

SUR 1

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/6/91

FURTHER:

DATE TURNED INTO OFFICE: 4-5-91

The Finance Committee considered SENATE JOINT RESOLUTION NO. 1

Proposing an amendment to the Constitution of the State of Alaska relating to the individual right to keep and bear arms.

and recommended:

- replace with \_\_\_\_\_ CS \_\_\_\_\_
- or adopt \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- \_\_\_\_\_ letter of intent adopted

- same title
- new title
- technical title change (HB only)

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_
- zero fiscal note(s) \_\_\_\_\_
- appropriation-no fiscal note

**APPROVES PREVIOUS:**

- fiscal note(s) Elections 1-29-91 Dept/Date: 2.2
- zero fiscal note(s) DOLAW 2-4-91

**SIGNING DO PASS:**

Dick Stally

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OTHER RECOMMENDATIONS:**

John Duncan - No Rec

Al Adams - Do NOT pass

Lynn H. ... (No Rec)

Paul Kelly (No Rec)

1. Don Pauchet DO NOT PASS

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

No. 1

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill Version: SJR1

(S) Publish Date: 3/6/91

Revision Date: 01/29/91 Department Affected: Office of the Governor - Elections  
 Title: Amendment to Constitution BRU: Elections  
 Right to keep and Bear Arms Component: II - Primary and General Elections  
 Sponsor: Senator Rodey  
 Requestor: Judiciary COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		2.2*				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		2.2*				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		2.2*				
FEDERAL FUNDS						
OTHER						
TOTAL		2.2*				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: -0-

ANALYSIS: (Attach a separate page if necessary.) \* This figure covers cost of inclusion of information about this issue in the Official Election Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared By: Linda Edgeworth, Information Officer Phone: 465-4611  
 Division: Division of Elections Date: 01/29/91  
 Approved by Commissioner: Charles E. Hickman  
 Agency: Division of Elections Date: 1-29-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 2

Bill Version: SJR 1

(S) Publish Date: 3/6/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Department of Law

Title: "...amendment to the Constitution...BRU: Prosecution

relating to the...right to keep & bear arms." Component: Criminal Justice Litigation

Sponsor: Senator Rodev

Requestor: Senate Judiciary COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672

Division: Administrative Services Pegues (FOR) Date: February 4, 1991

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law Date: February 4, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No.     SJR 1    

Senate Joint Resolution No. 1 would place a ballot proposition before the voters at the next general election to amend Article 1, Section 19, of the state's constitution, regarding the right to bear arms. Because the purpose of the resolution is to place a constitutional amendment proposal before the voters, adoption of the resolution by itself will not have a fiscal impact on the Department of Law.

Eventual voter adoption of the amendment might lead to a fiscal impact at some future date; however, determination of such a possible impact, at this time, is speculative at best. No one can predict the full legal effect of the proposed constitutional amendment with any degree of certainty, but there is a possibility that adoption of the proposed amendment would invalidate existing state laws regulating firearms. These include laws relating to concealed weapons and the possession of guns by felons. They also include laws that prohibit possession of certain weapons such as switchblades, fully automatic weapons or sawed-off shotguns, possessing firearms while intoxicated, and removing a firearm's serial number.

SENATE JOINT RESOLUTION NO. 1  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS RODEY, Fischer, Halford, Sturgulewski, Shultz, Frank, Menard

Introduced: 1/21/91

Referred: Judiciary and Finance

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Alaska relating to the  
2 individual right to keep and bear arms.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. Article I, sec. 19, Constitution of the State of Alaska, is amended to read:

5 SECTION 19. RIGHT TO KEEP AND BEAR ARMS. The individual [A WELL-  
6 REGULATED MILITIA BEING NECESSARY TO THE SECURITY OF A FREE STATE,  
7 THE] right [OF THE PEOPLE] to keep and bear arms shall not be denied or infringed by the  
8 state or a political subdivision of the state.

9 \* Sec. 2. The amendment proposed by this resolution shall be placed before the voters of the state  
10 at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and  
11 the election laws of the state.

Patrick M. Rodey  
Senator

# Alaska State Legislature



3111 C. St., Suite 510  
Anchorage, Alaska 99503  
(907) 561-7618

During Session:  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3793

## Senate

DATE : March 5, 1991

TO : Senator Jay Kerttula, Co-Chair  
Senator Pat Pourchot, Co-Chair  
Senate Finance Committee

FROM : Senator Pat Rodey

RE : **Scheduling of Senate Joint Resolution I -**  
Proposing an amendment to the Constitution of the  
State of Alaska relating to the individual right to keep  
and bear arms.

I respectfully request that the Senate Finance Committee consider scheduling SJR I for committee consideration as soon as possible.

This proposal, if passed, would allow Alaskan voters an opportunity to decide in the 1992 general election whether Section I of our state constitution should be amended to secure an individual's right to keep and bear arms.

As you know, some federal court interpretations and Department of Law opinions have held this right in doubt. These actions have inspired several states to modify/clarify their state constitutional language to more precisely define this right.

Nearly 70% of Alaskan households possess at least one firearm and approximately 22,000 Alaskans are members of the National Rifle Association. It would seem quite clear that the right to keep and bear arms is highly guarded by a majority of Alaskans.

SJR I has a fiscal impact of \$2,200.

# STATE OF ALASKA

## DEPARTMENT OF LAW

### CRIMINAL DIVISION

*June*  
STEVE COWPER, GOVERNOR

REPLY TO:

CRIMINAL DIVISION CENTRAL OFFICE  
P.O. BOX KC  
JUNEAU, ALASKA 99811-0310  
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
1031 WEST 4TH AVENUE, SUITE 318  
ANCHORAGE, ALASKA 99501-5993  
PHONE: (907) 279-7424

February 12, 1989

Commissioner William G. Demmert  
Department of Education  
P.O. Box F  
Juneau, Alaska 99811

Dear Commissioner Demmert:

You have asked whether school districts will be able to prohibit the possession of weapons on school property if the Alaska constitution is amended as set out SJR 4. It is our opinion that the proposed amendment could present a constitutional impediment to adoption of laws that infringe on the right to keep or bear arms, including regulation of weapons on school grounds.

As set out more fully in the attached letter to Senator Jan Faiks, to support a finding of constitutionality in the face of a challenge based on the proposed amendment, each law infringing on the right to keep and bear arms must be based on a compelling state interest. Although we believe that a compelling state interest can be shown for prohibiting young children from having weapons, we are concerned that the new amendment could limit the prohibiting of adults, or older students, from having weapons on school property.

We must emphasize that the legal effects of the proposed constitutional amendment can not be predicted with any degree of certainty. However, based on the broad reading the Alaska court gives to the provisions of our constitution, and the lack of any language in the amendment giving the legislature the authority to regulate the exercise of the constitutional right, it is much more likely than at present that laws regulating firearms will be declared unconstitutional.

The constitutional hurdle could easily be avoided if the legislature amends the language of SJR 4 to specifically reserve the right to reasonably regulate arms. Language that would accomplish this result is set out at page 37 of the attached

Commissioner William G. Demmert  
Right to Bear Arms Amendment

February 12, 1989  
Page Two

letter, as well as in the attached document entitled "Alternative Methods of Reserving the Right of the Legislature to Reasonably Regulate Arms in SJR 4."

Please let us know if you have any remaining questions about this important issue.

Very truly yours,

GRACE BERG SCHAIBLE  
ATTORNEY GENERAL

By: 

Laurie H. Otto  
Assistant Attorney General

Attachments: Letter to Senator Faiks, January 29, 1989  
"Alternative Methods of Reserving the Right of the  
Legislature to Reasonably Regulate Arms in SJR4"

# STATE OF ALASKA

## DEPARTMENT OF LAW

### CRIMINAL DIVISION

WALTER J. HICKEL, GOVERNOR

REPLY TO:

CRIMINAL DIVISION CENTRAL OFFICE  
P.O. BOX KC  
JUNEAU, ALASKA 99811-0310  
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
1031 WEST 4TH AVENUE, SUITE 318  
ANCHORAGE, ALASKA 99501-5993  
PHONE: (907) 279-7424

January 31, 1991

The Honorable Rick Halford  
Alaska State Senator  
P.O. Box V  
Juneau, Alaska 99811

Re: SJR 1, Right to Bear Arms

Dear Senator Halford:

The position of the Department of Law on the resolution to amend the Alaska Constitution to recognize an "individual" right to bear arms (Senate Joint Resolution 1) remains the same as it has been over the past several years during which similar resolutions have been introduced. The department has opposed, and currently opposes, such a change to the constitution, not because it opposes the "individual" right to bear arms, but because the resolution as introduced could invalidate existing laws regulating firearms. This conclusion has been reached after careful and extensive review, over a number of years, of the law in Alaska and other states.

A summary of the Department of Law's prior and current analysis follows:

1. In a wide variety of contexts, the Alaska Supreme Court has interpreted the state constitution as providing broader protection for individual rights than does the federal constitution. We believe that the court would interpret the existing right-to-bear-arms provision in the state constitution in a similarly broad manner and thus satisfy the proponents' concerns about the potential for over-regulation, without the need for the amendment.

2. According to federal authority, Alaska already shares with Vermont the distinction of having the least restrictive firearms laws in the United States.<sup>1</sup> It is common for firearms to be carried openly in all areas of the state, and they may be

<sup>1</sup> Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, State Laws and Published Ordinances: Firearms (18th Ed. 1988).

carried concealed in and around one's home or for protection while engaged in outdoor activity. AS 11.61.220(b). At the same time, dangerous weapons (such as switchblades, machine guns, bombs, and "sawed-off shotguns") are prohibited. Also, felons are prohibited from carrying concealable firearms. AS 11.61.200. In the department's view, there is no compelling reason that has been put forward to change this status quo.

3. No one can predict the full legal effect of the proposed constitutional amendment with any degree of certainty. The one effect of the amendment that can be stated with certainty, however, is that it transfers the power to regulate firearms use, currently held by the legislature, to the judiciary. A similar and well-known example of such a power transfer occurred when the constitution was amended to specifically guarantee the right of privacy; it was followed shortly thereafter by a supreme court opinion, with which the state is still struggling, that protected the right to use marijuana.

4. Because the Alaska courts construe the provisions of our constitution broadly, and because the language of the proposed amendment gives either no or exceedingly little authority to the legislature to regulate firearm use, it is very likely that portions of Alaska's statutes regulating firearms will be declared unconstitutional. Examples of conduct prohibited by existing laws that could be declared unconstitutional under the proposed amendment include the possession of weapons by felons, the possession by anyone of "prohibited weapons" such as machine guns, switchblades or "sawed-off shotguns", the possession of firearms in bars or by intoxicated persons, and the removal of serial numbers. Indeed, the courts of several states have struck down similar firearms laws based on amendments to their state constitutions. Furthermore, the proposed amendment could preclude future Alaska legislatures from adopting additional laws in this area, such as laws prohibiting the possession of firearms on school grounds, in government buildings, or in proximity to oil and gas facilities.

5. The department does not believe that statements of "legislative intent", indicating that the constitutional amendment should not be construed to preclude the reasonable regulation of weapons, are sufficient to avoid current state laws from being struck down. As a general rule, a statute or constitutional provision will be interpreted according to the plain meaning of the language on its face. If the intent behind the adoption of the amendment becomes an issue, it is the intent of the voters who adopted the measure, rather than the intent of the legislators who drafted it, that will be relevant.

If the legislature believes it is necessary to explicitly recognize the "individual" right to bear arms, the amendment should be drafted to also explicitly recognize the legislature's authority

The Honorable Rick Halford

January 31, 1991  
Page 3

to reasonably regulate firearms, that is, to maintain the status quo concerning firearms laws. As alternatives to the proposed joint resolutions, the Department of Law has previously suggested the following language:

The individual right to keep and bear arms shall not be denied or infringed by the state or a political subdivision of the state, except that the state or a political subdivision of the state may regulate the manner in which arms may be kept, borne, or used.

or

except that the exercise of this right may be regulated by law.

or

except that the exercise of this right may be regulated by law. No law shall impose licensure, registration or special taxation on the ownership or possession of firearms.

A more detailed analysis of this issue, and of the points raised above, which was submitted to the legislature in 1989, is attached to this letter.

Very truly yours,

CHARLES E. COLE  
ATTORNEY GENERAL

By: Dean J. Guaneli  
Dean J. Guaneli  
Assistant Attorney General

DJG:me-004

BILL NO: SJR 7

DATE: January 31, 1991

TITLE: Proposing an Amendment to the Constitution...Relating to the Individual Right to Keep and Bear Arms

CONTACT: Gayle A. Horetski Deputy Commissioner

DEPARTMENT OF PUBLIC SAFETY

Senate Joint Resolution No. 1 proposes an amendment to the Constitution of the State of Alaska relating to the individual right to keep and bear arms. If approved by a two-thirds vote of each house, this proposed constitutional amendment would be placed on the ballot at the next general election. If a majority of the voters adopt the amendment, the language of the State Constitution will be changed.

This amendment apparently is intended to establish that the right to keep and bear arms under the state constitution is an individual right, rather than a collective (militia-related) one. In Alaska, however, the right of the people to bear arms for legitimate purposes is widely recognized, and has never been infringed. Indeed, Alaska and Vermont are the states with the least restrictive firearms laws in the entire United States.

The Department of Public Safety and many other law enforcement agencies in the state are very concerned that if this language appears on the ballot and is approved by the voters, some existing state statutes may be subject to constitutional challenge. Present law, for example, prohibits a convicted felon from possessing a concealable firearm; prohibits possession of certain weapons such as bombs, hand grenades, silencers, and sawed-off shotguns; and prohibits possession of a firearm while intoxicated, the carrying of a concealed weapon, possession of a loaded firearm on licensed premises, and possession of a firearm by a minor without parental consent. (See AS 11.61.200 - 11.61.220).

These statutes serve a critical public safety function by restricting the possession of especially dangerous weapons or weapons carried in an especially dangerous manner or place. In order to make sure that the proposed amendment does not render these statutes unenforceable, nor foreclose a future legislature from adopting similar provisions (prohibiting possession of loaded firearms in a church or on school grounds, for example), it is essential that the language of any proposed amendment continues to allow reasonable regulation of firearms by law.

As presently drafted, SJR 1 would also prevent municipalities or other political subdivisions of the state from regulating the use or possession of firearms. This authority currently exists, and is used. Last October, for example, the Anchorage Municipal Assembly unanimously adopted an ordinance making it illegal for school students to carry deadly weapons onto school grounds in Anchorage. This action was taken after two separate incidents in which students had brought loaded handguns onto school grounds. At this time, there is no comparable law statewide.

There is no good reason why Art. I, §19 of the Alaska Constitution should be amended. Since adoption in its present form could seriously endanger the public safety of the state's citizens and visitors, the Department of Public Safety opposes SJR 1.

*Richard L. Burton*

Richard L. Burton  
Commissioner

SJR 1 - Public SAFETY  
POSITION PAPER

# Alaska Association Chiefs of Police



## POSITION PAPER

Bill No. SJR 1 and HJR 1

Senate Joint Resolution No. 1 and House Joint Resolution No. 1 both propose an amendment to our State Constitution which would address the rights of individuals to keep and bear arms. These same resolutions have been introduced in prior legislative sessions.

The Alaska Association of Chiefs of Police has opposed and will continue to oppose any such amendments to our Constitution. In fact, we consider this to be our highest priority effort. We believe that the proposed legislation would seriously endanger public safety by hamstringing the State and Municipalities in their ability to reasonably regulate firearms.

Backers of the resolutions claim that it is necessary to protect gun owners from the infringement of their right to keep and bear arms. What infringement are we talking about? Alaska has had a long tradition of passing only those laws absolutely necessary to safeguard our citizens. Our state has the least restrictive guns laws anywhere in the country. Alaskans enjoy tremendous freedom in the use of firearms, and there has never been any threat to those freedoms.

Many of our members are firearms enthusiasts themselves. We, like many Alaskans, enjoy the aspects and rewards associated with responsible gun ownership. Yet, we stand united against HJR 1 and SJR 1. We simply cannot support any legislation that would have such sweeping effects on the ability of the State and Municipalities to reasonably regulate firearms.

Changing our Constitution is serious business. Before we endeavor to rewrite this time tested document, there should be some sort of compelling reason for doing so. No such need has been demonstrated. There is absolutely no evidence that the citizens of Alaska are in any danger of losing their right to keep and bear arms. That being the case, there is no reason to adopt SJR 1 or HJR 1.

STATE CONSTITUTIONAL GUARANTEES ON  
THE RIGHT TO KEEP AND BEAR ARMS

Forty-one (41) states have constitutional guarantees on the right to keep and bear arms.

Alabama: That every citizen has a right to bear arms in defense of himself and the state. Article I, Section 26.

Alaska: 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. Article I, Section 19.

Arizona: The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men. Article 2, Section 26.

Arkansas: The citizens of this State shall have the right to keep and bear arms for their common defense. Article II, Section 5.

Colorado: The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons. Article II, Section 13.

Connecticut: Every citizen has a right to bear arms in defense of himself and the state. Article I, Section 15.

Florida: The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law. Article I, Section 8.

Georgia: The right of the people to keep and bear arms, shall not be infringed, but the General Assembly shall have the power to prescribe the manner in which arms may be borne. Article I, Section I, para. VIII.

Hawaii: 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. Article I, Section 15.

Idaho: The people have the right to keep and bear arms, which right shall not be abridged; but this provision shall not prevent the passage of laws to govern the carrying of weapons concealed on the person, nor prevent passage of legislation providing minimum sentences for crimes committed while in possession of a firearm, nor prevent passage of legislation providing penalties for the possession of firearms by a convicted

felon, nor prevent the passage of legislation punishing the use of a firearm. No law shall impose licensure, registration or special taxation on the ownership or possession of firearms or ammunition. Nor shall any law permit the confiscation of firearms, except those actually used in the commission of a felony. Article I, Section 11.

Illinois: Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed. Article I, Section 22.

Indiana: The people shall have a right to bear arms, for the defense of themselves and the State. Article I, Section 32.

Kansas: The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power. Kansas Bill of Rights, Section 4.

Kentucky: All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned: \*\*\* 7. The right to bear arms in defense of themselves and of the state, subject to the power of the general assembly to enact laws to prevent persons from carrying concealed weapons. Kentucky Bill of Rights, Section I, para. 7.

Louisiana: The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person. Article I, Section 11.

Maine: Every citizen has a right to keep and bear arms for the common defense; and this right shall never be questioned. Article I, Section 16.

Massachusetts: The people have a right to keep and bear arms for the common defense. And as, in times of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it. Massachusetts Declaration of Rights, Part I, Article XVII.

Michigan: Every person has a right to keep and bear arms for the defense of himself and the state. Article I, Section 6.

Mississippi: The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power where thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons. Article 3, Section 12.

Missouri: That the right of every citizen to keep and bear

arms in defense of his home, person and property, or when lawfully summoned in aid of the civil power, shall not be questioned; but this shall not justify the wearing of concealed weapons. Article I, Section 23.

Montana: The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons. Article II, Section 12.

Nevada: Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes. Art. 1, Section II, para. 1.

New Hampshire: All persons have the right to keep and bear arms in defense of themselves, their families, their property, and the state. Part First, Art. 2-a.

New Mexico: No law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms. Article II, Section 6.

North Carolina: 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; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice. Article I, Section 30.

North Dakota: All individuals are by nature equally free and independent and have certain inalienable rights, among which are ... to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreatnal, and other lawful purposes, which shall not be infringed. Article I, Section 1.

Ohio: The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power. Article I, Section 4.

Oklahoma: The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be prohibited; but nothing herein contained shall prevent the

Legislature from regulating the carrying of weapons. Article 2, Section 26.

Oregon: The people shall have the right to bear arms for the defence of themselves, and the State, but the Military shall be kept in strict subordination to the civil power. Article I, Section 27.

Pennsylvania: The right of the citizens to bear arms in defence of themselves and the State shall not be questioned. Article I, Section 21.

Rhode Island: The right of the people to keep and bear arms shall not be infringed. Article I, Section 22.

South Carolina: 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. As, in times of peace, armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it. No soldier shall in time of peace be quartered in any house without the consent of the owner nor in time of war but in the manner prescribed by law. Article I, Section 20.

South Dakota: The right of the citizens to bear arms in defense of themselves and the state shall not be denied. Article VI, Section 24.

Tennessee: That the citizens of this State have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime. Article I, Section 26.

Texas: Every citizen shall have the right to keep and bear arms in the lawful defence of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime. Article I, Section 23.

Utah: The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the State, as well as for the other lawful purposes shall not be infringed; but nothing herein shall prevent the legislature from defining the lawful use of arms. Article I, Section 6.

Vermont: That the people have a right to bear arms for the defence of themselves and the State -- and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power. Chapter I, Article 16.

Virginia: That a well regulated militia, composed of the

body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power. Article I, Section 13.

Washington: The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men. Article I, Section 24.

West Virginia: A person has the right to keep and bear arms for the defense of self, family, home, and state, and for lawful hunting and recreational use. Article III, Section 22.

Wyoming: The right of citizens to bear arms in defense of themselves and of the state shall not be denied. Article I, Section 24.

#### STATES WITHOUT CONSTITUTIONAL PROVISIONS:

Nine (9) states do not have a constitutional provision on arms: California, Delaware, Iowa, Maryland, Minnesota, Nebraska, New Jersey, New York, and Wisconsin.