

LAW FIRMS

Gun laws in focus for Lancaster attorney

By Jennifer Wentz

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Joshua Bodene didn't start out as an attorney intending to focus on gun rights. But when he moved to Central Pennsylvania and picked up his first pistols for target shooting and personal defense, he saw an opportunity to combine his legal background with a new hobby that was quickly growing into a passion.

Bodene is the most recent addition to Clymer Conrad PC, a four-attorney law firm in Lancaster. He started at the firm in June, with the intention of taking over the firm's criminal defense practice if attorney Jeff Conrad wins the race for county judge in November.

Bodene previously ran his own practices – Carter & Bodene LLP, which later became The Bodene Law firm – in Lititz. He is one of at least two dozen attorney specializing specifically in gun rights in Pennsylvania, but he also handles broader criminal defense cases, as well as issues related to family law and civil litigation.

His focus on gun laws as a legal specialty started about five years ago, not long before a man fatally shot 20 children at Sandy Hook Elementary School in Connecticut and national conversations about the possibility of legislation to prevent future mass shootings reached a fever pitch. Those conversations have alternately lulled and picked back up since then, with the most recent flurry of proposed changes to the law arriving last month after a man shot more than 500 concertgoers in Las Vegas, killing nearly 60, in the country's deadliest mass

in recent history.

Bodene recently sat down with the Central Penn Business Journal to discuss what has and has not changed for his clients in the past several years, what changes they might see in the future and what it looks like to be an attorney specializing in Second Amendment issues in a time when gun laws are in the national spotlight.

Q : How did you get involved in this area of law?

A : I'm sort of a latecomer to the firearms industry. I grew up in New York City, where gun ownership is obviously not prevalent, legal ownership at least. When I moved here, I had some good friends who, for sporting purposes and self-defense purposes, owned firearms, and I started talking about it and thinking about it, and over the course of time realized it was something I was interested both for fun and to protect my family should the need arise.

It started as a personal interest, but it also developed into a legal interest, and I think it dovetails really well into what I work on for the most part, which is criminal defense. For the most part, firearms owners are law-abiding, respectful-of-authority people who don't get in trouble, but there are times when people have something on their record from their past and they want to get that expunged or have their firearms rights restored, because there's a lot of ways that you can have your firearms rights prohibited essentially ... I just think it's a fascinating area of law. I think it's really needed. I think there's a reason



Attorney Joshua Bodene recently joined Clymer Conrad PC, a four attorney law firm in Lancaster. Bodene focuses his practice on gun laws, among other areas. PHOTO/AMY SPANGLER

please see GUN page 9

GUN

continued from page 4

(the Second Amendment) is early on in the Bill of Rights.

What are the most common types of cases you handle?

The biggest one is, 'Hey, I've got fill-in-the-blank on my record from when I was young and stupid,' or, 'I was going through a nasty divorce, and my ex called the police, and they had me involuntarily committed for a public health commitment, and I'd really like to go hunting, or I'd really like to defend myself. Can you help me get my firearms rights back?' That is by and large the most frequent phone call we get.

Probably another big one is carrying in a situation or place where (clients) were not authorized to carry a firearm, but they did not realize it. So, you may not realize, but the post office is federal property. You cannot go into check your P.O. box with a firearm. You can't even leave it in your car on post office property. It's the same with (Veterans Affairs buildings) ... In Philly, even if you want to carry open, you have to have a carry permit (unlike the rest of Pennsylvania, which generally allows legal gun owners to openly carry a gun without a concealed carry permit). It's things like that where people don't realize. Or I've got my carry permit in Pennsylvania and I'm going down and visiting friends in Maryland. Don't take your gun because that's going to be a problem (because Maryland does not honor concealed carry permits issued in Pennsylvania).

With all of the rhetoric that has followed the Vegas shooting and others like it, have there been any significant changes to firearms laws in recent years?

There's federal law that applies, and every state has its own state law. And so the answer is yes and no. What a lot of people don't realize is every state has its own state constitution ... In some states it's a lot easier to change the law on this topic because they

have constitutions that either don't address firearms at all or are weak on (protecting firearm rights). In Pennsylvania, it's harder because we have a stronger constitution, and frankly I'm thankful for that. There's always bills being sponsored to change things, but most bills die in committee.

What, if any, legal changes do you see potentially happening as a result of the Vegas shooting?

I think realistically they're probably going to outlaw bump stocks [one of the devices law enforcement officials believe was used in the Vegas shooting]. But I don't think that will make a difference. What I mean is there are multiple ways to essentially turn a semiautomatic rifle into (in effect) a fully automatic rifle. And that is not actually making it fully automatic. The (U.S. Department of Alcohol, Tobacco and Firearms) under the Obama administration reviewed the propriety of bump stocks and said this is not (legally) considered fully automated, and therefore you don't have to register it, and it's an off-the-shelf thing like anything else ...

Legislators could say, 'We are going to outlaw bump stocks per se,' but if they were to try to outlaw all items like that that are officially semiautomatic but mimic fully automated fire, they would have to change the definition in federal Congress of a fully automated weapon ... Even if the bump stock is outlawed, I don't see that effectively decreasing the likelihood that a criminal is going to act in a similar way in the future. I don't know that there is a legislative solution to Las Vegas.

How does something like the Vegas shooting affect your job as an attorney specializing in gun laws?

Ironically, every time there was talk about limiting firearms (during the Obama administration), sales would go up, like skyrocket. Does that translate into more phone calls for me? It does probably as far as (being asked to teach) seminars, people wanting to know their rights ... It doesn't necessarily translate for me to more people looking for legal services. ■