

STATE CONSTITUTIONAL RIGHTS TO KEEP AND BEAR ARMS

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I. INTRODUCTION	192
II. PROVISIONS BY STATE, CURRENT AND PAST	193
III. AN INDIVIDUAL RIGHT TO POSSESS FIREARMS FOR SELF- DEFENSE?	205
IV. PROVISIONS BY DATE	208

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I. INTRODUCTION

Debates rage about the meaning of the Second Amendment; but observers often miss that there are forty-five right-to-bear-arms provisions in American constitutional law, not just one. Forty-four states have state constitutional rights to bear arms. Most are written quite differently from the Second Amendment. Nearly all secure (at least in part) an individual right to keep some kinds of guns for self-defense. Some date back to the Framing; some have been enacted in the last four decades.

Serious analyses of the original meaning of the Second Amendment should consider the Framing-era state provisions. Serious analyses of modern gun control proposals should consider the currently effective provisions. Serious analyses of American tradition as to the right to bear arms should consider all the provisions as they now are and as they have evolved over time.

Unfortunately, there are to my knowledge no print sources summarizing not just all the currently enacted rights but also all the past versions of these provisions. This article aims to fill that gap. Part II lists all the current and past provisions by state. Part III provides a table that indicates whether the provisions, as written or as interpreted by the state court, secure an individual right to keep some kinds of guns for self-defense, as opposed to merely a collective right or possibly an individual right aimed solely at some other purpose. Part IV lists all the current and past provisions by enactment date, and notes how each enactment differed from the preceding version.

II. PROVISIONS BY STATE, CURRENT AND PAST

Each provision is listed with the year it was first enacted; moves to different sections are not noted. If a provision first enacted in one year was changed very slightly some years later, the latter version is listed together with the original year, and the changes and change dates are noted in the footnotes.

Alabama 1819: “That every citizen has a right to bear arms in defense of himself and the state.”¹

Alaska 1994: “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. The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State.”²

1959: “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.”³

Arizona 1912: “The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men.”⁴

Arkansas 1868: “The citizens of this State shall have the right to keep and bear arms, for their common defense.”⁵

1864: “That the free white men of this State shall have a right to keep and to bear arms for their common defence.”⁶

1861: “That the free white men and Indians of this State have the right to keep and bear arms for their individual or common defense.”⁷

1. ALA. CONST. art. I, § 27 (“[t]hat” added, and “defence” changed to “defense,” in 1875).

2. ALASKA CONST. art. I, § 19.

3. *Id.*

4. ARIZ. CONST. art. II, § 26.

5. ARK. CONST. art. II, § 5 (comma after “arms” added, and “defence” changed to “defense,” in 1874).

6. ARK. CONST. of 1864, art. II, § 21.

1836: “That the free white men of this State shall have a right to keep and to bear arms for their common defence.”⁸

California: No provision.

Colorado 1876: “The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.”⁹

Connecticut 1818: “Every citizen has a right to bear arms in defense of himself and the state.”¹⁰

Delaware 1987: “A person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.”¹¹

Florida 1990: “(a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. For the purposes of this section, ‘purchase’ means the transfer of money or other valuable consideration to the retailer, and ‘handgun’ means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.

(c) The legislature shall enact legislation implementing subsection (b) of this section, effective no later than December 31, 1991, which shall provide that anyone violating the provisions of subsection (b) shall be guilty of a felony.

7. ARK. CONST. of 1861, art. I, § 21.

8. ARK. CONST. of 1836, art. II, § 21.

9. COLO. CONST. art. I, § 13.

10. CONN. CONST. art. I, § 15 (“defence” changed to “defense” in 1956).

11. DEL. CONST. art. I, § 20.

(d) This restriction shall not apply to a trade in of another handgun.”¹²

1968: “The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.”¹³

1885: “The right of the people to bear arms in defence of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.”¹⁴

1868: “The people shall have the right to bear arms in defence of themselves and of the lawful authority of the State.”¹⁵

1865: Provision deleted.

1838: “That the free white men of this State shall have a right to keep and to bear arms for their common defence.”¹⁶

Georgia 1877: “The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne.”¹⁷

1868: “A well-regulated militia being necessary to the security of a free people, the right of the people to keep and bear arms shall not be infringed; but the general assembly shall have power to prescribe by law the manner in which arms may be borne.”¹⁸

1865: “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.”¹⁹

Hawaii 1959: “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.”²⁰

12. FLA. CONST. art. I § 8.

13. *Id.*

14. FLA. CONST. of 1885, art. I, § 20.

15. FLA. CONST. of 1868, art. I, § 22.

16. FLA. CONST. of 1838, art. I, § 21.

17. GA. CONST. art. I, § 1, para. VIII.

18. GA. CONST. of 1868, art. I, § 14.

19. GA. CONST. of 1865, art. I, § 4.

20. HAW. CONST. art. I, § 17.

Idaho 1978: “The people have the right to keep and bear arms, which right shall not be abridged; but this provision shall not prevent the passage of laws to govern the carrying of weapons concealed on the person nor prevent passage of legislation providing minimum sentences for crimes committed while in possession of a firearm, nor prevent the passage of legislation providing penalties for the possession of firearms by a convicted felon, nor prevent the passage of any legislation punishing the use of a firearm. No law shall impose licensure, registration or special taxation on the ownership or possession of firearms or ammunition. Nor shall any law permit the confiscation of firearms, except those actually used in the commission of a felony.”²¹

1889: “The people have the right to bear arms for their security and defence; but the Legislature shall regulate the exercise of this right by law.”²²

Illinois 1970: “Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed.”²³

Indiana 1851: “The people shall have a right to bear arms, for the defense of themselves and the State.”²⁴

1816: “That the people have a right to bear arms for the defence of themselves, and the State; and that the military shall be kept in strict subordination to the civil power.”²⁵

Iowa: No provision.

Kansas 1859: “The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.”²⁶

21. IDAHO CONST. art. I, § 11.

22. IDAHO CONST. of 1889, art. I, § 11.

23. ILL. CONST. art. I, § 22.

24. IND. CONST. art. I, § 32.

25. IND. CONST. of 1816, art. I, § 20.

26. KAN. CONST. bill of rights, § 4.

Kentucky 1891: “All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned . . . [t]he right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.”²⁷

1850: “That the rights of the citizens to bear arms in defence of themselves and the State shall not be questioned; but the general assembly may pass laws to prevent persons from carrying concealed arms.”²⁸

1799: “That the rights of the citizens to bear arms in defence of themselves and the State shall not be questioned.”²⁹

Louisiana 1974: “The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.”³⁰

1879: “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 abridged. This shall not prevent the passage of laws to punish those who carry weapons concealed.”³¹

Maine 1987: “Every citizen has a right to keep and bear arms and this right shall never be questioned.”³²

1819: “Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned.”³³

Maryland: No provision.

Massachusetts 1780: “The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power

27. KY. CONST. bill of rights § 1.

28. KY. CONST. of 1850, art. XIII, § 25.

29. KY. CONST. of 1792, art. XII, cl. 23 (“That” and the “s” in “rights” added in 1799).

30. LA. CONST. art. I, § 11.

31. LA. CONST. of 1879, art. 3.

32. ME. CONST. art. I, § 16 (enacted after Maine Supreme Court interpreted original provision as securing only collective right, *State v. Friel*, 508 A.2d 123, 125 (Me. 1986)).

33. ME. CONST. of 1819, art. I, § 16.

shall always be held in an exact subordination to the civil authority, and be governed by it.”³⁴

Michigan 1963: “Every person has a right to keep and bear arms for the defense of himself and the state.”³⁵

1850: “Every person has a right to bear arms for the defence of himself and the state.”³⁶

1835: “Every person has a right to bear arms for the defence of himself and the State.”³⁷

Minnesota: No provision.

Mississippi 1890: “The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the Legislature may regulate or forbid carrying concealed weapons.”³⁸

1868: “All persons shall have a right to keep and bear arms for their defence.”³⁹

1817: “Every citizen has a right to bear arms in defence of himself and of the State.”⁴⁰

Missouri 1945: “That the right of every citizen to keep and bear arms in defense of his home, person and property, or when lawfully summoned in aid of the civil power, shall not be questioned; but this shall not justify the wearing of concealed weapons.”⁴¹

1875: “That the right of no citizen to keep and bear arms in defence of his home, person and property, or in aid of the civil power, when thereto legally summoned, shall be called into question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.”⁴²

34. MASS. CONST. pt. I, art. 17.

35. MICH. CONST. art. I § 6.

36. MICH. CONST. of 1850, art. XVIII, § 7.

37. MICH. CONST. of 1835, art. I, § 13.

38. MISS. CONST. art. III, § 12.

39. MISS. CONST. of 1868, art. I, § 15.

40. MISS. CONST. of 1817, art. I, § 23 (“of” before “the State” added, and comma after “arms” deleted, in 1832).

41. MO. CONST. art. I, § 23.

42. MO. CONST. of 1875, art. II, § 17.

1865: “That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defence of themselves and of the lawful authority of the State cannot be questioned.”⁴³

1820: “That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances by petition or remonstrance; and that their right to bear arms in defence of themselves and of the State cannot be questioned.”⁴⁴

Montana 1889: “The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.”⁴⁵

Nebraska 1988: “All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof.”⁴⁶

Nevada 1982: “Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes.”⁴⁷

New Hampshire 1982: “All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state.”⁴⁸

43. MO. CONST. of 1865, art. I, § 8.

44. MO. CONST. of 1820, art. XIII, § 3.

45. MONT. CONST. art. II, § 12.

46. NEB. CONST. art. I, § 1 (right added to preexisting provision).

47. NEV. CONST. art. I, § 11(1).

48. N.H. CONST. pt. 1, art. 2-a.

New Jersey: No provision.

New Mexico 1986: “No law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms.”⁴⁹

1971: “No law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons.”⁵⁰

1912: “The people have the right to bear arms for their security and defense, but nothing herein shall be held to permit the carrying of concealed weapons.”⁵¹

New York: No provision.

North Carolina 1971: “A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice.”⁵²

1876: “A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to and governed by the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent

49. N.M. CONST. art. II, § 6

50. *Id.*

51. N.M. CONST. of 1912, art. II, § 6.

52. N.C. CONST. art. I, § 30.

the legislature from enacting penal statutes against said practice.”⁵³

1868: “A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to and governed by the civil power.”⁵⁴

1776: “That the people have a right to bear arms for the defence of the State; and as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.”⁵⁵

North Dakota 1984: “All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.”⁵⁶

Ohio 1851: “The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.”⁵⁷

1802: “That the people have a right to bear arms for the defence of themselves and the State; and as standing armies, in time of peace, are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict subordination to the civil power.”⁵⁸

Oklahoma 1907: “The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil

53. N.C. CONST. of 1876, art. I, § 24.

54. N.C. CONST. of 1868, art. I, § 24.

55. N.C. DECLARATION OF RIGHTS § XVII.

56. N.D. CONST. art. I, § 1 (right to bear arms added to preexisting provision).

57. OHIO CONST. art. I, § 4.

58. OHIO CONST. of 1802, art. VIII, § 20.

power, when thereunto legally summoned, shall never be prohibited; but nothing herein contained shall prevent the Legislature from regulating the carrying of weapons.”⁵⁹

Oregon 1857: “The people shall have the right to bear arms for the defence of themselves, and the State, but the Military shall be kept in strict subordination to the civil power.”⁶⁰

Pennsylvania 1790: “The right of the citizens to bear arms in defence of themselves and the State shall not be questioned.”⁶¹

1776: “That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.”⁶²

Rhode Island 1842: “The right of the people to keep and bear arms shall not be infringed.”⁶³

South Carolina 1895: “A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. As, in times of peace, armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it.”⁶⁴

1868: “The people have a right to keep and bear arms for the common defence. As, in times of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the general assembly. The military power ought always to be held in an exact subordination to the civil authority, and be governed by it.”⁶⁵

59. OKLA. CONST. art. II, § 26.

60. OR. CONST. art. I, § 27.

61. PA. CONST. art. I, § 21 (“the” before “citizens” added in 1838; commas after “arms” and “State” deleted in 1873).

62. PA. DECLARATION OF RIGHTS, cl. XIII.

63. R.I. CONST. art. I, § 22.

64. S.C. CONST. art. I, § 20.

65. S.C. CONST. of 1868, art. I, § 28.

South Dakota 1889: “The right of the citizens to bear arms in defense of themselves and the state shall not be denied.”⁶⁶

Tennessee 1870: “That the citizens of this State have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime.”⁶⁷

1834: “That the free white men of this State have a right to keep and to bear arms for their common defence.”⁶⁸

1796: “That the freemen of this State have a right to keep and to bear arms for their common defence.”⁶⁹

Texas 1876: “Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.”⁷⁰

1868: “Every person shall have the right to keep and bear arms, in the lawful defence of himself or the State, under such regulations as the legislature may prescribe.”⁷¹

1845: “Every citizen shall have the right to keep and bear arms, in the lawful defence of himself or the State.”⁷²

1836: “Every citizen shall have the right to bear arms in defence of himself and the republic. The military shall at all times and in all cases be subordinate to the civil power.”⁷³

Utah 1984: “The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes shall not be infringed; but nothing herein shall prevent the legislature from defining the lawful use of arms.”⁷⁴

66. S.D. CONST. art. VI, § 24.

67. TENN. CONST. art. I, § 26.

68. TENN. CONST. of 1834, art. I, § 26.

69. TENN. CONST. of 1796, art. XI, § 26.

70. TEX. CONST. art. I, § 23.

71. TEX. CONST. of 1868, art. I, § 13.

72. TEX. CONST. of 1845, art. I, § 13 (comma added after “arms” in 1866).

73. REPUB. TEX. CONST. of 1836, DECLARATION OF RIGHTS, cl. 14.

74. UTAH CONST. art. I, § 6.

1895: “The people have the right to bear arms for their security and defense, but the legislature may regulate the exercise of this right by law.”⁷⁵

Vermont 1777: “That the people have a right to bear arms for the defence of themselves and the State—and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.”⁷⁶

Virginia 1771: “That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.”⁷⁷

Washington 1889: “The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.”⁷⁸

West Virginia 1886: “A person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use.”⁷⁹

Wisconsin 1998: “The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose.”⁸⁰

Wyoming 1889: “The right of citizens to bear arms in defense of themselves and of the state shall not be denied.”⁸¹

75. UTAH CONST. of 1895, art. I, § 6.

76. VT. CONST. ch. I, art. 16.

77. VA. CONST. art. I, § 13 (right added to preexisting 1776 provision).

78. WASH. CONST. art. I, § 24.

79. W. VA. CONST. art. III, § 22.

80. WIS. CONST. art. I, § 25.

81. WYO. CONST. art. I, § 24.

III. AN INDIVIDUAL RIGHT TO POSSESS FIREARMS FOR SELF-DEFENSE?

The table below characterizes each state's right-to-bear-arms provision, notes when the version that deserves this characterization was first enacted, and cites cases that support the characterization. Here are the codes used in the second column:

9: An individual self-defense right is expressly secured, though keeping and bearing arms for other purposes may also be protected (22 states). No case is cited because the language is clear. Example: Alabama, "That every citizen has a right to bear arms in defense of himself and the state."

8: An individual right is expressly secured, and court decisions treat the right as aimed at least in part at self-defense (3 states). Example: Maine, "Every citizen has a right to keep and bear arms and this right shall never be questioned."

7: Court decisions treat the right as individual and aimed at least in part at self-defense (14 states). Example: Florida, "The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law"; Florida cases make clear that "the right of the people to keep and bear arms in defense of themselves" means that each person has the right to keep and bear arms in defense of himself.

6: An individual right is expressly secured, and the provision was enacted at a time (1994) when the supporters of an individual right treated the right as aimed at least in part at self-defense (1 state, Alaska, "The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State").

5: The right is not expressly characterized as individual, and courts have not passed on the question (2 states, Hawaii, Virginia).

1: Courts have treated the right as collective (2 states, Kansas, Massachusetts).

0: No state constitutional right-to-bear-arms provision (6 states, California, Iowa, Maryland, Minnesota, New Jersey, New York).

TABLE 1

Ala.	9	1819	
Alaska	6	1994	
Ariz.	9	1912	
Ark.	7	1836	Wilson v. State, 33 Ark. 557 (1878)
Cal.	0		
Colo.	9	1876	
Conn.	9	1818	
Del.	9	1987	
Fla.	7	1868	Alexander v. State, 450 So.2d 1212 (Fla. Dist. Ct. App. 1984)
Ga.	7	1877	McCoy v. State, 157 Ga. 767 (1924)
Haw.	5	1959	
Idaho	7	1902	<i>In re Brickey</i> , 70 P. 609 (Idaho 1902)
Ill.	8	1970	Kalodimos v. Village of Morton Grove, 470 N.E.2d 266, 273 (Ill. 1984)
Ind.	7	1816	Kellogg v. City of Gary, 562 N.E.2d 685, 694 (Ind. 1990)
Iowa	0		
Kan.	1	1859	City of Salina v. Blaksley, 83 P. 619 (Kan. 1905), <i>adhered to by</i> City of Junction City v. Lee, 532 P.2d 1292 (Kan. 1975). <i>But see</i> City of Junction City v. Mevis, 601 P.2d 1145, 1151 (Kan. 1979) (striking down a gun control law, challenged by an individual citizen, on the grounds that the law was “unconstitutionally overbroad,” and thus implicitly concluding that the right to bear arms did indeed belong to individual citizens)
Ky.	9	1792	
La.	8	1984	State v. Chaisson, 457 So.2d 1257, 1259 (La. App. 1984)
Me.	8	1987	State v. Brown, 571 A.2d 816 (Me. 1990)
Md.	0		
Mass.	1	1780	Commonwealth v. Davis, 343 N.E.2d 847 (Mass. 1976)
Mich.	9	1835	
Minn.	0		
Miss.	9	1817	
Mo.	9	1875	
Mont.	9	1889	
Neb.	9	1988	

No. 1 *State Constitutional Rights to Keep and Bear Arms* 207

Nev.	9	1982	
N.H.	9	1982	
N.J.	0		
N.M.	9	1971	
N.Y.	0		
N.C.	7	1868	State v. Kerner, 107 S.E. 222, 225 (N.C. 1921)
N.D.	9	1984	
Ohio	7	1802	Arnold v. City of Cleveland, 616 N.E.2d 163, 169 (Ohio 1993)
Okla.	9	1907	
Or.	7	1857	State v. Hirsch, 114 P.3d 1104, 1110 (Ore. 2005)
Pa.	7	1776	Sayres v. Commonwealth, 88 Pa. 291 (1879)
R.I.	7	1842	Mosby v. Devine, 851 A.2d 1031, 1043 (R.I. 2004)
S.C.	7	1881	State v. Johnson, 16 S.C. 187 (1881)
S.D.	7	1889	Conaty v. Solem, 422 N.W.2d 102, 104 (S.D. 1988)
Tenn.	7	1796	State v. Foutch, 34 S.W. 1, 1 (Tenn. 1896)
Tex.	9	1836	
Utah	9	1984	
Vt.	7	1777	State v. Rosenthal, 55 A. 610 (Vt. 1903)
Va.	5	1971	<i>Compare</i> 1993 Va. Op. Atty. Gen. 13 (construing the right as collective) <i>with</i> 2006 WL 304006 (Va. Op. Atty. Gen.) (construing the right as individual)
Wash.	9	1889	
W. Va.	9	1986	
Wis.	9	1998	
Wyo.	9	1889	State v. McAdams, 714 P.2d 1236, 1238 (Wyo. 1986)

IV. PROVISIONS BY DATE

New right-to-bear-arms provisions, and new portions of those provisions, are set in italics. Deletions are set in ~~strikeout~~. Material that is the same as in a preceding version, or that isn't directly focused on the right to bear arms, is set in plain text. Changes of "defence" to "defense" marked as "defense," with no separate ~~strikeout~~ of the "c." Some otherwise hard-to-see changes are also underlined.

1776 North Carolina: *That the people have a right to bear arms, for the defence of the State; and as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.*

1776 Pennsylvania: *That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.*

1777 Vermont: *That the people have a right to bear arms for the defence of themselves and the State—and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.*

1780 Massachusetts: *The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.*

1790 Pennsylvania: ~~That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination, to, and governed by, the civil power.~~ *The right of the citizens to bear arms in defence of themselves and the State shall not be questioned.*

1792 Kentucky: *The right of the citizens to bear arms in defence of themselves and the State shall not be questioned.*

1796 Tennessee: *That the freemen of this State have a right to keep and to bear arms for their common defence.*

1799 Kentucky: *That the rights of the citizens to bear arms in defence of themselves and the State shall not be questioned.*

1802 Ohio: *That the people have a right to bear arms for the defence of themselves and the State, and as standing armies, in time of peace, are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict subordination to the civil power.*

1816 Indiana: *That the people have a right to bear arms for the defense of themselves, and the State, and that the military shall be kept in strict subordination to the civil power.*

1817 Mississippi: *Every citizen has a right to bear arms, in defence of himself and the State.*

1818 Connecticut: *Every citizen has a right to bear arms in defence of himself and the state.*

1819 Alabama: *That every citizen has a right to bear arms in defence of himself and the state.*

1819 Maine: *Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned.*

1820 Missouri: *That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances by petition or remonstrance; and that their right to bear arms in defence of themselves and of the State cannot be questioned.*

1832 Mississippi: *Every citizen has a right to bear arms; in defence of himself and of the State.*

1834 Tennessee: *That the free white men ~~freemen~~ of this State have a right to keep and to bear arms for their common defence.*

1835 Michigan: *Every person has a right to bear arms for the defence of himself and the State.*

1836 Arkansas: *That the free white men of this State shall have a right to keep and to bear arms for their common defence.*

1836 Texas: *Every citizen shall have the right to bear arms in defence of himself and the republic. The military shall at all times and in all cases be subordinate to the civil power.*

1838 Florida: *That the free white men of this State shall have a right to keep and to bear arms for their common defence.*

1842 Rhode Island: *The right of the people to keep and bear arms shall not be infringed.*

1845 Texas: ~~The military shall at all times and in all cases be subordinate to the civil power.~~ Every citizen shall have the right to keep and bear arms in *lawful* defence of himself *or the State and the republic*.

1850 Kentucky: That the rights of the citizens to bear arms in defence of themselves and the State shall not be questioned; *but the general assembly may pass laws to prevent persons from carrying concealed arms.*

1850 Michigan: Every person has a right to bear arms for the defence of himself and the State.

1851 Indiana: The people shall have a right to bear arms, for the defense of themselves and the State, ~~and that the military shall be kept in strict subordination to the civil power.~~

1851 Ohio: ~~That t~~The people have the right to bear arms for *their defense and security* ~~the defence of themselves and the State;~~ *but and as* standing armies, in time of peace, are dangerous to liberty, *and they* shall not be kept up,; and ~~that~~ the military shall be *in kept under* strict subordination to the civil power.

1857 Oregon: *The people shall have the right to bear arms for the defence of themselves, and the State, but the Military shall be kept in strict subordination to the civil power.*

1859 Kansas: *The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.*

1861 Arkansas: That the free white men *and Indians* of this State ~~shall~~ have the right to keep and ~~to~~ bear arms for their *individual or common defense.*

1864 Arkansas: That the free white men ~~and Indians~~ of this State *shall* have the right to keep and *to* bear arms for their ~~individual or common defence.~~

1865 Florida: ~~That the free white men of this State shall have a right to keep and to bear arms for their common defence.~~
[Provision deleted.]

1865 Georgia: *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.*

1865 Missouri: That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances by petition or remonstrance; and that their right to bear arms in defence of themselves and of *the lawful authority of the State* cannot be questioned.

1868 Arkansas: ~~That the free white men of this State shall have~~
~~a~~ *The citizens of this State shall have the right to keep and to bear*
 arms for their common defense.

1868 Florida: *The people shall have the right to bear arms in defence of themselves and of the lawful authority of the State.*

1868 Georgia: A well-regulated militia; being necessary to the security of a free ~~State~~ *people*, the right of the people to keep and bear arms shall not be infringed; *but the general assembly shall have power to prescribe by law the manner in which arms may be borne.*

1868 Mississippi: ~~Every citizen has a right to bear arms in~~
~~defence of himself and of the State~~ *All persons shall have a right to*
keep and bear arms for their defence.

1868 North Carolina: ~~That the people have a right to bear~~
~~arms, for the defence of the State~~ *A well-regulated militia being*
necessary to the security of a free State, the right of the people to keep and
bear arms shall not be infringed; and, as standing armies, in time of
peace, are dangerous to liberty, they ought not to be kept up,
and the military should be kept under strict subordination to,
and governed by the civil power.

1868 South Carolina: *The people have a right to keep and bear arms*
for the common defence. As, in times of peace, armies are dangerous
 to liberty, they shall not be maintained without the consent of
 the General Assembly. The military power of the State shall
 always be held in subordination to the civil authority and be
 governed by it.

1868 Texas: Every ~~person~~ ~~citizen~~ shall have the right to keep
 and bear arms in the lawful defence of himself or the State,
under such regulations as the legislature may prescribe.

1870 Tennessee: That the ~~citizens~~ ~~free white men~~ of this State
 have a right to keep and to bear arms for their common defense;
but the Legislature shall have power, by law, to regulate the wearing of
arms with a view to prevent crime.

1874 Arkansas: The citizens of this State shall have the right to
 keep and to bear arms, for their common defense.

1875 Alabama: That every citizen has a right to bear arms in defense of himself and the state.

~~**1875 Missouri:** That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances by petition or remonstrance; and that their right to bear arms in defence of themselves and of the lawful authority of the State cannot be questioned~~ *That the right of no citizen to keep and bear arms in defence of his home, person and property, or in aid of the civil power, when thereto legally summoned, shall be called into question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.*

1876 Colorado: *The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.*

1876 North Carolina: A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to and governed by the civil power. *Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the legislature from enacting penal statutes against said practice.*

1876 Texas: Every citizen ~~person~~ shall have the right to keep and bear arms in the lawful defense of himself or the State; *but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime, under such regulations as the legislature may prescribe.*

~~**1877 Georgia:** A well-regulated militia being necessary to the security of a free people, t~~ *The right of the people to keep and bear arms shall not be infringed;* ~~but the g~~ *General a* ~~Assembly~~ *shall have power to prescribe the manner in which arms may be borne.*

1879 Louisiana: *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 abridged. This shall not prevent the passage of laws to punish those who carry weapons concealed.*

~~**1885 Florida:** The people shall have the~~ *The right of the people to bear arms in defence of themselves and of the lawful*

authority of the State, *shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.*

1889 Idaho: *The people have the right to bear arms for their security and defense; but the Legislature shall regulate the exercise of this right by law.*

1889 Montana: *The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.*

1889 South Dakota: *The right of the citizens to bear arms in defense of themselves and the state shall not be denied.*

1889 Washington: *The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.*

1889 Wyoming: *The right of citizens to bear arms in defense of themselves and of the state shall not be denied.*

1890 Mississippi: *The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons* ~~All persons shall have a right to keep and bear arms for their defence.~~

1891 Kentucky: All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned: . . . Seventh: ~~That the rights of the citizens~~ *The right to bear arms in defense of themselves and of the State shall not be questioned; but, subject to the power of the General Assembly may pass to enact laws to prevent persons from carrying concealed weapons.*

1895 South Carolina: *A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.* ~~The people have a right to keep and bear arms for the common defence.~~ As, in times of peace, armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it.

1895 Utah: *The people have the right to bear arms for their security and defense, but the legislature may regulate the exercise of this right by law.*

1907 Oklahoma: *The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be prohibited; but nothing herein contained shall prevent the Legislature from regulating the carrying of weapons.*

1912 Arizona: *The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men.*

1912 New Mexico: *The people have the right to bear arms for their security and defense, but nothing herein shall be held to permit the carrying of concealed weapons.*

1945 Missouri: *That the right of ~~no~~ every citizen to keep and bear arms in defense of his home, person and property, or when lawfully summoned in aid of the civil power, ~~when thereto legally summoned,~~ shall not be questioned ~~be called into question~~; but this shall not justify the ~~nothing herein contained is intended to justify the practice of~~ wearing of concealed weapons.*

1959 Alaska: *A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.*

1959 Hawaii: *A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.*

1963 Michigan: *Every person has a right to keep and bear arms for the defense of himself and the state.*

1968 Florida: *The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the State shall not be infringed, ~~but the Legislature may prescribe the manner in which they may be borne~~ except that the manner of bearing arms may be regulated by law.*

1970 Illinois: *Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed.*

1971 New Mexico: *~~The people have the right to bear arms for their security and defense~~ No law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and*

recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons.

1971 North Carolina: A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they *shall not be maintained* ~~ought not to be kept up~~, and the military ~~shall should~~ be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the ~~legislature~~ General Assembly from enacting penal statutes against that practice.

1971 Virginia: That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, *therefore, the right of the people to keep and bear arms shall not be infringed*; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

1974 Louisiana: ~~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 abridged. This shall not prevent the passage of laws to punish those who carry weapons concealed. The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.~~

1978 Idaho: The people have the right to ~~bear arms for their security and defense; but the Legislature shall regulate the exercise of this right by law~~ *keep and bear arms, which right shall not be abridged; but this provision shall not prevent the passage of laws to govern the carrying of weapons concealed on the person nor prevent passage of legislation providing minimum sentences for crimes committed while in possession of a firearm, nor prevent the passage of legislation providing penalties for the possession of firearms by a convicted felon, nor prevent the passage of any legislation punishing the use of a firearm. No law shall impose licensure, registration or special taxation on the ownership or possession of firearms or ammunition. Nor shall any law permit the confiscation of firearms, except those actually used in the commission of a felony.*

1982 Nevada: Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes.

1982 New Hampshire: *All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state.*

1984 North Dakota: *All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.*

1984 Utah: *The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes shall not be infringed; but nothing herein shall prevent the legislature from defining the lawful use of arms. The people have the right to bear arms for their security and defense, but the legislature may regulate the exercise of this right by law.*

1986 New Mexico: *No law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms.*

1986 West Virginia: *A person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use.*

1987 Delaware: *A person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.*

1987 Maine: *Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned.*

1988 Nebraska: *All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof.*

1990 Florida: *(a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the*

state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. For the purposes of this section, "purchase" means the transfer of money or other valuable consideration to the retailer, and "handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.

(c) The legislature shall enact legislation implementing subsection (b) of this section, effective no later than December 31, 1991, which shall provide that anyone violating the provisions of subsection (b) shall be guilty of a felony.

(d) This restriction shall not apply to a trade in of another handgun.

1994 Alaska: A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. *The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State.*

1998 Wisconsin: *The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose.*