



PRESS RELEASE

Attorney General Frosh Joins Coalition Defending Vermont’s Right to Ban Large-Capacity Magazines

Attorneys General Argue That Right to Bear Arms Allows States to Adopt Gun Safety Laws

BALTIMORE, MD (October 15, 2019) – Maryland Attorney General Brian E. Frosh today joined a group of 18 state attorneys general to defend Vermont’s right to ban large-capacity magazines and protect public safety. In an [amicus brief](#) filed in the Vermont Supreme Court, the attorneys general argue that states have the right to enact reasonable firearm restrictions that reduce the number of deaths and injuries caused by gun violence.

“Large-capacity magazines have one purpose—to kill as many people as possible, in the shortest amount of time, with the least amount of effort by the shooter,” said Attorney General Frosh. “Restricting or banning these types of magazines is a common-sense approach to curbing this violence and, as federal courts have found over and over, does not violate the Constitution.”

The states have filed an amicus brief in *State of Vermont v. Max B. Misch*, in which the Vermont Supreme Court will determine whether Vermont’s prohibition on large-capacity magazines violates the Vermont Constitution’s right to bear arms. In 2018, Vermont prohibited the manufacture, importation, possession, and sale of large-capacity magazines, with some exceptions, including for magazines lawfully possessed before the law went into effect. The law bans magazines that hold more than 10 rounds of ammunition for long guns and more than 15 rounds for handguns. Eight other states—including Maryland—and the District of Columbia have enacted similar prohibitions. The constitutionality of those laws has been consistently upheld by federal courts of appeals under the Second Amendment of the U.S. Constitution, which the U.S. Supreme Court has recognized as “analogous” to Vermont’s right-to-bear-arms provision.

In the brief, the states argue that a ban on large-capacity magazines is a reasonable restriction that Vermont has the right to adopt because:

- **The right to bear arms does not prevent states from enacting common-sense gun safety measures:** The brief explains that states are entitled to adopt reasonable restrictions on firearms to address the unique conditions within their borders and protect public safety. Restricting access to large-capacity magazines is a reasonable restriction because it would reduce firearm injuries and deaths while leaving many other options open for individuals who wish to exercise their right to self-defense.

- **States have a responsibility to prevent gun violence and protect public safety:** The brief notes that states have primary responsibility for ensuring public safety. This includes a duty to reduce the likelihood that their citizens will fall victim to preventable firearm violence, and to minimize fatalities and injuries when that violence does occur. The brief notes that because there are local and regional differences that contribute to gun violence, deciding how best to protect the safety of state residents is a question better suited to legislatures than courts.
- **Regulating large-capacity magazines protects the public:** The brief cites evidence that large-capacity magazines are especially attractive to mass shooters and criminals, posing increased risks to innocent civilians and law enforcement. Restricting large-capacity magazines means a mass shooter must reload or switch weapons, giving bystanders more opportunities to flee, take shelter, or intervene. At the same time, there is no proof that large-capacity magazines are necessary—or even commonly used—for self-defense.

In addition to Maryland, the brief was filed by the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Virginia, and Washington.