

Firearms Cases



Significant Supreme Court cases related to firearms

A Brief prepared by the UConn ARMS Center

United States v. Cruikshank, 92 U.S. 542 (1875)

In the first case to deal with the Second Amendment, the Supreme Court held that the Second Amendment does not bar state regulation of firearms. The Court stated that the Second Amendment “has no other effect than to restrict the powers of the national government.”

United States v. Miller, 307 U.S. 174 (1939)

The Court held that the Second Amendment did not guarantee defendants’ right to keep and bear a shotgun having a barrel of less than 18 inches in length, reasoning that the “obvious purpose” of the Second Amendment was to “assure the continuation and render possible the effectiveness of” the state militia, and the Amendment “must be interpreted and applied with the end in view.” As such, the weapon was not part of any ordinary military equipment, its use could not contribute to the common defense, and there was no evidence that possession of such a shotgun had any relationship to the preservation of a militia.

District of Columbia v. Heller, 554 U.S. 570 (2008)

In a 5-4 ruling, the Court held that the Second Amendment protected an individual right to possess a firearm unconnected with service in a militia and to use that firearm for traditionally lawful purposes, such as self-defense within the home. However, the Court emphasized that the individual right to bear arms was not unlimited and certain forms of federal regulation remained permissible. The ruling only applied to the District of Columbia.

United States v. Hayes, 555 U.S. 415 (2009)

In this case, the Supreme Court held that the federal domestic violence misdemeanor gun ban law did not require a domestic relationship between the offender and the victim. The ban, which prohibited people convicted of domestic violence crimes from owning guns, applies whenever the battered victim is in fact the spouse or other family relative of the offender; a domestic relationship does not need to be a specific element of the prior offense in order to trigger the federal gun ban.

McDonald v. Chicago, 561 U.S. 742 (2010)

In an extension of Heller, the Supreme Court ruled that the right to keep and bear arms extends to individuals in each of the 50 U.S. states, reasoning that the Second Amendment was incorporated by the due process section of the Fourteenth Amendment and individuals were therefore granted a constitutional right to keep firearms in their homes for self-protection. Similar to its holding in Heller, the Court noted that the individual right to bear arms was not unlimited and certain forms of federal regulation remained permissible.

United States v. Castleman, 134 S. Ct. 1405 (2014)

In a unanimous decision, the Supreme Court held that a state conviction for misdemeanor domestic assault qualifies as a “misdemeanor crime of domestic violence” for purposes of possessing a firearm under 18 U.S.C. § 922(g)(9). As such, the Castleman holding established a unified bar for courts to meet when determining whether someone had committed an act of domestic violence that would prohibit an individual from possessing a firearm.

Henderson v. United States, 135 S. Ct. 1780 (2015)

In a unanimous decision, the Court held that a court may order the transfer of a felon’s lawfully owned firearm(s) to a third party as long as the court is satisfied that the defendant will neither use them nor direct their use. The Court’s holding allows felons to ask the government to transfer their firearm(s) to an independent third party, including transfers to dealers for sale on the open market and direct transfers to specific people.

Caetano v. Massachusetts, 136 S. Ct. 1027 (2016)

The Supreme Court held that, although stun guns are unusual in nature and were not common during the enactment of the Second Amendment, a Massachusetts state law prohibiting the personal possession of stun guns contradicts the precedent established in *District of Columbia v. Heller* and *McDonald v. Chicago*. In stating that stun guns are included in Second Amendment protections, the Court concluded that the Second Amendment extends to “all instruments that constitute bearable arms, even those that were not in existence at the time of the founding.”

Voisine v. United States 136 S. Ct. 386 (2016)

The Supreme Court held that a domestic violence conviction is a misdemeanor crime of violence for purposes of limiting access to firearms, reasoning that reckless assaults satisfy the definition of “use of physical force.”

NY State Rifle & Pistol Ass’n v. Bruen 142 S. Ct. 2111 (2021)

The Court struck down New York State’s concealed carry law that required an individual to prove “proper cause” existed before a license would be issued allowing that person to carry a concealed pistol or revolver in public. The Court reasoned that the “proper cause” requirement violated the 14th Amendment because it prevented law-abiding citizens from exercising their Second Amendment right to keep and bear arms.