

The Laws of Gun Ownership

Permit Laws, handling, & use
For home protection only



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There's a big difference between firearms used for mobile concealed carry, (meaning on your person, in your car, or in your purse) and those that stay in our home as protection against break-ins. For many experienced shooters they are one and the same. But while a shotgun is appropriate in the home, you wouldn't want to carry one around while grocery shopping.



In the home, you must know the state's laws about keeping them locked up. In many states, it is not a requirement. But if you have children visiting you or living with you, their safety is far more important than quick availability in a break-in. It prevents suicides and accidents. Other states require that the guns be stored unloaded.

These states require that a gun be kept locked always at home:
CA, CT, MA, MN, NY, WA, and DC, with OR proposed.

Several states require the gun be kept locked, broken down, and unloaded in your car. Regardless if you have a concealed carry permit, some states do not allow travel with a gun at all, like NY. It gets complicated as all are different, both for travel with long guns and handguns.

These ***cities*** require that all guns be locked at the trigger if not kept in a safe. San Jose CA, San Francisco, Oakland, Sunnyvale and Berkeley CA, and Seattle WA.

A safe can be a lock-box, but don't forget those small boxes can easily be carried away. Trigger locks fit inside the gun's trigger guard, loop locks prevent the chamber from closing, and the latest technology has finger print identification to keep only the owner from firing it.



What is NICS? It is the National Instant Criminal Background Check System.

It is a call-in system to the FBI. From the answers given on the Federal form 4473 which the buyer fills out prior to the gun being released to them, the seller determines if the buyer is allowed by law to own a gun. The questions must be carefully read and truthfully answered. Then the seller calls the NICS office to check you for prior criminal acts.

If the FBI puts a hold on your application, there is a waiting period of 3 days. If you are rejected, the case may be appealed, but the gunsmith cannot release the gun to you until the FBI allows it.

There are exceptions, however, to what must be reported: prior misdemeanors are not considered criminal actions, so that bar fight you had when you were in the Navy won't count.

The gun seller typically charges anywhere from \$15 to \$30 for the service. (It can sometimes be time consuming). If you had the gun sent to the gunsmith for delivery to you, the check is done at the point of pickup.





If you don't know the person at the door, be safe and don't open the door. If you CAN see them on the outside, and trust that they are likely the postman, a friend, or a religious missionary, talk through the door, but have your firearm in your hand, with safety off, and loaded.

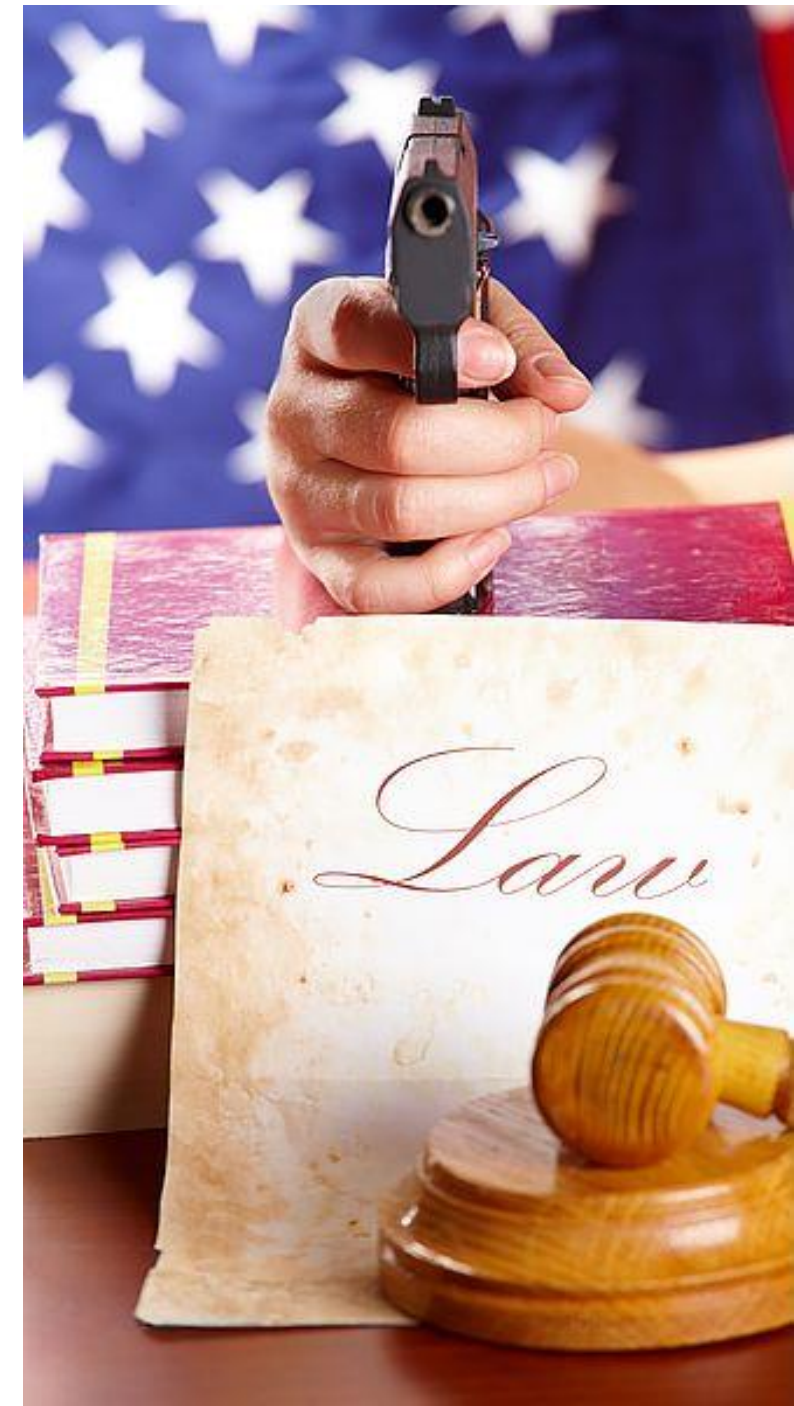
This is how many senior citizens are fooled into opening the door and being mugged and robbed. I know this because my mother was one of them. You will not be able to call 911 while your head is being kicked in.

Many states have "castle laws" that protect the homeowner from being charged with murder for killing an assailant in their home. Not in their garage, not in their yard, but *only in the home after forced entry*.

One requirement is to always keep the door locked with a deadbolt and a security door chain. Do not open the door even with the chain in place if you don't know the person. The robber could stop you first with a simple can of pepper spray, then break out the chain.

Several states have constitutional carry laws, which means you may carry a handgun concealed or open anywhere within the state. If you are not lucky enough to live in those states, and if you plan on only using the gun in your home, without a concealed carry permit, the only legal requirement is that you pass the NICS background check and register the gun in your name, and keep the gun in the confines of your home, safely stored. In some states and cities, you must keep the gun locked and unloaded.

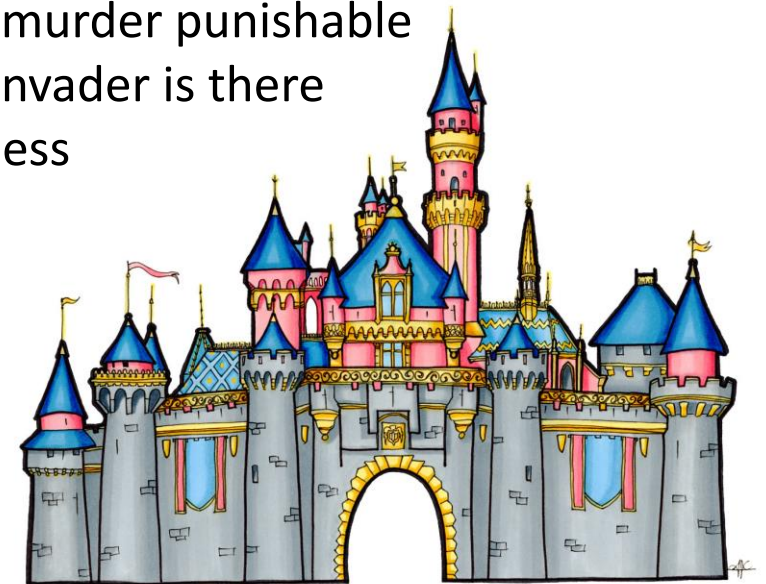
In the event you must use the weapon to defend yourself in your home against an invasion, you should also be able to prove that the invader had the intent to do bodily harm, and you feared for your life. It may NOT be sufficient to prove a person is in your home without invitation. This has happened in cases of a disoriented person entering the wrong home by mistake.



Not every state has “**Castle Laws**” to protect you. A castle law is based on the premise that a man’s home is his castle, and that any trespass & invasion requires defense and subsequent civil immunity. That defense, whether or not intent to do bodily harm can be proven, includes using a firearm to stop the invader assuming that the homeowner “feared for their life.” This law is generally only valid inside the home. Castle laws exist in 23 states: AZ, AR, CA, CO, FL, GA, ID, IL, KY, LA, MD, MI, MT, NH, NC, ND, OK, OH, PA, SC, TN, WV, and WI.

Opposite this are laws that require a “**Duty to Retreat.**” If the homeowner is capable of escaping the home to keep from being harmed, they must do so, thereby honoring the criminal’s civil right to pillage their home. This distinction between laws is based on the philosophy that even a thief’s life is of value, and the taking of that life, in self-defense or just out of fear, is considered murder punishable by imprisonment. On the other hand, if you have to first figure out if the invader is there to kill you or just rob you, precious seconds will tick by making it less and less possible to retreat or to take self defense action.

Stand Your Ground is exactly what it sounds like, that people have a right to **not** retreat, and to defend themselves then and there, wherever that is, even outside the home, in your car, or on the street. You’ll hear it referred to as the “**Line In The Sand**” doctrine or the “**No Duty To Retreat**” law:



According to Wikipedia, (https://en.wikipedia.org/wiki/Stand-your-ground_law)

The states that have legislatively adopted stand-your-ground laws are AL, AK, AZ, FL, GA, ID, IN, IA, KS, KY, LA, MI, MS, MO, MT, NV, NH, NC, OK, PA, SC, SD, TN, TX, UT, WV, and WY.

The states that have adopted stand-your-ground in practice, either through case law/precedent, jury instructions, or by other means, are CA, CO, IL, NM, OR, VA, and WA.

States that have adopted stand-your-ground, but limit it to only when a person is within their vehicle, are ND, OH, and WI.

Vermont and Washington, D.C. require citizens to flee from criminal assailants, even within their own homes.

The states that have castle doctrine only *with the duty to retreat in public* are AR, CT, DE, ME, MD, MA, MN, NE, NY, NJ, and Rhode Island. This means that people can use deadly force in their home, car, or other form of abode but have to retreat in public.

There are also the “**Make My Day**” laws. Named after the Clint Eastwood film “Dirty Harry” where the officer with his 44 mag handgun points it at the injured but still armed criminal and threatens him against further resistance, saying “*Go ahead, make my day.*” This is limited to the state of **Colorado**.

What distinguishes it from self-defense or defense of others, is that it does not require an imminent threat, and the degree of force is not limited to the amount needed to stop the threat. In addition, no prior warning must be given before the use of deadly weapons, and it does not require the occupant to leave the dwelling. However, the preponderance of evidence must exist that self defense was perceived by the occupant to be necessary. It then makes the occupant immune from prosecution.

In any case, the occupant must claim a belief of intent of the intruder to commit deadly assault.



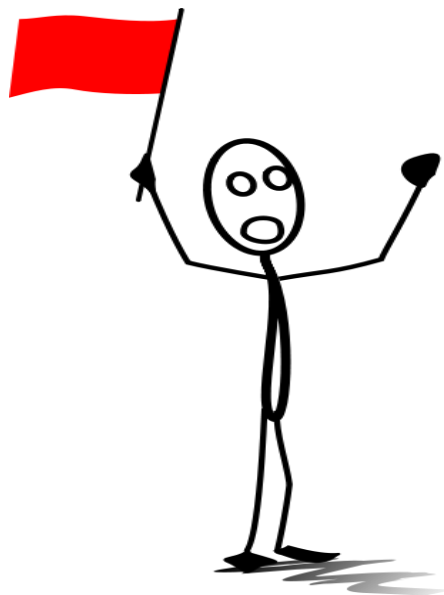


“Make My Day” Law:

The law is written:

“any degree of physical force, including deadly physical force, against an intruder who

- 1. made a knowing, unlawful entry into the dwelling, and***
- 2. the occupant reasonably believed the intruder was committing or intended to commit an additional crime against a person or property in the dwelling, other than the illegal entry, and***
- 3. the occupant reasonably believes the intruder might use physical force against any occupant.”***



Red Flag Laws are the latest legal hurdle. The police or a person's family member, (or an employer or neighbor, with cause) can ask a judge to confiscate the firearms of a person who appears to pose a threat to themselves or others. The grave problem with these laws is the difficulty of getting your property back and proving responsible behavior, which the laws do not provide a pathway for.

Guilty until proven innocent. It is the most unjust of all the laws, and one owner has already been killed by police when they came to take his guns away without criminal cause. There are 19 States with Red Flag laws: CA, CO, CT, DE, FL, HI, IL, IN, MD, MA, NV, NJ, NM, NY, OR, RI, VA, VT, WA and the DC.



Waiting Periods can also be enforced by the states. Typically this is a 10 day period for all firearm purchases, transfers, and private sales which must be conducted through a federal (FFL) and state firearm license holder. Upon purchase, the buyer must wait up to 2 weeks before the firearm is released to the owner. The sole purpose of this law is to provide a “cooling off” period in case the buyer has offensive intent. Defensive intent does not allow you to avoid the wait. States with this law are CA, CT, FL, HI, IL, IA, MD, MN, NJ, RI and DC.

In General, most state and federal applications will be denied if the purchaser:

- **fails to answer all questions on the application;**
- **Untruthfully answers any of the questions on the application, even though they are not under oath;**
- **has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;**
- **is a fugitive from justice;**
- **is an unlawful user of or addicted to any controlled substance;**
- **has been adjudicated as a mental defective or has been committed to a mental institution;**
- **is an alien unlawfully in the United States or an alien admitted to the United States under a nonimmigrant visa;**
- **has been discharged from the Armed Forces under dishonorable conditions;**
- **having been a citizen of the United States, has renounced his or her citizenship;**
- **is subject to a court restraining order from harassing, stalking, or threatening a partner or child;**
- **has been convicted of a misdemeanor crime of domestic violence; or**
- **is under indictment or charges have been filed in court for a crime punishable by imprisonment for a term exceeding 1 year.**



States with minimum age for gun purchase & ownership:

The minimum age to purchase a handgun 21 yrs.*: CA, CT, DE, FL, HI, ID, IL, IA, MD, MA, MI, NJ, NY, OH, RI, WA, WY, and DC

The minimum age to purchase a handgun 18 yrs.: all others, except 19 yrs-NM.

**Purchase under 21 permitted for police or security guard employment, active duty, or honorable discharge from the military.*

In each state, the purchase of a gun in use by a minor under the required age, must be by a parent or legal guardian. That adult is then liable for the minor's use or misuse of the gun. However, although the adult is not required to accompany the minor every time they wish to practice or hunt with it, or have it out of its safe/lock for cleaning, the parent may be prosecuted for criminal negligence. Involvement in scouting activities and hunter safety classes are exempt.

Federal law prohibits handgun purchase by any person under the age 18. But there is no minimum age for long gun (i.e. rifle and shotgun) *ownership*. Twenty states and the District of Columbia have set their own minimum age laws ranging from 14 in Montana to 21 in Illinois. But in the remaining 30 states, it's technically legal for a minor to own a long gun – gifted to them. That doesn't mean that a minor can walk into a gun show and purchase a rifle, they must be at least 18 years old for that.



KEEP YOUR FORMS OF ID CURRENT AND WITH YOU.

When you go to pick up your new gun from the designated FFL, they will expect you to have the correct ID with you and that it will be up-to-date. You need TWO forms of ID.



One piece of ID must have a photo, residence address, and date of birth, and have been issued by a government entity for the purpose of identification. A Drivers License or a Passport will work for photo ID. A voter or vehicle registration card that lists your current address are also good. Facetime and cell-phone photos of your ID will NOT work; the ID must be physically present. A Social Security card, credit card, or employer ID card won't work either.

Whether a fishing or hunting license, or permit issued by a retailer meets the definition of an identification document, is State law specific. Typically it's allowed only if that state has authorized the **retailer** to supply State issued documents.

A description of the location of the residence on an identification document, such as a rural route, is sufficient. However, a PO Box is NOT acceptable. It must be a physical address.

KEEP IT LOCKED WHEN CHILDREN ARE AROUND!

Federal law requires that any licensed dealer must sell, deliver, or transfer all handguns to a buyer provided with a secure gun storage or safety device for that handgun. Typically it is an inexpensive keyed cable lock that can be pushed through the barrel, cylinder, or the handle with the magazine removed.

“Safe storage laws require people to responsibly store their firearms and ammunition when they are not in use in order to prevent minors, thieves, and other unauthorized users from gaining unsupervised access to deadly weapons. Whereas Child Access Prevention Laws allow law enforcement to hold adults accountable after the fact for irresponsibly storing firearms around children, safe storage laws prescribe affirmative safety requirements. These laws typically require that guns be stored in a locked container or gun safe or disabled with a gun lock when not in use. These laws are necessary to shape responsible storage practices, prevent firearm theft, and reduce firearm suicides, accidents, and homicides by children and unauthorized users.” *Giffords Law Center, 2018*

Most states already provide penalties for criminal reckless endangerment, under which an adult found grossly negligent in the storage of a firearm can be prosecuted for a felony offense.



DC has established a ***non-binding*** policy that each owner should keep any firearm in their possession unloaded and either disassembled or secured by a trigger lock, gun safe, locked box, or other secure device.



A firearm safety device other than a locking gun safe is designed to prevent children and other unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into the design of the firearm, or prevent access to the firearm. An “integrated mechanical safety device” is a disabling or locking device that is built into the handgun and designed to prevent the handgun from being discharged unless the device has been deactivated. (However, “Smart Guns” are still a long way off from having reliable designs.)

In Illinois, the device may be an external safety device or an integrated mechanical safety device. Maryland’s statute provides that handguns manufactured after 2002, must have an integrated mechanical safety device, shown in the upper right.



Massachusetts and Hawaii are the only states which require that all firearms, loaded or unloaded, handguns or long guns, be stored with a locking device in place when the firearms are not in use.

You may not store or keep any firearm unless it is secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device.

Connecticut's storage laws only apply to loaded firearms.

NYS, CA, and CT require firearms to be stored with a locking device in place if the owner:

- a.) resides with someone who is ineligible to possess firearms,
- b.) lives with a convicted felon, a domestic abuser, or a person with a federally prohibitive mental health history, or
- c.) lives with a person prohibited under state or federal law from possessing a firearm.

These ***cities*** require that all guns be locked at the trigger if not kept in a safe. San Jose CA, San Francisco, Oakland, Sunnyvale and Berkeley CA, Seattle WA. **In Maryland, Annapolis, Anne Arundel County, Montgomery County, Gaithersburg, and Baltimore are known to have local firearm regulations.**



For most states and local jurisdictions, you **cannot** have a loaded and exposed or concealed handgun in your car. That is the privilege of those people with valid concealed carry permits.

However, several states have retained their “constitutional carry” status, and any state resident (over a certain age) can carry a handgun in their vehicle. Some states allow concealed carry only in the vehicle, and some allow open carry only!

Depending on how you look at it, the gun is either out in the open for anyone to see, or hidden under the seat, in a purse, etc. as concealed.

“Constitutional Carry” can allow any handgun owner in these special states to carry the handgun while out shopping, walking, or driving at any time, but does have a few limitations. These states are:

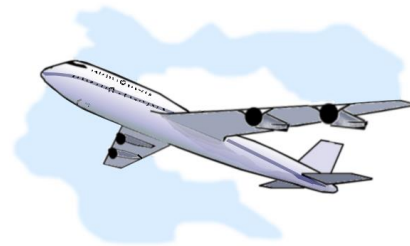
AK, AZ, AR, ID, KS, KY, ME, MS, MO, NH, ND, OK, SD, VT, WV, WY

Since laws change constantly, check with your state if they allow vehicle carry open only, vehicle carry concealed Loaded, or vehicle carry concealed unloaded.

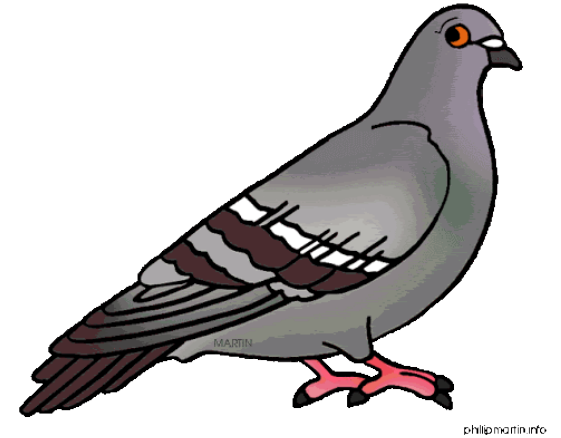
Buildings and locations where carrying concealed or open is not allowed:



- ✓ Libraries (by state).
- ✓ Correctional facilities.
- ✓ At a racetrack or casino.
- ✓ Public passenger and school buses.
- ✓ Hospitals and nursing facilities.
- ✓ In a permanent amusement park.
- ✓ In/at a place of worship.
- ✓ Polling places on election day.
- ✓ In secured areas of an airport.
- ✓ Sports arenas or stadiums with 5000 or more seats
- ✓ At a bar or restaurant that derives 51% or more of its income from liquor sales.
- ✓ Legislative chambers or any government entity, including courtrooms.
- ✓ School property except certain universities and their activities, where permitted.
- ✓ Wherever a posted notice against handguns is in effect, or the property owner has stated against it.



DO NOT try to spray the suspect with your own **pepper spray** (Mace). 1.) It will just make them furiously angry, bad news if they are on drugs, and 2.) If you don't have it pointed right at them you could inadvertently spray *yourself*. Pepper spray is illegal to own/use in many states.



Discharging a firearm within any city or village limits anywhere is both illegal and unwise, and can leave you liable for criminal reckless endangerment arrest by the local police. Of course, this applies to firing in the air on holidays, at rodents, at pigeons or bats, stray dogs or cats, or contrary to what VP Biden recommended: in the air to scare someone away. Don't do it, innocent people can get hurt. Bluffing or brandishing is a bad idea, period.





The Peaceable Journey Laws



These laws address the transportation of firearms over state lines by owners. Many individual states have their own slightly different rules about how the guns can be moved. Many states also have a rule that you can only make brief stops, or in the case of NYC, no stops at all, even for a potty break (Have a full tank of gas!) or you can be arrested. In DC, you cannot even enter the district limits with a gun.



The Federal laws require that you:

- ☒ Have a copy of the law in your possession (18 USC §926A, Interstate Transportation of Firearms),
- ☒ Have permits for the states you are leaving, traveling to, and passing through, and
- ☒ Have all firearms unloaded in a locked container inaccessible to the driver or passengers, and all ammo separately stored under lock.



LAWS ARE ONLY WORDS ON PAPER

taken from article by Keith Finch, GAT Daily news

Laws unenforced by those who write them will not be heeded by those intent on breaking them. Instead, those laws punish the innocent. Anti-gun laws will not and cannot dictate behavior if a criminal does not voluntarily comply with its edicts. Enforcement of *any* law is a challenge that must be quantified in the laws' crafting.

There is no "safe" gun. That is fundamental to the purpose of a firearm. There are only safe or dangerous gun owners / shooters. Making illegal the weapons designed "to kill as many people as possible in as short a time as possible" is ignorant of the technology of all firearms developed in the past 150 years. If the criminal has one, and is hell-bent on using it on *me*, I want one too. To use on *them*. Only *faster*. It is not realistic to return to black powder muskets and ram-rods.



Ammunition capacity limitations have *never* curbed casualty counts. With a multiplicity of weaponry, magazines, quick-loaders, and practice, a criminal can make almost any gun perform like an automatic. Like banning "bump stocks" when a simple rubber band can do the same thing! Ever think about JFK's assassination? Nobody remembers the kind of gun Lee Harvey Oswald used, or the gun that shot MLK Jr. in 1968. These guns are still very legal to own today, and **neither** of them were assault or sniper rifles.

The obvious problem is that many of the people making these laws have armed guards of their own, which they believe, due to their perceived self-importance, they deserve more than the common citizen does. And to further add insult to irony, the common citizen is paying for those guards with taxes.

Then the bureaucrats give the laws “reassuring” names, like the SAFE Act in New York. Or the STOP School Violence Act. The laws cannot be enforced, but it supposedly makes the citizens feel safer. *Something must be done! Pass another law! Make “Gun Free” zones around schools so they will be gun free!* Really? All the while the criminals up the ante, and the crime rates soar. No one can enforce the existing laws on the books, and meanwhile, the common citizen loses all hope of defending themselves. Call 911? Certainly! When seconds count, the police will be only 30 minutes away. And the school resource officer will already be on the scene! (Remember Marjory Stoneman Douglas High School, where the Broward county deputy refused to enter the school?)



It all leaves you responsible to defend yourself. So while you vote for more gun control laws, ask yourself: who is enforcing the laws? Is the law even enforceable at all? How does this law impact my ability to defend myself? Will criminals obey the law? How will this law make my family and I safer?

Could Moses ever enforce the Ten Commandments? NO!



JOHN HAYDON: THE TRIUMPH OF THE LITE.

IF THIS REVIEW SEEMS OVERWHELMING...

Keep in mind you really only need to know your state and city rules because you are likely only going to keep the gun in your home. Unless you live in a state that has “constitutional carry”, you likely will not be carrying the gun in your car with you, or in your purse or pocket when leaving the home to go shopping, or gardening in your yard.

And also keep in mind that your local police and sheriff office is always willing to answer questions, just as we are here. Consider us your best resource for information. We strive to keep our information up to date.

