



Securing the Second Amendment

In 2007, the United States Supreme Court heard arguments on whether the District of Columbia, our nation's capital, could ban handguns and impose strict limits on the use of rifles. In response, I directed my office, in conjunction with other Attorneys General, to file a legal brief, known as an amicus brief, in opposition to what was known as the "DC Gun Ban" or, the District of Columbia v. Heller case.

This legal brief argued that the Second Amendment to the United States Constitution affirms the right of an individual to keep and bear arms, one that all law-abiding Americans enjoy. To paraphrase the legal argument:

"The use of the term 'the people' in the 2nd Amendment is used elsewhere within the Bill of Rights, and each time it is used to delineate personal, individual rights. To quote from the District of Columbia Circuit Court, "That term is found in the First, Second, Fourth, Ninth and Tenth Amendments. It has never been doubted that these provisions were designed to protect the interests of individuals against government intrusion, interference, or usurpation."

In June, 2008, in a 5-4 decision, the U.S. Supreme Court agreed with our brief, and overturned the ban. The majority opinion stated: "[t]he inherent right of self-defense has been central to the Second Amendment right. The handgun ban amounts to a prohibition of an entire class of "arms" that is overwhelmingly chosen by American society for that lawful purpose. The prohibition extends, moreover, to the home, where the need for defense of self, family, and property is most acute."

I also directed my office to file an amicus brief with the U.S. Supreme Court in support of the National Rifle Association's challenge of a City of Chicago ordinance banning possession of most handguns.

The amicus brief states: "As our Founding Fathers recognized, and as this Court recently reaffirmed in District of Columbia v. Heller, 128 S. Ct. 2783 (2008), the right to keep and bear arms secured by the Second Amendment of the U.S. Constitution is a critical liberty interest, essential to preserving individual security and the right to self-defense..."

"Accordingly, the Court should grant the petitions and hold that the Second Amendment secures a 'fundamental' right that can no more be abrogated by local government than by the federal government."

BILL SCHUETTE
ATTORNEY GENERAL

Michigan's Constitutional Right to Keep & Bear Arms

"Every Person has the right to keep and bear arms for the defense of himself and the state."

Michigan Constitution, Art 1, Sec. 6

For more information concerning your 2nd Amendment rights, visit the Attorney General's website at www.michigan.gov/ag and click on the AG hot link titled "CCW Reciprocity."

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**PREPARED BY THE OFFICE OF
THE ATTORNEY GENERAL**



Your 2nd Amendment Rights

"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."

BILL SCHUETTE
ATTORNEY GENERAL

Know Your Rights

In 2000, the legislature significantly amended Michigan's firearms laws to make Michigan what is known as a "shall issue" state. Public Act 381 generally provides that a person who meets certain requirements will be issued a concealed pistol permit. As a result, thousands of responsible Michigan residents have been issued concealed pistol permits.

The principal requirements are:

1. The applicant is 21 years of age.
2. The applicant has resided in Michigan for at least 6 months.
3. The applicant is a citizen or legal resident of the United States.
4. The applicant has successfully taken a gun safety course.*
5. The applicant is not under certain court orders, such as those involving mental disabilities, personal protection orders, legal incapacitation, etc.
6. The applicant does not have a pending felony charge and has never been convicted of a felony or certain misdemeanors within a specified time period.
7. The applicant has not been involuntarily committed due to a mental illness, adjudged insane, guilty but mentally ill or pled insanity in a criminal case.
8. The applicant does not have a diagnosed mental illness at the time of the application.
9. The applicant has not been dishonorably discharged from the US military.
10. The applicant is not subject to a court order prohibiting the possession of a firearm.

* The qualifying course needs to be certified by the State or a state-national firearms training organization. Courses certified by the National Rifle Association satisfy this requirement.

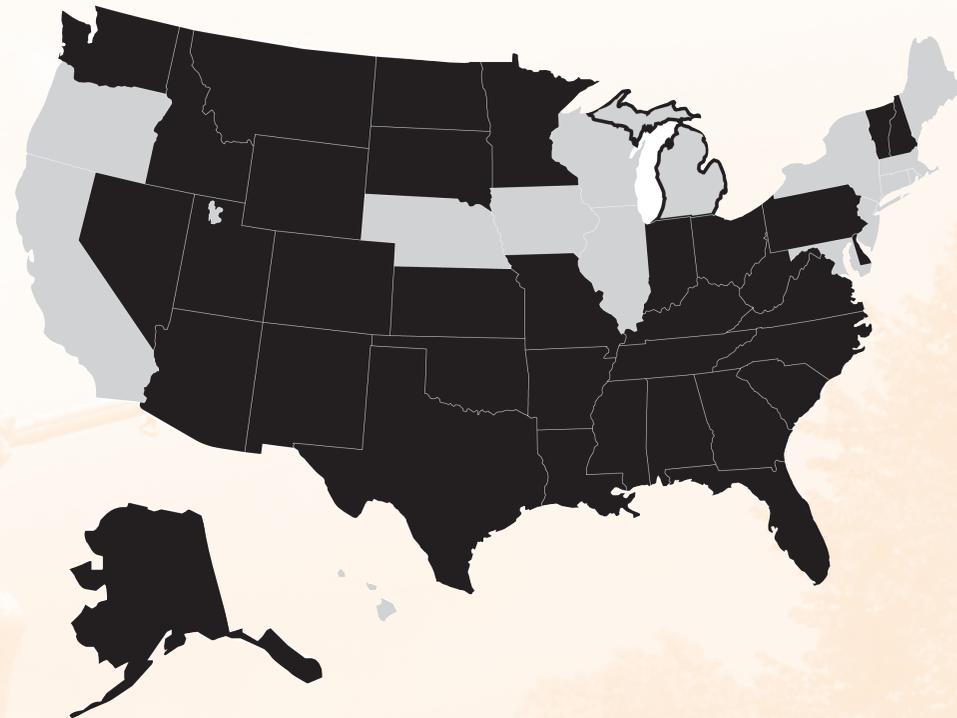
Expanding Your Rights

Since 2003, reciprocity has been expanded from 8 states to 35 states. A Michigan concealed pistol licensee who wishes to carry a concealed pistol in another state is responsible for complying with the laws of that state. Michigan's concealed pistol law expressly recognizes permits issued by other states to its residents. MCL 28.432a

Non-residents are subject to the Michigan law while carrying a pistol in Michigan, including those laws restricting where pistols may be carried, the implied consent provision, disclosure to a peace officer when stopped, and carrying while under the influence.

A non-resident should acquaint himself or herself with the Michigan law before carrying a concealed pistol in Michigan.

Similarly, a Michigan concealed pistol licensee who wishes to carry a concealed pistol in another state is responsible for complying with the laws of that state.



Those that recognize Michigan-issued permits are:

- Alabama
- Alaska
- Arizona
- Arkansas
- Colorado
- Delaware
- Florida
- Georgia
- Idaho
- Indiana
- Kansas
- Kentucky
- Louisiana
- Mississippi
- Missouri
- Minnesota
- Montana
- Nebraska
- Nevada
- New Hampshire
- New Mexico
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Pennsylvania
- South Carolina
- South Dakota
- Tennessee
- Texas
- Utah
- Vermont *
- Virginia
- Washington
- West Virginia
- Wyoming

*(does not require permits by residents or non residents)