

LIMITS ON THE POWER OF STATES TO REGULATE FIREARMS

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Abstract

This paper explores the constitutional limits of state gun control legislation. First, alternative constructions of the right to bear arms are analyzed. Regardless of the construction used, the Second Amendment imposes no restrictions on state legislatures in formulating gun control measures. Furthermore, the California Constitution contains no provision guaranteeing the right to bear arms. Finally, some common constitutional methods of challenging state gun control legislation are discussed, though virtually none of these have been successful.