

SMART GUN LAWS & THE CONSTITUTION

Only a few years ago, the U.S. Supreme Court shifted its position on the Second Amendment.

In 2008, the Supreme Court made a landmark decision that redefined the Second Amendment – stating for the first time that it protects a responsible, law-abiding citizen’s right to possess an operable handgun in the home for self-defense. However, the Court also made it clear that the Amendment protects only a limited right and does not protect a “right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”

The Supreme Court has identified several examples of constitutionally valid regulations, including:

- prohibiting firearm possession by felons and the mentally ill
- forbidding guns in sensitive places such as schools and government buildings
- regulating the commercial sale of firearms

The Court also noted that the Second Amendment is consistent with laws that:

- ban dangerous and unusual weapons
- regulate the storage of firearms to prevent accidents

STRONG GUN LAWS AREN'T JUST CONSTITUTIONAL – THEY'RE CRITICAL TO REDUCING THE EPIDEMIC OF GUN VIOLENCE IN AMERICA.

Almost immediately, courts across the country were confronted with an onslaught of costly, time-consuming Second Amendment litigation. Courts have been confronted with challenges making extreme claims about a variety of critical public safety measures, including laws preventing dangerous persons from possessing guns, laws prohibiting military-style firearms, and laws limiting guns in public places.

Despite the gun lobby’s rhetoric about “individual rights” and gun laws being unconstitutional, almost all of the courts confronted with these important challenges since the Supreme Court’s decision have affirmed the continued vitality of smart gun laws which keep our communities safe.

All too often, the Second Amendment is cited as a reason why our gun laws remain far too weak. If the Second Amendment is an obstacle, it’s a rhetorical impediment, not a legal one. As five years of legal decisions show, legislators and activists should feel confident that a variety of smart laws, supported by a significant majority of the American public, are both constitutional and desperately needed.

The Law Center to Prevent Gun Violence is available to answer questions about the relationship between gun laws and public safety as well as strategies to reduce gun violence nationwide. Founded by lawyers after an assault weapon massacre at a San Francisco law firm in 1993, the Law Center is the only national law center focused on providing comprehensive legal analysis and expertise in support of gun violence prevention.

FOR MORE INFORMATION, ENDNOTES, AND DETAILS ON THE SECOND AMENDMENT, VISIT SMARTGUNLAWS.ORG