

## Consensus Statement on Youth Suicide by Firearms

The signatories below met in Lake Bluff, Illinois from November 13-15, 1996, to review and debate the following research and epidemiological findings pertaining to youth suicides in America and to arrive at agreement regarding a focus for future collaboration.

### Research Findings:

We agreed that:

1. Youth suicide is a multidimensional and complex behavior, with many associated risk factors. (Berman & Jobes, 1991; Lewinsohn et al, 1996; Marttunen, et al, 1992; Brent & Perper, 1995)
2. Youth suicide is a major public health problem in America, with rates now surpassing those for the nation as a whole. (CDC, 1986)
3. Suicide is the third leading cause of death among youth (ages 15-24) and second leading cause of death for 15-19 year olds in the U.S. (Kachur et al, 1995)
4. Epidemiological surveys indicate dramatic increases in suicidal behaviors particularly among young African American males, Native American males, and younger children (below the age of 14). (Kachur et al, 1995)

5. Firearms are the most common method of suicide by youth. This is true for both males and females, younger and older adolescents, and for all races. (Kachur et al, 1995)

6. The increase in the rate of youth suicide (and the number of deaths by suicide) over the past four decades is largely related to the use of firearms as a method. (Boyd & Moscicki, 1986; CDC 1986; Kachur et al, 1995)

7. The most common location for the occurrence of firearm suicides by youth is the home. (Brent et al, 1993)

8. There is a positive association between the accessibility and availability of firearms in the home and the risk for youth suicide. (Kellerman et al, 1992; Brent et al, 1993)

9. The risk conferred by guns in the home is proportional to the accessibility (e.g., loaded and unsecured firearms) and the number of guns in the home. (Brent et al, 1993; Kellerman et al, 1992)

10. Guns in the home, particularly loaded guns, are associated with increased risk for suicide by youth, both with and without identifiable mental health problems or suicidal risk factors (Brent et al, 1993).

11. If a gun is used to attempt suicide, a fatal outcome is virtually guaranteed  
(Card, 1974)

12. Legislative interventions that restrict access to guns (especially handguns) are associated with a decrease in firearm suicide and suicide overall, especially among youth. (Carrington et al, 1994; Sloan et al, 1990; Loftin et al, 1991)

Objective:

Therefore, in keeping with a public health preventive intervention approach and the proposed National Academy of Sciences Institute of Medicine's preventive intervention spectrum model, we believe that a great many suicides by firearms are preventable (Mrazek & Haggerty, 1994). It is vital to try to break the causal chain by separating vulnerable youth from this highly lethal method of suicide, i.e., firearms. To this end, we support the U.S. Public Health Service's Healthy People 2000 Objectives 7.2 and 7.10 which refer to the safe storage of guns (DHHS, 1994).

Indicated Interventions:

Indicated intervention approaches focus on the education of parents or parental figures who are gun-owners as to:

- (a) understanding the risk associated with gun ownership with respect to violent death and suicide; and

(b) the importance of gun safety, namely making a gun inoperable by and inaccessible to youth.

Professionals who come in contact with at-risk youth and their families must be educated to routinely ask about the presence and method of storage of firearms in the home, and to educate all families about safe storage practice for families who choose to keep guns. This can take place in the context of well-child care by primary care physicians, as well as by any professional who would come into contact with youth at risk for suicidal behavior (e.g., child welfare, juvenile justice, educational professionals, mental health professionals, etc.)

#### Selective Interventions

Pursuant to the achievement of firearms-secure homes, we support initiatives to develop, disseminate, and evaluate technologies that would decrease firearm operability by youth, thereby making it much more difficult for an adolescent to use a gun for a suicide. We support legislative initiatives and efforts to increase market demand for these new technologies.

We endorse training and education with respect to the risks associated with guns in the home; the need for safer storage of guns; and identification of risk factors for youth suicide for all parents, professionals who take care of youth at risk, and all firearms owners.

### Universal Interventions:

At the most universal level of intervention, we support models promoting community and parental responsibility for consistent supervision of adolescents; maintenance of alcohol and drug-free homes; and if there is a gun in the home, adherence to safe storage (i.e., inaccessible and inoperable firearms).

We endorse seeking partnerships and collaborations with organizations and agencies that have a shared stake in the issues of youth suicide and violence, e.g., religious organizations, youth service organizations, juvenile justice, child welfare, community service organizations (e.g., Elks, Moose, Lions, etc.)

### Future Directions:

We support epidemiological research that would shed light on culturally-specific issues associated with youth suicide and firearms, such as those in specific ethnic groups (e.g., African American, Native American), or in rural areas. Product-based research is needed to develop technologies to increase the safety of firearms. A better understanding of the cognitions, attitudes, and motivations for gun ownership and safe storage behaviors is needed. There is a need to research the gender differences in youth suicide. There is a need to understand the causal sequencing of youth suicide by firearms. Studies of the influence of media portrayals of violence and firearms use are urgently needed. There is a need to rigorously evaluate the effectiveness of proposed preventive interventions for youth suicide. There is a need to establish, support, and maintain surveillance and reporting systems of firearm-related suicides and suicidal behaviors.

Summary:

Given the costs to American society and families wrought by youth suicide, we believe that immediate action needs to be taken. There is clear evidence that intervening in or preventing the immediate accessibility of a lethal weapon can save lives. We have identified the safe storage of guns as one preventive intervention approach that would result in a decrease in the number of youth suicides. We believe that a combination of indicated, selective and universal preventive interventions addressing this objective can successfully lead to a reduction in youth suicides by firearms in our homes and communities. The achievement of this goal can only come about through the cooperation, coordination, and collaboration of concerned organizations at all levels of the community.

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## Supervisors Target Handgun Sales in Bid to Curb Violence

■ Firearms: Aside from proposed ban on Saturday night specials, county board seeks to amend codes to restrict dealers. NRA vows to challenge actions.

By [JOSH MEYER](#), Times Staff Writer

Stepping into the political cross hairs of the powerful gun lobby, a divided Board of Supervisors approved several measures Tuesday aimed at curbing gun violence in Los Angeles County and banning so-called Saturday night specials.

The measures, promoted by Board Chairman Zev Yaroslavsky, are in some respects symbolic, but they will also result in the adoption of several more restrictive ordinances regarding the use and purchase of guns.

"This is a significant step forward in our efforts to reduce and prevent the violence and crime associated with the proliferation of firearms in our society," Yaroslavsky said. "What we're doing is trying to declare war on handgun violence in our county. It is an epidemic, the biggest cause of the death of people under the age of 35 and one that costs this county over \$60 million a year."

Aside from instructing county lawyers to draft an ordinance banning the sale of the small-caliber Saturday night specials in unincorporated areas, the supervisors also agreed to amend county codes to strengthen their oversight of the sale and distribution of firearms by gun dealers, including a ban on all firearms sales in residential neighborhoods.

Other measures will enhance the safe storage, display and sale of firearms. The supervisors also asked department heads to begin a coordinated analysis of gun-related violence to determine its precise toll on their 9 million constituents.

The board also voted to seek legislation that would overturn state preemption of local firearms regulations, which would allow it to go even further in regulating gun sales and in seeking to reduce gun-related injuries and violence.

The National Rifle Assn. and other gun groups vowed to challenge the supervisors' actions by filing suit against the county or adding the county to current lawsuits against

other municipalities that have enacted stringent gun control laws and policies.

"We haven't given up hope that they will listen to reason," NRA lawyer Chuck Michel said of the supervisors. "If they don't, there will be more litigation on these issues."

The NRA and other gun groups sued West Hollywood over its ban on Saturday night specials, which are small and usually locally manufactured handguns made from inferior metals that often backfire or have other safety problems. Although the pro-gun groups lost that suit, they have appealed, and Michel said that state Atty. Gen. Dan Lungren is among those publicly predicting that the gun lobby will ultimately overturn the law.

\* \* \*

Pro-gun groups also have sued the Northern California city of Lafayette over ordinances similar to one passed by Los Angeles County on Tuesday restricting gun dealers, Michel said.

Michel accused the supervisors of engaging in political grandstanding on the issue of gun control, saying their actions "will do nothing to fight violence."

The measures approved by the county did have the support of law enforcement authorities such as Sheriff Sherman Block, who sent Undersheriff Jerry Harper to lobby in support of them.

After hearing pleas for and against the gun control motions, the board quickly approved the motions.

The county's two conservative supervisors, Mike Antonovich and Don Knabe, voted against nearly all of the measures. But they were outvoted by Yaroslavsky and his two liberal colleagues, Gloria Molina and Yvonne Brathwaite Burke.

Antonovich voted against all but one measure requiring security checks for gun shop employees. The others, Antonovich said, were "misdirected."

"These are aimed at individuals who abide by the laws," he said.

"We ought to be directing the full thrust of our efforts at making sure those who use guns in [the] commission of crimes receive long mandatory prison sentences. The problem isn't with the law-abiding, it's with the criminal element."

Yaroslavsky said he expected opposition and legal threats from the NRA, but that gun violence has taken too much of a toll on county residents for the supervisors to back down.

"We expect them to legally challenge it. But people are sick and tired of the proliferation of guns and gun violence in our community," Yaroslavsky said.

"The NRA, the gun lobby, is in the '50s and have not changed their tune one iota while the streets of America have become killing fields. Enough is enough. Something must be done."

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NATIONAL  
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# **Compilation Of State Firearm Codes That Affect Juveniles**

**Prepared by the National Criminal Justice Association  
for the  
U. S. Department of Justice,  
Office of Juvenile Justice and Delinquency Prevention  
and the  
Bureau of Justice Assistance**

November 1994  
Washington, D. C.



**NATIONAL CRIMINAL  
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**November 1994**

This project was supported by Grant No. 95-MU-MU-0001 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U. S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of this Agency.



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Washington, D.C. 20530

FOREWORD

Each of us has heard of a child who seriously injures or kills himself, a friend or a stranger with a firearm. This particular scenario is replayed in America too often. A handgun is a dangerous, often deadly instrument, especially when it is in the possession of a juvenile.

In response to the frequent, all too tragic consequences of possession of firearms by juveniles, Congress passed and President Clinton signed into law The Violent Crime Control and Law Enforcement Act of 1994. One of the key provisions of the Act is the Youth Handgun Safety Act (YHSA). With limited exceptions, the YHSA prohibits the possession of a handgun or ammunition by a juvenile as well as the transfer of a handgun or ammunition to a juvenile.

YHSA also directs the Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP), to perform the following tasks:

- a) evaluate existing and proposed juvenile handgun legislation in each state;
- b) develop model juvenile handgun legislation that is constitutional and enforceable;
- c) prepare and disseminate to state authorities, the findings made as the result of the evaluation; and
- d) report to Congress by December 31, 1995, the findings and recommendations concerning the need or appropriateness of further action by the federal government.

On September 14, 1994, President Clinton met with the United States Attorneys at the White House. During this meeting, the President expressed his concern over juvenile handgun violence and his commitment to implementing effective interventions to stop the horrifying increase in violent juvenile crime. The President directed each United States Attorney to draft a plan of action to implement the YHSA.

As a part of an ongoing process to fulfill the mandates of YHSA, the National Criminal Justice Association was given the task of compiling a report on state handgun laws concerning juveniles.

It is being distributed to United States Attorneys, Governors and State Attorneys General for review. This initial report is the first step in drafting a constitutional and enforceable model youth handgun law that each state can consider for adoption.

The key to our success in responding to unlawful juvenile handgun possession is through coordinated enforcement and intervention by federal prosecutorial and investigative agencies and state and local authorities. It is incumbent upon us all to recognize the potential danger to the quality of life of each citizen that is presented by the unlawful possession of a handgun by a juvenile. This compilation of state firearm codes should provide immediate assistance to federal, state and local authorities who are addressing this issue.

JANET RENO

## **PREFACE**

This compilation of state firearms possession codes that affect juveniles has been prepared by the National Criminal Justice Association for the U. S. Department of Justice, Bureau of Justice Assistance (BJA) and Office of Juvenile Justice and Delinquency Prevention under BJA Grant No. 95-MU-MU-0001.

The compilation is an interim report of a 12-month project to carry out a comprehensive review of state firearm codes, which will include a comparative analysis of states' juvenile firearms codes. It was developed from a survey of state firearms code provisions that might be applied to juveniles relating to the ownership, purchase, receipt, handling, carrying, and holding of firearms. The compilation also includes examples of state code provisions concerning the waiver of juveniles into criminal court on charges of firearms possession; however, an exhaustive search for firearms-related waiver provisions was outside the scope of this interim report.

This compilation provides the reader with citations for and general insight into the types of provisions each state has enacted concerning juveniles' possession of firearms. In addition, a national perspective on the nature and range of state juvenile firearms possession code provisions is presented in the introduction to this document. Finally, the introduction includes an overview of juvenile firearms-related provisions enacted by state legislatures in their 1994 sessions and a brief discussion of the outlook for further action in this area in state legislative sessions that will begin in January 1995.

The issue of juveniles and firearms currently is the subject of considerable attention and debate in the Congress, in state legislatures, and among public policymakers and criminal justice officials at all levels of government. It is an issue that undoubtedly will continue to command attention for the foreseeable future.

Knowledge of the context and efficacy of existing state laws is essential if improvements and enhancements of these legal tools are to be developed. It is hoped that ongoing work in this area will contribute to the state of the art of knowledge in this area.

Shay Bilchik  
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Washington, D. C.  
January 10, 1995

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## INTRODUCTION

Laws provide the framework for all actions taken by governments to protect the people they serve. Laws reflect the traditions, attitudes, tolerances, and biases of the people who make them and reflect society's changing expectations of how government should perform on its behalf. Consequently, any move to enact legislation to amend existing laws should be preceded by a careful review of what those laws require and whether they have been effective in carrying out the will of society.

This report on state firearm codes has been developed to provide a starting point for a more thorough examination of state laws that prohibit or restrict juveniles' possession of firearms. In particular, this work has been undertaken to provide some preliminary direction and guidance to the federal and state governments in their review of the adequacy of existing statutory prohibitions and restrictions.

The compilation presented in this report provides the reader with citations for and general insight into the types of provisions each state has enacted. In addition, this report presents a national perspective on the nature and range of state juvenile firearm possession code provisions. Finally, it provides an overview of juvenile firearm-related provisions enacted by state legislatures in their 1994 sessions and a brief discussion of the outlook for further action in state legislative sessions to begin in January 1995.

### Methodology

The report was produced over a three-week period. The compilation presented in the report covers relevant state firearm code provisions of all 50 states and the District of Columbia.<sup>1</sup>

Development of the compilation involved project staff's examination of several hundred pages of state code provisions to identify all provisions relating to juveniles' ownership, purchase, receipt, handling, carrying, and holding of firearms. The project also involved production of clear and accurate

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<sup>1</sup> For purposes of this report, the District of Columbia is considered a state and is referred to as such.

representations of code provisions selected for the compilation; development of a system of general descriptive categories for use in classifying selected provisions; and preparation of the report itself, including the development of the overview of state firearm code provisions that may affect juveniles and the summary of 1994 state legislative actions concerning juveniles and firearms possession.

Project staff reviewed two existing compilations and analyses of state firearm codes: *Firearms State Laws and Published Ordinances: 1994-20th Edition*, produced by the U. S. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms; and *Kids Carrying Guns: Loopholes in State and Federal Firearms Laws*, a 1993 publication of the Center to Prevention Handgun Violence. Both documents provided useful cues that helped project staff identify relevant state code provisions.

The ATF report presents statutory language for selected state code provisions as amended through 1993 but contains no analysis, classification, or categorization of state firearms codes. Instead it provided cites to state code provisions and a substantive means of validating the completeness of project staff's search for relevant provisions. The center's report also provided project staff with a resource to check the thoroughness of statutory research. Like the ATF report, the center's report provided citations to relevant state statutes. Unlike the ATF's report, the center's report focused on provisions related to juveniles.

In carrying out its statutory research, project staff employed two automated legislative data bases that permit searches by code citation and key words. Project staff assumed that not all relevant provisions would appear in general firearms and juvenile codes -- an assumption that proved to be true -- and therefore, staff conducted as broad a search of state code provisions as time and imagination would permit. In general, project staff searched for all provisions relating to the ownership, possession, receipt, carrying, holding, and handling of pistols, revolvers, and other firearms.

## Uses and Limitations

This report presents as complete, accurate, and current a compilation of state firearm codes that affect juveniles as exists. Nevertheless, this product has three major limitations:

- The compilation contains most but not all state firearm code provisions that might be applied to juveniles relating to the ownership, purchase, receipt, handling, carrying, and holding of firearms;
- The national overview included in this report presents a useful but likely oversimplified view of the status of state controls on juveniles' possession of firearms. The overview of state firearm codes broadly classifies very diverse state code provisions in an effort to provide legislators, public officials, criminal justice practitioners, and other interested parties with some general insight into the nature, range, and prevalence of certain types of firearm-related laws;
- The scope of project staff's work did not encompass a review of local firearm ordinances or state constitutional provisions or laws that prescribe the authority of state and local governments to impose prohibitions and restrictions on citizens' actions and that therefore might extend to firearms possession.

In general, the compilation includes most, but not all, state code provisions relating to juveniles' possession of firearms. The compilation probably includes most code provisions that specifically place restrictions or prohibitions on juveniles' possession of a firearm, including provisions that establish specific prohibitions for particular categories of juveniles, such as juveniles committed to mental institutions or juveniles addicted to drugs or alcohol. Likewise, the compilation includes most general provisions affecting any individual's possession of a handgun, including a juvenile's possession of a handgun. The compilation also includes most, but not all, state code provisions that prohibit or restrict

possession of firearms in schools and on school grounds; in other educational facilities; in public facilities; and in enumerated private facilities, such as day care centers.

Some relevant code provisions that do not use key words such as firearm, handgun, or weapon but incorporate a reference to another state firearm code provision may have been excluded from the compilation. For example, a code provision might state that all persons who violate a code provision relating to possession that is cited only by section are subject to a particular penalty.

The compilation does not include prohibitions or restrictions on or penalties for adults' sale of firearms to minors or provisions relating to an adult's liability for a juvenile's misuse of a firearm.

Project staff suspect that state constitutions or general provisions of state laws may impose limitations on state legislatures in their enactment of statutes that regulate the possession of firearms or delegate certain authority to regulate firearms to local jurisdictions. However, a review of state constitutions and a search for provisions relating generally to governmental powers was not within the scope of project staff's research in developing this compilation. Likewise, the compilation does not include local ordinances, which in some jurisdictions may place greater restrictions on firearms possession than are established under state statute.

Preparation of the national overview contained in this report involved the development of several broad general descriptive categories of provisions. Classification in this manner makes it possible to generalize about state codes that may be similar in overall focus but differ significantly in content. However, it also creates the risk that the information may mislead the reader. Hoping to avoid the possibility of misrepresentation, project staff directed their efforts to developing categories that would get at the general focus of the code provision. Project staff's objective was to describe accurately, but in general terms, the types of provisions to be highlighted. In carrying out its classification of code provisions, project staff chose to err on the side of caution; thus the prevalence of the code provision among the states may be underrepresented in a particular category.

## **A National Perspective**

Statutory research carried out by project staff located numerous state firearm code provisions that affect juveniles' possession of firearms. This research also found a significant breadth in the types of issues covered under state firearm codes and a great variety of approaches in dealing with the same or similar issues.

All 50 states and the District of Columbia have prohibitions or restrictions on firearms generally or handguns in particular that specifically affect or extend to juveniles.

### *General Firearm/Handgun Possession Prohibitions and Restrictions*

Project staff found 26 states that have specific prohibitions or restrictions on juveniles' possession of a firearm and 12 states that have general prohibitions or restrictions on possession of a firearm that would extend to juveniles.

At least 24 states have specific prohibitions or restrictions on juveniles' possession of a handgun and two states have general prohibitions or restrictions on possession of a handgun that would extend to juveniles, according to project research.

### *Prohibitions on Possession of Special Types of Weaponry and Weapons-related Devices*

Project staff's research identified 46 states that have general prohibitions or restrictions on possession of one or more of the following: machine gun, sawed-off shotgun or rifle, assault weapon, silencer, or other "dangerous weapon."

Juveniles' possession of a B.B. gun and/or an air or gas operated or electric-powered weapon is prohibited or restricted in at least four states, project research found.

### *Parental Consent/Adult Supervision*

In at least half of the states, juveniles' possession of firearms is prohibited or restricted unless a parent or other adult or a parent or other adult licensed to possess a firearm is present or the juvenile has a parent's written consent to possess a firearm, project research indicated.

### *Specific Prohibitions and Restrictions on Juveniles' Possession of Firearms*

Less than 10 percent of the states prohibit possession of a firearm by a juvenile convicted as an adult, according to project research.

In more than 20 percent of the states, juveniles who have been adjudicated delinquent are prohibited from owning a firearm.

### *Firearms Safety Training*

Project staff found three states that have a general requirement that hunter or other firearms safety training be completed in order to possess a firearm.

At least five states have enacted specific requirements that juveniles complete a hunter safety or other firearms use training curriculum to possess a firearm.

Project staff found 14 states that provide exceptions to prohibitions and restrictions on possession of firearms for participation in hunter or other firearm safety courses, shooting competitions, or other sanctioned programs.

### *Special Prohibitions or Restrictions on Firearms Possession*

More than one third of the states prohibit possession of a firearms by persons addicted to drugs or alcohol, project research indicates.

Persons committed to mental institutions are prohibited from possessing firearms in at least 18 states.

### *Penalties for Illegal Possession of Firearms*

Project staff found 20 states that have enacted general provisions that make illegal possession of a firearm a felony. At least four states have enacted general provisions that make illegal possession of a handgun by a juvenile a felony.

Project staff found three states have general provisions that extend to juveniles that make illegal possession of a firearm a misdemeanor, and six states have specific provisions that make a first offense of illegal possession of a firearm by a juvenile a misdemeanor.

At least five states have specific provisions that make a first offense of illegal possession of a handgun by a juvenile a misdemeanor.

### *Firearms and Schools*

More than two-thirds of the states have enacted general prohibitions or restrictions that apply to juveniles on possession of a firearm in or near a school and/or other educational or public facility and/or enumerated private facilities, such as a day care center.

Laws in at least eight states provide specific prohibitions or restrictions on juveniles' possession of a firearm in or near a school and/or other educational or public facility and/or enumerated private facilities, such as a day care center.

### *Waiver of Juveniles to Criminal Court*

Laws in at least nine states allow juveniles to be tried in criminal court for committing a crime with a firearm.

### *Detention of Juveniles for Firearms Possession Violations*

Project staff found one state that permits the detention of juveniles for illegal possession of a firearm.

### **Overview of 1994 Legislative Action**

In legislative sessions that adjourned this past spring, states across the nation enacted a variety of gun-related measures, especially laws that limit the possession of firearms by juveniles, according to an NCJA review of state legislation and outside research.

NCJA data base research indicates that states recently have taken a variety of legislative steps to regulate, limit, or prohibit juveniles' contact with guns:

- In Kansas, juveniles face up to a one-year penalty and a \$2,500 fine for criminal possession of a firearm under a bill signed into law in April. Similar laws were passed this year in Kentucky, South Dakota, and Tennessee, and Louisiana has passed a measure forbidding juveniles to sell firearms.
- In Arizona, selling firearms to minors has been upgraded from misdemeanor to felony status.
- North Carolina enacted a law making the transfer of weapons to a minor a felony.
- California enacted a measure outlawing the sale of concealable weapons to minors. The offense has been included among a series of misdemeanors that are punishable by a 10-year prohibition against firearms ownership and possession.
- In Delaware, an adult may now transfer a firearm to a minor only with the permission of the minor's parent; unlawfully allowing access to a firearm is a misdemeanor.
- Virginia Gov. George Allen (R) signed a law making it a criminal offense to allow a child younger than 12 years old to have possession or use of any firearm, loaded or unloaded, when the child is not under parental supervision.

- Utah Gov. Michael O. Leavitt (R) signed a law in March that made firearm safety education part of the mandatory curriculum in public schools.
- According to recent newspaper reports, several states have passed or are considering laws making an adult liable in a shooting involving injury or death when a loaded gun was left where it could be picked up by a minor.

### *Schools and Weapons*

Several states also passed laws in 1994 that strengthen prohibitions against weapons possession on school grounds.

- In Indiana, a package of measures designed to crack down on youth violence that was enacted in March included a provision that enhanced the penalty for carrying a gun without a license on school property or within 1,000 feet of school property. The charge of carrying a gun without a license was increased from a misdemeanor, punishable by a maximum of one year in prison and a \$5,000 fine, to a felony, punishable by six months to three years in prison, and a maximum of \$10,000 in fines. If the offense is committed on or near school grounds, the violator faces two to eight years in prison.
- A new law in New York prohibits any type of gun, including air guns and spring guns, and any ammunition, including blank cartridges, on school grounds. Alabama, Florida, Kentucky, and Michigan also specifically prohibited weapons possession on school grounds, and Arizona passed a law prohibiting handgun possession on the campuses of publicly supported colleges.

### *Courts, Juveniles and Guns*

At least five states have changed the laws that govern the way court systems treat juveniles charged with crimes involving the use of firearms.

- Maryland has passed a measure providing that juvenile courts no longer have original jurisdiction over a minor who is more than 14 years old and is charged with a violent crime or a crime involving firearm use.
- In Indiana, juvenile courts no longer have jurisdiction over minors who carry handguns without a license.
- Wisconsin Gov. Tommy G. Thompson (R) also has signed legislation changing the rules for juvenile court jurisdiction in crimes committed with handguns.
- New legislation in Virginia requires judges to release information on minors over 16 years old who have been found delinquent of a felony involving a firearm, or who have been charged with such a crime and are fugitives from the law. Similarly, courts in Illinois now are allowed to release the names of juveniles who have been adjudicated delinquent in a crime involving a firearm.

### **Outlook for 1995 Legislative Session**

Increases in juvenile violence in this country have intensified public concern about the adequacy of existing controls on juveniles' possession of firearms. In turn, public policymakers and legislators have broadened the scope of their response to juvenile violence from a primary emphasis on enhancing sanctions on juveniles who commit crimes involving firearms to enacting prohibitions or increasing restrictions on juveniles' access to firearms.

This press for solutions to increasing juvenile gun violence including calls for greater controls on juveniles' possession of firearms, is likely to continue into states' 1995 legislative sessions. State legislators in New Jersey and Virginia, the only two states where legislation will be carried over from the

1994 to the 1995 legislative sessions, will resume consideration of measures relating to juvenile and firearms.<sup>2</sup>

Among the seven bills pending in New Jersey are proposals that would create gun-free school zones, automatically waive juveniles charged with possession of a firearm on school grounds to criminal court for trial; and establish mandatory sentences for juveniles who are convicted of a second firearms violation. In Virginia, state legislators will consider two measures relating to juvenile's possession of handguns and other firearms and one bill to prohibit the possession of firearms on school property.

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<sup>2</sup> In general, state legislatures are prohibited by their state constitutions from carrying over legislation from one session to another when there is an intervening general election. In 1994, all but four states, including New Jersey and Virginia, held general elections. The remaining two states -- Mississippi and Louisiana -- prohibit any carryover of legislation between sessions.

## **State Codes Compilation**

## **Provisions in State Codes Relating to the Possession of Firearms by Juveniles**

### *Alabama*

ALA. CODE §12-15-34.<sup>13</sup> - A juvenile age 16 or over can be tried as an adult if he commits a crime that would be considered a felony, and an element of the crime is the use of a deadly weapon or a dangerous instrument against a government official, juror, witness, or employee of the public education system.

ALA. CODE §13A-11-52 - No person shall carry a pistol on premises not under his control.

ALA. CODE §13A-11-63 - It is illegal for anyone to possess a short-barreled shotgun. Peace officers are excepted if they are acting within the scope of their official duties. Violation of this provision is a felony.

ALA. CODE §13A-11-64 - It is illegal for anyone to possess a firearm on which the maker, model, manufacturer's number, or other mark or identification has been changed, altered, removed, or obliterated. Violation of this provision is a felony.

ALA. CODE §13A-11-72 - No person who is a drug addict or a habitual drunkard or who has been convicted anywhere of committing or attempting to commit a crime of violence shall possess a pistol.

ALA. CODE §13A-11-73 - No person shall carry a pistol in any vehicle or concealed on or about his person, except in his own abode or fixed place of business, without a license.

ALA. CODE §13A-11-74 - The requirement of a license does not apply to law enforcement, the military, or persons who are duly authorized to receive such weapons.

ALA. CODE §13A-11-83 - Antique pistols are exempted from all of the above provisions.

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<sup>3</sup> Citations are provided for the statutory sections in which the listed provisions appear. The project staff will provide complete citations, including years, in the project final report.

ALA. CODE §16-1-24.1 - The State Board of Education shall enact policies to protect students and school employees from dangerous weapons. If a person is found to have violated the policy, he shall not be readmitted to the school until criminal charges arising from the conduct are disposed of and he has satisfied all other requirements imposed by the local board of education as a condition for readmission.

## *Alaska*

ALASKA STAT. §11.61.200 - A person commits the crime of misconduct involving weapons in the third degree if he knowingly possesses a firearm capable of being concealed on one's person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult; or possesses a firearm on which the manufacturer's serial number has been removed, covered, altered, or destroyed with the intent of rendering the firearm untraceable; or possesses a prohibited weapon. A prohibited weapon is defined as a device designed, made, or adapted to muffle the report of a firearm or a firearm that is capable of shooting more than one shot automatically, or a rifle or shotgun with a short barrel. It is an affirmative defense to prosecution under this provision if a period of 10 years or more has elapsed between the date of the person's adjudication and the date of the violation, or if the prohibited weapon was possessed in accordance with the National Firearms Act. Peace officers are excepted from the provision relating to prohibited weapons.

ALASKA STAT. §11.61.220 - A person commits the crime of misconduct involving weapons in the fifth degree if the person is an unemancipated minor under 16 who possesses a firearm without the consent of a parent or guardian; knowingly possesses a concealed weapon or a loaded firearm any place where intoxicating liquor is sold for consumption on the premises. A person also commits the crime of misconduct involving weapons in the fifth degree if he possesses a firearm or defensive weapon without permission within the grounds of or on a parking lot immediately adjacent to a public or private preschool or school, except that a person 21 or older may possess an unloaded firearm or defensive weapon in the trunk of a motor vehicle or encased in a closed container. It is also illegal to possess a firearm within the grounds of or on a parking lot immediately adjacent to a child care center, other than a private residence. Violation of this provision is a misdemeanor. It is an affirmative defense to prosecution if the person owns the property upon which he possesses the weapon; is engaged in a lawful recreational activity such as hunting; is engaged in a lawful outdoor activity that requires the carrying of a weapon for personal protection; or is the holder of a valid permit to carry a concealed handgun. The provisions do not apply to peace officers acting within the scope of their employment. It is also an affirmative defense if the defendant owns or leases the business premises, or if the defendant is employed by the owner or lessee of the premises.

ALASKA STAT. §11.46.270 - It is unlawful to possess a firearm or its component parts knowing that the serial number or identification mark placed on it by the manufacturer or owner has been defaced, erased, or otherwise altered with the intent of causing interruption to the ownership of another.

ALASKA STAT. §29.35.145 - A municipality may not, except by voter-ratified ordinance, restrict the right to own or possess firearms within a residence or the right to transport unloaded firearms.

*Arizona*

ARIZ. REV. STAT. ANN. §13-912.01 - A person who was adjudicated delinquent and whose period of probation has been completed, or a person who has been discharged from probation, may have his right to possess or carry a gun or firearm restored. If the person's adjudication was for a dangerous or serious offense, burglary, or arson, that person may not file for restoration of his right to possess or carry a gun or firearm until the person attains 30 years of age. If the person's adjudication was for any other felony offense, the person may not file for restoration of his right to possess or carry a gun or firearm for two years from the date of his discharge.

ARIZ. REV. STAT. ANN. §13-3102 - A person commits misconduct involving weapons by knowingly carrying a deadly weapon without a permit; possessing a prohibited weapon; possessing a weapon if the person is a prohibited possessor; possessing a defaced deadly weapon knowing the weapon was defaced; or possessing a deadly weapon on school grounds, in an election polling place without authorization, or at a commercial nuclear generating station without authorization. Prohibited weapons include firearms capable of shooting more than one shot automatically, short-barreled rifles, and shotguns. A prohibited possessor is a person who has been found to constitute a danger to himself or to others pursuant to a court order and whose court-ordered treatment has not been terminated; a person who has been convicted anywhere of a felony involving violence or possession and use of a deadly weapon; or a person who at the time of possession is serving a term of imprisonment in any correctional facility or who is on parole, work furlough, or home arrest. The provision relating to carrying a deadly weapon without a permit does not apply to a person in his dwelling, on his business premises, or on real property owned or leased by that person. All provisions, except the one relating to prohibited possessors, do not apply to peace officers, military personnel, or specifically licensed or authorized persons. The provisions relating to prohibited and defaced weapons do not apply to lawful and regular transportation as merchandise or lawful acquisition by a person through gift, devise, descent, etc.

ARIZ. REV. STAT. ANN. §13-3111 - An unemancipated minor who is under 18 and is unaccompanied by a parent, grandparent, or guardian, or a certified hunter safety instructor or a certified firearms safety instructor acting with the consent of the minor's parent or guardian shall not knowingly carry or possess on his person, within his immediate control, or in or on a means of transportation a firearm in a public place, or on private property except private property owned or leased by the minor's parent, grandparent, or guardian. If the weapon is loaded, the minor is subject to a maximum fine of \$500 and suspension or

revocation of his driver's license. The section does not apply to a person who is between 14 and 18 who is engaged in lawful recreational activity at established ranges where discharge of a firearm is not prohibited. If the weapon is unloaded, the minor is subject to a maximum fine of \$250 and suspension or revocation of his driver's license.

ARIZ. REV. STAT. ANN. §13-3112 - A permit to carry a concealed weapon may not be issued to persons under 21. It is illegal for a person who previously was adjudicated delinquent to possess, use, or carry a firearm within 10 years from the date of his adjudication or his release or escape from custody. If the person fails to present a permit, he commits a misdemeanor.

*Arkansas*

ARK. CODE ANN. §5-73-103 - Unless specifically authorized by law, no person who has been convicted of a felony, adjudicated mentally ill, or committed involuntarily to any mental institution shall possess or own any firearm . The governor has the authority to restore the right of a convicted felon or adjudicated delinquent to own and possess a firearm without granting a pardon if the underlying conviction or adjudication occurred more than eight years ago.

ARK. CODE ANN. §5-73-104 - A person commits the offense of criminal use of prohibited weapons if, except as authorized by law, he possesses a machine gun, sawed-off shotgun or rifle, or firearm specially made or specially adapted for silent discharge. Violation of this provision is a felony.

ARK. CODE ANN. §5-73-107 - A person commits the offense of possession of a defaced firearm if he knowingly possesses a firearm with a manufacturer's serial number or other identification mark required by law that has been removed, defaced, marred, covered, altered, or destroyed. It is a defense if the person reported such possession to the police prior to arrest or the issuance of an arrest warrant or summons. Violation of this provision is a misdemeanor.

ARK. CODE ANN. §5-73-119 - No person under 18 shall possess a handgun. Violation of this provision is a misdemeanor. A subsequent violation of this provision is a felony. The offense is enhanced if the person previously has been adjudicated delinquent for a violation of this section or for any offense that would be a felony if committed by an adult. No person shall possess a handgun upon school property or on a school bus or at a school bus stop. A violation of this provision is a felony. No person shall possess a handgun upon the property of the publicly supported institutions of higher education, on or about his person, in a vehicle occupied by him, or otherwise readily available for use with a purpose to employ it as a weapon against a person. It is a defense if the person is engaging in a school-approved educational course or sporting activity; if the person is in his own dwelling or place of business or on property in which he has a possessory or proprietary interest; if he is or assisting a law enforcement officer, prison guard, security guard, or member of the military acting in the scope of his duties; if he is hunting with a handgun that is authorized for that purpose; if he is participating in a hunting safety course; or if he is a minor engaged in a lawful competition or other recreational shooting under the supervision of his parent or legal guardian or is travelling to or from that activity with an unloaded handgun.

ARK. CODE ANN. §5-73-204 - Possession or use of a machine gun for an offensive or aggressive purpose is a crime punishable by imprisonment in the state penitentiary for a term of not less than 10 years.

ARK. CODE ANN. §5-73-205 - It is presumed that possession is for an aggressive purpose if the gun is found on premises that are not owned or rented by the person; if the gun is in the possession of an unnaturalized foreign-born person; if the gun has not been properly registered; or if shells of 30 or larger caliber are found in the immediate vicinity of the gun.

ARK. CODE ANN. §5-73-206 - The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

ARK. CODE ANN. §9-27-318 - A juvenile may be tried as an adult if the conduct in which he engaged would be a felony if committed by an adult, and the juvenile is at least 16. He may be tried as an adult if he is 14 or 15 and engages in certain conduct, including possession of a handgun on school property; second illegal possession of a handgun; unlawful discharge of a firearm from a motor vehicle; any felony committed while armed with a firearm; or criminal use of a prohibited weapon.

1994 ARK. ACTS 36 - The definition of "delinquent juvenile" was amended to include a juvenile who possesses a handgun.

## *California*

CAL. PENAL §186.22 - Possession by a minor of a pistol, revolver, or firearm capable of being concealed upon the person by a minor is one of the enumerated offenses that can be used to establish a pattern of criminal gang activity.

CAL. PENAL §626.9 - It is unlawful to possess a firearm in a school zone without the written permission of school authorities. This provision does not apply to possession of a firearm within a residence, place of business, or on private property, which is not part of the school grounds; if the firearm is unloaded, capable of being concealed on the person, and is in a locked container or within the locked trunk of the vehicle; or if the individual possessing the firearm believes that he is in grave danger because of circumstances forming the basis of a current restraining order. It is unlawful to discharge or attempt to discharge a firearm in a school zone with reckless disregard for the safety of another. This provision does not apply to discharge within a residence, place of business, or on private property, which is not part of the school ground. Violations of these provisions are felonies.

CAL. PENAL §1203 - Generally, persons who are found in possession of short-barreled rifles or shotguns should not be granted probation.

CAL. PENAL §12020 - It is unlawful for any person to possess a cane gun, wallet gun, undetectable firearm, firearm that is not immediately recognizable as a firearm, camouflaging firearm container, zip gun, short-barreled rifle or shotgun, unconventional pistol, or any ammunition. The provision does not apply to law enforcement officers or the military. Antique firearms also are excepted. Persons who violate this provision are subject to imprisonment for up to one year.

CAL. PENAL §12021 - A person who has been convicted of a felony anywhere who is addicted to the use of any narcotic drug who owns, or has in his possession or under his custody or control, a firearm is guilty of a felony. Any juvenile who has been tried as an adult and convicted and who owns or has in his possession a firearm is guilty of a felony. Any person who purchases or receives, or attempts to purchase or receive, a firearm, knowing that he is subject to a protective order, is guilty of a public offense, which shall be punishable by imprisonment for not more than one year and/or a \$1,000 fine. A person convicted of certain misdemeanors may not possess a firearm within 10 years of the conviction. Violation of this provision is punishable by imprisonment up to one year and/or a \$1,000 fine. Any person who is

adjudged a ward of the juvenile court as a result of committing certain offenses may not own a firearm until he attains the age of 30. Violation of this provision is punishable by imprisonment up to one year and/or a \$1,000 fine.

CAL. PENAL. §12031 - No open carrying of a loaded firearm.

CAL. PENAL §12090 - It is illegal for any person to change, alter, move, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on a firearm. Violators are subject to imprisonment.

CAL. PENAL §12091 - Possession of any pistol or revolver upon which the name of the maker, model, manufacturer's number, or other mark of identification has been changed, altered, removed, or obliterated shall be presumptive evidence that the possessor changed, altered, removed, or obliterated the same. Violators are subject to imprisonment.

CAL. PENAL §12101 - A minor may not possess a pistol, revolver, or other firearm capable of being concealed upon the person. A minor is excepted from the above provision if the minor is accompanied by his parent, legal guardian, or by a responsible adult who has obtained the prior written consent of the parent or legal guardian, and the minor is engaged in, or in direct transit to or from, a lawful recreational sport that involves the use of a firearm; if the minor is at least 16, has the prior written consent of his parent or legal guardian, and is engaged in or in direct transit to or from, a lawful recreational sport that involves the use of a firearm; or the minor has the prior written consent of his parent or legal guardian, the minor is on land owned or lawfully possessed by his or her parent or legal guardian, and he is engaged in or in direct transit to or from a lawful recreational sport that involves the use of a firearm. A responsible adult is defined as a person who is at least 21 and is not within a class of persons prohibited from owning or possessing firearms. A minor may not possess live ammunition unless he has the written consent of his parent or guardian; is accompanied by a parent or guardian; or is engaged in or going to or from a lawful recreational sport involving the use of a firearm. A first offense is a misdemeanor, and the person is subject to the revocation or withholding of his driver's license. A second or subsequent offense is punishable by imprisonment.

CAL. PENAL §12220 - Any person who possesses a machine gun, except as authorized, is guilty of a public offense punishable by imprisonment and/or a maximum fine of \$10,000.

CAL. PENAL §12285 - No person under 18 is permitted to possess an assault weapon.

CAL. PENAL §12316 - No person who is prohibited from owning or possessing a firearm shall possess ammunition. Unless it is with written permission from the appropriate authorities, no one, except law enforcement officers or members of the military, carry ammunition onto school grounds. Violation of this provision is punishable by one county jail and/or a \$1,000 fine.

CAL. PENAL §12520 - Any person who possesses a silencer is guilty of a felony, punishable by imprisonment and/or a maximum fine of \$10,000.

CAL. WEL & INST. §8100 - A person may not possess or attempt to purchase a firearm or a deadly weapon if he has been admitted to a facility for a mental disorder and is receiving inpatient treatment, and the health professional is of the opinion that the patient is a danger to himself or others. A person may not possess or attempt to purchase a firearm or deadly weapon if within the past six months he has communicated to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims. A person is excepted if he petitions the court, and the court finds that the person is likely to use the weapon in a safe and lawful manner. Violators are subject to up to one year imprisonment and/or a maximum \$1,000 fine.

CAL. WEL & INST. §8103 - No person who has been adjudicated by a court of any state to be a danger to others as a result of mental disorder or illness, or who has been adjudicated to be a mentally disordered sex offender, shall possess or attempt to purchase any firearm or any other deadly weapon unless there has been issued a certificate by the court of adjudication upon release from treatment or at a later date stating that the person may possess a firearm or deadly weapon without endangering others. No person who has been found not guilty by reason of insanity of a violent crime may possess a firearm or other deadly weapon. No person who has been placed under conservatorship by a court because of a grave disability due to mental disorder or chronic alcoholism shall possess or attempt to purchase a firearm or other deadly weapon. Violators are guilty of a felony.

## *Colorado*

COL. REV. STAT. §18-12-102 - It is unlawful for any person to knowingly possess a dangerous weapon, defined as a silencer, machine gun, short shotgun, or short rifle, unless the person is a peace officer, military person, or has a valid permit and a license to possess such a weapon. Violators are guilty of a felony.

COL. REV. STAT. §18-12-103 - It is illegal for any person to knowingly and unlawfully possess a firearm, the manufacturer's serial number or other distinguishing number or identification mark of which has been removed, defaced, altered, or destroyed, except by normal wear and tear. Violators are guilty of a misdemeanor.

COL. REV. STAT. §18-12-105 - It is illegal for a person to carry a concealed firearm. It is an affirmative defense that the person was in his own dwelling or place of business or on property owned or under his control at the time of the act; was in a private vehicle and carried the weapon for lawful protection while traveling; has been issued a written permit to carry the weapon by the appropriate authority; or is a peace officer or law enforcement officer. Violators are guilty of a misdemeanor.

COL. REV. STAT. §18-12-105.5 - It is illegal for any person to knowingly and without legal authority carry or possess a deadly weapon in or on the property of any public or private school or university, except for the purpose of presenting an authorized demonstration or exhibition, or for participation in an authorized extracurricular activity or athletic event. It is not an offense if the weapon is unloaded and remains inside a motor vehicle while upon the property of a school; the person is in his own dwelling or place of business or on property he owns or is under his control; the person is in a private vehicle and is carrying the weapon for protection while traveling; the person has a written permit issued by the appropriate authority; the person is a peace officer; or the person has possession of the weapon for use in an educational program approved by a school. Violators are subject to a minimum of one year and a maximum of two years in prison, and a minimum \$1,000 and a maximum \$10,000 fine.

COL. REV. STAT. §18-12-108 - A person commits the crime of possession of a weapon by a previous offender if the person knowingly possesses, uses, or carries upon his person a firearm subsequent to his conviction for a felony; subsequent to his conviction for conspiracy or attempt to commit a felony; or

subsequent to his adjudication for an act which, if committed by an adult, would constitute a felony. A person who commits this offense is guilty of a misdemeanor. A second of subsequent offense is a felony.

COL. REV. STAT. §18-12-108.5 - It is unlawful for any person under 18 knowingly to have a handgun in his possession. First offenders are guilty of a misdemeanor, subsequent offenders are guilty of a felony. This section does not apply to minors who are in attendance at a hunter's safety course or a firearms safety course; engaging in practice in the use of a firearm or target shooting at an authorized range; engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group; hunting or trapping pursuant to a valid license; traveling with an unloaded handgun to or from any of the above activities; or who are at the residence or on real property belonging to their parent, grandparent, or legal guardian and have permission to possess the gun.

COL. REV. STAT. §19-2-204 - A juvenile may be detained if the court finds that a he is a danger to himself or the community. There is a rebuttable presumption that the juvenile is dangerous if he is alleged to have committed the crime of possessing a dangerous or illegal weapon; possessing a defaced firearm; unlawfully carrying a concealed weapon; unlawfully carrying a concealed weapon on school grounds; engaging in the prohibited use of weapons; illegally discharging a firearm; or illegally possessing a handgun.

*Connecticut*

CONN GEN. STAT. §26-38 - Any person over 18 who holds a firearms hunting license may be accompanied by no more than two minors between the ages of 12 and 16 who may hunt with firearms if such minors hold junior firearms hunting licenses, and the person and minors carry not more than one gun each.

CONN. GEN. STAT. §29-28 - No person may receive a permit or license to carry a firearm if he has not completed a course in the safety and use of firearms; has been discharged from custody within the preceding 20 years after having been found not guilty of a crime by reason of mental disease or defect; has been confined in a hospital for mental illness within the preceding 12 months; knows that he is subject to a restraining or protective order; or is an alien illegally or unlawfully in the United States. Violation of this provision is a felony.

CONN. GEN. STAT. §29-32 - Only persons over 21 may apply for an eligibility certificate for a pistol or revolver.

CONN. GEN. STAT. §29-32b - On and after Oct. 1, 1995, no person may purchase or receive any pistol or revolver unless such person holds a valid permit to carry a pistol or revolver. This provision does not apply to antique pistols or revolvers.

CONN. GEN. STAT. §29-34 - A person is guilty of criminal possession of a pistol or revolver when he possesses a pistol or revolver and has been discharged from custody within the preceding 20 years after having been found not guilty of a crime by reason of mental disease or defect; has been confined in a hospital for mental illness within the preceding 12 months; knows that he is subject to a restraining or protective order; or is an alien illegally or unlawfully in the United States. Criminal possession of a pistol or revolver is a felony.

CONN. GEN. STAT. §29-36 - No person may alter, remove, or obliterate the name of any maker or model or any maker's number or other mark of identification on any pistol or revolver. The possession of a pistol with such marks altered, removed, or obliterated, shall be prima facie evidence that the person owning or in possession of such pistol or revolver has altered, removed, or obliterated the same.

CONN. GEN. STAT. §53a-211 - A person is guilty of a felony if he possesses a sawed-off shotgun or silencer.

CONN. GEN. STAT. §53a-217 - A person is guilty of criminal possession of a firearm if he possess a firearm after having been convicted of certain felonies. Violation of this provision is a felony.

CONN. GEN. STAT. §53a-217b - It is a felony to possess a firearm on school grounds. This provision does not apply to persons who hold the firearm for use in a program approved by school officials; persons who hold the firearm pursuant to an agreement entered into between school officials and the person's employer; peace officers; or persons who are traversing school property for the purpose of gaining access to public or private lands open to hunting or for other lawful purposes, provided the firearm is not loaded and the entry on the property is not prohibited by school officials.

1993 CONN. PUB. ACTS §306 - Any person who possesses an assault weapon is guilty of a felony, and shall be sentenced to a mandatory-minimum sentence of one year. A first offense is a misdemeanor if the person proves that he lawfully possessed the assault weapon prior to Oct. 1, 1993, and has otherwise lawfully possessed the firearm.

*Delaware*

DEL. CODE ANN. tit. 11, §1444 - A person is guilty of possessing a destructive weapon if he possesses a firearm silencer, sawed-off shotgun, machine gun, or any other firearm or weapon that is adaptable for use as a machine gun. Violation of this provision is a felony.

DEL. CODE ANN. tit. 11, §1445 - A person is guilty of unlawfully dealing with a dangerous weapon if he possesses a weapon that discharges or projects a pellet, slug, or bullet by compressed air or by spring, except a B.B. or air gun that does not discharge or project a pellet or slug larger than a B.B. shot. Violation of this section is a felony.

DEL. CODE ANN. tit. 11, §1448 - The following persons are prohibited from possessing a deadly weapon: any person convicted anywhere of a felony, a crime of violence involving bodily injury to another, or possession or sale of a narcotic, dangerous drug, central nervous system depressant, or stimulant drug; any person who has ever been committed to any hospital, mental institution, or sanatorium for a mental disorder, unless he possesses a doctor's certificate that he is no longer suffering from the mental disorder; any person who has not reached his 25th birthday and, as a juvenile, was adjudicated delinquent for conduct which, if committed by an adult, would constitute a felony; any juvenile, if the deadly weapon is a handgun, unless the juvenile possesses the gun for the purpose of engaging in lawful hunting, instruction, sporting, or recreational activity while under the direct or indirect supervision of an adult. A handgun is defined as any pistol, revolver, or other firearm designed to be readily capable of being fired when held in one hand. Possession of a deadly weapon is a felony.

*District of Columbia*

D.C. CODE ANN. §6-2313 - No certificate to carry a handgun may be issued to a minor under 21. If a person is 18 to 21, he may acquire a certificate if he has a notarized statement of a parent or guardian.

D.C. CODE ANN. §16-2307 - A juvenile may be transferred for criminal prosecution if he is under 18 and is charged with the illegal possession or control of a firearm in or within 1,000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, playground, video arcade, or youth center, or an event sponsored by any of the above.

D.C. CODE ANN. §22-3202.1 - All areas within 1,000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, playground, video arcade or youth center, or an event sponsored by any of the above is declared a gun-free zone. Any person illegally carrying a gun within the zone shall be punished by a fine up to twice that otherwise imposed, or by a term of imprisonment up to twice that otherwise authorized to be imposed. This section does not apply to persons licensed to carry firearms who live within 1,000 feet of the zone; to members of the military, the postal service, or law enforcement agencies; employees of banking institutions; public carriers engaged in the business of transporting mail, money, securities, or other valuables; or licensed dealers.

D.C. CODE ANN. §22-3203 - No person shall possess a pistol if he has been convicted anywhere of a felony or if he is a drug addict.

D.C. CODE ANN. §22-3212 - No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

D.C. CODE ANN. §22-3214 - No person shall possess any machine gun, sawed-off shotgun, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms. Such weapons may be possessed by members of the

military; the postal service; law enforcement agencies; employees of banking institutions; public carriers engaged in the business of transporting mail, money, securities, or other valuables; and licensed dealers. A person who is convicted a second time for violating this provision, or who has been convicted of a prior felony, may be imprisoned for up to 10 years.

*Florida*

FLA. STAT. ch. §790.053 - No open carrying of a firearm. Violation of this provision is a misdemeanor.

FLA. STAT. ch. 790.06 - The Department of State may issue licenses to carry concealed firearms only if the person is over 21.

FLA. STAT. ch. 790.22 - The use of B.B. guns, air or gas-operated guns, or electric weapons by any minor under 16 is prohibited unless such use is under the supervision and in the presence of an adult who is acting with the consent of the minor's parent. A minor under 18 may not possess a firearm, other than an unloaded firearm at his home. A minor is excepted from these provisions if he is engaged in a lawful hunting activity, marksmanship competition, or other recreational shooting activity and is at least 16 or under 16 and supervised by an adult who is acting with the consent of the minor's parent. There also is an exception for an unloaded firearm that is being transported by the minor directly to or from one of the above events. A minor who violates this section is guilty of a misdemeanor, and in addition to any other penalty, shall be required to perform 100 hours of community service, and shall have his driver's license revoked or withheld for up to one year. For a second or subsequent offense, the minor shall be required to perform not less than 100 nor more than 250 hours of community service, and shall have his driver's license revoked or withheld for up to two years.

FLA. STAT. ch. 790.115 - A person who exhibits a firearm in the presence of one or more persons in a rude, careless, angry, or threatening manner, not in lawful self-defense, on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of school property during school hours or during the time of a sanctioned school activity, is guilty of a felony. This section does not apply if the exhibition is by the owner of the property or by a person whose presence on the property has been authorized, licensed, or invited by the owner. A person shall not possess any firearm on the property or any school, school bus, or school bus stop; however, a person may carry a firearm in a case to an approved school function requiring firearms; to a vocational school having a firearms training range; or in a vehicle. Violators of this provision are guilty of a felony. These provisions do not apply to law enforcement officers.

FLA. STAT. ch. 790.25 - A person who has been convicted of a felony anywhere; has been adjudged mentally incompetent; is addicted to drugs; is an alcoholic; is using weapons or firearms in violation of state law; or is a vagrant is not authorized to use or own firearms for lawful purposes.

FLA. STAT. ch. 790.255 - If a child is 14 at the time of commission of a fourth or subsequent alleged felony offense, and the child previously was adjudicated delinquent or had adjudication withheld for, or was found to have committed, or to have attempted or conspired to commit, three offenses that are felony offenses if committed by an adult, and one or more of such felony offenses involved the use or possession of a firearm, the state attorney may request the court to transfer and certify the child for prosecution as an adult.

FLA. STAT. ch. 790.27 - It is unlawful for any person to knowingly possess any firearm on which the manufacturer's or importer's serial number has been unlawfully altered or removed. Any person violating this section is guilty of a misdemeanor. Antique firearms are excepted.

FLA. STAT. ch. 790.31 - Any person who possesses an armor-piercing or exploding bullet with knowledge of its armor-piercing or exploding capabilities is guilty of a felony.

FLA. STAT. ch. 810.095 - It is a felony to trespass upon school property while possessing any weapon or firearm.

## *Georgia*

GA. CODE ANN. §16-11-123 - A person commits the offense of unlawful possession of firearms or weapons when he knowingly possesses any sawed-off shotgun, sawed-off rifle, machine gun, bazooka, recoilless rifle, or silencer. Upon conviction, he shall be punished by imprisonment of not less than one nor more than five years.

GA. CODE ANN. §16-11-127.1 - It is unlawful for any person to carry or possess any weapon within a school safety zone, school building, school function, or school property, or on a bus or other transportation furnished by the school. Violation of this section is a felony. The provisions do not apply to participants in organized sport shooting events, firearm training courses, military training or law enforcement training; peace officers; law enforcement officers; prosecutors; employees of the Department of Corrections; campus police; school security; medical examiners; persons authorized by school authorities; judges; and teachers. A weapon that is in a locked compartment or a motor vehicle being used by an adult over 21 also is excepted.

GA. CODE ANN. §16-11-129 - No license to carry a handgun may be granted to anyone under 21.

GA. CODE ANN. §16-11-131 - It is unlawful for anyone convicted of a felony anywhere to possess a firearm. Violation of this provision is a felony.

GA. CODE ANN. §16-11-132 - It is illegal for any person under 18 to possess or have under his control a pistol or revolver. A first violation is a misdemeanor punishable by a fine not to exceed \$1,000 and a maximum prison term of 12 months. A second or subsequent violation is a felony punishable by a maximum \$5,000 fine and imprisonment by not less than one and not more than three years. Persons are excepted from this provision are those: attending a hunter education or firearm safety course; engaging in practice in the use of a firearm at an established range; engaging in an organized competition or performance; hunting or fishing pursuant to a valid license; and traveling to or from any of the above activities. Any person under 18 who is at the residence or on real property under the control of his parent, grandparent, or legal guardian may possess a pistol or revolver for lawful activity. Minors who have been convicted of a forcible felony or misdemeanor or who have been adjudicated delinquent are not covered by the exceptions, and may not carry a pistol or revolver.

GA. CODE ANN. §27-3-41 - It is illegal for any person under 12 to hunt any wildlife without supervision by an adult.

GA. CODE ANN. §27-4-11.1 - It is unlawful for any person in any public fishing area to possess a firearm during a closed hunting season for that area unless the firearm is unloaded and stored in a motor vehicle. It is unlawful to possess a loaded firearm in a motor vehicle during a legal open hunting season for that area.

## *Hawaii*

HAW. REV. STAT. §134-2 - The chief of police may issue permits to acquire firearms to citizens of the United States who are over 21. Effective July 1, 1994, no person shall be issued a permit under this section for the acquisition of a pistol or revolver unless the person, at any time prior to the issuance of the permit, has completed an approved hunter education course or a firearms safety or training course.

HAW. REV. STAT. §134-4 - No person shall possess any firearm that is owned by another without a permit.

HAW. REV. STAT. §134-5 - Any person over 16 or any person under 16 who is accompanied by an adult may carry and use any lawfully acquired rifle or shotgun and suitable ammunition while actually engaging in hunting or target shooting, provided that the person has obtained the appropriate license.

HAW. REV. STAT. §134-7 - No person who is under indictment for, has waived indictment for, or has been convicted anywhere of a felony or who is less than 25 and has been adjudicated in family court to have committed a felony, two or more crimes of violence, or the illegal sale of drugs shall possess a firearm or ammunition. No minor who is or has been under treatment for substance abuse; is a fugitive; has been determined not to be responsible for a criminal act due to mental illness; or is mentally ill shall possess a firearm unless he has been medically documented to have been cured. No person who has been restrained by court order from contacting, threatening, or abusing any person shall possess a firearm or ammunition so long as the protective order is in effect.

HAW. REV. STAT. §134-8 - It is illegal to possess assault pistols, automatic firearms, short-barreled rifles or shotguns, cannons, mufflers, silencers, or armor-piercing ammunition.

HAW. REV. STAT. §134-9 - A license to carry a firearm may not be granted to persons under 21.

HAW. REV. STAT. §134-10 - No person shall willfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which such marks have been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the mark.

## *Idaho*

IDAHO CODE §18-3302E - It is illegal for a person under 18 to possess any weapon unless he has written permission of his parent or guardian or he is accompanied by his parent or guardian while he is in possession of the weapon. Any minor under 12 in possession of a weapon must be accompanied by an adult. A violation of this provision is a misdemeanor.

IDAHO CODE §18-3302F - It is illegal for any person under the age of 18 to possess a handgun. Except as provided by federal law, a person under 18 may not possess a sawed-off rifle, sawed-off shotgun, or a full automatic weapon. Possession of a sawed-off rifle or gun is a misdemeanor. Possession of an automatic weapon is a felony.

IDAHO CODE §18-3302G - The above provisions do not apply to minors using firearms secured to the stands of target concessions lawfully operated at amusement parks and fairs. The provisions also do not apply to people attending a hunter or firearm safety course, people using firearms at legally established firing ranges, people using firearms in organized competitions, resident and non-resident hunters with valid hunting licenses, minors on real property in possession of a firearm with the permission of the owner or a parent or guardian, and people traveling to or from any of the above locations with an unloaded firearm in their possession.

IDAHO CODE §36-1508 - It is illegal for a person under 12 to possess any shotgun, rifle, or other firearm while in a field or forest or in any tent, camp, or motor vehicle.

IDAHO CODE §18-3316 - It is illegal for a person previously convicted of a felony to possess a firearm. Such a person is subject to a maximum sentence of five years and a maximum fine of \$5,000.

## *Illinois*

IL. REV. STAT. ch. 430, para. 5/10-2.1-6 - Applicants with either the fire or police department of a municipality who are appointed to active duty do not have the power to arrest and are not allowed to carry firearms until they reach 21.

IL. REV. STAT. ch. 430, para. 65/2 - It is illegal to possess any firearm without a Firearm Owner's Identification Card issued by the state police. This provision does not apply to unemancipated minors while in the custody and immediate control of their parents or guardians who have identification cards.

IL. REV. STAT. ch. 430, para 65/4 - Every applicant for such a card must submit evidence that he is 21 or older. If he is under 21, he must submit the written consent of his parent or guardian to possess a firearm and evidence that he has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent. In order to give the required consent, the parent or guardian must not be prohibited from having a firearm owner's identification card. The applicant must not have been convicted of a felony, must not be addicted to narcotics, must not have been a patient in a mental institution within the past years, and must not be mentally retarded.

IL. REV. STAT. ch. 430, para 65/8 - If the applicant or person issued the card does not meet any of these requirements, the Department of State Police may deny, revoke, or seize such person's card.

IL. REV. STAT. ch. 720, para. 5/24-1 - A person commits the offense of unlawful use of weapons if he possesses any device used or intended for use in silencing the report of any firearms, or if he sells, manufactures, purchases, possesses, or carries a machine gun, rifle, or bomb, or carries or possesses a weapon in any public area. This provision does not apply to a person carrying or possessing weapons for lawful display or commerce or when he is on his own land, home, or business.

IL. REV. STAT. ch. 720, para 5/24-3 - It is illegal for a person to possess a firearm if: he is under 18 and the firearm may be concealed on his person; he is under 21 and has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; he is a narcotic addict; he has been a patient in a mental hospital in the past five years; he is mentally retarded; or he has an explosive bullet in his possession.

## *Indiana*

IND. CODE §20-8.1-5-4 - A student can be suspended or expelled from school for possessing, firing, displaying, or threatening use of firearms, explosives, or other weapons on the school premises for any unlawful purpose.

IND. CODE §31-6-2-1.1 - The juvenile court does not have jurisdiction over an individual charged with several serious offenses, including carrying a handgun without a license, possession of a handgun, or dealing in a sawed-off shotgun.

IND. CODE §35-47-1-7 - A proper person is one who has not been convicted of resisting law enforcement within five years of application, an offense carrying a sentence of more than one year, or an offense involving the unsafe handling of a gun; has not been convicted within the past five years of violating a provision of this article; has no record of drug and alcohol abuse or a propensity for violence; and has not made false statements on his applications.

IND. CODE §35-47-2-1 - A person cannot carry a handgun on his person or in a vehicle except in his home, on his property, or in his place of business without a license. A person who violates this section commits a misdemeanor. The offense increases to a felony if committed on or in school property, within 1,000 feet of school property, or on a school bus.

IND. CODE §35-47-2-2 - The above provision does not apply to state and federal agents, people in the business of manufacturing and dealing guns who are carrying guns in the ordinary course of their business, and people transporting unloaded guns between their home and business or for the purpose of repairing the gun.

IND. CODE §35-47-2-3 - A license cannot be issued to a person convicted of a felony; a person under 18; or a person arrested for certain felonies, including any felony committed while armed with a deadly weapon or that involved the use of violence, if the court has probable cause to believe the arrestee committed the offense charged. If the charges are dismissed or if the person is acquitted of such an offense, however, the arrestee may be issued a license. Licenses may be revoked automatically if a license holder does not remain a proper person.

IND. CODE §35-47-2-14 - It is a misdemeanor for a retail dealer to possess with the intent to sell, trade, or transfer any handgun without being licensed and without displaying his license.

IND. CODE §35-47-2-18 - It is illegal for any person to possess a handgun on which the name or other identification mark has been altered, removed, or obliterated, except as provided by federal law.

IND. CODE §35-47-5-4 - Possessing any sawed-off shotgun is a felony

IND. CODE §35-47-5-8 - A person commits a felony if he owns or possesses a machine gun or a bomb loaded with either explosives or dangerous gases.

IND. CODE §35-47-9-2 - A person who possesses a firearm on school property, at a school function, or on a school bus commits a felony. This provision does not apply to federal, state, and local law enforcement officers, employees of the school authorized to carry a firearm, and persons who may legally possess a firearm and possess the firearm in a motor vehicle being used to transport another person to the school or school function.

IND. CODE §35-47-10-1 - The following individuals are not subject to the provisions regarding handgun possession by a child: children attending a hunter's or firearms safety course; children engaged in practicing or using a handgun for target shooting in an established range or in an area supervised by a qualified arms instructor or an adult; children engaged in organized firing competitions; children hunting or trapping with a valid license; children traveling with an unloaded gun to or from any of the above activities; and children on the real property or residence of their parents, adult family members, or legal guardians who have the permission of such adults to possess handguns.

IND. CODE §35-47-10-3 - A child is a person under 18.

IND. CODE §37-47-10-5 - It is illegal for a child to knowingly, intentionally, or recklessly to possess a handgun for any other purpose than those described above or provide a handgun to another child. The dangerous possession of a handgun is a misdemeanor. The offense increases to a felony if the child has a prior conviction under this section.

IND. CODE §35-47-10-8 - In addition to any criminal penalty imposed for an offense under this chapter the person who commits the offense must be incarcerated for five days in an appropriate facility. A court may choose to place the child in a facility that has a military-like rehabilitation program.

*Iowa*

IOWA CODE §483A.24 - Landowner, tenants, and their juvenile children may hunt on their own or leased land. Minor pupils of the state school for the blind and the state school for the deaf and military personnel are not required to have a license to hunt or fish. Residents of the state under 16 are not required to have a license to hunt game if accompanied by a parent, guardian, or other competent adult approved by the parent or guardian. The adult accompanying the minor must have a hunting license.

IOWA CODE §724.8 - A person must be 18 to acquire a permit to carry a handgun.

IOWA CODE §724.3 - It is a felony for anyone other than a peace officer; a member of the U.S. armed forces or National Guard; a person in the service of the United States; a state corrections officer; a person lawfully engaged in the business of supplying, improving, inventing, or manufacturing firearms; or a museum to possess a machine gun, a short-barreled rifle, or a short-barreled shotgun.

IOWA CODE §724.15 - A person who acquires ownership of any pistol or revolver must first obtain an annual permit. An annual permit may be issued to any person who is 21 or older; has never been convicted of a felony; is not addicted to alcohol or a controlled substance; has no history of repeated acts of violence; and has never been adjudged mentally incompetent.

IOWA CODE §724.22 - A parent, guardian, spouse who is 18 or older, or another with the express consent of the minor's parent or guardian, or spouse who is 18 or older may allow a minor to possess a rifle or shotgun. A person 18, 19, or 20 may possess a firearm while on military duty or while a peace officer, security guard, or correctional officer when such duty requires the possession of such a weapon or while the person receives instruction from an instructor who is 21 or older. A parent, guardian, or spouse who is 21 or older of a person between the ages of 14 and 21 may allow the minor to possess a pistol or revolver while under the direct supervision of the parent, guardian, or spouse or while the minor receives instruction from an instructor 21 or older.

## *Kansas*

KAN. STAT. ANN. §21-4201 - One has committed the offense of "unlawful use of weapons" if he knowingly possesses any device used or intended for use in silencing the report of any firearm; if he sells, manufactures, purchases, possesses or carries a shotgun with a barrel less than 18 inches long or any other firearm capable of discharging automatically more than once after pushing the trigger once; or if he possesses, manufactures, causes to be manufactured, sells, lends, purchases, or gives away any cartridge that can be fired by a handgun and that has a plastic coated bullet with a core of less than 60 percent lead. This above provision does not apply to state agents, lawful firearms manufacturers and dealers, and unserviceable weapons.

KAN. STAT. ANN §21-4204 - It is illegal for a person to possess a firearm if: 1) he is addicted to and an unlawful user of a controlled substance; 2) he has been convicted of certain felonies or a violation of any provision of the uniform controlled substances act in any jurisdiction, or has been adjudicated a juvenile offender because of the commission of such an offense, and was found to have been in possession of a firearm at the time of the commission of the offense; 3) he has been convicted of certain felonies in the preceding five years, has been released from imprisonment for a felony, or has been adjudicated a juvenile offender because of the commission of an act that would constitute a felony if committed by an adult; 4) he has been convicted of certain felonies in the preceding 10 years but was not found to have been in possession of a firearm at the time of the commission of the offense, has been released from imprisonment for such a crime, or has been adjudicated a juvenile offender because he has committed an act that would constitute a felony if committed by an adult. It also is illegal to possess any firearm in or on school property. This provision does not apply to a firearms safety or education course authorized by the school; possession of firearms specifically authorized by the school superintendent or chief administrator; possession of firearms in a motor vehicle by a parent or guardian picking up a child or by a registered voter voting on school grounds; or law enforcement officers.

1994 Kansas Senate Bill No. 500, signed by the governor April 25, 1994 - It is illegal for a person under 18 to possess a firearm with a barrel less than 12 inches long. A violation of this provision is a misdemeanor. A second or subsequent violation is a felony. This provision does not apply to persons under 18 who are attending a hunters or firearms safety course, engaging in target shooting practice at a legally established shooting range, engaged in an organized shooting competition, hunting or trapping with a valid license under state law, traveling with an unloaded firearm to or from one of the above-listed

activities, or are on the real property or residence of their parent or guardian with the permission of such an adult to possess a firearm.

*Kentucky*

KY. REV. STAT. ANN. §158.150 - The carrying or use of weapons on school grounds is cause for suspension or expulsion from school.

KY. REV. STAT. ANN. §527.040 - A person is guilty of possession of a firearm by a convicted felon if he possesses, manufactures, or transports a firearm after being convicted of a felony in any state or federal court. A violation of this provision is a felony. The provisions of this section apply to youthful offenders convicted of felonies. The exceptions contained in §527.100 do not apply to a violation of this section.

KY. REV. STAT. ANN. §527.050 - It is illegal to knowingly possess a defaced firearm without making a report to the police or other government agency. A violation of this provision is a misdemeanor.

KY. REV. STAT. ANN. §527.070 - A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries a firearm on public or private school grounds unless he is doing so for the purposes of instruction or ceremony. This section does not apply to institutions of post-secondary or higher education. The chief administrator of the school must post signs in various locations around the school notifying students that possession of a weapon on school property is a felony. This section does not apply to an adult who legally carries a firearm and carries it onto school property in a motor vehicle, pupils in military training programs, state and federal agents authorized to carry firearms, exhibitors of historical displays authorized to carry firearms, persons lawfully hunting on school property designated for hunting, and to persons attending approved gun shows on the school premises. A violation of this section is a felony.

KY. REV. STAT. ANN. §527.100 - A person is guilty of possession of a handgun by a minor if he is under 18 and he possesses, manufactures, or transports a handgun. A violation of this provision is a misdemeanor for the first offense and a felony for each subsequent offense. This provision does not apply to people attending hunter or firearm safety courses, engaging in target shooting at a lawfully established range, engaging in a lawful shooting competition, hunting or trapping with a valid license under state law, traveling to or from any of the above-listed activities, or to minors on real property or the residence of their parents or guardians with the consent of such an adult.

*Louisiana*

LA. REV. STAT. ANN. §14:95 - A person commits the offense of illegal carrying of weapons if he intentionally conceals any firearm on his person; if he owns, possesses, uses, or has custody of a firearm when he is an enemy alien; if he intentionally possesses or uses a dangerous weapon on a school campus during regular school hours or on a school bus. This section does not apply to federal, state or local agents acting in their official capacities, school officials or employees acting in the normal course of their jobs, students acting under the direction of school officials, and persons with the written permission of the principal or school board to engage in a marksmanship competition or a safety instruction course. A violation of this section carries a maximum fine of \$500, and/or a maximum prison sentence of six months. A second conviction within five years carries a prison sentence of five years. A third conviction within a five years carries a maximum prison sentence of 10 years. If the offender uses, possesses, or has immediate control over any firearm while committing or attempting to commit a violent act or a drug crime, he is subject to a maximum fine of \$10,000 and a prison sentence of between five and 10 years. A second conviction within five years carries an increased sentence of 20 to 30 years' imprisonment.

LA. REV. STAT. ANN. §14:95.1 - It is illegal for a person convicted of certain felonies to possess a firearm or carry a concealed weapon. Anyone who violates this provision is subject to a prison term of between three and 10 years, without parole, probation, or suspension of the sentence, and a fine of between \$1,000 and \$5,000. This provision does not apply to persons who have not been convicted of a felony in the past 10 years.

LA. REV. STAT. ANN. §14:95.2 - It is illegal for a student or non-student to possess a firearm on a school campus, within 1,000 feet of a school campus, or on a school bus. This section does not apply to federal, state, and local agents acting in their official capacities, to school officials acting in the normal course of their jobs, to persons who have the written permission of the principal to carry firearms, to persons legally possessing firearms on private property within 1,000 feet of a school, to students participating in school activities that require the use of a firearm, or to persons legally transporting firearms in motor vehicles. A violator of this provision can be sentenced to a maximum prison term of five years. The police must immediately notify a student's parents of his arrest for carrying a concealed weapon on campus. The weapon must be confiscated and destroyed.

LA. REV. STAT. ANN. §14:95.5 - It is illegal to intentionally possess a firearm while on the premises of a commercial establishment selling alcoholic beverages. This provision does not apply to the owner or lessee of the establishment or to a state agent acting in his official capacity. A violation of this provision carries a maximum fine of \$500 and/or a maximum prison sentence of six months.

LA. REV. STAT. ANN. §14:95.7 - It is illegal to possess a firearm from which the serial number or identification mark has been obliterated. This section does not apply to antique firearms or inoperable war relics. A violation of this provision carries a maximum fine of \$1,000 and a maximum prison sentence of six months.

LA. REV. STAT. ANN. §17:416 - A school principal must suspend from school or from riding on a school bus any student who is found carrying firearms. The principal must then immediately recommend that the student be expelled from school, unless he is in kindergarten through grade five. This provision does not apply to students carrying or possessing firearms, knives, or weapons for use in a school course or activity. Any student over 16 who is found guilty of possessing a firearm after a hearing under this section must be expelled from school for at least 12 months. Any student under 16 and in grades six through 12 who is found guilty of possessing a firearm after a hearing under this section must be expelled from school for at least six months. If the offending student is in kindergarten through grade five, he must be referred to the local school board for action by the superintendent.

LA. REV. STAT. ANN. §40:1752 - It is unlawful to possess a machine gun. This provision does not apply to state and federal agents, persons possessing such weapons as war relics, guards or messengers transporting things of value who are authorized to carry such weapons, and lawful weapons' manufacturers and dealers.

LA. REV. STAT. ANN. §40:1755 - A violation of §1752 carries a prison term of one to 10 years; if a violator has been convicted of murder, robbery, burglary, or aggravated battery prior to a violation of this section, he is subject to a prison term of three to 10 years..

LA. REV. STAT. ANN. §40:1782 - Sections 1781 through 1790 do not apply to federal, state, and local agents acting in their official capacity or military and non-functioning firearms that are to be used in an ornamental display.

LA. REV. STAT. ANN. §40:1783 - Persons possessing firearms must register with the Department of Public Safety.

LA. REV. STAT. ANN. §40:1788 - All persons are prohibited from possessing a firearm upon which the number or mark has been obliterated, removed, changed, or altered.

LA. REV. STAT. ANN. §40:1810 - All persons are prohibited from possessing armor-piercing bullets.

LA. REV. STAT. ANN. §40:811 - Anyone who violates §1810 is subject to a maximum fine of \$1,000 and a maximum prison term of one year.

LA. REV. STAT. ANN. §40:1812 - §1811 does not apply to state and federal agents acting in their official capacity or conducting firearms' training courses, persons legally manufacturing and dealing firearms, and bona fide firearms collectors licensed by the state.

## *Maine*

ME. REV. STAT. ANN. tit. 12, §7071 - Persons prohibited from possessing a firearm under ME. REV. STAT. ANN. tit. 15, §393 are not eligible to obtain a hunting license or permit. Those who have been found guilty of burglary or criminal trespass of a building located within the unorganized territories, theft of hunting equipment, theft of animals hunted or trapped by others, and molestation of traps also are ineligible. Any person applying for a hunting license or permit must submit proof of having successfully completed a hunter safety course.

ME. REV. STAT. ANN. tit. 15, §393 - It is illegal for a person to own, possess, or have control of a firearm unless he has obtained a permit under this section, if he has been convicted anywhere of a felony or any state or federal crime involving the use of a dangerous weapon, or has committed an act as a juvenile that would constitute a felony if committed by an adult. After the passage five years from the date a person completes a sentence imposed as a result of the conviction or adjudication, he can apply for a permit to carry a firearm. Persons adjudicated to have engaged in conduct as a juvenile that would be a disqualifying conviction, may not own or possess a firearm for a period of three years after the completion of any disposition imposed or until that person reaches 18 years of age, whichever is later.

ME. REV. STAT ANN. tit. 17-A, §1051 - It is unlawful to knowingly possess a machine gun.

ME. REV. STAT. ANN. tit. 17-A, §1052 - Federal and state agents acting in their official capacity and lawful firearms manufacturers and dealers are exempt from ME. REV. STAT. ANN. tit. 17-A, §1051.

ME. REV. STAT. ANN. tit. 17-A, §1056 - It is unlawful to knowingly possess armor-piercing ammunition unless the possessor falls under a hunting, manufacturing, or military exception.

ME. REV. STAT. ANN. tit. 20-A, §1001 - A school board must expel any student found to possess a firearm on school property without permission of a school official or found to intentionally and knowingly use a dangerous weapon to injure or threaten another.

ME. REV. STAT. ANN. tit. 20-A, §6552 - It is illegal to possess a firearm on public school property or discharge a firearm within 500 feet of school property. Law enforcement officials and participants in a supervised educational program are exempt.

ME. REV. STAT. ANN. tit 25, §2003 - In order to be eligible for a permit to carry concealed firearm, a person must have demonstrated good moral character, be 18 or older, and not be disqualified under 15 ME. REV. STAT. ANN. tit. 15, §393. An applicant for a permit must answer several questions, including whether he has been charged with a juvenile offense involving a firearm.

## *Maryland*

MD. CODE ANN., NAT. RES. §10-301.1 - On or after July 1, 1977, a person under 18 may not hunt unless the person has first been issued a certificate of competency in hunter and firearms safety. On or after July 1, 1977, no person may procure a hunting license without producing a certificate of competency or a hunting license issued prior to July 1, 1977, or making out an affidavit that he had such a license.

MD. ANN. CODE art. 27, §36A - No person shall carry or possess a rifle, gun, or deadly weapon on any public school property. This section does not apply to governmental agents, or to persons engaged in organized shooting activity for educational purposes. A violation of this section is a misdemeanor punishable by a maximum \$1,000 fine or a maximum three-year sentence.

MD. ANN. CODE art. 27, §36B - It is unlawful to carry a handgun without a permit.

MD. ANN. CODE art. 27, §36E - A permit to carry a handgun shall not be issued to persons under 18; convicted felons; individuals committed to a juvenile institution for longer than one year after an adjudication of delinquency if it has been less than 10 years since their release; individuals convicted of drug offenses and drug addicts and alcoholics; individuals who have exhibited a propensity for violence; or persons who do not have a "good and substantial" reason to carry a handgun.

MD. ANN. CODE art. 27, §36G - Except for law enforcement officers, a person may not possess a firearm at a demonstration in a public place or in a vehicle within 1,000 feet of a demonstration in a public place after having been advised by a law enforcement officer that a demonstration was occurring and having been ordered to leave the area until the person disposes of the firearm. A violation of this section is a misdemeanor punishable by a maximum penalty of one year in prison and/or a \$1,000 fine.

MD. ANN. CODE art. 27, §36H-2 - MD. CODE ANN., CRIM. LAW §36H-3 does not apply to governmental agents; the military; any firearm modified to render it permanently inoperative; licensed dealers; or the receipt of assault pistols by inheritance if the decedent lawfully possessed the assault pistol.

MD. ANN. CODE art. 27, §36H-3 - A person may not possess an assault pistol. A person who lawfully possessed an assault pistol before June 1, 1994, may continue to possess it if he properly registers it.

MD. ANN. CODE art. 27, §36H-6 - A violation of MD. CODE ANN., CRIM. LAW §36H-3 is a misdemeanor punishable by a maximum penalty of three years' imprisonment and/or a \$5,000.

MD. ANN. CODE art. 27, §291A - A person may not possess a firearm if he has been convicted of a felony or conspiracy or attempt to commit a felony. A violation of this section is a felony punishable by a maximum penalty of a \$10,000 fine and/or five years imprisonment.

MD. ANN. CODE art. 27, §375 - Possession of a machine gun shall be presumed to be for an aggressive purpose if the machine gun is on premises not owned or rented for residence or business purposes by the person in whose possession the gun is found; the possessor is an unnaturalized foreign-born person; the possessor has been convicted of a crime of violence; if the machine gun is unregistered; or if empty or loaded shells that have been or can be used in the gun are in the immediate vicinity.

MD. ANN. CODE art. 27, §376 - The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use by each person occupying the place where the weapon is found.

MD. ANN. CODE art. 27, §377 - MD. CODE ANN., CRIM. LAW §376-377 do not apply to the military; law enforcement; possession for scientific purposes; possession of an inoperable weapon for curiosity, ornament, or keepsake purposes; or possession for purposes manifestly not aggressive or offensive.

MD. ANN. CODE art. 27, §445 - A person may not possess a pistol if he has been convicted of a crime of violence or a weapon offense; is a fugitive from justice; is a habitual drunkard or abuser of narcotics, barbiturates, or amphetamines; or is suffering from a mental disorder and has a history of violent behavior or has been confined for more than 30 days to a mental health facility, unless the person possesses a physician's certification that the person is capable of possessing a pistol or revolver without undue danger. A violation of this provision is a misdemeanor punishable by a \$5,000 fine and/or three years' imprisonment.

MD. ANN. CODE art. 27, §446 - It is unlawful to possess any stolen pistol or revolver, knowing or having reasonable cause to know that it has been stolen. A violation of this provision is a misdemeanor punishable by a \$5,000 fine and/or three years' imprisonment

MD. ANN. CODE art. 27, §481C - A person may not possess a short-barreled rifle or short-barreled shotgun. Violation of this provision is a misdemeanor punishable by a maximum fine of \$5,000 and/or five years' imprisonment. The provisions of this section do not apply to governmental agents; the military; and registered weapons.

MD. ANN. CODE art. 27, §481D - A person may not possess a rifle or shotgun if he is suffering from a mental disorder and has a history of violent behavior or has been confined for more than 30 days to a mental health facility, unless the person possesses a physician's certification that the person is capable of possessing a rifle or shotgun without undue danger. A violation of this provision is a misdemeanor punishable by a maximum penalty of \$1,000 and/or three years' imprisonment.

*Massachusetts*

MASS. GEN. L. ch. 131, §14 - No sporting, hunting, fishing, or trapping license shall be granted to a minor under 15. No hunting or sporting license shall be issued to a minor 15 to 17, unless the minor presents a written statement that at all times while hunting or target practicing other than on a recognized range the person will be accompanied by a person over 18; or presents evidence that he had a license to hunt in a prior year; or presents a certificate of competency. Every application also must be accompanied by the written consent of the minor's parent or legal guardian. Minors between the ages of 15 and 19 may enroll in a course of instruction in the safe handling of firearms with the written approval of a parent or guardian. Upon completion of such a course, the minor will receive a certificate of competency. Minors may participate in target practice on any range, provided that the practice is under adult supervision. Minors ages 12 to 14 may hunt when accompanied by a duly licensed adult, provided that only one firearm is used in such hunting, and the bag limit for one person is not exceeded.

MASS. GEN. L. ch.131, §62 - A person, while under the influence of alcohol or drugs, shall not hunt or carry a firearm while engaged in hunting or target shooting.

MASS. GEN. L. ch.140, §129B - Any person may receive a firearm identification card, unless the applicant has been convicted of, or released from confinement for, a felony in the last five years; has been confined to an institution for mental illness; has been convicted of, or released from confinement for, a narcotics offense within the last five years; is or has been within the past five years under treatment for drug or alcohol addiction; is under the age of 15; is over 15 but under 18 and does not have parental consent; is an alien; or is the subject of a court order subsequent to a hearing.

MASS. GEN. L. ch. 140, §129C - No person, other than a licensed exempt person, may possess any firearm, rifle, shotgun, or ammunition without a firearm identification card. This section does not apply to devices for signaling distress; persons who voluntarily surrender the firearm; common carriers; possession by retail customers for the purpose of firing at licensed concessions; nonresidents on a firing or shooting range; nonresidents traveling in or through the state, provided the firearms are unloaded and enclosed in a case; nonresidents while at a firearm show or display by a regularly existing gun collector's association; new residents who have been in the state less than 60 days; any person under 15 who is using a rifle or shotgun in hunting or target shooting under the supervision of an adult with a firearm identification card or a license or who is a member of the military; the possession of a firearm during the

course of a theatrical production or by a person in pursuit of his profession, provided such possession is under the supervision of a holder of a firearm identification card or a license; the temporary holding of a firearm for examination, trial, or instruction purposes; the transfer of a firearm by inheritance if the heir obtains a firearm identification card or license within 180 days; and the military.

MASS. GEN. L. ch. 140, §131C - A person carrying a firearm or firearms under a license may carry the firearm in a vehicle only if it is under the direct control of such a person. A violation of this section is punishable by a \$100 fine and by revocation of the license for one year.

MASS. GEN. L. ch. 140, §131F 1/2 - The carrying or possession of a firearm during the course of a theatrical production is authorized, provided that such possession shall be under the immediate supervision of a person licensed to carry firearms.

MASS. GEN. L. ch. 140, §131H - No alien may possess a firearm without the permission of the commissioner of public safety. Violation of this provision is punishable by a \$500 to \$1,000 fine and/or imprisonment for up to six months.

MASS. GEN. L. ch. 269 §10 - Whoever knowingly possesses a firearm, rifle, or shotgun without being at his residence or place of business; without a license; or without having complied with the law shall be punished by imprisonment for two and one-half years to five years. The sentence shall not be reduced to less than one year, or suspended, nor shall any person convicted under this subsection be entitled to parole, probation, work release, or furlough or receive any deductions for good conduct before the end of one year. Persons between the ages of 14 and 17 may be tried as an adult for violation of this provision. Whoever possesses a machine gun or sawed-off shotgun without authorization or a license shall be punished by imprisonment in the state prison for life, or for any term of years provided that any sentence imposed shall be subject to the minimum requirements above. Whoever commits a second offense shall be punished by imprisonment in the state prison for five to seven years. For a third offense, the penalty is seven to 10 years' imprisonment. For a fourth offense, the penalty is 10 to 15 years imprisonment. Whoever, not being a law enforcement officer, carries a firearm onto school property without authorization, shall be punished by a fine of up to \$1,000 and/or imprisonment for up to one year.

MASS. GEN. L. ch. 269 §10A - Any person, other than a governmental agent, who possesses a silencer or muffler shall be punished by imprisonment for up to five years in the state prison or for not more than two and one-half years in jail.

MASS. GEN. L. ch. 269 §11C - Possession or control of a firearm the serial number of which has been removed, defaced, altered, obliterated, or mutilated in any manner shall be prima facie evidence that the person having such possession is guilty of defacing a firearm, punishable by a fine of not more than \$200 or by imprisonment for not less than one month nor more than two and one-half years.

MASS. GEN. L. ch. 269 §12B - No minor under 18 shall have an air rifle or B.B. gun in his possession in any place to which the public has a right of access, unless he is accompanied by an adult or is the holder of a sporting or hunting license and has on his person a permit granting him the right of such possession. Whoever violates this section shall be punished by a fine of not more than \$100 and confiscation of the gun.

MASS. GEN. L. ch. 269 §12D - No person shall carry on any public way a loaded rifle or shotgun, unless such person is licensed and engaging in hunting. Whoever violates this section may be arrested without a warrant and punished by a fine of \$50 to \$500.

## *Michigan*

MICH. COMP. LAWS §28.422, - It is illegal for a person to purchase, carry, or transport a pistol without a license. U.S. and Michigan citizens who are 18 or older, who have answered 70 percent of a pistol safety questionnaire correctly, are eligible for a license unless they are convicted felons, have been adjudged insane or legally incapacitated, or are under an order of involuntary commitment as in inpatient or outpatient due to mental illness. Wholesalers and dealers engaged in their normal course of business, purchasers and exchanger of deactivated firearms kept solely as war relics and antiques, and inheritances are exempt from this provision.

MICH. COMP. LAWS §300.262(2) - Persons are prohibited from possessing a firearm in or upon a vehicle, unless the firearm is unloaded and is enclosed in a case or in the trunk of the vehicle.

MICH. COMP. LAWS §316.205 - A person may carry, transport, or possess a firearm without a license while going to and from a lawful target or hunting range if the firearm is unloaded and is secured in a case or in the trunk of a vehicle.

MICH. COMP. LAWS §316.303(1) - Minor children older than 12 can obtain hunting licenses if they are to be accompanied by their parents, legal guardians, or persons authorized by such adults while hunting on lands on which their parents do not live. In order to obtain a hunting license, all applicants must present a hunting license issued by another jurisdiction or a certificate of completion of training in hunting safety.

MICH. COMP. LAWS §750.167a - It is a misdemeanor to be drunk or intoxicated while hunting with a firearm or other weapon under a valid hunting license. A person who violates this section is subject to confiscation of his weapon and in addition to any other sentence imposed may not apply for or possess a hunting license for a period of three years from the date of the conviction.

MICH. COMP. LAWS §750.224 - It is a felony to manufacture, sell, offer for sale, or possess a machine gun, automatic firearm, muffler, silencer, bomb, or bombshell. A violation of this provision is subject to a maximum prison term of five years and a maximum fine of \$2,500, or both.

MICH. COMP. LAWS §750.224b - It is a felony to manufacture, sell, offer for sale, or possess a short-barreled shotgun or a short-barreled rifle. A violation of this provision carries a maximum prison term of five years and maximum fine of \$2,500, or both.

MICH. COMP. LAWS §750.224e - It is a felony to or attempt to manufacture, sell, distribute, or possess a device designed or intended to be used to convert a semiautomatic firearm into an automatic firearm. A violation of this provision carries a maximum prison term of four years and/or a maximum fine of \$2,000.

MICH. COMP. LAWS §750.224f - A convicted felon may not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm until three years after completion of all terms of his sentence. A person convicted of specified felonies must wait an additional two years.

MICH. COMP. LAWS §750.227(2) - It is a felony for a person to carry a pistol concealed on his person or in a vehicle he is operating, except in his home, or business, or property. A violation of this provision carries a maximum prison term of five years or a maximum fine of \$2,500.

MICH. COMP. LAWS §750.227d - It is a misdemeanor to transport or possess a firearm other than a pistol in or on a motor vehicle unless the firearm is unloaded and is either taken down, enclosed in a case, carried in the trunk, or inaccessible from the interior of the vehicle. A violation of this provision is subject to a maximum prison term of 90 days and/or a maximum fine of \$100.

MICH. COMP. LAWS §750.230 - Possession of a firearm upon which the identification number has been obliterated is evidence that the possessor performed the obliteration. Such an act is a felony punishable by a maximum of two years in prison or a maximum fine of \$1,000.

MICH. COMP. LAWS §750.231 - Section 750.224 and 750.227 do not apply to state and federal agents and members of the armed forces acting in their official capacities.

MICH. COMP. LAWS §750.234d - It is a misdemeanor to possess a firearm on the premises of a bank or financial institution, a church, a court, a theater, a sports arena, a day care center, a hospital, or an establishment licensed under the liquor control act. This section does not apply to security guards working at one of the above locations, state and federal agents, and persons permitted to possess firearms

on the premises by the owners of the premises. Such a violation is punishable by a maximum of 90 days in prison, a maximum fine of \$100, or both.

MICH. COMP. LAWS §750.234f - Persons under 18 may not possess a firearm in public if they are not under the direct supervision of a person 18 or older. This section does not apply to minors who possess firearms in accordance with the wildlife conservation act or the hunting and fishing license act. Minors may possess firearms without hunting licenses while going to or from a lawful target range if, while en route, the firearm is securely fastened in a case or trunk of a motor vehicle. A violation of this section is a misdemeanor punishable by a maximum prison term of 90 days, a maximum fine of \$100, or both.

MICH. COMP. LAWS §750.237 - It is a misdemeanor to possess or discharge any firearm while under the influence of alcohol or drugs.

MICH. COMP. LAWS §750.237a - It is a misdemeanor to possess a weapon in a weapon free school zone. Such a misdemeanor is punishable by a maximum of 93 days in prison, 100 hours of community service, and/or a fine up to \$2,000. A second offense is a felony punishable by imprisonment, 150 hours of community service and/or a fine. This provision does not apply to school security guards, state and federal agents acting in their official capacity, persons engaged in lawful weapons instruction courses, persons with permission from school agents to carry weapons, or persons 18 or older carrying a firearm in their motor vehicle during transport of a student to or from school property under certain restricted conditions.

MICH. COMP. LAWS §752.891 - It is illegal for a person under 18 to possess any handgun designed and manufactured exclusively for propelling B.B.'s unless he is accompanied by a person over 18.

*Minnesota*

MINN. STAT. §260.185 - In determining the disposition of cases in which a child is found delinquent, if the child was in possession of a firearm at the time of the offenses, the court must order that the firearm be seized immediately and that the child serve at least 100 hours of community service, unless the child is placed in a residential treatment program or a juvenile correctional facility. If the court finds the child was in possession of a dangerous weapons in a school zone at the time of the offense, the court must order that the child's driver's license be canceled or driving privileges denied until the child is 18.

MINN. STAT. §609.66(1) - Possession of a dangerous article for use as a weapon against another is a misdemeanor. If the possession occurs in a public housing zone, school zone, or park zone, the violator is subject to imprisonment for not more than one year and/or a fine of \$3,000. Otherwise, the violator is subject to imprisonment for not more than 90 days and/or a fine of \$700. Possession of a device designed to silence the discharge of a firearm is a felony. If the possession occurs in a public housing zone, school zone, or park zone, the violator is subject to imprisonment for not more than five years and/or a fine of \$10,000. Otherwise, the violator is subject to imprisonment for not more than two years and/or a fine of \$5,000. Possession of a dangerous weapon on school property is a felony punishable by imprisonment of not more than two years and/or a fine of \$5,000. This provision does not apply to licensed persons, pistols kept in motor vehicles, firearm safety or marksmanship courses, ceremonial color guards, gun shows on school property, or possession with written permission from the principal. Whoever possess a dangerous weapon or uses or brandishes a replica firearm or a B.B. gun on school property is guilty of a felony. A person may not possess a dangerous weapon within a courthouse or within the capital area. Violation of this provision is a felony.

MINN. STAT §609.667 - No one may possess a firearm on which the serial number has been altered or removed. Violation of this provision is a felony.

MINN. STAT. §609.67 - It is illegal to own, possess, or operate any machine gun or short-barreled shotgun. A violation of this provision is punishable by a maximum of five years' imprisonment, a fine of \$10,000, or both. State and federal agents acting in their official capacity, persons possessing these weapons as part of a collection of relics, and lawful manufacturers and dealers of these weapons are not subject to this provision.

MINN. STAT. §624.713 - A person under 18, unless they are accompanied by their parents or guardians, are participating in a military drill, or are engaging in lawful target practice or in an organized competition, and persons who have been convicted or adjudicated delinquent in any state or federal court of a crime of violence, unless 10 years have passed since the terms of their conviction were met, are ineligible to possess pistols or semiautomatic assault weapons. Violation of this provision is a felony. Persons who have been confined due to mental illness, or mental retardation, unless they have a certificate from a medical doctor or psychiatrist that they no longer suffer from the disability; persons who have been convicted of a misdemeanor or gross misdemeanor involving drug use, unless they have a certificate from a medical doctor or psychiatrist or other proof that they have not abused a controlled substance or marijuana during the previous two years; persons who have been confined to a treatment facility for chemical dependency, unless they have completed treatment; peace officers informally admitted to treatment facilities for chemical dependency, unless they possess a certificate from the head of the facility discharging them; persons charged with committing a crime of violence who have been placed in pretrial diversion, unless they have completed diversion and the criminal charge has been dismissed; persons convicted of a domestic violence crime, unless three years have passed since the date of the conviction during which such persons were not convicted of any further crime; person who have been convicted in any court of a crime punishable by more than one year in prison; fugitive from justice; unlawful users of controlled substances; persons who have been judicially committed to a treatment facility in the state or elsewhere; illegal aliens; persons discharged from military service dishonorably; and persons who have renounced their U.S. citizenship also are ineligible to possess pistols or semiautomatic assault weapons. Possession of such weapons by the listed persons is a gross misdemeanor.

MINN. STAT. §624.719 - A nonresident alien may not possess a firearm except to take game as a nonresident under the game and fish laws. A person who violates this section is subject to having his firearm confiscated.

## *Mississippi*

MISS. CODE ANN. §37-11-29(3) - When the principal of a school has reason to believe that an illegal act has occurred on educational property involving the use of a weapon, possession of a firearm, or possession of a weapon, the principal must immediately report the act to the appropriate local law enforcement agency.

MISS. CODE ANN. §43-21-151 - The circuit court, instead of the youth court, shall have exclusive original jurisdiction in all proceedings concerning an act attempted or committed by a child with the use of a deadly weapon, shotgun, or rifle, which would be a felony if committed by an adult.

MISS. CODE ANN. §43-21-159(7) - No offense involving the use or possession of a firearm by a child who has reached his 15th birthday, which would constitute a felony if committed by an adult, can be transferred to youth court.

MISS. CODE ANN. §43-21-255(2) and (3) - A child who has been taken into custody for an act that would constitute a felony if committed by an adult or for offenses involving the possession or use of a deadly weapon or firearm may be photographed or fingerprinted, or both. Records involving such a child may be released to a law enforcement agency, youth court officials, and school officials without a court order upon their agreement to maintain the confidentiality of the records.

MISS. CODE ANN. §43-21-261(8) - Names and addresses of juveniles twice adjudicated for the unlawful possession of a firearm or for an act that would constitute a felony if committed by an adult shall be made available to the public.

MISS. CODE ANN. §43-21-621 - The youth court may not order the enrollment or reenrollment in school of a student suspended or expelled for possession of a weapon on school grounds or for an offense involving a threat to the safety of others.

MISS. CODE ANN. §45-9-101(2) - The Department of Public Safety may issue licenses to carry concealed pistols or revolvers to persons who: are residents of the state; are 21 years or older; are not suffering from a physical infirmity that prevents the safe handling of a pistol or revolver; have no prior felony convictions in any state or federal jurisdiction or have been pardoned for such felony; are not alcohol or

drug abusers; desire a legal means to defend themselves; have not been adjudicated mentally incompetent, unless five years have passed since a court recognized their restored mental capacity; have not been voluntarily or involuntarily committed to a mental health facility or possess a certificate from a psychiatrist stating that they have not suffered from a mental disability for at least five years; and are not fugitives from justice.

MISS. CODE ANN. §45-9-101(3) - The Department of Public Safety may deny a license to carry a concealed pistol or revolver if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor, unless three years have passed since conditions set by the court as a result of the conviction have been fulfilled. The department may revoke a license if the possessor has been found guilty of one or more crimes of violence within the preceding three years. If an applicant is arrested or formally charged with a crime that would disqualify him from obtaining a license upon conviction, the license or application process must be suspended until a final disposition of the case.

MISS. CODE ANN. §45-9-101(13) - This subsection lists specific places in which no one is permitted to carry a concealed pistol or revolver.

MISS. CODE ANN. §45-9-101(14) - Chiefs of police, sheriffs, and persons licensed as professional bondsman are exempt from licensing requirements.

MISS. CODE ANN. §45-9-101(18) - This subsection provides that nothing in §45-9-101 can be construed to allow the open and unconcealed carrying of any weapon described in §97-37-1.

MISS. CODE ANN. §97-37-1 - It is illegal to carry a concealed firearm, deadly weapon, or silencer without having obtained a license under §45-9-101. A first conviction under this provision carries a maximum jail term of six months and/or a fine of between \$100 and \$500. A second conviction is punishable by a fine of between \$100 and \$500 and/or a jail term of not less than 30 days or more than six months. A third conviction is punishable by a prison term of one to five years. It is not a violation of this section for a person over the age of 18 to carry a concealed firearm or deadly weapon in his home or business, on real property associated with his home or business, or in his motor vehicle. It is not a violation of this section for a person to carry a concealed firearm or deadly weapon if the possessor is engaged in a legitimate sporting activity, such as hunting, fishing and target shooting, or is going to or from such an activity.

MISS. CODE ANN. §97-37-5 - It is unlawful for any person who has been convicted anywhere of a felony to possess any firearm or silencer. Violation of this provision is a felony punishable by a \$5,000 fine and/or imprisonment for three years.

MISS. CODE ANN. §97-37-7 - This section lists persons permitted to carry weapons, including law enforcement personnel, bank guards, watchmen, railroad special agents, or agents of a company engaged in the business of transporting money. Such persons, when acting in the performance of their duties, are not in violation of §97-37-1.

MISS. CODE ANN. §97-37-14 - It is an act of delinquency for any person under the age of 18 years to knowingly possess a handgun. This provision shall not apply to a person attending a hunter or firearm safety course, engaging in the practice or use of a firearms in a lawful target shooting range, engaging in an organized competition involving the use of firearms, hunting or trapping pursuant to a valid license, traveling with an unloaded firearm to or from any of the above-listed activities; persons under the age of 18 who are on real property under the control of an adult and who have the permission of the adult to possess a firearm; or persons who use a firearm to lawfully defend themselves from imminent danger at their home or place of domicile. Students in any school who possess a handgun or other firearm will be automatically expelled.

MISS. CODE ANN. §97-37-17 - It is unlawful for any person to possess or carry, openly or concealed, any firearm on educational property. A violation of this provision is a felony punishable by a maximum fine of \$5,000 and/or a maximum prison term of three years. It is unlawful for any person to possess or carry, openly or concealed, a B.B. gun, air rifle, or air pistol on educational property. A violation of this provision is a misdemeanor punishable by a maximum fine of \$1,000 and/or a maximum prison term of six months. This provision does not apply to any person who is not a student attending school on the educational property if the firearm is within a motor vehicle and the person does not display the firearm in a threatening manner. It also does not apply to a weapon used solely for educational or ceremonial purposes, federal and state agents performing their official duties, competitors in organized shooting events, home schools, or a weapon not proscribed in §97-37-1 that is in a motor vehicle under the control of a parent, guardian, or custodian transporting a student to or from educational property.

Miss. CODE ANN. §97-37-31 - It is illegal for any person to own, use, or possess a device that can be used to arrest or muffle a firearm when shot or fired. A violation of this provision is a misdemeanor and carries a jail sentence of between 30 and 60 days and/or a fine of between \$25 and \$100.

*Missouri*

MO. REV. STAT. §571.020 - A person may not knowingly possess a machine gun, gas gun, short-barreled rifle or shotgun, or a firearm silencer. This provision does not apply to law enforcement, the military, public museums or exhibitions, or the possession of the weapon solely as a curio, ornament, or keepsake, or for use in a dramatic production. A violation of this provision is a felony.

MO. REV. STAT. §571.030 - A person commits the crime of unlawful use of weapons if he knowingly carries a concealed firearm upon his person; possesses a firearm while intoxicated; carries a firearm into any place of worship, any school, any election precinct on election day, or any government building; or discharges a firearm within 100 yards of an occupied school, courthouse, or church. The above provisions, except for the provision governing intoxicated persons, do not apply to law enforcement personnel, governmental agents, the military, or security personnel. The above provisions do not apply if the weapons are being transported and are not functioning or unloaded or when the weapon or its ammunition are not readily accessible. Carrying a concealed weapon is a felony. Other violations of the above provisions are misdemeanors.

MO. REV. STAT. §571.050 - It is a misdemeanor to knowingly possess a defaced firearm.

MO. REV. STAT. §571.070 - A person commits the crime of unlawful possession of a concealed firearm if he possess such a firearm and has been convicted of a dangerous felony or an attempt to commit a dangerous felony, is a fugitive from justice, is habitually intoxicated or drugged, or is currently adjudged mentally incompetent. Violation of this provision is a felony.

MO. REV. STAT. §571.090 - A person may obtain a permit to acquire a concealable firearm if he is over 21 and has resided in Missouri for at least six months; has not been convicted of a felony anywhere; is not a fugitive; is not under indictment for a felony; has not been dishonorably discharged; is not known to be habitually intoxicated or drugged; and is not mentally incompetent and has not been committed to a mental facility.

MO. REV. STAT. §578.305 - No person may board a bus with a concealed weapon in his possession. Violation of this provision is a felony. The provisions of this section do not apply to law enforcement or security personnel or persons who have the consent of the owner, agent, lessee, or bailee of the bus.

*Montana*

MONT. CODE ANN §45-8-304 - Possession of a machine gun for offensive or aggressive purposes is a crime punishable by imprisonment for not less than 10 years.

MONT. CODE ANN §45-8-305 - Possession of a machine gun shall be presumed to be for an offensive or aggressive purpose when (1) the machine gun is on premises not owned or rented for residence or business purposes by the person upon whom the gun is found; (2) the machine gun is possessed by a person who has been convicted of a crime of violence; (3) the machine gun is not registered; (4) or ammunition is found in the vicinity of the gun.

MONT. CODE ANN. §45-8-307 - Nothing shall prohibit the possession of machine guns by law enforcement personnel, the military, for scientific or keepsake purposes, or if the gun is used for a purpose that is manifestly non-aggressive.

MONT. CODE ANN. §45-8-309 - Every machine gun adapted to use pistol cartridges of 30 or larger caliber shall be registered annually. Any person who fails to register a machine gun is presumed to possess it for aggressive purposes.

MONT. CODE ANN. §45-8-316 - Every person who carries concealed on his person a pistol or revolver shall be punished by a fine not exceeding \$500 and/or imprisonment for up to six months. Any person who previously has been convicted of an offense in which a sentence in excess of one year could have been imposed and who carries a concealed weapon shall be punished by a fine not exceeding \$1,000 and/or imprisonment for up to five years.

MONT. CODE ANN. §45-8-318 - No prisoner may possess a pistol or revolver. Violation of this provision is a felony punishable by imprisonment for five to 15 years and/or a fine of up to \$50,000. The sentence imposed for this offense is to be served consecutively to the sentence being served at the time of the commission of the offense.

MONT. CODE ANN. §45-8-321 - To obtain a permit to carry a concealed weapon the applicant must be 18 or older, have some form of state identification, have been a resident of Montana for six months, not be awaiting judgment for a felony charge, have not been convicted anywhere of a crime of violence, have

not been convicted of a concealed weapons charge in the past five years, not have a warrant out for his arrest, not have been adjudicated an unlawful user of an intoxicating substance or mentally disabled and under court supervision, and have not been dishonorably discharged. An applicant must present evidence of completion of a firearms safety course or possession of a firearms license from another state that requires completion of a similar course.

MONT. CODE ANN §45-8-327 - No person may purposely or knowingly carry a concealed weapon while under the influence of an intoxicating substance, whether or not he has a permit. Violation of this provision is punishable by a maximum jail term of six months and/or a maximum fine of \$500.

MONT. CODE ANN. §45-8-328 - A person may not carry a concealed weapon in a government building, a banking institution, or a room where alcoholic beverages are sold and consumed on the premises. It is not a defense that the person has a permit to carry a concealed weapon. Violation of this provision is punishable by a maximum jail term of six months and/or a maximum fine of \$500.

MONT. CODE ANN. §45-8-336 - No person may possess a silencer with the purpose of committing an offense. Violation of this provision is punishable by a prison term of five to 30 years and/or a fine of \$1,000 to \$20,000.

MONT. CODE ANN. §45-8-337 - Possession of a silencer is prima facie evidence of intent to commit an offense.

MONT. CODE ANN. §45-8-339 - Unless authorized by the management of the railroad, it is unlawful for a person to carry a weapon on a train unless the weapon is delivered to the operator. Violation of this provision is punishable by a maximum fine of \$500 and/or a maximum jail term of six months.

MONT. CODE ANN. §45-8-340 - A person may not knowingly possess a sawed-off firearm. Violation of this provision is punishable by a fine of \$200-\$500 and/or jail term of five days to six months. If the person has one or more prior convictions under this section or previously has been convicted of a felony, the violation is punishable by a maximum fine of \$1,000 and/or a maximum prison term of five years. This section does not apply to law enforcement personnel, the military, possession for educational or scientific purposes, persons who have valid tax stamps, or antique firearms.

*Nebraska*

NEB. REV. STAT. §28-1201 - Any person who possesses a firearm on school property or at a school-sponsored event shall be guilty of a misdemeanor. This section does not apply to the military, law enforcement personnel, possession for the purpose of receiving instruction under the immediate supervision of an adult instructor, or unloaded firearms in motor vehicles operated by nonstudent adult. Any firearm possessed in violation of this provision is subject to confiscation.

NEB. REV. STAT. §28-1202 - Any person who carries a concealed weapon is guilty of a misdemeanor. Subsequent convictions are felonies. It is an affirmative defense if the person is engaged in lawful business or activity while carrying the weapons.

NEB. REV. STAT. §28-1203 - It is a felony to possess a machine gun, short rifle, or short shotgun. This provision does not apply to law enforcement personnel or the military.

NEB. REV. STAT. §28-1204 - Any person under 18 who possesses a pistol, revolver, or any other short-barreled hand firearm is guilty of a misdemeanor. This provision does not apply to military personnel or the temporary loan of such weapons for instruction under an adult.

NEB. REV. STAT. §28-1206 - Any person who possesses any firearm with a barrel less than 18 inches in length and who has previously been convicted of a felony anywhere or who is a fugitive from justice is guilty of a felony.

NEB. REV. STAT. 28-1207 - Any person who knowingly possesses a firearm that has been defaced is guilty of a felony.

NEB. REV. STAT. §28-1212.03 - Any person who possesses a stolen firearm knowing it is stolen is guilty of a felony, unless the firearm is possessed with the intent to restore it to the owner.

NEB. REV. STAT. §60-6, 342 - It is illegal to carry a shotgun or rifle or other firearm while riding on a snowmobile, unless the weapon is enclosed in a carrying case.

NEB. REV. STAT. §69-2403 - A person may not obtain a certificate to purchase, lease, rent or receive transfer of a handgun unless he is over 21.

NEB. REV. STAT. §79-4,180 - The knowing possession, handling, or transmission of a weapon by a student on school grounds is grounds for suspension, expulsion, or mandatory reassignment.

*Nevada*

NEV. REV. STAT. §202.265 - A person shall not possess, while on school property, a pistol, revolver, or other firearm. Violation of this section is a gross misdemeanor. This section does not apply to law enforcement, security guards, or persons who are authorized to possess the firearms by the school system.

NEV. REV. STAT. §202.275 - Any person who knowingly or willfully possesses a short-barreled rifle or short-barreled shotgun shall be subject to imprisonment in the state prison for not less than one year nor more than six years and a fine of up to \$5,000. This section does not prohibit possession of such weapons by law enforcement personnel or by a person licensed by the U.S. Department of the Treasury.

NEV. REV. STAT. §202.277 - It is unlawful to change, remove, or obliterate the serial number on a firearm. Possession of a defaced firearm is prima facie evidence that the possessor defaced it. Violation of this provision is a gross misdemeanor.

NEV. REV. STAT. §202.300 - A minor under 14 may not possess a firearm of any kind except while accompanied by or under the immediate charge of an adult. Violation of this section is a misdemeanor.

NEV. REV. STAT. §202.350 - It is unlawful to carry a concealed pistol, revolver, or other firearm. This does not apply to persons who are licensed or otherwise authorized to carry a concealed firearm. It is unlawful for any person to possess a machine gun or silencer. A violation of this section is a gross misdemeanor. A subsequent violation is a felony subject to imprisonment in the state prison for not less than one year nor more than six years and a fine of up to \$5,000. The sheriff of any county may issue a permit authorizing an individual to carry a concealed weapon upon a showing of the reason for which the concealed weapon is to be carried..

NEV. REV. STAT. §202.360 - A person who has been convicted of a felony anywhere may not own or possess any firearm. A violation of this provision is punishable by imprisonment in the state prison for not less than one year nor more than six years and fine of up to \$5,000.

NEV. REV. STAT. §202.365 - Sections 202.350 and 202.360 do not apply to law enforcement or the military personnel.

NEV. REV. STAT. §212.185 - Any person who is incarcerated may not possess a pistol, revolver, or other firearm. Violation of this provision is punishable by one to six years' imprisonment.

NEV. REV. STAT. §502.010 - It is unlawful for any child under 14 to hunt with any firearm, unless he is accompanied at all times by an adult licensed to hunt. No child under 12 may hunt big game.

*New Hampshire*

N.H. REV. STAT 159:3 - A person is guilty of a felony if he possesses a pistol, revolver, or other firearm and has been convicted of certain felonies involving violence against person or property or related to controlled drugs. It is an affirmative defense to a charge under this section that a felony of which the defendant has been convicted in another jurisdiction would not have constituted a felony in New Hampshire at the time the felony was committed.

N.H. REV. STAT. ANN. §159:3-a - No person who has been convicted of three or more violent felonies or felonies involving extortion or drugs shall possess a pistol, revolver, rifle, shotgun, or any other firearm. A violation of this section is a felony punishable by 10 to 40 years' imprisonment and a fine of \$25,000.

N.H. REV. STAT. ANN. §159:4 - No person shall carry a loaded pistol or revolver in any vehicle or concealed on his person, except in his dwelling, house, or place of business, without a license. A violation of this section is a misdemeanor. A subsequent violation within seven years is a felony.

N.H. REV. STAT. ANN. §159:13 - No person shall change, remove, or obliterate identifying marks on any pistol or revolver. Possession of such defaced firearms is presumptive evidence that the possessor has defaced them. A violation of this provision is a misdemeanor.

N.H. REV. STAT. ANN. §159:19 - No person shall knowingly carry a loaded or unloaded pistol, revolver, or firearm upon his person or within any of his possessions in a courtroom or area used by a court. Violation of this provision is a felony. This section does not apply to law enforcement personnel or persons with prior authorization of the court for purposes of introducing weapons into evidence.

N.H. REV. STAT. ANN. §207:2-a - No minor under 16 shall hunt using a firearm except when accompanied by a person at least 18 who is properly licensed.

N.H. REV. STAT. ANN. §207:4 - No person may possess any gun, pistol, or other firearm fitted or contrived with any silencer.

N.H. REV. STAT. ANN. §214:20 - No person may hunt or attempt to hunt with a firearm while under the influence of intoxicating liquor or any controlled drug. Violation of this provision is a misdemeanor, and the violator's hunting license shall be revoked for one year.

*New Jersey*

N.J. REV. STAT. §2A:4A-26 - On motion of the prosecutor, the family court shall, without consent of a juvenile, waive jurisdiction over a case and refer the case to the appropriate court having jurisdiction if it finds that the juvenile is 14 or older and there is probable cause to believe that he committed a delinquent act or acts, which if committed by an adult would constitute the unlawful possession of a firearm or other prohibited weapon.

N.J. REV. STAT. §2C:39-3 - It is illegal to knowingly possess a destructive device, sawed-off shotgun, firearm silencer, defaced firearm, or armor-penetrating ammunition.

N.J. REV. STAT. §2C:39-5 - It is unlawful for any person to knowingly possess without a license a machine gun, any instrument adaptable for use as a machine gun, or handgun. It is unlawful for any person to knowingly possess any loaded rifle or shotgun without having obtained a firearms purchaser identification card. It is unlawful for any person to knowingly possess a firearm in or upon the property of an educational institution, without written authorization, irrespective of whether the person possesses a valid permit. It is unlawful to knowingly possess an assault firearm unless it is licensed or rendered inoperable. A person may obtain an exemption from this provision if he has completed satisfactorily a firearms training course approved by the Police Training Commission.

N.J. REV. STAT. §2C:39-6 - A person may keep or carry a firearm about his place of business, residence, or property owned or possessed by him, as well as carry a firearm between the place of purchase or repair and his business, residence, or property owned or possessed by him.

N.J. REV. STAT. §2C:39-7 - It is unlawful for any person who has been convicted of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, or sexual assault; has ever been committed for a mental disorder to any hospital, mental institution, or sanitarium, unless he possesses a medical certificate or other proof that he is cured; or has been convicted of the unlawful use, possession, or sale of a controlled dangerous substance to possess a firearm.

N.J. REV. STAT. §2C:39-12 - No person shall be convicted for unlawfully possessing a firearm if, after giving written notice of his intention to do so, he voluntarily surrenders the weapon to the superintendent or chief of police.

N.J. REV. STAT. §2C:58-3 - No person who has been convicted of a crime; is under 18; is drug-dependent; suffers from a physical defect that would make it unsafe for him to handle firearms; has been confined for a mental disorder; is an alcoholic; or subject to a court order may obtain a handgun purchase permit or a firearms purchase identification card.

N.J. REV. STAT. §2C:58-6.1 - No person under 18 shall purchase, barter, or otherwise acquire a firearm. No person under 18 shall possess, carry, fire, or use a firearm unless supervised by a parent, guardian, or other person who holds a permit to carry a firearm; is under the auspices of a legally recognized military organization; or is engaged in competition, target practice, or lawful hunting. Any person under 18 who violates this section shall be adjudged a delinquent.

N.J. REV. STAT. §23:3-3 - A hunting license may be issued, at the discretion of the appropriate authority, to a citizen of the United States between 10 and 14 years of age, who has completed a gun safety course, if the license is applied for by his parent or legal guardian and authorizes the juvenile to hunt only when accompanied by a licensed firearm holder over 21.

*New Mexico*

N.M. STAT. ANN. §17-2-33 - It is unlawful for any person under 18 to hunt with or shoot a firearm unless he is carrying a certificate indicating that he successfully has completed a hunter training course. Any person violating this provision is guilty of a misdemeanor.

N.M. STAT. ANN. §30-7-2.1 - It is unlawful to carry a deadly weapon on school premises. This provision does not apply to peace officers, school security personnel, a student or authorized personnel engaged in military training or state-authorized hunter safety training instruction, persons participating in school-approved programs, or a person over 19 in a private automobile.

N.M. STAT. ANN. §30-7-16 - It is unlawful for any person convicted of a felony anywhere in the preceding 10 years to possess any firearm.

*New York*

N.Y. PENAL LAW §265.01 - It is unlawful for any person to knowingly possess a rifle, shotgun, air-gun, spring gun, or firearm upon the property of an educational institution; possess a rifle or shotgun if he has been convicted of a felony or serious offense; possess a dangerous weapon if he has been convicted of a felony or serious offense or is not a citizen of the United States; or possess a rifle or shotgun if he has been certified not suitable to possess such a weapon. It is unlawful to knowingly possess an explosive or armor-piercing bullet. Violation of this section is a misdemeanor.

N.Y. PENAL LAW §265.02 - It is a felony for any person to commit one of the misdemeanors enumerated above if he has previously been convicted of any crime; to possess a firearm silencer, machine gun, or any other firearm or weapon simulating a machine gun, or which is adaptable for such use; to knowingly possess a machine gun, firearm, rifle, or shotgun that has been defaced; to possess any loaded firearm except within one's home or business; to possess 20 or more firearms; or to possess a firearm if the individual has been convicted within the last five years of a felony or serious misdemeanor.

N.Y. PENAL LAW §265.05 - It shall be unlawful for any person under 16 to possess any air-gun, spring gun or other instrument or weapon in which the propelling force is a spring or air, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, unless the juvenile holds a valid hunting license or permit. A person who violates the provisions of this section shall be adjudged a juvenile delinquent.

N.Y. PENAL LAW §265-10 - It is a felony to willfully deface any machine gun or firearm.

N.Y. PENAL LAW §265.15 - The presence in any room, structure, or vehicle of any machine gun is presumptive evidence of its unlawful possession by all persons occupying the place where such a machine gun is found. The presence in any stolen vehicle of any weapon is presumptive evidence of its possession by all persons occupying the vehicle at the time the weapon is found. The presence in an automobile, other than a stolen or public one, of any firearm, defaced weapon, or silencer is presumptive evidence of its possession by all persons occupying such an automobile at the time the weapon is found, unless the weapon is found upon the person of one of the occupants; or one of the occupants, not present under duress, has a valid license. If the automobile is being operated for hire by a licensed driver in the scope of

his duties, the presumption shall not apply to the driver. The possession by any person of a defaced firearm is presumptive evidence that the person defaced it.

N.Y. PENAL LAW §265.20 - Provisions relating to the possession of weapons do not apply to governmental agents; the military; persons who voluntarily surrender the weapons; persons who have licenses; convicted persons to whom a certificate of good conduct has been issued; licensed manufacturers, repairers and dealers; and persons who use firearms for organized competitions.

N.Y. ENVTL. CONSERV. §11-0701 - A hunting license entitles a holder who is 16 or older to hunt with a gun. A junior hunting license permits a holder who is between the ages of 12 and 16 to hunt small game with firearms.

N.Y. ENVTL. CONSERV. §11-0929 - A licensee between the ages of 12 and 14 shall not hunt wildlife with a gun unless he is accompanied by a parent, legal guardian, or relative over 21 who holds a hunting license. A licensee between the ages of 14 and 16 shall not hunt wildlife with a gun unless he is accompanied by a parent or a person over 18 holding such license. A licensee under 18 who has not previously had a license to hunt big game shall not hunt deer or bear unless he is accompanied by his parent, legal guardian, or a person over 18 who has had at least one year's experience in hunting big game, and such accompanying person holds a big game license.

N.Y. ENVTL. CONSERV. §11-0931 - No person shall use in hunting a silencer, an automatic firearm, or any auto-loading pistol having a barrel less than eight inches in length. No firearm except a pistol or revolver shall be carried or possessed in or on a motor vehicle unless it is unloaded. A loaded firearm may be in a motorboat if being legally used to hunt migratory game birds.

*North Carolina*

N.C. GEN. STAT. §14-269.7 - Any person under 18 who possesses or carries a handgun is guilty of a misdemeanor. This section does not apply to military personnel, minors who possess handguns for educational or recreational purposes and are supervised by an adult, emancipated minors who possess handguns in their residences, or minors who are hunting or trapping and have written permission from a parent or guardian.

N.C. GEN. STAT. §14-288.8 - It is unlawful for any person to possess any weapon of mass death and destruction, defined as any firearm capable of fully automatic fire, any shotgun with a short barrel, any rifle with a short barrel, and any muffler or silencer. This section does not apply to licensed dealers, governmental agents, or inventors, designers, and other persons lawfully engaged in pursuits to enlarge knowledge or facilitate the creation of such weapons for lawful purposes.

N.C. GEN. STAT. 14-404 - A permit to purchase and receive a weapon may not be issued to a person who has been indicted for or convicted of a felony, a fugitive, a substance abuser, a person who has been adjudicated incompetent on the ground of mental illness, or a person who has been committed to a mental institution. Governmental agents are excepted from this provision.

N.C. GEN. STAT. 14-409 - It is unlawful for any person to possess machine guns, submachine guns, or other like weapons. This section does not apply to business persons who use such weapons in their place of business and receive a license for such use; governmental agents; the military; or persons who possess such weapons for scientific purposes. Violation of this section is a misdemeanor.

N.C. GEN. STAT. §14-415.1 - It is unlawful for a person convicted of certain felonies to possess a handgun or weapon of mass destruction within five years of his conviction or release. A violation of this provision is a felony. This section does not apply to the possession of a firearm within one's residence or lawful place of business.

*North Dakota*

N.D. CENT. CODE §62.1-02-01 - A person who has been convicted anywhere of a felony involving violence or intimidation is prohibited from possessing a firearm for a period of 10 years from the date of his conviction or release. A person who has been convicted of any other felony or a misdemeanor involving violence or intimidation while using a dangerous weapon may not have a firearm in his possession for a period of five years from the date of his conviction or release. Violations of these provisions are felonies. A person who is or has been diagnosed and committed to an institution due to mental illness or deficiency is prohibited from possessing a firearm. This does not apply if the person has not suffered from the disability for the previous three years. A person under 18 may not possess a handgun, except while under the supervision of an adult, for purposes of firearm safety training, target shooting, or hunting. Violations of these provisions are a misdemeanors.

N.D. CENT. CODE § 62.1-02-03 - A person who possesses a short-barreled rifle or shotgun is guilty of a felony. This section does not apply to law enforcement personnel, the military, or other governmental agents.

N.D. CENT. CODE §62.1-05-01 - No person may possess a machine gun, fully automatic rifle, or silencer unless he has complied with the National Firearms Act. Licensed individuals, the military, and governmental agents are exempt.

*Ohio*

OHIO REV. CODE ANN. §2923.12 - No person shall knowingly possess, convey, or attempt to convey any deadly weapon onto property owned by an educational institution. This section does not apply to governmental agents or persons authorized to carry weapons acting within the scope of their duties.

Violation of this section is a felony.

OHIO REV. CODE ANN. §2923.13 - No person shall have any firearm if he is a fugitive from justice; has been indicted for or convicted of any violent felony or any offense involving the illegal possession, use, sale, or trafficking of drugs, or has been adjudged a juvenile delinquent for commission of any such offense; or is drug dependent or an alcoholic. Violation of this section is of a felony.

OHIO REV. CODE ANN. §2923.17 - No person shall knowingly have or use any dangerous ordnance, defined as an automatic or sawed-off firearm; a firearm manufactured for military purposes; a zip gun; or a firearm silencer or muffler. This section does not apply to governmental agents, licensed dealers or manufacturers, registered or licensed persons, and persons who are engaged in the business of transporting or storing goods for hire.

OHIO REV. CODE ANN. §2923.18 - A license or temporary permit may be issued to persons who are over 21 and sufficiently competent to safely possess a firearm.

*Oklahoma*

OKLA. STAT. tit. 21, §1273 - It shall be unlawful for any minor under 18 to possess any arms or weapons, except rifles or shotguns used for participation in hunting, hunter safety courses, target shooting, skeet, trap or other recognized sporting events. The possession of rifles or shotguns as authorized in this section does not authorize possession by a minor who is otherwise prohibited from possessing a weapon. Any minor violating this section shall be subject to adjudication as a delinquent. Any minor violating this provision also is liable for civil damages for any injury or death to any person resulting from being shot by the minor.

OKLA. STAT. tit. 21, §1280.1 - It is unlawful for any person, except a peace officer or other authorized person, to possess a weapon on any property belonging to a school. It is not a violation of this section to have a hunting gun kept in a privately owned vehicle on school property, provided that the vehicle is on school property only to transport students to and from school and does not remain unattended on school property. Any person violating this provision is guilty of a felony.

OKLA. STAT. tit. 21, §1283 - It is unlawful for any person who previously has been convicted of a felony anywhere to possess a weapon that could be easily concealed.

OKLA. STAT. tit. 21, §1289.18 - Any person who possesses a sawed-off shotgun or sawed-off rifle is guilty of a felony.

OKLA STAT. tit. 21, §1289.21 - It is unlawful for any person to possess a restricted bullet.

OKLA. STAT. tit. 29, §4-112A - No person under 16 may purchase a gun deer tag or hunt large game with any firearm without first obtaining a hunter safety certification. No person between the ages of 16 and 35 may purchase or receive a hunting license or hunting tag without a certificate of competency and safety in the use and handling of firearms. The provisions of this section do not apply to persons who have received an honorable discharge from the military or to persons who are resident landowners or tenants upon land owned or leased by them. Any person convicted of violating this provision shall be punished by the imposition of a minimum fine of \$50 and a maximum fine of \$200 fine, and/or by imprisonment in the county jail for up to 30 days.

## *Oregon*

OR. REV. STAT. §23.200 - Every citizen of the state over 16 is entitled to have for their own use and defense of the citizen and shall have exempt from execution one rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt may not exceed \$1,000.

OR. REV. STAT. §166.250 - A person may not knowingly carry a concealed firearm on his person or in a vehicle without a license. No person under 18 may possess a firearm. No person who, while a minor, was adjudicated delinquent for an act that would be a felony if committed by an adult or a misdemeanor involving violence, and was discharged from the jurisdiction of the juvenile court within four years prior to being charged under this section may possess a firearm. No person who has been convicted of a felony, or who was found "guilty except for insanity," may possess a firearm. This section does not prohibit a minor who is not otherwise prohibited from carrying a weapon from possessing a firearm, other than a handgun, if it was transferred to the minor with the consent of a parent or guardian or is used temporarily for hunting, target practice, or other lawful purpose. Violation of this provision is a misdemeanor. Any citizen of the United States over 18 residing in the state who is not otherwise prohibited from possessing a firearm under state statute may possess or keep within his place of residence or business any handgun. No permit is required.

OR. REV. STAT. §166.260 - These provisions do not apply to governmental agents, merchants, the military, members of any club or organization who use established target ranges, or licensed hunters or fishermen.

OR. REV. STAT. §166.270 - Any person who has been convicted of a felony anywhere may not possess a firearm. Violation of this provision is a felony. This provision does not apply to individuals who have been convicted of only one felony that did not involve criminal homicide or the use of a firearm, and who have been discharged from imprisonment, parole, or probation for 15 years prior to the alleged violation of this provision.

OR. REV. STAT. §166.272 - A person may not knowingly possess a machine gun, short-barreled rifle, short-barreled shotgun, or firearms silencer that has not been registered in accordance with federal law. Violation of this provision is a felony.

OR. REV. STAT. §166.274 - A person may apply for relief from the prohibition against possessing a firearm under §166.250 or §166.270. An individual barred due to an adjudication as a delinquent may not petition for relief until four years after his discharge from the juvenile court.

OR. REV. STAT. §166.350 - A person may not possess armor-piercing ammunition. Violation of this provision is a misdemeanor.

OR. REV. STAT. §166.370 - No person may intentionally possess a loaded or unloaded firearm in a public building. Violation of this provision is a felony. This section does not apply to governmental agents, the military, licensed persons, or authorized persons. A licensed person may not possess a firearm in a courtroom, jury room, judge's chambers, or the areas adjacent to them. Any person who knowingly, or with reckless disregard for the safety of others, discharges or attempts to discharge a firearm at a school is guilty of a felony. This provision does not apply to the discharge of a firearm as part of an approved school program.

OR. REV. STAT. §497.350 - No person younger than 12 shall hunt big game. No person younger than 14 shall hunt with a firearm unless that person is accompanied by an adult or is hunting on land owned by his parent or legal guardian.

*Pennsylvania*

18 PA. CONS. STAT. ANN. §908 - A person commits a misdemeanor if he possesses a machine gun, sawed-off shotgun, or firearm specially made or specially adapted for concealment or silent discharge. This section does not apply to governmental agents or persons who are possessing the firearm solely as a curio or in a dramatic performance.

18 PA. CONS. STAT. ANN. §912 - A person commits a misdemeanor if he possesses a weapon on school property or in any conveyance providing transportation to or from a school. It is a defense if the weapon is possessed in conjunction with a lawful supervised school activity.

18 PA. CONS. STAT. ANN. §6109 - An individual over 21 may apply for a license to carry a concealed firearm. Persons who previously have been convicted of a crime of violence or a violation of the controlled substances act; charged with or convicted of a felony; or within the past 10 years adjudicated delinquent for a crime of violence or a violation of the controlled substances act may not receive a license. An individual who is not of sound mind or who has ever been committed to a mental institution, uses drugs, or is a habitual drunkard shall not receive a license. An individual who has been dishonorably discharged from the armed forces, fugitives, and illegal aliens may not receive licenses.

18 PA. CONS. STAT. ANN. §6117 - No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of such a defaced firearm is prima facie evidence that the possessor has violated this provision.

18 PA. CONS. STAT. ANN. §6304 - It is unlawful for any person under 18 to carry an air rifle on the highways or public lands unless accompanied by an adult, except that such person may carry the rifle unloaded in a suitable case or securely wrapped. A person under 18 may possess an air rifle within his domicile, or for organized educational purposes under the supervision of an adult, or on private grounds under circumstances in which persons and property are not at risk.

*Rhode Island*

R.I. GEN. LAWS §110-47-5 - No person who has been convicted anywhere of a crime of violence or who is a fugitive from justice shall possess a firearm.

R. I. GEN. LAWS §11-47-6 - No person who is mentally incompetent or has been adjudicated or is being treated for drug addiction or alcoholism may possess a firearm. Any person affected by this provision, other than a person who has been pronounced criminally insane, may apply for a permit to obtain a firearm five years from the date of being pronounced cured by a competent medical authority.

R.I. GEN. LAWS §11-47-7 - No unnaturalized foreign-born person who has resided in the United States for less than 10 years may possess a pistol or revolver unless he has obtained a permit.

R. I. GEN. LAWS §11-47-8 - No person shall possess a machine gun. Violation of this provision is punishable by imprisonment of one to 10 years and/or a maximum fine of \$10,000. No person shall possess a sawed-off shotgun or sawed-off rifle. Violation of this provision is punishable by imprisonment up to 10 years and/or a fine of \$5,000.

R. I. GEN. LAWS §11-47-15 - No person shall be issued a license or permit to carry a pistol or revolver concealed upon his person until he has presented certification that he is qualified to carry such a weapon.

R.I. GEN. LAWS §11-47-18 - The attorney general may issue a license to carry a pistol or revolver to anyone 21 and over who has shown a need to carry one.

R. I. GEN. LAWS §11-47-20 - It is unlawful to possess any muffler or silencer. Violations of this section shall be punished by imprisonment for not less than one year and one day.

R. I. GEN. LAWS §11-47-24 - No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any firearm. Possession of such a defaced weapon is prima facie evidence that the possessor has defaced it. Violation of this provision is punishable by five years' imprisonment.

R. I. GEN. LAWS §11-47-32 - It is unlawful for any person under 15 to possess ammunition.

R.I. GEN. LAWS §11-47-33 - It is unlawful for any person under 15 to possess and use any firearm unless he has a permit and the firearm is used only in the presence of a qualified adult at a recognized camp or rifle range. A person under 15 may carry an unloaded firearm in a suitable case between his home and such camp or range.

R.I. GEN LAWS §11-47-34 - Persons under 15 may obtain permits to carry firearms only upon satisfactory proof of being engaged with the consent of their parent or guardian in a course of training in the use of firearms at a regular and recognized camp or rifle range.

R.I. GEN LAWS §11-47-35 - Any citizen of the state over 21 may, upon application, acquire a pistol or revolver.

R.I. GEN. LAWS §11-47-36 - No citizen of the state may purchase any concealable firearm outside the state of Rhode Island unless he has executed an application form under §11-47-35.

R.I. GEN. LAWS §11-47-60 - No person shall possess a firearm on school property. Violation of this provision is punishable by one to five years imprisonment and/or a \$500 to \$5,000 fine. The following activities are exempt from this provision: firearm instruction and/or safety courses; military-related programs; and the use of blank guns in theatrical and/or athletic events. This section does not apply to colleges, universities, or junior colleges.

R. I. GEN. LAWS §20-13-8 - It is unlawful to possess a loaded rifle or loaded shotgun in or on a vehicle on any public road. This provision does not apply to governmental agents, the military, or persons who are authorized to carry weapons in the course of their official duties.

R. I. GEN. LAWS §20-13-10 - It is unlawful to possess a weapon for the purpose of hunting while under the influence or intoxicating or controlled substances.

R. I. GEN. LAWS §20-15-5 - No person may possess, while deer hunting, weapons that are capable of carrying or injecting any incapacitating drug or chemical.

## *South Carolina*

S. C. CODE ANN. §16-23-30 - It is unlawful for any person under 21 to possess or acquire pistols within the state. This provision does not apply to military training under the immediate supervision of a parent or adult instructor. It is unlawful for any person who has been convicted of a crime of violence, is a fugitive from justice anywhere, a habitual drunkard, a drug addict, or has been adjudicated unfit to possess a pistol or mentally incompetent, or is a member of a subversive organization to possess or acquire pistols.

S. C. CODE ANN. §16-23-230 - It is unlawful for a person to possess a machine gun, military firearm, sawed-off shotgun, or sawed-off rifle. Violation of this provision is a felony.

S. C. CODE ANN. §16-23-250 - These provisions do not apply to the military, authorized persons, governmental agents, or licensed manufacturers.

S. C. CODE ANN. §16-23-480 - It is unlawful for a person to possess ammunition that is coated with Teflon. Violation of this provision is a felony.

*South Dakota*

S.D. CODIFIED LAWS ANN. §13-32-7 - Any person other than a law enforcement officer who intentionally possesses any firearm or air gun on school property, whether or not any person is endangered by such actions, is guilty of a misdemeanor. This section does not apply to starting guns at athletic events or firearms used at firing ranges, gun shows, or supervised training in the use of firearms.

S.D. CODIFIED LAWS ANN. §22-14-6 - Any person who knowingly possesses a firearm silencer, machine gun, or short shotgun is guilty of a felony. This section does not apply to governmental agents, licensed persons, persons who possess a weapon briefly after having found it or taken it from an aggressor, or persons who possess a firearm silencer under circumstances that negate the likelihood that it will be used unlawfully.

S.D. CODIFIED LAWS ANN. §22-14-15 - Any person who has been convicted anywhere of a crime of violence who possesses a firearm is guilty of a felony. This section does not apply to any person who was released from prison, jail, probation, or parole more than 15 years prior to the alleged violation of this section.

S.D. CODIFIED LAWS ANN. §22-14-17 - The provisions do not apply to antique firearms or firearms that have been permanently altered so that they are incapable of being discharged.

S.D. CODIFIED LAWS ANN. §23-7-7.1 - A person must be 18 to acquire a permit to carry a concealed weapon.

S. D. CODIFIED LAWS ANN. §23-7-44 - No person under 18 may knowingly possess a pistol. Violation of this section is a misdemeanor.

S. D. CODIFIED LAWS ANN. §23-7-45 - Section 23-7-44 does not apply to any minor who has the consent of his parent or guardian to possess such a pistol, if the minor is in the presence of his parent, guardian, or a licensed or accredited gun safety instructor; the minor is on premises owned or leased by an immediate family member or guardian; or the pistol is being used for farming, ranching, hunting, trapping, target shooting, or gun safety instruction.

S. D. CODIFIED LAWS ANN. §41-7-1 - No hunting license may be issued to any person under 16 unless the minor presents a certificate of competency. Violation of this section is a misdemeanor.

*Tennessee*

TENN. CODE ANN. §39-17-1302 - It is unlawful for any person to possess a machine gun, a short-barreled rifle or shotgun, or a firearm silencer. This provision does not apply if the possession is incident to the performance of an official governmental duty; a lawful industrial or commercial enterprise, dramatic performance, or if scientific research; or if the weapon is on display in a public museum.

TENN. CODE ANN. §39-17-1305 - It is unlawful for a person to possess a firearm on the premises of a place open to the public where alcoholic beverages are served or in the confines of a building where alcoholic beverages are sold.

TENN. CODE ANN. §39-17-1306 - It is unlawful to carry any weapon inside any room where judicial proceedings are in progress. Violation of this provision is a felony. This provision does not apply to governmental agents, the military, or persons who are directed by a court to bring a firearm for the purposes of providing evidence.

TENN. CODE ANN. §39-17-1307 - A person may not possess a handgun if he has been convicted of a felony involving the use or attempted use of force, violence, or a deadly weapon or a felony drug offense. An offense under this section is a felony.

TENN. CODE ANN. §39-17-1308 - The provisions of §39-17-1307 do not apply if the possession was of an unloaded rifle, shotgun, or handgun not concealed, for which the ammunition was not in the immediate vicinity; if the person is authorized to carry a firearm; if the person is at his residence or business, if the person is engaged in lawful hunting, trapping, fishing, camping, sport shooting, or the lawful protection of livestock from predatory animals; or if the person is a governmental agent.

TENN. CODE ANN. §39-17-1309 - It is unlawful for any person to possess any firearm on school property that is not used solely for instructional or school-sanctioned purposes. A violation of this section is a misdemeanor. It is not a violation of this provision for a non-student adult to possess a firearm contained in a private vehicle operated by the adult if the firearm is not handled by such adult while the vehicle is on school property. This provision does not apply to governmental agents, the military, or private police.

TENN. CODE ANN. §39-17-1319 - Possession of a handgun by a juvenile under 18 is a delinquent act, and in addition to any other disposition, such juvenile may be required to perform up to 100 hours of community service and his driving privileges shall be suspended for one year. Second or subsequent violations are punishable by 100 to 200 hours of community service and suspension of driving privileges for two years. It is a defense to prosecution that the juvenile is attending a firearm safety course; is engaged in target shooting at an established range; is engaged in an organized competition; is hunting or trapping; is accompanied by his parent or guardian and is being instructed in the use of the handgun; is on real property under the control of an adult and has permission of the adult and the juvenile's parent or legal guardian; is traveling to or from such activities described above; is at the juvenile's residence with the permission of his parent or legal guardian; and is justified in using physical force or deadly force.

*Texas*

TEX. PENAL CODE ANN. §346.02 - It is unlawful for any person to carry a handgun, except in special circumstances.

TEX. PENAL CODE ANN. §46.04 - A convicted felon may not possess a firearm before the fifth anniversary of his release from confinement or supervision or after such date at any place other than his residence. A violation of this provision is a felony.

TEX. PENAL CODE ANN. 46.05 - It is unlawful to intentionally possess a machine gun, short-barreled firearm, silencer, armor-piercing ammunition, or zip gun. A violation of this provision is a misdemeanor.



## *Utah*

UTAH CODE ANN. §23-20-20 - A person under 14 must be accompanied by a parent, legal guardian, or other responsible adult approved by the parent or guardian while hunting with any weapon. A person between the ages of 14 and 16 must be accompanied by a parent, legal guardian, or other responsible adult approved by the parent or guardian while hunting big game. A person between the ages of 14 and 16 must be accompanied by an adult while hunting wildlife. A person under 12 may not hunt for protected wildlife.

UTAH CODE ANN. §76-10-503 - A person who has been convicted anywhere of a crime of violence; who is addicted to narcotic drugs; or who has been declared mentally incompetent may not possess a dangerous weapon. A violation of this section is a misdemeanor; if the dangerous weapon is a firearm or sawed-off shotgun, it is a felony. Any person on parole for a felony may not possess a dangerous weapon. A person who is a convicted felon; under indictment; uses unlawful controlled substances; is drug dependent; has been adjudicated as mentally defective; is an illegal alien; has been dishonorably discharged from the armed forces; or has renounced U. S. citizenship may not purchase a handgun. Violation of this section is a felony.

UTAH CODE ANN. §76-10-505 - It is unlawful for any person to carry a loaded firearm on a public street.

UTAH CODE ANN. §76-10-505.5 - A person may not possess any dangerous weapon on or about school premises. Violation of this provision is a misdemeanor. Persons specifically authorized to possess a firearm are exempt.

UTAH CODE ANN. §76-10-509 - A minor under 18 may not possess a dangerous weapon unless he has the permission of his parent or guardian to have the weapon or is accompanied by a parent or guardian when he has the weapon in his possession. Any minor under 14 in possession of a weapon must be accompanied by a responsible adult. Violation of this section is a misdemeanor.

UTAH CODE ANN. §76-10-509.4 - A minor under 18 may not possess a handgun. A violation of this provision is a misdemeanor. Except as provided by federal law, a minor under 18 may not possess a sawed-off rifle, sawed-off shotgun, or full automatic weapon. Violation of this provision is a felony.

UTAH CODE ANN. §76-10-512 - Section 76-502-503, 76-10-509, and 76-10-509.4 do not apply to patrons of lawfully operated target concessions; persons in attendance at hunter or firearm safety courses; persons engaging the lawful use of a firearm at an established range; persons engaging in organized competition; persons under 18 who are on property with the permission of the owner, licensee, or lessee, and who have the permission of a parent, legal guardian, or the owner, licensee, or lessee to possess a firearm; persons with valid hunting licenses who are engaged in lawful hunting; and persons traveling to and from the above activities with an unloaded firearm.

UTAH CODE ANN. §76-10-522 - It is a misdemeanor to change, alter, remove, or obliterate the name of the maker, the model manufacturer's number, or other mark of identification on a pistol or revolver.

UTAH CODE ANN. §78-3a-25 - A juvenile over 14 may be transferred to adult court if he commits an act that would constitute a felony if committed by an adult and the court decides it is best to transfer jurisdiction. In considering whether to waive jurisdiction, the court may consider whether the juvenile used a firearm in the commission of an offense or possessed a dangerous weapon on or about school premises.

*Vermont*

VT. STAT. ANN. tit.13, §4004 - A person who possesses a firearm within a school building shall be imprisoned not more than 60 days and/or fined not more than \$500. Persons authorized to possess a firearm for specific occasions or instructional purposes, as well as law enforcement personnel, are exempt.

VT. STAT. ANN. tit.13, §4008 - A child under 16 shall not, without the consent of his parent or guardian, possess a pistol or revolver. A child who violates this provision shall be deemed a delinquent child.

VT. STAT. ANN. tit.13, §4010 - A person who possesses with intent to sell or use a silencer shall be fined \$25 for each offense. The military is exempt from this provision.

VT. STAT. ANN. tit.13, §4013 - A person who possesses a zip gun shall be imprisoned not more than 90 days and/or fined not more than \$100.

*Virginia*

VA. CODE ANN. §16.1-278.9 - If a child of at least 13 is found delinquent as a result of the unlawful possession of a handgun, the court shall order that the child be denied a driver's license for not less than 30 days. However, if the offense involved possession of a concealed handgun, a "streetsweeper," or any semiautomatic shotgun, the denial of driving privileges shall be for two years. If the offense is committed by a child under 16, the child's ability to apply for a driver's license shall be delayed for two years following his 16th birthday. The court may refer the child to the appropriate rehabilitative or educational services.

VA. CODE ANN. §18.2-291 - Possession of a machine gun shall be presumed to be for an aggressive purpose if: the machine gun is on premises that are not the residence or business of the person in whose possession the gun is found; the machine gun is possessed by a person who has been convicted of a crime of violence; the machine gun is not registered; or empty or loaded shells are found in the immediate vicinity of the gun.

VA. CODE ANN. §18.2-292 - The presence of a machine gun in any room, boat, or vehicle is prima facie evidence of possession by each person occupying the place where the weapon is found.

VA. CODE ANN. §18.2-293 - Section 18. 2-290 does not apply to governmental agents or the military.

VA. CODE ANN. §18.2-293.1 - Section 18. 2-290 does not prohibit the possession of a registered machine gun for scientific purposes or for curiosity, ornament, or keepsake purposes.

VA. CODE ANN. §18.2-300 - Possession of a sawed-off shotgun or rifle, except as specifically authorized, is a felony.

VA. CODE ANN. §18.2-303 - Section 18. 2-300 does not apply to governmental agents or the military.

VA. CODE ANN. §18.2-303.1 - Section 18. 2-300 does not prohibit the possession of a machine gun for scientific purposes; for curiosity, ornament or keepsake purposes; or if in compliance with federal law.

VA. CODE ANN. §18.2-308.1 - Any person who possesses a firearm while on school property is guilty of a felony. Such provisions do not apply to governmental agents, the military, or the possession of weapons as part of the curriculum or other programs sponsored by the school. This section does not apply to possession of an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle.

VA. CODE ANN. §18.2-308.1:1 - It is unlawful for any person acquitted by reason of insanity of a charge of treason or of a felony offense or certain misdemeanor offenses, who has been committed to the custody of the state mental health department, to knowingly and intentionally possess a firearm. A violation of this section is a misdemeanor.

VA. CODE ANN. §18.2-308.1:2 - It is unlawful for any person who has been adjudicated legally incompetent or mentally incapacitated to possess any firearm. Violation of this provision is a misdemeanor.

VA. CODE ANN. §18.2-308.1:3 - It is unlawful for any person who has been involuntarily committed to possess a firearm during the period of commitment. Violation of this section is a misdemeanor.

VA. CODE ANN. §18.2-308.1:4 - It is unlawful for any person subject to a protective order to purchase or transport a firearm while the order is in effect. Violation of this section is a misdemeanor.

VA. CODE ANN. §18.2-308.2 - It is unlawful for any convicted felon or any person under the age of 29 who was adjudicated, at the age of 15 or older, a delinquent for an act that would be a felony if committed by an adult to knowingly or intentionally possess or transport a firearm. A violation of this section is a felony. Provisions of this section do not apply to the military, governmental agents, or persons who have been pardoned. A person may petition the court for a permit to carry a firearm and, if granted, the provisions of this section do not apply.

VA. CODE ANN. §18.2-308.2:01 - It is unlawful for anyone who is not a U.S. citizen or lawfully admitted for permanent residence to knowingly and intentionally possess any assault firearm. Violation of this section is a felony.

VA. CODE ANN. §18.2-308.4 - Any person unlawfully in possession of a controlled substance who simultaneously with knowledge and intent possesses any firearms is guilty of a felony.

VA. CODE ANN. §18.2-308.5 - It is unlawful for any person to possess a plastic firearm.

VA. CODE ANN. §18.2-308.6 - It is unlawful to possess any firearm muffler, or silencer, which is not appropriately registered.

VA. CODE ANN. §18.2-308.7 - It is unlawful for any person under 18 to knowingly possess or transport a handgun or assault firearm. A violation of this section is a misdemeanor. This section does not apply to military personnel or a person who is in a residence or on property belonging to him, his parent, grandparent, or guardian; who is on the property of another with the prior permission of his parent or legal guardian and the written permission of the landowner; attending a lawful shooting range or firearms educational class, provided he is accompanied by an adult and the weapons are unloaded; or engaged in lawful hunting or traveling to and from a hunting area, provided that the weapons are unloaded.

VA. CODE ANN. §18.2-308.8 - It is unlawful for any person to possess a "streetsweeper" or any semi-automatic folding stock shotgun. A violation of this section is a felony.

## *Washington*

WASH. REV. CODE §9.41.040 - A person is guilty of the crime of unlawful possession of a firearm if he possesses any firearm after having been convicted anywhere of a serious offense, certain domestic violence or harassment offenses, or a felony in which a firearm was used or displayed; after having been convicted of any felony drug offense; after having been previously convicted on three occasions within five years of driving under the influence of alcohol or drugs; or if the person is under 18. Violation of this provision is a felony. In addition to any other penalty, if a person under the age of 18 is found by the court to have possessed a firearm in a vehicle, or to have committed an offense in which a motor vehicle served an integral function while armed with a firearm, the person's privilege to drive shall be revoked.

WASH. REV. CODE §9.41.045 - Offenders under the supervision of the department of corrections may not possess firearms or ammunition.

WASH. REV. CODE §9.41.1 - A person who is charged with violating §9.41.040 because he is under 18 is exempt if he is in attending at a hunter or firearm safety course; engaging in practice in the use of a firearm at an established target range; engaging in organized competition or performance; hunting or trapping in an area where discharge of a firearm is permitted, is at least 14, has been issued a hunter safety certificate, and is using a lawful firearm other than a pistol; in an area where discharge is permitted and is under the supervision of a parent, guardian, or other adult approved by the parent or guardian; traveling with an unloaded firearm to or from one of the above listed activities; on real property that is controlled by a parent, relative, or guardian and has the permission of the parent or guardian to possess a firearm; at his residence and has the permission of his or her parent or guardian to possess a firearm; or a member of the military.

WASH. REV. CODE §9.41.2 - A person who is prohibited from possessing a firearm by having three prior convictions for driving under the influence may petition a court to have his right to possess a firearm restored after five continuous years without a further conviction.

WASH. REV. CODE §9.41.050 - Except in his residence or place of business, a person may not carry a concealed pistol without a license. A person may not place or carry a loaded pistol in a vehicle without a license unless the pistol is locked within the vehicle and concealed from view while the licensee is away from the vehicle.

WASH. REV. CODE §9.41.140 - No person may change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated is prima facie evidence that the possessor has defaced the firearm.

WASH. REV. CODE §9.41.070 - A license to carry a concealed pistol shall be issued unless the applicant is ineligible to possess a firearm pursuant to §9.41.040; he is under 21; he is the subject of a court order regarding firearms; he is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense; he has an outstanding warrant for his arrest; he has been ordered to forfeit a firearm within one year before filing the application; or he has been convicted of any crime against a child.

WASH. REV. CODE §9.41.190 - It is unlawful for any person to possess a machine gun, short-barreled shotgun, short-barreled rifle, or any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle. This section does not apply to governmental agents or an employee who is licensed to produce, manufacture, or repair machine guns, short-barreled shotguns, or short-barreled rifles. Violation of this section is a felony.

WASH. REV. CODE §9.41.240 - A person over 18 but under 21 may possess a pistol only at his residence, fixed place of business, or on real property under his control.

WASH. REV. CODE §9.41.280 - It is unlawful for any person to possess any firearm on school property. Any person violating this section is guilty of a gross misdemeanor. A violation of this section by a student constitutes grounds for expulsion. Any person violating this provision shall lose his license to carry a concealed pistol. This section does not apply to the military; governmental agents; performances, demonstrations or firearms safety courses; competitions; persons in possession of a pistol who are licensed and are picking up or dropping off a student; or any non-student at least 18 who is legally in possession of a firearm that is secured within an attended vehicle or concealed and locked in an unattended vehicle.

WASH. REV. CODE §9.94.040 - Any person serving a sentence in a penal institution who knowingly possesses a firearm is guilty of a felony. Any sentence imposed under this section shall be in addition to any sentence being served.

WASH. REV. CODE §9.94.043 - A person, other than a prisoner, who possesses a deadly weapon while on the premises of a correctional institution is guilty of a felony.

WASH. REV. CODE §77.16.250 - It is unlawful to possess a loaded shotgun or rifle in a motor vehicle.

WASH. REV. CODE §77.32.155 - When purchasing a hunting license, persons under 18 shall present certification of completion of a course of instruction in the safe handling of firearms. Beginning Jan. 1, 1995, all persons purchasing a hunting license for the first time, if born after 1972, shall present such a certification.

*West Virginia*

W. VA. CODE §20-2-6 - It shall be lawful for a bona fide resident landowner or a member of his family or a tenant to carry an uncased gun at any time in his regular pursuits in caring for and looking after livestock or poultry on his land or on lands leased by him.

W. VA. CODE §60-6-11 - A person may not possess a firearm while engaged in the unlawful manufacture, transportation, or sale of alcoholic beverages. Violation of this provision is a felony punishable by up to 10 years imprisonment.

W. VA. CODE §61-7-3 - It is unlawful to carry a concealed deadly weapon without a license. Violation of this provision is a misdemeanor punishable by a minimum \$100 and maximum \$1,000 fine and/or imprisonment up to 12 months. Second or subsequent offenses are felonies, punishable by one to five years imprisonment and/or a minimum \$1,000 and maximum \$5,000 fine.

W. VA. CODE §61-7-6 - Section 61-7-3 does not apply to a person carrying a weapon on his own premises or to and from the place of purchase to his home or place of business; a person who is lawfully hunting or traveling to and from his home or place of business to a hunting site; a person who is a member of an organized target-shooting club; governmental agents; or the military.

W. VA. CODE §61-7-7 - No person may possess a firearm if he has been convicted a felony anywhere; has been discharged dishonorably from the military; has been adjudicated mentally incompetent or committed involuntarily to a mental institution; is an illegal alien; or is addicted to or an unlawful user of alcohol or drugs. Violation of this section is a misdemeanor, punishable by a minimum \$100 and maximum \$1,000 fine and/or 90 days to one year in jail. Any person otherwise subject to this provision may petition the court for permission to possess a firearm, and if granted, the person shall not be subject to these provisions.

W. VA. CODE § 61-7-8 - A person under 18 who is not married or otherwise emancipated may not possess a deadly weapon. A minor may possess a firearm upon his own premises or premises of his family or another with the permission of his parent and guardian and the owner or lessee of such property. Nothing shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling to and from a hunting site. A violation of this section may result in the minor being adjudicated delinquent.

W. VA. CODE 61-7-9 - It is unlawful for any person to possess a machine gun, submachine gun, or any other fully automatic weapon unless he has complied with federal law. A violation of this provision is a misdemeanor punishable by a minimum \$100 and maximum \$1,000 fine and/or 90 days to one year in jail.

W. VA. CODE §61-7-11a - It is unlawful for any person to possess any firearm on school property. This section does not apply to governmental agents; persons specifically authorized to conduct programs with valid educational purposes; or persons who leave or possess unloaded firearms in motor vehicles.

Violation of this section is a misdemeanor, punishable by a \$1,000 fine and/or one year in jail. Any 14-year-old minor who is adjudicated a delinquent as a result of violating this provision may have his driver's license suspended until he turns 19. If he has not yet been issued a driver's license, the court may order the department of motor vehicles to deny the minor's application until he turns 19. It is unlawful to possess any firearm in a court of law. This provision does not apply to law enforcement personnel or a person exempted by court order. A violation of this provision is a misdemeanor punishable by a \$1,000 fine and/or one year in jail.

Wis. STAT. §29.227 - No person under 12 may hunt with a firearm. A person under 12 may obtain a certificate of accomplishment but it is not valid for hunting until the child turns 12. No person under 12 may possess a firearm unless he is enrolled in a hunter education and firearm safety program under the supervision of an instructor or is carrying the unloaded firearm in a case to or from such a program under the supervision of a parent or guardian. No person between the ages of 12 and 14 may hunt without being accompanied by a parent or guardian. No person between 12 and 14 may possess a firearm unless he is accompanied by a parent or guardian or is under supervision of an instructor in a hunter education and firearm safety course. No person between 14 and 16 may hunt without being accompanied by a parent or guardian, is issued a certificate of accomplishment under the hunter education and firearm safety program. No person between 14 and 16 may possess a firearm unless he is accompanied by a parent or guardian, is enrolled in a hunter education and firearm safety program under the supervision of an instructor, or is issued a certificate of accomplishment. A person 12 or older may possess a firearm or hunt on land owned by a family member.

Wis. STAT. §167.31 - No person may possess a firearm in or on a vehicle unless the firearm is unloaded and encased. A violation of this section may result in a forfeiture of not more than \$100. No person may possess a firearm in an aircraft. A violation of this provision is subject to a fine of this provision is subject to a fine of not more than \$1,000 or imprisonment of not more than 90 days. This section does not apply to governmental agents or the military.

Wis. STAT. §941.26 - No person may possess any machine gun or fully automatic firearm or modify a firearm that is not designed to shoot more than one shot by a single function of the trigger to shoot more than one shot. Violation of this provision is a felony. This section does not apply to governmental agents; authorized persons; or persons who restore firearms as curios or relics.

Wis. STAT. §941.28 - No person may possess a short-barreled shotgun or short-barreled rifle. Violation of this provision is a felony. This section does not apply to governmental agents; authorized persons; or persons who restore firearms as curios or relics.

Wis. STAT. §941.29 - No person who has been convicted of a felony anywhere or found not guilty by reason of mental disease or defect may possess a firearm. This provision does not apply to an individual

found not guilty by reason of insanity if he is no longer insane and he is not likely to act in a dangerous manner. Violation of this provision is a felony.

Wis. STAT. §941.235 - Any person who goes armed with a firearm into a governmental building is guilty of a misdemeanor. This section does not apply to governmental agents or authorized persons.

Wis. STAT. §941.237 - It is unlawful to carry a handgun on premises where alcoholic beverages are sold. Violation of this provision is a misdemeanor. This provision does not apply to governmental agents; security personnel; the military; an owner, licensee, manager, or other employee authorized to possess a handgun on the premises; a firearm that is unloaded and encased in a vehicle; gun or sportsmen ranges or clubs; possession of a handgun for decoration if the handgun is encased, inoperable, or secured; or hotels, other than the area of the hotel that is a tavern.

Wis. STAT. §941.298 - No person may possess a firearm silencer. Violation of this provision is a felony. This section does not apply to governmental agents; authorized persons; or persons who restore firearms as curios or relics.

Wis. STAT. 948.60 - Any child who possesses a dangerous weapon is guilty of a misdemeanor. This section does not apply to a child who possesses a weapon for target practice or safety instruction under the supervision of an adult; is a member of the military; or who possess a firearm that has a barrel over 12 inches in length for purposes of hunting.

Wis. STAT. §948.605 - Any individual who knowingly possesses a firearm in a school zone is guilty of a misdemeanor. This provision does not apply to private property not part of school grounds; licensed persons; firearms that are unloaded and encased or locked; use of firearms in a school-approved program; governmental agents; or employees specifically authorized.

## *Wyoming*

WYO. STAT. §6-8-102 - Any person who has been convicted of committing or attempting to commit a violent felony who knowingly possesses a firearm is guilty of a felony punishable by imprisonment for not more than three years and/or a fine or not more than \$5,000.

WYO. STAT. §6-8-104 - A person who carries a concealed deadly weapon is guilty of a misdemeanor punishable by a fine of not more than \$750 and/or imprisonment for not more than six months. This provision does not apply to governmental agents or persons who possess permits. A permit shall be issued to anyone who is a resident of the United States and has been a resident of Wyoming for not less than six months prior to filing the application; is at least 21; does not suffer from a physical infirmity that prevents the safe handling of firearms; is not ineligible to possess a firearm under U.S. or Wyoming law; has been committed to a state or federal facility for the abuse of a controlled substance or convicted of a violation of a controlled substance act; does not habitually use alcohol to the extent that his normal faculties are impaired; and demonstrates familiarity with a firearm. A permit may be denied or revoked if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor offense within the preceding three years. No person, with or without a permit, may possess a concealed firearm in any correctional facility; courtroom; governmental meeting; school event not related to firearms; portion of an establishment licensed to serve alcoholic beverages for consumption on the premises; or school property.

WYO. STAT. §23-2-106 - No person born on or after Jan. 1, 1966, may receive a hunting license to hunt on land other than that of his own family unless the person possesses a certificate of competency and safety in the use and handling of firearms.

WYO. STAT. §23-3-07 - No person shall carry a loaded firearm while intoxicated or under the influence of a controlled substance. Violation of this provision is a misdemeanor.

## **URBAN INSTITUTE REPORT ON ASSAULT WEAPONS**

**1994 Assault Weapons Ban:** The 1994 Violent Crime Control Act of 1994 (Crime Bill) banned the manufacture, transfer and possession of the designated semiautomatic assault weapons. The law also banned "large capacity" magazines holding more than 10 rounds of ammunition.

**Urban Institute Report:** The Urban Institute Report, "Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994" was funded through a National Institute of Justice grant to study the effects of the assault weapons ban as required under the Crime Bill.

**Findings of the Report:** The Report offers encouraging data about the effectiveness of the ban. While the initial findings are promising, the report cautions that it is too early to draw final conclusions on the success of the ban.

### ***Decrease in Assault Weapons Used in Crimes***

- ✓ Between 1994 and 1995, the criminal use of assault weapons (as measured by ATF gun traces) fell by 20%, compared to an 11% decrease for all guns. In the first half of 1996, gun traces began to increase but remained 13% lower than prior to the ban.
- ✓ In 1995, the ban reduced gun murders by an estimated 6.7% . The report does not rule out other factors or Crime Bill initiatives which could have contributed to the reduction.

### ***Reduction in Assault Weapons Used to Kill Police***

- ✓ The preliminary data for the first part of 1996 show that no police officer was killed with an assault weapon.
- ✓ In 1995, seven police officers were killed with assault weapons-- two less officers than in 1994.

### ***Secondary-Markets Effects Minimal***

- ✓ Secondary-markets exist where many gun transfers are made without formal record keeping requirements. Prohibited gun purchaser such as felons, fugitives and minors often buy their guns through secondary markets by paying premium prices.
- ✓ Contrary to the predictions of the ban's critics, the report found that assault weapons did not seem to be any more predominant in secondary markets than prior to enactment of the ban.