



PRESS RELEASE

Attorney General Appeals 4th Circuit Panel Ruling on Maryland Firearm Safety Act

Baltimore, MD (February 19, 2016) --Attorney General Brian E. Frosh announced that his office is seeking a review of a Fourth Circuit Court of Appeals decision handed down earlier this month which called for an overly stringent analysis of key components of the Maryland Firearm Safety Act.

The appeal asks for the full Fourth Circuit to reconsider a 2-1 decision from earlier this month, with all judges sitting together en banc. Attorney General Frosh is asking for the rehearing so that the full court reconsiders how Maryland's ban on assault-style weapons and high-capacity magazines should be analyzed for constitutionality.

A U.S. District Court judge had earlier ruled that the assault weapons ban should be reviewed using a constitutional test that allows for laws that protect important public interests such as health and safety, but the Fourth Circuit panel determined that the ban should face the strictest level of constitutional review.

That 2-1 decision, Attorney General Frosh is arguing, conflicts with all other courts of appeals which have reviewed the constitutionality of similar laws. Attorney General Frosh is further arguing that Maryland's law is critical to the public safety of state residents.

"Assault weapons and high-capacity magazines are not needed for self-defense and have been used in too many mass murders," Attorney General Frosh said. "As Judge King wrote in his strong Fourth Circuit dissent, assault weapons are 'exceptionally lethal weapons of war.' They simply have no place in our communities."

"The decision made by two judges on the initial Fourth Circuit panel to apply the highest level of scrutiny to Maryland's law directly conflicts with decisions of every other federal appellate court that has considered similar laws," Attorney General Frosh said. "It must be reconsidered, for the safety of all Marylanders."

As a member of the Maryland Senate at the time, Attorney General Frosh was the lead advocate for the Maryland Firearm Safety Act of 2013, adopted by the General Assembly in the aftermath of the Newtown, Connecticut school shootings. The law remains in effect during the court appeals process.

To read the Petition for Rehearing En Banc, click [here](#).