

## LICENSES DELAYED, RIGHTS DENIED: HOW CONTEMPORARY FIREARM CARRY LICENSING REGIMES CONTINUE TO VIOLATE THE SECOND AMENDMENT

MARK W. SMITH\*

### INTRODUCTION

The Supreme Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*<sup>1</sup> was meant to vindicate the Second Amendment's text and historical traditions against discretionary state licensing schemes that denied ordinary citizens their constitutional right to bear arms in public. Yet three years after *Bruen*, a predictable pattern has emerged: jurisdictions hostile to gun rights have responded not with compliance, but with sophisticated resistance. In these states, the right recognized in *Bruen* exists on paper but remains largely inaccessible in practice. These states have transformed federalism's promise of experimentation into what can only be described as laboratories in denying constitutional rights. The tools are facially neutral—processing times, training requirements, documentation standards—but their cumulative effect is anything but. When examined systematically, these measures reveal a deliberate strategy of administrative nullification that courts have been slow to recognize and even slower to remedy.

This Article documents the methods by which certain outlier jurisdictions erode *Bruen*'s command; and second, proposes a concrete solution that would restore meaningful access to the right to bear arms. Central to this proposal is the simple but powerful insight that states move quickly when they are motivated to do so. What is needed, then, is a realignment of incentives that makes unlawful obstruction costlier than constitutional compliance.

### I. OUTLIER STATES IMPOSE UNREASONABLE DELAYS IN PROCESSING CONCEALED CARRY APPLICATIONS BY VIRTUE OF MULTIPLE CHOKE POINTS.

Federalism is often lauded as creating laboratories of democracy, where states experiment with public policy innovations. But in the context of concealed carry licensing, this model has been turned on its head to innovate ways to deny a fundamental right that the Constitution guarantees against the states. Instead of enhancing liberty beyond the Constitution's baseline

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\* Mark W. Smith is a Visiting Fellow in Pharmaceutical Public Policy and Law in the Department of Pharmacology, Oxford University and a Distinguished Scholar and Senior Fellow of Law and Public Policy, Ave Maria School of Law. He hosts the Four Boxes Diner YouTube Channel ([www.youtube.com/TheFourBoxesDiner](http://www.youtube.com/TheFourBoxesDiner)), which addresses Second Amendment scholarship, history and issues, and whose educational videos have been viewed over 69 million times. His scholarship has been cited by federal courts and by attorneys before the United States Supreme Court in *New York State Rifle & Pistol Ass'n v. Bruen* and in *United States v. Rahimi*. He is a graduate of the NYU School of Law.

<sup>1</sup> 142 S. Ct. 2111 (2022).

protections, the same six outlier states admonished in *Bruen* now use the leeway granted by federalism to innovate in ways to deny constitutional rights.<sup>2</sup> These states have implemented strategies for regulatory resistance, adopting new policies designed to discourage and delay lawful carry. These “laboratories of rights denial” operate under the guise of neutral bureaucracy but produce patterns of obstruction that are unmistakably deliberate.

The tools of this resistance are not always sweeping laws. Many are localized bureaucratic maneuvers that cumulatively amount to widespread suppression. Below are some of the structural choke points embedded in the licensing process that amount to a systemic subversion of *Bruen* and, by extension, the Second Amendment.

A. *Obstruction By Design: Bureaucratic Choke Points in the Licensing Process*

1. Staffing Bottlenecks and Restricted Office Hours

Licensing agencies frequently claim to be under-resourced, yet these staffing shortages are often manufactured. Municipalities allocate insufficient personnel to handle concealed carry applications, even in jurisdictions where permit demand has sharply increased post-*Bruen*. This creates long backlogs, with applications languishing for months or even years, as in Los Angeles County<sup>3</sup> and New York City.<sup>4</sup>

Moreover, some agencies limit applicant intake to only a few hours a week or require fingerprinting and in-person interviews that are available only at inconvenient times or for a limited number of hours each day. These short windows effectively cap the number of applicants, turning access into a lottery of availability.

As revealed in a federal lawsuit, the Boston Police department makes applicants wait for months to obtain a fingerprint appointment, which is needed by the State Police to complete the background check and subsequently issue the license. Applicants for license renewals similarly face long waiting periods (more than six months) before the department processes their applications.<sup>5</sup>

One of the plaintiffs in that lawsuit, Mr. White, submitted a license-to-carry application on July 12, 2023, but had yet to hear from the Licensing Unit when the complaint was filed on December 12, 2023. As of that date, it had been 153 days since he had submitted his application with no contact from the department, and he would still have to wait an additional 30 days after submitting his completed application (with his fingerprints) for the state to complete his background check.<sup>6</sup>

In March 2025, the U.S. Department of Justice (DOJ) opened an investigation into the Los Angeles Sheriff’s Department to determine whether it was “engaging in a pattern or practice of

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<sup>2</sup> The six “may issue” states that have now become the outlier states for purposes of deploying choke points and obstacles for procuring carry licenses are: New York, Massachusetts, New Jersey, California, Maryland and Hawaii.

<sup>3</sup> *Rights Delayed and Rights Denied: DOJ Steps-Up Pressure Over Permit Delays, Refusals to Process*, NRA-ILA (June 9, 2025), [www.nraila.org/articles/20250609/rights-delayed-and-rights-denied-doj-steps-up-pressure-over-permit-delays-refusals-to-process](https://www.nraila.org/articles/20250609/rights-delayed-and-rights-denied-doj-steps-up-pressure-over-permit-delays-refusals-to-process) [https://perma.cc/P6TM-V78A].

<sup>4</sup> Dan Rivoli, *New Yorkers’ right to carry firearms tested at NYPD*, SPECTRUM NEWS (Feb. 24, 2025), [www.ny1.com/nyc/all-boroughs/politics/2025/02/25/nypd-concealed-carry-license-permits](https://www.ny1.com/nyc/all-boroughs/politics/2025/02/25/nypd-concealed-carry-license-permits) [https://perma.cc/Q8VX-8DQH].

<sup>5</sup> Amended Complaint at 1, *White v. Cox*, 1:23-cv-12031 (D. Mass. Dec. 12, 2023), Dkt. No. 10, [https://perma.cc/9QD7-VD7U].

<sup>6</sup> *Id.* at 8.

depriving ordinary, law-abiding Californians of their Second Amendment rights” through lengthy wait times and expensive fees associated with applications for concealed handgun licenses.<sup>7</sup> On September 30<sup>th</sup>, 2025, the DOJ sued Los Angeles, determining that “the Los Angeles County Sheriff’s Department has systematically denied thousands of law-abiding Californians their fundamental Second Amendment right to bear arms outside the home . . . through a deliberate pattern of unconscionable delay that renders this constitutional right meaningless in practice.”<sup>8</sup>

In Washington D.C., limited time slots had some applicants waiting as long as four months to schedule their interviews to get their permits.<sup>9</sup> But wait times have been shortened significantly following President Trump’s executive order to create a task force to fast-track the permit process.<sup>10</sup>

In New York City, the delay in scheduling fingerprinting appointments has some applicants waiting a full year for an appointment.<sup>11</sup> Some applicants have waited two years or more for their applications to be processed.<sup>12</sup>

Things are not much better outside the “big” cities. In Greene County, Ohio, applicants can apply for a concealed carry permit only from 8 a.m. to 3 p.m. on Fridays, and the lobby accommodates only one person at a time.<sup>13</sup> In Placer County, California, appointments are booked for three months in advance,<sup>14</sup> and in Shasta County, California, the fingerprinting office is open only three days of the week.<sup>15</sup>

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<sup>7</sup> U.S. Department of Justice Announces Second Amendment Pattern-or-Practice Investigation into California’s Los Angeles County, DEP’T OF JUST. (Mar. 27, 2025), [www.justice.gov/opa/pr/us-department-justice-announces-second-amendment-pattern-or-practice-investigation](https://www.justice.gov/opa/pr/us-department-justice-announces-second-amendment-pattern-or-practice-investigation) [https://perma.cc/4JC7-YZST]; Cam Edwards, DOJ Official Hints D.C. Could be In Trouble Over Concealed Carry Delays, BEARING ARMS (Apr. 17, 2025), [www.bearingarms.com/camedwards/2025/04/17/doj-dc-concealed-carry-delays-n1228348](https://www.bearingarms.com/camedwards/2025/04/17/doj-dc-concealed-carry-delays-n1228348) [https://perma.cc/2VFU-49VE].

<sup>8</sup> Complaint ¶ 1, *United States v. Los Angeles County Sheriff’s Department*, No. 2:25-cv-09323 (C.D. Cal. Sept. 30, 2025), ECF No. 1, [https://perma.cc/4A7L-NT4C].

<sup>9</sup> Cam Edwards, *Trump Issues Executive Order to Ease Concealed Carry in Washington, D.C.*, BEARING ARMS (Mar. 28, 2025), [www.bearingarms.com/camedwards/2025/03/28/trump-issues-executive-order-to-ease-concealed-carry-in-washington-dc-n1228130](https://www.bearingarms.com/camedwards/2025/03/28/trump-issues-executive-order-to-ease-concealed-carry-in-washington-dc-n1228130) [https://perma.cc/2HCW-9FK7].

<sup>10</sup> Kerry Picket, *Wait Times for D.C. Concealed Carry Permits Reduced Since Trump Order Fast-Tracker Process*, WASH. TIMES (June 4, 2025), [www.washingtontimes.com/news/2025/jun/4/wait-times-dc-concealed-carry-permits-reduced-since-trump-order-fast/](https://www.washingtontimes.com/news/2025/jun/4/wait-times-dc-concealed-carry-permits-reduced-since-trump-order-fast/) [https://perma.cc/ZJW8-PW8C]. Emma Colton, “DC gun permit wait slashed from months to days as Trump’s crime crackdown continues,” FOX NEWS (August 15, 2025), <https://www.foxnews.com/politics/dc-gun-permit-wait-slashed-from-months-days-trumps-crime-crackdown-continues> [https://perma.cc/WT9R-YMKZ].

<sup>11</sup> Complaint ¶ 102, *Milani v. City of New York*, No. 1:25-cv-01732-DLC (S.D.N.Y. Feb. 28, 2025), ECF No. 1, [https://perma.cc/E4EM-SD9N].

<sup>12</sup> Edwards, *supra* note 7.

<sup>13</sup> Parker Perry, *Ohio sheriffs adjust to CCW law changes: What they’ll do*, JOURNAL-NEWS (Oct. 19, 2020), [www.journal-news.com/news/ohio-sheriffs-adjust-to-ccw-law-changes-what-theyll-do/WFHV4U6HGNA4TB3YBEHKAVEM2Y/](https://www.journal-news.com/news/ohio-sheriffs-adjust-to-ccw-law-changes-what-theyll-do/WFHV4U6HGNA4TB3YBEHKAVEM2Y/) [https://perma.cc/2GVJ-JGZH].

<sup>14</sup> FAQ, *How long does the new Concealed Carry Weapon process take?*, CNTY. OF PLACER, [www.placer.ca.gov/FAQ.aspx?QID=832](https://www.placer.ca.gov/FAQ.aspx?QID=832) [https://perma.cc/B9JK-6LHM].

<sup>15</sup> CCW Information, SHASTA CNTY., [www.shastacounty.gov/sheriff/page/ccw-information](https://www.shastacounty.gov/sheriff/page/ccw-information) [https://perma.cc/V5WS-T8LB].

## 2. Burden of Supplementary Documents

Applications are intentionally burdensome, requiring excessive or redundant information. For example, applicants may be asked to supply character references, even though such requirements have no constitutional justification post-*Bruen*.<sup>16</sup> The paperwork burden is compounded by requirements to submit supplementary materials, such as letters from employers, character references, or detailed justifications for carrying. These documents can be difficult to gather, especially for those without conventional employment or social networks. To illustrate, some towns in Rhode Island require applicants to sign a general release authorizing the disclosure of all public, private, privileged and confidential records “maintained by past and present employers, law enforcement, public utility companies, state and federal agencies including but not limited to the Division of Taxation, the Internal Revenue Services, and any Health Care facility which dispenses care and treatment for social, mental or emotional difficulties.”<sup>17</sup>

## 3. Lengthy and Expensive Firearms Training and Proficiency Requirements

Mandatory training requirements are another bureaucratic chokepoint employed by the outlier jurisdictions to restrict gun ownership much the same way that literacy tests were historically used to disenfranchise voters. These training courses are expensive and time-consuming, potentially making it harder for individuals with limited incomes or inflexible schedules to exercise their right to bear arms. Compounding the problem are issues such as limited class availability and class size.

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<sup>16</sup> *Recent Legal Amendments-FAQ's*, N.Y.P.D. LICENSE DIV., [www.licensing.nypdonline.org/faq](http://www.licensing.nypdonline.org/faq) [<https://perma.cc/9DUM-JYPN>]. California requires three character references. One of three must be the applicant's spouse or former spouse, cohabitant or former cohabitant, fiancée, or someone with whom the applicant has, or previously had, an engagement or dating relationship, or the mother or father of the applicant's child, if applicable. *Standard Initial and Renewal Application for License to Carry a Weapon Capable of Being concealed*, CAL. DEP'T OF JUST. BUREAU OF FIREARMS, [<https://perma.cc/NE77-HYC3>].

Maryland requires an applicant to submit the names of at least three reputable citizens who are not related to the applicant and have known the applicant for more than two years. *Wear and Carry Portal Users Guide*, MARYLAND STATE POLICE (Oct. 2019), [<https://perma.cc/M52B-CMC4>].

New Jersey requires the applicant to provide four character references who have known the applicant for at least three years. *Concealed Carry Permits: Instructions for N.J. Residents & Dual Residents of New Jersey*, STATE OF N.J., [<https://perma.cc/P8EP-SQY8>].

In Brookline, Massachusetts, applicants must submit two letters of reference from parties who are not related to them and who can attest “that the applicant is of sound mind and character and that the applicant is believed by the reference to have demonstrated responsibility for the safe possession of a firearm. Each reference must contain the full name, home address, and home telephone number of the reference. Each reference must state how long they have known the applicant, the specific basis for their opinion that the applicant is of sound character and is responsible, and must indicate his or her willingness to be interviewed in confidence by this Department.” *Firearms Licensing*, BROOKLINE, MASS. POLICE DEP'T, [<https://perma.cc/FCN8-FPPJ>].

Delaware requires that an applicant submit references from five “‘respectable citizens’ of the county in which the applicant resides stating that the applicant is of good moral character, has a reputation for peace and good order, and that possession of a concealed deadly weapon by the applicant is necessary for the protection of the applicant or the applicant's property.” *Concealed Carry*, GIFFORDS L. CTR., [<https://perma.cc/U8BX-NDZF>].

<sup>17</sup> See generally *Application for a License or Permit to Carry a concealed pistol or revolver*, TIVERTON POLICE (Dec. 27, 2024), <https://tivertonpolice.com/wp-content/uploads/2025/01/Application-for-a-license-or-permit-to-carry-a-concealed-pistol-or-revolver-01-06-2025.pdf> [<https://perma.cc/T4S2-XP49>] ; see also *Application Instructions for License to Carry a Concealable Weapon*, MIDDLETOWN POLICE DEP'T, [<https://perma.cc/R8T6-NH64>].

New York requires sixteen hours of training, including two hours of live fire.<sup>18</sup> The cost for the course is typically north of \$500 with some providers limiting class size to less than a dozen applicants.<sup>19</sup> Class size is even smaller in New Jersey, with some providers limiting the number of students to between four and eight students per class.<sup>20</sup> Illinois<sup>21</sup> and Maryland<sup>22</sup> require a sixteen-hour course, including live fire, completed over two days. Classes are limited to between eight and twenty applicants.<sup>23</sup> In Maryland, the training classes cost around \$250.<sup>24</sup> In California, applicants must complete a sixteen-hour course, including live fire.<sup>25</sup> The fee is nearly \$300 with some providers capping attendance at fourteen students.<sup>26</sup> Washington, D.C. follows New York and requires an eighteen-hour training course over two days with live fire training.<sup>27</sup> The course typically costs \$250.<sup>28</sup>

#### 4. Unpublished or Hidden Requirements

Applicants are sometimes caught off guard by requirements not listed on official websites or in a statute, which the anti-gun jurisdictions justify as relevant to the subjective good moral character requirement in these jurisdictions. These “secret rules” create opportunities for arbitrary denial or delay and serve to weed out those unwilling to navigate a Kafkaesque process. None of these “rules” appear connected with a judicial finding of physical dangerousness, and decisions whether an applicant is disqualified under these “rules” often seems to turn upon the discretion of the licensing official.

In 2023, three men were denied permits by Washington D.C. because one of them witnessed domestic abuse as child, making him “involved in a domestic abuse incident,” another man because he had previously fired a gun in self-defense, and finally another because he witnessed an assault but had not actually assaulted anyone.<sup>29</sup> Yet, none of these individuals had been charged with a crime—let alone convicted of one.

<sup>18</sup> *Minimum Standards for New York State Concealed Carry Firearm Safety Training*, N.Y. DIV. OF CRIM. JUSTICE SERVS. (Aug. 23, 2022), [https://perma.cc/27W8-N4A4].

<sup>19</sup> Home, PRECISION ARMORY, www.precisionarmory.com [https://perma.cc/6R3U-VGL9].

<sup>20</sup> *Stafford Firearms Safety Training*, www.staffordfirearmssafetytraining.com [https://perma.cc/L437-8XTJ].

<sup>21</sup> 430 Ill. Comp. Stat. 66/75(B).

<sup>22</sup> *Wear and Carry Permit Training*, MDSP, MD. DEP’T OF STATE POLICE, [https://perma.cc/CDN5-WLXX].

<sup>23</sup> Welcome to Str8 Shot\* Gun Safety Str8 Shot\* Gun Safety https://str8shotgunsafety.com/illinois-concealed-carry/ [https://perma.cc/D5S6-TTYQ]; Home, CRITICAL DECISION, www.criticaldecision.net [https://perma.cc/TSV7-KS6T]; *Maryland Wear and Carry Permit Glen Burnie\*\**, CINDY’S HOTSHOTS, www.cindyshotshots.com/course-item/maryland-wear-and-carry-permit/ [https://perma.cc/N6QE-UFYH].

<sup>24</sup> *Id.*

<sup>25</sup> *Carry a Concealed Weapon Licensing-CCW*, LOS ANGELES CNTY. SHERIFF’S DEP’T., www.lasd.org/ccw/ [https://perma.cc/EV5X-MBY4].

<sup>26</sup> *CCW Permit Courses*, CCW PERMIT INSTRUCTION, www.ccwpermitinstruction.com/california-ccw-permit-courses/ [https://perma.cc/4H3G-KSAN]; *CCW Courses*, FIREARMS TRAINING LLC, www.lltraining.com/ca-ccw-courses-riverside-and-san-diego-counties/ [https://perma.cc/QA8T-KXYU].

<sup>27</sup> *Concealed Carry Pistol License Application*, D.C. METROPOLITAN POLICE DEP’T, www.mpdcc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/CCPL\_FillablePDF\_2023b.pdf [https://perma.cc/HNX7-44BZ].

<sup>28</sup> *Washington, D.C. CCW Permit*, FREESTATE GUN RANGE, www.freestategunrange.com/class/dc-ccw-2-day-course/ [https://perma.cc/E73Z-W9TB].

<sup>29</sup> Justin Moyer, *D.C. won’t give 3 Black men concealed-carry licenses. They’re suing*, WASH. POST. (Oct. 27, 2022), www.washingtonpost.com/dc-md-va/2022/10/27/guns-concealed-carry-lawsuit-discrimination/ [https://perma.cc/E43J-LMDU].

Perhaps the most bizarre example of these unlawful disqualifiers arose in Big Island, Hawaii, where an applicant who performed wild pig removal services was denied a permit to acquire a firearm because of a shooting complaint filed by the neighbor of a landowner who hired the applicant. Although no charges were filed against the applicant, his application was denied on the ground that he had been *prosecuted* for a crime. Unbeknownst to the applicant, Hawaii County equated a police report investigating an alleged firearm crime with an actual criminal prosecution.<sup>30</sup>

### 5. Short License Renewal Times and Burdensome Renewal Processes

The right to conceal carry is also suppressed through shortened expiration periods and when the outlier jurisdictions fail to distinguish between renewals and first-time applicants. In Maryland, for example, a first-time concealed carry license is valid for only two years; subsequent renewals are valid for only three years.<sup>31</sup> Every renewal application must include all of the same documentation as the original application, and the applicant must also complete an eight-hour firearm training course within two years of the renewal.<sup>32</sup> In New Jersey, concealed carry licenses are valid for only two years.<sup>33</sup> That is also the case in Washington D.C., where renewal applicants must complete four more hours of firearms training and pay a \$75 renewal fee.<sup>34</sup> California requires applicants to renew every two years as well and to complete eight additional hours of firearms training, be fingerprinted, submit a driver's license, birth certificate or passport and a utility bill, and pay a \$69 processing fee.<sup>35</sup>

#### B. How These Bureaucratic Choke Points Impact Law-Abiding Americans

Applicants in the six outlier states admonished in *Bruen* routinely report months-long waits, shifting requirements, excessive fees and bureaucratic runarounds. Some jurisdictions have been sued for failing to issue permits within the statutory timeframe. In others, potential applicants are deterred entirely by the opaque and burdensome process.

Lawsuits against Los Angeles and the city of La Verne, California, alleged that “wait times for a CCW permit with LAPD have ballooned, and LAPD has gone back to not accepting applications when they are submitted so they can falsely claim faster processing times. Applicants [are] being told in emails that they can expect to wait 18–22 months” for a decision.<sup>36</sup> And even that abysmal figure seems ambitious, given that some individuals who submitted concealed carry

<sup>30</sup> Complaint, *Kealoha Junior v. Hawaii County*, No. 1:25-cv-00281 (D. Haw. 2025), ECF. 1, [https://perma.cc/U2YP-GVMS].

<sup>31</sup> Md. Code Ann., Public Safety § 5-309(a), (b).

<sup>32</sup> *Id.* § 5-309(b); *Firearms Safety Training Course*, MARYLAND DEP'T OF STATE POLICE, <https://mdsp.maryland.gov/Organization/Pages/CriminalInvestigationBureau/LicensingDivision/Training/FirearmsSafetyTrainingCourse.aspx> [https://perma.cc/XF7D-DXN4].

<sup>33</sup> N.J. REV. STAT. § 2C:58-4(a) (2024).

<sup>34</sup> *Concealed Carry Pistol License Application*, D.C. MPD, [https://perma.cc/HNX7-44BZ]. D.C CODE C. § 7-2509.03(a), (b)(1)(i-ii); *Legal Firearms*, METROPOLITAN POLICE, <https://mpdc.dc.gov/firearms> [https://perma.cc/7EJH-EP6B].

<sup>35</sup> CAL. PENAL CODE § 26165(d); *Carry a Concealed Weapon Licensing – CCW*, LOS ANGELES CNTY. SHERIFF'S DEP'T, <https://lasd.org/ccw/> [https://perma.cc/QSY9-VVSE].

<sup>36</sup> *Rights Delayed and Rights Denied: DOJ Steps-Up Pressure Over Permit Delays, Refusals to Process*, NRA-ILA (June 9, 2025), [www.nra.org/articles/20250609/rights-delayed-and-rights-denied-doj-steps-up-pressure-over-permit-delays-refusals-to-process](http://www.nra.org/articles/20250609/rights-delayed-and-rights-denied-doj-steps-up-pressure-over-permit-delays-refusals-to-process) [https://perma.cc/P6TM-V78A].

applications allege that they had not even been contacted for their initial interview nearly a year and a half later.<sup>37</sup> Indeed, in some cases, the process has apparently dragged on for over two years.<sup>38</sup>

In the three years post-*Bruen*, excessive and unreasonable wait times have not improved in California. In March 2025, the Sacramento Observer reported that the average wait time for a concealed carry gun license in California could be up to six months, but the reality on the ground is far worse. Julio Amayo, a Los Angeles resident, was told that there would be a sixteen to twenty month wait for his initial interview to determine whether he even qualifies for a firearms license.<sup>39</sup> And delays are not the only issue. A complaint filed by the California Rifle & Pistol Association paints a picture of an arbitrary and unreviewable process. One plaintiff was denied because he had been the *victim* of a crime in which three of his handguns were stolen, and he was told that there was no way to appeal that decision.<sup>40</sup>

Evidence from other problem jurisdictions show remarkably similar shortcomings. Another suit focused on the substantial delays in the Boston Police Department’s processing of firearms license applications.<sup>41</sup> The individual plaintiffs there reported having to wait 50 days, 192 days, 129 days, and 206 days, respectively, and still did not receive their concealed carry permits.<sup>42</sup>

In New York, a non-profit news outlet reported that the New York Police Department approved more permit applications the year *before* *Bruen* was decided—when “proper cause” had to be shown for an application to be approved—than after the *Bruen* decision.<sup>43</sup> In 2021, the NYPD approved approximately 56% of the 4,663 applications for gun permits under the stricter “proper cause” standard that was struck down in *Bruen*.<sup>44</sup> In 2022—after *Bruen* was decided—the NYPD approved only 21% of 7,260 applications.<sup>45</sup> In the six months following *Bruen*, permit applications skyrocketed to nearly 5,000.<sup>46</sup> As of July 2023, the NYPD had approved only 503 of those, notwithstanding New York’s statutory requirement that applications be decided within six months or good reason given for the delay.<sup>47</sup> Only sixteen applications were denied in 2022, with thousands remaining in limbo as of July 2023.<sup>48</sup>

A recently filed suit confirms that the delays in New York have not improved in the last two years. According to the complaint, typical delays in New York include: delays in processing e-

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<sup>37</sup> Complaint ¶ 89, *Cal. Rifle & Pistol Ass’n v. L.A. Cnty. Sheriffs Dep’t*, No. 2:23-cv-10169 (C.D. Cal. Dec. 4, 2023), Dkt. No. 1, [<https://perma.cc/6QM3-S2WD>].

<sup>38</sup> *Id.* ¶¶ 29–31.

<sup>39</sup> CBM Newswire, *Some California Gun Owners Are Frustrated by Long Wait Times for Concealed Carry Permits*, THE OBSERVER (Mar. 4, 2025), <https://sacobserver.com/2025/03/some-california-gun-owners-are-frustrated-by-long-wait-times-for-concealed-carry-permits/> [<https://perma.cc/6QNE-VH94>].

<sup>40</sup> Complaint, *supra* note 37, ¶¶ 24–28.

<sup>41</sup> Complaint, *White v. Cox*, No. 1:23-cv-12031 (D. Mass. Aug. 31, 2023), ECF No. 1, [<https://perma.cc/GW7W-59WK>].

<sup>42</sup> *Id.* ¶¶ 32–38, 42.

<sup>43</sup> Gwynne Hogan & Suhail Bhat, *NYPD Granting Fewer Gun Permits After Supreme Court Ruled It Had To Grant More*, Data Shows, THE CITY (July 24, 2023), <https://www.thecity.nyc/2023/07/23/nypd-gun-permit-approvals-bruen-supreme-court-ghost/> [<https://perma.cc/DJ7P-HKAG>].

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

check payments,<sup>49</sup> delays in scheduling fingerprinting appointments,<sup>50</sup> delays in taking an applicant's fingerprints,<sup>51</sup> delays in moving applications to "investigation" status following fingerprinting,<sup>52</sup> delays in applying fingerprints already on file to new applications,<sup>53</sup> delays in assigning an investigator,<sup>54</sup> delays in the investigation,<sup>55</sup> delays in obtaining supervisor approval of an investigator's determination,<sup>56</sup> delays in receiving a Notice of Application Approval,<sup>57</sup> and delays in receiving the License and Purchase Authorization.<sup>58</sup>

In Ulster County, New York, applicants are complaining that pistol permits are taking more than one year to process—well over the statutory maximum.<sup>59</sup> New Jersey Republican state senator Ed Durr waited four months for New Jersey to issue his concealed carry permit, notwithstanding New Jersey's 60-day statutory maximum.<sup>60</sup> The state blamed its delay on a lack of judges, the time it takes to process fingerprints, and the comprehensive examination that is required of an applicant's references. In San Diego County, California, concealed carry renewal applications are taking, on average, eight weeks, which means that in some cases an applicant's license will lapse before the renewal is issued.<sup>61</sup> In Worcester, Massachusetts, an applicant waited four months for an interview and was told it would take another two months for his application to be processed.<sup>62</sup> In our nation's capital, an applicant applying for a concealed carry license could expect a seven month delay,<sup>63</sup> but only if his application was processed within the 90 days statutory maximum.<sup>64</sup>

Adding insult to injury, some licensing officials feel so secure that their designed licensing bottlenecks are immune from civil liability that they provide a list of excuses for the delays in the application instructions to applicants. For example, New Jersey's instructions provide:

Every application is subject to an extensive background check. Initial and renewal applications both require the same extensive background check. Police Departments have different amounts of

<sup>49</sup> Milani Complaint, *supra* note 11, ¶¶ 94–97.

<sup>50</sup> *Id.* ¶¶ 98–104.

<sup>51</sup> *Id.* ¶¶ 106–09.

<sup>52</sup> *Id.* ¶¶ 110–13.

<sup>53</sup> *Id.* ¶¶ 114–20.

<sup>54</sup> *Id.* ¶¶ 121–29.

<sup>55</sup> *Id.* ¶¶ 130–51.

<sup>56</sup> *Id.* ¶¶ 152–58.

<sup>57</sup> *Id.* ¶¶ 159–75.

<sup>58</sup> *Id.* ¶¶ 176–206.

<sup>59</sup> Frank Riess, *Ulster County by Frank Riess*, SCOPE NY, <https://scopeny2a.org/Briefings/13483094> [<https://perma.cc/E59G-Y73Z>].

<sup>60</sup> Sophie Nieto-Munoz, *N.J. gun owners criticize 'egregious delays' in concealed carry permit process*, N.J. MONITOR (Mar. 20, 2023), [<https://perma.cc/23TQ-GJLC>].

<sup>61</sup> Letter from Tiffany D. Cheuvront to Sheriff Kelly Martinez, San Diego County Sheriff CCW Renewal Delays Are Causing Losses of Personal Rights 1 (May 23, 2025), <https://crpa.org/wp-content/uploads/2025/05/2025-05-23-Ltr-to-County-of-San-Diego-re-CCW-Renewal-Delays2325573.1-1.pdf> [<https://perma.cc/RMW2-HWN3>].

<sup>62</sup> Charlie Cook, *A Right Delayed...But Why?*, NEWS2A (Apr. 2, 2024), <https://www.news2a.com/editorials/a-right-delayed-but-why/> [<https://perma.cc/C25Q-ZRAV>].

<sup>63</sup> Edwards, *supra* note 9.

<sup>64</sup> President Trump has established a 'D.C. Safe and Beautiful Task Force' that will work to shorten the time and lower the cost of processing concealed carry license applications in Washington, D.C. See Proclamation Order No. 14252, 90 Fed. Reg. 14559 (Mar. 28, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/making-the-district-of-columbia-safe-and-beautiful/> [<https://perma.cc/EB5L-5RHV>].

responsibilities, and a different number of applications assigned to them depending on the area that they serve. Firearm applications are one of the many responsibilities assigned to Police Departments. Therefore, the backlog varies depending on the emergency services each Police Department is handling as well as the following factors: [1] The number of applications prior to your application. [2] Response time from different agencies that are required to be contacted. [3] Criminal, civil, and mental health issues that need to be properly documented. [4] Response time from you, or your references, if there is an issue.”<sup>65</sup>

*C. The Outlier Jurisdictions Give Themselves Seven Times Longer  
To Process Concealed Carry Applications Than To Process Voter Registration*

Forty-five states and Washington D.C. have statutory maximum times for licensing officers to process applications and issue concealed carry permits.<sup>66</sup> It is appropriate here to reference a state’s statutory “maximum” amount of time to issue a carry permit. In the absence of evidence that the jurisdiction in practice routinely processes applications significantly faster than their self-assigned “maximum” time, it is fair to treat the statutory deadline as a floor against which Second Amendment rights claimants can compare the time it takes to process a carry application. In other words, the statutory deadline can serve to help advance a Second Amendment claim, but the statutory maximum cannot serve as a defense to undercut or violate the right to bear arms. Indeed, if a jurisdiction processes applications in a time frame that exceeds the statutorily-mandated deadline, then that can demonstrate the jurisdiction’s disregard for handling these filings in a timely and constitutional manner. Thus, the statutory-maximum time may be relevant as part of a constitutional challenge, but only in favor of the Second Amendment rights claimant.

To illustrate, if a jurisdiction declared that the “maximum time” to process a carry permit was 100 days, but in practice the jurisdiction could complete the application process in two weeks, the statutory maximum would not serve as a legal defense to a challenge that the application process suffers from undue delays. The existence of a statutory maximum time to process an application does not create a presumption of lawfulness because some of these deadlines are simply too long to be constitutional.

The statutory maximum processing times for the outlier states (with the exception of Massachusetts, which does not have a statutory maximum processing time) and Washington, D.C. are as follows:

California: 120 days<sup>67</sup>

Hawaii: 120 days<sup>68</sup>

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<sup>65</sup> STATE OF N.J., *supra* note 16.

<sup>66</sup> Vermont is a permitless carry state and does not issue concealed carry permits. Delaware, Massachusetts, Rhode Island, and Tennessee do not have statutory maximum times. Kentucky and Oklahoma, have different wait times depending on whether you apply online, in Kentucky’s case, KY. REV. STAT. §237.110(9) (2024), and whether you have an unresolved criminal history, in Oklahoma’s case. OKLA. STAT. tit. 21, § 1290.12(A)(13).

<sup>67</sup> CAL. PENAL CODE § 26205(a)(2).

<sup>68</sup> HI Rev Stat § 134-9(j) (2024).

Maryland: 90 days<sup>69</sup>

New Jersey: 60 days<sup>70</sup>

New York: 180 days<sup>71</sup>

Washington, D.C.: 90 days<sup>72</sup>

The median time allowed to process and issue a concealed carry license in the six outlier states plus Washington, D.C. is 105 days.<sup>73</sup> This is more than twice as long as the median wait time in the remaining forty jurisdictions with statutory maximum wait times, which is 50.5 days.<sup>74</sup> Moreover, we know that these statutory deadlines are not being obeyed in many of the outlier jurisdictions and that the actual wait time is much longer.

Now let's compare processing times in these outlier jurisdictions to their statutory voting laws. It is appropriate to compare the time to procure a carry permit with the time to register to vote. The right to bear arms and the right to vote are both fundamental rights. And, it is telling that those outlier jurisdictions who are hostile to carry rights are, in contrast, extremely protective of the right to vote. So, the comparison proves that these outlier jurisdictions can act with speed when they care about the subject. Every state requires voters to be registered a certain number of days before an election to give the state sufficient time to process their registration. Looking at only the outlier states and Washington, D.C., the median time these jurisdictions allow to review and process an applicant's registration to vote is a mere 15 days.<sup>75</sup>

California: 15 days before an election<sup>76</sup>

Hawaii: 10 days before an election<sup>77</sup>

Maryland: 21 days before an election<sup>78</sup>

Massachusetts: 10 days before an election<sup>79</sup>

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<sup>69</sup> *Handgun Wear and Carry Permit*, MD. DEP'T OF STATE POLICE, <https://mdsp.maryland.gov/Organization/Pages/CriminalInvestigationBureau/LicensingDivision/Firearms/WearandCarryPermit.aspx> [https://perma.cc/4BEX-F9UK].

<sup>70</sup> *Permit to Carry FAQs*, ROBERTS & TEETER LLC, <https://www.centralnjlawyers.com/faq/permit-to-carry-faqs/> [https://perma.cc/9YDB-AZZT].

<sup>71</sup> N.Y. PENAL LAW § 400.00(4-b).

<sup>72</sup> *How to Apply for a District of Columbia Concealed Pistol License*, DMV CARRY, <https://dmvcarry.com/resources-dc-cpl> [https://perma.cc/J3CQ-JEP7].

<sup>73</sup> Sorting the state totals in ascending order: 60, 90, 90, 120, 120, 180, the median is the average of 90 + 120 or 105 days.

<sup>74</sup> Sorting the state totals in ascending order: 21, 30, 30, 30, 30, 30, 30, 30, 30, 35, 45, 45, 45, 45, 45, 45, 45, 45, 45, 45, 56, 60, 60, 60, 60, 60, 75, 90, 90, 90, 90, 90, 90, 90, 104, 120, 120, 120, 180, the 20th and 21st longest states are 45 and 56 days. As such, the median is the average of 45 + 56, or 50.5 days.

<sup>75</sup> Sorting the state totals in ascending order: 10, 10, 10, 15, 21, 21, 21, the median is the fourth number in this set or 15 days.

<sup>76</sup> *Registering to Vote*, CAL. SEC'Y OF STATE, <https://www.sos.ca.gov/elections/voting-resources/voting-california/registering-vote> [https://perma.cc/4PL6-HEEE].

<sup>77</sup> *Registration*, HAW. OFF. OF ELECTIONS, <https://elections.hawaii.gov/register-to-vote/registration/> [https://perma.cc/X8EF-TQUD].

<sup>78</sup> *Voter Registration – Frequently Asked Questions*, MONTGOMERY CNTY. BD. OF ELECTIONS, <https://www.montgomerycountymd.gov/Elections/FrequentlyAskedQuestions/voter-registration-faqs.html> [https://perma.cc/JD43-GHXE].

<sup>79</sup> *Register to vote at the Department of Transitional Assistance*, MASS.GOV, <https://www.mass.gov/info-details/register-to-vote-at-the-department-of-transitional-assistance> [https://perma.cc/7KFR-7AUJ].

New Jersey: 21 days before an election<sup>80</sup>

New York: 10 days before an election<sup>81</sup>

Washington D.C.: 21 days before an election<sup>82</sup>

The median of 15 days for registering to vote is a far cry from the median of 105 days that that these jurisdictions allow themselves to process a concealed carry license—assuming that the statutory maximum timelines are being strictly adhered to, which is factually not the case. In fact, reasoning from the medians, the outlier jurisdictions process registrations to vote *seven* times faster than they process concealed carry permits.

Even more telling is that the median time in the outlier jurisdictions<sup>83</sup> to verify provisional ballots, *i.e.*, ballots cast by voters who believe they are eligible to vote but whose names are not on the voter rolls or who lack required identification, is also only 15 days.<sup>84</sup> Set forth below are the number of days allowed in each of these jurisdiction to certify and transfer vote counts to the state government after an election:

California: 30 days<sup>85</sup>

Maryland: 10 days<sup>86</sup>

Massachusetts: 15 days<sup>87</sup>

New Jersey: 15 days<sup>88</sup>

New York: 25 days<sup>89</sup>

So, even for what could be called the “problem cases” of provisional ballots—*i.e.*, those that require extra attention and review—the outlier jurisdictions process these applications in a fraction of the time they take to process applications for concealed carry permits.

## II. A THOUGHT EXPERIMENT: HOW TO INCENTIVIZE THE OUTLIER JURISDICTIONS TO EXPEDITE THE ISSUANCE OF CARRY LICENSES BY AVOIDING UNNEEDED DELAYS AND GAMES

Given the disparity between how quickly the outlier jurisdictions work to resolve ballot access issues compared to firearms access issues, the problem is one of incentives and priorities. When these states want to move quickly, they do. But the outlier states have no reason to hurry to issue

<sup>80</sup> *Register to Vote!*, N.J. DEP'T OF STATE, <https://www.nj.gov/state/elections/voter-registration.shtml> [<https://perma.cc/B6KY-LLX5>].

<sup>81</sup> New York State Voter Register Form, [https://elections.ny.gov/system/files/documents/2025/04/2025-vr-form-english-fillable\\_.pdf](https://elections.ny.gov/system/files/documents/2025/04/2025-vr-form-english-fillable_.pdf) [<https://perma.cc/FE6Y-MNBZ>].

<sup>82</sup> *Register To Vote*, D.C. BD. OF ELECTIONS, <https://www.dcboe.org/voters/register-to-vote/register-update-voter-registration> [<https://perma.cc/7ZL5-WX3W>].

<sup>83</sup> Hawaii and Washington D.C. are not included in this dataset because Hawaii and Washington D.C. do not have a deadline to certify votes.

<sup>84</sup> Sorting the state totals in ascending order: 10, 15, 15, 25, 30, the median is the middle value of 15.

<sup>85</sup> *Official Canvass-Vote Counting Process*, CAL. SEC'Y OF STATE, <https://www.sos.ca.gov/elections/upcoming-elections/vote-counting-process> [<https://perma.cc/ZLR7-BDN4>].

<sup>86</sup> Md. Elec. Law Code § 11-308.

<sup>87</sup> MASS. GEN. LAWS ch. 54, § 112 (2023).

<sup>88</sup> N.J. REV. STAT. § 19:19-1 (2023).

<sup>89</sup> N.Y. Elec. Law § 9-214.

carry licenses because they know that delay, unless it is egregious, is unlikely to result in litigation, since lawsuits are expensive and time consuming. And as long as the delay endures, these jurisdictions succeed in their efforts to suppress the exercise of the right to keep and bear arms.

One way to align the government's and the applicants' incentives would be for jurisdictions to require that licensing officers issue a temporary permit to carry immediately upon application that becomes permanent either upon a finding that the applicant is in fact eligible, or upon the passage of time. This is not a novel concept. In the 29 states with permitless carry, law-abiding citizens suffer no delay in the exercise of their Second Amendment rights, since they can carry without a license. In the outlier jurisdictions, the message would be clear: if you want to prevent individuals who should not carry from having a permit, act quickly. The bottom line here is that those individuals who are dangerous and intend to do harm with a firearm are not applying for a permit, and the burdens contrived by the outlier states are being borne almost entirely by the law-abiding who dutifully submit themselves to the application process. Law-abiding individuals who apply for a permit (and can be subject to an instant background check) should be able to exercise their rights immediately. It should be expected that, with their incentives properly aligned, the outlier jurisdictions will come up with time-saving strategies that minimize the delays to law-abiding citizens thus ensuring quicker processing times and, where appropriate, result in the denial of permits to those who legitimately can be disarmed.

## CONCLUSION

As the Supreme Court wrote in *Bruen*, “because any permitting scheme can be put toward abusive ends, we do not rule out constitutional challenges to shall-issue regimes where, for example, lengthy wait times in processing license applications or exorbitant fees deny ordinary citizens their right to public carry.”<sup>90</sup>

The bureaucratic resistance to *Bruen* documented here represents more than mere administrative inefficiency or resource constraints. It is a coordinated strategy of constitutional evasion, one that substitutes procedural complexity for substantive prohibition and transforms the exercise of a fundamental right into an endurance test that many law-abiding applicants will fail.

Three years after *Bruen*, the promise of that decision remains unfulfilled for millions of Americans living in the outlier jurisdictions. The right to bear arms cannot be reduced to a theoretical possibility accessible only to those with the resources, time, and persistence to navigate a deliberately obscured bureaucratic maze. A constitutional right delayed is a constitutional right denied, and the time has come for courts and legislatures alike to ensure that *Bruen*'s mandate is honored not just in principle, but in practice.

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<sup>90</sup> 142 S. Ct. 2111, 2138 n.9 (2022).