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A Return to Original Intent: Gun Rights Preserved

Two landmark court cases were recently decided by the U.S. Supreme Court, yielding one poor decision that smacks of judicial activism and one that scrupulously adheres to the original intent of our nation's founders. The first was a ruling that bars states from applying the death penalty in child rape cases, dealing a blow to efforts to protect our children and punish the vilest of criminals. Next week's column will discuss this issue more in-depth.

The second ruling was a victory for the Constitution and its guarantee of the right to bear arms and to protect yourself and your family from harm.

When the Supreme Court issued its historic ruling recognizing that Americans have the right to own guns for personal self-defense (not merely as a part of a state militia), they correctly interpreted the U.S. Constitution and avoided their all too common error of imposing personal opinions on this venerable document. This decision marks the first time that the Supreme Court has conclusively ruled on the Second Amendment since its ratification in 1791, hopefully ending efforts by some to twist its text to limit, rather than protect, this important right.

The case in question involved the District of Columbia's 32-year-old ban on handguns, which the court ruled unconstitutional under the Second Amendment. As someone who values the rule of law, I'm pleased to see that the Court recognized the Constitution's guarantee of this important right and removed an ill-advised law that had served primarily to deprive innocent, law-abiding people of the right to defend themselves and their families. The absurdity of this law was readily apparent. No one can seriously argue that criminals in Washington, D.C. (one of the nation's most dangerous cities) had any trouble getting their hands on weapons, regardless of what was mandated by the city ordinance.

Perhaps the most encouraging part of this ruling is to be found in the Court's actual analysis of the Constitution. In an opinion that ranges over 100 pages in length, the justices took great pains to ascertain what the founders of our republic originally intended when they penned the Second Amendment. This deference to the text of the Constitution and the wisdom of our founders is refreshing but far too uncommon with certain members of the Court.

The Supreme Court's ruling came just as Missouri was also working to secure the rights of gun owners. The legislature passed and the governor recently signed [House Bill 2034](#), which provides legal protection for owners and authorized users of firearm ranges and hunting preserves. This law prevents these sportsmen from being sued by people who build homes next to these areas, only later to complain about the noise.

Another provision of HB 2034 allows new Missouri residents to apply for a concealed carry endorsement once they have established and proven legal residence in Missouri and have otherwise complied with the law's background check requirements. Previously, new residents had to wait six months before they could apply for a concealed carry endorsement. Finally, HB 2034 also helps take firearms out of the hands of convicted felons by charging them with the crime of unlawful possession of a firearm — a Class C felony — for knowingly possessing a firearm.

If you have any comments or questions about this week's column or any other matter involving state government, please do not hesitate to contact me. You can reach my office by e-mail at matt_bartle@senate.mo.gov or by phone at (888) 711-9278. My web address is <http://www.senate.mo.gov/bartle>.

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