

OVERVIEW OF FIREARM LAWS

Task Force on
21st Century Firearm Laws



SECOND AMENDMENT

- The Second Amendment to the U.S. Constitution was passed as part of the Bill of Rights on September 25, 1789, and was ratified on December 15, 1791.
- “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.”
- Two theories have developed over time with regard to the scope of the Second Amendment:
 - The Collective Rights Theory.
 - The Individual Right Theory.



SECOND AMENDMENT

- In United States v. Miller, 307 U.S. 174 (1939), the U.S. Supreme Court adopted **the Collective Rights Theory**—a theory that citizens do not have as an individual, the right to possess guns and therefore the local, state, and federal governments may regulate the possession of firearms without violating this right.
- In Miller, the Court held that Congress could regulate sawed-off shotguns that moved in interstate commerce under the Nat'l Firearms Act of 1934 because there was no evidence that the shotgun “had some reasonable relationship to the preservation or efficiency of a well trained militia.”
- Miller set a 70-year precedent with regard to the Collective Rights Theory.



SECOND AMENDMENT

- In 2008, in District of Columbia v. Heller, the U.S. Supreme Court shifted to the **Individual Right Theory**—the theory that the U.S. Constitution restricts local, state, and federal governments from prohibiting firearm possession and that prohibitory and restrictive regulation of this right is presumptively unconstitutional.
- In Heller, Justice Scalia wrote that “[t]here seems to us no doubt. . .that the Second Amendment conferred an individual right to keep and bear arms. Of course, that right was not unlimited, just as the First Amendment’s right to free speech was not. . . .”
- Justice Scalia also wrote that the right “was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose,” implying that there are certain public safety concerns that must be weighed.



SECOND AMENDMENT

- In 2010, the Supreme Court strengthened its position on the Individual Right Theory in McDonald v. City of Chicago. The court held that a city handgun ban that restricted almost all private citizens from possessing handguns was in violation of the Second Amendment.
- The McDonald case is the last case taken up by the Supreme Court that is directly related to interpretation and application of the Second Amendment.
- This year, the U.S. Supreme Court refused to hear a case originating in California (Peruta v. California), which involved a challenge to a county's "good cause" finding in order to issue a concealed carry permit to an individual.
- Some legal analysts assert that this may be a sign that the court is retreating from its stance on the individual right theory.



FEDERAL FIREARM LAWS

- Under 18 U.S. Code § 922 it is unlawful for any person to sell or otherwise dispose of any firearm or ammunition to specified individuals and it is expressly unlawful for these individuals to possess firearms. Examples include:
 - A person who is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year.
 - A person who is a fugitive from justice.
 - A person who has been adjudicated as a mental defective or has been committed to any mental institution.
 - A person who is unlawfully or illegally in the United States.
 - A person who has been dishonorably discharged from the military.
 - A person who has been convicted in any court of a misdemeanor crime of domestic violence.
 - A person who is guilty of certain domestic violence charges or protective orders.
 - Unlawful users of certain drugs.



FEDERAL FIREARM LAWS

- There are numerous federal laws that also restrict the possession, sale or transfer of firearms and ammunition. Examples of these laws include:
 - Must be 21 years of age to purchase a handgun.
 - Must be 18 years of age to purchase a rifle or shotgun.
 - An individual who does not possess a federal firearms license may not sell a firearm to a resident of another state without first transferring the firearm to a dealer in the purchaser's state.
 - The carrying of any firearm, concealed or unconcealed, on or about the person or in carry-on baggage while aboard an aircraft is prohibited. The Transportation Security Administration has established certain requirements for transporting firearms and ammunition.
 - Persons who engage in the business of buying or selling firearms must be licensed by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives of the U.S. Department of Justice.
 - The federal Gun-Free School Zones Act (which deems K-12 schools to be “gun-free zones” but does not apply to persons with lawful permits).
 - Since 1934, Congress has strictly regulated the manufacture, transfer, and possession of **automatic firearms and machine guns**. The firearms are regulated by the 1934 National Firearms Act (NFA) (26 USC § 5801 et seq.) and the 1968 Gun Control Act as amended by the 1986 Firearms Owners' Protection Act (18 USC § 921 et seq.).



ALABAMA CONSTITUTION

- Prior to 2014, Article I, Section 23, of the Constitution of Alabama of 1819 and Article I, Section 26 of the Constitution of Alabama of 1901, provided that:

. . .every citizen has a right to bear arms in defense of himself and the state.

- In 1840, in State v. Reid, 1 Ala. 612 (1840), the Alabama Supreme Court rejected an Article I, § 26 challenge to a statute authorizing criminal penalties for individuals convicted of carrying a concealed weapon.
 - The court concluded, “The Constitution, in declaring that ‘every citizen has the right to bear arms in defense of himself and the state,’ has neither expressly nor by implication denied to the Legislature the right to enact laws in regard to the manner in which arms shall be borne.”



ALABAMA CONSTITUTION

- In 2014, voters ratified Amendment 888 to the Constitution of Alabama of 1901, which amended Article I, §26 to now read:

(a) Every citizen has a fundamental right to bear arms in defense of himself or herself and the state. Any restriction on this right shall be subject to strict scrutiny.

(b) No citizen shall be compelled by any international treaty or international law to take an action that prohibits, limits, or otherwise interferes with his or her fundamental right to keep and bear arms in defense of himself or herself and the state, if such treaty or law, or its adoption, violates the United States Constitution.

- The amendment is modeled after a Louisiana constitutional amendment.



ALABAMA CONSTITUTION

- Amendment 888 provides that the right to bear arms is a fundamental right and would require the state government to satisfy the heightened constitutional scrutiny test by demonstrating that any law limiting or infringing on that right is **narrowly tailored** to support a **compelling government interest**.
- To date there have been no reported cases interpreting the new language in Article I, § 26.



ALABAMA LAW

- Alabama is considered an “**open carry**” state, which means that it is generally legal for an adult to openly carry a firearm without any type of permit.
- Based on the language in Article I, Section 26 of the Constitution of Alabama of 1901, and because there are no general prohibitions on open carry in statute, open carry is generally allowed, **unless** Alabama or federal law specifically prohibits the carrying of a firearm in a particular location (e.g, an airport, a courthouse).
- A permit is not required when a person “afoot” carries an unconcealed pistol. See Ala. Att’y Gen. Opinion 84-00250.



ALABAMA LAW

- In 2013, legislation was passed that significantly altered the landscape of firearm laws in Alabama. See SB286 (Act 2013-283) by Senator Beason. The act:
 - Consolidated certain preemption language regarding the authorities of local governments to regulate certain activity related to firearms and to provide civil remedies for violations.
 - Established a rebuttable presumption that the carrying of a firearm under certain conditions does not constitute the crime of disorderly conduct.
 - Allowed a person to carry a pistol on the property of another under certain conditions, further defined “crime of violence” for the purpose of determining who may possess a pistol, and provided for the possession of a pistol in a motor vehicle under certain conditions.
 - Required a sheriff to issue a concealed pistol permit within a specified time frame and increased the renewal period.
 - Established certain eligibility requirements for a concealed pistol permit, provided for revocation of a permit, and included an appeal process for denials and revocations.
 - Authorized the Attorney General to enter into reciprocal agreements with other states for the mutual recognition of permits to carry pistols.
 - Prohibited the carrying of firearms at specified locations, allowed employees to transport or store a firearm or ammunition in the employee’s motor vehicle under certain conditions, and provided immunity to employers, businesses, and property owners from certain damages arising from the presence of a firearm.



ALABAMA LAW

Age Restrictions for the Carrying of Firearms.

- Alabama law generally prohibits selling, giving or lending a pistol to any person under age 18 and prohibits individuals under age 18 from possessing pistols. (Sections 13A-11-57 and 13A-11-72, Code of Alabama 1975.)
- These prohibitions do not apply if the minor has permission to possess a pistol from a parent or legal guardian who is not prohibited from possessing a firearm under state or federal law, and when certain other conditions are met (e.g., attending a hunter education course, firearm or target practice, organized competition relating to firearm usage, the minor is on his or her private property, among other conditions). (Section 13A-11-72, Code of Alabama 1975).
- Alabama or federal law does not provide a minimum age for possession of a long gun. However, federal law prohibits sale of long gun to anyone under 18.



ALABAMA LAW

- Limitations on the Carrying of Firearms under Existing Law:
 - People attempting to commit a violent crime, drug addicts or “habitual drunkards” and persons who intend to do bodily harm on the premises of a school are prohibited from possessing a firearm. (Section 13A-11-72, Code of Alabama 1975).
 - A person may not openly carry a pistol in a vehicle unless he or she has a concealed permit. A person may carry in a vehicle without a permit if the pistol is unloaded and in a locked compartment. (Section 13A-11-73, Code of Alabama 1975).
 - A person may not carry a concealed pistol without a permit, unless he or she is on his or her own land, in one’s home, or at one’s fixed place of business. (Section 13A-11-73, Code of Alabama 1975.)
 - A person may not possess a firearm while participating in or attending a public demonstration. Nor may he or she possess a firearm on his or her person or in a vehicle within 1,000 feet of a demonstration, after being advised by a law enforcement officer that a demonstration is taking place. (Section 13A-11-59, Code of Alabama 1975).
 - A person may not carry a rifle or shotgun walking cane. (Section 13A-11-54, Code of Alabama 1975).
 - A person may not possess a short-barreled rifle or short-barreled shotgun. This does not apply to peace officers carrying out their official duties. (Section 13A-11-63, Code of Alabama 1975.)
 - A person may not carry a firearm within any wildlife management area, except while in possession of a valid permit allowing this privilege, with certain exceptions. (Section 9-11-304, Code of Alabama 1975).



ALABAMA LAW

- **Concealed Carry Permit Process** (Section 13A-11-75, Code of Alabama 1975):
 - Upon application, the sheriff **shall** issue or renew a concealed pistol permit within 30 days of receipt of the application for 1 to 5 year periods, unless the sheriff:
 - Determines that the person is prohibited from the possession of a pistol or firearm pursuant to state or federal law.
 - Has a reasonable suspicion that the person may use a weapon unlawfully or in such other manner that would endanger the person's self or others.
 - Prior to issuance or renewal of a permit, the sheriff must contact available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System, to determine whether possession of a firearm by an applicant would be a violation of state or federal law.



ALABAMA LAW

- **Concealed Carry Permit Process** (Section 13A-11-75, Code of Alabama 1975)(con't):
 - In determining whether to deny an application, the sheriff may consider whether the person:
 - Was found guilty but mentally ill in a criminal case.
 - Was found not guilty in a criminal case by reason of insanity or mental disease or defect.
 - Was declared incompetent to stand trial in a criminal case.
 - Asserted a defense in a criminal case of not guilty by reason of insanity or mental disease or defect.
 - Was found not guilty only by reason of lack of mental responsibility under the Uniform Code of Military Justice.
 - Required involuntary inpatient treatment in a psychiatric hospital or similar treatment facility.
 - Required involuntary outpatient treatment in a psychiatric hospital or similar treatment facility based on a finding that the person is an imminent danger to himself or herself or to others.
 - Required involuntary commitment to a psychiatric hospital or similar treatment facility for any reason, including drug use.
 - Is or was the subject of a prosecution or of a commitment or incompetency proceeding that could lead to a prohibition on the receipt or possession of a firearm under the laws of Alabama or the United States.
 - Falsified application information.
 - Caused justifiable concern for public safety.



ALABAMA LAW

- **Concealed Carry Permit Process** (Section 13A-11-75, Code of Alabama 1975)(con't):
 - The sheriff must consider how recent any factors considered occurred in relation to the date of the application.
 - The sheriff must provide a written statement of the reasons for a denial of a permit and the evidence upon which it is based must be disclosed to the applicant, unless disclosure would interfere with a criminal investigation.
 - An applicant may appeal the denial or revocation to the district court of the county where the denial or revocation was issued.
 - The sheriff has the burden of proving by clear and convincing evidence that the person is prohibited from possession of a pistol or other firearm pursuant to state or federal law or, based on any of the considered factors that the person may use a weapon unlawfully or in such other manner as would endanger the person's self or others if granted a permit to carry a concealed weapon.
 - The district court has **30 days** from receipt of the appeal to issue its ruling.



ALABAMA LAW

- **Concealed Carry Permit Process** (Section 13A-11-75, Code of Alabama 1975)(con't):
 - Each permit must be written or in an electronic or digital form to be prescribed by the Secretary of State in consultation with the Alabama Sheriff's Association, and must bear the name, address, description, and signature of the permittee.
 - The sheriff may charge a fee as provided by local law for the issuance of the permit. Fees in Alabama range from **\$7.50 per year to \$30 per year**.
 - If a person who is not a United States citizen applies for a permit under this section, the sheriff shall conduct an Immigration Alien Query through U.S. Immigration and Customs Enforcement, or any successor agency, and the application form shall require information relating to the applicant's country of citizenship, place of birth, and any alien or admission number issued by U.S. Immigration and Customs Enforcement, or any successor agency. The sheriff shall review the results of these inquiries before making a determination of whether to issue a permit or renewal permit. **A person who is unlawfully present in this state may not be issued a permit.**
 - The name, address, signature, photograph, and any other personally identifying information collected from an applicant or permittee must be kept confidential.



ALABAMA LAW

- **Reciprocity for Concealed Pistol Permits (Section 13A-11-85, Code of Alabama 1975)**
- A person licensed to carry a handgun in any state may carry a handgun in this state. This section shall apply to a license holder from another state only while the license holder is not a resident of this state. A license holder from another state shall carry the handgun in compliance with the laws of this state.
- The Attorney General is authorized to enter into reciprocal agreements with other states for the mutual recognition of licenses to carry handguns and must periodically publish a list of states which recognize licenses.



ALABAMA LAW

Possession of Firearms in Certain Places (Section 13A-11-61.2, Code of Alabama 1975)

- A person may not knowingly possess or carry a firearm in any of the following places (even with a permit) without the express permission of a person or entity with authority over the premises:
 - Inside the building of a police, sheriff, or highway patrol station.
 - Inside or on the premises of a prison, jail, halfway house, community corrections facility, or other detention facility for those who have been charged with or convicted of a criminal or juvenile offense.
 - Inside a facility which provides inpatient or custodial care of those with psychiatric, mental, or emotional disorders.
 - Inside a courthouse, courthouse annex, a building in which a district attorney's office is located, or a building in which a county commission or city council is currently having a regularly scheduled or specially called meeting.
 - Inside any facility hosting an athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education, unless the person has a permit.



ALABAMA LAW

Possession of Firearms in Certain Places (Con't) (Section 13A-11-61.2, Code of Alabama 1975)

- A person, including a person with a permit, may not, without the express permission of a person or entity with authority over the premises, knowingly possess or carry a firearm inside any building or facility to which access of unauthorized persons and prohibited articles is limited during normal hours of operation by the continuous posting of guards and the use of other security features, including, but not limited to, magnetometers, key cards, biometric screening devices, or turnstiles or other physical barriers.
- The person or entity with authority over the premises in this section is required to place a notice at the public entrances of the premises or buildings alerting those entering that firearms are prohibited.
- Any firearm on the premises of any facility set forth in this section, excluding certain athletic facilities, must be kept from ordinary observation and locked within a compartment or in the interior of the person's motor vehicle or in a compartment or container securely affixed to the motor vehicle.
- Polling places. See Ala. Att'y Gen. Op. No. 2014-074. Turns on whether the polling place is on public or private property or if there is a specific prohibition at the location.



ALABAMA LAW

Restrictions on Firearms by Employers

(Section 13A-11-90, Code of Alabama 1975)

- A public or private employer may restrict or prohibit its employees, including those with a pistol permit, from carrying firearms while on the employer's property or while engaged in the duties of the person's employment.
- However, an employer may **not** restrict or prohibit the transportation or storage of a lawfully possessed firearm or ammunition in an employee's privately owned motor vehicle while parked or operated in a public or private parking area if the employee satisfies certain requirements such as:
 - Having a pistol permit; or
 - Having a valid hunting license, the firearm is unloaded, the transport of the firearm is during hunting season, and the person has never been convicted of a violent offense.
 - Keeping the firearm from observation and in a locked compartment or container.



ALABAMA LAW

Restrictions on Firearms by Employers (Con't) **(Section 13A-11-90, Code of Alabama 1975)**

- A public or private employer may take adverse employment action against persons who have failed to comply with the requirements of the section.
- If an employee has fully complied with the requirements of the section and does not possess a firearm prohibited by state or federal law, that employee is entitled to recovery compensation for any adverse employment action against the employee. If demand for the recovery has not been satisfied within 45 calendar days, the employee may file a civil action in the appropriate court of this state against the public or private employer.



ALABAMA LAW

Regulation of Firearms Reserved to the State (Section 13A-11-61.3, Code of Alabama 1975)

- The Legislature has reserved complete control over regulation and policy pertaining to firearms, ammunition, and firearm accessories in order to ensure that regulation and policy are applied uniformly throughout this state to each person subject to the state's jurisdiction and to ensure protection of the right to keep and bear arms recognized by the Constitutions of the State of Alabama and the United States.
- This section provides that the state occupies and preempts the entire field of regulation in this state touching in any way upon firearms, ammunition, and firearm accessories to the complete exclusion of any order, ordinance, or rule promulgated or enforced by any county, municipality, or other political subdivision of this state.
- A person adversely affected by any order, ordinance, or rule adopted in violation of this section may file a petition with the Attorney General requesting that he or she bring an action in circuit court for declarative and injunctive relief.
- There are certain exceptions for certain action of a political subdivision (e.g., regulation of a firearm range within its jurisdiction.)



ALABAMA LAW

SUMMARY: Based upon the Alabama Constitution and statutory law:

- **Anyone who satisfies all state and federal requirements can openly carry a loaded handgun while traversing a public sidewalk.**
- **Anyone can carry a loaded rifle or shotgun in public locations that are not expressly prohibited by state or federal law, provided he or she meets all other state or federal requirements.**
- **A person can carry a concealed pistol in locations (including a motor vehicle) that are not expressly prohibited by state or federal law if he or she has a valid concealed pistol permit.**



OTHER STATES

- Nationwide, laws vary greatly as to whether a permit is required to obtain or carry a firearm as well as whether a particular state allows for the concealed or open carry of firearms with or without a permit. ***Due to the breadth of firearm laws in each state, sources vary on how each state is categorized.***

STATES PROHIBITING OPEN CARRY OF HANDGUNS (6)

California, District of Columbia, Florida, Illinois, New York, South Carolina

STATES REQUIRING A PERMIT OR LICENSE FOR OPEN CARRY OF HANDGUNS (14)

Connecticut, Georgia, Hawaii, Indiana, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, Oklahoma, Rhode Island, Tennessee, Texas, Utah

STATES RESTRICTING OPEN CARRY OF HANDGUNS IN PUBLIC PLACES (4)

North Dakota, Pennsylvania, Virginia, Washington

STATES ALLOWING PERMITLESS CARRY OF HANDGUNS (12)

Alaska, Arizona, Arkansas, Idaho, Kansas, Maine, Mississippi, Missouri, New Hampshire, Vermont, West Virginia, Wyoming *Some sources include North Dakota



PERMITLESS CARRY STATES

ALASKA

- The Alaska Constitution provides: “The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State.” (Art. 1, Sec. 19.)
- There is no prohibition against carrying a concealed weapon so long as the prohibited behaviors regarding the carry are respected, such as the person carrying is 21 years of age, the person is authorized to possess the firearm under federal law, and the person informs law enforcement that he or she is in possession of a firearm. (Section 11.61.220, Alaska Statutes)
- There are limitations as to where firearms may be carried in Alaska. Some examples include, but are not limited to:
 - A person may not carry in someone else's home without the homeowners' specific knowledge and permission.
 - A person may not carry in any place where intoxicating liquor is sold for on-site consumption, except a restaurant and the person does not consume alcohol beverages .
 - In or around any public or private K-12 school or on a school bus without the knowledge and consent of the school's administrator.
 - In or around a child care facility.
 - In a courthouse, court room, or office of the court system or justice related agencies. (Section 11.61.220, Alaska Statutes)



PERMITLESS CARRY STATES

ARIZONA

- Article 26 of Arizona's state constitution provides for the right of the individual citizen to bear arms in defense of himself and the state. No special permit is required to possess a firearm either openly or concealed.
- If a person is legally allowed to possess a gun, he or she may carry it openly in a vehicle, provided the person discloses its presence to any law enforcement officer who detains the person based on reasonable suspicion of an offense and asks the person whether he or she is carrying a concealed weapon. (Section 13-3102, Arizona Statutes)
- Private businesses such as grocery or convenience stores, laundromats, banks, or office complexes may forbid weapons on their property, whether or not they post signs to that effect. Failure to comply may result in a charge of trespassing. (Section 4-229, Arizona Statutes).
- If a person has an Arizona concealed weapons permit, he or she may carry a concealed weapon in establishments that sell alcohol, unless there is a posted sign prohibiting weapons. A person may not open carry in the establishment without a permit. The person may not consume alcohol while carrying the firearm. (Section 4-244(30 and 31), Arizona Statutes).



PERMITLESS CARRY STATES

ARKANSAS

- Attorney General Leslie Rutledge released Opinion 2015-64 which contains the following interpretation as to “open carry”: “While I do not encourage “open carry,” it is my opinion that if a person does not have the intent to “attempt to unlawfully employ a handgun...as a weapon against [another],” he or she may “possess a handgun...on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use” without violating Arkansas law. Therefore, the mere possession of a handgun on one’s person or in one’s vehicle does not violate Arkansas law and may be done **if it does not violate other laws or regulations.**”
- Section 5-73-122 makes it unlawful for anyone other than a law enforcement officer or a security guard to knowingly possess a handgun in any publicly owned building or facility or on the State Capitol grounds. As used within this statute, “facility” means a municipally owned park, football field, baseball field, soccer field, or another similar municipally owned or maintained recreational structure or property.
- Another provision of Arkansas gun law allows people with concealed handgun licenses to carry on college campuses, in government buildings, and some bars if they undergo up to eight hours of active-shooter training. (HB 1249 (Mar. 2017))



PERMITLESS CARRY STATES

IDAHO

- No state permit is required to possess a rifle, shotgun, or handgun. (Section 18-3302, Idaho Code).
- A person may carry a firearm in a vehicle inside the city limits or confines of a city, as long as it is in plain view, loaded or unloaded. If a person wishes to conceal it, the firearm must be disassembled or unloaded. (Section 18-3302, Idaho Code).
- It is unlawful for any person to carry a concealed weapon on or about his or her person when intoxicated or under the influence of any depressant, stimulant, narcotic drug, or controlled substance. (Section 18-3302, Idaho Code).
- Concealed weapon licenses remain available from the county sheriffs. Residents must secure one to gain reciprocity in other states. The license is valid for five years. (Section 18-3302, Idaho Code).



PERMITLESS CARRY STATES

KANSAS

- In 2015, Kansas became a permitless carry state. (SB45 (2015 Sess.))
- A permit is longer required for someone who is 21 years of age or older to carry a gun concealed on his or her person unless there is a something that would prohibit that person from carrying legally under Kansas or federal law. (Section 21-6301, K.S.A.)
- There is no Kansas law prohibiting an individual from carrying a legal firearm in the open (exposed in a vehicle or on one's person).
- A private business may prohibit an individual from entering with a firearm if the business displays the Kansas Attorney General (KS AG) approved signage. (Section 75-7c10, K.S.A.)
- A public or private employer may restrict or prohibit by personnel policies an employee from carrying a concealed handgun while on the employer's business or while engaged in the duties of the person's employment by the employer. (Section 75-7c10, K.S.A.)



PERMITLESS CARRY STATES

MAINE

- Maine law was amended in 2015 to allow a person who is not otherwise prohibited from possessing a firearm to carry a concealed handgun in the State of Maine without a permit. This law also authorizes a person to possess a loaded pistol or revolver while in a motor vehicle, trailer or other vehicle being hauled by a motor vehicle. Public Law 2015, Chapter 327 (LD 652)
- Concealed carry without a permit is limited to people who are 21 or older, with an exception for certain person with Armed Forces experience.
- The law does not otherwise change where a person may carry or who may possess a firearm. It is still illegal to possess a firearm in certain places under Maine law (e.g., among others, courthouses, state parks, school, the state capitol, private property without permission, and during labor disputes and strikes).
- (See 17 A.M.R.S. s. 1057; 17 A.M.R.S. s. 1058; 12 A.M.R.S. s. 1803; 20 A.M.R.S. s. 6552; 25 A.M.R.S. s. 2904; and 32 A.M.R.S. s. 9412).



PERMITLESS CARRY STATES

MISSISSIPPI

- Mississippi permits a person over the age of 18 to carry, concealed or in plain view, a firearm or other “deadly weapon” in his or her home (including public housing), place of business, and vehicle, or while participating in or traveling to a “legitimate weapon-related sports activity” without a license. (Section 97-37-1, Miss. Code).
- A person may also carry, open or concealed, a deadly weapon in other locations without a license. However, a person may **not** carry on educational property, posted private property, sensitive government locations, or the prohibited places for a “regular” license.
- It is legal under Mississippi law for a non-student to possess a firearm on educational property so long as the firearm remains in a motor vehicle and is not displayed in a threatening manner.
- List of places gun permit holders are prohibited from carrying: Any portion of an establishment, licensed to dispense alcoholic beverages for consumption on the premises, that is primarily devoted to dispensing alcoholic beverages; any portion of an establishment in which beer or light wine is consumed on the premises, that is primarily devoted to such purpose; any church or other place of worship; any school, college or professional athletic event not related to firearms.



PERMITLESS CARRY STATES

MISSOURI

- Beginning in 2017, lawful owners of firearms will be able to conceal and carry them anywhere in Missouri without a permit, subject to the limitations that already exist.
- Local governments may prohibit people from carrying weapons openly unless they have concealed-carry permits.
- County sheriffs will continue to issue state permits after applicants pass training courses relating to firearm possession and usage.
- Missouri law continues to preclude the possession of firearms in places such as: courthouses, jails, polling places or businesses, such as grocery stores, that post “no guns” signage.



PERMITLESS CARRY STATES

NEW HAMPSHIRE

- Open carry without a license is legal in the state and concealed carry without a license (constitutional carry) is legal as of February 22, 2017.
- There are no state licensing requirements for the possession of rifles, shotguns or handguns. It is unlawful for any person who has been convicted of a felony to own, possess or control any firearm. Persons who are the subject of a court protective order may be required to surrender all firearms and ammunition.
- A selectman, mayor, or chief of police of the town may issue a concealed carry permit to residents of the town.



PERMITLESS CARRY STATES

VERMONT

- The state of Vermont does not issue permits nor require a permit for law-abiding citizens to carry concealed in the state of Vermont.
- It is lawful to carry a firearm openly or concealed provided the firearm is not carried with the intent or avowed purpose of injuring a fellow man. Section 4003, Vermont Statutes. It is unlawful to carry a firearm within any state institution or upon the grounds or lands owned or leased by such institution.
- A person may not carry a deadly weapon into a courthouse.



PERMITLESS CARRY STATES

WEST VIRGINIA

- As of May 24, 2016, West Virginia became a permitless carry state. Any person 21 years or older who is legally able to own a handgun may carry the weapon concealed without the need of obtaining a permit. A permit is required for individuals 18-20 years old who wish to carry a handgun concealed. Carry permits are still issued on a "shall issue" basis to anyone who would like one for reciprocity purposes.
- Open carry is generally allowed without a permit.
- Prohibited places for carrying a firearm include: correctional facilities, primary and secondary school property (excluding firearms within a vehicle); buses; and events, courthouses, the State Capitol Complex and grounds, private property where posted, and certain areas within specified counties in the state.



PERMITLESS CARRY STATES

WYOMING

- Wyoming law does not require a permit or registration to buy, own, or carry a gun.
- Persons may not possess firearms (openly or concealed) in certain locations, such as: into a jail, a state penal institution, the Wyoming Boys' School, Wyoming Girls' School, or a private correctional facility, the state hospital, or a courtroom. Judges may carry a concealed firearm in their courtroom and may grant others permission to carry a concealed weapon in their courtroom. Section 6-5-209, Wyoming Statutes. See also Section 6-8-104, Wyoming Statutes.
- A person must demonstrate familiarity with a firearm in order to receive a permit in Wyoming. Affidavits evidencing completion of certain firearms training courses are required. Section 6-8-104, Wyoming Statutes.
- The use of firearms is prohibited in all state parks, campgrounds, recreational grounds, historic landmarks, or historic sites unless otherwise designated by the state Fish and Game Commission.

