



IN THE SUPREME COURT OF THE STATE OF DELAWARE

DELAWARE DEPARTMENT OF)	
SAFETY AND HOMELAND)	
SECURITY, et al.,)	No. 412, 2025
)	
<i>Appellants / Cross-Appellees,</i>)	
<i>Defendants-Below,</i>)	Court Below:
)	Superior Court of the State of
)	Delaware
v.)	C.A. No. K23C-07-019 RLG
)	
GAVIN J. BIRNEY, et al.,)	
)	
<i>Appellees / Cross-Appellants,</i>)	
<i>Plaintiffs-Below.</i>)	

BRIEF OF *AMICUS CURIAE*
GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE
IN SUPPORT OF DEFENDANTS-APPELLANTS AND REVERSAL

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IDENTITY AND INTEREST OF *AMICUS CURIAE*¹

Amicus curiae Giffords Law Center to Prevent Gun Violence (“Giffords Law Center”) is a non-profit policy organization serving lawmakers, advocates, legal professionals, gun violence survivors, and others who seek to reduce gun violence and improve the safety of their communities.² The organization was founded more than thirty years ago following a gun massacre at a San Francisco law firm and was renamed Giffords Law Center in 2017 after joining forces with the gun-safety organization led by former Congresswoman Gabrielle Giffords. Today, through partnerships with gun violence researchers, public health experts, and community organizations, Giffords Law Center researches, drafts, and defends the laws, policies, and programs proven to effectively reduce gun violence. Together with its partner organization Giffords, Giffords Law Center also advocates for the interests of gun owners and law enforcement officials who understand that Second Amendment rights and analogous rights under state constitutions are consistent with gun-safety legislation and community violence prevention strategies.

¹ *Amicus* affirms that all parties have consented to the filing of this brief. Pursuant to Delaware Supreme Court Rule 28(c)(3), *amicus*’s authority to submit this brief would be leave of this Court, if granted.

² Giffords Law Center’s website, www.giffords.org/lawcenter, is the premier clearinghouse for comprehensive information about federal, state, and local firearms laws and Second Amendment litigation nationwide.

Giffords Law Center has contributed technical expertise and informed analysis as an *amicus* in numerous cases involving firearm regulations and constitutional principles affecting gun policy. *See, e.g., United States v. Rahimi*, 602 U.S. 680 (2024); *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). Multiple courts have cited research and information from Giffords Law Center’s *amicus* briefs in firearm-related cases. *See, e.g., Ass’n of N.J. Rifle & Pistol Clubs v. Att’y Gen. N.J.*, 910 F.3d 106, 121-22 (3d Cir. 2018); *Hirschfeld v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 417 F. Supp. 3d 747, 754, 759 (W.D. Va. 2019); *Md. Shall Issue v. Hogan*, 353 F. Supp. 3d 400, 403-05 (D. Md. 2018); *Stimmel v. Sessions*, 879 F.3d 198, 204, 208, 210 (6th Cir. 2018); *Peruta v. County of San Diego*, 824 F.3d 919, 943 (9th Cir. 2016) (en banc) (Graber, J., concurring).³

³ Giffords Law Center filed the last two briefs under its former name, the Law Center to Prevent Gun Violence.

STATEMENT PURSUANT TO SUPREME COURT RULE 28(C)(4)

Pursuant to Delaware Supreme Court Rule 28(c)(4), *amicus* affirms that no counsel for a party authored this brief in whole or in substantial part; no such counsel or party made a monetary contribution intended to fund the preparation or submission of this brief; and no person other than *amicus*, its members, or its counsel made such a monetary contribution.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

The data is incontrovertible that 18-to-20-year-olds are at a heightened risk of suicide and disproportionately involved in gun violence, including mass shootings. Their brains are still developing, and their prefrontal cortices—the part of the brain that governs impulsivity and emotional regulation—have not yet fully matured. As a result, 18-to-20-year-olds are more prone to risk-taking, to impulsive behavior, and to deprioritizing long-term outcomes. This well-established research is reflected in the statistical evidence regarding 18-to-20-year-olds’ involvement in gun violence and suicide, including in Delaware.

Delaware lawmakers recognized this when they enacted House Bill 451 (“HB 451”) in June 2022. In relevant part, HB 451 amended sections 1445 and 1448 of Chapter 5, Title 11 of the Delaware Code to increase from 18 to 21 the age necessary to purchase, own, possess, or control certain firearms, absent enumerated exceptions.⁴

In enacting HB 451, the Delaware Legislature expressly noted that “there is conclusive scientific research that shows the human brain is still developing

⁴ See Del. H.B. 451, 151st Gen. Assem. (2022) (codified at 11 *Del. C.* §§ 1445, 1448); see also 11 *Del. C.* § 1445 (generally prohibiting the sale, gift, or other transfer of a firearm or ammunition for a firearm to individuals under age 21); 11 *Del. C.* § 1448 (generally prohibiting individuals under age 21 from purchasing, owning, possessing, or controlling a deadly weapon or ammunition for a firearm).

in young adults aged 18 to 21,” and that such ongoing development “impacts their decision making, self-control, aggressive impulses, and risk-taking behaviors.”⁵ The Legislature also highlighted that, from 2018 to 2020, “the most common age for shooters [in Delaware] was between 18 to 21.”⁶ During that period, 18 to 21 was also the most common age range for shooting victims in Delaware.⁷ And the Legislature took action in response to a wave of mass shootings perpetrated by 18-to-20-year-olds—recognizing that six of the nine most lethal mass shootings had been committed by individuals under the age of 21.⁸

Faced with these deeply disturbing statistics, and entrusted with the grave responsibility to protect Delaware residents, including by decreasing gun

⁵ Del. H.B. 451.

⁶ *Id.*

⁷ See Jim Salt, *Delaware Shootings 2018: An Analysis of Incidents, Suspects, and Victims* 12 (Del. Crim. Just. Council 2019), <https://sac.delaware.gov/wp-content/uploads/sites/64/2020/01/2018-Shootings-report-final-121719.pdf>; Jim Salt, *Delaware Shootings 2019: An Analysis of Incidents, Suspects, and Victims* 12 (Del. Crim. Just. Council 2020), <https://sac.delaware.gov/wp-content/uploads/sites/64/2020/12/2019-Shoot-report-final-revision-122120.pdf>; Jim Salt, *Delaware Shootings 2020: An Analysis of Incidents, Suspects, and Victims* 15 (Del. Crim. Just. Council 2021), <https://sac.delaware.gov/wp-content/uploads/sites/64/2022/01/2020-Shootings-final-report.pdf>.

⁸ Del. H.R. Floor Debate on H.B. 451 (June 14, 2022) (statement of then-Rep. Schwartzkopf), at 6:06:41-6:07:20, available at: <https://sg001-harmony.sliq.net/00329/harmony/en/PowerBrowser/PowerBrowserV2/00000000/1/2033?startposition=20220614173731&viewMode=3&globalStreamId=3>.

violence and firearm-related suicide rates, the Legislature made a policy choice and changed its laws to protect both those in the affected age group and the public at large. It amended sections 1445 and 1448 to prohibit individuals under the age of 21 from purchasing, owning, possessing, or controlling firearms other than “shotgun[s]” or “muzzle-loading rifle[s],” absent certain enumerated exceptions.⁹ *See* § 1448(a)(5).

The Superior Court incorrectly held that HB 451 is unconstitutional under Article 1, Section 20 of the Delaware State Constitution (“Section 20”).¹⁰ Critically, the rights Section 20 affords are “not absolute.” *Doe v. Wilmington Hous. Auth.*, 88 A.3d 654, 667 (Del. 2014); *see Bridgeville Rifle & Pistol Club, Ltd. v. Small*, 176 A.3d 632, 652 (Del. 2017). Rather, Section 20 permits firearm regulations like HB 451 that are substantially related to an important government objective and do not burden the right to bear arms more than is reasonably necessary

⁹ HB 451 provides exemptions for active military members, qualified law enforcement officers, and concealed-carry license holders aged 18 or older; those engaged in certain hunting, instruction, sporting, or recreational activities; and those engaged in the use of justifiable force (*e.g.*, in instances of self-defense). *See* 11 *Del. C.* § 1448(a)(5). At the time of its enactment, HB 451 also provided for a three-year period during which those aged 18 or older could possess or control firearms; this period has since expired. *See* Del. H.B. 451. § 3.

¹⁰ DEL. CONST. art. I, § 20 (“A person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.”).

to ensure that the objective is met. *See Doe*, 88 A.3d at 666-67; *Bridgeville*, 176 A.3d at 654-56.

The Delaware Legislature properly enacted HB 451 as a data-driven solution to address the grave problem of youth gun violence. Indeed, the social science and neuroscience data and principles on which the Delaware Legislature relied in enacting HB 451 establish that the legislation’s at-issue provisions comport with intermediate scrutiny, the standard this Court has “confirmed” applies “when firearm restrictions are not a complete ban.” *Del. State Sportsmen’s Ass’n v. Garvin*, 196 A.3d 1254, 1269 (Del. Super. Ct. 2018) (citing *Bridgeville*, 176 A.3d at 654-55).

Amicus submits this brief to provide additional support demonstrating that HB 451 is constitutional under Section 20. Modern social science research demonstrates that 18-to-20-year-olds are at a heightened risk of suicide, and are disproportionately involved in gun violence, including mass shootings. Access to firearms can determine whether a young person contemplating suicide or a mass shooting is able to carry out the act.¹¹ This grim reality underscores why modest regulation of 18-to-20-year-olds’ ability to purchase or possess firearms is

¹¹ *See infra* Section A; *see also* Katherine S. Newman et al., *Rampage: The Social Roots of School Shootings* 259-61, 270 (2004) (identifying access to guns as a necessary condition for mass school shootings).

substantially related to, and a reasonably tailored method of achieving, Delaware's important objective of protecting both the affected age group and the public at large.

For these reasons, HB 451 easily passes constitutional muster, and this Court should therefore reverse the Superior Court's judgment in favor of Plaintiffs-Appellees.

ARGUMENT

MODERN SOCIAL SCIENCE AND NEUROSCIENCE ESTABLISH THAT HB 451 EASILY SATISFIES INTERMEDIATE SCRUTINY

Delaware courts apply a “heightened scrutiny analysis” where “government action infringes a fundamental right.” *Doe*, 88 A.3d at 666. When examining the constitutionality of firearm restrictions like HB 451 that do not serve as a “total ban,” this Court applies intermediate scrutiny. *Bridgeville*, 176 A.3d at 654. Under intermediate scrutiny, the government has the burden to “*first*, articulate [its] important governmental objectives in enacting the” regulation; “*second*, demonstrate that the [regulation is] substantially related to achieving those objectives; and, *third*, show that the [government has] not burdened the fundamental right to bear arms in self-defense more than is reasonably necessary to ensure that the asserted governmental objectives are met.” *Id.* at 656. Intermediate scrutiny “seeks to balance potential burdens on fundamental rights against the valid interests of government,” and “requires more than a rational basis for the action, but less than strict scrutiny.” *Doe*, 88 A.3d at 666.

HB 451 easily satisfies intermediate scrutiny. As detailed below, modern social science and neuroscience data confirm that HB 451’s restrictions are substantially related to Delaware’s important government interest in ensuring the safety of those under 21 and their communities, and that these restrictions are a reasonably tailored method of achieving that paramount objective. *See Nat’l Rifle*

Ass'n of Am. v. Bureau of Alcohol, Tobacco, Firearms & Explosives, 700 F.3d 185, 210 n.21 (5th Cir. 2012) (“[M]odern scientific research supports the commonsense notion that 18-to-20-year-olds tend to be more impulsive than young adults aged 21 and over.”). The Superior Court erred in finding otherwise.

A. 18-to-20-Year-Olds Attempt Suicide at Disproportionately High Rates, and Access to Firearms Increases the Likelihood and Lethality of Those Suicide Attempts.

Young adults’ increased risk of suicide—and firearms’ unique role in exacerbating that risk—demonstrates that HB 451 is substantially related to Delaware’s important safety objectives.

Young adults, including 18-to-20-year-olds, face a disproportionate risk of suicidal ideation¹² and death by suicide. Many major psychiatric conditions first develop in adolescence,¹³ and “suicide risk increase[s] steeply during the first few years after [an individual’s] first contact with psychiatric services,”¹⁴ *i.e.*, after the onset of such conditions.

¹² See Alexander Strashny et al., Nat’l Ctr. for Health Stats., *Emergency Department Visits with Suicidal Ideation: United States, 2016-2020*, 1 (2023), <https://www.cdc.gov/nchs/data/databriefs/db463.pdf> (between 2016 and 2020, the two age groups with the highest rate of emergency department visits due to suicidal ideation were 14-to-18-year-olds and 19-to-24-year-olds).

¹³ Jay N. Giedd et al., *Why Do Many Psychiatric Disorders Emerge During Adolescence?*, 9 NATURE REV. NEUROSCIENCE 947, 952 (2008).

¹⁴ Merete Nordentoft et al., *Absolute Risk of Suicide After First Hospital Contact in Mental Disorder*, 68 ARCHIVES GEN. PSYCHIATRY 1058, 1061 (2011).

The impulsivity and propensity toward negative emotional states of 18-to-20-year-olds, discussed further in Section C *infra*, compound the likelihood that they will die by suicide, which “is commonly an impulsive act by a vulnerable individual.”¹⁵ One study found that, of 153 survivors of nearly lethal suicide attempts aged 13 to 34, close to 25% reported that *less than five minutes* passed between their decision to attempt suicide and the suicide attempt.¹⁶ In another study, nearly half of people who were referred to a psychiatric hospital following a suicide attempt stated that ten minutes or less had passed between when they first began contemplating the act and the attempt.¹⁷

It is unsurprising, then, that suicide accounts for a higher percentage of deaths for 15-to-24-year-olds than for older age groups.¹⁸ From 2018 to 2023, suicide was the third most common cause of death among 18-to-20-year-olds.¹⁹

¹⁵ E. Michael Lewiecki & Sara A. Miller, *Suicide, Guns, and Public Policy*, 103 AM. J. PUB. HEALTH 27, 27 (2013).

¹⁶ Thomas R. Simon et al., *Characteristics of Impulsive Suicide Attempts and Attempters*, 32 SUICIDE & LIFE-THREATENING BEHAV. 49, 50-52 (Supp. 2001).

¹⁷ Eberhard A. Deisenhammer et al., *The Duration of the Suicidal Process: How Much Time Is Left for Intervention Between Consideration and Accomplishment of a Suicide Attempt?*, 70 J. CLINICAL PSYCHIATRY 19, 20 (2009).

¹⁸ *Leading Causes of Death Reports, 2018 to 2023*, Ctrs. for Disease Control & Prevention, Web-Based Injury Statistics Query & Reporting System (WISQARS), <https://wisqars.cdc.gov/lcd> (last visited Dec. 17, 2025).

¹⁹ *Id.*

Furthermore, the upward trend in gun suicides among young people during this time has been especially acute with respect to youth of color: between 2011 and 2020, the firearm suicide rate rose 35% among white teens,²⁰ while rising 88% among Native American teens and *more than doubling* among Black, Latino, and Asian teens in the same timeframe.²¹

Given the rapidity with which suicidal ideation gives way to fatal action, “[a]ccess to firearms is a key risk factor for suicide.”²² In fact, “at least a dozen U.S. case-control studies in the peer-reviewed literature . . . have found that a gun in the home is associated with an increased risk of suicide. The increase in risk is large, typically [two] to [ten] times that in homes without guns.”²³ Those prone to “act impulsively . . . are more likely to be affected by availability of the means at hand,” which explains why “the preponderance of current evidence indicates that

²⁰ Jennifer Mascia & Olga Pierce, *Youth Gun Suicide Is Rising, Particularly Among Children of Color*, THE TRACE (Feb. 24, 2022), <https://www.thetrace.org/2022/02/firearm-suicide-rate-cdc-data-teen-mental-health-research/>.

²¹ *Id.*

²² *Reducing Suicides by Firearms*, Am. Pub. Health Ass’n (Nov. 12, 2018), <https://www.apha.org/policy-and-advocacy/public-health-policy-briefs/policy-database/2019/01/28/reducing-suicides-by-firearms>.

²³ Matthew Miller & David Hemenway, *Guns and Suicide in the United States*, 359 NEW ENGL. J. MED. 989, 990 (2008); see *Firearm Suicide in the United States*, Johns Hopkins Bloomberg Sch. of Pub. Health, <https://publichealth.jhu.edu/center-for-gun-violence-solutions/firearm-suicide> (last visited Dec. 17, 2025).

gun availability is a risk factor for suicide, especially among youth.”²⁴ Indeed, evidence establishes that for 15-to-24-year-olds, suicide risk correlates with firearm ownership more distinctly than it does in certain other age cohorts.²⁵

The inherent lethality of firearms compounds the increased risk of suicide posed by firearm access. Firearm suicide is the suicide method with the highest fatality rate. Individuals who attempt suicide with a gun are about 45 times more likely to die compared to attempts involving drugs or medication.²⁶ In other words, while 4% of non-firearm suicide attempts are fatal, 85% of suicide attempts with a gun are fatal—a highly troubling statistic.²⁷ In 2023, roughly half (49.3%) of the 1,650 suicide deaths among 18-to-20-year-olds involved firearms.²⁸

²⁴ Matthew Miller & David Hemenway, *Firearm Prevalence and the Risk of Suicide*, 2 HARV. HEALTH POL’Y REV. 29, 34 (Fall 2001).

²⁵ Johanna Birckmayer & David Hemenway, *Suicide and Firearm Prevalence: Are Youth Disproportionately Affected?*, 31 SUICIDE & LIFE-THREATENING BEHAVIOR 303, 303 (2001); see also Matthew Miller & David Hemenway, *The Relationship Between Firearms and Suicide: A Review of the Literature*, 4 AGGRESSION & VIOLENT BEHAVIOR 59, 64 (1999).

²⁶ Andrew Conner et al., *Suicide Case-Fatality Rates in the United States, 2007 to 2014: A Nationwide Population-Based Study*, 171 ANNALS OF INTERNAL MED. 885, 887-89 (2019).

²⁷ Matthew Miller et al., *Suicide Mortality in the United States: The Importance of Attending to Method in Understanding Population-Level Disparities in the Burden of Suicide*, 33 ANN. REV. PUB. HEALTH 393, 397 (2012).

²⁸ This figure was calculated by comparing “Suicide All Injury” with “Suicide Firearm” using WISQARS. *Compare Fatal Injury Data Visualization*, Ctrs. for

HB 451 is both substantially related and properly tailored to Delaware’s important safety objectives because the relevant data establishes that restricting 18-to-20-year-olds’ access to firearms save lives. Research shows that fewer than 3% of people who survive one suicide attempt later die by suicide.²⁹ Although “[s]uicide attempters often have second thoughts, . . . when a method like a gun works so effectively, there’s no opportunity to reconsider.”³⁰ A young person’s access to firearms when contemplating suicide therefore largely determines whether they will live or die.

B. 18-to-20-Year-Olds Are Increasingly the Perpetrators of Mass Shootings.

When young people are given unrestricted access to firearms, the consequences are too often deadly. Indeed, our nation has faced a disturbing and continuous wave of mass shootings over the past few years, many involving perpetrators in the age range governed by HB 451. *See Nat’l Rifle Ass’n v. Bondi*, 133 F.4th 1108, 1152 & n.11 (11th Cir. 2025) (Rosenbaum, J., concurring) (“[T]hose

Disease Control & Prevention, Web-Based Injury Statistics Query & Reporting System (WISQARS), <https://wisqars.cdc.gov/compare> (last visited Dec. 17, 2025).

²⁹ J. Michael Bostwick et al., *Suicide Attempt as a Risk Factor for Completed Suicide: Even More Lethal Than We Knew*, 173 AM. J. PSYCHIATRY 1094, 1098 (2016).

³⁰ Jane E. Brody, *After a Suicide Attempt, the Risk of Another Try*, N.Y. TIMES (Nov. 7, 2016), <https://www.nytimes.com/2016/11/08/well/live/after-a-suicide-attempt-the-risk-of-another-try.html>.

under the age of 21 are responsible for some of the most deadly mass shootings in United States history.”). Notably, about a third of victims in mass shootings that occurred at schools from 1982 to 2018 were shot by perpetrators aged 18 to 20.³¹ HB 451’s modest regulation of this age group’s ability to bear arms is thus reasonably tailored to Delaware’s public safety objectives.

For example, earlier this year, a 20-year-old was arrested as the accused gunman in the April 17, 2025 mass shooting at Florida State University that left two dead and six injured.³² Just last year, two 18-year-olds were arrested for their involvement in a mass shooting at a bus stop in Philadelphia that left eight teenagers injured.³³ And the year before that, in April 2023, a 19-year-old and two 20-year-olds were charged in a mass shooting at a Sweet 16 birthday party in Dadeville, Alabama that killed four people and injured 32 others, many of them high school

³¹ Joshua D. Brown & Amie J. Goodin, *Mass Casualty Shooting Venues, Types of Firearms, and Age of Perpetrators in the United States, 1982-2018*, 108 AM. J. PUB. HEALTH 1385, 1386 (2018).

³² Patricia Mazzei et al., *What We Know About the Florida State University Shooting*, N.Y. TIMES (Apr. 20, 2025), <https://www.nytimes.com/2025/04/17/us/florida-state-university-shooting-explainer.html>.

³³ Sharifa Jackson & Corey Davis, *2 Arrested, 2 More Wanted in Connection with Mass Shooting at SEPTA Bus Stop That Injured 8 Teens*, 6ABC NEWS (Mar. 11, 2024), <https://6abc.com/northeast-high-school-septa-bus-stop-shooting-philadelphia/14514093/>.

students;³⁴ in May, an 18-year-old gunman in Farmington, New Mexico used a firearm purchased shortly after his 18th birthday to kill three people and wound six others;³⁵ and in June, a 19-year-old killed two and injured five others with a handgun outside a high school graduation in Richmond, Virginia.³⁶

Continuing this troubling pattern, 2022 was riddled with many of its own tragedies involving young perpetrators with firearms. On May 14, 2022, an 18-year-old gunman killed ten people and wounded three others at a supermarket in Buffalo, New York;³⁷ ten days later, on May 24, an 18-year-old killed 19 children and two teachers at an elementary school in Uvalde, Texas;³⁸ and on October 24, 2022, a 19-year-old killed two people and wounded seven others at his former high

³⁴ Isabel Rosales et al., *6 People Face Murder Charges for the Sweet 16 Party Massacre That Left 4 Dead and 32 Injured*, CNN (Apr. 21, 2023), <https://www.cnn.com/2023/04/19/us/dadeville-alabama-birthday-party-shooting-wednesday/index.html>.

³⁵ Elise Hammond et al., *The Latest on Mass Shooting in Farmington, New Mexico*, CNN (May 17, 2023), <https://www.cnn.com/us/live-news/farmington-new-mexico-shooting-05-16-23>.

³⁶ Sarah Rankin & Denise Lavoie, *Victims Identified in Deadly Shooting After High School Graduation Ceremony in Virginia*, KGW8 (June 7, 2023), <https://www.kgw.com/article/news/nation-world/2-dead-after-high-school-graduation-shooting/507-c72162c9-bf0e-4f68-bb7e-d999647b31f9>.

³⁷ *A Partial List of Mass Shootings in the United States in 2022*, N.Y. TIMES (Jan. 24, 2023), <https://www.nytimes.com/article/mass-shootings-2022.html>.

³⁸ *Id.*

school in St. Louis, Missouri.³⁹ This series of horrifying events, including Parkland, Buffalo, and Uvalde, expressly motivated the Delaware Legislature to enact HB 451.⁴⁰

Some of the deadliest school shootings in our nation's history have been committed by young people under 21,⁴¹ including: the May 18, 2018 shooting at Santa Fe High School in Texas, during which a 17-year-old killed nine students and one teacher, and injured ten others;⁴² the February 14, 2018 Parkland, Florida shooting at Marjory Stoneman Douglas High School, during which a 19-year-old shooter killed 17 people and wounded 17 others;⁴³ the December 14, 2012 Newtown, Connecticut school shooting at Sandy Hook Elementary School, during which a 20-

³⁹ Jenna Fisher et al., *Teen and Woman Killed in Shooting at St. Louis High School*, N.Y. TIMES (Oct. 24, 2022), <https://www.nytimes.com/2022/10/24/us/st-louis-high-school-shooting.html>.

⁴⁰ See Del. H.R. Floor Debate on H.B. 451, *supra* note 8.

⁴¹ Mark Abadi et al., *The 30 Deadliest Mass Shootings in Modern US History Include Monterey Park and Uvalde*, BUS. INSIDER (Jan. 23, 2023), <https://www.businessinsider.com/deadliest-mass-shootings-in-us-history-2017-10/>.

⁴² Jason Hanna et al., *Alleged Shooter at Texas High School Spared People He Liked, Court Document Says*, CNN (May 19, 2018), <https://www.cnn.com/2018/05/18/us/texas-school-shooting>.

⁴³ See Abadi et al., *supra* note 41.

year-old killed 20 schoolchildren and six staff members;⁴⁴ and the April 20, 1999 Littleton, Colorado shooting at Columbine High School, during which an 18-year-old and a 17-year-old killed 12 fellow students and a teacher.⁴⁵

Today, gun violence involving young people under 21 in schools is, tragically, even more commonplace than the list of high-profile mass shootings suggests. According to recent analyses, there were more than 70 school shootings annually between the 2018-19 and 2021-22 school years.⁴⁶ These shootings have only become more frequent: the 2020-21 school year set a record with 93 shootings that caused injury or death, and the 2021-22 school year nearly doubled that record with 188.⁴⁷

⁴⁴ James Barron, *Nation Reels After Gunman Massacres 20 Children at School in Connecticut*, N.Y. TIMES (Dec. 15, 2012), <https://www.nytimes.com/2012/12/15/nyregion/shooting-reported-at-connecticut-elementary-school.html>.

⁴⁵ *Columbine High School Shootings Fast Facts*, CNN (Apr. 1, 2025), <https://www.cnn.com/2013/09/18/us/columbine-high-school-shootings-fast-facts>.

⁴⁶ Zach Schonfeld, *School Shootings at Highest Number in 20 Years: Research*, THE HILL (June 28, 2022), <https://thehill.com/policy/national-security/3539820-school-shootings-at-highest-number-in-20-years-research/>; Lexi Lonas Cochran, *US School Shootings Reach New High, Doubled in Past Year*, THE HILL (Sep. 14, 2023), <https://thehill.com/homenews/education/4204651-us-school-shootings-reach-new-high-doubled-in-past-year>.

⁴⁷ Cochran, *supra* note 46.

Gun violence has become so pervasive that in June 2024, the U.S. Surgeon General declared firearm violence a national public health crisis.⁴⁸ The Surgeon General’s report notes that firearm violence is now the leading cause of death among children and adolescents, and that more than half of U.S. adults or their family members have experienced a firearm-related incident in their lives.⁴⁹

In addition to the victims killed or injured in school shootings, there are tragic lasting effects on youth who experience these traumatic incidents: one study found that in the two years following a fatal school shooting, antidepressant use by youths aged 19 and younger in the area increased by 21.3%,⁵⁰ a statistic that underscores the vulnerability of youth, particularly given the risk of suicide discussed in Section A *supra*. It is entirely reasonable for HB 451 to place modest

⁴⁸ U.S. Dep’t of Health & Human Servs., *U.S. Surgeon General Issues Advisory on the Public Health Crisis of Firearm Violence in the United States* (June 25, 2024), <https://www.hhs.gov/about/news/2024/06/25/us-surgeon-general-issues-advisory-public-health-crisis-firearm-violence-united-states.html> [archived at <https://files.giffords.org/wp-content/uploads/2025/03/US-Surgeon-Generals-2024-Advisory-on-Firearm-Violence.pdf>]; see *AMA Calls Gun Violence “a Public Health Crisis,”* AMA (June 14, 2016), <https://www.ama-assn.org/press-center/ama-press-releases/ama-calls-gun-violence-public-health-crisis>.

⁴⁹ U.S. Dep’t of Health & Human Servs., *supra* note 48.

⁵⁰ Maya Rossin-Slater et al., *Local Exposure to School Shootings and Youth Antidepressant Use*, 117 PNAS 23484, 23486 (2020).

burdens on 18-to-20-year-olds' rights under Section 20 in order to prevent these well-documented harms.

C. 18-to-20-Year-Olds Are Generally More Impulsive Than Older Cohorts.

The disturbing numbers described above are unsurprising given the empirical research demonstrating that 18-to-20-year-olds' brains are still developing, making them more likely to engage in risky behaviors. Modern scientific research establishes that the brain does not finish developing until one's mid-to-late twenties.⁵¹ As the U.S. Supreme Court has recognized, "developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds." *Graham v. Florida*, 560 U.S. 48, 68 (2010). One of the *last* parts of the brain to mature is the prefrontal cortex, which is responsible for impulse control, judgment, and long-range planning. *See id.* (citing Brief for American Medical Association et al. 16-24; Brief for American Psychological Association et al. 22-27).⁵² The prefrontal cortex matures well after the limbic

⁵¹ Adam Winkler & Cara Natterson, *There's a Simple Way to Reduce Gun Violence: Raise the Gun Age*, WASH. POST (Jan. 6, 2016), <https://www.washingtonpost.com/posteverything/wp/2016/01/06/there-a-simple-way-to-fight-mass-shootings-raise-the-gun-age> ("The scientific literature over the past two decades has demonstrated repeatedly that the brain does not fully mature until the mid-to-late 20s.").

⁵² *See also* Mariam Arain et al., *Maturation of the Adolescent Brain*, 9 NEUROPSYCHIATRIC DISEASE & TREATMENT 449, 453, 456 (2013) ("Behavioral control requires a great involvement of cognitive and executive functions. These

system, which controls basic emotions like fear, anger, and pleasure, resulting in a period of reduced self-control in the late teens and early twenties.⁵³

Accordingly, 18-to-20-year-olds are prone to taking risks and deprioritizing long-term outcomes. *See, e.g., Horsley v. Trame*, 808 F.3d 1126, 1133 (7th Cir. 2015) (“The evidence now is strong that the brain does not cease to mature until the early 20s in those relevant parts that govern impulsivity, judgment, planning for the future, foresight of consequences, and other characteristics that make people morally culpable.” (quoting Declaration of Ruben C. Gur, Ph.D.)); *Bondi*, 133 F.4th at 1151 (Rosenbaum, J., concurring) (“[T]he biological evidence shows that ‘the adolescent brain is structurally and functionally vulnerable to environmental stress’ and ‘risky behavior’ in a way that the fully developed brain wouldn’t be.” (quoting Arain et al., *supra* note 52, at 458)); *Cannon v. State*, 181 A.3d 615, 622 (Del. 2018) (“[T]here are ‘significant gaps between juveniles and adults,’ which leave juveniles prone to ‘transient rashness,’ a ‘proclivity for risk,’ and an ‘inability to assess consequences.’” (quoting *Miller v. Alabama*, 567 U.S. 460, 471-72 (2012))).

functions are localized in the prefrontal cortex, which matures independent of puberty and continues to evolve up until 24 years of age.”).

⁵³ *See id.* at 453.

Adolescents also are uniquely prone to negative emotional states.⁵⁴

Adolescent responses to “frequent” negative states “tend to be more intense, variable and subject to extremes relative to adults.”⁵⁵ And adolescents are more likely to *act* on negative emotions like stress or rage because their limbic systems have matured while their cerebral cortices (*i.e.*, impulse control centers) are still developing.⁵⁶ Because the behavior-regulating functions of their brains are still developing, 18-to-20-year-olds are indisputably at a higher risk of perpetrating and suffering from gun violence when they have unrestricted access to firearms, a fact that further reinforces the reasonableness of the limited restrictions imposed by HB 451.⁵⁷

⁵⁴ Leah H. Somerville et al., *A Time of Change: Behavioral and Neural Correlates of Adolescent Sensitivity to Appetitive and Aversive Environmental Cues*, 72 *BRAIN & COGNITION* 124, 125 (2010).

⁵⁵ *Id.*

⁵⁶ See Arain et al., *supra* note 52, at 458 (“[T]he adolescent brain is structurally and functionally vulnerable to environmental stress . . .”).

⁵⁷ See, e.g., Michael Dreyfuss et al., *Teens Impulsively React Rather Than Retreat from Threat*, 36 *DEVELOPMENTAL NEUROSCIENCE* 220, 220 (2014) (“Adolescents commit more crimes per capita than children or adults in the [United States] and in nearly all industrialized cultures. Their proclivity toward . . . risk taking has been suggested to underlie the inflection in criminal activity observed during this time.”).

D. Minimum-Age Laws Have Proven Effective at Reducing Gun Violence Among Minors.

Studies confirm a connection between age-based regulations like HB 451 and a decline in firearm-related adolescent deaths—particularly those due to suicide. A 2024 study found that states who raised the minimum age for purchasing firearms to 21 saw a 12% decline in rates of firearm suicide among 18-to-20-year-olds.⁵⁸ Another comprehensive report issued just last year on the science of gun policy found “supportive evidence that increasing the minimum age required to purchase a firearm above the threshold set by federal law can reduce firearm suicides among young people.”⁵⁹

Research on state gun laws further demonstrates that strong gun laws save the lives of those in this age group. A 2019 study found that 18-to-21-year-olds made up more than two-thirds (68.7%) of the 21,241 firearm-related deaths among U.S. children (defined as individuals up to age 21) from 2011 to 2015, but that every ten-point increase in a score measuring the strength of a state’s gun laws

⁵⁸ Emma E. Fridel et al., *Examining the Impact of Minimum Handgun Purchase Age and Background Check Legislation on Young Adult Suicide in the United States, 1991-2020*, 114 AM. J. PUB. HEALTH 805, 809 (2024).

⁵⁹ Rosanna Smart et al., RAND Corp., *The Science of Gun Policy: A Critical Synthesis of Research Evidence on the Effects of Gun Policies in the United States* xiii (4th ed. 2024), https://www.rand.org/pubs/research_reports/RRA243-9.html.

“decreases the firearm-related mortality rate in children by 4%.”⁶⁰ Another study using the same gun-law scores found that the pediatric firearm mortality rate among children under 20 was almost twice as high in the quartile of states with the weakest laws than in the quartile of states with the strongest laws.⁶¹

Age-based regulations are also effective in reducing gun violence by young people, including those in the 18-to-20-year-old range. Notably, research demonstrates that most shooters obtain their weapons lawfully. In a report examining active shootings from 2000 to 2013, the FBI concluded that “only very small percentages [of shooters] obtain[ed] a firearm illegally,”⁶² indicating that, rather than being sophisticated participants in the black market for firearms, perpetrators seek easy and lawful access to weapons. Indeed, a survey of convicted gun offenders in 13 states found that 17% of the offenders would have been prohibited from obtaining firearms at the time of the crime if the minimum legal age

⁶⁰ Monika K. Goyal et al., *State Gun Laws and Pediatric Firearm-Related Mortality*, 144 PEDIATRICS 2, 3 & tbl. 1 (2019).

⁶¹ Sriraman Madhavan et al., *Firearm Legislation Stringency and Firearm-Related Fatalities Among Children in the US*, 229 J. AM. COLL. SURGEONS 150, 152 (2019).

⁶² James Silver et al., Fed. Bureau of Investigation, U.S. Dep’t of Just., *A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013*, at 7 (2018), <https://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view>.

for purchasing a firearm in that state had been 21 years, a finding that “underscore[s] the importance of minimum-age restrictions.”⁶³ This logic applies to mass shooters as well: the perpetrators of the Parkland, Buffalo, and Uvalde shootings are just three of many 18-to-20-year-old mass shooters who legally purchased their firearms in the absence of stricter minimum-age laws.⁶⁴

The same concerns regarding minors’ heightened impulsiveness motivated the passage of laws in all 50 states establishing 21 as the minimum legal age for alcoholic beverage purchase and consumption. Studies confirm that these laws led to significant reductions in deaths from car crashes involving minor drivers.⁶⁵

Lawmakers therefore can and have rationally concluded that age restrictions on access to firearms will deter suicidal and criminal use of firearms.

⁶³ Katherine A. Vittes et al., *Legal Status and Source of Offenders’ Firearms in States with the Least Stringent Criteria for Gun Ownership*, 19 INJ. PREVENTION 26, 29-30 (2013).

⁶⁴ See Bart Jansen, *Florida Shooting Suspect Bought Gun Legally, Authorities Say*, USA TODAY (Feb. 15, 2018), <https://www.usatoday.com/story/news/2018/02/15/florida-shooting-suspect-bought-gun-legally-authorities-say/340606002/>; Glenn Thrush & Matt Richtel, *A Disturbing New Pattern in Mass Shootings: Young Assailants*, N.Y. TIMES (June 2, 2022), <https://www.nytimes.com/2022/06/02/us/politics/mass-shootings-young-men-guns.html>.

⁶⁵ William DeJong & Jason Blanchette, *Case Closed: Research Evidence on the Positive Public Health Impact of the Age 21 Minimum Legal Drinking Age in the United States*, 17 J. STUD. ON ALCOHOL & DRUGS 108, 109 (Supp. 2014).

These restrictions are substantially related to and no more burdensome than is reasonably necessary to achieve the important governmental interest supporting HB 451's enactment: preventing a well-recognized subsection of the population that disproportionately commits firearm violence from inflicting such violence upon themselves and others in their community.

At bottom, nothing in Section 20 can legitimately be read to bar the Delaware Legislature from passing laws "to stop immature and impulsive individuals . . . from harming themselves and others with deadly weapons." *Bondi*, 133 F.4th at 1130. To hold otherwise would be to straitjacket the Delaware Legislature at a time when Delaware residents need the commonsense, data-driven solution that is HB 451.

CONCLUSION

For the foregoing reasons, HB 451 survives Plaintiffs-Appellees' challenge to its constitutionality under Section 20. A temporal restriction on 18-to-20-year-olds' ability to bear arms in order to protect the public from individuals who pose a heightened risk of causing harm when armed is entirely consistent with intermediate scrutiny. This Court should thus reverse the Superior Court's opinion striking down this important law.

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IN THE SUPREME COURT OF THE STATE OF DELAWARE

DELAWARE DEPARTMENT OF)	
SAFETY AND HOMELAND)	
SECURITY, et al.,)	
)	
<i>Appellants / Cross-Appellees,</i>)	No. 412, 2025
<i>Defendants-Below,</i>)	
)	Court Below:
v.)	Superior Court of the State of
)	Delaware
GAVIN J. BIRNEY, et al.,)	C.A. No. K23C-07-019 RLG
)	
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I hereby certify that on January 2, 2026, this document was served on the persons listed below in the manner indicated:

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