

Table 1.87

Statutory provisions relating to the purchase, ownership, and use of firearms

By State, 1998

State	Purchase and ownership								Carrying				Firearms				
	Instant background check	Federal waiting period applies <sup>a</sup>	State waiting period (in days)		License or permit to purchase		Registration		Record of sale sent to police	License or identification card	Certain firearms prohibited	Concealed carry law	Carrying openly prohibited	Constitutional provision	Pre-emption law <sup>b</sup>	Hunter protection law <sup>c</sup>	Range protection law <sup>d</sup>
			Hand-gun	Long gun	Hand-gun	Long gun	Hand-gun	Long gun									
Alabama		Y	2						Y			Y <sup>e</sup>	Y <sup>f</sup>	Y	Y <sup>g</sup>	Y	
Alaska		Y <sup>h</sup>										Y <sup>e</sup>	Y	Y	Y	Y	Y
Arizona	Y <sup>i</sup>											Y <sup>e</sup>	Y	Y	Y	Y	
Arkansas		Y										Y <sup>e</sup>	Y <sup>j</sup>	Y	Y	Y	
California			10	10					Y		Y <sup>k</sup>	Y <sup>l</sup>	Y <sup>m</sup>	Y	Y	Y	
Colorado	Y <sup>i</sup>											Y <sup>e</sup>	Y	Y	Y	Y	
Connecticut			14 <sup>n,o</sup>	14 <sup>n,o</sup>					Y		Y <sup>k</sup>	Y <sup>e</sup>	Y	Y	Y <sup>p</sup>	Y	
Delaware	Y <sup>i</sup>											Y <sup>e</sup>	Y	Y	Y	Y	
Florida	Y <sup>i</sup>		3 <sup>n,o</sup>									Y <sup>e</sup>	Y	Y	Y	Y	
Georgia	Y <sup>i</sup>											Y <sup>e</sup>	Y	Y	Y <sup>q</sup>	Y	Y
Hawaii					Y <sup>r</sup>	Y <sup>r</sup>	Y <sup>s</sup>	Y <sup>s</sup>	Y		Y <sup>k</sup>	Y <sup>e</sup>	Y	Y	Y	Y	Y
Idaho	Y <sup>h,i</sup>	(h)										Y <sup>e</sup>	Y	Y	Y	Y	Y
Illinois	Y		3	1	Y <sup>r</sup>	Y <sup>r</sup>	(t)	(t)	Y	Y	Y <sup>k</sup>	Y <sup>u</sup>	Y	Y	Y	Y	Y
Indiana	(v)		7 <sup>n</sup>						Y			Y <sup>e</sup>	Y	Y	Y <sup>w</sup>	Y	Y
Iowa					Y <sup>r</sup>				Y			Y <sup>e</sup>	Y	Y	Y	Y	Y
Kansas		Y	(x)		(x)				(x)			Y <sup>u</sup>	(x)	Y	Y	Y	
Kentucky		Y										Y <sup>e</sup>		Y	Y	Y	
Louisiana		Y <sup>h</sup>										Y <sup>e</sup>		Y	Y	Y	Y
Maine		Y										Y <sup>e</sup>		Y	Y	Y	Y
Maryland			7	7 <sup>y</sup>	(r)				Y		Y <sup>k</sup>	Y <sup>i</sup>	Y	Y	Y	Y	Y
Massachusetts			7		Y <sup>r</sup>	Y <sup>r</sup>			Y	Y		Y <sup>i</sup>	Y	Y	Y <sup>p</sup>	Y	Y
Michigan					Y <sup>r</sup>		Y		Y			Y <sup>i</sup>	Y <sup>f</sup>	Y	Y	Y	Y
Minnesota			7 <sup>r</sup>	(r)	Y <sup>r</sup>	Y <sup>r</sup>			Y		Y <sup>k</sup>	Y <sup>i</sup>	Y	Y	Y	Y	
Mississippi		Y <sup>h</sup>										Y <sup>e</sup>		Y	Y	Y	
Missouri			7		Y <sup>r</sup>				Y			Y <sup>u</sup>		Y	Y	Y	Y
Montana		Y <sup>h</sup>										Y <sup>e</sup>		Y	Y	Y	Y
Nebraska	(v)				Y <sup>v</sup>							Y <sup>u</sup>		Y	Y	Y	Y
Nevada	Y		(x)						(x)			Y <sup>e</sup>		Y	Y	Y	Y
New Hampshire	Y								Y			Y <sup>e</sup>		Y	Y	Y	Y
New Jersey					Y <sup>r</sup>	Y <sup>r</sup>		Y <sup>k</sup>	Y	Y	Y <sup>k</sup>	Y <sup>u</sup>	Y	Y	Y <sup>p</sup>	Y	Y
New Mexico		Y										Y <sup>u</sup>		Y	Y	Y	Y
New York					Y <sup>r</sup>	(r)	Y	(z)	Y	Y	(k)	Y <sup>i,r</sup>	Y	Y	Y <sup>p</sup>	Y	Y
North Carolina					Y <sup>r</sup>				Y			Y <sup>e</sup>		Y	Y <sup>q</sup>	Y	Y
North Dakota		Y <sup>h</sup>							Y			Y <sup>e</sup>	Y <sup>m</sup>	Y	Y	Y	Y
Ohio		Y	(x)		(r)				(x)	(r)	(k)	Y <sup>u</sup>	(x)	Y	Y	Y	
Oklahoma		Y										Y <sup>e</sup>	Y <sup>m</sup>	Y	Y	Y	Y
Oregon	Y								Y			Y <sup>e</sup>		Y	Y	Y	Y
Pennsylvania	Y								Y			Y <sup>e,aa</sup>	Y <sup>f</sup>	Y	Y	Y	Y
Rhode Island		Y	7	7					Y			Y <sup>i</sup>	Y	Y	Y	Y	Y
South Carolina	Y		(r)		(r)				Y		Y <sup>k</sup>	Y <sup>e</sup>	Y	Y	Y	Y	Y
South Dakota		Y <sup>h</sup>	2						Y			Y <sup>e</sup>		Y	Y	Y	
Tennessee	(v)		15 <sup>v</sup>						Y			Y <sup>e</sup>	Y <sup>j</sup>	Y	Y	Y	Y
Texas		Y <sup>h</sup>										Y <sup>e</sup>	Y	Y	Y	Y	Y
Utah	Y <sup>i</sup>											Y <sup>e</sup>	Y <sup>m</sup>	Y	Y	Y	Y
Vermont		Y										Y <sup>e,ab</sup>	Y <sup>j</sup>	Y	Y	Y	Y
Virginia	Y		(r,x)		(r)				(x)		Y <sup>k</sup>	Y <sup>e</sup>		Y	Y	Y	Y
Washington			5 <sup>ac</sup>						Y			Y <sup>e</sup>		Y	Y	Y	Y
West Virginia		Y										Y <sup>e</sup>		Y	Y	Y	Y
Wisconsin	Y		2						Y			Y <sup>u</sup>		Y	Y	Y	Y
Wyoming		Y										Y <sup>e</sup>		Y	Y	Y	Y
District of Columbia					Y <sup>r</sup>	Y <sup>r</sup>	Y <sup>r</sup>	Y	Y		Y <sup>k</sup>	Y <sup>u</sup>	Y	(ad)			

Note: These data were compiled by the National Rifle Association of America, Institute for Legislative Action. In addition to State laws, the purchase, sale, and in certain circumstances, the possession and interstate transportation of firearms are regulated by the Federal Gun Control Act of 1968 as amended by the Firearms Owners' Protection Act and other Federal laws. Also, cities and localities may have their own firearms ordinances in addition to Federal and State laws. A "Y" in the table indicates the existence of a State law or constitutional provision. However, many qualifications may apply. The Source notes that State firearms laws are subject to frequent change. State and local statutes and ordinances, as well as local law enforcement authorities, should be consulted for full text and meaning of statutory provisions.

<sup>a</sup>A long gun is a rifle or shotgun. The Source defines "constitutional provision" by citing Article 1, Section 15 of the Connecticut State Constitution as an example of the basic feature contained in the constitutions of many States. It reads: "Every citizen has a right to bear arms in defense of himself and the State."

<sup>b</sup>The Federal 5-day waiting period on the purchase of a handgun from a federally licensed firearms dealer is imposed in States that do not have laws subjecting such purchasers to instant background checks, licensing or purchase permit requirements, or waiting periods with approval by law enforcement, exempting them from the Federal requirement.

<sup>c</sup>A State firearms preemption law prohibits local statutes more restrictive than the State's law regulating firearms.

<sup>d</sup>Hunter protection laws prohibit interference with lawful hunting activities.

<sup>e</sup>Range protection laws protect firearm ranges from nuisance and noise control actions intended to prevent a range's operation.

<sup>f</sup>"Shall issue" permit system, liberally administered discretion by local authorities over permit issuance, or no permit required.

<sup>g</sup>Carrying a handgun in a motor vehicle requires a license, with exceptions.

<sup>h</sup>Applies to handgun ordinances only.

<sup>i</sup>The Federal waiting period does not apply to a person holding a valid permit or license to carry a firearm, issued within 5 years of proposed purchase. In Idaho, the Federal waiting period applies to purchases of handguns from licensed dealers not participating with the State's Instant Check system.

<sup>j</sup>Concealed firearm carry permit holders are exempt from Instant Check. In Idaho, not all licensed firearm dealers participate with the Instant Check system.

<sup>k</sup>Arkansas prohibits carrying a firearm with a purpose to employ it against a person. Tennessee prohibits carrying "with the intent to go armed." Vermont prohibits carrying with "the intent or purpose of injuring another."

<sup>l</sup>California, Connecticut, New Jersey, New York City, other local jurisdictions in New York, and some local jurisdictions in Ohio prohibit "assault weapons." Hawaii prohibits "assault pistols." Illinois prohibits Federal firearms licensees from manufacturing or selling a handgun certain parts of which are made of certain metals and melt or deform below 800 degrees Fahrenheit; Chicago, Evanston, Oak Park, Morton Grove, Winnetka, Wilmette, and Highland Park prohibit handguns; some cities prohibit other kinds of firearms. Maryland prohibits several small, low-caliber, inexpensive handguns and "assault pistols." Minnesota prohibits licensed firearm dealers from selling a handgun any part of which melts below 1,000 degrees Fahrenheit or has an ultimate tensile strength less than 55,000 p.s.i. Ohio: Some cities prohibit handguns of certain magazine capacities. South Carolina prohibits licensed firearms dealers from possessing or selling a handgun the frame of which is of a certain

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**Statutory provisions relating to the purchase, ownership, and use of firearms**


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By State, 1998--Continued

construction and melts below 800 degrees Fahrenheit. Virginia prohibits "Street Sweeper" shotguns. The District of Columbia prohibits new acquisition of handguns and any semi-automatic firearm capable of using a detachable ammunition magazine of more than 12 rounds capacity. (With respect to some of these laws and ordinances, individuals may retain prohibited firearms owned previously, with certain restrictions.)

<sup>l</sup>Restrictively administered discretion by local authorities over permit issuance, or permits are unavailable and carrying is prohibited in most circumstances.

<sup>m</sup>Loaded.

<sup>n</sup>The State waiting period does not apply to a person holding a valid permit or license to carry a firearm. In Connecticut, a hunting license also exempts the holder for long gun purchases. In Indiana, only persons with unlimited carry permits are exempt.

<sup>o</sup>Purchases from licensed dealers only.

<sup>p</sup>Preemption through judicial ruling. Local regulation may be instituted in Massachusetts if ratified by the legislature.

<sup>q</sup>Previously by judicial ruling, adopted by law.

<sup>r</sup>District of Columbia: No handgun may be possessed in the District of Columbia unless it was registered prior to Sept. 23, 1976 and re-registered by Feb. 5, 1977. A permit to purchase is required for a rifle or shotgun. Hawaii: Purchase permits, required for all firearms, may not be issued until 14 days after application. A handgun purchase permit is valid for 10 days, for one handgun; a long gun permit is valid for 1 year, for multiple long guns. Illinois: A Firearm Owner's Identification Card (FOI) is required to possess or purchase a firearm, must be issued to qualified applicants within 30 days, and is valid for 5 years. Iowa: A purchase permit is required for handguns, and is valid for 1 year, beginning 3 days after issuance. Massachusetts: Firearm owners must possess a Firearms Owner's ID Card (FID) or a license to carry. Handgun purchasers must have a license to carry, or purchase permit and an FID, or purchase permit and proof of exempt status. A handgun permit is valid for 10 days. A long gun purchaser must have a carry license, or FID, or proof of exempt status. Michigan: A handgun purchaser must obtain a license to purchase from local law enforcement and within 10 days present to such official the license and handgun purchased to obtain a certificate of inspection. Minnesota: A handgun transfer or carrying permit, or a 7-day waiting period and handgun transfer report, is required to purchase handguns or "assault weapons" from a dealer. A permit or transfer report must be issued to qualified applicants within 7 days. A permit is valid for 1 year, a transfer report for 30 days. Missouri: A purchase permit is required for a handgun, must be issued to qualified applicants within 7 days, and is valid for 30 days. New Jersey: Firearm owners must possess an FID, which must be issued to qualified applicants within 30 days. To purchase a handgun, an FID and a purchase permit, which must be issued within 30 days to qualified applicants, and is valid for 90 days, is required. An FID is required to purchase long guns. New York: Purchase, possession and/or carrying of a handgun require a single license, which includes any restrictions made upon the bearer. New York City requires a license for long guns as well as handguns. North Carolina: To purchase a handgun, a license or permit is required, which must be issued to qualified applicants within 30 days. Ohio: Some cities require a permit-to-purchase or firearm owner ID card. Maryland, South Carolina, and Virginia: A permit is required to acquire another handgun before 30 days have elapsed following the acquisition of a handgun.

<sup>s</sup>Every person arriving in Hawaii is required to register any firearm(s) brought into the State within 3 days of arrival of the person or firearm(s), whichever occurs later. Handguns purchased from licensed dealers must be registered within 5 days.

<sup>t</sup>Chicago only. No handgun not already registered may be lawfully possessed.

<sup>u</sup>No permit system exists and concealed carry is prohibited.

<sup>v</sup>Instant Check is not yet operational. Indiana: The State's 7-day waiting period will expire when Instant Check is operational. Nebraska: When Instant Check is operational, firearm purchases from licensed dealers will be subject either to it or the current permit-to-purchase, at the purchaser's option. Tennessee: Instant Check is scheduled to become operational in November 1998, at which time the 15-day waiting period will expire.

<sup>w</sup>Except for ordinances in Gary, East Chicago, and those enacted before January 1994.

<sup>x</sup>Local ordinance in certain cities or counties.

<sup>y</sup>Maryland subjects purchases of "assault weapons" to a 7-day waiting period.

<sup>z</sup>New York City only.

<sup>aa</sup>Prior to 1995, the law did not apply to Philadelphia.

<sup>ab</sup>No permit is required to carry for lawful purposes.

<sup>ac</sup>May be extended by police to 30 days in some circumstances. An individual not holding a driver's license must wait 90 days.

<sup>ad</sup>The District of Columbia is subject to the Federal Constitution's second amendment.

Source: Table provided to SOURCEBOOK staff by the National Rifle Association of America, Institute for Legislative Action.