

**Gun Violence Laws and the Second Amendment:
A Report of the American Bar Association**

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ABA Standing Committee on Gun Violence

Gun Laws and the Second Amendment

“The law should encourage intelligent discussion of possible remedies for what every American can recognize as an ongoing national tragedy.”¹

These words, written by former Supreme Court Associate Justice John Paul Stevens shortly after the Sandy Hook killings, refer to the tragedy of gun violence.

The American Bar Association has seen some use the Second Amendment to attempt to stifle this ‘intelligent discussion.’ While we respect reasoned views of all on the matter of gun violence, we reject the notion that the Second Amendment bars efforts to stem gun violence. This paper describes the ABA’s policies related to gun violence and summarizes how the majority of courts, following the seminal 2008 Supreme Court case of *District of Columbia v. Heller*, have similarly concluded that a wide variety of laws to address gun violence are constitutionally permissible.

America’s Epidemic of Gun Violence

The United States is plagued by gun violence. Over 100,000 people are victims of a gunshot wound each year and more than 30,000 of those victims lose their lives.² In 2013, the most recent year for which data is available, firearms killed 33,636 Americans – an average of more than 92 deaths each day – including 11,208 homicides, 21,175 suicides, and 505 unintentional firearm deaths.³

Children and young people are particularly vulnerable to gun violence. In 2013, children and young people under the age of 25 accounted for 36% of all firearm deaths and injuries.⁴ The presence of a gun also increases the likelihood of death in incidents of domestic violence,⁵ raises the probability of fatalities among those who attempt suicide,⁶ and disproportionately harms communities of color. In 2013, African Americans suffered over 57% of all firearm homicides, even though they make up only 13% of the population. Moreover, firearm homicide is the leading cause of death for African American males ages 15-34.⁷

In addition to the **grave physical and emotional toll** gun violence takes on individuals and communities nationwide, gun-related deaths and injuries burden the American public with **overwhelming economic costs.** Medical costs alone have been estimated at \$2.3 billion annually, half of which are borne by taxpayers.⁸ When all direct and indirect medical, legal and societal

costs are included, the estimated annual cost of gun violence in the United States amounts to \$100 billion.⁹

Guns also play an enormous role in crime in America. In 2011, firearms were used to commit over 470,000 violent crimes, and approximately 70% of all homicides that year were committed with a gun.¹⁰

The ABA's Long History of Support for Sensible Laws to Reduce Gun Violence

For nearly 50 years, the ABA has acknowledged the devastation caused by gun violence in our society and expressed strong support for meaningful reforms to our nation's gun laws. Since 1965, the ABA House of Delegates has considered and approved nearly 20 separate resolutions aimed at reducing firearm-related deaths and injuries. Those resolutions have included a variety of policy recommendations to fill dangerous gaps in federal and state gun regulations, including support for laws to prohibit gun possession by felons and domestic abusers, require background checks on all gun purchasers, ban assault weapons, and regulate guns as a consumer product. Other ABA resolutions have not related to "gun laws" as such; rather, they have expressed the ABA's support for other strategies to reduce gun violence, such as school-related programs that include peer mediation and firearm safety education.¹¹ Some of these proposals have been adopted or enacted into law; others have not.

As discussed below, the courts have held that the Second Amendment to the U.S. Constitution is consistent with a wide variety of laws to reduce gun-related deaths and injuries in our nation. Nevertheless, the ABA recognizes that confusion exists among the public, even among many lawyers, regarding whether the Second Amendment provides an obstacle to sensible laws. In its role as the nation's preeminent legal organization, the ABA seeks to educate its members, as well as the public at large, about the true meaning of the Second Amendment. Coincidentally, as the ABA was researching this issue, so was a Task Force on Gun Violence of the New York State Bar. In its draft report of January 2015, the Task Force also concluded that "[e]ven with much unsettled about the precise contours of the Second Amendment, we expect most forms of state and federal gun regulation will be upheld under the developing post-*Heller* case law."¹²

The Second Amendment: No Barrier to Common Sense Laws to Reduce Gun Violence

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

The *Heller* Decision

In 2008, in *District of Columbia v. Heller*, 554 U.S. 570 (2008), a divided U.S. Supreme Court held for the first time that the Second Amendment protects a responsible, law-abiding citizen's right to possess an operable handgun in the home for self-defense. In a 5-4 ruling, the Court struck down Washington, D.C. laws prohibiting handgun possession and requiring that firearms in the home be stored unloaded and disassembled or locked at all times.

The *Heller* decision was a dramatic departure from the Supreme Court's previous interpretation of the Second Amendment in *U.S. v. Miller*, 307 U.S. 174 (1939), which held that the right guaranteed by the Constitution was related to a well-regulated militia. For almost 70 years, lower federal and state courts had relied on and ruled consistently with the *Miller* decision to reject hundreds of challenges to our nation's gun laws.

Although the *Heller* decision established a new individual right to "bear arms," the Supreme Court made clear that the Second Amendment should not be understood as conferring a "right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." The Court concluded that the Second Amendment does not bar a broad range of limitations on who may possess firearms, what kinds of firearms they may possess, or where they may possess them.

In *Heller*, the Court identified a non-exhaustive list of "presumptively lawful regulatory measures," including "longstanding prohibitions" on firearm possession by felons and the mentally ill, as well as laws forbidding firearm possession in sensitive places such as schools and government buildings, and imposing conditions on the commercial sale of firearms.¹³ The Court also noted that the Second Amendment is consistent with laws banning "dangerous and unusual weapons" not in common use, such as M-16 rifles and other firearms that are most useful in military service. In addition, the Court declared that its analysis should not be read to suggest "the invalidity of laws regulating the storage of firearms to prevent accidents."¹⁴

In 2010, in *McDonald v. City of Chicago*, 561 U.S. 742 (2010), the Supreme Court held in another 5-4 ruling that the Second Amendment applies to state and local governments in addition to the federal government. The Court reiterated in *McDonald* that a broad spectrum of laws to reduce gun violence remain constitutionally permissible.

Post-Heller Litigation

In the wake of *Heller* and *McDonald*, lower courts have been flooded with lawsuits claiming that various federal, state, and local firearms laws violate the Second Amendment. Nearly all of these claims have been rejected. Courts across the country have upheld numerous common sense laws to reduce gun-related deaths and injuries, including those regulating:

- Possession of Firearms by Criminals
 - Prohibiting possession of firearms by felons¹⁵
 - Prohibiting possession of firearms by domestic violence misdemeanants¹⁶
 - Prohibiting possession of firearms by an individual who is under indictment for a felony¹⁷
 - Prohibiting possession of firearms during the commission of a crime¹⁸

- Firearm Ownership
 - Requiring background checks for private firearm transfers¹⁹
 - Requiring registration of all firearms²⁰
 - Requiring an individual to possess a license to own a handgun²¹
 - Requiring handgun permit applicants to pay a \$ 340 fee every three years²²

- Prohibiting the sale of firearms to individuals who do not reside in any U.S. state²³
- **Possession of Firearms in Public**
 - Requiring an applicant for a license to carry a concealed weapon to show “good cause,” “proper cause,” or “need,” or to otherwise qualify as a “suitable person”²⁴
 - Requiring an applicant to submit affidavits evidencing good character²⁵
 - Prohibiting the issuance of a concealed carry permit based on a misdemeanor assault conviction²⁶
 - Requiring an applicant to be a state resident²⁷
 - Requiring an applicant for a concealed carry license to be at least twenty-one years old²⁸
 - Allowing the revocation of the permit if law enforcement determines that the permit holder poses a material likelihood of harm²⁹
- **Firearm Safety**
 - Requiring the safe storage of handguns in the home³⁰
 - Prohibiting the possession of a firearm while intoxicated³¹
- **Particularly Dangerous Weapons**
 - Forbidding the possession, sale, and manufacture of assault weapons and large capacity ammunition magazines³²
 - Prohibiting the sale of “particularly dangerous ammunition” that has no sporting purpose³³
- **Firearm Possession By Other Dangerous Individuals**
 - Prohibiting the possession of firearms by individuals who have been involuntarily committed to a mental institution³⁴
 - Prohibiting possession of firearms by an unlawful user of a controlled substance³⁵
 - Prohibiting possession of firearms by individuals subject to a domestic violence restraining order³⁶
 - Authorizing the seizure of firearms in cases of domestic violence³⁷
- **Conditions on the Sale of Firearms**
 - Requiring a gun dealer to obtain a permit and operate its business greater than 500 feet from any residential area, school, or liquor store³⁸
 - Prohibiting the sale of firearms and ammunition to individuals younger than twenty-one years old³⁹
- **Firearms in Sensitive Places**
 - Prohibiting the possession of firearms within college campus facilities and at campus events⁴⁰
 - Prohibiting the carrying of a loaded and accessible firearm in a motor vehicle⁴¹
 - Forbidding possession of a firearm in national parks⁴²
 - Prohibiting the possession of firearms in places of worship⁴³
 - Prohibiting the possession of firearms in common areas of public housing units⁴⁴
 - Prohibiting the possession of guns on county-owned property⁴⁵

- **Regulation of Firing Ranges**⁴⁶
 - Requiring firing range patrons to be at least 18 years of age
 - Requiring that ranges not be located within 500 feet of sensitive locations
 - Construction requirements, including bullet-proof windows and doors, noise limits, plumbing and electrical requirements. and separate/interlocked ventilation systems
 - Requiring that a range master be present at all times⁴⁷

Although more than 900 post-Heller decisions have upheld a wide variety of regulations to reduce gun violence,⁴⁸ there have been a few rulings striking down certain types of firearms laws. The Seventh Circuit struck down Illinois' complete ban on the public carrying of weapons,⁴⁹ and also enjoined enforcement of a Chicago ordinance banning firing ranges within city limits where range training was a condition of lawful handgun ownership.⁵⁰ A district court in the Seventh Circuit struck down a Chicago law banning the transfer of firearms except through inheritance, but explicitly reiterated that cities and states have broad authority to regulate the commercial sale of firearms, including limits on the locations where dealers may operate.⁵¹ In addition, a district court struck down Washington, D.C.'s prohibition on all public carrying of firearms,⁵² and a divided panel of the Ninth Circuit struck down a San Diego County policy requiring an applicant for a permit to carry a concealed firearm to demonstrate "good cause" beyond a general desire for self defense.⁵³ Nonetheless, decisions striking down laws on Second Amendment grounds are quite rare.

Finally, since issuing its opinions in *Heller* and *McDonald*, the Supreme Court has repeatedly declined to hear new cases raising Second Amendment challenges. In fact, the Supreme Court has denied cert in over 60 cases, all of which involved a lower court decision rejecting a Second Amendment challenge.⁵⁴

Conclusion

In short, the U.S. Supreme Court and lower courts have made clear that the Second Amendment is consistent with and does not bar a broad array of sensible laws to reduce gun violence. Our nation's courts have repeatedly found that the types of laws supported by the ABA and introduced by legislators across America do not run afoul of the Constitution.

ABA members, as well as other legal professionals and the public at large, should feel confident knowing that the Second Amendment is not an obstacle to the legal reforms our country so clearly needs to combat firearm-related deaths and injuries in America.

¹ “Six Amendments: How and Why We Should Change the Constitution at http://www.washingtonpost.com/opinions/the-five-extra-words-that-can-fix-the-second-amendment/2014/04/11/f8a19578-b8fa-11e3-96ae-f2c36d2b1245_story.html.

² Nat’l Ctr. for Injury Prevention & Control, U.S. Centers for Disease Control and Prevention, *Web-Based Injury Statistics Query & Reporting System (WISQARS) Fatal Injury Reports, National and Regional, 1999-2013* (Feb. 2013), at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_us.html, U.S. Centers for Disease Control and Prevention, *Web-Based Injury Statistics Query & Reporting System (WISQARS), Nonfatal Injury Reports, 2001 – 2013 (March 2013)*, at <http://webappa.cdc.gov/sasweb/ncipc/nfirates2001.html>.

³ WISQARS Fatal Injury Reports, 1999-2013, *supra* note 2.

⁴ *Id.*; WISQARS Nonfatal Injury Reports, 2001-2013, *supra* note 2.

⁵ Susan B. Sorenson, *Firearm Use in Intimate Partner Violence: A Brief Overview*, in 30 *Evaluation Review, A Journal of Applied Social Research, Special Issue: Intimate Partner Violence and Firearms*, 229, 232-33 (Susan B. Sorenson ed., 2006).

⁶ Matthew Miller et al., *The Epidemiology of Case Fatality Rates for Suicide in the Northeast*, 43 *Annals Of Emergency Med.* 723, 726 (2004).

⁷ Nat’l Ctr. for Injury Prevention & Control, U.S. Centers for Disease Control and Prevention, *Web-Based Injury Statistics Query & Reporting System (WISQARS) Leading Causes of Death Reports, National and Regional, 1999-2013* available at http://webappa.cdc.gov/sasweb/ncipc/leadcaus10_us.html.

⁸ Philip Cook et al., *The Medical Costs of Gunshot Injuries in the United States*, 282 *JAMA* 447 (Aug. 4, 1999).

⁹ Philip J. Cook and Jens Ludwig, *Gun Violence: The Real Costs* 115 (2000).

¹⁰ Bureau of Justice Statistics, U.S. Dep’t of Justice, *Special Report: Firearm Violence, 1993-2011* (May 2013), at <http://www.bjs.gov/content/pub/pdf/fv9311.pdf>.

¹¹ ABA resolutions relating to gun violence may be found or summarized at the ABA Standing Committee on Gun Violence website, http://www.americanbar.org/groups/committees/gun_violence/policy.html.

¹² <http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=54335>

¹³ “We identify these presumptively lawful regulatory measures only as examples; our list does not purport to be exhaustive.” *Heller*, 554 U.S. at 627 n.26.

¹⁴ *Id.* at 632.

¹⁵ *See, e.g., United States v. Pruess*, 703 F.3d 242 (4th Cir. 2012); *United States v. Moore*, 666 F.3d 313 (4th Cir. 2012); *United States v. Torres-Rosario*, 658 F.3d 110 (1st Cir. 2011); *United States v. Williams*, 616 F.3d 685 (7th Cir. 2010); *United States v. Anderson*, 559 F.3d 348 (5th Cir. 2009); *United States v. Rhodes*, 2012 U.S. Dist. LEXIS 76363 (S.D. W. Va. June 1, 2012); *United States v. Edge*, 2012 U.S. Dist. LEXIS 15002 (W.D.N.C. Feb. 8, 2012); *United States v. Loveland*, 2011 U.S. Dist. LEXIS 119954 (W.D.N.C. 2011); *United States v. Kirkpatrick*, 2011 U.S. Dist. LEXIS 82801 (W.D.N.C. July 27, 2011); *State v. Eberhardt*, 2014 La. LEXIS 1570 (La. July 1, 2014); *State v. Craig*, 826 N.W.2d 789 (Minn. Feb. 27, 2013); *Wisconsin v. Pocian*, 2012 WI App 58 (2012); *People v. Spencer*, 2012 IL App (1st) 102094 (2012); *Pohlabel v. Nevada*, 268 P.3d 1264 (Nev. 2012); *see also Schrader v. Holder*, 704 F.3d 980 (D.C. Cir. 2013) (upholding federal prohibition on firearms ownership for persons convicted of certain common law misdemeanors without a set sentence length); *Chardin v. Police Comm’r of Boston*, 2013 Mass. LEXIS 352 (June 4, 2013) (upholding prohibition on the issuance of firearm carrying permits to persons adjudicated as juvenile delinquents for felony offenses).

¹⁶ *See, e.g., United States v. Armstrong*, 706 F.3d 1 (1st Cir. 2013); *United States v. Chester*, 847 F. Supp. 2d 902 (S.D. W. Va. 2012); *United States v. Staten*, 666 F.3d 154 (4th Cir. 2011); *United States v. Skoien*, 614 F.3d 638 (7th Cir. 2010); *United States v. White*, 593 F.3d 1199 (11th Cir. 2010); *United States v. Booker*, 644 F.3d 12 (1st Cir. 2011); *Enos v. Holder*, 855 F. Supp. 2d 1088 (E.D. Cal. 2012); *United States v. Holbrook*, 613 F. Supp. 2d 745 (W.D. Va. 2009); *see also In re United States*, 578 F.3d 1195 (10th Cir. 2009).

¹⁷ *United States v. Laurent*, 861 F. Supp. 2d 71 (E.D.N.Y. 2011); *United States v. Call*, 874 F. Supp. 2d 969 (D. Nev. 2012).

¹⁸ *United States v. Jackson*, 555 F.3d 635 (7th Cir. Feb. 18, 2009) (finding no Second Amendment right to possess a firearm during the commission of a felony), *cert denied by Jackson v. United States*, 558 U.S. 857 (2009); *United States v. Darby*, 2014 U.S. Dist. LEXIS 88392 (June 27, 2014); *Roberge v. United States*, 2013 U.S. Dist. LEXIS 113014 (E.D. Tenn. Aug. 12, 2013).

¹⁹ *Colo. Outfitters Ass’n v. Hickenlooper*, 2014 U.S. Dist. LEXIS 87021 (D. Colo. June 26, 2014) (upholding Colorado’s requirement that background checks be conducted on certain private transfers of firearms).

²⁰ *Justice v. Town of Cicero*, 577 F.3d 768 (7th Cir. Ill. 2009) (finding that registration “merely regulated gun possession” rather than prohibiting it), *cert. denied*, 560 U.S. 965 (2010); *Heller v. District of Columbia* (“*Heller*

III”), 2014 U.S. Dist. LEXIS 66569 (D.D.C., 2014) (upholding all aspects of the District’s firearm registration laws under intermediate scrutiny review).

²¹ *People v. Perkins*, 880 N.Y.S.2d 209 (N.Y. App. Div. 2009).

²² *Kwong v. Bloomberg*, 723 F.3d 160 (2d Cir. 2013).

²³ *Dearth v. Holder*, 893 F. Supp. 2d 59 (D.D.C. 2012).

²⁴ *Drake v. Filko*, 724 F.3d 426 (3d Cir. 2013); *Woollard v. Gallagher*, 712 F.3d 865 (4th Cir. 2013); *Kachalsky v. County of Westchester*, 701 F.3d 81 (2d Cir. 2012); *Hightower v. Boston*, 693 F.3d 61 (1st Cir. 2012); *Young v. Hawaii*, 911 F. Supp. 2d 972 (D. Haw. 2012); *Raulinaitis v. Los Angeles Sheriff’s Dept.*, No. 11-08026 (C.D. Cal. Aug. 13, 2012); *Birdt v. Beck*, No. 10-08377 (C.D. Cal. Jan. 13, 2012); *Piszczatoski v. Filko*, 840 F. Supp. 2d 813 (D. N.J. 2012); *Kuck v. Danaher*, 822 F. Supp. 2d 109 (D. Conn. 2011); *Richards v. County of Yolo*, 821 F. Supp. 2d 1169 (E.D. Cal. 2011); *In re Patano*, 60 A.3d 507 (N.J. Super. Ct. App. Div. 2013).

²⁵ *Williams v. Puerto Rico*, 910 F. Supp. 2d 386 (D.P.R. 2012).

²⁶ *Kelly v. Riley*, 733 S.E.2d 194 (N.C. Ct. App. Nov. 6, 2012).

²⁷ *Peterson v. Martinez*, 707 F. 3d 1197 (10th Cir. 2013); *Osterweil v. Bartlett*, 819 F. Supp. 2d 72 (N.D.N.Y. 2011), vacated by *Osterweil v. Bartlett*, 738 F.3d 520 (2d Cir. 2013); *but see Palmer v. D.C.*, 2014 U.S. Dist. LEXIS 101945 (D.D.C. July 26, 2014).

²⁸ *NRA v. McCraw*, 719 F.3d 338 (5th Cir. 2013); *see also Powell v. Tompkins*, 926 F. Supp. 2d 367 (D. Mass. 2013); *United States v. Rene E.*, 583 F.3d 8 (2009).

²⁹ *Embodly v. Cooper*, 2013 Tenn. App. LEXIS 343 (May 22, 2013).

³⁰ *Jackson v. City & County of San Francisco*, 746 F.3d 953 (9th Cir. 2014) (upholding San Francisco safe storage law and prohibition on hollow point ammunition); *Commonwealth v. McGowan*, 982 N.E. 2d 495 (Mass. 2013); *Commonwealth v. Reyes*, 982 N.E. 2d 504 (Mass. 2013).

³¹ *Ohio v. Beyer*, 2012 Ohio 4578 (Ohio Ct. App. 2012); *People v. Wilder*, 2014 Mich. App. LEXIS 2076 (Oct. 28, 2014) (finding no Second Amendment violation for defendant’s conviction for possessing a firearm while intoxicated); *but see Michigan v. DeRoche*, 299 Mich. App. 301 (2013) (holding that a state law prohibiting possession of a firearm by an intoxicated person was unconstitutional as applied to the defendant, who was in his own home and possession was only constructive).

³² *See, Heller v. District of Columbia (“Heller II”)*, 670 F. 3d 1244, 1260-64 (D.C. Cir. 2011) (upholding the District of Columbia’s ban on assault weapons and large capacity ammunition magazines after applying intermediate scrutiny); *N.Y. State Rifle & Pistol Ass’n v. Cuomo*, 990 F. Supp. 2d 349, 367-71 (W.D.N.Y. Dec. 31, 2013) (upholding New York’s assault weapon and large capacity ammunition magazine ban under the same standard); *Kampfer v. Cuomo*, 993 F. Supp. 2d 188, , 195-96 & n.10 (N.D.N.Y. 2014) (upholding New York’s assault weapons ban by finding it does not substantially burden Second Amendment rights); *Shew v. Malloy*, 994 F. Supp. 2d 234 (D. Conn. 2014) (upholding prohibition on assault weapons and large capacity ammunition magazines); *Colo. Outfitters Ass’n v. Hickenlooper*, 2014 U.S. Dist. LEXIS 87021 (D. Colo. June 26, 2014) (upholding Colorado’s ban on large capacity ammunition magazines); *Kolbe v. O’Malley*, 2014 U.S. Dist. LEXIS 110976 (D. Md. Aug. 12, 2014) (upholding Maryland’s ban on assault weapons and large capacity ammunition magazines); *Friedman v. City of Highland Park*, 2014 U.S. Dist. LEXIS 131363 (N.D. Ill. Sept. 18, 2014) (upholding local ordinance prohibiting assault weapons and LCAMs); *People v. James*, 174 Cal. App. 4th 662, 676-77 (2009) (upholding California’s ban on assault weapons and .50 caliber rifles); *see also United States v. Marzzarella*, 614 F.3d 85 (3d Cir. 2010) (affirming conviction for possession of a firearm with an obliterated serial number).

³³ *Jackson v. City & County of San Francisco*, 746 F.3d 953 (9th Cir. 2014) (upholding San Francisco safe storage law and prohibition on hollow point ammunition).

³⁴ *Tyler v. Holder*, 2013 U.S. Dist. LEXIS 11511 (W.D. Mich. Jan. 29, 2013).

³⁵ *See, e.g., United State v. Emond*, 2012 U.S. Dist. LEXIS 149295 (D. Me. Oct. 17, 2012); *United States v. Carter*, 669 F.3d 411 (4th Cir. 2012); *United States v. Prince*, 2009 U.S. Dist. LEXIS 54116 (D. Kan. June 26, 2009), *rev’d on other grounds*, 593 F.3d 1178 (10th Cir. 2010); *United States v. Bumm*, 2009 U.S. Dist. LEXIS 34264 (S.D. W. Va. Apr. 17, 2009); *Piscitello v. Bragg*, 2009 U.S. Dist. LEXIS 21658 (W.D. Tex. Feb. 18, 2009).

³⁶ *United States v. Luedtke*, 2008 U.S. Dist. LEXIS 117970 (E.D. Wis. 2008) (holding that Second Amendment isn’t violated by statute prohibiting firearm possession for those subject to a domestic violence restraining order).

³⁷ *Crespo v. Crespo*, 989 A.2d 827 (N.J. 2010).

³⁸ *Teixeira v. County of Alameda*, 2013 U.S. Dist. LEXIS 128435 (N.D. Cal. Sep. 9 2013)

³⁹ *Nat'l Rifle Ass'n v. Bureau of Alcohol, Tobacco, Firearms, and Explosives*, 700 F.3d 185 (5th Cir. 2012), rehearing denied, 714 F.3d 334 (2013); see also *L.S. v. State*, 2013 Fla. App. LEXIS 11592 (Jul. 24, 2013) (upholding a ban on minors possessing firearms).

⁴⁰ *Digiacinto v. Rector & Visitors of George Mason Univ.*, 704 S.E.2d 365 (Va. 2011) (noting that weapons were prohibited “only in those places where people congregate and are most vulnerable... Individuals may still carry or possess weapons on the open grounds of GMU, and in other places on campus not enumerated in the regulation.”); *Tribble v. State Bd. of Educ.*, No. 11-0069 (Dist. Ct. Idaho December 7, 2011) (upholding a University of Idaho policy prohibiting firearms in University-owned housing).

⁴¹ *Ohio v. Rush*, 2012 Ohio 5919 (Ohio Ct. App. 2012).

⁴² See, e.g., *United States v. Masciandaro*, 638 F.3d 458 (4th Cir. Va. 2011) (affirming defendant’s conviction for possession of a loaded weapon in a motor vehicle in a national park); *United States v. Parker*, 919 F. Supp. 2d 1072 (E.D. Cal. 2013); *United States v. Lewis*, 50 V.I. 995 (D.V.I. 2008).

⁴³ *Georgia Carry.Org, Inc. v. Georgia*, 764 F. Supp. 2d 1306 (M.D. Ga. 2011), *aff’d*, 687 F.3d 1244 (11th Cir. 2012); but see *Morris v. U.S. Army Corps of Engineers*, 2014 U.S. Dist. LEXIS 147541 (D. Idaho Oct. 13, 2014) (striking down regulations prohibiting possession and carrying of firearms on property owned by U.S. Army Corps of Engineers).

⁴⁴ *Doe v. Wilmington Hous. Auth.*, 880 F. Supp. 2d 513 (D. Del. 2012), *rev’d on other grounds*, 2014 U.S. App. LEXIS 10579 (3d Cir. June 6, 2014).

⁴⁵ *Nordyke v. King*, 681 F.3d 1041 (9th Cir. 2012) (en banc).

⁴⁶ *Ezell v. City of Chicago*, 2014 U.S. Dist. LEXIS 136954 (N.D. Ill., Sept 29, 2014) (upholding all firing range regulations except requirement that ranges only be located in manufacturing districts and limit on hours of operation from 9am to 8pm).

⁴⁷ Law Center to Prevent Gun Violence, *Post-Heller Litigation Summary*, available at <http://smartgunlaws.org/wp-content/uploads/2013/09/Post-Heller-Litigation-Summary-November-2014.pdf>.

⁴⁸ *Id.*

⁴⁹ See *Moore v. Madigan*, 702 F. 3d 933, 942 (7th Cir. 2012).

⁵⁰ See *Ezell v. City of Chicago*, 651 F.3d 684 (7th Cir. 2011).

⁵¹ See *Illinois Association of Firearms Retailers v. Chicago*, 961 F. Supp. 2d 928, at 939-47 (N.D. Ill. 2014) (“To address the City’s concern that gun stores make ripe targets for burglary, the City can pass more targeted ordinances aimed at making gun stores more secure—for example, by requiring that stores install security systems, gun safes, or trigger locks Or the City can consider designating special zones for gun stores to limit the area that police would have to patrol to deter burglaries nothing in this opinion prevents the City from considering other regulations—short of the complete ban—on sales and transfers of firearms to minimize the access of criminals to firearms and to track the ownership of firearms.”).

⁵² *Palmer v. District of Columbia*, 2014 U.S. Dist. LEXIS 101945 (D.D.C. July 26, 2014) (striking down Washington, D.C.’s prohibition on the carrying of handguns in public).

⁵³ *Peruta v. County of San Diego*, 742 F.3d 1144 (9th Cir. 2014). Note that *Peruta* may still be reviewed en banc and the mandate in this case has not yet issued.

⁵⁴ Law Center to Prevent Gun Violence, *Post-Heller Litigation Summary*, available at <http://smartgunlaws.org/wp-content/uploads/2013/09/Post-Heller-Litigation-Summary-November-2014.pdf>