

## Minimum Age to Purchase and Possess Firearms

### Background

Laws imposing minimum age requirements for the possession and purchase of firearms are intended to decrease children's access to firearms and, correspondingly, to decrease the number of suicides, homicides, and unintentional shootings among children.

Every day in the U.S., guns cause the deaths of 20 children and young people under the age of 25.<sup>1</sup> In 2005, 3,027 young people age 19 and under died from gunshot wounds.<sup>2</sup> Of these deaths, 1,972 were homicides; 822 were suicides; and 173 were the result of unintentional shootings.<sup>3</sup> Firearms were used in 46% of suicide deaths among persons under 25 in 2005.<sup>4</sup>

### Summary of Federal Law

Federal law prohibits firearms dealers from selling or delivering a shotgun or rifle, or ammunition for a shotgun or rifle, to any person the dealer knows or has reasonable cause to believe is under the age of 18.<sup>5</sup> Federal law provides no age limitations with respect to the sale of a long gun or long gun ammunition by an unlicensed person.

Dealers are prohibited from selling or delivering firearms other than shotguns or rifles (e.g., handguns) or ammunition for those firearms to any person the dealer knows or has reasonable cause to believe is under the age of 21.<sup>6</sup> Unlicensed persons may not sell, deliver or otherwise transfer a handgun or handgun ammunition to any person the transferor knows or has reasonable cause to believe is under the age of 18.<sup>7</sup> Exceptions are provided for temporary transfers made for specified activities, including employment, ranching, farming, target practice and hunting.<sup>8</sup>

Federal law prohibits, with certain exceptions, the possession of a handgun or handgun ammunition by any person under the age of 18.<sup>9</sup>

Federal law provides no minimum age for the possession of long guns or long gun ammunition.

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<sup>1</sup> National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *Web-based Injury Statistics Query and Reporting System (WISQARS) Injury Mortality Reports, 1999-2005*, at [http://webappa.cdc.gov/sasweb/ncipc/mortrate10\\_sy.html](http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> 18 U.S.C. § 922(b)(1), (c)(1).

<sup>6</sup> *Id.*

<sup>7</sup> 18 U.S.C. § 922(x)(1), (5).

<sup>8</sup> 18 U.S.C. § 922(x)(3).

<sup>9</sup> 18 U.S.C. § 922(x)(2), (5).

## SUMMARY OF STATE LAWS GOVERNING MINIMUM AGE TO PURCHASE AND POSSESS FIREARMS

Several states and the District of Columbia impose minimum age requirements that extend beyond those contained in federal law. Those states generally fall into three categories:

- States imposing a minimum age for all firearm purchases, from licensed or unlicensed sellers;
- States imposing age requirements for possession of handguns that are stricter than federal law; and
- States imposing a minimum age for possession of long guns.

### **States Imposing Minimum Age for All Firearm Purchases (from Licensed or Unlicensed Sellers)**<sup>10</sup>

<i>State</i>	<i>Age (Handguns)</i>	<i>Age (Long guns)</i>	<i>Citation</i>
<a href="#">Alaska</a>	18	18	Alaska Stat. § 11.61.210(a)(6)
<a href="#">Arizona</a>	18	18	Ariz. Rev. Stat. § 13-3109
<a href="#">Arkansas</a>	18	18	Ark. Code Ann. §§ 5-73-101(9), 5-73-109
<a href="#">California</a>	21	18	Cal. Penal Code § 12072(a)(3)(A)
<a href="#">Delaware</a>	21	18	Del. Code Ann. tit. 11, § 1445, tit. 24, § 903
<a href="#">District of Columbia</a>	21	21	D.C. Code Ann. §§ 7-2502.03, 7-2507.06(1), 22-4507
<a href="#">Florida</a>	18	18	Fla. Stat. Ann. §§ 790.17(2), 790.18
<a href="#">Hawaii</a>	21	21	Haw. Rev. Stat. Ann. § 134-2(d)
<a href="#">Idaho</a>	18	18	Idaho Code Ann. § 18-3302A
<a href="#">Illinois</a>	21	21	430 Ill. Comp. Stat. 65/3(a), 65/4(a)(2)(i)
<a href="#">Iowa</a>	21	18	Iowa Code § 724.22
<a href="#">Louisiana</a>	18	18	La. Rev. Stat. Ann. § 14:91
<a href="#">Maine</a>	18	16	Me. Rev. Stat. Ann. tit. 17-A, §§ 554-A, 554-B
<a href="#">Maryland</a>	21 <sup>11</sup>	18	Md. Code Ann., Pub. Safety § 5-134
<a href="#">Massachusetts</a>	21	18 <sup>12</sup>	Mass. Gen. Laws ch. 140, § 130
<a href="#">Mississippi</a>	18	18 <sup>13</sup>	Miss. Code Ann. § 97-37-13
<a href="#">Missouri</a>	18	18	Mo. Rev. Stat. § 571.060 <sup>14</sup>

*(continued on next page)*

<sup>10</sup> Note that some states appear to violate federal law, where the state's minimum age for purchases from licensed dealers is below the federal minimums of 18 for long guns and 21 for handguns.

<sup>11</sup> Maryland's minimum age requirement under the "handguns" column applies to "regulated firearms," which are defined as handguns and assault weapons.

<sup>12</sup> Massachusetts' minimum age for the purchase of large capacity rifles and shotguns is 21 and older.

<sup>13</sup> Mississippi prohibits any person from selling deadly weapons to persons under 18. Deadly weapons include any rifle with a barrel of less than 16 inches in length, or any shotgun with a barrel of less than 18 inches in length. Miss. Code Ann. § 97-37-1.

<sup>14</sup> Missouri's statute prohibits "recklessly" selling firearms to persons under 18 without parental consent.

## **States Imposing Minimum Age for All Firearm Purchases (from Licensed or Unlicensed Sellers)**

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<i>State</i>	<i>Age (Handguns)</i>	<i>Age (Long guns)</i>	<i>Citation</i>
<a href="#">Nevada</a>	18	---	Nev. Rev. Stat. Ann. § 202.310
<a href="#">New Jersey</a>	21	18	N.J. Stat. Ann. § 2C:58-6.1
<a href="#">North Dakota</a>	18	--	N.D. Cent. Code § 62.1-03-02
<a href="#">Ohio</a>	21	18	Ohio Rev. Code Ann. § 2923.21
<a href="#">Oklahoma</a>	18	18	Okla. Stat. tit. 21, § 1273
<a href="#">Oregon</a>	18	18	Or. Rev. Stat. §§ 166.250(1)(c)(A), 166.470
<a href="#">Pennsylvania</a>	18	18	18 Pa. Cons. Stat. § 6110.1(c)(d)
<a href="#">Rhode Island</a>	21	18	R.I. Gen. Laws §§ 11-47-30, 11-47-35(a)
<a href="#">South Carolina</a>	21	---	S.C. Code Ann. § 16-23-30
<a href="#">Texas</a>	18	18	Tex. Penal Code Ann. § 46.06(a)(2)
<a href="#">Vermont</a>	16	16	Vt. Stat. Ann. tit. 13, § 4007
<a href="#">Wisconsin</a>	18	18	Wis. Stat. § 948.60(2)(b)

## **States Imposing Stricter Minimum Age Requirements than Federal Law for**

### **Possession of Handguns**

<i>State</i>	<i>Age</i>	<i>Citation</i>
<a href="#">Connecticut</a>	21	Conn. Gen. Stat. § 29-36f
<a href="#">District of Columbia</a>	21	D.C. Code Ann. § 7-2502.03(a)(1)
<a href="#">Hawaii</a>	21	Haw. Rev. Stat § 134-2(d)
<a href="#">Illinois</a>	21	430 Ill. Comp. Stat. 65/4(a)(2)(i); 720 Ill. Comp. Stat. 5/24-3.1
<a href="#">Iowa</a>	21	Iowa Code § 724.22
<a href="#">Maryland</a> <sup>15</sup>	21	Md. Code Ann., Pub. Safety § 5-133(d)
<a href="#">Massachusetts</a>	21	Mass. Gen. Laws ch. 140, § 131
<a href="#">New Jersey</a>	21	N.J. Stat. Ann. § 2C:58-6.1
<a href="#">New Mexico</a>	19	N.M. Stat. Ann. § 30-7-2.2
<a href="#">New York</a>	21	N.Y. Penal Law § 400.00(1)(a)
<a href="#">South Carolina</a>	21	S.C. Code Ann. § 16-23-30(B)

### **States Imposing Minimum Age Requirements for Possession of Long Guns**

<i>State</i>	<i>Age</i>	<i>Citation</i>
<a href="#">Alaska</a>	16	Alaska Stat. § 11.61.220(a)(3)
<a href="#">District of Columbia</a>	21	D.C. Code Ann. § 7-2502.03(a)(1)
<a href="#">Florida</a>	18	Fla. Stat. Ann. § 790.22(3)

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<sup>15</sup> Maryland's minimum age requirement applies to "regulated firearms," which are defined as handguns and assault weapons.

## **States Imposing Minimum Age Requirements for Possession of Long Guns**

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<i>State</i>	<i>Age</i>	<i>Citation</i>
<a href="#"><u>Hawaii</u></a>	18	Haw. Rev. Stat. Ann. §§ 134-2(d), 134-4(a), 134-5
<a href="#"><u>Idaho</u></a>	18	Idaho Code Ann. §§ 18-3302E, 18-3302F
<a href="#"><u>Illinois</u></a>	21	430 Ill. Comp. Stat. 65/2(a)(1); 430 Ill. Comp. Stat. 65/4(a)(2)(i)
<a href="#"><u>Indiana</u></a>	18	Ind. Code Ann. § 35-47-10-5
<a href="#"><u>Iowa</u></a>	18	Iowa Code § 724.22
<a href="#"><u>Michigan</u></a>	18	Mich. Comp. Laws § 750.234f
<a href="#"><u>Minnesota</u></a>	16 <sup>16</sup>	Minn. Stat. § 97B.021(a)
<a href="#"><u>Montana</u></a>	14	Mont. Code Ann. § 45-8-344
<a href="#"><u>Nevada</u></a>	18	Nev. Rev. Stat. Ann. § 202.300.1
<a href="#"><u>New Jersey</u></a>	18	N.J. Stat. Ann. § 2C:58-6.1
<a href="#"><u>New York</u></a>	16	N.Y. Penal Law §§ 265.05, 400.00(1)(a)
<a href="#"><u>Oklahoma</u></a>	18	Okla. Stat. tit. 21, § 1273
<a href="#"><u>Oregon</u></a>	18	Or. Rev. Stat. § 166.250
<a href="#"><u>Pennsylvania</u></a> <sup>17</sup>	18	18 Pa. Cons. Stat. § 6110.1(a)
<a href="#"><u>Rhode Island</u></a>	18	R.I. Gen. Laws § 11-47-33
<a href="#"><u>Utah</u></a>	18	Utah Code Ann. § 76-10-509
<a href="#"><u>Washington</u></a>	18	Wash. Rev. Code Ann. § 9.41.040(2)(a)(iii)
<a href="#"><u>Wisconsin</u></a>	18	Wis. Stat. § 948.60(2)(a)

### **Description of State Laws Governing Minimum Age to Purchase and Possess Firearms**

#### *1. States Imposing Minimum Age Requirements for All Firearm Purchases:*

Although federal law prohibits licensed dealers from selling long guns to persons under 18, there is no federal regulation of the sale of long guns by unlicensed dealers to minors. Similarly, while federal law prohibits handgun sales by licensed dealers to persons under 21, unlicensed dealers are prohibited only from selling handguns to persons under 18. Many states have imposed a minimum age for the purchase of all firearms, regardless of whether they are purchased from a licensed firearms dealer.

*2. States with Stricter Minimum Age Requirements for Possession of Handguns than Federal Law:* Connecticut, Hawaii, Illinois, Iowa, Maryland, Massachusetts, New Jersey, New Mexico, New York, South Carolina and the District of Columbia impose minimum age requirements for the possession of handguns which are stricter than the federal minimum of 18. Connecticut, Hawaii, Illinois, Iowa, Massachusetts, New Jersey,

<sup>16</sup> Minnesota allows possession of long guns by persons who are 14 or 15 and have a firearms safety certificate. Minn. Stat. § 97B.021(b)(4).

<sup>17</sup> Pennsylvania's possession prohibition refers to handguns and to rifles and shotguns of a specified length. It does not encompass all long guns.

New York, South Carolina and the District of Columbia<sup>18</sup> allow handgun possession only by persons 21 or older; New Mexico requires persons to be at least 19 in order to possess a handgun. Maryland provides that persons must be at least 21 to possess “regulated firearms,” defined as handguns and assault weapons.

3. *States Imposing Minimum Age Requirements for Possession of Long Guns:* While federal law prohibits federally licensed firearms dealers from selling a long gun to anyone under 18, there is no federal minimum age for possession of a long gun. Some states have closed this gap, and impose a minimum age at which persons can possess any firearms (including long guns). Montana limits long gun possession to children 14 and over. Alaska, Minnesota and New York limit possession of long guns to persons age 16 and over. Florida, Hawaii, Idaho, Indiana, Iowa, Michigan, Nevada, New Jersey, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Washington, and Wisconsin limit possession of long guns to persons 18 or over. Many of these laws contain exceptions which allow younger children to possess long guns where the minor’s parent or guardian is present, or when the minor is engaged in hunting or target shooting. In Illinois, persons must obtain a FOID card in order to lawfully purchase or possess a long gun. Persons must be 21 or older to be eligible to obtain a FOID card, or have written consent of a parent or guardian. Likewise, in the District of Columbia, no one under the age of 21 may obtain a registration certificate, which prevents such individuals from lawfully possessing a firearm. Maryland limits possession of “regulated firearms” (handguns and assault weapons) to persons 21 or older.

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<sup>18</sup> While possession of handguns is prohibited in most circumstances in the District of Columbia, the law provides that even where lawful, handgun possession is limited to persons age 21 or older. Note that in 2007, the U.S. Court of Appeals for the District of Columbia Circuit struck down the District of Columbia’s strict laws banning most handgun possession in the District, and requiring lawfully owned firearms to be kept unloaded and disassembled or bound by a trigger lock or similar device. *Parker v. District of Columbia*, 478 F.3d 370 (D.C. Cir. 2007). The court held that the laws violate the Second Amendment, interpreting the Amendment to protect an individual right to keep and bear firearms unrelated to service in the militia. The U.S. Supreme Court granted *certiorari* on the following question: Whether the challenged provisions violate the Second Amendment rights of individuals who are not affiliated with any state-regulated militia, but who wish to keep handguns and other firearms for private use in their homes? *District of Columbia v. Heller*, 128 S. Ct. 645, 169 L. Ed. 2d 417 (2007). The Supreme Court is expected to issue its ruling in the case by June 2008.

## SUMMARY OF SELECTED<sup>19</sup> LOCAL LAWS GOVERNING MINIMUM AGE TO PURCHASE AND POSSESS FIREARMS

### Local Laws Governing Minimum Age to Purchase and Possess Firearms

<b>Boston</b>	<b>1993 Mass. Acts 491</b>
<b>Chicago</b>	<b>Chicago, Ill., Code § 8-16-090</b>
<b>Cleveland</b>	<b>Cleveland, Ohio, Code § 627.08</b>
<b>Columbus</b>	<b>Columbus, Ohio, Code § 545.08(a)(3)</b>
<b>New York City</b>	<b>New York, N.Y., Charter §§ 462-464</b>

*Boston:* With some exceptions, Boston prohibits transfer of a handgun or short-barreled rifle or shotgun to a person under 21 years of age. In addition, no person under the age of 21 may possess, transfer or purchase a handgun or short-barreled rifle or shotgun.

*Chicago:* Chicago prohibits any person from selling, loaning, or furnishing to any minor<sup>20</sup> any gun, pistol or other firearm. Minors may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a licensed shooting gallery or gun club. Chicago also prohibits any person from selling, loaning, or furnishing to any minor any toy gun, pistol or other firearm.

*Cleveland:* In Cleveland minors<sup>21</sup> are prohibited from purchasing, owning, possessing, receiving, having on or about their person or using any firearm.

*Columbus:* Columbus requires that a person be at least 18 years of age to receive a permit for the purchase of a rifle or shotgun. A person purchasing a handgun must be age 21 or older to receive a permit.

*New York City:* In New York City, with some exceptions, no person under the age of 21 may be granted a permit or license to purchase, possess or carry a firearm. Persons under the age of 21 who held a permit or license to purchase or possess a firearm when this provision went into effect in 2001 were allowed to retain the permit or license. It is unlawful to transfer a firearm to any person under the age of 21 unless he or she has a valid permit or license or is otherwise exempted by law.

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<sup>19</sup> This section is based on research and analysis of existing firearms laws in: Boston, Massachusetts; Chicago, Illinois; Hartford, Connecticut; Los Angeles, California; Newark, New Jersey; New York, New York; Omaha, Nebraska; and San Francisco, California. LCAV selected these cities because they are located in states that grant local jurisdictions broad authority to regulate firearms. It also includes existing laws in Cleveland and Columbus, Ohio. Note, however, that in 2006, the Ohio Legislature passed House Bill 347 (overriding the Governor's veto), which created Ohio Rev. Code Ann. § 9.68(A), a provision that purports to preempt all local authority to regulate firearms with few, limited exceptions. Legal challenges to the law are pending. Additional information about state laws governing local authority to regulate firearms is contained in the section of this report titled "[The Legal Background.](#)"

<sup>20</sup> "Minor" is undefined in this Chicago ordinance.

<sup>21</sup> Cleveland does not define "minor." Under Ohio law, "minors" are generally defined to be persons age 18 or older. Ohio Rev. Code Ann. § 3109.01.

## **FEATURES OF COMPREHENSIVE LAW ESTABLISHING MINIMUM AGE TO PURCHASE AND POSSESS FIREARMS**

The features listed below are intended to provide a framework from which policy options may be considered and debated. LCAV has not attempted to include every provision or every creative approach identified in the analysis above, nor have we addressed appropriate exceptions so that the regulation does not produce unintended consequences. A jurisdiction considering modifying existing, or developing new legislation in this area should consult with counsel to ensure its legal sufficiency and compatibility with existing codes and statutes, as appropriate.

- Minimum age of 21 is imposed for all handgun sales, from licensed or unlicensed sellers (*California, Delaware, Hawaii, Illinois, Iowa, Maryland, Massachusetts, New Jersey, Ohio, Rhode Island, South Carolina, District of Columbia, Boston, New York City*)
- Minimum age of 18 is imposed for all long gun sales, from licensed or unlicensed sellers (*19 states and the District of Columbia*)
- Minimum age of 21 is imposed for possession of handguns (*Connecticut, Hawaii, Illinois, Iowa, Maryland, Massachusetts, New Jersey, New York, South Carolina, District of Columbia, Boston, New York City*)
- Minimum age of 18 is imposed for possession of long guns (*15 states*)
- Younger teens are allowed to possess long guns only under direct adult supervision