

Open Carry

SHARE   

As more laws are weakened to allow the carrying of openly visible firearms in public, the threat of violence to the public rises alarmingly.

Carrying openly visible guns in public can quickly turn arguments fatal, be used to intimidate and suppress the First Amendment rights of others, and create confusion for law enforcement responding to shootings. Despite the evidence that openly carrying firearms endangers public safety, most states lack laws to limit open carry—and some have even taken steps to weaken the regulation of visible guns in public.

BACKGROUND

Historically, most states either prohibited or strongly regulated the carrying of firearms in public. Over the past three decades, however, state laws have changed dramatically. In that time, many states have significantly weakened their laws to permit more and more people to carry guns in public places and to reduce or eliminate local law enforcement's ability to keep potentially dangerous people from carrying guns in public.

“Open carry” refers to the practice of carrying openly visible firearms in public. Though most states continue to require a permit in order to carry a concealed weapon, many states now place few or no restrictions on open carry. In fact, some states have imposed draconian requirements on private businesses that wish to keep deadly weapons off their property.

By promoting gun carrying in public places, often with few restrictions, **open carry can increase the likelihood of conflict, severely endangering public safety.**

- Researchers have suggested that the presence of visible firearms may alter behavior and increase aggressive and violent behaviors.¹
- Multiple studies show that restrictions on the carrying of concealed weapons can increase public safety. For example, recent analyses have shown that states with weak standards for concealed carry have higher rates of violent crime² and gun homicides³ than would be expected if the states had stricter standards for public carry.

White Supremacists have long used firearms—and permissive open carry laws—to threaten and intimidate others, with examples of such violence going back to the Reconstruction era.⁴

- In 2017, a group of white supremacists protesting the removal of a statue of Robert E. Lee marched through Charlottesville, Virginia, openly carrying military-style rifles as a means to intimidate and suppress the Constitutional rights of others.⁵
- White supremacists have also exploited weak open carry laws to threaten and intimidate at other rallies across the country,⁶ as well as in front of houses of worship⁷ and electoral campaign offices.⁸

Recent examples show that **open carry can create substantial confusion for law enforcement officers, impeding their ability to protect public safety.**

- 911 calls from concerned citizens about people openly carrying firearms can create confusion for responding officers and can endanger both officers and gun carriers.⁹
- Similarly, in states with open carry laws, law enforcement agencies can have difficulties distinguishing between credible threats to public safety and legal open carry. In October 2015, a Colorado woman reported a man with a long black rifle outside her home, but officers did not immediately respond to her call because open carry is legal in the state. Shortly after the 911 call, the gun carrier shot and killed three people.¹⁰
- Open carry can also complicate police response to shootings. In the July 2016 shooting of police officers in Dallas, law enforcement struggled to distinguish between people legally carrying guns openly and the gunman responsible for the attack.¹¹

SUMMARY OF FEDERAL LAW

Federal law does not restrict the open carrying of firearms in public, although specific rules may apply to property owned or operated by the federal government.

SUMMARY OF STATE LAW

Three states (California, Florida, and Illinois) and the District of Columbia generally prohibit people from openly carrying firearms in public. Two states (New York and South Carolina) prohibit openly carrying handguns, but not long guns, and another three states (Massachusetts, Minnesota, and New Jersey) prohibit openly carrying long guns, but not handguns. In the remaining states, people are generally allowed to openly carry firearms, although some states require a permit or license to do so.

Please also note that open carry laws are usually subject to significant exceptions. Most states that allow open carrying still prohibit carrying firearms in some specific locations such as schools, state-owned businesses, places where alcohol is served, and on public transportation. The lists below are meant only to reflect whether open carry is generally allowed or prohibited. For further information about location-based restrictions on open carry, see our page on [Location Restrictions](#).

OPEN CARRYING OF HANDGUNS

Five states and the District of Columbia, generally prohibit people from openly carrying handguns in public places. Thirty-one states allow the open carrying of a handgun without any license or permit, although in some cases the gun must be unloaded.¹² Fifteen states require some form of license or permit in order to openly carry a handgun. See our summary on [Carrying Concealed Weapons](#) for details about these licenses and permits.

States that Prohibit Open Carrying of Handguns

- California¹³
- District of Columbia¹⁴
- Florida¹⁵
- Illinois¹⁶
- New York¹⁷
- South Carolina¹⁸

States that Require a Permit or License to Openly Carry Handguns

- Connecticut¹⁹
- Georgia²⁰
- Hawaii²¹
- Indiana²²
- Iowa (for carry in city limits)²³
- Maryland²⁴
- Massachusetts²⁵
- Minnesota²⁶
- New Jersey²⁷
- Oklahoma²⁸
- Rhode Island²⁹
- Tennessee³⁰
- Texas³¹
- Utah³²

States that Otherwise Restrict Open Carrying of Handguns in Public Places

- Alabama (some private property restrictions)³³
- Missouri³⁴
- North Dakota³⁵
- Pennsylvania³⁶
- Virginia³⁷
- Washington³⁸

OPEN CARRYING OF LONG GUNS

Six states and the District of Columbia, generally ban the open carrying of long guns (rifles and shotguns). In the 44 remaining states, openly carrying a long gun is legal, although in three of these states (Iowa, Tennessee and Utah) the long gun must be unloaded.³⁹ In addition, Virginia and Pennsylvania limit the ability to openly carry long guns in certain cities.⁴⁰ In a majority of states, it is legal for an individual to openly carry a loaded firearm in public without a permit.

States that Generally Prohibit Open Carrying of Long Guns

- California⁴¹
- District of Columbia⁴²
- Florida⁴³
- Illinois⁴⁴
- Massachusetts⁴⁵
- Minnesota⁴⁶
- New Jersey⁴⁷

States that Restrict, But Do Not Prohibit, the Open Carrying of Long Guns

- Iowa (for carry in city limits)⁴⁸
- Pennsylvania⁴⁹
- Tennessee⁵⁰
- Utah⁵¹
- Virginia⁵²

SUPPORT GUN SAFETY

We're in this together. To build a safer America—one where children and parents in every neighborhood can learn, play, work, and worship without fear of gun violence—we need you standing beside us in this fight.

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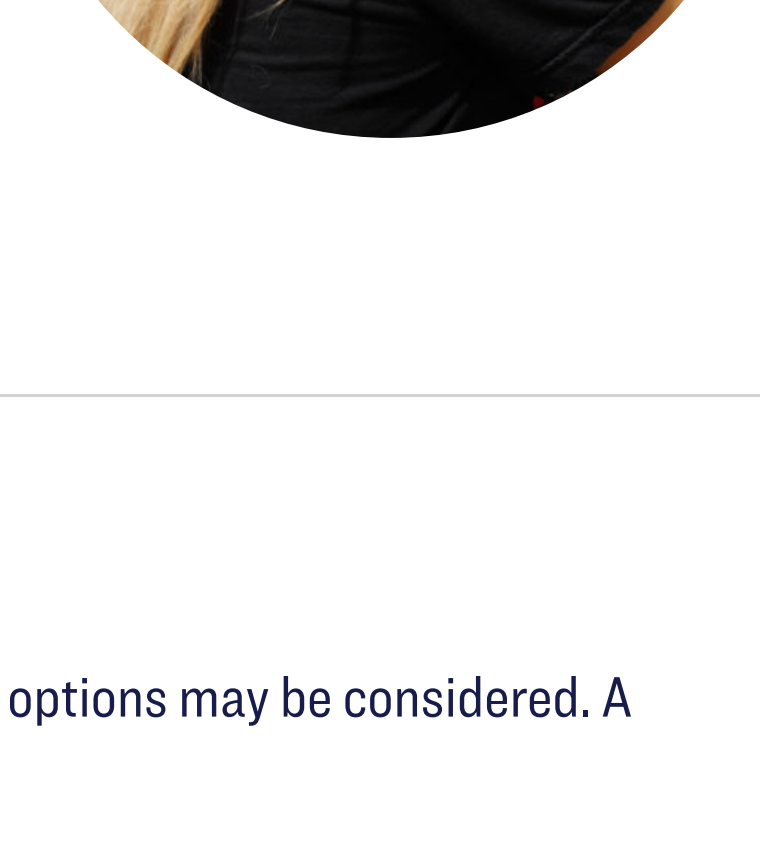
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OTHER

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KEY LEGISLATIVE ELEMENTS

The features listed below are intended to provide a framework from which policy options may be considered. A jurisdiction considering new legislation should consult with counsel.

- The open carrying of any kind of firearm is prohibited, and no exception is made for permit-holders (*California, Florida, Illinois*)
- If a comprehensive ban on open carrying is not possible:
 - Open carrying is limited to permit-holders (*13 states require a permit to openly carry a handgun; Minnesota and New Jersey require a permit to openly carry a long gun*).
 - Firearms that are openly carried must be unloaded (*North Dakota requires openly carried handguns to be unloaded; Iowa, Tennessee, and Utah require openly carried long guns to be unloaded*).
 - The open carrying of firearms is subject to certain location restrictions, including a prohibition against open carrying in specific densely populated cities (*Pennsylvania, Virginia*).⁵³

RELATED

GUNS IN PUBLIC	GUNS IN PUBLIC	GUNS IN PUBLIC
Concealed Carry Guns carried in public pose a danger to public safety, and lax concealed carry laws increase the risk of violent confrontations.	Location Restrictions States that allow firearms in sensitive or dangerous places are needlessly endangering the lives of their residents.	Guns in Schools Guns in schools are an unnecessary and significant threat to the safety of children and college students.

Notes

