

14-55873

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**CHARLES NICHOLS,**

Plaintiff-Appellant,

**v.**

**EDMUND G. BROWN JR., in his official  
capacity as Governor of California, and  
XAVIER BECERRA, in her official  
capacity as Attorney General of California,**

Defendants-Appellees.

On Appeal from the United States District Court  
for the Central District of California,  
Case No. 2:11-cv-09916-SJO-SS,  
The Honorable S. James Otero, Judge

**APPELLEES' ADDENDUM**

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<sup>1</sup> Under Federal Rule of Civil Procedure 25(d), Xavier Becerra, presently the Attorney General of the State of California, should have his name substituted into this case in place of Kamala D. Harris, formerly the Attorney General of the State of California.



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57. California Penal Code section 26350	N/A	Addendum ER 077
58. California Penal Code sections 26361-26391	N/A	Addendum ER 078- Addendum ER 081
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§ 16360. CCW defined, CA PENAL § 16360

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 1. Preliminary Provisions (Refs & Annos)

Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 16360

§ 16360. CCW defined

Effective: January 1, 2012

Currentness

As used in this part, "CCW" means "carry concealed weapons."

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Section 16360 continues former Section 12027(a)(1)(E) without substantive change. [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 16360, CA PENAL § 16360

Current with all 2016 Reg.Sess. laws, Ch. 8 of 2015-2016 2nd Ex.Sess., and all propositions on 2016 ballot.

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§ 16430. Deadly weapon defined, CA PENAL § 16430

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 1. Preliminary Provisions (Refs & Annos)

Division 2. Definitions (Refs & Annos)

West's Ann. Cal. Penal Code § 16430

§ 16430. Deadly weapon defined

Effective: January 1, 2012

Currentness

As used in Division 4 (commencing with Section 18250) of Title 2, "deadly weapon" means any weapon, the possession or concealed carrying of which is prohibited by any provision listed in Section 16590.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Section 16430 continues former Section 12028.5(a)(3) without substantive change. [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 16430, CA PENAL § 16430

Current with all 2016 Reg.Sess. laws, Ch. 8 of 2015-2016 2nd Ex.Sess., and all propositions on 2016 ballot.

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Proposed Legislation

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 1. Preliminary Provisions (Refs & Annos)

Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 16520

§ 16520. "Firearm" defined

Effective: January 1, 2017

Currentness

(a) As used in this part, "firearm" means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

(b) As used in the following provisions, "firearm" includes the frame or receiver of the weapon:

(1) Section 16550.

(2) Section 16730.

(3) Section 16960.

(4) Section 16990.

(5) Section 17070.

(6) Section 17310.

(7) Sections 26500 to 26588, inclusive.

(8) Sections 26600 to 27140, inclusive.

(9) Sections 27400 to 28000, inclusive.

(10) Section 28100.

§ 16520. "Firearm" defined, CA PENAL § 16520

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(11) Sections 28400 to 28415, inclusive.

(12) Sections 29010 to 29150, inclusive.

(13) Section 29180.

(14) Sections 29610 to 29750, inclusive.

(15) Sections 29800 to 29905, inclusive.

(16) Sections 30150 to 30165, inclusive.

(17) Section 31615.

(18) Sections 31705 to 31830, inclusive.

(19) Sections 34355 to 34370, inclusive.

(20) Sections 8100, 8101, and 8103 of the Welfare and Institutions Code.

(c) As used in the following provisions, "firearm" also includes a rocket, rocket propelled projectile launcher, or similar device containing an explosive or incendiary material, whether or not the device is designed for emergency or distress signaling purposes:

(1) Section 16750.

(2) Subdivision (b) of Section 16840.

(3) Section 25400.

(4) Sections 25850 to 26025, inclusive.

(5) Subdivisions (a), (b), and (c) of Section 26030.

(6) Sections 26035 to 26055, inclusive.



(d) As used in the following provisions, "firearm" does not include an unloaded antique firearm:

(1) Subdivisions (a) and (c) of Section 16730.

(2) Section 16550.

(3) Section 16960.

(4) Section 17310.

(5) Chapter 6 (commencing with Section 26350) of Division 5 of Title 4.

(6) Chapter 7 (commencing with Section 26400) of Division 5 of Title 4.

(7) Sections 26500 to 26588, inclusive.

(8) Sections 26700 to 26915, inclusive.

(9) Section 27510.

(10) Section 27530.

(11) Section 27540.

(12) Section 27545.

(13) Sections 27555 to 27585, inclusive.

(14) Sections 29010 to 29150, inclusive.

(15) Section 25135.

(16) Section 29180.

(e) As used in Sections 34005 and 34010, "firearm" does not include a destructive device.

§ 16520. "Firearm" defined, CA PENAL § 16520

(f) As used in Sections 17280 and 24680, "firearm" has the same meaning as in Section 922 of Title 18 of the United States Code.

(g) As used in Sections 29010 to 29150, inclusive, "firearm" includes the unfinished frame or receiver of a weapon that can be readily converted to the functional condition of a finished frame or receiver.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012. Amended by Stats.2011, c. 725 (A.B.144), § 4; Stats.2012, c. 700 (A.B.1527), § 5; Stats.2013, c. 737 (A.B.500), § 2; Stats.2014, c. 878 (A.B.1609), § 3, eff. Jan. 1, 2015; Stats.2016, c. 60 (A.B.857), § 2, eff. Jan. 1, 2017.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Subdivision (a) of Section 16520 continues former Sections 12001(b) and 12550(b) without substantive change, for purposes of "Part 6. Control of Deadly Weapons." See also Section 12001, which continues former Section 12001(b) without substantive change, for purposes of "Title 2. Sentencing Enhancements" of "Part 4. Prevention of Crimes and Apprehension of Criminals."

Subdivision (b) continues former Section 12001(c) and former Section 12085(e)(1) without substantive change.

Subdivision (c) continues former Section 12001(d) without substantive change.

Subdivision (d) continues former Section 12001(e) and former Section 12085(e)(3) without substantive change. See Section 16170 ("antique firearm").

Subdivision (e) continues the fourth sentence of former Section 12030(d) without substantive change. See Section 16460 ("destructive device").

With respect to the definition of "firearm," subdivision (f) continues the first paragraph of former Section 12020(c)(22) (C) without substantive change.

Subdivision (g) continues former Section 12085(e)(2) without substantive change. [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 16520, CA PENAL § 16520

Current with all 2016 Reg.Sess. laws, Ch. 8 of 2015-2016 2nd Ex.Sess., and all propositions on 2016 ballot.

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West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 1. Preliminary Provisions (Refs & Annos)

Division 2. Definitions (Refs & Annos)

West's Ann. Cal. Penal Code § 16530

§ 16530. Firearm capable of being concealed upon the person defined; pistol defined; revolver defined

Effective: January 1, 2012

Currentness

(a) As used in this part, the terms “firearm capable of being concealed upon the person,” “pistol,” and “revolver” apply to and include any device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and that has a barrel less than 16 inches in length. These terms also include any device that has a barrel 16 inches or more in length which is designed to be interchanged with a barrel less than 16 inches in length.

(b) Nothing shall prevent a device defined as a “firearm capable of being concealed upon the person,” “pistol,” or “revolver” from also being found to be a short-barreled rifle or a short-barreled shotgun.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Subdivision (a) of Section 16530 continues former Section 12001(a)(1) without substantive change. See also former Sections 12126(e), 12323(a), and 12601(b)(1), and the introductory clause of former Section 12126, all of which referred to the definition in Section 12001.

With respect to a “firearm capable of being concealed upon the person,” “pistol,” and “revolver,” subdivision (b) continues former Section 12001(f) without substantive change. See also Section 16640(b), which continues former Section 12001(f) with respect to a “handgun.”

See Sections 16520 (“firearm”), 17170 (“short-barreled rifle”), 17180 (“short-barreled shotgun”). See also Section 16640 (“handgun” means “any pistol, revolver, or firearm capable of being concealed upon the person”). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 16530, CA PENAL § 16530

Current with all 2016 Reg.Sess. laws, Ch. 8 of 2015-2016 2nd Ex.Sess., and all propositions on 2016 ballot.

West's Annotated California Codes  
Penal Code (Refs & Annos)  
Part 6. Control of Deadly Weapons (Refs & Annos)  
Title 1. Preliminary Provisions (Refs & Annos)  
Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 16580

§ 16580. Continuation of prior law; former Chapter 1 provisions

Effective: January 1, 2012

Currentness

(a) Except as stated in subdivision (c), the following provisions are continuations of provisions that were included in former Chapter 1 (commencing with Section 12000) of Title 2 of Part 4, entitled "Firearms," when that chapter was repealed by the Deadly Weapons Recodification Act of 2010:

(1) Sections 12001 to 12022.95, inclusive.

(2) Sections 16120 to 16140, inclusive.

(3) Subdivision (b) of Section 16170, to the extent it continues former Sections 12001, 12060, 12078, 12085, and 12088.8, as those sections read when they were repealed by the Deadly Weapons Recodification Act of 2010.

(4) Subdivision (c) of Section 16170.

(5) Section 16190.

(6) Sections 16220 to 16240, inclusive.

(7) Section 16250, to the extent it continues former Section 12001, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(8) Section 16260.

(9) Sections 16320 to 16340, inclusive.

(10) Section 16360.

(11) Sections 16400 to 16410, inclusive.

(12) Section 16430.

(13) Section 16450, to the extent it continues former Sections 12060 and 12086, as those sections read when they were repealed by the Deadly Weapons Recodification Act of 2010.

(14) Subdivision (b) of Section 16460.

(15) Section 16470.

(16) Section 16490.

(17) Subdivision (a) of Section 16520, to the extent it continues former Section 12001, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(18) Subdivisions (b) to (g), inclusive, of Section 16520.

(19) Sections 16530 to 16550, inclusive.

(20) Section 16570.

(21) Sections 16600 to 16640, inclusive.

(22) Section 16650, to the extent it continues former Section 12060, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(23) Section 16662, to the extent it continues former Section 12060, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(24) Sections 16670 to 16690, inclusive.

(25) Sections 16720 to 16760, inclusive.

(26) Sections 16800 and 16810.

(27) Sections 16830 to 16870, inclusive.

- (28) Sections 16920 to 16960, inclusive.
- (29) Sections 16990 and 17000.
- (30) Sections 17020 to 17070, inclusive.
- (31) Section 17090, to the extent it continues former Section 12020, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.
- (32) Section 17110.
- (33) Section 17125.
- (34) Section 17160.
- (35) Sections 17170 to 17200, inclusive.
- (36) Sections 17270 to 17290, inclusive.
- (37) Sections 17310 and 17315.
- (38) Sections 17330 to 17505, inclusive.
- (39) Sections 17515 to 18500, inclusive.
- (40) Sections 19100 to 19290, inclusive.
- (41) Sections 20200 to 21390, inclusive.
- (42) Sections 21790 to 22490, inclusive.
- (43) Sections 23500 to 30290, inclusive.
- (44) Sections 30345 to 30365, inclusive.
- (45) Sections 31500 to 31590, inclusive.

§ 16580. Continuation of prior law; former Chapter 1 provisions, CA PENAL § 16580

(46) Sections 31705 to 31830, inclusive.

(47) Sections 32310 to 32450, inclusive.

(48) Sections 32900 to 33320, inclusive.

(49) Sections 33600 to 34370, inclusive.

(b) Except as stated in subdivision (c), the provisions listed in subdivision (a) may be referred to as “former Chapter 1 provisions.”

(c) Subdivision (a) does not include any provision that was first codified in one of the specified numerical ranges after the effective date of the Deadly Weapons Recodification Act of 2010.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Section 16580 is new. It provides a convenient means of referring to former Sections 12000-12101.

For a disposition table showing where each provision in former Sections 12000-12101 was recodified, see *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal.L.Rev.Comm. Reports 217 (2009). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 16580, CA PENAL § 16580

Current with all 2016 Reg.Sess. laws, Ch. 8 of 2015-2016 2nd Ex.Sess., and all propositions on 2016 ballot.

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**State of California**

**PENAL CODE**

**Section 16585**

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16585. (a) Except as stated in subdivision (d), the following provisions are continuations of provisions that were included in former Section 12078, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010:

(1) Subdivision (b) of Section 16170, as it pertains to former Section 12078, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(2) Section 16720.

(3) Subdivision (a) of Section 16730, as it pertains to former Section 12078, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(4) Subdivision (b) of Section 16730.

(5) Section 16990.

(6) Sections 26600 to 26615, inclusive.

(7) Sections 26950 to 27140, inclusive.

(8) Sections 27400 to 27415, inclusive.

(9) Subdivision (b) of Section 27505, as it pertains to former Section 12078, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(10) Sections 27600 to 28000, inclusive.

(11) Sections 28400 to 28415, inclusive.

(12) Sections 30150 to 30165, inclusive.

(13) Sections 31705 to 31830, inclusive.

(14) Sections 34355 to 34370, inclusive.

(b) Except as stated in subdivision (d), the provisions listed in subdivision (a) may be referred to as “former Section 12078 provisions.”

(c) Except as stated in subdivision (d), the following provisions are continuations of provisions that were included in subdivision (a) of former Section 12078, as that subdivision read when it was repealed by the Deadly Weapons Recodification Act of 2010:

(1) Sections 26600 to 26615, inclusive.

(2) Section 26950.

(3) Sections 27050 to 27065, inclusive.

(4) Sections 27400 to 27415, inclusive.

(5) Sections 27600 to 27615, inclusive.

(6) Section 27650.

(7) Sections 27850 to 27860, inclusive.



- (8) Sections 28400 to 28415, inclusive.
- (9) Sections 30150 to 30165, inclusive.
- (10) Sections 31705 to 31735, inclusive.
- (11) Sections 34355 to 34370, inclusive.

(d) Subdivisions (a) and (c) do not include any provision that was first codified in one of the specified numerical ranges after the effective date of the Deadly Weapons Recodification Act of 2010.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 16590**

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16590. As used in this part, “generally prohibited weapon” means any of the following:

- (a) An air gauge knife, as prohibited by Section 20310.
- (b) Ammunition that contains or consists of a flechette dart, as prohibited by Section 30210.
- (c) A ballistic knife, as prohibited by Section 21110.
- (d) A belt buckle knife, as prohibited by Section 20410.
- (e) A bullet containing or carrying an explosive agent, as prohibited by Section 30210.
- (f) A camouflaging firearm container, as prohibited by Section 24310.
- (g) A cane gun, as prohibited by Section 24410.
- (h) A cane sword, as prohibited by Section 20510.
- (i) A concealed dirk or dagger, as prohibited by Section 21310.
- (j) A concealed explosive substance, other than fixed ammunition, as prohibited by Section 19100.
- (k) A firearm that is not immediately recognizable as a firearm, as prohibited by Section 24510.
- (l) A large-capacity magazine, as prohibited by Section 32310.
- (m) A leaded cane or an instrument or weapon of the kind commonly known as a billy, blackjack, sandbag, sandclub, sap, or slungshot, as prohibited by Section 22210.
- (n) A lipstick case knife, as prohibited by Section 20610.
- (o) Metal knuckles, as prohibited by Section 21810.
- (p) A metal military practice handgrenade or a metal replica handgrenade, as prohibited by Section 19200.
- (q) A multiburst trigger activator, as prohibited by Section 32900.
- (r) A nunchaku, as prohibited by Section 22010.
- (s) A shobi-zue, as prohibited by Section 20710.
- (t) A short-barreled rifle or short-barreled shotgun, as prohibited by Section 33215.
- (u) A shuriken, as prohibited by Section 22410.
- (v) An unconventional pistol, as prohibited by Section 31500.
- (w) An undetectable firearm, as prohibited by Section 24610.
- (x) A wallet gun, as prohibited by Section 24710.
- (y) A writing pen knife, as prohibited by Section 20910.
- (z) A zip gun, as prohibited by Section 33600.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 1. Preliminary Provisions (Refs & Annos)

Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 16640

§ 16640. Handgun defined

Effective: January 1, 2012

Currentness

(a) As used in this part, "handgun" means any pistol, revolver, or firearm capable of being concealed upon the person.

(b) Nothing shall prevent a device defined as a "handgun" from also being found to be a short-barreled rifle or a short-barreled shotgun.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Subdivision (a) of Section 16640 continues former Section 12001(a)(2) without substantive change. See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person," "pistol," and "revolver").

With respect to a "handgun," subdivision (b) continues former Section 12001(f) without substantive change. See also Section 16530(b), which continues former Section 12001(f) with respect to a "firearm capable of being concealed upon the person," "pistol," and "revolver."

See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person," "pistol," and "revolver"), 17170 ("short-barreled rifle"), 17180 ("short-barreled shotgun"). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 16640, CA PENAL § 16640

Current with all 2016 Reg.Sess. laws, Ch. 8 of 2015-2016 2nd Ex.Sess., and all propositions on 2016 ballot.

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Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 16750

§ 16750. Lawful possession of the firearm defined

Effective: January 1, 2013

Currentness

(a) As used in Section 25400, "lawful possession of the firearm" means that the person who has possession or custody of the firearm either lawfully owns the firearm or has the permission of the lawful owner or a person who otherwise has apparent authority to possess or have custody of the firearm. A person who takes a firearm without the permission of the lawful owner or without the permission of a person who has lawful custody of the firearm does not have lawful possession of the firearm.

(b) As used in Article 2 (commencing with Section 25850), Article 3 (commencing with Section 25900), and Article 4 (commencing with Section 26000) of Chapter 3 of Division 5 of Title 4, Chapter 6 (commencing with Section 26350) of Division 5 of Title 4, and Chapter 7 (commencing with Section 26400) of Division 5 of Title 4, "lawful possession of the firearm" means that the person who has possession or custody of the firearm either lawfully acquired and lawfully owns the firearm or has the permission of the lawful owner or person who otherwise has apparent authority to possess or have custody of the firearm. A person who takes a firearm without the permission of the lawful owner or without the permission of a person who has lawful custody of the firearm does not have lawful possession of the firearm.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012. Amended by Stats.2011, c. 725 (A.B.144), § 5; Stats.2012, c. 700 (A.B.1527), § 6.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Subdivision (a) of Section 16750 continues former Section 12025(g) without substantive change.

Subdivision (b) continues former Section 12031(a)(3) without substantive change.

See Section 16520 ("firearm"), [38 Cal.L.Rev.Comm. Reports 217 (2009)].

**Notes of Decisions (1)**

§ 16750. Lawful possession of the firearm defined, CA PENAL § 16750

West's Ann. Cal. Penal Code § 16750, CA PENAL § 16750

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Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 16840

§ 16840. Loaded defined

Effective: January 1, 2012

Currentness

(a) As used in Section 25800, a firearm shall be deemed to be "loaded" whenever both the firearm and the unexpended ammunition capable of being discharged from the firearm are in the immediate possession of the same person.

(b) As used in Chapter 2 (commencing with Section 25100) of Division 4 of Title 4, in subparagraph (A) of paragraph (6) of subdivision (c) of Section 25400, and in Sections 25850 to 26055, inclusive,

(1) A firearm shall be deemed to be "loaded" when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm.

(2) Notwithstanding paragraph (1), a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Subdivision (a) of Section 16840 continues former Section 12001(j) without substantive change.

Subdivision (b) continues former Sections 12031(g) and 12035(a)(2) without substantive change. See also former Section 12025(b)(6)(A), which used the same definition of "loaded."

See Section 16520 ("firearm").

See also Fish and Game Code § 2006 ("A rifle or shotgun shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell in the firing chamber but not when the only cartridges or shells are in the magazine."). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 16840, CA PENAL § 16840

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Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 16865

§ 16865. "Long gun" defined

Effective: January 1, 2014

Currentness

As used in Section 26860, "long gun" means any firearm that is not a handgun or a machinegun.

**Credits**

(Added by Stats.2013, c. 761 (S.B.683), § 2.)

West's Ann. Cal. Penal Code § 16865, CA PENAL § 16865

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Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 16950

§ 16950. Handgun carried openly or exposed

Effective: January 1, 2012

Currentness

As used in Chapter 6 (commencing with Section 26350) of Division 5 of Title 4, a handgun shall be deemed to be carried openly or exposed if the handgun is not carried concealed within the meaning of Section 25400.

**Credits**

(Added by Stats.2011, c. 725 (A.B.144), § 7.)

West's Ann. Cal. Penal Code § 16950, CA PENAL § 16950

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Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 17010

§ 17010. Pistol defined

Effective: January 1, 2012

Currentness

Use of the term "pistol" is governed by Section 16530.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

2010 Addition

Section 17010 is new. It is intended to help persons locate key rules relating to use of the term "pistol." [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 17010, CA PENAL § 17010

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Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 17030

§ 17030. Prohibited area defined

Effective: January 1, 2012

Currentness

As used in this part, "prohibited area" means any place where it is unlawful to discharge a weapon.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

2010 Addition

Section 17030 continues former Section 12031(f) without substantive change. [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 17030, CA PENAL § 17030

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West's Ann.Cal.Penal Code § 17040

§ 17040. Public place defined

Effective: January 1, 2012

Currentness

As used in Chapter 6 (commencing with Section 26350) of Division 5 of Title 4, "public place" has the same meaning as in Section 25850.

**Credits**

(Added by Stats.2011, c. 725 (A.B.144), § 8.)

West's Ann. Cal. Penal Code § 17040, CA PENAL § 17040

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Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 17070

§ 17070. Responsible adult defined

Effective: January 1, 2012

Currentness

As used in this part, "responsible adult" means a person at least 21 years of age who is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

2010 Addition

Section 17070 continues former Section 12101(e) without substantive change. [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 17070, CA PENAL § 17070

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Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 17080

§ 17080. Revolver defined

Effective: January 1, 2012

Currentness

Use of the term “revolver” is governed by Section 16530.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Section 17080 is new. It is intended to help persons locate key rules relating to use of the term “revolver.” [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 17080, CA PENAL § 17080

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Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 17090

§ 17090. Rifle defined

Effective: January 1, 2012

Currentness

As used in Sections 16530, 16640, 16650, 16660, 16870, and 17170, Sections 17720 to 17730, inclusive, Section 17740, subdivision (f) of Section 27555, Article 2 (commencing with Section 30300) of Chapter 1 of Division 10 of Title 4, and Article 1 (commencing with Section 33210) of Chapter 8 of Division 10 of Title 4, "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Section 17090 continues former Sections 12020(c)(20) and 12323(d) without substantive change. See also former Sections 12001(f), 12001.5, 12029, 12072(f)(1)(A), and 12087.6(c), which referred to former Section 12020. [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 17090, CA PENAL § 17090

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Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 17190

§ 17190. Shotgun defined

Effective: January 1, 2015  
Currentness

As used in Sections 16530, 16640, 16870, and 17180, Sections 17720 to 17730, inclusive, Section 17740, Section 30215, and Article 1 (commencing with Section 33210) of Chapter 8 of Division 10 of Title 4, "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012. Amended by Stats.2014, c. 103 (A.B.1798), § 8, eff. Jan. 1, 2015.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Section 17190 continues former Section 12020(c)(21) without substantive change. See also former Sections 12001(f), 12001.5, 12029, 12072(f)(1)(A), and 12087.6(c), which referred to former Section 12020. [38 Cal.L.Rev.Comm. Reports 217 (2009)].

**2014 Amendment**

Section 17190 is amended to delete an erroneous cross-reference. [43 Cal.L.Rev.Comm. Reports 63 (2013)].

West's Ann. Cal. Penal Code § 17190, CA PENAL § 17190

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Division 2. Definitions (Refs & Annos)

West's Ann.Cal.Penal Code § 17295

§ 17295. Handgun or other firearm deemed unloaded

Effective: January 1, 2013

Currentness

(a) For purposes of Chapter 6 (commencing with Section 26350) of Division 5 of Title 4, a handgun shall be deemed "unloaded" if it is not "loaded" within the meaning of subdivision (b) of Section 16840.

(b) For purposes of Chapter 7 (commencing with Section 26400) of Division 5 of Title 4, a firearm that is not a handgun shall be deemed "unloaded" if it is not "loaded" within the meaning of subdivision (b) of Section 16840.

**Credits**

(Added by Stats.2011, c. 725 (A.B.144), § 9. Amended by Stats.2012, c. 700 (A.B.1527), § 8.)

West's Ann. Cal. Penal Code § 17295, CA PENAL § 17295

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Division 5. Carrying Firearms (Refs & Annos)

Chapter 2. Carrying a Concealed Firearm (Refs & Annos)

Article 1. Crime of Carrying a Concealed Firearm (Refs & Annos)

West's Ann.Cal.Penal Code § 25400

§ 25400. Carrying concealed firearm; punishment; minimum sentence

Effective: January 1, 2012

Currentness

(a) A person is guilty of carrying a concealed firearm when the person does any of the following:

(1) Carries concealed within any vehicle that is under the person's control or direction any pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Carries concealed upon the person any pistol, revolver, or other firearm capable of being concealed upon the person.

(3) Causes to be carried concealed within any vehicle in which the person is an occupant any pistol, revolver, or other firearm capable of being concealed upon the person.

(b) A firearm carried openly in a belt holster is not concealed within the meaning of this section.

(c) Carrying a concealed firearm in violation of this section is punishable as follows:

(1) If the person previously has been convicted of any felony, or of any crime made punishable by a provision listed in Section 16580, as a felony.

(2) If the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.

(3) If the person is an active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.

(4) If the person is not in lawful possession of the firearm or the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, as a felony.

(5) If the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(6) If both of the following conditions are met, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment:

(A) The pistol, revolver, or other firearm capable of being concealed upon the person is loaded, or both it and the unexpended ammunition capable of being discharged from it are in the immediate possession of the person or readily accessible to that person.

(B) The person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of that pistol, revolver, or other firearm capable of being concealed upon the person.

(7) In all cases other than those specified in paragraphs (1) to (6), inclusive, by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(d)(1) Every person convicted under this section who previously has been convicted of a misdemeanor offense enumerated in Section 23515 shall be punished by imprisonment in a county jail for at least three months and not exceeding six months, or, if granted probation, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned in a county jail for at least three months.

(2) Every person convicted under this section who has previously been convicted of any felony, or of any crime made punishable by a provision listed in Section 16580, if probation is granted, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned in a county jail for not less than three months.

(e) The court shall apply the three-month minimum sentence as specified in subdivision (d), except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the minimum imprisonment required in subdivision (d) or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in subdivision (d), in which case, the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(f) A peace officer may arrest a person for a violation of paragraph (6) of subdivision (c) if the peace officer has probable cause to believe that the person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of the pistol, revolver, or other firearm capable of being concealed upon the person, and one or more of the conditions in subparagraph (A) of paragraph (6) of subdivision (c) is met.

## Credits

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012. Amended by Stats.2011, c. 15 (A.B.109), § 543, eff. April 4, 2011, operative Jan. 1, 2012.)

## Editors' Notes

### VALIDITY

*For validity of this section, see Peruta v. County of San Diego, 742 F.3d 1144.*

### LAW REVISION COMMISSION COMMENTS

#### 2010 Addition

Subdivision (a) of Section 25400 continues former Section 12025(a) without substantive change.

Subdivision (b) continues former Section 12025(f) without substantive change.

Subdivision (c) continues former Section 12025(b) without substantive change. Subdivision (d) continues former Section 12025(d) without substantive change. For guidance in applying paragraphs (c)(1) and (d)(2), see Section 16015 (determining existence of prior conviction).

Subdivision (e) continues former Section 12025(e) without substantive change.

Subdivision (f) continues former Section 12025(c) without substantive change.

Former Section 12025(g) is continued in Section 16750 ("lawful possession of the firearm").

Former Section 12025(h) was repealed by its own terms on January 1, 2005, so it is not continued. See 1999 Cal. Stat. ch. 571, § 2.

See Sections 16520 ("firearm"), 16530 ("firearm capable of being concealed upon the person," "pistol," and "revolver"), 16750 ("lawful possession of the firearm"), 16840 ("loaded" and "loaded firearm"). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

#### Notes of Decisions (149)

West's Ann. Cal. Penal Code § 25400, CA PENAL § 25400

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**25505.** In order for a firearm to be exempted under this article, while being transported to or from a place, the firearm shall be unloaded and kept in a locked container, and the course of travel shall include only those deviations between authorized locations as are reasonably necessary under the circumstances.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**25510.** Section 25400 does not apply to, or affect, any of the following:

(a) The possession of a firearm by an authorized participant in a motion picture, television, or video production, or an entertainment event, when the participant lawfully uses the firearm as part of that production or event, or while going directly to, or coming directly from, that production or event.

(b) The transportation of a firearm by an authorized employee or agent of a supplier of firearms when going directly to, or coming directly from, a motion picture, television, or video production, or an entertainment event, for the purpose of providing that firearm to an authorized participant to lawfully use as a part of that production or event.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**25515.** Section 25400 does not apply to, or affect, the possession of a firearm in a locked container by a member of any club or organization, organized for the purpose of lawfully collecting and lawfully displaying pistols, revolvers, or other firearms, while the member is at a meeting of the club or organization or while going directly to, and coming directly from, a meeting of the club or organization.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**25520.** Section 25400 does not apply to, or affect, the transportation of a firearm by a participant when going directly to, or coming directly from, a recognized safety or hunter safety class, or a recognized sporting event involving that firearm.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**25525.** (a) Section 25400 does not apply to, or affect, the transportation of a firearm by any citizen of the United States or legal resident over the age of 18 years who resides or is temporarily within this state, and who is not within the excepted classes prescribed by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, directly between any of the following places:

- (1) The person's place of residence.
- (2) The person's place of business.
- (3) Private property owned or lawfully possessed by the person.

(b) Section 25400 does not apply to, or affect, the transportation of a firearm by a person listed in subdivision (a) when going directly from the place where that person lawfully received that firearm to that person's place of residence or place of business or to private property owned or lawfully possessed by that person.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25530.** Section 25400 does not apply to, or affect, the transportation of a firearm by a person when going directly to, or coming directly from, a fixed place of business or private residential property for the purpose of the lawful repair or the lawful sale, loan, or transfer of that firearm.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25535.** Section 25400 does not apply to, or affect, any of the following:

(a) The transportation of a firearm by a person when going directly to, or coming directly from, a gun show, swap meet, or similar event to which the public is invited, for the purpose of displaying that firearm in a lawful manner.

(b) The transportation of a firearm by a person when going directly to, or coming directly from, a gun show or event, as defined in Section 478.100 of Title 27 of the Code of Federal Regulations, for the purpose of lawfully transferring, selling, or loaning that firearm in accordance with Section 27545.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25540.** Section 25400 does not apply to, or affect, the transportation of a firearm by a person when going directly to, or coming directly from, a target range, which holds a regulatory or business license, for the purposes of practicing shooting at targets with that firearm at that target range.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25545.** Section 25400 does not apply to, or affect, the transportation of a firearm by a person when going directly to, or coming directly from, a place designated by a person authorized to issue licenses pursuant to Section 26150, 26155, 26170, or 26215, when done at the request of the issuing agency so that the issuing agency can determine whether or not a license should be issued to that person to carry that firearm.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25550.** (a) Section 25400 does not apply to, or affect, the transportation of a firearm by a person when going directly to, or coming directly from, a lawful camping activity for the purpose of having that firearm available for lawful personal protection while at the lawful campsite.

(b) This section shall not be construed to override the statutory authority granted to the Department of Parks and Recreation or any other state or local governmental agencies to promulgate rules and regulations governing the administration of parks and campgrounds.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25555.** Section 25400 does not apply to, or affect, the transportation of a firearm by a person in order to comply with Section 27870, 27875, 27915, 27920, or 27925, as it pertains to that firearm.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25560.** Section 25400 does not apply to, or affect, the transportation of a firearm by a person in order to utilize Section 28000 as it pertains to that firearm.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25565.** Section 25400 does not apply to, or affect, the transportation of a firearm by a person in order to sell, deliver, or transfer the firearm as specified in Section 27850 or 31725 to an authorized representative of a city, city and county, county, or state or federal government that is acquiring the weapon as part of an authorized, voluntary program in which the entity is buying or receiving weapons from private individuals.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25570.** Section 25400 does not apply to, or affect, any of the following:



(a) The transportation of a firearm by a person who finds the firearm, if the person is transporting the firearm in order to comply with Article 1 (commencing with Section 2080) of Chapter 4 of Division 3 of the Civil Code as it pertains to that firearm, and, if the person is transporting the firearm to a law enforcement agency, the person gives prior notice to the law enforcement agency that the person is transporting the firearm to the law enforcement agency.

(b) The transportation of a firearm by a person who finds the firearm and is transporting it to a law enforcement agency for disposition according to law, if the person gives prior notice to the law enforcement agency that the person is transporting the firearm to the law enforcement agency for disposition according to law.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25575.** Section 25400 does not apply to, or affect, the transportation of a firearm by a person in order to comply with Section 27560 as it pertains to that firearm.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25580.** Section 25400 does not apply to, or affect, the transportation of a firearm that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, by a person in order to comply with Section 27565 as it pertains to that firearm.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25585.** Section 25400 does not apply to, or affect, the transportation of a firearm by a person for the purpose of obtaining an identification number or mark assigned to that firearm from the Department of Justice pursuant to Section 23910.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**25590.** Section 25400 does not apply to, or affect, the transportation of a firearm by a person if done directly between any of the places set forth below:

(a) A place where the person may carry that firearm pursuant to an exemption from the prohibition set forth in subdivision (a) of Section 25400.

(b) A place where that person may carry that firearm pursuant to an exemption from the prohibition set forth in subdivision (a) of Section 25850, or a place where the prohibition set forth in subdivision (a) of Section 25850 does not apply.

(c) A place where that person may carry a firearm pursuant to an exemption from the prohibition set forth in subdivision (a) of Section 26350, or a place where the prohibition set forth in subdivision (a) of Section 26350 does not apply.

*(Added by Stats. 2011, Ch. 725, Sec. 11. Effective January 1, 2012.)*

**25595.** This article does not prohibit or limit the otherwise lawful carrying or transportation of any handgun in accordance with the provisions listed in Section 16580.

*(Amended by Stats. 2011, Ch. 725, Sec. 12. Effective January 1, 2012.)*

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 4. Firearms (Refs & Annos)

Division 5. Carrying Firearms (Refs & Annos)

Chapter 2. Carrying a Concealed Firearm (Refs & Annos)

Article 4. Other Exemptions (Refs & Annos)

West's Ann. Cal. Penal Code § 25600

§ 25600. Justifiable violation of Section 25400; reasonable belief of grave danger

Effective: January 1, 2012

Currentness

(a) A violation of Section 25400 is justifiable when a person who possesses a firearm reasonably believes that person is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person who has been found to pose a threat to the life or safety of the person who possesses the firearm. This section may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. It is not the intent of the Legislature to limit, restrict, or narrow the application of current statutory or judicial authority to apply this or other justifications to a defendant charged with violating Section 25400 or committing another similar offense.

(b) Upon trial for violating Section 25400, the trier of fact shall determine whether the defendant was acting out of a reasonable belief that the defendant was in grave danger.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

Section 25600 continues former Section 12025.5 without substantive change.

See Section 16520 ("firearm"). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 25600, CA PENAL § 25600

Current with all 2016 Reg.Sess. laws, Ch. 8 of 2015-2016 2nd Ex.Sess., and all propositions on 2016 ballot.

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West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 4. Firearms (Refs & Annos)

Division 5. Carrying Firearms (Refs & Annos)

Chapter 2. Carrying a Concealed Firearm (Refs & Annos)

Article 5. Concealed Carrying of Firearm as a Nuisance (Refs & Annos)

West's Ann.Cal.Penal Code § 25700

§ 25700. Unlawful carrying of handgun as nuisance

Effective: January 1, 2012

Currentness

(a) The unlawful carrying of any handgun in violation of Section 25400 is a nuisance and is subject to Sections 18000 and 18005.

(b) This section does not apply to any of the following:

(1) Any firearm in the possession of the Department of Fish and Game.

(2) Any firearm that was used in the violation of any provision of the Fish and Game Code or any regulation adopted pursuant thereto.

(3) Any firearm that is forfeited pursuant to Section 5008.6 of the Public Resources Code.

**Credits**

(Added by Stats.2010, c. 711 (S.B.1080), § 6, operative Jan. 1, 2012.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2010 Addition**

With respect to unlawful concealed carrying of a handgun, subdivision (a) of Section 25700 continues former Section 12028(a) without substantive change.

With respect to unlawful concealed carrying of a handgun, subdivision (b) continues former Section 12028(e) without substantive change.

See Sections 16520 ("firearm"), 16640 ("handgun"). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

West's Ann. Cal. Penal Code § 25700, CA PENAL § 25700

Current with all 2016 Reg.Sess. laws, Ch. 8 of 2015-2016 2nd Ex.Sess., and all propositions on 2016 ballot.

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STATE OF CALIFORNIA  
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**State of California**

**PENAL CODE**

**Section 25850**

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25850. (a) A person is guilty of carrying a loaded firearm when the person carries a loaded firearm on the person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory.

(b) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on the person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to this section constitutes probable cause for arrest for violation of this section.

(c) Carrying a loaded firearm in violation of this section is punishable, as follows:

(1) Where the person previously has been convicted of any felony, or of any crime made punishable by a provision listed in Section 16580, as a felony.

(2) Where the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.

(3) Where the person is an active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.

(4) Where the person is not in lawful possession of the firearm, or is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, as a felony.

(5) Where the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(6) Where the person is not listed with the Department of Justice pursuant to Section 11106 as the registered owner of the handgun, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, or by a fine not to exceed one thousand dollars (\$1,000), or both that fine and imprisonment.

(7) In all cases other than those specified in paragraphs (1) to (6), inclusive, as a misdemeanor, punishable by imprisonment in a county jail not to exceed one year,

by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(d) (1) Every person convicted under this section who has previously been convicted of an offense enumerated in Section 23515, or of any crime made punishable under a provision listed in Section 16580, shall serve a term of at least three months in a county jail, or, if granted probation or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned for a period of at least three months.

(2) The court shall apply the three-month minimum sentence except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the minimum imprisonment required in this section or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in this section, in which case, the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(e) A violation of this section that is punished by imprisonment in a county jail not exceeding one year shall not constitute a conviction of a crime punishable by imprisonment for a term exceeding one year for the purposes of determining federal firearms eligibility under Section 922(g)(1) of Title 18 of the United States Code.

(f) Nothing in this section, or in Article 3 (commencing with Section 25900) or Article 4 (commencing with Section 26000), shall preclude prosecution under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, Section 8100 or 8103 of the Welfare and Institutions Code, or any other law with a greater penalty than this section.

(g) Notwithstanding paragraphs (2) and (3) of subdivision (a) of Section 836, a peace officer may make an arrest without a warrant:

(1) When the person arrested has violated this section, although not in the officer's presence.

(2) Whenever the officer has reasonable cause to believe that the person to be arrested has violated this section, whether or not this section has, in fact, been violated.

(h) A peace officer may arrest a person for a violation of paragraph (6) of subdivision (c), if the peace officer has probable cause to believe that the person is carrying a handgun in violation of this section and that person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of that handgun.

(Amended by Stats. 2011, Ch. 15, Sec. 544. (AB 109) Effective April 4, 2011. Amending action operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68. Section operative January 1, 2012, pursuant to Stats. 2010, Ch. 711, Sec. 10.)

**State of California**

**PENAL CODE**

**Section 25900**

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25900. As provided in this article, Section 25850 does not apply to any of the following:

- (a) Any peace officer, listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, whether active or honorably retired.
- (b) Any other duly appointed peace officer.
- (c) Any honorably retired peace officer listed in subdivision (c) of Section 830.5.
- (d) Any other honorably retired peace officer who during the course and scope of his or her appointment as a peace officer was authorized to, and did, carry a firearm.
- (e) Any full-time paid peace officer of another state or the federal government who is carrying out official duties while in California.
- (f) Any person summoned by any of these officers to assist in making arrests or preserving the peace while the person is actually engaged in assisting that officer.

(Amended by Stats. 2013, Ch. 267, Sec. 2. (AB 703) Effective January 1, 2014.)

**State of California**

**PENAL CODE**

**Section 25905**

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25905. (a) (1) Any peace officer described in Section 25900 who has been honorably retired shall be issued an identification certificate by the law enforcement agency from which the officer has retired.

(2) If the agency from which the officer has retired is no longer providing law enforcement services or the relevant governmental body is dissolved, the agency that subsequently provides law enforcement services for that jurisdiction shall issue the identification certificate to that peace officer. This paragraph shall apply only if the following conditions are met:

(A) The successor agency is in possession of the retired officer's complete personnel records or can otherwise verify the retired officer's honorably retired status.

(B) The retired officer is in compliance with all the requirements of the successor agency for the issuance of a retirement identification card and concealed weapon endorsement.

(b) The issuing agency may charge a fee necessary to cover any reasonable expenses incurred by the agency in issuing certificates pursuant to Sections 25900, 25910, 25925, and this section.

(c) Any officer, except an officer listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of Section 830.5 who retired prior to January 1, 1981, shall have an endorsement on the identification certificate stating that the issuing agency approves the officer's carrying of a loaded firearm.

(d) An honorably retired peace officer listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of Section 830.5 who retired prior to January 1, 1981, shall not be required to obtain an endorsement from the issuing agency to carry a loaded firearm.

(Amended by Stats. 2013, Ch. 149, Sec. 1. (SB 303) Effective January 1, 2014.)

**State of California**

**PENAL CODE**

**Section 25910**

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25910. (a) Except as provided in subdivision (b), no endorsement or renewal endorsement issued pursuant to Section 25915 shall be effective unless it is in the format set forth in subdivision (c) of Section 25460.

(b) Any peace officer listed in subdivision (f) of Section 830.2 or in subdivision (c) of Section 830.5, who is retired between January 2, 1981, and on or before December 31, 1988, and who is authorized to carry a loaded firearm pursuant to this article, shall not be required to have an endorsement in the format set forth in subdivision (c) of Section 25460 until the time of the issuance, on or after January 1, 1989, of a renewal endorsement pursuant to Section 25915.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 25915**

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25915. Every five years, a retired peace officer, except an officer listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of Section 830.5 who retired prior to January 1, 1981, shall petition the issuing agency, or a successor agency pursuant to paragraph (2) of subdivision (a) of Section 25905, for renewal of the privilege to carry a loaded firearm.

(Amended by Stats. 2013, Ch. 149, Sec. 2. (SB 303) Effective January 1, 2014.)



**State of California**

**PENAL CODE**

**Section 25920**

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25920. (a) The agency from which a peace officer is honorably retired, or a successor agency pursuant to paragraph (2) of subdivision (a) of Section 25905, may, upon initial retirement of the peace officer, or at any time subsequent thereto, deny or revoke for good cause the retired officer's privilege to carry a loaded firearm.

(b) A peace officer who is listed in Section 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of Section 830.5 who is retired prior to January 1, 1981, shall have the privilege to carry a loaded firearm denied or revoked by having the agency from which the officer retired, or a successor agency pursuant to paragraph (2) of subdivision (a) of Section 25905, stamp on the officer's identification certificate "No CCW privilege."

(Amended by Stats. 2013, Ch. 149, Sec. 3. (SB 303) Effective January 1, 2014.)

**State of California**

**PENAL CODE**

**Section 25925**

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25925. (a) An honorably retired peace officer who is listed in subdivision (c) of Section 830.5 and authorized to carry a loaded firearm by this article shall meet the training requirements of Section 832 and shall qualify with the firearm at least annually.

(b) The individual retired peace officer shall be responsible for maintaining eligibility to carry a loaded firearm.

(c) The Department of Justice shall provide subsequent arrest notification pursuant to Section 11105.2 regarding honorably retired peace officers listed in subdivision (c) of Section 830.5 to the agency from which the officer has retired, or a successor agency pursuant to paragraph (2) of subdivision (a) of Section 25905.

(Amended by Stats. 2013, Ch. 149, Sec. 4. (SB 303) Effective January 1, 2014.)

**State of California**

**PENAL CODE**

**Section 26000**

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26000. Section 25850 does not apply to members of the military forces of this state or of the United States engaged in the performance of their duties.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26202**

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26202. Upon making the determination of good cause pursuant to Section 26150 or 26155, the licensing authority shall give written notice to the applicant of the licensing authority's determination. If the licensing authority determines that good cause exists, the notice shall inform the applicants to proceed with the training requirements specified in Section 26165. If the licensing authority determines that good cause does not exist, the notice shall inform the applicant that the request for a license has been denied and shall state the reason from the department's published policy, described in Section 26160, as to why the determination was made.

(Added by Stats. 2011, Ch. 741, Sec. 3. (SB 610) Effective January 1, 2012.)

**State of California**

**PENAL CODE**

**Section 26005**

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26005. Section 25850 does not apply to either of the following:

(a) Persons who are using target ranges for the purpose of practice shooting with a firearm.

(b) Members of shooting clubs while hunting on the premises of those clubs.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26010**

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26010. Section 25850 does not apply to the carrying of any handgun by any person as authorized pursuant to Chapter 4 (commencing with Section 26150) of Division 5.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26015**

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26015. Section 25850 does not apply to any armored vehicle guard, as defined in Section 7582.1 of the Business and Professions Code, if either of the following conditions is satisfied:

(a) The guard was hired prior to January 1, 1977, and is acting within the course and scope of employment.

(b) The guard was hired on or after January 1, 1977, has received a firearms qualification card from the Department of Consumer Affairs, and is acting within the course and scope of employment.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26020**

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26020. (a) Upon approval of the sheriff of the county in which the retiree resides, Section 25850 does not apply to any honorably retired federal officer or agent of any federal law enforcement agency, including, but not limited to, the Federal Bureau of Investigation, the United States Secret Service, the United States Customs Service, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, the Federal Bureau of Narcotics, the United States Drug Enforcement Administration, the United States Border Patrol, and any officer or agent of the Internal Revenue Service who was authorized to carry weapons while on duty, who was assigned to duty within the state for a period of not less than one year, or who retired from active service in the state.

(b) A retired federal officer or agent shall provide the sheriff with certification from the agency from which the officer or agent retired certifying that person's service in the state, stating the nature of that person's retirement, and indicating the agency's concurrence that the retired federal officer or agent should be accorded the privilege of carrying a loaded firearm.

(c) Upon approval, the sheriff shall issue a permit to the retired federal officer or agent indicating that the retiree may carry a loaded firearm in accordance with this section. The permit shall be valid for a period not exceeding five years, shall be carried by the retiree while carrying a loaded firearm, and may be revoked for good cause.

(d) The sheriff of the county in which the retired federal officer or agent resides may require recertification prior to a permit renewal, and may suspend the privilege for cause. The sheriff may charge a fee necessary to cover any reasonable expenses incurred by the county.

(Amended by Stats. 2011, Ch. 296, Sec. 231. (AB 1023) Effective January 1, 2012.)



**State of California**

**PENAL CODE**

**Section 26025**

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26025. Section 25850 does not apply to any of the following who have completed a regular course in firearms training approved by the Commission on Peace Officer Standards and Training:

(a) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also, under the express terms of the charter, satisfy all of the following requirements:

(1) They are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial.

(2) They are not less than 18 years of age or more than 40 years of age.

(3) They possess physical qualifications prescribed by the commission.

(4) They are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(b) Animal control officers or zookeepers, regularly compensated in that capacity by a governmental agency, when carrying weapons while acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry the weapons.

(c) Persons who are authorized to carry the weapons pursuant to Section 14502 of the Corporations Code, while actually engaged in the performance of their duties pursuant to that section.

(d) Harbor police officers designated pursuant to Section 663.5 of the Harbors and Navigation Code.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26030**

---

26030. (a) Section 25850 does not apply to any of the following who have been issued a certificate pursuant to subdivision (d):

(1) Guards or messengers of common carriers, banks, and other financial institutions, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(2) Guards of contract carriers operating armored vehicles pursuant to California Highway Patrol and Public Utilities Commission authority, if they were hired prior to January 1, 1977.

(3) Guards of contract carriers operating armored vehicles pursuant to California Highway Patrol and Public Utilities Commission authority, if they were hired on or after January 1, 1977, and they have completed a course in the carrying and use of firearms that meets the standards prescribed by the Department of Consumer Affairs.

(4) Private investigators licensed pursuant to Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(5) Uniformed employees of private investigators licensed pursuant to Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(6) Private patrol operators licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(7) Uniformed employees of private patrol operators licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(8) Alarm company operators licensed pursuant to Chapter 11.6 (commencing with Section 7590) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(9) Uniformed security guards or night watch persons employed by any public agency, while acting within the scope and course of their employment.

(10) Uniformed security guards, regularly employed and compensated in that capacity by persons engaged in any lawful business, and uniformed alarm agents employed by an alarm company operator, while actually engaged in protecting and preserving the property of their employers, or on duty or en route to or from their residences or their places of employment, and security guards and alarm agents en route to or from their residences or employer-required range training.

(b) Nothing in paragraph (10) of subdivision (a) shall be construed to prohibit cities and counties from enacting ordinances requiring alarm agents to register their names.

(c) A certificate under this section shall not be required of any person who is a peace officer, who has completed all training required by law for the exercise of the person's power as a peace officer, and who is employed while not on duty as a peace officer.

(d) The Department of Consumer Affairs may issue a certificate to any person referred to in this section, upon notification by the school where the course was completed, that the person has successfully completed a course in the carrying and use of firearms and a course of training in the exercise of the powers of arrest, which meet the standards prescribed by the department pursuant to Section 7583.5 of the Business and Professions Code.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26035**

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26035. Nothing in Section 25850 shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by that person for lawful purposes connected with that business, from having a loaded firearm within the person's place of business, or any person in lawful possession of private property from having a loaded firearm on that property.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26040**

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26040. Nothing in Section 25850 shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, provided that the hunting at that place and time is not prohibited by the city council.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)



**State of California**

**PENAL CODE**

**Section 26045**

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26045. (a) Nothing in Section 25850 is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes that any person or the property of any person is in immediate, grave danger and that the carrying of the weapon is necessary for the preservation of that person or property.

(b) A violation of Section 25850 is justifiable when a person who possesses a firearm reasonably believes that person is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person who has been found to pose a threat to the life or safety of the person who possesses the firearm. This subdivision may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. It is not the intent of the Legislature to limit, restrict, or narrow the application of current statutory or judicial authority to apply this or other justifications to a defendant charged with violating Section 25400 or committing another similar offense. Upon trial for violating Section 25850, the trier of fact shall determine whether the defendant was acting out of a reasonable belief that the defendant was in grave danger.

(c) As used in this section, "immediate" means the brief interval before and after the local law enforcement agency, when reasonably possible, has been notified of the danger and before the arrival of its assistance.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26050**

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26050. Nothing in Section 25850 is intended to preclude the carrying of a loaded firearm by any person while engaged in the act of making or attempting to make a lawful arrest.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26055**

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26055. Nothing in Section 25850 shall prevent any person from having a loaded weapon, if it is otherwise lawful, at the person's place of residence, including any temporary residence or campsite.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)



**State of California**

**PENAL CODE**

**Section 26060**

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26060. Nothing in Section 25850 shall prevent any person from storing aboard any vessel or aircraft any loaded or unloaded rocket, rocket propelled projectile launcher, or similar device designed primarily for emergency or distress signaling purposes, or from possessing that type of a device while in a permitted hunting area or traveling to or from a permitted hunting area and carrying a valid California permit or license to hunt.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26100**

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26100. (a) It is a misdemeanor for a driver of any motor vehicle or the owner of any motor vehicle, whether or not the owner of the vehicle is occupying the vehicle, knowingly to permit any other person to carry into or bring into the vehicle a firearm in violation of Section 25850 of this code or Section 2006 of the Fish and Game Code.

(b) Any driver or owner of any vehicle, whether or not the owner of the vehicle is occupying the vehicle, who knowingly permits any other person to discharge any firearm from the vehicle is punishable by imprisonment in the county jail for not more than one year or in state prison for 16 months or two or three years.

(c) Any person who willfully and maliciously discharges a firearm from a motor vehicle at another person other than an occupant of a motor vehicle is guilty of a felony punishable by imprisonment in state prison for three, five, or seven years.

(d) Except as provided in Section 3002 of the Fish and Game Code, any person who willfully and maliciously discharges a firearm from a motor vehicle is guilty of a public offense punishable by imprisonment in the county jail for not more than one year or in the state prison.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26150**

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26150. (a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the sheriff of a county may issue a license to that person upon proof of all of the following:

- (1) The applicant is of good moral character.
- (2) Good cause exists for issuance of the license.
- (3) The applicant is a resident of the county or a city within the county, or the applicant's principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.
- (4) The applicant has completed a course of training as described in Section 26165.

(b) The sheriff may issue a license under subdivision (a) in either of the following formats:

- (1) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.
- (2) Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) (1) Nothing in this chapter shall preclude the sheriff of the county from entering into an agreement with the chief or other head of a municipal police department of a city to process all applications for licenses, renewals of licenses, or amendments to licenses pursuant to this chapter, in lieu of the sheriff.

(2) This subdivision shall only apply to applicants who reside within the city in which the chief or other head of the municipal police department has agreed to process applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

(Amended by Stats. 2015, Ch. 785, Sec. 2. (AB 1134) Effective January 1, 2016.)

**State of California**

**PENAL CODE**

**Section 26155**

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26155. (a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the chief or other head of a municipal police department of any city or city and county may issue a license to that person upon proof of all of the following:

- (1) The applicant is of good moral character.
- (2) Good cause exists for issuance of the license.
- (3) The applicant is a resident of that city.
- (4) The applicant has completed a course of training as described in Section 26165.

(b) The chief or other head of a municipal police department may issue a license under subdivision (a) in either of the following formats:

(1) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Where the population of the county in which the city is located is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) Nothing in this chapter shall preclude the chief or other head of a municipal police department of any city from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26170**

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26170. (a) Upon proof of all of the following, the sheriff of a county, or the chief or other head of a municipal police department of any city or city and county, may issue to an applicant a license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person:

(1) The applicant is of good moral character.

(2) Good cause exists for issuance of the license.

(3) The applicant has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 by that sheriff or that chief of police or other head of a municipal police department.

(b) Direct or indirect fees for the issuance of a license pursuant to this section may be waived.

(c) The fact that an applicant for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 shall be considered only for the purpose of issuing a license pursuant to this section, and shall not be considered for the purpose of issuing a license pursuant to Section 26150 or 26155.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26175**

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26175. (a) (1) Applications for licenses and applications for amendments to licenses under this article shall be uniform throughout the state, upon forms to be prescribed by the Attorney General.

(2) The Attorney General shall convene a committee composed of one representative of the California State Sheriffs' Association, one representative of the California Police Chiefs Association, and one representative of the Department of Justice to review, and, as deemed appropriate, revise the standard application form for licenses. The committee shall meet for this purpose if two of the committee's members deem that necessary.

(3) (A) The Attorney General shall develop a uniform license that may be used as indicia of proof of licensure throughout the state.

(B) The Attorney General shall approve the use of licenses issued by local agencies that contain all the information required in subdivision (i), including a recent photograph of the applicant, and are deemed to be in substantial compliance with standards developed by the committee described in subparagraph (C), if developed, as they relate to the physical dimensions and general appearance of the licenses. The Attorney General shall retain exemplars of approved licenses and shall maintain a list of agencies issuing local licenses. Approved licenses may be used as indicia of proof of licensure under this chapter in lieu of the uniform license developed by the Attorney General.

(C) A committee composed of two representatives of the California State Sheriffs' Association, two representatives of the California Police Chiefs Association, and one representative of the Department of Justice shall convene to review and revise, as the committee deems appropriate, the design standard for licenses issued by local agencies that may be used as indicia of proof of licensure throughout the state, provided that the design standard meets the requirements of subparagraph (B). The committee shall meet for this purpose if two of the committee's members deem it necessary.

(b) The application shall include a section summarizing the requirements of state law that result in the automatic denial of a license.

(c) The standard application form for licenses described in subdivision (a) shall require information from the applicant, including, but not limited to, the name, occupation, residence, and business address of the applicant, the applicant's age, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon.

(d) Applications for licenses shall be filed in writing and signed by the applicant.

(e) Applications for amendments to licenses shall be filed in writing and signed by the applicant, and shall state what type of amendment is sought pursuant to Section 26215 and the reason for desiring the amendment.

(f) The forms shall contain a provision whereby the applicant attests to the truth of statements contained in the application.

(g) An applicant shall not be required to complete any additional application or form for a license, or to provide any information other than that necessary to complete the standard application form described in subdivision (a), except to clarify or interpret information provided by the applicant on the standard application form.

(h) The standard application form described in subdivision (a) is deemed to be a local form expressly exempt from the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(i) Any license issued upon the application shall set forth the licensee's name, occupation, residence and business address, the licensee's age, height, weight, color of eyes and hair, and the reason for desiring a license to carry the weapon, and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number, and the caliber. The license issued to the licensee may be laminated.

(Amended by Stats. 2016, Ch. 645, Sec. 1. (AB 2510) Effective January 1, 2017.)

**State of California**

**PENAL CODE**

**Section 26200**

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26200. (a) A license issued pursuant to this article may include any reasonable restrictions or conditions that the issuing authority deems warranted, including restrictions as to the time, place, manner, and circumstances under which the licensee may carry a pistol, revolver, or other firearm capable of being concealed upon the person.

(b) Any restrictions imposed pursuant to subdivision (a) shall be indicated on any license issued.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)



**State of California**

**PENAL CODE**

**Section 26202**

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26202. Upon making the determination of good cause pursuant to Section 26150 or 26155, the licensing authority shall give written notice to the applicant of the licensing authority's determination. If the licensing authority determines that good cause exists, the notice shall inform the applicants to proceed with the training requirements specified in Section 26165. If the licensing authority determines that good cause does not exist, the notice shall inform the applicant that the request for a license has been denied and shall state the reason from the department's published policy, described in Section 26160, as to why the determination was made.

(Added by Stats. 2011, Ch. 741, Sec. 3. (SB 610) Effective January 1, 2012.)

**State of California**

**PENAL CODE**

**Section 26205**

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26205. The licensing authority shall give written notice to the applicant indicating if the license under this article is approved or denied. The licensing authority shall give this notice within 90 days of the initial application for a new license or a license renewal, or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied.

(Amended by Stats. 2011, Ch. 741, Sec. 4. (SB 610) Effective January 1, 2012.)

**State of California**

**PENAL CODE**

**Section 26215**

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26215. (a) A person issued a license pursuant to this article may apply to the licensing authority for an amendment to the license to do one or more of the following:

(1) Add or delete authority to carry a particular pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Authorize the licensee to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(3) If the population of the county is less than 200,000 persons according to the most recent federal decennial census, authorize the licensee to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(4) Change any restrictions or conditions on the license, including restrictions as to the time, place, manner, and circumstances under which the person may carry a pistol, revolver, or other firearm capable of being concealed upon the person.

(b) If the licensing authority amends the license, a new license shall be issued to the licensee reflecting the amendments.

(c) An amendment to the license does not extend the original expiration date of the license and the license shall be subject to renewal at the same time as if the license had not been amended.

(d) An application to amend a license does not constitute an application for renewal of the license.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**State of California**

**PENAL CODE**

**Section 26220**

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26220. (a) Except as otherwise provided in this section and in subdivision (c) of Section 26210, a license issued pursuant to Section 26150 or 26155 is valid for any period of time not to exceed two years from the date of the license.

(b) If the licensee's place of employment or business was the basis for issuance of a license pursuant to Section 26150, the license is valid for any period of time not to exceed 90 days from the date of the license. The license shall be valid only in the county in which the license was originally issued. The licensee shall give a copy of this license to the licensing authority of the city, county, or city and county in which the licensee resides. The licensing authority that originally issued the license shall inform the licensee verbally and in writing in at least 16-point type of this obligation to give a copy of the license to the licensing authority of the city, county, or city and county of residence. Any application to renew or extend the validity of, or reissue, the license may be granted only upon the concurrence of the licensing authority that originally issued the license and the licensing authority of the city, county, or city and county in which the licensee resides.

(c) A license issued pursuant to Section 26150 or 26155 is valid for any period of time not to exceed three years from the date of the license if the license is issued to any of the following individuals:

- (1) A judge of a California court of record.
- (2) A full-time court commissioner of a California court of record.
- (3) A judge of a federal court.
- (4) A magistrate of a federal court.

(d) A license issued pursuant to Section 26150 or 26155 is valid for any period of time not to exceed four years from the date of the license if the license is issued to a custodial officer who is an employee of the sheriff as provided in Section 831.5, except that the license shall be invalid upon the conclusion of the person's employment pursuant to Section 831.5 if the four-year period has not otherwise expired or any other condition imposed pursuant to this article does not limit the validity of the license to a shorter time period.

(e) A license issued pursuant to Section 26170 to a peace officer appointed pursuant to Section 830.6 is valid for any period of time not to exceed four years from the date of the license, except that the license shall be invalid upon the conclusion of the person's appointment pursuant to Section 830.6 if the four-year period has not

otherwise expired or any other condition imposed pursuant to this article does not limit the validity of the license to a shorter time period.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

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**26300.** (a) Any peace officer listed in Section 830.1 or 830.2 or subdivision (c) of Section 830.5 who retired prior to January 1, 1981, is authorized to carry a concealed and loaded firearm if the agency issued the officer an identification certificate and the certificate has not been stamped as specified in Section 25470.

(b) Any peace officer employed by an agency and listed in Section 830.1 or 830.2 or subdivision (c) of Section 830.5 who retired after January 1, 1981, shall have an endorsement on the officer's identification certificate stating that the issuing agency approves the officer's carrying of a concealed and loaded firearm.

(c) (1) Any peace officer not listed in subdivision (a) or (b) who was authorized to, and did, carry a firearm during the course and scope of his or her appointment as a peace officer shall have an endorsement on the officer's identification certificate stating that the issuing agency approves the officer's carrying of a concealed and loaded firearm.

(2) This subdivision applies to a retired reserve officer if the retired reserve officer satisfies the requirements of paragraph (1), was a level I reserve officer as described in paragraph (1) of subdivision (a) of Section 832.6, and he or she served in the aggregate the minimum amount of time as specified by the retiree's agency's policy as a level I reserve officer, provided that the policy shall not set an aggregate term requirement that is less than 10 years or more than 20 years. Service as a reserve officer, other than a level I reserve officer prior to January 1, 1997, shall not count toward the accrual of time required by this section. A law enforcement agency shall have the discretion to revoke or deny an endorsement issued under this subdivision pursuant to Section 26305.

(Amended by Stats. 2013, Ch. 267, Sec. 3. Effective January 1, 2014.)

**26305.** (a) No peace officer who is retired after January 1, 1989, because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm pursuant to this article.

(b) A retired peace officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency.

(c) An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement on the certificate may be immediately and temporarily revoked by the issuing agency when the conduct of a retired peace officer compromises public safety.

(d) An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement may be permanently revoked or denied by the issuing agency only upon a showing of good cause. Good cause shall be determined at a hearing, as specified in Section 26320.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

**26310.** (a) Issuance of an identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement may be denied prior to a hearing.

(b) If a hearing is not conducted prior to the denial of an endorsement, a retired peace officer, within 15 days of the denial, shall have the right to request a hearing. A retired peace officer who fails to request a hearing pursuant to this section shall forfeit the right to a hearing.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**26312.** (a) Notice of a temporary revocation shall be effective upon personal service or upon receipt of a notice that was sent by first-class mail, postage prepaid, return receipt requested, to the retiree's last known place of residence.

(b) The retiree shall have 15 days to respond to the notification and request a hearing to determine if the temporary revocation should become permanent.

(c) A retired peace officer who fails to respond to the notice of hearing within the 15-day period shall forfeit the right to a hearing and the authority of the officer to carry a firearm shall be permanently revoked. The retired officer shall immediately return the identification certificate to the issuing agency.

(d) If a hearing is requested, good cause for permanent revocation shall be determined at a hearing, as specified in Section 26320. The hearing shall be held no later than 120 days after the request by the retired officer for a hearing is received.

(e) A retiree may waive the right to a hearing and immediately return the identification certificate to the issuing agency.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**26315.** (a) An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement may be permanently revoked only after a hearing, as specified in Section 26320.

(b) Any retired peace officer whose identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement is to be revoked shall receive notice of the hearing. Notice of the hearing shall be served either personally on the retiree or sent by first-class mail, postage prepaid, return receipt requested to the retiree's last known place of residence.

(c) From the date the retiree signs for the notice or upon the date the notice is served personally on the retiree, the retiree shall have 15 days to respond to the notification. A retired peace officer who fails to respond to the notice of the hearing shall forfeit the right to a hearing and the authority of the officer to carry a firearm shall be permanently revoked. The retired officer shall immediately return the identification certificate to the issuing agency.

(d) If a hearing is requested, good cause for permanent revocation shall be determined at the hearing, as specified in Section 26320. The hearing shall be held no later than 120 days after the request by the retired officer for a hearing is received.

(e) The retiree may waive the right to a hearing and immediately return the identification certificate to the issuing agency.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

**26320.** (a) Any hearing conducted under this article shall be held before a three-member hearing board. One member of the board shall be selected by the agency and one member shall be selected by the retired peace officer or his or her employee organization. The third member shall be selected jointly by the agency and the retired peace officer or his or her employee organization.

(b) Any decision by the board shall be binding on the agency and the retired peace officer. Addendum 075

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

Addendum 075

**26325.** (a) A retired peace officer, when notified of the revocation of the privilege to carry a concealed and loaded firearm, after the hearing, or upon forfeiting the right to a hearing, shall immediately surrender to the issuing agency the officer's identification certificate.

(b) The issuing agency shall reissue a new identification certificate without an endorsement.

(c) Notwithstanding subdivision (b), if the peace officer retired prior to January 1, 1981, and was at the time of retirement a peace officer listed in Section 830.1 or 830.2 or subdivision (c) of Section 830.5, the issuing agency shall stamp on the identification certificate "No CCW privilege."

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*







STATE OF CALIFORNIA  
AUTHENTICATED  
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**State of California**

**PENAL CODE**

**Section 26350**

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26350. (a) (1) A person is guilty of openly carrying an unloaded handgun when that person carries upon his or her person an exposed and unloaded handgun outside a vehicle while in or on any of the following:

(A) A public place or public street in an incorporated city or city and county.

(B) A public street in a prohibited area of an unincorporated area of a county or city and county.

(C) A public place in a prohibited area of a county or city and county.

(2) A person is guilty of openly carrying an unloaded handgun when that person carries an exposed and unloaded handgun inside or on a vehicle, whether or not on his or her person, while in or on any of the following:

(A) A public place or public street in an incorporated city or city and county.

(B) A public street in a prohibited area of an unincorporated area of a county or city and county.

(C) A public place in a prohibited area of a county or city and county.

(b) (1) Except as specified in paragraph (2), a violation of this section is a misdemeanor.

(2) A violation of subparagraph (A) of paragraph (1) of subdivision (a) is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment, if both of the following conditions exist:

(A) The handgun and unexpended ammunition capable of being discharged from that handgun are in the immediate possession of that person.

(B) The person is not in lawful possession of that handgun.

(c) (1) Nothing in this section shall preclude prosecution under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9, Section 8100 or 8103 of the Welfare and Institutions Code, or any other law with a penalty greater than is set forth in this section.

(2) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

(d) Notwithstanding the fact that the term "an unloaded handgun" is used in this section, each handgun shall constitute a distinct and separate offense under this section.

(Added by Stats. 2011, Ch. 725, Sec. 14. (AB 144) Effective January 1, 2012.)

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**26361.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by any peace officer or any honorably retired peace officer if that officer may carry a concealed firearm pursuant to Article 2 (commencing with Section 25450) of Chapter 2, or a loaded firearm pursuant to Article 3 (commencing with Section 25900) of Chapter 3.

(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)

**26362.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by any person to the extent that person may openly carry a loaded handgun pursuant to Article 4 (commencing with Section 26000) of Chapter 3.

(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)

**26363.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun as merchandise by a person who is engaged in the business of manufacturing, importing, wholesaling, repairing, or dealing in firearms and who is licensed to engage in that business, or the authorized representative or authorized agent of that person, while engaged in the lawful course of the business.

(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)

**26364.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a duly authorized military or civil organization, or the members thereof, while parading or while rehearsing or practicing parading, when at the meeting place of the organization.

(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)

**26365.** Paragraph (1) of subdivision (a) of Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a member of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while the members are using handguns upon the target ranges or incident to the use of a handgun at that target range.

(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)

**26366.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a licensed hunter while engaged in hunting or while transporting that handgun when going to or returning from that hunting expedition.

(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)

**26366.5.**

Addendum 078

Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a licensed hunter while actually engaged in training a dog for the purpose of using the dog in hunting that is not prohibited by law, or while transporting the firearm while going to or returning from that training.

*(Added by Stats. 2012, Ch. 700, Sec. 9. Effective January 1, 2013.)*

**26367.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to transportation of a handgun by a person operating a licensed common carrier, or by an authorized agent or employee thereof, when transported in conformance with applicable federal law.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26368.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a member of an organization chartered by the Congress of the United States or a nonprofit mutual or public benefit corporation organized and recognized as a nonprofit tax-exempt organization by the Internal Revenue Service while on official parade duty or ceremonial occasions of that organization or while rehearsing or practicing for official parade duty or ceremonial occasions.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26369.** Paragraph (1) of subdivision (a) of Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun within a gun show conducted pursuant to Article 1 (commencing with Section 27200) and Article 2 (commencing with Section 27300) of Chapter 3 of Division 6.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26370.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun within a school zone, as defined in Section 626.9, with the written permission of the school district superintendent, the superintendent's designee, or equivalent school authority.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26371.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun when in accordance with the provisions of Section 171b.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26372.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by any person while engaged in the act of making or attempting to make a lawful arrest.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26373.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to loaning, selling, or transferring that handgun in accordance with Article 1 (commencing with Section 27500) of Chapter 4 of Division 6, or in accordance with any of the exemptions from Section 27545, so long as that handgun is possessed within private property and the possession and carrying is with the permission of the owner or lessee of that private property.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26374.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a person engaged in firearms-related activities, while on the premises of a fixed place of business that is licensed to conduct and conducts, as a regular course of its business, activities related to the sale, making, repair, transfer, pawn, or the use of firearms, or related to firearms training.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26375.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by an authorized participant in, or an authorized employee or agent of a supplier of firearms for, a motion picture, television or video production, or entertainment event, when the participant lawfully uses the handgun as part of that production or event, as part of rehearsing or practicing for participation in that production or event, or while the participant or authorized employee or agent is at that production or event, or rehearsal or practice for that production or event.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

Addendum 079

**26376.** Paragraph (1) of subdivision (a) of Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to obtaining an identification number or mark assigned for that handgun from the Department of Justice pursuant to Section 23910.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26377.** Paragraph (1) of subdivision (a) of Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun at any established target range, whether public or private, while the person is using the handgun upon the target range.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26378.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a person when that person is summoned by a peace officer to assist in making arrests or preserving the peace, while the person is actually engaged in assisting that officer.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26379.** Paragraph (1) of subdivision (a) of Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to any of the following:

- (a) Complying with Section 27560 or 27565, as it pertains to that handgun.
- (b) Section 28000, as it pertains to that handgun.
- (c) Section 27850 or 31725, as it pertains to that handgun.
- (d) Complying with Section 27870 or 27875, as it pertains to that handgun.
- (e) Complying with Section 27915, 27920, or 27925, as it pertains to that handgun.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26380.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to, and in the course and scope of, training of or by an individual to become a sworn peace officer as part of a course of study approved by the Commission on Peace Officer Standards and Training.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26381.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to, and in the course and scope of, training of or by an individual to become licensed pursuant to Chapter 4 (commencing with Section 26150) as part of a course of study necessary or authorized by the person authorized to issue the license pursuant to that chapter.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26382.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun incident to and at the request of a sheriff or chief or other head of a municipal police department.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26383.** Paragraph (1) of subdivision (a) of Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun by a person when done within a place of business, a place of residence, or on private property, if done with the permission of a person who, by virtue of subdivision (a) of Section 25605, may carry openly an unloaded handgun within that place of business, place of residence, or on that private property owned or lawfully possessed by that person.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26384.** Paragraph (1) of subdivision (a) of Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun if all of the following conditions are satisfied:

- (a) The open carrying occurs at an auction or similar event of a nonprofit public benefit or mutual benefit corporation, at which firearms are auctioned or otherwise sold to fund the activities of that corporation or the local chapters of that corporation.

(b) The unloaded handgun is to be auctioned or otherwise sold for that nonprofit public benefit or mutual benefit corporation.

(c) The unloaded handgun is to be delivered by a person licensed pursuant to, and operating in accordance with, Sections 26700 to 26915, inclusive.

*(Amended by Stats. 2013, Ch. 738, Sec. 1. Effective January 1, 2014.)*

**26385.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun pursuant to paragraph (3) of subdivision (b) of Section 171c.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26386.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun pursuant to Section 171d.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26387.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun pursuant to subparagraph (F) of paragraph (1) subdivision (c) of Section 171.7.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26388.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun on publicly owned land, if the possession and use of a handgun is specifically permitted by the managing agency of the land and the person carrying that handgun is in lawful possession of that handgun.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26389.** Section 26350 does not apply to, or affect, the carrying of an unloaded handgun if the handgun is carried either in the locked trunk of a motor vehicle or in a locked container.

*(Added by Stats. 2011, Ch. 725, Sec. 14. Effective January 1, 2012.)*

**26390.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun in any of the following circumstances:

(a) The open carrying of an unloaded handgun that is regulated pursuant to Chapter 1 (commencing with Section 18710) of Division 5 of Title 2 by a person who holds a permit issued pursuant to Article 3 (commencing with Section 18900) of that chapter, if the carrying of that handgun is conducted in accordance with the terms and conditions of the permit.

(b) The open carrying of an unloaded handgun that is regulated pursuant to Chapter 2 (commencing with Section 30500) of Division 10 by a person who holds a permit issued pursuant to Section 31005, if the carrying of that handgun is conducted in accordance with the terms and conditions of the permit.

(c) The open carrying of an unloaded handgun that is regulated pursuant to Chapter 6 (commencing with Section 32610) of Division 10 by a person who holds a permit issued pursuant to Section 32650, if the carrying is conducted in accordance with the terms and conditions of the permit.

(d) The open carrying of an unloaded handgun that is regulated pursuant to Article 2 (commencing with Section 33300) of Chapter 8 of Division 10 by a person who holds a permit issued pursuant to Section 33300, if the carrying of that handgun is conducted in accordance with the terms and conditions of the permit.

*(Added by Stats. 2012, Ch. 700, Sec. 10. Effective January 1, 2013.)*

**26391.** Section 26350 does not apply to, or affect, the open carrying of an unloaded handgun when done in accordance with the provisions of subdivision (d) of Section 171.5.

*(Added by Stats. 2012, Ch. 700, Sec. 11. Effective January 1, 2013.)*



**State of California**

**PENAL CODE**

**Section 26400**

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26400. (a) A person is guilty of carrying an unloaded firearm that is not a handgun in an incorporated city or city and county when that person carries upon his or her person an unloaded firearm that is not a handgun outside a vehicle while in the incorporated city or city and county.

(b) (1) Except as specified in paragraph (2), a violation of this section is a misdemeanor.

(2) A violation of subdivision (a) is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment, if the firearm and unexpended ammunition capable of being discharged from that firearm are in the immediate possession of the person and the person is not in lawful possession of that firearm.

(c) (1) Nothing in this section shall preclude prosecution under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9, Section 8100 or 8103 of the Welfare and Institutions Code, or any other law with a penalty greater than is set forth in this section.

(2) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

(d) Notwithstanding the fact that the term "an unloaded firearm that is not a handgun" is used in this section, each individual firearm shall constitute a distinct and separate offense under this section.

(Added by Stats. 2012, Ch. 700, Sec. 12. (AB 1527) Effective January 1, 2013.)



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 4. Firearms (Refs & Annos)

Division 5. Carrying Firearms (Refs & Annos)

Chapter 7. Carrying an Unloaded Firearm that is Not a Handgun in an Incorporated City or City and County (Refs & Annos)

Article 2. Exemptions (Refs & Annos)

West's Ann.Cal.Penal Code § 26405

§ 26405. Carrying an unloaded firearm that is not a handgun  
in an incorporated city or city and county; exemptions

Effective: January 1, 2014

Currentness

Section 26400 does not apply to, or affect, the carrying of an unloaded firearm that is not a handgun in any of the following circumstances:

(a) By a person when carried within a place of business, a place of residence, or on private real property, if that person, by virtue of subdivision (a) of Section 25605, may carry a firearm within that place of business, place of residence, or on that private real property owned or lawfully occupied by that person.

(b) By a person when carried within a place of business, a place of residence, or on private real property, if done with the permission of a person who, by virtue of subdivision (a) of Section 25605, may carry a firearm within that place of business, place of residence, or on that private real property owned or lawfully occupied by that person.

(c) When the firearm is either in a locked container or encased and it is being transported directly between places where a person is not prohibited from possessing that firearm and the course of travel shall include only those deviations between authorized locations as are reasonably necessary under the circumstances.

(d) If the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. Upon a trial for violating Section 26400, the trier of fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.

(e) By a peace officer or an honorably retired peace officer if that officer may carry a concealed firearm pursuant to Article 2 (commencing with Section 25450) of Chapter 2, or a loaded firearm pursuant to Article 3 (commencing with Section 25900) of Chapter 3.

(f) By a person to the extent that person may openly carry a loaded firearm that is not a handgun pursuant to Article 4 (commencing with Section 26000) of Chapter 3.

(g) As merchandise by a person who is engaged in the business of manufacturing, importing, wholesaling, repairing, or dealing in firearms and who is licensed to engage in that business, or the authorized representative or authorized agent of that person, while engaged in the lawful course of the business.

(h) By a duly authorized military or civil organization, or the members thereof, while parading or while rehearsing or practicing parading, when at the meeting place of the organization.

(i) By a member of a club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while the members are using firearms that are not handguns upon the target ranges or incident to the use of a firearm that is not a handgun at that target range.

(j) By a licensed hunter while engaged in hunting or while transporting that firearm when going to or returning from that hunting expedition.

(k) Incident to transportation of a handgun by a person operating a licensed common carrier, or by an authorized agent or employee thereof, when transported in conformance with applicable federal law.

(l) By a member of an organization chartered by the Congress of the United States or a nonprofit mutual or public benefit corporation organized and recognized as a nonprofit tax-exempt organization by the Internal Revenue Service while on official parade duty or ceremonial occasions of that organization or while rehearsing or practicing for official parade duty or ceremonial occasions.

(m) Within a gun show conducted pursuant to Article 1 (commencing with Section 27200) and Article 2 (commencing with Section 27300) of Chapter 3 of Division 6.

(n) Within a school zone, as defined in Section 626.9, with the written permission of the school district superintendent, the superintendent's designee, or equivalent school authority.

(o) When in accordance with the provisions of Section 171b.

(p) By a person while engaged in the act of making or attempting to make a lawful arrest.

(q) By a person engaged in firearms-related activities, while on the premises of a fixed place of business that is licensed to conduct and conducts, as a regular course of its business, activities related to the sale, making, repair, transfer, pawn, or the use of firearms, or related to firearms training.



(r) By an authorized participant in, or an authorized employee or agent of a supplier of firearms for, a motion picture, television, or video production or entertainment event, when the participant lawfully uses that firearm as part of that production or event, as part of rehearsing or practicing for participation in that production or event, or while the participant or authorized employee or agent is at that production or event, or rehearsal or practice for that production or event.

(s) Incident to obtaining an identification number or mark assigned for that firearm from the Department of Justice pursuant to Section 23910.

(t) At an established public target range while the person is using that firearm upon that target range.

(u) By a person when that person is summoned by a peace officer to assist in making arrests or preserving the peace, while the person is actually engaged in assisting that officer.

(v) Incident to any of the following:

(1) Complying with Section 27560 or 27565, as it pertains to that firearm.

(2) Section 28000, as it pertains to that firearm.

(3) Section 27850 or 31725, as it pertains to that firearm.

(4) Complying with Section 27870 or 27875, as it pertains to that firearm.

(5) Complying with Section 27915, 27920, or 27925, as it pertains to that firearm.

(w) Incident to, and in the course and scope of, training of, or by an individual to become a sworn peace officer as part of a course of study approved by the Commission on Peace Officer Standards and Training.

(x) Incident to, and in the course and scope of, training of, or by an individual to become licensed pursuant to Chapter 4 (commencing with Section 26150) as part of a course of study necessary or authorized by the person authorized to issue the license pursuant to that chapter.

(y) Incident to and at the request of a sheriff, chief, or other head of a municipal police department.

(z) If all of the following conditions are satisfied:

(1) The open carrying occurs at an auction or similar event of a nonprofit public benefit or mutual benefit corporation at which firearms are auctioned or otherwise sold to fund the activities of that corporation or the local chapters of that corporation.

(2) The unloaded firearm that is not a handgun is to be auctioned or otherwise sold for that nonprofit public benefit or mutual benefit corporation.

(3) The unloaded firearm that is not a handgun is to be delivered by a person licensed pursuant to, and operating in accordance with, Sections 26700 to 26915, inclusive.

(aa) Pursuant to paragraph (3) of subdivision (b) of Section 171c.

(ab) Pursuant to Section 171d.

(ac) Pursuant to subparagraph (F) of paragraph (1) of subdivision (c) of Section 171.7.

(ad) On publicly owned land, if the possession and use of an unloaded firearm that is not a handgun is specifically permitted by the managing agency of the land and the person carrying that firearm is in lawful possession of that firearm.

(ae) By any of the following:

(1) The carrying of an unloaded firearm that is not a handgun that is regulated pursuant to Chapter 1 (commencing with Section 18710) of Division 5 of Title 2 by a person who holds a permit issued pursuant to Article 3 (commencing with Section 18900) of that chapter, if the carrying of that firearm is conducted in accordance with the terms and conditions of the permit.

(2) The carrying of an unloaded firearm that is not a handgun that is regulated pursuant to Chapter 2 (commencing with Section 30500) of Division 10 by a person who holds a permit issued pursuant to Section 31005, if the carrying of that firearm is conducted in accordance with the terms and conditions of the permit.

(3) The carrying of an unloaded firearm that is not a handgun that is regulated pursuant to Chapter 6 (commencing with Section 32610) of Division 10 by a person who holds a permit issued pursuant to Section 32650, if the carrying of that firearm is conducted in accordance with the terms and conditions of the permit.

(4) The carrying of an unloaded firearm that is not a handgun that is regulated pursuant to Article 2 (commencing with Section 33300) of Chapter 8 of Division 10 by a person who holds a permit issued pursuant to Section 33300, if the carrying of that firearm is conducted in accordance with the terms and conditions of the permit.

(af) By a licensed hunter while actually engaged in training a dog for the purpose of using the dog in hunting that is not prohibited by law, or while transporting the firearm while going to or returning from that training.

(ag) Pursuant to the provisions of subdivision (d) of Section 171.5.

(ah) By a person who is engaged in the business of manufacturing ammunition and who is licensed to engage in that business, or the authorized representative or authorized agent of that person, while the firearm is being used in the lawful course and scope of the licensee's activities as a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and regulations issued pursuant thereto.

(ai) On the navigable waters of this state that are held in public trust, if the possession and use of an unloaded firearm that is not a handgun is not prohibited by the managing agency thereof and the person carrying the firearm is in lawful possession of the firearm.

#### Credits

(Added by Stats.2012, c. 700 (A.B.1527), § 12. Amended by Stats.2013, c. 738 (A.B.538), § 2.)

West's Ann. Cal. Penal Code § 26405, CA PENAL § 26405

Current with all 2016 Reg.Sess. laws, Ch. 8 of 2015-2016 2nd Ex.Sess., and all propositions on 2016 ballot.

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End of Document

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THE  
**Perpetual Laws**

OF THE  
**COMMONWEALTH**

OF  
**MASSACHUSETTS,**

From the ESTABLISHMENT of its CONSTITUTION,

IN THE YEAR 1780,

To the END of the YEAR 1800;

WITH THE  
CONSTITUTIONS of the UNITED STATES of AMERICA,  
and of the COMMONWEALTH, prefixed.

8064

TO WHICH IS ADDED,

**AN APPENDIX,**

CONTAINING

**ACTS AND CLAUSES OF ACTS, FROM THE LAWS OF THE LATE  
COLONY, PROVINCE AND STATE OF MASSACHUSETTS,  
WHICH EITHER ARE UNREVISED OR RESPECT  
THE TITLE TO REAL ESTATE.**

**IN THREE VOLUMES.**

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**VOL. II.**

Containing the LAWS from JUNE, 1788, to JUNE, 1798,  
inclusively.

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*Ignorantia legis neminem excusat.*  
The Ignorance of Law is an Excuse for no One.  
The Law is the Subject's best Birthright.

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Sold by them, at their Bookstore, No. 45, Newbury-Street; and by said THOMAS,  
at his Bookstore, in WORCESTER.  
MARCH, 1801.

Addendum 088

Ch. 23—25.] **Crim. Offenders.** Anno 1794.

259

## C H A P. XXIII.

An Act to incorporate certain Persons by the name of The Northwest Congregational Society in Northyarmouth. Passed June 26, 1794.

[S P E C I A L.]

## C H A P. XXIV.

An Act for incorporating certain Land in Dedham and Sharon, in the County of Norfolk, into a Common Field. Passed January 22, 1795.

[S P E C I A L.]

## C H A P. XXV.

An Act for repealing an Act, made and pass-  
in the year of our Lord, one Thousand six  
Hundred and Ninety two, entitled "An Act  
for punishing Criminal Offenders," and for  
reenacting certain Provisions therein.

1. **B**E it enacted by the Senate and House of Representa-  
tives in General Court assembled, and by the author-  
ity of the same, That the said act be, and hereby is repeal-  
ed, and made wholly null and void. Act repealed.

2. And be it further enacted by the authority aforesaid,  
That every Justice of the Peace, within the county for  
which he may be commissioned, may cause to be said  
and arrested, all affrayers, rioters, disturbers, or breakers  
of the peace, and such as shall ride or go armed offen-  
sively, to the fear or terror of the good citizens of this  
Commonwealth, or such others as may utter any mena-  
ces or threatening speeches, and upon view of such Jus-  
tice, confession of the delinquent, or other legal con-  
viction of any such offence, shall require of the offender  
to find sureties for his keeping the Peace, and being  
of the good behaviour; and in want thereof, to commit  
him to prison until he shall comply with such requisition:  
And may further punish the breach of the Peace in any  
person that shall assault or strike another, by fine to the  
Commonwealth, not exceeding *twenty shillings*, and re-  
quire sureties, as aforesaid, or bind the offender, to ap-  
pear and answer for his offence at the next Court of  
General Sessions of the Peace, as the nature or circum-  
stances of the case may require. Justices of the  
Peace empow-  
ered.

[Passed January 29, 1795.]

CHAP.

A  
COLLECTION  
OF  
ALL SUCH  
ACTS  
OF THE  
*GENERAL ASSEMBLY*  
OF  
VIRGINIA,  
OF A PUBLIC AND PERMANENT NATURE, AS  
ARE NOW IN FORCE;

---

WITH A  
*NEW AND COMPLETE INDEX.*

---

TO WHICH ARE PREFIXED THE DECLARATION OF RIGHTS,  
AND CONSTITUTION, OR FORM OF GOVERNMENT.

---

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY,  
PASSED ON THE TWENTY-SIXTH DAY OF JANUARY, ONE  
THOUSAND EIGHT HUNDRED AND TWO.

---

RICHMOND,

PRINTED BY SAMUEL PLEASANTS, JUN. AND HENRY PAGE.

Addendum 090

M,DCCC,III.

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1786.

30 IN THE ELEVENTH YEAR OF THE COMMONWEALTH.

No man compelled to frequent or support any religious worship. All men free to profess, and by argument to maintain their religious opinions.

Declaration that the rights by this Act asserted, are of the natural rights of mankind.

interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them :

II. *BE it enacted by the General Assembly*, That no man shall be compelled to frequent or support any religious worship, place, or Ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

III. AND though we well know that this Assembly elected by the people for the ordinary purposes of legislation only, have no power to restrain the Acts of succeeding Assemblies, constituted with powers equal to our own, and that therefore to declare this Act to be irrevocable, would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted, are of the natural rights of mankind, and that if any Act shall be hereafter passed to repeal the present, or to narrow its operation, such Act will be an infringement of natural right.

*General Assembly*, begun and held at the Public Buildings, in the City of *Richmond*, on *Monday*, the 16th Day of *October*, in the Year of our Lord, 1786.

## CHAP. XXI.

*An Act forbidding and punishing Affrays.*†

[Passed the 27th of November, 1786.†]

Punishment of persons going armed before Courts of Justice, or the Ministers of Justice, or in fairs or markets in terror of the Country.

*BE it enacted by the General Assembly*, That no man, great nor small, of what condition soever he be, except the Ministers of Justice in executing the precepts of the Courts of Justice, or in executing of their office, and such as be in their company assisting them, be so hardy to come before the Justices of any Court, or either of their Ministers of Justice, doing their office, with force and arms, on pain, to forfeit their armour to the Commonwealth, and their bodies to prison, at the pleasure of a Court; nor go nor ride armed by night nor by day, in fairs or markets, or in other places, in terror of the Country, upon pain of being arrested and committed to prison by any Justice on his own view, or proof by others, there to abide for so long a time as a Jury, to be sworn for that purpose by the said Justice, shall direct, and in like manner to forfeit his armour to the Commonwealth; but no person shall be imprisoned for such offence by a longer space of time than one month.

## CHAP. XXII.

*An Act against Conspirators.*

[Passed the 27th of November, 1786.¶]

Who shall be deemed Conspirators.

*BE it declared and enacted by the General Assembly*, That Conspirators be they that do confederate and bind themselves by oath, covenant, or other alliance, that every of them shall aid and bear the other falsely and maliciously, to move or cause to be moved any indictment or information against another on the part of the Commonwealth, and those who are convicted thereof at the suit of the Commonwealth, shall be punished by imprisonment and amercement, at the discretion of a Jury.

## CHAP. XXIII.

*An Act prescribing the Punishment of those who sell unwholesome Meat or Drink.*

[Passed the 27th of November, 1786.§]

Punishment of those who sell unwholesome

*BE it enacted by the General Assembly*, That a Butcher or other person that selleth the flesh of any animal dying otherwise than by slaughter, or slaugh-

† 1786, ch. 49. † Commenced 1 July, 1787. ¶ 1786, ch. 50. § 1786, ch. 53.



**The Revised Code**  
**OF THE**  
**LAWS OF VIRGINIA :**  
**BEING**  
**A COLLECTION OF ALL SUCH ACTS.**  
**OF THE**  
**GENERAL ASSEMBLY,**  
**OF A PUBLIC AND PERMANENT NATURE, AS ARE NOW IN FORCE ;**  
**WITH A GENERAL INDEX.**

---

**TO WHICH ARE PREFIXED,**  
**THE CONSTITUTION OF THE UNITED STATES ;**  
**THE DECLARATION OF RIGHTS ;**  
**AND**  
**THE CONSTITUTION OF VIRGINIA.**

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*Published pursuant to an act of the General Assembly, entitled "An act  
providing for the re-publication of the Laws of this Commonwealth,"  
passed March 12, 1819.*

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**VOLUME I.**

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**RICHMOND :**  
**PRINTED BY THOMAS RITCHIE,**  
**PRINTER TO THE COMMONWEALTH.**

.....  
**1819.**



554.

*Affrays.—Sabbath Breakers, &c.***C. 140.**A. D. 1786.  
A. R. C. 11.*An act forbidding and punishing Affrays.\**

[Passed November 27, 1786.]

Punishment of  
persons going arm-  
ed before courts of  
justice, or the mi-  
nisters of justice,  
or in fairs or mar-  
kets, in terror of  
the country.  
St. Northamp.  
2 Ed. 3, c. 3.

*BE it enacted by the General Assembly, That no man, great nor small, of what condition soever he be, except the ministers of justice in executing the precepts of the courts of justice, or in executing of their office, and such as be in their company assisting them, be so hardy to come before the justices of any court, or other of their ministers of justice, doing their office, with force and arms, on pain to forfeit their armour to the Commonwealth, and their bodies to prison, at the pleasure of a court; nor go nor ride armed by night nor by day, in fairs or markets, or in other places, in terror of the country, upon pain of being arrested and committed to prison by any justice on his own view, or proof by others, there to abide for so long a time as a jury, to be sworn for that purpose by the said justice, shall direct, and in like manner to forfeit his armour to the Commonwealth; but no person shall be imprisoned for such offence by a longer space of time than one month.*

**C. 141.**A. D. 1792.  
A. R. C. 17.*An act for the effectual suppression of vice, and punishing the disturbers of religious worship, and Sabbath Breakers.†*

[Passed December 26, 1792.]

Punishment for  
profane swearing,  
cursing, or drun-  
kenness.

1. *BE it enacted by the General Assembly, That, if any person or persons shall profanely swear or curse, or shall be drunk, he, she or they so offending, for every such offence, being thereof convicted by the oath of one or more witnesses, (which oath any justice of the peace is hereby empowered and required to administer,) or by confession before one or more justice or justices of the peace in the county or corporation where such offence shall be committed, shall forfeit and pay the sum of eighty-three cents for every such offence; or, if the offence or offences be committed in the presence and hearing of one or more justice or justices of the peace, or in any court of record in this Commonwealth, the same shall be a sufficient conviction without any other evidence, and the said offender shall, upon such conviction, forfeit and pay the sum of eighty-three cents for every such offence; and, if any person or persons shall refuse to make present payment, or give sufficient security for the payment of the same in a reasonable time, not*

\* 1786, c. 49; 1792, edi. 1794, 1803, and '14, c. 21; took effect July 1, 1787; *vid.* acts of 1786, c. 115, § 5; *ante.* c. 43.

† Former general law touching these subjects; 1792, edi. 1794, 1803, and 1814, c. 138.

A  
MANUAL  
OF THE  
LAWS OF NORTH-CAROLINA,  
ARRANGED UNDER  
DISTINCT HEADS IN ALPHABETICAL ORDER:  
WITH  
REFERENCES  
FROM ONE HEAD TO ANOTHER,  
WHEN A SUBJECT IS MENTIONED IN ANY OTHER PART OF THE BOOK  
THAN UNDER THE DISTINCT HEAD WHERE IT IS PLACED.

---

BY  
BY JOHN HAYWOOD, ESQ.  
LATE ONE OF THE JUDGES OF THE SUPREME COURTS OF LAW  
AND EQUITY.

---

VOLUME II.  
SECOND EDITION, CORRECTED TO THE PRESENT TIME

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Raleigh:  
PRINTED AND SOLD BY J. GALES AND W. BOYLAN, AND MAY BE  
HAD OF THE PRINTERS AND BOOKSELLERS IN ALL THE  
TOWNS IN THE STATE,  
1808.

## OATHS AND AFFIRMATIONS.

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and by all other persons who shall hereafter be chosen or appointed to any office of trust or profit within this State, before they enter upon the execution of the office to which they have been chosen or appointed: "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States."

*The oath to be taken by a Jury for laying off a Road.*

XXII. I, A. B. do solemnly swear, that I will lay out the road now directed to be laid out by the court of pleas and quarter sessions, to the greatest ease and advantage of the inhabitants, and with as little prejudice to inclosures as may be, without favor or affection, malice or hatred, and to the best of my skill and knowledge:—So help me God.

Of a jury  
to lay off a  
road.

*The oath of a Constable.*

XXIII. You shall swear that you will well and truly serve the State of North Carolina in the office of a constable, you shall see and cause the peace of the State to be well and duly preserved and kept according to your power, you shall arrest all such persons as in your sight shall ride or go armed offensively, or shall commit or make any riot, affray or other breach of the peace; you shall do your best endeavor, upon complaint to you made, to apprehend all felons, and rioters, or persons riotously assembled; and if any such offender shall make resistance with force, you shall make hue and cry, and shall pursue them according to law: You shall faithfully, and without delay, execute and return all lawful precepts to you directed: You shall well and duly, according to your knowledge, power and ability, do and execute all other things belonging to the office of a constable, so long as you shall continue in this office. So help you God.

*The oath of a Processioner.*

XXIV. I, A. B. do solemnly swear or affirm (as the case may be) that I will well and truly execute the duty and trust enjoined by the acts for processioning land in this State, according to the best of my skill and ability, without favor or partiality to any person or persons whatsoever.—So help me God.

*The oath of a Standard-Keeper.*

XXV. You shall swear that you will not stamp, seal, or give any certificate, for any steel-yards, weights or measures, but such as shall, as near as possible, agree with the standard in your keeping; and that you will in all respects truly and faithfully discharge and execute the power and trust by this act reposed in you, to the best of your ability and capacity. So help you God.



Maine. laws, statutes, etc.

# L A W S

OF THE

## STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE UNITED STATES

AND OF SAID STATE,

WITH AN APPENDIX.



HALLOWELL:

PRINTED AND PUBLISHED BY GLAZIER, MASTERS & Co.

No. 1, Kennebec-Row:

.....

1830.



## POWER OF JUSTICES.

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## CHAPTER LXXVI.

An Act describing the power of Justices of the Peace in Civil and Criminal Cases.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That it shall be within the power, and be the duty of every Justice of the Peace within his county, to punish by fine not exceeding five dollars, all assaults and batteries that are not of a high and aggravated nature, and to examine into all homicides, murders, treasons, and felonies done and committed in his county, and commit to prison all persons guilty, or suspected to be guilty of manslaughter, murder, treason or other capital offence; and to cause to be staid and arrested, all affrayers, rioters, disturbers or breakers of the peace, and such as shall ride or go armed offensively, to the fear or terrour of the good citizens of this State, or such others as may utter any menaces or threatening speeches; and upon view of such Justice, confession of the delinquent, or other legal conviction of any such offence, shall require of the offender to find sureties to appear and answer for his offence, at the Supreme Judicial Court, or Circuit Court of Common Pleas, next to be held within or for the same county, at the discretion of the Justice, and as the nature or circumstances of the case may require; and for his keeping the peace, and being of the good behaviour, until the sitting of the Court he is to appear before; and to hold to bail all persons guilty or suspected to be guilty of lesser offences which are not cognizable by a Justice of the Peace; and require sureties for the good behaviour of dangerous and disorderly persons; and commit all such persons as shall refuse so to recognize, and find such surety or sureties as aforesaid; and take cognizance of, or examine into all other crimes, matters and offences, which by particular laws are put within his jurisdiction.

General jurisdiction of Justices of the Peace, and their duty in criminal cases, in arresting, trying, recognizing and committing offenders.

SEC. 2. *Be it further enacted*, That all fines and forfeitures accruing for the breach of any by-law, in any town within this State, may be prosecuted for, and recovered before any Justice of the Peace in the town or county where the offence shall be committed, by complaint or information, in the same way and manner other criminal offences are prosecuted before the Justices of the Peace within this State.

Breaches of the by-laws of towns may be prosecuted before Justices of the Peace.

SEC. 3. *Be it further enacted*, That any person aggrieved at the sentence given against him, by any justice of the Peace, may appeal therefrom to the next Circuit Court of Common Pleas to be held within the same county, and shall, before his appeal is granted, recognize to the State in such reasonable sum, not less than twenty dollars, as the Justice shall order, with sufficient surety or sureties for his prosecuting his appeal; and shall be held to produce the copy of the whole process, and all writings filed before the Justice, at the Court appeal-

Persons aggrieved may appeal to the C. Court of Com. Pleas. Must recognize with sureties, and produce copies of case at C. C. Common Pleas.

Failing to prosecute his appeal, his default to be entered. Court may order such case to be laid before Grand Jury, or arrest appellant, and affirm sentence, &c.

Justices may command assistance of sheriff, deputies and constables at riots, affrays, &c.

Justices may, on their own view, (in absence of sheriff, deputies or constables,) require any person to apprehend offenders.

Penalty for refusing to obey such Justice.

If the Justice be known or declared—plea of ignorance of his office not admissible.

Justices may grant subpoenas for witnesses in criminal cases:

But not on behalf of the State without consent of Attorney General, or County Attorney, except before himself.

Justices to account annually to State, County and Town Treasurers for all fines, &c.

Penalty for neglect.

ed to. And if he shall not there prosecute his appeal, and produce the copies as aforesaid, the Court shall order his default to be noted upon their record. And the said Court may order the same case to be laid before the Grand Jury, or may issue an attachment against the body of such appellant, and cause him thereby to be brought before them, and when he is so in Court, shall affirm the sentence of the Justice against him, with all additional costs.

Sec. 4. *Be it further enacted*, That each Justice shall have authority to command the assistance of every Sheriff, Deputy Sheriff, Constable, and all other persons present at any affray, riot, assault or battery, and may fine any person refusing such assistance, in a sum not exceeding six dollars; to be disposed of for the use of the town where the offence shall be committed; and levied by warrant of distress on the offender's goods and chattels, and for want thereof on his body.

Sec. 5. *Be it further enacted*, That any Justice of the Peace for the preservation thereof, or upon view of the breach thereof, or upon view of any other transgression of law, proper to his cognizance, done or committed by any person or persons whatever, shall have authority, (in the absence of the Sheriff, Deputy Sheriff or Constable,) to require any person or persons to apprehend and bring before him such offender or offenders. And every person so required, who shall refuse or neglect to obey the said Justice, shall be punished in the same manner as for refusing or neglecting to assist any Sheriff, Deputy Sheriff or Constable in the execution of his office as aforesaid. And no person who shall refuse or neglect to obey such Justice, to whom he shall be known, or declare himself to be a Justice of the Peace, shall be admitted to plead excuse on any pretence of ignorance of his office.

Sec. 6. *Be it further enacted*, That Justices of the Peace within their respective counties, be, and they are hereby authorized and empowered to grant subpoenas for witnesses in all criminal causes pending before the Supreme Judicial Court and Circuit Court of Common Pleas, and before themselves or any other Justice: *Provided*, That no Justice of the Peace shall grant subpoenas for witnesses to appear in any Court, except before himself, to testify on behalf of the State, unless by the request of the Attorney General or County Attorney. And all Sheriffs, Constables and other officers are directed and empowered to serve any warrant issuing from a Justice of the Peace.

Sec. 7. *Be it further enacted*, That the Justices of the Peace shall account annually with the Treasurer of the State, the Treasurer of their respective counties, and the town Treasurer, as the case may be, for all fines by them received or imposed, upon pain of forfeiting the sum of thirty dollars, to be sued for and recovered by the Treasurer of the State, the county or town Treasurer for the time being, to which the said fines may respectively belong.

## POWER OF JUSTICES.

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SEC. 8. *Be it further enacted*, That all civil actions, where- Justice's juris-  
 in the debt or damage does not exceed twenty dollars, (and diction in civil  
 wherein the title of real estate is not in question, and special- actions, (where  
 ly pleaded by the defendant,) shall, and may be heard, tried, title to real es-  
 adjudged and determined by any Justice of the Peace within tate is not in  
 his county; and the Justices are severally empowered to grant question,) to  
 summons, capias and attachment, at the request of any per- extend to 20  
 son applying for the same, directed to some proper officer dollars.  
 within the same county, empowered by law to execute the Justices may is-  
 same. And such sommons or capias and attachment shall be sue summons,  
 duly served by such officer, seven days at the least before the capias, attach-  
 day therein set for trial, otherwise the party sued shall not be ment, &c.  
 held to answer thereon; and if after such process shall be —to be served  
 duly served, the party sued, after being duly called, shall not seven days be-  
 appear to answer to the same suit, the charge against him in fore trial.  
 the declaration shall be taken to be true, and the Justice shall Proceedings  
 give judgment against him for such damages as he shall find before Justice.  
 the plaintiff to have sustained, with costs; and if the person Judgment, &c.  
 sued shall appear to defend the suit or oppose the same, the if plaintiff pre-  
 Justice shall award such damages as he shall find the plaintiff vail.  
 to have sustained: *Provided*, That no more damages than the Damages not to  
 sum of twenty dollars shall be awarded in any action origin- exceed 20 dol-  
 ally brought or tried before a Justice of the Peace; but if the lars.  
 plaintiff shall not support his action, shall fail to prosecute, or Judgment in  
 become nonsuit, the Justice shall award to the party sued, his case defendant  
 reasonable costs, taxed as the law directs. And upon all prevail,  
 judgments given by a Justice of the Peace in civil actions, Execution.  
 he shall award execution thereon in form by law prescribed.

SEC. 9. *Be it further enacted*, That the amount of the sum Justice to have  
 or several sums, specified, expressed or supposed to be de- jurisdiction  
 manded by the plaintiff in his declaration, shall not be con- where the ad  
 sidered as any objection against the Justice's jurisdiction, damnum does  
 provided the ad damnum, or damage is not laid or stated to not exceed 20  
 exceed twenty dollars. dollars.

SEC. 10. *Be it further enacted*, That any party aggrieved Party aggriev-  
 at the judgment of any Justice of the Peace, in a civil action, ed may appeal  
 where both parties have appeared and plead, may appeal to C. C. Com.  
 therefrom to the next Circuit Court of Common Pleas to be Pleas.  
 held within the same county; and shall, before his appeal is —Must recog-  
 allowed, recognize with a surety or sureties, in such reasona- nize to prose-  
 ble sum as the Justice shall order, not exceeding thirty dol- cute.  
 lars, to pay all intervening damages and costs, and to prose- and produce  
 cute his appeal with effect; and shall be held to produce a copies at C. C.  
 copy of the whole case, at the Court appealed to, and both C. Pleas.  
 parties shall be allowed to offer any evidence upon the trial Proceedings in  
 at the Circuit Court of Common Pleas, in the same manner as that Court.  
 if the cause had been originally commenced there. And no No further ap-  
 other appeal shall be had on such action after one trial at the appeal.  
 Circuit Court of Common Pleas. And the Circuit Court of Defendant in  
 Common Pleas, when any person recognized as before men- trespass failing  
 to bring for-

ward the action according to his recognition.—Plaintiff to have his damages.

Appellant failing to prosecute, on complaint judgment may be affirmed.

In action of trespass when defendant pleads title to real estate—mode of proceeding before Justice.

Appeal allowed in such cases from C. C. C. Pleas to S. J. Court.

General issue may be plead in all actions before Justices and special matter given in evidence except where title to real estate is relied on by defendant.

Justices may grant subpoenas in all civil actions.

May adjourn their Courts by proclamation:

No Justice to be of counsel in any suit before himself.

tioned to bring forward an action of trespass, doth neglect to do it, upon complaint thereof made in writing by the plaintiff, shall give judgment for such sum in damages, as the plaintiff hath declared for, together with all reasonable costs which accrued both in the same Court and before the Justice. And the Circuit Court of Common Pleas shall, when any appellant thereto shall fail to prosecute his appeal, or if he shall neglect to produce a copy of the case, affirm the former judgment upon the appellee's complaint, and award such additional damages as shall have arisen in consequence of the said appeal, and cost.

SEC. 11. *Be it further enacted*, That when an action of trespass shall be brought before any Justice of the Peace, and the defendant shall plead the general issue, he shall not be allowed to offer any evidence that may bring the title of real estate in question. And when the defendant in any such action shall plead the title of himself or any other person in justification, the Justice upon having such plea plead, shall order the defendant to recognize to the adverse party in a reasonable sum, with sufficient surety or sureties to enter the said action at the next Circuit Court of Common Pleas to be holden within the same county, and to prosecute the same in the same manner as upon an appeal from a Justice's judgment; and if such pleader shall refuse so to recognize, the Justice shall render judgment against him, in the same manner as if he had refused to make answer to the same suit. And either party in such cause, shall be allowed to appeal from the judgment of the Circuit Court of Common Pleas, in the same manner as if the suit had been originally commenced there.

SEC. 12. *Be it further enacted*, That in all civil actions triable before a Justice of the Peace, except such actions of trespass wherein the defendant means to avail himself, by pleading the title of himself or any other person under whom he claims in justification of the trespass or trespasses alleged to be committed on real estate; the defendant shall be entitled to all evidence, under the general issue, which by law he might avail himself of under any special plea in excuse or justification, any law, usage or custom to the contrary notwithstanding.

SEC. 13. *Be it further enacted*, That each Justice of the Peace may grant subpoenas for witnesses in all civil actions and causes pending before the Supreme Judicial Court, Circuit Court of Common Pleas, Court of Sessions, and before him or any other Justices, and in all civil actions and causes pending before arbitrators or referees. And every Justice of the Peace shall have power by public proclamation to adjourn the trial of any action brought before him, from time to time, when equity may require it; but he shall not be of counsel to either party, or undertake to advise or assist any party in suit before him.



## POWER OF JUSTICES.

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SEC. 14. *Be it further enacted*, That when an executor or administrator shall be guilty of committing waste, whereby he is rendered unable to pay the judgment recovered before any Justice of the Peace, against the goods and estate of the deceased in his hands, out of the same, the Justice may proceed against the proper goods and estate of such executor or administrator, in the same manner as the Circuit Court of Common Pleas are empowered to do.

In case of waste by executor or administrator, Justice may proceed as C. C. C. Pleas may in such cases.

SEC. 15. *Be it further enacted*, That each Justice of the Peace shall keep a fair record of all his proceedings; and when any Justice of the Peace shall die before a judgment given by him is paid and satisfied, it shall be in the power of any Justice of the Peace in the same county to grant a scire facias upon the same judgment, to the party against whom such judgment was rendered up, for him to show cause if any he hath, why execution should not be issued against him. And although the costs and debt awarded by the deceased Justice when added together, shall amount to more than twenty dollars, it shall be no bar upon such scire facias, but judgment shall be given thereon for the whole debt and cost, together with the cost arising upon the scire facias. *Provided always*, That either party may appeal from the judgment as in other personal actions, where judgment is given by a Justice of the Peace. And every Justice of the Peace who shall have complaint made to him, that a judgment given by a Justice of the same county then deceased, remains unsatisfied, shall issue his summons to the person in whose possession the record of the same judgment is, directing him to bring and to produce to him the same record; and if such person shall contemptuously refuse to produce the same record, or shall refuse to be examined respecting the same, upon oath, the Justice may punish the contempt by imprisonment, until he shall produce the same, or until he submits to be examined as aforesaid; and when the Justice is possessed of such record, he shall transcribe the same upon his own book of records, before he shall issue his scire facias; and shall deliver the original back again to the person who shall have produced it, and a copy of such transcription, attested by the transcribing Justice, shall be allowed in evidence in all cases, where an authenticated copy of the original might be received.

Justice to keep record of his proceedings.

When Justice shall die before a judgment given by him is satisfied, what proceedings to be had.

Appeal allowed to either party.

Justice to whom complaint is made in such cases, may summon the person possessing the record to produce it.

Punishment for refusal so to do.

Duty of the Justice when the record is produced, to transcribe it into his own records.

Copy of such transcript to be evidence.

SEC. 16. *Be it further enacted*, That all Justices of the Peace before whom actions may be commenced under former commissions, and such commissions shall expire before judgment shall be rendered thereon, or judgment being rendered, the same remains in whole or in part unsatisfied, such Justices of the Peace who shall hereafter have their said commissions seasonably renewed, and being duly qualified agreeably to the Constitution of this State, to act under such commissions, be and they hereby are authorized and empowered to render judgment, and issue execution on all such

Justices, whose commissions expire before judgment or satisfaction, may proceed, under a new commission, seasonably obtained, to render judgment, &c.

## RECOVERY OF DEBTS.

actions, commenced as aforesaid, in the same manner as if the commissions under which such actions may be commenced, were in full force.

[Approved March 15, 1821.]

## CHAPTER LXXVII.

An Act providing a speedy Method of recovering Debts, and for preventing unnecessary costs attending the same.

**SEC. 1.** **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That every Justice of the Peace in this State shall have power within his county to take recognizances for the payment of debts of any person who shall come before him for that purpose: which recognizance may be in substance as follows:—

Justices may take recognizances for debts.

Form of recognizance.

Know all men, that I, A. B. of , in the County of , do owe unto C. D. of , the sum of , to be paid to the said C. D. on the day of ; and if I shall fail of the payment of the debt aforesaid, by the time aforesaid, I will and grant that the said debt shall be levied of my goods and chattels, lands and tenements, and in want thereof of my body. Dated at , this day of , in the year of our Lord . Witness, my hand and seal. A. B.

ss. Acknowledged the day and year last abovesaid. Before E. F. Justice of the Peace.

To be recorded by the Justice.

Execution may issue thereon within 3 years.

**SEC. 2.** *Be it further enacted,* That every Justice of the Peace taking any such recognizance, shall immediately record the same at large in a book to be kept by him for that purpose; and after the same is recorded, may deliver it to the Conusee; and upon the Conusee's lodging the same with the said Justice, at any time within three years from the time when the same is payable, and requesting a writ of execution, it shall be the duty of such Justice to issue a writ of execution thereon for such sum as shall appear to be due on the same; which writ of execution shall be in substance as follows:

State of Maine.

(SEAL.) To the Sheriff of the County of , or his deputy, or either of the Constables of the town of , in said County, Greeting.

Form of execution.

Because A. B. of , in the County of , on the day of , in the year of our Lord , before E. F. Esq. one of the Justices of the Peace for the said County of , acknowledged that he was indebted to C. D. of , in the county of in the sum of which he ought to have paid on the day of , and remains unpaid as it is said : We command you therefore, that of the goods, chattels or real estate of the said A. B. within your precinct, you cause to be paid and satisfied unto the said C. D. at the value

Q

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,-

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

SECOND EDITION.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF JUNE 22, 1846.

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HALLOWELL:  
GLAZIER, MASTERS & SMITH.  
1847.

Addendum 103

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## TITLE XII.]

## PREVENTION OF CRIMES.

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shall place the same on file with the indictment, and subjoin to the CHAP. 168. record of the sentence a brief abstract of the sheriff's return on the warrant.

[See additional act, Stat. 1844, ch. 101.]

## CHAPTER 169.

## OF PROCEEDINGS FOR PREVENTION OF CRIMES.

SECT. 1. Of the commencement of criminal proceedings.

2. Magistrates may require sureties for the peace and good behavior.

3. Of the examination of the complainant.

4. When a warrant may issue.

5. In certain cases sureties required, for keeping the peace, &c. without binding to appear at any court.

6. Party to be discharged, on complying.

7. On refusal, to be committed to the county jail; but still entitled to a hearing on his appeal.

8. Proceedings, if the complaint be not sustained. Costs, if malicious or frivolous.

SECT. 9. When party, complained of, shall pay costs.

10. Appeal to the next district court.

11. Proceedings upon the appeal.

12. Consequences, if the appellant fail to prosecute.

13. Recognizance may be taken, after commitment.

14. Return of such recognizance.

15. When magistrate may require sureties, without a formal complaint.

16. Persons going armed, without reasonable cause.

17. Power of court, to remit the penalty of a recognizance.

18. Sureties on recognizances may surrender their principals, as in case of bail in civil actions.

SECTION 1. No person shall be held to answer in any court for an alleged crime or offence, other than contempt of court, unless upon an indictment by a grand jury, except in the following cases; Of the commencement of criminal proceedings.

*First.* When a prosecution by information is expressly authorized by statute.

*Second.* In proceedings before a municipal or police court, or a justice of the peace.

*Third.* In proceedings before courts martial.

SECT. 2. The justices of the supreme judicial court, of the district court, justices of municipal courts and police courts in vacation, as well as in open court, and justices of the peace, in their respective counties, shall have power to cause all laws made for the preservation of the public peace to be kept; and, in the execution of that power, may require persons to give security to keep the peace, or be of the good behavior, or both, in the manner provided in this chapter. Magistrates may require sureties for the peace and good behavior.

SECT. 3. Any such magistrate, on complaint made to him, that any person has threatened to commit an offence against the person or property of another, shall examine the complainant on oath, and also any witnesses who are produced, and reduce the complaint to writing, and cause the complainant to subscribe the same. Of the examination of the complainant.

SECT. 4. If there should appear to such magistrate, on an examination of the facts, that there is just cause to apprehend and fear the commission of such offence, he shall issue a warrant under his hand and seal, containing a recital of the substance of the com- When a warrant may issue. 1821, 76, § 1.



**CHAP. 169.** **plaint,** and commanding the officer to whom the same may be directed, forthwith to arrest the person complained of, and bring him before such magistrate or court, having jurisdiction of the case.

In certain cases, sureties required, for keeping the peace, &c. without binding to appear at any court.  
1821, 76, § 1.  
1 Fairf. 325.

**SECT. 5.** When the person, complained of, is brought before the magistrate, he may be required, after his defence has been heard, to enter into a recognizance with sufficient sureties, in such sum as shall be ordered, to keep the peace towards all the people of the state, and especially towards the person requiring the security, for such term as the magistrate may order, not exceeding one year, but shall not be bound over to any court, unless he is also charged with some specific and other offence, for which he ought to be held to answer at such court.

Party to be discharged, on complying.  
1821, 76, § 1.

**SECT. 6.** If the person complained of shall comply with the order of such magistrate, he shall be discharged.

On refusal, to be committed to the county jail, but still entitled to a hearing on his appeal.  
1821, 76, § 1.

**SECT. 7.** If the person shall refuse or neglect so to recognize, the magistrate shall commit him to the county jail during the period for which he was required to find sureties, or till he shall so recognize; and the magistrate shall state in the warrant the cause of commitment, and also the time and the sum for which security was required. The magistrate shall also return a copy of the warrant to the district court, next to be holden in the same county, and such court shall have cognizance of the case in the same manner, as if the party accused had appealed to said court.

Proceedings, if the complaint be not sustained. Costs, if malicious or frivolous.

**SECT. 8.** When the magistrate, on examination of the facts, shall not be satisfied, that there is just cause to fear the commission of any such offence, he shall immediately discharge the party complained of; and, if the magistrate shall judge the complaint unfounded, malicious, or frivolous, he may order the complainant to pay the costs of prosecution, who shall thereupon be answerable to the magistrate and officer for their fees, as for his own debt.

When party, complained of, shall pay costs.

**SECT. 9.** When the person complained of is required to give security for the peace, or for his good behavior, the court or magistrate may further order, that the costs of prosecution, or any part thereof, shall be paid by such person, who shall stand committed until such costs are paid, or he is otherwise discharged.

Appeal, to the next district court.

**SECT. 10.** Any person, aggrieved by the order of such judge of a municipal or police court, or justice of the peace, in requiring him to recognize as aforesaid, may, on giving the security required, appeal to the next district court in the same county.

Proceedings upon the appeal.

**SECT. 11.** When an appeal is taken from an order of such justice or court, the magistrate shall require such witnesses, as he may think necessary, to recognize for their appearance at the court appealed to; and such court may affirm the order of the judge or justice, or discharge the appellant, or require him to recognize anew with sufficient sureties, as the court may deem proper; and make such order as to the costs, as may be deemed reasonable.

Consequences, if the appellant fail to prosecute.

**SECT. 12.** If the appellant shall fail to prosecute his appeal, his recognizance shall remain in full force, as to any breach of the condition, without an affirmation of the judgment or order, and stand as a security for any costs, which may be ordered by the court to be paid by the appellant.

Recognizance

**SECT. 13.** Any person committed for not finding sureties or

refusing to recognize, as required by the court or magistrate, may be discharged by any judge or justice of the peace, on giving such security, as was required. **CHAP. 169.**

may be taken  
after commit-  
ment.  
Return of such  
recognizance.

**SECT. 14.** Every recognizance, taken pursuant to the foregoing provisions, shall be transmitted to the district court, on or before the first day of the next ensuing term, and shall there be filed by the clerk, as of record.

**SECT. 15.** Whoever, in the presence of any magistrate, mentioned in the second section of this chapter, or before any court of record, shall make any affray or threaten to kill or beat another, or commit any violence against his person or property, or shall contend, with hot and angry words, to the disturbance of the peace, may be ordered, without process or any other proof, to recognize for keeping the peace, or being of the good behavior for a term, not exceeding three months, and, in case of refusal, may be committed to prison as before directed.

When magis-  
trate may re-  
quire sureties,  
without a for-  
mal complaint,  
&c.

**SECT. 16.** Any person, going armed with any dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without a reasonable cause to fear an assault on himself, or any of his family or property, may, on the complaint of any person having cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace for a term, not exceeding one year, with the right of appeal as before provided.

Persons going  
armed, without  
reasonable  
cause.  
1821, 76, § 1.

**SECT. 17.** In a suit, on such recognizance taken in a criminal case, if a forfeiture is found or confessed, the court, on petition, may remit the penalty, or such part of it as they may think proper, on such terms as they may think right.

Power of court,  
to remit the  
penalty of a re-  
cognizance.  
1821, 50, § 4.

**SECT. 18.** Any surety in a recognizance may surrender the principal in the same manner, as if he had been his bail in a civil cause, and, on such surrender, shall be discharged from all liability for any act of the principal after such surrender, which would be a breach of the recognizance; and, upon such surrender, the principal may recognize anew with sufficient surety or sureties for the residue of the term, before any justice of the peace, and shall thereupon be discharged.

Sureties on re-  
cognizances  
may surrender  
their principals  
as in case of  
bail in civil ac-  
tions.

## CHAPTER 170.

### OF THE POWER AND PROCEEDINGS OF JUSTICES OF THE PEACE IN CRIMINAL CASES.

- |  |   |
|--|---|
| <p><b>SECT. 1.</b> Justices may require aid, on view, without a warrant.</p> <p>2. Their jurisdiction.</p> <p>3. When a justice shall issue his warrant.</p> <p>4. Examination, on trial, of the party accused.</p> <p>5. Of commitment or binding over to a higher court.</p> | <p><b>SECT. 6.</b> Duty of justices, as to arrests, and examinations into treasons, felonies, &amp;c.</p> <p>7. Trial and sentence within their jurisdiction.</p> <p>8. Respondent may appeal; but required to recognize.</p> <p>9. To carry up copies of the case.</p> |
|--|---|

THE  
**STATUTE LAWS**  
OF THE  
**STATE OF TENNESSEE,**

OF A  
**PUBLIC AND GENERAL NATURE,**

REVISED AND DIGESTED

BY

**JOHN HAYWOOD AND ROBERT L. COBBS,**

BY ORDER OF THE GENERAL ASSEMBLY.

**VOL. I.**

---

**KNOXVILLE, T.**

**F. S. HEISKELL, PRINTER AND PUBLISHER,**

**1831.**



they may require; and it shall be the duty of any constable of the county where such witnesses may reside, to execute and make return thereof, and the witnesses shall receive the same pay, to be paid by the party against whom the award may be made; and they shall be subject to the same penalties for non-attendance as in similar cases; and the officer summoning such witnesses, shall receive the same fees as for summoning witnesses to attend before a justice of the peace.

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### ARMIES—STANDING.

- Con. art. 11. § 24. The sure and certain defence of a free people is a well regulated militia: and as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit: and in all cases the military shall be kept in strict subordination to the civil authority.

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### ARMS.

- Con. art. 11. § 26. The freemen of this state have a right to keep and to bear arms for their common defence.

§ 28. No citizen of this state shall be compelled to bear arms, provided he will pay an equivalent to be ascertained by law.

- 1801, c. 22.  
Persons going armed, bound to good behaviour on justice's own view or information
- § 6 If any person or persons shall publicly ride, or go armed to the terror of the people or privately carry any dirk, large knife, pistol or any other dangerous weapon, to the fear or terror of any person, it shall be the duty of any judge or justice on his own view, or upon the information of any other person on oath, to bind such person or persons to their good behaviour, and if he or they fail to find securities, commit him or them to jail; and if such person or persons shall continue so to offend, he or they shall not only forfeit their recognizance, but be liable to an indictment, and be punished as for a breach of the peace, or riot at common law.

- 1821, c. 13.  
Fine for carrying weapons
- Each and every person so degrading himself by carrying a dirk, sword-cane, spanish stiletto, belt or pocket pistols, either public or private, shall pay a fine of five dollars for every such offence, which may be recovered by warrant before any justice of the peace, in the name of the county and for its use, in which the offence may have been committed; and it shall be the duty of a justice to issue a warrant on the application, on oath, of any person applying; and it shall be the duty of every judge, justice of the peace, sheriff, coroner and constable within this state, to see that this act shall have its full effect; *provided, nevertheless*, that nothing herein contained shall effect any person that may be on a journey to any place out of his county or state.

- 1825, c. 19.  
Sheriff, coroner or constable to arrest persons suspected.
- § 1. When any sheriff, coroner or constable, shall know, of his own knowledge, or upon the representation of any person, or if he or they shall have good reason to suspect any person of being armed with the intention of committing a riot or affray, or of wounding or killing any person, it shall be the duty of all such officers, immediately to arrest all such persons, so suspected, and return them before some justice of the peace, whose duty it shall be, upon proof being made that there was reasonable ground to suspect such person or persons for being armed, with intent to disturb or commit a breach of the peace, to bind such person or persons in a bond, with two or more good and sufficient securities, in a sum of not less than two hundred and fifty dollars, and not exceeding two thousand dollars, conditioned for his or their good behaviour and peaceable deportment for the term of twelve months thereafter.
- Justice to bind to good behaviour.

- Justice to have arrested, &c.
- § 2. If any justice of the peace shall know of his own knowledge, or have reasonable cause to suspect any person or persons of being armed, with intent to commit a breach of the peace, it shall be the duty of such justice of the peace, to cause such offender or offenders



## ATTACHMENT.

11

to be arrested and immediately brought before him or some other justice for examination, and upon its being satisfactorily made to appear that such person or persons was armed, or about to be armed, with intent to commit a breach of the peace, such justice shall bind such offender or offenders in bond and security, as specified in the first section of this act.

§ 3. The bonds by this act required to be given, shall be made payable to the chairman of the county court of the county in which the same shall be executed, and his successors in office, and shall be filed in the office of the clerk of said court, and it shall be the duty of the solicitor for the state, when he shall believe such bond to be forfeited, to issue *scire facias* thereon against such offender and his securities, and the amount collected shall be, by the sheriff, paid to the county trustee for county purposes.

Bond payable  
to chairman.

Solicitors to  
issue *sci. fa.*

§ 4. Any justice of the peace, sheriff, coroner or constable, when acting under the provisions of this act, shall have power and authority to summon as many persons as they may think proper, to assist in arresting and securing any such offender, and any person so summoned and shall fail or refuse to assist such officer for the purposes aforesaid, shall forfeit and pay the sum of ten dollars and cost, to be recovered before any justice of the peace, for the use of the county; and it shall be the duty of such officer, when he may have summoned any person to assist as aforesaid, and such person shall fail or refuse to obey such summons, to prosecute such defaulter before some justice of the peace, for the above penalty, and give evidence of such summons and default.

Officers to  
summon persons  
to assist.

§ 5. When any person shall be brought before any justice of the peace as required by the first and second sections of this act, and shall fail or refuse to give the security required, it shall be the duty of such justice to commit such offender to the nearest sufficient jail, for safe keeping, until such security is given or he shall be discharged by due course of law.

Persons refusing  
to give  
bond to be  
committed.

§ 6. If any sheriff, coroner or constable, shall knowingly fail or refuse to perform any of the duties required by this act, it shall be deemed a misdemeanor in office, and upon conviction thereof, shall be fined, at the discretion of the court, in a sum not exceeding fifty nor less than ten dollars, and shall furthermore be removed from office and be disqualified from holding the same office for five years.

Officers punished  
for neglect,  
by fine,  
removal, &c.

## ATTACHMENT.

§ 19. Upon any complaint being made on oath to any of the judges of the superior courts of this state, or to any justice of any of the county courts, by any person or persons, his, her or their attorney, agent or factor, that any person hath removed or is removing him or herself out of the county privately, or so absconds or conceals him or herself, that the ordinary process of law cannot be served on such debtor; and if such plaintiff, his, her or their attorney, agent or factor, further swears to the amount of his, her or their debt, or demand, to the best of his, her or their knowledge and belief, it shall be lawful for such judge or justice, and he is hereby empowered and required to grant an attachment against the estate of such debtor, wherever the same may be found, or in the hands of any person or persons indebted to, or having any of the effects of the defendant, or so much thereof as shall be of value sufficient to satisfy the debt or demand and costs of such complaint; which attachment shall be returned to the court where the suit is cognizable, and shall be deemed a leading process in such action; and the same proceedings shall be had thereon as on judicial attachments; *provided always*, that every such judge or justice, before granting such attachment, shall take bond and security of the party for whom the same shall be issued, his, her or their attorney, agent or factor, payable to the defendant, in double the sum

1794, c. 1.  
When attachments  
may issue upon  
affidavit.

Plaintiff to  
give bond.

*Michigan. Laws, statutes, etc.*

THE

*16712*

# REVISED STATUTES

OF THE

# STATE OF MICHIGAN,

PASSED AND APPROVED MAY 18, 1846.

Printed and published in pursuance of an Act of the Legislature, approved May 18, 1846, under  
the superintendence of

SANFORD M. GREEN.



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1846.

## PREVENTION OF CRIME.

## TITLE XXXI.

## OF PROCEEDINGS IN CRIMINAL CASES.

- 
- Chapter 162. Of Proceedings to prevent the Commission of Crime.  
 Chapter 163. Of the Arrest and Examination of Offenders, commitment for Trial and taking Bail.  
 Chapter 164. Of Indictments and Proceedings before Trial.  
 Chapter 165. Of Trials in Criminal Cases.  
 Chapter 166. Of new Trials and Exceptions in Criminal Cases.  
 Chapter 167. Of Coroners' Inquests.  
 Chapter 168. Of Judgments in Criminal Cases and the Execution thereof.  
 Chapter 169. Of Fees of Officers and Ministers of Justice in Criminal Cases.  
 Chapter 170. Miscellaneous Provisions concerning Proceedings in Criminal Cases.
- 

## CHAPTER 162.

## OF PROCEEDINGS TO PREVENT THE COMMISSION OF CRIME.

Officers authorized to keep the peace.

SECTION 1. The justices of the supreme court, judges of county courts, circuit court commissioners, all mayors and recorders of cities, and all justices of the peace, shall have power to cause all laws made for the preservation of the public peace, to be kept, and in the execution of that power, may require persons to give security to keep the peace, in the manner provided in this chapter.

Complaint, how made.

SEC. 2. Whenever complaint shall be made in writing and on oath, to any such magistrate, that any person has threatened to commit any offence against the person or property of another, it shall be the duty of such magistrate to examine such complainant, and any witnesses who may be produced, on oath, to reduce such examination to writing, and to cause the same to be subscribed by the parties so examined.

Arrest.

SEC. 3. If it shall appear from such examination, that there is just reason to fear the commission of any such offence, such magistrate shall issue a warrant under his hand, directed to the sheriff or any constable of the county, reciting the substance of the complaint, and commanding him forthwith to apprehend the person so complained of, and bring him before such magistrate.

Trial, recognizance.  
 4 Mass., 497.  
 8 do., 73.  
 2 B. & A., 278.

SEC. 4. When the party complained of is brought before the magistrate, he shall be heard in his defence, and he may be required to enter into a recognizance with sufficient sureties, in such sum as the magistrate shall direct, to keep the peace towards all the people of

## PREVENTION OF CRIME.

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this state, and especially towards the person requiring such security, for such term as the magistrate may order, not exceeding one year, but shall not be bound over to the next court, unless he is also charged with some other offence, for which he ought by law to be held to answer at such court.

TITLE XXXI.  
CHAPTER 162.

SEC. 5. Upon complying with the order of the magistrate, the party complained of shall be discharged.

Party, when discharged.

SEC. 6. If the person so ordered to recognize, shall refuse or neglect to comply with such order, the magistrate shall commit him to the county jail, during the period for which he was required to give security, or until he shall so recognize; stating in the warrant the cause of commitment, with the sum and the time for which such security was required.

Refusing to recognize, to be committed.

SEC. 7. If, upon examination, it shall not appear that there is just cause to fear that any such offence will be committed by the party complained of, he shall be forthwith discharged; and if the magistrate shall deem the complaint unfounded, frivolous or malicious, he shall order the complainant to pay the costs of the prosecution, who shall thereupon be answerable to the magistrate and the officer (*officers*) for their fees, as for his own debt.

Complainant, when to pay costs.

SEC. 8. When no order respecting the costs is made by the magistrate, they shall be allowed and paid in the same manner as costs before justices in criminal prosecutions; but in all cases where a person is required to give security to keep the peace, the court or magistrate may further order that the costs of prosecution, or any part thereof, shall be paid by such person, who shall stand committed, until such costs are paid, or he is otherwise legally discharged.

Payment of cost in other cases.

SEC. 9. Any person aggrieved by the order of any justice of the peace, requiring him to recognize as aforesaid, may, on giving the recognizance to keep the peace required by such order, appeal to the circuit court for the same county.

Appeal allowed.

SEC. 10. The justice from whose order an appeal is taken, shall require such witnesses as he may think necessary to support the complaint, to recognize for their appearance at the court to which the appeal is made.

Witnesses to recognize.

SEC. 11. The court before which such appeal is prosecuted, may affirm the order of the justice, or discharge the appellant, or may require the appellant to enter into a new recognizance, with sufficient sureties, in such sum, and for such time, not exceeding one year, as the court shall think proper, and may also make such order in relation to the costs of prosecution, as may be deemed just.

Court may affirm order of justice, or discharge appellant, &amp;c.

SEC. 12. If any party appealing shall fail to prosecute his appeal, his recognizance shall remain in full force and effect, as to any breach of the condition, without an affirmation of the judgment or order of the justice, and shall also stand as a security for any costs which shall be ordered by the court appealed to, to be paid by the appellant.

Recognizance, when to remain in force.

SEC. 13. Any person committed for not finding sureties, or refusing to recognize, as required by the court or magistrate, may be discharged by any judge, circuit court commissioner or justice of the peace, on giving such security as was required.

Person committed how discharged.

SEC. 14. Every recognizance, taken pursuant to the foregoing provisions, shall be transmitted by the magistrate to the clerk of the circuit court for the county, within twenty days after the taking thereof, and on or before the next term of such court, and shall be filed by such clerk.

Recognizance to be transmitted to clerk of court.

TITLE XXXI.  
CHAPTER 163.Breach of peace  
in presence of  
magistrate, &c.

SEC. 15. Every person who shall, in the presence of any magistrate mentioned in the first section of this chapter, or before any court of record, make an affray, or threaten to kill or beat another, or to commit any violence or outrage against his person or property, and every person who, in the presence of such court or magistrate, shall contend with hot and angry words, to the disturbance of the peace, may be ordered, without process or any other proof, to recognize for keeping the peace, for a term not exceeding six months, and in case of refusal, may be committed as before directed.

Person going  
armed to find su-  
reties for the  
peace.

SEC. 16. If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

Court may remit  
part of penalty.  
7 Mass., 397.

SEC. 17. Whenever upon a suit brought on any recognizance entered into in pursuance of this chapter, the penalty thereof shall be adjudged forfeited, the court may remit such portion of the penalty, on the petition of any defendant, as the circumstances of the case shall render just and reasonable.

Surety may sur-  
render his prin-  
cipal, effect of  
surrender.

SEC. 18. Any surety in a recognizance to keep the peace, shall have the same authority and right to take and surrender his principal as in other criminal cases, and upon such surrender shall be discharged and exempt from all liability for any act of the principal subsequent to such surrender, which would be a breach of the condition of the recognizance; and the person so surrendered may recognize anew, with sufficient sureties, before any justice of the peace or circuit court commissioner for the residue of the term, and shall thereupon be discharged.

## CHAPTER 163.

OF THE ARREST AND EXAMINATION OF OFFENDERS, COMMITMENT FOR  
TRIAL AND TAKING BAIL.What officers  
may issue pro-  
cess for the arrest  
of offenders, &c.

SECTION 1. For the apprehension of persons charged with offences, excepting such offences as are cognizable by justices of the peace, the justices of the supreme court, judges of the county courts, circuit court commissioners, mayors and recorders of cities, and all justices of the peace, shall have power to issue process and to carry into effect the provisions of this chapter.

Complainant, &c.  
to be examined.

SEC. 2. Whenever complaint shall be made to any such magistrate, that a criminal offence, not cognizable by a justice of the peace, has been committed, he shall examine on oath the complainant, and any witnesses who may be produced by him.

Proceedings if it  
appear that an  
offence has been  
committed.

SEC. 3. If it shall appear from such examination, that any criminal offence, not cognizable by a justice of the peace, has been committed, the magistrate shall issue a warrant, directed to the sheriff or any constable of the county, reciting the substance of the accusation, and



REVISED STATUTES  
OF  
THE STATE OF DELAWARE,

TO THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND FIFTY-TWO, INCLUSIVE:

TO WHICH ARE ADDED, THE

CONSTITUTIONS OF THE UNITED STATES AND OF THIS STATE:

THE DECLARATION OF INDEPENDENCE:

AND

AN APPENDIX;

&c. &c.

PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY.

DOVER, DEL.  
PRINTED BY SAMUEL KIMMEY.  
1852.

## LAWS OF THE

## TITLE FIFTEENTH

## Of Justices of the Peace.

CHAPTER 97. General powers, duties and jurisdiction of justices in criminal cases.

- 98. Jurisdiction in bastardy cases.
- 99. Justices' jurisdiction in civil cases of debt.
- 100. Justices' jurisdiction in trespass cases.
- 101. Justices' jurisdiction in cases of forcible entry and detainer; and of holding over.

## CHAPTER 97.

## GENERAL POWERS, DUTIES AND JURISDICTION OF JUSTICES IN CRIMINAL CASES.

- Sec. 1. Number in the several counties.  
 2. Power to issue process.  
 3. To keep records. Adjournments.  
 4. To issue subpoenas.  
 5. To administer oaths.  
 6. To punish contempts.  
 7. To arrest without warrant.  
 To commit or bind to appear.  
 Form of commitment.  
 Form of binding to KEEP THE PEACE.  
 8. Power to punish assaults and batteries.  
 Form of binding to ANSWER CHARGE.  
 Binding witnesses to appear.  
 9. To permit parties to settle cases of assault and battery.  
 10. Not to receive fine or costs.  
 To put it in charge of a constable.  
 11. To certify fines to the auditor. Penalty.  
 12. Power to BIND OVER FOR THREATS.  
 13. To cause arrests of peace breakers, &c., &c.  
 14. To fine drunkards and swearers.  
 15. To punish those who resist authority.  
 16. Mode of proceeding in criminal cases.  
 17. After arrest.  
 18. The examination.  
 19. The commitment or binding to appear.  
 Binding witnesses.  
 20. To deliver recognizances to clerk of the peace. Fee.

- Sec. 21. To indorse the names of witnesses.  
 22. To arrest persons complained against.  
 23. Warrants may be executed in any county.  
 24. Bail for appearance; how taken; by whom.  
 Commitment in default of bail.  
 25. How discharged from prison on bail.  
 26. Capital cases; when bail may be taken.  
 27. Bail in other cases; how determined.  
 28. How taken by sheriff, &c.  
 29. SEARCH WARRANTS, when and how to be issued.  
 Complaint must be in writing.  
 Warrant; how directed.  
 When it may be executed at night.  
 30. Power of justice to try certain offences by slaves.  
 31. Power of two justices to try slaves.  
 Order on master to pay restitution, &c.  
 Service of notice on master; verification.  
 32. Power to punish Sabbath breaking.  
 33. Duty of representatives of a deceased justice to deliver records; penalty.  
 34. Duty of justice to give transcripts, copies, &c.; penalty.  
 Originals may be required by the court.  
 35. Duty to attend elections; penalty.

*Number.*

2003  
Number.

New Castle.

Kent.  
Sussex.

SEC. 1. The number of justices of the peace now allowed by the constitution and laws, shall, two-thirds of each house of the legislature concurring, continue to be in the several counties, as follows: in New Castle county twenty, of whom one shall reside in Red Lion hundred, within one mile of Delaware City, one in the town of St. Georges, and one in Christiana hundred; in Kent county eighteen; and in Sussex county twenty, one of whom shall reside within two miles of Cannon's Ferry.

*General powers and duties.*

2004  
May issue  
process.  
Forms.

SEC. 2. Justices of the peace may issue all writs, warrants and process proper to carry into effect the powers granted to them; and when no form is prescribed by statute, they shall frame one in con-

## STATE OF DELAWARE.

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formity with the law, in substance; and, when substantially right, such process shall not be invalid for any defect in form. All sheriffs, deputy-sheriffs, coroners and constables are required duly to serve all legal writs, warrants and process to them directed by any justice of the peace.

SEC. 3. Each justice of the peace shall keep a record of all his judicial proceedings in criminal as well as civil cases.

2005  
Records.

He shall have power to adjourn cases on trial before him, taking security for the appearance of the party complained against.

2006  
Adjourn-  
ments.

SEC. 4. He may issue summonses for witnesses in all cases pending before himself, and in all civil cases pending before any magistrates, referees, arbitrators, or other persons authorized to examine witnesses.

2007  
Subpoenas.

SEC. 5. He may administer oaths in all cases where an oath is required by law.

2008  
Oaths.

SEC. 6. Every justice of the peace may punish such disorderly conduct as shall interrupt any judicial proceedings before him, or before referees appointed by him, or which shall be a contempt of his authority, by fine not exceeding ten dollars, or by imprisonment in the jail of the county not exceeding ten days.

2009  
Power to  
punish con-  
tempt.

SEC. 7. Every justice of the peace may, as a conservator of the peace, upon view of any affray, riot, assault, or battery, within his county, without any warrant in writing command the assistance of any sheriff, deputy-sheriff, coroner, or constable, and of all other persons present, for suppressing the same, and arresting all who are concerned therein, and may commit or bind them to surety of the peace and for their appearance at the proper court.

2010  
Power to ar-  
rest without  
warrant.

A commitment may be in this form:—

2011  
Commit-  
ment.

— County, ss. *The State of Delaware: To A. B., constable, and to the keeper of the jail of said county: this is to command you the said constable forthwith to convey and deliver into the custody of the keeper of said jail the body of C. D. charged, before E. F. a justice of the peace for said county, on oath by G. H. with (here state the offence), and you the said keeper of the jail are hereby required to receive the said C. D. into your custody in said jail, and him there safely keep until he be thence delivered by due course of law.*

• { L. S. } Given under my hand and seal this — day of —  
A. D., 18—. J. P.

• Binding to keep the peace and for appearance at court may be in this form:

2012  
Binding to  
KEEP THE  
PEACE.

— County, ss. *State of Delaware. BE IT REMEMBERED, that C. D., of — hundred, and R. S. and T. W., of — hundred, in said county, personally appeared before E. F., a justice of the peace for said county, and acknowledged to owe the State of Delaware the sum of — dollars, to be levied on their goods and chattels, lands and tenements respectively, for the use of the said State: UPON CONDITION, that if the above bound C. D. be and appear before the next Court of General Sessions of the Peace and Jail Delivery, to be held*



at ———, for the county aforesaid, there to answer such matters as shall be objected against him by G. H., and shall in the mean time keep the peace and be of good behavior towards all the people of this State, and especially towards the said G. H., and shall not depart the court without leave thereof, then this recognizance to be void, otherwise to be in full force and virtue.

Taken, signed and acknowledged before E. F., a justice of the peace for said county, the ——— day of ———, A. D., 18—.

2013  
Power to  
punish as-  
saults and  
batteries.

SEC. 8. Every justice of the peace may punish by fine, not exceeding ten dollars, all assaults and batteries, and other breaches of the peace punishable by any law of the State, when the offence is not of a high or aggravated nature: *provided*, that the defendant shall, in writing, submit to his decision: *and provided also*, that after hearing, he shall consider that the case ought not to be submitted to a higher jurisdiction; otherwise he shall commit, or bind, the defendant for his appearance at the proper court to answer the charge, and shall also bind the witnesses for their appearance and may require surety of them, if necessary. He may also punish, by such fine, any offence against an authorized ordinance of a city, or town.

2014  
Binding to  
ANSWER  
CHARGE.

Binding for appearance to answer may be thus:—

——— county, ss. The State of Delaware. BE IT REMEMBERED, that C. D., of ——— hundred, and R. S. and T. W., of ——— hundred, in said county, personally appeared before E. F., a justice of the peace for said county, and acknowledged to owe the State of Delaware the sum of ——— dollars, to be levied on their goods and chattels, lands and tenements respectively for the use of the said State: UPON CONDITION, that if the above bound C. D., be and appear before the next Court of General Sessions of the Peace and Jail Delivery, to be held at ———, for the county aforesaid, there to answer such matters and things as shall be objected against him, and particularly touching a charge (here state the offence charged) said to have been committed by the said C. D., at ——— hundred, in said county, on the ——— day of ———, and shall not depart the court without leave thereof; then this recognizance to be void, otherwise to be in full force and virtue.

Taken, signed and acknowledged before E. F., a justice of the peace for said county, the ——— day of ———, A. D., 18—.

2015  
Binding a  
witness to  
appear.

Binding a witness for appearance may be in the same form, substituting for the words "there to answer such matters," &c., down to "and shall not depart the court," the words "*as a witness for the State.*" A recognizance, when taken by a justice of the peace, or a judge out of court, shall be signed by the parties bound.

2016  
Parties may  
settle as-  
saults and  
batteries.

SEC. 9. In every case of assault and battery the justice may permit the parties to settle the matter; and either discontinue the proceedings or annul any recognizance, on payment of costs.

2017  
Not to re-  
ceive fines.

SEC. 10. He shall, in no case, receive a fine, or costs, imposed by him; but upon imposing any fine, he shall charge a constable present with the defendant, and enter the constable's name on his docket,

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and if the fine and costs be not paid, the constable shall convey said defendant to jail, for which a copy of the judgment shall be a sufficient warrant.

SEC. 11. Every justice of the peace shall transmit to the auditor of accounts, by mail, on the first Tuesday of April and October in each year, a duly certified list of the cases in which any fine, or forfeiture, has been imposed by him before that time; stating the party, the fine, and the name and place of residence of the constable chargeable. Any neglect of this duty shall be deemed a misdemeanor, and shall be punished by fine not exceeding one hundred dollars; and the court shall, on conviction of such justice, transmit a copy of the record to the general assembly. <sup>2018</sup> To certify fines to auditor. <sup>Penalty.</sup>

SEC. 12. Whoever shall threaten to kill, or wound, another, or to injure him in person, or estate, shall, on proof of such threats, before a justice of the peace, either by the oath of the party threatened, or otherwise, and on affidavit, by the said party, that he believes, from such threatening, he is in danger to be hurt in body, or estate, be bound to surety of the peace, and for his appearance at the next Court of General Sessions for the county. <sup>2019</sup> Power to bind over for THREATS

SEC. 13. Any justice of the peace may also cause to be arrested and bind to surety of the peace all affrayers, rioters, breakers and disturbers of the peace, and all who go armed offensively to the terror of the people, or are otherwise disorderly and dangerous. <sup>2020</sup> To cause arrests.

SEC. 14. He may also cause to be arrested any drunken person, or any person who, in his hearing, shall profanely swear by the name of God, Christ Jesus, or the Holy Spirit; and such person, being thereof convicted by view of the justice, or other proof, shall be fined by him fifty cents for every such profane oath, and fifty cents for every such offence of being drunk. <sup>2021</sup> Drunkards; swearers.

SEC. 15. If any person, arrested by warrant, or order, of any court of justice, magistrate, or justice of the peace, shall use abusive, railing, or threatening speeches against such court, magistrate, or justice, or shall resist, or assault, any person executing, or aiding in the execution of any such warrant, or order, he shall be fined by such court, magistrate, or justice, any sum not exceeding fifteen dollars. <sup>2022</sup> To punish those who resist authority.

SEC. 16. When complaint is made in due form to a justice, alleging that an offence has been committed, the justice shall carefully examine the complainant on oath, or affirmation, and if he considers there is probable ground for the accusation, he shall issue his warrant. <sup>2023</sup> Proceed-ings in criminal cases; complaint.

A warrant of arrest may be in this form:

<sup>2024</sup> Warrant of arrest.

— County, ss. *The State of Delaware,*  
To my constable of said county, greeting:

*Whereas G. H. of — hath upon oath (or affirmation) before me, a justice of the peace of said county declared that on the — day of — at — (state the offence charged) and that he hath just cause to suspect and doth suspect C. D. of — hundred, of committing the said offence: You are therefore hereby commanded to take the said*

*C. D. and bring him before me, or some other justice of the peace of the county, forthwith, to answer said charge.*

{ L. S. } *Witness the hand and seal of the said justice, the ——— day of ——— A. D. 18—.*

2025  
How di-  
rected.

In case of emergency, the warrant may be directed to the sheriff, or coroner, or to any person the justice may name.

2026  
Proceeding  
on arrest.

SEC. 17. Upon the arrest of any person so charged, the justice, before whom he is brought in the county where the offence was committed, shall try the case so far as to determine whether the defendant ought to be discharged, or bound for his appearance at court, or held to answer finally before the justice; in which last case, the justice shall proceed to hear fully and to determine the case. But if the matter be not properly cognizable before the justice for final decision, he shall commit, or bind the party for his appearance at the court having cognizance of the case.

2027  
Examina-  
tion.  
Voluntary  
declarations

SEC. 18. He shall examine the party accused, taking his voluntary declarations, without threats, or promises, and shall also examine the witnesses in the presence of the accused.

2028  
In felonies  
to be in writ-  
ting.

If the offence is a felony, he shall reduce the examination of the accused to writing, and read it to him, and offer it for his signature. The justice shall sign it.

2029  
Testimony  
in writing.

He shall also reduce to writing the testimony of each witness, if material, read it to him in the presence of the accused, sign it, and require the witness to sign it. In case of the death of the witness, it shall be evidence on the trial.

2030  
Commit-  
ment; or  
binding to  
appear.

SEC. 19. If he considers there is probable ground for the accusation, he shall, in case of a capital crime, commit the accused for trial, and in any other case bind him, with sufficient surety, for his appearance at the next Court of General Sessions of the Peace and Jail Delivery for the county where the offence is alleged to have been committed; and, if he do not give such surety, shall commit him for trial. But when the accused is carried before a justice in another county than that wherein the warrant was issued, he shall be held to surety for his appearance, of course.

2031  
Binding the  
witnesses.

He shall also bind material witnesses for their appearance, without surety, unless he believes the witness will not appear, and that the loss of his testimony ought not to be risked; in which case, he may require surety and may commit the witness if it be not given.

2032  
[2014, &c.]

Such binding of the accused, and of the witnesses, shall be by recognizance, as provided in section 8.

2033  
To deliver  
recognizan-  
ces, &c.

SEC. 20. Each justice of the peace shall deliver every recognizance, examination and deposition, by him taken, touching any offence, to the clerk of the peace of his county ten days before the next Court of General Sessions, if the court do not sit sooner; and if so, then at the session of the court. For this service, he shall receive one dollar from the county if the service be rendered ten days before the court.

Fee.

2034  
Names of  
witnesses to  
be indorsed.

SEC. 21. He shall indorse on the recognizance the names of the material witnesses, and the clerk shall issue subpoenas for their ap-



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pearance on the first day of the court, or otherwise as the attorney general may direct.

SEC. 22. Every justice shall cause to be arrested, on proper complaint, all persons found within his county charged with any offence; and all persons who, after committing any offence in such county, shall escape out of the same. <sup>2035</sup> Duty to arrest persons complained against.

SEC. 23. A warrant of arrest, issued by a justice in one county, may be executed in any county of the State; and the constable, or officer, having it in hand, may command aid as in his own county; but he shall, upon request, carry the defendant before some justice of the county, where he is arrested, to be bailed, if he offer sufficient bail and the offence is bailable; otherwise he shall convey him from the county in execution of his warrant. <sup>2036</sup> Warrant, where executed.

SEC. 24. In criminal cases, bail for the appearance of the accused, except when taken by the sheriff, or officer to whom process is directed, and security for the appearance of a witness, shall be given by recognizance. Each judge of the Superior Court, and every justice of the peace shall have authority to take such recognizance; and when so taken out of court, the recognizance shall be signed by the recognizers. When a person is committed for want of bail, or security, the sum required shall be set down on the commitment. <sup>2037</sup> Bail for appearance, how taken. By whom. Commitment.

SEC. 25. A person, so committed, shall be discharged upon giving sufficient bail, or security; and any judge, or justice, may require such person to be brought before him for that purpose. <sup>2038</sup> How discharged.

SEC. 26. A capital offence shall not be bailable; but the Court of General Sessions of the Peace and Jail Delivery, when in session, or any judge thereof in vacation, may admit to bail a person accused of such offence before indictment found, if, upon full inquiry, it appears that there is good ground to doubt the truth of the accusation. On such inquiry, the justice, or officer who committed the accused, shall be summoned, and care shall be taken to hear the proper witnesses. <sup>2039</sup> Capital cases. When bail may be taken.

SEC. 27. When a person arrested by virtue of process issued upon an indictment, or presentment, except for a capital crime, and except process returnable forthwith, offers sufficient bail, it shall be taken, and the person discharged. The court awarding the process, or any judge thereof, or the attorney general, may determine the sum in which bail shall be taken, and set it down on the process; or if no sum be so determined, the officer issuing the process shall set down what sum he deems reasonable for bail. <sup>2040</sup> Bail in other cases. How determined.

SEC. 28. Bail shall be taken by the sheriff, or officer to whom the process is directed, by a joint and several bond executed, by the accused and his bail, to the State, in the sum set down for bail upon the process, with condition, in substance, *that if the accused shall appear in the court, mentioned in the process, at the place and time of the return thereof, to answer as expressed therein, and shall not depart the court without leave, the said bond shall be void.* Bond so taken, shall be returned with the process, and, if default be made, it shall be recorded thereon in the same manner as in the case of a recognizance. <sup>2041</sup> How taken by sheriff.

2042  
Search war-  
rants, when  
and how to  
be issued.

SEC. 29. Any justice of the peace, or other magistrate authorized to issue warrants in criminal cases, may, within the limits of his jurisdiction, issue his warrant to search any house, or place, for property stolen, or concealed, or for forged, or counterfeited coins, bank bills, or other writings, or for any instrument, or materials, for making the same, and in other cases and for persons when such search is authorized by law, in the manner prescribed by this section and not otherwise, namely:

2043  
Complaint  
in writing.

The application, or complaint, shall be in writing, signed by the complainant and verified by his oath, or affirmation. It shall designate the house, or place, to be searched, and the owner, or occupant thereof (if any), and shall describe the things, or persons sought, as particularly as may be, and shall substantially allege the offence committed by, or in relation to such person, or thing, or the cause for which said search is made, and that the complainant has probable cause to suspect, and does suspect that the same is concealed in the house, or place, designated.

2044  
How direct-  
ed.

The warrant may be directed to any proper officer, or to any other person by name, for service; it shall recite the essential facts alleged in the complaint, and may be made returnable before the magistrate, or justice, issuing it, or before any other magistrate, or justice, before whom it shall also direct to be brought the person, or thing, searched for, if found, and the person in whose custody, or possession, the same may be found, to be dealt with according to law.

2045  
When it  
may be ex-  
ecuted at  
night.

A search warrant shall not authorize the person executing it to search any dwelling-house in the night time, unless the magistrate, or justice, shall be satisfied that it is necessary in order to prevent the escape, or removal, of the person, or things, to be searched for; and then the authority shall be expressly given in the warrant.

2046  
Power to try  
offences by  
SLAVES.

SEC. 30. Justices of the peace shall severally have jurisdiction to try and punish any slave who shall join, or be wilfully present at any riot, rout, or unlawful assembly, or who shall commit an assault and battery on any person, or who shall, without the special permission of his master, go armed with any dangerous weapon. In every case of conviction under this section, the justice shall give judgment against the master for the costs of the prosecution, and may issue execution thereon as upon a judgment for debt.

Judgment  
for costs.

2047  
Power of  
two justices  
to try offen-  
ces by  
SLAVES.

SEC. 31. Any two justices of the peace for the county shall have jurisdiction to try and punish any slave for the offence of stealing, taking and carrying away any goods, chattels effects, bank note, money, bill, promissory note, check, order, bond, or written contract for the payment of money, or delivery of goods, or of receiving, or concealing, any such stolen property knowing it to be stolen, or taken by robbery.

2048  
Order on  
master to  
pay costs,  
&c.

The justices, on conviction of such slave, shall assess the value of the property, so stolen or concealed, unless it shall have been restored, and tax the costs; and shall make an order that the master pay the same, and shall commit the slave until payment, or sale, as provided in chapter 80.

(1577.)

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They shall indorse on any process for the arrest of a slave under this section, an order that the constable shall serve a copy of such process on the master as provided in respect to an original summons. <sup>2049</sup> Service on master. [2066]

The trial shall not proceed, without the appearance of the master, until the return of the service of such copy is duly verified. <sup>2050</sup> To be verified.

SEC. 32. Justices of the peace shall severally have jurisdiction of the several offences mentioned in section 4, of chapter 131, being violations of the Sabbath day; and may proceed therein upon their own view, or on other competent evidence. <sup>2051</sup> [2003, &c.]

SEC. 33. Upon the death of a justice, or expiration of his term of office, and the appointment of another, it shall be the duty of such justice, or his executors, or administrators, to deliver all his dockets and records, within three months, to his successor in office, if appointed within that time; and if not, then with one of the nearest justices of the same county. The neglect of this duty shall be a misdemeanor punishable by fine of fifty dollars; and the Superior Court may name the justice to whom the delivery shall be made, and enforce an order for such delivery by fine and imprisonment. <sup>2052</sup> Duty of executors of a justice in respect to his records. Penalty.

SEC. 34. It is the duty of a justice of the peace, upon request and payment, or tender, of the legal fee, to make and certify, under his hand and seal, a true transcript of all the docket entries in any cause before him, or upon any record in his possession, or if specially required, a full and true copy of all the records, entries, process and papers in or touching such cause; and such transcript, or copy, shall be received in evidence in any court. <sup>2053</sup> Duty of justice to give transcript. Or full copies.

Upon an appeal, a transcript shall be sufficient, unless a full copy be specially requested. Upon a certiorari, the justice shall make a full copy of the entire record and proceedings. <sup>2054</sup> On appeals. On certiorari.

If any justice of the peace shall, upon such request and payment, or tender, of the lawful fees, refuse or neglect to perform the duty above required, or shall falsely certify any such transcript, or full copy, or shall use any fraud, falsehood, or deceit, in making the same, he shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one hundred dollars, and shall be liable to the party aggrieved in double damages. <sup>2055</sup> Penalties.

The Superior Court may, in a proper case, supported by affidavit, require the production of the original record. <sup>2056</sup> Originals may be required.

SEC. 35. Every justice of the peace shall attend, at the place of election in his hundred, on the day of every general election, or special election, from the opening to the closing of the poll, and shall take care that the peace shall be kept, and that the election shall not be interrupted, or disturbed. <sup>2057</sup> Duty to attend elections.

If any justice shall refuse, or wilfully neglect, to perform this duty, or to obey the lawful commands of the inspector of such election, he shall be deemed guilty of a misdemeanor and shall be fined one hundred dollars. <sup>2058</sup> Penalty.

THE

# STATUTES

OF

## OREGON,

ENACTED AND CONTINUED IN FORCE BY THE

### LEGISLATIVE ASSEMBLY,

*57k*  
AT THE SESSION COMMENCING

**5th December, 1853.**

OREGON:

ASAHEL BUSH, PUBLIC PRINTER.

1854.



## CHAPTER XVI.

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 17. Armed persons, when required to find sureties.  
 18. Suit on recognizance.  
 19. Surety may surrender principal.

Keeping the  
peace.

SEC. 1. The judges of the several courts of record, in vacation as well as in open court, and all justices of the peace, shall have power to cause all laws made for the preservation of the public peace, to be kept, and in the execution of that power, may require persons to give security to keep the peace, or for their good behavior, or both, in the manner provided in this chapter.

When sure-  
ties may be  
required. 17  
Wen. 181;  
23 do. 689.

SEC. 2. Whenever complaint shall be made to any such magistrate, that any person has threatened to commit an offence against the person or property of another, the magistrate shall examine the complainant, and any witness who may be produced on oath, and reduce such complaint to writing, and cause the same to be subscribed by the complainant.

Warrant to  
issue.

SEC. 3. If, upon examination, it shall appear that there is just cause to fear that such offence may be committed, the magistrate shall issue a warrant under his hand, reciting the substance of the complaint, and requiring the officer to whom it may be directed, forthwith to apprehend the person complained of, and bring him before such magistrate, or some other magistrate or court having jurisdiction of the cause.

Examination

SEC. 4. The magistrate before whom any person is brought upon charge of having made threats as aforesaid, shall, as soon as may be, examine the complainant, and the witnesses to support the prosecution, on oath, in the presence of the party charged, in relation to any matters connected with such charge, which may be deemed pertinent.

Privilege of  
defendant.

SEC. 5. After the testimony to support the prosecution, the witnesses for the prisoner, if he have any, shall be sworn and examined, and he may be assisted by counsel in such examination, and also in the cross-examination of the witnesses in support of the prosecution.

Recogniz-  
ance when  
required.

SEC. 6. If, upon examination, it shall appear that there is just cause to fear that any such offence will be committed by the party



## PROCEEDINGS TO PREVENT COMMISSION OF CRIMES.

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complained of, he shall be required to enter into recognizance with sufficient sureties, in such sum as the magistrate shall direct, to keep the peace towards all the people of this territory, and especially towards the person requiring such security, for such term as the magistrate shall order, not exceeding six months; but he shall not be ordered to recognize for his appearance at the district court, unless he is charged with some offence for which he ought to be held to answer at said court.

CHAP. 16.

SEC. 7. If the person so ordered to recognize, shall refuse or neglect to comply with such order, the magistrate shall commit him to the county jail during the period for which he was required to give security, or until he shall so recognize, stating in the warrant the cause of commitment, with the sum and time for which security was required.

When to be committed.  
23 Wm. 639.

SEC. 8. If, upon examination, it shall not appear that there is just cause to fear that any such offence will be committed by the party complained of, he shall be forthwith discharged; and if the magistrate shall deem the complaint unfounded, frivolous or malicious, he shall order the complainant to pay the costs of prosecution, who shall thereupon be answerable to the magistrate and the officer for their fees, as for his own debt.

Complainant when to pay costs.

SEC. 9. When no order respecting the costs is made by the magistrate, they shall be allowed and paid in the same manner as costs before justices in criminal prosecutions; but in all cases where a person is required to give security for the peace, or for his good behavior, the magistrate may further order the costs of prosecution, or any part thereof, to be paid by such person, who shall stand committed until such costs are paid, or he is otherwise legally discharged.

Costs.

SEC. 10. Any person aggrieved by the order of any justice of the peace, requiring him to recognize as aforesaid, may, within ten days after the decision of the justice, on giving the security required, appeal to the district court, next to be holden in the same county, or that county to which said county is attached for judicial purposes.

Appeal.

SEC. 11. The magistrate, from whose order an appeal is to be taken, shall require such witnesses as he may deem necessary to support the complaint, to recognize for their appearance at the court to which appeal is made.

Witnesses when to recognize.

SEC. 12. The court before which such appeal is prosecuted, may affirm the order of the justice, or discharge the appellant, or may require the appellant to enter into a new recognizance, with sufficient sureties, in such sum and for such time as the court shall think proper, and may also make such order in relation to the costs of prosecution, as it may deem just and reasonable.

Power of appellate court

SEC. 13. If any party appealing, shall fail to prosecute his appeal, his recognizance shall remain in full force and effect, as to any breach of the condition, without an affirmation of the judgment or order of the magistrate, and shall also stand as security for any cost which shall be ordered by the court appealed to, to be paid by the appellant.

Failing to prosecute appeal.

SEC. 14. Any person committed for not finding sureties, or refusing to recognize as required by the court or magistrate, may be dis-

Discharge of party committed.

**CHAP. 17.** charged by any judge or justice of the peace, on giving such security as was required.

Recognizances when to be transmitted.

**SEC. 15.** Every recognizance taken in pursuance of the foregoing provisions, shall be transmitted by the magistrate to the district court for the county, on or before the first day of the next term, and shall be there filed of record by the clerk.

Order to recognize without warrant.

**SEC. 16.** Any person, who shall, in the presence of any magistrate mentioned in the first section of this chapter, or before any court of record, make an affray, or threaten to kill, or beat another, or to commit any violence or outrage against his person or property, and every person, who, in the presence of such court or magistrate, shall contend with hot and angry words, to the disturbance of the peace, may be ordered, without process or any other proof, to recognize for keeping the peace, and being of good behavior for a term not exceeding six months, and in case of a refusal, may be committed as before directed.

Armed persons, when required to find sureties.

**SEC. 17.** If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault, injury, or other violence to his person, or to his family or property, he may, on complaint of any other person, having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace for a term not exceeding six months, with the right of appealing as before provided.

Suit on recognizance.

**SEC. 18.** Whenever on a suit brought on any such recognizance, the penalty thereof shall be adjudged forfeited, the court may remit such portion of the penalty on the petition of any defendant, as the circumstances of the case shall render just and reasonable.

Surety may surrender principal.

**SEC. 19.** Any surety in a recognizance to keep the peace, or for good behavior, or both, shall have the same authority and right to take and surrender his principal, as if he had been bail for him in a civil case, and upon such surrender, shall be discharged and exempted from all liability for any act of the principal, subsequent to such surrender, which would be a breach of the condition of the recognizance; and the person so surrendered, may recognize anew with sufficient sureties, before any justice of the peace for the residue of the term, and thereupon shall be discharged.

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Arrest.

**SEC. 1.** Arrest is the taking a person into custody, that he may be held to answer for a public offence.

THE  
REVISED CODE  
OF THE  
DISTRICT OF COLUMBIA.  
1857.

SEC. 2. On the trial of every indictment, the party accused shall be allowed to be heard by counsel, and he may defend himself, and he shall have a right to produce witnesses and proofs in his favor, and to be confronted with the witnesses who are produced against him.

SEC. 3. No person indicted for an offence shall be convicted thereof, unless by confession of his guilt in open court, or by admitting the truth of the charge against him by his plea or demurrer, or by the verdict of a jury, accepted and recorded by the court.

SEC. 4. No person shall be held to answer on a second indictment for any offence of which he has been acquitted by the jury, upon the facts and merits, on a former trial; but such acquittal may be pleaded by him in bar of any subsequent prosecution for the same offence, notwithstanding any defect in the form or in the substance of the indictment on which he was acquitted.

SEC. 5. No person who is charged with any offence against the law, shall be punished for such offence, unless he shall have been duly and legally convicted thereof in a court having competent jurisdiction of the cause and of the person.

## CHAPTER 141.

### OF PROCEEDINGS TO PREVENT AND DETECT THE COMMISSION OF CRIMES.

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40. When justice of the peace to act as coroner.

SECTION 1. The judge of the criminal court, or any judge of the circuit court, in vacation as well as in term, and also all justices of the peace, shall have power to cause all laws made for the preservation of the public peace to be kept, and, in the execution of that power, may require persons to give security to keep the peace, or for their good behavior, or both, in the manner provided in this chapter.

SEC. 2. Whenever complaint shall be made to any such magistrate that any person has threatened to commit an offence against the person or property of another, the magistrate shall examine the complainant, and any witness who may be produced, on oath, and reduce such complaint to writing, and cause the same to be subscribed by the complainant. A wife may pray surety of the peace against her husband, or anybody else may pray such surety, in her behalf, against him, and such person shall, in such proceeding, be deemed the complaining witness.

SEC. 3. If, upon examination, it shall appear that such affidavit is made only to secure the protection of the law, and not from anger or malice, and that there is just cause to fear that any such offence may be committed, the magistrate shall issue a warrant under his hand, reciting the substance of the complaint, and requiring the officer to whom it may be directed forthwith to apprehend the person complained of and bring him before such magistrate, or some other magistrate or court having jurisdiction of the cause.

SEC. 4. When the party complained of is brought before the magistrate, he shall be heard in his defence, and he may be required to enter into a recognizance, with sufficient sureties, in such sum as the

magistrate shall direct, to keep the peace towards all the people of this District, and especially towards the person requiring such security, for such term as the magistrate may order, not exceeding one year, but shall not be bound over to the next court, unless he is also charged with some other offence for which he ought to be held to answer at such court.

SEC. 5. Upon complying with the order of the magistrate, the party complained of shall be discharged.

SEC. 6. If the person so ordered to recognise shall refuse or neglect to comply with such order, the magistrate shall commit him to the county jail during the period for which he was required to give security, or until he shall so recognise; stating in the warrant the cause of commitment, with the sum and the time for which security was required.

SEC. 7. If, upon examination, it shall not appear that there is just cause to fear that any such offence will be committed by the party complained of, he shall be forthwith discharged; and if the magistrate shall deem the complaint unfounded, frivolous, or malicious, he shall order the complainant to pay the costs of prosecution, who shall thereupon be answerable to the magistrate and the officer for their fees as for his own debt.

SEC. 8. When no order respecting the costs is made by the magistrate, they shall be allowed and paid in the same manner as costs before justices in criminal prosecution; but in all cases where a person is required to give security for the peace, or for his good behavior, the court or magistrate may further order that the costs of prosecution, or any part thereof, shall be paid by such person, who shall stand committed until such costs are paid, or he is otherwise legally discharged.

SEC. 9. Any person aggrieved by the order of any justice of the peace requiring him to recognise as aforesaid, may, on giving the security required, appeal to the criminal court at its next session to be discharged therefrom.

SEC. 10. The magistrate from whose order an appeal is so taken shall require such witnesses as he may think necessary to support the complaint, to recognise for their appearance at the court to which the appeal is made.

SEC. 11. The criminal court may affirm the order of the justice or



discharge the appellant, or may require the appellant to enter into a new recognizance, with sufficient sureties, in such sum and for such time as the court shall think proper, and may also make such order in relation to the costs of prosecution as may be deemed just and reasonable.

SEC. 12. If any party appealing shall fail to prosecute his appeal, his recognizance shall remain in full force and effect, as to any breach of the condition, without an affirmation of the judgment or order of the magistrate, and shall also stand as a security for any costs which shall be ordered by the court appealed to, to be paid by the appellant.

SEC. 13. Any person committed for not finding sureties, or refusing to recognise, as required by the court or magistrate, may be discharged by any judge or justice of the peace on giving such security as was required.

SEC. 14. Every recognizance taken pursuant to the foregoing provisions shall be transmitted by the magistrate to the criminal court on or before the first day of the next term, and shall be there filed by the clerk.

SEC. 15. Every person who shall, in the presence of any officer mentioned in the first section of this chapter, make an affray, or threaten to kill or beat another, or to commit any violence or outrage against his person or property, and every person who, in the presence of such officer, shall contend with hot and angry words, to the disturbance of the peace, may be ordered, without process or any other proof, to recognise for keeping the peace, or being of good behavior, for a term not exceeding one year, and in case of refusal may be committed as before directed.

SEC. 16. If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace for a term not exceeding six months, with the right of appealing as before provided.

SEC. 17. If any justice of the peace suspect any person of selling, by retail, wine or ardent spirits, or a mixture thereof, contrary to law, he shall summon the person and such witnesses as he may think

proper, to appear before him; and, upon such person appearing, or failing to appear, if the justice, on examining the witnesses on oath, find sufficient cause, he shall inform the district attorney, or other proper officer, that a prosecution or suit may be instituted, and shall recognise the material witnesses to appear at the next term of the court before which the case is heard. Such justice may also require the person suspected to enter into a recognizance to keep the peace and be of good behavior for any time not exceeding one year. If such recognizance be given, the condition thereof shall be deemed to be broken if, during the period for which it is given, such person shall sell, by retail, wine or ardent spirits, or a mixture thereof, contrary to law.

SEC. 18. Any surety in a recognizance to keep the peace, or for good behavior, or both, shall have authority and right to take and surrender his principal, and, upon such surrender, shall be discharged and exempt from all liability for any act of the principal, subsequent to such surrender, which would be a breach of the condition of the recognizance. Such person may recognise anew, with sufficient sureties, before any justice of the peace, for the residue of the term, and be thereupon discharged.

#### SEARCH WARRANTS.

SEC. 19. When complaint shall be made on oath to any magistrate authorized to issue warrants in criminal cases, that personal property has been stolen or embezzled, or obtained by false tokens or pretences, and that the complainant believes that it is concealed in any particular house or place, the magistrate, if he be satisfied that there is reasonable cause for such belief, shall issue a warrant to search for such property.

SEC. 20. Any such magistrate may also, upon a like complaint made on oath, issue search warrants, when satisfied that there is reasonable cause, in the following cases, to wit:

First, to search for and seize any counterfeit or spurious coin, forged bank notes, and other forged instruments, or any tools, machines, or materials, prepared or provided for making either of them;

Secondly, to search for and seize any books pamphlets, ballads, printed papers, or other things containing obscene language, or obscene prints, pictures, figures, or descriptions, manifestly tending



to corrupt the morals of youth, and intended to be sold, loaned, circulated or distributed, or to be introduced into any family, school or place of education;

Thirdly, to search for and seize lottery tickets, or materials for a lottery, unlawfully made, provided, or procured, for the purpose of drawing a lottery;

Fourthly, to search for and seize any gaming apparatus or implements used, or kept and provided to be used, in unlawful gaming, in any gaming house, or in any building, apartment, or place resorted to for the purpose of unlawful gaming;

Fifthly, to search for any harbored runaway slave.

SEC. 21. All search warrants shall be directed to the marshal of the District, or his deputy, or to any constable, commanding such officer to search, in the day time, the house or place where the stolen property or other things, for which he is required to search, are believed to be concealed, which place and property or things to be searched for shall be designated and described in the warrant; and to bring such stolen property or other things, when found, and the persons in whose possession the same shall be found, before the magistrate who issued the warrant, or before some other magistrate or court having cognizance of the case.

SEC. 22. If there be satisfactory evidence that any property stolen or embezzled, or obtained by false tokens or pretences, or that any of the other things for which a search warrant may be issued by the provisions of this chapter, are concealed, kept, prepared or used, in any particular house or place, a warrant may be issued by any two magistrates, to authorize a public officer to search such house or place in the night time, and to bring the property or things described in the warrant, if found, and the persons in whose possession the same shall be found, before either of the magistrates who issued the warrant, or before some other magistrate or court having cognizance of the case.

SEC. 23. If any such search warrant be executed by the seizure of a runaway slave, he shall be returned to the owner, or committed to jail as a runaway, by the justice before whom he is brought; and if it be executed by the seizure of other property, or of any of the things aforesaid, the same shall be safely kept by order of the justice, to be used in evidence; and as soon afterwards as may be, such stolen

or embezzled property shall be restored to its owner, and the other things specified burnt or otherwise destroyed under the direction of such justice.

#### CORONERS' INQUESTS.

SEC. 24. Coroners shall take inquests upon the view of the dead bodies of such persons only as shall be supposed to have come to their death by violence, and not when death is believed to have been occasioned by casualty, or to have happened in a course of nature.

SEC. 25. As soon as the coroner shall have notice of the dead body of any person, supposed to have come to his death by violence, found or lying within this county, he shall make his warrant to a constable requiring him forthwith to summon six good and lawful men of the county to appear before such coroner, at the time and place expressed in the warrant, which may be issued with or without a seal, and in substance as follows:

\_\_\_\_\_, ss.

To A B, constable of \_\_\_\_\_, Greeting :

You are hereby required immediately to summon six good and lawful men of the county of \_\_\_\_\_, to appear before me, \_\_\_\_\_, coroner of said county, at the dwelling house of \_\_\_\_\_, (or at a place called \_\_\_\_\_,) within the city, (or town, or county) of \_\_\_\_\_, at the hour of \_\_\_\_\_, then and there to inquire, upon the view of the body of \_\_\_\_\_, there lying dead, when, how, and by what means he came to his death. Hereof fail not.

Given under my hand the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_.  
\_\_\_\_\_, Coroner.

SEC. 26. The constable to whom such warrant shall be directed and delivered shall forthwith execute the same, and shall, at the time mentioned in the warrant, repair to the place where the dead body is, and make return thereof to the coroner, and of his doings thereon, under his hand; and any constable who shall unnecessarily neglect or fail to execute or return such warrant, shall be fined the sum of twenty dollars; and if any person summoned as a juror shall fail to appear, without reasonable excuse therefor, he shall be fined the sum of ten dollars. If the six jurors returned shall not all appear, the coroner may require the constable, or any other officer whom he shall appoint, to return other jurors, from the body of the county, and not from bystanders, to complete the number.

SEC. 27. When the jurors who have been summoned appear, the coroner shall call over their names, and then, in view of the body, he shall administer to them the following oath:

You solemnly swear that you will diligently inquire, and true presentment make, on behalf of the United States, when, how, and by what means, the person, whose body lies here dead, came to his death; and you shall return a true inquest thereof, according to your knowledge and such evidence as shall be laid before you: So help you God.

SEC. 28. The coroner may issue subpoenas for witnesses, returnable forthwith, or at such time and place as he shall therein direct; and the attendance of all persons served with such subpoena may be enforced in the same manner, by the coroner, and subject to the same penalties, as if they had been served with a subpoena to attend a court of justice.

SEC. 29. An oath to the following effect shall be administered to the witnesses by the coroner:

You solemnly swear that the evidence which you shall give to this inquest, concerning the death of the person here lying dead, shall be the truth, the whole truth, and nothing but the truth: So help you God.

SEC. 30. The coroner, in all cases where the cause of death shall be doubtful, shall call to his aid some competent surgeon, who, when he may deem the same necessary, shall make a post mortem examination of the body, and report, in writing, signed by him, the condition of the same, together with his opinion as to the cause of death. The coroner shall also cause to be made, by a competent person, an analysis of the stomach and its contents, when poison is supposed to have been taken or administered; and a like report shall be made by the chemist or other person employed, as is required of a surgeon. Fees for said services shall be paid out of the treasury of the United States, and shall, within the following limits, be determined by the judge of the criminal court. For the external examination of the body, from five to ten dollars; for dissection of body before interment, from ten to twenty dollars; for dissection of body after disinterment, from twenty to thirty dollars; for making a chemical analysis, from ten to forty dollars. The expenses of analysis, apart from the fee, shall be paid in like manner, but shall in no case exceed the sum of

ten dollars, unless previously sanctioned by the judge of the criminal court.

SEC. 31. The testimony of all witnesses examined before any inquest shall be reduced to writing by the coroner, or some other person by his direction, and be subscribed by the witnesses.

SEC. 32. The jury, upon the inspection of the dead body, and after hearing the testimony of the witnesses, and making all needful inquiries, shall draw up and deliver to the coroner their inquisition, under their hands, in which they shall find and certify when, how, and by what means the deceased person came to his death, and his name, if it was known, a minute description of his person, together with all the material circumstances attending his death; and if it shall appear that he was killed feloniously, the jurors shall further state who were guilty, either as principals or accessories, if known, or were in any manner the cause of his death; which inquisition may be, in substance, as follows:

— — ss. An inquisition taken at — —, in the county of — —, on the — — day of — —, in the year — —, before — —, corner of the said county, upon the view of the body of — —, (or a person,) there lying dead, by the oaths of the jurors whose names are hereunto subscribed, who, being sworn to inquire, on behalf of the United States, when, how, and by what means the said — — (or person) came to his death, upon their oaths do say, (then insert description of person, and when, how, and by what persons, means, weapon, or instrument he was killed.) In testimony whereof, the said coroner and the jurors of this inquest have hereunto set their hands, the day and year aforesaid.

SEC. 33. If the jury find that any murder, manslaughter, assault, or other offence has been committed on the person of the deceased, the coroner shall bind over, by recognizance, such witnesses as he shall think proper, to appear and testify at the next session of the criminal court; he shall also return to the same court the inquisition, written evidence, and all recognizances and examinations by him taken, and may commit to jail any witnesses who shall refuse to recognise in such manner as he shall direct.

SEC. 34. If any person charged by the inquest with having committed such offence shall not be in custody, the coroner shall have the same power as a justice of the peace to issue process for his

apprehension, and such warrant shall be made returnable before any justice of the peace, or other magistrate or court having cognizance of the case, who shall proceed therein as if such person had been arrested on complaint duly made.

SEC. 35. When the coroner shall take an inquest upon the view of the dead body of a stranger, or, being called for that purpose, shall not think it necessary, on view of such body, that any inquest should be taken, he shall cause, in the absence of other provision, the body to be decently buried; and if the coroner shall certify that, to the best of his knowledge and belief, the person found dead was a stranger, not belonging to this District, the expenses of burial, with the coroner's fees, and all the expenses of the inquisition, if any was taken, shall be paid to the coroner from the treasury of the United States, the account of such expenses being first examined and allowed by the judge of the criminal court; in all other cases the expenses of the inquisition only shall be paid, in like manner, by the United States.

SEC. 36. The coroner shall require the jury empaneled, to make a report, signed by them and the coroner, and to be returned with the inquisition, giving the amount of money or other valuables found on or with the dead body, and such money or other property, if there be no person to take charge of the same, shall be placed in the hands of the judge of the orphans' court, and by him paid over to the person authorized to receive the same, on being called for. But so much thereof as may be necessary may, in the event of the deceased being a stranger, be appropriated to paying his burial expenses.

SEC. 37. In case the body shall not be identified, it shall be the duty of the coroner to publish, in some newspaper printed in this District, a description of the deceased, and the amount of money or other valuables found in his possession. And though the body may be identified, if money or other valuables be found thereon, and no person entitled thereto shall claim the same within sixty days, it shall be the duty of the coroner to give public notice, as aforesaid, of the facts. The cost of such advertising shall be paid in like manner as the expense of the inquisition.

SEC. 38. It shall be the duty of the said judge, if said money shall not be called for within one year from the time of his receiving the

same, to loan it out on the most advantageous terms he can, taking bond and good security, and the proceeds therefrom shall be applied to the maintenance of the public schools, in the manner hereinbefore provided with regard to fines. Such money, without interest, may be claimed at any time thereafter by the parties entitled to the same.

SEC. 39. If any coroner shall fail to pay to the judge of the orphan's court the money or other property which may come into his hands as aforesaid, within three months of its receipt, it shall be the duty of said judge to sue for and collect the same in his own name, annexing his title, before the circuit court; and for such delinquency the coroner shall be fined a sum not exceeding five hundred dollars.

SEC. 40. The judge of the orphans' court shall cause to be sold, as property is sold on execution, by the marshal, all property found on a dead body and remaining unclaimed sixty days, and the proceeds of such sale shall be disposed of as is required in case of money so found.

SEC. 41. When the coroner shall be absent from the District, or unable to attend, any justice of the peace may hold the inquest, and shall proceed in all respects as coroners are directed by the foregoing provisions, and subject to the same penalties.

## CHAPTER 142.

### OF THE ARREST AND EXAMINATION OF OFFENDERS, COMMITMENT FOR TRIAL, AND TAKING BAIL.

#### SECTION

1. Officers empowered to act under this chapter.
2. Complaint, warrant, and summonses for witnesses.
3. What officers may bail, and when.
4. Prisoners; when to be brought before magistrate, on arrest, &c.
5. Magistrate, if he take bail, to return the recognizance to court, &c.
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#### SECTION

8. Proceedings when the party fail to recognise.
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12. } Manner of conducting the examination.
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14. }
15. Testimony may be reduced to writing.
16. Prisoner; when to be discharged.
17. Prisoner; when to be bailed, or committed.
18. Witnesses to recognise.

*\* Long Island, N.Y.,*  
*Nov. 5, 1911.*  
*THE*  
**REVISED STATUTES**  
**OF THE**  
**STATE OF WISCONSIN:**

**PASSED AT THE**  
**ANNUAL SESSION OF THE LEGISLATURE COMMENCING**  
**JAN. 13, 1858, AND APPROVED MAY 17, 1858.**  
**TO WHICH ARE PREFIXED**  
**THE DECLARATION OF INDEPENDENCE**  
**AND THE**  
**CONSTITUTIONS OF THE UNITED STATES AND THE**  
**STATE OF WISCONSIN.**

**With an Appendix,**  
**CONTAINING CERTAIN ACTS REQUIRED TO BE PUBLISHED THEREWITH.**

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**Printed and Published pursuant to Law, under the Superintendence of one of the Registers.**

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**CHICAGO, ILL.:**  
**PUBLISHED BY W. B. KEEN.**  
**1858.**



## CHAPTER CLXXV.

## OF PROCEEDINGS TO PREVENT THE COMMISSION OF CRIME.

SECTION 1. The judges of the several courts of record, in vacation as well as in open court, court commissioners, and all justices of the peace, shall have power to cause all laws made for the preservation of the public peace to be kept, and in the execution of that power may require persons to give security to keep the peace, or for their good behavior, or both, in the manner provided in this chapter.

Officers authorized to preserve the peace.

SECTION 2. Whenever complaint shall be made to any such magistrate, that any person has threatened to commit an offense against the person or property of another, the magistrate shall examine the complainant and any witness who may be produced, on oath, and reduce such complaint to writing, and cause the same to be subscribed by the complainant.

Complaint how made.

SECTION 3. If, upon examination, it shall appear that there is just cause to fear that any such offense may be committed, the magistrate shall issue a warrant under his hand, reciting the substance of the complaint, and requiring the officer to whom it may be directed forthwith to apprehend the person complained of, and bring him before such magistrate, or some other magistrate or court having jurisdiction of the cause.

Warrant and arrest.

SECTION 4. The magistrate before whom any person is brought upon a charge of having made threats as aforesaid, shall, as soon as may be, examine the complainant and the witnesses to support the prosecution, on oath, in the presence of the party charged, in relation to any matters connected with such charge, which may be deemed pertinent.

Examination of complainant and witnesses.

SECTION 5. After the testimony to support the prosecution, the witnesses for the prisoner, if he have any, shall be sworn and examined, and he may be assisted by counsel in such examination, and also in the cross examination of the witnesses in support of the prosecution.

Ib. of witnesses for prisoner.

SECTION 6. If, upon examination, it shall appear that there is just cause to fear that any such offense will be committed by the party complained of, he shall be required to enter into a recognizance, and with sufficient sureties in such sum as the magistrate shall direct, to keep the peace toward all the people of this state, and especially toward the person requiring such security, for such term as the magistrate shall order, not exceeding six months; but he shall not be ordered to recognize for his appearance at the circuit court, unless he is also charged with some offense for which he ought to be held to answer at said court.

When prisoner required to give recognizance, &c.

SECTION 7. Upon complying with the order of the magistrate, the party complained of shall be discharged.

When discharged.

SECTION 8. If the person so ordered to recognize shall refuse or neglect to comply with such order, the magistrate shall commit him to the county jail during the period for which he was required to give security, or until he shall so recognize, stating in the warrant the cause of commitment, with the sum and time for which security was required.

To be committed if he refuse to recognize.

SECTION 9. If, upon examination, it shall not appear that

When dis-

**CHAP. 175.** there is just cause to fear that any such offense will be committed by the party complained of, he shall be forthwith discharged, and if the magistrate shall deem the complaint unfounded, frivolous, or malicious, he shall order the complainant to pay the costs of prosecution, who shall thereupon be answerable to the magistrate and the officer for their fees, as for his own debt.

charged, and  
when com-  
plainant to pay  
costs.

Payment of  
costs in other  
cases.

**SECTION 10.** When no order respecting the costs is made by the magistrate, they shall be allowed and paid in the same manner as costs before justices in criminal prosecutions, but in all cases where a person is required to give security for the peace, or for his good behavior, the magistrate may further order the costs of prosecution, or any part thereof, to be paid by such person, who shall stand committed until such costs are paid, or he is otherwise legally discharged.

Appeal  
allowed.

**SECTION 11.** Any person aggrieved by the order of any justice of the peace, requiring him to recognize as aforesaid, may, on giving the security required, appeal to the circuit court next to be holden in the same county, or that county to which said county is attached for judicial purposes.

Witnesses to  
recognize on  
appeal.

**SECTION 12.** The magistrate from whose order an appeal is so taken, shall require such witnesses as he may think necessary to support the complaint, to recognize for their appearance at the court to which appeal is made.

Proceedings on  
appeal.

**SECTION 13.** The court before which such appeal is prosecuted, may affirm the order of the justice, or discharge the appellant, or may require the appellant to enter into a new recognizance, with sufficient sureties, in such sum and for such time as the court shall think proper, and may also make such order in relation to the costs of prosecution, as he may deem just and reasonable.

Recognizances  
when to re-  
main in force.

**SECTION 14.** If any party appealing shall fail to prosecute his appeal, his recognizance shall remain in full force and effect as to any breach of the condition, without an affirmation of the judgment or order of the magistrate, and shall also stand as a security for any costs which shall be ordered by the court appealed to, to be paid by the appellant.

Not recogni-  
zing, how af-  
terward dis-  
charged.

**SECTION 15.** Any person committed for not finding sureties, or refusing to recognize as required by the court or magistrate, may be discharged by any judge or justice of the peace, on giving such security as was required.

Recognizance  
to be transmit-  
ted to court.

**SECTION 16.** Every recognizance taken in pursuance of the foregoing provisions, shall be transmitted by the magistrate to the circuit court for the county, on or before the first day of the next term, and shall be there filed of record by the clerk.

When required  
to recognize on  
view of court.

**SECTION 17.** Any person who shall, in the presence of any magistrate mentioned in the first section of this chapter, or before any court of record, make an affray, or threaten to kill or beat another, or to commit any violence or outrage against his person or property, and every person who in the presence of such court or magistrate shall contend, with hot and angry words, to the disturbance of the peace, may be ordered, without process or any other proof, to recognize for keeping the peace and being of good behavior, for a term not exceeding six months, and in case of a refusal, may be committed as before directed.

SECTION 18. If any person shall go armed with a dirk, dagger, sword, pistol or pistols, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury or violence to his person, or to his family or property, he may, on complaint of any other person having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

CHAP. 176.

Persons going armed to give security, &amp;c.

SECTION 19. Whenever, upon an action brought on any such recognizance, the penalty thereof shall be adjudged forfeited, the court may remit such portion of the penalty, on the petition of any defendant, as the circumstances of the case shall render just and reasonable.

Court may remit penalty.

SECTION 20. Any surety in a recognizance to keep the peace, or for good behavior, or both, shall have the same authority and right to take and surrender his principal, as if he had been bail for him in a civil cause, and upon such surrender, shall be discharged and exempt from all liability for any act of the principal subsequent to such surrender, which would be a breach of the condition of the recognizance, and the person so surrendered may recognize anew, with sufficient sureties, before any justice of the peace, for the residue of the term, and thereupon shall be discharged.

Surety may surrender principal.

SECTION 21. If any magistrate or officer mentioned in the first section of this chapter, shall have any knowledge that any assault and battery is about to be committed, or that any affray is about to occur, he shall forthwith issue a warrant and proceed as is directed when complaint has been made; and if any such offense is committed, threatened, or attempted in his presence, he shall immediately arrest the offender, or cause it to be done, and for this purpose no warrant or process shall be necessary, but the officer may summon to his assistance any sheriff, coroner, or constable, and all other persons there present, whose duty it shall be to aid the officer in preserving the peace, arresting and securing the offenders, and all such as obstruct or prevent the officer or any of his assistants in the performance of their duty, and any person who shall, when summoned to aid in arresting and securing an offender, refuse to give such assistance, shall forfeit the sum of five dollars.

When justice, &amp;c., to issue warrant on his own knowledge.

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## CHAPTER CLXXVI.

### OF THE ARREST AND EXAMINATION OF OFFENDERS, COMMITMENT FOR TRIAL, AND TAKING BAIL.

SECTION 1. For the apprehension of persons charged with offenses, the judges of the several courts of record, in vacation as well as term time, court commissioners, and all justices of the peace, are authorized to issue process to carry into effect the provisions of this statute.

Officer empowered to enforce provisions of this chapter.

SECTION 2. Upon complaint made to any such magistrate, Complaint

Penn. Laws, Statutes, etc.

A DIGEST  
OF THE  
LAWS OF PENNSYLVANIA,

FROM THE  
YEAR ONE THOUSAND SEVEN HUNDRED  
TO THE  
TWENTY-FIRST DAY OF MAY, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

---

ORIGINALLY COMPILED BY  
JOHN PURDON, ESQ.

---

NINTH EDITION.

Revised, with Marginal References; Foot Notes to the Judicial Decisions; Analytical Contents;  
a Digested Syllabus of each Title; and a New, Full and Exhaustive Index.

BY  
FREDERICK C. BRIGHTLY, ESQ.,  
AUTHOR OF "EQUITY JURISPRUDENCE;" "UNITED STATES DIGEST," ETC.

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PHILADELPHIA:  
KAY & BROTHER, 19 SOUTH SIXTH STREET,  
LAW BOOKSELLERS, PUBLISHERS & IMPORTERS.  
1862.

**Crimes.—Criminal Procedure.**

Acts of assembly to be strictly pursued.

Meaning of general terms.

192. In all cases where a remedy is provided, or duty enjoined, or anything directed to be done by any act or acts of assembly of this commonwealth, the directions of the said acts shall be strictly pursued; and no penalty shall be inflicted, or anything done agreeably to the provisions of the common law in such cases, further than shall be necessary for carrying such act or acts into effect. (a)

193. Wherever anything is forbidden or directed by the provisions of this code, by using the general terms, any one, any person, the person, every person and such person, or the relative pronoun he, referring to such general term, the same prohibition or direction, if the contrary be not expressed, is extended to more persons than one, and to females as well as males doing or omitting the same act. (b)

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4. Magistrates backing such warrants to be indemnified.
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32. Quarter sessions. When causes to be certified to the oyer and terminer. Powers of the courts.
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**D. OF THE TRIAL.**

34. Persons under bail not to be placed in the criminal bar.
35. Persons indicted for treason to have a copy of the indictment.
36. Peremptory challenges.

**A. PROCEEDINGS TO DETECT THE COMMISSION OF CRIMES.**

- Warrants of arrest, &c. 1. The judges of the supreme court, of the court of oyer and terminer and jail delivery, of the courts of quarter sessions, or any of them, shall and may direct their writs and precepts to the sheriffs and coroners of the several counties within this commonwealth, when need shall be, to take persons indicted for felonies, or other offences, before them, who may dwell, remove or be received into another county; and it shall and may be lawful to and for the said judges, or any of them, to issue subpoenas into any county of the commonwealth, for summoning and bringing any person to give evidence in any matter or cause before them, or any of them, and to compel obedience to such writs, precepts or subpoenas, by attachment or otherwise, and under such pains and

system by the 13th section of the act of 22d April 1794, 3 Sm. 190; it will also be found in the punishments provided by the act of 23d April 1829, 10 Sm. 430. Report on the Penal Code 38.

(a) This section is taken from the 13th section of the act of 21st March 1806, 4 Sm. 332. Report on the Penal Code 38. See

37. Challenges by the commonwealth.
38. How challenges are to be conducted.
39. How challenges are to be determined.
40. Of the trial of persons jointly indicted, and joint challenges.
41. How tales may be awarded and juries summoned.
42. Of juries de medietate linguae.
43. Of the place of trial of treason.
44. Of the place of trial of accessories before the fact.
45. Of the place of trial of accessories after the fact.
46. Of felonious striking or poisoning in one county, and death in another.
47. Of felonious striking or poisoning in the state, and death out of the state.
48. Proof of offences committed near county lines.
49. Proof of offences committed during journeys.
50. Party indicted for felony or misdemeanor may be found guilty of attempt to commit the same.
51. Persons tried for misdemeanor not to be acquitted if the offence turn out to be felony.
52. Witnesses entitled to restitution to be competent.
53. Cure of defects in jury process by verdict.
54. Of the trial of prisoners committed.
55. Witnesses in forgeries.
56. Witnesses not to be imprisoned except in certain cases.
57. Bills of exceptions and writs of error allowed.
58. Written opinions to be filed.
59. Granting of writs of error regulated.
60. From whence writ of error shall issue.
61. Proceedings after affirmance or reversal of judgment.

**E. OF COSTS.**

62. Power of grand and petit jurors over costs.
63. Of the defendant's costs.
64. Of payment of costs generally.
65. Costs where separate bills are presented against joint offenders.

**F. GENERAL PROVISIONS.**

66. Insane prisoners. Jury to find the fact of insanity. Defendant to be detained in custody.
67. Where defendant is found insane upon arraignment.
68. Where prisoner brought up to be discharged appears to be insane.
69. Insane defendant to be delivered up to his friends or to the overseers, on security being given.
70. How expenses to be paid in such cases.
71. Civil actions against felons.
72. Executions upon sentences of restitution.
73. Outlawry.
74. Sentences of separate or solitary confinement.
75. Sentences of separate or solitary confinement of less than one year, and simple imprisonment.
76. Executions in capital cases.
77. Limitation of prosecutions.
78. Fines to be decreed to be paid to the state for the use of the county.

192. Act 31 March 1800, § 183. P. L. 426.

193. Ibid. § 184.

1. Act 31 March 1800, § 1. P. L. 428.

6 S. & R. 289. 11 S. & R. 345. Bright, R. 69. 13 S. & R. 426. 1 R. 457. 5 R. 64. 1 Ash. 46. 7 Am. L. R. 620.

(b) This section explains the meanings of general terms which have been used for the sake of brevity. Report on the Penal Code 39.



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penalties as other writs or subpoenas are or ought by law to be granted and awarded; and that it shall be lawful for said judges, or any of them, if they see fit to direct such writ, precept, summons, subpoena or attachments, to be executed by the sheriff of the county in which the same is awarded, which said writ, precept, summons or subpoena, shall be the sufficient warrant of such sheriff for executing the same throughout this commonwealth, as fully and effectually as if directed to, and executed by the sheriff of the proper county where issued: *Provided*, That the reasonable expenses of executing such process, when issued on behalf of the commonwealth, shall be paid out of the funds of the county where issued; and the expenses of removing any person charged with having committed an offence in one county into another county, or of transporting any person charged with having committed any offence in this state from another state into this state for trial, or for conveying any person, after conviction, to the penitentiary, shall be paid out of the treasury of the county where the offence is charged to have been committed. (a)

2. Where any person charged with having committed any felony, (b) in any city or county of this commonwealth, shall go or escape into any other county thereof, it shall and may be lawful for the president, or any judge of the court of common pleas in the county where the said person may be found, to issue his warrant, authorizing and requiring the sheriff of the said county, to take the said person and conduct him to the proper county, where the said felony is alleged to have been committed, the expenses of which shall be paid to the said sheriff by the county to which the said person is conducted. (c)

3. In case any person against whom a warrant may be issued by any judge or alderman of any city, or justice of the peace of any county in this commonwealth, for any offence there committed, shall escape, go into, reside or be in any other city or county out of the jurisdiction of the judge, alderman, justice or justices of the city or county granting such warrant as aforesaid, it shall and may be lawful for, and it is hereby declared to be the duty of any alderman, justice or justices of the city or county where such person shall escape, go into, reside or be, upon proof being made, upon oath or affirmation, of the handwriting of the judge, alderman, justice or justices granting such warrant, to indorse his or their name or names on such warrant, which shall be sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute the same in such other city or county, out of the jurisdiction of the alderman, justice or justices, granting such warrant as aforesaid, and to apprehend and carry such offender before the alderman, justice or justices who indorsed such warrant, or some other alderman, justice or justices of such other city and county where such warrant was indorsed. And in case the offence for which such offender shall be so apprehended, shall be bailable in law by an alderman or justice of the peace, and such offender shall be willing and ready to give bail for his appearance at the next court of general jail delivery or quarter sessions, to be held in and for the city and county where the offence was committed, such alderman, justice or justices shall and may take such bail for his appearance, in the same manner as the alderman or justice of the peace of the proper city or county might have done; and the said alderman, justice or justices of the peace of such other city or county so taking bail, shall deliver or transmit such recognisance and other proceeding to the clerk of the court of general jail delivery or quarter sessions, where such offender is required to appear by virtue of such recognisance, and such recognisance and other proceedings shall be as good and effectual in law as if the same had been entered into, taken or acknowledged in the proper county where the offence was committed, and the same proceedings shall be had therein. And in case the offence for which such offender shall be apprehended in any other city or county, shall not be bailable in law by an alderman or justice of the peace, or such offender shall not give bail for his appearance at the proper court having cognisance of his crime, to the satisfaction of the alderman or justice before whom he shall be brought, then the constable or other person so apprehending such offender, shall carry and convey him before one of the aldermen or justices of the peace of the proper city or county where such offence was committed, there to be dealt with according to law. (d)

4. No action of trespass, or false imprisonment, or information, or indictment, shall be brought, sued, commenced, exhibited or prosecuted by any person, against the alderman, justice or justices, who shall indorse such warrant, for or by reason of his or their indorsing the same, but such person shall be at liberty to bring or prosecute his or their action or suit against the alderman or justice who originally granted the warrant. (e)

5. When any person shall be accused before a magistrate, upon oath or affirmation

2. Act 31 March 1860, § 2. P. L. 428.

3. Ibid. § 2.

4. Ibid. § 4.

5. Ibid. § 2.

(a) This section is composed of the 8th section of the act of 22d May 1722, 1 Sm. 138; of the 14th section of the act of 23d September 1791, 3 Sm. 43; and of the 2d section of the act of 25th April 1840, P. L. 408. It is not proposed to repeal all the 8th section of the act of 1722, because part of it equally applies to civil as well as criminal proceedings. Report on the Penal Code 39. The county is not liable for the expenses incurred in an unsuccessful attempt to arrest a fugitive from justice, who has taken refuge in another state. 8 C. 540.

(b) This does not extend to misdemeanors; a fugitive charged with having committed a misdemeanor in another county can

only be arrested under the provisions of the succeeding section. Grant 218.

(c) This section is taken from the 3d section of the act of 4th of April 1807, 4 Sm. 893. Report on the Penal Code 39.

(d) A warrant issued by a justice of the peace in one county, and indorsed by a justice of another county, charging a misdemeanor to have been committed in the county whence the warrant issued, will not justify the detention of the offender in the jail of the county where the warrant was indorsed. Grant 218.

(e) The 3d and 4th sections are taken from the act of 18th April 1827, 9 Sm. 424. Report on the Penal Code 39.

**Criminal Procedure.**

- supposed to be stolen, found in the possession of one accused.** tion, of the crime of burglary, robbery or larceny, and the said magistrate shall have issued his warrant to apprehend such person or persons, or to search for such goods as have been described, on oath or affirmation, to have been stolen goods, if any shall be found in the custody or possession of such person or persons, or in the custody or possession of any other person or persons, for his, her or their use, and there is probable cause, supported by oath or affirmation, to suspect that other goods, which may be discovered on such search, are stolen, it shall and may be lawful for the said magistrate to direct the said goods to be seized, and to secure the same in his own custody, unless the person in whose possession the same were found shall give sufficient surety to produce the same at the time of his or her trial. And the said magistrate shall forthwith cause an inventory to be taken of the said goods, and shall file the same with the clerk of that court in which the accused person is intended to be prosecuted, and shall give public notice in the newspapers, or otherwise by advertising the same in three or more public places in the city or county where the offence is charged to have been committed, before the time of trial, noting in such advertisement the said inventory, the person charged and time of trial. And if, on such trial, the accused party shall be acquitted, and no other claimant shall appear or suit be commenced, then, at the expiration of three months, such goods shall be delivered to the party accused, and he, she or they shall be discharged, and the county be liable to the costs of prosecution; but if he be convicted of larceny only, and, after restitution made to the owner and the sentence of the court being fully complied with, shall claim a right in the residue of the said goods, and no other shall appear or claim the said goods, or any part of them, then it shall be lawful, notwithstanding the claim of the said party accused, to detain such goods for the term of nine months, to the end that all persons having any claim thereto may have full opportunity to come, and to the satisfaction of the court, prove their property in them; on which proof the said owner or owners, respectively, shall receive the said goods, or the value thereof, if from their perishable nature it shall have been found necessary to make sale thereof, upon paying the reasonable charges incurred by the securing the said goods and establishing their property in the same; but if no such claim shall be brought and duly supported, then the person so convicted shall be entitled to the remainder of the said goods, or the value thereof, in case the same shall have been sold agreeably to the original inventory. But if, upon an attainder of burglary or robbery, the court shall, after due inquiry, be of opinion that the said goods were not the property of such burglar or robber, they shall be delivered, together with a certified copy of the said inventory, to the commissioners of the county, who shall indorse a receipt therefor on the original inventory, register the said inventory in a book, and also cause the same to be publicly advertised, giving notice to all persons claiming the said goods to prove their property therein to the said commissioners; and unless such proof shall be made within three months from the date of such advertisement, the said goods shall be publicly sold, and the net moneys arising from such sale shall be paid into the county treasury for the use of the commonwealth; *Provided always*, That if any claimant shall appear within one year, and prove his or her property in the said goods to the satisfaction of the commissioners, or in the case of dispute, shall obtain the verdict of a jury in favor of such claim, the said claimant shall be entitled to recover, and receive from the said commissioners, or treasurer, the net amount of the moneys paid as aforesaid into the hands of the said commissioners, or by them paid into the treasury of this commonwealth.(a)
- When to be delivered to county commissioners.** 6. If any person shall threaten the person of another to wound, kill or destroy him, or to do him any harm in person or estate.(b) and the person threatened shall appear before a justice of the peace, and attest, on oath or affirmation, that he believes that by such threatening he is in danger of being hurt in body or estate, such person so threatening as aforesaid, shall be bound over, with one sufficient surety, to appear at the next sessions.(c) according to law, and in the meantime to be of his good behavior, and keep the peace toward all citizens of this commonwealth.(d) If any person, not being an officer on duty in the military or naval service of the state or of the United States, shall go armed with a dirk, dagger, sword or pistol, or other offensive or dangerous weapon, without reasonable cause to fear an assault or other injury or violence to his family, person or property, he may, on complaint of any person having reasonable cause to fear a breach of the peace therefrom, be required to find surety of the peace as aforesaid.(e)
- Disposition of proceeds.** 7. In all cases the party accused, on oath or affirmation, of any crime or misdemeanor against the laws, shall be admitted to bail by one or more sufficient sureties, to be taken before any judge, justice, mayor, recorder or alderman where the offence charged has been committed, except such persons as are precluded from being bailed by the constitution of this commonwealth:(g) *Provided also*, That persons accused as aforesaid, of
- Surety of the peace.**
- Bail.**

6. Act 21 March 1860, § 6. P. L. 431.

7. Ibid. § 7.

(a) This section is taken from the 10th section of the act 23d September 1791, 3 Sm. 42. Report on the Penal Code 39.

(b) Surety of the peace is demandable of right by any individual who will make the necessary oath. 1 B. 102, n. See 1 A. h. 46. 2 P. 458.

(c) A committing magistrate has no authority to bind a person to keep the peace, or for his good behavior, longer than the next term of the court. 2 P. 458.

(d) Surety for good behavior may be ordered by the court, after the acquittal of a prisoner, in such sum, and for such length of time, as the public safety requires. 2 Y. 437. 10 Barr

339. 2 Hayw. 73-4. See 12 Eng. L. & Eq. 462.

(e) This section is partly taken from the act of 1700. 1 Sm. 5; the addition thereto provided by this section, against the unnecessarily carrying deadly weapons, is introduced from an obvious necessity, arising from daily experience and observation. Report on the Penal Code 39.

(g) A justice may take bail after commitment for trial. 6 W. & S. 314. 2 P. 458. And see 7 W. 454. 5 B. 512. 1 Sm. 57, n. A recognizance taken by a justice to answer the charge of arson is *coram non iudice*, and void. Com. v. Phillips, 2 U. S. Law Mag. 316.



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murder or manslaughter, shall only be admitted to bail by the supreme court or one of the judges thereof, or a president or associate law judge of a court of common pleas: persons accused, as aforesaid, of arson, rape, mayhem, sodomy, buggery, robbery or burglary, shall only be bailable by the supreme court, the court of common pleas, or any of the judges thereof, or a mayor or recorder of a city. (a)

8. All sureties, mainpernors, and bail in criminal cases, whether bound in recognisances for a particular matter or for all charges whatsoever, shall be entitled to have a bail-piece, duly certified by the proper officer or person before whom or in whose office the recognisance of such surety, mainpernors or bail shall be or remain, and upon such bail-piece, by themselves, or their agents, to arrest and detain, and surrender their principals, with the like effect as in cases of bail in civil actions; (b) and such bail-piece shall be a sufficient warrant or authority for the proper sheriff or jailor to receive the said principal, and have him forthcoming to answer the matter or matters alleged against him: *Provided*, That nothing herein contained shall prevent the person thus arrested and detained from giving new bail or sureties for his appearance, who shall have the same right of surrender hereinbefore provided. (c)

9. In all cases where a person shall, on the complaint of another, be bound by recognisance to appear, or shall, for want of security, be committed, or shall be indicted for an assault and battery or other misdemeanor, to the injury and damage of the party complaining, and not charged to have been done with intent to commit a felony, or not being an infamous crime, and for which there shall also be a remedy, by action, if the party complaining shall appear before the magistrate who may have taken recognisance or made the commitment, or before the court in which the indictment shall be, and acknowledge to have received satisfaction for such injury and damage, it shall be lawful for the magistrate, in his discretion, to discharge the recognisance which may have been taken for the appearance of the defendant, or in case of committal, to discharge the prisoner, or for the court also where such proceeding has been returned to the court, in their discretion, to order a *nolle prosequi* to be entered on the indictment, as the case may require, upon payment of costs: *Provided*, That this act shall not extend to any assault and battery, or other misdemeanor, committed by or on any officer or minister of justice. (d)

## B. INDICTMENTS AND PLEADINGS.

10. The foreman of any grand jury, or any member thereof, is hereby authorized and empowered to administer the requisite oaths or affirmations to any witness whose name may be marked by the district attorney on the bill of indictment. (e)

11. Every indictment shall be deemed and adjudged sufficient and good in law which charges the crime substantially in the language of the act of the assembly prohibiting the crime, and prescribing the punishment, if any such there be, or, if at common law, so plainly that the nature of the offence charged may be easily understood by the jury. Every objection to any indictment for any formal defect, apparent on the face thereof, shall be taken by demurrer, or on motion to quash such indictment, before the jury shall be sworn, and not afterward; and every court, before whom any such objection shall be taken for any formal defect, may, if it be thought necessary, cause the indictment to be forthwith amended in such particular, by the clerk or other officer of the court, and thereupon the trial shall proceed as if no such defect appeared. (g)

8. Act 31 March 1860, § 8 P. L. 432.

9. *Ibid.* § 9.10. *Ibid.* § 10.11. *Ibid.* § 11.

(a) This section is a consolidation of the first clause of the act of 1796, 1 Sm. 56; and the first section of the act of 30th Apr. B. 1822, P. L. 338. Report on the Penal Code 39.

(b) See 1 T. & H. Pr. 363-10.

(c) This section is taken from the 3d section of the act of 10th April 1848, P. L. 449. Report on the Penal Code 40.

(d) This section is an extension of the existing law of the 17th March 1860, 4 Sm. 318. Report on the Penal Code 40.

(e) This is taken from the 1st section of the act 5th April 1826 9 Sm. 136. That witnesses, whose names had not been marked by the district attorney on the bill of indictment, were sworn and examined by the foreman of the grand jury, is not pleadable in bar; at most, it is only ground for a motion to quash. *Tillard v. Com.* 13 Leg. Int. 132.

(f) Sections 11 to 22 are all new, and are certainly not the least important in the proposed amendments of our penal system. The history of criminal administration abounds with instances in which the guilty have escaped by reason of the unreasonably unbecomingly niceties required in indictments. Lord Hale, one of the best, and most humane of English judges, long since remarked, that such niceties were "grown to be a mischief and an inconvenience in the law, and the administration thereof; that more offenders escaped by the easy ear given to exceptions to indictments, than by the manifestations of their innocence, and that the grossest crimes had gone unpunished, by reason of these unbecomingly niceties." The reason for recognizing these subtilties by the common law, no doubt arose from the humanity of the judges, who, in administering a system in which the punishment of death followed almost every conviction of felony, were naturally disposed, in favor of life, to hold the crown to the strictest rules. Since, however, the reform of the penal laws, and the just apportionment of punishment to crimes according to their intrinsic atrocity and danger, the reason which led to the adoption of these technical niceties has ceased and with the cessation of the reason, the technicalities themselves should be expunged from our system. The 11th section of this act proposes what the com-

missioners believe will be an effective remedy to this reproach of the common law, without depriving the accused of any proper privilege; it leaves him, at the outset of his trial, to determine whether he will question the relevancy of his accusation, or take issue on the merits of the charge; if he elects the latter, and is condemned, there seems neither moral nor legal fitness in permitting him to urge formal exceptions, which, if suggested, at an early period, would have been promptly corrected. The 12th and 13th sections are intended to meet cases of frequent occurrence, in which, although an indictment is strictly formal, yet, owing to some accidental slip in its preparation, it is found on the trial that the proofs do not entirely tally with the description of the instrument set forth in the indictment, or in the names of persons or places described therein. By the law as it now stands, where written instruments enter into the gist of the offence, as in forgery, passing counterfeit money, selling lottery tickets, sending threatening letters, &c., they are required to be set out in words and figures; the omission of a figure in an indictment for forgery is fatal. In the case of *Com. v. Gillespie*, 7 S. & R. 469, a mistake in spelling the name of "Burrill," which in the indictment was spelled "Burrill," was adjudged fatal after verdict. So, a variance between the names of the persons aggrieved, and places described in the indictment, and the proofs thereof on trial, will entitle the defendant to an acquittal, on the ground of the want of agreement between the allegata and the probata. The proposed sections authorize the courts to amend such verbal errors, if objected to; and thus terminate a class of technical niceties, which are a reproach to the rational administration of justice. The 14th and 15th sections avoid the existing necessity of setting forth, in indictments, the names of numerous individuals, owners of property feloniously or fraudulently taken, or maliciously injured or destroyed; it will serve to reduce the voluminousness of such indictments, and can do no possible injury to the defendant, who cannot be interested in the fact, whether one person is, or one hundred persons are the owners of property in regard to

# THE COMPILED LAWS OF WYOMING

INCLUDING ALL THE

LAWS IN FORCE IN SAID TERRITORY AT THE CLOSE OF  
THE FOURTH SESSION OF THE LEGISLATIVE ASSEMBLY OF SAID  
TERRITORY, TOGETHER WITH SUCH LAWS OF THE UNITED STATES  
AS ARE APPLICABLE TO SAID TERRITORY; ALSO THE TREATIES MADE WITH  
THE SIOUX AND SHOSHONE TRIBES OF INDIANS IN THE YEAR  
1868; WITH A SYNOPSIS OF THE PRE-EMPTION, HOME-  
STEAD AND MINING LAWS OF THE UNITED STATES.

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PUBLISHED BY AUTHORITY OF THE ACT OF THE FOURTH LEGISLATIVE ASSEMBLY OF  
SAID TERRITORY, ENTITLED  
"AN ACT TO COMPILE AND PUBLISH THE LAWS OF WYOMING IN ONE VOLUME."

---

J. R. WHITEHEAD, SUPERINTENDENT OF COMPILATION.

---

H. GLAFCKE:  
LEADER STEAM BOOK AND JOB PRINT, CHEYENNE, WYOMING.

1876.

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## CHAPTER 32.

### AN ACT to Prevent the Carrying of Fire Arms and Other Deadly Weapons.

*Be it enacted by the Council and House of Representatives of the Territory of Wyoming:*

Carrying weapons within city, town or village limits, prohibited.

SECTION. 1. That hereafter it shall be unlawful for any resident of any city, town or village, or for any one not a resident of any city, town or village, in said Territory, but a sojourner therein, to bear upon his person, concealed or openly, any fire arm or other deadly weapon, within the limits of any city, town or village.

Non - resident to be first notified.

SEC. 2. That if any person not a resident of any town, city or village of Wyoming Territory, shall, after being notified of the existence of this act by a proper peace officer, continue to carry or bear upon his person any fire arm or other deadly weapon, he or she, shall be deemed to be guilty of a violation of the provisions of this act and shall be punished accordingly.

Violation of this act a misdemeanor.

SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than fifty dollars, and, in the default of the payment of any fine which may be assessed against him, shall be imprisoned in the county jail for not less than five days nor more than twenty days.

Penalty.

In force.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, December 2nd, 1875.



THE  
GRANTS, CONCESSIONS,  
AND  
ORIGINAL CONSTITUTIONS  
OF THE PROVINCE OF  
NEW JERSEY  
THE  
ACTS

Passed during the Proprietary Governments, and other  
material Transactions before the Surrender  
thereof to Queen Anne.

The Instrument of Surrender, and her formal Accept-  
ance thereof

Lord CORNBURY'S COMMISSION and Instructions Conse-  
quent thereon.

Collected by some Gentlemen employed by the General Assembly.  
And afterwards

Published by virtue of an Act of the Legislature of the said Province  
With proper Tables alphabetically Digested, containing the prin-  
cipal Matters in the Book.

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By AARON LEAMING and JACOB SPICER.

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PHILADELPHIA:  
Printed by W. BRADFORD, Printer to the King's Most Excellent  
Majesty for the Province of New Jersey.



(New Jersey)  
1881

NOTE TO SECOND EDITION.

THE original edition of this volume of GRANTS AND CONCESSIONS was printed by William Bradford, of Philadelphia, as the imprint states ; but the exact year is unknown. Griffith, in his *Law Register*, vol. iv., states that it was "about 1751 or 1752," which is, perhaps, as nearly correct as can now be ascertained. It is the second, in order, of the compilations of the laws of New Jersey—the first being *Kinsey's Acts*, of 1732.

In reprinting the original GRANTS AND CONCESSIONS, copies of which have become scarce, we have endeavored to make the work an exact duplicate of the Bradford edition in the paging, spelling and punctuation. In a few instances, errors clearly typographical, as misplacement of letters, have been corrected ; but the unique and inconsonant spelling, and the equally curious punctuation, have been, as a rule, strictly maintained. The only perceptible difference is in capitalization and italicizing. It was thought unnecessary and unwise to follow the original in these respects, because of the greater difficulty in reading the text, and because no one, in any printed quotations from such old works, at this day, would retain those particular typographical oddities.

It is true the original edition had, as is believed, some slight errors in it, which were the fault of the transcribers from the English or Colonial records, or of the printer, or both ; but these we have not undertaken to correct, inasmuch as only a comparison of every word with the ancient documents themselves (could they be found) would enable one to discover wherein the 1752 edition was at fault. This no person is likely ever to undertake : and the utmost that will be expected of the present publishers is, that this edition shall conform to that of 1752.

HONEYMAN & COMPANY.

SOMERVILLE, N. J., July, 1881.

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STEAM PRINT OF  
THE SOMERVILLE PRESS,  
SOMERVILLE, N. J.

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## Laws passed in 1686. 289

ny persons as they shall think fit, not exceeding seven, to make orders from time to time, such as may be suitable and beneficial for every town, village, hamlet, or neighbourhood, for preventing all harms by swine, in town, meadows, pastures and gardens, in any respect, and to impose penalties according to their best discretions.

## Chap. VIII.

## An Act appointing some new Commissioners of the Highways.

WHEREAS there was an act made in the year 1682, for the county of Monmouth, to enable Col. Lewis Morris, John Bound, and Joseph Parker, to lay out highways, passages, ferry's, and making bridges and such like; there being three of those persons disabled for the true performance of the said services, *be it therefore enacted* by the Governor, Council and Deputies now met and assembled, and by the authority of the same, that John Frogmerton, John Slocame, and Nicholas Brown, in the stead and room of Col. Lewis Morris, John Bound, and Joseph Parker, be made capable and hereby invested with the same power to all intents and purposes in the said premises, as the aforesaid Col. Lewis Morris, John Bound, and Joseph Parker, were by the said acts.

## Chap. IX.

## An Act against wearing Swords, &amp;c.

WHEREAS there hath been great complaint by the inhabitants of this Province, that several persons wearing swords, daggers, pistols, dirks, stilladoes, skeines, or any other unusual or unlawful weapons, by reason of which several persons in this Province, receive great abuses, and put in great fear and quarrels, and challenges made, to the great abuse of the inhabitants of this Province. *Be it therefore enacted* by the Governor, and Council, and Deputies now met in General Assembly, and by authority of the same, that no person or persons within this Province, presume to send any challenge in writing, by word of mouth,



or message, to any person to fight, upon pain of being imprisoned during the space of six months, without bail or mainprize, and forfeit ten pounds; and whosoever shall except of such challenge, and not discover the same to the Governor, or some publick officer of the peace, shall forfeit the sum of ten pounds; the one moiety of the said forfeiture to be paid unto the Treasurer for the time being, for the public use of the Province, and the other moiety to such person or persons as shall discover the same, and make proof thereof in any court of record within this Province, to be recovered by the usual action of debt, in any of the said courts. *And be it further enacted* by the authority aforesaid, that no person or persons after publication hereof, shall presume privately to wear any pocket pistol, skeines, stilladers, daggers or dirks, or other unusual or unlawful weapons within this Province, upon penalty for the first offence five pounds, and to be committed by any justice of the peace, his warrant before whom proof thereof shall be made, who is hereby authorized to enquire of and proceed in the same, and keep in custody till he hath paid the said five pounds, one half to the public treasury for the use of this Province, and the other half to the informer: And if such person shall again offend against this law, he shall be in like manner committed (upon proof thereof before any justice of the peace) to the common gaol, there to remain till the next sessions, and upon conviction thereof by verdict of twelve men, shall receive judgment to be in prison six month, and pay ten pounds for the use aforesaid. *And be it further enacted* by the authority aforesaid, that no planter shall ride or go armed with sword, pistol, or dagger, upon the penalty of five pounds, to be levied as aforesaid, excepting all officers, civil and military, and soldiers while in actual service, as also all strangers, travelling upon their lawful occasions thro' this Province, behaving themselves peaceably.



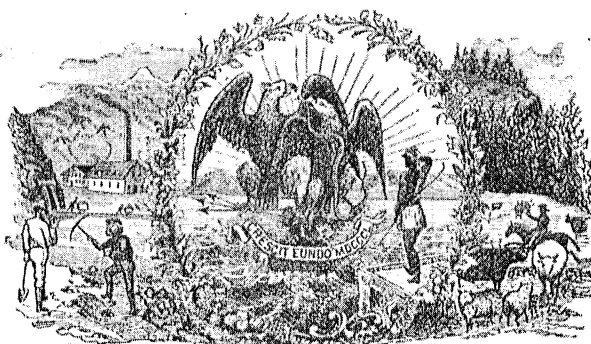
P

1884.

# COMPILED LAWS — OF — NEW MEXICO.

IN ACCORDANCE WITH AN ACT OF THE LEGISLATURE, APPROVED APRIL 3, 1884.

INCLUDING THE CONSTITUTION OF THE UNITED STATES, THE TREATY OF GUADALUPE HIDALGO,  
THE GADSDEN TREATY; THE ORIGINAL ACT ORGANIZING THE TERRITORY; THE OR-  
GANIC ACTS AS NOW IN FORCE; THE ORIGINAL KEARNY CODE; AND A  
LIST OF LAWS ENACTED SINCE THE COMPILATION OF 1885.



EDWARD L. BARTLETT,  
CHARLES W. GREENE, } Commission.  
SANTIAGO VALDEZ. }  
IRENEO L. CHAVES, Secretary.

Copyright, 1885, by Geo. W. Crane.

SANTA FE, NEW MEXICO:  
NEW MEXICAN PRINTING COMPANY, PRINTERS AND BINDERS,  
1885.

Addendum 154

L. 1882, chap. 45, § 1;  
Feb. 17.

from any hotel, inn or boarding house while there is a lien existing thereon for the proper charges due from him or her for fare and board furnished therein, shall be punished by imprisonment not exceeding three months in the county jail, or by fine not exceeding one hundred dollars, or both at the discretion of the court.

Copy to be posted.

Id. § 2.

§ 940. It shall be the duty of all inn-holders to post up a printed copy of this act in a conspicuous place in each room of their hotel or inn.

## DEADLY WEAPONS.

Carrying unlawful.

Exception.

L. 1889, chap. 32, § 1;  
Jan. 29.

§ 941. It shall be unlawful for any person to carry deadly weapons either concealed or otherwise, on or about their persons within any of the settlements of this Territory, except it be in the lawful defence of themselves, their families or their property, and the same being then and there threatened with danger, or by order of legal authority, or on their own landed property, or in the execution of any order of court.

Deadly weapons, defined.

Id. § 2.

§ 942. Deadly weapons, in the meaning of this act, shall be construed to mean all kinds and classes of pistols whether the same be a revolver, repeater, derringer, or any other kind or class of pistol; any and all kinds of bowie knives, daggers, poniards, butcher knives, dirk knives, and all such weapons with which cuts can be given, or by which wounds can be inflicted by thrusting, including sword canes and such sharp pointed canes with which deadly thrusts can be given, and all kinds of slung shots, and any other kinds of deadly weapon, by whatever name it may be called, by which a dangerous wound can be inflicted.

Territory vs. Sevailes, vol. 1, page 119, N. M. Rep.

Violation; penalty for.

Id. § 3.

§ 943. The penalty for the violation of the preceding sections of this act shall not be less than ten dollars nor more than fifty dollars for each offence, or not less than ten days imprisonment nor more than fifty days imprisonment in the county jail, or both such fine and imprisonment in the discretion of the jury trying the case.

Threatening; penalty.

§ 944. Any person who shall draw a deadly weapon on another, or who shall handle a deadly weapon in a threatening manner at or towards another, in any part of this Territory, except in the lawful defence of himself, his family or his property, or by order of legal authority, upon conviction thereof before the proper tribunal, shall for each offence be fined in a sum not less than twenty-five dollars nor more than seventy-five dollars, or by imprisonment in the county jail for a term of not less than twenty days nor more than sixty days, or be punished by

# GENERAL STATUTES OF KANSAS

1901

AUTHENTICATED

BEING A COMPILATION OF ALL THE LAWS OF A  
GENERAL NATURE, INCLUDING THE  
SESSION LAWS OF 1901

BASED UPON THE

GENERAL STATUTES OF 1868

AND DASSLER'S COMPILED LAWS OF 1885

ANNOTATED TO AND INCLUDING KANSAS REPORTS, VOLUME 61,  
AND KANSAS APPEALS REPORTS, VOLUME 9

By C. F. W. DASSLER

OF THE LEAVENWORTH BAR

CRANE & COMPANY, PUBLISHERS  
TOPEKA, KANSAS  
1901



for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances, and to provide the city with water: *Provided*, The condemnation of such property outside of the city limits shall be regulated in all respects as provided by law for the condemnation of property for railroad purposes: *And provided further*, That the police jurisdiction of the city shall extend over such lands and property to the same extent as over public cemeteries. [L. 1872, ch. 100, § 60; March 13.]

Water-works: 48 K. 101; 46 K. 659; 43 K. 728; 33 K. 597. Police power extended only over lands for hospital purposes and water-works, etc.: 40 K. 410. Diverting flow of stream: 26 K. 492.

**§ 1002. Contagious diseases.** § 67. The council may make regulations to prevent the introduction of contagious diseases into the city, may make quarantine laws for that purpose, and enforce the same within five miles of the city. [Id., § 61.]

Section cited: 48 K. 432.

**§ 1003. Firearms, etc.** § 68. The council may prohibit and punish the carrying of firearms or other deadly weapons, concealed or otherwise, and may arrest and imprison, fine or set at work all vagrants and persons found in said city without visible means of support, or some legitimate business. [Id., § 62.]

**§ 1004. Railroads, etc.** § 69. The council shall take all needful steps to protect the interests of the city, present or prospective, in any railroad leading from or toward the same; but they shall not take or subscribe any stock in any railroad unless a majority of the electors of said city voting at a legal election vote in favor thereof. [Id., § 63.]

No authority to authorize private railroad in street: 34 K. 509. Non-liability of city: 30 K. 348.

**§ 1005. Levees; depot grounds.** § 70. The council shall have power to regulate levees, depots, depot grounds, and places of storing freight and goods, and to provide for the passage of railways through the streets and public grounds of the city; also to regulate the crossings of railway tracks and to provide precautions and prescribe rules regulating the same, and to regulate the running of railway engines, cars and tracks within the limits of said city, and to prescribe rules relating thereto, and to govern the speed thereof, and to make any other and further provisions, rules and restrictions to prevent accidents at crossings, and on the tracks of railways, and to prevent fires from engines. [Id., § 64.]

Viaduct over railroad: 55 K. 734. Powers of railroad under grant from city: 40 K. 301; 10 K. 552.

**§ 1006. Eminent domain.** § 71. Private property may be taken for public use or for the purpose of giving the right of way or other privilege to any railroad company, or for the purpose of creating or establishing market-houses and market-places, or for any other necessary purpose; but in every case the city shall make the person or persons whose property shall be taken or injured thereby adequate compensation therefor, to be determined by the assessment of five disinterested householders of the city, who shall be selected and compensated as may be prescribed by ordinance, and who shall, in the discharge of their duties, act under oath faithfully and impartially to make the assessment to them submitted; and in determining the same, said householders shall consider the benefit resulting to as well as the damage sustained by the owner of the property so taken, except in condemnation of rights of way for private corporations. Appeals may be taken to the district court from the decision of such householders in the same manner and within the same time as from judgments of a justice of the peace. [Id., § 65.]

**§ 1007. Libraries.** § 72. The council may establish and maintain public libraries and reading-rooms at the expense of the city. [Id., § 66.]

See chapter 17a, art. 5.

NBER WORKING PAPER SERIES

THE IMPACT OF RIGHT TO CARRY LAWS AND THE NRC REPORT:  
THE LATEST LESSONS FOR THE EMPIRICAL EVALUATION OF LAW AND POLICY

Abhay Aneja  
John J. Donohue III  
Alexandria Zhang

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The Impact of Right to Carry Laws and the NRC Report: The Latest Lessons for the Empirical Evaluation of Law and Policy

Abhay Aneja, John J. Donohue III, and Alexandria Zhang

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**ABSTRACT**

For over a decade, there has been a spirited academic debate over the impact on crime of laws that grant citizens the presumptive right to carry concealed handguns in public – so-called right-to-carry (RTC) laws. In 2004, the National Research Council (NRC) offered a critical evaluation of the “More Guns, Less Crime” hypothesis using county-level crime data for the period 1977-2000. 15 of the 16 academic members of the NRC panel essentially concluded that the existing research was inadequate to conclude that RTC laws increased or decreased crime. One member of the panel thought the NRC's panel data regressions showed that RTC laws decreased murder, but the other 15 responded by saying that “the scientific evidence does not support” that position.

We evaluate the NRC evidence, and improve and expand on the report's county data analysis by analyzing an additional six years of county data as well as state panel data for the period 1979-2010. We also present evidence using both a more plausible version of the Lott and Mustard specification, as well as our own preferred specification (which, unlike the Lott and Mustard model presented in the NRC report, does control for rates of incarceration and police). While we have considerable sympathy with the NRC's majority view about the difficulty of drawing conclusions from simple panel data models and re-affirm its finding that the conclusion of the dissenting panel member that RTC laws reduce murder has no statistical support, we disagree with the NRC report's judgment on one methodological point: the NRC report states that cluster adjustments to correct for serial correlation are not needed in these panel data regressions, but our randomization tests show that without such adjustments the Type 1 error soars to 22 - 73 percent.

Our paper highlights some important questions to consider when using panel data methods to resolve questions of law and policy effectiveness. We buttress the NRC's cautious conclusion regarding the effects of RTC laws by showing how sensitive the estimated impact of RTC laws is to different data periods, the use of state versus county data, particular specifications (especially the Lott-Mustard inclusion of 36 highly collinear demographic variables), and the decision to control for state trends.

Across the basic seven Index I crime categories, the strongest evidence of a statistically significant effect would be for aggravated assault, with 11 of 28 estimates suggesting that RTC laws increase this crime at the .10 confidence level. An omitted variable bias test on our preferred Table 8a results suggests that our estimated 8 percent increase in aggravated assaults from RTC laws may understate the true harmful impact of RTC laws on aggravated assault, which may explain why this finding is only significant at the .10 level in many of our models. Our analysis of the year-by-year impact of RTC laws also suggests that RTC laws increase aggravated assaults. Our analysis of admittedly imperfect gun aggravated assaults provides suggestive evidence that RTC laws may be associated with large increases in this crime, perhaps increasing such gun assaults by almost 33 percent.



In addition to aggravated assault, the most plausible state models conducted over the entire 1979-2010 period provide evidence that RTC laws increase rape and robbery (but usually only at the .10 level). In contrast, for the period from 1999-2010 (which seeks to remove the confounding influence of the crack cocaine epidemic), the preferred state model (for those who accept the Wolfers proposition that one should not control for state trends) yields statistically significant evidence for only one crime -- suggesting that RTC laws increase the rate of murder at the .05 significance level. It will be worth exploring whether other methodological approaches and/or additional years of data will confirm the results of this panel-data analysis and clarify some of the highly sensitive results and anomalies (such as the occasional estimates that RTC laws lead to higher rates of property crime) that have plagued this inquiry for over a decade.

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## I. Introduction

The debate on the impact of “shall-issue” or “right-to-carry” (RTC) concealed handgun laws on crime—which has now raged on for over a decade—is a prime example of the many difficulties and pitfalls that await those who try to use observational data to estimate the effects of changes in law or policy.<sup>2</sup> John Lott and David Mustard initiated the “More Guns, Less Crime” discussion with their widely cited 1997 paper arguing that the adoption of RTC laws has played a major role in reducing violent crime. However, as Ayres and Donohue (2003a) note, Lott and Mustard’s period of analysis ended just before the extraordinary crime drop of the 1990s. They concluded that extending Lott and Mustard’s dataset beyond 1992 undermined the “More Guns, Less Crime” (MGLC) hypothesis. Other studies have raised further doubts about the claimed benefits of RTC laws (for example, see Black and Nagin, 1997 and Ludwig, 1998).

But even as the empirical support for the Lott and Mustard thesis was weakening, its political impact was growing. Legislators continued to cite this work in support of their votes on behalf of RTC laws, and the “More Guns, Less Crime” claim has been invoked often in support of ensuring a personal right to have handguns under the Second Amendment. In the face of this scholarly and political ferment, in 2003, the National Research Council (NRC) convened a committee of top experts in criminology, statistics, and economics to evaluate the existing data in hopes of reconciling the various methodologies and findings concerning the relationship between firearms and violence, of which the impact of RTC laws was a single, but important, issue. With so much talent on board, it seemed reasonable to expect that the committee would reach a decisive conclusion on this topic and put the debate to rest.

The bulk of the NRC report on firearms, which was finally issued in 2004, was uncontroversial. The chapter on RTC laws was anything but. Citing the extreme sensitivity of

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<sup>2</sup> The term “RTC laws” is used interchangeably with “shall-issue laws” in the guns and crime literature.

point estimates to various panel data model specifications, the NRC report failed to narrow the domain of uncertainty about the effects of RTC laws. Indeed, it may have increased it.

However, while the NRC report concluded there was no reliable statistical support for the “More Guns, Less Crime” hypothesis, the vote was not unanimous. One dissenting committee member argued that the committee's own estimates revealed that RTC laws did in fact reduce the rate of murder. Conversely, a different member went even further than the majority's opinion by doubting that *any* econometric evaluation could illuminate the impact of RTC laws owing to model specification and endogeneity issues.

Given the prestige of the committee and the conflicting assessments of both the substantive issue of RTC laws' impact and the suitability of empirical methods for evaluating such laws, a reassessment of the NRC's report would be useful for researchers seeking to estimate the impact of other legal and policy interventions. Our systematic review of the NRC's evidence—its approach and findings—also provides important lessons on the perils of using traditional observational methods to elucidate the impact of legislation. To be clear, our intent is not to provide what the NRC panel could not—that is, the final word on how RTC laws impact crime. Rather, we show how fragile panel data evidence can be, and how a number of issues must be carefully considered when relying on these methods to study politically and socially explosive topics with direct policy implications.

The outline of this paper is as follows. Section II offers background on the debate over RTC laws, and Section III describes relevant aspects of the NRC report in depth. Section IV discusses how the NRC majority presented some panel data models based on the Lott and Mustard specification in support of the conclusion that one could not reach a definitive conclusion about the impact of RTC laws. While this conclusion was correct, the models

contained an array of errors that opened the door for the Wilson dissent to argue that RTC laws reduce murder. We discuss these errors in depth and show that Wilson would have been unable to make his dissent if the errors in the presented models (and standard error calculations) had been corrected.

Sections V and VI explore two key econometric issues in evaluating RTC laws—whether to control for state-specific trends (which the NRC panel did not address) and whether to adjust standard errors to account for serial or within-group correlation (we show that the NRC report was in error when it concluded such adjustment was not needed). Section VII extends the analysis through 2006, and Section VIII offers improvements to the NRC model by revising the regression specification in accordance with past research on crime. Section IX discusses the issue of whether the impact of RTC laws can be better estimated using county- or state-level data. Section X delves further into the issue of omitted variable bias in assessing the impact of RTC laws, and in particular, how the difficult-to-measure effect of the crack epidemic may influence our estimates. Section XI offers concluding comments on the current state of the research on RTC laws, the difficulties in ascertaining the causal effects of legal interventions, and the dangers that exist when policy-makers can simply pick their preferred study from among a wide array of conflicting estimates.

## **II. Background on the Debate**

In a widely-discussed 1997 paper, “Crime, Deterrence, and Right-to-Carry Concealed Handguns,” John Lott and David Mustard (1997) argued, based on a panel-data analysis, that right-to-carry laws were a primary driving force behind falling rates of violent crime. Lott and Mustard used county-level crime data (including county and year fixed effects, as well as a set of

control variables) to estimate the impact of RTC laws on crime rates over the time period 1977-1992. In essence, Lott and Mustard's empirical approach was designed to identify the effect of RTC laws on crime in the ten states that adopted them during this time period. Using a standard difference-in-difference model, the change in crime in RTC regions is compared with the change in crime in non-RTC regions. The implicit assumption is that the controls included in the regression will explain other movements in crime across states, and the remaining differences in crime levels can be attributed to the presence or absence of the RTC laws.

Lott and Mustard estimated two distinct difference-in-difference-type models to test the impact of RTC laws: a dummy variable model and a trend, or "spline," model.<sup>3</sup> The "dummy model" tests whether the average crime level in the pre-passage period is statistically different from the post-passage crime level (after controlling for other factors). The "spline model" measures whether crime *trends* are altered by the adoption of RTC laws. Lott and Mustard noted that the spline approach would be superior if the intervention caused a reversal in a rising crime rate. Such a reversal could be obscured in a dummy variable model that only estimates the average change in crime between the pre- and post-passage periods. An effective RTC law might show no effect in the dummy model if the rise in the pre-passage crime rate and the fall in the post-passage rate were to leave the average "before" and "after" crime levels the same.

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<sup>3</sup> In Lott's "dummy model" specification, RTC laws are modeled as a dummy variable which takes on a value of one in the first full year after passage and retains that value thereafter (since no state has repealed its RTC law once adopted). In Lott's "trend model," RTC laws are modeled as a spline variable indicating the number of years post-passage. In prior work, including previous drafts of this article, we had followed this specification choice. But this approach adds noise to this key RTC variable because of heterogeneity across states in the effective dates of RTC laws. Accordingly, we decided to modify our approach to these laws in the most recent version of this paper to more precisely model the impact of the RTC laws based on the actual effective dates of these statutes. Using the text of relevant statutes and information on the court cases that challenged them, we determined the exact date when each state's RTC law took effect. (A more precise description of what was involved in this process can be found in Footnote 17.) Our "dummy model" specification uses a variable that takes a value of one for every full year after each law takes effect and is equal to the fraction of the year that the law is in effect the first year it is implemented. Similarly, our "trend model" specification uses a spline variable indicating the number of years post-passage which takes into account the portion of the year the law was initially implemented.



In both regression models, Lott and Mustard included only a single other criminal justice explanatory variable -- county-level arrest rates -- plus controls for county population, population density, income, and thirty-six(!) categories of demographic composition. As we will discuss shortly, we believe that many criminological researchers would be concerned about the absence of important explanatory factors such as the incarceration rate and the level of police force.

Lott and Mustard's results seemed to support the contention that laws allowing the carry of concealed handguns lead to less crime. Their estimates suggested that murder, rape, aggravated assault, and overall violent crime fell by 4 to 7 percent following the passage of RTC laws. In contrast, property crime rates (auto theft, burglary, and larceny) were estimated to have increased by 2 to 9 percent. Lott and Mustard thus concluded that criminals respond to RTC laws by substituting violent crime with property crime to reduce the risk that they would be shot (since, according to them, victims are more often absent during the commission of a property crime). They also found that the MGLC contention was strengthened by the trend analysis, which ostensibly suggested significant *decreases* in murder, rape, and robbery (but no significant increases in property crime).

From this evidence, Lott and Mustard (1997) concluded that permissive gun-carrying laws deter violent crimes more effectively than any other crime reduction policy: "concealed handguns are the most cost-effective method of reducing crime thus far analyzed by economists, providing a higher return than increased law enforcement or incarceration, other private security devices, or social programs like early education." They went even further by claiming that had remaining non-RTC states enacted such legislation, over 1,400 murders and 4,100 rapes would have been avoided nationwide, and that each new handgun permit would reduce victim losses by up to \$5,000.

***A. The Far-Reaching Impact of "More Guns, Less Crime"***

The first "More Guns, Less Crime" paper and Lott's subsequent research (and pro-gun advocacy) have had a major impact in the policy realm. Over the past decade, politicians as well as interest groups such as the National Rifle Association have continually trumpeted the results of this empirical study to oppose gun control efforts and promote less restrictive gun-carrying laws. Lott has repeatedly invoked his own research to advocate for the passage of state-level concealed-carry gun laws, testifying on the purported safety benefits of RTC laws in front of several state legislatures, including Nebraska, Michigan, Minnesota, Ohio, and Wisconsin (Ayres and Donohue 2003a).

The impact of the Lott-Mustard paper can also be seen at the federal level. In 1997, ex-Senator Larry Craig (R-Idaho) introduced the Personal Safety and Community Protection Act with Lott's research as supporting evidence. This bill was designed to allow state nonresidents with valid handgun permits in their home state to possess concealed firearms (former football athlete Plaxico Burress sought to invoke this defense when he accidentally shot himself in a Manhattan nightclub with a gun for which he had obtained a Florida permit). According to Craig, Lott's work confirmed that positive externalities of gun-carrying would result in two ways: by affording protection for law-abiding citizens during criminal acts, and by deterring potential criminals from ever committing offenses for fear of encountering an armed response.<sup>4</sup> Clearly, Lott's work has provided academic cover for policymakers and advocates seeking to justify the view—on public safety grounds—that the 2<sup>nd</sup> Amendment conferred a private right to possess handguns.

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<sup>4</sup> 143 CONG. REC. S5109 (daily ed. May 23, 1997) (statement of Sen. Craig). The bill was again introduced in 2000 by Congressman Cliff Stearns (R-Florida), who also cited Lott's work. 146 CONG. REC. H2658 (daily ed. May 9) 2000) (statement of Rep. Stearns).

Indeed, this proposed legislation, now derisively referred to as "Plaxico's Law," is a perennial favorite of the NRA and frequently introduced by supportive members of Congress (Collins 2009).

### ***B. Questioning “More Guns, Less Crime”***

Immediately after the publication of the Lott-Mustard paper, scholars started raising serious questions about the theoretical and empirical validity of the “More Guns, Less Crime” hypothesis. For example, Zimring and Hawkins (1997) claimed that the comparison of crime between RTC and non-RTC states is inherently misleading because of factors such as deprivation, drugs, and gang activity, which vary significantly across gun-friendly and non-gun-friendly states (and are often difficult to quantify). To the extent that the relatively better crime performance seen in shall-issue states during the late 1980s and early 1990s was the product of these other factors, researchers may be obtaining biased impact estimates. Underscoring this point, Ayres and Donohue (2003a) pointed out that crime rose across the board from 1985 to 1992, and most dramatically in non-RTC states. Since the data set used in Lott and Mustard (1997) ended in 1992, it could not capture the most dramatic reversal in crime in American history.

Figures 1-7 depict the trends of violent and property crimes over the period 1970-2010. For each of the seven crimes, we calculate average annual crime rates for four groupings of states: non-RTC states (those states that had not passed RTC laws by 2006), states that adopted RTC laws over the period 1985-1988 (“early adopters”), those that adopted RTC laws over the period 1989-1991 (“mid-adopters”), and those that adopted RTC laws over the period 1994-1996 (“late adopters”). The crime rate shown for each group is a within-group average, weighted by population. The figures corroborate Ayres and Donohue’s point: crime rates declined sharply across the board beginning in 1992. In fact, there was a steady *upward* trend in crime rates in the years leading up to 1992, most distinctly for rape and aggravated assault. Moreover, the average crime rates in non-RTC states seemed to have dropped even more drastically than those in RTC

states, which suggests that crime-reducing factors other than RTC laws were at work.

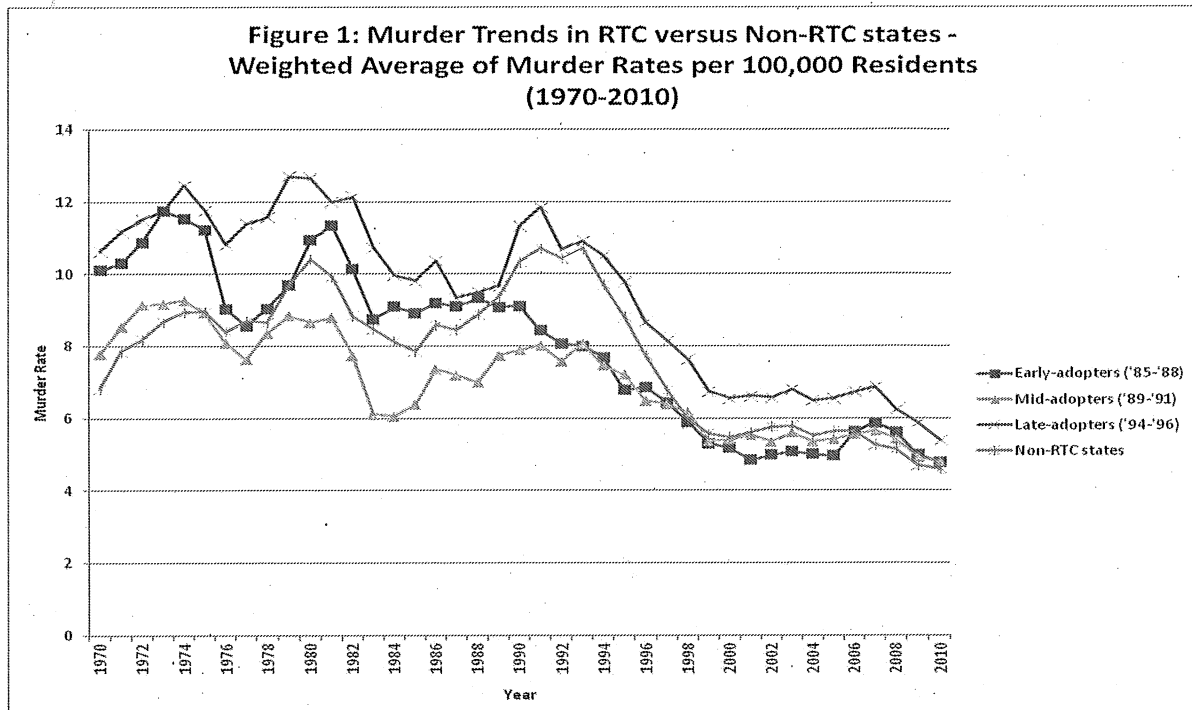
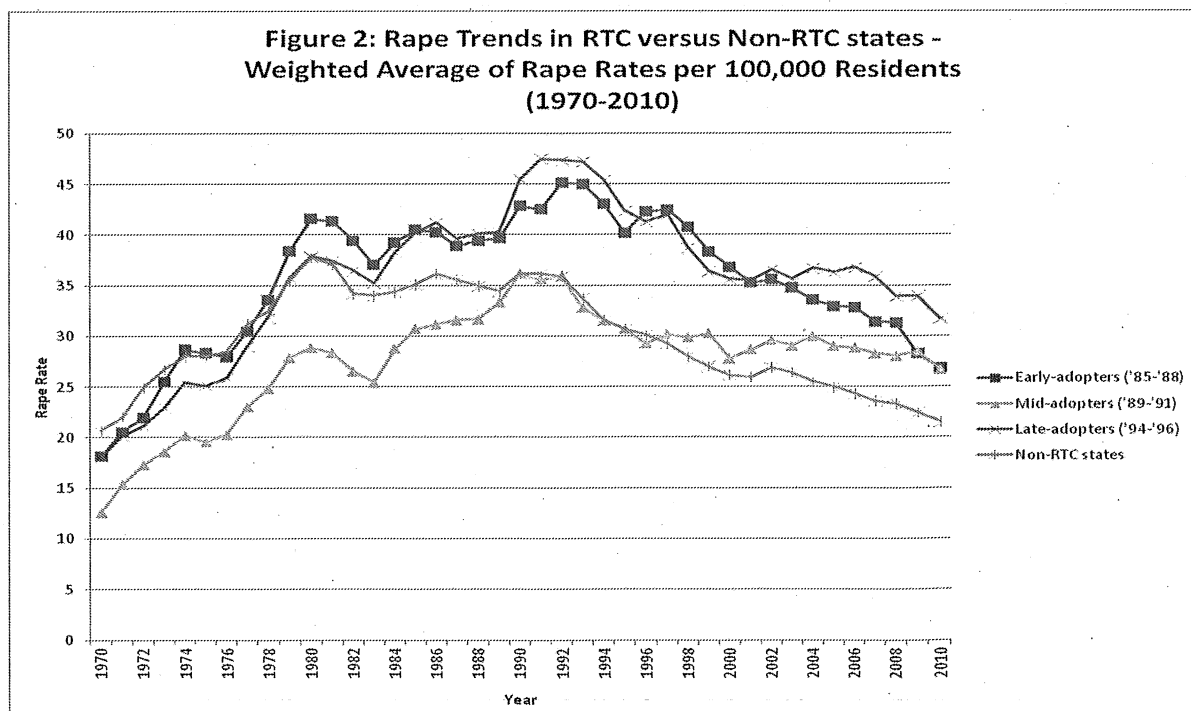
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Figure 3:

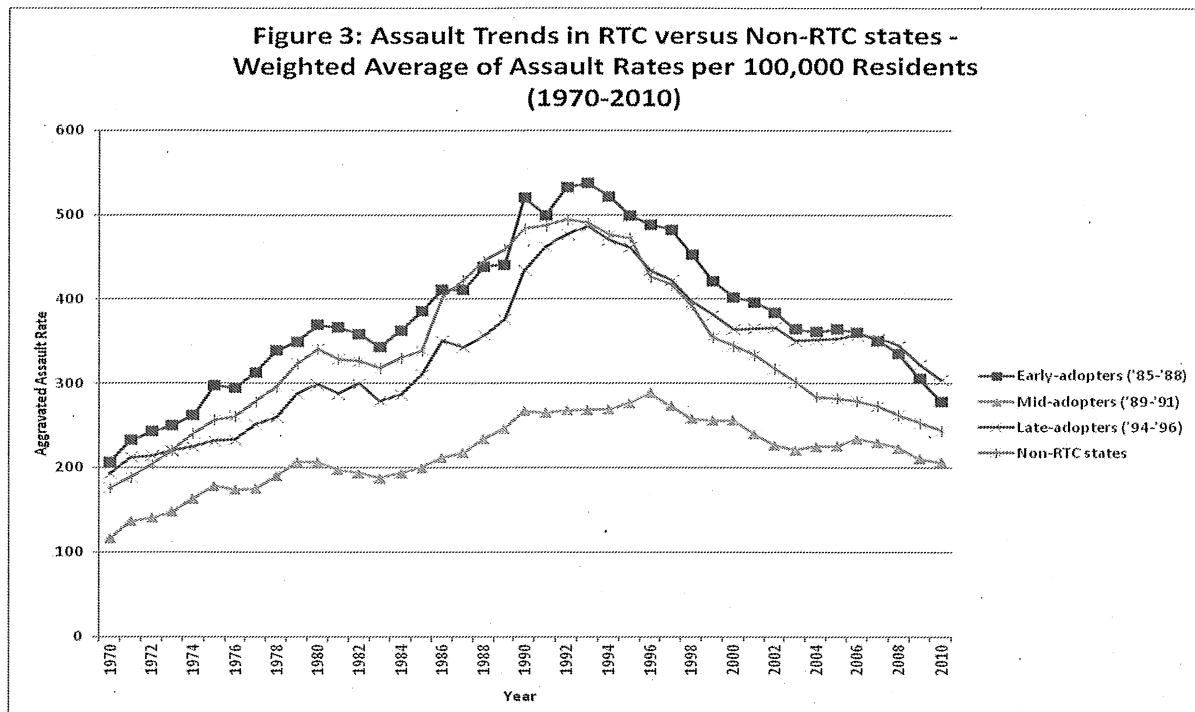
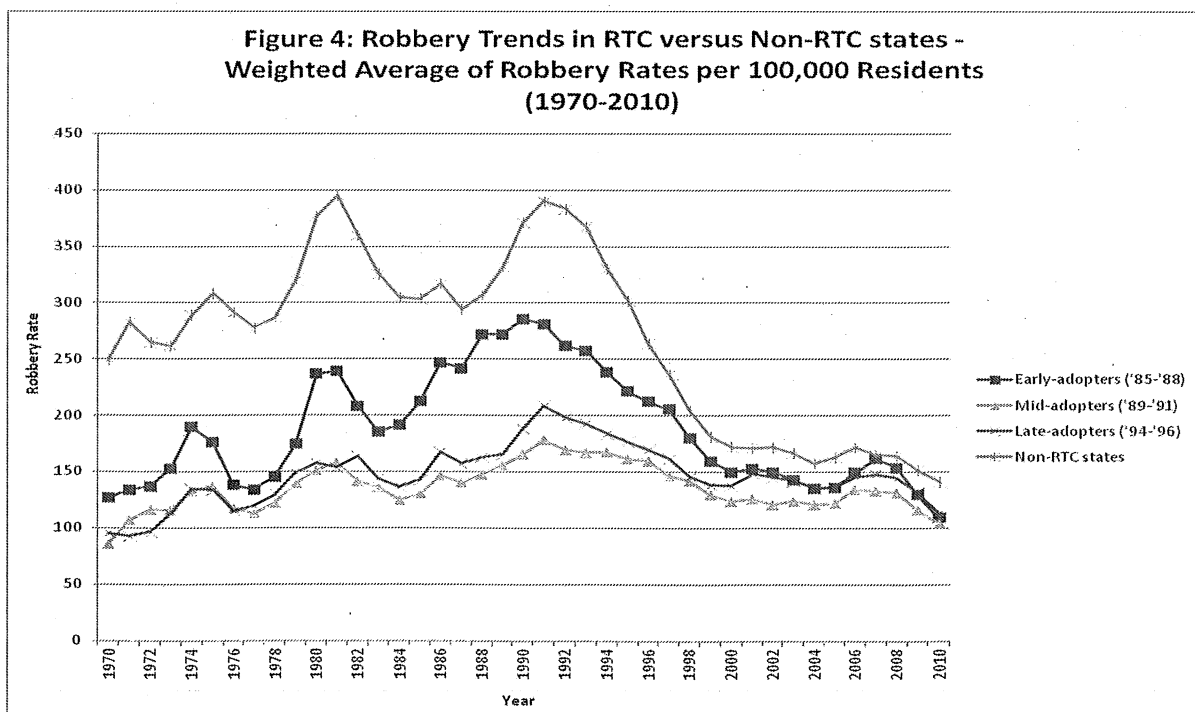


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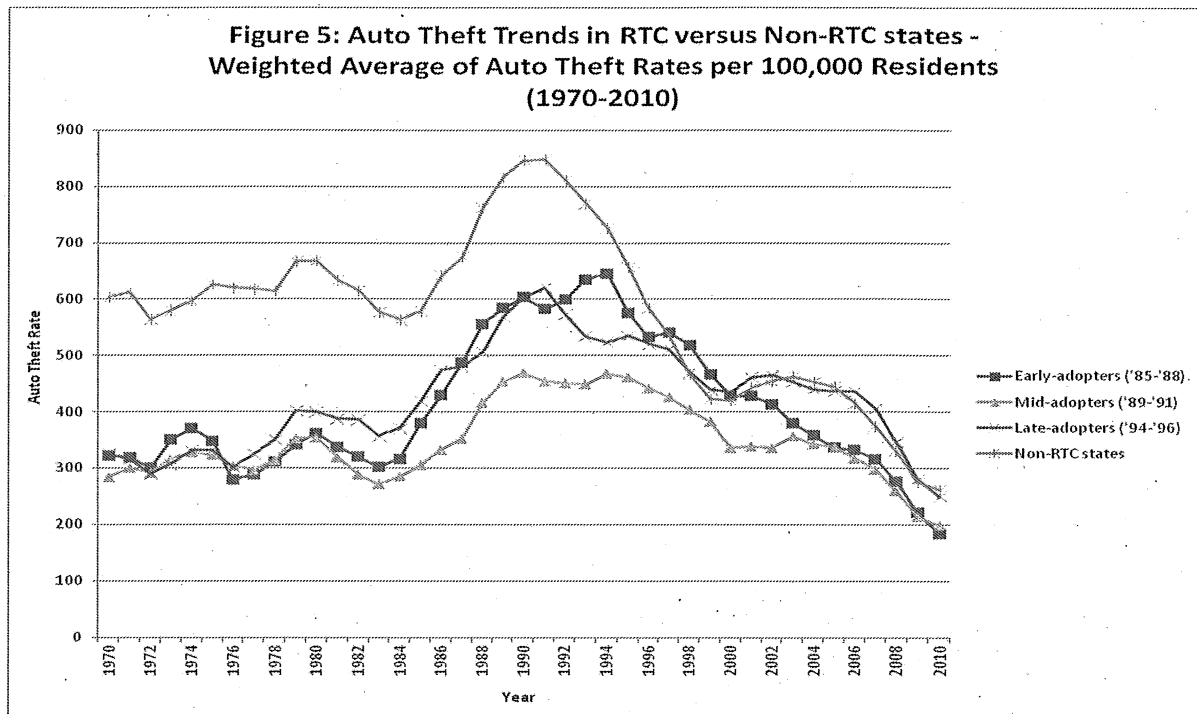
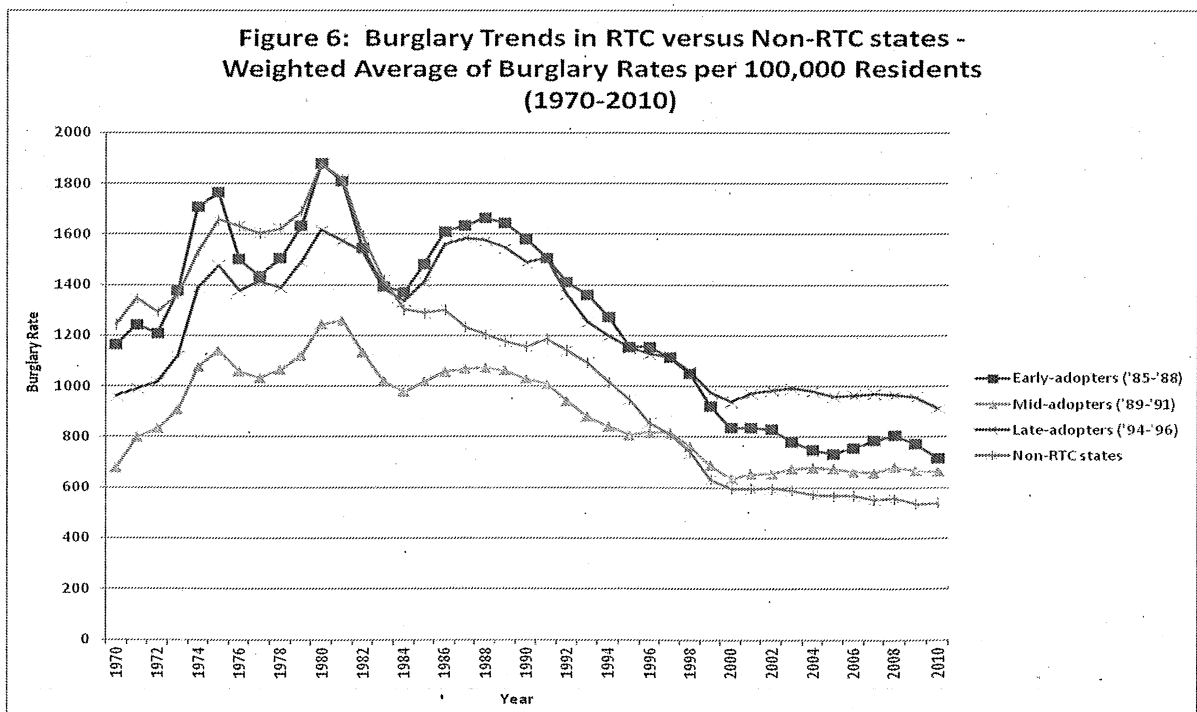
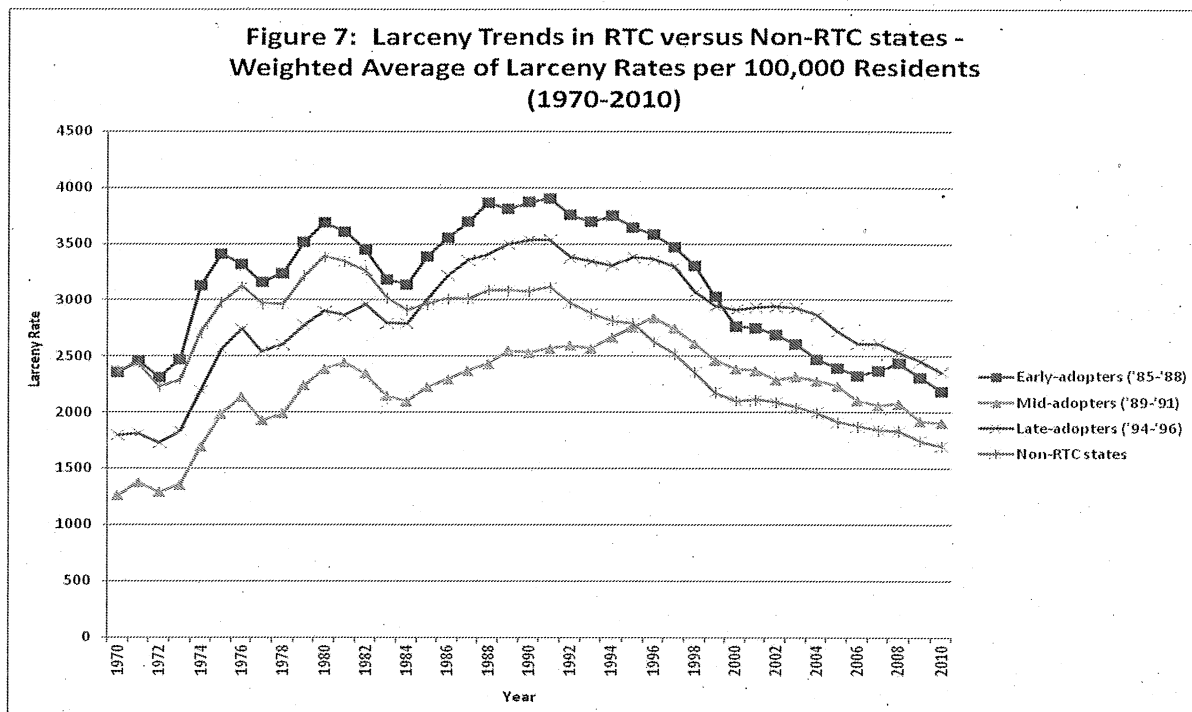
**Figure 5:****Figure 6:**

Figure 7:



Ayres and Donohue (2003a) also recommended the use of a more general model, referred to as the “hybrid model,” which essentially combined the dummy variable and spline models, to measure the immediate *and* long-run impact of RTC laws on crime. Since the hybrid model nests both the dummy and spline models, one can estimate the hybrid and generate either of the other models as a special case (depending on what the data show). This exercise seemed to weaken the MGLC claim. Their analysis of the county data set from 1977-1997 using the Lott-Mustard specification (revised to measure state-specific effects) indicated that RTC laws across all states *raised* total crime costs by as much as \$524 million.

Just as Lott had identified a potential problem with the dummy model (it might understate a true effect if crime followed either a V-shaped or inverted V-shaped pattern), there is a potential problem with models (such as the spline and the hybrid models) that estimate a post-passage linear trend. Early adopters of RTC laws have a far more pronounced impact on the

trend estimates of RTC laws than later adopters, since there may only be a few years of post-passage data available for a state that adopts RTC laws close to the end of the data period. If those early adopters were unrepresentative of low crime states, then the final years of the spline estimate would suggest a dramatic drop in crime, not because crime had in fact fallen in adopting states, but because the more representative states had dropped out of the estimate (since there would be no post-passage data after, say, three years for a state that had adopted the RTC law only three years earlier, but there would be such data for Maine and Indiana, which were the earliest RTC adopters). We recognize that each model has limitations, and present the results of all three in our tables below.<sup>5</sup>

### **III. Findings of the National Research Council**

The sharply conflicting academic assessments of RTC laws specifically and the impact of firearms more generally, not to mention the heightened political salience of gun issues, prompted the National Research Council to impanel a committee of experts to critically review the entire range of research on the relationships between guns and violence. The blue-chip committee, which included prominent scholars such as sociologist Charles Wellford (the committee chair), political scientist James Q. Wilson, and economists Joel Horowitz, Joel Waldfogel, and Steven Levitt, issued its wide ranging report in 2004.

While the members of the panel agreed on the major issues discussed in eight of the nine chapters of the NRC report, the single chapter devoted to exploring the causal effects of RTC laws on crime proved to be quite contentious. After reviewing the existing (and conflicting)

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<sup>5</sup>We note that in the latest version of his book, Lott (2010) criticizes the hybrid model, but he fails to appreciate that the problem with the hybrid model—and with the spline model he prefers—is that they both yield estimates that are inappropriately tilted down as the more representative states drop out of the later years, which drive the post-passage trend estimates. An apples to apples comparison that included the identical states to estimate the post-passage trend would not suggest a negative slope. This is clear in Figure 1 and Table 1 of Ayres and Donohue (2003a).

literature and undertaking their own evaluation of Lott's county-level crime data, 15 of the 16 academic members of the committee concluded that the data provided no reliable and robust support for the Lott-Mustard contention. In fact, they believed the data could not support any policy-relevant conclusion. In addition, they claimed they could not estimate the true impact of these laws on crime because: (1) the empirical results were imprecise and highly sensitive to changes in model specification, and (2) the estimates were not robust when the data period was extended eight years beyond the original analysis (through 2000), a period during which a large number of states adopted the law.

***A. The NRC Presents Two Sets of Estimates of the Impact of RTC Laws***

One can get an inkling of the NRC majority's concern about model sensitivity by examining Table 1 below, which reports estimates from the NRC report on the impact of RTC laws on seven crimes. The Table 1b estimates are based on the Lott and Mustard (1997) dummy and spline models using county data for the period 1977-2000 with the full set of Lott and Mustard controls. The Table 1a estimates use the same data but provide a more sparse specification that drops the Lott and Mustard controls and provides estimates with no covariates other than year and county fixed effects. The vastly different results produced by these different models gave the majority considerable pause. For example, if one believed the dummy model in Table 1b, then RTC laws considerably *increased* aggravated assault and robbery, while the spline model in Table 1b suggested RTC laws *decreased* the rate of both of these crimes. Noting that the RTC impact estimates disagreed across their two models (dummy and spline) for six of the seven crime categories, the NRC report concluded that there was no reliable scientific support for the more guns, less crime thesis.

**Table 1****Table 1a<sup>6</sup>**

Estimated Impact of RTC Laws – Published NRC Estimates – No Controls, All Crimes, County Data, 1977-2000

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-1.95 (1.48)	17.91*** (1.39)	12.34*** (0.90)	19.99*** (1.21)	23.33*** (0.85)	19.06*** (0.61)	22.58*** (0.59)
Spline Model:	0.12 (0.32)	-2.17*** (0.30)	-0.65*** (0.20)	-0.88*** (0.26)	0.57*** (0.19)	-1.99*** (0.13)	-0.71*** (0.13)

**Table 1b<sup>7</sup>**

Estimated Impact of RTC Laws – Published NRC Estimates – Lott-Mustard Controls, All Crimes, County Data 1977-2000

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-8.33*** (1.05)	-0.16 (0.83)	3.05*** (0.80)	3.59*** (0.90)	12.74*** (0.78)	6.19*** (0.57)	12.40*** (0.55)
Spline Model:	-2.03*** (0.26)	-2.81*** (0.20)	-1.92*** (0.20)	-2.58*** (0.22)	-0.49** (0.19)	-2.13*** (0.14)	-0.73*** (0.13)

Interestingly, the conflicting estimates of Table 1 also led to substantial intra-panel dissention, with two members of the Committee writing separately from the NRC's majority evaluation of RTC laws. One sought to refute the majority's skepticism, and one sought to reinforce it. Noted political scientist James Q. Wilson offered the lone dissent to the Committee's report, claiming that Lott and Mustard's "More Guns, Less Crime" finding actually held up under the panel's reanalysis. Specifically, Wilson rejected the majority's interpretation of the

<sup>6</sup>Estimations include year and county fixed effects, and are weighted by county population. Standard errors are in parentheses below estimations. Robust standard errors are not used in the published NRC estimates. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%. Throughout this paper, the standard errors appear just below the corresponding parameter estimate.

<sup>7</sup>Estimations include year and county fixed effects, and are weighted by county population. Standard errors are provided beneath point estimates in parentheses. Robust standard errors are not used in the published NRC estimates. The control variables (adopted from the Lott-Mustard model) include: arrest rate, county population, population density, per capita income measures, and 36 demographic composition measures indicating the percentage of the population belonging to a race-age-gender group. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

regression estimates seen in Table 1. Although the majority saw sharp conflicts in the Table 1b results between the dummy and spline models, Wilson was impressed that for one of the seven crimes -- murder -- the dummy and spline models of Table 1b generated estimates that seemingly suggested there were statistically significant drops in crime associated with RTC laws. This agreement in the Table 1b murder estimates led him to heartily endorse the "More Guns, Less Crime" view. Indeed, after dismissing papers that had cast doubt on the MGLC hypothesis (such as Black and Nagin, 1998) on the grounds that they were "controversial," Wilson concluded: "I find the evidence presented by Lott and his supporters suggests that RTC laws do in fact help drive down the murder rate, though their effect on other crimes is ambiguous" (NRC Report, p. 271.).

The Committee penned a response to Wilson's dissent (separate from its overall evaluation of RTC legislation), which stressed that the only disagreement between the majority and Wilson (throughout the entire volume on gun issues) concerned the impact of RTC laws on murder. They noted that, while there were a number of negative estimates for murder using the Lott-Mustard approach, there were also several positive estimates that could not be overlooked. In addition, as the NRC panel noted, even the results for murder failed to support the MGLC contention when restricting the period of analysis to five years or less after law adoption.<sup>8</sup> The important task was to try to reconcile these contradictions—and the panel majority believed that was not possible using the existing data.

Committee member (and noted econometrician) Joel Horowitz was the ardent skeptic, and not without merit. Horowitz joined the refutation of Wilson but also authored his own appendix discussing at length the difficulties of measuring the impact of RTC laws on crime

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<sup>8</sup> The importance of this restriction on the post-passage data was mentioned earlier: as states dropped out of the post-passage data, the estimated impact of RTC laws became badly biased (since one was no longer deriving the estimated effect from a uniform set of states).



using observational rather than experimental data.<sup>9</sup> He began by addressing a number of flaws in the panel-data approach. First, if factors other than the adoption of the RTC law change but are not controlled for in the model, then the resulting estimates would not effectively isolate the impact of the law (we demonstrate the likelihood of this possibility in Section X below). Second, if crime increases before the adoption of the law at the same rate it decreases after adoption, then a measured zero-difference would be misleading. The same problem arises for multiyear averages. Third, the adoption of RTC laws may be a *response* to crime waves. If such an endogeneity issue exists, the difference in crime rates may merely reflect these crime waves rather than the effect of the laws. Lastly, as even Lott (2000) found in his data, RTC states differ noticeably from non-RTC states (e.g., RTC states are mainly Republican and had low but rising rates of crime). It would not be surprising if these distinctive attributes influence the measured effect of RTC laws. In this event, looking at the impact of RTC laws in current RTC states may not be useful for predicting the likely result if these laws were adopted in very different states.

Ideally, states would be randomly selected to adopt RTC laws, thereby eliminating the systematic differences between RTC states and non-RTC states. In the absence of such randomization, researchers introduce controls to try to account for these differences, which generates debate over which set of controls is appropriate. Lott (2000) defended his model by claiming that it included “the most comprehensive set of control variables yet used in a study of crime” (p. 153). But Horowitz was unimpressed by Lott’s claim, noting that it is possible to control for too many variables – or too few. He pointed out that Donohue (2003) found a significant relationship between crime and *future* adoption of RTC legislation, suggesting the likelihood of omitted variable bias and/or the endogenous adoption of the laws. Horowitz

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<sup>9</sup> While his chapter is directed at the analysis of RTC laws, Horowitz’s comments applied to an array of empirical studies of policy that were discussed throughout the entire NRC volume.

concluded by noting that there is no test that can determine the right set of controls: "it is not possible to carry out an empirical test of whether a proposed set of  $X$  variables is the correct one...it is largely a matter of opinion which set [of controls] to use" (NRC Report, p. 307).

Noting the likelihood of misspecification in the evaluation of RTC laws, and that estimates obtained from a misspecified model can be highly misleading, he concluded that there was little hope of reaching a scientifically supported conclusion based on the Lott-Mustard/NRC model (or any other).<sup>10</sup>

### ***B. The Serious Need for Reassessment***

The story thus far has been discouraging for those hoping for illumination of the impact of legislation through econometric analysis. If the NRC majority is right, then years of observational work by numerous researchers, topped off with a multi-year assessment of the data by a panel of top scholars, were not enough to pin down the actual impact of RTC laws. If Horowitz is right, then the entire effort to estimate the impact of state right-to-carry policies from observational data is doomed. Indeed, there may be simply too much that researchers do not know about the proper structure of econometric models of crime. Notably, however, the majority did not join Horowitz in the broad condemnation of all observational microeconometrics for the study of this topic. Perhaps a model that better accounts for all relevant, exogenous, crime-influencing factors and secular crime trends could properly discern the effects of RTC laws – whether supporting or refuting the Wilson conclusion that RTC laws reduce murder. On the other hand, an examination of additional models might only serve to strengthen the NRC majority conclusion that the models generated estimates that were too

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<sup>10</sup> Note that this nihilistic conclusion was very close to that found by a more recent NRC report investigating the deterrent effect of the death penalty. Daniel S. Nagin and John V. Pepper, editors, *Deterrence and the Death Penalty* (2012). This recent NRC report reviewed 30 years of studies on this deterrence question and found the entire literature to be "uninformative."

variable to provide clear insight into the effect of RTC laws on crime.

#### **IV. Panel Data Estimates in the NRC Report**

Previous research on guns and crime has shown how data and methodological flaws can produce inaccurate conclusions. In a follow-up to their initial 2003 *Stanford Law Review* paper, Ayres and Donohue (2003b) demonstrated how coding errors can yield inaccurate and misleading estimates of the effect of RTC laws on crime. Commenting on a study in support of the MGLC premise by Florenz Plassman and John Whitley (2003), Ayres and Donohue (2003b) described numerous coding flaws. After correcting these errors, the existing evidence supporting the “More Guns, Less Crime” hypothesis evaporated.

##### ***A. The NRC’s Panel-Data Models***

Since the NRC panel based their reported estimates on data provided by John Lott, we thought it prudent to carefully examine the NRC committee’s own estimates. With the help of the NRC committee members who provided the NRC 1977-2000 county data set, we were ultimately able to generate the NRC panel data estimates.<sup>11</sup> Once we fully understood the way in which these NRC estimates were generated (shown in Table 1 above), it became clear that the NRC report presented estimates that essentially had three flaws: 1) the specification (used by Lott and Mustard) was problematic in a number of dimensions; 2) the standard errors were incorrect in two ways, both of which made the results appear more significant than they were; and 3) there were some errors in the data, which had been supplied by Lott.

Given the NRC majority conclusion that the Lott and Mustard thesis was not supported by the data, it was a reasonable choice to simply take the Lott and Mustard data and

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<sup>11</sup> The initial published version of this article -- Aneja, Donohue, and Zhang (2011) -- noted that we had originally failed to replicate the NRC results, with our efforts complicated because the Committee had misplaced the do files that generated the NRC estimates. After publication, we were informed of the precise specification the NRC had employed, which did generate the published NRC estimates (although these estimates are flawed in the manner described in the text).

specifications and adhere to their method of computing standard errors. In essence, the NRC majority was shrewdly saying, "Even if we fully accept everything that Lott and Mustard have argued for, we still find no support for their conclusion." The only problem with the NRC majority approach, though, was that presenting the estimates in Table 1b above opened the door for James Q. Wilson to argue that some support for RTC laws could be gleaned from the ostensibly conflicting evidence.

Wilson's claim, once again, was that Table 1b spoke with clarity, albeit on only one point. He conceded that the Lott and Mustard dummy and spline estimates conflicted for six of the seven crime categories, but since they both showed statistically significant reductions in murder, Wilson claimed that the murder finding was robust and he concluded that RTC laws save lives. The NRC majority responded that Table 1a did not similarly suggest that RTC laws reduced murder but Wilson swatted that response aside by saying that a model with no covariates would not be as persuasive as the Table 1b models with covariates. The NRC majority could have countered Wilson's claim far more effectively if they had simply shown that the Lott and Mustard model was highly assailable and greatly underestimated its standard errors. Indeed, nothing would have been left standing for Wilson to construct a positive story of RTC laws if the NRC majority had simply calculated the correct standard errors for the Table 1b models, since doing so would have eliminated any claim that the RTC laws generated a statistically significant reduction in murder or any other crime.

#### ***B. Problems with the Lott and Mustard Models and Data Published in the NRC Report***

Our goal in this section is to improve on the estimates presented in the NRC report (Table 1 above) by correcting what we consider to be clear errors in the Lott and Mustard specification, data, and standard errors. Thus, we began by constructing our own county-level data set, which

we will refer to as the "Updated 2013 Data Set." We create the same variables found in Lott's data—crime rates, demographic composition, arrest rates, income, population, and population density—and extend our new set to 2006 (the NRC data ended in 2000).<sup>12</sup> This data extension will also provide us an opportunity to explore how the NRC's results are affected when using more current data. As we will see in Section VII, the additional years of data will also enable us to estimate the effect of six additional state adoptions of RTC laws not present in the NRC analysis: Michigan (2001), Colorado (2003), Minnesota (2003), Missouri (2004), New Mexico (2004), and Ohio (2004).<sup>13</sup>

We obtained our county crime data from the University of Michigan's Interuniversity Consortium for Political and Social Research, which maintains the most comprehensive collection of UCR data. Unfortunately, county-level crime data for 1993 is currently unavailable. The National Archive of Criminal Justice Data recently discovered an error in the crime data imputation procedure for 1993 and for this reason, has made 1993 data inaccessible until the error has been corrected. Thus, for all of the following tables with estimates using our updated county data, we are missing values for 1993.

In Table 2, we will replicate and extend the Table 1 NRC estimates correcting for three errors: 1) some data errors that were transmitted to the NRC when they used the Lott county data set; 2) a clear specification error in the arrest rate controls; and 3) the failure to use both robust and clustered standard errors. We also modify the RTC variables used in this analysis to take into account additional information that we have gathered on the effective dates of these laws.

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<sup>12</sup> We also add 0.1 to *all zero* crime values before taking the natural log in our county-level data set, as the NRC did.

<sup>13</sup> Kansas and Nebraska adopted RTC laws which took effect in 2007, which is too late to be captured in our analysis. A more complete explanation of how these years were determined can be found in Footnote 17 and Appendix G.

## 1. The Lott Data Errors Used in the NRC Estimates

In our original efforts at trying to replicate the NRC estimates derived from their Lott data set, we discovered a number of small errors in that data set.<sup>14</sup> First, Philadelphia's year of adoption is coded incorrectly—as 1989 instead of 1995. Second, Idaho's year of adoption is coded incorrectly—as 1991 instead of 1990. Third, the area variable, which is used to compute county density, has missing data for years 1999 and 2000. Fourth, we determined that the NRC data set was missing all county identifiers for 1999 and 2000, which meant that both these years were dropped for the NRC estimates depicted in Table 1. Our analysis corrects all these errors.

## 2. Lott and Mustard's Erroneous Arrest Rate Variables

Since the NRC report followed the Lott-Mustard specification, the regressions it presented (which we reproduce in Table 1) used arrest rates as the sole criminal justice control variable in estimating the effect of RTC laws. Although we have already noted Lott's claim that his is "the most comprehensive set of control variables yet used in a study of crime," in fact, the Lott and Mustard model omits controls for police and incarceration, which many studies -- e.g., Kovandzic, Vieraitis, and Boots, (2009) -- have found to be key influences on crime (we will re-introduce those variables in Section VIII).

Lott and Mustard's use of the arrest rate variables is not a good modeling choice in general, and the particular approach that Lott and Mustard employed is especially problematic.<sup>15</sup>

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<sup>14</sup> We know all too well how easy it is to make these small but annoying errors in creating these data sets, since regrettably we had a few similar errors in our own data set in the Aneja, Donohue, Zhang (2011) published version, which are all corrected here. None of the main conclusions of the published paper were altered by those errors, some of which are set forth in footnote 18.

<sup>15</sup> Even apart from the considerable data problems with the county arrest rates, the measure is also not well defined. Ideally, one might like a measure showing the likelihood that one who commits a certain crime will be arrested. The Lott and Mustard arrest rates instead are a ratio of arrests to crimes, which means that when one person kills many, for example, the arrest rate falls, but when many people kill one person, the arrest rate rises since only one can be arrested in the first instance and many can in the second. The bottom line is that this "arrest rate" is not a probability



To see the concern, note that the NRC's model (Table 1b in this paper) is trying to explain the level of seven individual Index I crime categories while using a control that is computed as a crime-specific arrest rate, which is the number of arrests for a given crime divided by the contemporaneous number of crimes. Thus, murder in 1990 is "explained" by the ratio of arrest to murders in 1990. Econometrically, it is inappropriate to use this contemporaneous measure since it leaves the dependent variable on both sides of the regression equation (at a minimum, a better approach would lag this variable one year, as discussed in Ayres and Donohue (2009)). Better still, one could alternatively use the broad categories of violent and property crimes to compute arrest rates, as have many recent papers (such as, Moody and Marvell, 2008). We adopt this latter approach for all of our regressions in this paper and also lag the arrest rate one year to reduce the endogeneity problem.

### 3. The Erroneous Standard Errors in the NRC Estimates

Surprisingly, when the NRC presented its estimates (which we reproduce in Table 1), the NRC report did not make the very basic adjustment to their standard errors to correct for heteroskedasticity. Since Hal White's paper discussing this correction has been the single most cited paper in all of economics since 1970,<sup>16</sup> the failure to make this standard adjustment was unexpected. Accordingly, in all of our own estimates, we use robust standard errors.

Even more significant in terms of the results, though, is the issue of whether one must cluster the standard errors. The statistical consequence of the NRC committee's failure to use robust and clustered standard errors is to massively understate the reported standard errors (and consequently to overstate the level of significance). Unlike the issue of robust standard errors,

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and is frequently greater than one because of the multiple arrests per crime. For an extended discussion on the abundant problems with this pseudo arrest rate, see Donohue and Wolfers (2009).

<sup>16</sup> Kim, E.H.; Morse, A.; Zingales, L. (2006). "What Has Mattered to Economics since 1970?". *Journal of Economic Perspectives* 20 (4): 189–202.

the Committee report actually addressed the issue of clustering, concluding that this adjustment was not necessary. In Section V, we will show that this was an error. Therefore, we will from this time forward only present results based on the clustering adjustment to our standard errors.

*C. Improving on the Table 1 Estimates by Using Better Data and Slightly Improved  
Lott and Mustard Models*

Having just identified three problems with the estimates presented by the NRC, we now seek to fix them. To be clear about our approach, we use annual county-level crime data for the United States from 1977 through either 2000 (to conform to the NRC report) or 2006. We explore the impact of RTC laws on seven Index I crime categories by estimating the reduced-form regression:

$$Y_{it} = \eta \text{RTC}_{jt} + \alpha_i + \theta_t + \beta_{jt} + \gamma X_{ijt} + \varepsilon_{it} \quad (1)$$

where the dependent variable  $Y_{it}$  denotes the natural log of the individual violent and property crime rates for county  $i$  and year  $t$ . Our explanatory variable of interest—the presence of an RTC law within state  $j$  in year  $t$ —is represented by  $\text{RTC}_{jt}$ . The exact form of this variable shifts according to the three variations of the model we employ (these include our modified version of the Lott and Mustard dummy and spline models, as well as the Ayres and Donohue hybrid model.) Owing to new information that we have gathered about the RTC laws of various states, we use our own modified dummy and spline variables that take into account the exact date when these laws were implemented.<sup>17</sup>

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<sup>17</sup> As noted in Footnote 3, in the dummy variable approach, the RTC variable is a dichotomous indicator that equals the fraction of the year that the law is in effect the first year the law is implemented and equals one each full year thereafter. In the spline model, the RTC variable indicates the number of post-passage years (adjusted by the fraction of the year the law is first in effect). The hybrid specification contains both dummy and trend variables. Using the effective date when laws were implemented rather than simply assuming that laws take effect one year after passage changes the initial year of a number of RTC laws. In addition, some states (e.g., Texas) passed RTC laws that technically “took effect” on one date but which specified another date when permits could begin to be issued. We treat these states as if their laws took effect on the second date. We also took court-mandated delays in

The variable  $\alpha_i$  indicates county-level fixed effects (unobserved county traits) and  $\theta_t$  indicates year effects. As we will discuss below, there is no consensus on the use of state-specific time trends in this analysis, and the NRC report did not address this issue. Nevertheless, we will explore this possibility, with  $\beta_{jt}$  indicating state-specific trends, which are introduced in selected models. Since neither Lott and Mustard (1997) nor the NRC (2004) focus on state trends, this term is dropped when we estimate their models. The term  $X_{ijt}$  represents a matrix of observable county and state characteristics thought by researchers to influence criminal behavior. The components of this term, however, vary substantially across the literature. For example, while Lott uses only “arrest rates” as a measure of criminal deterrence, we discuss the potential need for other measures of deterrence, such as incarceration levels or police presence, which are measured at the state level.

Table 2 reproduces the regressions depicted in Table 1, while correcting for the three problems mentioned above (the inaccurate Lott data, the poorly constructed Lott arrest ratios, and the incorrect standard errors), changing the manner in which RTC dates were determined, and using our reconstruction of the county dataset from 1977 through 2000 (which omits the flawed 1993 county data). Tables 2a and 2b represent our improved estimates of what the NRC reported and we depict in Tables 1a and 1b. Table 2b appends our hybrid model, which estimates the effect of RTC laws with both a dummy and a spline component (thus nesting the individual dummy and spline models).

The bottom line is that the superior Table 2 estimates look nothing like the Table 1 estimates presented in the NRC report. Table 1 shows estimated effects that are almost

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implementing RTC laws into account when determining when permits would actually first be issued (and the corresponding value of the RTC dummy). In short, the process of reviewing the effective dates of different RTC laws led us to change the effective year of a number of these laws, changes which are described in greater detail in Appendix G.

uniformly statistically significant -- at times suggesting crime increases and at times suggesting crime decreases. Table 2 shows far fewer statistically significant effects, but every one of which suggests RTC laws *increase* crime -- for rape, aggravated assault, robbery, auto theft, burglary, and larceny. There is not even a hint of any crime declines.

Recall that James Q. Wilson thought that the most important regressions to look at were those presented in Table 1b, because they provided the full set of controls from the Lott and Mustard specification. While for six of the seven crime categories the story that emerged from Table 1b varied sharply on whether one looked at the dummy or the spline model, Wilson was content to find a beneficial RTC effect on murder because the Table 1 estimates for murder both appeared to be negative and significant.

When we switch to Table 2b, however, we see that there is nothing resembling a statistically significant impact of RTC laws on murder. In fact, we see that assault, auto theft, and larceny now have estimates that are simultaneously statistically significant and positive for both the dummy and spline model. Thus, the results that Professor Wilson found to be consistent evidence of RTC laws reducing murder (see Table 1b) disappear with better data and a superior specification.<sup>18</sup>

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<sup>18</sup> In the process of reviewing our previous published models and data from ADZ (2011), we discovered some errors in the two data sets that we had constructed (the so-called updated 2009 county data and updated 2009 state data), which are corrected in this paper. For the county data set, we miscoded the state trend variable for Arkansas. Second, Kansas counties had been incorrectly coded as belonging to Kentucky for years 1997-2006. Third, our spline and hybrid models had included a counter variable to capture the effect of a post-passage trend, but they inadvertently omitted the overall trend variable off of which this post-passage trend was to be estimated. Fourth, Vermont was coded as a "may issue" state instead of a "shall issue" state, although this did not affect our results owing to the inclusion of state fixed effects in our regressions. Fifth, the real per capita income measures from our previous datasets had been calculated incorrectly, and these changes have been made for real per capita income and income maintenance, unemployment insurance, and retirement payments. (This last change was also made to the state data set.)

In addition to these errors that we discovered, Moody, Lott, Marvell, and Zimmerman (2012) identified three other errors: duplicative observations for Alaska county 2060 were improperly included for 1996, Kansas' year of adoption was coded incorrectly as 1996 instead of 2006, and South Dakota's year of adoption was coded incorrectly as 1986 instead of 1985. All of these errors have been corrected in the tables prepared for this paper.

In fact, this was essentially the message of the NRC report. Small changes made the estimates bounce around so much that it was difficult to reach any conclusion about the true causal impact of RTC laws. Perhaps it might have been helpful to Wilson if the majority had gone one step further and presented something like the alternative results from Table 2. As we will see in the ensuing sections, there are many additional avenues that could have been explored to probe the robustness of the Table 1b findings that Wilson had accepted so unquestioningly.

We will explore these factors in subsequent sections: Section VI will explore whether one should control for individual state trends in crime, section VII will look at additional years of data (adding data beyond 2000 to 2006), section VIII will alter the Lott and Mustard specification (beyond the already mentioned correction for the contemporaneous, crime-specific arrest rates and changing the method used to construct the two RTC variables), section IX will go beyond the county data to look at state data, and Section X will consider the additional problem of potential omitted variable bias. But a key aspect of the Table 2 results is that the standard errors were adjusted using the cluster command, and this is one area where the NRC majority stumbled in concluding that this adjustment was not needed. Section V will now address the clustering question.

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Moody, Lott et al also claimed that Florida's year of adoption was coded incorrectly as 1989 instead of 1987 but this simply reflects their misreading of our coding. Our county data does not have crime information for Florida counties in the year 1988 (this is evident in the NRC data set as well), so observations for Florida's counties in this year are dropped. Thus, while it may seem that our first year of adoption is erroneously coded as 1989, this simply reflects the fact that we have not included observations for 1988. Note that we maintained consistency with our other trend variables by beginning the post-passage variable counter with a value of "2" in year 1989 to demonstrate 2 years since the passage of RTC legislation.

For the state data set in ADZ (2011), we note the following corrections: both North and South Dakota should show RTC adoption in year 1985. Similarly, Oregon's date of adoption for its RTC law should have been 1989 instead of 1990 in the state data set.

Additional changes made to the RTC indicator variables used in this paper are described in footnotes 3 and 17, as well as Appendix G. The state dataset has also been re-constructed with the most recently available data, the sources of which are provided with this paper at [http://works.bepress.com/john\\_donohue/](http://works.bepress.com/john_donohue/).

**Table 2****Table 2a<sup>19</sup>**

Estimated Impact of RTC Laws – with ADZ Changes – No Controls, All Crimes, 1977-2000

Dataset: ADZ Updated 2013 County Data (without 1993 data)

Changes: Updated Dataset, Robust and Clustered Standard Errors, Alternative RTC Dates

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-0.07 (8.48)	34.43 (24.72)	22.85 (19.88)	26.21* (15.02)	32.76 (21.20)	32.24 (22.51)	38.42 (26.15)
Spline Model:	0.65 (0.88)	4.41* (2.61)	3.83* (2.07)	2.96 (1.86)	4.41* (2.44)	4.65* (2.42)	5.59* (2.93)

**Table 2b**

Estimated Impact of RTC Laws – with ADZ Changes – Lott-Mustard Controls, All Crimes, 1977-2000

Dataset: ADZ Updated 2013 County Data (without 1993 data)

Changes: Updated Dataset, Lagged Violent/Property Arrest Rates, Robust and Clustered Standard Errors, Alternative RTC Dates

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-1.13 (7.15)	17.60 (11.88)	17.01*** (6.16)	11.69* (6.11)	19.54*** (7.15)	10.70** (5.07)	20.89*** (5.75)
Spline Model:	-0.08 (0.82)	1.35 (1.42)	1.76* (0.92)	0.70 (0.84)	1.99** (0.77)	0.86 (0.71)	1.97* (1.01)
Hybrid Post-Passage Dummy:	-1.11 (7.96)	16.41 (10.34)	13.14** (6.04)	12.04* (6.93)	15.28* (7.74)	9.73* (5.63)	17.28*** (4.71)
Trend Effect:	-0.00 (0.90)	0.28 (1.26)	0.91 (0.99)	-0.08 (0.83)	1.00 (0.71)	0.23 (0.78)	0.85 (0.92)

<sup>19</sup> All table estimations include year and county fixed effects, and are weighted by county population. Standard errors are robust and clustered at the state level. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%. In Table 2b, the control variables (adopted from the Lott-Mustard model) include: lagged arrest rates, county population, population density, per capita income measures, and 36 demographic composition measures indicating the percentage of the population belonging to a race-age-gender group.



## V. Debate over the Clustering of Standard Errors

### A. *Is Clustering Necessary?*

Aside from neglecting to use heteroskedastic-robust standard errors, the NRC committee also did not use a cluster adjustment. Research has found that the issue of whether to “cluster” the standard errors has a profound impact on assessments of statistical significance. This issue gained prominence beginning primarily with a 1990 paper by Brent Moulton. Moulton (1990) pointed to the possible need for the clustering of observations when treatments are assigned at a group-level. In such cases, there is an additive source of variation that is the same for all observations in the group, and ignoring this unique variation leads to standard errors that are underestimated. Lott, however, suggests that clustered standard errors are not needed (Lott 2004), claiming that county-level fixed effects implicitly control for state-level effects, and therefore, clustering the standard errors by state is unnecessary.

The NRC committee (2004) sided with Lott on this point, stating that “there is no need for adjustments for state-level clustering.” (p. 138). However, we *strongly* believe the committee was mistaken in this decision. One must account for the possibility that county-level disturbances may be correlated within a state during a particular year by clustering the standard errors by state. There is also a second reason for clustering that the NRC report did not address. Specifically, serial correlation in panel data can lead to major underestimation of standard errors. Indeed, Bertrand, Duflo, and Mullainathan (2004) point out that even the Moulton correction alone may be insufficient for panel-data estimators that utilize more than two periods of data due to autocorrelation in both the intervention variable and the outcome variable of interest. Wooldridge (2003, 2006), as well as Angrist and Pischke (2009), suggest that clustering the standard errors by state (along with using heteroskedasticity-robust standard errors) will help

address this problem, and at least provide a lower bound on the standard errors.

***B. Using Placebo Laws to Test the Impact of Clustering***

Our Table 2 estimates (which include clustering) reveal that this adjustment makes a major difference in the results generated by the Lott and Mustard models that the NRC report adopted in its analysis -- completely wiping out any sign of statistically significant crime reductions attributable to RTC laws. But who is correct on the clustering issue—Lott, Mustard, and the NRC panel on the one hand, or Angrist, Pischke, and several other high-end applied econometricians on the other? To address this important question we run a series of placebo tests. In essence, we randomly assign RTC laws to states, and re-estimate our model iteratively (1000 times), recording the number of times that the variable(s) of interest are “statistically significant” at the 5% level. For this experiment, we use our most flexible model: the hybrid model (that incorporates both a dummy and a trend variable) with the controls employed by the NRC.

We run five versions of this test. In our first test, we generate a placebo law in a random year for all 50 states and the District of Columbia. Once the law is applied, it persists for the rest of our data period (beginning the year after the law’s randomly generated effective date), which is how laws were coded in our original analysis. We run 1000 trials (where each trial consists of a randomly generated set of RTC passage years) and then proceed to take a simple average of the percentage of significant dummy variable and spline variable estimates. In our second test, we apply a placebo law in a random year to the 32 states that had actually implemented right-to-carry laws between 1979 and 2006. The remaining 19 states are assumed to either have no RTC law or to have had one during the entire analysis period.<sup>20</sup> Here again we run 1000 trials in

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<sup>20</sup> For the purposes of this analysis we do not consider Nebraska or Kansas to have passed an RTC law during this period. These states passed RTC laws in 2006; however, their laws did not take effect until 2007.

which each iteration consists of randomly generated RTC passage years and proceed to take a simple average of the percentage of significant estimates. Third, we randomly select 32 states to receive a placebo law in a random year (to ensure that any random sample of 32 states does not have the potential to inaccurately bias results, we repeat this entire procedure 5 times – that is, we take 5 samples of 32 random states and for each sample, run the aforementioned process of assigning a random year of RTC adoption 1000 times). Then, we take a simple average of the number of statistically significant dummy variable and spline estimates. Thus, we are, in effect, counting the number of significant dummy and trend estimates generated from 5000 hybrid regressions. Fourth, we apply a placebo law in a random year to the 19 states which did not pass RTC laws within the period, dropping the other 32 states from our dataset, and take the simple average of the statistically significant dummy variable and spline estimates. Finally, we randomly select 12 of the 19 states (to correspond to the previous randomly generated 32 states) to receive an RTC in a randomized year of adoption and iterate this process 1,000 times over five separate samples. The results of these five tests are presented in Table 3.

Given the random assignment, one would expect to reject the null hypothesis of no effect of these randomized “laws” roughly 5 percent of the time if the standard errors in our regressions are estimated correctly. Instead, the table reveals that the null hypothesis is rejected 21-69 percent of the time for murder and robbery with the dummy variable and even more frequently with the trend variable (35-73 percent). Clearly, this exercise suggests that the standard errors used in the NRC report are far too small.

Table 3b replicates the exercise of Table 3a, but now uses the cluster correction for standard errors (by state). Table 3b suggests that clustering standard errors does not excessively reduce significance, as the NRC panel feared. In fact, the percentages of “significant” estimates

produced in all three versions of the test still lie well beyond the 5% threshold. Similar results are found when we replicate Tables 3a and 3b using a random selection of either 32 or 12 states while employing the dummy model instead of the hybrid model (we do not show those results here). All of these tests show that if we do *not* cluster the standard errors, the likelihood of obtaining significant estimates is astonishingly (and unreasonably) high. The conclusion we draw from this exercise is that clustering is clearly needed to adjust the standard errors in these panel-data regressions. Accordingly, we use this clustering adjustment for all remaining regressions in this paper.

**Table 3<sup>21</sup>****Table 3a**Percentage of Significant Estimates (5% Level) – Lott-Mustard Controls, 1977-2006 – **No Clustered Standard Errors**

Dataset: ADZ Updated 2013 County Data (without 1993 data)

Hybrid Model

<i>All figures reported in %</i>		Dummy Variable	Trend Variable
1. All 50 States + DC:	Murder	45.8	67.5
	Robbery	53.8	63.9
2. Exact 32 States:	Murder	64.6	72.0
	Robbery	68.9	73.0
3. Random 32 States:	Murder	56.1	68.3
	Robbery	56.6	62.7
4. All 19 States:	Murder	21.7	34.9
	Robbery	36.3	45.4
5. Random 12 States:	Murder	23.6	42.1
	Robbery	39.0	46.6

**Table 3b**Percentage of Significant Estimates (at the 5% Level) – Lott-Mustard Controls, 1977-2006 – **With Clustered Standard Errors**

Dataset: ADZ Updated 2013 County Data (without 1993 data)

Hybrid Model

<i>All figures reported in %</i>		Dummy Variable	Trend Variable
1. All 50 States + DC:	Murder	8.8	13.2
	Robbery	7.8	8.5
2. Exact 32 States:	Murder	10.9	11.4
	Robbery	8.1	9.8
3. Random 32 States:	Murder	11.0	13.3
	Robbery	8.5	7.6
4. All 19 States:	Murder	13.9	12.9
	Robbery	12.7	13.8
5. Random 12 States:	Murder	15.9	18.7
	Robbery	14.1	14.4

<sup>21</sup> Simulation based on NRC with-controls model, which, similar to above estimations, includes year fixed effects, county fixed effects, and weighting by county population. The control variables (adopted from the Lott-Mustard model) include: lagged arrest rate, county population, population density, per capita income measures, and 36 demographic composition measures indicating the percentage of the population belonging to a race-age-gender group. All ten tests use robust standard errors.

## VI. Debate over the Inclusion of Linear Trends

An important issue that the NRC did not address was whether there was any need to control for state-specific linear trends. Inclusion of state trends could be important if, for example, a clear pattern in crime rates existed before a state adopted an RTC law that continued into the post-passage period. On the other hand, there is also a potential danger in using state-specific trends if their inclusion inappropriately extrapolates a temporary swing in crime long into the future or otherwise mars the estimate of the dynamic effect of the policy shock (Wolfers 2006). Lott and Mustard (1997) never controlled for state-specific trends in analyzing handgun laws in their main analysis (only adding these trends for one robustness check mentioned in a footnote), while Moody and Marvel (2008) always controlled for these trends. Ayres and Donohue (2003a) presented evidence with and without such trends.

Table 4 replicates the NRC's full model (with the appropriate clustering adjustment) from Table 2b with one change: here we add a linear state trend to this county-data model. Strikingly, Table 4 suggests that RTC laws increase aggravated assault by roughly 3-4 percent each year, but no other statistically significant effect is observed. Thus, the addition of state trends eliminates the potentially problematic result of RTC laws increasing property crimes, which actually increases our confidence in these results. Certainly an increase in gun carrying and prevalence induced by a RTC law could well be thought to spur more aggravated assaults. Nonetheless, one must at least consider whether the solitary finding of statistical significance is merely the product of running seven different models, is a spurious effect flowing from a bad model, or reflects some other anomaly (such as changes in the police treatment of domestic violence cases, which could confound the aggravated assault results).<sup>22</sup>

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<sup>22</sup> We tested this theory by creating a new right-hand side dummy variable that identified if a state passed legislation requiring law enforcement officials to submit official reports of all investigated domestic violence cases. Eight



**Table 4<sup>23</sup>**

Estimated Impact of RTC Laws – Lott-Mustard Controls, 1977-2000 – Clustered Errors and State Trends  
 Dataset: ADZ Updated 2013 County Data (without 1993 data)

<i>All figures reported in %</i>							
	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-0.82 (6.44)	-5.23 (11.23)	9.90 (6.20)	1.41 (7.52)	5.73 (8.22)	-1.29 (5.98)	3.61 (5.56)
Spline Model:	-0.30 (1.54)	-3.77 (4.79)	4.11** (1.79)	1.00 (2.50)	1.56 (1.97)	0.13 (1.96)	1.34 (2.05)
Hybrid Post-Passage Dummy:	-0.53 (6.06)	-1.34 (7.60)	5.91 (6.07)	0.38 (7.49)	4.34 (7.88)	-1.51 (5.94)	2.33 (5.41)
Trend Effect:	-0.27 (1.46)	-3.70 (4.54)	3.79** (1.79)	0.98 (2.54)	1.32 (1.90)	0.21 (1.98)	1.22 (2.07)

## VII. Extending the Data Through 2006

Thus far we have presented panel-data regression results for the period 1977-2000. Since more data are now available, we can further test the strength of the MGLC premise over time by estimating the NRC Lott and Mustard covariates specification on data extended through 2006. Table 5a presents our estimates (with clustering), which can be compared with Table 2b (which also clusters the standard errors in the main NRC model, but is estimated on the shorter time period). This comparison reveals that the additional six years of data do not substantially change the picture that emerged in Table 2b showing that RTC laws *increase* aggravated assault, auto theft, burglary, and larceny (although the results showing an increase in aggravated assault are

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states have passed this legislation of which we are aware: Florida (1984), Illinois (1986), Louisiana (1985), New Jersey (1991), North Dakota (1989), Oklahoma (1986), Tennessee (1995), and Washington (1979). We included this dummy variable when running both the NRC specification (through 2000) and our preferred specification (through 2006) without state-specific trends, and found that this dummy indicator of domestic violence reporting statutes did not undermine our general finding that RTC laws *increase* aggravated assaults.

<sup>23</sup> Estimations include year and county fixed effects and are weighted by county population. Robust standard errors are provided beneath point estimates in parentheses. The control variables (adopted from the Lott-Mustard model) include: lagged arrest rate, county population, population density, per capita income measures, and 36 demographic composition measures indicating the percentage of the population belonging to a race-age-gender group. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

stronger with the additional years of data for the dummy model).

Table 5b simply adds state trends to the Table 5a model, which can then be compared to Table 4 (clustering, state trends, and 1977-2000 county data). Collectively, these results suggest that the added six years of data do not appreciably change the results from the shorter period. The inclusion of state trends on the longer data set suggests that RTC laws *increase* aggravated assault by roughly 8-9 percent.

**Table 5<sup>24</sup>****Table 5a**

Estimated Impact of RTC Laws – Lott-Mustard Controls, 1977-2006 – Clustered Standard Errors

Dataset: ADZ Updated 2013 County Data (without 1993 data)

<i>All figures reported in %</i>							
	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-3.03 (6.46)	15.45 (14.68)	15.30*** (5.12)	7.55 (5.23)	17.72** (7.59)	11.20** (4.67)	16.40*** (5.15)
Spline Model:	-0.20 (0.59)	0.98 (1.25)	1.05 (0.71)	0.43 (0.53)	1.01 (0.63)	0.36 (0.46)	1.05* (0.53)
Hybrid Post-Passage Dummy:	-2.61 (6.72)	13.65 (12.51)	13.06*** (4.58)	6.97 (6.15)	16.30** (7.08)	11.90** (5.41)	14.45*** (5.29)
Trend Effect:	-0.09 (0.60)	0.39 (0.96)	0.49 (0.71)	0.13 (0.61)	0.31 (0.51)	-0.15 (0.52)	0.42 (0.55)

**Table 5b**

Estimated Impact of RTC Laws – Lott-Mustard Controls, 1977-2006 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 County Data (without 1993 data)

<i>All figures reported in %</i>							
	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	0.03 (5.61)	-8.30 (10.75)	9.45** (4.33)	6.79 (6.19)	9.20 (6.16)	3.71 (4.93)	6.03 (5.14)
Spline Model:	-0.44 (0.99)	-5.57 (4.49)	1.65 (1.48)	-0.54 (1.83)	-0.84 (1.81)	-1.37 (1.54)	-1.54 (1.66)
Hybrid Post-Passage Dummy:	0.23 (5.68)	-5.85 (9.28)	8.79** (4.18)	7.09 (6.11)	9.66* (5.76)	4.37 (4.71)	6.78 (4.78)
Trend Effect:	-0.45 (1.01)	-5.46 (4.40)	1.48 (1.47)	-0.68 (1.83)	-1.03 (1.76)	-1.45 (1.53)	-1.67 (1.65)

<sup>24</sup> Estimations include year and county fixed effects, and are weighted by county population. Robust standard errors are provided beneath point estimates in parentheses. The control variables (adopted from the Lott-Mustard model) include: lagged arrest rate, county population, population density, per capita income measures, and 36 demographic composition measures indicating the percentage of the population belonging to a race-age-gender group. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

### VIII. Revising the Lott-Mustard Specification

We have already suggested that the Lott and Mustard specification that the NRC employed is not particularly appealing along a number of dimensions. The most obvious problem – omitted variable bias has already been alluded to: the Lott and Mustard (1997) model had no control for incarceration, which Wilson considered to be one of the most important influences on crime in the last 20 years. In addition to a number of important omitted variables, the Lott-Mustard model adopted by the NRC includes a number of questionable variables, such as the dubious ratio of arrests to murders, and the 36 (highly collinear) demographic controls.

To explore whether these specification problems are influencing the regression estimates, we revise the NRC models in a number of ways. First, we completely drop Lott and Mustard's flawed contemporaneous arrest rate variable and add in two preferable measures of state law enforcement/deterrence: the incarceration rate and the rate of police.<sup>25</sup> Second, we add two additional controls to capture economic conditions: the unemployment rate and the poverty rate, which are also state-level variables. Finally, mindful of Horowitz's admonition that the Lott-Mustard model might have *too many* variables (including demographic controls that are arguably irrelevant to the relationship between the guns and crime, and may have a spurious, misleading effect), we decided not to follow the NRC in using the 36 demographic controls employed by Lott-Mustard. Instead, we adhered to the more customary practice in the econometrics of crime and controlled only for the demographic groups considered to be most involved with criminality (as offenders and victims), namely the percentage of black and white males between ages 10 and

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<sup>25</sup> We also estimated the model with the arrest rate (lagged by one year to avoid endogeneity concerns), and the results were qualitatively similar to Table 6a except that dummy variable estimates for Rape (10%), Assault (1%), Robbery (5%), Auto (5%), Burglary (1%), and Larceny (1%) are now all significant. For Table 6b, the dummy variable estimates for murder, burglary, and larceny shift from negative to positive (but still remain insignificant) and assault and auto theft become positive and significant at the 10% level.

40 in each county.<sup>26</sup>

The results with this new specification are presented in Tables 6a-6b (which correspond to Tables 5a-5b estimated using the Lott and Mustard specification). Note that had the NRC panel used our preferred specification while maintaining its view that neither clustering nor controls for state trends are needed, we would have overwhelming evidence that RTC laws *increase* crime.<sup>27</sup> We don't show these regression results since we are convinced that clustering is needed, although of course when we cluster in Table 6a, the point estimates remain the same (while significance is drastically reduced). Table 6b shows that this model is sensitive to whether we control for state trends, since adding these trends reverses the sign of most of our estimates (while making all of them statistically insignificant). Essentially, our preferred specification shows almost no statistically significant crime effects (with the large standard errors reflecting a considerable degree of uncertainty).

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<sup>26</sup> To test the robustness of this specification to changes in the demographic controls, we also estimated the following variants from our 6 demographic controls: only black males between ages 10 and 40 (three variables); only black males between ages 10 and 30 (two variables); and black and white males between ages 10 and 30 (four variables). The results were again qualitatively similar across our tests.

<sup>27</sup> Re-estimating Table 6a without clustering (no state trends) shows all dummy variable point estimates (except murder) positive and significant at the 1% level. The murder dummy variable is positive, but not significant. For the spline model, all spline estimates (except murder) are positive and significant at the 1% level, whereas murder is positive and significant at the 5% level.

**Table 6<sup>28</sup>****Table 6a**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1977-2006 – Clustered Standard Errors

Dataset: ADZ Updated 2013 County Data (without 1993 data)

<i>All figures reported in %</i>							
	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	1.59 (7.63)	25.33 (18.81)	22.65 (19.54)	22.27 (14.82)	27.46 (21.81)	30.08 (23.09)	31.33 (26.54)
Spline Model:	0.38 (0.82)	2.81 (1.76)	3.19 (1.95)	2.58* (1.53)	3.07 (2.25)	3.64 (2.38)	4.19 (2.72)
Hybrid Post-Passage Dummy:	-0.43 (7.75)	14.75 (15.38)	8.74 (17.15)	12.20 (12.83)	15.81 (17.82)	15.49 (19.46)	13.56 (21.54)
Trend Effect:	0.40 (0.86)	2.11 (1.45)	2.77 (1.81)	2.01 (1.42)	2.32 (1.97)	2.91 (2.17)	3.55 (2.41)

**Table 6b**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1977-2006 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 County Data (without 1993 data)

<i>All figures reported in %</i>							
	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-2.66 (6.34)	-15.99 (13.35)	-2.36 (11.59)	2.73 (8.58)	1.26 (11.70)	-6.39 (13.18)	-7.06 (14.71)
Spline Model:	-0.43 (1.26)	-7.93 (5.54)	0.58 (2.66)	-0.60 (2.41)	-0.71 (2.98)	-2.23 (3.05)	-2.68 (3.42)
Hybrid Post-Passage Dummy:	-2.50 (6.56)	-12.80 (12.20)	-2.62 (12.09)	3.00 (8.95)	1.56 (12.14)	-5.50 (13.73)	-6.00 (15.24)
Trend Effect:	-0.38 (1.31)	-7.69 (5.50)	0.63 (2.75)	-0.66 (2.48)	-0.74 (3.08)	-2.13 (3.17)	-2.57 (3.55)

<sup>28</sup> Estimations include year and county fixed effects and are weighted by county population. Robust standard errors are provided beneath point estimates in parentheses. The control variables for this “preferred” specification include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, per capita income measures, and six demographic composition measures. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.



## IX. State versus County Crime Data

In their initial study, Lott and Mustard (1997) tested the “More Guns, Less Crime” hypothesis by relying primarily on county-level data from the FBI’s *Uniform Crime Reports* (UCR).<sup>29</sup> These FBI reports present yearly estimates of crime based on monthly crime data from local and state law enforcement agencies across the country. The NRC report followed Lott and Mustard in this choice and presented regression estimates using only county data. Unfortunately, according to criminal justice researcher Michael Maltz, the FBI’s county-level data is highly problematic.

The major problem with county data stems from the fact that law enforcement agencies voluntarily submit crime data to the FBI. As a result, the FBI has little control over the accuracy, consistency, timeliness, and completeness of the data it uses to compile the UCR reports. In a study published in the *Journal of Quantitative Criminology*, Maltz and Targonski (2002) carefully analyzed the shortcomings in the UCR data set and concluded that UCR county-level data is unacceptable for evaluating the impact of RTC laws. For example, in Connecticut, Indiana, and Mississippi, over 50% of the county-level data points are missing crime data for more than 30% of their populations (Maltz and Targonski 2002). In another thirteen states, more than 20% of the data points have gaps of similar magnitude. Based on their analysis, Maltz and Targonski (2002) concluded that:

“County-level crime data cannot be used with any degree of confidence...The crime rates of a great many counties have been underestimated, due to the exclusion of large fractions of their populations from contributing to the crime counts. Moreover, counties in those states with the most coverage gaps have laws permitting the carrying of concealed weapons. How these shortcomings can be compensated for is still an open question...it is clear, however, that in their current condition, county-level UCR crime statistics cannot be used for evaluating the effects of changes in policy” (pp. 316-317).

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<sup>29</sup> Lott and Mustard present results based on state-level data, but they strongly endorse their county-level over their state-level analysis: “the very different results between state- and county-level data should make us very cautious in aggregating crime data and would imply that the data should remain as disaggregated as possible” (Lott and Mustard, 1997, p. 39).

Because of the concerns raised about county-level crime data, it is prudent to test our models on state-level data. According to Maltz and Targonski (2003), state-level crime data are less problematic than county-level data because the FBI's state-level crime files take into account missing data by imputing all missing agency data. County-level files provided by NACJD, however, impute missing data only if an agency provides at least six months of data; otherwise, the agency is dropped completely (Maltz 2006). As with our estimations using county-level data, we compiled our state-level data from scratch, and will refer to it as "Updated 2013 State-level Data."<sup>30</sup>

#### ***A. State Data Results Using the Lott-Mustard Specification***

Unsurprisingly, the regression results reproduced using state-level data are again different from the NRC committee's estimates using county-level data. This is shown in Table 7a, which presents the results from the NRC's specification (the Lott-Mustard model) on state data through 2010, with the cluster adjustment.<sup>31</sup> Table 7b simply adds state trends. When we compare these state-level estimates to the county-level estimates (using the Updated 2013 County-Level Data Set), we see that there are marked differences. Considering the preceding discussion on the reliability—or lack thereof—of county data, this result may be unsurprising.<sup>32</sup> Looking across

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<sup>30</sup> State poverty data for years 1977 and 1978 are unavailable from the census. Thus all regressions run on our state dataset are effectively using data from 1979 onwards. State poverty figures from 1980 onwards come from the Census Bureau's Historical Poverty Table 21 found at (<http://www.census.gov/hhes/www/poverty/data/historical/people.html>). The data for 1979 comes from the Census Statistical Abstract for 1982.

<sup>31</sup> Our placebo test on county data showed that standard errors needed to be adjusted by clustering. In Appendix A, we again find that clustering is needed for state data. Thus, all our state-level estimates include clustering.

<sup>32</sup> We also estimated the model on data through 2000 (the last year in the NRC report). Though those results are not shown here, our point estimates for this model are qualitatively similar to those shown in Tables 7a. Interestingly, the patterns of statistical significance are extremely different. For example, when Table 7a is estimated through the year 2000, there is a statistically significant decline in aggravated assault in the hybrid model with no other impact on violent crime. When estimated to the year 2010, however, Table 7a shows no statistically significant decline in aggravated assault and evidence of declines in rape and robbery. Moreover, while Table 7b shows some hints of crime declines for rape and aggravated assault when estimated through 2000, when the data is extended for another

the models with and without state linear trends, there is evidence of increases in aggravated assault and murder and decreases in robbery, burglary, auto theft, and rape after the passage of RTC laws.

As Ayres and Donohue (2003; 1231) noted, the most important driver of the ostensible decline in crime from RTC laws comes from the Lott and Mustard use of 36 highly collinear demographic variables. The Ayres and Donohue finding that “The results are incredibly sensitive to the inclusion of various seemingly unimportant demographic controls” still applies even after augmenting the data set with 10 more years of data. To demonstrate the strong influence of these variables, we rerun the regression shown in Table 7a after substituting a more defensible set of 6 controls for black and white men in the higher crime ages (the ADZ demographic variables) for the full set of 36 controls used in the Lott-Mustard specification. Examining the results of this process (shown in Table 7c) reveals that 27 out of the 28 resulting estimates of the effect of RTC laws on crime are positive, with at least some evidence of statistical significant crime increases for 5 of the 7 crime categories. The story is somewhat muddier when state trends are added (Table 7d), but the strongest effect in this modified version of the Lott and Mustard specification on more complete data suggests substantial and statistically significant increases in aggravated assaults.

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decade, the table shows only statistically significant evidence of *increases* in aggravated assault. We also estimate the NRC's no-controls model through 2010 on the state-level data. See Appendix B for these results.

**Table 7<sup>33</sup>****Table 7a**

Estimated Impact of RTC Laws – Lott-Mustard Controls, 1977-2010 – Clustered Standard Errors  
Dataset: ADZ Updated 2013 State Data

*All figures reported in %*

	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-2.96 (3.60)	-5.07** (2.23)	-0.69 (4.56)	-7.53** (2.92)	1.78 (4.03)	-3.35* (1.92)	2.24 (1.76)
Spline Model:	0.49 (0.36)	-0.23 (0.38)	0.64 (0.62)	0.03 (0.45)	-0.54 (0.32)	-0.26 (0.35)	0.39 (0.25)
Hybrid Post-Passage Dummy:	-4.91 (3.59)	-4.70* (2.68)	-2.94 (3.76)	-8.28*** (3.01)	3.75 (4.48)	-2.75 (1.90)	1.10 (1.59)
Trend Effect:	0.62* (0.34)	-0.12 (0.42)	0.71 (0.60)	0.24 (0.43)	-0.63* (0.35)	-0.19 (0.35)	0.37 (0.25)

**Table 7b**

Estimated Impact of RTC Laws – Lott-Mustard Controls, 1977-2010 – Clustered Standard Errors and State Trends  
Dataset: ADZ Updated 2013 State Data

*All figures reported in %*

	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-0.87 (3.48)	-3.54 (2.43)	-2.93 (3.07)	-3.91 (2.76)	2.20 (3.10)	-2.28 (1.51)	0.45 (1.36)
Spline Model:	0.70 (0.75)	0.03 (0.60)	1.70*** (0.56)	0.23 (0.86)	-1.62** (0.74)	0.20 (0.55)	0.18 (0.44)
Hybrid Post-Passage Dummy:	-1.50 (3.39)	-3.68 (2.59)	-4.49 (3.02)	-4.23 (2.74)	3.68 (3.20)	-2.53 (1.68)	0.31 (1.46)
Trend Effect:	0.76 (0.73)	0.17 (0.63)	1.87*** (0.56)	0.39 (0.85)	-1.75** (0.79)	0.29 (0.57)	0.16 (0.45)

<sup>33</sup> Estimations include year and state fixed effects, and are weighted by state population. Robust standard errors are provided beneath point estimates in parentheses. The control variables (adopted from the Lott-Mustard model) include: lagged arrest rate, state population, population density, per capita income measures, and 36 demographic composition measures indicating the percentage of the population belonging to a race-age-gender group. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

**Table 7 (Continued)<sup>34</sup>****Table 7c**

Estimated Impact of RTC Laws – Lott-Mustard Controls (with ADZ Demographic Variables), 1977-2010 – Clustered Standard Errors

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>		Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:		2.20 (6.84)	9.67* (5.37)	7.86 (5.42)	12.04 (8.97)	17.15 (10.70)	11.21* (6.22)	10.40** (4.55)
Spline Model:		0.62 (0.64)	0.86 (0.59)	1.18* (0.67)	1.59* (0.80)	1.39 (0.93)	0.95 (0.61)	1.05** (0.43)
Hybrid Post-Passage Dummy:		-1.21 (5.78)	6.54 (4.76)	2.22 (4.62)	4.82 (6.86)	12.55 (8.30)	7.96 (4.81)	6.31* (3.75)
Trend Effect:		0.66 (0.59)	0.61 (0.56)	1.09 (0.68)	1.40** (0.69)	0.90 (0.70)	0.64 (0.51)	0.80** (0.39)

**Table 7d**

Estimated Impact of RTC Laws – Lott-Mustard Controls (with ADZ Demographic Variables), 1977-2010 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>		Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:		0.77 (3.91)	-4.65* (2.41)	-3.33 (3.55)	-2.01 (3.16)	3.10 (4.72)	-0.63 (1.90)	0.24 (1.87)
Spline Model:		0.46 (0.72)	0.15 (0.59)	1.82** (0.68)	-0.26 (0.95)	-1.49* (0.78)	0.02 (0.59)	-0.39 (0.55)
Hybrid Post-Passage Dummy:		0.43 (3.95)	-4.88* (2.50)	-4.83 (3.38)	-1.86 (3.29)	4.31 (4.63)	-0.66 (2.15)	0.54 (2.05)
Trend Effect:		0.45 (0.72)	0.31 (0.60)	1.97*** (0.67)	-0.20 (0.98)	-1.63** (0.79)	0.04 (0.63)	-0.41 (0.58)

<sup>34</sup> Estimations include year and state fixed effects, and are weighted by state population. Robust standard errors are provided beneath point estimates in parentheses. The control variables (adopted from the Lott-Mustard model) include: lagged arrest rate, state population, population density, per capita income measures, and the six demographic composition measures used in the ADZ model. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

*B. State Data Results Using the ADZ Preferred Specification*

Table 8 mimics Table 7 in that we again employ state data through 2010 but now we use our preferred set of controls. Here the ostensible evidence that RTC laws increase crime is very strong: all three models in Table 8a have positive coefficients for every crime category, and 12 of the 28 coefficients are statistically significant. Table 8b once again shows highly significant evidence (in the spline model and in the trend effect of the hybrid model) that RTC laws increase aggravated assault. Some significant but conflicting predictions for auto theft emerge with both dummy effects positive and significant, while both trend effects are negative and significant. None of the remaining coefficients are statistically significant.<sup>35</sup>

While there are a number of differences in the modified Lott-Mustard specification versus the ADZ specification, the most important difference in generating the different estimates of the impact of RTC laws is the Lott-Mustard use of 36 demographic variables. We illustrate this in Table 8c, by substituting Lott's chosen thirty-six demographic variables in place of our own. Under this specification, RTC laws are no longer associated with any statistically significant increases in crime and rape, robbery, and auto theft appear to decline. Adding state trends in Table 8d brings back a result similar to that in Table 7d: aggravated assault rises sharply and auto theft seems to fall with the adoption of RTC laws.

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<sup>35</sup> As a robustness check for the Tables 8a and 8b results, we explored the effect of dropping the states with the highest residual variances from the aggravated assault regressions in these two tables. Appendix C shows the results of this exercise. Essentially, the basic patterns of Tables 8a and 8b persist, but evidence of RTC laws increasing aggravated assault is strengthened when the high variance states are dropped from Table 8a and somewhat weakened when dropped from Table 8b.



**Table 8<sup>36</sup>****Table 8a**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1979-2010 – Clustered Standard Errors

Dataset: ADZ Updated 2013 State Data

*All figures reported in %*

	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	3.31 (6.51)	11.53** (5.73)	8.03* (4.46)	13.85* (8.03)	17.83* (8.95)	12.54* (6.28)	10.80** (4.70)
Spline Model:	0.58 (0.64)	0.82 (0.63)	1.05* (0.60)	1.27 (0.82)	1.20 (0.80)	0.81 (0.63)	0.85* (0.49)
Hybrid Post-Passage Dummy:	0.82 (5.35)	9.23* (4.79)	3.91 (4.01)	9.58 (6.86)	14.59* (7.47)	10.46* (5.21)	8.18** (4.00)
Trend Effect:	0.56 (0.58)	0.51 (0.58)	0.92 (0.62)	0.95 (0.77)	0.72 (0.66)	0.46 (0.55)	0.58 (0.46)

**Table 8b**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1979-2010 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 State Data

*All figures reported in %*

	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-0.74 (3.94)	-3.16 (2.30)	-1.80 (3.61)	1.66 (3.16)	8.72* (4.50)	0.87 (2.19)	1.03 (1.83)
Spline Model:	0.77 (0.74)	-0.25 (0.65)	1.88** (0.80)	-0.23 (0.79)	-1.32* (0.76)	-0.08 (0.64)	-0.59 (0.52)
Hybrid Post-Passage Dummy:	-1.33 (3.86)	-3.05 (2.34)	-3.23 (3.51)	1.87 (3.33)	9.90** (4.42)	0.95 (2.31)	1.49 (1.98)
Trend Effect:	0.81 (0.72)	-0.16 (0.65)	1.99** (0.79)	-0.29 (0.83)	-1.64** (0.73)	-0.11 (0.66)	-0.64 (0.55)

<sup>36</sup> These regressions include year and state fixed effects, and are weighted by state population. Robust standard errors are provided beneath point estimates in parentheses. The control variables for this “preferred” specification include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, per capita income measures, and six demographic composition measures.

\* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

**Table 8 (Continued)****Table 8c<sup>37</sup>**

Estimated Impact of RTC Laws – ADZ Preferred Controls (with Lott-Mustard demographic variables), 1979-2010 – Clustered Standard Errors

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>							
	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-4.55 (3.46)	-5.46** (2.50)	0.48 (4.23)	-6.62** (3.23)	3.87 (3.14)	-3.29 (2.16)	0.98 (1.95)
Spline Model:	0.21 (0.35)	-0.30 (0.35)	0.64 (0.58)	-0.26 (0.46)	-0.75* (0.38)	-0.38 (0.33)	0.13 (0.27)
Hybrid Post-Passage Dummy:	-5.51 (3.46)	-4.91* (2.73)	-1.47 (3.59)	-6.27* (3.49)	6.43* (3.45)	-2.34 (2.22)	0.66 (2.01)
Trend Effect:	0.33 (0.35)	-0.19 (0.37)	0.68 (0.56)	-0.12 (0.46)	-0.89** (0.37)	-0.33 (0.33)	0.11 (0.28)

**Table 8d**

Estimated Impact of RTC Laws – ADZ Preferred Controls (with Lott-Mustard demographic variables), 1979-2010 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>							
	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-0.32 (3.27)	-2.36 (2.54)	-2.50 (3.08)	-0.21 (2.60)	5.29** (2.30)	-0.74 (1.61)	1.12 (1.19)
Spline Model:	0.96 (0.73)	0.05 (0.60)	1.92*** (0.69)	0.49 (0.88)	-1.36* (0.75)	0.38 (0.56)	0.09 (0.46)
Hybrid Post-Passage Dummy:	-1.17 (3.10)	-2.49 (2.65)	-4.26 (3.00)	-0.64 (2.59)	6.65*** (2.32)	-1.10 (1.68)	1.08 (1.30)
Trend Effect:	1.01 (0.69)	0.14 (0.62)	2.09*** (0.69)	0.51 (0.89)	-1.62** (0.76)	0.43 (0.58)	0.05 (0.48)

<sup>37</sup> These regressions include year and state fixed effects, and are weighted by state population. Robust standard errors are provided beneath point estimates in parentheses. The control variables for this “preferred” specification include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, per capita income measures, and thirty-six demographic composition measures.

\* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

Given the strong influence that demographic variables have on the estimated effect of RTC laws on crime, it is important to reflect on why we prefer our demographic variables to the specification used in the Lott-Mustard model. The first thing to note about the Lott-Mustard specification is that it is entirely idiosyncratic: no other major study in the entire empirical literature on crime has used the sheer number of demographic controls found in the Lott-Mustard model. In fact, many published papers use fewer demographic controls than the six that we include in our own preferred model. Table 9 modifies our specification by reducing our six demographic controls to only three that represent the size of the younger black male population (in the three age groups of 10-19, 20-29 and 30-39). The effect of this change can be seen by comparing Table 9a to 8a (no state trends) and Table 9b to 8b (with state trends). Beginning with the first comparison, we see that using even fewer demographic controls only strengthens our finding that RTC laws are generally associated with higher, not lower, crime rates. Table 9a suggests that RTC laws caused every crime category apart from murder to rise by 9.5 percent or more. The comparison of Tables 9b and 8b (with state trends) shows that changing the demographic variables has a small influence on the results when controls are included for state trends. Nevertheless, reducing the number of demographic variables in Table 9b does not change our finding that there is no evidence that RTC laws decrease violent crime.<sup>38</sup>

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<sup>38</sup> A fairly standard set of demographics that can be seen in the crime literature includes controls for a few age categories across all races combined with a single identifier of the percentage of blacks in the state. Table D1 and D2 in Appendix D provide this tweak to the ADZ model by putting in four such demographic variables – the percent of the population falling into the three age categories of 10-19, 20-29, and 30-39 plus the percent black -- in place of the ADZ six demographic variables. The results for violent crime are not dramatically different from the main ADZ models of Tables 8a and 8b. Table D1's and Table 8a's estimated violent crime increases for rape, aggravated assault, and robbery are substantial in both sets of dummy variable estimates and significant at the .10 level or better, but only Table 8a has one of these estimates rise to the level of significance at the .05 level (for rape).

**Table 9<sup>39</sup>****Table 9a**

Estimated Impact of RTC Laws – ADZ Preferred Controls (with 3 demographic variables), 1979-2010 – Clustered Standard Errors

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>		Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:		3.01 (5.71)	10.77** (5.36)	9.69** (3.84)	14.66** (7.29)	19.65** (7.76)	13.26** (5.51)	11.24** (4.25)
Spline Model:		0.50 (0.60)	0.87 (0.59)	1.04* (0.54)	1.26 (0.75)	1.08 (0.72)	0.89 (0.56)	0.88* (0.45)
Hybrid Post-Passage Dummy:		0.84 (4.71)	8.00* (4.43)	5.79 (3.78)	10.49 (6.71)	17.37** (6.82)	10.87** (4.85)	8.51** (3.82)
Trend Effect:		0.47 (0.56)	0.60 (0.55)	0.84 (0.57)	0.90 (0.74)	0.49 (0.65)	0.52 (0.52)	0.59 (0.44)

**Table 9b**

Estimated Impact of RTC Laws – ADZ Preferred Controls (with 3 demographic variables), 1979-2010 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>		Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:		0.23 (3.81)	-3.46 (2.76)	1.01 (3.33)	4.24 (3.19)	11.14** (4.41)	1.93 (2.21)	1.67 (1.79)
Spline Model:		0.48 (0.67)	-0.16 (0.58)	1.52* (0.79)	-0.31 (0.74)	-0.77 (0.74)	-0.20 (0.64)	-0.95* (0.48)
Hybrid Post-Passage Dummy:		-0.06 (3.74)	-3.41 (2.80)	0.08 (3.18)	4.50 (3.34)	11.78** (4.44)	2.08 (2.30)	2.28 (1.97)
Trend Effect:		0.48 (0.65)	-0.08 (0.59)	1.52* (0.79)	-0.41 (0.76)	-1.04 (0.73)	-0.25 (0.65)	-1.00* (0.50)

<sup>39</sup> These regressions include year and state fixed effects, and are weighted by state population. Robust standard errors are provided beneath point estimates in parentheses. The control variables for this “preferred” specification include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, per capita income measures, and three demographic composition measures.

\* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

***C. The 36 Demographic Controls Should Not be Used in Crime Regressions***

In his book *More Guns, Less Crime*, Lott concedes that he “overcontrolled” for demographic composition out of an abundance of caution, in order to avoid potentially problematic omitted variable bias. However, it is well known that introducing a large number of highly collinear variables into a regression model can lead to highly unstable results.<sup>40</sup> To test for the degree of collinearity among the independent variables when the Lott-Mustard demographic variables are used in Table 8c, we run auxiliary regressions of one independent variable on the remaining explanatory variables and analyze the resulting variance inflation factor (VIF).<sup>41</sup> Table 10 shows that the RTC variable has an uncomfortably high VIF greater than 5 in both the dummy and spline models when the 36 demographic controls are used. Using the 6 ADZ variables (or the more limited set of 3 demographics) reduces the multicollinearity for the RTC dummy to a tolerable level (with VIFs always below 5). Nonetheless, the degree of multicollinearity for the individual demographics (showing three different black-male categories) can be seen to be astonishingly high with 36 demographic controls and still high with even more limited demographic controls. This analysis makes us highly skeptical of any estimates of the impact of RTC laws that employ the Lott-Mustard set of 36 demographic controls.

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<sup>40</sup> For a longer discussion of the consequences that multicollinearity can have on a regression model, see Studenmund (1997).

<sup>41</sup> The VIF is an estimate of the extent to which multicollinearity has increased the variance of the estimated coefficient. A VIF of five or more, calculated as the inverse of the difference between 1 and the coefficient of determination ( $R^2$ ) from the auxiliary regression, is evidence of severe multicollinearity.

Table 10 <sup>42</sup>			RTC	Black Male: 10-19	Black Male: 20-20	Black Male: 30-39
<i>VIF Calculations</i>						
36 Demographic Controls:	Dummy Variable Model:		5.9	13888.9	1733.1	1788.9
	Spline Model:		7.0	13888.9	1733.1	1785.7
6 Demographic Controls:	Dummy Variable Model:		4.1	158.8	91.4	74.1
	Spline Model:		4.8	158.4	90.8	75.6
3 Demographic Controls:	Dummy Variable Model:		3.8	136.5	82.1	67.7
	Spline Model:		4.4	136.8	82.6	68.8

#### *D. Addressing the Problem of Endogenous Adoption of RTC Laws*

The problem of endogenous adoption of RTC laws during a period of rising crime that is unique to a state is obviously a concern, since this would likely bias the estimated effect of the law in a way that would make the law appear more favorable in reducing crime (as crime ultimately returned to prior mean levels). One way to address this concern is to restrict the analysis to a period such as 1999-2010, which is a far more stable period of crime in the US. The 1999-2010 period does not include the immense increases and then declines associated with the rise and fall of the crack epidemic, which threatened a key assumption of the panel data model of crime (since these dramatic crime shifts were not uniform across states and thus could not be expected to be adequately captured by year fixed effects). Table 11a restricts the analysis of the basic ADZ model to this date range, with the hope that this estimation on a more limited sample involving only 8 states that adopted RTC laws during that time frame will eliminate enough endogeneity bias to offset the cost of having a smaller sample size. This approach generates evidence that RTC laws increased the rate of murder but had no other statistically

<sup>42</sup> These regressions include year and state fixed effects, and are weighted by state population. The control variables for this “preferred” specification include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, and per capita income measures. The number of demographic variables (excluding the explanatory variable for which the VIF is calculated) varies by row in the table. The VIF is calculated as  $1/(1-R^2)$ .



significant impact on crime for the 8 changing states. Table 11b shows that if state trends need to be controlled for, the results become more varied, with some crime declines (in rape and larceny and possibly auto theft) and a possible crime increase in aggravated assault.

**Table 11<sup>43</sup>****Table 11a**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1999-2010 – Clustered Standard Errors

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>		Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:		7.40 (5.84)	3.00 (3.50)	4.76 (3.73)	-3.55 (5.23)	-0.21 (4.07)	1.79 (3.40)	-3.18 (2.64)
Spline Model:		1.47** (0.55)	0.34 (0.42)	1.10 (0.67)	0.12 (0.43)	-0.61 (0.73)	0.59 (0.38)	0.15 (0.33)
Hybrid Post-Passage Dummy:		6.73 (6.06)	2.85 (3.51)	4.26 (3.82)	-3.62 (5.31)	0.08 (4.05)	1.52 (3.52)	-3.27 (2.66)
Trend Effect:		1.42*** (0.53)	0.32 (0.42)	1.07 (0.67)	0.14 (0.44)	-0.61 (0.73)	0.58 (0.39)	0.18 (0.33)

**Table 11b**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1999-2010 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>		Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:		5.70 (5.30)	4.66 (3.57)	6.00* (3.24)	1.04 (6.66)	1.66 (5.48)	1.91 (4.11)	-0.38 (2.43)
Spline Model:		1.03 (3.24)	-2.94** (1.22)	-1.70 (1.40)	-1.41 (1.93)	-5.36* (2.79)	-0.92 (1.41)	-1.72** (0.85)
Hybrid Post-Passage Dummy:		5.79 (5.32)	4.44 (3.53)	5.87* (3.21)	0.93 (6.75)	1.24 (5.26)	1.84 (4.07)	-0.52 (2.34)
Trend Effect:		1.10 (3.23)	-2.89** (1.22)	-1.64 (1.35)	-1.40 (1.91)	-5.35* (2.76)	-0.90 (1.37)	-1.72** (0.85)

## **X. Additional Concerns in the Evaluation of Legislation Using Observational Data**

We now turn to three critical issues that must be considered when using panel data to evaluate the impact of legislation and public policy (and gun laws in particular). First, we discuss the possibility of difficult-to-measure omitted variables and how such variables can shape estimates of policy impact. We are particularly concerned with how the crack epidemic of the 1980s and 1990s may bias results in the direction of finding a beneficial effect. Second, we explore pre-adoption crime trends in an attempt to examine the potentially endogenous adoption of right-to-carry legislation. Finally, given that the intent of right-to-carry legislation is to increase gun-carrying in law-adopting states, we explore whether these laws may have had a particular effect on gun-related assaults (which is the one crime category that has generated somewhat consistent results thus far).

### ***A. Further Thoughts on Omitted Variable Bias***

As discussed above, we believe it is likely that the NRC's estimates of the effects of RTC legislation are marred by omitted variable bias. In our attempt to improve (at least to a degree) on the original Lott-Mustard model, we included additional explanatory factors, such as the incarceration and police rates, and removed extraneous variables (such as unnecessary and collinear demographic measures). We recognize, however, that there are additional criminogenic influences for which we cannot fully control. In particular, we suspect that a major shortcoming of all of the models presented is the inability to account for the possible influence of the crack-

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<sup>43</sup> These regressions include year and state fixed effects, and are weighted by state population. Robust standard errors are provided beneath point estimates in parentheses. The control variables for this "preferred" specification include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, per capita income measures, and six demographic composition measures. The states that adopted shall issue laws during the time period are Colorado (2003), Kansas (2007), Michigan (2001), Minnesota (2003), Missouri (2004), Nebraska (2007), New Mexico (2004), and Ohio (2004).

\* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

cocaine epidemic on crime.<sup>44</sup>

Many scholars now suggest that rapid growth in the market for crack cocaine in the late 1980s and the early 1990s was likely one of the major influences on increasing crime rates (and violent crimes in particular) during this period (Levitt 2004). Moreover, the harmful criminogenic effect of crack was likely more acute in urban areas of states slow to adopt RTC laws. Meanwhile, many rural states adopted such laws during this era. If this was indeed the case, this divergence between states could account for much of the purported “crime-reducing” effects attributed by Lott and Mustard to gun laws (which were then supported by scholars such as James Q. Wilson). The regression analysis would then identify a relationship between rising crime and the failure to adopt RTC legislation, when the actual reason for this trend was the influence of crack (rather than the passage of the RTC law).

We now explore how results from our main models vary when we restrict the analysis to the time periods before and after the peak of the American crack epidemic. According to Fryer et al. (2005), the crack problem throughout most of the country peaked at some point in the early 1990s. Coincidentally, the original Lott-Mustard period of analysis (1977-1992) contains years that likely represent the height of crack-induced crime problem. With this in mind, we run our main regressions after breaking up our dataset into two periods: the original Lott-Mustard period

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<sup>44</sup> Although Lott and Mustard (1997) do attempt to control for the potential influence of crack cocaine through the use of cocaine price data based on the U.S. Drug Enforcement Agency's STRIDE program, we find their approach wanting for both theoretical and empirical reasons. First, a control for crack should capture the criminogenic influence of the crack trade on crime. We know that prior to 1985, there was no such influence in any state and that after some point in the early to mid-1990s this criminogenic influence declined strongly. Since there is little reason to believe that cocaine prices would be informative on the criminogenic influence of crack in particular geographic areas, it is hard to see how the cocaine price data could be a useful control. Second, the data that Lott and Mustard use is itself questionable. Horowitz (2001) argues forcefully that STRIDE data is not a reliable source of data for policy analyses of cocaine. The data are mainly records of acquisitions made to support criminal investigations in particular cities, and are not a random sample of an identifiable population. Moreover, since the STRIDE data is at the city-level, we are not sure how this would be used in a county-level analysis. The data was collected for 21 cities, while there are over 3,000 counties in the U.S. In addition, the data is missing for 1988 and 1989, which are crucial years in the rise of the crack epidemic in poor urban areas. Lott and Mustard drop those years of analysis when including cocaine prices as a control.

of analysis (1979-1992) as well as the post-Lott-Mustard period (1993-2010). We first present the results for the era that includes the crack epidemic (1979-1992)<sup>45</sup> on our preferred model. We run these regressions (with clustered standard errors) on state-level data, with and without state trends. These results are presented in Tables 12a and 12b. We then estimate the same models on the post-crack period (see Tables 13a and 13b).

Note that, with a simple naive reading, the regression results in Table 12 from the initial 14-year time period (1979-1992) do suggest that violent crime rates are dampened by RTC laws if state trends are not needed and that murder, rape, and robbery may have declined if state trends are needed. If we look at the following 18 year period from 1993 – 2010 in Table 13, however, there is no longer any evidence of a statistically significant decline in violent crimes. Instead, RTC laws are associated with higher rates of murder, aggravated assault, robbery, and burglary. This evidence supports the theory that the initial Lott and Mustard finding was likely the result of the crime-raising impact of crack in non-RTC states.

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<sup>45</sup> As mentioned in footnote 29, poverty data is not available before 1979. Thus, although the Lott-Mustard period originally was 1977-1992, for our preferred specification the analysis covers 1979-1992.

**Table 12<sup>46</sup>****Table 12a**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1979-1992 – Clustered Standard Errors

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-4.88 (4.28)	-7.28** (3.40)	-9.71** (4.48)	-5.46 (4.02)	7.95* (4.38)	-3.12 (2.70)	-0.20 (1.51)
Spline Model:	-1.48 (1.18)	-0.93 (0.63)	-0.30 (1.53)	-2.49*** (0.60)	0.27 (0.83)	-0.42 (0.75)	0.04 (0.30)
Hybrid Post-Passage Dummy:	-1.02 (5.02)	-7.20* (3.67)	-13.75** (5.64)	2.58 (5.06)	11.14** (5.13)	-2.97 (3.56)	-0.49 (1.69)
Trend Effect:	-1.35 (1.40)	-0.03 (0.77)	1.42 (1.19)	-2.81*** (0.86)	-1.12 (0.81)	-0.05 (0.84)	0.10 (0.31)

**Table 12b**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1979-1992 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-4.83 (4.27)	-6.19** (2.81)	-2.93 (2.75)	-2.80 (5.25)	1.37 (4.54)	-1.86 (3.07)	2.75 (2.32)
Spline Model:	-5.56** (2.34)	-0.39 (1.22)	-0.72 (1.07)	-4.03* (2.21)	-1.17 (1.79)	-1.96 (1.19)	0.86 (1.07)
Hybrid Post-Passage Dummy:	5.65 (6.22)	-7.95*** (2.83)	-2.56 (3.61)	5.11 (6.88)	4.58 (4.20)	1.76 (3.99)	1.98 (2.54)
Trend Effect:	-6.62** (2.95)	1.11 (1.15)	-0.23 (1.34)	-5.00* (2.76)	-2.03 (1.87)	-2.29 (1.44)	0.49 (1.23)

<sup>46</sup> Estimations include year and state fixed effects and are weighted by state population. Robust standard errors are provided beneath point estimates in parentheses. The control variables for this “preferred” specification include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, per capita income measures, and six demographic composition measures. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

**Table 13<sup>47</sup>****Table 13a**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1993-2010 – Clustered Standard Errors

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	4.77 (4.68)	-1.53 (3.45)	2.03 (4.49)	2.91 (4.57)	5.18 (4.32)	6.29** (3.09)	2.26 (2.77)
Spline Model:	1.25** (0.51)	0.28 (0.55)	1.37** (0.60)	1.28** (0.62)	0.61 (0.87)	0.68 (0.57)	0.16 (0.43)
Hybrid Post-Passage Dummy:	4.15 (4.94)	-1.68 (3.55)	1.34 (4.58)	2.27 (4.74)	4.89 (4.11)	5.96* (3.23)	2.19 (2.77)
Trend Effect:	1.22** (0.52)	0.29 (0.54)	1.36** (0.61)	1.26** (0.63)	0.58 (0.86)	0.65 (0.57)	0.15 (0.43)

**Table 13b**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1993-2010 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	6.30* (3.38)	0.94 (3.29)	1.85 (3.27)	4.38 (3.26)	4.22 (4.25)	1.12 (2.54)	-0.94 (2.30)
Spline Model:	-0.26 (1.40)	0.43 (0.87)	1.66 (1.24)	-0.21 (0.93)	-3.87** (1.50)	-1.14 (0.73)	-1.61** (0.65)
Hybrid Post-Passage Dummy:	6.62* (3.46)	0.74 (3.23)	1.03 (3.01)	4.61 (3.54)	6.38 (4.07)	1.76 (2.47)	-0.12 (2.13)
Trend Effect:	-0.62 (1.32)	0.39 (0.86)	1.61 (1.24)	-0.46 (1.03)	-4.22** (1.61)	-1.23 (0.77)	-1.60** (0.70)

<sup>47</sup> Estimations include year and state fixed effects and are weighted by state population. Robust standard errors are provided beneath point estimates in parentheses. The control variables for this “preferred” specification include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, per capita income measures, and six demographic composition measures. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.



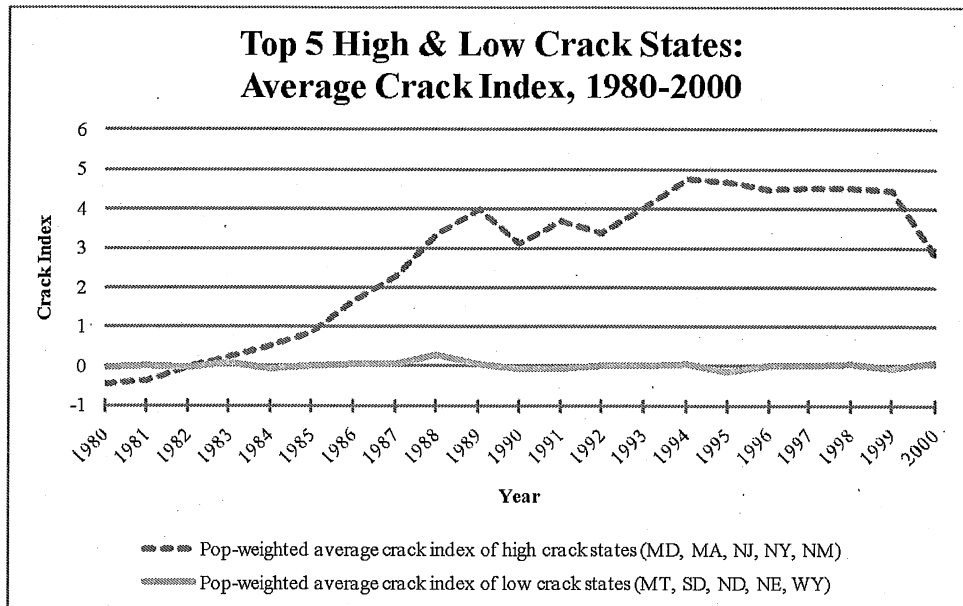
Figure 8 depicts a measure of crack prevalence for the period 1980-2000 in the five states with the greatest crack problem, as well as the five states with the least crack, according to Fryer et al. (2005). Figure 9 shows the murder rates over time for these two sets of states. We see that crime rose in the high crack states when the crack index rises in the mid-to-late 1980s, but that the crack index does not turn down in those states at the time crime started to fall. Apparently, the rise of the crack market triggered a great deal of violence, but once the market stabilized, the same level of crack consumption could be maintained while the violence ebbed.

Of course, omitting an appropriate control for the criminogenic influence of crack is problematic if the high-crack states tend not to adopt RTC laws and the low-crack states tend to adopt. This is in fact the case: all of the five “high-crack” states are non-RTC states during the time period of Figure 9, whereas four of the five “low-crack” states are RTC states (all four adopted an RTC law by 1994).<sup>48</sup> The only exception is Nebraska, a state that did not adopt an RTC law until 2007.<sup>49</sup>

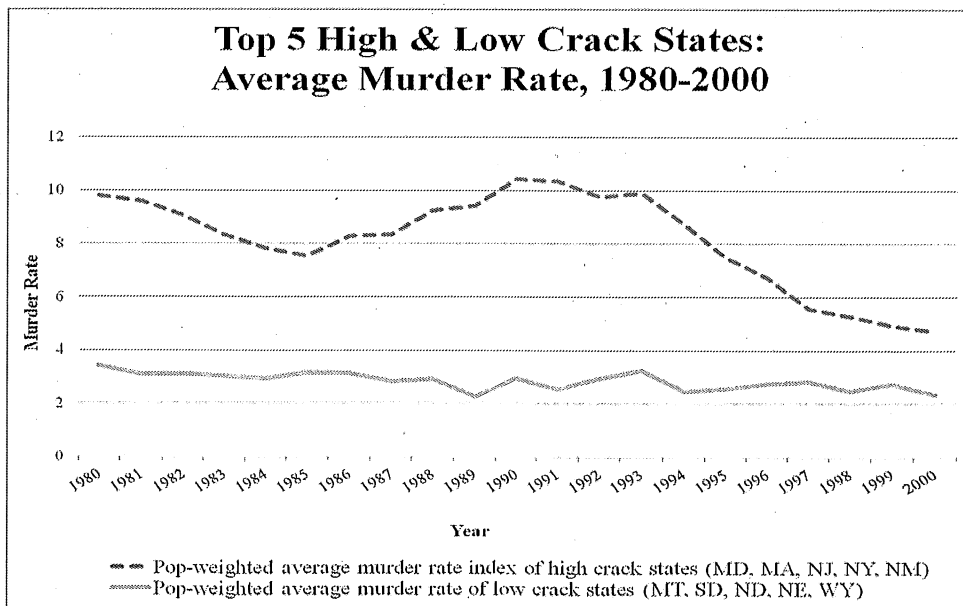
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<sup>48</sup> New Mexico, one of the five highest crack states, became an RTC state in 2004. Wyoming and Montana adopted RTC laws in 1994 and 1991, respectively. North Dakota and South Dakota both adopted their laws by 1985.

<sup>49</sup> Out of the ten states with the lowest crack cocaine index, seven adopted an RTC law by 1994. The exceptions are Nebraska (2007), Minnesota (2003), and Iowa (2011).

**Figure 8: Prevalence of Crack in the 5 Most and 5 Least Crack-affected States**

Source: Authors' calculations based on the crack index of Fryer et al (2005).

**Figure 9: Murder Rates in the 5 Most and 5 Least Crack-affected States**

Source: FBI UCR Data.

Moreover, as Table 14 reveals, the 13 states that adopted RTC laws during the initial

Lott-Mustard period (1977-1992) had crack levels substantially below the level of the five high-crack states shown in Figures 8 and 9. Of the RTC adopters shown in Table 14, the largest has an average crack index of 1.46 (Georgia), while the high-crack states had an average population weighted crack level of 1.76.

**Table 14: Population-weighted Statistics of RTC-Adopting States between 1977 and 1992<sup>50</sup>**

State	Year of RTC Law Adoption	Murder Rate	Crack Index
Indiana	1980	6.56	0.30
Maine	1985	2.34	0.09
North Dakota	1985	1.32	0.04
South Dakota	1985	1.96	-0.04
Virginia	1986	7.97	1.13
Florida	1987	11.53	1.24
Georgia	1989	12.89	1.46
Pennsylvania	1989	5.75	1.13
West Virginia	1989	5.53	0.42
Idaho	1990	3.04	0.34
Mississippi	1990	11.50	0.44
Oregon	1990	4.85	1.14
Montana	1991	3.69	0.07
<i>Top Five Crack States<sup>51</sup></i>		10.64	1.76
RTC Adopters		8.04	0.96

In other words, over the initial Lott-Mustard period of analysis (ending in 1992), the criminogenic influence of crack made RTC laws look beneficial since crack was raising crime in non-RTC states. In the later period, crime fell sharply in the high-crack states, making RTC states look bad in comparison. Therefore, the effects estimated over this entire period will necessarily water down the initial Lott-Mustard results. The hope is that estimating the effect

<sup>50</sup> The crack index data comes from Fryer et al (2005), which constructs the index (beginning in 1980) based on several indirect proxies for crack use, including cocaine arrests, cocaine-related emergency room visits, cocaine-induced drug deaths, crack mentions in newspapers, and DEA drug busts. The paper does suggest that these values can be negative. The state with the lowest mean value of the crack index over the data period from 1980 to 1990 is South Dakota (-0.03), and the state with the highest mean value is New York (1.58).

<sup>51</sup> The top five states with the highest population weighted average crack index in the period 1980-1992 were California, Maryland, Massachusetts, New York, and Rhode Island. None of these states adopted RTC laws during this period.

over the entire period will wash out the impact of the omitted variable bias generated by the lack of an adequate control for the effect of crack.

As an additional test for potential omitted variable bias in both the NRC and our own preferred model specification, we perform an analysis inspired by Altonji et al. (2005). In their influential paper, the authors provide a practical method to test the extent to which potential omitted variable bias drives the results of a multivariate analysis. This test assumes that the selected, observable variables are chosen from a broader set of possible controls, and then explores how strong selection on unobserved variables would have to be relative to selection on observed variables to produce an OLS estimate if the true effect (in our case the effect of RTC laws on crime trends) were zero. We provide further details on this test procedure in Appendix F.

Using the Altonji et al (2005) test procedure, we analyzed the relative strength of the Table 1b estimate from the NRC Report that RTC laws were associated with an 8.33% reduction in murder rates (using the Lott-Mustard county data estimate for 1977-2000). The Altonji test procedure suggests that this Lott-Mustard estimate has a potential bias of -1.03, which implies that the ostensible finding of a crime-reducing estimate would be entirely driven by selection bias if selection on unobservables were only 8 percent as strong as selection on observables. This is strong evidence that the NRC/Lott model suffers fatally from omitted variable bias. In comparison, an analogous test of our preferred specification using state data from 1979 to 2010 (Table 8a) – which showed an estimated *increase* in murder of 3.31% (albeit not statistically significant) – shows that the potential bias in the murder effect was -0.35. In other words, in our case, the implied bias is negative, which means that the positive and statistically insignificant effect of RTC laws on murder that we found is a likely a *lower* bound for the true effect.

### ***B. Endogeneity and Misspecification Concerns***

To this point, our analysis has remained within the estimation framework common to the NRC/Lott-Mustard analyses, which implicitly assumes that passage of right-to-carry legislation in a given state is an exogenous factor influencing crime levels. Under this assumption, one can interpret the estimated coefficient as an unbiased measure of RTC laws' collective impact.

We probe the validity of this strong claim by estimating a more flexible year-by-year specification, adding pre- and post-passage dummy variables to the analysis.<sup>52</sup> Pre-passage dummies can allow us to assess whether crime trends shift in unexpected ways prior to the passage of a state's RTC law. Figures 10 through 13 present the results from this exercise in graphical form. Using our preferred model as the base specification, we introduce dummies for the eight years preceding and the first eight years following adoption. We first estimate this regression for each violent crime category over the full sample of 50 states plus the District of Columbia. However, because of the presence of five states that adopted their RTC law within eight years of 1979, and seven states that adopted laws within the eight years before our dataset ends, we have twelve states that cannot enter into the full set of pre- and post-adoption dummy variables.<sup>53</sup> Because Ayres and Donohue (2003) showed that the year-by-year estimates can jump wildly when states drop in or out of the individual year estimates, we also estimate the year-by-year model after dropping out the earliest (pre-1987) and latest (post-2002) law-adopting states. In this separate series of regressions, our estimates of the full set of lead and lag variables for the 22 states that adopted RTC laws between 1987 and 2002 are based on a trimmed data set

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<sup>52</sup> In Appendix C, we further analyze the issue of misspecification and model fit by analyzing residuals from the regression analysis.

<sup>53</sup> We also include a control for more than 8 years before the passage of RTC laws, although these are not shown in the following charts.

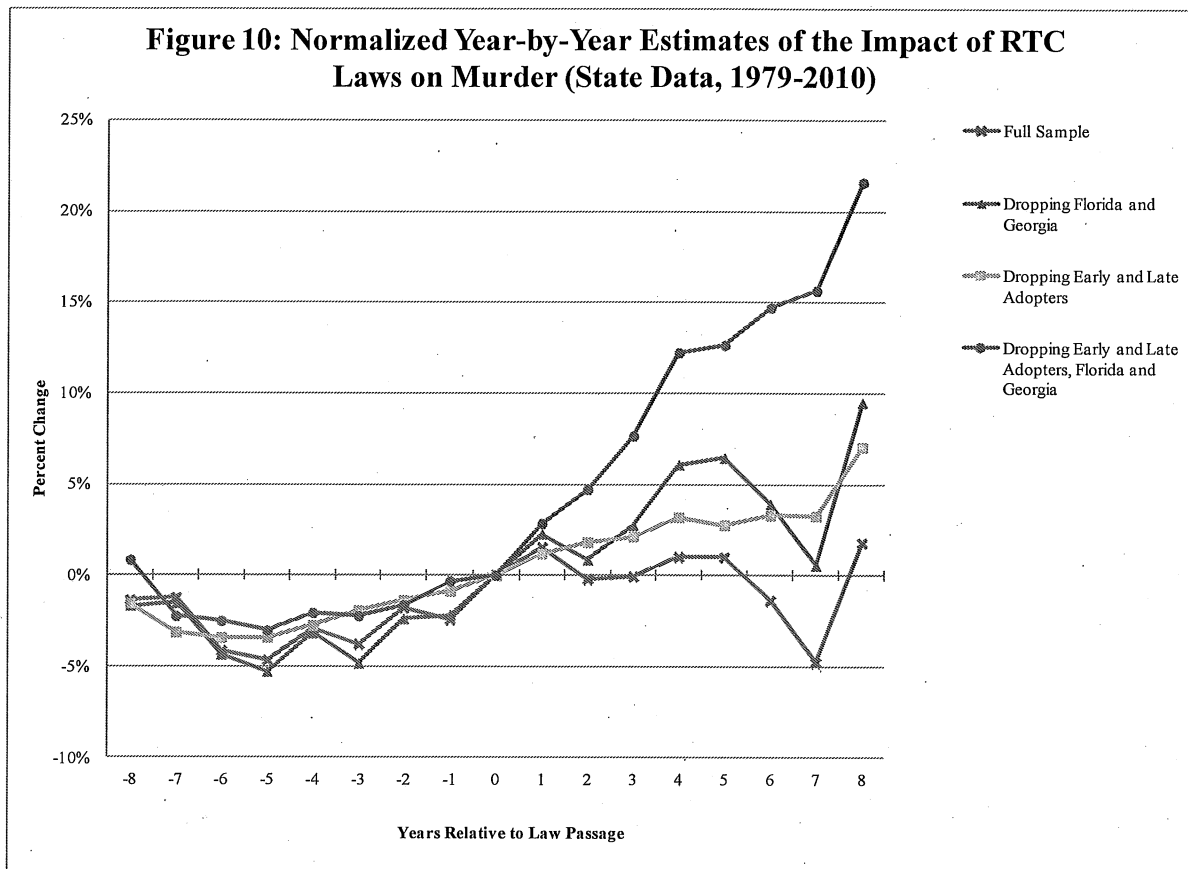
that omits the 12 early and late adopters.<sup>54</sup>

Autor, Donohue, and Schwab (2006) point out that when analyzing the impact of state-level policies using panel data, one would ideally see lead dummies that are near zero. For the crime of aggravated assault (Figure 12), this desirable pattern is roughly approximated. Therefore, we would expect these estimates to perhaps be the most reliable among the four violent crime categories. The graphs for murder, rape, and robbery, though, suggest the possible presence of systematic differences between RTC law adopters that can complicate or thwart the endeavor of obtaining clean estimates of the impact of right-to-carry laws. Rather than being close to zero in the pre-passage period, the levels of murder, rape, and robbery seemed to be lower in the pre-passage period and rising rapidly. Such a pattern raises concerns about the presence of endogenous adoption that complicate our thinking about the influence of right-to-carry laws on violent crime.

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<sup>54</sup> The states that drop out (with dates of RTC law passage in parentheses) include: Indiana (1980), Maine (1985), North Dakota (1985), South Dakota (1985), Virginia (1986), Colorado (2003), Minnesota (2003), Missouri (2004), New Mexico (2004), Ohio (2004), Kansas (2007), and Nebraska (2007).



Figure 10<sup>55</sup>

If one looks at the four lines in Figure 10, one sees four different sets of year-by-year estimates of the impact of RTC laws on murder. The lines have been normalized to show a zero value in the year of adoption of a RTC law. Let's begin with the bottom line (looking at the right hand side of the figure) and the line just above it. The lower line represents the naive year-by-year estimates from the preferred model estimated on the 1979-2010 period, while the line just above it drops out the early and late adopters, so that the estimated year-by-year estimates are based on the "clean" sample of all non-adopting states (over the sample period) plus the 22 RTC adopters for which complete data is available from 8 years prior to adoption through 8 years after

<sup>55</sup> Estimations include year and state fixed effects and are weighted by county population. The control variables include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, per capita income measures, and six demographic composition measures.

adoption. One sees that the trimmed estimates are different and less favorable to the “More Guns, Less Crime” hypothesis, as evidenced by the higher values in the post-passage period.

How should we interpret these trimmed sample estimates? One possibility is to conclude that on average the pre-passage estimates are reasonably close to zero and then take the post-passage figures as reasonable estimates of the true effect. If we do this, none of the estimates would be statistically significant, so one could not reject the null hypothesis of no effect.

Perhaps, though, what is most important is the trend just prior to passage. This might suggest that rising crime in fact increases the likelihood that a state would adopt a RTC law. In particular, since murder is typically the crime most salient in the media, we suspect it has the greatest effect on the implementation of purported crime control measures such as RTC legislation. Of course, this would suggest an endogeneity problem that would also likely lead to a bias in favor of finding a deterrent effect. The mechanism driving this bias would presumably be that rising crime strengthens the NRA push for the law, and the mean reversion in crime would then falsely be attributed to the law by the naive panel data analysis (incorrectly premised on exogenous RTC law adoption). But in the trimmed model, there is no sign of mean reversion. Murder rates keep increasing after RTC adoption. There is certainly no evidence of a beneficial impact from RTC laws, but conclusions about causation are difficult given the strong pre-passage crime trends.

Another striking feature we note is the strong influence of Florida and Georgia on our estimates of the impact of RTC laws on murder (Figure 10). When we remove these two states, the post-adoption trend lines for murder clearly shift upwards. Moreover, when dropping them from the set of RTC states that already excludes the early and late adopters—still leaving us with 20 RTC states to analyze—we see that murder increases in each post-adoption year. As previous

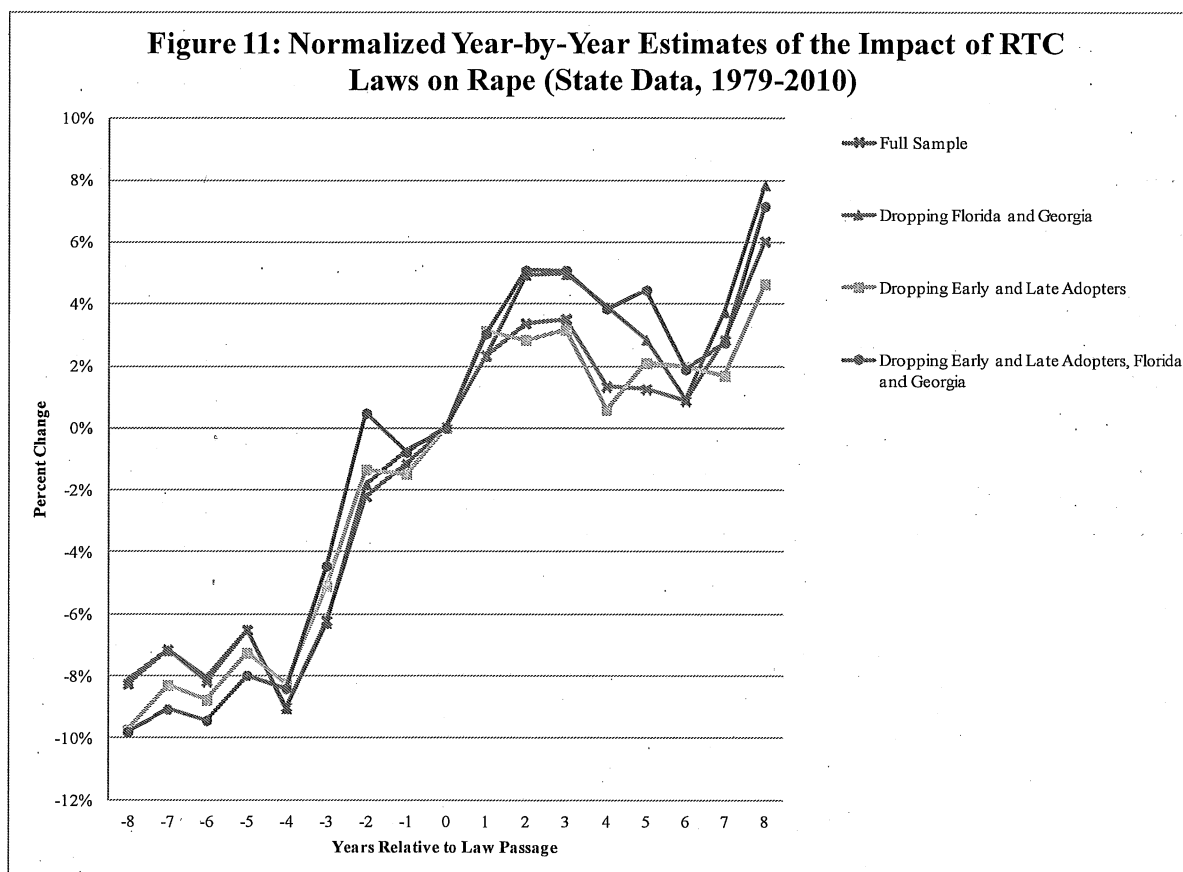
papers have noted, Florida experienced enormous drops in murder during the 1990s that may have been completely unrelated to the passage of its right-to-carry policy. Donohue (2003) points out that the 1980 Mariel boat lift temporarily added many individuals prone to committing crimes to Florida's population, causing a massive increase in crime in Florida during the 1980s. Thus, it is plausible that the massive 1990s crime reductions in Florida were not driven by the adoption of the state's RTC law but rather a return to traditional population dynamics that were less prone to violent crime (again, a reversion to the mean). This is important to consider given the strong downward pull of Florida on aggregate murder rates.

The line based on dropping Florida and Georgia from the trimmed sample would suggest that for the 20 other states, the impact of RTC laws on murder was highly pernicious. Again a number of interpretations are possible: 1) Florida and Georgia are unusual and the best estimate of the impact of RTC laws comes from the trimmed sample that excludes them (and the early and late adopters); 2) there is heterogeneity in the impact of RTC laws, so we should conclude that the laws help in Florida and Georgia, and tend to be harmful in the other 21 states; and 3) omitted variables mar the state-by-state estimates but the aggregate estimates that include Florida and Georgia may be reasonable if the state-by-state biases on average cancel out.

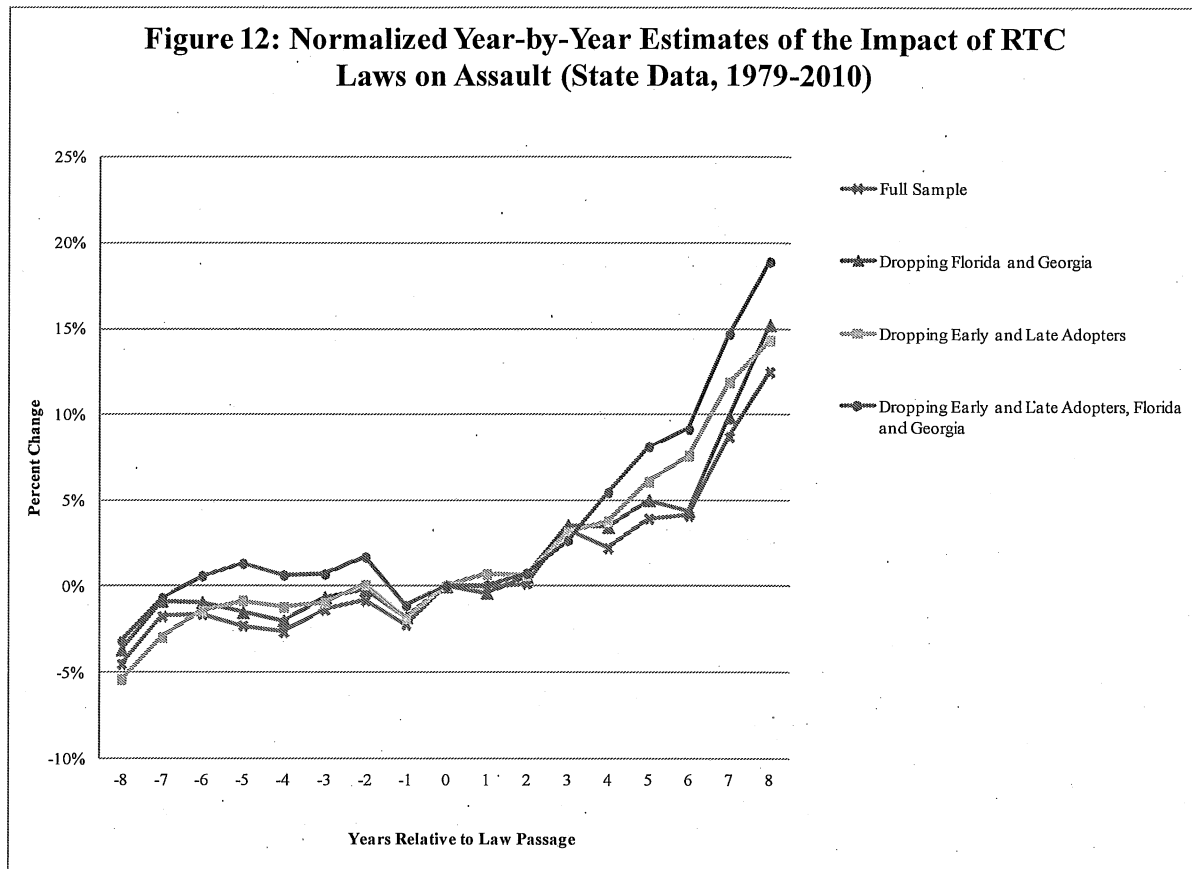
Note that Figure 11, which presents the comparable year-by-year estimates of the impact of RTC laws on rape, shows a similar yet even more extreme pattern of apparent spikes in crime leading to the adoption of RTC laws. The rape estimates are less sensitive than the murder estimates to the dropping of the early and late adopters (or Georgia and Florida). Clearly, the rate of rape is higher in the post-passage period but Figure 11 shows why the controls for state trends can be influential for this crime. If one believes that the pre-passage trend of increasing rapes would have continued without the adoption of RTC laws then you might conclude that the

RTC laws moderated that upward trend. Alternatively, a dummy variable model that just compared pre- and post-passage would show greater evidence of RTC laws increasing the rate of rape.

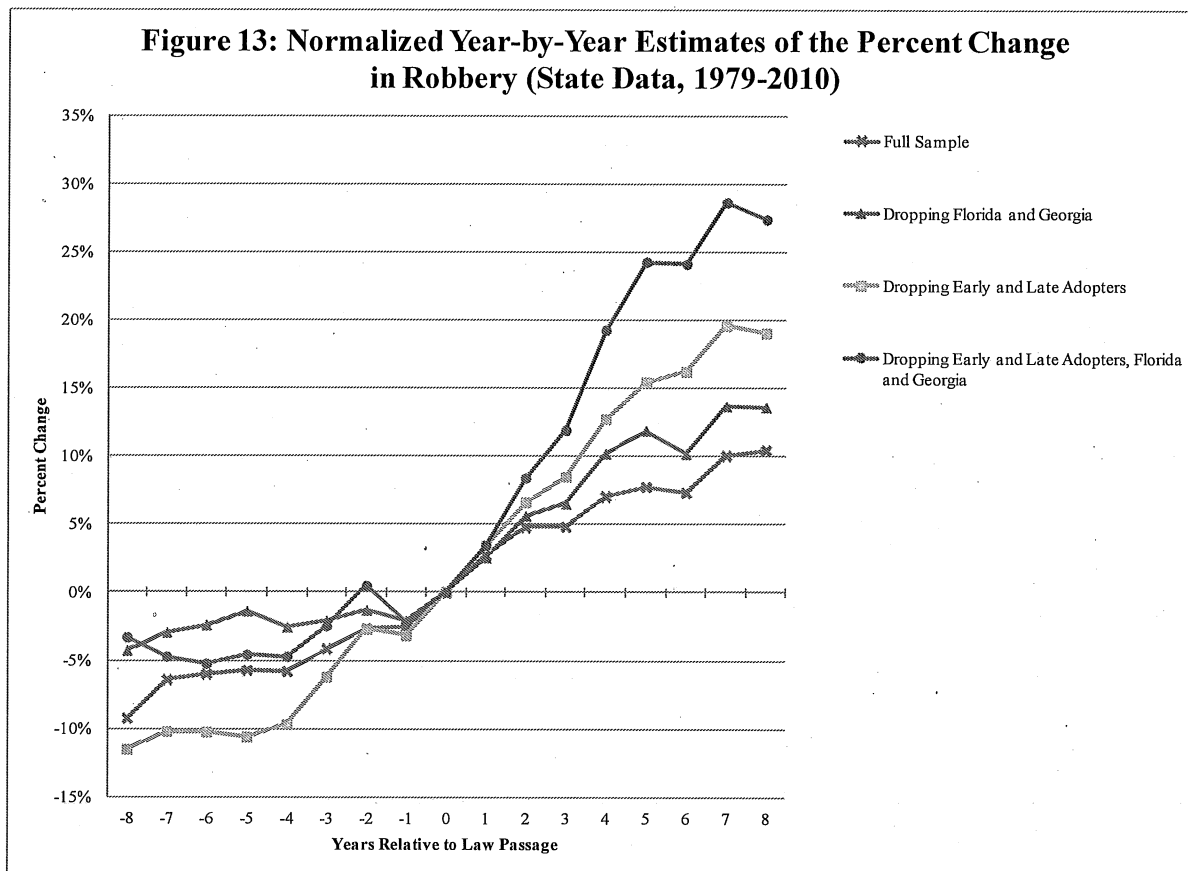
Figure 11<sup>56</sup>



<sup>56</sup> Estimations include year and state fixed effects, state trends, and are weighted by state population. The control variables include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, state population, population density, per capita income, and six demographic composition measures.

Figure 12<sup>57</sup>

<sup>57</sup> Estimations include year and state fixed effects, state trends, and are weighted by state population. The control variables include: incarceration and police rates, unemployment rate, poverty rate, state population, population density, per capita income, and six demographic composition measures.

Figure 13<sup>58</sup>

As noted, the pattern of near-zero pre-passage estimates for the crime of assaults gives us greater confidence that we are able to estimate the impact of RTC laws on this crime. The general story here seems to be that assault increases markedly over the time period after law passage, which squares with our results discussed in previous sections. One observes positive coefficient changes that are initially modest, but that increase dramatically and uniformly over the second half of the post-passage period. Moreover, in contrast to the year-by-year murder estimate, assault trends are not demonstrably different when we alter the sample to exclude early

<sup>58</sup> Estimations include year and state fixed effects, state trends, and are weighted by state population. The control variables include: incarceration and police rates, unemployment rate, poverty rate, state population, population density, per capita income, and six demographic composition measures.



and late adopters, as well as Florida and Georgia. The pattern is generally unaffected by sample, giving us some confidence that RTC laws may be having an adverse impact on the rate of assault. Robbery rates similarly increase over time after the passage of RTC laws.

If the near uniform increases in assault coefficients means that aggravated assault did actually increase over time with the passage of right-to-carry legislation, this would strongly undercut the "More Guns, Less Crime" thesis. Interestingly, the robbery data (Figure 13) either suggests a pernicious effect similar to that on aggravated assault (particularly for the trimmed estimates dropping only early and late adopters) or a strong upward trend in crime, starting well before passage, that might be taken as a sign of the absence of any impact of RTC laws on robbery.

### *C. Effects of RTC Laws on Gun-related Assaults*

A general concern in evaluating the impact of generic law X is that there is not some other law or policy Y that is generating the observed effect. In this case, the apparent finding that RTC laws increase aggravated assaults raises the question of whether changes in reporting or documenting aggravated assaults might be a possible confounding factor. Specifically, over the last two decades a number of states and municipalities have launched programs designed to combat domestic violence by increasing the arrests of likely perpetrators. These programs could influence the count of aggravated assaults appearing in the FBI crime data we employ. If such programs are more likely to be adopted in either RTC or non-RTC states than the potential for bias must be considered.

One way to address this problem would be to collect data on the various state or municipal initiatives that lead to higher rates of arrest of those committing acts of domestic violence. However, collecting uniform panel data along these lines that also fully captures the

nature and intensity of the police initiatives is extremely difficult. An alternative approach is to look at assaults that we think are less likely to be influenced by these domestic violence initiatives (or by other shifts in the likelihood of arrest for potentially assaultive conduct), but which are most likely to be influenced by RTC laws (if there is in fact such an influence).

Counts of gun assaults would seem to meet these two criteria, because assaults with a gun tend to be serious enough that the level of discretion as to whether to arrest is reduced, and because gun assaults are precisely the types of crimes that we might expect would be influenced if more guns are on the street because of the passage of RTC laws. For this reason, we may get more reliable estimates of the impact of RTC laws by looking at gun-related aggravated assaults than at overall aggravated assaults.

To test this possibility, we estimate our preferred regression using gun-related aggravated assaults as the dependent variable (both with and without state-specific trends) in Table 15 below. Unfortunately, our confidence in these results is undermined by data quality issues similar to those described in section IX. Since agencies report gun assault data to the FBI on a voluntary basis, there are significant gaps in which areas are reporting their gun assault totals in a given year. In addition, if reporting bias were correlated with either the gun assault rate or a state's adoption of an RTC statute, our coefficient estimates of the effect of RTC laws on the gun assault rate would be biased (although the direction of this bias would depend on the nature of this correlation). Nevertheless, we report our results for these regressions to examine whether they are consistent with our other evidence that right-to-carry laws increase aggravated assault rates.

Comparing these new results with the assault estimates in Tables 8a and 8b and Figure 12 above, our bottom-line story of how RTC laws increase rates of aggravated assault is further

strengthened when limiting our analysis to assaults involving a gun. Without state trends, we uniformly see very large, positive estimates, some of which are significant at the 5% and 10% level. With state trends, we again see some evidence that gun-related aggravated assault rates are increased by RTC legislation, although none of the resulting coefficients are statistically significant. These results again suggest that RTC laws may be generating higher levels of assaultive conduct, although more refined tools (or cleaner data) will be needed before confident predictions can be made.

**Table 15<sup>59</sup>**

Estimated Impact of RTC Laws on Gun-Related Aggravated Assaults –  
ADZ Preferred Controls, 1979-2010 – Clustered Standard Errors  
Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>	Gun-Related Aggravated Assault (No State Trends)	Gun-Related Aggravated Assault (With State Trends)
Dummy Variable Model:	32.96** (13.24)	4.36 (8.19)
Spline Model:	2.86* (1.47)	3.07 (2.13)
Hybrid Post-Passage Dummy:	23.49** (9.77)	2.08 (8.01)
Trend Effect:	2.08 (1.30)	3.00 (2.11)

<sup>59</sup> Estimations include year and state fixed effects, and are weighted by state population. Robust standard errors are provided beneath point estimates in parentheses. The control variables for this “preferred” specification include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, per capita income measures, and six demographic composition measures. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%. The gun assault data comes from the FBI master file, available upon request from the agency. The data is provided at the local level; thus for state values we sum the reported gun assaults over all of the reporting agencies by year. However, not all agencies report their estimates during each reporting period, leaving our gun assault figures likely to be undervalued.

## **XI. Conclusion**

In this paper, we have explored the question of the impact of RTC laws on crime and the NRC panel's 2004 report concluding that the then-current literature was too fractured to reach a conclusion on what that impact is. We agree with the conclusion that the NRC panel reached at that time, as well as with the pointed rebuke the panel gave to James Q. Wilson who argued -- without scientific merit according to the NRC majority -- that RTC laws reduce murder. We do take issue, though, with the NRC majority report in a few respects.

First, as we show in this paper, there is a clear need to employ the cluster correction to the standard errors when estimating panel data models of crime, and the NRC majority erred when it concluded otherwise. As our placebo tests show, the standard errors that the NRC presented in their panel data models were far too low and greatly exaggerated the statistical significance of their results. Indeed, the clustering gaffe was on top of the NRC failure to use the robust correction for heteroskedasticity, which created additional downward bias in the standard errors (although less dramatically than the failure to cluster). Both corrections are needed, and this error alone set the stage for Wilson's dissent. With correct standard errors, none of the estimates that Wilson thought established a benign effect of RTC laws on murder would have been statistically significant. Thus, getting the standard errors right might have kept Wilson from writing his misguided dissent -- to the benefit of Wilson, the NRC majority, and the public.

Second, beyond getting the standard errors correct and therefore undermining the ostensible statistical significance of their presented murder regression, the NRC majority could have said much more than they did to refute Wilson's reliance on extremely limited statistical evidence to endorse the view that RTC laws reduce murder. Wilson's conclusion essentially rested on the NRC report's presentation of two Lott and Mustard models (the dummy and the

spline) based on county data from 1977-2000. The NRC majority did point out that the estimates for six out of 7 crimes were contradictory (some suggesting crime increases and some suggesting crime decreases), so the fact that for the seventh crime -- murder -- both models suggested RTC laws reduced crime might well be a spurious result. But the NRC majority could have given many more reasons to be cautious about relying on the two Lott and Mustard regressions.

Specifically, the NRC response to Wilson could easily have noted that Wilson had previously written that incarceration was perhaps the most important factor explaining the drop in crime in the United States in the 1990s, and he had also written on the importance of police (Wilson, 2008). Yet the Lott and Mustard model that the NRC presented (and that Wilson relied on) did not control for either of these factors.<sup>60</sup> Thus, on these grounds alone, one would have thought Wilson would have been particularly wary not to rely on a regression which was potentially subject to a charge of omitted variable bias. Neither the NRC majority nor Wilson ever noted this omission.

Moreover, we note in this paper some of the data problems with the Lott data set that the NRC panel used and then address an array of issues about data and model specification that Wilson ideally should have explored before he uncritically accepted the ostensible finding of a RTC impact on murder. These issues included the danger of omitted variable bias concerning the crack epidemic, the choice of county over state-level data, the inclusion of state-specific linear trends, and the over-use of highly collinear demographic variables, all of which have enough impact on the panel data estimates to influence one's perception of the "More Guns, Less Crime" theory and thus warrant closer examination than they received from Wilson.

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<sup>60</sup> The Lott and Mustard model omitted a control for the incarceration and police rates (which is indicated implicitly —though not explicitly highlighted — in the notes to each table of the NRC report, which listed the controls included in each specification).

Perhaps Wilson was so wedded to his position that nothing could have persuaded him not to write his ill-conceived dissent, but the NRC majority could have done more to buttress their entirely correct assessment that “the scientific evidence does not support [Wilson's] position” (pg. 275). As a result, Lott now claims that Wilson, one of the most eminent criminologists of our time, supports his position (Lott, 2008). If one of the goals of the NRC report was to shield the public and policymakers from claims based on inadequate empirical evidence, the Wilson dissent represents a considerable failure.

A number of important lessons emerge from this story for both producers and consumers of econometric evaluations of law and policy. The first and most obvious is that a single statistical study cannot resolve an important question. Instead, one must wait until a literature has developed. But even then, the conclusion that emerges may be one of uncertainty as the NRC report showed.

A second lesson is how easy it is for mistakes to creep into these empirical studies. The pure data errors that entered into the NRC data set when Lott transmitted an imperfect data set or the error in the 1993 Uniform Crime Reports data (or the errors that entered into our own work in Aneja et al (2011), which are described in greater detail in Footnote 18) were not major enough to have an impact, but at times the errors will be decisive (and the process of peer review is not well-equipped to detect such errors). This episode underscores the value of making publicly available data and replication files that can reproduce published econometric results. This exercise can both help to uncover errors prior to publication and then assist researchers in the process of replication, thereby aiding the process of ensuring accurate econometric estimates that later inform policy debates.

A third lesson is that the “best practices” in econometrics are evolving. Researchers and



policymakers should keep an open mind about controversial policy topics in light of new and better empirical evidence or methodologies. Prior to the important work of Bertrand, Duflo, and Mullainathan (2004) on difference-in-differences estimation, few researchers understood that clustering standard errors on the state-level in order to account for serial correlation in panel data was necessary. The results in many pre-2004 published papers would be wiped out with this single adjustment. Despite its impressive array of talent, the NRC report in 2004 got this important issue wrong, even though most applied econometricians today would make this cluster adjustment to avoid greatly increasing the level of Type I error.

While the NRC majority decision of uncertainty was clearly influenced by the sensitivity of the estimates to various modeling choices, the separate statement by Horowitz was even more categorical in its nihilism, essentially rejecting all applied econometric work on RTC legislation, as indicated by his independent statement in an appendix to the NRC's (2004) report:

“It is unlikely that there can be an empirically based resolution of the question of whether Lott has reached the correct conclusions about the effects of right-to-carry laws on crime.” (p. 304, NRC Report.)

Of course, if there can be no empirically based resolution of this question, it means that short of doing an experiment in which laws are randomly assigned to states, there will be no way to assess the impact of these laws. But there is nothing particularly special about the RTC issue, as the recent National Research Council report on the deterrence of the death penalty shows (essentially adopting the Horowitz position on the question of whether the death penalty deters murders). The econometrics community needs to think deeply about what these NRC reports and the Horowitz appendix imply more broadly for the study of legislation using panel data econometrics and observational data.

Finally, despite our belief that the NRC's analysis was imperfect in certain ways, we agree with the committee's cautious final judgment on the effects of RTC laws: “with the current

evidence it is not possible to determine that there is a causal link between the passage of right-to-carry laws and crime rates.” Our results here further underscore the sensitivity of guns-crime estimates to modeling decisions.<sup>61</sup> But not being able to “determine” with the level of certainty one strives for in academic work does not mean that one cannot offer conclusions at some lower level of certainty such as “more probable than not.” Since policymakers need to act, it is more useful to offer guidance as to which evidence is likely to be most reliable than to simply reject all evidence until the highest level of certainty has been attained.

Clearly, we now have more believable panel data models of the type used in the NRC report estimated on more complete state and county data, coupled with the additional evidence presented in this article examining gun assaults (Table 15) and estimating year by year effects on crime (Figures 10-13). Can a consistent story be distilled from this evidence?

We would consider our preferred regression models run on either the most complete data (state data from 1979-2010) or the data likely to be free of the confounding effect of the crack cocaine epidemic (state data from 1999-2010) as likely to yield more reliable estimates of the effect of RTC laws on crime than the Lott-Mustard specification. If we estimate both the dummy and spline models using our preferred specification without state trends for each of these two time periods (overall or after 1999), then we have 4 estimates of the impact of RTC laws for each of seven crime categories (Tables 8a and 11a). In each of the seven crime categories, at least one of these four estimates suggests that RTC laws increase crime at the .10 level of significance, with murder, rape, and larceny estimates reaching significance at the .05 level. These crime increases are substantial, with the dummy variable model for the complete period (Table 8a) suggesting that RTC laws increased every crime category by at least 8 percent, except

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<sup>61</sup> For a quick and clear sense of how sensitive estimates of the impact of right-to-carry laws are, see Appendix E, where we visually demonstrate the range of point estimates we obtain throughout our analysis.

murder (in that model, murder rose 3 percent but it is not statistically significant). For the post-1999 regressions, spline estimate (Table 11a) suggests that RTC laws increased the rate of murder by 1.5 percentage points each year (significant at the .05 level). In none of those 28 regressions was there any statistically significant estimate suggesting that RTC laws decreased crime.

Thus, the evidence that RTC laws increase crime is strongest if one accepts the dummy variable model with our preferred specification on state data (the Table 8a and 11a results) and accepts the Wolfers (2006) critique that one should avoid controlling for state trends.<sup>62</sup> But even here questions remain. First, one might argue that the fact that estimates suggest that RTC laws increase property crime is an indication that these models are not giving credible causal estimates since this link is not based on a strong theoretical foundation.<sup>63</sup> Second, for all but aggravated assault, the state year by year estimates of Figures 10-13 raise endogeneity concerns that may undermine the state panel data results.

But the fact that Figure 12 shows a more ideal pattern of no pre-RTC adoption effects followed by sharp rises in aggravated assault and that the data on gun aggravated assaults also

<sup>62</sup> If one were to reject the Wolfers proposition and conclude that one *must* control for state trends in estimating the impact of RTC laws, the story becomes even more complicated. Exhibit E shows (using the .10 level or better for significance) that there are two estimates with state trends suggestive of crime *decreases* in rape, six suggestive of crime *increases* in aggravated assault and one suggesting a decrease in this crime, four suggestive of *decreases* in auto theft and one suggesting an increase in this crime, and one suggestive of *decreases* in larceny.

<sup>63</sup> It is not clear why the property crimes of burglary, auto theft, and larceny would rise as a result of RTC passage. Three possible explanations for this finding come to mind. First, the results are correctly capturing the impact of RTC laws and perhaps the indirect effect of increasing the weapons available to criminals (through loss or theft) facilitates all criminal activity (perhaps by emboldening newly armed criminals) or the increase in violent crime diverts police resources so that property crime is stimulated. Second, it is possible that states adopting RTC laws were less successful in fighting crime than non-adopting states, so the RTC law was not itself increasing crime but was simply a proxy for states that on the whole adopted less successful crime-fighting strategies over the last quarter century. Third, it is possible that states chose to adopt RTC laws at a time when crime was on the rise, so their post-passage crime experience reflects an adverse crime shock that is incorrectly causally attributed to RTC laws. If this endogenous timing argument is correct, then it might suggest that post-1999 estimates of Table 11a are preferable, since that has been a period of greater crime stability (as opposed to the dramatic crime swings of the late 1980s and 1990s). The Table 11a estimates show that RTC laws only affected one crime category – with the laws causing a substantial *increase* in murder.

provides evidence that RTC laws increase these crimes may provide the strongest conclusion of a causal impact of RTC laws on crime. The evidence that RTC laws increase aggravated assault is not overwhelming but it does find support in different models and different time periods using both state and county data sets in different panel data regressions both for all assaults and gun assaults (Table 15), and in models estimating year-by-year effects. As Tables E5 and E6 reveal, eleven of the 28 estimates of the impact of RTC laws on aggravated assault meet at least the minimal standard of significance at the .10 level and show evidence of crime increases (against only one model showing a significant decline – the Lott/Mustard county data model with year fixed effects). Moreover, the omitted variable bias test suggests that if anything our 8 percent estimate of the increase in aggravated assault from RTC laws (at the .10 level, see Table 8a) is likely to understate the true increases in aggravated assault caused by RTC law.<sup>64</sup>

Further research will hopefully further refine our conclusions as more data and better methodologies are employed to estimate the impact of RTC laws on crime.

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<sup>64</sup> Note that the assaults can be committed either by RTC permit holders or those who have acquired their guns -- either via theft or appropriation of lost guns.

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### **Appendix A: Using Placebo Laws to Test the Impact of Clustering in the State Data**

Table 3 reports the results of our placebo tests using county data. In this appendix, we use state-level data to again conduct our experiment with placebo laws to examine the effects of clustering the standard errors. As seen in Tables 1-4 of Appendix A, we find results similar to those generated with our county data: without clustering, the Type 1 error rates are often an order of magnitude too high or worse for our murder and robbery regressions (see Tables A1 and A3). In fact, even *with* clustered standard errors (Tables A2 and A4), the rejection of the null hypothesis (that RTC laws have no significant impact on crime) occurs at a relatively high rate. This finding suggests that, at the very least, we should include clustered standard errors to avoid unreasonably high numbers of significant estimates.

**Appendix A<sup>65</sup>****Table A1**

Percentage of Significant Estimates (5% Level) – Lott-Mustard Controls, 1979-2010 – Hybrid Model

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>		Dummy Variable	Trend Variable
1. All 50 States + DC:	Murder	47.6	63.9
	Robbery	46.5	63.7
2. Exact 34 States:	Murder	46.9	61.6
	Robbery	51.5	64.4
3. Random 34 States:	Murder	52.4	68.0
	Robbery	53.0	67.1
4. All 17 States:	Murder	36.4	58.5
	Robbery	45.4	72.5
5. Random 11 States:	Murder	35.4	64.4
	Robbery	43.4	73.0

**Table A2**Percentage of Significant Estimates (5% Level) – Lott-Mustard Controls, 1979-2010 – Hybrid Model and **Clustered Standard Errors**

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>		Dummy Variable	Trend Variable
1. All 50 States + DC:	Murder	16.1	28.5
	Robbery	13.4	18.3
2. Exact 34 States:	Murder	15.8	23.0
	Robbery	14.6	15.3
3. Random 34 States	Murder	21.5	35.1
	Robbery	17.1	25.8
4. All 17 States	Murder	23.9	45.5
	Robbery	24.2	53.0
5. Random 11 States:	Murder	23.7	48.7
	Robbery	23.0	53.7

<sup>65</sup> Simulation based on NRC with-controls model, includes year fixed effects, state fixed effects, and weighting by state population. The control variables (adopted from the Lott-Mustard model) include: lagged arrest rate, state population, population density, per capita income measures, and 36 demographic composition measures indicating the percentage of the population belonging to a race-age-gender group.

**Appendix A (Cont.)****Table A3**

Percentage of Significant Estimates (5% Level) – Lott-Mustard Controls, 1979-2010 – Dummy Model  
 Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>		Dummy Variable
1. All 50 States + DC:	Murder	47.1
	Robbery	46.9
2. Exact 34 States:	Murder	46.3
	Robbery	50.6
3. Random 34 States:	Murder	61.6
	Robbery	56.8
4. All 17 States:	Murder	35.9
	Robbery	45.4
5. Random 11 States:	Murder	37.5
	Robbery	49.8

**Table A4**

Percentage of Significant Estimates (5% Level) – Lott-Mustard Controls, 1979-2010 – Dummy Model and **Clustered Standard Errors**  
 Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>		Dummy Variable
1. All 50 States + DC:	Murder	16.3
	Robbery	13.2
2. Exact 34 States:	Murder	13.7
	Robbery	13.1
3. Random 34 States	Murder	29.6
	Robbery	21.4
4. All 17 States	Murder	22.2
	Robbery	24.4
5. Random 11 States:	Murder	25.2
	Robbery	28.0

### Appendix B – Panel Data Models over the Full Period with No Covariates

The NRC panel sought to underscore the importance of finding the correct set of covariates by presenting county panel data estimates (on data through 2000) of the impact of RTC without covariates but including county and year fixed effects. For completeness, this Appendix presents these same no controls estimates for models (with and without state trends) estimated on both county and state data for the periods from 1977-2006 and 1977-2010 (respectively).

If one compares the results from these four tables with no controls with the analogous tables using the preferred model for the same time period, one sees some interesting patterns. For example, if we compare the county results without state trends from both our preferred specification (Table 6a) and the no-controls specification (Table B1), we see that both sets of results are always positive (suggesting crime increases) but rarely statistically significant when covariates are added (although quite frequently for the no-controls model). The basic story in these two different county data regressions seems to be that there is no evidence of an effect of RTC laws on murder, while if there is *any* RTC effect on other crimes generally, it is a crime-*increasing* effect. When we compare those from the county models that include state trends (Tables 6b and B2), some negative point estimates emerge, although there is no sign of any statistically significant results at even the .10 level in either Table.

When we shift to a comparison of the state-level results, we again see similarities between the preferred and no-controls specifications. When looking at the results without state trends (Tables 8a and B3), we see that the estimates are fairly similar in terms of direction, although the no-controls estimates are often larger in magnitude and more statistically significant (with Table B3 showing statistically significant increases at the .05 level in all crime categories other than murder and rape). When doing a similar comparison of the specifications that now



add in state trends (Tables 8b and B4), we also see similar results. In both tables, the only statistically significant effect on violent crime at the .05 level is that RTC laws increase aggravated assaults.

**Appendix B<sup>66</sup>****Table B1**

Estimated Impact of RTC Laws – No Controls, 1977-2006 – Clustered Standard Errors

Dataset: ADZ Updated 2013 County Data (without 1993 data)

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	0.53 (8.91)	35.43 (23.88)	28.59 (19.84)	28.64* (15.18)	36.66 (22.40)	39.79* (22.93)	41.22 (26.50)
Spline Model:	0.35 (0.73)	3.25* (1.92)	2.96* (1.61)	2.75** (1.32)	3.30* (1.96)	3.68* (1.95)	4.08* (2.23)
Hybrid Post-Passage Dummy:	-2.02 (9.13)	24.26 (20.04)	16.86 (18.53)	18.64 (13.86)	25.58 (19.05)	27.02 (20.58)	25.84 (23.32)
Trend Effect:	0.45 (0.71)	1.99 (1.24)	2.08 (1.29)	1.78 (1.07)	1.97 (1.47)	2.27 (1.54)	2.73 (1.70)

**Table B2**

Estimated Impact of RTC Laws – No Controls, 1977-2006 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 County Data (without 1993 data)

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-1.93 (6.33)	-13.42 (12.08)	3.00 (11.00)	4.37 (8.89)	5.28 (10.58)	-0.25 (12.16)	-0.04 (13.23)
Spline Model:	0.04 (1.26)	-5.77 (4.40)	2.50 (2.36)	0.29 (2.41)	0.51 (2.59)	-0.43 (2.44)	-0.39 (2.59)
Hybrid Post-Passage Dummy:	-1.98 (6.45)	-9.90 (11.32)	1.43 (11.62)	4.24 (9.40)	5.03 (11.19)	0.03 (12.99)	0.21 (14.14)
Trend Effect:	0.09 (1.28)	-5.55 (4.40)	2.47 (2.46)	0.19 (2.49)	0.40 (2.69)	-0.43 (2.59)	-0.40 (2.76)

<sup>66</sup> Estimations include year and county fixed effects, and are weighted by county population. Robust standard errors are provided beneath point estimates in parentheses. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

**Appendix B (Cont.)****Table B3**

Estimated Impact of RTC Laws – No Controls, 1977-2010 – Clustered Standard Errors

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	1.07 (8.23)	13.83 (8.98)	13.38** (5.51)	21.63** (8.99)	26.88** (12.81)	23.32*** (8.00)	17.63*** (5.73)
Spline Model:	0.37 (0.72)	1.10 (0.84)	1.33** (0.61)	1.86** (0.85)	1.79 (1.16)	1.70** (0.73)	1.32** (0.52)
Hybrid Post-Passage Dummy:	-1.62 (6.86)	9.48 (6.26)	6.96 (4.36)	13.62* (7.59)	21.32** (9.10)	17.27** (6.52)	12.75** (4.98)
Trend Effect:	0.44 (0.66)	0.70 (0.70)	1.04* (0.61)	1.29 (0.80)	0.90 (0.93)	0.98 (0.63)	0.79 (0.47)

**Table B4**

Estimated Impact of RTC Laws – No Controls, 1977-2010 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 State Data

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-0.83 (4.57)	-4.56* (2.67)	0.57 (3.64)	4.45 (4.59)	9.59 (5.92)	3.10 (3.60)	1.98 (2.50)
Spline Model:	1.09 (0.73)	-0.53 (0.88)	2.03** (0.86)	0.13 (1.03)	-0.27 (1.12)	-0.41 (0.62)	-1.03** (0.48)
Hybrid Post-Passage Dummy:	-1.36 (4.43)	-4.34 (2.70)	-0.40 (3.39)	4.42 (4.76)	9.78 (5.94)	3.32 (3.76)	2.48 (2.54)
Trend Effect:	1.10 (0.73)	-0.47 (0.88)	2.04** (0.86)	0.07 (1.05)	-0.41 (1.13)	-0.46 (0.65)	-1.07** (0.51)

Note: In earlier tables, our data period begins in 1979 for models that include the poverty rate as a control since that is when that information becomes available.

### Appendix C – Trimming the Sample to Address Questions of Model Fit

Given our concerns about how well the guns-crime econometric models fit all 50 US states (plus D.C.), we decided to examine the residuals from various regressions models. For example, one potentially important issue is whether one should include linear state trends in our models. To further explore this issue, we examined the variance of the residuals for the aggravated assault regression estimates using our preferred models on state data for the period through 2010—both with and without state trends.<sup>67</sup> In particular, we found that the residual variance was high for smaller states, even when we do not weight our regressions by population.<sup>68</sup>

We explored how these “high residual-variance” states (defined from the aggravated assault regressions on our preferred model through 2010) might be influencing the results. We estimated our preferred model (both with and without state trends) after removing the 10 percent of states with the highest residual variance. This step is also repeated after removing the highest 20 percent of states in terms of residual variance. Our results for our preferred specification (which includes clustered standard errors and is run over the 1979-2010 time period) are shown in Table 8a and 8b (without and with state trends, respectively). The results from our two trimmed set of states are presented below. Tables C1 and C2 should be compared to Table 8a (no state trends), and Tables C3 and C4 should be compared to Table 8b (adding in state trends).

Removing high residual-variance states (based on the aggravated assault regressions)

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<sup>67</sup> Since evidence that RTC laws increased aggravated assault appeared in a number of different models and with different data sets, we focused specifically on the residuals obtained using assault rate as the dependent variable.

<sup>68</sup> We removed the population weight for this exercise because it is likely that when regressions are weighted by population, the regression model will naturally make high-population states fit the data better. As a result, we expect that residuals for smaller states will be higher. We find, however, that the results are qualitatively similar even when we obtain the residuals from regressions that include the population-weighting scheme (although the patterns of statistical significance sometimes change significantly when dropping the highest variance 20% of states from the sample).

does not alter the story told in Table 8a (no state trends) that there is no hint that RTC laws reduce crime and this message comes through again in Tables C1 and C2. Indeed, removing the high variance states has increased the statistical significance of the finding that RTC laws *increase* aggravated assault from the .10 level in Table 8a to the .05 level in both Tables C1 and C2. Removing the high residual-variance states from the models with state trends again reveals the same Table 8b estimates of a statistically significant increase in aggravated assault at the .05 level (Table C3), but reduces this level of significance to the .10 level in Table C4.

Of the states dropped from Tables C1 because of their high residual variance, all adopted RTC laws during the 1977-2010 period (with date of adoption in parentheses): Montana (1991), Maine (1985), West Virginia (1989), North Dakota (1985), and Tennessee (1996). Of the *additional* states dropped from Table C2, the following two states adopted RTC laws during the 1977-2010 period (with date of adoption in parentheses): Nebraska (2007) and Oregon (1990). Results from Table C3 come from dropping Montana, North Dakota, New Hampshire, Nebraska, and Vermont.<sup>69</sup> Finally, in addition to the five RTC states that were dropped in Table C3, Table C4 dropped the following five RTC states: West Virginia (1989), Nevada (1995), Kentucky (1996), Indiana (1980), and South Dakota (1985).

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<sup>69</sup>The dropped states are slightly different between Tables C1 and C3, as well as between Tables C2 and C4, because the state ranks based on residual variances differed when the models were run with and without state trends.

**Appendix C<sup>70</sup>****Table C1**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1979-2010 – Clustered Standard Errors

Dataset: ADZ Updated 2013 State Data

Dropping States with Highest Residual Variance (Top 10%: ND, MT, WV, TN, ME)

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	3.54 (6.66)	11.70** (5.74)	8.48** (3.93)	14.12* (8.13)	19.32** (9.15)	12.40* (6.26)	10.43** (4.76)
Spline Model:	0.61 (0.65)	0.65 (0.64)	1.03* (0.59)	1.21 (0.84)	1.31 (0.80)	0.79 (0.61)	0.87* (0.50)
Hybrid Post-Passage Dummy:	0.95 (5.60)	10.35** (4.96)	4.51 (3.39)	10.22 (7.13)	15.82** (7.83)	10.44* (5.40)	7.66* (4.06)
Trend Effect:	0.57 (0.60)	0.30 (0.60)	0.88 (0.60)	0.87 (0.80)	0.78 (0.67)	0.44 (0.55)	0.61 (0.48)

**Table C2**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1979-2010 – Clustered Standard Errors

Dataset: ADZ Updated 2013 State Data

Dropping States with Highest Residual Variance (Top 20%: ND, MT, WV, TN, ME, NE, NH, HI, OR, VT)

<i>All figures reported in %</i>	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	3.93 (7.01)	12.52** (5.91)	10.21** (3.92)	15.19* (8.48)	20.26** (9.54)	13.11* (6.56)	10.85** (4.97)
Spline Model:	0.80 (0.65)	0.78 (0.65)	1.30** (0.58)	1.49* (0.83)	1.43* (0.83)	0.91 (0.62)	0.91* (0.53)
Hybrid Post-Passage Dummy:	0.47 (5.83)	10.62** (5.20)	5.23 (3.58)	10.06 (7.35)	16.33* (8.17)	10.64* (5.64)	8.01* (4.26)
Trend Effect:	0.78 (0.59)	0.43 (0.60)	1.13* (0.59)	1.16 (0.78)	0.89 (0.70)	0.56 (0.55)	0.64 (0.50)

<sup>70</sup> Estimations include year and state fixed effects, and are weighted by state population. Robust standard errors are provided beneath point estimates in parentheses. The control variables for this “preferred” specification include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, per capita income measures, and six demographic composition measures. \* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.



**Appendix C (Cont.)****Table C3**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1979-2010 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 State Data

Dropping States with Highest Residual Variance (Top 10%: MT, ND, NH, NE, VT)

*All figures reported in %*

	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-0.13 (4.02)	-3.20 (2.34)	-0.33 (3.62)	1.86 (3.21)	9.64** (4.52)	1.12 (2.24)	1.11 (1.88)
Spline Model:	0.86 (0.76)	-0.23 (0.65)	1.71** (0.79)	-0.26 (0.83)	-1.41* (0.76)	-0.10 (0.65)	-0.57 (0.53)
Hybrid Post-Passage Dummy:	-0.78 (3.93)	-3.10 (2.38)	-1.63 (3.51)	2.10 (3.40)	10.95** (4.43)	1.23 (2.37)	1.57 (2.06)
Trend Effect:	0.89 (0.74)	-0.13 (0.65)	1.76** (0.79)	-0.33 (0.86)	-1.76** (0.73)	-0.14 (0.67)	-0.62 (0.56)

**Table C4**

Estimated Impact of RTC Laws – ADZ Preferred Controls, 1979-2010 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 State Data

Dropping States with Highest Residual Variance (Top 20%: MT, ND, NH, NE, VT, WV, NV, KY, IN, SD)

*All figures reported in %*

	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	-0.30 (4.26)	-3.11 (2.47)	1.36 (3.44)	2.56 (3.25)	10.91** (4.38)	0.89 (2.36)	1.24 (1.97)
Spline Model:	0.94 (0.83)	-0.15 (0.71)	1.38* (0.78)	-0.11 (0.89)	-1.39 (0.84)	-0.13 (0.73)	-0.55 (0.57)
Hybrid Post-Passage Dummy:	-0.98 (4.16)	-3.07 (2.51)	0.40 (3.38)	2.70 (3.49)	12.16*** (4.30)	1.01 (2.50)	1.67 (2.18)
Trend Effect:	0.97 (0.81)	-0.06 (0.71)	1.37* (0.79)	-0.20 (0.94)	-1.78** (0.80)	-0.17 (0.76)	-0.60 (0.61)

## **Appendix D – Alternative Demographic Variable Specification**

A fairly standard set of demographics that can be seen in the crime literature includes controls for a few age categories across all races combined with a single identifier of the percentage of blacks in the state. Table D1 and D2 in Appendix D provide yet another robustness check to the ADZ model by putting in four such demographic variables – the percent of the population falling into the three age categories of 10-19, 20-29, and 30-39 plus the percent black -- in place of the ADZ six demographic variables. The results are not dramatically different from the main ADZ models of Tables 8a and 8b, and they essentially show only evidence of RTC laws increasing crime. Table D1's and Table 8a's estimated violent crime increases for rape, aggravated assault, and robbery are substantial in both sets of dummy variable estimates and significant at the .10 level or better, only Table 8a has one of these estimates rise to the level of significance at the .05 level (for rape).

**Appendix D****Table D1<sup>71</sup>**

Estimated Impact of RTC Laws – ADZ Preferred Controls (with four demographic variables), 1979-2010 – Clustered Standard Errors

Dataset: ADZ Updated 2013 State Data

*All figures reported in %*

	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	2.25 (5.75)	9.45* (5.43)	8.15* (4.27)	12.06* (6.51)	15.06* (8.15)	11.33** (4.88)	11.06** (4.29)
Spline Model:	0.47 (0.63)	0.97 (0.64)	1.07 (0.64)	1.27 (0.76)	1.12 (0.76)	0.83 (0.58)	0.93* (0.49)
Hybrid Post-Passage Dummy:	0.08 (4.69)	5.90 (4.21)	3.81 (3.77)	7.31 (5.52)	11.73 (7.12)	8.90** (4.00)	8.02** (3.49)
Trend Effect:	0.47 (0.60)	0.77 (0.60)	0.94 (0.66)	1.03 (0.75)	0.72 (0.70)	0.52 (0.55)	0.66 (0.47)

**Table D2**

Estimated Impact of RTC Laws – ADZ Preferred Controls (with four demographic variables), 1979-2010 – Clustered Standard Errors and State Trends

Dataset: ADZ Updated 2013 State Data

*All figures reported in %*

	Murder	Rape	Aggravated Assault	Robbery	Auto Theft	Burglary	Larceny
Dummy Variable Model:	0.60 (3.99)	-2.86 (2.57)	-0.73 (3.97)	3.25 (3.17)	9.47** (4.34)	1.74 (2.13)	1.52 (1.72)
Spline Model:	0.59 (0.70)	-0.28 (0.63)	1.53* (0.78)	-0.70 (0.94)	-1.06 (0.79)	-0.42 (0.61)	-0.71 (0.48)
Hybrid Post-Passage Dummy:	0.15 (3.89)	-2.71 (2.63)	-1.95 (3.90)	3.88 (3.41)	10.54** (4.23)	2.11 (2.29)	2.12 (1.86)
Trend Effect:	0.59 (0.68)	-0.19 (0.64)	1.59** (0.78)	-0.82 (0.97)	-1.39* (0.75)	-0.49 (0.63)	-0.78 (0.52)

<sup>71</sup> These regressions include year and state fixed effects, and are weighted by state population. Robust standard errors are provided beneath point estimates in parentheses. The control variables for this “preferred” specification include: incarceration and police rates (lagged one year to avoid potential endogeneity issues), unemployment rate, poverty rate, population density, per capita income measures, and four demographic variables (percent of the population that is between 10 and 19, 20 and 29, and 30 and 39 as well as percent black in the state).

\* Significant at 10%; \*\* Significant at 5%; \*\*\* Significant at 1%.

## Appendix E – Summarizing Estimated Effects of RTC Laws Using Different Models, State v. County Data, and Different Time Periods

This appendix provides graphical depictions of 14 different estimates of the impact of RTC laws for both the dummy and spline models for specific crimes using different data sets (state and county), time periods (through 2000, 2006, or 2010), and models (Lott and Mustard versus our preferred model and with and without state trends). For example, Figure E1 shows estimates of the impact on murder using the dummy model, designed to capture the average effect of RTC laws during the post-passage period. The first bar in each of the first six groupings corresponds to county-level estimates; the second bar corresponds to state-level estimates, for a total of 14 estimates per figure. Since our county model estimates are generally run through 2006 and our state model estimates are run through 2010, we generally paired state and county model results that were otherwise identical and which were run through 2010 and 2006 (respectively). Additionally, the last two estimates only contain one bar corresponding to state models run between 1999 and 2010. The value of the figures is that they permit quick visual observation of the size and statistical significance of an array of estimates. Note, for example, that only one of the estimates of RTC laws on murder in either Figure E1 or Figure E2 is significant at even the .10 threshold. This is the estimate for the 1999-2010 period on state data, which shows a statistically significant *increase* in murder (at the .05 level) in the spline model. This sharp contrast to the conclusion drawn by James Q. Wilson on the NRC panel is in part driven by the fact that all of the estimates in this appendix come from regressions in which we adjusted the standard errors by clustering.

In contrast to the solitary statistically significant estimate for murder (suggesting an increase), the estimates of the impact of RTC laws on aggravated assault in Figures E5 and E6

are significant at at least the .10 level suggesting crime increases in 11 of the 28 estimates depicted, as indicated by the shading of the columns.<sup>72</sup> Note that the overall impression from Figure E6 is suggestive that RTC laws *increase* aggravated assault, although the evidence is not uniformly strong in the more preferred models. No other crime category has as strong evidence of an impact of RTC laws as the findings on aggravated assault.

Figure E1. Various Murder Estimates (Dummy Model)

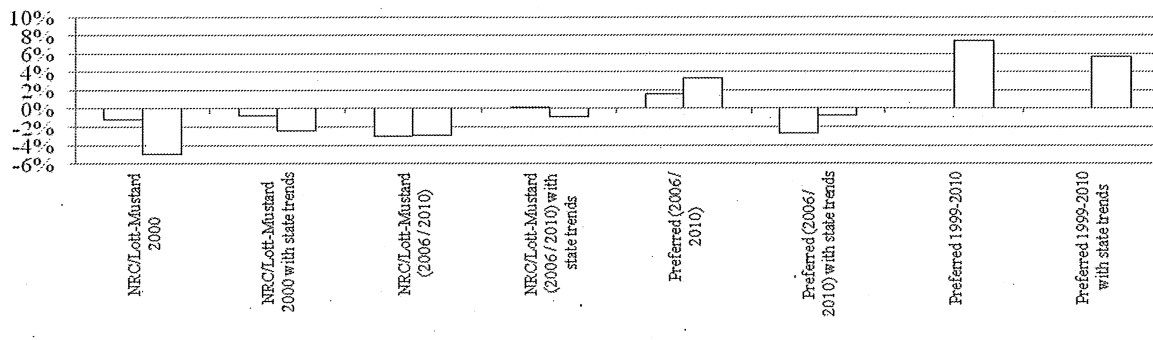
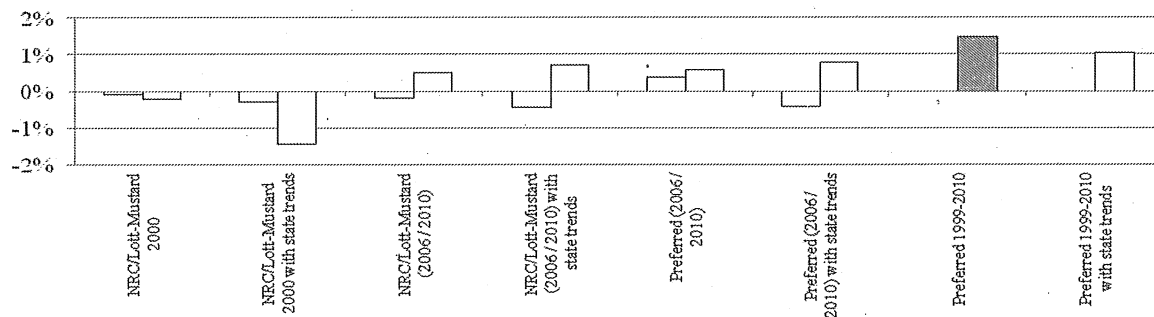


Figure E2. Various Murder Estimates (Spline Model)



<sup>72</sup> No shading indicates insignificance, and the shading darkens as significance increases (from a light grey indicating significance at the .10 level, slightly darker indicating significance at the .05 level, and black indicating significance at the .01 level).

Figure E3. Various Rape Estimates (Dummy Model)

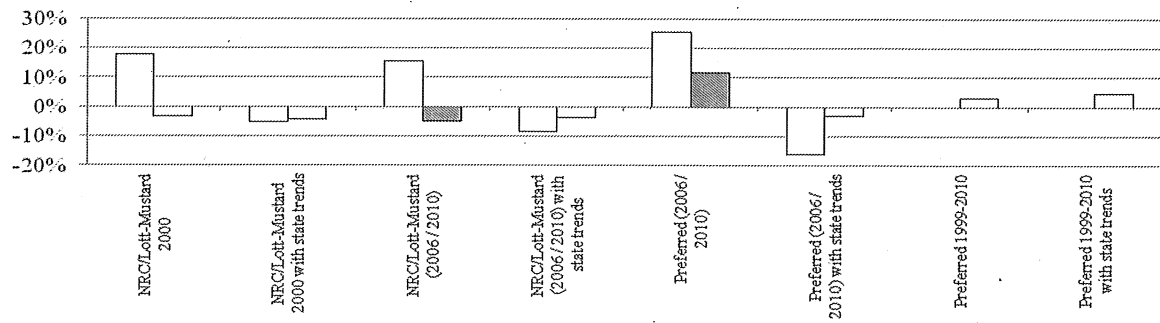


Figure E4. Various Rape Estimates (Spline Model)

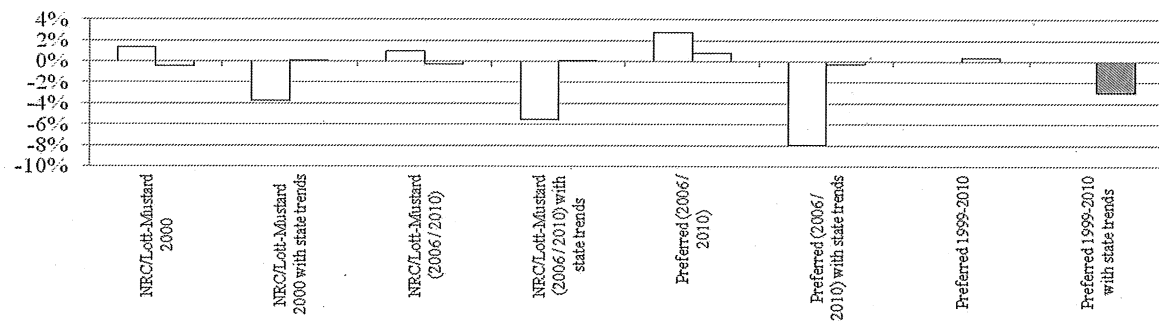


Figure E5. Various Aggravated Assault Estimates (Dummy Model)

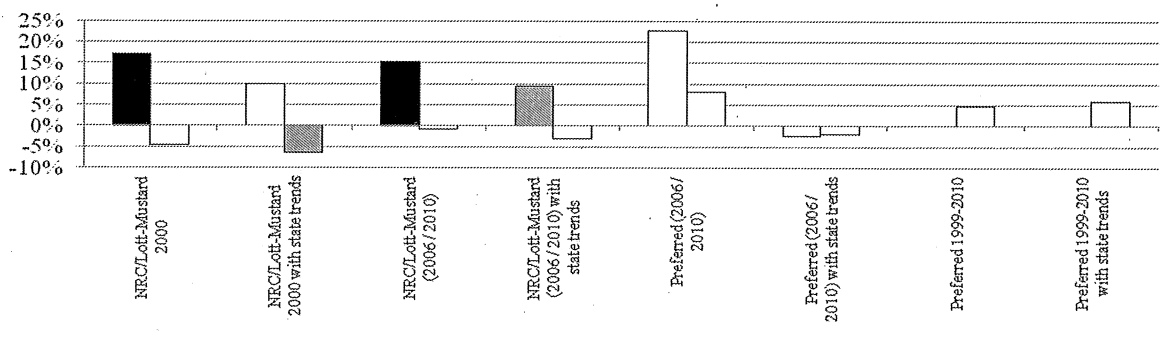


Figure E6. Various Aggravated Assault Estimates (Spline Model)

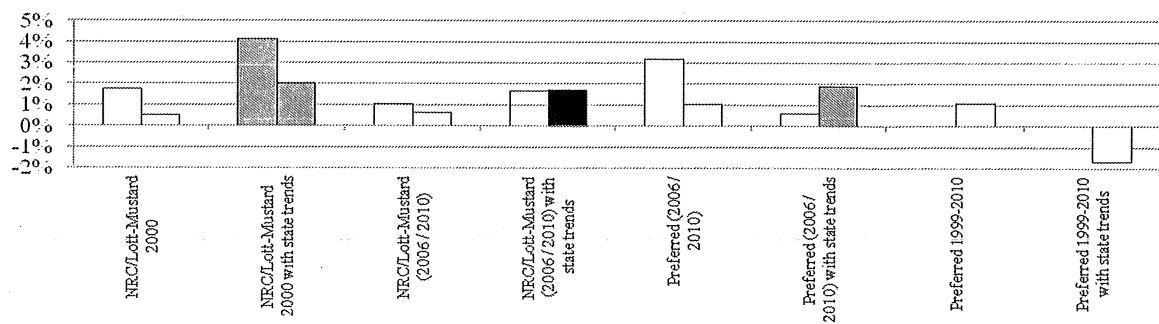




Figure E7. Various Robbery Estimates (Dummy Model)

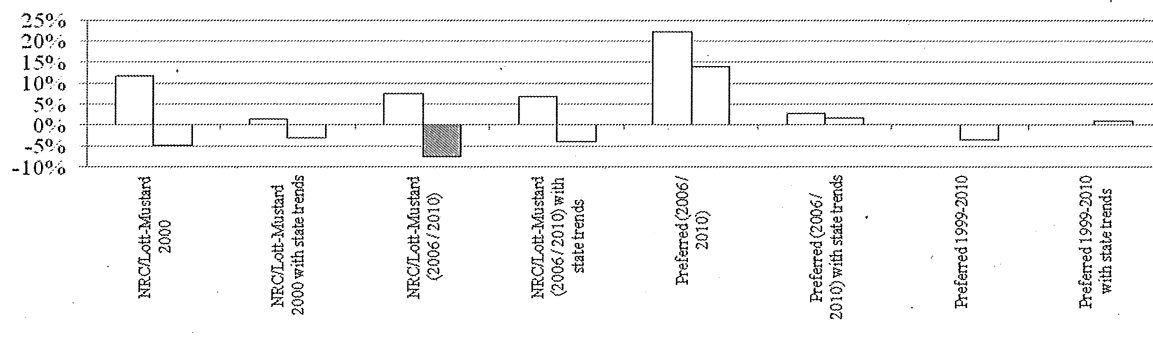


Figure E8. Various Robbery Estimates (Spline Model)

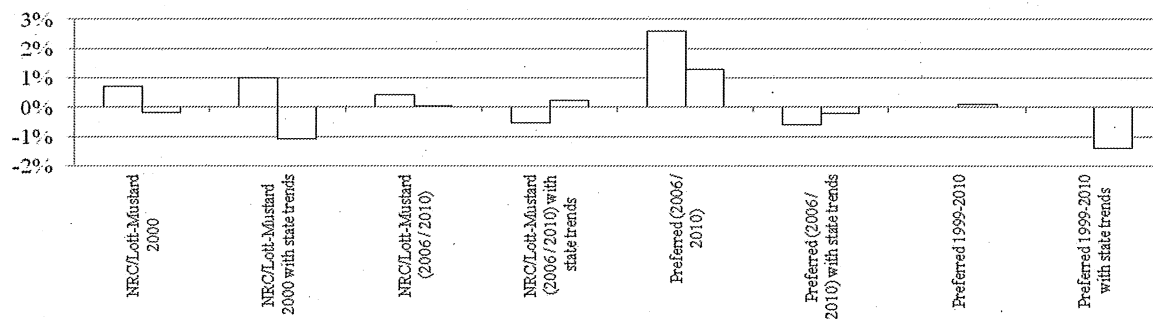


Figure E9. Various Auto Theft Estimates (Dummy Model)

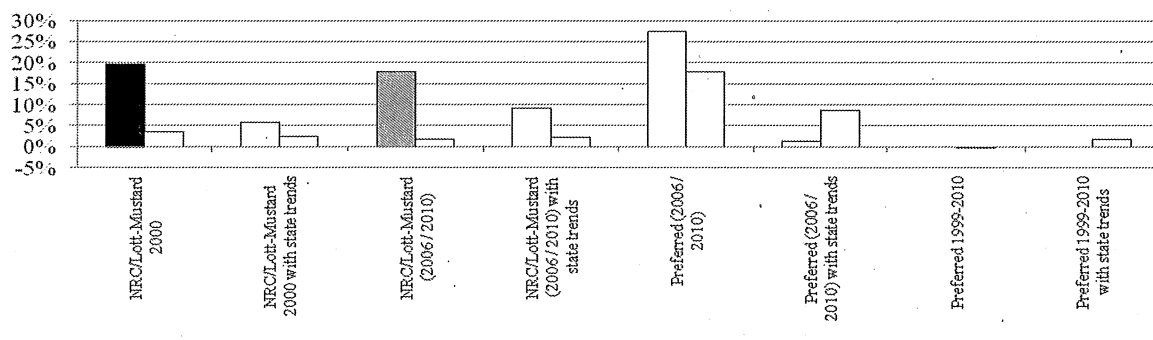


Figure E10. Various Auto Theft Estimates (Spline Model)

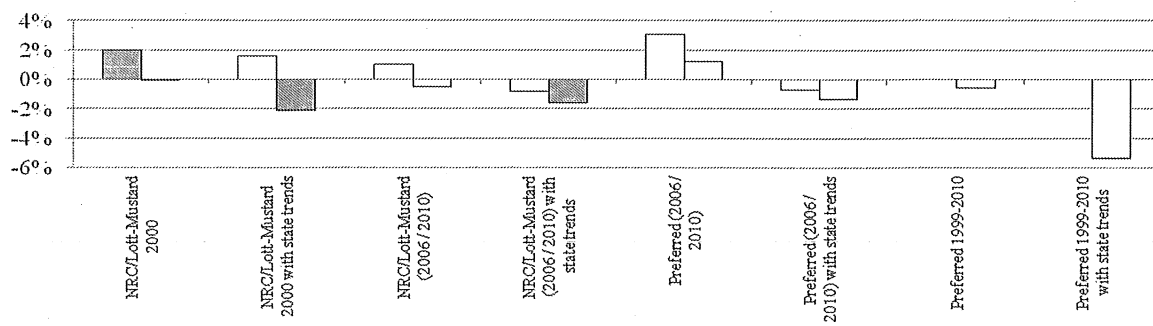


Figure E11. Various Burglary Estimates (Dummy Model)

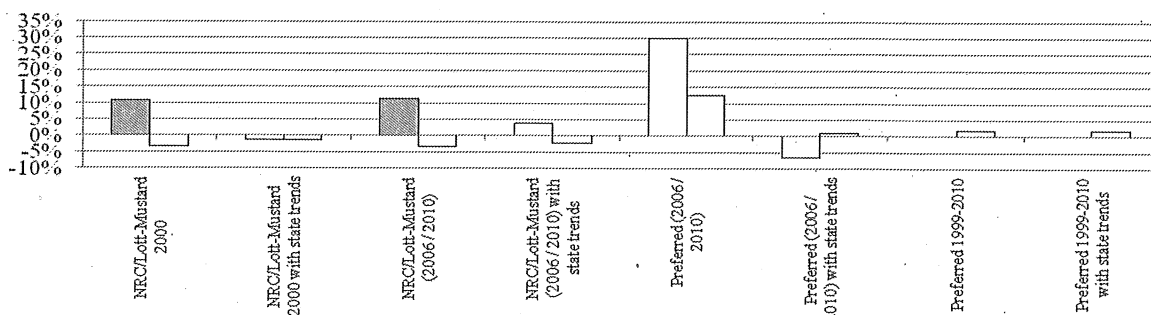


Figure E12. Various Burglary Estimates (Spline Model)

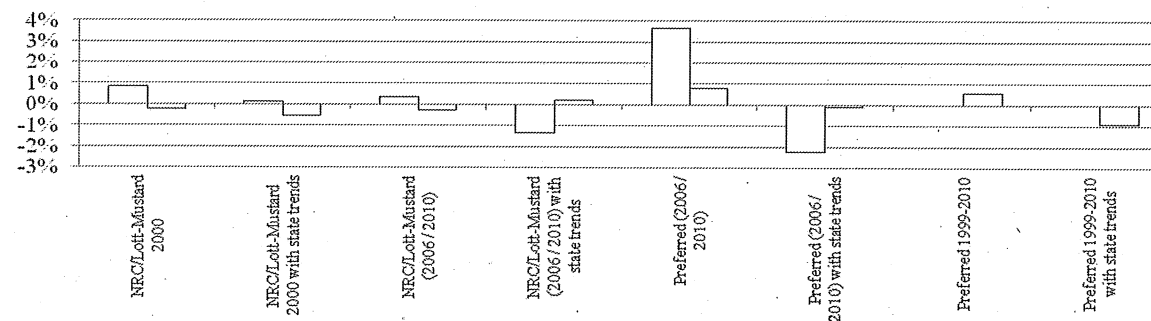


Figure E13. Various Larceny Estimates (Dummy Model)

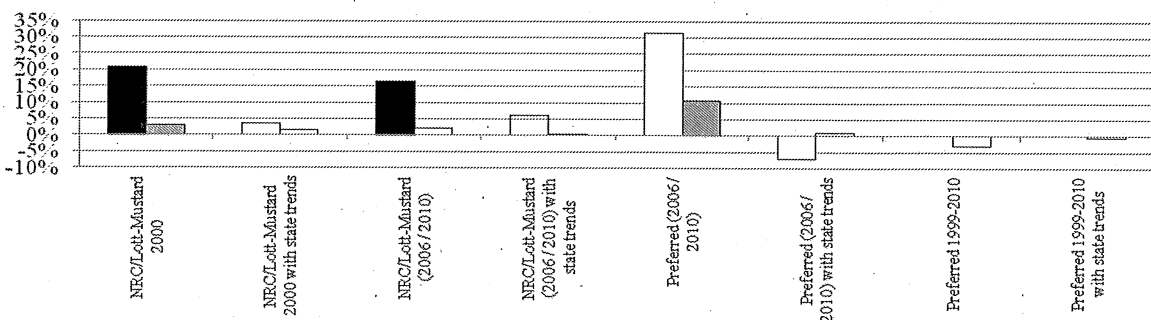
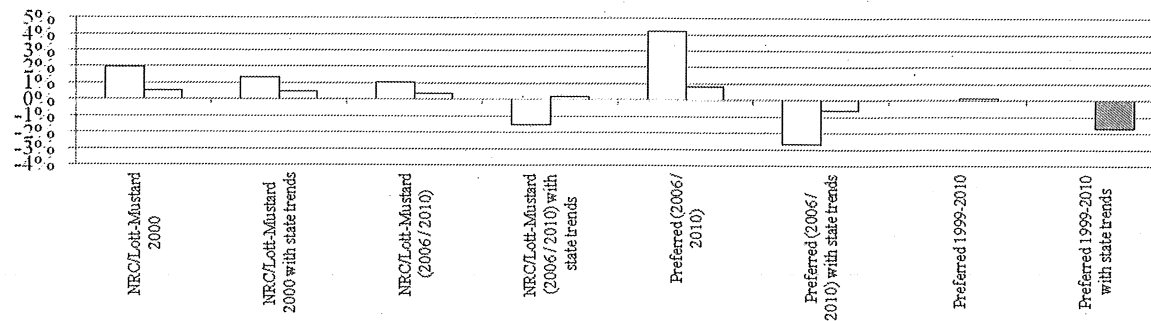


Figure E14. Various Larceny Estimates (Spline Model)



## Appendix F – Methodological Description of Using Selection on the Observables to Assess Selection Bias

Altonji et al. (2005) provides a test for whether there is omitted variable bias in a regression that attempts to quantify whether selection bias drives the OLS estimate. An underlying assumption of this approach is that the observable controls are selected independently from the larger set of possible controls. Elder and Jepsen (2013) provides a useful description of the methodological features of the test, and footnote 6 of that paper states that potential bias can be calculated with the given equation  $\frac{cov(CS, \varepsilon_i)}{var(\widehat{CS}_i)} = \frac{cov(\widehat{CS}_i, \varepsilon_i)}{var(\widehat{CS}_i)}$ , where CS corresponds to our right-to-carry dummy variable.<sup>73</sup>

Drawing on this equation and equation (3) of the Elder and Jepsen paper, one can generate an expression for the potential bias:  $\frac{cov(CS_i, X_i' \gamma) \cdot var(\varepsilon_i)}{var(\widehat{CS}_i) \cdot var(X_i' \gamma)}$ . Here  $\widehat{CS}_i$  is given by the formula  $CS_i = X_i \beta + \widehat{CS}_i$  (that is,  $\widehat{CS}_i$  is simply the residual from the regression of  $CS_i$  on  $X_i \beta$ ). Putting this formula in terms of our RTC dummy variable gives the expression  $\frac{cov(Shall_i, X_i' \gamma) \cdot var(\varepsilon_i)}{var(\widehat{Shall}_i) \cdot var(X_i' \gamma)}$ . Because the beta coefficient of the bivariate regression of the RTC dummy on the fitted values of the regression of  $Y_i$  (murder rate) on our full set of controls (less the RTC dummy variable) amounts to  $\frac{cov(Shall_i, X_i' \gamma)}{var(X_i' \gamma)}$ , the only remaining variables needed are  $var(\varepsilon_i)$  and  $var(\widehat{Shall}_i)$ . With this information one can calculate the “potential bias,” which then can be compared to the beta coefficients we estimate in this paper.

The ratio of this implied bias to the estimate of the beta coefficient represents how strong selection on unobserved variables would have to be relative to selection on observed variables to

<sup>73</sup> In Elder and Jepsen’s (2013) paper, CS refers to the effect of Catholic schools on educational achievement.

attribute the entire estimated effect to selection bias. For the ADZ preferred specification (Table 8a), we find a beta coefficient of 0.0331, with a potential bias of -0.3549. This implied ratio is negative, implying that selection on observables and unobservables would have to be of opposite signs to be consistent with a true effect of zero. This finding implies that our slightly positive coefficient is a lower bound of the true effect of RTC laws on murder.

In contrast, the Altonji test applied to the NRC regression (Table 1b) finding of a statistically significant beta coefficient on murder of -0.0833 indicates strong evidence of omitted variable bias. The test reveals an estimate of potential bias of -1.0304, which implies that the -0.0833 OLS estimate would be solely driven by selection bias if selection on unobservables were only 8 percent as strong as selection on observables.

Finally, owing to the frequency with which RTC laws are associated with statistically significant increases in aggravated assault rates, we analyze the results of the Altonji test when using the ADZ preferred specification (Table 8a) and aggravated assaults as the relevant dependent variables. The coefficient associated with this model is .080334, with a potential bias of -.07211. Thus, our results again suggest that selection on observables and unobservables would have to be biased in opposite directions to eliminate our estimated effect of RTC laws on aggravated assault. This strongly suggests that our finding that RTC laws increase aggravated assaults is, if anything, biased toward zero.

### **Appendix G – Summarizing Changes to Our RTC Dates**

In this appendix, we detail all of the changes that we have made to the years when RTC laws took effect. As noted in Footnote 3 and Footnote 17, the most recent version of our analysis includes a change in how the RTC dummy was defined. Whereas in earlier work, we modeled RTC laws on the assumption that their impact would take effect only during the first full year after they were passed, we now assume that they take effect immediately after they are actually implemented.

**Missouri:** While the state's right-to-carry law was originally intended to take effect in 2003 (the date that we used in earlier versions of this paper), a legal challenge based on the state's constitution prevented the law from taking effect until February 26, 2004. For this reason, we use the date that the law's legal challenges were dismissed rather than the statutory date that the law was originally intended to take effect as its effective date.

**New Mexico & Oklahoma:** This law passed in 2003 but took effect January 1<sup>st</sup>, 2004. For this reason, while the initial year of the law switches from 2003 to 2004 in our most recent version of the paper, New Mexico's RTC dummy does not change after this revision. Similarly, Oklahoma's RTC law passed in 1995 (our passage year) but took effect January 1<sup>st</sup>, 1996 (our new effective date).

**South Dakota:** Earlier versions of this paper inaccurately identified the state's 1986 legislation modifying its concealed carry laws as making the state "shall issue," but a careful re-examination of the details of this statute reveals that the state's 1985 legislation is a more appropriate candidate.

**Tennessee:** While we earlier identified the state's 1994 law as making the state's concealed carry permitting system "shall issue," this law continued to allow sheriffs to deny permits "for good cause and in the exercise of reasonable discretion" without precisely defining what "good cause" entails. For this reason, we now use the state's 1996 law (which took effect the same year) as the basis for determining the effective date of the state's RTC status.

**Texas:** Texas's RTC law passed in 1995 and took effect that same year, but the state's statute specifies that permits (even those issued in 1995) are not supposed to have legal backing before January 1<sup>st</sup>, 1996. For this reason, while our original passage year for RTC legislation was 1995, our new effective date for this legislation is actually in 1996.

**Virginia:** Virginia's RTC law has undergone so many changes that it is difficult to say which one eliminated discretion in the issuance of permits. While our earlier analysis used the state's 1988 revisions as the proper year for this transition, our decision to use this date was based on the date used in Lott (2000), which was based on research by Cramer and Kopel (1995). Surprisingly, the language that he identified as coming from the state's 1988 law was actually introduced in earlier legislation passed in 1986, so we accordingly changed our chosen effective date from 1988 to the effective date of this 1986 law.



JAMA Internal Medicine | Review | FIREARM VIOLENCE

# Firearm Laws and Firearm Homicides

## A Systematic Review

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 Supplemental content

**IMPORTANCE** Firearm homicide is a leading cause of injury death in the United States, and there is considerable debate over the effectiveness of firearm policies. An analysis of the effectiveness of firearm laws on firearm homicide is important to understand optimal policies to decrease firearm homicide in the United States.

**OBJECTIVE** To evaluate the association between firearm laws and preventing firearm homicides in the United States.

**EVIDENCE REVIEW** We evaluated peer-reviewed articles from 1970 to 2016 focusing on the association between US firearm laws and firearm homicide. We searched PubMed, CINAHL, Lexis/Nexis, Sociological Abstracts, Academic Search Premier, the Index to Legal Periodicals and Books, and the references from the assembled articles. We divided laws into 5 categories: those that (1) curb gun trafficking, (2) strengthen background checks, (3) improve child safety, (4) ban military-style assault weapons, and (5) restrict firearms in public places and leniency in firearm carrying. The articles were assessed using the standardized Guide to Community Preventive Services data collection instrument and 5 additional quality metrics: (1) appropriate data source(s) and outcome measure(s) were used for the study, (2) the time frame studied was adequate, (3) appropriate statistical tests were used, (4) the analytic results were robust, and (5) the disaggregated results of control variables were consistent with the literature.

**FINDINGS** In the aggregate, stronger gun policies were associated with decreased rates of firearm homicide, even after adjusting for demographic and sociologic factors. Laws that strengthen background checks and permit-to-purchase seemed to decrease firearm homicide rates. Specific laws directed at firearm trafficking, improving child safety, or the banning of military-style assault weapons were not associated with changes in firearm homicide rates. The evidence for laws restricting guns in public places and leniency in gun carrying was mixed.

**CONCLUSIONS AND RELEVANCE** The strength of firearm legislation in general, and laws related to strengthening background checks and permit-to-purchase in particular, is associated with decreased firearm homicide rates. High-quality research is important to further evaluate the effectiveness of these laws. Legislation is just 1 part of a multipronged approach that will be necessary to decrease firearm homicides in the United States.

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On June 12, 2016, in Orlando, Florida, a man with a semiautomatic handgun and an assault rifle perpetrated the deadliest shooting in modern US history, killing 49 and wounding more than 50 others.<sup>1</sup> Previously, on January 4, 2016, President Barack Obama issued an executive action to expand background checks and require all sellers of firearms to be licensed in an effort to decrease firearm-related violence.<sup>2</sup> That executive action occurred a month after a mass shooting in San Bernardino, California,<sup>3</sup> and 2 years after the elementary school massacre in Newtown, Connecticut.<sup>4</sup> Firearm homicides are the second leading cause of injury death in people 15 to 24 years old in the United States.<sup>5</sup> Deaths from firearms are estimated to cause \$21 billion in lifetime work loss and medical costs; this figure does not include emotional or other societal costs.<sup>6</sup>

A public health approach can decrease firearm homicides and injuries.<sup>7</sup> Legislation is one important component of such a public health strategy (Figure 1).<sup>7,8</sup> In 2004 and 2005, 2 comprehensive reviews of US firearm legislation conducted by the Task Force on Community Preventive Services, an independent, nonfederal organization working with the US Department of Health and Human Ser-

### Key Points

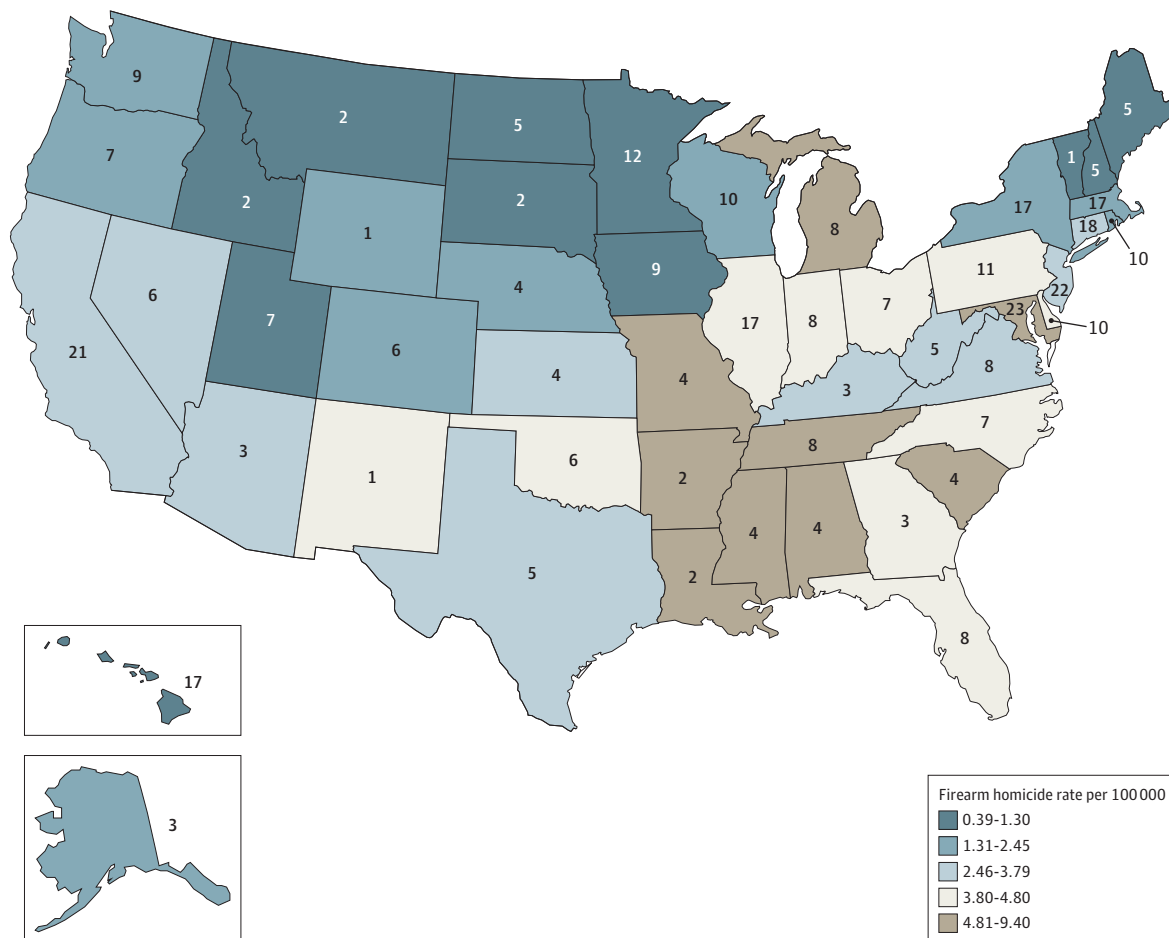
**Question** What are the effects of firearm laws on firearm homicides in the United States?

**Findings** We found evidence that stronger firearm laws are associated with reductions in firearm homicide rates. The strongest evidence is for laws that strengthen background checks and that require a permit to purchase a firearm. The effect of many of the other specific types of laws is uncertain, specifically laws to curb gun trafficking, improve child safety, ban military-style assault weapons, and restrict firearms in public places.

**Meaning** Given the magnitude and gravity of firearm homicides in the United States, effective legal and public health policies and adequate funding to enable high-quality research are essential.

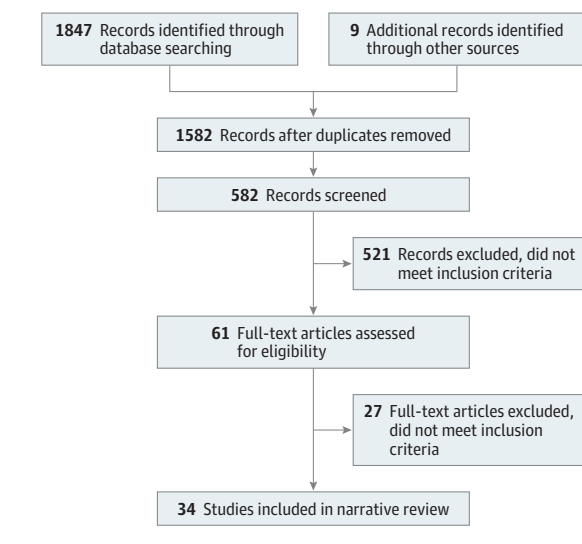
vices, and the National Academy of Sciences concluded that the published evidence was insufficient to determine the effectiveness of any specific type of firearm legislation, either independently or in

Figure 1. US Firearm Laws and State Homicide Rates 2011-2014



The average age-adjusted firearm homicide rate per 100 000 persons and number of firearm laws for each state from 2011 to 2014. The number on each state indicates the total firearm laws in that state (does not include permissive laws, eg, those that permit firearms in public places).

Figure 2. Firearm Laws and Firearm Homicides Article Selection Process



combination with other laws.<sup>9,10</sup> Herein, we update these previous reviews and focus on the effect of firearm laws on 1 specific outcome, firearm homicides.

## Methods

### Search for Evidence

We conducted searches in PubMed, CINAHL, Lexis/Nexis, Sociological Abstracts, Academic Search Premier, and the Index to Legal Periodicals and Books. The MESH terms used in the literature search are shown in the eTable in the Supplement. References from the assembled articles were also reviewed. We included only published articles from peer-reviewed journals. Articles were included if they met the following criteria: (1) firearm homicide was the primary outcome, (2) the specific law or laws evaluated were associated with firearms, (3) the setting was in the United States, and (4) the article was published between January 1970 and August 2016. We excluded studies with a primary outcome of interpersonal violence and those without a specific outcome of firearm homicide (eg, general homicide or murder). This search yielded 582 abstracts, which were reviewed by the study team members. From this abstract review, we selected 61 articles for further analysis, and 34 articles met all inclusion criteria (Figure 2, Table 1).

### Abstraction and Evaluation of Individual Studies

Each article was read by 2 reviewers. The standardized Guide to Community Preventive Services data collection instrument was used to evaluate the study evidence,<sup>44</sup> and the data were entered into a REDCap database. The data for every article were reviewed by the study team to ensure consistency in the assessment of the study design, suitability, and quality; disagreements between the reviewers were reconciled by consensus of the team members. The articles were then categorized into 5 types of firearm legislation: laws that (1) curb firearm trafficking, (2) strengthen background checks, (3) improve child safety, (4) ban military-style assault weapons, and (5) restrict firearms in public places (Table 2).<sup>16,46</sup>

### Assessing Study Quality and Summarizing the Body of Evidence of Effectiveness

In addition to the study design and suitability of the articles, we also evaluated the studies using 5 additional quality metrics: (1) Were appropriate data source(s) and outcome measure(s) used for the study question? (2) Was the time frame studied adequate (eg, sufficient surveillance before and after a law)? (3) Were appropriate statistical tests used? (4) Were the results robust to variations in the variables and analyses? (5) Were the disaggregated data and results of control variables consistent with the literature? Based on these factors, an overall quality score was assigned to each article by the study team.<sup>9</sup> If all 5 metrics were achieved, a score of 3 (good quality) was assigned. If 3 to 4 metrics, including appropriate statistical testing, were achieved, a score of 2 (fair quality) was assigned. If 1 to 2 metrics, or 3 to 4 metrics but without appropriate statistical testing, were achieved a score of 1 (poor quality) was assigned (Table 2 and Table 3).

### Observations

All 34 studies were ecological; 3 had a before-and-after design, 19 were time series, and 12 were cross-sectional (Table 1). The articles were from the following disciplines: 21 medical literature, 6 sociology and/or social science literature, and 7 legal journals. The quality evaluation was as follows: good (3 studies), fair (20 studies), and poor (11 studies) (Table 3).

Six studies examined the overall effects of firearm laws on firearm homicides, but only 2 focused on the comprehensive categories of gun control laws in at least 4 categories of laws (Table 2).<sup>16,36</sup> These studies analyzed the number of gun control laws enacted by city or state, the leniency or strength of these laws, and the efficacy of specific types of laws (Table 1). The remaining 4 studies evaluated multiple individual laws within at least 4 categories of firearm legislation.<sup>21,22,25,33</sup>

One study,<sup>16</sup> published in 2013 and conducted by some of us (L.K.L., E.W.F., D.H., and M.C.M.) examined whether the "legislative strength score" of a state, based on the number and type of 28 possible laws to regulate firearms, was associated with a lower rate of firearm homicides using multivariate Poisson regression modeling to control for state socioeconomic (SES) and demographic factors. The 2013 study<sup>16</sup> found that states in the quartile with the highest legislative strength score had a lower adjusted incidence rate ratio (aIRR) for firearm homicide (0.60; 95% CI, 0.38-0.95) when compared with the states with the lowest strength score. The most recent study<sup>21</sup> (2016) analyzed the independent effect of firearm laws on firearm homicide and used multivariate Poisson regression modeling to control for state-specific characteristics, including firearm ownership. The study found that background checks and firearm identification laws (eg, laws requiring ballistic fingerprinting or microstamping to identify firearms) were associated with the largest reduction in firearm homicides; however, the results were mixed for the other laws.

### Category 1. Curb Firearm Trafficking Legislation

This category of laws regulates the sale and trafficking of firearms including gun dealer regulations, limiting bulk purchases (eg, a person can buy only 1 handgun per month), banning sales of certain guns (eg, "Saturday night special" handguns—small, inexpensive, low-quality handguns that are easy to conceal but prone to

Table 1. The 34 Articles on the Effects of Firearm Laws on Firearm Homicides Included in the Review

Source	Design, Statistical Analysis	Intervention, Comparison	Study Period, Location, Unit of Analysis	Reported Effect <sup>a</sup>
Beaver et al, <sup>11</sup> 1993	<ul style="list-style-type: none"> <li>Ecologic, before-and-after design<sup>b</sup></li> <li>Wilcoxon rank sum</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Ban sales of "Saturday night specials" in MD</li> <li>Comparison: MD firearm fatalities in children &lt;16 y old before and after law</li> </ul>	<ul style="list-style-type: none"> <li>1979-1992</li> <li>MD</li> <li>Firearm homicides in children &lt;16 y old</li> </ul>	<ul style="list-style-type: none"> <li>Increase in percentage of homicide deaths due to guns from 48% to 67% after law</li> </ul>
Britt et al, <sup>12</sup> 1996	<ul style="list-style-type: none"> <li>Ecologic, time series</li> <li>Reanalysis of data for Loftin,<sup>13</sup> 1991 study</li> <li>ARIMA</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Ban sales of handguns in Washington, DC</li> <li>Comparison: Baltimore, MD (with no similar law)</li> </ul>	<ul style="list-style-type: none"> <li>1968-1987</li> <li>Washington, DC, and Baltimore, MD,</li> <li>Monthly firearm homicides</li> </ul>	<ul style="list-style-type: none"> <li>Both cities had a statistically significant decrease in monthly homicides during this time</li> <li>No point estimate or P value reported.</li> </ul>
Cummings et al, <sup>14</sup> 1997	<ul style="list-style-type: none"> <li>Ecologic, cross-sectional</li> <li>Multivariate Poisson regression</li> <li>Multivariate negative binomial regression</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Passage of gun safe storage laws in 12 states</li> <li>Comparison: Rate expected based on prior years, adjusted for secular trends. Rate compared with changes in United States overall</li> </ul>	<ul style="list-style-type: none"> <li>1979-1994 (156 state-years prelegislation, 36 state-years postlegislation)</li> <li>12 states (FL, IA, CT, NV, CA, NJ, WI, HI, VA, MD, MN, NC)</li> <li>State-level firearm homicide rates in children &lt;15 y old</li> </ul>	<ul style="list-style-type: none"> <li>aIRR firearm homicide: 0.89 (95% CI, 0.76 to 1.05)</li> </ul>
Fife and Abrams, <sup>15</sup> 1989	<ul style="list-style-type: none"> <li>Ecologic, time series</li> <li>Univariate regression</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Minimum sentence for crime with a gun</li> <li>Comparison: NJ homicides before and after law</li> </ul>	<ul style="list-style-type: none"> <li>1974-1986</li> <li>NJ</li> <li>Firearm homicide counts</li> </ul>	<ul style="list-style-type: none"> <li>Firearm homicides became a decreasing proportion of all NJ homicides after the law</li> <li>No point estimate or P value reported</li> </ul>
Fleegler et al, <sup>16</sup> 2013	<ul style="list-style-type: none"> <li>Ecologic, cross-sectional</li> <li>Multivariate Poisson regression</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Legislative strength score based on category and number of laws in a state</li> <li>Comparison: By strength quartile</li> </ul>	<ul style="list-style-type: none"> <li>2007-2010</li> <li>50 US states</li> <li>State-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>Higher state legislative strength scores were associated with lower state rates of firearm homicides</li> <li>aIRR, 0.60 (95% CI, 0.38 to 0.95)</li> </ul>
French and Heagerty, <sup>17</sup> 2008	<ul style="list-style-type: none"> <li>Ecologic, time series</li> <li>Multivariate generalized estimating and generalized linear mixed models</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Repeal of gun use restriction (granting shall-issue status)</li> <li>Comparison: State-level homicides before repeal</li> </ul>	<ul style="list-style-type: none"> <li>1979-1998</li> <li>50 US states</li> <li>State-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>Effect of enacting shall-issue laws varies depending on analytic method, rate ratios from 0.93 to 1.10</li> </ul>
Ginwalla et al, <sup>18</sup> 2014	<ul style="list-style-type: none"> <li>Ecologic, before-after design</li> <li><math>\chi^2</math>, relative risk</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: State law allowing citizens to conceal carry a gun without a permit or training course</li> <li>Comparison: Arizona homicides before law</li> </ul>	<ul style="list-style-type: none"> <li>August 2008 to July 2012</li> <li>Southern Arizona</li> <li>Firearm homicide counts</li> </ul>	<ul style="list-style-type: none"> <li>Gun-related homicides significantly increased in the postlegislation period</li> <li>RR, 1.27 (95% CI, 1.02 to 1.58)</li> </ul>
Hepburn et al, <sup>19</sup> 2004	<ul style="list-style-type: none"> <li>Ecologic, cross-sectional</li> <li>Multivariate negative binomial regression</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Changes in state laws related to concealed carry of firearm to "shall issue" laws</li> <li>Comparison: States without "shall issue" laws</li> </ul>	<ul style="list-style-type: none"> <li>1979-1998</li> <li>50 US states</li> <li>State-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>No association between nondiscretionary concealed carry laws and firearm homicide</li> <li>aIRR, 1.01 (95% CI, 0.94 to 1.01)</li> </ul>
Irvin et al, <sup>20</sup> 2014	<ul style="list-style-type: none"> <li>Ecologic, time series</li> <li>Multivariate Poisson regression</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Regulations of federally licensed firearm dealers including state-required licensing, recording of sales, allowable inspections, and mandatory theft reporting laws</li> <li>Comparison: Strength of these state regulations</li> </ul>	<ul style="list-style-type: none"> <li>1995-2010</li> <li>50 US states</li> <li>State-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>Protective effect was stronger in states requiring both licensing and inspections of federally licensed firearm dealers: aIRR, 0.49 (95% CI, 0.42 to 0.58)</li> <li>Lower homicide rates in states with at <math>\geq 3</math> laws regulating firearm dealers: aIRR, 0.76 (95% CI, 0.67 to 0.86)</li> </ul>
Kalesan et al, <sup>21</sup> 2016	<ul style="list-style-type: none"> <li>Ecologic, cross-sectional</li> <li>Multivariate Poisson regression</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Different state firearm laws</li> <li>Comparison: States without the laws</li> </ul>	<ul style="list-style-type: none"> <li>2008-2010</li> <li>50 US states</li> <li>State-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>Firearm dealer report records to state: aIRR, 0.65 (95% CI, 0.53 to 0.81)</li> <li>Mandatory theft reporting: aIRR, 2.16 (95% CI, 1.26 to 3.68)</li> <li>Limit 1 handgun purchase/mo: aIRR, 1.81 (95% CI, 1.26 to 2.59)</li> <li>Owner firearm identification: aIRR, 0.07 (95% CI, 0.02 to 0.29)</li> <li>Owner theft reporting: aIRR, 0.42 (95% CI, 0.21 to 0.82)</li> <li>Universal background checks: aIRR, 0.21 (95% CI, 0.07 to 0.63)</li> <li>Ammunition background checks: aIRR, 0.07 (95% CI, 0.02 to 0.33)</li> <li>Firearm locks: aIRR, 10.9 (95% CI, 2.95 to 40.6)</li> <li>Child age restriction for firearms: aIRR, 0.83 (95% CI, 0.73 to 0.94)</li> <li>Assault weapon ban: aIRR, 2.83 (95% CI, 1.30 to 6.20)</li> <li>Law enforcement discretion permitted for carrying concealed weapons permits: aIRR, 1.83 (95% CI, 1.45 to 2.32)</li> </ul>
Kleck et al, <sup>22</sup> 1993	<ul style="list-style-type: none"> <li>Ecologic, cross-sectional</li> <li>Multivariate 2-stage least-squares model</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Gun control laws</li> <li>Comparison: Cities with different laws</li> </ul>	<ul style="list-style-type: none"> <li>1979-1981</li> <li>170 US cities</li> <li>City-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>No effect of any type of gun control laws on homicide rates.</li> <li>No point estimate or P value reported</li> </ul>

(continued)

Table 1. The 34 Articles on the Effects of Firearm Laws on Firearm Homicides Included in the Review (continued)

Source	Design, Statistical Analysis	Intervention, Comparison	Study Period, Location, Unit of Analysis	Reported Effect <sup>a</sup>
Koper and Roth, <sup>23</sup> 2001	<ul style="list-style-type: none"> <li>Ecologic, cross-sectional</li> <li>Multivariate pooled cross-sectional time series model</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: 1994 federal law banning sale of semi-automatic weapons and large-capacity magazines</li> <li>Comparison: State homicide rates before passage of law</li> </ul>	<ul style="list-style-type: none"> <li>1980-1995</li> <li>50 US states</li> <li>State-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>Slight decrease in gun homicide rate but not powered to detect statistical significance given the brief postlegislation time period</li> <li>6.7% Reduction in firearm homicide (<math>P = .35</math>)</li> </ul>
La Valle et al, <sup>24</sup> 2012	<ul style="list-style-type: none"> <li>Ecologic, time series</li> <li>Multivariate regression models</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Passage of "right to carry" firearms "shall issue" laws and "may issue" laws</li> <li>Comparison: City-level homicide rates prior to the laws</li> </ul>	<ul style="list-style-type: none"> <li>1980-2006</li> <li>57 US cities</li> <li>City-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>"Shall issue" laws associated with increased homicide rate of 27% (<math>P &lt; .05</math>)</li> <li>"May issue" laws associated with homicide rate reduction of 26%-30% (<math>P &lt; .05</math> for all comparisons)</li> </ul>
Lester and Murrell, <sup>25</sup> 1982	<ul style="list-style-type: none"> <li>Ecologic, cross-sectional</li> <li>Principal component analysis</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: "Guttman scale of strictness" for handgun control statutes of 1968</li> <li>Comparison: By state strictness scale</li> </ul>	<ul style="list-style-type: none"> <li>1960 and 1970</li> <li>50 US states</li> <li>State-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>The stricter the gun control in a state, the smaller the proportion of homicides committed by firearms, although this did not have an impact on the overall homicide rate</li> </ul>
Loftin and McDowall, <sup>26</sup> 1981	<ul style="list-style-type: none"> <li>Ecologic, time series</li> <li>ARIMA</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: 2-y mandatory sentence for felonies committed with a gun</li> <li>Comparison: Detroit, MI homicides before the law</li> </ul>	<ul style="list-style-type: none"> <li>1969-1978</li> <li>Detroit, MI</li> <li>Firearm homicide counts</li> </ul>	<ul style="list-style-type: none"> <li>Statistically significant decline in firearm homicides after law implementation</li> <li>Decline of 10.9 (95% CI, -17.1 to -4.6) firearm homicides per month</li> </ul>
Loftin et al, <sup>13</sup> 1991	<ul style="list-style-type: none"> <li>Ecologic, interrupted time-series</li> <li>ARIMA</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Banned possession, transfer, purchase, or sales of handguns by civilians</li> <li>Comparison: MD and VA (without these laws)</li> </ul>	<ul style="list-style-type: none"> <li>1968-1987</li> <li>Washington, DC</li> <li>Firearm homicide counts</li> </ul>	<ul style="list-style-type: none"> <li>Restrictive handgun licensing associated with 25% decline (13-9.7/mo) in firearm homicides in Washington, DC, no change in MD or VA cities</li> </ul>
Lott and Mustard, <sup>27</sup> 1997	<ul style="list-style-type: none"> <li>Ecologic, time series</li> <li>Multivariate weighted 2-stage least-squares regression</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Effect of "shall issue" concealed weapon carry laws</li> <li>Comparison: States and counties with no "shall issue" laws</li> </ul>	<ul style="list-style-type: none"> <li>1982-1991</li> <li>US counties with population &gt;100 000 people</li> <li>County-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>Counties with "shall issue" laws have 9% decrease in rates of gun homicides</li> </ul>
Ludwig and Cook, <sup>28</sup> 2000	<ul style="list-style-type: none"> <li>Ecologic time series</li> <li>Multivariate regression models</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Brady Act mandating federal background checks and 5-d waiting period on handgun purchases</li> <li>Comparison: Firearm homicide rates before passage of law</li> </ul>	<ul style="list-style-type: none"> <li>1985-1997</li> <li>50 US states</li> <li>State-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>No reduction in homicide rates with Brady Act in all models</li> <li>Weighted least-squares model: aIRR, -0.12 (95% CI, -1.12 to 0.88)</li> <li>Negative binomial model: aIRR, 0.99 (95% CI, 0.86 to 1.13)</li> </ul>
Mahler and Fielding, <sup>29</sup> 1977	<ul style="list-style-type: none"> <li>Ecologic, before-and-after design<sup>b</sup></li> <li>Percentage change</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Mandated 1-y jail sentence for anyone convicted of a violation of firearm licensing and registration laws</li> <li>Comparison: Firearm homicide counts before the law</li> </ul>	<ul style="list-style-type: none"> <li>1974-1976</li> <li>Boston, MA</li> <li>Firearm homicide counts</li> </ul>	<ul style="list-style-type: none"> <li>Homicides by firearms decreased by 31% (141 to 97). The proportion of homicides by firearm decreased from 52% to 46% after the law</li> </ul>
Marvell and Moody, <sup>30</sup> 1995	<ul style="list-style-type: none"> <li>Ecologic, pooled time series</li> <li>Multivariate linear regression</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Firearm sentence enhancement, including minimum sentence/extra prison term for felony with gun</li> <li>Comparison: States without firearm sentence enhancement laws</li> </ul>	<ul style="list-style-type: none"> <li>1970-1993</li> <li>50 US states</li> <li>State-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>No association between firearm homicide and either the aggregate or individual firearm sentence enhancement measures.</li> <li>Coefficient = 0.02, <math>t = 0.79</math></li> </ul>
Marvell, <sup>31</sup> 2001	<ul style="list-style-type: none"> <li>Ecologic, time series</li> <li>Multivariate, time series regression, weighted by state size, fixed-effect models</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Passage of law banning juvenile (&lt;18 y) gun possession</li> <li>Comparison: States without this law</li> </ul>	<ul style="list-style-type: none"> <li>1970-1998</li> <li>50 US states</li> <li>State-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>No significant change in firearm homicide in victims 15-24 y old, all ages.</li> <li>No point estimate or <math>P</math> value reported</li> </ul>
McDowall et al, <sup>32</sup> 1995	<ul style="list-style-type: none"> <li>Ecologic, interrupted time-series</li> <li>ARIMA</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Change from "may issue" to "shall issue" for firearm concealed carry</li> <li>Comparison: Firearm homicide rates before the statute change</li> </ul>	<ul style="list-style-type: none"> <li>1973-1992</li> <li>Large urban areas within FL, MS, and OR</li> <li>City-level monthly firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>Easing concealed carry restrictions was associated with an increase in firearm homicides in 4 out of 5 large urban areas studied</li> <li>Annual average increase in firearm homicides of 4.5 firearm homicides per 100 000 persons (<math>P &lt; .05</math>)</li> </ul>
Murray et al, <sup>33</sup> 1975	<ul style="list-style-type: none"> <li>Ecologic, cross-sectional</li> <li>Multivariate regression</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: 7 Gun control laws</li> <li>Comparison: States without these laws</li> </ul>	<ul style="list-style-type: none"> <li>1970</li> <li>50 US states</li> <li>Firearm homicide counts</li> </ul>	<ul style="list-style-type: none"> <li>No law had a significant effect on a single measure of violence</li> <li>No point estimate or <math>P</math> value reported.</li> </ul>
O'Carroll et al, <sup>34</sup> 1991	<ul style="list-style-type: none"> <li>Ecologic, interrupted time-series</li> <li>ARIMA</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Mandatory imprisonment if convicted of unlawfully carrying or concealing a firearm in Detroit, MI</li> <li>Comparison: Detroit, MI firearm homicides before ordinance</li> </ul>	<ul style="list-style-type: none"> <li>1980-1987</li> <li>Detroit, MI</li> <li>Monthly firearm homicide counts</li> </ul>	<ul style="list-style-type: none"> <li>No significant change in firearm homicides</li> <li>13% Increase in firearm homicides (<math>P = .24</math>)</li> </ul>
Olson and Maltz, <sup>35</sup> 2001	<ul style="list-style-type: none"> <li>Ecologic, pooled time series</li> <li>Multivariate weighted ordinary least-squares regression</li> </ul>	<ul style="list-style-type: none"> <li>Intervention: Shall-issue concealed firearm statutes</li> <li>Comparison: Firearm homicide rates prior to the statutes</li> </ul>	<ul style="list-style-type: none"> <li>1977-1992</li> <li>Large counties within 10 states (FL, GA, ID, ME, MS, MT, OR, PA, VA, WV)</li> <li>County-level firearm homicide rates</li> </ul>	<ul style="list-style-type: none"> <li>Right-to-carry laws associated with a 20.9% reduction in homicide</li> </ul>

(continued)



Table 1. The 34 Articles on the Effects of Firearm Laws on Firearm Homicides Included in the Review (continued)

Source	Design, Statistical Analysis	Intervention, Comparison	Study Period, Location, Unit of Analysis	Reported Effect <sup>a</sup>
Price et al, <sup>36</sup> 2004	• Ecologic, cross-sectional • ANCOVA	• Intervention: Various gun control laws • Comparison: Different states with various laws	• 1999 • 50 US states • State-level firearm homicide rates	• State gun laws had limited effects on firearm related homicides ( $r = 0.311$ )
Rosengart et al, <sup>37</sup> 2005	• Ecologic, time series • Multivariate Poisson regression	• Intervention: "Shall issue," age restriction and junk gun ban laws • Comparison: Different states with various laws	• 1979-1998 • 50 US states • State-level firearm homicide rates (person-years)	• No law was associated with a decrease in firearm homicide rates • "Shall issue" law: aIRR, 1.11 (95% CI, 0.99 to 1.24) • Minimum age, 21 y for purchase: aIRR, 0.98 (95% CI, 0.91 to 1.06) • Minimum age, 21 y for possession: aIRR, 1.06 (95% CI, 0.88 to 1.27) • 1 Gun purchase/ mo: aIRR, 1.02 (95% CI, 0.89 to 1.17) • Junk gun ban: aIRR, 0.94 (95% CI, 0.73 to 1.19)
Ruddell and Mays, <sup>38</sup> 2005	• Ecologic, cross-sectional • Multivariate ordinary least-squares regression	• Intervention: Strength of state laws for background checks • Comparison: States with less comprehensive state laws for background checks	• 1999-2001 • 50 US states • State-level firearm homicide rates	• States with less stringent background checks on firearm purchases were significantly associated with firearm homicides • Adjusted $r^2$ : 0.799
Rudolph et al, <sup>39</sup> 2015	• Ecologic, time-series using synthetic controls • Multivariate permutation-based test	• Intervention: CT's handgun permit-to-purchase law • Comparison: Synthetic control of CT firearm homicides had the law not been implemented	• 1984-1994, 1996-2005 • CT • State-level firearm homicide rates	• 40% Decrease in CT's firearm homicide rates during the first 10 y of the law, but no change in nonfirearm homicides
Sen and Panjamapirom, <sup>40</sup> 2012	• Ecologic, time-series • Multivariate negative binomial regression model	• Intervention: Type of background information states used to perform background checks • Comparison: Index of laws in states with different background check requirements and states checking for criminal history only	• 1996-2005 • 50 US states • Homicide counts	• Lower firearm homicide rates in states with higher index of background check laws: aIRR, 0.93 (95% CI, 0.91 to 0.96) • Restraining orders: aIRR, 0.87 (95% CI, 0.79 to 0.95) • Fugitive status: aIRR, 0.79 (95% CI, 0.72 to 0.88)
Sloan et al, <sup>41</sup> 1988	• Ecologic, cross-sectional • Univariate analysis	• Intervention: Seattle, WA, firearm regulations (20-y minimum prison sentence for first-degree murder, permit for concealed weapons on the street) • Comparison: Vancouver, Canada regulations (25-y minimum prison sentence for first-degree murder, restricted-weapons permit required for sporting/collecting)	• 1980-1986 • Seattle, WA and Vancouver, Canada • City-level firearm homicide rates	• Increased risk of being a victim of firearm homicide in Seattle compared with Vancouver: RR, 5.08 (95% CI, 3.54 to 7.27)
Sumner et al, <sup>42</sup> 2008	• Ecologic, cross-sectional • Multivariate negative binomial regression	• Intervention: States using state or county level agencies for background checks • Comparison: States using federal-level agencies for background checks	• 2002-2004 • 50 US states • State-level firearm homicide rates	• No statistically significant difference in homicide rates in states using state or local agencies for background checks compared with states using federal level agencies. • State level: aIRR, 0.84 (95% CI, 0.65 to 1.08) • Local level: aIRR, 0.78 (95% CI, 0.61 to 1.01)
Webster et al, <sup>43</sup> 2002	• Ecologic, time series • ARIMA	• Intervention: Maryland law banning "Saturday night special" handguns • Comparison: Homicide rates before-and-after law	• 1975-1998 • Maryland • State-level firearm homicide rates	• Models with the assumption of a gradual effect of the ban produced estimates with firearm homicide rates lower than expected • Delayed start, constant effect: -11.5% (95% CI -17.3 to -2.4) • Immediate start, gradual effect: -8.6% (95% CI -14.5 to -2.6) • Delayed start, gradual effect: -6.8 (95% CI, -13.2 to -0.3)
Webster et al, <sup>42</sup> 2014	• Ecologic, time series • Multivariate generalized least-squares regression models	• Intervention: Repeal of Missouri's permit-to-purchase law in 2007 • Comparison: Homicide rates after repeal of the law	• 1999-2012 • Missouri state-level firearm homicide rates	• In the postrepeal period (2008-2010), mean annual firearm homicide rate was 29% higher than prerepeal mean ( $P = .001$ ). During the same period, mean firearm homicide rate in the United States declined

Abbreviations: ARIMA, autoregressive integrated moving average (time series analytical technique); aIRR, adjusted incidence rate ratio; ANCOVA, analysis of covariance.

<sup>a</sup> Studies in which a relevant point estimate is reported are included in this table.

<sup>b</sup> Before-and-after design compares counts or percentages of homicides within the unit of analysis (eg, states or cities) in the years before the law to that in the years after the law.

malfunction), and requiring firearm identification technology. Also included are laws requiring mandatory reporting of lost or stolen guns by firearm owners and those imposing specific

sentencing for crimes committed with a gun.<sup>16</sup> Seventeen studies<sup>11-13,15,16,20-22,25,26,29,30,33,34,36,37,43</sup> related to these laws and their effects on firearm homicide were reviewed.



Table 2. Categories of Firearm Laws Considered in the 34 Articles

Source	Category of Firearm Laws				
	Curb Firearm Trafficking	Strengthen Background Checks	Child Safety	Ban Military-Style Assault Weapons	Restrict Firearms in Public Places
Beaver et al, <sup>11</sup> 1993	X				
Britt et al, <sup>12</sup> 1996	X				
Cummings et al, <sup>14</sup> 1997			X		
Fife and Abrams, <sup>15</sup> 1989	X				
Fleegler et al, <sup>16</sup> 2013	X	X	X	X	X
French and Heagerty, <sup>17</sup> 2008					X
Ginwalla et al, <sup>18</sup> 2014					X
Hepburn et al, <sup>19</sup> 2004					X
Irvin et al, <sup>20</sup> 2014	X				
Kalesan et al, <sup>21</sup> 2016	X	X	X	X	X
Kleck and Patterson, <sup>22</sup> 1993	X	X	X		X
Koper and Roth, <sup>23</sup> 2001				X	
La Valle and Glover, <sup>24</sup> 2012					X
Lester and Murrell, <sup>25</sup> 1982	X	X	X		X
Loftin and McDowall, <sup>26</sup> 1981	X				
Loftin et al, <sup>13</sup> 1991	X				
Lott and Mustard, <sup>27</sup> 1997					X
Ludwig and Cook, <sup>28</sup> 2000		X			
Mahler and Fielding, <sup>29</sup> 1977	X				
Marvell and Moody, <sup>30</sup> 1995	X				
Marvell, <sup>31</sup> 2001			X		
McDowall et al, <sup>32</sup> 1995					X
Murray, <sup>33</sup> 1975	X	X	X		X
O'Carroll et al, <sup>34</sup> 1991	X				
Olson and Maltz, <sup>35</sup> 2001					X
Price et al, <sup>36</sup> 2004	X	X	X	X	X
Rosengart et al, <sup>37</sup> 2005	X		X		X
Ruddell and Mays, <sup>38</sup> 2005		X			
Rudolph et al, <sup>39</sup> 2015		X			
Sen and Panjamarpirom, <sup>40</sup> 2012		X			
Sloan et al, <sup>41</sup> 1988					X
Sumner et al, <sup>42</sup> 2008		X			
Webster et al, <sup>43</sup> 2002	X				
Webster et al, <sup>45</sup> 2014		X			
Total articles	17	12	9	4	15

## Review of Evidence: Effectiveness

**Gun Dealer Regulations** | Five studies<sup>20-22,25,33</sup> investigated the effects of gun dealer regulations. These laws include requiring a state license for gun dealers, record keeping and retention by dealers, records reported to and maintained by the state, mandatory theft reporting for all firearms, store security precautions, and allowing police inspections of dealers.<sup>16</sup> The earliest of these studies<sup>22,25,33</sup> concluded that these laws were not associated with an effect on firearm homicides. Another study<sup>20</sup> examined firearm homicide rates from 1995 to 2010 and found that states requiring firearm dealer regulations with licensing and police inspections had lower firearm homicide rates, even after controlling for sociodemographic factors. This effect was stronger in states requiring both state licensing and inspections of firearm dealers (aIRR, 0.49; 99% CI, 0.42-

0.58). A study<sup>21</sup> published in 2016 reported mixed results for 6 different laws in this category.

**Limit Bulk Purchases** | Two studies<sup>21,37</sup> addressed legislation limiting bulk purchases of firearms, allowing the purchase of only 1 gun a month. One study used multivariate analysis, including state-level demographic and SES variables and other firearm laws, and found no statistical association between firearm homicide rates and limiting bulk purchases.<sup>37</sup> Another study<sup>21</sup> reported an increased risk of firearm homicides with this law (aIRR, 1.81; 95% CI, 1.26-2.59).

**Ban Sales of Certain Guns** | Five studies<sup>11-13,37,43</sup> focused on legislation banning the sale of handguns (including Saturday night specials). One study looked only at the numbers of firearm-related deaths in children younger than 16 years in Maryland before and after

Table 3. Evaluation of Firearm Law Articles

Source	Appropriate Data Source/ Outcome Measure	Appropriate Time Frame Studied?	Are Appropriate Statistical Tests Used?	Robustness of Results to Changes in Variables	Do the Disaggregated Results and Results of the Control Variables Make Sense?	Overall Quality Score <sup>a</sup>
Beaver et al, <sup>11</sup> 1993 <sup>b</sup>	1. Data source appropriate: • MD Mortality File (Bureau of Vital Statistics) • Office of the Chief Medical Examiner data 2. Outcome measure not appropriate: firearm homicide counts in children <16 y for handgun legislation	Yes: 1979-1987 (before law limiting sales of "Saturday night specials"), 1988-1992 (after the law)	No: Only Wilcoxon rank sum test	No other variables assessed	No other variables assessed	1
Britt et al, <sup>12</sup> 1996 <sup>c</sup>	1. Data source appropriate: • FBI Supplementary Homicide Reports • NCHS mortality files 2. Outcome measure appropriate: firearm homicide counts in Washington, DC compared with control city Baltimore, MD	Yes: 1968-1976 (before 1976 law to register all handguns and ban sales of new handguns), 1976-1987 (after law)	Indeterminate: Used ARIMA for interrupted time series with control city. There are challenges to interpreting the results. They outlined a useful approach for modeling when laws should have an effect	Yes: General pattern of results consistent across analyses	Unable to determine based on data included in the article	1
Cummings et al, <sup>14</sup> 1997 <sup>d</sup>	1. Data source appropriate: • NCHS mortality files 2. Outcome measure appropriate: Firearm homicide rates in children <15 y old	Yes: 1979-1994, Gun safe storage state laws passed over 4 y (156 state-years prelegislation, 36 state-years postlegislation)	Yes: Multivariate Poisson regression and negative binomial regression	Yes: General pattern of results consistent across analyses	Yes	3
Fife and Abrams, <sup>15</sup> 1989 <sup>c</sup>	1. Data source appropriate: • NCHS mortality files 2. Outcome measure appropriate: NJ firearm homicides counts	Yes: 1974-1980 (before 1980 mandatory sentencing law), 1981-1986 (after law)	No: Frequency of homicide counts before and after law	No other variables assessed	No other variables assessed	1
Fleegler et al, <sup>16</sup> 2013 <sup>d</sup>	1. Data source appropriate: • WISQARS 2. Outcome measure appropriate: US firearm homicide rates	Yes: 2007-2010, State firearm laws	Yes: Multivariate Poisson regression with clustering by state	Yes	Yes	3
French and Heagerty, <sup>17</sup> 2008 <sup>c</sup>	1. Data source appropriate: • NCHS mortality files 2. Outcome measure appropriate: US firearm homicide rates	Yes: 1979-1998 State shall-issue laws	Yes: Comparison of multivariate models (GEE, GLM, random effects meta-analysis, empirical Bayes) for analyzing policy change.	Yes: General pattern of results consistent across analyses	Unable to determine based on data included in the article	2
Ginwalla et al, <sup>18</sup> 2014 <sup>b</sup>	1. Data source inappropriate: • Tucson, AZ, police department for crime data, "Population at risk," defined as number of crime events and accidents. • Single hospital data 2. Outcome measure appropriate: Firearm homicide counts in southern Arizona	Yes: 2008-2010 (before 2010 repeal of concealed carry gun law), 2010-2012 (after law)	No: $\chi^2$ calculated relative risk	No other variables assessed	No other variables assessed	1
Hepburn et al, <sup>19</sup> 2004 <sup>d</sup>	1. Data source appropriate: • NCHS mortality files 2. Outcome measure appropriate: US firearm homicide rates	Yes: 1979-1998, State concealed firearm laws	Yes: Multivariate negative binomial regression; unit of analysis was state-year; sensitivity analysis included	Yes: General pattern of results consistent across analyses	No: Some expected associations with homicide not found for state-level predictors. Control data inconsistent.	2
Irvin et al, <sup>20</sup> 2014 <sup>c</sup>	1. Data source appropriate: • WISQARS 2. Outcome measure appropriate: US firearm homicide rates	Yes: 1995-2010, State firearm dealer regulation laws	Yes: Multivariate Poisson regression, but aggregated all data across time	No other models/variables assessed	No: Unable to determine based on data included in the manuscript	2
Kalesan et al, <sup>21</sup> 2016 <sup>d</sup>	1. Data source appropriate: • WISQARS 2. Outcome measure appropriate: US firearm homicide rates	Yes: 2008-2010, State firearm laws	Yes: Multivariable Poisson regression	Yes: General pattern of results consistent across analyses	Not reported	2
Kleck and Patterson, <sup>22</sup> 1993 <sup>d</sup>	1. Data source appropriate: • NCHS mortality files 2. Outcome measure appropriate: Firearm homicides in 170 large cities	Yes: 1979-1981, Multiple gun control laws	No: Linear model used for rate outcome; perhaps overfitted with too many covariates	Yes: General pattern of results consistent across analyses	Mixed results	1

(continued)

Table 3. Evaluation of Firearm Law Articles (continued)

Source	Appropriate Data Source/ Outcome Measure	Appropriate Time Frame Studied?	Are Appropriate Statistical Tests Used?	Robustness of Results to Changes in Variables	Do the Disaggregated Results and Results of the Control Variables Make Sense?	Overall Quality Score <sup>a</sup>
Koper and Roth, <sup>23</sup> 2001 <sup>d</sup>	1. Data source appropriate: • FBI UCR 2. Outcome measure appropriate: US firearm homicide rates	Yes: 1980-1995, Projections of 1995 firearm homicide rates based on 1980-1995 cross-sectional models for impact of 1994 federal assault weapon ban	No: Analytic decisions likely had an impact on results and linear model used for rate outcome	Yes: General pattern of results consistent across analyses	Mixed results	1
La Valle and Glover, <sup>24</sup> 2012 <sup>c</sup>	1. Data source appropriate: • FBI UCR 2. Outcome measure appropriate: Firearm homicide rates in 57 US cities	Yes: 1980-2006, State "right to carry" laws	Unclear: Based on descriptions in article	Yes: General pattern of results consistent across analyses	Yes	2
Lester and Murrell, <sup>25</sup> 1982 <sup>d</sup>	1. Data source appropriate: • NCHS (Vital Statistics of the US) 2. Outcome measure appropriate: US firearm homicide rates	Yes: 1960 and 1970 for state gun laws in 1968	No: Used unadjusted correlations with 1-tailed tests	Yes: General pattern of results consistent across analyses	No other variables assessed	1
Loftin and McDowall, <sup>26</sup> 1981 <sup>c</sup>	1. Data source appropriate: • Vital and Health Statistics, MI Department of Public Health 2. Outcome measure appropriate: Detroit homicide counts	No: 1969-1978, Mandatory sentencing law enacted January 1977	Yes	No other variables assessed	No other variables assessed	1
Loftin et al, <sup>13</sup> 1991 <sup>c</sup>	1. Data source appropriate: • NCHS mortality files 2. Outcome measure appropriate: Firearm homicide counts in Washington, DC, and metropolitan areas in MD and VA	Yes: 1968-1975 (before gun-licensing law enacted in 1977), 1976-1987 (after law)	Yes: However, there was no adjustment for other variables	No other variables assessed	No other variables assessed	2
Lott and Mustard, <sup>27</sup> 1997 <sup>c</sup>	1. Data source appropriate: • FBI UCR Supplementary Homicide Reports 2. Outcome measure appropriate: Firearm homicide rate, counties >100 000 people	Yes: 1982-1991, State "shall issue" firearm laws	Yes: Multivariate 2-stage least-squares regression, weighted by county size	Yes: General pattern of results consistent across analyses	Not reported	2
Ludwig and Cook, <sup>28</sup> 2000 <sup>c</sup>	1. Data source appropriate: • NCHS mortality files 2. Outcome measure appropriate: US firearm homicide rates	Yes: 1985-1994 before Brady Handgun Violence Prevention Act, 1994-1997 after law	Yes: Multivariate regression model	Yes: General pattern of results consistent across analyses	Not reported	2
Mahler and Fielding, <sup>29</sup> 1977 <sup>b</sup>	1. Data source appropriate: • MA Department of Public Health 2. Outcome measure not appropriate: Homicide counts in Boston	No: 1974-1976 for mandatory sentencing law enacted April 1975	No	No other variables assessed	No other variables assessed	1
Marvell and Moody, <sup>30</sup> 1995 <sup>c</sup>	1. Data source appropriate: • FBI UCR 2. Outcome measure appropriate: US firearm homicide rates	Yes: 1970-1993, State firearm sentence enhancement laws	Yes	Yes: General pattern of results consistent across analyses	Not reported	2
Marvell, <sup>31</sup> 2001 <sup>c</sup>	1. Data source appropriate: • WISQARS 2. Outcome measure appropriate: US firearm homicide rates	Yes: 1970-1998, for 1994 federal law banning juvenile gun possession	Yes: Specifics about multiple time series regression not reported	Yes: General pattern of results consistent across analyses	Mixed results	2
McDowall et al, <sup>32</sup> 1995 <sup>c</sup>	1. Data source appropriate: • NCHS mortality files 2. Outcome measure appropriate: Firearm homicide rates for selected counties in 3 states	Yes: 1973-1992 State concealed firearms laws, (specific number of months varied by county)	Yes: ARIMA interrupted time series models; compared 3 different model specifications	Yes: General pattern of results consistent across analyses	Not reported	2
Murray, <sup>33</sup> 1975 <sup>d</sup>	1. Data source appropriate: • NCHS mortality files 2. Outcome measure appropriate: US firearm homicide counts	Yes: 1970 state gun control laws	Yes: Stepwise multivariable regression with social factors	Not reported.	Mixed results	2
O'Carroll et al, <sup>34</sup> 1991 <sup>c</sup>	1. Data source appropriate: • Detroit City Police Department official report of homicides 2. Outcome measure appropriate: Detroit firearm homicide counts	No: 1980-1987, city ordinance requiring mandatory sentencing for carrying firearm in public effective January 1987; not enough postlegislation data	No: ARIMA interrupted time series models; modeled number of deaths, not rates	No other variables assessed	No other variables assessed	1

(continued)

Table 3. Evaluation of Firearm Law Articles (continued)

Source	Appropriate Data Source/ Outcome Measure	Appropriate Time Frame Studied?	Are Appropriate Statistical Tests Used?	Robustness of Results to Changes in Variables	Do the Disaggregated Results and Results of the Control Variables Make Sense?	Overall Quality Score <sup>a</sup>
Olson and Maltz, <sup>35</sup> 2001 <sup>c</sup>	1. Data source appropriate: • FBI supplementary homicide report • Reanalysis of Lott and Mustard <sup>27</sup> data using 16% of data 2. Outcome measure appropriate: firearm homicide rates in 1977 in counties with population >100 000 people	Yes: 1977-1992 Prelegislation and postlegislation "right to carry" law periods varied by state	Yes: Multivariate weighted ordinary least-squares regression, weighted by county size	Yes: General pattern of results consistent across analyses	No: Meaning and significance level of presented coefficients difficult to interpret	2
Price et al, <sup>36</sup> 2004 <sup>d</sup>	1. Data source appropriate: • WISQARS 2. Outcome measure appropriate: State firearm homicide rates	Yes: 1999 State firearm laws	No: Only used crude and adjusted Pearson (ANCOVA) <sup>2+</sup> correlations	Yes: General pattern of results consistent across analyses	Yes	1
Rosengart et al, <sup>37</sup> 2005 <sup>c</sup>	1. Data source appropriate: • NCHS mortality files 2. Outcome measure appropriate: US firearm homicides	Yes: 1979-1998, State firearm laws	Yes: Poisson multivariate regression with state and year dummy variables and robust standard errors	Yes: General pattern of results consistent across analyses	Not reported	2
Ruddell and Mays, <sup>38</sup> 2005 <sup>d</sup>	1. Data source appropriate: • CDC mortality files 2. Outcome measure appropriate: US firearm homicide rates	Yes: 1991-2001, State firearm laws	Yes: Multivariate ordinary least-squares regression	Yes: General pattern of results consistent across analyses (5 different models)	Yes	3
Rudolph et al, <sup>39</sup> 2015 <sup>c</sup>	1. Data source appropriate: • CDC WONDER database 2. Outcome measure appropriate: Connecticut firearm homicide rate	Yes: 1984-1994 (before 1995 permit-to-purchase law), 1996-2005 (after law)	Yes: Synthetic control method approach with permutation-based testing	Yes: General pattern of results consistent across analyses	Not reported	2
Sen and Panjamapirom, <sup>40</sup> 2012 <sup>c</sup>	1. Data source appropriate: • WISQARS 3. Outcome measure appropriate: US firearm homicide counts	Yes: 1996-2005 state background check laws	Yes: Multivariate negative binomial regression with robust standard errors	Yes: General pattern of results consistent across analyses; results robust to using aggregate vs specific background check variables	Mixed	2
Sloan et al, <sup>41</sup> 1988 <sup>d</sup>	1. Data source appropriate: • City records for both firearm ownership and homicide 2. Outcome measure appropriate: Firearm homicide rates in Seattle, WA, and Vancouver, Canada	Yes: 1980-1986	Yes: Univariate comparison of rates, adjusted for age and sex	Yes: General pattern of results consistent across analyses	Not reported	2
Sumner et al, <sup>42</sup> 2008 <sup>d</sup>	1. Data source appropriate: • WISQARS 2. Outcome measure appropriate: US firearm homicides	Yes: 2002-2004	Yes: Multivariate negative binomial regression	Yes: General pattern of results consistent across analyses	Not reported	2
Webster et al, <sup>43</sup> 2002 <sup>c</sup>	1. Data source appropriate: • NCHS mortality files 2. Outcome measure appropriate: Firearm homicide rates in MD, VA, and PA	Yes: 1975-1998, "Saturday night special" handgun ban law enacted in 1990	Yes: ARIMA interrupted time-series models adjusting for several variables	Yes: General pattern of results consistent across analyses	Not reported	2
Webster et al, <sup>45</sup> 2014 <sup>c</sup>	1. Data source appropriate: • WISQARS • WONDER 2. Outcome measure appropriate: Missouri firearm homicide rates	Yes: 1999-2007 (before 2007 repeal of Missouri's permit-purchase law, 2008-2010 (after law)	Yes: Multivariate generalized least-squares regression with robust standard errors and fixed effects of state and year	No other variables assessed	Mixed results	2

Abbreviations: ANCOVA, analysis of covariance; ARIMA, Autoregressive Integrated Moving Average; CDC, Centers for Disease Control and Prevention; FBI, Federal Bureau of Investigation; GEE, generalized estimating equations; GLM, generalized linear mixed models; NCHS, National Center for Health Statistics; UCR, Unified Crime Reports; WISQARS, Web-based Injury Statistics Query and Reporting System, Centers for Disease Control and Prevention; WONDER, Wide-ranging Online Data for Epidemiologic Research.

<sup>a</sup> Scored as 1 = poor, 2 = fair, 3 = good.

<sup>b</sup> Before-and after study design.

<sup>c</sup> Time series study design.

<sup>d</sup> Cross-sectional study design.

a law limited sales of Saturday night specials. Of all firearm injuries, the percentage due to firearm homicide increased after the law.<sup>11</sup> Lof-  
tin et al<sup>13</sup> used autoregressive, integrated, moving-average time se-  
ries (ARIMA) models to evaluate the effects of restrictive licensing

of handguns in Washington, DC, and found that the mean fre-  
quency of firearm homicide decreased from 13.0 per month before  
the law (1968-1976) to 9.7 per month after the law (1976-1987), with  
no change in adjacent metropolitan areas in Maryland and Virginia,

where these laws were not implemented. Britt et al<sup>12</sup> conducted a reanalysis of these data and claimed to refute the original findings. They stated that an inappropriate control population was used for comparison in the original analysis and that Baltimore, Maryland (with no such law), also had decreased firearm homicide rates.

Only 2 studies in this legislative category used multivariate analyses. Rosengart et al<sup>37</sup> used multivariate Poisson regression to evaluate US states with laws banning the sales of "junk guns" and found no decrease in firearm homicide rates. Webster et al<sup>43</sup> used ARIMA while considering SES factors and estimated that homicide rates were 8.6% lower (95% CI, -14.5 to -2.6) in Maryland after the law banning the sale of Saturday night specials than expected without the law.

**Minimum and Mandatory Sentencing for Crimes With Firearms** | Six studies<sup>15,22,26,29,30,34</sup> focused on the effect of mandatory or minimum sentencing for crimes committed with firearms. Four studies,<sup>15,26,29,34</sup> from the 1970s to the 1990s, examined the effect of these laws on firearm homicides, but due to methodologic limitations no specific conclusions can be drawn. The study by Kleck and Patterson<sup>22</sup> of a mandatory penalty law for illegal gun carrying and the study by Marvell et al<sup>30</sup> of a firearm sentence enhancement law used multivariate modeling, and neither found an effect of these laws on the rate of firearm homicides.<sup>22</sup>

#### Conclusions

The relatively large body of evidence from 17 studies about firearm trafficking has conflicting or inconclusive results. The evidence does not support a firm conclusion that gun trafficking laws are associated with decreased firearm homicide rates. Most studies lacked robust methodologies. Many did not use multivariate analysis to control for other state-level factors (eg, SES, other gun control laws). Some studies examined only firearm homicide counts and not rates over time.

### Category 2. Strengthen Background Checks

Laws mandating background checks attempt to act both directly, by reducing the number of firearms sold to potential perpetrators, and indirectly, by reducing the number of secondary firearm transfers without background checks, which are often the source of firearms used in homicides.<sup>28</sup> In 1993, the Brady Handgun Violence Prevention Act<sup>47</sup> was enacted, mandating that federally licensed firearms dealers perform federal background checks and instituting a 5-day waiting period for all individuals purchasing a handgun (the waiting period provision ended in 1998). Twelve studies examined the effects of the laws strengthening background checks on firearm homicides.<sup>16,21,22,25,28,33,36,38-40,42,45</sup>

#### Review of Evidence: Effectiveness

Five studies<sup>16,21,22,33,36</sup> addressed background checks within their analyses of more comprehensive firearm legislation, and 2 studies<sup>16,21</sup> concluded these laws may be protective. One study<sup>16</sup> found that laws strengthening Brady Act background checks were associated with a decreased aIRR for firearm homicide (0.91; 95% CI, 0.84-0.99), which was the only category of law associated with a decreased rate of firearm homicide. Another study<sup>21</sup> reported that of the laws addressing background checks, universal background checks (aIRR, 0.21; 95% CI, 0.07-0.63) and ammunition background checks (aIRR, 0.07; 95% CI, 0.02-0.33) were associated with reductions in firearm homicide.

**Brady Act** | Ludwig and Cook<sup>28</sup> evaluated the effect of the Brady Handgun Violence Prevention Act on rates of firearm homicide. Their multivariate models controlled for SES as well as the overall rate of US gun violence. They concluded that the Brady Act was not associated with reduced firearm homicide rates (aIRR, -0.12; 95% CI, -1.12 to 0.88).

**Background Check Requirements** | Four studies<sup>21,38,40,42</sup> focused exclusively on background check requirements for firearm purchasers. All found that more inclusive background checks were associated with lower firearm homicide rates, especially in states with more comprehensive background check laws.<sup>38,40</sup>

**Permit-to-Purchase Laws** | Four studies<sup>25,33,39,45</sup> evaluated permit-to-purchase firearm laws. Two older studies<sup>25,33</sup> analyzed the effect of permit-to-purchase laws and concluded that there was no effect on firearm homicide. Webster et al<sup>45</sup> examined the effect of repealing a permit-to-purchase gun law in Missouri in 2008, eliminating the permit process and mandatory background checks for handguns, and found the mean annual firearm homicide rate was 29% higher than prerepeal ( $P = .001$ ). Rudolph et al<sup>39</sup> analyzed the 10-year effect of Connecticut's permit-to-purchase law on firearm homicide using a synthetic control method (an estimate from a weighted combination of 39 other states represented the homicide trends that Connecticut would have experienced in the absence of the law) and concluded there was a 40% reduction in firearm homicide rates.

#### Conclusions

The overall evidence from 12 studies supports the conclusion that laws that strengthen background checks and that require a permit to purchase a firearm are associated with a decrease in firearm homicides.

### Category 3. Improve Child Safety

Child safety laws include requiring the sale of guns with mechanical trigger locks, mandating age restrictions for gun purchases, and Child Access Prevention (CAP) laws that increase gun owner liability for improperly stored firearms that injure children or cause injuries perpetrated by children.<sup>14,16</sup> Nine studies<sup>14,16,21,22,25,31,33,36,37</sup> addressing the impact of child safety laws on firearm homicide were evaluated. Two studies<sup>16,36</sup> that analyzed child safety laws as part of more comprehensive gun control legislation did not find any decrease in firearm homicide rates associated with these laws.

#### Review of Evidence: Effectiveness

**Child Access Prevention Laws** | Cummings et al<sup>14</sup> specifically investigated the impact of safe storage laws on child firearm mortality nationally from 1979 to 1994 and found no statistically significant reduction in firearm homicide in children younger than 15 years.

**Juvenile Age Restrictions** | In 1994, Title XI of the Federal Crime Control and Law Enforcement Act prohibited the possession of handguns by persons younger than 18 years, with certain exceptions (eg, hunting or target shooting).<sup>31</sup> Five studies<sup>21,25,31,33,37</sup> evaluated age restrictions on firearm purchase and/or use. Only 1 study<sup>21</sup> found any effect of these laws on firearm homicides (aIRR, 0.83; 95% CI, 0.73-0.94).



**Conclusions**

The overall evidence from the 9 studies related to laws improving child safety do not support the effectiveness of child protection laws for decreasing firearm homicides.

**Category 4. Ban Military-Style Assault Weapons**

Fully automatic weapons have been stringently regulated in the United States since 1934; however, semiautomatic weapons, including military-style assault weapons, are widely available for civilian purchase and use.<sup>23</sup> For 10 years, from 1994 to 2004, the Federal Violent Crime Control and Law Enforcement Act (Federal Assault Weapons Ban) banned the production of military-style semiautomatic firearms and limited the sale of ammunition magazines holding more than 10 rounds.<sup>23</sup> Proponents of the regulation argued that these weapons pose specific risk owing to their ability to fire a high number of shots in rapid succession. Four studies<sup>16,21,23,36</sup> researched the effects of this law on firearm homicides.

**Review of Evidence: Effectiveness**

Following the Federal Assault Weapons Ban, Congress mandated a study on the impact of this law. Koper and Roth<sup>23</sup> compared prelegislation and postlegislation firearm homicide rates and found a 6.7% reduction, which was not statistically significant. The authors suggested this was due to the brief postintervention time period studied. Three studies<sup>16,21,36</sup> examined laws banning assault weapons in the context of other firearm-related laws; none found a decrease in firearm homicides.

**Conclusions**

Limited data from 4 studies on the effects of the federal assault weapons ban (in effect from 1994 to 2004) do not provide evidence that the ban was associated with a significant decrease in firearm homicides.

**Category 5. Restrict Firearms in Public Places**

Laws to restrict firearms in public places establish who is legally permitted to carry firearms on their person, how the firearm is carried (in plain sight or hidden from view, or "concealed"), and whether firearms can be carried in specific locations (eg, schools, bars, workplace).<sup>16</sup> These laws have been enacted and repealed at the national, state, and local level over the course of several decades. Fifteen studies<sup>16,19,21,22,24,25,27,32,33,35-37,41</sup> related to these laws and their effects on firearm homicide.

**Review of Evidence: Effectiveness**

**Right to Concealed Carry** | There are 2 primary types of concealed carry laws. *Shall issue* laws stipulate the government *must* issue a permit to carry a concealed weapon to any person who meets a set of minimum criteria (ie, passes a federal National Instant Criminal Background Check System [NICS]). The *may issue* standard, which is more restrictive than *shall issue*, stipulates that local law enforcement (ie, the local police chief) has the discretion to approve or deny a person's concealed carry application, even if the person can pass a NICS background check. Eight studies<sup>17,19,21,24,27,32,35,37</sup> examined change from 1 standard (eg, *may issue*) to the other (*shall issue*) on firearm homicides. Three studies—2 examining city level<sup>24,32</sup> and 1 analyzing state level<sup>37</sup> data—concluded that changes to a more

permissive standard (ie, *may issue* to *shall issue*) were associated with increased firearm homicide rates. Two studies<sup>27,35</sup> analyzing county level data found right to carry laws (*shall issue*) were associated with decreased firearm homicides. One state-level study<sup>21</sup> reported a *may issue* law was associated with increased firearm homicide. The 2 other studies<sup>17,19</sup> did not detect a statistically significant association.

**Presence of Guns in Public Spaces** | Seven other studies<sup>16,18,22,25,33,36,41</sup> examined the laws regulating the presence of firearms in public spaces, including those concerning a permit to carry concealed firearms. Two of these studies<sup>16,36</sup> examined this category of laws in the context of overall state firearm laws, and 3 studies<sup>22,25,33</sup> examined firearm laws regulating permits for open carry along with other firearm laws. None of these studies found an association between these laws and firearm homicide rates. One study<sup>41</sup> compared rates of firearm homicide in Seattle, Washington, with Vancouver, British Columbia, Canada, where harsher penalties for firearm crimes were in place and concealed public gun carrying is not allowed, and found the relative risk for firearm homicide in Seattle was 5.08 (95% CI, 3.54-7.27), compared with the risk in Vancouver. No differences were found between the cities in nonfirearm homicide.<sup>41</sup> Another study<sup>18</sup> analyzed the frequency of firearm homicide in southern Arizona after repeal of a concealed weapons law and the subsequent allowance of the concealed carrying of a firearm without a permit; the study found that the proportion of firearm homicides increased.

**Conclusions**

From 15 studies, there is inclusive evidence for the effectiveness of laws to restrict firearms in public places in reducing firearm homicide. Some evidence suggests that permitting the concealed carrying of firearms is associated with increases in firearm homicide.<sup>24,37,41</sup> However, there are also methodologically sophisticated studies that failed to replicate these findings.<sup>16,17,19</sup>

**Discussion**

Compared with other high-income countries, the United States has among the lowest rates of assault, but the rates of firearm homicide far surpass those of the other industrialized nations. The annual US firearm homicide rate is 3.6 per 100 000 persons while Australia (0.2 per 100 000 persons) and the United Kingdom (0.0 per 100 000 persons) have much lower rates.<sup>48,49</sup> Since 1968, more American civilians have been murdered with guns than American soldiers have been killed in combat by any means.<sup>50</sup> Given the magnitude of the problem, it is disconcerting that relatively few evaluations of firearm laws have been published, particularly within the past decade. Researchers are not immune to the contentiousness involved in firearms issues, and the lack of funding opportunities, which have limited the number of studies in this field. This is in contrast to many other areas of injury prevention. For example, there is robust research in the field of motor vehicle traffic injury prevention, which has led to substantial decreases in traffic-related injuries and deaths over the past several decades.<sup>51-54</sup>

We focused on the effect of firearm laws on firearm homicide; we did not examine the effect on other outcomes of interest (eg, homicide from all methods, firearm suicides, nonfatal firearm injuries, unintentional firearm injuries, firearms and interpersonal violence, or self-protection with firearms). Although the overall quality of the evidence



varied, our review found evidence that stronger firearm laws are associated with reductions in firearm homicide rates. The strongest evidence is for laws that strengthen background checks and that require a permit to purchase a firearm. The effect of many of the other specific types of laws is uncertain, such as laws to curb gun trafficking, improve child safety, ban military-style assault weapons, and restrict firearms in public places. It is important to note that when the evidence for specific types of law is uncertain, it means that the evidence is uncertain, not that these types of laws may actually have been found to be effective or ineffective if more robust studies had been conducted. Our findings are similar, but not identical, to those that the Task Force on Community Preventive Services and the National Academy of Sciences reached about a decade ago.<sup>9,10</sup>

A 2015 international review of firearm laws and injuries, including homicides, also demonstrated varying efficacy of firearm laws.<sup>55</sup> Only the laws related to stricter gun dealer regulations, background checks, and permit-to-purchase demonstrated effectiveness in decreasing firearm homicides. This is consistent with evidence that these types of laws may prevent individuals at high risk for committing crimes from acquiring firearms.<sup>56</sup> A 2016 study of the effect of firearm legislation and firearm mortality in the United States also concluded that laws related to background checks were associated with decreased firearm homicide rates.<sup>21</sup> Both the 2004<sup>36</sup> and 2013<sup>16</sup> studies examining the effects of overall state firearm legislative strength found an associated decrease in firearm homicide rates in states with stronger laws.

The quality of the studies was highly variable. Some of this variability was due to the different time periods (ie, the earliest studies were from the 1970s), the quality of the available data over time, as well as the different methodological approaches used. For example, there is controversy about the various methodologies used in the studies of the right-to-carry laws, which have reported different results and conclusions.<sup>17,21,27,32</sup>

All 34 studies were ecological, 19 were time series, and 25 did not use multivariate analysis.<sup>11,13,15,18,25,26,29,34,41</sup> Even those studies that conducted multivariate analyses often had other substantial limitations. Among the studies in the review, some did not focus on the

population for which the law was targeted.<sup>11</sup> In several studies,<sup>24,28,43</sup> small changes in the model yielded very different results, raising questions about the robustness of the overall findings. The disaggregated results were not always consistent with the main findings of the study, and the results for the control variables were too often inconsistent with what is known about the relationship between demographic and social factors and firearm violence.<sup>22,23,31,33,40</sup>

The dearth of high-quality studies is likely due in part to the limited federal funding for firearm-related research for the past 20 years.<sup>57</sup> Future research should further evaluate the actual effectiveness of these laws by studying the population for whom the laws were intended to have an impact. The effect of firearm laws must also be considered in the light of their implementation and enforcement. Incomplete adherence and/or enforcement of these laws may invalidate the assessment of a law's effectiveness on a particular outcome.

### Limitations

Our review has limitations. We only included studies published in peer-reviewed journals. Because we did not include any studies from non-peer-reviewed legal journals, we did not capture this perspective; however, we searched the legal and sociological literature as well as the medical literature and included those that met the inclusion criteria. The methodologic limitations of the studies restrict the robustness of some of the reported results.

## Conclusions

Given the magnitude and gravity of firearm homicides in the United States, effective legal and public health policies are essential. Adequate funding to enable high-quality research is also crucial to determine the optimal policies and strategies to decrease firearm injuries and deaths. Although the overall evidence for the effectiveness of firearm laws for reducing firearm homicides is limited, the literature suggests that laws that strengthen background checks and require a permit to purchase a firearm may be among the most effective strategies.

### ARTICLE INFORMATION

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**Concept and design:** Lee, Fleegler, Farrell, Srinivasan, Monuteaux.

**Acquisition, analysis, or interpretation of data:** All Authors.

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**Critical revision of the manuscript for important intellectual content:** Lee, Fleegler, Farrell, Srinivasan, Hemenway, Monuteaux.

**Statistical analysis:** Monuteaux.

**Administrative, technical, or material support:** Lee, Srinivasan.

**No additional contributions:** Fleegler, Farrell, Avakame, Hemenway.

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