

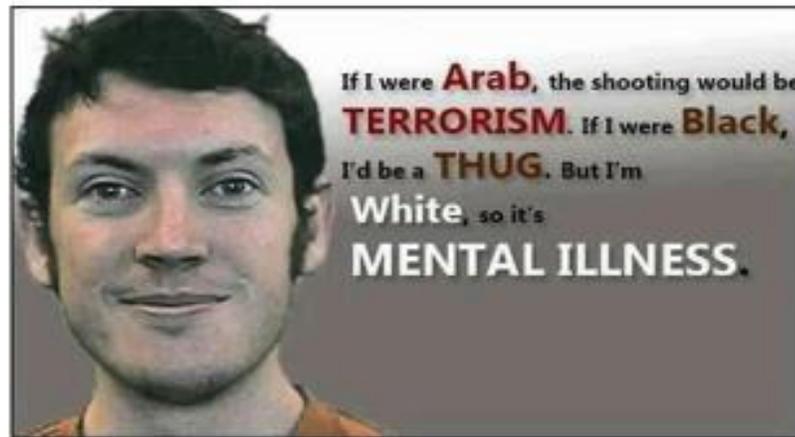
# Guns Laws

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# Moral Archeology

What do you think?



# Gun Control Act of 1968

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- Regulates firearms at the federal level, requires that citizens and legal residents must be at least 18 years of age to purchase shotguns or rifles and ammunition. All other firearms — handguns, for example — can only be sold to people 21 and older.
- State or local officials may implement higher age restrictions but are not allowed to lower the federal minimum.

# Who Cannot Purchase?

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- Fugitives from justice
- People deemed a danger to society
- Patients involuntarily committed to mental health facilities
- Those with misdemeanor domestic violence conviction
- People with prior felony convictions that include a prison sentence exceeding one year, or misdemeanors carrying sentences of more than two years, are also prohibited from purchasing firearms.

# Drugs

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- Federal law also blocks the sale of guns to people who have been found guilty of unlawfully possessing or using controlled substances within the past year.
- This includes marijuana, which, though legalized in many US states, remains illegal under federal law.

# Who makes the law?

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- Though state and local governments regulate whether residents may, for example, carry guns in public, laws regulating who may receive or possess guns are set out at the federal level.
- The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a division of the Department of Justice, administers the GCA. The ATF also regulates the standards for issuing licenses to gun vendors.
- Shotguns, rifles, machine guns, firearm mufflers and silencers are regulated by the National Firearms Act of 1934. The purchase of semi-automatic weapons is legal in most states, as are automatic weapons made before 1986.

# Who can sell?

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- Federal Firearms License (FFL) holders must be at least 21 years of age.
- They must have premises for conducting business and must alert a local law enforcement official at the time of submitting their applications to the federal bureau that regulates firearms.
- No history of prior felony convictions or mental illness, domestic abuse conviction.
- The license fee costs \$200 for an initial three-year period and \$90 for each subsequent three-year-long renewal.
- Selling firearms online also falls under these regulations. Although the purchase may be paid for online, the gun itself must be shipped to a registered FFL holder, who then conducts the necessary background check before handing the firearm over to its owner.

# Personal sales

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- According to the ATF, anyone can sell a gun without an FFL from their home, online, at a flea market or at a gun show as long as he or she is not conducting the sale as part of regular business activity.
- Regular business activity is vague term. Individuals whose "principal motive" is to make a profit via sale must obtain an FFL (also vague)
- May sell from personal collection or buy for someone as gift w/o license.

# Buying an AR-15



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- Five of the six deadliest mass shootings of the past six years in the United States. In each of them, the gunman had an AR-15-style semiautomatic rifle.
  - The N.R.A. calls the AR-15 the most popular rifle in America.
  - Originally designed for troops to kill enemy fighters, the weapon became the military's M16 and the shorter M4 carbine.
  - Easily adapted for civilian use – one shot for each time trigger is pulled.

# Laws that may affect you

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# Castle Doctrine

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- Legal doctrine that designates a person's abode or any legally occupied place (for example, a vehicle or home) as a place in which that person has protections and immunities permitting one, in certain circumstances, to use force (up to and including deadly force) to defend oneself against an intruder, free from legal prosecution for the consequences of the force used.

# What does it mean to Stand Your Ground?

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Stand your ground laws are essentially a revocation of the duty to retreat.

Under certain circumstances, individuals can use force to defend themselves without first attempting to retreat from the danger.

The purpose behind these laws is to remove any confusion about when individuals can defend themselves and to eliminate prosecutions of people who legitimately used self-defense even though they had not attempted to retreat from the threat.

# Stand Your Ground States

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- Alabama, Alaska, Arizona, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah and West Virginia.

# Florida

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- In 2005, Florida became the first state to explicitly expand a person's right to use deadly force for self-defense. Deadly force is justified if a person is gravely threatened, in the home or “any other place where he or she has the right to be.”

# TN Code 39-17-1322

(Jan 27, 2008)

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- A person shall not be charged with or convicted of a violation under this part if the person possessed, displayed or employed a handgun in justifiable self-defense or in justifiable defense of another during the commission of a crime in which that person or the other person defended was a victim.

# 2010 Tennessee Code

## Title 39-11-611 .

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- **(b) (1)** Notwithstanding § 39-17-1322, a person who is not engaged in unlawful activity and is in a place where the person has a right to be has no duty to retreat before threatening or using force against another person when and to the degree the person reasonably believes the force is immediately necessary to protect against the other's use or attempted use of unlawful force.
- **(2)** Notwithstanding § 39-17-1322, a person who is not engaged in unlawful activity and is in a place where the person has a right to be has no duty to retreat before threatening or using force intended or likely to cause death or serious bodily injury, if:
  - **(A)** The person has a reasonable belief that there is an imminent danger of death or serious bodily injury;
  - **(B)** The danger creating the belief of imminent death or serious bodily injury is real, or honestly believed to be real at the time; and
  - **(C)** The belief of danger is founded upon reasonable grounds.

# Duty to Retreat

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Must retreat from the situation if you feel threatened (use of deadly force is considered a last resort); may not use deadly force if you are safely inside your home.

# Open Carry

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- Five states (**California, Florida, Illinois New York, and South Carolina**), as well as the **District of Columbia**, generally prohibit people from openly carrying handguns in public places.
- Thirty-one states allow the open carrying of a handgun without any license or permit, although in some cases the gun must be unloaded.

# Require Permit for Open Carry

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

# Problems with Open Carry

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- More encounters with law enforcement
- Easier to have gun taken from you
- Are they trying to prove a point?

## CA, IL, FL

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- The open carrying of any kind of firearm is prohibited, and no exception is made for permit-holders

# MA, MN, NJ

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- Prohibit openly carrying long guns, but not handguns.

# Other Countries

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# China

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- **Firearm ownership law in the People's Republic of China** heavily regulates firearms ownership.
- Generally, private citizens are not allowed to possess firearms.

# Mexico

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- Open or concealed carry in public is virtually forbidden to private citizens, unless explicitly authorized by the Secretariat of National Defense.
- For purposes of personal protection, firearms are only permitted within the place of residence and of the type and caliber permitted by law.

# Canada

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- Laws primarily deal with registration
- Guns must be stored with locking/safety device
- All handguns purchasers must be licensed

# Australia

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- **National Firearms Agreement (NFA)**, 1996
- Australasian Police Ministers' Council in response to the Port Arthur massacre that killed 35 people.
- Passed by Australian State governments only 12 days after the Port Arthur massacre.
- Temporary firearms buyback program for firearms that were once legal now made illegal, that bought over 650,000 firearms. This program, which cost \$230 million, was paid for by an increase in the country's taxes.
- The law created a national firearm registry, a 28-day waiting period for firearm sales, and tightened firearm licensing rules.
- Owners must be at least 18 years of age, have secure storage for their firearms and provide a "genuine reason" for doing so.
- Results of impact on homicide/suicide rates are mixed

# United Kingdom

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- Rare for civilians to own private firearms.
- 1996, 43-year-old Thomas Hamilton used legally owned handguns to kill 16 children, ages 5 and 6 before taking his own life.
- The massacre in Dunblane, Scotland, prompted widespread outrage and a surge in public support to ban handguns.
- Gun amnesty and government buyback.
- Must prove need for even long guns, including designated hunting location