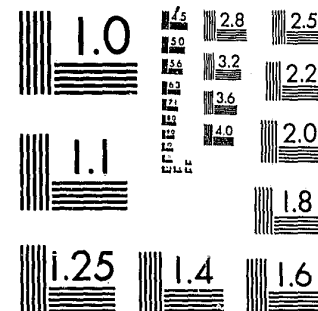


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**GUN CONTROL: A LOOK AT THE VARIOUS  
STATE AND FEDERAL LAWS**

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May 1981

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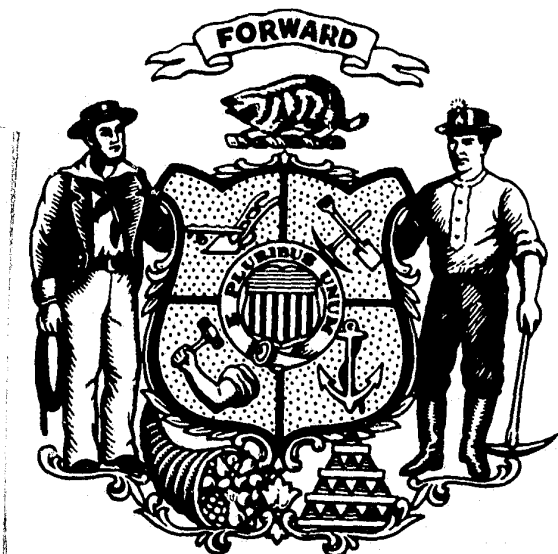
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## GUN CONTROL: A LOOK AT THE VARIOUS STATE AND FEDERAL LAWS

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## GUN CONTROL: A LOOK AT THE VARIOUS STATE AND FEDERAL LAWS

### I. INTRODUCTION

This bulletin is a review of the gun control laws in existence throughout the country. The 50 states, the District of Columbia, and the federal government have taken various approaches toward firearms control. Those approaches range from a seemingly total "hands-off" attitude to such direct restrictions as firearms identification cards, fingerprinting, and registration.

The attempted assassination of President Reagan, the current nationwide concern with crime, and the apparent increase in nearly all types of violent criminal activity, have reintroduced two other issues into the debate over gun control. First, the varieties of small handguns commonly called "Saturday night specials" have been at the center of the recent gun control discussion. In addition, mandatory minimum sentences for crimes committed with a firearm have been an alternative solution frequently examined by state legislatures.

Gun control legislation, however, has not been confined to the chambers and hearing rooms of the state legislatures. The federal Gun Control Act of 1968 was a culmination of the political assassinations and the rise in crime in the 1960s. In addition, many states have chosen to go beyond the federal law by enacting stricter gun control statutes.

The federal act, which applies throughout the United States, establishes certain dealership requirements and ownership restrictions, as well as requiring any person buying from a licensed dealer to complete a standard purchase form. The specific elements of the 1968 Gun Control Act are discussed in the following section of this bulletin.

Several of the states have expanded versions of the federal act. One well-known example of a state initiative is the waiting period (also called cooling-off period) between the time a person purchases a gun and when that person actually leaves the sales shop with the gun. Other examples of state laws going beyond the federal act include mandatory minimum sentences, registration and license to purchase requirements, and licenses to carry weapons (whether concealed or not) in public.

Considerable debate over gun legislation, however, has occurred in sessions of the United States Senate and House of Representatives subsequent to the passage of the 1968 act. Numerous gun control proposals were introduced in the 96th Congress including measures offered by Senator Edward Kennedy and Representative Peter Rodino. Six bills to repeal the 1968 federal act were introduced, including one by Senator McClure and 5 separate measures by members of the House of Representatives. None of these measures passed the Congress. However, the 97th Congress, which began in January 1981, promises to offer a continuation of this struggle. Senator Kennedy and Representative Rodino have introduced similar bills (S. 974 and H.R. 3200) to ban the manufacture, importation, assembly, and sale of small handguns, the "Saturday night specials". On the other hand, four bills have been introduced (H.R. 71, 295, 405, and 987) to repeal the Gun Control Act.

Wisconsin's gun law, discussed in detail in Section III, is closely aligned with the federal law. Neither law includes provisions on registration, mandatory minimum sentences, or "Saturday night specials". A licensed firearms dealer must receive from the purchaser information requested on the federal Form 4473. This means the purchaser must disclose his or her name, address, date and place of birth, height, weight and race and must affirm that federal law does not bar the purchaser from owning a firearm.

Prepared by David H. Nispel, Research Analyst.

Unlike many other states, Wisconsin does not have a law mandating that dealers have a state license. Nor does Wisconsin require that firearms dealers maintain records or ledgers more detailed than required by the 1968 Gun Control Act.

On balance, Wisconsin's law is similar to approximately half the other states. The remaining states have laws stricter in one or more areas of firearms control. In only one respect does Wisconsin have a gun control provision that places it in the minority of states. That provision is the mandatory 48-hour waiting period for each purchase of a firearm.

There are several relevant bills pending in the 1981 Wisconsin Legislature, with the possibility of still more. The focus of these bills appears to be on imposing additional sentences for persons committing violent crimes while armed with a firearm.

Any discussion of gun control is likely to include a debate on the Second Amendment to the United States Constitution. The amendment, ratified on December 15, 1791, reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

The opposing forces on gun control have chosen to emphasize different sections of the amendment. Gun control advocates assert that the amendment's focus is directly linked to the concept of a well regulated militia. Opponents of gun control argue that the amendment gives every citizen the constitutional right to own a gun. Many scholars contend that the Second Amendment can be correctly interpreted only by examining the total amendment and not its separate parts. The amendment has been construed in several Supreme Court cases. Notable among those cases are *United States v. Cruikshank*, 92 U.S. 542 (1876), declaring that the lawful bearing of arms is not granted by the Constitution nor is it dependent upon the Constitution for its existence, and affirming that the Second Amendment cannot be infringed by the Congress; *Presser v. Illinois*, 116 U.S. 252 (1886), stating that the amendment served as a prohibition to the federal government and indicating that there may also be some limitations on the states; and *United States v. Miller*, 307 U.S. 174 (1939), holding that the 1934 National Firearms Act was constitutional regarding the powers of the states, and did not violate the Second Amendment. In any event, the Second Amendment is a major element in America's, and each state's, debate on gun control legislation.

The arguments for and against gun control laws are not considered in this study. There does not seem to be any shortage of reports or vocalists willingly advancing the benefits of either position. This review is offered merely as an informational guide to legislation in the several states on this significant topic.

## II. FEDERAL FIREARMS LAW

The current federal firearms legislation was enacted 13 years ago as the Gun Control Act of 1968 (P.L. 90-618). Many commentators attribute passage of this act directly to the political assassinations of the 1960s. Congress appeared also to be responding to the national climate of fear created by increased violence in the cities.

While the particular events of the 1960s spawned the current federal law, 4 previous acts of Congress established the precedent. These laws should be noted before continuing with the 1968 act.

### Early Federal Legislation

The War Revenue Act of 1919 was the first firearms legislation ever enacted by the federal government. Specifically, this act levied an excise tax on firearms. The significance of the act lies with the two precedents it established. First, regulatory power over firearms was placed in the U.S. Department of Treasury. Second, the congressional taxing authority was extended to firearms.

The 1920s brought the next federal involvement. In 1927, Congress enacted legislation to regulate the shipment of firearms through the U.S. mail. The interstate mailing of concealable firearms to private individuals was prohibited.

In the next decade, two laws extended the role of the federal government in firearms control. The National Firearms Act of 1934 was promoted as a method of halting the supply of powerful weapons to gangsters. The act focused on such weapons as machine guns, sawed-off shotguns, and concealable weapons (but not pistols and revolvers).

The 1934 act introduced 3 new concepts into national firearms control: registration, serial numbers, and licenses. The law required that all "gangster-style" weapons be registered within 60 days of the effective date of the law; all new weapons of this style were held to the same requirement. For the first time, manufacturers were required to put serial numbers on all firearms. Finally, the law mandated that manufacturers, importers, and dealers of these weapons obtain licenses from the federal government.

The Federal Firearms Act of 1938 also was targeted at specific groups of people. The act instituted a prohibition against firearms sales to felons and fugitives. There were 2 principal features of the law. Dealers were required to maintain records of all firearms transactions; only dealers licensed by the federal government could ship firearms among the states. The law further provided that dealers and manufacturers must obtain licenses annually.

### 1968 Gun Control Act

Thirty years later, the Gun Control Act of 1968 was enacted by Congress. There were 3 readily identifiable target groups for this legislation: dealers, purchasers, and persons possessing the small handguns known as "Saturday night specials". Dealers involved in the interstate sale of firearms must obtain a federal license. The 1968 law increased dealer license fees and required the recording of firearms' transactions on standard forms. In addition, licensed dealers could not sell weapons to minors, mental defectives, drug addicts, felons, fugitives and other specified groups.

The act specified 3 requirements for a potential purchaser obtaining a weapon from a licensed dealer: 1) evidence that he or she resided in the same state as the dealer; 2) completion of a standard federal firearms purchase form; and 3) a signed statement that the purchaser was not one of the persons designated as ineligible by the act.

The Gun Control Act also attempted to deal with the proliferation of small handguns, or "Saturday night specials". The act prohibited the import of such handguns as were clearly not suitable for sporting purposes.

### Legislation in 96th and 97th Congresses

There has been no further federal legislation enacted concerning gun control. However, both houses of Congress have witnessed attempts to change the current law. Senator Kennedy's bill in the 96th Congress, S. 1936, and Representative Rodino's bill, H.R. 7148, in the same session, are two recent measures. Both bills were aimed at controlling the easily concealable guns, the "Saturday night specials". The bills contended that the 1968 law's prohibition against importation of small handguns was being undermined. The parts for such guns were being shipped to this country and then assembled and sold. Both bills called for greater cooperation and coordination among federal, state, and local governments to control handguns. Neither measure made it out of committee.

The 97th Congress began its first session in January 1981. As of the fourth week in April, several bills have been introduced concerning gun control. The majority of these bills appear to focus on ownership restrictions, registration and sentencing. However, 5 bills (H.R. 40, 652, 1413, 3200, and S. 974) specifically refer to handgun control, and 4 bills (H.R. 71, 295, 405, and 987) would repeal the 1968 Gun Control Act.

### III. WISCONSIN LAW

#### Current Law

Wisconsin law does not require a dealer to be licensed by the state or to keep a record of all transactions. There are no statutory provisions mandating either a registration process or a permit to purchase firearms. There is no regulation governing the sale or purchase of "Saturday night specials".

Wisconsin's firearms law consists of 5 separate statutory provisions. Section 175.35 (2) (a) of the 1979-80 Wisconsin Statutes requires a 48-hour waiting period following purchase of a handgun before possession may be transferred. This section applies only to firearms dealers licensed by the United States Department of Treasury. Private transactions are not covered by it.

According to Section 941.22 (1), any minor who possesses a pistol, or any person who sells, loans, or gives a pistol to a minor, is guilty of a Class A misdemeanor (a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both). This statute section does not apply to a minor who uses a pistol in target practice under adult supervision, or to an adult who transfers a pistol to a minor for target practice under supervision.

It is also a Class A misdemeanor, under Section 941.23, for any person to carry a concealed and dangerous weapon. Police officers are exempt from this provision.

Chapter 221, Laws of 1979 (the budget review act of the 1979 Legislature), created Section 941.235. This section makes it a Class B misdemeanor (a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both) for any person to carry a firearm in a public building. Peace officers, armed forces and other military personnel armed in the line of duty are exempt.

Chapter 115, Laws of 1979, created Section 941.28, prohibiting the sale, transport, purchase, or possession of short-barreled rifles. Any person violating the statute is guilty of a Class E felony (a fine not to exceed \$10,000 or imprisonment not to exceed 2 years, or both). Again, peace officers and military personnel are exempt.

#### Legislation in 1979 and 1981 Wisconsin Legislatures

Seven bills concerning firearms were introduced in, but were not passed by, the 1979 Legislature: 2 Senate bills — SB-8 and SB-614; and 5 Assembly Bills — AB-77, AB-287, AB-309, AB-352, and January 1980 Special Session AB-4. Of these 7 bills, only AB-77 made it out of committee, passing the Assembly but remaining in a Senate committee until the session concluded.

Through the fourth week of April 1981, 5 bills had been introduced in the 1981 Legislature. Senate Bill 101, introduced by Senator Hanaway, restricts the right to possess firearms or ammunition by persons who have been convicted of felonies. Assembly Bill 127, introduced by Representative David Travis, restricts possession of firearms by persons who have been convicted of misdemeanors and felonies.

The other 3 bills concern sentences for crimes committed with a dangerous weapon. Senate Bill 178, introduced by Senator Opitz, increases the penalties for criminal code felonies committed by someone who carries, displays, uses, threatens or attempts to use a dangerous weapon. The bill further provides for a 3-year mandatory minimum sentence for the first applicable offense and a mandatory 5-year sentence for subsequent offenses where this bill applies. Affected persons will not be eligible for probation and parole until they have served the minimum sentence, minus good time earned.

Assembly Bill 165, introduced by Representative Potter, revises the present statutory provisions concerning penalty increases and permissive minimum sentences for crimes committed with a dangerous weapon. This bill covers only crimes committed with firearms, and not all dangerous weapons. The bill also establishes mandatory minimum sentences, and prohibits probation and parole until minimum sentences have been served.

Assembly Bill 242, introduced by Representative Rutkowski, revises the statutory provisions which increase maximum prison terms for crimes committed with a dangerous weapon. Presently, the increases in prison terms apply only to criminal code crimes committed under specified circumstances. This bill makes the increases applicable to all crimes.

### IV. LAWS IN OTHER STATES

#### Common Elements in State Laws

A review of the firearms laws of the other 49 states and the District of Columbia reveals several common elements. Seven of those elements are: 1) a waiting period; 2) purchase requirements; 3) registration; 4) license or permit to carry a firearm; 5) "Saturday night specials"; 6) dealer requirements; and 7) mandatory minimum sentences.

While the laws of many of the states and the District of Columbia have those points in common, the specific approaches vary widely. It is those variances that will be highlighted here.

#### Waiting Period

Sixteen states plus the District of Columbia include a waiting period in their firearms laws for transfer of possession of a gun. The longest period is 15 days (California and Tennessee), the shortest is 24 hours (Illinois for firearms other than handguns). Three states and the District of Columbia join Wisconsin in requiring a 48-hour waiting period.

#### Purchase Requirements

A total of 25 states plus the District of Columbia have specified firearms purchase requirements. The 2 most popular requirements are: 1) an application and criminal history check (8 states), and 2) a permit to purchase (6 states). South Carolina, South Dakota, and the District of Columbia require only an application to purchase. Maryland and Washington specify application and police review requirements.

Both Illinois and Massachusetts require a person to obtain a firearms' owner identification card before buying a firearm. In Illinois, the identification card contains the applicant's name, date of birth, sex, physical description, 2 photographs, and place of residence. The card also serves as a permit to carry firearms. The Massachusetts law states that the identification cards are issued to persons who have not been convicted of a felony, been confined due to mental illness or drug addiction, or violated a drug law within the last 5 years.

The Michigan and Virginia laws concerning purchase requirements demonstrate the opposite approaches the various states take toward gun control. Virginia requires an individual to obtain a permit to purchase a firearm in those counties which have firearms dealers. Michigan requires a license to purchase for both individual and dealer sales of firearms.

#### Registration

Nineteen states plus the District of Columbia require some formal registration procedure. Of that number 14 states require a partial registration process, while 5 states and the District of Columbia have full registration laws.

Hawaii's law mandates that every person who arrives in the state with a firearm must register the firearm with the police within 48 hours. Louisiana law provides that every person possessing a firearm shall register with the Department of Public Safety. The necessary information to be provided includes the number identifying the firearm, the owner's name, address, place of business or employment, and the location where the firearm is usually kept.

The Michigan law pertains only to handguns, but requires the thumbprint of the owner. Every person must bring the handgun to his or her local police, who will then issue a certificate of inspection. The certificate includes a description of the handgun and the name, description, and thumbprint of



the owner. These requirements apply to every person regardless of the manner in which the handgun is obtained.

Mississippi's registration law appears even more comprehensive than the Michigan law. The applicant must provide his or her name, address, race, sex, and age. A complete description of the firearm and where it is usually kept also must be disclosed. The registration form must be signed by the applicant, and 2 responsible persons must witness the procedure and provide their signatures and addresses. Finally, the name and address of the seller must also be listed.

The District of Columbia law states that no person shall possess or have under his or her control any firearm without holding a valid registration certificate for that firearm.

#### License or Permit to Carry a Firearm

Thirty-four of the 50 states have some type of statutory provision requiring either a license or permit to carry a firearm. Most of the laws are directed at concealable firearms, although 4 states refer specifically to open or concealed firearms and 11 states simply have requirements for either a license or permit to carry a firearm.

Several states include other owner requirements in their firearms laws. For example, California, Georgia, Michigan, and Utah require the taking of fingerprints from each purchaser or prospective purchaser of a firearm. Iowa's firearms law provides for a training program for persons to qualify in the use of firearms. No permit to carry is issued without a certificate from this course.

Maryland law requires that an individual demonstrate a "good and substantial reason" to carry a firearm. In addition, an applicant for a license must provide evidence he or she is trained and qualified in handgun use. Rhode Island law includes a handgun safety course requirement. Here, too, a person must present a certificate of qualification. South Carolina law states that a person must post a bond and prove proficiency with a handgun on a firing range. The officer supervising the testing then certifies that the owner has sufficient ability.

#### Saturday Night Specials

Only 4 of the states specifically prohibit the purchase and ownership of "Saturday night specials": Hawaii, Illinois, Minnesota, and South Carolina. All 4 state laws define the "Saturday night special" in terms of the melting temperature (in degrees Fahrenheit) of a pistol. Minnesota law specifies a melting temperature of 1,000 degrees while the other states indicate 800 degree levels.

The small number of state laws may be a reflection of the difficulty in enforcing the 1968 Gun Control Act provision regarding these small handguns.

#### Dealer Requirements

Thirty-six states plus the District of Columbia place some type of requirements on firearms dealers. Twenty-one of the states require a dealer to obtain a license and to maintain a ledger or record of transactions. Eight of the states only require that dealers maintain the ledger or record, while 6 other states and the District of Columbia mandate only dealer licenses. Louisiana requires dealers to register with the Department of Public Safety.

The New Jersey firearms law is an interesting combination of all the above features. All manufacturers and wholesale dealers must register with the superintendent of police and must maintain a complete record of each firearm sold. All retail dealers must possess a license, maintain a ledger, and obtain licenses for employees.

#### Mandatory Minimum Sentences

Twenty-one states have written mandatory minimum sentences into their firearms laws. Here, again, the specific provisions vary widely among these states. However, 14 states focus their laws on the commission of a felony or violent crime while armed with a firearm.

California's law states that a person who commits a felony while carrying a firearm shall receive an additional 2-year sentence to the sentence for the felony. The law also carries an additional sentence for a person accompanying another person who is armed in the commission of a felony.

New Jersey's law imposes a sentence, in addition to the sentence for the crime, on any person who is in possession of a firearm and commits or attempts to commit a violent crime. The additional sentence increases according to the number of convictions. For the first conviction, the sentence is one to 10 years. A third such conviction brings an additional sentence of 10 years to life.

North Dakota levies a minimum penalty with no parole for a person who commits a felony while possessing a firearm. Rhode Island's law focuses on crimes of violence. It prohibits the suspension or deferment of a sentence and the granting of probation for a person who commits or attempts to commit a crime of violence.

Four other states impose an additional sentence on a person who commits any crime while armed with a firearm. Washington State increases its sentence according to the number of offenses, up to 15 years for the third offense. Alaska's mandatory minimum sentence law addresses the unlawful possession of a firearm by a convict. Such possession is subject to a prison term not exceeding 5 years.

#### Summary of Laws in Midwestern States

For each of the 7 categories discussed above, approximately half of the 12 midwestern states have pertinent statutory provisions. A brief review of the laws of our neighboring states provides one more method for considering the specific elements of Wisconsin's gun control laws. (The states include Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, North Dakota, South Dakota and Missouri.)

#### Waiting Period

Six midwestern states, including Wisconsin, require a waiting period after purchase of a firearm. Michigan has the longest waiting period at 10 days, followed by Indiana and Minnesota at 7 days. Illinois requires a 72-hour waiting period for hand guns, 24 hours for all other firearms. South Dakota joins Wisconsin with a 48-hour period.

#### Purchase Requirements

Eight states have some type of purchase requirements for firearms. Both Indiana and Minnesota require a criminal history check of firearms' purchasers. Illinois requires a person to have a firearms owner's identification card. Iowa and Missouri mandate a permit to purchase, while Michigan requires a license to purchase a firearm for both individual and dealer sales. North Dakota requires a license to carry a firearm, while South Dakota law states a person must complete an application form.

#### Registration

Five of the midwestern states have registration laws, with Michigan's being the most comprehensive (discussed in Section IV). Three copies are made of each registration certificate in Michigan. The firearms' possessor receives one copy, another is kept by local police, and the third is delivered to the state police.

The other 4 states — Iowa, Missouri, North and South Dakota — require only partial registration. This means that licensed dealers are required to register all firearms sales with a central office, generally the state police. Descriptions of both the purchaser and the gun are included on the forms.

#### License or Permit to Carry

Seven midwestern states require some type of license or permit to carry a firearm. As indicated previously, Illinois requires a firearm owner's identification card and Michigan requires fingerprinting. The remaining 5 states simply mandate that a person obtain a license or permit to carry.

### Saturday Night Specials

Only 2 midwestern states, Minnesota and Illinois, have provisions concerning these small handguns. Illinois law forbids the delivery of such handguns by any dealer, importer, manufacturer, or pawnbroker to any unlicensed person. Minnesota law prohibits all pistols which do not meet certain melting point, tensile strength, or density requirements.

### Dealer Requirements

Eight midwestern states impose some type of requirements upon dealers of firearms. Five of the 8 (Iowa, Michigan, Minnesota, and North and South Dakota) require that dealers have a state license and maintain a ledger of all transactions. Illinois and Missouri laws mandate that dealers keep a ledger, while Indiana requires that dealers be licensed.

### Mandatory Minimum Sentences

Five of the midwestern states provide for mandatory minimum sentences regarding firearms. Illinois' law permits a court to sentence an individual to a term not to exceed twice the normal maximum sentence. The person must have been convicted of a felony in which there was actual bodily harm or an attempt to inflict bodily harm on another and the person must have used a firearm. The court must find that the person presents a risk of physical danger to the public.

Michigan's law provides for a 2-year sentence added on to any sentence given a person for committing a felony while carrying or possessing a firearm. Minnesota's law focuses on the commission of a violent crime while in possession of a firearm. There is a minimum one-year sentence for the first offense, and a mandatory 3-year sentence for a second offense.

Missouri also maintains a sliding scale of sentencing which concerns the use of a firearm in the commission of a crime. For the first such offense, an additional sentence of up to 3 years will be imposed; for the second offense, up to 5 years; and for the third offense, up to 10 additional years. The North Dakota law provides for minimum penalties and no parole opportunities for a person who is armed with a firearm while committing a felony.

Table: Common Elements in State Laws

	Waiting Period	Purchase Requirements	Registration	License or Permit to Carry a Firearm
Alabama	48 hours, pistol	Application; criminal history check	Partial	License to carry a concealed handgun
Alaska	None	None	None	None
Arizona	None	None	None	None
Arkansas	None	None	None	None
California	15 days, all transactions	Application; criminal history check	Partial	License to carry a concealed handgun; fingerprints
Colorado	None	None	None	License to carry concealed firearms
Connecticut	2 weeks	Application; criminal history check	Partial	Permit to carry openly or concealed
Delaware	None	None	None	License to carry a concealed firearm
Florida	None	None	None	License to carry
Georgia	None	None	None	License to carry a firearm openly; fingerprints
Hawaii	None	Permit to purchase	Full; every person within 48 hours	License to carry; registration
Idaho	None	None	None	License to carry a concealed firearm
Illinois	72 hours, handguns; 24 hours, others	Firearms owner's identification card	None	Firearm owner's identification card
Indiana	7 days	Application; criminal history check	Prohibited	License to carry
Iowa	None	Permit to purchase	Partial	License to carry concealed firearm; training program
Kansas	None	None	None	None
Kentucky	None	None	None	None
Louisiana	None	Applications to transfer, both parties	Full; Dept. of Public Safety	None
Maine	None	None	None	License to carry a concealed firearm
Maryland	7 days	Application; police review	Partial	License to carry a handgun; requires "good and substantial reason" and evidence of training
Massachusetts	None	Firearms identification card	None	Firearms identification card; license to carry openly and concealed; fingerprints and photo
Michigan	10 days	License to purchase (both dealer and ind'l sales)	Full	License to carry; fingerprints; registration
Minnesota	7 days	Transferee permit; criminal history check	None	Permit to carry; proof of ability to use pistol safely
Mississippi	None	None	Full	None
Missouri	None	Permit to purchase	Partial	None
Montana	None	None	None	License to carry a concealed firearm

	Waiting Period	Purchase Requirements	Registration	License or Permit to Carry a Firearm
Nebraska	None	None	None	None
Nevada	None	None	None	License to carry concealed firearm
New Hampshire	None	None	Partial	License to carry in a motor vehicle
New Jersey	7 days	Permit to purchase	Partial	Firearms identification card for rifles and shotguns; license to carry handguns
New Mexico	None	None	None	None
New York	None	License to carry or possess	Full	License to possess, carry, repair and dispose
North Carolina	None	Permit to purchase	None	None
North Dakota	None	License to carry	Partial	License to carry, valid reason
Ohio	None	None	None	None
Oklahoma	None	None	None	None
Oregon	5 days	Application; criminal history check	Partial	License to carry a concealed firearm
Pennsylvania	48 hours	Application; criminal history check	Partial	License to carry a concealed firearm
Rhode Island	72 hours, handgun	Application; criminal history check	Prohibited	License to carry a concealed firearm; handgun safety course
South Carolina	None	Application	Partial	License to carry a concealed firearm; proficiency test
South Dakota	48 hours	Application	Partial	License to carry
Tennessee	15 days	Application; criminal history check	None	License to carry
Texas	None	None	None	None
Utah	None	None	None	License to carry a concealed firearm; fingerprints
Vermont	None	None	None	None
Virginia	None	Permit to purchase (counties with dealers)	None	License to carry a concealed firearm
Washington	72 hours	Application; police review	Partial	License to carry a concealed firearm
West Virginia	None	None	None	License to carry openly or concealed
Wisconsin	48 hours	None	None	None
Wyoming	None	None	None	License to carry
District of Columbia	48 hours	Application	Full	None

Table: Common Elements in State Laws, Continued

	Dealer Requirements	Saturday Night Specials	Mandatory Minimum Sentences
Alabama	License; ledger	None	None
Alaska	None	None	Unlawful possession of firearm by convict, not to exceed 5 years
Arizona	None	None	None
Arkansas	None	None	None
California	License; ledger	None	Additional sentence for person armed in commission of felony
Colorado	Ledger	None	None
Connecticut	License; ledger	None	None
Delaware	License; ledger	None	5 years for use of firearm in commission of felony
Florida	None	None	None
Georgia	License	None	Sentences for carrying concealed firearm and for carrying a firearm in commission of crime
Hawaii	License	Prohibited	None
Idaho	None	None	Sentences for having firearm during assault on another person
Illinois	Ledger	Prohibited	Sentences concern person convicted of felony in which firearm is used in commission of offense
Indiana	License	None	None
Iowa	License; ledger	None	None
Kansas	None	None	None
Kentucky	None	None	None
Louisiana	Registration	None	None
Maine	Ledger	None	Sentences for person using firearm when committing crime of violence
Maryland	License	None	None
Massachusetts	License; ledger	None	1 year for unlawful carrying; 5 years for use of firearm in crime of violence
Michigan	License; ledger	None	1 year for unlawful carrying; sentences for use of firearm in felony
Minnesota	License; ledger	Prohibited	Additional 2 years for felony by person carrying or possessing firearm
Mississippi	Ledger	None	Sentences for possessing firearm when committing violent crime
Missouri	Ledger	None	None
Montana	None	None	Sentences for using firearm in crime
Nebraska	None	None	None
Nevada	None	None	None
New Hampshire	License; ledger	None	None
New Jersey	Retail dealers: license & ledger	None	Additional sentences for committing or attempting to commit violent crime with firearm
New Mexico	None	None	None
New York	License; ledger	None	1 year for carrying loaded, unlicensed handgun in public place
North Carolina	License	None	Use of firearm in robbery is felony, sentence specified
North Dakota	License; ledger	None	Sentence with no parole for person committing felony with firearm
Ohio	None	None	None

	Dealer Requirements	Saturday Night Specials	Mandatory Minimum Sentences
Oklahoma	None	None	None
Oregon	License; ledger	None	Sentences for person who commits felony while armed, and without permit to carry
Pennsylvania	License; ledger	None	None
Rhode Island	License; ledger	None	Sentences for committing or attempting to commit violent crime while armed
South Carolina	License; ledger	Prohibited	Sentences for committing or attempting to commit violent crime with firearm
South Dakota	License; ledger	None	None
Tennessee	License	None	5 years for use of firearm in crime
Texas	License; ledger	None	None
Utah	Ledger	None	None
Vermont	Ledger	None	None
Virginia	License in certain counties; ledger	None	None
Washington	License; ledger	None	Additional sentences for using firearm in crime
West Virginia	License; ledger	None	None
Wisconsin	None	None	None
Wyoming	Ledger	None	None
District of Columbia	License	None	None

The United States Conference of Mayors, "Firearms Statutes in the United States", 1979 (614.82/Un3a); Wisconsin Legislative Reference Bureau, *Clippings: FIREARMS* (614.82/Z).

V. DEFINITIONS

Federal Law

**Firearm:** (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 any antique firearm [United States Code, Title 18-Appendix, Section 921 (a) (3)].

**Shotgun:** A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger [United States Code, Title 18-Appendix, Section 921 (a) (5)]

**Rifle:** A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger [United States Code, Title 18, Section 921 (a) (7)].

**Handgun:** Any pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition, or any other firearm originally designed to be fired by the use of a single hand [United States Code, Title 18-Appendix, Section 1202 (c) (5)].

Wisconsin Law

There is no precise definition of firearm in the 1979-80 Wisconsin Statutes. Limitations on the use of firearms are keyed to various sections of the state's criminal code which restrict dangerous weapons.

**Dangerous weapon:** Any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm [1979-80 Wisconsin Statutes, Section 939.22 (10)].

**Handgun:** Any weapon designed or redesigned to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore [1979-80 Wisconsin Statutes, Section 175.35 (1)].

Definitions by Selected Other States for Firearms and Handguns

[The United States Conference of Mayors, "Firearms Statutes in the United States", 1979 (614.82/Un3a)]

1. Firearms

- Arizona: Any loaded or unloaded pistol, revolver, rifle, or shotgun.
- Colorado: A pistol, revolver, or other weapon of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.
- Delaware: Any weapon from which a shot may be discharged.
- Iowa: Rifles, shotguns and handguns.
- Louisiana: A shotgun having a barrel of less than eighteen inches in length; a rifle having a barrel of less than sixteen inches in length. Other rifles and shotguns and pistols and revolvers are exempt from this definition.
- Nevada: Any weapon with a caliber of 0.177 inches or greater from which a projectile may be propelled by means of explosive, spring, gas, air, or other force.



New York: Any pistol, revolver, sawed-off shotgun, or other firearm of a size which may be concealed upon the person.

Oregon: A weapon which is designed to expel a projectile by the action of black powder or smokeless powder.

Rhode Island: Any machine gun, pistol, rifle, air rifle, air pistol, "blank gun", BB gun, or any other instrument from which steel or metal projectiles are propelled, or which may be readily converted to expel a projectile. The frame or receiver of any such weapon shall be construed as a firearm under the provisions of this section.

## 2. Handguns

Alaska: Pistol, revolver, or other firearm capable of being concealed about the person.

Connecticut: Pistol and revolver are defined as any firearm having a barrel less than twelve inches in length.

Georgia: Any caliber pistol, revolver, or short barreled firearm of less than fifteen inches in length.

Indiana: Any firearm designed to be armed and fired from one hand, regardless of barrel length or any other firearm with a barrel less than 16 inches in length or an overall length of less than 26 inches.

Virginia: Pistols and revolvers.

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