

SB 281 LAWSUITS SUMMARY

Banned Weapons

Tardy, et al. v. O'Malley, et al.
13-CV-2841

U.S. District Court, MD (Baltimore)

PARTIES

Plaintiffs: Shawn Tardy, Andrew Turner, Matthew Godwin, Wink's Sporting Goods, Atlantic Guns, Associated Gun Clubs of Baltimore, Maryland Shall Issue, Maryland State Rifle and Pistol Association, National Shooting Sports Foundation, and Maryland Licensed Firearms Dealers Association

Defendants: Martin O'Malley, Douglas Gansler, Col. Marcus Brown, and the Maryland State Police

SUMMARY

This lawsuit specifically targets two portions of the bill: the assault weapons ban (AWB) and the ban on so-called "high-capacity magazines" (HCM's).

COUNTS

1. The prohibition on commonly possessed firearms violates the 2nd Amendment
2. The prohibition on commonly possessed magazines violates the 2nd Amendment
3. The prohibitions also deny those who possess these firearms and magazines equal protection of the laws
4. Many provisions of the law are vague, fail to give appropriate notice, and violate due process

Handgun Qualification License

Doe, et al. v. O'Malley, et al.
13-CV-2861

U.S. District Court, MD (Baltimore)

PARTIES

Plaintiffs: Jane Doe, John Doe, Jack Doe, Wink's Sporting Goods, Atlantic Guns, Associated Gun Clubs of Baltimore, Maryland Shall Issue, Maryland State Rifle and Pistol Association, and Maryland Licensed Firearms Dealers Association

Defendants: Martin O'Malley, Douglas Gansler, Col. Marcus Brown, and Maryland State Police

SUMMARY

This lawsuit attacks the constitutionality of the requirement to obtain a handgun qualification license (HQL) and the way in which the Maryland State Police have been attempting to implement it.

COUNTS

1. The requirement violates the 2nd amendment by creating a de facto ban on handgun acquisition as of Oct. 1st
2. The opposing statements by the Attorney General and the Maryland State Police regarding whether an HQL is necessary to receive a handgun purchased lawfully before Oct. 1st have led to mass confusion and exposed plaintiffs to potential criminal prosecution

PREPARED BY:
Senate Caucus Staff

LAST UPDATED:
10/03/2013

SB 281 LAWSUITS TIMELINE

Banned Weapons

- 2013 -

Handgun Qualification License

September

Sept. 26th, 2013 – Lawsuit filed by private citizens, gun rights organizations, and firearm dealers/manufacturers against Governor O’Malley and members of his administration to challenge the constitutionality of the AWB and the ban on HCM’s. Motion for Temporary Restraining Order (TRO) preventing enforcement of the AWB and the ban on HCM’s filed concurrently.

Sept. 27th, 2013 – Lawsuit filed by private citizens, gun rights organizations, and firearm dealers/manufacturers against Governor O’Malley and members of his administration to challenge the constitutionality of the HQL and how it is being implemented. Motion for Temporary Restraining Order (TRO) and Preliminary Injunction (PI) preventing enforcement of HQL provisions filed concurrently

October

Oct. 1st, 2013 – Hearing on Motion for TRO preventing enforcement of the AWB and the ban on HCM’s conducted. Motion for TRO denied by U.S. District Court Judge Blake.

Oct. 1st, 2013 – Hearing on Motion for TRO preventing enforcement of HQL provisions conducted. Motion for TRO denied by U.S. District Court Judge Blake.

Oct. 10th, 2013 – Scheduling conference to be held between U.S. District Court Judge Blake and legal counsel for all parties. Anticipated to work out temporary dates for permanent injunction request, the exchange of briefs, and oral arguments.

Oct. 10th, 2013 – Scheduling conference to be held between U.S. District Court Judge Blake and legal counsel for all parties. Anticipated to work out temporary dates for permanent injunction request, the exchange of briefs, and oral arguments.

November

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NOTE:
AS A WORK IN PROGRESS, DATES
AND INFORMATION ON THIS
TIMELINE ARE SUBJECT TO CHANGE