IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Stanley Crawford, Tracey Anderson,
Delia Chatterfield, Aishah George,
Rita Gonsalves, Maria GonsalvesPerkins, Wynona Harper, Tamika
Morales, Cheryl Pedro, Rosalind
Pichardo, Ceasefire Pennsylvania
Education Fund, and The City of
Philadelphia,

Petitioners

:

v. : No. 562 M.D. 2020 : Argued: June 9, 2021

The Commonwealth of Pennsylvania,
The Pennsylvania General Assembly,
Bryan Cutler, in his official capacity
as Speaker of The Pennsylvania
House of Representatives, and Jake
Corman, in his official capacity as
President Pro Tempore of the
Pennsylvania Senate,

Respondents

BEFORE: HONORABLE RENÉE COHN JUBELIRER, Judge

HONORABLE PATRICIA A. McCULLOUGH, Judge

HONORABLE MICHAEL H. WOJCIK, Judge

HONORABLE CHRISTINE FIZZANO CANNON, Judge

HONORABLE ELLEN CEISLER, Judge

CONCURRING OPINION BY JUDGE COHN JUBELIRER

Petitioners' allegations regarding the prevalence and severity of gun violence in certain areas of the Commonwealth of Pennsylvania, and the tragic toll such violence has on the lives of those who reside in those areas, are not lost on me. However, I believe that the Court is controlled by precedent, and that our Supreme

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Court left little air in its conclusion in *Ortiz v. Commonwealth*, 681 A.2d 152, 156 (Pa. 1996), that the regulation of firearms is to be done at the state, not local, level.

I write separately, as did Senior Judge Leadbetter recently, recognizing "that local conditions may well justify more severe restrictions than are necessary statewide." *City of Philadelphia v. Armstrong*, 271 A.3d 555, 569 (Pa. Cmwlth. 2022) (Leadbetter, S.J., concurring). As she eloquently stated, "[i]t is neither just to impose unnecessarily harsh limits in communities where they are not required nor consistent with simple humanity to deny basic safety regulations to citizens who desperately need them." *Id.* The novel constitutional arguments raised by Petitioners may provide a basis for "our Supreme Court to reconsider the breadth of the *Ortiz* doctrine^[] and allow for local restrictions narrowly tailored to local necessities." *Id.* (footnote omitted).

RENÉE COHN JUBELIRER, Judge