



LAW CENTER TO  
PREVENT GUN VIOLENCE

BECAUSE SMART GUN LAWS SAVE LIVES

# THE SECOND AMENDMENT

VICTORIES IN THE COURTS AND WHY THEY MATTER

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.



# DC v. HELLER

## The Supreme Court's Landmark Gun Decision

In a 2008 case, *District of Columbia v. Heller*, the Supreme Court found for the first time in American history—by a margin of 5-4—that the Second Amendment protects the individual right of responsible, law-abiding citizens to possess a handgun in the home for self-defense.

The Court was careful to stress the limited nature of its ruling. Writing for the majority, Justice Scalia noted: **“Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”**

The Court identified several categories of “presumptively lawful” regulations, making clear that the overwhelming majority of firearms laws are fully consistent with the Second Amendment and that the Court’s holding does not jeopardize common-sense gun safety laws.

Learn more about Heller and the right to bear arms at [smartgunlaws.org/Heller](http://smartgunlaws.org/Heller)

# HELLER ON GUN LAWS



## PROHIBITED PEOPLE

*Heller* does not “cast doubt on long-standing prohibitions on the possession of firearms by felons and the mentally ill.”



## MILITARY-STYLE WEAPONS

The Second Amendment only protects firearms “in common use,” not “dangerous and unusual” weapons.



## SAFE STORAGE

“Nor... does our analysis suggest the invalidity of laws regulating the storage of firearms to prevent accidents.”



## GUNS IN PUBLIC

“Nothing in our opinion should be taken to cast doubt on... laws forbidding the carrying of firearms in sensitive places.”

# WINNING IN THE COURTS

## Smart Gun Laws Pass the Constitutional Test

Since *Heller*, courts across the nation have faced an onslaught of costly litigation challenging nearly every type of gun law.

The Law Center has tracked over 1,000 Second Amendment decisions, and a clear pattern has emerged: **smart gun laws are prevailing in the courts, with 94% of gun lobby cases failing.** And the Supreme Court is leaving these decisions in place, denying review in nearly every post-*Heller* Second Amendment case.

Learn more about our work in the courts at [smartgunlaws.org/amicus](http://smartgunlaws.org/amicus)

Riding this wave of victory, legislators and gun violence prevention activists should feel confident that the smart gun laws they’re working to pass in their communities aren’t just desperately needed—they’re constitutional.

The Law Center is at the forefront of the Second Amendment battle, filing amicus briefs in dozens of critical cases. We also connect communities with pro bono legal support to beat back the gun lobby and defend lifesaving legislation.

## Courts have upheld a variety of gun laws as constitutional, including:

- Private sale background checks
- Prohibitions on criminals and the mentally ill possessing guns
- Assault weapon and large capacity magazine bans
- “Good cause” requirements for concealed carry permits
- Firearm safety standards
- Safe storage and child access prevention requirements

# 1,016

Second Amendment challenges have been filed since Heller

# 94%

of the gun lobby's Second Amendment challenges have failed



# 66

Second Amendment challenges have been denied review by the Supreme Court

# TAKE ACTION

## Help End America's Gun Violence Epidemic

Every year, over 100,000 Americans are shot. The rate of gun violence in our country dwarfs every other high-income nation. Horrific mass shootings dominate our headlines, and more young people now die from bullets than car crashes. *These deaths are all preventable.*

It's easy to lose hope when Congress refuses to act, but that's not the whole story. We've seen unprecedented momentum at the state level, with **117 new smart gun laws passed in 39 states since Newtown**. Universal background checks, domestic violence gun laws, and gun violence protection orders have gained traction—and they save lives. We also know, thanks to our annual *Gun Law State Scorecard*, that gun laws work: states with the strongest laws have the lowest gun death rates.

We're also winning in the courts, proving over and over again that smart gun laws do not conflict with the Second Amendment, just the gun lobby's deadly agenda. State and federal lawmakers need to know they shouldn't fear the gun lobby when it comes to passing common-sense laws supported by the vast majority of Americans, and we need you to join us in spreading this message.

Check out [smartgunlaws.org](http://smartgunlaws.org) or connect with us on social media to learn how you can help. And don't forget to see how your state stacks up—visit [gunlawscorecard.org](http://gunlawscorecard.org) for a 50-state ranking on gun safety laws.



### ABOUT THE LAW CENTER TO PREVENT GUN VIOLENCE

Founded in the wake of a 1993 assault weapon massacre at a San Francisco law firm, the Law Center to Prevent Gun Violence is now the premier resource for legal expertise and information regarding firearms policy. We track and analyze gun laws in all 50 states, file amicus briefs in critical Second Amendment cases, and work with lawmakers and advocates to craft lifesaving legislation. We regularly partner with other organizations dedicated to combating the epidemic of gun violence in America, and our legal experts offer comprehensive educational resources to the public free of charge.

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