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The Supreme Court of the United States has not yet affirmed as a right the ability to carry a concealed firearm on one's person, or in one's vehicle, without a concealed weapons permit.

Through the decisions in *District of Columbia v. Heller* and *McDonald v. Chicago*, the right of the people to carry a weapon for protection has been affirmed by the court, and incorporated to the States. That being said, *Heller* and *McDonald* did not specifically state that the people have the right to carry a concealed weapon. They "suggested that the Second Amendment protects the right to carry firearms in public in some fashion."¹

The Alabama Constitution in Section 26 states: "That every citizen has a right to bear arms in defense of himself and the state."² This would also suggest that the Alabama Constitution would guarantee the citizens of Alabama the right to carry weapons in public. However, Alabama Law also requires that to carry a concealed firearm, one must legally be able to own said firearm, and one must have a concealed carry license issued by the sheriff of the county in which said person resides.³ Open carry, the carrying of a firearm that is not concealed, is also legal in Alabama, and does not require a permit. Alabama's concealed weapon laws have been lawfully passed by the state, and have not been struck down by the State Supreme Court.

Alabama legislators are not in violation of the U.S. or Alabama Constitutions by not yet passing a constitutional carry bill. The Alabama Policy Institute, however, urges legislators to pass a law that allows constitutional carry and frees Alabama citizens from any restriction on their Second Amendment rights.

Please see below for articles and court opinions you might find helpful and that could help shed light on the issue.

1. This is the dissent from Justice Thomas when the Supreme Court refused to grant certiorari in *Peruta v. California*. It has a wealth of knowledge about gun laws—and how the Second Amendment—should be interpreted. It is only eight pages long, but those eight pages are full of great information.

https://www.supremecourt.gov/opinions/16pdf/16-894_p86b.pdf

2. This is a law review article by Clayton E. Cramer and Joseph Edward Olson about what the term "Bear Arms" means in the Second Amendment. Mr. Cramer is an American Historian and one of the premier Second Amendment researchers in the United States. His works were cited in

¹ Justice Thomas's Dissent to *Peruta v. California* https://www.supremecourt.gov/opinions/16pdf/16-894_p86b.pdf

² Alabama Constitution Section 26.

<http://alisondb.legislature.state.al.us/alison/codeofalabama/constitution/1901/CA-245557.htm>

³ Alabama Code Sections 13A-11-73 and 13A-11-75. <http://www.ago.state.al.us/File-Alabama-Weapon-Laws>

the *Heller* and *McDonald* cases, as well as many other Federal and State court decisions.

<https://poseidon01.ssrn.com/delivery.php?ID=791101027092095127089029005066111018105084007031052035109088091088105012086002017089043050055106031007050100101012065080031118025019027055033016096005093023110029035084079101064002007093107074127127086022119006095112068003015074118072002065104093&EXT=pdf>

3. On Mr. Cramer's website, linked below, you will find a lot of his work under Popular Articles and Scholarly Articles. His books on the Second Amendment are also quite incredible, and his website has excerpts from those books on it.

http://claytonecramer.blogspot.com/p/books_28.html

4. This article, written by Mr. Cramer, looks at whether constitutional carry raises the murder rate in states where it has been implemented. It may be difficult for the task force to find reliable data on how constitutional carry has affected States most similar to Alabama- as those states have passed their laws very recently. There has not yet been enough time for the implementation of the new laws to affect those states. This article looks at the states who have had constitutional carry in place long enough to gather reliable data on its effects.

<https://poseidon01.ssrn.com/delivery.php?ID=649017121009105027090123107091028069032034022058026059113005064074031095099120011112103042027101022023115109113124120064014031046051062093060064100088088020120102061047044089127065112028028001069092088091093081104070125087126095015111096022025082122&EXT=pdf>