

Minnesota's Handgun Permit Age Limit Overturned by Court



A federal judge in Minnesota has struck down a state law that requires individuals to be at least 21 years old to obtain a permit to carry a handgun in public. US District Judge Katherine Menendez ruled that the minimum age requirement violated the Second Amendment right to keep and bear arms and was, therefore, unconstitutional. The case was brought before the court by gun-rights advocacy organizations and several individuals under 21 who argued that the age restriction in Minnesota's permit-to-carry law violated their Second Amendment rights. Specifically, they argued that the Second Amendment text protects the rights of 18- to 20-year-olds to bear arms for self-defense because that age group had the right to bear arms when the Second Amendment was ratified.

The Second Amendment to the US Constitution states, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Last year, the US Supreme Court in *New York State Rifle & Pistol Association, Inc. v. Bruen* formulated a two-part test for evaluating laws regulating firearm possession. The Bruen test requires a court to determine whether the Second Amendment's plain text covers an individual's conduct. Then the government must demonstrate that the proposed regulation is consistent with the US history and tradition of firearms regulation.

Judge Menendez acknowledged her "reservations" regarding the historical inquiry analysis, stating that "judges are not historians." She applied the Bruen test and sided with the plaintiffs in her decision. She held that the Second Amendment's plain text does not suggest an age limit and that reference to "the people" includes 18- to 20-year-olds. Therefore, it presumptively protects the right of that age group to bear arms in public for self-defense. She then found that the defendants failed to identify an analogous regulation that showed a historical US tradition of prohibiting 18- to 20-year-olds from possessing handguns for self-defense.

Gun rights activists have celebrated the decision, calling it "...a resounding victory for 18-20-year-old adults who wish to exercise their constitutional right to bear arms." Those calling for stricter firearms regulation believe it will only lead to more people with more guns. In her ruling, Judge Menendez acknowledged that applying the historical inquiry analysis from Bruen could lead to such a situation, stating:

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"Given the relative absence of firearms regulation from the most relevant period where that lens is aimed, applying Bruen seems likely to lead to more guns in the hands of more people, not just young adults."

Gun control remains a highly divisive and politically charged issue in the US. This decision follows a recent school shooting in Nashville, Tennessee, which has reignited debate about firearm regulation. Critics of the ruling argue that the decision undermines public safety and increases the risk of gun violence, particularly among young people. However, supporters of the ruling contend that it upholds the Second Amendment and recognizes the rights of law-abiding citizens to defend themselves.

The ruling also has implications beyond Minnesota, as several other states have similar age limits for handgun permits. It remains to be seen whether this ruling will be appealed or other courts will follow suit. Nonetheless, it highlights the ongoing debate over firearms regulation in the US and the difficulty in balancing public safety with individual rights.