

Introduction to Law

Civil Liberties Unit

The Second Amendment



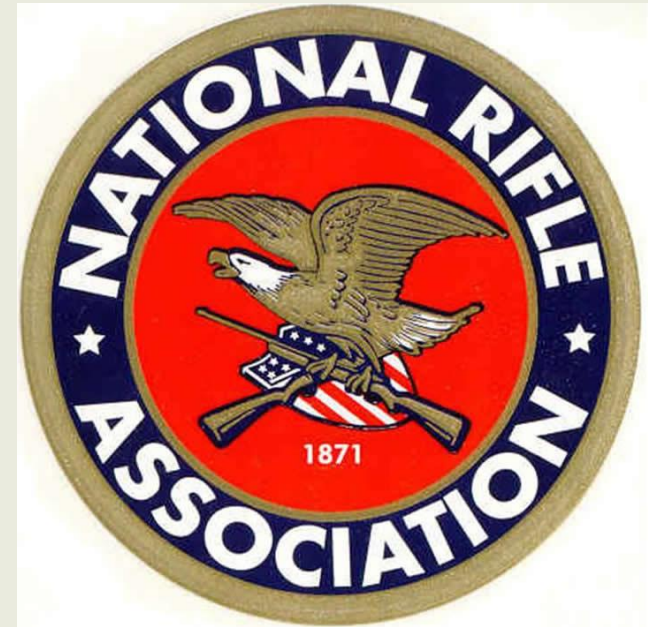
The background of the entire slide is a close-up, slightly blurred image of the American flag. The stars and stripes are visible, with the blue field of stars in the upper left corner and the red and white stripes flowing across the rest of the frame.

Second Amendment

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Introduction

- gun ownership and gun control are very controversial topics in our society
millions of Americans believe that their liberty and perhaps their safety will be at risk if gun ownership is restricted, while others believe that the easy availability of firearms has aggravated the crime problem



- some groups look at the Second Amendment as protection against government attempts to ban or regulate firearms, while others argue that the language of the Second Amendment protects state's right to maintain a militia, or armed forces, but does not protect citizens against government efforts to legislate in this area

The Courts and Legislation

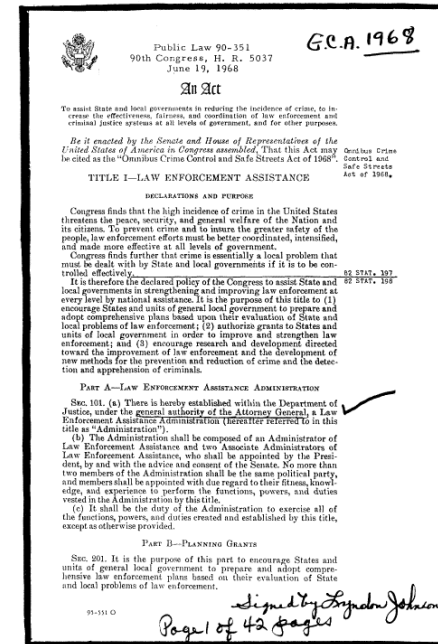
- while all courts have ruled that the Second Amendment guarantees a state's right to maintain a militia, the U.S. Supreme Court has not used the Second Amendment to strike down federal, state, or local legislation that controls guns



- the Gun Control Act of 1968 is the primary federal gun-control law, passed after the assassinations of Martin Luther King, Jr. and Robert Kennedy

Gun Control Act of 1968

- prohibits certain categories of persons, such as convicted felons, minors, and illegal aliens, from buying or possessing weapons
- requires serial numbers on all guns
- establishes a licensing-fee schedule for firearms manufacturers, importers, and dealers



- prohibits the mail-order sale of all guns and ammunition
- prohibits the interstate sale of handguns
- set penalties for carrying and using firearms in crimes of violence or drug trafficking
- set age guidelines for firearms purchased through dealers

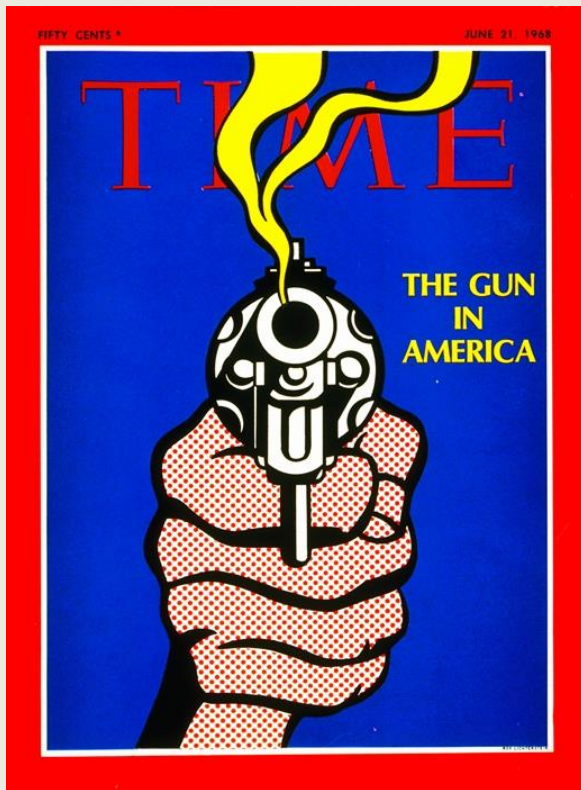
- in 1993, Congress amended the Gun Control Act by enacting the Brady Act (named for the former White House press secretary James Brady, who was shot and paralyzed by a bullet an assassin intended for President Ronald Reagan)



Brady Act

- required the attorney general to create a national system to instantly check the background of persons who want to buy guns
- gun dealers must check the instant background service before completing the proposed sale

- however, until the national background check system could be set up, an interim provision required local law enforcement officers to conduct the background checks and required gun dealers to wait five days before selling the guns...this interim provision was declared unconstitutional by the U.S. Supreme Court in 1997



**REQUEST FOR
CRIMINAL BACKGROUND
CHECK**

Personal Information

Name (Last)	First	Middle initial	Home Telephone
Address (Mailing Address)	City	State	Zip
Social Security Number			Old Telephone
E-Mail Address			

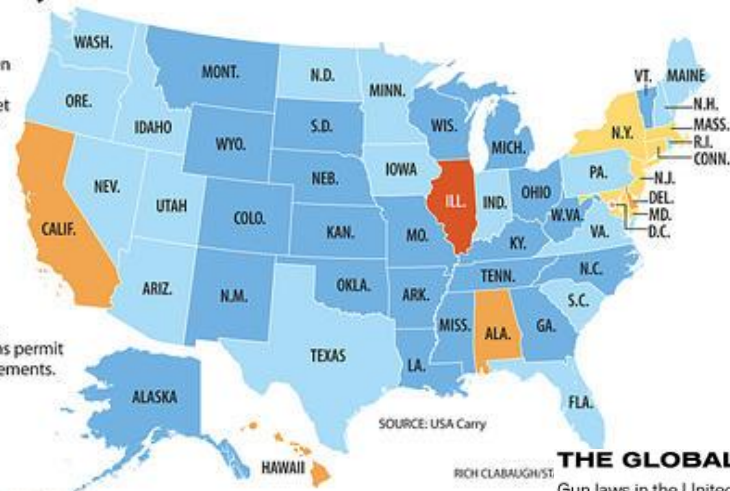
Services needed

Background Check	Yes	No
Education (GED) Test Passed?	Yes	No
Employment History	Full-time	Part-time
Graduate Degree & Field		
Major Subject		

- many states however have enacted their own background check system, fingerprinting, firearm training, and other application requirements

Concealed weapon laws by state

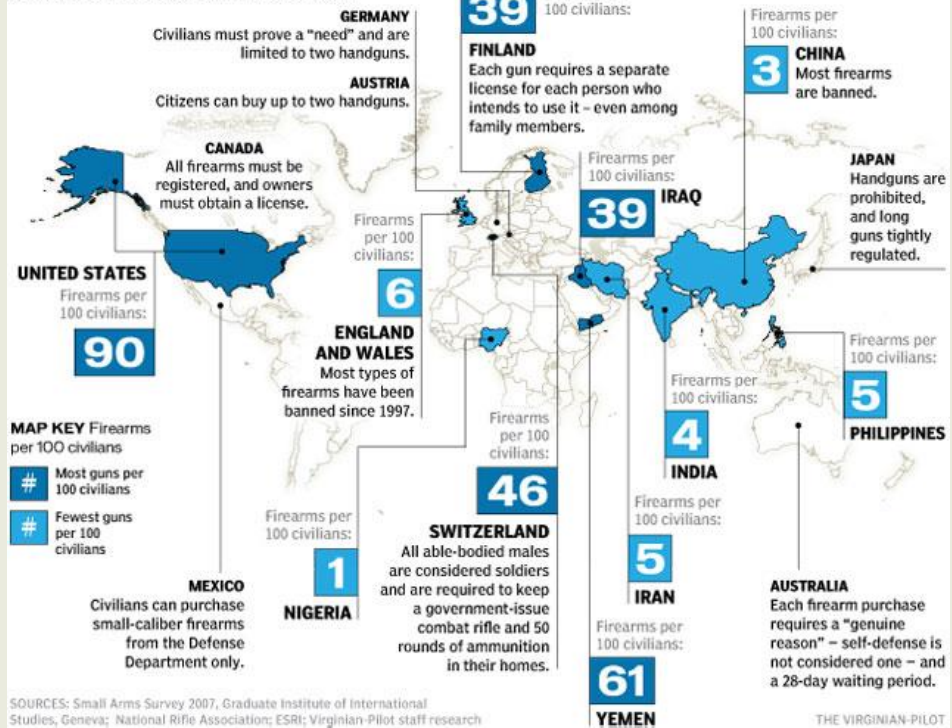
- Shall issue concealed-weapon permits to residents only**
22 states are required to issue any private citizen who is a resident of the state a concealed-weapon permit as long as he or she meets a set of requirements. These vary from state to state but include such things as taking a gun-safety class, submitting to fingerprinting, and not having a criminal record.
- Shall issue to residents and nonresidents**
18 states are required to issue a concealed-carry permit to both residents and nonresidents, provided they meet all requirements.
- May issue to residents only**
4 states and the District of Columbia retain the authority to deny or grant a concealed-weapon permit to residents even after they have met all requirements.
- May issue to residents and nonresidents**
5 states retain the authority to deny or grant a permit to residents and nonresidents.
- Does not allow concealed weapons**
1 state prohibits private citizens from carrying handguns.



THE GLOBAL PICTURE | U.S. HAS MORE GUNS

Gun laws in the United States are among the most relaxed in the world. For the most part, all law-abiding citizens older than 18 (21 for handguns) can own as many firearms as they want. Generally, there is no license required and no registration of secondary sales. In other words, once a gun leaves a gun shop, its owner can resell it to anyone. No paper trail or background check is required.

ACROSS THE GLOBE, GUN LAWS VARY WIDELY:



SOURCES: Small Arms Survey 2007, Graduate Institute of International Studies, Geneva; National Rifle Association; ESRI; Virginian-Pilot staff research

- by 2002, 30 states had passed laws making it relatively easy to get a permit to carry a concealed weapon, 13 states make this process more difficult by requiring a specific need, six states and DC do not allow citizens to carry a concealed weapon, and Vermont is the only state that does not regulate the carrying of a weapon in any way

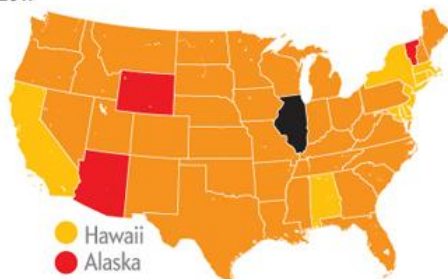
Concealed Weapon Laws

- Concealed carry is prohibited
- Concealed carry is allowed with permit: Issuing agency can use discretion in granting that permit
- Concealed carry is allowed with permit: Issuing agency must grant permit to anyone that meets qualifications
- Concealed carry is allowed: no permit is required

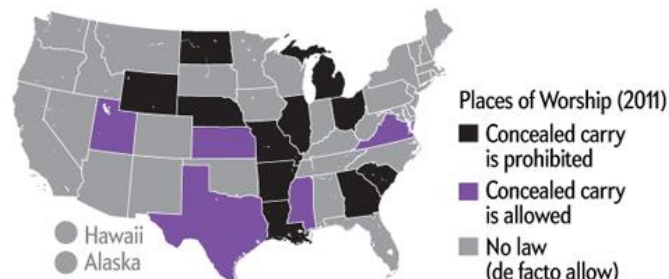
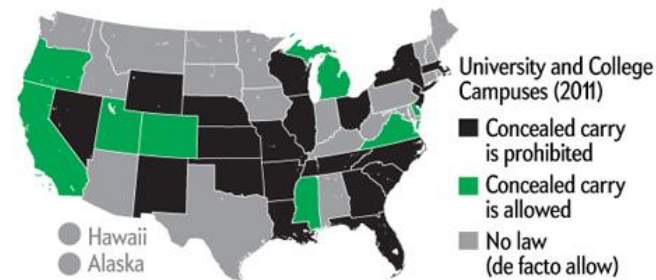
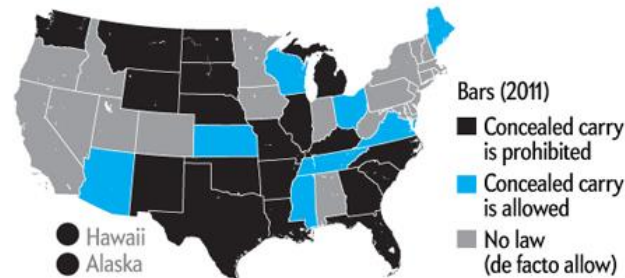
1981



2011



Concealed Weapon Laws: Select Locations



SOURCE: *The Increasing Threat of Hidden Guns in America (2011)*, Legal Community Against Violence