



# LEGAL FIGHT EXPECTED AFTER NEW MEXICO GOVERNOR SUSPENDS THE RIGHT TO CARRY GUNS IN PUBLIC - ASSOCIATED PRESS

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*Photo: Gov. Michelle Lujan Grisham announces an order restricting people from carrying guns in Bernalillo County for 30 days during a news conference in the Governor's Office*

New Mexico Gov. Michelle Lujan Grisham's emergency order suspending the right to carry firearms in public in and around Albuquerque will spur a legal fight but might also raise public awareness about gun violence, legal scholars and advocates said.

"It's going to be challenged. But she's trying to move the debate," Jessica Levinson, a law professor at Loyola Marymount's Loyola Law School in Los Angeles, said after Lujan Grisham announced Friday that she was temporarily suspending the right to carry firearms in her state's largest city and surrounding Bernalillo County.

The 30-day suspension, enacted as an emergency public health measure, applies in most public places, from city sidewalks to urban recreational parks.

"No person, other than a law enforcement officer or licensed security officer, shall possess a firearm ... either openly or concealed," the governor's order states.

"Politically, a lot of people will react favorably," Levinson predicted during a telephone interview late Friday with The Associated Press. "But she's bumping up against the Second Amendment, no doubt about it. And we have a very conservative Supreme Court that is poised to expand Second Amendment rights."

Miranda Viscoli, co-president of New Mexicans to Prevent Gun Violence, applauded the governor's order.

"If it makes it so that people think twice about using a gun to solve a personal dispute, it makes them think twice that they don't want to go to jail," Viscoli said, "then it will work."

The top Republican in the New Mexico Senate, Greg Baca of Belen, denounced Lujan Grisham's order as an infringement on the gun rights

of law-abiding citizens. Dan Lewis, who serves on the nonpartisan Albuquerque City Council, called the order an unconstitutional edict.

The governor, a Democrat, said she was compelled to act following recent shootings including the death this week of an 11-year-old boy outside a minor league baseball stadium and gunfire last month that killed a 5-year-old girl who was asleep in a motor home. The governor also cited the shooting death in August of a 13-year-old girl in Taos County.

"I welcome the debate and fight about how to make New Mexicans safer," Lujan Grisham said during a news conference at which she was flanked by law enforcement officials including the district attorney for the Albuquerque area.

Lujan Grisham said state police would be responsible for enforcing what amount to civil violations carrying a fine of up to \$5,000. Residents still can transport guns to private locations like a gun range or gun store if the firearm is in a container or has a trigger lock or mechanism making it impossible to discharge.

Albuquerque Mayor Tim Keller and Police Chief Harold Medina said city police won't enforce the order, and Bernalillo County Sheriff John Allen said he was uneasy about how gun owners might respond.

"I am wary of placing my deputies in positions that could lead to civil liability conflicts," Allen said, "as well as the potential risks posed by prohibiting law-abiding citizens from their constitutional right to self-defense."

Keller, a Democrat, said in a statement the city welcomes "meaningful solutions and additional resources to fight crime in Albuquerque," but said city police were "not responsible for enforcing the governor's ban."

Medina noted that Albuquerque police had made more than 200 arrests of murder suspects in the last two years.

"We know all too well what it means that an 11-year-old boy and a 5-year-old girl were tragically killed by indiscriminate gun violence," the police chief said. "We share in the pain."

Police spokesman Gilbert Gallegos noted that enforcing the order also could put Albuquerque police in a difficult position with a U.S. Department of Justice police reform settlement.

Lujan Grisham's order calls for monthly inspections of firearms dealers statewide to ensure compliance with gun laws and for the state Department of Health to compile a report on gunshot victims at hospitals that includes age, race, gender and ethnicity, along with the brand and caliber of firearm involved.

Levinson said she was not aware of any other governor taking a step as restrictive as Lujan Grisham. But she pointed to a proposal by California Gov. Gavin Newsom, a Democrat, to amend the U.S. Constitution to harden federal gun laws.

"I don't think it will be a political loss for (Lujan Grisham) to be overturned," Levinson said. "She can say she did everything she could but was stopped by the courts."

Jacob Charles, a law professor at Pepperdine Caruso School of Law who studies the Second Amendment, noted that the Supreme Court, in the June 2022 Bruen case, expanded the right of law-abiding Americans to carry guns in public for self-defense.

He said that ruling limits the ability to take into account arguments about a compelling government interest like the gun violence that Lujan Grisham said prompted her order.

"What it means is that contemporary costs and benefits aren't part of the analysis," Charles said.

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Stern and Sonner reported from Reno, Nev. Associated Press writers Ken Ritter and Rio Yamat in Las Vegas, Morgan Lee in Santa Fe., N.M.; Terry Tang in Phoenix and Felicia Fonseca in Flagstaff, Arizona, contributed to this report. Stern is a corps member for the Associated Press/Report for America Statehouse News Initiative. Report for America places journalists in local newsrooms across the country to report on undercovered issues.

