



LAW ENFORCEMENT AND SECURITY CONSULTING

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Date: September 7, 2024
To: CCIA
From: Jeffrey C. Kearnan
Subject: 9th Circuit upholds California gun bans in some 'sensitive' places, but the state cannot enforce similar restrictions on Places of Worship and Faith-Based Organizations

California Senate Bill 2 (SB 2) has faced significant legal challenges and developments. As a reminder this bill was "stayed" on January 6, 2024, and put on HOLD until further proceedings.

1. **Preliminary Injunction:** On December 20, 2023, U.S. District Judge Cormac J. Carney issued a preliminary injunction blocking the enforcement of SB 2. The judge described SB 2 as "sweeping" and "repugnant to the Second Amendment," arguing that it effectively abolished the rights of law-abiding citizens to carry firearms in public.¹
2. **Appeals Court Ruling:** On January 6, 2024, the U.S. Court of Appeals for the Ninth Circuit dissolved a previous stay that allowed SB 2 to take effect. This means that the law, which was set to go into effect in January 2024, is currently stayed and not in effect.^{2,3}
3. **Scope of SB 2:** SB 2 aimed to limit where concealed carry permit holders could carry firearms, designating 26 "sensitive places" such as hospitals, public transportation, parks, and places of worship. The court's ruling prevents the enforcement of these restrictions until further legal proceedings are conclude

The recent ruling by the U.S. 9th Circuit Court of Appeals allows California to enforce its ban on guns in certain "sensitive places" such as parks, playgrounds, bars, restaurants that serve alcohol, casinos, stadiums, amusement parks, zoos, libraries, museums, athletic facilities, and their associated parking areas. However, the court determined that **the state cannot enforce** similar restrictions in hospitals, medical facilities, public transit, **places of worship**, financial institutions, or their associated parking areas. Additionally, the state cannot enforce a ban on guns at all events requiring a permit or on private property unless the owner explicitly allows it.⁴

¹ [FPC WIN: Federal Judge Blocks California's SB2 Handgun Carry Bans - Firearms Policy Coalition](#)

² [US appeals court dissolves previous order and blocks California law banning concealed carry in most public places - JURIST - News](#)

³ [SB 2 - CALIFORNIA CARRY](#)

⁴ [9th Circuit upholds California gun bans in some 'sensitive' places - Los Angeles Times \(latimes.com\)](#)



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The recent ruling by the U.S. 9th Circuit Court of Appeals has significant implications for faith-based organizations, nonprofits, and houses of worship:

1. **Houses of Worship:** The court ruled that California cannot enforce a blanket ban on firearms in places of worship. This means that churches, synagogues, mosques, and other religious institutions can decide for themselves whether to allow or prohibit firearms on their premises. The ruling emphasizes that while the state cannot impose such restrictions, individual property owners retain the right to set their own policies regarding firearms⁵.
2. **Nonprofits and Faith-Based Organizations:** Similar to houses of worship, other nonprofit organizations that operate in spaces like hospitals, medical facilities, and financial institutions are also affected. The state cannot enforce a universal ban on firearms in these locations, but the organizations themselves can choose to implement their own security measures and policies⁶.
3. **Security and Liability:** This ruling places a greater responsibility on the leadership of these organizations to assess their security needs and make informed decisions about allowing firearms on their premises. They must balance the potential benefits of allowing firearms for self-defense against the risks and liabilities associated with having them on-site.

Overall, the ruling underscores the importance of local decision-making and the autonomy of faith-based organizations and nonprofits in setting their own security policies.

The court's decision was influenced by the historical test for gun laws established by the U.S. Supreme Court in the 2022 case *New York State Rifle & Pistol Assn. vs. Bruen*. This test requires that gun laws be rooted in the nation's history and tradition or be sufficiently analogous to historical laws. The ruling divided public places into those where guns may be banned, such as parks, and those where they may not be, such as places of worship, based on historical precedent.

Legislative Citations:

- **New York State Rifle & Pistol Assn. vs. Bruen:** This Supreme Court case set the precedent that gun laws must be rooted in historical tradition or analogous to historical laws.⁷

⁵[NY can't stop churchgoers from bringing guns to worship: court | U.S. \(christianpost.com\)](#)

⁶[Federal Court Reinstates Right-to-Carry In Houses of Worship - New York Families Foundation](#)

⁷[20-843 New York State Rifle & Pistol Assn., Inc. v. Bruen \(06/23/2022\) \(supremecourt.gov\)](#)



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- **California Penal Code Section 626.9, Gun-Free School Zone Act:** This section outlines the restrictions on carrying firearms in certain public places, including school zones, which the court partially upheld and partially struck down based on the historical test.⁸

The ruling highlights the balance between state authority to regulate firearms in public places and the rights of private property owners to set their own rules regarding firearms on their premises.

California may enforce its recent ban on guns in “sensitive places” when it comes to parks and playgrounds, bars and restaurants that serve alcohol, casinos, stadiums, amusement parks, zoos, libraries, museums, athletic facilities and the parking areas associated with them, a federal appellate court ruled Friday.

However, **the state may not enforce similar restrictions** in hospitals or other medical facilities, on public transit, **at places of worship** or financial institutions, or in the parking areas associated with or shared by those places, the three-judge panel of the U.S. 9th Circuit Court of Appeals determined. It also may not enforce its ban on guns at all events requiring a permit, or on visitors carrying guns onto any private property where the owner has not posted signs explicitly allowing them, the panel ruled.

The appellate panel — which simultaneously issued similar findings relating to laws in Hawaii — issued its ruling in response to broad injunctions by lower courts that had blocked the bans from taking effect amid ongoing litigation over the laws.

The panel noted that some locations where it rejected statewide bans, such as banks and churches, could still bar visitors from carrying guns based on existing property laws, but the state governments could not unilaterally and universally do so for them. It said owners of private property are similarly free to ban firearms on their property.

“For the places where we hold that the states likely may not prohibit the carry of firearms, the practical effect of our ruling is merely that private-property owners may choose to allow the carry of firearms,” Circuit Judge Susan P. Graber wrote for the panel. “Owners of hospitals, banks and churches, for example, remain free to ban firearms at those locations.”⁹

The recent ruling by the U.S. 9th Circuit Court of Appeals was issued on **September 6, 2024**. The case number for this ruling is **No. 22-50048**

⁸ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=626.9.

⁹ <https://cdn.ca9.uscourts.gov/datastore/opinions/2024/09/06/23-4356.pdf>