State Gun Control in America: A Historic Guide to Major State Gun Control Laws and Acts

The Second Amendment guarantees American citizens the right to bear arms, but both federal and state governments determine how citizens may legally exercise that right. And while both federal and state gun control laws regularly change, laws at the state level change more frequently and often without the media coverage that surrounds changes at the federal level.

This results in a constant challenge for gun owners to keep up with the latest state laws, especially for those who carry their weapons across state lines. Because while some states have more restrictions than others, state gun control policies across the country are diverse and can change quickly – too easily putting responsible gun owners on the wrong side of the law.

This guide is a timeline of major state gun control acts throughout the history of the United States – not only to help gun owners understand the state laws that have influenced our nation, but also to showcase how one state's gun laws can set an example for others, creating a domino effect of gun control policy for the entire country.

Colonial America: Slavery Versus The Second Amendment

Pre-Constitution, the original Articles of Confederation established that "every State shall always keep up a well-regulated and disciplined militia." The Bill of Rights' Second Amendment holds that "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." However, those rights were at that time granted specifically to white males.

Fear of slave and Native American uprisings prompted many colonial states to establish laws banning "free Mulattos, Negroes and Indians" from having firearms. By the antebellum period, southern states like South Carolina, Louisiana, Florida, Maryland, Georgia, North Carolina, Mississippi and even Delaware all had various laws denying guns to people of color and allowing search and seizure of weapons as well as punishment without trial. Crucial to all of this was the Supreme Court case Dred Scott v. Sanford.

Previously a slave, Dred Scott sued for freedom based on the fact that he'd lived in the free state of Illinois and a free area within the Louisiana Territory for a decade. When his suit was unsuccessful in Missouri, he appealed to the federal courts. The contention was whether "a free negro of the African race, whose ancestors were brought to this country and sold as slaves," was a citizen with protections under the Constitution. The Supreme

Court decision on Dred Scott v. Sanford in 1857 denied “a free negro of the African race” citizenship – a milestone its issuer cited as “the most momentous event that has ever occurred on this continent,” excluding the Declaration of Independence. In that moment, those denied citizenship were also excluded from any of the rights associated with it.

After The Civil War: The Postbellum Era, Emancipation, Reconstruction, and the Black Codes

While President Abraham Lincoln’s Emancipation Proclamation freed all slaves, President Andrew Johnson’s failing leadership brought with it all the struggles of the Reconstruction Era. Meanwhile, the Supreme Court Dred Scott decision still denied people of African descent citizenship.

Former Confederate states enacted Black Codes to define and restrict freedmen’s positions within society. Along with mandating legal responsibilities, land ownership rights, contract labor wages and harsh criminal laws, nearly all the Black Codes effectively and pointedly banned “persons of color” – anyone “with more than one-eighth Negro blood” – from possessing firearms. Mississippi, South Carolina, Louisiana, Florida, Maryland, Alabama, North Carolina, Texas and Tennessee all enacted Black Codes, attempting to maintain the status quo and deny weapons to people of color.

The 13th, 14th and 15th Amendments banned slavery, provided all citizens equal protection under the law and ensured voting rights for all citizens. The 14th Amendment was particularly important, as it defined citizenship as “all persons born or naturalized in the United States,” overturning the Dred Scott decision, establishing people of color as citizens and overriding state statutes denying them the right to possess firearms based on their heritage.

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