

# PREVENTING ARMED VOTER INTIMIDATION:

## A State-by-State Analysis

September 2020

Giffords thanks **Hogan Lovells**  
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this report.



## Introduction

In 1965, Representative John Lewis marched from Selma, Alabama, to the state capital of Montgomery in support of voting rights. A Black man in the Jim Crow South, Lewis was viciously beaten for exercising his First Amendment rights. Tragically, in modern-day America, [violence is still used](#) to chill the exercise of free speech, the right to peaceably assemble, and other constitutional rights. And physical violence is not the only tool used by those intent on intimidating Americans participating in the democratic process.

Increasingly, gun rights extremists have turned to brandishing and displaying firearms as a key [tactic](#) at protests. In the lead-up to the 2020 election, the presence of [heavily armed protesters and counter-protesters](#) has contributed to numerous violent incidents, including several fatal shootings. As Election Day approaches, the potential for openly carried firearms at polling places, election offices where votes are tallied, or other spaces crucial to voters casting their ballots creates a serious risk of disenfranchising Americans, particularly Black and Brown voters.

**The following resource is intended to empower election officials and others to protect Americans from firearms intimidation and harassment while exercising their constitutional right to vote.**

## Background

During a highly contested race for governor of New Jersey in [1981](#), the Republican National Committee (RNC) sent armed, off-duty police officers to polling locations in predominantly Black communities. Wearing armbands displaying “National Ballot Security Task Force,” the officers posted warnings that they were “patrolling” the election for signs of voter fraud. As word spread of the presence of armed law enforcement at the polls, many Americans who were legally entitled to vote grew fearful. Some [worried about interaction with law enforcement](#) due to outstanding warrants, unpaid traffic tickets, missed child support payments, or prior negative interactions with police. As a result, countless [individuals](#), predominantly Black, were disenfranchised.

The Democratic National Committee (DNC) subsequently sued the RNC, claiming its tactics constituted racially discriminatory voter suppression. As a result of that lawsuit, the RNC consented to a federal decree, which required judicial oversight and prevented the use of race as a factor in its poll watching strategy. In effect for the last nine presidential elections, the consent decree [expired](#) in 2017.

In 2020, [President Trump](#) vowed to send law enforcement to polling locations using the same [disproven](#) and [inaccurate](#) justification that the RNC cited in the 1981 New Jersey election: that [voter fraud is](#) a legitimate threat to the integrity of American elections. As in 1981, the presence of armed on- or off-duty law enforcement at polling locations could significantly deter voting by voters of color who are [disproportionately](#) impacted by police violence, as could the presence of armed civilian vigilantes.

President Trump arguably [lacks the authority](#) to deploy active-duty law enforcement to monitor the polls, but armed individuals are still likely to be present at the polls this fall, possibly in greater numbers than ever before. The RNC is recruiting [50,000 volunteers](#) to monitor polling places for signs of voter fraud. While neither the RNC nor others have explicitly called for poll watchers to carry firearms, Americans are increasingly witnessing right-wing extremists and Trump supporters using firearms when expressing anger or frustration, such as [those](#) incensed by [gun safety laws](#), shelter-in-place [restrictions](#), and peaceful [protests](#)

“The vote is precious. It is the most powerful non-violent tool we have in a democratic society, and we must use it.”

- John Lewis

for racial justice. Given this backdrop, it is likely that significant numbers of people will bring guns to polling places under the guise of preventing election fraud.

In 2020, with gun violence at [epidemic](#) levels in the United States, the presence of armed individuals angered by false claims about voter fraud creates real [health and safety](#) risks. The presence of guns makes it more likely that [heated confrontations](#) will turn deadly. With [46 states](#) allowing private citizens to challenge a voter's eligibility, guns at the polls are a tinder box near an open flame.

**The broad, suppressive net that guns may cast at the polls is not a foregone conclusion.** Six states and the District of Columbia explicitly prohibit guns at polling locations altogether, while an additional four states prohibit concealed firearms at the polls. Guns may also be prohibited when polling locations are on K-12 schools and other types of [public property](#) where firearms are not permitted. Additionally, even where guns are not prohibited outright, nearly all 50 states have laws that prohibit using firearms to intimidate.

## Conclusion

In 1946, a mob of angry white people armed with guns prevented Black voting rights activist Medgar Evers [from voting](#). More than half a century later, attempts to disenfranchise and intimate voters with firearms continue. Knowledge of the relevant laws that prohibit this conduct and proper preparation to prevent it can help protect Americans' constitutional right to vote and stop the cycle of disenfranchisement. We hope that elected leaders, stakeholders, and advocates use this resource to inform voters of their right not to be harassed with firearms, and that election administrators use this resource to train poll workers and others on how to identify unlawful behavior and respond appropriately if it occurs.

***Voters who experience problems on Election Day should call 1-866-Our-Vote, a national, nonpartisan Election Protection coalition formed to ensure that all voters have an equal opportunity to participate in the political process.***



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## Organizational Notes

The following state and District of Columbia laws are organized as follows:

1. A summary of the laws that prevent armed intimidation at polling or election locations.
2. Listing of specific laws that:
  - a. Broadly prohibit guns at polling places.
    - i. Note: When polling places are on K–12 grounds, guns are almost always prohibited.
    - ii. The federal Gun-Free School Zones Act (GFSZA), 18 U.S.C. § 922(q)(2)(A), prohibits guns within 1,000 feet of the grounds of a K–12 school. Individuals with valid concealed carry permits are exempt from this prohibition, however, **nearly all states go above and beyond federal law** to prohibit even those with concealed carry permits on K–12 campus. Accordingly, *this resource only lists states that do not go above and beyond federal law* and do allow individuals with concealed carry permits to carry on K–12 grounds.
  - b. Prohibit the open carry of firearms.
3. Laws that prohibit the use of firearms to intimidate or harass are listed in the following manner:
  1. A plain language summary of the elements needed to establish the offense.
  2. A citation to the law and the exact statutory language.

## The Data

What follows is a survey of the laws of the 50 states and the District of Columbia that prohibit guns at polling places and/or prohibit the use of firearms to intimidate or threaten. Each state section contains a citation to the law that explicitly prohibits firearms at polling locations, if such a law exists in that state, followed by the laws that prohibit the brandishing or use of firearms to intimidate and harass. Also included is as a plain-language recitation of the elements necessary to establish the offense. If state law limits or regulates the open carry of firearms, such information is provided.

This resource is limited to providing information about laws that specifically address the legality of guns at polling locations and restrictions on the use of guns to harass or intimidate. Other local, state, and federal laws and regulations may apply to particular factual scenarios involving firearms and this resource is not intended to, and cannot, cover all hypothetical situations of this nature.



# ALABAMA

<b>Summary</b>	Alabama does not prohibit guns at polling locations but does prohibit guns on K–12 school grounds. Open carry is generally permissible except on private property. Several criminal laws prohibit the use of firearms to intimidate or harass.
<b>Open Carry Restrictions</b>	Alabama generally prohibits people from carrying a pistol onto another person’s private property without either a CCW permit or the consent of the property’s owner. Alabama Code § 13A-11-52.

<b>Crime of Menacing</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. The defendant commits a physical action (<i>But see Ex parte Pate</i>, 145 So. 3d 733, 738 (Ala. 2013) (holding that retrieving a gun from a car, without more, during a verbal altercation does not constitute a physical action necessary for conviction); and</li> <li>2. The defendant intends to cause fear of imminent serious physical injury in another individual.</li> </ol>
<b>Citation to Prohibition</b>	Ala Code § 13A-6-23 <sup>1</sup>
<b>Text of Prohibition</b>	<p>(a) A person commits the crime of menacing if, by physical action, he intentionally places or attempts to place another person in fear of imminent serious physical injury.</p> <p>(b) Menacing is a Class B misdemeanor.</p> <p><i>Statute Commentary:</i> Apparently, under caselaw, the previously existing assault statutes did not cover the mere creation of apprehension in a complaint of being harmed, where defendant did not actually intend an injury, or there was insufficient means, or no present ability, to accomplish the believed harm. The classic example is where defendant, intending to frighten another, points an unloaded gun at him, though not known by the victim to be so. <i>Chapman v. State</i>, 78 Ala. 463 (1885) (aiming unloaded gun in a menacing manner so as to terrify complainant not criminal assault; must be a present intention, as well as present ability).</p> <p>Technically, such conduct, though culpable, does not constitute either assault or attempted assault under the Criminal Code, for ‘physical injury’ is neither inflicted nor intended. Accordingly, § 13A–6–23 would cover this area of conduct. ‘Menacing’ is committed by intentionally placing or attempting to place another in fear of imminent serious physical injury.</p>

<b>Crime of Disorderly Conduct</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. The defendant intends to cause public inconvenience or alarm, or is recklessly creates such a risk; and</li> <li>2. The defendant engages in threatening behavior or disturbs a lawful assembly without authority to do so.</li> </ol>
<b>Citation to Prohibition</b>	Ala Code § 13A-11-7
<b>Text of Prohibition</b>	<p>(a) A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she does any of the following:</p> <ol style="list-style-type: none"> <li>(1) Engages in fighting or in violent tumultuous or threatening behavior.</li> <li>...</li> <li>(4) Without lawful authority, disturbs any lawful assembly or meeting of persons.</li> <li>...</li> </ol> <p>(b) Disorderly conduct is a Class C misdemeanor.</p> <p>(c) It shall be a rebuttable presumption that the mere carrying of a visible pistol, holstered or secured, in a public place, in and of itself, is not a violation of this section.</p>

<sup>1</sup> The menacing statute is essentially an “apprehension” assault, but the statutory commentary speaks specifically to an example of pointing an unloaded firearm at someone.

# ALABAMA (cont.)

	(d) Nothing in Act 2013-283 shall be construed to prohibit law enforcement personnel who have reasonable suspicion from acting to prevent a breach of the peace or from taking action to preserve public safety.
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<b>Crime of Use of firearm while fighting</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. The defendant uses or attempts to use a firearm in a public place or in the presence of a group of people;</li> <li>2. The defendant did so in a fight; and</li> <li>3. The defendant did not act in self-defense.</li> </ol>
<b>Citation to Prohibition</b>	Ala Code § 13A-11-56
<b>Text of Prohibition</b>	Any person who, while fighting in the streets of any city or town, or at a militia muster, or at any public place, whether public in itself, or made public at the time by an assemblage of persons, use or attempts to use, except in self-defense, any kind of firearms, shall, on conviction, be fined not less than \$200.00 nor more than \$500.00, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not less than six months.

<sup>1</sup> The menacing statute is essentially an “apprehension” assault, but the statutory commentary speaks specifically to an example of pointing an unloaded firearm at someone.

# ALASKA

<b>Summary</b>	Alaska does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. Open carry is generally permissible and Alaska has no laws prohibiting the use of firearms to harass or intimidate.
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# ARIZONA

<b>Summary</b>	Arizona broadly prohibits firearms at polling places on the day of an election and has several criminal laws that prohibit the use of firearms to intimidate or harass.
<b>Polling Places</b>	It is misconduct involving weapons to enter a polling place on the day of an election with a deadly weapon. Ariz. Rev. Stat. § 13-3102(A)(11)
<b>Crime of Threatening or Intimidating</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. The defendant threatens or intimidates another person or the general public;</li> <li>2. The threat or intimidation is for the purpose of, or, for public inconvenience, with reckless disregard of, causing either personal injury to another or a serious public inconvenience; and</li> <li>3. The defendant's threat or intimidation is done by word or conduct.</li> </ol>
<b>Citation to Prohibition</b>	Ariz. Rev. Stat. Ann. § 13-1202
<b>Text of Prohibition</b>	<p>A. A person commits threatening or intimidating if the person threatens or intimidates by word or conduct:</p> <ol style="list-style-type: none"> <li>1. To cause physical injury to another person or serious damage to the property of another; or</li> <li>2. To cause, or in reckless disregard to causing, serious public inconvenience including, but not limited to, evacuation of a building, place of assembly or transportation facility; or</li> <li>...</li> </ol> <p>B. Threatening or intimidating pursuant to subsection A, paragraph 1 or 2 is a class 1 misdemeanor, except that it is a class 6 felony if:</p> <ol style="list-style-type: none"> <li>1. The offense is committed in retaliation for a victim's either reporting criminal activity or being involved in an organization, other than a law enforcement agency, that is established for the purpose of reporting or preventing criminal activity.</li> <li>2. The person is a criminal street gang member.</li> <li>...</li> </ol>

<b>Crime of Disorderly Conduct</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. The defendant intends to cause public inconvenience or alarm, or is recklessly creates such a risk; and</li> <li>2. The defendant engages in threatening behavior or disturbs a lawful assembly.</li> </ol>
<b>Citation to Prohibition</b>	Ariz. Rev. Stat. Ann. § 13-2904
<b>Text of Prohibition</b>	<p>A. A person commits disorderly conduct if, with intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so, such person:</p> <ol style="list-style-type: none"> <li>...</li> <li>4. Makes any protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession; or</li> <li>...</li> <li>6. Recklessly handles, displays or discharges a deadly weapon or dangerous instrument.</li> </ol> <p>B. Disorderly conduct under subsection A, paragraph 6 is a class 6 felony. Disorderly conduct under subsection A, paragraph 1, 2, 3, 4 or 5 is a class 1 misdemeanor.</p>

<b>Crime of Misconduct Involving Weapons</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. The defendant is carrying a deadly weapon;</li> <li>2. The defendant receives a request to remove the weapon and have it securely stored by the requestor temporarily; and</li> <li>3. Despite such request, the defendant knowingly enters a public event or public establishment.</li> </ol>
<b>Citation to Prohibition</b>	Ariz. Rev. Stat. Ann. § 13-3102
<b>Text of Prohibition</b>	A. A person commits misconduct involving weapons by knowingly: ...

# ARIZONA (cont.)

	<p>10. Unless specifically authorized by law, entering any public establishment or attending any public event and carrying a deadly weapon on his person after a reasonable request by the operator of the establishment or the sponsor of the event or the sponsor's agent to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event for temporary and secure storage of the weapon pursuant to § 13-3102.01;</p> <p>...</p> <p>C. Subsection A, paragraphs 2, 3, 7, 10, 11, 12 and 13 of this section shall not apply to:</p> <ol style="list-style-type: none"><li>1. A peace officer or any person summoned by any peace officer to assist and while actually assisting in the performance of official duties; or</li><li>2. A member of the military forces of the United States or of any state of the United States in the performance of official duties; or</li><li>3. A warden, deputy warden, community correctional officer, detention officer, special investigator or correctional officer of the state department of corrections or the department of juvenile corrections; or</li><li>4. A person specifically licensed, authorized or permitted pursuant to a statute of this state or of the United States.</li></ol> <p>...</p> <p>G. Subsection A, paragraph 10 of this section shall not apply to shooting ranges or shooting events, hunting areas or similar locations or activities.</p> <p>...</p> <p>K. The operator of the establishment or the sponsor of the event or the employee of the operator or sponsor or the agent of the sponsor, including a public entity or public employee, is not liable for acts or omissions pursuant to subsection A, paragraph 10 of this section unless the operator, sponsor, employee or agent intended to cause injury or was grossly negligent.</p> <p>...</p> <p>M. Misconduct involving weapons under subsection A, paragraph 15 of this section is a class 2 felony. Misconduct involving weapons under subsection A, paragraph 9, 14 or 16 of this section is a class 3 felony. Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of this section is a class 4 felony. Misconduct involving weapons under subsection A, paragraph 12 of this section is a class 1 misdemeanor unless the violation occurs in connection with conduct that violates § 13-2308, subsection A, paragraph 5, § 13-2312, subsection C, § 13-3409 or § 13-3411, in which case the offense is a class 6 felony. Misconduct involving weapons under subsection A, paragraph 1, subdivision (a) of this section or subsection A, paragraph 5, 6 or 7 of this section is a class 6 felony. Misconduct involving weapons under subsection A, paragraph 1, subdivision (b) of this section or subsection A, paragraph 10 or 11 of this section is a class 1 misdemeanor. Misconduct involving weapons under subsection A, paragraph 2 of this section is a class 3 misdemeanor.</p> <p>N. For the purposes of this section:</p> <p>...</p> <ol style="list-style-type: none"><li>2. "Public establishment" means a structure, vehicle or craft that is owned, leased or operated by this state or a political subdivision of this state.</li><li>3. "Public event" means a specifically named or sponsored event of limited duration that is either conducted by a public entity or conducted by a private entity with a permit or license granted by a public entity. Public event does not include an unsponsored gathering of people in a public place.</li></ol> <p>...</p>
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# ARKANSAS

<b>Summary</b>	Arkansas does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds, though some limited exceptions apply to religious schools. The state does not generally prohibit open carry but has two laws that may prohibit the use of firearms to intimidate or harass.
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<b>Crime of Disorderly Conduct</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. The defendant intends to cause public inconvenience or alarm, or recklessly creates such a risk; and</li> <li>2. The defendant engages in threatening behavior or disturbs a lawful assembly.</li> </ol>
<b>Citation to Prohibition</b>	Ark. Code Ann. § 5-71-207 <sup>2</sup>
<b>Text of Prohibition</b>	<p>(a) A person commits the offense of disorderly conduct if, with the purpose to cause public inconvenience, annoyance, or alarm or recklessly creating a risk of public inconvenience, annoyance, or alarm, he or she:</p> <ol style="list-style-type: none"> <li>(1) Engages in fighting or in violent, threatening, or tumultuous behavior;</li> <li>...</li> <li>(4) Disrupts or disturbs any lawful assembly or meeting of persons;</li> <li>...</li> </ol>

<b>Uniform Machine Gun Act</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. The defendant possesses a machine gun (as defined by the statute);</li> <li>2. The defendant enters another person’s private property, home, or business; and</li> <li>3. The defendant cannot rebut the presumption of aggression.</li> </ol>
<b>Citation to Prohibition</b>	Ark. Code Ann. § 5-73-201 <i>et seq.</i> – the Uniform Machine Gun Act <sup>3</sup>
<b>Text of Prohibition (relevant provisions extracted)</b>	<p><b>Ark. Code Ann. § 5-73-201(2):</b> “Machine gun” means a weapon of any description by whatever name known, loaded or unloaded, from which more than five (5) shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device.</p> <p><b>Ark. Code Ann. § 5-73-204:</b> Possession or use of a machine gun for offensive or aggressive purpose is declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than ten (10) years.</p> <p><b>Ark. Code Ann. § 5-73-205(a)(1):</b>            (a) Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose:</p> <ol style="list-style-type: none"> <li>(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;</li> <li>...</li> </ol>

<sup>2</sup> Although this disorderly conduct statute does not mention firearms specifically, such statute could be implicated by the brandishing of firearms.

<sup>3</sup> Maryland, South Dakota, Wisconsin, Connecticut, and Virginia also have adopted this legislation.

# CALIFORNIA

<b>Summary</b>	California generally prohibits firearms at polling places and the open carrying of firearms. California also has a law against brandishing a weapon.
<b>Polling Places</b>	It is illegal to be in possession of a firearm when “stationed in the immediate vicinity of, or posted at, a polling place” without the written consent of an elections official, subject to the code’s exemptions. Cal. Elec. Code § 18544(a).
<b>Open Carry Restrictions</b>	Open carry is generally prohibited, subject to the code’s exemptions (Cal. Penal Code § 26361 – 26392). Cal. Penal Code §26350.

<b>Crime of Brandishing a Weapon</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. The defendant drew or exhibited a firearm in the presence of another person;</li> <li>2. The defendant did so in a rude, angry or threatening manner or the defendant used the firearm or weapon in a fight or quarrel; and</li> <li>3. The defendant did not act in self-defense.</li> </ol>
<b>Citation to Prohibition</b>	Cal. Penal Code § 417
<b>Text of Prohibition</b>	<p><b>Cal. Penal Code § 417:</b></p> <p>(a)</p> <p>...</p> <p>(2) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses a firearm in any fight or quarrel is punishable as follows: ...</p>

# COLORADO

<b>Summary</b>	Colorado does not prohibit guns at polling locations but does prohibit guns on K–12 school grounds. Open carry is not prohibited by state law but local governments may prohibit open carry in certain locations. Colorado has several statutes that prohibit the use of firearms to intimidate or harass.
<b>Open Carry Restrictions</b>	Local governments may enact regulations prohibiting open carrying of firearms in a building or specific area within the local government’s jurisdiction, as long as signs are posted to that effect. Colo. Rev. Stat. § 29-11.7-104.

<b>Crime of Disorderly Conduct</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Intent required – either intentional, knowing, or reckless,</li> <li>2. The individual is not a peace officer,</li> <li>3. The individual displays a deadly weapon or an article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm.</li> </ol>
<b>Citation to Prohibition</b>	Colorado Rev. Stat. § 18-9-106
<b>Text of Prohibition</b>	<p>Disorderly Conduct</p> <p>(1) A person commits disorderly conduct if he or she intentionally, knowingly, or recklessly:</p> <p>... (f) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm.</p> <p>(3) An offense under paragraph... (f) of subsection (1) of this section is a class 2 misdemeanor.</p>

<b>Crime of Menacing</b>	
<b>Elements Required to Establish an Offense</b>	<p>For a class 5 felony:</p> <ol style="list-style-type: none"> <li>1. A threat or physical action,</li> <li>2. That knowingly</li> <li>3. Places or attempts to place another person in fear of imminent serious bodily injury,</li> <li>4. While using a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, OR while representing verbally or otherwise that he or she is armed with a deadly weapon.</li> </ol>
<b>Citation to Prohibition</b>	Colorado Rev. Stat. § 18-3-206
<b>Text of Prohibition</b>	<p>Menacing</p> <p>(1) A person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury. Menacing is a class 3 misdemeanor, but, it is a class 5 felony if committed:</p> <p>(a) By the use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon; or</p> <p>(b) By the person representing verbally or otherwise that he or she is armed with a deadly weapon.</p>

# CONNECTICUT

<b>Summary</b>	Connecticut does not prohibit guns at polling locations but does prohibit guns on school grounds. A state permit is required for open carry of handguns. Connecticut has no other state law that specifically prohibits the use of firearms to intimidate or harass.
<b>Open Carry Restrictions</b>	Connecticut generally requires that any person seeking to carry a pistol or revolver, whether openly or concealed, obtain a state permit. Conn. Gen. Stat. § 29-35(a).  Connecticut has no law that specifically restricts the open carrying of a long gun in public.



# DELAWARE

<b>Summary</b>	Delaware does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state does not restrict open carry. Delaware has a law against menacing with a firearm.
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<b>Crime of Menacing</b>	
<b>Elements Required to Establish an Offense</b>	<p><b>Menacing</b></p> <ol style="list-style-type: none"> <li>1. By some movement of body or any instrument,</li> <li>2. The person intentionally places another in fear of imminent physical injury.</li> </ol> <p><b>Aggravated Menacing</b></p> <ol style="list-style-type: none"> <li>1. By displaying what appears to be a deadly weapon,</li> <li>2. The person intentionally places another in fear of imminent physical injury.</li> </ol>
<b>Citation to Prohibition</b>	Delaware Code Title 11 § 602
<b>Text of Prohibition</b>	<p>Menacing</p> <p>(a) A person is guilty of menacing when by some movement of body or any instrument the person intentionally places another person in fear of imminent physical injury.</p> <p>Menacing is an unclassified misdemeanor.</p> <p>(b) A person is guilty of aggravated menacing when by displaying what appears to be a deadly weapon that person intentionally places another person in fear of imminent physical injury. Aggravated menacing is a class E felony.</p>

# DISTRICT OF COLUMBIA

<b>Summary</b>	The District of Columbia generally prohibits handguns at the polls and open carry of handguns without a license. Open carry of long guns is prohibited throughout the District. The District does not have specific laws prohibiting intimidation and harassment with firearms.
<b>Polling Places</b>	People with a license to carry a pistol cannot carry at a polling place while voting is occurring. D.C. Code Ann. § 7-2509.07(5).
<b>Open Carry Restrictions</b>	Open carry of pistols is prohibited without a license to carry a pistol. Open carry of long guns is prohibited in the District. D.C. Code Ann. § 22-4504(a), (a-1).

# FLORIDA

<b>Summary</b>	Florida prohibits handguns at polling places and generally prohibits the open carry of firearms. The state also has laws against using firearms to harass or intimidate.
<b>Polling Places</b>	Concealed carry permits do not authorize the permittee to openly carry a handgun, or carry a concealed firearm, into any polling place. Fla. Stat. § 790.06(12)(a)(6).
<b>Open Carry Restrictions</b>	Florida generally prohibits the open carrying of a firearm. Fla. Stat. § 790.053(1).

<b>Crime of Improper exhibition of dangerous weapons or firearms</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person having or carrying any firearm or other weapon;</li> <li>2. Exhibits the weapon in the presence of one or more persons;</li> <li>3. In a rude, careless, angry, or threatening manner; and</li> <li>4. Not in necessary self-defense.</li> </ol>
<b>Citation to Prohibition</b>	Florida Stat. 790.10
<b>Text of Prohibition</b>	<p>Improper exhibition of dangerous weapons or firearms.—</p> <p>If any person having or carrying any dirk, sword, sword cane, firearm, electric weapon or device, or other weapon shall, in the presence of one or more persons, exhibit the same in a rude, careless, angry, or threatening manner, not in necessary self-defense, the person so offending shall be guilty of a misdemeanor of the first degree...</p>

# GEORGIA

<b>Summary</b>	Georgia prohibits firearms at polling places and has several statutes that would prohibit the use of firearms to harass or intimidate.
<b>Polling Places</b>	No person except peace officers regularly employed by the federal, state, county, or municipal government or certified security guards shall be permitted to carry firearms within 150 feet of any polling place. Ga. Code Ann. §§ 21-2-413(i).

<b>Crime of Pointing a Gun or Pistol at Another</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Intentionally</li> <li>2. Without legal justification</li> <li>3. Points or aims a gun or pistol at another (whether gun or pistol is loaded or unloaded)</li> </ol>
<b>Citation to Prohibition</b>	Ga. Code Ann., § 16-11-102 – Pointing gun or pistol at another
<b>Text of Prohibition</b>	A person is guilty of a misdemeanor when he intentionally and without legal justification points or aims a gun or pistol at another, whether the gun or pistol is loaded or unloaded.

<b>Crime of Terrorist Threats and Acts</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. He or she threatens to commit any crime of violence;</li> <li>2. With the purpose of terrorizing another;</li> <li>3. With the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation;</li> <li>4. With the purpose of otherwise causing serious public inconvenience; or</li> <li>5. In reckless disregard of the risk of causing such terror, evacuation, or inconvenience.</li> </ol>
<b>Citation to Prohibition</b>	Ga. Code Ann., § 16-11-37 – Terroristic threats and acts
<b>Text of Prohibition</b>	<p>(b)(1) A person commits the offense of a terroristic threat when he or she threatens to:</p> <p style="padding-left: 20px;">(A) Commit any crime of violence ...</p> <p>(b)(2) Such terroristic threat shall be made:</p> <p style="padding-left: 20px;">(A) With the purpose of terrorizing another;</p> <p style="padding-left: 20px;">(B) With the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation;</p> <p style="padding-left: 20px;">(C) With the purpose of otherwise causing serious public inconvenience; or</p> <p style="padding-left: 20px;">(D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience described in subparagraph (A), (B), or (C) of this paragraph.</p> <p>Case law: Displaying a handgun to another under threatening circumstances may constitute a terroristic threat. <i>In re R.W., 2011, 311 Ga.App. 412, 715 S.E.2d 824; In re C.S.G., 1999, 241 Ga.App. 37, 525 S.E.2d 106, reconsideration denied, certiorari denied.</i></p>

<b>Crime of Disorderly Conduct</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Acts in a violent or tumultuous manner toward another person;</li> <li>2. Whereby such person is placed in reasonable fear of the safety of such person's life, limb, or health; or</li> <li>3. Whereby the property of such person is placed in danger of being damaged or destroyed.</li> </ol>
<b>Citation to Prohibition</b>	Ga. Code Ann., § 16-11-39 – Disorderly conduct
<b>Text of Prohibition</b>	<p>(a) A person commits the offense of disorderly conduct when such person commits any of the following:</p> <p style="padding-left: 20px;">(1) Acts in a violent or tumultuous manner toward another person whereby such person is placed in reasonable fear of the safety of such person's life, limb, or health; or</p> <p style="padding-left: 20px;">(2) Acts in a violent or tumultuous manner toward another person whereby the property of such person is placed in danger of being damaged or destroyed; ....</p>

# HAWAII

<b>Summary</b>	Hawaii does not prohibit guns in polling locations or on K-12 school property. The state requires a permit to carry a handgun openly, but not a long gun. Hawaii has statutes that may prohibit the use of firearms to intimidate or harass.
<b>Open Carry Restrictions</b>	Under Hawaii Rev. Stat. Ann. § 134-9(a), in an "exceptional case" a chief of police may issue a permit to carry an unconcealed handgun for possession only in that county. This requirement is the subject of litigation in federal appellate court.

<b>Crime of Terrorism in the First Degree</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Commits terroristic threatening;</li> <li>2. By threatening another person on more than one occasion for the same or similar purpose; or</li> <li>3. By threats made in a common scheme; or</li> <li>4. With the use of a dangerous instrument.</li> </ol>
<b>Citation to Prohibition</b>	HRS § 707-716. Terroristic threatening in the first degree
<b>Text of Prohibition</b>	<p>(1) A person commits the offense of terroristic threatening in the first degree if the person commits terroristic threatening:</p> <p>(a) By threatening another person on more than one occasion for the same or similar purpose;</p> <p>(b) By threats made in a common scheme against different persons; ...</p> <p>(e) With the use of a dangerous instrument ...</p>

<b>Crime of Disorderly Conduct</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. With intent to cause physical inconvenience or alarm by a member or members of the public, or recklessly creating a risk thereof, the person:</li> <li>2. Engages in fighting or threatening, or in violent or tumultuous behavior; or</li> <li>3. Creates a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit.</li> </ol>
<b>Citation to Prohibition</b>	HRS § 711-1101. Disorderly conduct
<b>Text of Prohibition</b>	<p>(1) A person commits the offense of disorderly conduct if, with intent to cause physical inconvenience or alarm by a member or members of the public, or recklessly creating a risk thereof, the person:</p> <p>(a) Engages in fighting or threatening, or in violent or tumultuous behavior; ...</p> <p>(c) Creates a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit ....</p>

# IDAHO

<b>Summary</b>	Idaho does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state has no laws prohibiting open carry of firearms. The state has laws that prohibit the use of firearms to intimidate or harass.
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<b>Crime of Exhibition or use of deadly weapon</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. In the presence of two (2) or more persons</li> <li>2. Draws or exhibits</li> <li>3. Any deadly weapon</li> <li>4. In a rude, angry and threatening manner</li> <li>5. Not in necessary self-defense</li> </ol> <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> <li>1. Unlawfully uses</li> <li>2. Any deadly weapon</li> <li>3. In any fight or quarrel</li> <li>4. Not in necessary self-defense</li> </ol>
<b>Citation to Prohibition</b>	I.C. § 18-3303. Exhibition or use of deadly weapon
<b>Text of Prohibition</b>	Every person who, not in necessary self-defense, in the presence of two (2) or more persons, draws or exhibits any deadly weapon in a rude, angry and threatening manner, or who, in any manner, unlawfully uses the same, in any fight or quarrel, is guilty of a misdemeanor.

<b>Crime of Disturbing the Peace</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Maliciously and willfully;</li> <li>2. Disturbs the peace of quiet of any neighborhood, family or person;</li> <li>3. By threatening, traducing, quarreling, challenging to fight or fighting;</li> <li>4. Or fires any gun or pistol.</li> </ol>
<b>Citation to Prohibition</b>	I.C. § 6409. Disturbing the peace
<b>Text of Prohibition</b>	(1) Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood, family or person, ... by threatening, traducing, quarreling, challenging to fight or fighting, or fires any gun or pistol, ... is guilty of a misdemeanor.



# ILLINOIS

<b>Summary</b>	Illinois does not prohibit guns at polling locations but does prohibit guns on K–12 school grounds and broadly prohibits the open carrying of firearms. Illinois also prohibits concealed carry in government-owned buildings. The state also has laws to prohibit the use of firearms to intimidate or harass.
<b>Open Carry Restrictions</b>	Illinois generally prohibits people from openly carrying firearms in public. 720 Ill. Comp. Stat. 5/24-1(a)(10). The Firearm Concealed Carry Act, adopted in 2013, provides that an individual with a license to carry a concealed firearm may carry a loaded or unloaded concealed firearm, fully concealed or partially concealed, on or about his or her person. 430 Ill. Comp. Stat. 66/10(c)(1)

<b>Crime of Unlawful Use of Weapons</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Knowingly</li> <li>2. Carries or possesses...concealed on or about his person</li> <li>3. Any pistol, revolver...or other firearm</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>1. Knowingly</li> <li>2. Carries or possesses</li> <li>3. Any firearm</li> <li>4. At any public gathering held pursuant to a license issued by any governmental body</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>1. Knowingly</li> <li>2. Carries or possesses on or about his or her person</li> <li>3. Upon any public street, alley, or other public lands within the corporate limits of a city, village, or incorporated town</li> <li>4. Any pistol, revolver...or other firearm</li> </ol>
<b>Citation to Prohibition</b>	720 ILCS 5/24-1. Unlawful use of weapons
<b>Text of Prohibition</b>	<p>(a) A person commits the offense of unlawful use of weapons when he knowingly ...</p> <p>(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm ...</p> <p>(8) Carries or possesses any firearm ... at any public gathering held pursuant to a license issued by any governmental body ...</p> <p>(10) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village, or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun, or taser or other firearm ....</p>

<b>Crime of Disorderly Conduct</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. He or she knowingly</li> <li>2. Does any act</li> <li>3. In such unreasonable manner as to alarm or disturb another</li> <li>4. And to provoke a breach of the peace</li> </ol>
<b>Citation to Prohibition</b>	720 ILCS 5/26-1. Disorderly conduct
<b>Text of Prohibition</b>	<p>(a) A person commits disorderly conduct when he or she knowingly:</p> <p>(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; ...</p>

# INDIANA

<b>Summary</b>	Indiana does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state requires a license to openly carry handguns but not long guns. Indiana does have laws prohibiting using guns to intimidate or harass.
<b>Open Carry Restrictions</b>	Indiana generally requires a license to openly carry handguns. Ind. Code Ann. § 35-47-2-1(a).

<b>Crime of Pointing firearm at another person</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Knowingly or intentionally</li> <li>2. Points a firearm</li> <li>3. At another person</li> </ol>
<b>Citation to Prohibition</b>	IC 35-47-4-3. Pointing firearm at another person
<b>Text of Prohibition</b>	<p>Sec. 3. (a) This section does not apply to a law enforcement officer who is acting within the scope of the law enforcement officer's official duties or to a person who is justified in using reasonable force against another person under:</p> <ol style="list-style-type: none"> <li>(1) IC 35-41-3-2; or</li> <li>(2) IC 35-41-3-3.</li> </ol> <p>(b) A person who knowingly or intentionally points a firearm at another person commits a Level 6 felony. However, the offense is a Class A misdemeanor if the firearm was not loaded.</p>

<b>Crime of Criminal recklessness</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Recklessly, knowingly, or intentionally</li> <li>2. Performs an act</li> <li>3. That creates a substantial risk of bodily injury to another person</li> </ol>
<b>Citation to Prohibition</b>	IC 35-42-2-2. Criminal recklessness
<b>Text of Prohibition</b>	Sec. 2. (a) A person who recklessly, knowingly, or intentionally performs an act that creates a substantial risk of bodily injury to another person commits criminal recklessness.

# IOWA

<b>Summary</b>	Iowa does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. A license is generally required to openly carry handguns and long guns within city limits. The state has laws that may be used to prohibit the use of firearms to intimidate or harass.
<b>Open Carry</b>	It is unlawful to carry a handgun or a loaded firearm of any kind within the limits of any city, whether concealed or not, unless the person has a concealed carry permit. Open carry outside of the limits of a city is permitted. Iowa Code § 724.4(1), (4)(i)

<b>Crime of Assault</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Intentionally points, or displays in a threatening manner, a dangerous weapon in a threatening manner toward another</li> <li>2. Without justification</li> </ol>
<b>Text of Prohibition</b>	<p>Assault defined.</p> <p>...</p> <p><u>2. A person commits an assault when, without justification, the person does any of the following:</u></p> <ol style="list-style-type: none"> <li>a. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.</li> <li>b. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.</li> <li>c. <u>Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.</u> (Iowa Code § 708.1)</li> </ol>

<b>Crime of Intimidation with a dangerous weapon.</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Intention to injure or provoke fear in another</li> <li>2. Threatens to shoot, throw, launch or discharge a dangerous weapon within an assembly of people under circumstances raising a reasonable expectation that the threat will be carried out</li> </ol>
<b>Text of Prohibition</b>	<p>Intimidation with a dangerous weapon.</p> <p>A person commits a class "C" felony when the person, with the <u>intent to injure or provoke fear</u> or anger <u>in another</u>, shoots, throws, launches, or discharges a dangerous weapon at, into, or in a building, vehicle, airplane, railroad engine, railroad car, or boat, occupied by another person, <u>or within an assembly of people</u>, and thereby places the occupants or people in reasonable apprehension of serious injury <u>or threatens to commit such an act under circumstances raising a reasonable expectation that the threat will be carried out.</u> (Iowa Code § 708.6)</p>

# KANSAS

<b>Summary</b>	Kansas does not prohibit guns at polling locations. Local governments may prohibit guns on K-12 school grounds or other public property but the buildings must use armed personnel, and metal detectors or other “adequate security measures,” to restrict the carrying of weapons into the building and post appropriate signage. The same conditions apply to the prohibition of guns on state property. Kan. Stat. Ann. § 75-7c20. The open carry of firearms is generally permissible in Kansas and the state lacks specific laws that prohibit the brandishing or use of firearms to intimidate or harass.
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<b>Guns in Schools</b>	Kansas requires all public buildings without “adequate security measures” to allow CCW permittees to carry. Kan. Stat. Ann. § 75-7c10(a).  A building is considered to have “adequate security measures” if it uses electronic equipment (eg. Metal detectors) and armed personnel to restrict the carrying of weapons into the building. (Kan. Stat. Ann. § 75-7c20(m).)
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# KENTUCKY

<b>Summary</b>	Kentucky does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state also lacks laws against open carry and laws prohibiting the use of firearms to intimidate or harass.
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# LOUISIANA

<b>Summary</b>	Louisiana generally prohibits firearms at polling locations. The state has no other laws prohibiting open carry or the use of firearms to intimidate or harass.
<b>Polling Places</b>	Concealed carry is prohibited in polling places. La. Rev. Stat. § 40:1379.3(N)(4).  Possessing a firearm at a polling place is prohibited, with limited exceptions for law enforcement. La. Rev. Stat. § 18:1461.7(c)(3).



# MAINE

<b>Summary</b>	Maine does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state has no laws generally prohibiting open carry of firearms but does have a civil law prohibiting the display of a firearm in a threatening manner.
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<b>Civil Violation of Threatening Display of or Carrying Concealed Weapon</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Displays a firearm in a threatening manner</li> <li>2. Conceals a firearm</li> </ol>
<b>Citation to Prohibition</b>	Me. Rev. Stat. tit. 25, § 2001-A
<b>Text of Prohibition</b>	<p><b>Threatening display of or carrying concealed weapon</b></p> <p><b>1. Display or carrying prohibited.</b> A person may not, unless excepted by a provision of law:</p> <p>A. Display in a threatening manner a firearm, slingshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person.</p>

# MARYLAND

<b>Summary</b>	Maryland does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. A license is required for the open carry of handguns but not long guns. The state has laws that would prevent the use of firearms to intimidate or harass.
<b>Open Carry Restrictions</b>	Maryland requires a permit or license to openly carry handguns. Md. Code Ann., Crim. Law § 4-203(a),(b)(2). However, the Secretary of State Police may limit the geographic area, circumstances, or times in which a handgun carry permit is effective in Maryland. Md. Code Ann., Pub. Safety § 5-307(b).  Maryland has no law that specifically restricts the open carrying of a long gun in public.

<b>Crime of Possession of firearm at public demonstration</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person has a firearm in the person's possession;</li> <li>2. Within 1,000 feet of a demonstration in a public place;</li> <li>3. Has been advised that the demonstration is occurring;</li> <li>4. And has been ordered to leave the area until they have disposed of the firearm.</li> </ol>
<b>Citation to Prohibition</b>	Md. Code Ann., Pub. Safety § 4-208
<b>Text of Prohibition</b>	<p><b>Possession of firearm at public demonstration.</b></p> <p>(1) A person may not have a firearm in the person's possession or on or about the person at a demonstration in a public place or in a vehicle that is within 1,000 feet of a demonstration in a public place after:</p> <ol style="list-style-type: none"> <li>a. the person has been advised by a law enforcement officer that a demonstration is occurring at the public place; and</li> <li>b. the person has been ordered by the law enforcement officer to leave the area of the demonstration until the person disposes of the firearm.</li> </ol> <p>“Demonstration” means one or more persons demonstrating, picketing, speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves the communication or expression of views or grievances and that has the effect, intent, or propensity to attract a crowd or onlookers.</p> <p>“Public place” means a place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, and is not limited to a place devoted solely to the uses of the public.</p> <p>“Firearm” means a handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or any other firearm, whether loaded or unloaded.</p>

<b>Crime of Use of Machine Gun for Aggressive Purpose</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person possesses a machine gun (as defined by the statute);</li> <li>2. And enters another person's private property, home, or business; and</li> <li>3. And cannot rebut the presumption of aggression.</li> </ol>
<b>Citation to Prohibition</b>	Md. Code Ann., Pub. Safety § 4-405
<b>Text of Prohibition</b>	<p>“Machine gun” means a loaded or unloaded weapon that is capable of automatically discharging more than one shot or bullet from a magazine by a single function of the firing device (MD Crim Law Code § 4-401)</p> <p><b>Use of machine gun for aggressive purpose.</b></p> <p>(a) Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose when:</p> <ol style="list-style-type: none"> <li>(1) the machine gun: <ol style="list-style-type: none"> <li>i. is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun is found;</li> <li>ii. is in the possession of, or used by, an unnaturalized foreign-born</li> </ol> </li> </ol>

# MARYLAND (cont.)

	<p>person or a person who has been convicted of a crime of violence in any state or federal court of the United States; or</p> <p>iii. is not registered as required under § 4-403 of this subtitle; or</p> <p>(2) empty or loaded shells that have been used or are susceptible of being used in the machine gun are found in the immediate vicinity of the machine gun.</p> <p>(b) A person may not possess or use a machine gun for an offensive or aggressive purpose.</p> <p>(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years.</p> <p>(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.</p>
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# MASSACHUSETTS

<b>Summary</b>	Massachusetts does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state requires a license to open carry handguns and generally prohibits the open carry of long guns. Massachusetts has a law that prohibits the use of firearms to intimidate or harass.
<b>Open Carry Restrictions</b>	Massachusetts requires a permit or license to openly carry handguns in public. Massachusetts generally bans the open carrying of long guns. Mass. Gen. Laws ch. 140, § 129C.

<b>Crime of Threatening Use or Presence of a Firearm</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person communicates a threat;</li> <li>2. That a firearm, rifle, shotgun, machine gun or assault weapon will be used or is present at a location;</li> <li>3. And is capable of causing death, serious bodily injury or substantial property damage.</li> </ol>
<b>Citation to Prohibition</b>	Mass. Gen. Laws ch. 269 § 14
<b>Text of Prohibition</b>	<p><b>Deadly weapons, explosives, chemical or biological agents, or other deadly device or substance; threatened use or presence; threat to hijack; disruption of school, public building or transport; punishment; restitution</b></p> <p>(b) Whoever willfully communicates or causes to be communicated, either directly or indirectly, orally, in writing, by mail, by use of a telephone or telecommunication device including, but not limited to, electronic mail, Internet communications and facsimile communications, through an electronic communication device or by any other means, a threat:—</p> <ol style="list-style-type: none"> <li>(1) that a firearm, rifle, shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140, an explosive or incendiary device, a dangerous chemical or biological agent, a poison, a harmful radioactive substance or any other device, substance or item capable of causing death, serious bodily injury or substantial property damage, will be used at a place or location, or is present or will be present at a place or location, whether or not the same is in fact used or present....</li> <li>(2) ....shall be punished by imprisonment in the state prison for not more than 20 years or imprisonment in the house of correction for not more than 2 1/2 years, or by fine of not more than \$10,000, or by both such fine and imprisonment.</li> </ol>

# MICHIGAN

<b>Summary</b>	Michigan does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state does not prohibit the open carrying of firearms but does have laws that would prohibit the use of firearms to intimidate or harass.
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<b>Crime of Brandishing Firearm in Public</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Willfully and knowingly brandishes a firearm</li> <li>2. In public</li> </ol>
<b>Citation to Prohibition</b>	Mich. Comp. Laws Serv. § 750.234e
<b>Text of Prohibition</b>	<p><b>Brandishing firearm in public; applicability; violation as misdemeanor; penalty.</b></p> <ol style="list-style-type: none"> <li>(1) Except as provided in subsection (2), a person shall not willfully and knowingly brandish a firearm in public.</li> <li>(2) Subsection (1) does not apply to either of the following:               <ol style="list-style-type: none"> <li>a. A peace officer lawfully performing his or her duties as a peace officer.</li> <li>b. A person lawfully acting in self-defense or defense of another under the self-defense act, 2006 PA 309, MCL 780.971 to 780.974.</li> </ol> </li> <li>(3) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both.</li> </ol>

<b>Crime of Pointing or Aiming Firearm at Another Person</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person intentionally</li> <li>2. Points or aims a firearm</li> <li>3. At another person</li> </ol>
<b>Citation to Prohibition</b>	Mich. Comp. Laws Serv. § 750.233
<b>Text of Prohibition</b>	<p><b>Pointing or aiming firearm at another person; misdemeanor; penalty; exception; "peace officer defined."</b></p> <ol style="list-style-type: none"> <li>(1) A person who intentionally but without malice points or aims a firearm at or toward another person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.</li> <li>(2) This section does not apply to a peace officer of this state or another state, or of a local unit of government of this state or another state, or of the United States, performing his or her duties as a peace officer. As used in this section, "peace officer" means that term as defined in section 215.</li> </ol>

<b>Crime of Carrying with Unlawful Intent a Firearm or Dangerous or Deadly Weapon</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person is armed with a dangerous or deadly weapon</li> <li>2. With intent to use the weapon against another person</li> </ol>
<b>Citation to Prohibition</b>	Mich. Comp. Laws Serv. § 750.226
<b>Text of Prohibition</b>	<p><b>Firearm or dangerous or deadly weapon or instrument; carrying with unlawful intent; violation as felony; penalty.</b></p> <ol style="list-style-type: none"> <li>(1) A person shall not, with intent to use the same unlawfully against the person of another, go armed with a pistol or other firearm, or a pneumatic gun, dagger, dirk, razor, stiletto, or knife having a blade over 3 inches in length, or any other dangerous or deadly weapon or instrument.</li> <li>(2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$2,500.00.</li> </ol>

# MINNESOTA

<b>Summary</b>	Minnesota does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state requires a license to openly carry handguns or long guns. The state also has laws prohibiting armed militias and others that would prohibit the use of firearms to intimidate or harass.
<b>Open Carry Restrictions</b>	Minnesota requires a permit or license to openly carry handguns. Minn. Stat. § 624.714  Minnesota generally prohibits the open carrying of long guns. Minn. Stat. § 624.7181, subd. 2. Concealed weapons permit holders are exempt. Minn. Stat. § 624.7181, subd. 1(b)(3).

<b>Crime of Dangerous Weapons</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Recklessly handle or uses a gun or other dangerous weapon</li> <li>2. So as to endanger the life of another</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>1. With intent,</li> <li>2. Point a gun capable of injuring or killing a person (loaded or not)</li> <li>3. At another person</li> </ol>
<b>Citation to Prohibition</b>	Minn. Stat. § 609.66
<b>Text of Prohibition</b>	<p><b>Dangerous Weapons.</b></p> <p>a) Whoever does any of the following is guilty of a crime and may be sentenced as provided in paragraph (b):</p> <ol style="list-style-type: none"> <li>(1) recklessly handles or uses a gun or other dangerous weapon or explosive so as to endanger the safety of another; or</li> <li>(2) intentionally points a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or</li> </ol> <p>...</p>

<b>Crime of Armed Associations</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A body of persons</li> <li>2. Associate themselves as a military company with arms</li> </ol>
<b>Citation to Prohibition</b>	Minn. Stat. § 624.61 (2019)
<b>Text of Prohibition</b>	<p><b>Armed Associations.</b></p> <p>It shall not be lawful for any body of persons, other than the National Guard, troops of the United States and, with the consent of the governor, sons and daughters of veterans and cadets of educational institutions where military science is taught, to associate themselves together as a military company with arms, but members of social and benevolent organizations are not prohibited from wearing swords. Any violation of this section shall be a misdemeanor.</p>

<b>Crime of Civil Disorder</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person demonstrates how to use or make any firearm</li> <li>2. To another person</li> <li>3. Knowing it will be unlawfully employed in civil disorder</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>1. A person assembles with one or more person for the purpose of training, practicing or instructing</li> <li>2. Any firearm</li> <li>3. With the intent that if be unlawfully employed or in furtherance of, a civil disorder</li> </ol>
<b>Citation to Prohibition</b>	Minn. Stat. § 609.669
<b>Text of Prohibition</b>	<p><b>Civil Disorder.</b></p> <p>A person is guilty of a gross misdemeanor who:</p>

# MINNESOTA (cont.)

	<p>(1) teaches or demonstrates to any other person how to use or make any firearm, or explosive or incendiary device capable of causing injury or death, knowing or having reason to know that it will be unlawfully employed for use in, or in furtherance of, a civil disorder; or</p> <p>(2) assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, or explosive or incendiary device capable of causing injury or death, with the intent that it be unlawfully employed for use in, or in furtherance of, a civil disorder.</p> <p>"civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual[.]</p>
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Crime of Threats of Violence	
Elements Required to Establish an Offense	<ol style="list-style-type: none"> <li>1. A person threatens, directly or indirectly,</li> <li>2. To commit any crime of violence with purpose (or recklessly disregard the risk) to another or to cause evacuation of a building, place of assembly, vehicle or facility of public transportation or otherwise to cause serious public inconvenience</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>1. A person displays, exhibits, brandishes or otherwise employs</li> <li>2. A replica firearm or BB gun</li> <li>3. In a threatening manner</li> </ol>
Citation to Prohibition	Minn. Stat. § 609.713
Text of Prohibition	<p><b>Threats of Violence</b></p> <p>(1) <b>Threaten violence; intent to terrorize.</b> Whoever threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly, vehicle or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. As used in this subdivision, "crime of violence" has the meaning given "violent crime" in section 609.1095, subdivision 1, paragraph (d).</p> <p>...</p> <p>(3) <b>Display replica of firearm.</b> (a) Whoever displays, exhibits, brandishes, or otherwise employs a replica firearm or a BB gun in a threatening manner, may be sentenced to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both, if, in doing so, the person either:</p> <ol style="list-style-type: none"> <li>a. causes or attempts to cause terror in another person; or</li> <li>b. acts in reckless disregard of the risk of causing terror in another person.</li> </ol> <p>For purposes of this subdivision:  "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter; and "replica firearm" means a device or object that is not defined as a dangerous weapon, and that is a facsimile or toy version of, and reasonably appears to be a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, or any other firearm. The term replica firearm includes, but is not limited to, devices or objects that are designed to fire only blanks.</p>

# MISSISSIPPI

<b>Summary</b>	Mississippi prohibits concealed firearms at polling places but not openly carried firearms. The state does not prohibit open carry but has laws that would prohibit the use of firearms to intimidate or harass.
<b>Polling Places</b>	Prohibits concealed carry in any polling place. Miss. Code Ann. § 45-9-101(13).

<b>Crime of Exhibiting Firearms in Rude, Angry or Threatening Manner</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person carries any deadly weapon</li> <li>2. In the presence of another person</li> <li>3. Brandishes or wields the weapon in a threatening manner</li> <li>4. Not in self defense</li> </ol>
<b>Citation to Prohibition</b>	Miss. Code Ann. § 97-37-19
<b>Text of Prohibition</b>	<p><b>Deadly weapons; exhibiting in rude, angry or threatening manner</b></p> <p>If any person, having or carrying any dirk, dirk-knife, sword, sword-cane, or any deadly weapon, or other weapon the carrying of which concealed is prohibited by Section 97-37-1, shall, in the presence of another person, brandish or wield the same in a threatening manner, not in necessary self-defense, or shall in any manner unlawfully use the same in any fight or quarrel, the person so offending, upon conviction thereof, shall be fined in a sum not exceeding Five Hundred Dollars (\$500.00) or be imprisoned in the county jail not exceeding three (3) months, or both. In prosecutions under this section it shall not be necessary for the affidavit or indictment to aver, nor for the state to prove on the trial, that any gun, pistol, or other firearm was charged, loaded, or in condition to be discharged.</p>

<b>Crime of Disturbance in Public Place</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person enters a public place of business of any kind and</li> <li>2. Creates a disturbance or breach of the peace</li> </ol>
<b>Citation to Prohibition</b>	Miss. Code Ann. § 97-35-13
<b>Text of Prohibition</b>	<p><b>Disturbance in public place</b></p> <p>Any person who shall enter any public place of business of any kind whatsoever, or upon the premises of such public place of business, or any other public place whatsoever, in the State of Mississippi, and while therein or thereon shall create a disturbance, or a breach of the peace, in any way whatsoever, including, but not restricted to, loud and offensive talk, the making of threats or attempting to intimidate, or any other conduct which causes a disturbance or breach of the peace or threatened breach of the peace, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned in jail not more than six (6) months, or both such fine and imprisonment.</p>



# MISSOURI

<b>Summary</b>	Missouri prohibits guns within 25 feet of a polling place on Election Day. Open carry is generally legal in the state; however, there are laws that prohibit the use of firearms to intimidate or harass.
<b>Polling Places</b>	A concealed carry permit or a concealed carry endorsement does not authorize a permittee to carry a concealed weapon within 25 feet of any polling place on election day, with an exception for firearms that remain in a vehicle and are not brandished. Mo. Rev. Stat. § 571.107.1(2).

<b>Crime of Unlawful Use of Weapons</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Exhibiting</li> <li>2. In the presence of one or more persons</li> <li>3. Any weapon readily capable of lethal use</li> <li>4. In an angry or threatening manner.</li> </ol>
<b>Citation to Prohibition</b>	Mo. Rev. Stat. § 571.030 (2019) Unlawful Use of Weapons
<b>Text of Prohibition</b>	<p>A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly:</p> <p>....</p> <p>(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner[.]</p>

# MONTANA

<b>Summary</b>	Montana does not prohibit guns in polling places or the open carrying of firearms in public. The state does prohibit guns on the grounds of K-12 schools. Montana only restricts the use of machine guns for offensive or aggressive purposes.
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<b>Crime of Possession or Use of Machine Gun for Offensive Purpose</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Possession or use</li> <li>2. Of a machine gun</li> <li>3. For offensive or aggressive purposes</li> </ol>
<b>Citation to Prohibition</b>	Montana Code Ann. § 45-8-304
<b>Text of Prohibition</b>	<p>Possession or use of machine gun for offensive purpose.</p> <p>Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than 10 years.</p>

# NEBRASKA

<b>Summary</b>	Nebraska prohibits concealed handguns at polling places during an election, and all firearms on K-12 school grounds. The state does not prohibit the open carry of firearms and does not have specific laws against the use of firearms to harass or intimidate but does make it a crime to make terroristic threats.
<b>Polling Place</b>	Concealed carry permit holders may not carry concealed handguns at a polling place during an election. Neb. Rev. Stat. § 69-2441.

<b>Crime of Making Terroristic Threats</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. He or she threatens to commit any crime of violence;</li> <li>2. With the intent to terrorize another;</li> <li>3. With the intent of causing the evacuation of a building, place of assembly, or facility of public transportation; or</li> <li>4. In reckless disregard of the risk of causing such terror or evacuation.</li> </ol>
<b>Citation to Prohibition</b>	Neb. Rev. Stat. § 28-311.01
<b>Text of Prohibition</b>	<p>Terroristic threats; penalty.</p> <p>(1) A person commits terroristic threats if he or she threatens to commit any crime of violence:</p> <ol style="list-style-type: none"> <li>(a) With the intent to terrorize another;</li> <li>(b) With the intent of causing the evacuation of a building, place of assembly, or facility of public transportation; or</li> <li>(c) In reckless disregard of the risk of causing such terror or evacuation.</li> </ol>

# NEVADA

<b>Summary</b>	Nevada does not prohibit guns at polling locations or the open carry of firearms in public, but does prohibit guns on K-12 school grounds. Nevada also prohibits concealed carry in government buildings. The state does have a law that would prohibit the use of firearms to intimidate or harass.
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<b>Crime of Drawing a Deadly Weapon in a Threatening Manner</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Draws or exhibits a deadly weapon</li> <li>2. In a rude, angry or threatening manner</li> <li>3. Not in necessary self defense</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>1. In any manner unlawfully uses a deadly weapon in any fight or quarrel</li> </ol>
<b>Citation to Prohibition</b>	Nev. Rev. Stat. Ann. § 202.320
<b>Text of Prohibition</b>	<p>Drawing deadly weapon in threatening manner.</p> <p>Unless a greater penalty is provided in NRS 202.287, a person having, carrying or procuring from another person any dirk, dirk-knife, sword, sword cane, pistol, gun or other deadly weapon, who, in the presence of two or more persons, draws or exhibits any of such deadly weapons in a rude, angry or threatening manner not in necessary self-defense, or who in any manner unlawfully uses that weapon in any fight or quarrel, is guilty of a misdemeanor.</p>

# NEW HAMPSHIRE

<b>Summary</b>	New Hampshire does not prohibit firearms at polling locations or on K-12 school grounds by individuals other than students. The state does not prohibit the open carrying of firearms in public but does have a law that may be used to prevent intimidation or harassment with firearms.
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<b>Crime of Criminal Threatening</b>	
<b>Elements Required to Establish an Offense</b>	1) By physical conduct 2) Purposefully places or attempts to place 3) Another in fear of imminent bodily injury or physical contact
<b>Citation to Prohibition</b>	N.H. Rev. Stat. Ann. § 631:4 (1996 through Reg Sess)
<b>Text of Prohibition</b>	I. A person is guilty of criminal threatening when: <ul style="list-style-type: none"> <li>(a) By physical conduct, the person purposely places or attempts to place another in fear of imminent bodily injury or physical contact; or</li> <li>(b) The person places any object or graffiti on the property of another with a purpose to coerce or terrorize any person; or</li> <li>(c) The person threatens to commit any crime against the property of another with a purpose to coerce or terrorize any person; or</li> <li>(d) The person threatens to commit any crime against the person of another with a purpose to terrorize any person; or</li> <li>(e) The person threatens to commit any crime of violence, or threatens the delivery or use of a biological or chemical substance, with a purpose to cause evacuation of a building, place of assembly, facility of public transportation or otherwise to cause serious public inconvenience, or in reckless disregard of causing such fear, terror or inconvenience; or</li> <li>(f) The person delivers, threatens to deliver, or causes the delivery of any substance the actor knows could be perceived as a biological or chemical substance, to another person with the purpose of causing fear or terror, or in reckless disregard of causing such fear or terror.</li> </ul>

# NEW JERSEY

<b>Summary</b>	New Jersey does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. Permits are required to openly carry firearms but the open carry of a loaded long gun is prohibited. The state has no specific laws prohibiting the use of firearms to intimidate or harass.
<b>Open Carry Restrictions</b>	New Jersey law does not explicitly prohibit the open carry of a handgun in public if the possessor has a valid permit to carry a handgun. N.J. Stat. Ann. § 2C:39-5b.  New Jersey allows the open carry of long guns (i.e. rifles and shotguns) if the possessor has a valid Firearms Purchaser Identification Card. N.J. Stat. Ann. § 2C:39-5c(1). New Jersey prohibits any person from knowingly possessing a loaded long gun, with certain exceptions. N.J. Stat. Ann. § 2C:39-5c(2).

# NEW MEXICO

<b>Summary</b>	New Mexico does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. It does not prohibit openly carrying firearms in public and the state does not have a specific law against the use of firearms to intimidate or harass.
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# NEW YORK

Summary	New York does not prohibit guns at polling locations but does prohibit guns on K–12 school grounds. The state does not allow openly carried handguns but places no restrictions on openly carrying long guns in public. New York has laws that would prohibit the use of firearms to intimidate or harass.
Open Carry Restrictions	New York has a permitting system under N.Y. Penal Law § 400.00(2), but does not have a category that allows for a permit to openly carry a handgun. N.Y. Penal Law § 265.01(1). The state also prohibits any person from possessing a “loaded” short-barreled shotgun or rifle or an assault weapon outside of his or her home or place of business. <i>Id.</i> The prohibition on possessing an assault weapon extends to unloaded assault weapons. N.Y. Penal Law § 265.02(7). The term “loaded firearm” includes any firearm possessed by a person who also possesses any ammunition which may be discharged by the firearm, whether the firearm is loaded or unloaded. N.Y. Penal Law § 265.00(15). New York does not issue licenses to carry handguns openly. <i>See</i> N.Y. Penal Code § 400.00.

Crime of Menacing in the Second Degree	
Elements Required to Establish an Offense	<ol style="list-style-type: none"> <li>1. The person intentionally;</li> <li>2. Places or attempts to place another person;</li> <li>3. In reasonable fear of physical injury, serious physical injury or death;</li> <li>4. By displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm.</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>1. The person repeatedly follows another person or engages in a course of conduct or repeatedly commits acts over a period of time;</li> <li>2. Intentionally placing or attempting to place another person</li> <li>3. In reasonable fear of physical injury, serious physical injury or death.</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>1. The person commits the crime of menacing in the third degree [see below];</li> <li>2. In violation of a duly served protection order, or such order which the defendant has actual knowledge of because he or she was present in court when such order was issued (pursuant to article eight of the family court act, section 530.12 of the criminal procedure law), or a protection order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction;</li> <li>3. That directed the defendant to stay away from the person(s) on whose behalf the order was issued.</li> </ol>
Citation to Prohibition	New York Penal Law § 120.14
Text of Prohibition	<p>Menacing in the Second Degree</p> <p>A person is guilty of menacing in the second degree when:</p> <ol style="list-style-type: none"> <li>1. He or she intentionally places or attempts to place another person in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or</li> <li>2. He or she repeatedly follows a person or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place another person in reasonable fear of physical injury, serious physical injury or death; or</li> <li>3. He or she commits the crime of menacing in the third degree in violation of that part of a duly served order of protection, or such order which the defendant has actual knowledge of because he or she was present in court when such order was issued, pursuant to article eight of the family court act, section 530.12 of the criminal procedure law, or an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, which directed the respondent or defendant to stay away from the person or persons on whose behalf the order was issued.</li> </ol> <p>Menacing in the second degree is a class A misdemeanor.</p>



# NORTH CAROLINA

<b>Summary</b>	North Carolina does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state does not prohibit the open carry of firearms but does have laws that would prevent the use of firearms to intimidate or harass.
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<b>Crime of Going Armed with Unusual and Dangerous Weapons to the Terror of the People</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person is armed with an unusual and dangerous weapon               <ol style="list-style-type: none"> <li>a. Any gun is considered an unusual and dangerous weapon. <i>See State of North Carolina v. Huntly</i>, 25 N.C. 418, 422 (1843) (“No man amongst us carries [a gun] about with him, as one of his every day accoutrements...and never we trust will the day come when any deadly weapon will be worn or wielded in our peace loving and law-abiding State, as an appendage of manly equipment.”)</li> </ol> </li> <li>2. For the unlawful purpose of terrorizing the people of the named county</li> <li>3. By going about the public highways of the county</li> <li>4. In a manner to cause terror to the people</li> </ol> <p>(<i>State v. Staten</i>, 32 N.C. App. at 496-97; citing <i>State v. Dawson</i>, 272 N.C. 535).</p> <p>The offense is a misdemeanor.</p>
<b>Citation to Prohibition</b>	Common law: Going armed with unusual and dangerous weapons to the terror of the people
<b>Text of Prohibition</b>	<ul style="list-style-type: none"> <li>• <i>State of North Carolina v. Dawson</i>, 272 N.C. 535, 549 (1968) (“In this day of social upheaval one can perceive only dimly the tragic consequences to the people if either night riders or day-time demonstrators, fanatically convinced of the righteousness of their cause, could legally arm themselves, mass, go abroad, and display their weapons for the purpose of imposing their will upon the people by terror...The wisdom of the common law, which made it a crime to go armed to the terror of the people, inures to our benefit today.”)</li> <li>• <i>State of North Carolina v. Staten</i>, 32 N.C. App. 495, 496-97 (N.C. Ct. App. 1977) (citing <i>State v. Dawson</i> and the four elements of the common law offense)</li> </ul>

# NORTH DAKOTA

<b>Summary</b>	North Dakota does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds and in government buildings. A concealed carry license is required to openly carry loaded handguns but no restrictions are placed on the open carry of long guns. The state does not have explicit laws against the use of firearms to intimidate or harass.
<b>Open Carry Restrictions</b>	North Dakota allows any person to carry an unloaded handgun openly during the day. N.D. Cent. Code § 62.1-03-01(1)(a). Concealed weapons permit holders may openly carry loaded handguns during the day or night. N.D. Cent. Code § 62.1-03-01(1), (2)(a). North Dakota allows any person to openly carry a long gun in public at any time.

# OHIO

<b>Summary</b>	Ohio does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds and concealed carry in government buildings. It does not prohibit openly carrying firearms in public. The state does have a law that could be used to prevent intimidation and harassment with firearms.
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<b>Crime of Preventing or Disrupting a Lawful Meeting</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Purpose to prevent or disrupt a lawful meeting, procession or gathering; and</li> <li>2. Do any act which obstructs or interferes with the due conduct of such meeting, procession or gathering;</li> </ol> <p style="text-align: center;">OR</p> <p style="text-align: center;">make any utterance, <b>gesture</b>, or display which outrages the sensibilities of the group.</p>
<b>Citation to Prohibition</b>	Ohio Rev. Code § 2917.12
<b>Text of Prohibition</b>	<p style="text-align: center;">...</p> <p>(B) No person, with purpose to prevent or disrupt a lawful meeting, procession, or gathering, shall do either of the following:</p> <ol style="list-style-type: none"> <li>i. Do any act which obstructs or interferes with the due conduct of such meeting, procession, or gathering;</li> <li>ii. Make any utterance, gesture, or display which outrages the sensibilities of the group.</li> </ol> <p>(C) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree.</p>

# OKLAHOMA

<b>Summary</b>	Oklahoma does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds and concealed carry in government buildings. It does not prohibit openly carrying firearms in public. The state does have a law that could be used to prevent intimidation and harassment with firearms.
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<b>Crime of Pointing Weapons at Others</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Point any pistol (or other deadly weapon)</li> <li>2. Whether loaded or unloaded</li> <li>3. At any other person(s)</li> </ol>
<b>Citation to Prohibition</b>	Okla. Stat. Ann. Tit. 21, § 1279
<b>Text of Prohibition</b>	<p>Except for an act of self-defense, it shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable as provided in Section 1280 of this title.</p> <p>Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act may be subject to an administrative violation as provided in Section 1280 of this title.</p>

# OREGON

<b>Summary</b>	Oregon does not prohibit firearms at polling locations and concealed carry license holders may bring guns on K-12 school grounds. The state does not prohibit openly carrying firearms in public. The state does have a law that may be used to prevent intimidation and harassment with firearms.
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<b>Crime of Menacing</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. By word or conduct</li> <li>2. A person intentionally</li> <li>3. Attempts to place another person in fear of imminent serious physical injury.</li> </ol>
<b>Citation to Prohibition</b>	Or. Rev. Stat. § 163.190
<b>Text of Prohibition</b>	A person commits the crime of menacing if by word or conduct the person intentionally attempts to place another person in fear of imminent serious physical injury.

<b>Crime of Pointing firearm at another</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person over the age of 12 years</li> <li>2. Purposefully</li> <li>3. Points or aims any loaded or unloaded pistol, gun, revolver or other firearm</li> <li>4. At or toward another person within range</li> </ol> <p style="text-align: center;">Self-defense is a valid defense.</p>
<b>Citation to Prohibition</b>	Or. Rev. Stat. § 166.190
<b>Text of Prohibition</b>	Any person over the age of 12 years who, with or without malice, purposely points or aims any loaded or empty pistol, gun, revolver or other firearm, at or toward any other person within range of the firearm, except in self-defense, shall be fined upon conviction in any sum not less than \$10 nor more than \$500, or be imprisoned in the county jail not less than 10 days nor more than six months, or both. Justice courts have jurisdiction concurrent with the circuit court of the trial of violations of this section. When any person is charged before a justice court with violation of this section, the court shall, upon motion of the district attorney, at any time before trial, act as a committing magistrate, and if probable cause be established, hold such person to the grand jury.

# PENNSYLVANIA

<b>Summary</b>	Pennsylvania does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state does not prohibit openly carrying firearms in public although a license to carry is required to carry openly in Philadelphia. The state does not have a specific law that may be used to prevent intimidation and harassment with firearms.
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# RHODE ISLAND

<b>Summary</b>	Rhode Island does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. A license is required to openly carry handguns although no restrictions are placed on the open carry of long guns. The state does not have a specific law that may be used to prevent intimidation and harassment with firearms.
<b>Open Carry Restrictions</b>	Rhode Island generally prohibits the open carrying of handguns without the appropriate license or permit, except in a residence, place of business or on land owned by the handgun possessor. R.I. Gen. Laws § 11-47-8(a). This prohibition does not apply to concealed handgun license holders.  The open carrying of long guns is generally allowed in Rhode Island.
<b>Guns in Schools</b>	Rhode Island exempts people with concealed carry permits from its restrictions on carry in schools. R.I. Gen. Laws § 11-47-60.  However, in 2018, Governor Raimondo took executive action to ban carry of firearms at schools by anyone who is not law enforcement. ( <a href="https://www.ride.ri.gov/Portals/0/Uploads/Documents/FieldMemos/SchlSafetyAnncmt-20180829.pdf">https://www.ride.ri.gov/Portals/0/Uploads/Documents/FieldMemos/SchlSafetyAnncmt-20180829.pdf</a> )

# SOUTH CAROLINA

<b>Summary</b>	South Carolina prohibits concealable firearms in polling places on Election Day but places no restrictions on long guns that cannot be concealed. Similarly, the open carry of handguns is generally prohibited but not of long guns. South Carolina prohibits guns in government buildings. The state does have a law that could prevent the use of firearms to intimidate or harass.
<b>Polling Place</b>	Concealed carry permits do not allow permittees to carry “concealable” weapons into polling places on election days. S.C. Code Ann. § 23-31-215(M)(3).
<b>Open Carry Restrictions</b>	South Carolina generally prohibits people from openly carrying handguns in public places, but does not restrict open carry of long guns. S.C. Code Ann. §§ 16-23-20, 23-31-217.

<b>Crime of Pointing firearm at another person</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person presents or points a loaded or unloaded firearm</li> <li>2. At another person</li> </ol>
<b>Citation to Prohibition</b>	S.C. Code Ann. § 16-23-410
<b>Text of Prohibition</b>	It is unlawful for a person to present or point at another person a loaded or unloaded firearm.



# SOUTH DAKOTA

<b>Summary</b>	South Dakota does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds, with some exceptions. The state does not prohibit openly carrying firearms in public. South Dakota does not have a specific law that may be used to prevent intimidation and harassment with firearms.
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# TENNESSEE

<b>Summary</b>	Tennessee does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. Individuals with concealed carry permits may carry loaded handguns openly. The state generally allows the open carry of unloaded long guns. Tennessee's general assault statute may be used to prevent intimidation and harassment with firearms.
<b>Open Carry Restrictions</b>	Tennessee prohibits the possession of a firearm "with the intent to go armed." Persons with handgun carry permits are exempt, and may carry loaded handguns openly. The state also allows possession of an unloaded rifle, shotgun or handgun on or about the person where the ammunition for such weapon is not in the immediate vicinity of the person or the weapon. Tenn. Code § 39-17-1307(a)(1); 1308(a)(2).

<b>Crime of Assault</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Intentionally or knowingly</li> <li>2. Causes another</li> <li>3. To reasonably fear imminent bodily injury</li> </ol>
<b>Citation to Prohibition</b>	T.C.A. § 39-13-101
<b>Text of Prohibition</b>	<p>A person commits assault who:</p> <p>...</p> <p>(2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; ...</p>

# TEXAS

<b>Summary</b>	Texas generally prohibits guns on the premises of polling places during an election and early voting. The state authorizes individuals with concealed carry licenses to carry visible handguns that are holstered. The open carrying of long guns is generally allowed in Texas. The state does have laws that may be used to prevent intimidation and harassment with firearms.
<b>Polling Place</b>	Firearms and other specific weapons are prohibited on the premises of a polling place during an election and when early voting is taking place. Tex. Penal Code § 46.03 (a)(2)
<b>Open Carry Restrictions</b>	<p>Texas generally prohibits the open carrying of handguns, whether loaded or unloaded, on or about the person. However, in 2015, Texas enacted a law authorizing valid handgun license holders to carry visible handguns on their person in a shoulder or belt holster, provided that they also carry a valid handgun license. Tex. Penal Code §§ 46.02, 46.15</p> <p>Texas also prohibits a handgun licensee from intentionally displaying a handgun which is carried on or about his or her person, unless the handgun is in a shoulder or belt holster.</p> <p>The open carrying of long guns is generally allowed in Texas. Tex. Penal Code § 46.035</p>

<b>Crime of Disorderly Conduct</b>	
<b>Citation to Prohibition</b>	Tex. Penal Code § 42.01(a)(8)
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person intentionally or knowingly</li> <li>2. Displays a firearm</li> <li>3. In a public place</li> <li>4. In a manner calculated to alarm</li> </ol>
<b>Text of Prohibition</b>	<p>(a) A person commits an offense if he intentionally or knowingly:</p> <p>...</p> <p>(8) displays a firearm or other deadly weapon in a public place in a manner calculated to alarm[.]</p>

<b>Crime of Assault</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person intentionally or knowingly</li> <li>2. Threatens</li> <li>3. Another person</li> <li>4. With imminent bodily injury</li> </ol>
<b>Citation to Prohibition</b>	Tex. Penal Code § 22.01
<b>Text of Prohibition</b>	<p>A person commits an offense if the person:</p> <p>...</p> <p>(2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse ...</p>

# UTAH

<b>Summary</b>	Utah does not prohibit firearms at polling locations and allows individuals with concealed carry permits to carry firearms on K-12 school grounds. Open carry is permissible if the firearm is unloaded. If the firearm is loaded, the person must have a license. Utah does have laws that may be used to prevent intimidation and harassment with firearms.
<b>Open Carry Restrictions</b>	Utah allows the open carrying of unloaded firearms on the person with no permit or license required. Utah allows the open carrying of loaded firearms on the person with a concealed weapons permit. Utah Code Ann. §§ 76-10-505(1), 76-10-523

<b>Crime of Threat of Violence</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A threat to commit any offense involving bodily injury, death, or substantial property damage, and</li> <li>2. Acts with intent to place a person in fear of imminent serious bodily injury, substantial bodily injury, or death;</li> </ol> <p style="text-align: center;"><b>or</b></p> <ol style="list-style-type: none"> <li>1. A threat to do bodily injury to another and</li> <li>2. A show of immediate force or violence</li> </ol>
<b>Citation to Prohibition</b>	Utah Code Ann. § 76-5-107
<b>Text of Prohibition</b>	<ol style="list-style-type: none"> <li>1. A person commits a threat of violence if:               <ol style="list-style-type: none"> <li>(a) the person threatens to commit any offense involving bodily injury, death, or substantial property damage, and acts with intent to place a person in fear of imminent serious bodily injury, substantial bodily injury, or death; or</li> <li>(b) the person makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to another.</li> </ol> </li> <li>2. A violation of this section is a class B misdemeanor.</li> <li>3. It is not a defense under this section that the person did not attempt to or was incapable of carrying out the threat.</li> <li>4. A threat under this section may be <b>express or implied</b>.</li> <li>5. A person who commits an offense under this section is subject to punishment for that offense, in addition to any other offense committed, including the carrying out of the threatened act.</li> <li>6. In addition to any other penalty authorized by law, a court shall order any person convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.</li> </ol>

<b>Crime of Threatening with or Using Dangerous Weapon in Fight or Quarrel.</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Two or more individuals also present</li> <li>2. Draw or exhibit a dangerous weapon</li> <li>3. Angry and threatening manner <b>or</b> unlawfully uses a dangerous weapon</li> <li>4. In a fight or quarrel</li> </ol>
<b>Citation to Prohibition</b>	Utah Code Ann. § 76-10-506
<b>Text of Prohibition</b>	<p>...</p> <p>An individual who, in the presence of two or more individuals, . . . draws or exhibits a dangerous weapon in an angry and threatening manner or unlawfully uses a dangerous weapon in a fight or quarrel, is guilty of a class A misdemeanor.</p>

# VERMONT

<b>Summary</b>	Vermont does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state does not prohibit openly carrying firearms in public. Vermont does have a specific law that may be used to prevent intimidation and harassment with firearms.
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<b>Crime of Aiming gun at another</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Intentionally pointing or aiming a firearm</li> <li>2. At or towards another, except in self-defense or the lawful discharge of official duty.</li> </ol>
<b>Citation to Prohibition</b>	Vt. Stat. Ann. tit. 13, § 4011
<b>Text of Prohibition</b>	Any person who shall intentionally point or aim any gun, pistol or other firearm at or towards another, except in self-defense or in the lawful discharge of official duty, shall be punished by fine not exceeding \$50.00. Any person who shall discharge any such firearm so intentionally aimed or pointed shall be punished by imprisonment for not more than one year or fined not more than \$100.00, or both.

# VIRGINIA

<b>Summary</b>	Virginia does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds. The state also generally allows open carry. Virginia does have a law that may be used to prevent intimidation or harassment with firearms.
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<b>Crime of Holding, Pointing, or brandishing a firearm</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Pointing, holding or brandishing any firearm or any air or gas operated weapon or any object similar in appearance</li> <li>2. In such manner as to reasonably induce fear in the mind of another OR</li> <li>3. Holding a firearm or any air or gas operated weapon in a public place in such a manner as to reasonably induce fear in the mind of another of being shot or injured</li> </ol>
<b>Citation to Prohibition</b>	<p>§ 18.2-282. Pointing, holding, or brandishing firearm, air or gas operated weapon or object similar in appearance; penalty.</p> <p>A person is guilty of unlawful paramilitary activity, punishable as a Class 5 felony, if he:</p> <p>...</p> <p>3. Violates subsection A of Section 18.2-282 while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons.</p>
<b>Text of Prohibition</b>	<p>A. It shall be unlawful for any person to point, hold or brandish any firearm or any air or gas operated weapon or any object similar in appearance, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another or hold a firearm or any air or gas operated weapon in a public place in such a manner as to reasonably induce fear in the mind of another of being shot or injured. However, this section shall not apply to any person engaged in excusable or justifiable self-defense. Persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor or, if the violation occurs upon any public, private or religious elementary, middle or high school, including buildings and grounds or upon public property within 1,000 feet of such school property, he shall be guilty of a Class 6 felony.</p> <p>B. Any police officer in the performance of his duty, in making an arrest under the provisions of this section, shall not be civilly liable in damages for injuries or death resulting to the person being arrested if he had reason to believe that the person being arrested was pointing, holding, or brandishing such firearm or air or gas operated weapon, or object that was similar in appearance, with intent to induce fear in the mind of another.</p> <p>C. For purposes of this section, the word "firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material. The word "ammunition," as used herein, shall mean a cartridge, pellet, ball, missile or projectile adapted for use in a firearm.</p>

# WASHINGTON

<b>Summary</b>	Washington does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds, and generally permits the open carrying of firearms. The state does have a law that may prohibit the use of firearms to intimidate or harass.
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<b>Crime of Weapons Apparently Capable of Producing Bodily Harm</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. A person carries, exhibits, displays, or draws any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm</li> <li>2. In a manner, under circumstances, and at a time and place that either               <ol style="list-style-type: none"> <li>a. Manifests an intent to intimidate another OR</li> <li>b. Warrants alarm for the safety of other persons</li> </ol> </li> </ol>
<b>Citation to Prohibition</b>	Wash. Rev. Code Ann. § 9.41.270
<b>Text of Prohibition</b>	<p>(1) It shall be unlawful for any person to carry, exhibit, display, or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.</p> <p>(2) Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1) of this section, the person shall lose his or her concealed pistol license, if any. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.</p> <p>(3) Subsection (1) of this section shall not apply to or affect the following:</p> <ol style="list-style-type: none"> <li>(a) Any act committed by a person while in his or her place of abode or fixed place of business;</li> <li>(b) Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;</li> <li>(c) Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;</li> <li>(d) Any person making or assisting in making a lawful arrest for the commission of a felony; or</li> <li>(e) Any person engaged in military activities sponsored by the federal or state governments.</li> </ol>

# WEST VIRGINIA

<b>Summary</b>	West Virginia does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds, and generally permits the open carrying of firearms. The state does have a law that may prohibit the use of firearms to intimidate or harass.
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<b>Crime of Brandishing Deadly Weapons</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Carrying, brandishing or using a firearm or other deadly weapon</li> <li>2. In a way or manner to cause, or threaten, a breach of the peace</li> </ol>
<b>Citation to Prohibition</b>	§61-7-11. Brandishing deadly weapons; threatening or causing breach of the peace; criminal penalties.
<b>Text of Prohibition</b>	It shall be unlawful for any person armed with a firearm or other deadly weapon, whether licensed to carry the same or not, to carry, brandish or use such weapon in a way or manner to cause, or threaten, a breach of the peace. Any person violating this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$50 nor more than \$1,000, or shall be confined in the county jail not less than ninety days nor more than one year, or both.



# WISCONSIN

<b>Summary</b>	Wisconsin does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds, and generally permits the open carrying of firearms. The state does have a law that may prohibit the use of firearms to intimidate or harass.
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<b>Crime of Endangering Safety by Use of Dangerous Weapon</b>	
<b>Elements Required to Establish an Offense</b>	Intentionally pointing a firearm at another
<b>Citation to Prohibition</b>	Wis. Stat. § 941.20
<b>Text of Prohibition</b>	1) Whoever does any of the following is guilty of a Class A misdemeanor: ... (c) Except as provided in sub. (1m), intentionally points a firearm at or toward another.

# WYOMING

<b>Summary</b>	Wyoming does not prohibit guns at polling locations but does prohibit guns on K-12 school grounds, and generally permits the open carrying of firearms. The state does have laws that may prohibit the use of firearms to intimidate or harass.
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<b>Crime of Aggravated Assault and Battery</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Threatening to use a drawn deadly weapon on another</li> <li>2. Unless reasonably necessary in defense of his person, property or abode or to prevent serious bodily injury to another</li> </ol>
<b>Citation to Prohibition</b>	WY Stat § 6-2-502
<b>Text of Prohibition</b>	<p>(a) A person is guilty of aggravated assault and battery if he:</p> <p>...</p> <p>(iii) Threatens to use a drawn deadly weapon on another unless reasonably necessary in defense of his person, property or abode or to prevent serious bodily injury to another</p>

<b>Crime of Reckless Endangering</b>	
<b>Elements Required to Establish an Offense</b>	<ol style="list-style-type: none"> <li>1. Knowingly pointing a firearm at or in the direction of another</li> <li>2. Unless reasonably necessary in defense of one's person, property or abode or to prevent serious bodily injury to another</li> </ol>
<b>Citation to Prohibition</b>	WY Stat § 6-2-504
<b>Text of Prohibition</b>	<p>(a) A person is guilty of reckless endangering if he recklessly engages in conduct which places another person in danger of death or serious bodily injury.</p> <p>(b) Any person who knowingly points a firearm at or in the direction of another, whether or not the person believes the firearm is loaded, is guilty of reckless endangering unless reasonably necessary in defense of his person, property or abode or to prevent serious bodily injury to another or as provided for under W.S. 6-2-602.</p> <p>(c) Reckless endangering is a misdemeanor punishable by imprisonment for not more than one (1) year.</p>

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For over 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence.