

WE DARE DEFEND OUR RIGHT TO BEAR ARMS

The Alabama Firearms Protection Amendment House Bill 8, sponsored by Rep. Mike Jones (R-Andalusia)

With this amendment, our state constitution will have the strongest gun protection provisions of any state constitution in the country. Alabamians have a constitutional right to keep and bear arms. This right is protected in the 2nd Amendment to the U.S. Constitution as well as in Section 26 of the Alabama Constitution. Recent 5-to-4 opinions of the U.S. Supreme Court have threatened the sanctity of the 2nd Amendment. If President Obama has the chance to fill any Court vacancies during his second term, these opinions could be overturned. Consequently, Section 26 of the Alabama Constitution should, as strongly as possible, protect the right of every Alabamian to keep and bear arms.

Summary:

- **The Alabama Firearms Protection Amendment** would, if ratified, alter Section 26 of the Alabama Constitution of 1901 in three ways:
 1. It would classify the right to bear arms as a “fundamental” right in Alabama
 2. It would subject any restriction on this right to strict judicial scrutiny
 3. It would prevent Alabama citizens from being compelled by international treaty or to take an action that interferes with their fundamental right to bear arms.
- Since Section 26 of the Alabama Constitution contains no scrutiny language and does not classify the right to bear arms as “fundamental,” our constitution does not sufficiently protect against future governmental actions that could infringe on our right to bear arms. In fact, the Alabama Supreme Court has stated that Section 26 is subject to “reasonable regulation” by the state.”
- With **The Alabama Firearms Protection Amendment**, an Alabama law infringing on a citizen’s fundamental right to bear arms would be held unconstitutional unless it withstood “strict scrutiny,” meaning the law
 1. Was justified by a compelling governmental interest
 2. Was narrowly tailored to achieve that interest
 3. Was the least restrictive means for achieving that interest

This level of scrutiny is the highest level available in the American judicial system. Because overcoming strict scrutiny is difficult – if not impossible – the right of Alabamians to bear arms would be better protected under this amendment than ever before.

- **The Alabama Firearms Protection Amendment** also sends a clear message that the Federal Government cannot circumvent the 2nd Amendment by subjecting Alabamians to international treaties or laws that infringe on their fundamental right to bear arms.
- This amendment is modeled after a similar one adopted last year in Louisiana. With the help of the National Rifle Association and other advocates, Louisiana citizens voted (73% - 27%) to add the “fundamental right/strict scrutiny” provision of this amendment to their state constitution.

