



Written by [Bob Adelman](#) on August 23, 2023

New Jersey Appeals “Sensitive Places” Injunction, SAF Responds

Almost immediately after a judge issued a temporary restraining order against New Jersey’s “sensitive places” law in May, the state appealed, asking the court to lift the injunction while the case is being heard. On Monday, the Second Amendment Foundation (SAF) [responded](#) in answer to New Jersey’s appeal.

At issue is New Jersey’s response to the Supreme Court’s decision last summer in *Bruen (New York State Rifle & Pistol Association, Inc. v. Bruen)* that ruled that New Jersey’s oppressive requirement of proving a “special need” in order to obtain a permit to carry a firearm was unconstitutional.

Instead of celebrating the victory for New Jerseyans now freed of that oppression, the anti-gun Democrats controlling the state, including Democrat Governor Phil Murphy, determined to — in Murphy’s words — provide a “workaround” of that ruling.

That “workaround” consisted of passing a law that, if upheld, would turn the entire state of New Jersey into a gun-free zone. The law, dubbed the “sensitive places” law, declares that those with permits may not carry in places deemed “sensitive.” The listing of those places, however, covers virtually the entire state: parks, beaches, libraries, museums, theaters, playgrounds, zoos, medical offices, sports arenas, restaurants, public gatherings, casinos, one’s own car and other vehicles, and virtually all private property.

The judge, Renee Marie Bumb, a Bush nominee, noted that that “workaround” was deliberate and intentional. She wrote, “The legislative record reveals the [New Jersey] Legislature paid little to no mind to *Bruen* and the law-abiding New Jerseyans’ right to bear arms in public for self-defense.”

Specifically, when the bill’s sponsor, Assemblyman Joseph Daniels, was asked if he had even read *Bruen*, he responded, “Me reading the Court’s decision [in *Bruen*] is not part of the bill.” When pressed, the leftist politician made clear his intention with the bill: “You [speaking to those law-abiding New Jerseyans who had already survived the state’s onerous permitting process] are not going to mindlessly put a loaded firearm on your person and just leave the house.”

In its appeal to the court to leave the injunction in place while the case is being heard in its entirety, the SAF noted that New Jersey’s contempt for *Bruen* was “enacted explicitly to undermine [the] Supreme Court decision.” Under that law, “Plaintiffs [individual gun owners residing in New Jersey] cannot bring



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their firearms to most places they go in their daily lives ... thereby eviscerating the right to public carry.”

It added, “Law-abiding New Jersey citizens may walk out their front doors with their firearms, but then go virtually nowhere with them.”

The state failed to impress the judge during preliminary hearings that there was historical evidence that such laws existed at the time the Second Amendment was added to the U.S. Constitution. On the contrary, according to the SAF appeal:

Historical evidence [shows] that ... states addressed the potential of violent disruption not by prohibiting law-abiding citizens from exercising their right to carry firearms, but by encouraging and even requiring them to exercise that right.

The appeal to keep in place the injunction against New Jersey’s “workaround” law concluded,

The District Court correctly held that Plaintiffs are likely to succeed on the merits of their Second Amendment claims against the challenged provisions.

The ongoing loss of constitutional rights is an irreparable injury and against the public interest. The preliminary injunction against the challenged provisions should therefore be affirmed.

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