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AAP Division of State Government Affairs

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US SUPREME COURT RULES DISTRICT OF COLUMBIA FIREARMS LAW UNCONSTITUTIONAL

Today, the United States Supreme Court, in a 5 - 4 decision, ruled the District of Columbia (DC) handgun ban unconstitutional. The city's law, enacted in 1976, prohibited residents from owning handguns and required all other firearms such as rifles and shotguns to be stored unloaded and disassembled or bound by trigger locks. Justice Antonin Scalia, writing for the majority in the landmark case, *District of Columbia v. Heller* stated, "the Constitution does not permit the absolute prohibition of handguns held and used for self-defense in the home."

The Supreme Court's decision striking down the DC gun law does not have an immediate effect on other local and state gun laws across the country. It does however, establish constitutional precedent and sets the stage for an onslaught of litigation challenging state and local laws that ban or restrict individual ownership or access to guns.

No state bans handguns, but there are numerous local gun ordinances across the country that could be challenged by this ruling. Currently, **Chicago** is the largest municipality with a ban on handguns. Five (5) local governments ban assault weapons (**Boston, Chicago, Cleveland, Columbus, and New York**) as do 7 states (**California, Connecticut, Massachusetts, New Jersey, New York, Hawaii, and Maryland**). **Maine** and **Virginia** regulate the sale of assault weapons.

Twenty-eight (28) states (**California, Connecticut, Delaware, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin**) have enacted child safety gun laws that include childproof handguns, child safety locks, child access prevention,

and juvenile handgun purchases.

Trigger lock mandates and safe storage laws are likely to be subject to further scrutiny, interpretation, and no doubt litigation, due to a fine line drawn in the decision. While the majority ruled that the trigger locks and safe storage provisions in the DC law were unconstitutional because they rendered lawful firearms in the home inoperable “for the purpose of immediate self defense”, the majority also wrote that their analysis does not “suggest the invalidity of laws regulating the storage of firearms to prevent accidents.”

In addition, the Court held, the right to own a gun is subject to reasonable regulation, including laws preventing felons and individuals with mental illness from owning guns and laws forbidding guns in schools and government buildings. The Court also suggested that certain types of dangerous or unusual guns could be restricted.

The Supreme Court ruling on DC's gun law will no doubt galvanize related activity in state legislatures and in municipal governments. Lawmakers may begin working to redraft laws to ensure they can clear a constitutional challenge like the one posed to the DC law. Others may attempt to overturn laws entirely. It is vital that AAP chapters remain engaged in advocacy efforts on this issue to ensure that lawmakers and the public are aware of the need to keep guns out of the environments of children and for ensuring that where they are present, they are locked and stored safely.

To aid in chapter advocacy efforts, a sample letter to the editor is attached that can be used to express concerns about the effect that the ruling will have on children in your state. Contact information for your local newspaper can be found online by simply visiting www.newslink.org and selecting the newspaper tab and entering your city and state information. To ensure timely publication, we suggest that chapters email or fax their letters. Please let us know of any letters that are published.

Additional resources on this issue are available on the AAP Member Center:

United States Supreme Court Issues Decision on DC Handgun Ban

<http://www.aap.org/moc/docs/firearms.cfm>

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The Division of State Government Affairs sends this update to the Academy's Executive Committee, Board of Directors, District Vice Chairs, Chapter Presidents, Chapter Vice Presidents, Chapter Legislative Contacts, Committee on State Government Affairs, Committee on Federal Government Affairs, Chapter Executive Directors, and other interested AAP members and staff.

For additional state legislative information, strategy suggestions, in-depth resources on issues of pediatric interest, and past editions of this update, log onto the AAP Member Center and see the State Government Affairs area at <http://www.aap.org/moc/statelegislation>.

For more information or advocacy consultation on this issue in your state, please contact Ramon Gardenhire in the Division of State Government Affairs at 800.433.9016, ext 7092 or rgardenhire@aap.org.

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