

Are there any  
legitimate restrictions  
on gun ownership?



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Are there any legitimate restrictions on gun ownership? Tom Callewaert PHI 103 Instructor: Peter Inghutt February 12, 2012 Are there any legitimate restrictions on gun ownership? The Second Amendment to the United States Constitution is the part of the United States Bill of Rights that protects the right of the people to keep and bear arms. Gun ownership is a really more of a privilege than a right. A privilege earned by being a responsible citizen.

Some say no matter what acts, how heinous they may be, should not deny anyone the right to gun ownership. Even though every American has the right to bear arms there are dastardly deeds that can be done by an individual that can strip this right. Not being a law abiding, mentally responsible citizen constitutes legitimate reasons for gun ownership restrictions. Part I: Argument Even though gun ownership is a constitution right it should be restricted for a select group of individuals for a limited number of defined reasons.

These limitations need to be instituted in order to maintain order and the protection of United States citizens from those who abuse this right with malice intent along with those who are law abiding and choose to bear arms under the second amendment. Many states have secure legitimate reasons for who and how ownership is restricted. Some of these reasons include: \*

- \* The person has been adjudged legally incapacitated in this state or elsewhere.
- \* The person is under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.
- \* A felony charge or a criminal charge against the person is pending at the time of, including: \*
- \* Domestic abuse
- \* Assault and battery
- \* Felony drug distribution
- \* Armed robbery
- \* Illegal firearms sales
- \* Pedophiles
- \* Rape or sexual abuse

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Kidnapping \* Terrorism (As define by the United State Home Land Security Act) \* The person is not a citizen of the United States. \* The person is not 18 years of age or older. To back these above claims are examples of the requirements for pistol ownership in the state of Michigan.

In Michigan, a person " shall not purchase, carry, or transport a pistol in this state without first having obtained a license for the pistol," as prescribed in MCL 28. 422. These licenses shall be obtained by the local police agency. The police authority will check for any criminal record at both the state and national level. An applicant must comply with all state and federal laws prior to the issuance of the license. The following are state and federal laws that prohibit an individual from receiving a license: \* MCL 28. 22 Probable cause to believe that the applicant would be a threat to himself or herself or to other individuals, or would commit an offense with the pistol that would violate a law of this or another state of the United States. \* The person is not subject to an order or disposition for which he or she has received notice and an opportunity for a hearing, and which was entered into the Law Enforcement Information Network pursuant to any of the following: \* MCL 330. 1464a - Involuntary hospitalization or alternative treatment program \* MCL 700. 44a - Legally incapacitated (now MCL 700. 5107) \* MCL 600. 2950 - Personal Protection Order \* The Personal Protection Order must be active. Inactive PPOs will stay on file for five years for historical purposes. \* MCL 600. 2950a - Stalking \* MCL 552. 14 - Restraining Order \* MCL 765. 6b - Release subject to protective conditions \* MCL 769. 16b - Not guilty by reason of insanity \* Under 18 \* Not a U. S. citizen or resident alien and a resident of Michigan \* Prohibited from possessing, using, transporting, etc.

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nder MCL 750. 224f \* Adjudged insane in this state or elsewhere, unless restored to sanity by court order \* Under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness \* Adjudged legally incapacitated \* Unable to correctly answer 70% of the questions on the basic pistol safety questionnaire. \* Under indictment for or have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year \* Fugitive of justice Unlawful user of, or addicted to, any controlled substance (convicted, of possession within last year, multiple arrests for possession within the past five years if most recent arrest occurred within the past year, or positive drug test within last year) \* Adjudicated as mental defective or been committed to any mental institution \* Alien and is illegally or unlawfully in the U. S. (alien without permanent residence status) \* Dishonorably discharged from the military \* Formally renounced U. S. citizenship Subject to a court order prohibiting harassing, stalking, or threatening of an intimate partner or child of such intimate partner or from engaging in other conduct that would place the partner or child in reasonable fear of bodily injury \* Convicted in any court of a misdemeanor crime of domestic violence (does not have to be classified as a " domestic crime") \* Under indictment for a crime punishable by imprisonment for a term exceeding one year (Michigan, 2012) One of the dilemmas is keeping these restricted gun owners from access to any guns.

For example, more than one adult in a family might need access to a handgun for purposes of home-defense; and in some police departments, law enforcement personnel share firearms. Whatever the terminology, owner-authorized handguns are meant to prevent specific unintended or

undesirable uses of handguns: accidental shootings, usually by very young children; the shooting of police officers by assailants using the officers' own weapons; suicides, especially by teenagers; homicides by individuals using stolen handguns, guns purchased informally ("gray market" firearms), or guns sold illegally ("black market" firearms); and other crimes, including robberies, committed with stolen handguns or guns purchased on the gray or black market. (Davis, 2003) Part II: Counter-thesis and counter-argument

Restriction of gun ownership is a very controversial topic with many gun rights activists. These activists discredit any gun control or restriction of any kind. The thought process is this is just the start of a major gun control act and will slowly creep into a total gun ban.

Recent public opinion research shows that many gun owners have accepted the Insurrectionist message and see resistance to government as at least one good reason for owning a gun. The core of the Insurrectionist dogma is its insistence that unrestricted access to guns of every kind is an essential element of freedom. Insurrectionists see the government as the enemy and condemn any and all gun regulation as a government plot to monitor gun ownership (presumably to lay the groundwork for confiscation of privately owned firearms in the event of a political crisis). (Anderson, 2009) Opponents of gun control vary in their positions with respect to specific forms of control but generally hold that gun control laws do not accomplish what is intended. They argue that it is as difficult to keep weapons from being acquired by "high risk" individuals, even under federal laws and enforcement, as it was to stop the sale and use of liquor during Prohibition. In their view, a more stringent federal firearm regulatory system would only create problems for

law-abiding citizens, bring mounting frustration and escalation of bans by gun regulators, and possibly threaten citizens' civil rights or safety.

Some argue that the low violent crime rates of other countries have nothing to do with gun control, maintaining instead that multiple cultural differences are responsible. Gun control opponents also reject the assumption that the only legitimate purpose of ownership by a private citizen is recreational (i. e. , hunting and target-shooting). They insist on the continuing need of people for effective means to defend person and property, and they point to studies that they believe show that gun possession lowers the incidence of crime. They say that the law enforcement and criminal justice system in the United States as not demonstrated the ability to furnish an adequate measure of public safety. Some opponents believe further that the Second Amendment includes a right to keep arms as a defense against potential government tyranny, pointing to examples in other countries of the use of firearm restrictions to curb dissent and secure illegitimate government power. (Krause, 2002) Part III: Response to counter-thesis There needs to be defined and well regulated system to ensure how to restrict only the restricted without infringing on the others rights.

There is a wealth of scientific literature regarding gun ownership and use in the United States. The details of this work would fill volumes, and cover such diverse topics as private gun ownership, legal firearm usage, illegal firearm usage, social harm and benefits of firearms, international comparisons of firearms usage and laws, the efficacy of various gun control laws and policies, homicide, suicide, history, etc. Likewise, a diverse group of academic fields, including sociology, criminology, economics, public health, <https://assignbuster.com/are-there-any-legitimate-restrictions-on-gun-ownership/>

and psychology, have studied firearms as an area of basic research over the last 80 years or so.

While early surveys in the 1930's asked only public opinion questions about firearms, there was a veritable explosion of social scientific research in the area following the growth of violent crime rates in the late 1960's. Since that time there has been a steady growth in our scientific knowledge of the intersection of guns and human behavior. In spite of this attention, there has been little assessment of the trends in American gun ownership over time or the data from which we draw our knowledge. (Legault, 2008) The debate has been intense.

To gun control advocates, the opposition is out of touch with the times, misinterprets the Second Amendment, or is lacking in concern for the problems of crime and violence. To gun control opponents, advocates are naive in their faith in the power of regulation to solve social problems, bent on disarming the American citizen for ideological or social reasons, or moved by irrational hostility to firearms and gun enthusiasts. Problem solving is one of life's major preoccupations. When confronted with a problem, we use reasoning to get from what we know to new ideas for solving the problem.

However, bad reasoning leads to bad solutions. We need a way to get good at recognizing what makes reasoning good versus what makes it bad.

(Mosser, 2011) Both parties need to come to conciliation and provide a protected constitution while limiting those who decide to by their own acts surrender the right of gun ownership and have restrictions placed upon them. References Anderson, Casey, Horwitz, Joshua. (2009) Guns,

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