

U.S. Appeals Court Strikes Down New Jersey’s “Assault Firearm” Ban and Magazine Ban

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On July 17, 2026, an intermediate federal appeals court, the United States Court of Appeals for the Third Circuit, ruled that New Jersey’s decades-old bans on “assault firearms” and on magazines with a capacity in excess of ten rounds violate the Second Amendment and are unconstitutional.

The court considered three consolidated cases: *Association of New Jersey Rifle & Pistol Clubs v. Attorney General of New Jersey* (ANJRPC’s magazine ban challenge); *Ellman v. Attorney General of New Jersey* (ANJRPC’s “assault firearm” ban challenge); and *Cheeseman v. Attorney General of New Jersey* (Firearms Policy Coalition’s (“FPC”) “assault firearm” ban challenge).

The case was heard by the full “en banc” court, consisting of the 14 full-time active judges of the court, plus one senior judge who was entitled to sit on the en banc panel having been part of the original three-judge panel that heard the case previously.

This effort began eight years ago, when ANJRPC filed its challenge to New Jersey’s 10 round magazine law. After a trial, two appeals, and a petition to the United States Supreme Court, the Supreme Court decided the landmark case *New York State Rifle & Pistol Association v Bruen*, and as a result sent ANJRPC’s magazine lawsuit back down to the lower courts for a do-over.

Shortly thereafter, ANJRPC and FPC each filed their respective “assault firearm” lawsuits, and the trial court consolidated all three cases to be heard and decided together. After extensive proceedings, the trial court rendered a highly unusual split decision. The court ruled that the “assault firearm” law was unconstitutional but *only* as to the Colt AR-15 – not the entire breadth of firearms subject to the ban. Further, the court upheld the magazine ban as constitutional.

All parties appealed these rulings to the Third Circuit. Argument before a three-judge panel was held on July 1, 2025, but before the panel could rule, in an unusual move, the full “en banc” court took the case away from the panel and decided to rehear the appeal. Argument before the 15-judge en banc panel was held on October 15, 2025.

In a massive victory for law abiding New Jerseyans, the en banc Third Circuit ruled 10-5 that both laws are unconstitutional. The court carefully applied the principles laid out by the Supreme Court in its landmark Second Amendment cases, including *Bruen* and *District of Columbia v. Heller*.

First, the court concluded that both laws implicate the plain text of the Second Amendment in that they prohibit the keeping and bearing of “arms” as traditionally understood. This initial finding then forced New Jersey to show that the challenged laws are consistent with the historical tradition of firearms regulation; that is, the traditional understanding of the nature and scope of the Second Amendment in and around the time of its ratification in 1791.

The court found that New Jersey could not do so, because both the magazines and the semi-automatic rifles banned by New Jersey are in “common use” that is, they are typically possessed

by law-abiding citizens for lawful purposes. For this reason, the court ruled, they cannot be banned. Because the banned arms are in common use, that ends the historical discussion. New Jersey was not entitled to provide further historical analysis to try to show some other historical tradition.

However, the court went further and reasoned that even if New Jersey *were* allowed to attempt to show some other historical tradition that might support these arms bans, its attempts failed. New Jersey could not show a tradition of laws from around the time of the Founding that were sufficiently similar to the challenged modern laws to demonstrate that the challenged laws were consistent with the understanding of the Second Amendment when it was ratified.

Notably, the 10-judge majority was comprised of judges appointed by *both* Republican and Democratic Presidents, attesting to the strength of the reasoning that led to this powerful vindication of the individual, fundamental rights of New Jerseyans.

Nevertheless, two issues were not decided by the court. The so-called “assault firearm” law bans not only rifles but also certain semi-automatic shotguns and pistols. The court concluded that there was not enough information in the trial record to rule on those bans. It therefore has directed the trial court to take up those remaining issues in greater detail.

It is expected that the Third Circuit will issue what is referred to as its Mandate on or around August 10, which constitutes the appeals court’s directive to the trial court to go ahead and implement its ruling. Thereafter, the trial court is expected to enter a permanent injunction, prohibiting New Jersey from enforcing these laws. The trial court would also, at some point, provide the parties with a schedule for addressing the two remaining unresolved issues.

Prior to the issuance of the Mandate, New Jersey could decide to ask the Third Circuit to delay or “stay” the implementation of its ruling in order to ask the Supreme Court to review this decision. If the Third Circuit rejects such a stay request, New Jersey could then may the same request of the Supreme Court. Neither court is required to grant such a stay request.

Until the ruling makes its way back down to the lower court, New Jerseyans are advised to exercise patience. ANJRPC will continue to keep members apprised of continuing developments, including notifying folks when the permanent injunction from the trial court finally prohibiting enforcement of these laws is in place.