very publick Import, is admitted in this Collection.
† Chap. CCCLV.

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INDEX — APPENDIX B

Summary of Purpose

Appendix B provides concise, one-page comparative charts evaluating the State's most likely historical analogues under the framework articulated in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), and *United States v. Rahimi*, 602 U.S. 680 (2024). Each chart analyzes the analogue across common factors—trigger, burden, justification, sanction, and relevant similarity—to assist the Court in evaluating whether the challenged statute is consistent with this Nation's historical tradition of firearm regulation.

APPENDIX B-1 – COVER PAGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Appendix B-1

Affray / Going-Armed Laws / Statute of Northampton Authorities — Historical Analogue Comparison

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Description:
One-page comparative chart analyzing affray laws and Statute of Northampton authorities, including trigger, burden, justification, sanction, and lack of relevant similarity to the challenged statute.

Source:
Historical authorities and judicial interpretations as reflected in:

- 2 Edw. 3, c. 3 (1328)
- 1 Hawkins, *Pleas of the Crown* (1716)
- 4 Blackstone, *Commentaries* (1769)
- *United States v. Rahimi*, 602 U.S. 680 (2024)

Last accessed April 19, 2026.

B-1 | Affray / Going-Armed Laws / Statute of Northampton

Factor	Historical Analogues (Affray / Going Armed)	Challenged Statute (§ 2C:58-4.4(b)(1)–(2))
Trigger (When the Law Applies)	Triggered by conduct that terrorizes the public	Triggered automatically during any stop regardless of conduct
Purpose (Why the Law Exists)	Address dangerous or terrorizing public conduct	Compel disclosure from all peaceable carriers regardless of threat
Breadth (Who and When It Applies)	Limited to individuals engaged in alarming or threatening behavior	Applies to all permit holders, including those engaged in lawful and peaceable transport
Sanction (Penalty or Enforcement Mechanism)	Criminal liability tied to terrorizing or dangerous conduct	Criminal liability imposed for silence alone
Nature of the Burden (Conduct-Based vs. Status-Based)	Conduct-based regulation targeting dangerous behavior	Status-based obligation triggered solely by lawful carriage
Timing (When the Burden Is Imposed)	Imposed after dangerous conduct occurs	Imposed immediately upon a stop before any wrongdoing or threat
Why Not Relevantly Similar Under *Bruen* / *Rahimi*	Regulated dangerous or terrorizing conduct that disturbed the public peace	Imposes a categorical, stop-triggered, and penalty-backed duty requiring peaceable citizens to disclose and document firearm possession solely because they are exercising the right to bear arms

Authorities: 2 Edw. 3, c. 3 (1328); 1 Hawkins, *Pleas of the Crown* ch. 63, § 9 (1716); 4 Blackstone *Commentaries* 148–49 (1769); *Rahimi*, 602 U.S. at 691–92.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Appendix B-2

Surety Laws — Historical Analogue Comparison

Description:
One-page comparative chart analyzing surety laws, including complaint-based triggers, prospective bonds, and distinctions from categorical compelled disclosure regimes.

Source:

- Mass. Rev. Stat. ch. 134, § 16 (1836)
- Me. Rev. Stat. ch. 169, § 16 (1840)
- *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022)
- *United States v. Rahimi*, 602 U.S. 680 (2024**)**

Last accessed April 19, 2026.

B-2 | Surety Laws

Factor	Historical Analogues (Surety Laws)	Challenged Statute (§ 2C:58-4.4(b)(1)–(2))
Trigger (When the Law Applies)	Initiated only upon a complaint by a person with reasonable cause to fear injury or breach of the peace	Automatically triggered whenever a permit holder is stopped or detained while carrying or transporting
Purpose (Why the Law Exists)	Address breaches of the peace based on individualized concern	Compel disclosure and permit display from all peaceable carriers regardless of dangerousness
Breadth (Who and When It Applies)	Limited to particularized individuals and circumstances	Applies categorically to all permit holders engaged in lawful carriage or transport
Sanction (Penalty or Enforcement Mechanism)	Forward-looking peace bond for future good behavior	Immediate criminal liability for silence or nonproduction
Nature of the Burden (Conduct-Based vs. Status-Based)	Conduct-based regulation tied to complaint and perceived risk	Status-based obligation triggered solely by lawful carriage
Timing (When the Burden Is Imposed)	Imposed after complaint and judicial involvement	Imposed in real time during a stop or detention
Why Not Relevantly Similar Under *Bruen* / *Rahimi*	Complaint-based, individualized, and preventive	Automatic, categorical, and immediately criminal; compels speech during ordinary encounters rather than regulating dangerous conduct after complaint

Authorities: e.g., Mass. Rev. Stat. ch. 134, § 16 (1836); Me. Rev. Stat. ch. 169, § 16 (1840); *Bruen*, 597 U.S. at 56–60; *Rahimi*, 602 U.S. at 691–92.

APPENDIX B-3 – COVER PAGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Appendix B-3

Concealed-Carry / Manner-of-Carry Laws — Historical Analogue Comparison

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Description:
One-page comparative chart analyzing historical concealed-carry and manner-of-carry regulations and their distinction from compelled disclosure requirements.

Source:

- 1813 Ky. Acts ch. 89
- 1813 La. Acts
- *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022)

Last accessed April 19, 2026.

B-3 | Concealed-Carry / Manner-of-Carry Laws

Factor	Historical Analogues (Concealed / Manner-of-Carry)	Challenged Statute (§ 2C:58-4.4(b)(1)–(2))
Trigger (When the Law Applies)	Triggered by the manner of carrying (e.g., concealed vs open)	Triggered during any stop while carrying or transporting
Purpose (Why the Law Exists)	Regulate how arms are borne in public	Compel disclosure of armed status and display of licensure during encounters
Breadth (Who and When It Applies)	Applies generally to manner of carry, not encounter-specific communication	Applies to all permit holders during any stop
Sanction (Penalty or Enforcement Mechanism)	Penalties tied to improper method of carry	Criminal penalties for failure to disclose or display
Nature of the Burden (Conduct-Based vs. Status-Based)	Conduct-based regulation tied to method of carry	Status-based obligation tied to exercising the right
Timing (When the Burden Is Imposed)	Operates independent of any police encounter	Operates in real time during a compelled police interaction
Why Not Relevantly Similar Under *Bruen* / *Rahimi*	Regulated the manner of carry, not compelled communication	Does not regulate how arms are carried; instead forces a peaceable citizen to announce and document firearm possession during ordinary encounters

Authorities: 1813 Ky. Acts ch. 89; 1813 La. Acts; *Bruen*, 597 U.S. at 47–48.

APPENDIX B-4 – COVER PAGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Appendix B-4

Gunpowder Storage, Inspection, and Militia Laws — Historical Analogue Comparison

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Description:
One-page comparative chart analyzing gunpowder storage laws and militia inspection statutes, demonstrating their lack of similarity to compelled disclosure regimes during ordinary travel.

Source:

- 1784 N.Y. Laws 627
- 1792 Mass. Acts 208
- Militia Act of 1792, 1 Stat. 271
- *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022)

Last accessed April 19, 2026.

B-4 | Gunpowder Storage / Inspection / Militia Laws

Factor	Historical Analogues (Storage / Inspection / Militia)	Challenged Statute (§ 2C:58-4.4(b)(1)–(2))
Trigger (When the Law Applies)	Triggered by storage requirements, periodic inspection, or organized militia duty	Triggered during any stop or detention
Purpose (Why the Law Exists)	Address fire safety, storage risks, or militia readiness	Compel disclosure during ordinary law-enforcement encounters
Breadth (Who and When It Applies)	Applies in structured, non-adversarial settings	Applies to all permit holders during routine travel
Sanction (Penalty or Enforcement Mechanism)	Administrative or regulatory consequences	Immediate criminal liability for silence or nonproduction
Nature of the Burden (Conduct-Based vs. Status-Based)	Conduct-based regulation tied to storage or civic duty	Status-based obligation triggered solely by lawful carriage
Timing (When the Burden Is Imposed)	Imposed at fixed times, places, or conditions	Imposed spontaneously during roadside encounters
Why Not Relevantly Similar Under *Bruen* / *Rahimi*	Concerned storage, inspection, or civic duty in structured settings	Imposes real-time compelled disclosure during ordinary travel; bears no meaningful resemblance in how or why it burdens the right

Authorities: 1784 N.Y. Laws 627; 1792 Mass. Acts 208; Militia Act of 1792, 1 Stat. 271; *Bruen*, 597 U.S. at 29.

APPENDIX B-5 – COVER PAGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Appendix B-5

Stop-and-Identify Doctrine (Hiibel) — Comparative Analysis

Description:
One-page comparative chart analyzing stop-and-identify doctrine under Hiibel and its distinction from status-triggered compelled disclosure requirements imposed on permit holders.

Source:

Hiibel v. Sixth Jud. Dist. Ct., 542 U.S. 177 (2004)

Last accessed April 19, 2026.

B-5 | Stop-and-Identify Doctrine (*Hiibel*)

Factor	Historical/Modern Analogues (Stop-and-Identify / *Hiibel*)	Challenged Statute (§ 2C:58-4.4(b)(1)–(2))
Trigger (When the Law Applies)	Valid stop supported by individualized suspicion	Any stop or detention, regardless of suspicion
Purpose (Why the Law Exists)	Identify a suspect to advance investigation of suspected wrongdoing	Require firearm-specific disclosure and permit display from all permit holders
Breadth (Who and When It Applies)	Limited to suspected individuals during a lawful investigatory stop	Applies categorically to all carriers during all stops
Sanction (Penalty or Enforcement Mechanism)	Limited sanction tied to refusal during a valid investigative stop	Criminal penalties for silence even absent suspicion
Nature of the Burden (Conduct-Based vs. Status-Based)	Conduct-based requirement tied to suspicion of wrongdoing	Status-based obligation triggered by lawful carriage
Timing (When the Burden Is Imposed)	Imposed during a stop justified by suspicion	Imposed immediately during any stop, independent of investigative need
Why Not Relevantly Similar Under *Bruen* / *Rahimi*	Name-disclosure rule tied to suspicion and the mission of the stop	Firearm-specific compelled speech and identification imposed without suspicion and solely because the citizen is lawfully carrying or transporting

Authority: *Hiibel v. Sixth Jud. Dist. Ct.*, 542 U.S. 177, 188 (2004).