

FROM THE
NATIONAL
CRIMINAL
JUSTICE
ASSOCIATION



**A PROJECT TO DEVELOP
A MODEL JUVENILE HANDGUN CODE
FOR THE STATES**

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

Washington, D. C.
December 1995

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Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U. S. Department of Justice.



PREFACE

In 1944, we worried about our kids. We worried that they might go truant, that they might lie to us; we hoped our sons weren't the bad apples talking out of turn and cutting in line. In 1994, we still worry about our kids. We worry about pregnancy, about drugs, about whether our youngsters will be knifed or shot on the way home from school. We worry that they might be the ones pulling the trigger. Worse yet, we worry that the gun might be pointed in our direction.¹

In recent years, public perceptions about crime have focused on escalating violence and the seeming powerlessness of the criminal justice system to curb that violence. More recently, the public has become alarmed at increasing incidents of violence involving firearms. Today, increases in violent juvenile crime and the seeming ubiquity of firearms, particularly handguns, have caused the public to demand greater controls on juveniles' access to these weapons.

Even as overall crime rates have begun to stabilize or drop slightly, more and more young people are becoming the perpetrators and victims of violence involving handguns. This trend not only places America's youth, their families, and their friends at great risk of serious injury or death, it threatens the safety of all neighborhoods and communities. The rise in violent juvenile crime; juveniles' age, maturity, judgment, and experience; and the convenience, concealability, and accessibility of handguns have combined to make a strong and compelling case for limiting the circumstances and establishing conditions under which juveniles may have access to handguns.

In 1994, the U. S. Congress enacted legislation to prohibit juveniles' possession of handguns. At the same time, the Congress called upon the U. S. attorney general, acting through the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), National Institute for Juvenile Justice and Delinquency Prevention's director, to produce a model juvenile handgun code for states.

This report, undertaken by the National Criminal Justice Association (NCJA) for the OJJDP, was developed in collaboration with a project resource group composed of experienced and knowledgeable individuals representing a cross section of professions and disciplines. The proposed model code is a consensus document that, together with the commentary, provides a framework to assist the attorney general in formulating a model code.

The debate about gun control will go on for years, but there appears to be broad-based and growing support for placing reasonable and constitutional curbs on juveniles' possession of handguns. The attorney general's model code, along with the proposed model code, commentary, and accompanying materials included in this report, are intended to provide public policymakers, legislators, and criminal justice officials with guidance in formulating future legislation. We hope that this information will help these officials make informed decisions on legislation and policy to reduce juvenile violence.

Gwen A. Holden
Executive Vice President
National Criminal Justice Association

¹ Brian R. Suffredini, Note, *Juvenile Gunslingers: A Place for Punitive Philosophy in Rehabilitative Juvenile Justice*, 35 B.C.L. Rev. 885 (1994).

ACKNOWLEDGEMENTS

The project resource group's report reflects the skills and hard work of the project staff, resource group, and consultants, as well as numerous state, local, and federal officials who gave generously of their time to the project.

The U. S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) officials, Shay Bilchik, administrator; John J. Wilson, deputy administrator; and the project monitor, Larry Colleton, legal counsel to the administrator, provided valuable guidance on the complex issues surrounding juvenile justice, as well as practical advice on issues involving implementation of juvenile handgun codes.

The NCJA is particularly indebted to the dedicated members of the project resource group who generously shared their experiences and insights with the project staff. The resource group members included Susan Baldyga Misiara, manager, CrimeStrike Legislative Affairs, National Rifle Association (NRA); Paul Beaulieu, deputy director, National Association of Attorneys General (NAAG); L. Michael Bogert, assistant general counsel, NRA; Diana J. Burleson, senior attorney, American Prosecutor Research Institute; Susan Chertkof Munsat, state initiatives counsel, NAAG; Alvita S. Eason, clearinghouse attorney, Defender Division, National Legal Aid and Defender Association (NLADA); Jon R. Felde, general counsel, National Conference of State Legislatures; Richard Gable, director of applied research, National Center for Juvenile Justice; Ivan B. Gluckman, association counsel, National Association of Secondary School Principals (NASSP); Clarence Harmon, chief of police, St. Louis (Mo.) Police Department; Susan W. Hillenbrand, director for special projects, American Bar Association; Sally Hillsman, assistant director, National Institute of Justice, U. S. Department of Justice (NIJ); Dorothy E. Jenkins, director of guidance and counseling, District of Columbia Public Schools; Michael A. Jones, program consultant, National Juvenile Detention Association; Nolan E. Jones, director, Human Resource Group, National Governors' Association; Alice Kalaskas, law clerk, NRA; David Lambert, staff attorney, National Center for Youth Law; Louis W. McHardy, executive director, National Council of Juvenile and Family Court Judges; Lois Mock, program manager, NIJ; William Modzeleski, director, Safe & Drug-Free Schools Program, U. S. Department of Education; Mary Jo Monahan Patterson, assistant program administrator, Division of Student Activities, NASSP; Barry Nidorf, chief probation officer, Los Angeles County (Calif.) Probation Department; Jack B. Patterson, associate chief counsel for firearms and explosives, Bureau of Alcohol, Tobacco & Firearms, U. S. Department of the Treasury (ATF); Lewis P. Raden, special agent in charge, Firearms Enforcement Bureau, ATF; Gail Robinson, staff attorney, Handgun Control, Inc.; Roxann M. Ryan, assistant attorney general, Iowa Attorney General's Office; Maria E. Schmidt, senior policy analyst, Office of Governmental Relations, National Center for State Courts; Michael Schrunk, district attorney, Multnomah County, Ore.; John H. Stein, deputy director, National Organization for Victim Assistance; August W. Steinhilber, general counsel and associate executive director, National School Boards Association; Elizabeth Swasey, senior counsel for policy, NRA CrimeStrike; R. E. Thacker, principal/Virginia coordinator, Richard M. Milburn High School for Adults (Milburn School); James Thomas, executive director, Pennsylvania Commission on Crime and Delinquency; Joseph J. Vince, chief, Firearms Division, ATF; Scott Wallace, special counsel, NLADA; and Chuck Wexler, executive director, Police Executive Research Forum.

Project staff also benefitted greatly from the advice and counsel provided by Nkechi Taifa, legislative counsel, American Civil Liberties Union, an observer of the project. Judith Bonderman, director, Advocacy for Victims of Gun Violence, The Catholic University of America, and Neal Miller, principal associate, Institute for Law and Justice, also attended resource group meetings and provided insightful observations.

The project staff also is grateful to the following offices of state attorneys general, state law enforcement officials, state legislators, and municipal leagues who provided information on preemption statutes and municipal regulations: the Alabama attorney general; the Alaska Department of Public Safety; the Colorado attorney general; the Connecticut attorney general; the Georgia state legislature; the Hawaii state legislature; the Illinois attorney general, the Illinois Municipal League; the Kansas Bureau of Investigation; the Massachusetts attorney general; the Minnesota attorney general; the Mississippi attorney general; the Nebraska League of Cities; the Nevada attorney general; the New York attorney general; the North Carolina attorney general; the Oregon attorney general; the Pennsylvania attorney general; and the Wisconsin attorney general.

In an effort to get the perspectives of young persons about firearms and violence, three students from high schools in the District of Columbia and Fairfax County, Va., attended a resource group meeting and shared their perceptions and personal experiences: Ivan Boyd, Milburn School; Brian Johnson, School Without Walls (D.C.); Jose Mendez, Milburn School. The project staff also appreciates the time and effort contributed by Edward Ryan, Northern Virginia coordinator, Milburn School.

The following NCJA legal researchers spent hours analyzing state juvenile firearms statutes and relevant case law: Jennifer A. Ferrante, Robert L. Goldstein, and Amy K. Phillips. The following NCJA interns spent time and effort locating statutes and gathering information: D. Brenner Brown, Veh Bezdikian, Stacey L. Gosnell, Angela O. Martin, Meghan L. Riley, Douglas B. Roberson, and Karen E. Stauss.

Finally, the NCJA would like to acknowledge the work of the following staff members: Paul E. Lawrence, director of administration and information systems; Lisa Doyle Moran, assistant director for legal affairs; Robert A. Kapler, senior staff associate; Patrick M. Meacham, senior staff associate; Nadine M. Rapacioli, staff attorney; and Carolyn Reid, administrative assistant.

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This report is the product of a collaborative effort involving a project resource group and project consultants and staff. The U. S. Department of Justice gratefully acknowledges the outstanding work of this dedicated group of professionals who gave generously of their time and talents.

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A NOTE ON STYLE: For the sake of convenience and consistency, “he,” “his,” and “him” are used throughout this report to refer to both males and females.

A NOTE ON THE APPENDICES: Any materials provided by other organizations and included in the appendices to this report are the opinions of that organization only and do not reflect the consensus of the resource group or the organizations that group members represent.

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INTRODUCTION

In September 1994, the president signed the Violent Crime Control and Law Enforcement Assistance Act, which, among its numerous provisions, established a federal prohibition on juveniles' possession of firearms.² The law also directed the U. S. attorney general, through the U. S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention's (OJJDP), National Institute for Juvenile Justice and Delinquency Prevention, to develop model juvenile handgun legislation. Specifically, §110201(e) of the 1994 crime bill provides:

“(e) MODEL LAW -- The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall -- (1) evaluate existing and proposed juvenile handgun legislation in each state; (2) develop model juvenile handgun legislation that is constitutional and enforceable; (3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and (4) report to Congress by December 31, 1995, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.”

In February 1995, the OJJDP awarded the National Criminal Justice Association (NCJA) a grant to evaluate existing and proposed juvenile handgun legislation in the states and to make recommendations to the attorney general on developing model juvenile handgun legislation that is constitutional and enforceable.

Gun Violence in the United States

Violent crime involving firearms has become one of the most alarming problems facing this nation. According to the National Crime Victimization Survey (NCVS), 43.6 million criminal

² Pub. L. 103-322, §110201(c)(to be codified at 18 U. S. C. §922).

victimizations occurred in 1993, including nearly 11 million violent crimes of rape, robbery, and assault.³ A subset of 4.4 million rapes and sexual assaults, robberies, and aggravated assaults, 29 percent involved firearms, according to the NCVS, which interviews 100,000 persons in 50,000 households each year to collect data on both crimes reported to the police and unreported.⁴

The U. S. Department of Justice, Federal Bureau of Investigations (FBI) estimates that more than 25 percent of almost 2 million violent crimes that occurred in 1993 were committed with firearms.⁵ Of the 24,526 murders occurring that year, 70 percent were committed with firearms⁶, according to the FBI.

A study of break-ins of homes in Atlanta, Ga., found that a weapon was used or displayed in 55, or 28 percent, of the 198 cases.⁷ A firearm was carried by one or more offenders in 32, or 58 percent, of the cases in which weapons were involved.⁸

A University of California at Davis (UCD) Medical Center retrospective review of costs of inpatient medical care found that firearms-related injuries admitted to the hospital's trauma center increased by 33 percent from Jan. 1, 1990, to Dec. 31, 1993.⁹ When compared with 1984 figures, firearms-related injuries had increased by 66 percent at an average annual increase of approximately eight percent over the eight-year period.¹⁰

³ BUREAU OF JUSTICE STATISTICS, U. S. DEP'T OF JUSTICE, BULLETIN, *Criminal Victimization* (1995).

⁴ BUREAU OF JUSTICE ASSISTANCE, U. S. DEP'T OF JUSTICE, SELECTED FINDINGS, No. 5, *Guns Used in Crime* (1995).

⁵ *Id.*

⁶ *Id.*

⁷ A. L. Kellerman, et. al., *Weapon Involvement in Home Invasion Crimes*, 273 JAMA 1760 (1995).

⁸ *Id.*

⁹ Kenneth W. Kizer, MD, et. al., *Hospitalization Charges, Costs, and Income for Firearm-Related Injuries at a University Trauma Center*, 273 JAMA 1768 (1995).

¹⁰ *Id.*

In fact, firearms may surpass motor vehicles as the leading cause of death resulting from injuries by the year 2003, according to a study published recently by the U. S. Department of Health and Human Services' Centers for Disease Control and Prevention (CDCP).¹¹

The use of handguns in criminal activity as a factor of all crimes involving firearms also is on the rise. According to the FBI, 57 percent of the more than 24, 000 murders that occurred in 1993 were committed with handguns¹²; in 1992, handguns were used in 13,200 homicides.¹³

The NCVS survey found that handguns were involved in 25 percent of violent crimes of rape and sexual assault, robbery, and aggravated assault and in 86 percent of all firearms-related criminal victimizations reported to the survey for 1993.¹⁴

The NCVS found that handguns were stolen in 53 percent of the thefts of guns in 1993.¹⁵

Handguns are the firearm of choice for most offenders. Surveys of and interviews with convicted offenders indicate that these criminals prefer firearms that are "easily concealable, large caliber, and well made."¹⁶

Juveniles and Firearms

While a broader debate over gun control is being waged in this country, discussion concerning juveniles and firearms has centered upon handguns and the need to enact greater limitations on juveniles' ownership, possession, and use of these weapons.

¹¹ 3 PUBLIC HEALTH SERVICE, U. S. DEP'T OF HEALTH AND HUMAN SERVICES WKLY. REP. 3: *Morbidity and Mortality* (1994).

¹² *Guns Used in Crime* at 2.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 3.

¹⁶ *Id.* at 5.

Violent juvenile crime recently has risen at a dramatic rate. According to the U. S. Department of Justice, arrests of juveniles for violent crimes increased by 47 percent between 1988 and 1992 -- a rate more than double the increase for persons 18 years of age or older during the same period.¹⁷ In 1993, 17 percent of individuals arrested were under the age of 18.¹⁸

Firearms are becoming an increasing factor in juvenile violence. The Justice Department reported that between 1987 and 1991, juveniles' use of guns in homicides increased from 64 percent of all homicides to 78 percent.¹⁹ In addition, this period saw a 62-percent increase in juvenile arrests for weapons law violations.²⁰ In 1990, one in 20 high school students reported that they had carried a firearm at least once in the past month.²¹

Juvenile arrests for weapons laws violations increased by 117 percent from 1983 and 1992, according to a recent report of the OJJDP²². More juvenile arrests were made in 1992 for weapons laws violations than for murder, forcible rape, and robbery combined.²³ During this same time period, arrests of juveniles for murder increased by 128 percent and for aggravated assault by 95 percent.²⁴

Juvenile offenders, like their adult criminal counterparts, prefer handguns. A 1991 study of a sample of juvenile inmates in four states found that they preferred high-quality, large-caliber, concealable

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Barbara Allen-Hagen, et. al., *Juveniles and Violence: Juvenile Offending and Victimization*, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FACT SHEET #19 (U. S. Dep't of Justice, Wash., D.C.) Nov. 1994.

²⁰ *Id.*

²¹ *Id.*

²² OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U. S. DEP'T OF JUSTICE, *Juvenile Offenders and Victims: A Focus on Violence* 21 (1995).

²³ *Id.*

²⁴ *Id.*

firearms.²⁵ A Virginia Department of Criminal Justice study of adult and juvenile inmates found that juveniles were more likely than adults to have carried a semiautomatic pistol in the commission of a crime.²⁶

In November 1993, the U. S. Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms (ATF) initiated a program to identify the source of firearms recovered from juveniles on school grounds and the juveniles who have used them in committing crimes. In follow-up investigations, the ATF's tracing program also seeks to determine in which criminal activities the firearm was used and discover how the juvenile obtained the firearm. Traces are initiated at the request of a law enforcement agency and all such requests result in a trace.

To date, the ATF has conducted more than 3,800 traces of firearms recovered from juveniles. The results of these traces indicate that juveniles most often were charged with violating weapons offenses, such as illegal possession of a firearm.²⁷ Traces conducted in 1993 and 1994 show that more than 2,700 firearms recovered from juveniles were involved in incidents that resulted in charges of weapons violations.²⁸ In that same period, the ATF's tracing program found that 205 of these weapons were used in assaults; 199 in homicides; 156 in incidents involving narcotics; 98 in robbery; 46 in burglary; and 13 in sexual assaults.²⁹

In 712 follow-up trace investigations conducted from November 1993 through June 1994 to determine the source of firearms recovered from juveniles, the ATF found that 27 percent of the juveniles had been given the firearm by an individual other than a parent or guardian and 22 percent had obtained

²⁵ *Guns Used in Crimes* at 5.

²⁶ *Id.*

²⁷ BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, U. S. DEP'T OF THE TREASURY, *The Bureau of Alcohol, Tobacco and Firearms (ATF) Juvenile Firearms Information 2* (1995).

²⁸ *Id.*

²⁹ *Id.*

the firearm in a burglary or other theft.³⁰ The trace investigations also found that 16 percent of the juveniles had purchased their firearms “on the street” and 15 percent had taken the firearm from their home.³¹ The ATF was unable to determine how the juvenile secured the firearm in the remaining 20 percent of the traces.

Juveniles who commit violent crimes involving firearms frequently use stolen guns. The ATF found that 32 percent of firearms used by juveniles in committing violent crimes were taken in burglaries and other thefts; 25 percent were obtained by the juvenile from a person other than a parent or guardian; and 21 percent were purchased “on the street.”³²

Juveniles also increasingly are the victims of firearms-related violence. The results of the 1993 NCVS survey found that teenagers 12 to 15 years old have a one-in-eight chance of being victims of violent crime.³³ The ATF reports that more U. S. teenagers die from gunshot wounds than from all natural causes of disease combined, and those figures are climbing.³⁴ The UCD Medical Center study of the costs of firearms-related injuries found that men aged 15 to 44 years accounted for 77 percent of those injuries.³⁵ According to the Center to Prevent Handgun Violence, 3,336 youths were murdered with guns, 1,429 committed suicide using a firearm, and 501 died in unintentional shootings in 1992.³⁶ In a June 1993 fact sheet, the CDCP reported that firearms are the second leading cause of death for young people 10-34 years

³⁰ *Id.*

³¹ *Id.*

³² *Id.* at 3.

³³ *Criminal Victimization* at 4.

³⁴ BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, U. S. DEP'T OF THE TREASURY, *The Bureau of Alcohol, Tobacco and Firearms (ATF) Juvenile Firearms Information 2* (1995).

³⁵ Kizer et. al. at 1768

³⁶ Handgun Control, Inc., Fact Sheet, Children and Guns (Dec. 1994).

of age.³⁷ In 1991, the ATF reports, firearms-related mortality accounted for almost half of all deaths among teens; in 1993, 85 percent of 15- to 19-year-old murder victims were killed with a firearm.³⁸

Spurred by the increasing number of young people injured and killed by handguns, several states and the U. S. Congress have taken steps to attempt to reduce the number of weapons in the hands of young people.

Legislative Developments

Reducing and preventing gun violence has moved to the top of the political agenda at both the state and federal levels. Stopping gun violence also consumes law enforcement resources in every state and federal jurisdiction.

At the federal level, the Congress enacted the Brady Handgun Violence Prevention and Control Act of 1993 (Brady Act), which provides a waiting period for handgun purchases to allow reasonable time for state authorities to conduct background checks of potential purchasers.³⁹ To date, the ATF estimates that well over 60,000 applications have been denied to those who may not lawfully purchase handguns, including juveniles, without unduly inconveniencing the vast majority of law-abiding citizens.

In August 1994, the Congress passed an omnibus crime bill, which contains, among other provisions, a prohibition on the sale, manufacture, or possession of semiautomatic assault weapons⁴⁰ and high-capacity magazines⁴¹, and a provision forbidding the sale or transfer of handguns or ammunition to

³⁷ National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Fact Sheet, Firearms Injuries and Fatalities (June, 1993).

³⁸ *Juvenile Firearms Information* at 2.

³⁹ 18 U.S.C. 922(s) (1976 & Supp. 1995).

⁴⁰ 18 U.S.C.A. 922(v) (1976 & Supp. 1995).

⁴¹ 18 U.S.C.A. 922 (w)(1) (1976 & Supp. 1995).

persons under 18⁴². The crime bill amends the U. S. criminal code to require firearms licensees to report the loss or theft of a firearm within 48 hours⁴³; imposes a 24-hour deadline for firearms licensees' response to certain inquiries from the secretary of the Treasury⁴⁴; and requires the Treasury secretary to notify state and local law enforcement officials designated as "chief law enforcement officers" under the Brady Act of the names and addresses of all persons holding firearms licenses in their respective jurisdictions⁴⁵.

While federal initiatives to curb gun-related violence have received banner headlines and sparked countless debates in the Congress, on television, and across newspaper op-ed pages, many states have been passing new laws designed to restrict firearms possession by felons, juveniles, and persons subject to domestic restraining orders. Today, states are engaged in extensive reviews of their firearms laws to determine how they can be applied more effectively or whether they should be modified to help officials achieve specific prevention and enforcement objectives. For example, in Arizona, any person convicted of a crime classified as "dangerous" loses the right to possess guns for the rest of his life; the right is suspended for 10 years for those convicted of "serious" offenses; and for two years for those convicted of other felonies⁴⁶. In Colorado, a new law prohibits the transfer of firearms to a person subject to a restraining order that was filed to prevent domestic violence⁴⁷. The law also prohibits the sale of firearms to a person who has been convicted of assault, sexual assault, or child abuse against a spouse, former spouse, or child. Violators face six to 18 months' imprisonment and a fine of \$500 to \$5,000.

⁴² 18 U.S.C.A. §922(x) (1976 & Supp. 1995).

⁴³ 18 U.S.C.A. §923(g) (1976 & Supp. 1995).

⁴⁴ *Id.*

⁴⁵ 18 U.S.C.A. §923(l) (1976 & Supp. 1995).

⁴⁶ ARIZ. REV. STAT. ANN. §13-905 (1956 & Supp. 1994).

⁴⁷ COLO. REV. STAT. §12-26.5-104 (1991 & Supp. 1994).

Several states also have passed legislation to help implement the Brady Act. Colorado enacted a law establishing a Statewide Instant Criminal Background Check System⁴⁸. New Hampshire passed a law requiring background checks for the sale of certain types of firearms⁴⁹.

At the same time the public is pushing for greater controls and sanctions on criminals' access to firearms, it is pressing its legislators to liberalize laws and regulations relating to carrying concealed weapons. According to an article in the June 14, 1995, issue of the *Journal of the American Medical Association* (JAMA), legislators in 18 states considered bills in their 1995 sessions that would make it easier for individuals to secure permits to carry concealed weapons.⁵⁰ By May 1995, the *JAMA* article reports, five states -- Arkansas, Oklahoma, Texas, Utah, and Virginia -- had enacted laws to relax concealed weapons laws, and five states -- California, Colorado, Illinois, Kansas, and New Mexico -- had rejected such proposals.⁵¹ Deliberations were continuing in the remaining eight states where concealed weapons proposals were pending.⁵²

With violence in this country on the rise, the public's concern about crime and violence is unlikely to abate any time soon. Gun violence undoubtedly will continue to be a central focus of public policymakers as they seek more effective crime control measures.

States will be engaged in reviewing and assessing the efficacy and adequacy of their firearms codes for the foreseeable future. In making any decisions to impose limits on access to firearms, states must attempt to achieve an acceptable balance between enhancing public safety and protecting citizens' ability to defend themselves and their homes.

⁴⁸ COLO. REV. STAT. §12-26.5-102-106 (1991 & Supp. 1994).

⁴⁹ N. H. REV. STAT. ANN. §159-C:1 (Supp. 1994).

⁵⁰ Rebecca Voelker, *States Debate Carrying Concealed Weapons' Laws*, 273 JAMA 1741 (1995).

⁵¹ *Id.*

⁵² *Id.*

CHAPTER I
THE MODEL CODE DEVELOPMENT PROJECT

Introduction

The proposed model code, commentary, and accompanying materials will provide a framework to assist the U. S. attorney general in formulating a model juvenile handgun code. In her report to the Congress, the attorney general may decide to modify recommendations made by the resource group or address issues not covered by the resource group.

Chapter I of the resource group's report contains an explanation of the project's methodology, discusses the principles that guided development of the proposed model code, addresses definitions used in the proposed model code, and explains the uses and limitations of the proposed model code and other materials generated by the project; Chapter II addresses statutory and constitutional issues that may affect states' formulation and enforcement of juvenile handgun codes; Chapter III profiles and analyzes states' existing juvenile codes; Chapter IV presents the proposed model juvenile handgun code and commentary, and related analyses; Chapter V discusses issues relating to the adjudication and disposition of juveniles alleged to have violated juvenile handgun code provisions; and Chapter VI discusses observations and recommendations of the resource group pertaining to research, code implementation, and firearms regulation generally. State-by-state compilations of code provisions examined for the model code development project, and summaries of those provisions, are included in appendices.

Methodology

The model code development project was carried out by the NCJA. An OJJDP project director served as that agency's principal contact with the NCJA project staff and provided oversight and guidance for the project.

The NCJA project staff was assisted in its work by a project resource group composed of public officials, organizations, and individuals representing the various constituencies for which the model code was intended, and experienced and knowledgeable on the topics that were central to the completion of the project. The project resource group comprised representatives of the American Bar Association; the American Civil Liberties Union; the American Prosecutor Research Institute; the District of Columbia Public Schools; Handgun Control, Inc.; the Office of the Iowa Attorney General; the Los Angeles County (Calif.) Probation Department; the Multnomah County (Ore.) District Attorney's Office; the National Association of Attorneys General; the National Association of Secondary School Principals; the National Center for State Courts; the National Center for Youth Law; the National Conference of State Legislatures; the National Council of Juvenile and Family Court Judges; the National Governors' Association; the National Juvenile Detention Association; the National Legal Aid and Defender Association; the National Organization for Victim Assistance; the National Rifle Association; the National School Boards Association; the National Victim Center; the Pennsylvania Commission on Crime and Delinquency; the Police Executive Research Forum; the Richard M. Milburn High School for Adults (Va.); the St. Louis, (Mo.), Police Department; the U. S. Department of Justice's National Institute of Justice; the ATF; and the U. S. Department of Education.

The resource group also consulted with students from Washington, D.C., and Fairfax, Va., public schools, who provided valuable perspectives on guns in schools.

Project resource group members participated in determining the scope of the proposed model code and developing and reviewing proposed model code provisions and commentary. The project resource group was an invaluable source of experiential information on legislative, policy, and operational issues that project staff had neither the time nor the resources to explore, but that would influence substantially states' implementation of code provisions. The project staff relied on the insights of the resource group members to help shape its interpretations of, and conclusions drawn from, research, as well as to identify

areas requiring additional examination. The composition and collective expertise of the resource group lent credibility to the proposed model code development process itself and helped to ensure the completeness of its product.

The NCJA staff researched and analyzed the juvenile firearms statutes in each state to identify and examine the types of provisions represented in existing codes. This information was used by the project resource group and the project staff to determine the scope and content of provisions that might be incorporated in the proposed model code.

The NCJA staff also reviewed constitutional and statutory issues surrounding firearms possession. State constitutions and statutes were examined and information developed for the project resource group's consideration on the issue of the right to bear arms and states' preemption of the authority of municipalities to regulate firearms. The project staff also researched federal case law.

The project resource group and staff met twice during the course of the project. These meetings provided a forum for presentations of the project staff's research, discussions of issues, and the impetus for drafting proposed model code language, commentary, and recommendations. No formal votes were taken during the course of the meetings. Rather, proposed model code language and supporting commentary presented in this report reflect the consensus of the majority of resource group members on how types of provisions to be included in the proposed model code would be handled.

In some cases, the resource group was divided over whether a particular type of provision should be addressed in the proposed model code but in agreement that the substantive issues related to the type of provision should be described and the various viewpoints on these issues discussed in conjunction with the proposed model code. In those instances, discussions are included with the proposed model code and commentary under the Analysis and Commentary section of Chapter IV.

In several cases, resource group members were unable to agree on what position should be articulated in a provision, or how the proposed model code language itself should be crafted. In these

cases, the various issues, options, and viewpoints of proponents and opponents discussed by the resource group are reported fully in the commentary so that states may use the commentary to inform their debates on the issues. Each resource group member was invited to provide in writing any dissenting views, with the commitment from project staff that these views would be included in the project resource group's report.

In the course of deliberating issues related to juveniles' possession of handguns, the resource group made a number of observations and recommendations on topics beyond the scope of the model code. In particular, the resource group called for research in a number of areas. These observations and recommendations are presented in Chapter VI of this report.

Principles that Guided Proposed Model Code Development

The project resource group and staff were guided in developing the proposed model code by several overriding principles and considerations. These principles and considerations established the foundation for the proposed model code and helped to frame and provide a context for its provisions.

First and foremost among these principles was the importance of producing a model code that would be constitutional and enforceable. The provisions of the code, if enacted, should be able to survive constitutional challenges. These provisions should reflect and support legislative objectives, but be constructed so as to accommodate legal and practical issues that may affect the code's enforcement.

In determining the scope of the model code development project, the resource group asserted that the project would be directed toward producing a legal framework for regulating juveniles' possession of *handguns*. The broader issue of juveniles' ownership of *firearms* of necessity might be discussed by the resource group in formulating provisions of the proposed model code, but generally these discussions would not be reflected in the proposed model code itself. Aspects of this broader issue could be addressed in recommendations and other materials that would be included in the project resource group's report.

The resource group asserted that a key purpose of a model code was to provide states with guidance in assessing the efficacy and adequacy of existing provisions affecting juveniles' possession of handguns. Resource group members believed that few, if any, states would be likely to adopt a model code in its entirety and believed that each state would need to adapt the model code to accommodate its own concerns and unique political processes and tolerances.

On a related issue, the resource group also considered whether uniformity of state juvenile handgun code provisions was an objective of the model code development project. An underlying objective of model code development initiatives is to encourage states to adopt uniform provisions. This objective is premised upon the belief that uniformity among state criminal and civil code provisions will improve enforcement of laws nationwide. The resource group recognized the potential benefits of uniform codes, particularly pertaining to criminal activity that may be carried out across state lines, but asserted that differences in states' legal systems and political climates -- in particular, public attitudes toward firearms possession -- likely would prevent states from adopting uniform firearms-related provisions.

The members of the project resource group often were in sharp disagreement over issues relating to the need to regulate handgun possession, how far government should go in regulating firearm possession, and what aspects of possession should be regulated. However the resource group agreed in principle that government should impose the fewest and least intrusive constraints possible on the rights and freedoms of law-abiding citizens and establish appropriate and reasonable proscriptions and sanctions on individuals who would violate these laws. The resource group agreed further that each level of government has an important role in reducing violence and criminal activity involving firearms.

Scope and Focus of the Proposed Model Code

The work of the model juvenile handgun code project was centered upon producing a proposed model code affecting juveniles' ownership, possession, and use of handguns. Issues relating to juveniles and firearms in general also were addressed where the resource group believed they were relevant.

The assumption underlying the model code development project's focus on juveniles and handguns is that juvenile violence involving handguns is a sufficiently serious and prevalent problem to warrant states' review of the efficacy and adequacy of existing codes in regulating juveniles' possession of this class of firearms.

In general, all federal and state firearms codes are directed at placing certain conditions and restrictions on firearms ownership, possession, and use. Most federal and state codes also prescribe sanctions for violations of these conditions and restrictions.

The unlawful possession of firearms is distinguished from lawful possession under federal and state laws on the basis of the type of weapon, e.g., handgun or rifle; the context in which the firearm is used, e.g., hunting or the commission of a crime; or some combination of these considerations. Restrictions or conditions on firearms also may be based upon the age of the individual, in particular, whether he is an adult or a juvenile; or some other consideration relating to the individual, such as a previous conviction for a crime.

The proposed model code focuses on juveniles' possession of handguns for several reasons. First, crime statistics indicate that juvenile violence involving handguns as a factor of all juvenile violence and all violence involving firearms is on the rise. Furthermore, as a practical and legal matter, juveniles are considered to require and are accorded greater protection by government and society. A juvenile's status as an unemancipated individual affects his entitlement to many rights and privileges that are granted to adults. Juveniles cannot vote, and in most states, they cannot marry, drive a vehicle, or buy property without parental approval. Many of the existing conditions and restrictions on juveniles' ownership,

possession, and use of firearms, including handguns, are based upon their status. Juveniles' status is likely to continue to be the central consideration in future expansions of restrictions and conditions on their access to and use of firearms.

The proposed model code development project's focus on handguns is the product in part of crime statistics that associate handguns with criminal activity. In addition, the public's perception of the relative dangerousness of different types of firearms indicates that most individuals are more fearful about the use of handguns than other types of firearms. This fear apparently stems from the ease with which a handgun can be concealed on a person. By virtue of their concealability, handguns are more readily obtained illegally and more apt to be used in committing crimes. Legitimate uses of handguns by juveniles generally are more limited under federal and state laws than handgun uses by adults. Because other types of firearms have several legitimate uses, a model code that encompassed all firearms would have to include numerous exceptions for these legitimate uses to be enforceable.

The resource group asserted that the proposed model code's focus on juveniles' possession of handguns should not be interpreted as a message to young people that although handguns are not acceptable, other, less regulated firearms pose less of a risk of liability. The resource group therefore recommended that states may want to look at their firearms statutes to determine if provisions addressing juveniles' possession of other types of firearms adequately address the use of such firearms by juveniles.

The analysis of state code provisions contained in this report focuses on provisions that specifically restrict juveniles' use of firearms. The state-by-state compilations do not include provisions that prohibit the possession of certain weapons by all persons. For example, the compilations would include a provision that prohibited a person under age 18 from possessing an assault weapon. By contrast, the compilations would not include a general ban on the possession of assault weapons even though that ban would affect juveniles as well as all other individuals.

In general, juveniles are liable for violating the provisions of the adult criminal code and may be adjudicated in juvenile court for such offenses. For example, if all adults in a jurisdiction are prohibited from possessing automatic weapons, all juveniles are equally prohibited from possessing those weapons. In addition, the legislatures of many states have determined that there are certain weapons or certain circumstances under which it is unlawful for a juvenile to possess a weapon, even though possession by an adult would be legitimate.

The project resource group's report also contains an analysis of the age limitations of state licensing provisions, offenses that create liability on the part of adults who transfer weapons to minors or allow minors to obtain access to weapons, gun-free school zone statutes, waiver provisions, juvenile court jurisdiction provisions, and restrictions on possession for adjudicated delinquents.

Definitions

The project resource group asserted the need to include definitions of key terms in the proposed model code. Of particular importance were definitions of the terms "handgun" and "firearm."

In examining existing state handgun code provisions, the resource group found considerable variation among states in the scope and content of their definitions of firearms and handguns. For example, the state of Maryland defines the term firearm to include handguns, rifles, antique rifles and pistols, shotguns, revolvers, assault weapons, machine guns, and "any other firearm that has not been modified to render it permanently inoperative."⁵³ Maryland firearms codes also include definitions of handgun, antique firearm, rifle, short-barreled shotgun, short-barreled rifle, shotgun, and assault pistol.

⁵³ MD. CODE ANN. art. 27 §28F (1992 & Supp. 1994); 1994 Md. Laws 595.

Under Maryland law, “handgun” is separately defined as:

(b) . . . a pistol, revolver, or other firearm capable of being concealed on the person, including a short-barreled shotgun and a short-barreled rifle . . . not includ[ing] a shotgun, rifle, or antique firearm . . .⁵⁴

Missouri state firearms codes contain definitions of concealable firearm, firearm, machine gun, rifle, short barrel, shotgun, and spring gun. The term “handgun” is not defined by Missouri law, but presumably is subsumed under definitions of concealable firearm and short barrel.⁵⁵

In North Dakota, a firearm is defined as “any device that will expel, or is readily capable of expelling, a projectile by the action of an explosive and includes any such device, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon.”⁵⁶ A handgun is “any firearm having a barrel less than 16 inches [40.64 centimeters] long that is not designed to be fired from the shoulder.”⁵⁷

The project resource group declined to develop its own definition for the proposed model code. As a matter of convenience, the project resource group elected to employ the federal definitions of firearms and handguns in the proposed model code. Although states’ definitions vary, they are for the most part not in conflict with the federal definition.

Federal law defines a firearm as:

(3) . . .(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.⁵⁸

⁵⁴ MD. CODE ANN. art. 27 §36F (1992 & Supp. 1994).

⁵⁵ MO. REV. STAT. §571.010 (Vernon Supp. 1994).

⁵⁶ N.D. CENT. CODE §62.1-01 (1985 & Supp. 1993).

⁵⁷ *Id.*

⁵⁸ 18 U.S.C. §921(a)(3) (1976 & Supp. 1995).

Under federal law, handgun is defined as:

- (A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and
- (B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.⁵⁹

Uses and Limitations of the Proposed Model Juvenile Handgun Code

Materials produced under the model code development project are intended to provide a framework to assist the attorney general in formulating a model juvenile handgun code.

Development of the code and commentary involved extensive research and analysis by the project staff of juvenile handgun code provisions currently in place in the states. This research and analysis did not extend, however, to examination of states' experiences with existing code provisions. Consequently, the experiential information that can help inform development of code implementation and enforcement strategies is lacking from this effort. Nevertheless, policymakers and practitioners who participated as members of the project resource group provided invaluable insights on implementation and enforcement issues. These insights are reflected in Chapter VI of this report.

The model code does not include specific provisions or recommendations concerning sanctions for juveniles who are adjudicated for violating juvenile handgun code provisions. States should develop adjudication policies that are consistent with their existing sanctions and sentencing schemes and that will meet relevant public safety objectives.

⁵⁹ 18 U.S.C. §921(a)(29) (1976 & Supp. 1995).

CHAPTER II
STATUTORY AND CONSTITUTIONAL ISSUES AFFECTING
STATES' FORMULATION AND ENFORCEMENT OF JUVENILE HANDGUN CODES

Introduction

Few public policy issues prompt greater debate or evoke stronger feelings in this nation than matters related to the control of firearms. Few Americans are neutral on the subject of gun control and even the most collegial group of individuals can encounter great difficulty in achieving a middle ground on issues related to restricting firearms possession.

At the center of the gun control debate are questions that raise issues concerning fundamental individual rights, government regulation, and public safety interests. Is firearms possession a right or a privilege? Do concerns about escalating violence involving firearms outweigh citizen interests in being allowed to possess firearms? How far should government go in regulating firearms? Who should be allowed to own a firearm? Should citizens be prohibited from possessing certain types of firearms?

To be effective, state juvenile handgun possession restrictions must pass both federal and state constitutional muster. The starting point for a discussion of constitutional issues related to firearms is the Second Amendment, which states, "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."⁶⁰

State juvenile handgun restrictions must also comport with the specific state constitutional provisions regarding the right to bear arms. The Equal Protection Clause⁶¹, which requires states to provide all citizens with equal protection of law, also must be considered.

Municipal ordinances regulating juvenile possession of firearms must not exceed any authority granted to municipalities under state constitutional or statutory preemption provisions to regulate firearms.

⁶⁰ U. S. CONST. amend. II.

⁶¹ U. S. CONST. amend. XIV.

Finally, states also may wish to consider the possible implications for enforcement of juvenile handgun codes that may arise under recently enacted federal legislation to regulate the sale of handguns.

The Second Amendment

The language of the Second Amendment to the U. S. Constitution has been the subject of much debate over the years. Proponents of gun control legislation have interpreted the language as a prohibition on the enactment of federal legislation infringing upon a state's right to raise a militia. Under this interpretation, the U. S. Constitution grants a collective right to bear arms; however, it does not grant individuals such a right. Conversely, proponents of gun ownership have interpreted the Second Amendment as granting individuals the right to bear arms and prohibiting legislation that would restrict this right.

The U. S. Supreme Court never has addressed specifically the question of whether the Second Amendment refers to a collective or individual right to bear arms. The Court has, however, stated on several occasions that the amendment applies only to the federal government, and not to state governments, thereby implying that states can regulate the ownership and control of firearms.

In U. S. v. Cruikshank,⁶² an indictment was brought against the defendants for violation of the federal Enforcement Act, which prohibited "banding together" or conspiring to prevent a citizen from exercising his constitutional rights. The defendants were accused of, among other things, banding together to prevent two African-American citizens from exercising their "right to keep and bear arms for a lawful purpose." The Court ruled that the indictment was defective because "[t]his is not a right granted by the

⁶² 92 U.S. 542 (1875).

Constitution.”⁶³ According to the Court, “This is one of the amendments that has no other effect than to restrict the powers of the national government ... ”⁶⁴ to regulate guns.

The Court reaffirmed its ruling in Cruikshank in Presser v. Illinois.⁶⁵ In Presser, Herman Presser was convicted of violating Illinois’ military code, which prohibited “any body of men” other than the state militia or federal troops from associating as a military organization, drilling, or parading without a license from the governor. Relying on Cruikshank, the Court rejected Presser’s argument that the state statute violated the Second Amendment, which, according to the Court, “is a limitation only upon the power of congress and the national government, and not upon that of the state.”⁶⁶

Citing Presser, the Court, in 1983 refused to hear an appeal of a U. S. Court of Appeals for the Seventh Circuit decision upholding a ban on handguns imposed by Morton Grove, Ill.⁶⁷

U. S. v. Miller⁶⁸ is the only U. S. Supreme Court case to address the issue of the scope of the Second Amendment. The defendants, Jack Miller and Frank Layton, were indicted for transporting in interstate commerce an unregistered sawed-off shotgun in violation of the National Firearms Act (NFA). The federal district court dismissed the indictment on the grounds that the NFA’s registration requirement for sawed-off shotguns violated the Second Amendment. On appeal, the U. S. Supreme Court reversed the district court’s decision. The Court ruled that because sawed-off shotguns bear no “relationship to the

⁶³ *Id.* at 553.

⁶⁴ *Id.* at 553.

⁶⁵ 116 U.S. 252 (1886).

⁶⁶ *Id.* at 265.

⁶⁷ *Quilici v. Village of Morton Grove*, 695 F.2d 261 (7th Cir. 1982), *cert. denied*, 464 U.S. 863 (1983).

⁶⁸ 307 U.S. 174 (1939).

preservation or efficiency of a well regulated militia,"⁶⁹ the right to bear such weapons was not guaranteed by the Second Amendment.

Equal Protection Clause

While the Equal Protection Clause of the U. S. Constitution prohibits states from depriving persons within their jurisdictions from the equal protection of the law, the Court has "long recognized that the State has somewhat broader authority to regulate the activities of children than of adults."⁷⁰ This broader authority -- called *parens patriae* -- is granted the state for the purpose of ensuring the child's protection.⁷¹ Certain decisions are considered to be outside the scope of a minor's ability to act in his own best interest or in the interest of the public. Under this theory, statutes placing limits on juveniles' access to firearms would not be in violation of the Equal Protection Clause.⁷²

State Constitutional Provisions Regarding the Right to Bear Arms

Forty-three states have constitutional provisions guaranteeing the right to bear arms, most of which mirror the language of the Second Amendment to the U. S. Constitution. Some of these state provisions have been interpreted by state courts as applying to the citizens' right to form militias to defend themselves.⁷³ Other courts have interpreted the constitutional provisions as granting individuals the right to bear arms in self-defense.⁷⁴ However, in some cases, even in states in which the constitutional

⁶⁹ *Id.* at 177.

⁷⁰ *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52, 74 (1976).

⁷¹ *In re Gault*, 387 U.S. 1, 16 (1967).

⁷² For a further discussion of this issue, *see* Chapter V.

⁷³ Danny R. Veilleux, Annotation, Validity of State Gun Control Legislation Under State Constitutional Provisions Securing the Right to Bear Arms, 86 A.L.R. 4th 931 (1994).

⁷⁴ *Id.*

provisions have been interpreted as granting individuals the right to bear arms, firearms possession restrictions have been upheld as a legitimate exercise of police power.⁷⁵

Municipalities' Authority to Regulate Firearms

State constitutional or statutory provisions may preempt municipalities from enacting ordinances regulating firearms possession.

These preemption provisions differ in the degree of preemption they require. Some provisions forbid any regulation of firearms by municipalities. Others delineate specific areas in which municipalities can or cannot regulate firearms. Finally, some states permit municipalities to regulate firearms as long as the ordinances enacted do not conflict with state law.

In Grimm v. City of New York,⁷⁶ the Supreme Court of New York addressed the issue of whether a municipal ordinance was in conflict with state law. The New York City ordinance prohibited individuals under age 18, as well as certain other individuals, from possessing a rifle or shotgun. In upholding the ordinance, the court said, "It is true that where the State has evidenced any desire or design to occupy an entire field to the exclusion of local law, the City is powerless to act. However, the fact that a local law may deal with some of the same matters covered by State law does not render the local law invalid. [The state statute], while touching upon the possession of rifles or shotguns by persons under the age of 16 years ... does not treat so extensively the subject of the control of such weapons as to evidence any design or intention by the State to preempt the entire field."⁷⁷

More than two-thirds of the states have addressed the issue of preemption with a statute. New Mexico has preempted local firearm regulation in its state constitution. States that permit municipalities to

⁷⁵ *Id.*

⁷⁶ 289 N.Y.S.2d 358 (1968).

⁷⁷ *Id.* at 363.

regulate firearms without preemptive restrictions do not specifically grant that power in a statute or constitutional provision. Several states do not have statewide preemption of local firearms ordinances.⁷⁸

A number of the states that preempt local firearms regulations enacted their preemption statutes within the past 10 years. Of these, several statutes include “grandfather clauses,” which state that all local firearms regulations in existence prior to enactment of the law or prior to a certain date remain valid. For example, a Delaware law prohibits local municipalities from enacting firearms laws other than those related to the lawful discharge of firearms. However, any local firearms ordinance that was enacted before June 4, 1985 remains valid.⁷⁹ In Georgia, a law enacted during the 1995 legislative session that preempts all firearms laws includes a grandfather clause.⁸⁰

About one-half of the states that preempt local regulation include exceptions allowing local municipalities to regulate certain aspects of firearms. The extent to which such exceptions permit local regulation varies widely. For example, Nevada allows only local ordinances addressing the discharge of firearms.⁸¹ Montana’s preemption statute allows local municipalities to regulate the discharge of firearms, the carrying of firearms in public, and the possession of firearms by felons, incompetent persons, aliens, and minors.⁸² California grants its municipalities greater power by preempting firearms regulation only in the area of licensing and registration.⁸³ Of the 38 states where state preemption is limited, more than two-thirds allow local regulations addressing the discharge of firearms, about one-third allow local ordinances relating to carrying firearms, and several states allow for local laws addressing the possession of firearms.

⁷⁸ Colorado, Connecticut, Hawaii, Illinois, Kansas, Massachusetts, Nebraska, New Hampshire, New York, Ohio, and Wisconsin.

⁷⁹ DEL. CODE ANN. tit. 22, §111 (1987).

⁸⁰ 1995 Ga. Laws 13 (to be codified at GA. CODE ANN. §16-11-184).

⁸¹ NEV. REV. STAT. §244.364 (1986).

⁸² MONT. CODE ANN. §45-8-351 (1993).

⁸³ CAL. GOV’T CODE §53701 (West 1997 & Supp. 1995).

In the 11 states where local governments are free to regulate firearms, and in those states where municipalities have limited power to regulate firearms, the degree to which municipalities exercise that power varies greatly. For example, in Hawaii and New Hampshire, where there are no state preemption laws in effect, few localities have acted to regulate firearms. In Alabama, where there is preemption only with regard to handguns, there are few local ordinances relating to firearms generally. On the other hand, in Illinois, New York, Ohio, and Wisconsin, where municipalities are not prevented from passing ordinances, many local regulations have been promulgated. New York City has developed a comprehensive firearms code⁸⁴; Chicago and many of its surrounding towns have enacted extensive firearms laws; and almost 100 municipalities in California have adopted firearms regulations.

Where cities have acted to regulate firearms, they often have chosen to do so by restricting the legal age to possess a firearm; requiring a permit to purchase a firearm; requiring firearms sellers to be licensed or to maintain specific sales records; prohibiting certain classes of persons, such as felons or mentally ill persons, from possessing a firearm; restricting possession of certain types of firearms; or imposing a waiting period to purchase a firearm.

Constitutionality of Local Regulation

The Supreme Court of Maine ruled in April 1995 that the Portland Housing Authority (PHA) may not ban the possession of firearms on premises that it leases. In Doe v. Portland Housing Authority⁸⁵, a couple identified as John and Jane Doe had lived in municipal housing in Portland since 1981 and owned hunting rifles and handguns. John Doe was a veteran of the U. S. Marine Corps, a former firearms dealer, and a licensed hunter. Jane had used handguns for many years, was a target shooter, and possessed a handgun for self-protection when John was working late at night.

⁸⁴See generally NEW YORK CITY, N.Y., ADMIN. CODE §10-131, §10-301- §10-308 (1992).

⁸⁵ 656 A. 2d 1200 (Me. 1995).

The Does sought an order that would prevent the PHA from enforcing a provision in their lease that banned the possession of all firearms. The provision stated, "The tenant's possession of or display of a firearm upon the premises is prohibited. A violation of this section is grounds for automatic termination of this lease." The Does argued that the lease was preempted by a state law that regulates the possession of firearms in Maine.

The preemption statute in Maine provides, in relevant part, "The State intends to occupy and preempt the entire field of legislation concerning the regulation of firearms ... No political subdivision of the State, including but not limited to municipalities, counties, townships, and village corporations, may adopt any [law] concerning ... firearms, components, ammunition or supplies."

The PHA argued that its resolutions were not preempted by state law because it is not a political subdivision as enumerated in the statute. It argued further that the purpose of the state law was to make firearms regulations uniform for hunters, and that this goal was not frustrated by the PHA lease provision. Relying on legislative history, the supreme court held that the PHA is a political subdivision, and the law did not intend to exclude subdivisions that were not enumerated in the preemption statute. Therefore, the PHA may not pass legislation that is in conflict with state law. In addition, the uniform regulation of firearms for hunters was not the only purpose the legislature intended to meet when it passed the law, according to the court. The court found that the legislature intended to regulate uniformly the possession of firearms by all Maine residents. The court further stated that there are only two statutory exceptions to the state's preemption statute: the first exception allows municipalities to regulate the discharge of firearms, and the second allows law enforcement agencies to regulate the type and use of firearms by its employees. The PHA lease provision does not meet either of these exceptions, the court said.

The court also rejected the PHA's argument that the federal law that gives municipal housing authorities management responsibility over their programs indicated an intent by the Congress to preempt the state law. The court found that the state preemption statute did not conflict with the federal law

authorizing the PHA to engage in management activities, and therefore the federal law did not preempt the state law.

The Tenth Amendment

Recent challenges directed at the Brady Act have called into question the federal government's authority to require chief law enforcement officers in the states to conduct background checks of potential firearm purchasers.

The Brady Act was found to be an unconstitutional violation of the Tenth Amendment to the U. S. Constitution⁸⁶ by federal district courts in Arizona, Louisiana, Mississippi, Montana, and Vermont. A federal district court in Texas, however, reached the opposite result, finding that the provision was constitutional.⁸⁷

The Brady Act may affect the enforcement of proscriptions on juveniles possession of handguns but is unlikely to affect the formulation of a state juvenile handgun statute.

Under the Brady Act, a handgun dealer must transmit a copy of the buyer's request and information about the buyer to the chief law enforcement officer in the jurisdiction, usually a sheriff. The law enforcement agency has five days in which to make "a reasonable effort to ascertain" through a background check whether the transaction would violate federal, state, or local law. Violators may be fined up to \$1,000, imprisoned for up to a year, or both.

The Brady Act may prevent juveniles convicted of crimes as adults from purchasing handguns. In states that restrict possession of firearms by individuals who have been adjudicated delinquent, information

⁸⁶ "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." U.S. CONST. amend. X.

⁸⁷ These district court decisions were made prior to July 31, 1995, the date the project resource group's report was submitted to the OJJDP for review. Subsequently, on Sept. 8, 1995, the U. S. Court of Appeals for the Ninth Circuit ruled that provisions of the Brady Act requiring chief law enforcement officers to conduct background checks do not violate the Tenth Amendment.

about the adjudication, which generally is kept confidential, may be required to be released to comply with the requirements of a background check. In addition, federal law prohibits the transfer of handguns to persons under the age of 21. Therefore, a background check may reveal that a juvenile who is attempting to purchase a handgun is underage.

In McGee v. U.S.⁸⁸ and Printz v. U.S.⁸⁹, sheriffs from Mississippi and Montana, respectively, filed suits challenging that the Congress exceeded its constitutional authority by requiring chief law enforcement officers to conduct background checks. The government argued in each case that the provision was not mandatory but rather was a discretionary function that the chief law enforcement officer could choose to undertake.

In Printz, the court asserted at the outset of the opinion that “[t]his is not a case about the Second Amendment. This case turns on the proper relationship between the federal government and the several states” The court held that the government’s interpretation that the function was discretionary was contrary to the Congress’ intent in enacting the statute. In the 1992 case of New York v. U.S., the U. S. Supreme Court ruled that the legislative process of the states could not be “commandeered” by the federal government by compelling the states to enact legislation or enforce a federal regulatory scheme. The Printz court found that the Congress was commandeering state legislatures when it passed the Brady Act.

The Printz court recognized, however, that the Congress can attach conditions to the availability of federal funds or offer states a choice of regulating an activity according to federal standards or having the state law preempted by federal law.

⁸⁸ 863 F. Supp. 321 (S.D. Miss. 1994).

⁸⁹ 854 F. Supp. 1503 (D. Montana 1994).

Federal district courts in Arizona⁹⁰, Louisiana⁹¹, and Vermont⁹² addressed substantially the same issues and also held that the Congress violated its constitutional authority when it enacted this statute.

A federal district court in Texas, however, reached the opposite conclusion in Koog v. U.S.⁹³ The court found that the Brady Act “was consistent with the Tenth Amendment even though it places some minimal duties on state law enforcement officers.” The court noted that law enforcement agencies were given a great deal of discretion in determining what type of background check was reasonable, and further held that the penalty for violation of the statute could not be imposed on chief law enforcement officers.

Other federal constitutional provisions that may be implicated when drafting state provisions that restrict juveniles’ behavior are the requirements of the Interstate Commerce Clause⁹⁴; the Due Process Clauses of the Fifth and Fourteenth amendments⁹⁵; and the Eighth Amendment, which prohibits cruel and unusual punishment.

⁹⁰ Mack v. U.S., 856 F. Supp. (D. Ariz. 1994). On Sept. 8, 1995, after the project resource group submitted its report to the OJJDP for review, the U. S. Court of Appeals for the Ninth Circuit reversed the district court’s decision. The appellate court relied upon prior interpretations of the Tenth Amendment that have permitted the federal government to “secure the assistance of state authorities in achieving federal legislative goals.” The court held that the Brady Act did not constitute a commandeering of state legislatures. Under the Brady Act, states are not coerced into making laws dictated by the concerns of the federal government, but are required to assist in furthering a “regulatory program aimed at individuals not the states,” according to the Ninth Circuit. The court continued that because states must only make “reasonable efforts” to determine whether certain individuals are disqualified from purchasing handguns, state functions are burdened only minimally. The obligation on law enforcement officials to check *existing* records for a *temporary* period does not reach a level of constitutional concern, the court majority concluded. 66 F.3d 1025 (9th Cir. 1995).

⁹¹ Romero v. U.S., 1994 WL 194098 (W.D. La. Feb. 6, 1995).

⁹² Frank v. U.S., 860 F. Supp. 1030 (D. Vt. 1994).

⁹³ 852 F. Supp. 1376 (W.D. Tex. 1994).

⁹⁴ Part of the federal government’s power to regulate firearms is derived from the Interstate Commerce Clause, under which the Congress is granted the power “to regulate commerce among several states.” For a discussion of the extent of the federal government’s power under this clause, see the commentary accompanying the model code in Chapter IV titled “Gun-Free School Zones” at p. 64.

⁹⁵ The Fifth and Fourteenth amendments prohibit the states and the federal government from denying rights to individuals without due process of law. For a further discussion of this issue, see Chapter V at p. 79.



CHAPTER III

PROFILE OF STATE STATUTES

Introduction

Most states have statutes that restrict the possession of firearms by juveniles, although the statutes vary widely with respect to the exceptions that are created, the age at which possession is restricted, and the types of firearms for which juvenile access is limited.

The project staff examined juvenile-specific firearms laws in the 50 states, the District of Columbia, and four federal territories: Guam, the Northern Marianas, Puerto Rico, and the Virgin Islands.⁹⁶ The analysis of statutes is complete through the end of the 1994 state legislative sessions.

Most states place age restrictions on the possession of firearms. A majority of the states set a minimum age requirement for eligibility to obtain a license to carry or buy firearms. Forty-three states place limitations on transferring firearms to individuals under a certain age.

Almost all states proscribe the possession of weapons on school property and permit a juvenile to be waived into adult court for the commission of certain offenses. Twenty-two states restrict the possession of firearms by individuals who have been adjudicated delinquent, and there seems to be a growing trend toward this kind of restriction in the states.

Possession

States often regulate possession based upon the type of firearm or the kind of activity in which a minor possessing a firearm is engaged. Eighteen states restrict possession of handguns by persons under 18, and 14 states prohibit the possession of all firearms by persons under 18, subject to various exceptions.

⁹⁶ For the purposes of this study, the insular areas and territories of the United States are considered states and are referred to as such.

In Illinois and Mississippi, no person under 18 may carry a concealed weapon. In New Mexico, only persons 19 or older may possess handguns, subject to certain exceptions. Vermont prohibits the possession of handguns by persons under 16. Connecticut residents must be 21 or over to possess handguns.

The most common situations in which persons under 18 may possess handguns, in states that regulate juvenile possession, are those that involve authorized recreational or educational activities, or firearm safety courses.

In Maine, a child over the age of 10 may possess firearms to hunt if he is accompanied by an authorized adult. In the state of Wisconsin, a child under 12 may possess firearms if he is enrolled in a hunter or firearm safety course. No person under 14 may possess a firearm in Arizona.

In 21 states, unlawful possession of a firearm by a person who is underage is a misdemeanor. In three states, it is a felony. In another eight states, a violation results in an adjudication of delinquency. Nine states enhance the penalties for subsequent offenses.

Eleven states have no statutory provisions that relate directly to the possession of weapons by minors.⁹⁷

Adjudicated delinquents are prevented from possessing firearms in 22 states. The prohibitions usually are placed upon persons who have been adjudicated delinquent for acts that would be felonies or other violent offenses if they had been committed by an adult. Seven states prohibit possession for 10 years after adjudication or release from a juvenile detention facility. In another six states, the prohibition remains in place until the governor or a court orders the restoration of the right to possess a firearm.

In Oklahoma, adjudicated delinquents also are prohibited from having a firearm in any vehicle they are driving or in which they are passengers. In Mississippi, the public has access to the names and

⁹⁷ Alabama, Arkansas, Hawaii, Louisiana, Montana, Nevada, Ohio, Texas, Wyoming, Puerto Rico, and the Virgin Islands

addresses of juveniles twice adjudicated delinquent for the unlawful possession of a firearm or for an act that would constitute a felony if committed by an adult.

In Arizona and Delaware, possession of a firearm by an adjudicated delinquent results in an enhanced penalty.

Licensing

Many statutes require a person to be of a certain age to acquire a license to carry or purchase a firearm. The staff identified 35 states that regulate the age at which a person may obtain a license to carry certain types of firearms. In Rhode Island, for example, a person must be 15 to be licensed to carry a firearm.

Eleven states require an individual to be at least 21 to obtain a license to carry a concealed weapon. In eight other states, the age requirement is 18. Thirteen states impose an age requirement for persons wishing to obtain a license for a handgun: in eight states, a person must be 21; five states require that an individual be 18.

In California and New Hampshire, a person must be at least 16 to obtain a license to carry an assault weapon.

Eighteen states require an individual seeking a hunting license to be a certain age. In Maine, children 10 and older can obtain a license to hunt with a firearm. In Connecticut and Michigan, a child must be 12 to become a licensed hunter. In West Virginia, the age at which a person may obtain a hunting license is 21.

Liability for Transfer

Most states prohibit the transfer of firearms to individuals under a certain age. However, the age under which a transfer is prohibited and the types of firearms that are prohibited vary. The project staff

defined "transfer" as the sale, gift, or loan of a firearm, and identified 43 states that prohibit the transfer of firearms to minors under certain circumstances.

In 12 states, the violation of a transfer provision in situations in which the person does not intend to transfer a firearm to a minor is a misdemeanor. Six other states make the transfer a felonious act. In Hawaii, Nevada, and Virginia, the police may seize a firearm illegally transferred to a minor. Eighteen states require that the transferor know that he is transferring the firearm to a minor. Many states enhance the penalty for a subsequent offense.

Liability for Access

Thirteen states impose liability on the part of an adult when a minor gains access to a firearm. However, the statutes vary in their language and intent requirements.

Nine states hold adults criminally responsible for storing a loaded firearm in such a way as to allow a minor to gain access. In some states, the penalty is enhanced if the minor causes injury or death to himself or another person. Other states require that injury or death result before a prosecution may be pursued.

Many states that have a provision penalizing the negligent or reckless storage of a firearm create an exception if the minor gains access to the weapon by unlawful entry into the home or place of storage. Other exceptions include situations in which: the firearm is used in self-defense; the firearm is reasonably secured or equipped with a locking device; or injury occurs as a result of a hunting or sport-shooting accident.

Other child access laws create criminal liability when an adult or parent is aware that his child possesses a firearm unlawfully and does not take action to prevent the possession. Thirteen states have such provisions.

In Arizona, the District of Columbia, and Guam, an adult assumes liability "in tort" for any bodily injury or death that occurs if he permits his child to possess a firearm. In New Hampshire, an adult is liable for any damage incurred or violations committed by a minor under 16 who is hunting under the adult's supervision.

Gun-Free Schools

The project staff identified five types of statutes under which weapons possession in schools or safety zones is criminalized. The most common type of statute -- it is in effect in 31 states -- prohibits the possession of a weapon on school property or in a safety zone and provides punishments whether or not the person knowingly possesses the weapon in the restricted area.

Another type of statute punishes the *knowing* possession of a firearm on school property or in a safety zone. Fourteen states have statutes of this sort.

Four states punish firearms possession on school property if the person intends to use the firearm on the property or within a safety zone. Six states prohibit the discharge or attempted discharge of a firearm on school property. In Iowa, New Hampshire, Minnesota, Nevada, and Utah, individuals are prosecuted if they commit a violent offense on school property, or if they commit an offense while in possession of a weapon on school property or in a safety zone.

The penalties imposed for violation of a gun-free school provision are varied. When a student violates the provision, the statute often calls for the suspension or expulsion of the student. Eleven states require that school officials notify a student's parents or law enforcement when a violation occurs. In Alabama, Arkansas, Georgia, Minnesota, Mississippi, and West Virginia, a person may have his driving privileges suspended. In Michigan, part of the penalty may include community service.

The majority of state statutes limit weapons prohibitions to school grounds or school buildings. The other state statutes also prohibit weapons on school buses, at school-sponsored activities, or within

prescribed distances from school property. In the District of Columbia, day-care centers are considered weapon-free zones.

In Kentucky, a teacher must be notified in writing by school officials if he is assigned to work or come into contact with a student who has a documented history of carrying a concealed weapon on school property or at a school function.

State gun-free school statutes generally have several exceptions or defenses to prosecution. The most common exceptions are for government agents and lawful educational activities. Several states allow an individual to possess a firearm on school property or within a safety zone if he has permission from the appropriate school authorities. In statutes that create safety zones, there usually is an exception if a person is on private property within a certain distance from the school. Another common exception is if the firearm is reasonably secured within a motor vehicle that is on school property or within the safety zone. Other exceptions include statutes in which: an individual is hunting lawfully, possesses a firearm in self-defense, or has a valid permit to possess the firearm.

Waiver

Almost every state allows children to be transferred to adult court under certain circumstances.

Seventeen states provide for children 16 and older to be prosecuted as adults for conduct that would constitute a felony if committed by an adult. In thirteen of those states, the transfer is mandatory.

Ten states allow a judge to order a child to be prosecuted as an adult if he previously has been adjudicated delinquent. Twelve states mandate that a previously adjudicated delinquent child be transferred to criminal court. In West Virginia, any child who commits a violent criminal act must be prosecuted as an adult.

In Vermont and South Dakota, a child 10 or older may be transferred to criminal court if he commits an act that would be a felony if committed by an adult. In New York, a child 13 or older must be

prosecuted as an adult for a felonious act. Connecticut, Idaho, West Virginia and the Virgin Islands have mandatory waiver for children over 14 who commit acts that would be felonies.

In Oregon, Mississippi, and Indiana, children must be prosecuted as adults if they violate a firearm law. A child 14 or older in Arkansas, 16 or older in Kansas, and under 18 in the District of Columbia may be transferred to criminal court for acts that violate these states' weapon-free school zone laws. Illinois requires children 15 and older to be tried as adults if they violate the gun-free school zone law.

Chart One: Summary of State Code Provisions Affecting Juveniles' Possession of Firearms

This chart indicates which of the listed types of provisions affecting juveniles' possession of firearms are included in individual state codes.

State	Possession	Licensing	Transfer	Access	Gun-Free Schools	Transfer to Criminal Court	Adjudicated Delinquent
Alabama			✓		✓	✓	
Alaska	✓				✓	✓	✓
Arizona	✓	✓	✓	✓	✓	✓	✓
Arkansas			✓		✓	✓	✓
California	✓	✓	✓	✓	✓	✓	✓
Colorado	✓		✓	✓	✓	✓	✓
Connecticut	✓	✓	✓	✓	✓	✓	
Delaware	✓	✓	✓	✓	✓	✓	✓
Florida	✓	✓	✓	✓	✓	✓	✓
Georgia	✓	✓	✓		✓	✓	✓
Hawaii		✓	✓	✓		✓	✓
Idaho	✓	✓	✓		✓	✓	
Illinois	✓	✓	✓		✓	✓	✓
Indiana	✓	✓	✓	✓	✓	✓	
Iowa	✓	✓	✓	✓	✓	✓	
Kansas	✓		✓		✓	✓	✓
Kentucky	✓				✓	✓	✓
Louisiana			✓		✓	✓	
Maine	✓	✓			✓	✓	✓
Maryland	✓	✓	✓	✓	✓	✓	
Massachusetts	✓	✓	✓		✓	✓	
Michigan	✓	✓	✓	✓	✓	✓	
Minnesota	✓		✓	✓	✓	✓	✓
Mississippi	✓	✓	✓	✓	✓	✓	✓

State	Possession	Licensing	Transfer	Access	Gun-Free Schools	Transfer to Criminal Court	Adjudicated Delinquent
Missouri	✓		✓		✓	✓	
Montana		✓		✓		✓	
Nebraska	✓	✓	✓		✓	✓	
Nevada			✓	✓	✓	✓	
New Hampshire	✓	✓	✓	✓	✓	✓	
New Jersey	✓		✓	✓	✓	✓	
New Mexico	✓				✓	✓	
New York	✓	✓	✓		✓	✓	
North Carolina	✓		✓	✓	✓	✓	
North Dakota	✓	✓	✓	✓	✓	✓	
Ohio		✓	✓		✓	✓	✓
Oklahoma	✓	✓	✓	✓	✓	✓	✓
Oregon	✓	✓	✓		✓	✓	✓
Pennsylvania	✓	✓	✓		✓	✓	✓
Rhode Island	✓	✓	✓		✓	✓	
South Carolina	✓				✓	✓	
South Dakota	✓	✓	✓		✓	✓	
Tennessee	✓		✓		✓	✓	
Texas			✓		✓	✓	
Utah	✓		✓		✓	✓	
Vermont	✓	✓	✓		✓	✓	
Virginia	✓		✓	✓	✓	✓	✓
Washington	✓	✓			✓	✓	
West Virginia	✓	✓		✓	✓	✓	
Wisconsin	✓	✓	✓	✓	✓	✓	✓
Wyoming		✓				✓	
District of Columbia	✓	✓	✓	✓	✓	✓	✓

State	Possession	Licensing	Transfer	Access	Gun-Free Schools	Transfer to Criminal Court	Adjudicated Delinquent
Guam	✓	✓	✓	✓			
N. Marianas	✓	✓					
Puerto Rico		✓					
Virgin Islands		✓				✓	
Total states	44	35	43	25	48	52	22

CHAPTER IV

A PROPOSED MODEL JUVENILE HANDGUN CODE FOR THE STATES

The project resource group sought to formulate a constitutional and enforceable legal framework for addressing the problem of juveniles' possession and illegal use of firearms.

The proposed model juvenile handgun code encourages legislators to restrict the possession of firearms by juveniles under the age of 18, to restrict the transfer of firearms to juveniles, and to prohibit the possession of firearms on school property and in safety zones around school property.

The proposed model juvenile handgun code is first presented in its entirety, and then each section is presented with its accompanying commentary. Issues that were discussed by the resource group, but for which no model language was developed, are included at the end of the "Analysis and Commentary on Proposed Model Code Language" section.

The Proposed Model Juvenile Handgun Code for the States

§1 Definitions

(a) For purposes of this code:

(i) "Firearm" is defined as any weapon (1) that will or is designed to or may be readily converted to expel a projectile by the action of an explosive; or (2) the frame or receiver of any firearm; or (3) any firearm muffler or silencer. For purposes of this code, antique firearms are not included in the definition of firearms.

(ii) "Handgun" is defined as (1) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; or (2) any combination of parts from which a handgun can be assembled. For purposes of this code, antique firearms are not handguns.

(iii) "Antique firearm" is defined as any firearm manufactured in or before 1898.

(iv) "Loaded" handgun or firearm is defined as a handgun or firearm in which ammunition is inside the weapon, or a handgun or firearm for which the ammunition for the weapon is in such close proximity to the handgun or firearm that the ammunition readily may be loaded and used in the weapon.

(v) "Juvenile" is defined as a person under the age of [18].¹

(vi) "Possession" is defined as actual or constructive custody or control.

§2 Possession

(a) No juvenile shall possess a handgun.

(i) If a juvenile is found in possession of a handgun and the handgun is loaded, the penalty shall be enhanced.

(ii) If the handgun is loaded and the juvenile possesses it in a public place, the penalty shall be further enhanced.

¹ Brackets denote an area of considerable debate by the resource group. Please see commentary on page 54.

(iii) If the juvenile possesses and intends to use a loaded or unloaded handgun in the commission of a crime, the penalty shall be enhanced, and any penalty imposed shall be over and above any sentence imposed for the attempted commission of the underlying crime.

(iv) If the juvenile uses a loaded or unloaded handgun in the commission of a crime, the penalty shall be enhanced, and any penalty imposed shall be over and above any sentence imposed for the commission of the underlying crime.

(v) If the juvenile obtained the handgun by unlawful entry or theft, or knows that the handgun previously was unlawfully obtained, the penalty shall be enhanced, and any penalty imposed shall be over and above any sentence imposed for the theft.

§3 Exceptions

(a) "Authorized adult" is defined as the parent or guardian of the juvenile who will possess the handgun, or another adult age 21 or over who has the prior written consent of the parent or guardian of the juvenile to accompany the juvenile who will possess the handgun.

(b) The prohibitions in §2 shall not apply if the juvenile is accompanied by an authorized adult who may lawfully possess a handgun and:

(i) is attending a hunter's safety course or handgun or firearms safety course;

(ii) is practicing the use of a handgun, or target shooting at a lawfully established firing range or any other area where the discharge of a firearm is not prohibited

(iii) is participating in an organized competition involving the use of a handgun, or is participating in or practicing for a performance in which a handgun is used, and the competition or performance is sponsored by a national, state, or local organization, or any affiliate of such an organization, devoted to the collection, competitive use, or other sporting use of firearms;

(iv) is hunting or trapping pursuant to a valid license;

(v) is on real property that is owned by an authorized adult and the juvenile has the prior consent of the adult and the juvenile's parent or legal guardian to possess the handgun, and the shot propelled from the handgun would not foreseeably endanger any person or property within or without the boundaries of the property; or

(vi) is traveling to or from any of the activities described above with an unloaded handgun that is secured in a locked case if the juvenile possesses written documentation of his participation in the activity.

(c) The prohibitions in §2 shall not apply if the juvenile possesses the handgun at his residence under circumstances justified by the principles of self-defense.

§4 Liability for Transfer to Juveniles

(a) No person shall knowingly or recklessly sell, loan, provide, or transfer a handgun with or without remuneration to any individual whom he knows or reasonably should know is a juvenile who is not authorized to possess under one of the exceptions in §3(b).

(b) A person is presumed to have acted recklessly if he does not attempt to ascertain the age of the purchaser by requesting identification.

(c) In cases of gift or inheritance, a person may transfer title, but not possession, of the handgun to a juvenile.

§5 Gun-Free Schools

(a) Definitions

(i) "Ammunition" is defined as ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(ii) "School property" is defined as the property of a school, college, university, other institution of higher learning, or child-care center.

(iii) "Safety zone" is defined as an event sponsored by a school, college, university, other institution of higher learning, or child-care center; a vehicle owned by a school, college, university, other institution of higher learning, or child-care center; or property within 1,000 feet of a school, college, university, other institution of higher learning, or child-care center.

(b) No person shall possess a firearm as defined in § 1 or ammunition on school property or in a safety zone.

(c) The prohibition in (b) shall not apply if, on the property or within the safety zone:

(i) A juvenile or an adult is attending or engaged in a hunter's or firearms safety course.

(ii) A juvenile or an adult is participating in a national, state, or local organized competition involving the use of a firearm, or participating in or practicing for a performance that uses handguns as a part of the performance by a group, and either of which is approved by the school.

(iii) A juvenile or an adult is practicing the use of a firearm or is target shooting at a lawfully established firing range or any other area where the discharge of a firearm is not prohibited.

(iv) A juvenile or an adult is hunting or trapping pursuant to a valid license issued to him pursuant to the statutes or administrative regulations of this state.

(v) A juvenile is on real property that is owned by an authorized adult, and the juvenile has the prior consent of the adult and the juvenile's parent or legal guardian to possess the handgun, or the possessor is an adult, and the shot propelled from the handgun does not foreseeably endanger any person or property within or without the boundaries of the property.

(vi) The possessor is traveling to or from any of the activities described above with an unloaded handgun that is secured in a locked case, and if the possessor is a juvenile, he has written documentation of his participation in the activity.

(vii) An individual is lawfully possessing the firearm on private property.

(viii) The possessor is a government agent who is authorized to possess a firearm in the conduct of his duties, and the agent is on school property in the conduct of his duties.

(d) School officials are required to report any violations of this provision to local law enforcement officials and to the juvenile's parent or legal guardian.

Analysis and Commentary on Proposed Model Code Language

§1 Definitions

(a) For purposes of this code:

(i) "Firearm" is defined as any weapon (1) that will or is designed to or may be readily converted to expel a projectile by the action of an explosive; or (2) the frame or receiver of any firearm; or (3) any firearm muffler or silencer. For purposes of this code, antique firearms are not included in the definition of firearms.

(ii) "Handgun" is defined as (1) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; or (2) any combination of parts from which a handgun can be assembled. For purposes of this code, antique firearms are not handguns.

(iii) "Antique firearm" is defined as any firearm manufactured in or before 1898.

(iv) "Loaded" handgun or firearm is defined as a handgun or firearm in which ammunition is inside the weapon, or a handgun or firearm for which the ammunition for the weapon is in such close proximity to the handgun or firearm that the ammunition readily may be loaded and used in the weapon.

(v) "Juvenile" is defined as a person under the age of [18].²

(vi) "Possession" is defined as actual or constructive custody or control.

Commentary

Focus on Handguns

The resource group extensively debated whether the proposed model code should encompass all firearms or be limited to handguns. The congressional mandate is limited to the creation of a model handgun code; however, as long as the congressional mandate was satisfied, the resource group determined that it could go beyond the mandate and provide additional proposed model code language, commentary, and recommendations.

² Brackets denote an area of considerable debate by the resource group. Please see commentary on page 54.

Some members of the group maintained that if the model code was limited to handguns, it would not be useful for states in attempting to address the problems arising from the range of weapons found in juveniles' possession. Other members of the group were concerned that if handguns were the sole focus, the model code would send a message to juveniles that possession of other types of firearms is acceptable. On the other hand, many individuals, particularly juveniles, may not make subtle distinctions between different types of weapons.

The resource group members agreed to focus on handguns for several reasons. First, there is a perception that, because handguns are easily concealed, they are the most prevalent type of weapon used in crimes. However, considering that problem weapons vary among jurisdictions, the group decided to recommend that states study the types of weapons that are problematic in their jurisdictions and modify the language to respond to their particular problem.

The resource group also was concerned that, because other types of firearms, such as rifles and shotguns, have many legitimate uses, a model code that included such firearms in addition to handguns would be rife with so many exceptions that it would be rendered useless. Finally, because so many states restrict the possession of more dangerous weapons, such as automatic weapons and assault weapons, by adults as well as juveniles, the resource group determined that a model code which focused on juveniles should target firearms that legitimately may be possessed by adults.

Imitation Weapons

The resource group also considered whether to prohibit the possession of imitation weapons in the proposed model code, because it was concerned about the threatening or illegal use of toy guns or imitation weapons. In threatening situations, lay individuals and police officers may not be able to tell the difference between an imitation and a real firearm. Such confusion can result in violent reactions by an individual at whom an imitation gun is aimed. Therefore, states may want to consider statutes that criminalize the

exhibition of an imitation gun with the intent of making a person believe it is a real gun. In some states, this type of conduct already may be covered under assault or threatening statutes, but states should consider whether these statutes are being used to punish such conduct. Some members of the resource group believed that this type of conduct should not be criminalized, but that individual schools or school districts should develop policies to discipline students who engage in this kind of behavior.

Under federal law, replicas of antique firearms are included in the definition of antique firearms if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or the ammunition that the replica would use is no longer available in the United States and is not readily available in the ordinary channels of commercial trade.³ States may wish to include these replicas in their definition of antique firearm, or they may wish to prohibit the possession of replicas in a way similar to the prohibition on the possession of imitation weapons.

Ammunition

The resource group decided not to include a provision related to possession of ammunition, unless the ammunition was in a handgun or within close proximity to a handgun, primarily because of a concern that the same ammunition can sometimes be used in both handguns and long guns, and therefore, it may be difficult to provide that a juvenile possessed “handgun” ammunition. On the other hand, some members of the group pointed out that most ammunition is marketed and labeled for use in either handguns or longguns, lessening any perceived identification problems.

Firearms technicians have stated, however, that if ammunition is usable in either a handgun or a longgun, the purpose for which it is used is the determining factor in identifying it, and not whether it is marketed for use in a specific type of weapon. Thus, if ammunition is marketed for use in a longgun but it is intended and able to be used in a handgun, it is considered “handgun ammunition” by firearms

³ 18 U.S.C. §921 (a) (16) (1995).

technicians. Conversely, if ammunition is marketed for use in a handgun, but it is intended and able to be used in a longgun, it is considered “longgun ammunition.”

It was also noted that possession of ammunition without the gun does not pose as a great a danger as possession of a loaded gun.

If possession of ammunition is a serious problem in certain states, those jurisdictions may want to consider adding a prohibition on the possession of ammunition to their statutory schemes.

It should be noted that federal law prohibits the possession of or transfer of handgun ammunition to juveniles under the age of 18⁴. This prohibition is extended to juveniles under the age of 21 if the transferor is a federally licensed dealer.

Definition of a Juvenile

The age under which possession should be prohibited was the subject of considerable discussion by the resource group. The resource group ultimately agreed to recommend that states prohibit possession of handguns by all individuals under 18, subject to the exceptions listed in the model code.

Some members of the group, however, favored not recommending a specific age and allowing each state legislature to decide at what age it believes its citizens are mature enough to handle handguns.

The resource group recommended that if a state adopts an age limit other than 18, it should not choose automatically the age at which the juvenile court jurisdiction ends but carefully should consider any specific circumstances not mentioned in the model code that would justify allowing juveniles to possess firearms.

States should be aware that violent crime rates for individuals between the ages of 18 and 21 are increasing while the violent crime rate in the United States is on the decline. In addition, federal law prohibits the sale of handguns to persons under age 21. Therefore, states may want to consider an age limit

⁴ 18 U.S.C.A. §922(x) (1976 & Supp. 1995).

of 21 so that the age at which transfer is permitted and the age at which possession is permitted are the same. Federal law permits possession of firearms by persons 18 and over, subject to certain exceptions, but states may be more restrictive than federal law.

Because firearms are easily transportable across state lines, states should consider the public policy interest in maintaining uniformity among jurisdictions for the age at which juveniles may possess handguns. Law enforcement has found it difficult to prevent the transportation of firearms across state lines if the requirements for possession are different in each state.

Possession

Possession is defined as the exercise of dominion and control over an object, even if the individual is not physically holding an object. The resource group defined possession to include actual or constructive possession. Therefore, an individual may be in possession of a weapon if it is located in the glove compartment of his car while driving, in his locker, in his bag, or any place where the individual may access the firearm and use it for his own purposes. Such a definition of possession allows law enforcement to intervene before the juvenile actually uses or exhibits the handgun.

§2 Possession

(a) No juvenile shall possess a handgun.

(i) If a juvenile is found in possession of a handgun and the handgun is loaded, the penalty shall be enhanced.

(ii) If the handgun is loaded and the juvenile possesses it in a public place, the penalty shall be further enhanced.

(iii) If the juvenile possesses and intends to use a loaded or unloaded handgun in the commission of a crime, the penalty shall be enhanced, and any penalty imposed shall be over and above any sentence imposed for the attempted commission of the underlying crime.

(iv) If the juvenile uses a loaded or unloaded handgun in the commission of a crime, the penalty shall be enhanced, and any penalty imposed shall be over and above any sentence imposed for the commission of the underlying crime.

(v) If the juvenile obtained the handgun by unlawful entry or theft, or knows that the handgun previously was unlawfully obtained, the penalty shall be enhanced, and any penalty imposed shall be over and above any sentence imposed for the theft.

Commentary

Penalties

The juvenile justice systems in the states approach the issue of sanctioning in a variety of ways. Some states are beginning to reconsider the notion that the juvenile justice system should focus on rehabilitation, and are beginning to sanction juveniles based upon retributive or incapacitation theories of criminal justice. Increasingly, statutes that prohibit juvenile conduct are mirroring adult sentencing schemes, and many statutes that address juvenile conduct classify the offenses as misdemeanors or felonies -- classifications that traditionally were not used in the context of juvenile crime. States should develop

sanctions for unlawful possession of a handgun by a juvenile based upon their own unique sentencing schemes.

The project resource group believed that mere possession of an unloaded firearm should not be considered a serious offense.

The many options available to a judge, including fines, detention in a juvenile facility, notification of parents upon arrest, community service, and counseling, should be considered in the context of a juvenile's possession or use of a weapon.

Recently, states have experimented with alternative sanctioning schemes in dealing with juveniles. One example is suspending a juvenile's driving privileges until he reaches a certain age. Some states are releasing the names of adjudicated delinquents who have committed serious offenses or are repeat offenders. States also have experimented with forfeiture as a sanction for illegal possession. States may want to consider these and other alternative sanctions when addressing the issue of sanctions for unlawfully possessing a firearm.

Enhanced Penalties

A fundamental principle of firearm safety is that a firearm must be carried or stored without ammunition and that the ammunition must be stored separately from the firearm. Therefore, the resource group decided to provide for enhanced penalties if a juvenile is found in possession of a loaded firearm. States may wish to consider creating a rebuttable presumption that the juvenile intended to commit a crime or is a danger to the community if he is found in possession of a loaded weapon. In some states, if a juvenile is considered a danger to the community, he may be detained in a juvenile facility prior to adjudication.

Noting that firearms often are obtained as a result of burglaries at homes and gun stores, the resource group recommended that the penalty be enhanced if a juvenile possesses a handgun that he has stolen or that he knows has been stolen.

Many states enhance penalties for subsequent offenses, thereby enabling the court to distinguish between first offenders and juveniles who repeatedly engage in delinquent or violent behavior in determining appropriate sentences. States may wish to consider enhancing penalties for juveniles who repeatedly are adjudicated for possession of a handgun.

§3 Exceptions

(a) "Authorized adult" is defined as the parent or guardian of the juvenile who will possess the handgun, or another adult age 21 or over who has the prior written consent of the parent or guardian of the juvenile to accompany the juvenile who will possess the handgun.

(b) The prohibitions in §2 shall not apply if the juvenile is accompanied by an authorized adult who may lawfully possess a handgun and:

(i) is attending a hunter's safety course or handgun or firearms safety course;

(ii) is practicing the use of a handgun, or is target shooting at a lawfully established firing range or any other area where the discharge of a firearm is not prohibited;

(iii) is participating in an organized competition involving the use of a handgun, or is participating in or practicing for a performance in which a handgun is used, and the competition or performance is sponsored by a national, state, or local organization, or any

affiliate of such an organization, devoted to the collection, competitive use, or other sporting use of firearms;

(iv) is hunting or trapping pursuant to a valid license;

(v) is on real property that is owned by an authorized adult and the juvenile has the prior consent of the adult and the juvenile's parent or legal guardian to possess the handgun, and the shot propelled from the handgun would not foreseeably endanger any person or property within or without the boundaries of the property; or

(vi) is traveling to or from any of the activities described above with an unloaded handgun that is secured in a locked case if the juvenile possesses written documentation of his participation in the activity.

(c) The prohibitions in §2 shall not apply if the juvenile possesses the handgun at his residence under circumstances justified by the principles of self-defense.

Commentary

Authorized Adult

It is important for a juvenile to be properly supervised while possessing a firearm. The supervisor should be an adult who has the written consent of the juvenile's parent or guardian to accompany the juvenile while he is in possession of a handgun. Otherwise, situations may arise in which older gang members or friends will provide firearms to juveniles without the knowledge of a parent or legal guardian.

The resource group also thought it was important to ensure that the adult have the authority of the state to possess a handgun. This would prevent adults who are prohibited from possessing a handgun by state law from supervising juveniles who possess handguns.

Some members of the resource group were concerned that if an authorized adult were required to accompany each juvenile, the instructor of a course or the moderator of a gun club at a school would be subject to liability if he supervised more than one juvenile at a time. The resource group did not intend to create liability in such circumstances. An authorized adult may accompany more than one juvenile; however, states should carefully consider the ratio of juveniles to adults in determining adequacy of supervision. Some states may want to require a certain limit on the number of juveniles one adult may supervise.

The resource group agreed that written consent was necessary to limit problems of proof. It is easier to prove consent when written documentation is required. Prosecutors often encounter the problem of "retroactive" consent, in which a parent who actually had not consented to the juvenile's possession of a firearm will say that he did to avoid prosecution of his child. If the authorized adult has written permission, no charges will be brought in the first instance, thereby avoiding extensive litigation about whether prior consent was obtained. In addition, the resource group agreed that because written consent is required in many other contexts, for example, if a child needs to take medication at school, it would not be an unusually onerous burden on parents.

Another concern about requiring written consent is the likelihood of juveniles forging documentation. However, this is a concern that is always raised in the context of requiring documentation, and should be dealt with on a case-by-case basis. If the written consent is suspicious, law enforcement and prosecutors will have to investigate further to determine whether the consent was valid.

Some members of the resource group were concerned that a written consent requirement would be opposed by certain factions that oppose government involvement in family relations. Such factions might

oppose, for example, requiring a parent to provide written consent for an uncle to take a juvenile hunting. Nevertheless, the group agreed to recommend that written consent be required, and to allow each individual state to determine whether opposition to this requirement would pose an insurmountable obstacle in their jurisdictions. The resource group also noted that prosecutorial discretion would allow a prosecutor to decide not to prosecute a particular case.

Exceptions

The exceptions included in the proposed model code are based upon those found in the federal Youth Handgun Safety Act and those that are most common in existing state juvenile firearm provisions.

The self-defense exception should not be available to justify the possession of a gun to ward off the possibility of an attack. Thus, individuals who carry a firearm outside their home for personal protection would not be covered by this exception. States should consider clarifying their laws to ensure that possession of a weapon by a juvenile for self-defense is an exception only if the person possesses the weapon to fend off an immediate attack at his residence.

In some states, self-defense is a defense to prosecution, rather than an exception to liability. If states choose to maintain the self-defense doctrine as a defense, a juvenile will be arrested, charged and prosecuted, and the defense will be raised during motion hearings or at trial. Some resource group members asserted that if self-defense is treated as an exception, the juvenile may avoid arrest if the elements of the exception are satisfied. In practice, however, this distinction may become blurred, because some police officers may arrest and charge a juvenile based upon probable cause, and prosecutor or court may later decide that the juvenile should be immune from prosecution under the self-defense exception.

§4 Liability for Transfer to Juveniles

(a) No person shall knowingly or recklessly sell, loan, provide, or transfer a handgun with or without remuneration to any individual who he knows or reasonably should know is a juvenile who is not authorized to possess under one of the exceptions in §3(b).

(b) A person is presumed to have acted recklessly if he does not attempt to ascertain the age of the purchaser by requesting identification.

(c) In cases of gift or inheritance, a person may transfer title, but not possession, of the handgun to a juvenile.

Commentary

Transfer

Many states create criminal liability on the part of an adult who transfers a firearm to a juvenile, and transferring a handgun to a juvenile under 18 is a federal offense under the Youth Handgun Safety Act⁵. Federally licensed dealers may not transfer handguns to juveniles under the age of 21. Therefore, the resource group agreed to include this type of provision in the model code.

Some members of the resource group were concerned about putting the burden on a gun dealer to determine whether a juvenile falls under one of the exceptions. Other members noted, however, that the dealer can request a license or written documentation of an event to satisfy the requirement that he act reasonably. In addition, if the juvenile is accompanied by an authorized adult when he purchases the handgun, the dealer can ascertain the legitimacy of the juvenile's purchase through the adult.

⁵ *Id.*

Some members of the resource group thought that juveniles should never be able to buy firearms. Instead, purchases only should be made by an adult who could permit a juvenile who falls under one of the exceptions to possess in certain circumstances. The Federal Youth Handgun Safety Act allows temporary transfers to juveniles who are authorized to possess under one of the exceptions. States may wish to consider enacting a provision that takes this approach to avoid some of the proof problems discussed above.

*Dissenting Statement of Handgun Control, Inc.*⁶

As drafted, the proposed model code permits direct sales of handguns to juveniles if the juvenile intends to use the handgun for one of the excepted purposes (e.g., hunting or target shooting). Handgun Control, Inc. strongly dissents from this approach and recommends that states adopt transfer provisions that would prohibit direct sales to juveniles but allow for temporary transfers by authorized adults for use under the excepted circumstances.

First, permitting direct sales to juveniles does not make sense in light of the circumstances under which juveniles may legally possess handguns under the model code. The exceptions are real time events, e.g., if the juvenile is actually engaged in hunting or target shooting, or traveling to or from such an activity. The exceptions do not seem to contemplate a situation where a juvenile buys a handgun on Friday afternoon so he or she can target shoot on Saturday afternoon.

Second, prohibiting direct sales allows for greater control over juveniles' possession and use of handguns and better ensures that they will possess and use handguns only under the excepted circumstances.

⁶ Dissenting statements have been inserted as submitted. They have not been edited to conform to the NCJA style used throughout the report.

Third, as noted in the commentary to the proposed model code, it is illegal under federal law for a federally licensed gun dealer to sell a handgun to anyone under the age of 21 and for any person to sell a handgun to anyone under 18. Thus, a state law that specifically permitted sales in either of these circumstances would directly contradict federal law.

Alternative language that would permit temporary transfers only is provided in Appendix D of this report.

Presumption of Recklessness

The resource group members agreed that the transferor should be required to take responsibility for his actions, and should act reasonably to ensure that a juvenile is not purchasing a handgun for an illegitimate purpose. Therefore, the proposed model code requires that a dealer take steps to ensure that the purchaser is not underage and is authorized to possess the handgun. A dealer who fails to do so has acted recklessly and could be prosecuted.

Gift or Inheritance

Some resource group members expressed concern regarding situations in which a juvenile receives a firearm through inheritance or gift. The resource group agreed that even in these situations, a juvenile should not be entitled to possess the firearm unless he does so under one of the exceptions. Therefore, the resource group recommended that the model code include language found in the Federal Youth Handgun Safety Act, which permits the transfer of title but not possession. This allows a juvenile to own the firearm but not use it illegitimately. This would be analogous to transferring the title of a car before a juvenile is old enough to drive.

An additional concern related to excepting handguns obtained through inheritance or gift from the proposed model code provisions was the potentially broad definition of a "gift." It is difficult to prove if

something qualifies as a gift. For example, the definition could include a situation in which a gang member gives a firearm to a juvenile.

Penalty

This provision calls upon adults to exercise good judgment when making handguns available to juveniles. However, noting that each state's sentencing scheme is different, the resource group declined to recommend a specific penalty for the offense. Resource group members asserted that the decision regarding possible penalties is of less importance than a recognition of an adult's responsibility to ensure that he is not contributing to the problem of juvenile violence by making firearms readily available.

§5 Gun-Free Schools

(a) Definitions

(i) "Ammunition" is defined as ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(ii) "School property" is defined as the property of a school, college, university, other institution of higher learning, or child-care center.

(iii) "Safety zone" is defined as an event sponsored by a school, college, university, other institution of higher learning, or child-care center; a vehicle owned by a school, college, university, other institution of higher learning, or child-care center; or property within 1,000 feet of a school, college, university, other institution of higher learning, or child-care center.

(b) No person shall possess a firearm as defined in §1 or ammunition on school property or in a safety zone.

(c) The prohibition in (b) shall not apply if, on the property or within the safety zone:

(i) A juvenile or an adult is attending or engaged in a hunter's or firearms safety course.

(ii) A juvenile or an adult is participating in a national, state, or local organized competition involving the use of a firearm, or participating in or practicing for a performance that uses handguns as a part of the performance by a group, and either of which is approved by the school.

(iii) A juvenile or an adult is practicing the use of a firearm or target shooting at a lawfully established firing range or any other area where the discharge of a firearm is not prohibited.

(iv) A juvenile or an adult is hunting or trapping pursuant to a valid license issued to him pursuant to the statutes or administrative regulations of this state.

(v) A juvenile is on real property that is owned by an authorized adult, and the juvenile has the prior consent of the adult and the juvenile's parent or legal guardian to possess the handgun, or the possessor is an adult, and the shot propelled from the handgun does not foreseeably endanger any person or property within or without the boundaries of the property.

(vi) The possessor is traveling to or from any of the activities described above with an unloaded handgun that is secured in a locked case, and if the possessor is a juvenile, he has written documentation of his participation in the activity.

(vii) An individual is lawfully possessing the firearm on private property.

(viii) The possessor is a government agent who is authorized to possess a firearm in the conduct of his duties, and the agent is on school property in the conduct of his duties.

(d) School officials are required to report any violations of this provision to local law enforcement officials and to the juvenile's parent or legal guardian.

Commentary

Guns in Schools

Because the problem of guns in schools has received a great deal of attention recently, the resource group decided to include a gun-free schools provision in the model code. Most states have statutes that prohibit the possession of firearms in or around school property. Until this year, a federal statute made it a federal offense to knowingly possess a firearm at a place that an individual knew, or had reasonable cause to believe, was a school zone. Because the U. S. Supreme Court declared the federal statute unconstitutional in U.S. v. Lopez in April 1995, states may wish to re-examine the language in their gun-free school zones laws to determine if gaps previously covered by the federal statute should be filled under state law. It is important to note also that state statutes that prohibit guns on school property or school

zones do not prevent school districts from adopting even stricter policies, unless state law specifically prohibits them from doing so.

Federal Gun-Free School Zones Act of 1990

The U. S. Supreme Court struck down a federal law aimed at keeping firearms off of school property, ruling 5-4 that the Congress, in enacting such a law, had exceeded its power under the Commerce Clause of the U. S. Constitution. The high Court declared unconstitutional the federal Gun-Free School Zones Act of 1990⁷, which prohibited gun possession within 1,000 feet of a school.

In U. S. v. Lopez, Alfonso Lopez, a 12th-grade student, was arrested for carrying an unloaded .38-caliber handgun and five bullets on high school grounds in San Antonio, Texas, on March 10, 1992.

Initially, he was charged under the Texas gun-free schools statute; however, the state charges were dismissed after federal officials charged him with violating the federal gun-free schools statute. Lopez was sentenced to six months in prison followed by two years of supervised release.

The U. S. Court of Appeals for the Fifth Circuit ruled that the Congress had exceeded its power under the Commerce Clause when it enacted the law. The Commerce Clause provides the Congress with the power to regulate conduct that affects interstate commerce. In a separate case, the U. S. Court of Appeals for the Ninth Circuit had come to the opposite conclusion when it ruled the statute constitutional in December 1993. The high Court agreed to hear the case to resolve the conflict between the circuits.

The statute made it a federal offense “for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.” Chief Justice William H. Rehnquist, writing for the majority, said that because the statute did not regulate interstate commerce or require a nexus between the possession of the gun and interstate commerce, the Congress had exceeded its authority in prohibiting the possession of guns on school property.

⁷ 18 U.S.C. §922 (q)(1)(A) (1990).

Rehnquist's opinion began with a history of the Court's interpretation of the Commerce Clause. Rehnquist noted that since the early 1940's, the Court's decisions have supported expanded congressional regulatory powers under the clause. He noted further, however, that the Court has not supported unlimited congressional regulatory power, but has required a "rational basis" for congressional decisions that "a regulated activity sufficiently affected interstate commerce."

Section 922 (q) is a criminal statute, which "has nothing to do with commerce or any sort of economic enterprise," according to the Court. The Court asserted that states traditionally have had primary authority for enforcing criminal laws and that "When Congress criminalizes conduct already denounced as criminal by the states, it effects a 'change in the sensitive relation between federal and state criminal jurisdiction.'"

The Court agreed with the Fifth Circuit that the Congress had failed to make specific findings that the possession of a gun on school property substantially affected interstate commerce. Rehnquist rejected the government's argument that congressional "accumulated institutional expertise regarding the regulation of firearms" obtained through enactment of earlier federal firearms legislation was sufficient to support the gun-free school zones statute. According to the Court, the gun-free school zones statute represented a "sharp break with the long-standing pattern of federal firearms legislation."

The Court also concluded that congressional findings regarding the effects of firearm possession on school grounds upon interstate commerce contained in the 1994 crime act did not compensate for the absence of findings in the 1990 statute.

Finally, the Court rejected the government's argument that the possession of a gun on school property affected interstate commerce in two ways: 1) through the substantial societal cost of violent crime and 2) by threatening the learning environment, which ultimately would lead to lessened national productivity.

Four justices dissented on the grounds that the statute “[fell] well within the scope of the commerce power as [the] Court has understood that power over the last half-century.”

According to a *Washington Post* story published April 30, President Clinton said in his weekly radio address that he was “terribly disappointed” in the Court’s decision and that he had asked U. S. Attorney General Janet Reno “what action I can take to keep guns away from schools. I want the action to be constitutional, but I am determined to keep guns away from schools.”

On May 10, 1995, the Clinton administration released a proposal to amend the statute to require that the government prove that the firearm has moved in interstate commerce, or that the possession of the firearm otherwise affects interstate commerce.

Because 48 states already have provisions in place addressing the issue of gun-free schools, some members of the resource group questioned the necessity of federal action on this issue.

Federal and State Jurisdiction over Firearms Offenses in Schools

Most states and many legal scholars have questioned the use of federal laws to address issues that have been traditionally a matter of state law. The Tenth Amendment to the U. S. Constitution specifically grants to the individual states any powers that are not granted specifically to the federal government in the Constitution. Authority over crimes that occur within a state is a state power. State legislatures likely are more attuned to the demands of their constituents as well as to the particular problems in their jurisdictions.

However, some members of the resource group believe that, because gun violence is a national problem, it requires national solutions.

The Congress often has acted to address crimes that have an interstate component, deriving its authority to act from the Commerce Clause of the Constitution. After the Lopez decision, a question remains as to the specific boundaries of the Congress’ power under the Commerce Clause.

Several statutes that were passed by the Congress under the authority of the Commerce Clause may need to be re-evaluated. Examples may include the federal statute that prohibits possession of a firearm by a drug addict or a felon⁸, and the prohibition on the possession of assault weapons within a state. The U. S. Court of Appeals for the Tenth Circuit recently upheld the federal ban on machine gun possession against a challenge based upon the Commerce Clause⁹.

Dissenting Statement of the National Legal Aid and Defender Association

The commentary states that "some members of the resource group believe that, because gun violence is a national problem, it requires national solutions." The NLADA strongly dissents from any suggestion of a consensus in favor of federalizing all crimes involving firearms or violence. The consensus among responsible elements of both state and federal justice systems is overwhelmingly to the contrary.

In recent years, amendments twice passed by the U. S. Senate to federalize all crimes committed with a firearm have generated widespread opposition. The U. S. Judicial Conference opposed the amendments as "inconsistent with long-accepted concepts of federalism," saying that they will "swamp the federal courts with routine cases that states are better equipped to handle, and will weaken the ability of the federal courts" to deal effectively with serious federal criminal and civil cases (Sept. 20, 1991 resolution). Chief Justice William H. Rehnquist, in his 1992 year-end report on the federal judiciary, said the amendments "would have seriously skewed our traditional federalist structure — at great cost and with little probability of impact on the problem." The NDAA adopted a resolution on Dec. 4, 1993, citing concerns about federalizing violent street crimes and crimes involving the use of weapons, that opposed federalization of "crimes of a local nature with minimal federal contact [] that traditionally have been within the purview of state criminal justice systems." Anoka County (Minn.) County Attorney Robert

⁸ This provision specifically refers to an effect on interstate commerce. 18 U. S. C. A. §922(g) (1995).

⁹ United States v. Wilks, No. 94-5208 (10th Cir. July 6, 1995). 1995 U. S. App. LEXIS 16568.

Johnson, on behalf of the NDAA, testified specifically against the federalization of offenses such as gun possession in school zones at a July 18, 1995, Senate Judiciary Committee hearing: "I do not need FBI help in investigating a youth bringing a gun to school or the U.S. Attorney to prosecute a carjacking Our current battle against the rising crime statistics of this country is too important to purposely create, through congressional action, a potential contest or conflict between prosecution authorities".

The Conference of Chief Justices "strongly opposes federal action which, contrary to the principles of federalism and historical experience, would have the pernicious effect of federalizing State criminal law and procedure" (resolution adopted Feb. 10, 1994), and "strongly opposes ... expand[ing] federal criminal law jurisdiction to encompass homicides and other violent state felonies if firearms are involved" (resolution adopted Aug. 3, 1995). FBI Director Louis Freeh has said he is "very concerned about the federalization of crime I don't think we have sufficient federal resources [Y]ou should never pass a law that can't be enforced" (*Legal Times* interview, April 25, 1994). U. S. attorneys general of both parties have expressed similar views: Attorney General Janet Reno has expressed concern "both with state and federal resources We have to look at the general principles of federalism and at what crimes cut across state lines and involve significant constitutional issues" (*Legal Times* interview, June 7, 1993); and President George Bush's attorney general, William Barr, has said, "in the long run, the answer is not to federalize street crime; we simply don't have the resources" (McNeil/Lehrer interview, Feb. 24, 1992).

Leaders of both parties in the Congress have expressed opposition to federalization of state offenses. The NCSL has opposed federalizing state offenses, specifically challenging the Senate firearms amendments for "shifting criminal justice policy to the federal government." And citizens themselves are concerned: four out of five voters want crime handled locally, rather than by Washington, according to a poll by Republican pollster Frank Luntz, reported in the *Washington Times*, Nov. 11, 1994.

These concerns about federalizing all gun crimes remain compelling today. Legislation similar to that which provoked the opposition outlined here is pending again in the Congress, and the recent change

in congressional leadership removes the principle obstacle to its enactment in the past: the determination of the previous congressional leadership to ensure that such misguided provisions passed by one house of the Congress are not included in final crime legislation approved by House and Senate conferees.

There can be no denying that "gun violence is a national problem." Indeed, all violence, and all crime, is a national problem, but this does not make it either an appropriate or constitutional subject for a single national solution by the Congress. Guns in schools may be a national problem, but the Lopez decision limits the Congress' ability to craft a federal solution. Inadequate public education may be a national problem, but the Lopez Court stated that this does not mean the Congress can mandate a federal curriculum for local schools. Child support enforcement may be a national problem, but a federal district court in Arizona recently held the federal Child Support Recovery Act of 1992 unconstitutional on Lopez Commerce Clause grounds, even when the child and the defendant parent live in different states (U.S. v. Mussari, 57 Cr.L. 1438, Aug. 16, 1995).

The NLADA is concerned that, aside from federalism and resource limitations, the increasing federalization of state criminal law leads to increasing arbitrariness and discrimination in criminal enforcement. The federal government has never had the resources to prosecute more than five percent of the crime in America. Overlapping state and federal jurisdiction over enormous categories of local crime, whether involving drugs, guns or other types of street crime, confers unfettered discretion on law enforcement and prosecutors to single out a tiny proportion of eligible offenders to receive federal sentences which are significantly longer, non-parolable and often mandatory. This results in an unpredictability which undermines the deterrent potential of the criminal law, and a grave potential for disproportionate application against disfavored groups, including minorities and the poor. The NLADA's recommendation is that, aside from the appropriateness of federal regulation of interstate commerce in firearms, the mere possession of a handgun by a juvenile, whether on school property or not, is a matter for state rather than federal regulation.

Intent Requirement

The proposed model code does not require that an individual “knowingly” possess a firearm on school property or within a school zone. This is consistent with the majority of state statutes, although an intent requirement has been the subject of debate in state legislatures.

In jurisdictions where the boundaries of school property or a safety zone are unclear, states may wish to require that an individual know that he is on school property or in a safety zone before imposing liability.

Some members of the resource group recommended the inclusion of a requirement that the individual know he is on school property or within a school zone. This amendment would transform the provision into a specific intent statute. They noted that drug-free school zone provisions, which have similar intent requirements to gun-free school zone provisions, have been interpreted broadly by law enforcement to allow, for example, the prosecution of drug couriers passing through a train station that was in the drug-free zone of a vocational school located high above in an office building.

Dissenting Statement of the National Legal Aid and Defender Association

The proposed model code prohibits the possession of a firearm within a "safety zone," defined to include property within 1,000 feet of any educational or child-care facility, but does not require that the defendant know that he is within such a zone. In the draft language circulated to the resource group, there was a specific intent requirement for possession within a safety zone, which was dropped from the final model code without discussion or action by the resource group. The commentary suggests ambivalence on this point, in stating that "in jurisdictions where the boundaries of school property or a safety zone are unclear, states may wish to require that an individual know that he is on school property or in a safety zone before imposing liability."

The problem is that while the boundaries of school property may often be clear, the boundaries of a 1,000-foot safety zone never are. They weave invisibly across streets and through homes, silently dictated by every zig and zag of school property lines a fifth of a mile away. The simple possession of an unregistered hunting rifle by an adult in his living room may require enhanced criminal penalties under this section, while possession in his kitchen may not. Even the lawful possession of a licensed firearm in public by an adult would be criminalized within these unmarked zones — posing conflicts, for example, with laws in increasing numbers of jurisdictions permitting carrying of concealed, licensed firearms in public. In cities, virtually every inch may be expected to be covered by the dense profusion of overlapping two-fifths-mile-diameter zones surrounding every school, college, university, child-care center or adult vocational training facility. Even citizens scrupulously seeking to conform their firearm ownership to every requirement of the law would have no notice of where these zones of criminality lie, short of hiring a surveyor to map the invisible lines for them.

The omission of any intent or knowledge requirement makes this a strict liability criminal offense, violating principles of due process. It will subvert the purpose of the provision; instead of targeting students or others who purposefully bring guns to school or so near a school as to put students at risk, it will become a device for ensnaring the unwary, adding punishment based on what is in the law enforcement officer's mind rather than what is in the defendant's. Experience under similarly intentless drug-free school-zone measures indicates that they have been used, for example, to set up reverse-stings just inside the invisible 1,000-foot line, ensuring that the small-time drug users arrested have no reason to suspect that they are committing the aggravated offense they will be charged with. Commonly, the apprehension of low-level couriers is delayed until they unwittingly cross into a school zone; numerous federal courts have held that the courier's lack of intent to distribute drugs within the school zone, or even knowledge of the existence of the zone, is irrelevant under the federal statute, 21 U.S.C. §860.

The NLADA supports the principle that guns and schools do not mix, but believes equally that gun owners should not be punished for conduct they do not intend. The best way to balance these two important goals is to delete the 1,000-foot-zone provision entirely. The offense should be limited to individuals who knowingly bring guns into a school building or onto school property. Greater coverage, if deemed necessary, should be rationally tailored to the statute's goals, not arbitrarily plucked from the air; it should be limited, for example, to property immediately and visibly contiguous to school property, or to property clearly marked by signs designating a school zone. Under no circumstances should large invisible zones of criminality be established without requiring knowledge or intent to be within the zone. As the commentary notes, 14 states currently require such knowledge. Similarly, the federal statute which was held unconstitutional in Lopez as well as the replacement legislation proposed by the Justice Department requires that the defendant "know or have reasonable cause to believe" that the place of possession is a school zone.

The NCJA notes that the consensus of the resource group was to include a provision that prohibits possession of firearms on school property and in a safety zone. The resource group did not, however, decide what type of intent should be required when prohibiting possession on school property or in school zones. In the draft language distributed for discussion, there was a general intent requirement for possession on school property and a specific intent requirement for possession within a safety zone; however, the resource group did not address specifically the intent issue. Therefore, the project staff did not differentiate between the intent requirement for school property and the intent requirement for safety zones in the report, but discussed issues related to intent in the commentary. It was the policy of the project staff to address all issues that were not discussed by the resource group in the commentary.

Safety Zone

Some resource group members raised concerns about the measurement of the 1,000-foot zone. Is the radius measured from a school building, or from the boundary of the school's real property? States may wish to specify how the radius is to be measured when drafting their gun-free schools statutes. In addition, if property boundaries are unclear, states may wish to require that signs be posted to delineate school zones.

Focus on Firearms and Ammunition

The resource group agreed to focus on handguns in all other provisions of the model code. However, because of the concern for keeping schools safe, the resource group agreed that this provision should be broadened to include all firearms and ammunition. If the focus in this provision was solely on handguns, it would allow an individual to bring a rifle or shotgun to school, but not a handgun, which would be contrary to the resource group's intent of generally keeping weapons away from schools.

Exceptions

The exceptions included in the proposed model code reflect those found in most state statutes. The exception that allows an individual to possess a firearm on private property allows such possession for any lawful purpose.

Some states also permit individuals who are licensed to possess or to carry a concealed weapon to possess or carry the weapon on or near school property. The proposed model code does not include such an exception. Licensed individuals must still fall under one of the exceptions to this provision to possess lawfully on school property or in a school zone.

Mandatory Notification to Law Enforcement

The proposed model code requires school officials to notify law enforcement of violations of the gun-free school zones provision to ensure that weapons found in schools are disposed of properly. Although the resource group agreed that school officials have a responsibility to notify parents and law enforcement officials of weapons violations in schools, some members were concerned about the possibility of retaliation by gang members or others if a school official reports weapons violations by gang members or others to law enforcement. Other members were concerned that liability issues might arise as a result of notification provisions. For example, some members were concerned that a juvenile or his parents would retaliate with a lawsuit if a school official was incorrect in his assessment of a situation. In addition, some were concerned about the appropriateness of requiring school officials to inform law enforcement if a student in a rural area possessed two or three bullets but did not possess a firearm at school.

The resource group agreed to recommend that states consider requiring notification as well as immunity for schools and school officials in cases of mistaken assessments. Some members also were concerned that liability issues might arise if a school official failed to notify a law enforcement agency of a weapons violation, and firearm violence caused injury or death on school property.

Penalties

The Gun-Free Schools Act of 1994¹⁰ requires that by Oct. 20, 1995, each state receiving federal funds for education must have enacted a state law requiring local educational agencies to expel from school, for a period of not less than one calendar year, any student who brings a firearm to school or to a

¹⁰ 20 U. S. C. §8921 (1995).

school-sponsored activity. Federal money accounts for about seven percent of a school district's annual budget.¹¹

The schools also must have a policy to refer any student who brings a firearm to school to the juvenile or criminal justice system. The state law must allow the chief administering officer of a school to make exceptions to the expulsion requirement on a case-by-case basis, and students have a right to receive notice and be given an opportunity to be heard before they are expelled.

The law allows exceptions for school-sponsored clubs and educational activities that involve the use of firearms.

Private schools are not subject to this requirement, with one exception: If a student in a private school participates in a federally funded program and brings a weapon to school, he is subject to expulsion for one year from the particular program, not from the school itself.

The state law also must be in compliance with the Individuals with Disabilities Education Act (IDEA)¹², which governs disciplinary procedures for disabled students.¹³ The law requires that if a disabled student commits an offense for which expulsion is recommended or required, a change of placement or expulsion is not permitted until a determination is made as to whether the misbehavior in question is caused by the student's disability or is the result of an inappropriate placement.¹⁴ If the conduct is not related to the disability or due to an inappropriate placement of the student, then expulsion is permissible.¹⁵

¹¹ William Celis 3d, *Policies to Bar Guns in School Vary Widely*, N.Y. TIMES, March 15, 1995.

¹² 20 U.S.C. §1401 *et seq.*

¹³ See also *Honig v. Doe*, 484 U.S. 305, 108 S. Ct. 592 (1988).

¹⁴ JANET L. HORTON, *Discipline after Honig v. Doe: Expelling the Disabled Student*, LEGAL GUIDELINES FOR CURBING SCHOOL VIOLENCE, at 23. (Nat'l. School Bds. Ass'n., 1995).

¹⁵ *Id.*

Fifteen states passed legislation during the 1994 and 1995 legislative sessions to comply with federal requirements.¹⁶ Other states already may be in compliance with federal law because they had appropriate expulsion and reporting requirements in place before the federal law was passed.

There have not yet been any challenges to the law in the courts. Because the Congress is permitted to condition grants of money to the states under the Tax and Spend Clause¹⁷ of the U. S. Constitution¹⁸, it is unlikely that this law violates the Tenth Amendment¹⁹, which reserves to the states any powers not granted already by the Constitution to the federal government.

Some members of the resource group were opposed to federal mandates requiring expulsion. Many states already provide for the suspension or expulsion of a student who is found in possession of a weapon on school property. Generally, schools have maintained that this is one of the few remedies available for keeping schools safe. However, as one student from the District of Columbia advised the resource group, expulsion is not necessarily a favorable solution because the best way to attack the root of juvenile violence is through education. By expelling a student, the school is eliminating a critical avenue for educating juveniles about violence and conflict resolution. In addition, some juveniles may see expulsion as a reward, not punishment for their actions, particularly in areas that have a high drop-out rate. States may wish to consider amending their suspension and expulsion provisions in determining the penalties that will be imposed on people who bring weapons into gun-free school zones.

Concerns about juvenile violence and guns in schools may allow for increases in federal funding to provide greater detection capabilities in schools. Students have reported that although metal detectors are

¹⁶ Alaska, Arkansas, Idaho, Indiana, Kansas, Maryland, New York, North Dakota, Ohio, Oklahoma, South Carolina, Vermont, Virginia, Washington, and Wyoming.

¹⁷ U.S. CONST. art. I, § 8, cl. 1.

¹⁸ *See South Dakota v. Dole*, 483 U.S. 203 (1987).

¹⁹ U.S. CONST. amend. X.

effective to a certain extent, there are ways to circumvent them. For example, some students have been known to pass weapons to friends through school windows.

Other Issues Addressed by the Resource Group

Liability for Juvenile Access

Several states impose criminal or civil liability on an adult if he allows a juvenile to possess a firearm, or if he does not store the weapon properly and the juvenile gains access to it.

Because many juveniles obtain a firearm at home, owners should be responsible for maintaining the security of their weapons. Resource group members agreed to urge gun owners to recognize that it is insufficient to tell a juvenile that he is not permitted to have access to the gun. The gun owner should ensure that the gun is unloaded and stored in a locked container separate from ammunition. However, the resource group did not include a specific provision that creates liability on a gun owner for juvenile access to a firearm.

Many states have enacted liability provisions using a negligence standard, and none has yet been found unconstitutional by the courts. Some resource group members thought that such a provision would be unconstitutional unless the individual intended to provide the firearm to the juvenile. Because the proposed model code's transfer provision creates liability for any type of transfer, a situation in which a possessor intends to transfer to a juvenile is covered under §4 in the proposed model code.

Some resource group members contended that the reckless storage of a firearm already is covered in most states under reckless endangerment or similar statutes²⁰. Other members of the resource group responded, however, that states have not prosecuted cases with issues related to liability for access to

²⁰ National Rifle Ass'n CrimeStrike Report, Access to Guns by Minors: A Survey of State Criminal Liability (June 1995).

firearms under endangerment or abuse statutes. The only prosecutions have been brought in states with specific liability for access statutes.

The group agreed that if states wish to impose liability on gun owners for juvenile access, the term "adult" should not be used in the statute. There are many teenage parents or other non-adults who may own guns, and by limiting liability to adults, a whole class of possible defendants would be excluded.

Dissenting Statement of Handgun Control, Inc.

Handgun Control, Inc. strongly disagrees with the decision not to include in the proposed model juvenile handgun code a provision providing for liability when an adult leaves a loaded firearm easily accessible to children. Every day, 15 children in the United States are killed with guns in homicides, suicides and unintentional shootings.²¹ Many of the guns used in these incidents were found by children in their own homes or the homes of friends or neighbors. Laws that require adults to secure their guns so that children cannot gain easy access to them are a necessary ingredient in reducing the senseless tragedy of young lives lost to gunfire.

These laws, sometimes referred to as child access prevention or "CAP" laws, require adults either to store loaded guns in a place that is reasonably inaccessible to children or to use a device to the lock the guns so that children cannot operate them. If a child obtains an improperly stored, loaded gun, the adult owner is criminally liable.

Currently, there are more than 222 million firearms in the possession of private citizens in the United States, including 76 million handguns.²² Approximately half of all U.S. households include a firearm, and one in four of these weapons is a handgun.²³ Many of these guns are easily accessible to

²¹ Unpublished data on 1992 firearm death rates, available in National Vital Statistics System data base, National Center for Health Statistics (hereinafter "National Center Data").

²² Bureau of Alcohol, Tobacco and Firearms, November 1994.

²³ Handgun Ownership in America, the Gallup Poll Monthly, No. 308, May 1991, at 42-44.

children. One national survey found that over one-third of gun owners kept their guns loaded at home and more than half kept them unlocked.²⁴ Researchers from the Centers for Disease Control estimate that 1.2 million latchkey children have access to guns in their homes.²⁵

Moreover, children are increasingly both the perpetrators and the victims of gun violence. In the 1980's, the number of juveniles who committed murder with guns increased 79 percent.²⁶ From 1985 to 1991, the annual rate at which young men 15 to 19-years old were being killed in homicides jumped 154 percent; 97 percent of this increase was attributable to firearm homicide.²⁷

Suicide, particularly firearm suicide, is also a major problem for today's youth. Suicide rates for youth aged 15-19 quadrupled between 1950 and 1988.²⁸ Guns are the most lethal suicide method -- nearly 92 percent of suicides attempted with guns are successful, compared with 78 percent attempted by hanging and just 11 percent attempted by drugs.²⁹

Finally, accidental shootings also take a large toll. In 1991, firearms were the fifth leading cause of accidental death for children aged 14 and under.³⁰ In 1992, 501 children and teenagers lost their lives in accidental shootings.³¹

²⁴ Douglas S. Weil & David Hemenway, Loaded Guns in the Home -- Analysis of a National Random Survey of Gun Owners, 267 *Journal of the American Medical Association* 22 (1992).

²⁵ Letter to Editor from Robert Lee and Jeffery Sacks, Centers for Disease Control, 264 *Journal of the American Medical Association* (1990).

²⁶ U.S. Department of Justice, Federal Bureau of Investigation, Crime in the United States 1991 279.

²⁷ Centers for Disease Control, 43 Morbidity and Mortality Weekly Report 725-26 (1994).

²⁸ Centers for Disease Control, 40 Morbidity and Mortality Weekly Report 633 (1991).

²⁹ Josefina Card, Lethality of Suicidal Methods and Suicide Risk: 2 Distinct Concepts, 5 *Omega Journal of Death and Dying* 40 (1974).

³⁰ National Safety Council, Accident Facts 4-5 (1992 ed.)

³¹ National Center Data.

Spurred by increasing gun fatalities among children, Florida, in 1989, became the first state to pass a CAP law. Under the Florida law, it is a crime to store or leave a loaded firearm within the reach or easy access of persons under the age of 16. Since the passage of the Florida law, 14 additional states -- Iowa, Virginia, Maryland, Connecticut, California, New Jersey, Wisconsin, Maine, Hawaii, Minnesota, North Carolina, Delaware, Texas and Rhode Island -- have passed similar laws.

CAP laws have had dramatic results in several of these states. In Florida, unintentional shooting deaths dropped by more than 50 percent the first year the law was in effect. California has shown similar results.³²

States that wish to adopt a truly comprehensive solution to the problem of kids and guns must include a CAP law in their code. Model language for such a provision is provided in Appendix D of this report.

Licensing

Many states require individuals to attain a certain age to obtain a license that will permit them to lawfully carry certain firearms or hunt.

The resource group agreed that juveniles who fall under one of the exceptions in the proposed model code should not be required to obtain a state license to lawfully possess a firearm. A licensing requirement might eliminate proof problems, and would allow law enforcement officials to know on the spot whether a juvenile is possessing a firearm lawfully. In addition, licensing requirements would allow states to set up eligibility requirements such as safety courses, which might increase the level of firearms safety in their jurisdictions. Finally, a licensing requirement would allow a state to prosecute a juvenile for possession of a firearm without a license and adjudicate him as a delinquent for such a violation.

³² Based on information from the Florida Department of Health and Rehabilitative Services and the California Department of Health Services, Office of Vital Statistics.

However, the resource group was concerned about bureaucratic burdens on states in implementing such a requirement, and decided that the exceptions built into the proposed model code were clear enough that a licensing requirement was unnecessary.

Restrictions on Possession by Adjudicated Delinquents

Many states in recent legislative sessions have enacted provisions that prohibit adjudicated delinquents from possessing firearms in all cases. Some states do not provide any exceptions to this prohibition; others impose the prohibition for a defined period of time.

The resource group, however, agreed not to include such a provision in the proposed model code for several reasons. The group's primary goal was to craft provisions that would be enforceable by states, and enforcing such a prohibition could prove problematic. Because juvenile records still remain confidential in most states, it would be difficult to determine whether someone had been adjudicated delinquent.

If states wish to permit records of adjudications to be released for purposes of prohibiting adjudicated delinquents from possessing firearms, they may provide an additional tool for law enforcement in preventing a crime before it occurs. In considering whether to relax the procedures for maintaining the confidentiality of juvenile records to achieve a crime-fighting goal, states may wish to consider carefully the balance between the philosophical bases of their juvenile justice systems and their public safety objectives.

In addition, states may wish to consider limiting such a prohibition to certain adjudicated delinquents, such as juveniles who are adjudicated for weapons violations or for crimes that would be felonies if committed by an adult. Some state legislatures may find that a blanket prohibition on the possession of firearms by a juvenile who has been adjudicated delinquent for an act such as truancy is too

severe. However, in states that wish to restrict juveniles' access to firearms as much as possible, a blanket prohibition in all cases may be a desirable and feasible option.

Transfer to Criminal Court

Almost every state currently provides for the transfer or waiver of a juvenile to criminal court if he is charged with certain offenses. However, the types of offenses and ages at which transfer is permitted or required vary widely among jurisdictions.

The resource group declined to include a waiver provision in the proposed model code. The complex and unique treatment of waiver in individual states made it impossible to draft a waiver statute that would be widely useful.³³

If the resource group had recommended a waiver provision, the result in some states may have been waiver for possession of a handgun, but not for a more serious offense, such as armed robbery, for which waiver was unavailable.

If states decide to provide a waiver provision for violation of the possession statute, they should be aware that if a juvenile is waived to criminal court, he becomes entitled to all adult rights. Thus, a juvenile may be able to obtain release on bail, which may not be in the best interests of the juvenile. In addition, the public perception that waiver to criminal court results in longer sentences for the juvenile is not always accurate. Often, possession of a handgun is considered a more serious offense in a juvenile court than in a criminal court, which typically handles more violent offenses.

³³ For a further discussion of this issue, *see* Chapter V.

CHAPTER V
ADJUDICATION OF JUVENILES
AND TRANSFER TO CRIMINAL COURT

Introduction

Once a juvenile has been apprehended and charged, the disposition of his case is a complex area of the law. Whether a juvenile's case is handled by the juvenile or criminal court determines whether he will have a criminal record, what type of sentence he will receive, and the type of hearing to which he is entitled. If a juvenile remains in juvenile court for adjudication, he may not be accorded the range of procedural protection afforded to a juvenile who is treated as an adult in criminal court. On the other hand, if a juvenile is transferred to adult court, the focus on individualized treatment and rehabilitation is forgone and, if the juvenile is found guilty, he will have a public criminal record.

In a 1994 article, Francis Barry McCarthy wrote about the public perception of juvenile court systems and the resulting change in their focus:

Today, the perception of dramatically rising crime rates has become a national phenomenon and the court primarily charged with the responsibility for dealing with juvenile crime has come under renewed, serious attack across the whole country. In general, the [juvenile] court has come to be perceived as ineffectual because of either an inability or an unwillingness to deal with a new breed of aggressive young offender. Consequently, there have been a number of recent statutory enactments that alter the court's philosophy or limit its jurisdiction.³⁴

Students who spoke with the resource group said that juvenile detention centers do not provide youth with a disincentive to commit crimes. Often, children sent to a juvenile detention center know other juveniles already detained in the institution, and view their confinement as a rite of passage. The students suggested that modeling juvenile detention centers after adult correctional institutions might deter more juveniles from misconduct. Some of the students specifically recommended that juveniles who use firearms be treated as adults.

³⁴ Francis B. McCarthy, *The Serious Offender and Juvenile Court Reform: The Case for Prosecutorial Waiver of Juvenile Court Jurisdiction*, 38 ST. LOUIS U. L. J. 629, 630 (1994).

States' laws vary the procedures for adjudication of, and jurisdiction over, a juvenile depending upon a variety of factors, including the age of the juvenile, the type of offense he is alleged to have committed, and whether the juvenile previously has been adjudicated delinquent.

Adjudication in Juvenile Court

Traditionally, the focus of the juvenile justice system has been on the rehabilitation of the juvenile. The juvenile court was seen as the common guardian of children who came before it, and the court was charged with ensuring that the child's best interests were considered when determining the proper disposition of a juvenile case. As a result, the juvenile justice system was not subject to the same constitutional standards as the criminal justice system. As violent juvenile crime and recidivism increases, incapacitation in the interest of public safety and deterrence have become important goals. A recent trend in the states indicates that punishment has become an equally important, if not primary, priority in juvenile justice philosophy.³⁵

Several U. S. Supreme Court cases decided in the 1960's and 1970's noted that the goal of rehabilitation was not being met.³⁶ These cases also extended certain constitutional rights afforded to criminal defendants to juvenile delinquents, those juveniles who had committed acts that would be crimes if committed by adults. However, status offenders, children who are in the juvenile court for conduct that is considered unacceptable only because of the child's age, e. g., truants and runaways, were not guaranteed the same protection. Generally, courts perceived status offenders as children in need of treatment and care, and adjudication hearings for status offenses were less formal than delinquency proceedings.

³⁵ See Brian R. Suffredini, Note, *Juvenile Gunslingers: A Place for Punitive Philosophy in Rehabilitative Juvenile Justice*, 35 B.C. L. REV. 885 (1994).

³⁶ See *In re Gault*, 387 U. S. 1 (1967) (established right to counsel); *In re Winship*, 397 U. S. 358 (1970) (Juvenile court adjudications must have a "beyond a reasonable doubt" standard of proof.); *Breed v. Jones*, 421 U. S. 519 (1975) (Prohibition against double jeopardy applies to juveniles.).

In most states, adults are permitted to possess handguns. Therefore, violation of a law that prohibits the possession of handguns by juveniles generally would be treated as a status offense. A state may choose, however, to define certain acts committed by children as delinquent acts even if the acts would not be crimes if committed by an adult.

Three types of penalty schemes have been used for violations of juvenile firearm possession provisions:

(1) those which provide for an adjudication of juvenile delinquency upon violation; (2) those which classify possession by a juvenile as a misdemeanor or felony; and (3) those which provide specific punishments for the offending youth. Although statutes providing penalties in the first two categories may lead to dispositions associated with findings of juvenile delinquency for an offense which would not be a crime if committed by an adult, these statutes do not mandate specific punitive measures. In contrast, the third category ... represents the modern trend of providing specific punitive penalties for youths possessing guns.³⁷

Alternatively, states that require individuals seeking firearms licenses to have attained a certain age may charge a juvenile as a delinquent for possession without a license.

For states to be eligible for formula grants under the federal Juvenile Justice and Delinquency Prevention Act (JJDP), they may not place status offenders in secure detention. However, juveniles who commit weapons offenses have been defined under the federal law as status offenders for whom secure detention is authorized.³⁸ Therefore, whether a state chooses to treat a juvenile weapons possession offense as a delinquent act or a status offense, it may hold a juvenile found to have violated such a provision in secure detention without losing JJDP funding. For secure detention to be authorized, the juvenile must have received all constitutional due process protection.³⁹

³⁷ Brian R. Suffredini, Note, *Juvenile Gunslingers: A Place for Punitive Philosophy in Rehabilitative Juvenile Justice*, 35 B.C. L. REV. 885, 907-908 (1994).

³⁸ Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, §110201(b) (codified at 18 U.S.C. 924 (a)(5)(A)).

³⁹ Kathleen K. Crank, U. S. DEP'T. OF JUSTICE, Fact Sheet, *The JJDP Act Mandates: Rationale and Summary* (Jan. 1995).

State juvenile weapons statutes that prescribe certain penalties generally do not consider the individual characteristics and circumstances of the juvenile who has committed an offense, such as his living conditions, his mental or physical health, his family relationships, etc. This across-the-board treatment of juveniles is reflective of the trend toward punishment and incapacitation in the juvenile system, in contrast to the juvenile court's traditional approach of taking into account the best interests of the juvenile in determining what sort of disposition is appropriate.

Juvenile Court Jurisdiction Over Weapons Offenses

An issue of debate in the states has been whether the juvenile court may use a juvenile weapons statute to adjudicate a juvenile as a delinquent for an act that would not be a crime if committed by an adult. Under traditional rules of statutory construction, if a state legislature wishes to treat violation of a juvenile firearm provision as a delinquent act, it must state this specifically in the statute.

However, the Supreme Court of Arkansas decided Rosario v. Arkansas⁴⁰ in March 1995, holding that the juvenile court had jurisdiction over a juvenile who unlawfully possessed a handgun, even though "juvenile delinquent" was defined in the statute as a minor who commits an act that, if committed by an adult, would be a crime.

The juvenile, Raymond Rosario, possessed a Davis .380-caliber automatic pistol on Feb. 19, 1994, in North Little Rock. He was arrested, and a petition for delinquency was filed in juvenile court on Feb. 23. The juvenile court adjudicated Rosario as a delinquent, and Rosario appealed.

According to the juvenile code in Arkansas, a juvenile can be adjudicated delinquent if he is a "juvenile 10 years or older who has committed an act ... which, if such act had been committed by an adult, would subject the adult to prosecution for a felony, misdemeanor, or violation under the applicable criminal laws of this state."

⁴⁰ 894 S. W. 2d. 888 (Ark. 1995).

Because possession of a handgun by an adult is not illegal in the state of Arkansas, Rosario argued that the juvenile court did not have jurisdiction over his delinquency adjudication. The court rejected the argument and held that such a construction of the juvenile code would achieve an absurd result because the state legislature clearly intended to encompass unlawful possession of a handgun in the purview of the juvenile court's jurisdiction. The court wrote, "It would defy common sense to find that the General Assembly, by means of its definition of the term 'delinquent juvenile,' intended to exclude from the juvenile court's jurisdiction delinquency adjudications based on a juvenile's simple possession of a handgun, when a plethora of more violent offenses are clearly within its jurisdiction."

The court also referred to a similar case decided by it the same day, Lucas v. Arkansas,⁴¹ in which it ruled that the juvenile court had jurisdiction over a juvenile who possessed a handgun. "[R]egardless of whether or not an adult is vulnerable to prosecution for mere possession of a handgun, the General Assembly clearly made possession of a handgun a misdemeanor offense for a minor, and placed jurisdiction of the offense in the juvenile court" The court referred to a provision in the juvenile code that allows any juvenile to be placed under the "care, custody, control, and jurisdiction of the juvenile court."

The Arkansas legislature recently amended the definition of "delinquent juvenile" in the state's juvenile code to include juveniles who violate the state's juvenile handgun statute.

Pre-Adjudication Detention

Another issue that has caused controversy in the juvenile court system is whether a juvenile can be detained in a juvenile detention center prior to adjudication for unlawful possession of a weapon.

The Colorado Supreme Court upheld a state statute that allows juveniles accused of unlawfully possessing a handgun to be securely detained prior to adjudication. The case, People v. Juvenile Court,

⁴¹ 894 S.W. 2d 891 (Ark. 1995).

City and County of Denver⁴², stemmed from an incident on Oct. 8, 1993, when F. N. was arrested for felony menacing and unlawful possession of a handgun by a juvenile. F. N. was placed in a secure detention facility, and on Oct. 10, a magistrate found probable cause to detain F. N.

At a detention hearing on Oct. 12, a hearing officer ordered the continued detention of F. N. without bond. In issuing the order, he was relying on the state's "presumption statute," which allows a court to detain a juvenile pending adjudication if it finds that the juvenile is a danger to himself or the community. There is a rebuttable presumption that a juvenile is a danger to himself or to the community if he is alleged to have committed a felony classified as a crime of violence, to have used a firearm during the commission of any felony against a person, or to have committed certain weapons offenses, including illegal possession of a handgun by a juvenile.

A delinquency petition was filed on Oct. 14 and on Oct 19. F. N. was transferred to the juvenile detention unit of the Arapahoe County jail. F. N. filed a motion seeking release from custody, alleging (1) that illegal possession of a handgun by a minor was a status offense and that holding a juvenile in secure detention for a status offense violated both the Colorado Children's Code and the JJDPA; (2) that the detention of juveniles without bond violated the Colorado Children's Code; and (3) that the presumption statute violated the Due Process and Equal Protection Clauses of the U. S. Constitution.

At a hearing on the motion, several witnesses testified that the facilities were "overcrowded, unsanitary, and in many respects unsafe and that juveniles were not treated differently than adults at the [county jail]." Based upon these findings, the juvenile court held that the detention of juveniles in these facilities constituted punishment and, therefore, juveniles held in these facilities had a constitutional right to bail.

The court also concluded that the juvenile handgun statute and the presumption statute violated the Due Process Clause of the U. S. Constitution. The juvenile court ordered F. N. released on bond and

⁴² 893 P.2d 81 (Colo. 1995).

ordered the state to stop placing juveniles in secure detention for allegedly possessing a handgun. The state appealed the juvenile court's ruling. In the meantime, the juvenile court held a bench trial and, while finding that F. N. had not violated the juvenile handgun statute, sentenced F. N. to 45 days' detention for menacing. The detention was stayed on the condition that F. N. successfully complete an indefinite period of probation.

The Colorado Supreme Court reversed the juvenile court's order prohibiting the state from holding in secure detention juveniles accused of violating the juvenile handgun statute. The state's high court also rejected the juvenile court's conclusion that the handgun statute and the presumption statute violated the JJDPa and the Colorado Children's Code. Without commenting on the juvenile court's finding that F. N. had not violated the juvenile handgun statute, the high court noted that F. N. also had been held on a count of felony menacing, which is not a status offense.

The supreme court noted that the JJDPa does not prohibit detention in secure facilities of juveniles who allegedly have committed felonies. It noted further that the Congress in 1994 passed a federal statute prohibiting possession of handguns by juveniles and allowing juveniles who violate the provision to be held in secure detention. Furthermore, the court found that "[t]he handgun statute and the presumption statute were adopted to secure the safety of juveniles and of the communities in which they reside. The Children's Code ... expressly recognizes the necessity of balancing the primary concern for protecting and nurturing young persons with concerns of the safety of all members of society."

The supreme court also rejected the juvenile court's conclusion that the handgun and presumption statutes gave rise to a constitutional right to bail for affected juveniles. According to the supreme court, the juvenile court erred in focusing on the conditions of the detention facilities instead of on the "circumstances surrounding the conduct and character of the juvenile."

Finally, the supreme court ruled that the presumption statute does not violate the Due Process Clause of the U. S. Constitution. Under the statute, a juvenile can be released on bail if he is able to rebut

the presumption that he poses a danger to himself or society. "The fact that F. N. did not overcome such presumption in this case does not establish that no juvenile ever will." The court also explained that juveniles always are subject to some measure of custodial supervision. Because there is "a relationship between possession of a deadly weapon by a juvenile and a risk of imminent and serious harm to the community of the juvenile," the detention of juveniles accused of possessing deadly weapons prior to adjudication serves a legitimate state interest.

Transfer to Criminal Court

As a result of the increase in violent juvenile crime, there is a trend in the state legislatures toward passing laws that eliminate juvenile court jurisdiction over certain offenses committed by juveniles. In addition, juvenile courts increasingly are using the discretion granted to them in already existing statutes to transfer violent juveniles to criminal court for trial and sentencing. The perception is that, notwithstanding the protection that should generally be afforded to a juvenile, certain young persons have committed acts that are so vicious that they warrant treatment as adults. The assumption on the part of the public and legislatures is that laws that require a juvenile court to waive its jurisdiction over the juvenile will indicate the seriousness with which the crime should be treated, thereby serving as a deterrent and resulting in longer sentences or more severe penalties if the juvenile is convicted.

The decision of a state legislature to require a juvenile to be transferred to criminal court under certain circumstances carries with it other implications. For example, all adult rights and remedies become available to a juvenile tried in criminal court. An adult has a right to bail, whereas individuals adjudicated in juvenile court often are sent to juvenile hall prior to adjudication. Therefore, a juvenile tried as an adult may be able to raise the money to be released on bail, although it might be in his best interest to be detained prior to adjudication.

Members of the general public incorrectly may believe that trying a juvenile as an adult results in a longer sentence. However, juveniles in criminal court may receive a lighter sentence from a judge who generally is concerned with more violent offenders, whereas a juvenile court judge may be stricter with a juvenile adjudicated for an offense that would be a petty crime if committed by an adult. In addition, adult sentences often are shorter than juvenile sentences, because adults generally have the opportunity for parole whereas juveniles usually have to serve a complete sentence.

There are four ways that a juvenile can be transferred to the adult criminal court for prosecution.⁴³ The first and most common method is judicial waiver, in which the legislature allows the judge of the juvenile court to use his discretion to relinquish his jurisdiction and transfer the case to the adult court after weighing certain factors. Maine, for example, permits a judge to transfer a child to criminal court if the child has committed an offense that would be a felony if committed by an adult.⁴⁴

The second type of waiver statute gives the prosecutor the discretion to file the case in either criminal court or juvenile court, which exercise concurrent jurisdiction. For example, in Arkansas, prosecutorial waiver is available in cases in which a juvenile 14 or older has committed an offense that involves the use of a deadly weapon or firearm, violates a gun-free school zone law, or is an act that would be an enumerated felony if committed by an adult.⁴⁵

The third and fourth kinds of waiver are mandated by the legislature. The legislature can exclude certain offenses from the juvenile court's jurisdiction altogether. Many states have this type of provision.⁴⁶

⁴³ Howard N. Snyder and M. Sickmund, *JUVENILE OFFENDERS AND VICTIMS: A NATIONAL REPORT*, U. S. DEP'T OF JUSTICE (forthcoming Aug. 1995).

⁴⁴ ME. REV. STAT. ANN. tit. 15 §3101 (1980 & Supp. 1994).

⁴⁵ ARK. CODE ANN. §9-27-318 (Michie 1987 & Supp. 1994); 1994 Ark. Laws 2nd Ex. Sess. Act 39 (West) (to be codified at 9-27-318).

⁴⁶ See e. g. N. C. GEN. STAT. §7A-608 (1989 & Supp. 1994).

A variation of this method excludes certain offenses if the juvenile meets some other condition, such as a previous adjudication of delinquency.⁴⁷

The legislature also can mandate that a child be treated as an adult by lowering the maximum age of the juvenile court's jurisdiction. For example, in New York, juvenile court jurisdiction terminates at age 15.⁴⁸ Individuals age 16 and older who commit offenses are prosecuted in criminal court.

Many states have statutory schemes that have elements of both discretionary and mandatory waiver, depending upon the age of the juvenile and/or the type of offense with which he is charged. Alabama is an example of a state that has discretionary waiver for juveniles 14 or older charged with any act that would be a crime if committed by an adult, but mandates waiver in cases in which a juvenile 16 or older is charged with an act that would be a felony involving the use of a deadly weapon or firearm.⁴⁹

New developments in this area of the law include "blended statutes." While most transfer statutes require that once a juvenile is transferred to criminal court he is treated as an adult both at trial and at sentencing, "blended" statutes allow a juvenile to be tried in criminal court and, if convicted, sentenced according to juvenile standards, or adjudicated in juvenile court but sentenced as an adult. In Idaho, the prosecutor is required to file charges in criminal court if the juvenile is alleged to have committed certain felonies, but may be sentenced according to juvenile standards.⁵⁰ Many of these "blended" approaches have been used initially for weapons offenses; however, once the process has been established, it is simple for the legislature to increase the types of offenses for which it is used.

⁴⁷ See e. g. GA. CODE ANN. §15-11-39.1 (1994).

⁴⁸ N.Y. FAM. CT. §301.2 (1983 & Supp. 1995).

⁴⁹ ALA. CODE §§12-15-34, -34.1 (1975 & Supp. 1994).

⁵⁰ IDAHO CODE §16-1806A (1994).

Constitutional Issues and Waiver

Treating juveniles as adults has raised constitutional issues, specifically with respect to the standards the proceedings must meet in order for a transfer to be valid.

In 1966, the U. S. Supreme Court, in the case of Kent v. United States,⁵¹ established the standards for waiver hearings. The case stemmed from an incident in September 1961 in which an intruder entered a woman's home, raped her, and took her wallet. At the time of the incident, Morris Kent, age 16, was on probation for a series of housebreakings and attempted purse snatching. After he was arrested by police, Kent confessed to the incident in the woman's home and provided additional information about other offenses in which he had been involved. The juvenile court waived jurisdiction and ordered that Kent be tried in criminal court. The court did not hold a hearing, did not allow Kent's attorney to examine the results of psychological evaluations of Kent, and did not explain the reasons for the waiver.

On appeal, the U. S. Supreme Court held that the juvenile court's ruling violated Kent's rights under the Juvenile Court Act of the District of Columbia. The Court ruled that waiver is only permissible after the court conducts a full investigation and a hearing, and allows the juvenile and his counsel to have access to all of the juvenile's records that were considered by the court and to a statement of the reasons for the court's decision to waive.

The constitutionality of transferring an individual to adult court if he attains the age of majority before his adjudication for a juvenile offense also has been addressed.

The Supreme Court of Delaware, in Hughes v. Delaware⁵², ruled unconstitutional a recently enacted amendment to the state juvenile code under which certain juveniles who turn 18 prior to their adjudication in juvenile court are transferred automatically to adult court.

⁵¹ 383 U. S. 541 (1966).

⁵² 653 A. 2d 21 (Del. 1995).

A juvenile, who for purposes of this case was given the pseudonym Kevin Hughes to protect his identity, was arrested on Nov. 6, 1993, for receiving stolen property worth more than \$500 and second-degree conspiracy. Both of these charges would have been felonies if Hughes were an adult at the time of his arrest; however, Hughes was 17 and, therefore, subject to the jurisdiction of the state's family court. On April 11, 1994, the governor signed legislation that provided, "if a child reaches his 18th birthday prior to an adjudication on a charge of delinquency arising from acts which would constitute a felony" the child must be transferred automatically to criminal court. After Hughes turned 18 on Sept. 24, 1994, but prior to his transfer, the supreme court agreed to decide whether the new statute was constitutional.

Under the prior transfer law, juveniles charged with delinquent acts generally were handled by the family court. There were two statutory exceptions under which a juvenile could be prosecuted as an adult: if he was charged with certain designated serious felonies, for example, murder; or if he was over 16 years old and the court concluded that he was not amenable to the family court's rehabilitative processes. The law further provided that a juvenile transferred to adult criminal court could be transferred back to family court if the attorney general believed that doing so would serve "the interests of justice." The criminal court likewise could hold a "reverse amenability" hearing and transfer the juvenile to family court if doing so would best serve the "interests of justice."

Under the April 1994 amendment, if a juvenile was transferred to criminal court because he turned 18 while awaiting adjudication, he was not entitled to a reverse amenability hearing. The Supreme Court of Delaware agreed with Hughes that the 1994 amendment violated the Due Process and Equal Protection clauses of the U. S. Constitution.

The court noted that its previous decision upholding the constitutionality of age-based distinctions among children was based upon the fact that "specific factors [were] subject to review by an independent judicial body in an amenability hearing or reverse amenability hearing." However, under the amendment, "the fate of a child [who turns 18 while awaiting adjudication] is entirely entrusted -- without impartial

judicial review -- to the [prosecution].” The court noted that the state could attempt to try all 17-year-olds as adults by charging them with a felony and delaying adjudication until they turned 18. The court stressed that the state’s decision to charge a juvenile with a felony implicates constitutional rights not applicable to juveniles. According to the court, “an unfounded felony charge may arbitrarily deprive a child of the many advantages of adjudication in the family court.”

The court rejected the state’s argument that because adults have no right to reverse amenability hearings, children who become adults prior to their adjudication similarly have no such right. The date of arrest and the seriousness of the crime charged, not the date of adjudication and the crime alleged, should be the determining factors in establishing which court has jurisdiction, according to the court.



CHAPTER VI

SUPPLEMENTAL OBSERVATIONS AND RESEARCH RECOMMENDATIONS

Introduction

In the course of its work, the resource group members made numerous observations that, although not directly related to the proposed model code, suggested issues relevant to implementation or firearms regulation generally. Moreover, the resource group identified several areas in which a lack of data and other information is perceived to hamper policymakers' and legislatures' efforts to develop informed laws and policies. The resource group members made specific research recommendations in these areas.

These observations and recommendations do not necessarily reflect a consensus of the resource group, but are included in this report because they raise issues that states may wish to consider in developing strategies to curb juvenile violence involving firearms.

Observations

Acquisition of Firearms. Although private sales of personal weapons to juveniles, including sales at weapons shows, are illegal, weapons shows are not regulated federally. Therefore, firearm shows may be a popular medium for juveniles to acquire weapons unlawfully. Firearm show promoters may wish to consider limiting a juvenile's access to shows unless the juvenile is accompanied by an authorized adult. In addition, purchasers who buy multiple firearms within a short period of time may be engaging in the illegal traffic of firearms to juveniles. Therefore, states may wish to consider implementing strategies to determine whether a person is purchasing several firearms at once or within a short time frame.

Multidisciplinary Strategy. The ATF has identified three multidisciplinary strategies that the agency believes would reduce the supply of guns to juveniles: (a) broad-based community education, which would result in demand reduction; (b) increased enforcement of firearm statutes, which would result in a

reduction of supply; and (c) more effective programs to reduce recidivism by juveniles already in the system. States may wish to consider undertaking steps to implement these strategies.

Municipal Regulation. Although many states have statutes or constitutional provisions that preempt the passage of ordinances relating to firearms by local governments, the types of weapons used illegally may vary from jurisdiction to jurisdiction, and from urban areas to rural areas, thereby creating a need for such local regulation. In considering this issue, states also may wish to consider the fact that increasing municipal regulation may lead to a lack of uniformity among jurisdictions, which would cause individuals to unwittingly be in violation of municipal regulations if they crossed the border into another municipality without knowing it, or if they were unaware that the law changed from municipality to municipality.

Parental Role. Parents should be encouraged to monitor the activity of juveniles under their supervision and to participate in any remedial actions imposed on the juveniles for weapons law violations. States may wish to consider requiring the parents or legal guardians of a juvenile to accompany the juvenile to adjudication hearings and other court dates.

Seizure of Weapons. When seizures of weapons are permitted prior to trial, states may wish to consider providing prompt post-seizure hearings to comply with the due process requirement of the U. S. Constitution and most state constitutions.

Probation. States may wish to consider requiring that all juveniles released on probation should have as a condition of release a prohibition on the possession of weapons. If a juvenile violates this condition, the offense would be considered a violation of the court order as well as a violation of any relevant juvenile

possession statute. This condition should apply regardless of the underlying offense for which the juvenile was adjudicated delinquent.

Information Tracking. States may wish to consider developing information gathering systems to track how laws are being enforced, and the effectiveness of statutes within their states. The U. S. Department of Justice, Bureau of Justice Statistics may be useful in providing guidance to states to make tracking systems uniform, so that information from one state can easily be compared with information from another state. The information gathering systems should include information from court data bases.

Research Recommendations

Acquisition of Firearms. Research should be conducted to determine how juveniles acquire firearms.

Efficacy of Current Sanctions. Research should be conducted to determine whether current sanctions imposed upon juveniles for firearms offenses are appropriate, provide adequate punishment, and deter juveniles from future illegal activity. In addition, research should be conducted to determine the effectiveness of programs aimed at reducing juveniles' access to firearms and violence prevention.

Juvenile Justice System. States may wish to conduct research to determine how issues peculiar to the juvenile justice system relate to firearms. For example, states may want to consider whether they should allow judges to use the records of an individual's juvenile adjudication involving firearms, and acts that would be felonies if committed by adults, in determining whether the juvenile poses a danger to the community and for purposes of sentencing in subsequent offenses.

Municipal Regulation. States may wish to consider conducting research to determine whether they should allow municipalities to increase the regulation of problem weapons in their communities, and reduce the amount of state legislation that preempts municipalities' regulation of weapons.

APPENDICES



APPENDIX A

**Compilation of State Statutory Provisions
Relating to the Possession of Firearms by Juveniles**



Compilation of State Statutory Provisions Relating to the Possession of Firearms by Juveniles

The information presented in the charts is complete through the end of the 1994 state legislative sessions.

Focus on Juveniles

Generally, a minor may be adjudicated a juvenile delinquent for the commission of conduct that would be a crime if committed by an adult. Therefore, a juvenile is liable for violating the provisions of the adult criminal code, and may be adjudicated in juvenile court for such offenses. For example, if all adults in a state are prohibited from possessing automatic weapons, all juveniles are equally prohibited from possessing those weapons.

In addition, the legislatures of many states have determined that there are certain weapons or certain circumstances under which it is unlawful for a juvenile to possess, even though possession by an adult is not restricted.

The statutory analysis contained in this report focuses on such juvenile-specific offenses. The report does not focus on statutes that generally prohibit the possession of certain weapons by all persons. The report also contains an analysis of the age limitations of the states' licensing provisions, offenses which create liability on the part of adults who transfer weapons to minors or allow minors to obtain access to weapons, gun-free school zone statutes, waiver provisions, juvenile court jurisdiction provisions, and restrictions on possession for adjudicated delinquents.

Penalties

State firearm penalty provisions differ in the information they contain. Some indicate only whether a violation is a felony, a misdemeanor, a petty violation, or a delinquent act; information on possible sentences is found in the state's general sentencing statute. Other firearms penalty provisions indicate possible sentences, but do not classify a violation as a felony, a misdemeanor, or an act of delinquency. Some firearms penalty provisions provide information on whether a violation is classified as a felony or misdemeanor and possible sentences. Still others do not provide for a penalty within the provision that contains the prohibition on firearm possession or use.

The following state charts present whatever information is included in the particular firearm provision. They do not, however, present relevant information that may be found in other sections of the state's code. Furthermore, because each state's classification schemes are unique and do not prove helpful in comparing state provisions, the charts do not provide the class of crime in which the firearm provision has been included (for example, Class E felony). The charts only indicate, where provided, whether the crime is a felony, a misdemeanor, a petty violation, or a delinquent act.

Exceptions

The charts depict the most common exceptions among states. Other exceptions that do not fit into one of the defined categories may be footnoted.

The exception category in the charts that applies to a "government agent" includes statutory provisions that apply to anyone employed by the federal, state, or local government. Therefore, law enforcement, military personnel, prosecutors, judges, and other public officials are encompassed under this exception. Referral to the individual state statute may be necessary to obtain further detail.

The exception category that applies to "lawful recreational or educational activity" includes statutory provisions that permit possession of a firearm while engaging in, or travelling to or from, activities that include target shooting, firearms competitions, gun clubs, safety courses, and hunting courses, as well as similar activities that are authorized by the state or the school. Referral to the individual state statute may be necessary to obtain further detail.

Waiver and Juvenile Court Jurisdiction

The waiver provisions included in the charts are those that provide for transfer of a juvenile to adult court if: 1) he commits an act that would be any crime if committed by an adult, 2) the act would be a felony if committed by an adult, 3) the juvenile violates a weapons law, 4) the juvenile uses a firearm during the commission of an offense, or 5) the juvenile violates a gun-free school zones law. If the waiver provision enumerates the

specific crimes for which transfer is authorized, this has been indicated in a footnote as "enumerated felonies."
Referral to the individual state statute is necessary to obtain further detail.

Because the law of waiver and transfer is complex and unique to every state, the project staff simplified the charts by including only two categories of waiver: "discretionary" and "mandatory." The provisions that are charted in the "discretionary" section of the chart are those that allow either a judge or a prosecutor to use some level of discretion in determining whether a juvenile should be treated as an adult. The provisions that are charted in the "mandatory" section of the chart are those that require a juvenile to be treated as an adult by legislative mandate.

ALABAMA

JUVENILE PROVISIONS

Possession Restrictions

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
NO PROVISIONS								

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

ALA. CODE §§13A-11-57, -76 (1975).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transferring a pistol to a minor				50 - 500								
Delivering a pistol to a person under 18												

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

ALA. CODE §16-1-24.1 (1975); 1994 Alabama Senate Bill 70.

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession of a weapon on school property with intent to do bodily harm		✓			✓ ¹	✓				✓ ²		✓			

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

¹ If person is under 19

² A juvenile may not be readmitted to 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 of readmission.

Transfer to Criminal Court

ALA. CODE §§12-15-1, -32, -34, -34.1 (1975).

The juvenile court has jurisdiction over persons 17 years old and younger. The court retains jurisdiction until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		14 or older				
Mandatory			16 or older ³		16 or older ⁴	

Restrictions on Possession for Adjudicated Delinquents

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

³ Enumerated felonies involving the use of a deadly weapon or a firearm

⁴ And crime would be a felony if committed by an adult

12/2

ALASKA

JUVENILE PROVISIONS

Possession Restrictions

ALASKA STAT. §11.61.220 (1990 & Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
16		F ¹	F	F	F ²	F, C	F	F ³

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | SS = Grounds for suspension from school |
| I = Incarceration | ES = Grounds for expulsion from school |
| SD = Suspension of driving privileges | R = Rehabilitation |
| W = Seizure of weapon | N = Notification of parents and law enforcement |
| CS = Community service | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	R P	SS	ES	R	N	C	A
Possession by a person under 16	✓														

¹ Or with the consent of a parent or guardian

² Or for a lawful outdoor activity that requires a weapon for personal protection and the minor has parental consent

³ If the property is owned or leased by the minor, or the minor is employed by the owner or lessee of the premises and the minor has parental consent

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS												

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	R P	P C	N	C
NO PROVISIONS												

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting	Unless accompanied by adult

Gun-Free Schools

ALASKA STAT. §§11.61.195 (1994); 11.61.220 (1990 & Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Student under 16 who knowingly possesses on school property ⁴	✓														
Other persons who knowingly possess on school property		✓													

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Knowing possession on school property		✓						✓ ⁵

⁴ Includes child care centers

⁵ If person who possesses is 21 or older

Transfer to Criminal Court

ALASKA STAT. ANN. §§47.10.010; 47.10.100 (1994).

The juvenile court has jurisdiction over persons 17 years old and younger. Jurisdiction may continue until the person turns 19.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary						
Mandatory			16 and older ⁶			

Restrictions on Possession for Adjudicated Delinquents

ALASKA STAT. §11.61.200 (1994).

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until 10 years after adjudication or discharge	✓ ⁷													

⁶ Enumerated felonies

⁷ If the weapon is a concealed weapon and the juvenile was adjudicated delinquent for an act that would be a felony if committed by an adult

ARIZONA

JUVENILE PROVISIONS

Possession Restrictions

ARIZ. REV. STAT. ANN. §13-3111 (Supp. 1994).

Au = Automatic weapon

Am= Ammunition

As = Assault weapon

BB = B.B./Air/Spring guns

C = Concealable weapon

D = Deadly weapon

F= Firearm

H = Handgun/Pistol/Revolver

R = Rifle/Shotgun

Sa = Semiautomatic weapon

So = Sawed-off firearm

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
14	F							
16		F ¹						
18		F ²			F			F ³

¹ Or have the consent of a parent or guardian

² And have the consent of a parent or guardian

³ Property owned or leased by parent, grandparent, or guardian

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon

CS = Community service
 D = Detention of juvenile pre-adjudication
 RP = Release of name for publication
 R = Rehabilitation
 N = Notification of parents and law enforcement
 C = Counseling
 A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	R	N	C	A
Unlawful possession of a loaded weapon by a minor			500		✓								✓
Unlawful possession of an unloaded weapon by a minor			250		✓								✓
Unlawful possession of a loaded or an unloaded weapon by minor driving or occupying a motor vehicle			500		✓								✓

Licensing Restrictions

ARIZ. REV. STAT. ANN. §13-3112 (1956 & Supp. 1994).

Weapon	Age
Concealed weapon:	21 or older
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | CS= | Community service |
| F= | Felony | D= | Detention of juvenile pre-adjudication |
| \$= | Fine | RP= | Release of name for publication |
| I= | Incarceration | PC= | Parenting classes |
| SD= | Suspension of driving privileges | N= | Notification of parents and law enforcement |
| W= | Seizure of weapon | C= | Counseling |
| | | A= | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A
Failure to present permit	✓												

Provisions Relating to Transfer of Firearms to Minors

ARIZ. REV. STAT. ANN. §13-3109 (1956 & Supp. 1994).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | CS = | Community service |
| F = | Felony | RP = | Release of name for publication |
| PV = | Petty offense/Violation | PC = | Parenting classes |
| \$ = | Fine | N = | Notification of parents and law enforcement |
| I = | Incarceration | C = | Counseling |
| SD = | Suspension of driving privileges | | |
| W = | Seizure of weapon | | |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Sale or gift of firearm, ammunition, or toy pistol to a minor without the written consent of a parent or guardian		✓										

Adult Liability for Minor Access

ARIZ. REV. STAT. ANN. §13-3111 (Supp. 1994).⁴

M= Misdemeanor

F= Felony

\$= Fine

I= Incarceration

SD= Suspension of driving privileges

W= Seizure of weapon

CS= Community service

RP= Release of name for publication

PC= Parenting classes

N= Notification of parents and law enforcement

C= Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting	Unless accompanied by adult

⁴ If the court finds that the parent or guardian of a minor found liable for violating the prohibition on possession of firearms knew of the minor's unlawful conduct and made no effort to prohibit it, the parent or guardian is jointly and severally responsible for any fine imposed.

Gun-Free Schools

ARIZ. REV. STAT. ANN. §15-515 (Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced Penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Knowing possession of a weapon on school premises												✓			

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Knowing possession of a weapon on school premises		✓	✓					✓ ⁵

⁵ If person who possesses is 21 or older

Transfer to Criminal Court

ARIZ. REV. STAT. ANN. §§17-8-201, -241, -246 (1989 & Supp. 1994); Rule 14 (1994).

The juvenile court has jurisdiction over persons 17 years old and younger. Jurisdiction continues until the person reaches age 18, and may continue until the person reaches age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		Child	16 or over ⁶			
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

1994 Ariz. Legis. Serv. 201 (West) (to be codified at ARIZ. REV. STAT. ANN. §13-3101); ARIZ. REV. STAT. ANN. §§13-912.01, 13-3112 (1956 & Supp. 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until court or governor orders right restored	✓ ⁷													
Until 10 years after adjudication or discharge	✓ ⁸													✓

⁶ If the child is over 16, there is a presumption that he should be transferred if he is charged with enumerated felonies or if he is charged with any felony and has four previous adjudications, one of which was for a serious offense.

⁷ Once the period of probation is complete. If the individual's adjudication was for a dangerous offense, serious offense, burglary, or arson, the person may not file for restoration of his right to possess until age 30. If the adjudication was for any other felony offense, the person may not file for restoration of his right to possess until two years after adjudication or discharge.

⁸ For burglary, arson, or offenses involving the use or threatening exhibition of a deadly weapon or dangerous instrument

ARKANSAS

JUVENILE PROVISIONS

Possession Restrictions

ARK. CODE ANN. §§5-73-110, -119, 9-27-313 (Michie 1987); §§5-73-129-130 (Michie Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
18			H	H	H ¹		H	H ²

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession by person under 18 ³	✓					✓		✓							
Subsequent violation		✓				✓		✓							

¹ The activity must be approved by the school.

² Person must be on property in which he has a possessory or proprietary interest.

³ If possession of the handgun by a person under 18 is within a motor vehicle, the motor vehicle is subject to seizure.

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

ARK. CODE ANN. §5-73-109 (Michie 1994).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Furnishing a deadly weapon to a minor	✓											

Adult Liability for Minor Access

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting	Unless accompanied by adult

Gun-Free Schools

ARK. CODE ANN. §§5-73-119, -128, 6-21-608, 9-27-313 (Michie 1987 & Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP= Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession of a handgun on school property ⁴		✓ ⁵			✓ ⁶	✓		✓		✓	✓				
Possession of a handgun on school property with purpose to use as a weapon		✓													

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a handgun on school property	✓		✓	✓	✓			

⁴ School property includes school buses and bus stops.

⁵ No sentence imposed may be suspended or probated.

⁶ For 12 to 36 months, if the juvenile is under 19

Transfer to Criminal Court

ARK. CODE ANN. §§9-27-318, 9-27-331 (Michie 1987 & Supp. 1994); 9-27-303 (Michie 1994); 1994 Ark. Laws 2nd Ex. Sess. Act 39 (West)(to be codified at §9-27-318).

The juvenile court has jurisdiction over persons 17 years old and younger. The juvenile court may retain jurisdiction over a case which arose before the juvenile turned 18 until he reaches age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary ⁷			14 or 15 ⁸ 16 or older		14 or older	14 or older
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

ARK. CODE ANN. §5-73-103 (Michie 1987 & Supp. 1994).

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	<input checked="" type="checkbox"/>	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until court or governor orders right restored	<input checked="" type="checkbox"/>													
Until age 18			<input checked="" type="checkbox"/> ¹⁰											<input checked="" type="checkbox"/>

Notes:

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

⁷ The prosecutor has the discretion to file in either court.

⁸ Enumerated felonies

⁹ If the underlying adjudication did not involve the use of a weapon and occurred more than eight years ago

¹⁰ Possession by a person under 18 who previously has been adjudicated delinquent

CALIFORNIA

JUVENILE PROVISIONS

Possession Restrictions

CAL. PENAL CODE §§12101, 12285 (West 1992 & Supp. 1995).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
16		H,C, Am ¹		H, C, Am ²			H, C, Am ³	H, C, Am ⁴
18 ⁵	As	H,C, Am ⁶		H, C, Am ⁷			H, C, Am ⁸	

¹ And engaged in a lawful recreational activity or hunting

² And has the prior written consent of parent or legal guardian and is accompanied by an adult

³ And has the prior written consent of a parent or legal guardian and is accompanied by an adult

⁴ Minor has prior written consent of parent or guardian and is on lands owned or possessed by parent or guardian, and minor is engaged in lawful recreational activity.

⁵ Possession of a handgun by a minor is one of the enumerated offenses that can be used to establish a pattern of criminal gang activity.

⁶ And is engaged in lawful recreational activity or hunting

⁷ And minor has consent of a parent or guardian

⁸ And minor has consent of a parent or guardian

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon
 CS = Community service

D = Detention of juvenile pre-adjudication
 RP = Release of name for publication
 SS = Grounds for suspension from school
 ES = Grounds for expulsion from school
 R = Rehabilitation
 N = Notification of parents and law enforcement
 C = Counseling
 A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Illegal possession by a minor	✓				✓		50 to 125 hours								
Subsequent offense				1 year											

Licensing Restrictions

CAL. PENAL CODE §12095 (West 1992).

Weapon	Age
Concealed weapon:	18 or older
License to hunt with firearms:	
Firearm:	18 or older
Handgun/revolver/pistol:	18 or older
Rifle or shotgun:	18 or older
Assault weapon:	18 or older

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

CAL. PENAL CODE §§12072, 12100, 12316, 12551 (West 1992 & Supp. 1995); 12552 (West 1992).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| PV = Petty Offense/Violation | RP = Release of name for publication |
| \$ = Fine | PC = Parenting classes |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transfer of ammunition to a person knowing that he is under 18				1,000	6 mos							
Furnishing firearms or B.B. guns to a minor without parental consent	✓											
Transfer of a firearm to a person under 18	✓											
Transfer of a concealable weapon to a minor without parental consent	✓											

Adult Liability for Minor Access

CAL. PENAL CODE §12035 (1992).

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Keeping a loaded firearm where a person knows or should know that a child is likely to gain access without parental consent and the child obtains access to the firearm and causes great bodily injury or death to himself or another person.			10,000	Up to 3 years							
Keeping a loaded firearm where person knows or should know that child is likely to gain access without parental consent and the child gains access to the firearm and causes injury to himself or another person.			1,000	1 year							

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Criminal storage of a firearm in which either injury, great bodily injury, or death occurs	✓		✓	✓		✓	✓	

Gun-Free Schools

CAL. PENAL CODE §§ 12316 (1992 & Supp. 1995); 626.9, 626.10 (1988 & Supp. 1995); CAL. EDUC. CODE §48915 (1993 & Supp. 1995).

Penalties

M =	Misdemeanor	RP=	Release of name for publication
F=	Felony	SS=	Grounds for suspension from school
\$=	Fine	ES=	Grounds for expulsion from school
I=	Incarceration	N=	Notification of parents and law enforcement
SD=	Suspension of driving privileges	C=	Counseling
W=	Seizure of weapon	A=	Act of delinquency
CS=	Community service	EP=	Enhanced penalty
D=	Detention of juvenile pre-adjudication		

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession of a firearm ⁹ by any person on school property or in safety zone ¹⁰		✓		2 to 5 yrs											
Possession of a firearm ¹¹ by a student on school property or in safety zone ¹²		✓		2 to 5 yrs						✓	✓				
Discharge of a firearm or attempt to discharge on school property or within a school zone		✓		3 to 7 yrs											
Possession of ammunition on school grounds.			1,000	6 mos											
Possession of a B.B. gun, pellet gun, spring gun, or air gun on school property.				1 year		✓ ¹³									

⁹ The definition of firearm includes ammunition.

¹⁰ Safety zone is defined as within 1,000 feet of school property.

¹¹ The definition of firearm includes ammunition.

¹² Safety zone is defined as within 1,000 feet of school property.

¹³ By a school employee or a law enforcement officer

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a B.B. gun on school property	✓	✓	✓					
Possession of ammunition on school property		✓	✓		✓		✓	
Possession or discharge of a firearm on school property or in a school zone	✓	✓	✓			✓		✓

Transfer to Criminal Court

CAL. WELF. & INST. CODE §§602, 607, 707 (1984 & Supp. 1995).

The juvenile court has jurisdiction over persons 17 years old and younger. The court may retain jurisdiction over the person until he reaches age 21, unless the act committed was such that the juvenile could have been subjected to trial as an adult, in which case the juvenile court may retain jurisdiction until age 25.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary	Over 14		Over 14 ¹⁴		Over 14	
Mandatory						

¹⁴ Enumerated offenses

Restrictions on Possession for Adjudicated Delinquents

CAL. PENAL CODE §12021 (1992 & Supp. 1995).

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | N= Notification of parents and law enforcement |
| I= Incarceration | C= Counseling |
| SD= Suspension of driving privileges | A= Act of delinquency |
| W= Seizure of weapon | EP= Enhanced penalty |
| CS= Community service | |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until age 30	✓ ¹⁵			1,000	1 yr									

Notes:

CAL. PENAL CODE §417.2 (1988 & Supp. 1995).

Any person who purchases, sells, manufactures, ships, transports, distributes, or receives by mail order or other means an imitation firearm shall be liable for a civil fine of up to \$10,000 for each violation. Exceptions: received or distributed for export; theatrical productions; certified athletic event; military and civil defense activities; and public displays authorized by a school.

CAL. PENAL CODE §417.4 (Supp. 1995).

Every person who, except in self-defense, draws or exhibits an imitation firearm in a threatening manner against another so as to cause a reasonable person apprehension or fear of bodily harm is guilty of a misdemeanor punishable by imprisonment for 30 days.

¹⁵ Enumerated offenses

COLORADO

JUVENILE PROVISIONS

Possession Restrictions

COLO. REV. STAT. ANN. §18-12-108.5 (West Supp. 1994); §19-2-204 (West 1990 & Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
18				H	H		H ¹	H ²

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession by a minor	✓														
Subsequent violation		✓													
Violation of a firearm law or use of a firearm during the commission of a felony ³								✓							

¹ With a valid hunting license

² Property is under the control of the minor, his parent, grandparent, or guardian, and the minor has the permission of his parent or guardian.

³ Results in a rebuttable presumption that the juvenile is dangerous

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

COLO. REV. STAT. ANN. §18-12-108.7 (West Supp. 1995).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Any person who intentionally, knowingly, or recklessly provides a handgun with or without remuneration to any person under the age of 18 years or any parent or guardian who knows of a juvenile's unlawful possession and fails to make reasonable efforts to prevent such violation is unlawful.		✓										

Adult Liability for Minor Access

COLO. REV. STAT. ANN. §18-12-108.7 (West Supp. 1995).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
A parent or guardian intentionally, knowingly, or recklessly providing a handgun to a juvenile or permitting a juvenile to possess a handgun, even though such parent or guardian is aware of a substantial risk that such juvenile will use a handgun to commit a felony offense or who, being aware of such substantial risk, fails to make reasonable efforts to prevent the commission of the offense. A parent shall be deemed to be in violation of this provision if he provides a handgun to, or permits the possession of, a handgun by any juvenile who has been convicted or adjudicated delinquent of a crime of violence.		✓									

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting	Unless accompanied by adult

Gun-Free Schools

COLO. REV. STAT. ANN. §18-12-105.5 (West Supp. 1994); §22-33-106 (West 1988 & Supp. 1994).

Penalties

- | | |
|--|---|
| M = Misdemeanor | RP = Release of name for publication |
| F = Felony | SS = Grounds for suspension from school |
| \$ = Fine | ES = Grounds for expulsion from school |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| CS = Community service | EP = Enhanced penalty |
| D = Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Knowing possession by any person on school property	✓														
Possession by a student on school property	✓										✓				

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a weapon on school property	✓		✓		✓	✓	✓	✓

Transfer to Criminal Court

COLO. REV. STAT. ANN. §19-2-806 (West 1990 & Supp. 1994); §18-22-101 et seq. (West 1995)⁴; §§19-1-103, 19-2-102, 19-3-205 (West 1990 & Supp. 1995).

The juvenile court has jurisdiction over persons 17 years old and younger. The court may retain jurisdiction over the juvenile until alleged acts committed before age 18 are completely adjudicated, or until the statute of limitations has run.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary	14 or older ⁵		14 or older ⁶			
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

COLO. REV. STAT. ANN. §18-12-108 (West 1990 & Supp. 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until 10 years after adjudication or discharge	✓ ⁷	✓	✓ ⁸											✓

⁴ Juveniles convicted as adults of violent crimes shall be required to pay a surcharge to the clerk of the court in the amount equal to any fine imposed by the court to pay for the cost of the rehabilitation, education, and treatment of juveniles sentenced to the youthful offender system or committed to the Department of Human Services.

⁵ If a juvenile has twice previously been adjudicated for acts that would be felonies if committed by an adult, there shall be a presumption that the case will be tried in criminal court.

⁶ Enumerated offenses

⁷ If act would be a felony if committed by an adult, or if it is a subsequent offense

⁸ If adjudicated for an act that would be burglary, arson, or any felony involving the use of force or the use of a deadly weapon if committed by an adult

CONNECTICUT

JUVENILE PROVISIONS

Possession Restrictions

CONN. GEN. STAT. §29-32 (1994).

Au = Automatic weapon
 Am= Ammunition
 As = Assault weapon
 BB = B.B./Air/Spring guns
 C = Concealable weapon

D = Deadly weapon
 F= Firearm
 H = Handgun/Pistol/Revolver
 R = Rifle/Shotgun
 Sa = Semiautomatic weapon
 So = Sawed-off firearm

Age under which persons may not possess	✓ No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
NO PROVISIONS								

Penalties

M = Misdemeanor
 F= Felony
 \$= Fine
 I= Incarceration
 SD= Suspension of driving privileges
 W= Seizure of weapon
 CS= Community service

D= Detention of juvenile pre-adjudication
 R= Release of name for publication
 SS= Grounds for suspension from school
 ES= Grounds for expulsion from school
 PC= Parenting classes
 N= Notification of parents and law enforcement
 C= Counseling
 A= Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	R	SS	ES	PC	N	C	A

Licensing Restrictions

CONN. GEN. STAT. §§26-38; 29-32 (1994).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	12 or older ¹
Firearm:	
Handgun/revolver/pistol:	21 or older
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | CS= | Community service |
| F= | Felony | D= | Detention of juvenile pre-adjudication |
| \$= | Fine | RP= | Release of name for publication |
| I= | Incarceration | PC= | Parenting classes |
| SD= | Suspension of driving privileges | N= | Notification of parents and law enforcement |
| W= | Seizure of weapon | C= | Counseling |
| | | A= | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

¹ For a junior license

Provisions Relating to Transfer of Firearms to Minors

CONN. GEN. STAT. §29-34 (1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| PV = Petty offense/Violation | RP = Release of name for publication |
| \$ = Fine | PC = Parenting classes |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transfer of a pistol or revolver to person under 21				500	3 yrs							
Providing false information in connection with the sale of a firearm to a person under 18				500	3 yrs							
Transfer of assault weapon to person under 18					6 yrs ²							

² Mandatory minimum

Adult Liability for Minor Access

CONN. GEN. STAT. §29-37i (1993 & Supp. 1994); §53a-217a (1994).

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | RP= Release of name for publication |
| \$= Fine | PC= Parenting classes |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | |

Offense	M	F	\$	I	SD	W	CS	RP	SS	ES	PC	N	C
Storing a loaded firearm on premises that person knows or should know a minor under 16 is likely to gain access without permission of parent or guardian													
Violation of above provision, and minor under 16 causes injury or death		✓											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting	Unless accompanied by adult
Storing a loaded firearm on premises that person knows or should know a minor under 16 is likely to gain access without permission of parent or guardian	✓							

Gun-Free Schools

CONN. GEN STAT. §53a-217b (1994).

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication

- RP = Release of name for publication
- SS = Grounds for suspension from school
- ES = Grounds for expulsion from school
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession on school property		✓													

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession on school property		✓	✓	✓	✓		✓	

Transfer to Criminal Court

1994 Conn. Legis. Serv. July Sp. Sess. 94-2 (West) (to be codified at CONN. GEN. STAT. §46b-127); CONN. GEN. STAT. §§46b-120, 46b-126 (1986 & Supp. 1995).

The juvenile court has jurisdiction over persons 15 years old and younger. The court's jurisdiction continues for up to 18 months after adjudication, unless the offense is serious, in which case jurisdiction extends for up to five years.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			14 or older ³			
Mandatory	14 or older ⁴		14 or older ⁵		14 or older ⁶	

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

³ Serious offenses

⁴ And act would be a felony

⁵ For murder

⁶ If prosecutor has moved for such a transfer

DELAWARE

JUVENILE PROVISIONS

Possession Restrictions

DEL. CODE ANN. tit. 11 §1448 (1987 & Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
18					H ¹		H ²	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of a handgun by a minor		✓													

¹ While under adult supervision

² While under adult supervision

Licensing Restrictions

DEL. CODE ANN. tit. 11 §1441 (1987 & Supp. 1994).

Weapon	Age
Concealed weapon:	18 or older
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

M = Misdemeanor

F = Felony

\$ = Fine

I = Incarceration

SD = Suspension of driving privileges

W = Seizure of weapon

CS = Community service

D = Detention of juvenile pre-adjudication

RP = Release of name for publication

PC = Parenting classes

N = Notification of parents and law enforcement

C = Counseling

A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

DEL. CODE. ANN. tit. 11 §§1445, 1448 (1987 & Supp. 1994); tit. 24 §§903, 905 (1987).

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | W= Seizure of weapon |
| F= Felony | CS= Community service |
| PV= Petty offense/Violation | RP= Release of name for publication |
| \$= Fine | PC= Parenting classes |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transfer of B.B. gun, firearm, or air gun to person under 16	✓											
Sale of pistol, revolver, or deadly weapon to person under 21	✓			250	6 mos							
Transfer of firearm or ammunition to person under 18 who does not have parental consent		✓										
Transfer of a handgun to a juvenile		✓										

Adult Liability for Minor Access

DEL. CODE ANN. tit. 11 §§1445, 1446 (1987 & Supp. 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Parent permits child under 16 to possess firearm, BB gun, or air gun without supervision	✓										
Intentionally or recklessly leaving a loaded firearm within reach or easy access of a minor and minor obtains it and uses it to inflict serious physical injury or death upon himself or another person	✓										

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Intentionally or recklessly leaving a loaded firearm within reach	✓	✓	✓					

Gun-Free Schools

DEL. CODE ANN. tit. 14 §4112 (1993).

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | D= | Detention of juvenile pre-adjudication |
| F= | Felony | RP= | Release of name for publication |
| \$= | Fine | SS= | Grounds for suspension from school |
| I= | Incarceration | ES= | Grounds for expulsion from school |
| SD= | Suspension of driving privileges | N= | Notification of parents and law enforcement |
| W= | Seizure of weapon | C= | Counseling |
| CS= | Community service | A= | Act of delinquency |
| | | EP= | Enhanced penalty |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession by a student on school property										✓		✓	✓		

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

Transfer to Criminal Court

DEL. CODE ANN. tit. 10 §§901, 1010 (1994).

The juvenile court has jurisdiction over persons 17 years old and younger.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		16 or older				
Mandatory			child ³			

Restrictions on Possession for Adjudicated Delinquents

DEL. CODE ANN. tit. 11 §§1445, 1448 (1987 & Supp. 1994).

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| | EP= Enhanced penalty |

Time Period	<input checked="" type="checkbox"/>	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until age 25	<input checked="" type="checkbox"/> ⁴		<input checked="" type="checkbox"/> ⁵											<input checked="" type="checkbox"/> ⁶

³ Violent felonies

⁴ If engaged in conduct that would be a felony

⁵ Possession of a weapon by an adjudicated delinquent

⁶ A juvenile who violates a possession provision and previously has been adjudicated delinquent

FLORIDA

JUVENILE PROVISIONS

Possession Restrictions

FLA. STAT. ch. 790.22 (1992 & Supp. 1994); 1993 Fla. Laws ch. 93-416 (to be codified at FLA. STAT. ch. 790.22; ch. 790.255; ch. 790.169).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
16		BB; F ¹			F ²			
18					F		F	F ³

¹ And engaged in a recreational activity

² And accompanied by an adult

³ If at the home of the minor and the firearm is unloaded

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon
 CS = Community service

D = Detention of juvenile pre-adjudication
 RP = Release of name for publication
 R = Rehabilitation
 N = Notification of parents and law enforcement
 C = Counseling
 A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	R	N	C	A
Unlawful use of BB guns, air guns, electric guns and firearms by children under 16	✓				✓		✓						

Licensing Restrictions

FLA. STAT. ch. 790.01, 790.06 (1992 & Supp. 1994); ch. 790.02 (1992); 1993 Fla. Laws ch. 93-416 (to be codified at FLA. STAT. ch. 790.25).

Weapon	Age
Concealed weapon:	18 or older ⁴ 21 or older
License to hunt with firearms:	
Firearm:	18 or older ⁵
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

M = Misdemeanor

F = Felony

\$ = Fine

I = Incarceration

SD = Suspension of driving privileges

W = Seizure of weapon

CS = Community service

D = Detention of juvenile pre-adjudication

RP = Release of name for publication

PC = Parenting classes

N = Notification of parents and law enforcement

C = Counseling

A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A
Carrying concealed weapon without a license ⁶		✓											

⁴ For self-defense or other lawful purposes within a private conveyance, without a license, if the firearm is encased

⁵ For self-defense or other lawful purposes within a private conveyance, without a license, if the firearm is encased

⁶ Police officer may make a warrantless arrest when he has probable cause or reasonable grounds to believe the offense of carrying a concealed weapon without a license is being committed.

Provisions Relating to Transfer of Firearms to Minors

FLA. STAT. ch. 790.17, 790.18 (1992); 1993 Fla. Laws ch. 93-416 (to be codified at FLA. STAT. ch. 790.17, ch. 790.18).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| PV = Petty offense/Violation | RP = Release of name for publication |
| \$ = Fine | PC = Parenting classes |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Sale of firearm, pistol, or rifle to a minor under 18 by dealer		✓										
Furnishing weapons to minors under 18	✓											
Knowingly or willfully transferring a firearm to minor under 18 without permission of parent or guardian.		✓										

Adult Liability for Minor Access

FLA. STAT. ch. 784.05, 790.174 (1992); ch. 790.22 (1992 & Supp. 1994); 1993 Fla. Laws ch. 93-416 (to be codified at FLA. STAT. ch. 790.22).

Penalties

M = Misdemeanor

F = Felony

\$ = Fine

I = Incarceration

SD = Suspension of driving privileges

W = Seizure of weapon

CS = Community service

RP = Release of name for publication

PC = Parenting classes

N = Notification of parents and law enforcement

C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Storing or leaving a loaded firearm within the reach or easy access of a minor under 16 if he obtains the firearm and uses it to inflict injury or death upon himself or another		✓									
Storing or leaving a firearm on premises under a person's control where he knows or should know that a minor under 16 is likely to gain access without the permission of the minor's parent or guardian; not storing a firearm in a securely locked box	✓										
Knowingly permitting minor under 16 to use or possess BB or air gun unlawfully ⁷	✓						✓ ⁸		✓		
Knowingly permitting minor under 18 to possess firearm unlawfully ⁹		✓					✓ ¹⁰		✓		

⁷ Applies to adults responsible for the welfare of the minor

⁸ Adult may be required to participate in community service imposed on the minor for the minor's second offense involving the use or possession of a weapon.

⁹ Applies to adults responsible for the welfare of the minor

¹⁰ Adult may be required to participate in community service imposed on the minor for the minor's second offense involving the use or possession of a weapon.

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Storing or leaving a loaded firearm within the reach or easy access of a minor under 16 if he obtains the firearm and uses it to inflict injury or death upon himself or another	✓	✓	✓				✓	✓
Storing or leaving a firearm on premises under a person's control where he knows or should know that a minor under 16 is likely to gain access without the permission of the minor's parent or guardian; not storing a firearm in a securely locked box	✓ ¹¹							
Knowingly permitting minor under 16 to use or possess BB or air gun ¹²								✓

¹¹ Exception applies when unlawful entry is by any person

¹² Applies to adults responsible for the welfare of the minor

Gun-Free Schools

FLA. STAT. ch. 790.115 (1992 & Supp. 1994); ch. 810.095 (Supp. 1994); 1994 Fla. Laws ch. 94-289 (to be codified at FLA. STAT. ch. 790.115).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Trespassing on school property while in possession of a weapon or firearm during school hours or school-sanctioned activity		✓													
Threatening exhibition of weapon or firearm on school property		✓													
Willful and knowing possession of weapon or firearm on school property or in a safety zone ¹³		✓													
Discharge of weapon or firearm on school property or in a safety zone		✓													

¹³ Includes school buses, school bus stops, and the area within 1,000 feet of school property during school hours or during a school-sponsored activity

Exceptions

Offense	Unless on private property near school								
Threatening exhibition of weapon or firearm on school property during school hours or during a school-sanctioned activity	✓ ¹⁴		✓			✓			
Willful and knowing possession of weapon or firearm on school property or in a safety zone	✓	✓	✓		✓		✓	✓	✓
Discharge of weapon or firearm on school property or in a safety zone ¹⁵			✓			✓	✓		

¹⁴ Applies to owner of property or person authorized by owner to be on such property

¹⁵ Unless discharged for some other lawful purpose

Transfer to Criminal Court

1993 FLA. LAWS ch. 93-416 (to be codified at FLA. STAT. ch. 790.255); FLA STAT. ch. 39.01, 39.022, 39.0587 (1995).

The juvenile court has jurisdiction over persons 17 years old and younger. The court retains jurisdiction until age 19. However, the court may retain jurisdiction over a child age 10 to 13 committed to the department for placement in a serious or habitual juvenile offender program until he reaches age 21 or until the juvenile completes the program.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary	14 or older ¹⁶	14 or older			14 or older ¹⁷	
Mandatory	16 or older ¹⁸ Child ¹⁹		Child ²⁰			

Note: Once a juvenile has been treated as an adult for one offense, he will be treated as an adult for all future offenses.

¹⁶ 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 was found to have committed, or have attempted or conspired to commit, three offenses that would be felonies if committed by an adult, and one or more of such offenses involved the use of a firearm, the state attorney may request that the court transfer the child for prosecution as an adult.

¹⁷ See previous footnote

¹⁸ If the juvenile is charged for the fourth time with an offense that would be a felony if committed by an adult, and one of the prior adjudications was for an offense that involved the use of a firearm

¹⁹ If the child had three prior adjudications requiring residential treatment

²⁰ If the offense with which the juvenile is charged would be punishable by death if committed by an adult

Restrictions on Possession for Adjudicated Delinquents

1993 Fla. Laws ch. 93-416 (to be codified at FLA. STAT. ch. 790.23).

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | D = | Detention of juvenile pre-adjudication |
| F = | Felony | RP = | Release of name for publication |
| \$ = | Fine | N = | Notification of parents and law enforcement |
| I = | Incarceration | C = | Counseling |
| SD = | Suspension of driving privileges | A = | Act of delinquency |
| W = | Seizure of weapon | EP = | Enhanced penalty |
| CS = | Community service | | |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until court or governor orders right restored ²¹	✓													

²¹ Restriction applies to persons adjudicated delinquent for an act that would be a felony if committed by an adult and was punishable by imprisonment for a term exceeding one year

GEORGIA

JUVENILE PROVISIONS

Possession Restrictions

GA. CODE ANN. §16-11-132 (1992 & Supp. 1994).

Au = Automatic weapon
 Am= Ammunition
 As = Assault weapon
 BB = B.B./Air/Spring guns
 C = Concealable weapon

D = Deadly weapon
 F= Firearm
 H = Handgun/Pistol/Revolver
 R = Rifle/Shotgun
 Sa = Semiautomatic weapon
 So = Sawed-off firearm

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18				H	H		H ¹	H

Penalties

M = Misdemeanor
 F= Felony
 \$= Fine
 I= Incarceration
 SD= Suspension of driving privileges
 W= Seizure of weapon
 CS= Community service

D= Detention of juvenile pre-adjudication
 RP= Release of name for publication
 SS= Grounds for suspension from school
 ES= Grounds for expulsion from school
 R= Rehabilitation
 N= Notification of parents and law enforcement
 C= Counseling
 A= Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of pistol or revolver by minor	✓		1,000	12 mos											
Second offense		✓	5,000	1-3 yts											

¹ GA. CODE ANN. §27-3-41 (1993) provides that it is unlawful for any person under 12 years of age to hunt with a weapon unless such person is under the direct supervision of an adult.

Licensing Restrictions

GA. CODE ANN. §§27-2-1, 27-2-5 (1993); §§16-11-126, 16-11-129 (1992 & Supp. 1994).

Weapon	Age
Concealed weapon:	21 or older
License to hunt with firearms:	16 or older ² 12 through 15 ³
Firearm:	
Handgun/revolver/pistol:	21 or older
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | CS= | Community service |
| F= | Felony | D= | Detention of juvenile pre-adjudication |
| \$= | Fine | RP= | Release of name for publication |
| I= | Incarceration | PC= | Parenting classes |
| SD= | Suspension of driving privileges | N= | Notification of parents and law enforcement |
| W= | Seizure of weapon | C= | Counseling |
| | | A= | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A
Hunting without a license		✓	5,000	1-5 yrs									

²Persons age 16 through 25 must exhibit certificate, which indicates satisfactory completion of hunter education course, at the time of purchase of a hunting license.

³ Persons age 12 through 15 can hunt with a weapon if they have permission from parent or guardian and possess on their person a certificate attesting to their satisfactory completion of a hunter education course.

Provisions Relating to Transfer of Firearms to Minors

GA. CODE ANN. §16-11-101 (1992); §16-11-101.1 (Supp. 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| PV = Petty offense/Violation | RP = Release of name for publication |
| \$ = Fine | PC = Parenting classes |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Intentionally, knowingly or recklessly furnishing weapon to person under 21 ⁴	✓											
Intentionally, knowingly or recklessly furnishing pistol or revolver to person under 18 ⁵		✓		5,000	2-5 yrs							
Parent or guardian intentionally, knowingly, or recklessly furnishing pistol or revolver to person under 18 ⁶		✓		5,000	2-5 yrs							

⁴ Except when parent or legal guardian permits possession for lawful purposes

⁵ Except when parent or legal guardian permits possession for lawful purposes

⁶ When parent or guardian knows of a minor's conduct that violates the provision of code §16-11-132 and fails to make reasonable efforts to prevent any such violation; when parent or guardian is aware of a substantial risk that such minor will use a pistol or revolver to commit a felony offense or such parent or legal guardian who is aware of such substantial risk fails to make reasonable efforts to prevent commission of the offense by the minor; and when parent or guardian permits possession by any minor who has been convicted of a forcible felony or forcible misdemeanor as defined in §16-1-3, or who has been adjudicated delinquent for such an offense

Adult Liability for Minor Access

GA. CODE ANN. §16-11-10.11 (Supp. 1994); §27-3-41 (1993).

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Parent or guardian permitting possession of a pistol or revolver by a minor if the parent or legal guardian knows of certain conduct of minor		✓	5,000	2-5 yrs							
Knowingly permitting or causing a child under 12 to hunt without supervision											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

GA. CODE ANN. §15-11-37 (1994); §16-11-127.1 (1992 & Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Adult carrying weapons within a school safety zone ⁷ or a school building, at a school function, on school property or on a bus or other transportation furnished by the school		✓	10,000	2-10 yrs											
Juvenile carrying weapons within a school safety zone or at a school building, school function, school property or on a bus or other transportation furnished by the school by a juvenile ⁸				1-5 yrs ⁹											

⁷ In, on, or within 1,000 feet of any real property owned by or leased to any public or private elementary school, secondary school, or school board and used for education, or within 1,000 feet of the campus of any public or private technical school, vocational school, college, university, or institution or post secondary education

⁸ 13 to 17 years of age

⁹ Juvenile must be placed in custody of the Department of Children and Youth Services for an initial period of five years

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Adult carrying weapons within a school safety zone or a school building, at a school function, on school property or on a bus or other transportation furnished by the school	✓	✓	✓		✓		✓	✓
Juvenile carrying weapons within a school safety zone or a school building, at a school function, on school property or on a bus or other transportation furnished by the school	✓	✓	✓		✓		✓	✓

Transfer to Criminal Court

GA. CODE ANN. §§15-11-2 (1992); §§15-11-5, 15-11-39, 15-11-39.1, 15-11-41 (1994).

The juvenile court has jurisdiction over persons 16 years old and younger. The court's jurisdiction may extend to age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		At least 15	child			
Mandatory	15 or older ¹⁰		13 or older ¹¹			

Restrictions on Possession for Adjudicated Delinquents

GA. CODE § 16-11-132 (1992 & Supp. 1994).

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | N = Notification of parents and law enforcement |
| I = Incarceration | C = Counseling |
| SD = Suspension of driving privileges | A = Act of delinquency |
| W = Seizure of weapon | EP = Enhanced penalty |
| CS = Community service | |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until age 18	✓													

¹⁰ And juvenile is alleged to have committed an act that would be burglary if committed by an adult and has been found to have committed such acts on three or more previous occasions

¹¹ For enumerated felonies. The criminal court judge or the prosecutor may transfer the case back to juvenile court in extraordinary cases.

HAWAII

JUVENILE PROVISIONS

Possession Restrictions

Au = Automatic weapon
 Am= Ammunition
 As = Assault weapon
 BB = B.B./Air/Spring guns
 C = Concealable weapon

D = Deadly weapon
 F= Firearm
 H = Handgun/Pistol/Revolver
 R = Rifle/Shotgun
 Sa = Semiautomatic weapon
 So = Sawed-off firearm

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
NO PROVISIONS								

Penalties

M = Misdemeanor
 F= Felony
 \$= Fine
 I= Incarceration
 SD= Suspension of driving privileges
 W= Seizure of weapon
 CS= Community service

D= Detention of juvenile pre-adjudication
 RP= Release of name for publication
 SS= Grounds for suspension from school
 ES= Grounds for expulsion from school
 R= Rehabilitation
 N= Notification of parents and law enforcement
 C= Counseling
 A= Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

HAW. REV. STAT. ANN. §§134-2, 134-2.5, 134-6, 134-9 (1988 & Supp. 1994); §134-5 (1988).

Weapon	Age
Concealed weapon:	21 or older
License to hunt with firearms:	16 or older
Firearm:	21 or older ¹
Handgun/revolver/pistol:	21 or older
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| W = Seizure of weapon | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A
Carrying a pistol or revolver without a license		✓				✓							
Carrying an unloaded firearm without a license		✓				✓							

¹ If the permit is for the possession, transportation, or use with blank cartridges, of firearms or explosives solely as props for motion picture films or television program productions, the applicant must make a showing of good cause and provide proof of a federal license and a state film permit.

Provisions Relating to Transfer of Firearms to Minors

HAW. REV. STAT. ANN. §§ 134-4, 134-5 (1988 & Supp. 1994).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| PV = | Petty Offense/Violation | RP = | Release of name for publication |
| \$ = | Fine | PC = | Parenting classes |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transfer of firearms to persons under 18 ²	✓						✓					

² §134-5 allows an adult to lend a minor a firearm on a target range for purposes of target shooting.

Adult Liability for Minor Access

HAW. REV. STAT. ANN. §134-10.5 (Supp. 1994); HAW. PENAL CODE §707-714.5 (1994).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| \$ = | Fine | RP = | Release of name for publication |
| I = | Incarceration | PC = | Parenting classes |
| SD = | Suspension of driving privileges | N = | Notification of parents and law enforcement |
| | | C = | Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Criminally negligent storage of a firearms	✓					✓					

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Criminally negligent storage of firearms ³	✓		✓					

³ It is not a violation of this provision if the adult carries the firearm on his person or within such close proximity thereto that he readily can retrieve and use the firearm as if it were carried on the person.

Gun-Free Schools

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication

- RP = Release of name for publication
- SS = Grounds for suspension from school
- ES = Grounds for expulsion from school
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
NO PROVISIONS															

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

Transfer to Criminal Court

HAW. REV. STAT. §§571-2, 571-11, 571-13, 571-22 (1986).

The juvenile court has jurisdiction over persons 17 years old and younger. The court retains jurisdiction until the full term of any order has expired.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			16 or older			
Mandatory			16 or older ⁴			

Restrictions on Possession for Adjudicated Delinquents

HAW. REV. STAT. §134-7 (1988 & Supp. 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until age 25	✓ ⁵	✓					✓							

⁴ If the juvenile is alleged to have committed murder or attempted murder and previously has been adjudicated as having committed a violent act, or in the past two years has committed two or more acts that would be felonies.

⁵ If adjudicated by the family court to have committed a crime that would be a felony, two or more crimes of violence, or the illegal sale of any drug.

IDAHO

JUVENILE PROVISIONS

Possession Restrictions

IDAHO CODE §§18-3302E - 18-3302G, 36-1508 (Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
12 ¹		F		F	F		F	
18	Au, So, H	F ²		F	F		F	F

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | SS = Grounds for suspension from school |
| I = Incarceration | ES = Grounds for expulsion from school |
| SD = Suspension of driving privileges | R = Rehabilitation |
| W = Seizure of weapon | N = Notification of parents and law enforcement |
| CS = Community service | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of a pistol or revolver by a minor	✓														
Possession of sawed-off firearm by a minor	✓														
Possession of an automatic weapon by a minor		✓													

¹ No minor under 12 may possess a shotgun, rifle, or other firearm while in fields or forests or in a tent, camp, auto, or other vehicle.

² Or has the written permission of a parent or guardian

Licensing Restrictions

IDAHO CODE §18-3302 (1987 & Supp. 1994).

Weapon	Age
Concealed weapon:	21 or over ³
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A
Carrying a concealed weapon without a license	✓												

³ The sheriff may issue a license to carry a concealed weapon to an individual between 18 and 21 if, in the sheriff's judgment, the individual warrants a license.

Provisions Relating to Transfer of Firearms to Minors

IDAHO CODE §§18-3302A, 18-3302F, 18-3308 (Supp. 1994).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	P V	\$	I	SD	W	CS	RP	PC	N	C
Sale to minor under 18 without written consent of parent or guardian	✓			1,000	6 mos							
Providing a handgun to a minor	✓											
Selling or giving to a minor under 16 ammunition or firearms without consent of parent or guardian	✓			25 - 100	10 - 30 days							

Adult Liability for Minor Access

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

IDAHO CODE §18-3302D (Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Person under 21 carrying a concealed weapon on school property			1,000	1 year											
Student under 18 carrying a concealed weapon on school property			1,000	120 days ⁴						✓	✓				

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Person under 21 carrying a concealed weapon on school property		✓			✓			✓ ⁵

⁴ If violator is a student under 18, court may place the student on probation and suspend the detention or fine on the condition that the student is enrolled in an educational program recognized by the court.

⁵ If person is delivering children to or from school

Transfer to Criminal Court

IDAHO CODE §§16-1803, 16-1805, 16-1806, 16-1806A (1994).

The juvenile court has jurisdiction over persons 17 years old and younger. The juvenile court retains jurisdiction until the person reaches 21, or until the person is convicted of a felony after turning 18, or until the juvenile is tried as an adult for a subsequent offense committed before age 18.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		14 or older ⁶				
Mandatory			14 or older ⁷			

Restrictions on Possession for Adjudicated Delinquents

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁶ Enumerated offenses

⁷ Direct file required for certain enumerated crimes. However, the juvenile may be sentenced according to juvenile standards.

ILLINOIS

JUVENILE PROVISIONS

Possession Restrictions

430 ILCS 65/4, 65/14; 720 ILCS 5/24-3.1, 535/4, 535/7 (1993).

Au = Automatic weapon
 Am= Ammunition
 As = Assault weapon
 BB = B.B./Air/Spring guns
 C = Concealable weapon

D = Deadly weapon
 F= Firearm
 H = Handgun/Pistol/Revolver
 R = Rifle/Shotgun
 Sa = Semiautomatic weapon
 So = Sawed-off firearm

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
13					BB ¹			BB
18	C							
21	F ²	F ³	F			F	F	

¹ Under the supervision, guidance and instruction of an adult

² If the person previously was convicted of a misdemeanor

³ Or has written consent of parent or guardian to possess firearms and ammunition

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon
 CS = Community service

D = Detention of juvenile pre-adjudication
 RP = Release of name for publication
 SS = Grounds for suspension from school
 ES = Grounds for expulsion from school
 R = Rehabilitation
 N = Notification of parents and law enforcement
 C = Counseling
 A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Unlawful possession by person under 21	✓														
Unlawful possession of a concealable weapon by person under 18	✓														
Possession of an air rifle by person under 13			50												

Licensing Restrictions

430 ILCS 65/2, 65/4, 65/14 (1993).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	16 or older ⁴
Firearm:	21 or older ⁵
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

M = Misdemeanor

F = Felony

\$ = Fine

I = Incarceration

SD = Suspension of driving privileges

W = Seizure of weapon

CS = Community service

D = Detention of juvenile pre-adjudication

RP = Release of name for publication

PC = Parenting classes

N = Notification of parents and law enforcement

C = Counseling

A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

⁴ Unless he previously has held a license or has a certificate of competency

⁵ Unless minor has written consent of parent or guardian, or is accompanied by a parent or guardian while possessing the firearm and the parent or guardian has a firearm identification card

Provisions Relating to Transfer of Firearms to Minors

720 ILCS 5/24-3, 535/2, 535/7 (1993).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| PV = | Petty offense/Violation | RP = | Release of name for publication |
| \$ = | Fine | PC = | Parenting classes |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transfer of a concealable weapon to person under 18		✓										
Knowingly transferring a firearm to person under 21 who has been convicted of a misdemeanor or who has been adjudicated delinquent	✓											
Knowingly transferring a firearm to any person under 18 who does not have a Firearm Owner's Identification Card		✓										
Knowingly or negligently transferring an air rifle or B.B. gun to person under 13 by anyone other than a parent, guardian or other authorized adult			✓									

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

720 ILCS 5/24-1 (1993 & Supp. 1994); 720 ILCS 5/24-3.3 (1993).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	PC	N	C	A	EP
Knowing possession or sale of a silencer or machine gun or short-barreled shotgun on school property or in a safety zone ⁶		✓														
Knowing possession of a pistol, revolver or other firearm while hooded, robed or masked in such a manner as to conceal identity on school property or in a safety zone		✓														
Transfer by a person 18 or older to any person under 18 on school property or in a safety zone		✓														

⁶ Within 1,000 feet of school property

Exceptions

Offense Knowing possession or transfer of a weapon on school property or in a safety zone		Unless on private property near school
	✓	Unless permission from school officials
	✓	Unless government agent
	✓	Unless hunting with permission
	✓	Unless approved educational activity
		Unless self-defense
		Unless valid permit
	✓	Unless unloaded and secured in motor vehicle

Transfer to Criminal Court

705 ILCS 405/5-3 (1992), 405/5-4 (1992 & Supp. 1994).

The juvenile court has jurisdiction over persons 16 years old and younger. Jurisdiction is extended to age 21 if the person is found to be a habitual juvenile offender.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		13 or older		15 or older ⁷		
Mandatory	15 or older ⁸					15 or older ⁹

Restrictions on Possession for Adjudicated Delinquents

430 ILCS 65/4, 65/14; 720 ILCS 5/24-3.1 (1993).

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until age 21	✓	✓												

Notes:

430 ILCS 5/10-2.1-6 (1993) - Employees of either the fire or police department who are on active duty may not carry firearms until they reach 21.

⁷ If the crime involved violence with a firearm, there is a rebuttable presumption that the case will be transferred to criminal court.

⁸ And the juvenile commits an enumerated offense in furtherance of gang activity

⁹ And juvenile commits an enumerated offense on school property

INDIANA

JUVENILE PROVISIONS

Possession Restrictions

IND. CODE §§31-6-2-1.1, 35-47-10-5 (Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18		H		H	H		H	H

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Dangerous possession of handgun by child ¹	✓											✓ ²			
Subsequent violation		✓													

¹ Dangerous possession of handgun by child includes providing handgun to another child with or without remuneration.

² Military-like

Licensing Restrictions

IND. CODE §35-47-2-23 (1986); §§35-47-5-6, 35-47-2-1, 35-47-2-3 (1986 & Supp. 1994).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	18 or older
Rifle or shotgun:	18 or older
Assault weapon:	

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| W = Seizure of weapon | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A
Carrying of handgun without a license	✓												

Provisions Relating to Transfer of Firearms to Minors

IND. CODE §35-47-2-7 (1986 & Supp. 1994); §§35-47-10-1, 35-47-10-7 (Supp. 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| PV = Petty Offense/Violation | RP = Release of name for publication |
| \$ = Fine | PC = Parenting classes |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Prohibited sales and transfers of firearms to persons under 18 ³		✓			5 days ⁴							
Adult knowingly, intentionally, or recklessly providing handgun to child for prohibited purpose		✓			5 days ⁵							

³ Unless minor is in a guardian-child relationship with the person who transfers

⁴ In addition to any other penalty imposed

⁵ In addition to any other penalty imposed

Adult Liability for Minor Access

IND. CODE §35-47-10-6 (Supp. 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Parent or guardian knowingly, intentionally, or recklessly permitting a child to possess a handgun for prohibited purpose ⁶		✓		5 days							

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

⁶ While aware of a substantial risk that the child will use the handgun to commit a felony; and failing to make reasonable efforts to prevent the use of a handgun by the child to commit a felony; or when the child has been convicted of a crime of violence or has been adjudicated as a juvenile for an offense that would constitute a crime of violence if the child were an adult

⁷ In addition to any other penalty imposed

Gun-Free Schools

IND. CODE §35-47-2-23 (1986); §20-8.1-5.4 (1984 & Supp. 1994); §§35-47-2-1, 35-47-2-3 (1986 & Supp. 1994); §35-47-9-2 (Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession of firearm on school property or in a safety zone ⁸		✓													
Student's possession of firearm on school property or in a safety zone										✓	✓				
Carrying of handgun without a license on school property or in a safety zone		✓													

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of firearm on school property, on a school bus, or at a school function		✓	✓				✓	✓
Student's possession of firearm on school property, on a school bus, or at school function		✓	✓				✓	✓
Carrying of handgun without a license on school property, on a school bus, or at school function			✓					

⁸ Within 1,000 feet of school property, on a school bus, or at a school function

Transfer to Criminal Court

IND. CODE §§31-6-2-1.1, 31-6-1-9, 31-6-2-3 (1994).

The juvenile court has jurisdiction over persons 17 years old and younger. The juvenile court retains jurisdiction over the juvenile until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary						
Mandatory			16 ⁹	16 ¹⁰		

Restrictions on Possession for Adjudicated Delinquents

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁹ Enumerated felonies

¹⁰ Juvenile court does not have jurisdiction over persons 16 or older charged with carrying a handgun without a license, possession of a handgun, or dealing sawed-off shotguns.

IOWA

JUVENILE PROVISIONS

Possession Restrictions

IOWA CODE ANN. §§483A.24 (West Supp. 1994), 724.22 (West 1993).

Au = Automatic weapon	D = Deadly weapon
Am = Ammunition	F = Firearm
As = Assault weapon	H = Handgun/Pistol/Revolver
BB = B.B./Air/Spring guns	R = Rifle/Shotgun
C = Concealable weapon	Sa = Semiautomatic weapon
	So = Sawed-off firearm

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
14	H, Am							
15		H, Am ¹		H, Am ²				
18		R, Am ³						F ⁴
21			F ⁵	F ⁶				

¹ A parent, guardian, or spouse 21 or older

² From an instructor who is 21 or older with consent of parent, guardian, or spouse who is 21 or older

³ A parent, guardian, spouse 18 or older, or another person who has consent of the minor's parent

⁴ Landowners and tenants and their juvenile children may hunt on their own property.

⁵ Person must be 18, 19, or 20 years old

⁶ From an instructor who is 21 or older

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

IOWA CODE ANN. §724.8 (West 1993); §483 A.24 (West Supp. 1994); §724.15 (West 1993).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	16 or older ⁷
Firearm:	18 or older ⁸
Handgun/revolver/pistol:	21 or older
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

⁷ Landowners and tenants and their juvenile children do not need a license to hunt on their own lands. State residents under 16 years of age do not need a hunting license to hunt game if accompanied by their parent or guardian or by any other competent adult with the consent of the parent or guardian, provided such person has a valid hunting license. Minors do need a license, however, to hunt deer and wild turkey.

⁸ Minor pupils of the state schools for the blind or deaf and minor residents of other state institutions do not need licenses. Governmental agents do not need licenses.

Provisions Relating to Transfer of Firearms to Minors

IOWA CODE ANN. §724.22 (West 1993).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty Offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Sale, loan, or gift of rifle, shotgun, or ammunition to a minor	✓											
Sale, loan, or gift of pistol, revolver, or ammunition to person under 21	✓											

Adult Liability for Minor Access

IOWA CODE ANN. §724.22 (West Supp. 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Access to loaded firearm by child under 14 when adult knows or should know that the minor is likely to gain access without the consent of a parent or guardian, and the minor gains access and exhibits it in a public manner, or uses the firearm and causes injury or death to another person	✓										

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Negligently leaving firearm within easy access of minor	✓		✓			✓		

Gun-Free Schools

1994 Iowa Legis. Serv. 1172 (West).

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication

- RP = Release of name for publication
- SS = Grounds for suspension from school
- ES = Grounds for expulsion from school
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	PC	N	C	A	EP
Committing a public offense involving a firearm in a weapons-free zone																✓

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

⁹ The penalty is twice the maximum amount that may otherwise be imposed for the public offense. A weapons-free zone includes the area in, on, or within 1,000 feet of a school.

Transfer to Criminal Court

IOWA CODE ANN. §§232.2, 232.45, 232.53 (West 1994).

The juvenile court has jurisdiction over persons 17 years old and younger. The juvenile court retains jurisdiction until court orders expire or until the juvenile turns 18. For juveniles adjudicated after the age of 17 years and six months, the juvenile court retains jurisdiction for one year.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		14 or older				
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

KANSAS

JUVENILE PROVISIONS

Possession Restrictions

KAN. STAT. ANN. §§21-4204, -4206 (1988 & Supp. 1994); 1994 Kan. Sess. Laws 270.

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
18				F ¹	F		F	F ²

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession by a juvenile	✓		250		✓	✓									
Subsequent violation		✓	250		✓	✓									

¹ With a barrel less than 12 inches long

² On real property under the control of the minor's parent, legal guardian, or grandparent and the minor has the permission of parent, legal guardian, or grandparent to possess

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service

- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

KAN. STAT. ANN. §21-4203 (1988 & Supp. 1994).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Knowingly transferring a handgun to a person under 18	✓											

Adult Liability for Minor Access

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | CS= | Community service |
| F= | Felony | RP= | Release of name for publication |
| \$= | Fine | PC= | Parenting classes |
| I= | Incarceration | N= | Notification of parents and law enforcement |
| SD= | Suspension of driving privileges | C= | Counseling |
| W= | Seizure of weapon | | |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

KAN. STAT. ANN. §21-4204 (1988 & Supp. 1994).

Penalties

- | | | | |
|-----|--|------|---|
| M = | Misdemeanor | RP= | Release of name for publication |
| F= | Felony | SS= | Grounds for suspension from school |
| \$= | Fine | ES= | Grounds for expulsion from school |
| I= | Incarceration | N= | Notification of parents and law enforcement |
| SD= | Suspension of driving privileges | C= | Counseling |
| W= | Seizure of weapon | A= | Act of delinquency |
| CS= | Community service | EP = | Enhanced penalty |
| D= | Detention of juvenile pre-adjudication | | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	PC	N	C	A	EP
Possession of a gun on school property	✓															

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a gun on school property		✓	✓		✓			✓

Transfer to Criminal Court

KAN. STAT. ANN. §§38-1602, 38-1636, 38-1667 (1993); 1994 Kan. Sess. Laws 270

The juvenile court has jurisdiction over persons 17 years old and younger. The juvenile court shall continue jurisdiction until it determines that such jurisdiction is no longer necessary.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		16 or over	14 or over ³	16 or over	16 or over	16 or over
Mandatory	16 or over ⁴		16 or over ⁵			

Note: Once a juvenile is determined to be eligible for trial as an adult for an offense, that determination may attach to future offenses he commits while under age 18.

³ Enumerated felony

⁴ And act would be a felony

⁵ And person previously was adjudicated delinquent

Restrictions on Possession for Adjudicated Delinquents

KAN. STAT. ANN. §§21-4204, 21-4206 (1988 & Supp. 1994).

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Permanent	✓ ⁶		✓				✓							
Until 5 years after adjudication or discharge	✓ ⁷		✓				✓							
Until 10 years after adjudication or discharge	✓ ⁸		✓				✓							

Notes:

KAN. STAT. ANN. §12-16, 115 (1990): Any person who sells an imitation firearm is liable for a civil penalty of \$10,000.

⁶ If person was adjudicated for a crime that would be an enumerated felony if committed by an adult

⁷ And crime would be a felony if committed by an adult

⁸ And juvenile committed an enumerated felony, but was not found to have been in possession of a firearm at the time of commission of the offense

KENTUCKY

JUVENILE PROVISIONS

Possession Restrictions

KY. REV. STAT. ANN. §527.100 (Michie/Bobbs-Merrill Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
18				H			H	H ¹

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of a handgun by a juvenile	✓														
Subsequent violations		✓													

¹ Under the control of an adult, with the adult's permission and the permission of a parent or guardian

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| §= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	§	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| PV = | Petty offense/Violation | RP = | Release of name for publication |
| \$ = | Fine | PC = | Parenting classes |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS												

Adult Liability for Minor Access

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges

- W = Seizure of weapon
- CS = Community service
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

KY. REV. STAT. ANN. §158.150 (Michie/Bobbs-Merrill 1992); §158.155, 161.195, 527.070 (Michie/Bobbs-Merrill Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession by a student on school property		✓ ²								✓	✓	✓			
Knowing possession by any person on school property		✓													

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a weapon on school property			✓	✓	✓			✓

Note: Before a student with a documented history of carrying a concealed weapon on school property or to a school function is assigned to work directly with or comes into contact with a teacher, that teacher shall be notified in writing by school officials of such behavior.

² To be convicted of the felony offense, a student must act knowingly.

Transfer to Criminal Court

The juvenile court has jurisdiction over persons 18 and younger.

KY. REV. STAT. ANN. §§600.020, 635.020, 635.090, 640.010 (Michie/Bobbs-Merrill Supp. 1994).

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			14 or older ³			
Mandatory	16 or older ⁴				14 or older ⁵	

Note: Juveniles who are tried as adults must be held in a juvenile facility until they reach age 18, at which time they may be transferred to a regular prison for the remainder of their sentences.

Restrictions on Possession for Adjudicated Delinquents

KY. REV. STAT. ANN. §§154.20-030, 527.040 (1994).⁶

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Permanent	✓		✓				✓							

³ Prosecutor may move for transfer if the juvenile is alleged to have committed enumerated offenses.
⁴ And has been twice adjudicated delinquent
⁵ And act would be a felony if committed by an adult
⁶ Youthful offenders convicted of felonies may not possess firearms.

LOUISIANA

JUVENILE PROVISIONS

Possession Restrictions

Au = Automatic weapon
 Am= Ammunition
 As = Assault weapon
 BB = B.B./Air/Spring guns
 C = Concealable weapon

D = Deadly weapon
 F= Firearm
 H = Handgun/Pistol/Revolver
 R = Rifle/Shotgun
 Sa = Semiautomatic weapon
 So = Sawed-off firearm

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
NO PROVISIONS								

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon
 CS = Community service

D = Detention of juvenile pre-adjudication
 RP = Release of name for publication
 SS = Grounds for suspension from school
 ES = Grounds for expulsion from school
 R = Rehabilitation
 N = Notification of parents and law enforcement
 C = Counseling
 A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

LA. REV. STAT. ANN. §14:91.9 (West 1986 & Supp. 1995).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty Offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Sale of firearm by person over 17 to person under 18				500 to 2,000	6 mos							

Adult Liability for Minor Access

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges

- W = Seizure of weapon
- CS = Community service
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling

Offense	M	F	\$	I	SD	W	CS	D	R	SS	ES	PC	N	C	A
NO PROVISIONS															

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

L.A. REV. STAT. ANN. §14:95.2 (West Supp. 1994); §17:416 (West 1982 & Supp. 1995).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	R	SS	ES	N	C	A	EP
Knowing ¹ possession on school property ² or in safety zone ³			500	5 yrs ⁴						✓	✓ ⁵	✓			

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a weapon on school property or in a safety zone	✓	✓	✓					

¹ Individual must intentionally possess the firearm, but need not have knowledge that he is in a safety zone.

² Includes school buses

³ Within 1,000 feet of school property

⁴ Hard labor

⁵ Any student, 16 years or older, found guilty of possessing a firearm on school property pursuant to a hearing shall be expelled for a minimum of 12 months. Any student under 16 in grades six through 12 shall be expelled for a minimum of six months.

Transfer to Criminal Court

LA. CHILD. CODE ANN. art. 804, 857, 898 (West 1993); art. 857 (West Supp. 1995); 1994 La. Sess. Law Serv. 3rd Ex. Sess. 15 (West).

The juvenile court has jurisdiction over persons 16 years old and younger. Jurisdiction is extended until age 21, although no sentence may last longer than an adult's prison term would be for the same crime.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			14 or older ⁶		14 or older	
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

Notes: LA. REV. STAT. ANN. §14:319 (1993). - The sale of toy pistols is prohibited. A violation of this provision may result in a fine of \$10 to \$50 and/or imprisonment for not more than 10 days.

⁶ Enumerated felonies

MAINE

JUVENILE PROVISIONS

Possession Restrictions

ME. REV. STAT. ANN. tit. 12, §7107-A (West 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
NO PROVISIONS								

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

ME. REV. STAT. ANN. tit. 12 §7101 (West 1964); tit. 25 §2003 (West 1964 & Supp. 1994).

Weapon	Age
Concealed weapon:	18 or older
License to hunt with firearms:	10 or older ¹
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

¹ If minor is 10 years of age or older and under 16, he may hunt with firearms only in the presence of his parent or guardian or of a person, at least 18 years of age, approved by his parent or guardian.

Provisions Relating to Transfer of Firearms to Minors

ME. REV. STAT. ANN. tit. 17-A, §554 (West 1964 & Supp. 1994).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| PV = | Petty offense/Violation | RP = | Release of name for publication |
| \$ = | Fine | PC = | Parenting classes |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Knowingly furnishing air rifles, firearms, or ammunition to a child under 16 ²												

² Unless person is a parent or guardian or an adult approved by a parent or guardian who furnishes the firearm for use in a supervised manner

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

ME. REV. STAT. ANN. tit. 20-A, §§1001, 6552 (West 1993).

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication

- RP = Release of name for publication
- SS = Grounds for suspension from school
- ES = Grounds for expulsion from school
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession on school property or within safety zone ³											✓				
Intentionally or knowingly using a weapon to injure or threaten another on school property											✓				

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession on school property or within a safety zone		✓	✓		✓			

³ Within 500 feet of school property

Transfer to Criminal Court

ME. REV. STAT. ANN. tit. 15 §§3003, 3101 (1980 & Supp. 1994).

The juvenile court has jurisdiction over persons 17 years old and younger. The juvenile court may impose a sentence that lasts until a person's 21st birthday, and may impose a probationary period that extends beyond age 21. The juvenile court will retain jurisdiction until the probation is completed.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			Child ⁴			
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

ME. REV. STAT. ANN. tit. 12 §7071, tit. 15, §393, tit. 25 §2003 (West 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Permanent	✓ ⁵													
Until 3 years after adjudication or discharge	✓ ⁶													

⁴ Enumerated felonies

⁵ Cause for denial of a license for a concealed weapon or for a hunting license

⁶ Or until person reaches 18 years, whichever is later, if person did not injure or threaten to injure another person

MARYLAND

JUVENILE PROVISIONS

Possession Restrictions

MD. CODE ANN., NAT. RES. §10-301.1 (1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
NO PROVISIONS								

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

MD. CODE ANN., NAT. RES. §10-301.1 (1994); MD. ANN. CODE art. 27 §36E (1994), art. 27 §442 (1992 & Supp. 1994).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	Under 18 ¹
Firearm:	
Handgun/revolver/pistol:	18 or older
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| W = Seizure of weapon | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

¹ Person must have certificate of competency

Provisions Relating to Transfer of Firearms to Minors

MD. CODE ANN., NAT. RES. art. 27 §§406, 445, 481E (1992 & Supp. 1994).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| PV = | Petty offense/Violation | RP = | Release of name for publication |
| \$ = | Fine | PC = | Parenting classes |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transferring an assault weapon to a person under 21, and transferor knows or should know that the person is under 21				10,000	3 yrs							
Transfer of firearms or ammunition to person under 18 without consent of parent or guardian ²				50 to 200								
Transfer of pistol or revolver to person under 21				5,000	3 yrs							

² This provision does not apply to government agents who are engaged in supervised training or recreational activity, or adults or qualified supervisors associated with a recognized organization engaged in the instruction of marksmanship.

Adult Liability for Minor Access

MD. ANN. CODE art. 27 §36K (1992).

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Leaving a loaded firearm in any location where the person knows or should know that an unsupervised minor under 16 would gain access	✓		1,000								

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Leaving a firearm within access of a minor	✓						✓	

Gun-Free Schools

MD. CODE ANN. art. 27 §§36A-36C (1992 & Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession of a firearm on school property	✓		1,000	3 yrs											
Possession of a handgun on school property	✓		250 to 2,500	90 days ³ to 3 yrs		✓									
Possession of a firearm or handgun on school property with intent to injure				5 yrs ⁴											
Subsequent handgun offense		✓		5 yrs ⁵ to 10 yrs											

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of any weapon on school property			✓		✓			

³ Mandatory minimum

⁴ Mandatory minimum

⁵ Mandatory minimum

Transfer to Criminal Court

MD. CODE ANN. CTS. & JUD. PROC. §§ 3-801 (1957 & Supp. 1994); 3-804 (1989); 3-817 (1957).

The juvenile court has jurisdiction over persons 17 years old and younger. The court retains jurisdiction until the juvenile obtains age 21, unless it is specified that jurisdiction is to terminate at an earlier date.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		15 or older Child ⁶				
Mandatory		14 or older ⁷			16 or older ⁸	

Note: Once a person has been transferred to criminal court for one offense, the juvenile court may transfer subsequent offenses to the criminal court with only a summary proceeding.

Restrictions on Possession for Adjudicated Delinquents

MD. ANN. CODE art. 27 §36E (1994).

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until 10 years after adjudication or discharge	✓													

⁶ For enumerated offenses punishable by death or life imprisonment if committed by an adult

⁷ For enumerated offenses punishable by death or life imprisonment if committed by an adult

⁸ For robbery with a deadly weapon

⁹ A permit to carry a handgun shall not be issued to individuals committed to a juvenile institution if it has been less than 10 years since their release.

MASSACHUSETTS

JUVENILE PROVISIONS

Possession Restrictions

MASS. GEN. L. ch. 131, §14 (1991); ch. 269, §12B (1990); ch. 269, §10 (1992 & Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18		BB				BB	BB ¹	BB

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Unlawful possession of air rifles			100			✓									

¹ Must have a valid hunting or sporting license

Licensing Restrictions

MASS. GEN. L. ch. 131, §14 (1991); ch. 140, §§129B, 131 (1981 & Supp. 1994).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	15 or older ²
Firearm:	15 or older ³ 18 or older ⁴
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon

CS = Community service
 D = Detention of juvenile pre-adjudication
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling
 A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A
Use or possession of firearm by unlicensed minor						✓							

² A minor between the ages of 15 and 17 can hunt if he presents a written statement that he will be accompanied by an adult at all times, evidence that he had a hunting license in the previous year, a certificate of competency, and written consent of a parent or guardian. A minor 12 to 14 years of age can hunt when accompanied by a licensed adult and when only one firearm is used.

³ A minor 15 to 17 years old can acquire a firearm identification card if he has a certificate from his parent or guardian granting him permission to apply for a card.

⁴ License to carry or possess firearms

Provisions Relating to Transfer of Firearms to Minors

MASS. GEN. L. ch. 140, §§130, 131E (1981 & Supp. 1994).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| PV = | Petty offense/Violation | RP = | Release of name for publication |
| \$ = | Fine | PC = | Parenting classes |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Sale of a firearm to any person under 18 ⁵				1,000 to 50,000	2.5 to 10 yrs							

⁵ Dealer's license will be revoked

Adult Liability for Minor Access

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

MASS. GEN. L. ch. 71, §§37H, 37L (Supp. 1994); ch. 269, §10 (1992 & Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Students' possession of dangerous weapon at school										✓		✓			
Carrying firearm on school grounds			1,000	1 yr											

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Carrying firearm on school grounds		✓	✓				✓	

⁶ Statute also requires notification of the Department of Social Services, the office of student services, and the local school community.

Transfer to Criminal Court

MASS. GEN. L. ch. 269, §10 (1992 & Supp. 1994); ch. 119 §§52, 61, 72 (1992 & Supp. 1994).

The juvenile court has jurisdiction over persons who are 7 to 16 years old. Jurisdiction can extend to age 19 for acts committed before an individual's 17th birthday, and sentences imposed may extend beyond age 19.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary	14 or older ⁷	14 or older ⁸		14 or older ⁹		
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁷ And the crime would be punishable by imprisonment if committed by an adult

⁸ For enumerated offenses, there is a rebuttable presumption that the case will be transferred to criminal court.

⁹ For the knowing possession of a firearm, rifle, or shotgun away from minor's residence or place of business

MICHIGAN

JUVENILE PROVISIONS

Possession Restrictions

MICH. COMP. LAWS ANN. §§750.234f (West Supp. 1994); 752.891 (West 1991); 752.892 (West 1992).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18		F, BB			F		F	BB ¹

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | SS = Grounds for suspension from school |
| I = Incarceration | ES = Grounds for expulsion from school |
| SD = Suspension of driving privileges | R = Rehabilitation |
| W = Seizure of weapon | N = Notification of parents and law enforcement |
| CS = Community service | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of a firearm by a minor under 18	✓		100	90 days											
Possession of a B.B. gun by a minor under 18	✓														

¹ Within the curtilage of minor's domicile

Licensing Restrictions

MICH. COMP. LAWS ANN. §316.303 (West 1984 & Supp. 1994); §28.422 (West 1994); 1994 Mich. Legis. Serv. 338 (West) (to be codified at MICH. COMP. LAWS ANN. §28.422).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	12 and older ²
Firearm:	
Handgun/revolver/pistol:	18 and older
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

² On application of a parent or legal guardian, if the minor child, while hunting on lands upon which the minor child's parents are not domiciled regularly, is accompanied by a parent, guardian, or other person over 17 authorized by a parent or guardian

Provisions Relating to Transfer of Firearms to Minors

MICH. COMP. LAWS ANN. §750.223 (1991 & Supp. 1994).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Knowingly selling a firearm more than 30 inches in length to a person under 18	✓			500	90 days							
Subsequent offense		✓		2,000	4 yrs							

Adult Liability for Minor Access

1994 Mich. Legis. Serv. 158 (West) (to be codified at MICH. COMP. LAWS ANN. §750.235a).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
The parent of a minor is liable if the parent has custody of the minor, the minor violates a weapon-free school zone law, and the parent knew the minor would violate or acted to further the violation.	✓		2,000				100 hrs				

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Knowledge of minor's violation					✓			

Gun-Free Schools

MICH. COMP. LAWS ANN. §380.1312 (West 1988 & Supp. 1994)³; §750.82 (West 1991); §380.1313 (West Supp. 1993); 1994 Mich. Legis. Serv. 158 (West) (to be codified at MICH. COMP. LAWS ANN. §§750.82, 750.237a).

Penalties

- | | |
|--|---|
| M = Misdemeanor | RP = Release of name for publication |
| F = Felony | SS = Grounds for suspension from school |
| \$ = Fine | ES = Grounds for expulsion from school |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| CS = Community service | EP = Enhanced penalty |
| D = Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Possession of a weapon on school property or in a weapon-free school zone ⁴	✓		2,000	93 days			100 hrs								
Possession of a weapon by a pupil on school property or in a weapon-free school zone												✓			
Violation of a firearm law on school property or in a weapon-free school zone	✓		✓ ⁵	✓ ⁶			100 hrs								
A subsequent violation of a firearms law on school property or in a weapon-free school zone		✓	✓ ⁷	✓ ⁸			150 hrs								

³ A teacher or school official may use reasonable physical force to take possession of a dangerous weapon carried by a pupil.

⁴ Includes vehicles used to transport students to or from school

⁵ Maximum fine authorized for provision violated or \$2,000, whichever is greater

⁶ Maximum term of imprisonment authorized for provision violated or 93 days, whichever is greater

⁷ Three times the maximum fine authorized for the provision violated

⁸ Maximum term of imprisonment authorized for the provision violated

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Assaulting another person with a firearm without intent to murder on school property or in a weapon-free school zone		✓	6,000	4 yrs			150 hrs								

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

Transfer to Criminal Court

MICH. COMP. LAWS ANN. §§712A.2 (1992); 764.27 (West Supp. 1994).

The juvenile court has jurisdiction over persons 16 years old and younger. The court may retain jurisdiction until age 18, unless the juvenile was adjudicated for an act that would be a felony, in which case the court retains jurisdiction until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			15 or older			
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

Notes:

The Department of Education must establish and maintain a firearms safety program. MICH. COMP. LAWS ANN. §28.16 (West 1994).

A city corporation may prohibit and punish the use of toy pistols within the city. MICH. COMP. LAWS ANN. §91.1 (West 1994).

12

MINNESOTA

JUVENILE PROVISIONS

Possession Restrictions

MINN. STAT. ANN. §§97B.021 (West 1987); 260.185 (West 1992 & Supp. 1995); 624.713 (West 1987 & Supp. 1995); 624.7181 (West Supp. 1995).

Au = Automatic weapon
 Am = Ammunition
 As = Assault weapon
 BB = B.B./Air/Spring guns
 C = Concealable weapon

D = Deadly weapon
 F = Firearm
 H = Handgun/Pistol/Revolver
 R = Rifle/Shotgun
 Sa = Semiautomatic weapon
 So = Sawed-off firearm

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
15		F ¹						
16		F		F	F			F
18		H, Sa	H, Sa	H, Sa	H, Sa			
21			Sa ²					

¹ If minor has a firearms safety certificate

² The government agent may carry in a public place

Penalties

M = Misdemeanor
 F= Felony
 \$= Fine
 I= Incarceration
 SD= Suspension of driving privileges
 W= Seizure of weapon
 CS= Community service

D= Detention of juvenile pre-adjudication
 RP= Release of name for publication
 SS= Grounds for suspension from school
 ES= Grounds for expulsion from school
 R= Rehabilitation
 N= Notification of parents and law enforcement
 C= Counseling
 A= Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of firearm or dangerous weapon by child during commission of another offense						✓	100 hrs. ³								
Possession of a pistol or semiautomatic weapon by person under 18		✓													
Person under 21 carrying a semiautomatic weapon in a public place		✓													
Unlawful possession of a firearm by a minor aged 14 to 16						✓									✓

³ Unless child is placed in a residential treatment program or juvenile correctional facility

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

M = Misdemeanor

F = Felony

\$ = Fine

I = Incarceration

SD = Suspension of driving privileges

W = Seizure of weapon

CS = Community service

D = Detention of juvenile pre-adjudication

RP = Release of name for publication

PC = Parenting classes

N = Notification of parents and law enforcement

C = Counseling

A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

MINN. STAT. ANN. §624.7141 (West Supp. 1995).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| PV = Petty Offense/Violation | RP = Release of name for publication |
| \$ = Fine | PC = Parenting classes |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Intentionally transferring a pistol or semiautomatic weapon to a person whom the transferor knows is under 18	✓											
If minor possesses or uses the weapon within one year of transfer in furtherance of a crime of violence		✓										

Adult Liability for Minor Access

MINN. STAT. ANN. §§609.663, 609.666 (Supp. 1995).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Displaying handgun ammunition for sale in manner that makes it accessible to minor under 18	✓ ⁴										
Negligent storage of a firearm	✓										
Allowing a minor under 14 to possess a firearm, airgun, or ammunition	✓										

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Displaying handgun ammunition			✓ ⁵					
Negligent storage of a firearm	✓		✓					

⁴ This provision does not apply if the minor is the seller's employee or agent; the display is under the seller's observation; the seller takes reasonable steps to exclude minors from the vicinity; or the ammunition is suitable for big game hunting.

⁵ The ammunition must be reasonably secured.

Gun-Free Schools

MINN. STAT. ANN. §§121.207 (West Supp. 1995)⁶; 260.185 (West 1992 & Supp. 1995).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Commission of offense in safety zone while in possession of a dangerous weapon					✓										

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

⁶ Twice a year, each school must report incidents involving the use or possession of a dangerous weapon in a school zone to the commissioner of education. The commissioner of education must report the information he receives annually to the commissioner of public safety, the criminal and juvenile policy group, and the legislature.

Transfer to Criminal Court

MINN. STAT. ANN. §§260.015, 260.125 (1992 & Supp. 1995).

The juvenile court has jurisdiction over persons 17 years old and younger.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			14 ⁷			
Mandatory	Child ⁸		16 or older ⁹			

⁷ There is a presumption that a minor who commits an act that would be a felony if committed by an adult will be transferred to adult court if the minor is 16 or 17 at the time of the offense and the offense would result in a presumptive commitment to prison under the sentencing guidelines or the minor committed the offense while using a firearm. If the minor does not rebut the presumption by clear and convincing evidence that retaining the proceeding in juvenile court serves public safety, the minor shall be transferred to adult court.

⁸ If previously adjudicated for a crime that would be a felony if committed by an adult, and charged with a crime that would be a felony if committed by an adult.

⁹ Enumerated felony

Restrictions on Possession for Adjudicated Delinquents

MINN. STAT. ANN. §624.713 (West 1987 & Supp. 1995).

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until court or governor orders right restored	✓ ¹⁰	✓ ¹¹	✓ ¹²											
Until 10 years after adjudication or discharge	✓ ¹³	✓ ¹⁴	✓ ¹⁵											

¹⁰ If the adjudication was for assaulting a family or household member with a firearm

¹¹ A juvenile charged with a crime of violence who has been placed in a pretrial diversion program

¹² Possession of a pistol, semiautomatic weapon, or other firearm by an adjudicated delinquent

¹³ Or 10 years have passed since restoration of civil rights, whichever occurs first

¹⁴ A juvenile charged with a crime of violence who has been placed in a pretrial diversion program

¹⁵ Possession of a pistol, semiautomatic weapon, or other firearm by an adjudicated delinquent

MISSISSIPPI

JUVENILE PROVISIONS

Possession Restrictions

MISS. CODE ANN. §§97-37-1,-14 (1972); 43-21-261, -605 (1993).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18	C			H	F		F, H	H ¹

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Unlawful possession by a person under 18					✓	✓						✓ ²			✓
Subsequent violation					✓	✓			✓ ³			✓			✓

¹ If the minor is on real property under the control of an adult, and has the permission of such adult to possess a handgun

² Wilderness training program

³ Names and addresses of juveniles twice adjudicated delinquent for the unlawful possession of a firearm while committing an act that would constitute a felony if committed by an adult shall be made available to the public.

Licensing Restrictions

MISS. CODE ANN. §45-9-101 (1972).

Weapon	Age
Concealed weapon:	21 or older
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	21 or older
Rifle or shotgun:	
Assault weapon:	

Penalties

M = Misdemeanor

F = Felony

\$ = Fine

I = Incarceration

SD = Suspension of driving privileges

W = Seizure of weapon

CS = Community service

D = Detention of juvenile pre-adjudication

RP = Release of name for publication

PC = Parenting classes

N = Notification of parents and law enforcement

C = Counseling

A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

MISS. CODE ANN. §§97-1-3, 97-37-13, -17 (1972).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Knowingly selling, lending, or giving a deadly weapon to a minor under 18				1,000	1 yr							
Person over 17 directing or causing any person under 17 to commit any crime that would be a felony if committed by an adult				10,000	20 yrs							
Causing, encouraging or aiding a minor under 18 to possess or carry a firearm on school property ⁴		✓		5,000	3 yrs							
Causing, encouraging, or aiding a minor under 18 to possess or carry a B.B. gun, air rifle, or air pistol on school property	✓			1,000	6 mos							

⁴ This provision does not apply to B.B. guns, air rifles, or air pistols.

Adult Liability for Minor Access

MISS. CODE ANN. §§37-11-53, 97-37-15, -17 (1972).

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Parent or guardian who knowingly permits a child under 18 to possess a weapon	✓		1,000	6 mos							
Teacher, instructor, or professor who knowingly permits a student to carry a concealed weapon on school property	✓		300	3 mos							

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

1994 Miss. Laws 473, 607 (to be codified at MISS. CODE ANN. §43-21-621); MISS. CODE ANN. §§37-11-29 (1972 & Supp. 1994); §37-11-18 (Supp. 1994); §43-21-605 (1993); §97-37-14, -17 (1972).

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon
 CS = Community service
 D = Detention of juvenile pre-adjudication

RP = Release of name for publication
 SS = Grounds for suspension from school
 ES = Grounds for expulsion from school
 N = Notification of parents and law enforcement
 C = Counseling
 A = Act of delinquency
 EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession of a firearm on school property ⁵		✓	5,000	3 yrs	✓							✓			
Possession of a B.B. gun, air rifle, or air pistol on school property	✓		1,000	6 mos	✓							✓			
Possession of a firearm or commission of a violent act on school property by a student	✓									✓	✓ ⁶	✓			
Possession of a concealed weapon on school property or within a safety zone ⁷	✓		300	3 mos											

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a firearm on school property		✓	✓		✓			✓ ⁸

⁵ School property includes school buses. The provision does not apply to B.B. guns, air rifles, or air pistols.

⁶ The youth court may not order the enrollment or re-enrollment in school of a student suspended or expelled for possession of a weapon on school grounds.

⁷ Within two miles of school property

⁸ And the possessor is not a student

Transfer to Criminal Court

MISS. CODE ANN. §§43-21-105, 151⁹ (1993); 1994 Miss. Laws 595 (to be codified at 43-21-151, -157, -159); 1994 Miss. Laws 607 (to be codified at 43-21-105, -605).

The juvenile court has jurisdiction over persons 17 years old and younger. The juvenile court may retain jurisdiction until the juvenile turns 20.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		13 or over				
Mandatory			13 or over ¹⁰ 16 or over	15 or over	13 or over	

Note: If a juvenile has been transferred for trial and convicted as an adult, such transfer forever terminates juvenile court jurisdiction.

Restrictions on Possession for Adjudicated Delinquents

MISS. CODE ANN. §43-21-261 (1993); 1994 Miss. Laws 591.

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Permanent	✓									✓ ¹¹				

Note:

MISS. CODE ANN. §97-37-33 (1993). - Any person who sells any toy pistol or cartridges is guilty of a misdemeanor punishable by a \$5 to \$25 fine, or imprisonment for three to 30 days. This provision does not apply to toy cap pistols.

⁹ Children who have not reached their 13th birthday shall not be held criminally responsible for a misdemeanor or a felony; however, the parent, guardian, or custodian may be civilly liable for any criminal acts of such child.

¹⁰ For enumerated offenses that carry a maximum sentence of death or life imprisonment

¹¹ Names and addresses of juveniles twice adjudicated delinquent for an act that would be a felony if committed by an adult or for the unlawful possession of a firearm shall not be confidential, and shall be made available to the public

MISSOURI

JUVENILE PROVISIONS

Possession Restrictions

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
NO PROVISIONS								

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

MO. ANN. STAT. §571.090 (Vernon Supp. 1994).

Weapon	Age
Concealed weapon:	21 or older
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A
Acquisition of a permit for a concealed weapon by person under 21	✓												

Provisions Relating to Transfer of Firearms to Minors

MO. ANN. STAT. §571.060 (Vernon Supp. 1994).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty Offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Recklessly selling, leasing, loaning, giving away, or delivering any firearm to person under 18 without the consent of the minor's parent or guardian	✓											

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

MO. ANN. STAT. §571.030 (Vernon 1979 & Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Carrying firearm into school	✓														

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Carrying a firearm into school			✓					✓

Transfer to Criminal Court

MO. ANN. STAT. §§211.031, 211.041, 211.071 (Vernon 1983 & Supp. 1995); 578.423 (Vernon Supp. 1995).

The juvenile court has jurisdiction over persons 16 years old and younger. The court retains jurisdiction over the juvenile until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			14 or older		14 or older ¹	
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

Time Period	✓	M	F	S	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

¹ Prosecuting attorney may move for transfer to court of general jurisdiction in cases of alleged violations of statutes prohibiting criminal street gang activities (*see* "Notes").

Notes:

Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal street gang activity and who willfully assists in any felonious criminal conduct by gang members shall be punished by imprisonment in the county jail for a period not to exceed one year or by imprisonment in a state correctional facility for one to three years. MO. ANN. STAT. §578.423 (Vernon Supp. 1995).

A pattern of criminal street gang activity is defined as the commission, attempted commission, or solicitation by two or more persons of two or more specified offenses, including assault with a deadly weapon and felonious unlawful use of a weapon. MO. ANN. STAT. §578.421 (Vernon Supp. 1995).

Any person convicted of a felony or misdemeanor that is committed in association with a criminal street gang with the specific intent to assist criminal conduct by gang members shall be punished as follows:

Misdemeanor -- Imprisonment in the county jail not to exceed one year or imprisonment in a state correctional facility for one to three years.

Felony -- In addition and consecutive to the punishment prescribed for the felony, an additional term of one to three years may be imposed. If the underlying felony is committed within 1,000 feet of a school, two to four additional years may be imposed. The court shall impose the middle term of sentence enhancement unless there are aggravating or mitigating circumstances, and the court must state its reason for its choice of enhancement.

Felony punishable by death or imprisonment for life -- Individual may not be paroled until a minimum of 15 years have been served. MO. ANN. STAT. 578.425 (Vernon Supp. 1995). (see "Transfer to Criminal Court" section).

MONTANA

JUVENILE PROVISIONS

Possession Restrictions

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
NO PROVISIONS								

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

MONT. CODE ANN. §§45-8-321, 87-2-105, -805 (1993).

Weapon	Age
Concealed weapon:	18 or older
License to hunt with firearms:	18 or older ¹ 12-14 ²
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

M = Misdemeanor

F = Felony

\$ = Fine

I = Incarceration

SD = Suspension of driving privileges

W = Seizure of weapon

CS = Community service

D = Detention of juvenile pre-adjudication

RP = Release of name for publication

PC = Parenting classes

N = Notification of parents and law enforcement

C = Counseling

A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

¹ Unless person under 18 has presented a certificate of competency

² Resident minors between the ages of 12 and 14 may hunt upland and migratory birds during the open season with a conservation license.

Provisions Relating to Transfer of Firearms to Minors

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS												

Adult Liability for Minor Access

MONT. CODE ANN. §§45-8-344, -345 (1993).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Parent, guardian, or other adult who has custody of a child under 14 who permits the child to carry firearms in public	✓										

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Permitting a child to carry firearms in public								✓

Gun-Free Schools

MONT. CODE ANN. §20-4-302 (1993)³

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

³ A person who is employed by a school district may use physical restraint to obtain possession of a weapon in a student's possession or control.

Transfer to Criminal Court

MONT. CODE ANN. §§41-5-103, -205 (1993); 1995 Montana Laws Ch. 438 (to be codified at 41-5-206); 1995 Montana Laws Ch. 376 (to be codified at 41-5-203).

The juvenile court has jurisdiction over persons 17 years old and younger. The court may retain jurisdiction over the juvenile until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			12 or older ⁴ 16 or older ⁵			
Mandatory			16 or older ⁶			

Restrictions on Possession for Adjudicated Delinquents

Time Period	✓	M	F	S	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁴ Enumerated felonies

⁵ Enumerated felonies

⁶ Enumerated offenses

NEBRASKA

JUVENILE PROVISIONS

Possession Restrictions

1994 Neb. Laws 988; NEB. REV. STAT. §28-1204 (1989).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18			H		H ¹			

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Unlawful possession of a revolver by a person under 18	✓					✓									

¹ And under the immediate supervision of a parent, guardian, or adult instructor

Licensing Restrictions

NEB. REV. STAT. §69-2404 (Supp. 1992).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	21
Rifle or shotgun:	
Assault weapon:	

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

1994 Neb. Laws 988 (to be codified at NEB. REV. STAT. §§28-101, 28-1201).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty Offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Knowingly or intentionally transferring or attempting to transfer a firearm to a juvenile ²		✓					✓					

² This does not apply to authorized adults who transfer for the purpose of a lawful sporting purpose or for supervised educational activity.

Adult Liability for Minor Access

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| \$ = | Fine | RP = | Release of name for publication |
| I = | Incarceration | PC = | Parenting classes |
| SD = | Suspension of driving privileges | N = | Notification of parents and law enforcement |
| | | C = | Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

1994 Neb. Laws 988; NEB. REV. STAT. §79-4, 180 (1993).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Knowing possession of a firearm on school property by a student										✓	✓				
Possession of a firearm on school property ³	✓					✓									

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a firearm on school property					✓			✓

³ Includes school-owned vehicles and school-sponsored activities

⁴ And possessed by a non-student adult

Transfer to Criminal Court

NEB. REV. STAT. §§43-245, -247, -261, -276 (1993).

The juvenile court has jurisdiction over persons 17 years old and younger. Jurisdiction continues until the person reaches 19.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		16 ⁵	Child ⁶			
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | D = | Detention of juvenile pre-adjudication |
| F = | Felony | RP = | Release of name for publication |
| \$ = | Fine | N = | Notification of parents and law enforcement |
| I = | Incarceration | C = | Counseling |
| SD = | Suspension of driving privileges | A = | Act of delinquency |
| W = | Seizure of weapon | EP = | Enhanced penalty |
| CS = | Community service | | |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁵ The prosecutor has the authority to file charges in criminal court, and a reverse waiver hearing may then be conducted.

⁶ See previous footnote

NEVADA

JUVENILE PROVISIONS

Possession Restrictions

NEV. REV. STAT. §§202.300 (1992 & Supp. 1994); 202.340 (1992).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
14		F					F ¹	

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | SS = Grounds for suspension from school |
| I = Incarceration | ES = Grounds for expulsion from school |
| SD = Suspension of driving privileges | R = Rehabilitation |
| W = Seizure of weapon | N = Notification of parents and law enforcement |
| CS = Community service | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Unlawful possession by person under 14	✓					✓									

¹ The minor must be accompanied by an adult who is licensed to hunt. No child under 12 may hunt big game.

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | CS= | Community service |
| F= | Felony | D= | Detention of juvenile pre-adjudication |
| \$= | Fine | RP= | Release of name for publication |
| I= | Incarceration | PC= | Parenting classes |
| SD= | Suspension of driving privileges | N= | Notification of parents and law enforcement |
| W= | Seizure of weapon | C= | Counseling |
| | | A= | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

NEV. REV. STAT. §§202.310, 202.340 (1992).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transfer of a concealable weapon to a person under 18	✓						✓					

Adult Liability for Minor Access

NEV. REV. STAT. §§202.300 (1992 & Supp. 1994); 202.340 (1992).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Aiding or knowingly permitting a minor under 14 to possess a firearm unlawfully	✓ ²					✓					

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Aiding a minor to possess	✓	✓	✓				✓	

² The court can consider whether the defendant left a loaded firearm within easy reach of a minor who used it to inflict injury as an aggravating factor at sentencing.

Gun-Free Schools

NEV. REV. STAT. §§193.161, 202.340 (1992); 202.265 (1992 & Supp. 1993); 392.466 (1991 & Supp. 1993).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession of a weapon on school property or in a school vehicle	✓			✓		✓				✓	✓				
Commission of a felony with a firearm on a school bus															✓ ³

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a weapon on school property		✓						

³ The sentence must be double the term of imprisonment authorized for the underlying felony and must run consecutively.

Transfer to Criminal Court

NEV. REV. STAT. §§62.020, 62.040, 62.080, 62.082 (1993).

The juvenile court has jurisdiction over persons 17 years old and younger. The court may retain jurisdiction until the juvenile reaches age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			child ⁴ 16 or older			
Mandatory						

Note: Once a juvenile has been tried and convicted as an adult, all subsequent offenses will go directly to criminal court unless the juvenile successfully petitions to have the case transferred back to juvenile court.

Restrictions on Possession for Adjudicated Delinquents

Time Period	✓	M	F	S	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁴ If charged with murder

NEW HAMPSHIRE

JUVENILE PROVISIONS

Possession Restrictions

N.H. REV. STAT. ANN. §207:2-a (Supp. 1993).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
16		F ¹					F ²	

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | SS = Grounds for suspension from school |
| I = Incarceration | ES = Grounds for expulsion from school |
| SD = Suspension of driving privileges | R = Rehabilitation |
| W = Seizure of weapon | N = Notification of parents and law enforcement |
| CS = Community service | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

¹ Adult is properly licensed and minor is hunting with that adult

² Minor is accompanied by an adult who is properly licensed

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

N.H. REV. STAT. ANN. §§159:12, 644:14, 15 (1955).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transfer of pistol or revolver to a minor ³	✓											
Transfer of an air rifle to person under 18 without parental consent			✓									
Sale of ammunition to person under 16			✓ ⁴									

³ Provision does not apply to parents, guardians, or administrators of an estate who give revolvers to their children, wards, or heirs of an estate.

⁴ Provision does not apply to parents and guardians.

Adult Liability for Minor Access

N.H. REV. STAT. ANN. §207:2-a (Supp. 1994)⁵

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

⁵ Adult is liable for any damage incurred or violations by a minor under 16 who is hunting under the adult's supervision.

Gun-Free Schools

1994 N.H. Laws 355 (to be codified at N.H. REV. STAT. ANN. §§193:13, 193-D:1).

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication

- RP = Release of name for publication
- SS = Grounds for suspension from school
- ES = Grounds for expulsion from school
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession of a pellet gun, B.B. gun, or rifle by a student on school property or bus											✓				
Student who commits an act of violence on school property or who knowingly possesses a firearm on school property											✓				
Act of violence on school property or on a school bus.				✓ ⁶								✓			

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

⁶ Subject to an extended term of imprisonment. See N.H. REV. STAT. ANN. §651:6 (1994).

Transfer to Criminal Court

N.H. REV. STAT. ANN. §§169-B:2, :24 (1990); §169-B:4 (1990 & Supp. 1993).

The juvenile court has jurisdiction over persons 17 years old and younger, and over 18 year olds who committed offenses before turning 18. With the individual's consent, the court may retain jurisdiction until the person reaches age 21 if the person is attending school or is enrolled in an equivalency program.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			child			
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | N = Notification of parents and law enforcement |
| I = Incarceration | C = Counseling |
| SD = Suspension of driving privileges | A = Act of delinquency |
| W = Seizure of weapon | EP = Enhanced penalty |
| CS = Community service | |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

NEW JERSEY

JUVENILE PROVISIONS

Possession Restrictions

N.J. REV. STAT. §2C:58:6.1 (1982 & Supp. 1994); 1994 N.J. Laws 56 (to be codified at N.J. REV. STAT. §2A:4A-60).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18		F			F		F	

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | SS = Grounds for suspension from school |
| I = Incarceration | ES = Grounds for expulsion from school |
| SD = Suspension of driving privileges | R = Rehabilitation |
| W = Seizure of weapon | N = Notification of parents and law enforcement |
| CS = Community service | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of a firearm by a minor													✓ ¹		✓

¹ At time of charge, adjudication, or disposition against a juvenile in cases involving the unlawful use or possession of a firearm, law enforcement agencies must notify the principal of the school where the juvenile is enrolled of the identity of the juvenile, the offense charged, and the adjudication or disposition.

Licensing Restrictions

N.J. REV. STAT. §§2C:58-3, 2C:58-4, 2C:58-5 (1982 & Supp. 1994).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	11 or older ²
Firearm:	18
Handgun/revolver/pistol:	18
Rifle or shotgun:	18
Assault weapon:	18

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | CS= | Community service |
| F= | Felony | D= | Detention of juvenile pre-adjudication |
| \$= | Fine | RP= | Release of name for publication |
| I= | Incarceration | PC= | Parenting classes |
| SD= | Suspension of driving privileges | N= | Notification of parents and law enforcement |
| W= | Seizure of weapon | C= | Counseling |
| | | A= | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

² A minor between the ages of 11 and 14 can obtain a license to hunt if he completes a safety course, has parental consent, and is accompanied by an adult who has a license.

Provisions Relating to Transfer of Firearms to Minors

N.J. REV. STAT. §§2C:39-10, 2C-58-3.1 (1982 & Supp. 1994).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| PV = | Petty Offense/Violation | RP = | Release of name for publication |
| \$ = | Fine | PC = | Parenting classes |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Knowingly transferring a firearm to person under 18		✓ ³			3 yrs ⁴							
Knowingly temporarily transferring a firearm to an unqualified person ⁵												

³ "Crime of the third degree"

⁴ Three years is the mandatory minimum, during which time the prisoner is ineligible for parole.

⁵ Covers transfer by dealer to person whom dealer knows does not meet the requirements for obtaining a firearms identification card. Such requirements include an age restriction.

Adult Liability for Minor Access

N.J. REV. STAT. §2C:58-15 (Supp. 1994).

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Negligent storage of a loaded firearm that results in access by minor under 16	✓	✓ ⁶									

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Access by minor under 16 to loaded firearm	✓ ⁷		✓			✓		

⁶ When access results in injury

⁷ Or if minor gains access through the unlawful entry of another person

Gun-Free Schools

N.J. REV. STAT. §2C:39-5 (1982 & Supp. 1994).

Penalties

- | | | | |
|-----|--|------|---|
| M = | Misdemeanor | RP= | Release of name for publication |
| F= | Felony | SS= | Grounds for suspension from school |
| \$= | Fine | ES= | Grounds for expulsion from school |
| I= | Incarceration | N= | Notification of parents and law enforcement |
| SD= | Suspension of driving privileges | C= | Counseling |
| W= | Seizure of weapon | A= | Act of delinquency |
| CS= | Community service | EP = | Enhanced penalty |
| D= | Detention of juvenile pre-adjudication | | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Knowing possession of firearm in educational institutions															

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Knowing possession of firearm in educational institution		✓	✓	✓			✓	

Transfer to Criminal Court

N.J. REV. STAT §§2A:4A-47 (1987), 2A:4A-22 (1987 & Supp. 1995); 2A:4A-26 (1987 & Supp. 1994).

The juvenile court has jurisdiction over persons 17 years old and younger. The juvenile court may retain jurisdiction until the person reaches 18 or for one year after the case is disposed of, whichever is later.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary ⁸	14 ⁹	14 ¹⁰	14 ¹¹	14		
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | N = Notification of parents and law enforcement |
| I = Incarceration | C = Counseling |
| SD = Suspension of driving privileges | A = Act of delinquency |
| W = Seizure of weapon | EP = Enhanced penalty |
| CS = Community service | |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁸ Prosecutor moves for transfer. The juvenile may present evidence that he would benefit from the juvenile program to overcome the transfer.

⁹ Enumerated crimes

¹⁰ Enumerated crimes

¹¹ Enumerated felonies

NEW MEXICO

JUVENILE PROVISIONS

Possession Restrictions

N.M. STAT. ANN. §§17-2-33, 30-7-2.2, 30-7-2.3 (Michie 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18				F ¹				
19				H	H		H	H ²

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Unlawful use of a firearm by a minor	✓														
Unlawful possession of a handgun	✓					✓									

¹ Provision prohibits the use, not the mere possession of, a firearm.

² And the person is being supervised by a parent, grandparent or legal guardian

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

Penalties

- M = Misdemeanor
- F = Felony
- PV = Petty offense/Violation
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges

- W = Seizure of weapon
- CS = Community service
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N .	C
NO PROVISIONS												

Adult Liability for Minor Access

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

N.M. STAT. ANN. §30-7-2.1 (Michie 1994)

Penalties

- M = Misdemeanor
- F= Felony
- \$= Fine
- I= Incarceration
- SD= Suspension of driving privileges
- W= Seizure of weapon
- CS= Community service
- D= Detention of juvenile pre-adjudication

- RP= Release of name for publication
- SS= Grounds for suspension from school
- ES= Grounds for expulsion from school
- N= Notification of parents and law enforcement
- C= Counseling
- A= Act of delinquency
- EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Carrying a deadly weapon on school premises		✓													

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Carrying a deadly weapon on school premises			✓		✓			✓ ³

³ By a person 19 or older

Transfer to Criminal Court

N.M. STAT. ANN. 32A-1-3, 32A-2-3 (Michie 1994); 32A-1-8 (Michie 1993).

The juvenile court has jurisdiction over persons 17 years old and younger.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary	15 and older ⁴		15 and older ⁵		15 and older ⁶	
Mandatory			16 or older ⁷			

Restrictions on Possession for Adjudicated Delinquents

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | N = Notification of parents and law enforcement |
| I = Incarceration | C = Counseling |
| SD = Suspension of driving privileges | A = Act of delinquency |
| W = Seizure of weapon | EP = Enhanced penalty |
| CS = Community service | |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁴ If the juvenile has three prior adjudications, he is considered a youthful offender, and may be subject to adult sanctions.

⁵ For enumerated felonies, the juvenile will be considered a youthful offender and may be subject to adult sanctions.

⁶ See previous footnote

⁷ Direct file required

NEW YORK

JUVENILE PROVISIONS

Possession Restrictions

N.Y. ENVTL. CONSERV. LAW §11-0929 (McKinney 1984 & Supp. 1994); N.Y. PENAL LAW §265.05 (McKinney 1985 & Supp.1995).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
16	BB	R ¹	D		D		R ² , Am ³	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Unlawful possession of weapons by persons under 16															✓

¹ If between the ages of 12 and 16 and hunting with a gun or longbow, minor must be accompanied by a designated adult.

² Minor between the ages of 12 and 16 must be accompanied by an adult while hunting with a gun or longbow.

³ With a valid permit

Licensing Restrictions

N.Y. ENVTL. CONSERV. LAW §§11-0701, 11-0929 (McKinney 1984 & Supp. 1994); N.Y. PENAL LAW § 400.00 (McKinney 1989 & Supp. 1995).

Weapon	Age
Concealed weapon:	Over 21
License to hunt with firearms:	12 to 16 ⁴ 16 or older ⁵ 18 or older ⁶
Firearm:	Over 21
Handgun/revolver/pistol:	Over 21
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

⁴ Junior hunting license entitles persons between the ages of 12 and 16 to hunt small game and to possess firearms as provided in §265.05 of the penal code. A licensee between the ages of 12 and 14 cannot hunt wildlife with a gun or longbow unless accompanied by an adult who holds a big game hunting license. A licensee between the ages of 14 and 16 cannot hunt wildlife with a gun unless he has the written consent of a parent or guardian and is accompanied by an adult over 18.

⁵Except big game

⁶Including big game. Non-resident big game license entitles persons between the ages of 16 and 18 to exercise the privileges of a big-game license subject to the provisions of §11-0929, which governs hunting by minors. A licensee under 18 who previously has not held a license must be accompanied by an adult with at least one year's experience.

Provisions Relating to Transfer of Firearms to Minors

N.Y. PENAL LAW §§265.14, 265.16 (McKinney Supp. 1995).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| PV = | Petty offense/Violation | RP = | Release of name for publication |
| \$ = | Fine | PC = | Parenting classes |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Knowingly selling a firearm with the aid of a minor under 16 ⁷		✓										
Criminal sale of a firearm to a minor under 19		✓										

⁷ If seller is 18 or older

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

N.Y. ENVTL. CONSERV. LAW §11-0931 (McKinney 1984 & Supp. 1994); N.Y. PENAL LAW §§256.01, 256.02, 256.06 (McKinney Supp. 1995).

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon
 CS = Community service
 D = Detention of juvenile pre-adjudication

RP = Release of name for publication
 SS = Grounds for suspension from school
 ES = Grounds for expulsion from school
 N = Notification of parents and law enforcement
 C = Counseling
 A = Act of delinquency
 EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Knowing possession of an air gun or spring gun by any person 16 or older on school property	✓ ⁸														
Unlawful discharge of firearm in school safety zone ⁹															
Knowing possession of firearm, rifle, or shotgun on school property	✓														
Knowing possession of a firearm, rifle, or shotgun on school property by a previously convicted person		✓													

⁸ Violation/petty offense

⁹ Within 500 feet of a school building or school playground

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Knowing possession of an air gun or spring gun by any person over 16 on school property	✓	✓	✓	✓	✓			
Unlawful discharge of firearm in school safety zone	✓		✓	✓	✓			

Transfer to Criminal Court

N.Y. CRIM. PROC. LAW §§1.20, 180.75, 210.43 (Consol. 1994); N.Y. PENAL LAW §30.00 (Consol. 1994); N.Y. FAM. CT. ACT §§301.2, 355.3, 353.5 (McKinney 1983 & Supp. 1995).

The juvenile court has jurisdiction over persons 15 years old and younger. The court may retain jurisdiction over a person until age 18, or with the juvenile's consent, until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary						
Mandatory			13 or older ¹⁰			

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | N = Notification of parents and law enforcement |
| I = Incarceration | C = Counseling |
| SD = Suspension of driving privileges | A = Act of delinquency |
| W = Seizure of weapon | EP = Enhanced penalty |
| CS = Community service | |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

¹⁰ Enumerated felonies. The prosecutor may move for a remand to juvenile court.

NORTH CAROLINA

JUVENILE PROVISIONS

Possession Restrictions

N.C. GEN. STAT. §14-269.7 (Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18			H		H		H ¹	H ²

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of handgun by minor	✓														

¹ And the minor has written permission from parent or guardian

² Emancipated minor inside his residence

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

N.C. GEN. STAT. §14-315 (Supp. 1994); §14-316 (1993).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Selling or giving weapons to minors	✓ ³											
Knowingly furnishing a weapon to child under 12	✓											

³ Must forfeit proceeds of any sale

Adult Liability for Minor Access

N.C. GEN. STAT. §14-315.1 (1993 & Supp. 1994); §14-316 (1993).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Unsafe storage of firearm, leading to access or use by a minor under 18	✓										
Permitting children under 12 to use dangerous firearms	✓										

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Unsafe storage of firearm	✓		✓					✓ ⁴
Permitting children under 12 to use dangerous firearms								✓

⁴ When minor does not have permission to access weapon from parent or guardian

Gun-Free Schools

N.C. GEN. STAT. §§14-269.1, 14-269.2 (1993 & Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Student possessing or carrying firearm ⁵ on school property even if the firearm is unloaded in a locked car		✓				✓									
Student possessing or carrying firearm on school property and brandishing such firearm in a threatening manner		✓				✓									
Nonstudent possessing or carrying firearm ⁷ on school property even if firearm is unloaded and locked in a car	✓					✓									
Nonstudent possessing or carrying unloaded firearm on school property and brandishing such firearm in a threatening manner		✓				✓									

⁵ Does not apply to BB guns, air rifles, or air pistols

⁶ School personnel may use reasonable force, including corporal punishment, to obtain possession of weapon.

⁷ Does not apply to BB guns, air rifles, or air pistols

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Causing or encouraging a minor to possess or carry firearm ⁸ on school property		✓				✓									
Student possessing or carrying a BB gun, air rifle, or air pistol on school property	✓					✓									
Causing or encouraging minor to possess or carry BB gun, air rifle, or air pistol on school property	✓					✓									

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
All above offenses ⁹			✓		✓			

⁸ Does not apply to BB guns, air rifles, or air pistols

⁹ Home schools are exempt from the above provisions.

Transfer to Criminal Court

N.C. GEN. STAT. §§7A-517, -608 (1989 & Supp. 1994); 7A-523, -524 (1989).

The juvenile court has jurisdiction over persons 15 years old and younger. The court may retain jurisdiction until age 18.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			6-13 ¹⁰			
Mandatory			6-13 ¹¹			

Restrictions on Possession for Adjudicated Delinquents

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

¹⁰ For any act that would be a felony if committed by an adult

¹¹ Enumerated felonies



NORTH DAKOTA

JUVENILE PROVISIONS

Possession Restrictions

N.D. CENT. CODE §62.1-02-01 (1985 & Supp. 1993).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18		H ¹		H ²	H ³		H ⁴	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of handgun by person under 18	✓														

¹ And engaging in a recreational activity or attending a safety course

² And accompanied by an adult

³ And accompanied by an adult

⁴ And accompanied by an adult

Licensing Restrictions

N.D. CENT. CODE §§62.1-02-01, 62.1-04-03 (1985 & Supp. 1993).

Weapon	Age
Concealed weapon:	18 or older
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| W = Seizure of weapon | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

N.D. CENT. CODE §§62.1-02-02 , 62.1-02-07 (1985).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Unlawful and knowing transfer of handgun to minor	✓											
Unlawful sale of handguns to minors	✓											

Adult Liability for Minor Access

N.D. CENT. CODE §62.1-02-07 (1985).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Parent or guardian permitting minor under 15 to carry or use firearm in public	✓										

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Parent or guardian permitting minor under 15 to carry or use firearm in public								✓

Gun-Free Schools

N.D. CENT. CODE §62.1-02-05 (1985).

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication

- RP = Release of name for publication
- SS = Grounds for suspension from school
- ES = Grounds for expulsion from school
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Possession of a firearm at school or school functions	✓ ⁵														

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a firearm at school or school functions			✓		✓			

⁵ School district employees may use force if necessary to obtain possession of weapons or other dangerous objects within the control of a pupil.

Transfer to Criminal Court

N.D. CENT. CODE §§27-20-02, -34, -36 (1991).

The juvenile court has jurisdiction over persons 17 years old and younger. The court may retain jurisdiction until age 20.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		14 -15 ⁶ 16-17				
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁶ Any crime that involves the infliction or threat of bodily harm

OHIO

JUVENILE PROVISIONS

Possession Restrictions

Au = Automatic weapon
 Am= Ammunition
 As = Assault weapon
 BB = B.B./Air/Spring guns
 C = Concealable weapon

D = Deadly weapon
 F= Firearm
 H = Handgun/Pistol/Revolver
 R = Rifle/Shotgun
 Sa = Semiautomatic weapon
 So = Sawed-off firearm

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
NO PROVISIONS								

Penalties

M = Misdemeanor
 F= Felony
 \$= Fine
 I= Incarceration
 SD= Suspension of driving privileges
 W= Seizure of weapon
 CS= Community service

D= Detention of juvenile pre-adjudication
 RP= Release of name for publication
 SS= Grounds for suspension from school
 ES= Grounds for expulsion from school
 R= Rehabilitation
 N= Notification of parents and law enforcement
 C= Counseling
 A= Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

OHIO REV. CODE ANN. §§2923.18, 2923.22 (Baldwin 1994).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	21 or older
Handgun/revolver/pistol:	
Rifle or shotgun:	18 or older
Assault weapon:	

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon

CS = Community service
 D = Detention of juvenile pre-adjudication
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling
 A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

OHIO REV. CODE ANN. §§2923.20, 2923.21 (Baldwin 1994).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Recklessly transferring weapons to a person who previously has been adjudicated delinquent for a violent felony or for an offense involving a weapon		✓										
Furnishing firearm to person under 18	✓											
Furnishing handgun to person under 21	✓											

Adult Liability for Minor Access

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

OHIO REV. CODE ANN. §§2923.122, 2923.161 (Baldwin 1993).

Penalties

- | | | | |
|------|--|------|---|
| M = | Misdemeanor | RP = | Release of name for publication |
| F = | Felony | SS = | Grounds for suspension from school |
| \$ = | Fine | ES = | Grounds for expulsion from school |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |
| W = | Seizure of weapon | A = | Act of delinquency |
| CS = | Community service | EP = | Enhanced penalty |
| D = | Detention of juvenile pre-adjudication | | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Knowingly conveying or possessing a deadly weapon on school premises		✓													
Improperly and knowingly discharging firearm at or into a school		✓													

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Knowingly conveying or possessing a deadly weapon on school premises		✓	✓					
Improperly and knowingly discharging firearm at or into a school			✓					

Transfer to Criminal Court

OHIO REV. CODE ANN. §§2151.011, 2151.26 (Baldwin 1994).

The juvenile court has jurisdiction over persons 17 years old and younger.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			15 or older			
Mandatory	Child ¹					

Note: Once a person is deemed an adult, he will automatically be considered an adult for all subsequent offenses involving enumerated felonies.

Restrictions on Possession for Adjudicated Delinquents

OHIO REV. CODE ANN. §§2923.13, 2923.14 (Baldwin 1994).

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | N = Notification of parents and law enforcement |
| I = Incarceration | C = Counseling |
| SD = Suspension of driving privileges | A = Act of delinquency |
| W = Seizure of weapon | EP = Enhanced penalty |
| CS = Community service | |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until court or governor orders right restored	✓		✓											

¹ If the child is charged with murder and has a previous adjudication for murder

OKLAHOMA

JUVENILE PROVISIONS

Possession Restrictions

OKLA. STAT. ANN. tit. 21 §§1273 C, 1273 D (West 1983 & Supp. 1995); tit. 21 §1271.1 (West Supp. 1995).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18	H ¹			R	R		R	

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | SS = Grounds for suspension from school |
| I = Incarceration | ES = Grounds for expulsion from school |
| SD = Suspension of driving privileges | R = Rehabilitation |
| W = Seizure of weapon | N = Notification of parents and law enforcement |
| CS = Community service | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of a pistol, revolver, or offensive weapon by a minor ²						✓ ³									✓

¹ Or any other offensive weapon

² Minor also may be liable for civil damages for injury or death to any person resulting from being shot by minor.

³ Statute provides that whenever a minor under 18 is detained or arrested by a police officer and is carrying a weapon, such weapon may be confiscated and discarded, whether or not criminal charges are filed.

Licensing Restrictions

OKLA. STAT. ANN. tit. 29 §4-112A (West 1991 & Supp. 1995).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	16 or older ⁴ Under 16 ⁵
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A
Hunting without a valid license ⁶			50 to 200	30 days									

⁴ If the person is 16 to 35 years of age, he must possess a certificate of competency and safety in the use and handling of firearms from the Department of Wildlife Conservation.

⁵ May not purchase a gun deer tag or hunt large game with any firearms without first obtaining a hunter safety certificate

⁶ Exceptions are persons who have been honorably discharged from the U. S. Armed Forces; a resident, landowner, or resident tenant, while hunting game other than deer or antelope, upon land leased by such person

Provisions Relating to Transfer of Firearms to Minors

OKLA. STAT. ANN. tit. 21 §1273 (West 1983 & Supp. 1995); OKLA. STAT. ANN. tit. 21 §1276 (West 1983).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| PV = | Petty offense/Violation | RP = | Release of name for publication |
| \$ = | Fine | PC = | Parenting classes |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Selling or giving pistol, revolver, or offensive weapon to minor ⁷	✓			25 to 50	30 days							
Selling or giving pistol, revolver, or offensive weapon to minor; subsequent offense ⁸		✓		50 to 250	30 days to 3 mos.							

⁷ Offender also may be subject to civil damages for death or injury resulting from minor's use of firearm.

⁸ Offender also may be subject to civil damages for death or injury resulting from minor's use of firearm.

Adult Liability for Minor Access

OKLA. STAT. ANN. tit. 21 §1273 (West 1983 & Supp. 1995); OKLA. STAT. ANN. tit. 21 §1276 (West 1983).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Parent or guardian knowingly or recklessly permitting possession of weapons by minors ⁹	✓		25 to 50	30 days							
Parent or guardian knowingly or recklessly permitting possession of weapons by minors; subsequent offense		✓	50 to 250	30 days to 3 mos.							

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Parent or guardian knowingly or recklessly permitting possession of weapons by minors ¹⁰								

⁹ Where parent or guardian is aware of a substantial risk that a minor will use the weapon to commit a felony of that the minor has been adjudicated delinquent or convicted as an adult for certain felonies

¹⁰ This provision does not prohibit a parent or guardian from giving a minor child a rifle or shotgun for participation in hunting, hunter safety classes, target shooting, skeet, trap, or other recognized sporting event, unless the parent is aware of a substantial risk that the minor will use the weapon in a felony or the minor has been adjudicated delinquent or convicted as an adult of a felony.

Gun-Free Schools

OKLA. STAT. ANN. tit. 21 §§1277, 1280 (West 1983 & Supp. 1995); tit. 21 §1280.1, tit. 29 §5-204 (West Supp. 1995).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E	P
Any person possessing weapon on school property		✓	5,000	1 yr												
Carrying weapons into school rooms			100 to 1,000	3 to 12 mos.												
Hunting or discharging firearm within 440 yards of schoolhouse			25 to 300	30 days												

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Any person possessing weapon on school property		✓	✓		✓			✓ ¹¹
Carrying weapons into school rooms			✓					
Hunting or discharging firearm within 440 yards of schoolhouse			✓					

¹¹ Exception only applies if the vehicle is being used to transport the student to and from school and the vehicle does not remain unattended on school property.

Transfer to Criminal Court

OKLA. STAT. ANN. tit. 10 §§1101, 1104.2, 1112 (West 1987 & Supp. 1995); tit. 10 §1102 (West Supp. 1995).

The juvenile court has jurisdiction over persons 17 years old and younger. Once a person is convicted in an adult proceeding, however, he is treated as an adult for all future offenses. The juvenile court retains jurisdiction over the person until he reaches the age of 19.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary						
Mandatory ¹²	16 or older ¹³		13 or older ¹⁴		16 or older ¹⁵	

Restrictions on Possession for Adjudicated Delinquents

OKLA. STAT. ANN. tit. 21 §1283 D (West Supp. 1995); OKLA. STAT. ANN. tit. 21 §1284 (West Supp. 1995).

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until court or governor orders right restored	✓ ¹⁶		✓		1 to 10 yrs									

¹² For certain enumerated offenses, charges must originate in adult court and minor may petition to be treated as a child.

¹³ For acts that would be certain enumerated felonies; person can be treated as an adult for burglary only if such person has a previous burglary offense.

¹⁴ For the offense of murder, charges against a minor 13 to 15 years of age must be filed in criminal court. For many additional enumerated felonies, charges against a minor 16 or 17 years old must be filed in criminal court.

¹⁵ For certain enumerated felonies

¹⁶ Adjudicated delinquents also are prohibited from having a firearm in any vehicle they are driving or in which they are a passenger.

OREGON

JUVENILE PROVISIONS

Possession Restrictions

OR. REV. STAT. §166.250 (1990 & Supp. 1994); §23.200 (1988).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
16								R; H ¹
18		F ²	F		F		F ³	

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | SS = Grounds for suspension from school |
| I = Incarceration | ES = Grounds for expulsion from school |
| SD = Suspension of driving privileges | R = Rehabilitation |
| W = Seizure of weapon | N = Notification of parents and law enforcement |
| CS = Community service | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Unlawful possession of firearms by minors	✓														

¹ Statute provides that every citizen over 16 may possess a rifle or shotgun and one pistol for personal use and defense.

² Minor may possess firearm other than a handgun if it was transferred to the minor by the minor's parent or guardian or by another person with the consent of the minor's parent or guardian.

³ If under 14, must be accompanied by an adult

Licensing Restrictions

OR. REV. STAT. §166.291 (1990); §497.112 (Supp. 1994).

Weapon	Age
Concealed weapon:	21 or older
License to hunt with firearms:	14 or older
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | CS= | Community service |
| F= | Felony | D= | Detention of juvenile pre-adjudication |
| \$= | Fine | RP= | Release of name for publication |
| I= | Incarceration | PC= | Parenting classes |
| SD= | Suspension of driving privileges | N= | Notification of parents and law enforcement |
| W= | Seizure of weapon | C= | Counseling |
| | | A= | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

OR. REV. STAT. §166.470 (1990 & Supp. 1994).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Intentionally selling or transferring a firearm to a person under 18 if the seller knows or should know that the person is a minor	✓											

Adult Liability for Minor Access

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges

- W = Seizure of weapon
- CS = Community service
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
NO PROVISIONS								

Gun-Free Schools

OR. REV. STAT. §166.370 (Supp. 1994).

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication

- RP = Release of name for publication
- SS = Grounds for suspension from school
- ES = Grounds for expulsion from school
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Possession of firearm on school property		✓													
Knowing or reckless discharge of firearm at school		✓													

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of firearm on school property		✓	✓	✓	✓			✓
Knowing or reckless discharge of firearm at school		✓	✓	✓	✓			✓

Transfer to Criminal Court

OR. REV. STAT. ANN. §419C.005 (1993); §166.190 (1990); §§419C.340, 419C.349, 419C.364, 419C.501, 419C.504 (1995).

The juvenile court has jurisdiction over persons 17 years old and younger. The court will retain jurisdiction until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			15 or older ⁴			
Mandatory					13 or older ⁵	

Note: If a juvenile is 16 years old or older and is being treated as an adult for an offense, the court may enter an order that forever deprives the juvenile court of jurisdiction.

Restrictions on Possession for Adjudicated Delinquents

OR. REV. STAT. §166.250 (1990 & Supp. 1994).

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until 4 years after adjudication or discharge	✓	✓												

⁴ Enumerated felonies

⁵ Any person over 12 who, with or without malice, purposely points or aims any loaded or empty firearm at any other person except in self- defense is subject to concurrent jurisdiction of justices of the peace and the district and circuit courts.

PENNSYLVANIA

JUVENILE PROVISIONS

Possession Restrictions

18 PA. CONS. STAT. ANN. §6304 (1983 & Supp. 1995).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18 ¹		BB			BB ²			B

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Minor carrying air rifle ³															

¹ A person under 18 may carry an air rifle if such rifle is unloaded and in a suitable case or securely wrapped.

² And under the supervision of an adult

³ Summary offense

Licensing Restrictions

18 PA. CONS. STAT. ANN. §§6106, 6109 (1983 & Supp. 1994).

Weapon	Age
Concealed weapon:	21 or older
License to hunt with firearms:	18 or older
Firearm:	21 or older
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | CS = | Community service |
| F = | Felony | D = | Detention of juvenile pre-adjudication |
| \$ = | Fine | RP = | Release of name for publication |
| I = | Incarceration | PC = | Parenting classes |
| SD = | Suspension of driving privileges | N = | Notification of parents and law enforcement |
| W = | Seizure of weapon | C = | Counseling |
| | | A = | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

18 PA. CONS. STAT. ANN. §§6110, 6119, 6302, 6303 (1983 & Supp. 1994); §6304 (1983 & Supp. 1995).

Penalties

M= Misdemeanor
 F= Felony
 PV= Petty offense/Violation
 \$= Fine
 I= Incarceration
 SD= Suspension of driving privileges

W= Seizure of weapon
 CS= Community service
 RP= Release of name for publication
 PC= Parenting classes
 N= Notification of parents and law enforcement
 C= Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Knowingly selling air rifles to minors under 18			✓				✓					
Delivery of firearms to minors under 18	✓											
Sale or lease of weapons to persons under 18	✓											
Sale or furnishing of pistol to minor	✓											

Adult Liability for Minor Access

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| \$ = | Fine | RP = | Release of name for publication |
| I = | Incarceration | PC = | Parenting classes |
| SD = | Suspension of driving privileges | N = | Notification of parents and law enforcement |
| | | C = | Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C

Exceptions

Offense	Unless unlaw- entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless safe license	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless acting government agent acting in course of duty	Unless accompanied by adult
NO PROVISIONS								

Gun-Free Schools

18 PA. CONS. STAT. ANN. §912 (1983).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession of weapon on school property	✓														

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of weapon on school property					✓ ⁴			

⁴ Or is possessed for another lawful purpose

Transfer to Criminal Court

42 PA. CONS. STAT. ANN. §6302, 6355 (1982 & Supp. 1995).

The juvenile court has jurisdiction over persons 17 years old and younger. The court may retain jurisdiction until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			14 or older			
Mandatory			14 or older ⁵			

Restrictions on Possession for Adjudicated Delinquents

18 PA. CONS. STAT. ANN. §6109 (1983 & Supp. 1994).

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | N = Notification of parents and law enforcement |
| I = Incarceration | C = Counseling |
| SD = Suspension of driving privileges | A = Act of delinquency |
| W = Seizure of weapon | EP = Enhanced penalty |
| CS = Community service | |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until 10 years after adjudication or discharge	✓													

⁵ For murder

RHODE ISLAND

JUVENILE PROVISIONS

Possession Restrictions

R.I. GEN. LAWS §§11-47-26, 11-47-32 to -34 (1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
15 ¹		Am, F			Am, F	Am, F		

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Unlawful possession by a person under 15															✓

¹ Minor must meet all three exceptions to possess lawfully

Licensing Restrictions

R.I. GEN. LAWS §§11-47-18, -35 (1994).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	15 or older ²
Handgun/revolver/ istol:	21 or older ³
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | CS= | Community service |
| F= | Felony | D= | Detention of juvenile pre-adjudication |
| \$= | Fine | RP= | Release of name for publication |
| I= | Incarceration | PC= | Parenting classes |
| SD= | Suspension of driving privileges | N= | Notification of parents and law enforcement |
| W= | Seizure of weapon | C= | Counseling |
| | | A= | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

² If the minor is under 15, there must be proof that the person is engaged in training in the use of firearms and has consent of a parent or guardian.

³ Upon a showing of need

Provisions Relating to Transfer of Firearms to Minors

R.I. GEN. LAWS §§11-47-26, 11-47-30 to 31, 11-47-37 (1994).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Sale of a firearm or ammunition to a person under 18 without prior approval of a parent or guardian				1,000	5 yrs							
Sale of a pistol or revolver to any person under 21				1,000	5 yrs							

Adult Liability for Minor Access

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

R.I. GEN. LAWS §11-47-60 (1994).

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication

- RP = Release of name for publication
- SS = Grounds for suspension from school
- ES = Grounds for expulsion from school
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession of a firearm on school property			500 to 5,000	1 to 5 yrs											

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a firearm on school property			✓				✓	

Transfer to Criminal Court

R.I. GEN. LAWS §§14-1-3, -7 (1994).

The juvenile court has jurisdiction over persons 17 years old and younger. The court may retain jurisdiction until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			16 or older Child ⁴			
Mandatory	16 or older ⁵		17 ⁶			

Note: If a child is transferred to criminal court, the jurisdiction of the juvenile court is forever terminated.

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁴ If the offense would be punishable by life imprisonment if committed by an adult

⁵ If the juvenile is charged with a crime that would be his second felony offense if committed by an adult

⁶ Enumerated felonies

SOUTH CAROLINA

JUVENILE PROVISIONS

Possession Restrictions

S.C. CODE ANN. §16-23-30 (Law. Co-op. 1976).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
21		H	H					

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

S.C. CODE ANN. §50-9-860 (Law. Co-op. 1992 & Supp. 1993).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	Persons under 16 need not acquire a license to hunt unless they are engaging in hunting for commercial purposes
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

S.C. CODE ANN. §16-23-30 (Law. Co-op. 1976).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| PV = | Petty offense/Violation | RP = | Release of name for publication |
| \$ = | Fine | PC = | Parenting classes |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Knowingly transferring a pistol to a person under 21 ¹												

¹ Unless the person is a governmental agent, or the firearm is transferred on a temporary loan while the minor is under the supervision of a parent or adult instructor

Adult Liability for Minor Access

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

S.C. CODE ANN. §16-23-430 (Law. Co-op 1976); §59-63-210 (Law. Co-op. 1962); 1994 S.C. Acts 373.

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Carrying firearms on school property		✓	1,000	5 yrs		✓				✓	✓				

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Carrying firearms on school property		✓	✓					

Transfer to Criminal Court

S.C. CODE ANN. §§ 20-7-430 (Law. Co-op. 1976); 20-7-390, 20-7-400 (1993).

The juvenile court has jurisdiction over persons 16 years old and younger. Jurisdiction may extend until age 21, but a probationary period may not extend beyond age 18.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		16 or older	14 or older ²			
Mandatory			16 or older ³			

Restrictions on Possession for Adjudicated Delinquents

S.C. CODE ANN. §20-7-2203 (Law. Co-op Supp. 1993).⁴

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP

² For enumerated felonies. The prosecutor can move to remand the case to juvenile court.

³ Enumerated felonies

⁴ Juveniles are prohibited from possessing weapons while they are in the custody of a juvenile facility.

SOUTH DAKOTA

JUVENILE PROVISIONS

Possession Restrictions

S.D. CODIFIED LAWS ANN. §23-7-44 (1988 & Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18 ¹		H		H	H		H	H

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of pistols by minors	✓														

¹ In order for each exception to apply, minor must also have the consent of a parent or guardian.

Licensing Restrictions

S.D. CODIFIED LAWS ANN. §23-7-7.1 (1988 & Supp. 1994); §41-7-1 (1991 & Supp. 1994).

Weapon	Age
Concealed weapon:	18 or older
License to hunt with firearms:	16 or older ²
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A
Issuing hunting license to person under 16	✓												

² Unless minor under 16 has a certificate of competency, has completed a hunter safety course, or was issued a hunting license in the previous year

Provisions Relating to Transfer of Firearms to Minors

S.D. CODIFIED LAWS ANN. §23-7-46 (Supp. 1994).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transfer of firearms and ammunition to persons under 18 if the transferor has a reasonable belief that the minor intends to use the firearm to commit a crime of violence		✓										

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

S.D. CODIFIED LAWS ANN. §13-32-7 (Supp. 1991).

Penalties

- | | |
|--|---|
| M = Misdemeanor | RP = Release of name for publication |
| F = Felony | SS = Grounds for suspension from school |
| \$ = Fine | ES = Grounds for expulsion from school |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| CS = Community service | EP = Enhanced penalty |
| D = Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Intentional possession of firearms on school property	✓														

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Intentional possession of firearms on school property			✓		✓			

Transfer to Criminal Court

S.D. CODIFIED LAWS ANN. §§26-8C-2, 26-11-4, 26-7A-1 (1992 & Supp. 1995); 26-11-10 (Supp. 1995).

The juvenile court has jurisdiction over persons 17 years old and younger. The court may retain jurisdiction until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			10 or older ³			
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | D = | Detention of juvenile pre-adjudication |
| F = | Felony | RP = | Release of name for publication |
| \$ = | Fine | N = | Notification of parents and law enforcement |
| I = | Incarceration | C = | Counseling |
| SD = | Suspension of driving privileges | A = | Act of delinquency |
| W = | Seizure of weapon | EP = | Enhanced penalty |
| CS = | Community service | | |

Time Period		M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
	✓													
NO PROVISIONS														

³ Enumerated felonies. If the minor is 16 or older, there is a rebuttable presumption that the case should be transferred to adult court.

TENNESSEE

JUVENILE PROVISIONS

Possession Restrictions

TENN. CODE ANN. §39-17-1319 (1994).

Au = Automatic weapon
 Am= Ammunition
 As = Assault weapon
 BB = B.B./Air/Spring guns
 C = Concealable weapon

D = Deadly weapon
 F= Firearm
 H = Handgun/Pistol/Revolver
 R = Rifle/Shotgun
 Sa = Semiautomatic weapon
 So = Sawed-off firearm

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18		H		H	H		H	H

Penalties

M = Misdemeanor
 F= Felony
 \$= Fine
 I= Incarceration
 SD= Suspension of driving privileges
 W= Seizure of weapon
 CS= Community service

D= Detention of juvenile pre-adjudication
 RP= Release of name for publication
 SS= Grounds for suspension from school
 ES= Grounds for expulsion from school
 R= Rehabilitation
 N= Notification of parents and law enforcement
 C= Counseling
 A= Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of handgun by a minor					✓	✓	✓								✓

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

TENN. CODE ANN. §39-17-1303 (1991); §39-17-1320 (1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| PV = Petty offense/Violation | RP = Release of name for publication |
| \$ = Fine | PC = Parenting classes |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Providing handgun to a juvenile	✓						✓					
Parent or guardian who provides a handgun to a juvenile when the parent or guardian knows there is a substantial risk the juvenile will commit a felony		✓										
Unlawful sale, loan, or gift of firearm to a minor	✓											

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

TENN. CODE ANN. §39-17-1309 (1991); §39-17-1312 (Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Carrying weapons on school property ¹	✓					✓									
Carrying weapons on school property with the intent to be armed		✓	3,000	6 yrs		✓									
Inaction by parents or guardians of minors who know that minors are illegally possessing firearms on school property ²	✓														

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Carrying weapons on school property		✓	✓	✓	✓			✓ ³
Carrying weapons on school property with the intent to be armed		✓	✓		✓			

¹ In any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or any other property owned, used, or operated by any board of education, school, college, or university

² Parent or guardian is required to prevent possession of firearm or report such possession to the appropriate school or law enforcement officials.

³ Applies to non-student adult only

Transfer to Criminal Court

TENN. CODE ANN. §§37-1-102, -134, -137 (1991 & Supp. 1994).

The juvenile court has jurisdiction over persons 17 years old and younger. The court may retain jurisdiction until age 19.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		16 and older	15 and under ⁴			
Mandatory						

Note: Once an individual is convicted as an adult, he will be considered as an adult for all subsequent charges.

Restrictions on Possession for Adjudicated Delinquents

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁴ Enumerated felonies.

TEXAS

JUVENILE PROVISIONS

Possession Restrictions

Au = Automatic weapon
 Am= Ammunition
 As = Assault weapon
 BB = B.B./Air/Spring guns
 C = Concealable weapon

D = Deadly weapon
 F= Firearm
 H = Handgun/Pistol/Revolver
 R = Rifle/Shotgun
 Sa = Semiautomatic weapon
 So = Sawed-off firearm

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
NO PROVISIONS								

Penalties

M = Misdemeanor
 F= Felony
 \$= Fine
 I= Incarceration
 SD= Suspension of driving privileges
 W= Seizure of weapon
 CS= Community service

D= Detention of juvenile pre-adjudication
 RP= Release of name for publication
 SS= Grounds for suspension from school
 ES= Grounds for expulsion from school
 R= Rehabilitation
 N= Notification of parents and law enforcement
 C= Counseling
 A= Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

TEX. PENAL CODE ANN. §46.06 (West 1994).

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| PV = | Petty offense/Violation | RP = | Release of name for publication |
| \$ = | Fine | PC = | Parenting classes |
| I = | Incarceration | N = | Notification of parents and law enforcement |
| SD = | Suspension of driving privileges | C = | Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Intentional or knowing sale or transfer of certain weapons to persons under 18	✓											

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult



Gun-Free Schools

TEX. PENAL CODE ANN. §4.31 (West 1991); §46.03 (West 1994); TEX. EDUC. CODE ANN. §21.3011 (West Supp. 1995).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Student's possession of firearm on school property										✓	✓				
Carrying weapons on school property		✓													
Exhibition of firearms on school property		✓	1,000	6 mos to 5 yrs											

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Carrying weapons on school property		✓	✓					

Transfer to Criminal Court

TEX. FAM. CODE ANN. §51.02 (West 1986); §§51.09, 54.02, 54.04 (West 1986 & Supp. 1995).

The juvenile court has jurisdiction over persons 10 to 16 years old.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			15 or older ¹			
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

¹ For certain enumerated felonies, a juvenile can be tried as an adult, or tried as a juvenile, but sentenced to adult sanctions. If the defendant in such a case used or exhibited a deadly weapon during the act or while fleeing, the court shall enter the finding in the order.

UTAH

JUVENILE PROVISIONS

Possession Restrictions

UTAH CODE ANN. §23-20-20 (1991 & Supp. 1994); §76-10-509 (1995).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
14		D					D ¹	
16		D					D	
18	Au; So ²	D ³		H	H		H	H

¹ And accompanied by an adult

² Except as provided by federal law

³ Or permission of parent or guardian

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon
 CS = Community service

D = Detention of juvenile pre-adjudication
 RP = Release of name for publication
 SS = Grounds for suspension from school
 ES = Grounds for expulsion from school
 R = Rehabilitation
 N = Notification of parents and law enforcement
 C = Counseling
 A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of a dangerous weapon by a minor	✓														
Unlawful possession of a handgun by a minor	✓														
Possession of a sawed-off rifle or sawed-off shotgun by a minor		✓													
Possession of an automatic weapon by a minor		✓													

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

UTAH CODE ANN. §§76-10-509.5, 76-10-509.6, 76-10-509.7, 76-10-509.9 (Michie1995).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| PV = Petty offense/Violation | RP = Release of name for publication |
| \$ = Fine | PC = Parenting classes |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Sale of firearms to persons under 18		✓										
Any person providing handguns to minors	✓											
Any person providing sawed-off rifles or shotguns to minors		✓										
Any person providing automatic weapons to minors		✓										
Parent or guardian intentionally and knowingly providing firearm to violent minor ⁴	✓	✓ ⁵										
Parent knowing of minor's possession of dangerous weapon	✓											

⁴ Minor convicted of a crime of violence or adjudicated in juvenile court for an offense that would constitute crime of violence if minor were an adult

⁵ For each subsequent offense

Adult Liability for Minor Access

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| \$ = | Fine | RP = | Release of name for publication |
| I = | Incarceration | PC = | Parenting classes |
| SD = | Suspension of driving privileges | N = | Notification of parents and law enforcement |
| | | C = | Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

UTAH CODE ANN. §53A-3-502 (1994); §§76-3-203.2, 76-10-505.5 (1995).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Possession of weapon in public school	✓														
Possession of dangerous weapon, firearm, or sawed-off shotgun on school premises if the person knows or has reason to know that he is on or near school property	✓														
Use of firearm in offenses committed on or about school premises															✓

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of weapon in public schools		✓	✓					
Possession of dangerous weapon, firearm, or sawed-off shotgun on school premises			✓ ⁶					

⁶ And authorized by statute

Transfer to Criminal Court

UTAH CODE ANN. §§78-3a-2, 78-3a-25, 78-3A-40 (1995); 1995 Utah Laws Ch. 277 (to be codified at 78-3a-16, -25, -25.1).

The juvenile court has jurisdiction over persons 17 years old and younger. The court retains jurisdiction until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary	16 or older ⁷		14 or older 16 or older ⁸		16 or older	
Mandatory	16 or older ⁹		16 or older ¹⁰		16 or older ¹¹	

Note: Once a person is convicted as an adult in a criminal proceeding, the juvenile court forever loses jurisdiction over that individual.

Restrictions on Possession for Adjudicated Delinquents

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | N = Notification of parents and law enforcement |
| I = Incarceration | C = Counseling |
| SD = Suspension of driving privileges | A = Act of delinquency |
| W = Seizure of weapon | EP = Enhanced penalty |
| CS = Community service | |

Time Period	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS													

⁷ If the juvenile is charged with an offense that would be a felony if committed by an adult, and has a previous adjudication for a weapons offense

⁸ Enumerated felonies

⁹ If previously adjudicated delinquent and committed to a secure facility, and the current offense with which the juvenile is charged would be a felony if committed by an adult

¹⁰ Enumerated felonies

¹¹ When offense is certain enumerated felony or when offense involving use of a dangerous weapon would be a felony if committed by an adult and a juvenile has been previously adjudicated or convicted of an offense involving the use of a dangerous weapon, which also would have been a felony if committed by an adult

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VERMONT

JUVENILE PROVISIONS

Possession Restrictions

VT. STAT. ANN. tit. 13, §4008 (1974).

Au = Automatic weapon
 Am= Ammunition
 As = Assault weapon
 BB = B.B./Air/Spring guns
 C = Concealable weapon

D = Deadly weapon
 F= Firearm
 H = Handgun/Pistol/Revolver
 R = Rifle/Shotgun
 Sa = Semiautomatic weapon
 So = Sawed-off firearm

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
16		H ¹						

Penalties

M = Misdemeanor
 F= Felony
 \$= Fine
 I= Incarceration
 SD= Suspension of driving privileges
 W= Seizure of weapon
 CS= Community service

D= Detention of juvenile pre-adjudication
 RP= Release of name for publication
 SS= Grounds for suspension from school
 ES= Grounds for expulsion from school
 R= Rehabilitation
 N= Notification of parents and law enforcement
 C= Counseling
 A= Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Unlawful possession by a minor under 16															✓

¹ Or if minor has consent of an adult

Licensing Restrictions

VT. STAT. ANN. tit. 10, §4254 (1993).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	16 or older ²
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| W = Seizure of weapon | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

² A hunting license may be issued to a person under 16 years of age only with the written consent of the applicant's parent or legal guardian given in the presence of the agent issuing the license.

Provisions Relating to Transfer of Firearms to Minors

VT. STAT. ANN. tit. 13, §4007 (1974 & Supp. 1994).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transferring a weapon or ammunition to a person under 16 ³				10 to 50								

³ Provision does not apply to parents, guardians, or instructors.

Gun-Free Schools

VT. STAT. ANN. tit. 13, §4004 (1974 & Supp. 1994).

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication

- RP = Release of name for publication
- SS = Grounds for suspension from school
- ES = Grounds for expulsion from school
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Possession of a weapon at a school by any person			500	60 days											

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a weapon at school by any person			✓		✓			

Transfer to Criminal Court

VT. STAT. ANN. tit. 33, §§5502, 5504 (1991 & Supp. 1994); §§5505, 5506 (1991).

The juvenile court has jurisdiction over persons 17 years old and younger.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony ⁴	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		16 or 17 ⁵	10 thru 13 ⁶ 14 or 15 ⁷			
Mandatory			16 or 17			

Restrictions on Possession for Adjudicated Delinquents

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁴Pertains to enumerated felonies

⁵ If offense charged is not an enumerated felony

⁶State's attorney has discretion to file in juvenile or criminal court.

⁷ State's attorney must file in criminal court. Court has discretion to transfer the minor to juvenile court.

VIRGINIA

JUVENILE PROVISIONS

Possession Restrictions

VA. CODE ANN. §§16.1-278.9, 18.2-204.1, -308.7 (Michie 1950); 16.1-305.1 (Michie Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18			H, As		H, As ¹		H, As	H, As ²

¹ If accompanied by an adult and the weapon is unloaded while being transported to or from the activity

² The property belongs to the minor, his parent, grandparent, legal guardian, or other person who has provided prior permission, and the minor has the prior consent of a parent or legal guardian.

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon
 CS = Community service

D = Detention of juvenile pre-adjudication
 RP = Release of name for publication
 SS = Grounds for suspension from school
 ES = Grounds for expulsion from school
 R = Rehabilitation
 N = Notification of parents and law enforcement
 C = Counseling
 A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of a handgun or streetsweeper by person 13 or older					✓										
Possession of a handgun or assault weapon by a person under 18	✓					✓							✓		
Fraudulent use of birth certificate of another for the purpose of purchasing a firearm		✓													

³ If a juvenile is adjudicated delinquent for a weapons violation or other enumerated crime, the clerk of the court shall provide notice of the disposition to the superintendent of the juvenile's school.

Licensing Restrictions

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

NO PROVISIONS

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | CS= | Community service |
| F= | Felony | D= | Detention of juvenile pre-adjudication |
| \$= | Fine | RP= | Release of name for publication |
| I= | Incarceration | PC= | Parenting classes |
| SD= | Suspension of driving privileges | N= | Notification of parents and law enforcement |
| W= | Seizure of weapon | C= | Counseling |
| | | A= | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

VA. CODE ANN. §§18.2-284, -309 (Michie 1988 & Supp. 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| PV = Petty offense/Violation | RP = Release of name for publication |
| \$ = Fine | PC = Parenting classes |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transfer of a toy gun, pistol, rifle, or firearm that discharges blank or ball charges by means of powder or explosive	✓						✓					
Transfer of a handgun to a minor ⁴		✓					✓					

⁴ Provision does not apply to transfers between family members or for the purpose of engaging in a sporting event or activity.

Adult Liability for Minor Access

VA. CODE ANN. §18.2-56.2 (Michie 1950 & Supp. 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Recklessly leaving a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under 14	✓										
Knowingly authorizing a child under 12 to use a firearm	✓										

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Knowingly authorizing a child under 12 to use a firearm								✓

Gun-Free Schools

VA. CODE ANN. §18.2-308.1 (Michie 1950).

Penalties

- | | | | |
|-----|--|------|---|
| M = | Misdemeanor | RP= | Release of name for publication |
| F= | Felony | SS= | Grounds for suspension from school |
| \$= | Fine | ES= | Grounds for expulsion from school |
| I= | Incarceration | N= | Notification of parents and law enforcement |
| SD= | Suspension of driving privileges | C= | Counseling |
| W= | Seizure of weapon | A= | Act of delinquency |
| CS= | Community service | EP = | Enhanced penalty |
| D= | Detention of juvenile pre-adjudication | | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Possession of a firearm on school property ⁵		✓													

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a firearm on school property	✓		✓	✓	✓			✓

⁵ Includes school buses and school-sponsored events

Transfer to Criminal Court

VA. CODE ANN. §§16.1-269.1, -269.6 (Michie 1950); 16.1-228, -285.1 (Michie 1994).

The juvenile court has jurisdiction over persons 17 years old and younger. The juvenile court retains jurisdiction until age 21, or for seven years, whichever is sooner.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			14 or older ⁶			
Mandatory						

Note: Once an individual is convicted in adult court, he is forever outside of the jurisdiction of the juvenile court.

Restrictions on Possession for Adjudicated Delinquents

VA. CODE ANN. §18.2-308.2 (Michie 1988 & Supp. 1994)

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until age 29 if adjudicated at age 15 or older	✓									✓ ⁷				

Notes:

VA. CODE ANN. § 18.2-284 (Michie 1988): The sale or transfer of toy firearms is prohibited.

⁶ On motion of the prosecutor

⁷ A juvenile age 15 or over who previously was adjudicated delinquent for a firearms offense

WASHINGTON

JUVENILE PROVISIONS

Possession Restrictions

WASH. REV. CODE ANN. §§9.41.040, 9.41.050, 9.41.060, 9.41.240 (West 1988 & Supp. 1995); §9.41.042 (West Supp. 1995).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18		F	F	F	F		F	F ¹
21		H	H	H	H		H	H ²

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Unlawful possession of firearm by person under 18		✓			✓ ³										

¹ If the minor is on real property under the control of a parent, relative, or legal guardian and has permission to possess a firearm on the property

² The provision applies to the minor's residence, fixed place of business, or real property under his control.

³ If possession or use occurs in a motor vehicle

Licensing Restrictions

WASH. REV. CODE ANN. §9.41.070 (West 1998 & Supp. 1995); §77.32.155 (West Supp. 1994); §77.32.350 (West Supp. 1995).

Weapon	Age
Concealed weapon:	21 or older
License to hunt with firearms: ⁴	16 or older
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | CS = | Community service |
| F = | Felony | D = | Detention of juvenile pre-adjudication |
| \$ = | Fine | RP = | Release of name for publication |
| I = | Incarceration | PC = | Parenting classes |
| SD = | Suspension of driving privileges | N = | Notification of parents and law enforcement |
| W = | Seizure of weapon | C = | Counseling |
| | | A = | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

⁴ If the minor is under 18, he must present certification of completion of a firearm safety course when purchasing a hunting license. Beginning Jan. 1, 1995, all persons born after 1972 purchasing a hunting license for the first time must present such certification.

Provisions Relating to Transfer of Firearms to Minors

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS												

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

WASH. REV. CODE ANN. §9.41.280 (West 1988 & Supp. 1995).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	EP
Students under 21 knowingly carrying firearms on school premises	✓									✓	✓	✓			
Any person knowingly carrying firearms on school premises ⁵	✓														

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Students under 21 knowingly carrying firearms on school premises		✓	✓		✓			
Any person knowingly carrying firearms on school premises		✓	✓		✓		✓ ⁶	✓ ⁷

⁵ If a person carries or possesses a firearm on school premises, the person shall lose his or her concealed pistol license.

⁶ And weapon is secured within an attended vehicle or secured from view within a locked unattended vehicle while the owner is conducting legitimate business at school

⁷ And individual has a valid permit

Transfer to Criminal Court

WASH. REV. CODE ANN. §§13.40.020, 13.40.300 (West 1993 & Supp. 1995); §13.40.110 (West 1993).

The juvenile court has jurisdiction over persons 17 years old and younger. The court may retain jurisdiction until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			15 and older ⁸			
Mandatory						

Note: Once a person is convicted in an adult proceeding, the juvenile court permanently loses jurisdiction.

Restrictions on Possession for Adjudicated Delinquents

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | N = Notification of parents and law enforcement |
| I = Incarceration | C = Counseling |
| SD = Suspension of driving privileges | A = Act of delinquency |
| W = Seizure of weapon | EP = Enhanced penalty |
| CS = Community service | |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

⁸ Enumerated felonies

WEST VIRGINIA

JUVENILE PROVISIONS

Possession Restrictions

W. VA. CODE §61-7-8 (1992).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18 ¹							D	D ²

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | SS = Grounds for suspension from school |
| I = Incarceration | ES = Grounds for expulsion from school |
| SD = Suspension of driving privileges | R = Rehabilitation |
| W = Seizure of weapon | N = Notification of parents and law enforcement |
| CS = Community service | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession by a minor under 18															✓

¹ Provision applies to minors who are not married or otherwise emancipated.

² If the property is owned by the minor, his family, or another, and the minor has the permission of his parent or guardian and the owner or lessee of the property

Licensing Restrictions

W. VA. CODE §61-7-4 (1992).

Weapon	Age
Concealed weapon:	18 or older ³
License to hunt with firearms:	21 or older ⁴
Firearm:	18 or older
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

³ Person must be qualified to handle and fire firearms or must have attended a safety course.

⁴ For a small arms hunting license

Provisions Relating to Transfer of Firearms to Minors

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS												

Adult Liability for Minor Access

W. VA. CODE §61-7-11a (1992 & Supp. 1994).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Knowingly permitting a person to possess a deadly weapon on school property	✓		1,000	1 year							

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Knowingly permitting a person to possess a deadly weapon on school property					✓			

Gun-Free Schools

W. VA. CODE §61-7-11a (1992 & Supp. 1994).

Penalties

- | | |
|--|---|
| M = Misdemeanor | RP = Release of name for publication |
| F = Felony | SS = Grounds for suspension from school |
| \$ = Fine | ES = Grounds for expulsion from school |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| CS = Community service | EP = Enhanced penalty |
| D = Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Possession of a deadly weapon on school property ⁵	✓		1,000	1 yr	✓ ⁶							✓			
Possession of a deadly weapon on school property with the intent to commit a crime		✓	5,000	2 ⁷ to 10 yrs	✓ ⁸							✓			

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a deadly weapon on school property		✓	✓		✓			✓

⁵ Includes school buses

⁶ If minor is under 18, suspended until age 19. If person is 18 or older, suspended until age 20 or for one year, whichever is longer

⁷ Mandatory minimum

⁸ If minor is under 18, suspended until age 19. If person is 18 or older, suspended until age 20 or for one year, whichever is longer

Transfer to Criminal Court

W. VA. CODE §§ 61-7-8 (1992); 49-5-1, 49-5-2, 49-5-10 (1995).

The juvenile court has jurisdiction over persons 17 years old and younger. The court retains jurisdiction until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary	13 or under ⁹ 14 or older ¹⁰		13 or under ¹¹	Child	14 or older ¹²	
Mandatory	14 or older ¹³		14 or older ¹⁴			

Restrictions on Possession for Adjudicated Delinquents

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Time Period		M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
	✓													
NO PROVISIONS														

⁹ If present offense is a violent felony and there is one previous adjudication for violent felony or if the present offense is a felony and there are two previous adjudications for felonies

¹⁰ If the present offense is a second felony adjudication

¹¹ Enumerated felonies.

¹² If a weapon is used in the commission of a felony act

¹³ If present offense is a violent felony and there is one previous violent felony or if the present offense is a felony and there are two previous felonies

¹⁴ Enumerated felonies

WISCONSIN

JUVENILE PROVISIONS

Possession Restrictions

WIS. STAT. §29.227 (1989); §941.29, 948.60 (Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
12				F ¹				
14		F		F ²			F	
16		F		F				
18		D	D	D	D			

¹ Or enrolled in a hunter safety program and carrying an unloaded firearm to or from class or using the firearm during class under the supervision of an instructor

² Or enrolled in a hunter safety program and carrying an unloaded firearm to or from class or using the firearm during class under the supervision of an instructor

Penalties

M = Misdemeanor
 F= Felony
 \$= Fine
 I= Incarceration
 SD= Suspension of driving privileges
 W= Seizure of weapon
 CS= Community service

D= Detention of juvenile pre-adjudication
 RP= Release of name for publication
 SS= Grounds for suspension from school
 ES= Grounds for expulsion from school
 R= Rehabilitation
 N= Notification of parents and law enforcement
 C= Counseling
 A= Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A
Possession of dangerous weapon by a child	✓														

Licensing Restrictions

WIS. STAT. §29.227 (1989).

Weapon	Age
Concealed weapon:	
License to hunt with firearms: ³	12 ⁴ 14 ⁵ 16 ⁶
Firearm:	12 ⁷ 14 ⁸ 16 ⁹
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

³ Provisions cover eligibility to hunt. Specific licenses are not contemplated by the statute.

⁴ If under 12, cannot possess or use firearm unless enrolled in hunter education and safety course and is carrying unloaded firearm in a case to or from such course or is using firearm during course under the supervision of an instructor. Persons under 12 cannot hunt with a firearm.

⁵ Persons 12 to 14 years of age may hunt if accompanied by parent or guardian. Persons 12 to 14 years of age may possess or control a firearm if accompanied by a parent or if enrolled in a hunter safety course and carrying unloaded firearm in a case to or from such course or using firearm during course under the supervision of an instructor.

⁶ Persons 14 to 16 years may hunt if accompanied by a parent or guardian or are issued a certificate of accomplishment under the hunter education and firearm safety program in Wisconsin or under a similar program in another state. Persons 14 to 16 years of age may possess or control a firearm if accompanied by a parent or guardian, if enrolled in a safety course and carrying unloaded firearm to or from such course or using firearm during course under the supervision of an instructor, or if issued a certificate of accomplishment under the hunter education and safety program in Wisconsin or under a similar program in another state.

⁷ If under 12, cannot possess or control a firearm unless enrolled in hunter education and safety course and is carrying unloaded firearm in a case to or from such course or is using firearm during course under the supervision of an instructor

⁸ Persons 12 to 14 years of age may possess or control a firearm if accompanied by a parent or if enrolled in a hunter safety course and carrying unloaded firearm in a case to or from such course or using firearm during course under the supervision of an instructor.

⁹ Persons 14 to 16 years of age may possess or control a firearm if accompanied by a parent or guardian, if enrolled in a safety course and carrying unloaded firearm to or from such course or using firearm during course under the supervision of an instructor, or if issued a certificate of accomplishment under the hunter education and safety program in Wisconsin or under a similar program in another state.

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

WIS. STAT. §948.60 (Supp. 1994).

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | W= Seizure of weapon |
| F= Felony | CS= Community service |
| PV= Petty Offense/Violation | RP= Release of name for publication |
| \$= Fine | PC= Parenting classes |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Intentionally selling, loaning or giving a dangerous weapon to a child		✓										
Selling or distributing machine guns or fully automatic firearms to persons under 18	✓											

Adult Liability for Minor Access

WIS. STAT. §29.227 (1989); §§941.26, 948.55 (Supp. 1994).

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | W= Seizure of weapon |
| F= Felony | CS= Community service |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | PC= Parenting classes |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| | C= Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Leaving or storing loaded firearms within reach or easy access of a child under 14	✓ ¹⁰	✓ ¹¹									
A parent who authorizes or knowingly permits a child under 16 to violate hunting restrictions											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Leaving or storing a loaded firearm within reach or easy access of a child under 14	✓		✓	✓		✓	✓	

¹⁰ If the minor obtains a gun through negligent storage and exhibits it in public

¹¹ If an injury occurs as a result of the minor's access

Gun-Free Schools

WIS. STAT. §948.605 (Supp. 1994).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Possession of a firearm in a safety zone ¹² if individual knows or should know that the property is a safety zone	✓														

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Possession of a firearm in a safety zone if individual knows or should know that the property is a safety zone	✓	✓	✓	✓	✓		✓	✓

¹² In or on the grounds of a school or within 1,000 feet of a school

Transfer to Adult Court

WIS. STAT. ANN. §48.366 (West Supp. 1995); §§48.02, 48.12, 48.18 (1987 & West Supp. 1995).

The juvenile court has jurisdiction over persons 12 to 17 years old. The court may retain jurisdiction until age 21 for some crimes that would be felonies, age 25 for others.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary		16 or older ¹³	14 or older ¹⁴			
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

WIS. STAT. §941.29 (Supp. 1994).

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
Until court or governor orders the right restored	✓ ¹⁵		✓											

¹³ If the person previously has been transferred to adult court, there is a rebuttable presumption that transfer is again appropriate if the offender is 16 or older and accused of any crime.

¹⁴ See previous footnote

¹⁵ Juvenile must have been adjudicated delinquent for an act that would be a felony if committed by an adult.

WYOMING

JUVENILE PROVISIONS

Possession Restrictions

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
NO PROVISIONS								

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

WYO. STAT. §6-8-104 (1988).

Weapon	Age
Concealed weapon:	21 or older ¹
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon

- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

¹ Sheriff has discretion to issue concealed firearms' licenses to persons between 18 and 21 who meet certain requirements.

Provisions Relating to Transfer of Firearms to Minors

Penalties

- M = Misdemeanor
- F = Felony
- PV = Petty offense/Violation
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS												

Adult Liability for Minor Access

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges

- W = Seizure of weapon
- CS = Community service
- RP = Release of name for publication
- PC = Parenting classes
- N = Notification of parents and law enforcement
- C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Gun-Free Schools

WYO. STAT. §§21-4-305, 21-4-306 (Supp. 1995); 1995 Wyo. Sess. Laws 57 (to be codified at §§21-4-305, 21-4-306).

Penalties

- | | |
|---|--|
| M = Misdemeanor | RP= Release of name for publication |
| F= Felony | SS= Grounds for suspension from school |
| \$= Fine | ES= Grounds for expulsion from school |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | EP = Enhanced penalty |
| D= Detention of juvenile pre-adjudication | |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
Possession, use, transfer, carrying, or selling of deadly weapons on school property by a student										✓	✓				

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

Transfer to Criminal Court

WYO. STAT. §§14-6-203, -231, -237 (1994); 1995 Wyo. Laws Ch. 63 (to be codified at §14-6-203).

The juvenile court has jurisdiction over persons 17 years old and younger. The court retains jurisdiction until age 21 unless it is expressly terminated sooner.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary	14 or older ²	17	14 or older ³			
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

² If the juvenile is charged with a crime that would be a felony and has two prior adjudications for crimes that would be felonies

³ Violent felonies

DISTRICT OF COLUMBIA

JUVENILE PROVISIONS

Possession Restrictions

D.C. CODE ANN. §6-2313 (1989 & Supp. 1994).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am = Ammunition | F = Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
18	F							
21			F		F	F ¹		F

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | D = Detention of juvenile pre-adjudication |
| F = Felony | RP = Release of name for publication |
| \$ = Fine | SS = Grounds for suspension from school |
| I = Incarceration | ES = Grounds for expulsion from school |
| SD = Suspension of driving privileges | R = Rehabilitation |
| W = Seizure of weapon | N = Notification of parents and law enforcement |
| CS = Community service | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

¹ Registration certificates can be issued to persons between 18 and 21 who are otherwise qualified if their applications are accompanied by a notarized statement from their parents or guardians.

Licensing Restrictions

D.C. CODE. ANN. §§6-2313, -2376 (1989 & Supp. 1994).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	21 or older; between 18 and 21 ²
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | PC= Parenting classes |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| CS= Community service | |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A
Violation of registration requirements			1,000	1 yr									

² If application is accompanied by a notarized statement from applicant's parent or guardian

Provisions Relating to Transfer of Firearms to Minors

D.C. CODE ANN. §§22-3207, -3215 (1989 & Supp. 1994); §22-3210 (1989); §§6-2376, 6-2382 (Supp. 1994).³

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| PV = Petty offense/Violation | RP = Release of name for publication |
| \$ = Fine | PC = Parenting classes |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transfer by person other than parent or guardian to person under 21				1,000	1 yr							
Knowingly or intentionally selling a firearm or ammunition to a person under 18				10,000	10 yrs							

³ Any person who is found to be engaged in the illegal transfer of firearms shall be strictly liable in tort for any bodily injury or death that occurs as a result of use of the illegally transferred firearm in the District of Columbia.

Adult Liability for Minor Access

D.C. CODE ANN. §6-2313 (1989 & Supp. 1994).⁴

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | RP= | Release of name for publication |
| F= | Felony | PC= | Parenting classes |
| \$= | Fine | N= | Notification of parents and law enforcement |
| I= | Incarceration | C= | Counseling |
| SD= | Suspension of driving privileges | | |
| W= | Seizure of weapon | | |
| CS= | Community service | | |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

⁴ A parent assumes liability in tort for bodily injury or death that occurs if he permits his child to possess a firearm.

Gun-Free Schools

D.C. CODE ANN. §22-3202.1 (1989 & Supp. 1994).

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | R= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| CS= Community service | A= Act of delinquency |
| | EP= Enhanced penalty |

Offense	M	F	\$	I	SD	W	CS	D	R	SS	ES	N	C	A	EP
Possession on school property or in a safety zone ⁵															✓ ⁶

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

⁵ Within 1,000 feet of public or private school property, public swimming pools, playgrounds, video arcades, youth centers, and activities sponsored by any of the above entities

⁶Penalty is twice the fine or term of imprisonment for violation of any possession provision.

Transfer to Criminal Court

D.C. CODE ANN. §§16-2301 (Supp. 1994); 16-2303, -2307 (1989 & Supp. 1994).

The juvenile court has jurisdiction over persons 17 years old and younger. The court retains jurisdiction until age 21.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary	16 or older 15 to 18 ⁷		15 or older		15 to 18 ⁸	Under 18
Mandatory			16 or older ⁹			

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | RP= Release of name for publication |
| I= Incarceration | N= Notification of parents and law enforcement |
| SD= Suspension of driving privileges | C= Counseling |
| W= Seizure of weapon | A= Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP

⁷There is a rebuttable presumption that the child should be transferred for criminal prosecution in the interest of public welfare and the protection of public security if the crime would be an enumerated felony, or the act would be a violent felony and the child has three or more prior delinquency adjudications.

⁸ There is a rebuttable presumption that the child should be transferred for criminal prosecution in the interest of public welfare and the protection of public security.

⁹ Direct file is required for enumerated offenses.

GUAM

JUVENILE PROVISIONS

Possession Restrictions

10 GUAM CODE ANN. §§60106, 60108 (1993).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18			F				F ¹	

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

¹ Minor must have a valid hunting license.

Licensing Restrictions

10 GUAM CODE ANN. §§ 60108, 60121 (1993).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	18 or older ²
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | CS = | Community service |
| F = | Felony | D = | Detention of juvenile pre-adjudication |
| \$ = | Fine | RP = | Release of name for publication |
| I = | Incarceration | PC = | Parenting classes |
| SD = | Suspension of driving privileges | N = | Notification of parents and law enforcement |
| W = | Seizure of weapon | C = | Counseling |
| | | A = | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

² A person must be 18 or older to receive a firearm identification card, which is required lawfully to possess a firearm.

Provisions Relating to Transfer of Firearms to Minors

10 GUAM CODE ANN. §60121 (1993).

Penalties

M = Misdemeanor
 F = Felony
 PV = Petty offense/Violation
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
Transfer of a firearm to a minor ³		✓		5,000	5 yrs							
Negligently entrusting a firearm to a minor		✓		1,000	1 year							

³ Provision does not apply to minors being instructed by parents or guardians in the use of weapons or minors who are properly licensed and hunting while accompanied by licensed parents or guardians.

Adult Liability for Minor Access

10 GUAM CODE ANN. § 60128 (1993); 6 GUAM CIV. CODE §5107 (40)(41) (1991), 1714.2, 1716.1; 18 GUAM CODE ANN. §§90110⁴, 90114⁵ (1991).

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | W = Seizure of weapon |
| F = Felony | CS = Community service |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| | C = Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
Strict liability in tort for minor access											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Strict liability in tort for minor access	✓		✓					

⁴ Owners of firearms are strictly liable in tort for death or injuries to persons resulting from the use or possession of firearms by minors.

⁵ Individuals may recover up to \$100,000 in a civil action against the parents or guardians of minors who use firearms to cause death or injury to other persons.

Gun-Free Schools

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication

- RP = Release of name for publication
- SS = Grounds for suspension from school
- ES = Grounds for expulsion from school
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	N	C	A	E P
NO PROVISIONS															

Exceptions

Offense		Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle

Transfer to Criminal Court

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary	NO PROVISIONS					
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period		M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
	✓													
NO PROVISIONS														

NORTHERN MARIANAS

JUVENILE PROVISIONS

Possession Restrictions

N. MAR. CODE §§2203 (Supp. 1994); 2205 (Supp. 1992).

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
18					F ¹			
21			F					

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

¹ A person must be 18 to be permitted entry to a shooting gallery.

Licensing Restrictions

N. MAR. CODE §2205 (Supp. 1992).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	21 or older ²
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | PC = Parenting classes |
| SD = Suspension of driving privileges | N = Notification of parents and law enforcement |
| W = Seizure of weapon | C = Counseling |
| | A = Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

² A person must be 21 or older to acquire an identification card, which is required lawfully to carry a firearm.

Provisions Relating to Transfer of Firearms to Minors

Penalties

M = Misdemeanor
F = Felony
PV = Petty offense/Violation
\$ = Fine
I = Incarceration
SD = Suspension of driving privileges

W = Seizure of weapon
CS = Community service
RP = Release of name for publication
PC = Parenting classes
N = Notification of parents and law enforcement
C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS												

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Transfer to Criminal Court

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary	NO PROVISIONS					
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

PUERTO RICO

JUVENILE PROVISIONS

Possession Restrictions

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
NO PROVISIONS								

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

P.R. LAWS ANN. tit. 12 §95 (1977); 1991 P.R Laws 35 (to be codified at P. R. LAWS ANN. tit. 25 §412b).¹

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	18 or older
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	
Assault weapon:	

Penalties

- | | | | |
|-----|----------------------------------|-----|---|
| M = | Misdemeanor | CS= | Community service |
| F= | Felony | D= | Detention of juvenile pre-adjudication |
| \$= | Fine | RP= | Release of name for publication |
| I= | Incarceration | PC= | Parenting classes |
| SD= | Suspension of driving privileges | N= | Notification of parents and law enforcement |
| W= | Seizure of weapon | C= | Counseling |
| | | A= | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

¹ Minors 11 years or older may obtain a special permit to practice target shooting with airguns if they have authorization of a parent or guardian and have been certified by one of the Target Shooting Federations, and they always will use the airgun in the presence of an authorized adult.

Provisions Relating to Transfer of Firearms to Minors

Penalties

M = Misdemeanor
F = Felony
PV = Petty Offense/Violation
\$ = Fine
I = Incarceration
SD = Suspension of driving privileges

W = Seizure of weapon
CS = Community service
RP = Release of name for publication
PC = Parenting classes
N = Notification of parents and law enforcement
C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS												

Adult Liability for Minor Access

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges

W = Seizure of weapon
 CS = Community service
 RP = Release of name for publication
 PC = Parenting classes
 N = Notification of parents and law enforcement
 C = Counseling

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Transfer to Criminal Court

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Disciplinary	NO PROVISIONS					
Mandatory						

Restrictions on Possession for Adjudicated Delinquents

Penalties

- | | |
|---------------------------------------|---|
| M = Misdemeanor | CS = Community service |
| F = Felony | D = Detention of juvenile pre-adjudication |
| \$ = Fine | RP = Release of name for publication |
| I = Incarceration | N = Notification of parents and law enforcement |
| SD = Suspension of driving privileges | C = Counseling |
| W = Seizure of weapon | A = Act of delinquency |
| | EP = Enhanced penalty |

Time Period		M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
	✓													
NO PROVISIONS														

VIRGIN ISLANDS

JUVENILE PROVISIONS

Possession Restrictions

- | | |
|---------------------------|-----------------------------|
| Au = Automatic weapon | D = Deadly weapon |
| Am= Ammunition | F= Firearm |
| As = Assault weapon | H = Handgun/Pistol/Revolver |
| BB = B.B./Air/Spring guns | R = Rifle/Shotgun |
| C = Concealable weapon | Sa = Semiautomatic weapon |
| | So = Sawed-off firearm |

Age under which persons may not possess	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property with permission
NO PROVISIONS								

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | D= Detention of juvenile pre-adjudication |
| F= Felony | RP= Release of name for publication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | R= Rehabilitation |
| W= Seizure of weapon | N= Notification of parents and law enforcement |
| CS= Community service | C= Counseling |
| | A= Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	SS	ES	R	N	C	A

Licensing Restrictions

V.I. CODE ANN. tit. 5, §456 (1993).

Weapon	Age
Concealed weapon:	
License to hunt with firearms:	
Firearm:	
Handgun/revolver/pistol:	
Rifle or shotgun:	16 or older
Assault weapon:	

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | CS = | Community service |
| F = | Felony | D = | Detention of juvenile pre-adjudication |
| \$ = | Fine | RP = | Release of name for publication |
| I = | Incarceration | PC = | Parenting classes |
| SD = | Suspension of driving privileges | N = | Notification of parents and law enforcement |
| W = | Seizure of weapon | C = | Counseling |
| | | A = | Act of delinquency |

Offense	M	F	\$	I	SD	W	CS	D	RP	PC	N	C	A

Provisions Relating to Transfer of Firearms to Minors

Penalties

M = Misdemeanor
F = Felony
PV = Petty offense/Violation
\$ = Fine
I = Incarceration
SD = Suspension of driving privileges

W = Seizure of weapon
CS = Community service
RP = Release of name for publication
PC = Parenting classes
N = Notification of parents and law enforcement
C = Counseling

Offense	M	F	PV	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS												

Adult Liability for Minor Access

Penalties

- | | | | |
|------|----------------------------------|------|---|
| M = | Misdemeanor | W = | Seizure of weapon |
| F = | Felony | CS = | Community service |
| \$ = | Fine | RP = | Release of name for publication |
| I = | Incarceration | PC = | Parenting classes |
| SD = | Suspension of driving privileges | N = | Notification of parents and law enforcement |
| | | C = | Counseling |

Offense	M	F	\$	I	SD	W	CS	RP	PC	N	C
NO PROVISIONS											

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult

Transfer to Criminal Court

V.I. CODE ANN. tit. 5 §2508 (1993); tit. 4 §§172, 173 (1993); 1994 V. I. Sess. Laws 5973 (to be codified at tit. 5 §2508).

The juvenile court has jurisdiction over persons 17 years old and younger. The court may retain jurisdiction until age 19.

	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Discretionary			14 or older ¹			
Mandatory	14 or older ²		14 or older ³		14 or older	

Note: A conviction in criminal court terminates the jurisdiction of the juvenile court.

Restrictions on Possession for Adjudicated Delinquents

Penalties

- M = Misdemeanor
- F = Felony
- \$ = Fine
- I = Incarceration
- SD = Suspension of driving privileges
- W = Seizure of weapon
- CS = Community service
- D = Detention of juvenile pre-adjudication
- RP = Release of name for publication
- N = Notification of parents and law enforcement
- C = Counseling
- A = Act of delinquency
- EP = Enhanced penalty

Time Period	✓	M	F	\$	I	SD	W	CS	D	RP	N	C	A	EP
NO PROVISIONS														

Note:

The family court and the police department shall release the name of a minor 14 or older as part of the public record whenever the minor is adjudicated for committing an act that would be a felony if committed by an adult, including possession or use of a firearm in the commission of a crime of violence.

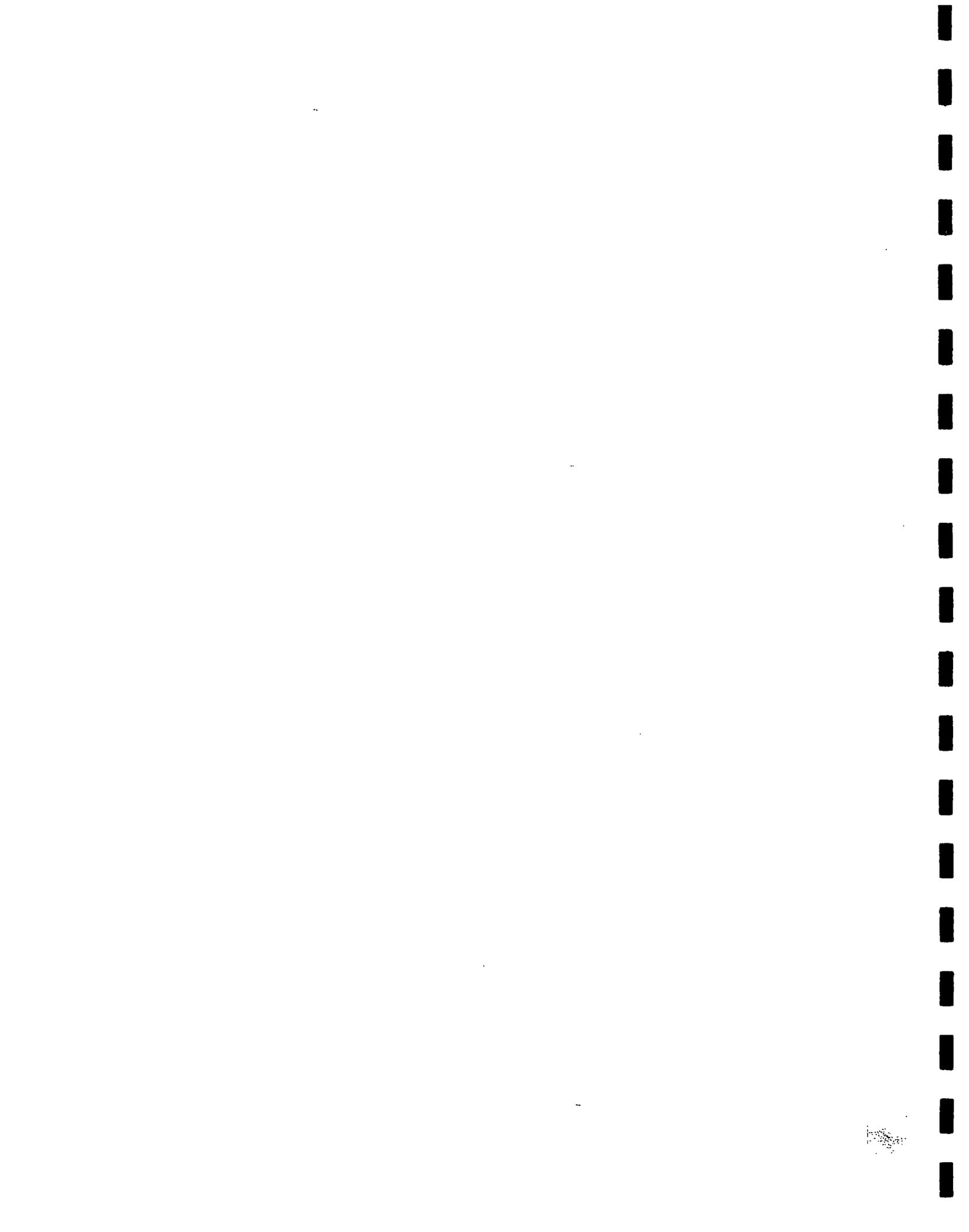
¹ The court has discretion to transfer for any felony. The prosecutor has discretion to transfer for enumerated felonies.

² If the juvenile is charged with a crime that would be a felony and has two previous adjudications for crimes that would be felonies, or if the juvenile is charged with a crime that would be a violent felony and has one previous adjudication for a felony, or if the juvenile is charged with a crime that would be a felony and has one previous adjudication for a crime that would be a violent felony

³ For enumerated felonies

APPENDIX B

**Summary of Restrictions on
Juveniles' Possession of Firearms**



Restrictions on Juveniles' Possession of Firearms

This chart indicates the prevalence in state codes of the listed restrictions on juveniles' possession of firearms

Possession

Au = Automatic weapon
 Am = Ammunition
 As = Assault weapon
 BB = B.B./Air/Spring guns
 C = Concealable weapon

D = Deadly weapon
 F = Firearm
 H = Handgun/Pistol/Revolver
 R = Rifle/Shotgun
 Sa = Semiautomatic weapon
 So = Sawed-off firearm

Possession	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
UNDER AGE 10								
F	1							
UNDER AGE 12								
F		1	2	1		1		
UNDER AGE 13								
BB		1			1			1
UNDER AGE 14								
Am	1							
D		1					1	
F	1	2		1			2	
H	1							
UNDER AGE 15								
Am		2		2	1			
F		2	1	1	1	1		
H		1		1				

Possession	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
UNDER AGE 16								
Am		1		1			2	1
BB	1	1						
C		1		1		1	1	1
D		1	1		1		1	
F		7	1	3	2	1	5	2
H		2		1			1	2
R		1					1	
UNDER AGE 18								
Au	2							
Am		1						
As	1		1		1		1	1
BB		3			1	1	1	3
C	2							
D		2	1	1	1		1	1
F	1	6	3	4	9		9	5
H	1	5	5	12	14		14	12
R		1						
Sa		1	1	1	1			
So	2							
UNDER AGE 19								
H				1	1		1	1

Possession	No Exceptions	Unless accompanied by an adult	Unless government agent	Unless completed or is attending a safety course	Unless used in lawful recreational or educational activity	Unless possessing a valid permit	Unless hunting	Unless on private property or business property
UNDER AGE 21								
F		1	3	1	1	2	1	1
H	1	2	3	1	1		1	1
Sa			1					

Penalties

M = Misdemeanor
 F = Felony
 \$ = Fine
 I = Incarceration
 SD = Suspension of driving privileges
 W = Seizure of weapon

CS = Community service
 D = Detention of juvenile pre-adjudication
 RP = Release of name for publication
 R = Rehabilitation
 N = Notification of parents and law enforcement
 A = Act of delinquency

Offense	M	F	\$	I	SD	W	CS	D	RP	R	N	A
Unlawful Possession	21	3	4	4	8	11	4	2	1	2	2	8
Subsequent Violation	0	7	2	3	3	4	1	2	2	1	0	1

Acquisition and Licensing Restrictions: Eligibility to Buy, Acquire, Own or Carry

Weapon	21	18	16	15	14	12	11	10
Concealed weapon:	11	8						
License to hunt with firearms:	1	2	5	1	1	6	1	1
Firearm:	6	7		2		1		
Handgun/revolver/pistol:	8	5						
Rifle or shotgun:		4	1					
Assault weapon:		2						

Penalties

M = Misdemeanor
 F = Felony

\$ = Fine
 I = Incarceration
 W = Seizure of weapon

Offense	M	F	S	I	W
Carrying without a license	3	2			2
Failure to present permit	1				
Violation of registration requirements			1	1	
Hunting without a license		1	1	1	
Minor acquiring a license	1				
Issuing a license to a minor	1				

Provisions Relating to Transfer of Firearms to Minors

Penalties

M = Misdemeanor
F = Felony

\$ = Fine
I = Incarceration
W = Seizure of weapon

Offense	M	F	\$	I	W
General intent	12	6	9	8	3
Specific intent	8	7	5	6	1

Adult Liability for Minor Access

Penalties

M = Misdemeanor
F = Felony
\$ = Fine
I = Incarceration

W = Seizure of weapon
CS = Community service
PC = Parenting classes

Offense	M	F	\$	I	W	CS	PC	TORT
Allowing minor to possess	10	3	2	3	1	1	1	3
Negligent storage	9		1		1			1
Negligent storage + injury	3	3	1	1				

Exceptions

Offense	Unless unlawful entry by minor	Unless injury due to hunting or shooting accident	Unless firearm reasonably secured	Unless self-defense	Unless parent notifies authorities	Unless firearm equipped with locking device	Unless access through government agent acting in course of duty	Unless accompanied by adult
Allowing minor to possess	1	1	1		2		1	3
Negligent storage	10	1	8	1		3	2	1
Negligent storage + injury	4	1	4	2		3	3	1

Gun-Free Schools

Penalties

- | | |
|--------------------------------------|--|
| M = Misdemeanor | CS= Community service |
| F= Felony | D= Detention of juvenile pre-adjudication |
| \$= Fine | SS= Grounds for suspension from school |
| I= Incarceration | ES= Grounds for expulsion from school |
| SD= Suspension of driving privileges | N= Notification of parents and law enforcement |
| W= Seizure of weapon | C= Counseling |
| | EP= Enhanced penalty |

Offense	M	F	\$	I	SD	W	CS	D	SS	ES	N	C	EP
Knowing possession on school property	6	2							2	2	2		
Knowing possession in a safety zone	1	3	1	2					2	2	1		
Possession on school property	9	10	9	9	3	6		1	7	5	5	1	
Possession in a safety zone	3	2	1	3	1	1	1		2	4	1		1
Intent to use		3	1	2	2	1			1		2		
Discharge or attempt or use		5		1						1			
Commit another offense while in possession or violent offense				1	1						1		3
Subsequent violations	1	1											

Exceptions

Offense	Unless on private property near school	Unless permission from school officials	Unless government agent	Unless hunting with permission	Unless approved educational activity	Unless self-defense	Unless valid permit	Unless unloaded and secured in motor vehicle
Knowing possession on school property		6	5	1	2		1	3
Knowing possession in a safety zone	2	3	3	1	2		2	2
Possession on school property	4	13	18	6	17	2	4	13
Possession in a safety zone	2	4	5		3		2	2
Discharge or attempt		1	3	1	1	1	1	1

Transfer to Criminal Court

Discretionary

Age	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
Child		1	5	1		1
6			1			
10			2			
12			1			
13		2				
14	7	7	16	2	6	1
15	2	1	8	1	2	
16	1	7	4	1	2	1
17		1				

Mandatory

Age	Previously adjudicated delinquent	Act would be a crime	Act would be a felony	Act violates a firearm law	Act involves use of a deadly weapon or firearm	Act violates gun-free school law
child	3		2			
6			1			
13			1	1	1	
14	3		4		3	
15	2		1	1		1
16	4		13	1	2	
17			1			

Restrictions on Possession for Adjudicated Delinquents

Penalties

✓= State has provision
 M = Misdemeanor
 F= Felony
 \$= Fine

I= Incarceration
 W= Seizure of weapon
 RP= Release of name for publication
 EP= Enhanced penalty

Time Period	✓	M	F	\$	I	W	RP	EP
Permanent	3		2			2	1	
Until court or governor orders right restored	6		2					
Until age 18	1		1					1
Until age 21	1	1						
Until age 25	2	1	1			1		1
Until age 30	1			1	1			
Until age 29 if adjudicated at age 15 or older	1						1	
Until 3 years after adjudication or discharge	1							
Until 4 years after adjudication or discharge	1	1						
Until 5 years after adjudication or discharge	1		1			1		
Until 10 years after adjudication or discharge	6	1	2			1		1

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APPENDIX C

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APPENDIX D

Handgun Control Inc. Model Bill Limiting Access of Firearms to Children



**HANDGUN CONTROL INC. MODEL BILL LIMITING
ACCESS OF FIREARMS TO CHILDREN**

1. **Purpose.** The purpose of this section is to prevent death or injury made possible when children have easy, unsupervised access to firearms.

2. **Definitions.** As used in this section --

(a) The term "firearm" means any device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion.

(b) The term "ammunition" means any ammunition cartridge, shell or other device containing explosive or incendiary material designed and intended for use in any firearm.

(c) The term "child" means any person under the age of 16 years.

3. **Access to Firearms.**

(a) Except as provided in this section, no person shall store or leave a loaded firearm, or an unloaded firearm accompanied by ammunition, in any location where the person knows, or reasonably should know, that an unsupervised child is likely to gain access.

(b) This section shall not apply to:

(1) A firearm which has been secured with a trigger lock or other similar device which prevents the firearm from discharging;

(2) A child's access to firearms which is supervised by an adult;

(3) A child's access to firearms which was obtained as a result of an unlawful entry; or

(4) Law enforcement officers while engaged in their official duties.

(c) Any person who violates the provisions of this section shall upon conviction be fined not more than \$5,000 or imprisoned for not more than one year, or both.

4. **Responsibility of firearms dealers.**

(a) When selling any firearm, licensed firearms dealers shall offer to sell or give the purchaser a trigger lock or similar device which prevents such firearm from discharging.

(b) At every purchase counter in every store, shop or sales outlet, licensed firearms dealers shall conspicuously post the following warning in block letters not less than one inch in height: "IT IS UNLAWFUL TO STORE OR LEAVE AN UNLOCKED FIREARM WHERE CHILDREN CAN OBTAIN ACCESS."

(c) Any person who violates the provisions of this section shall upon conviction be fined not more than \$500.

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