

March 26, 2025

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Opposition Testimony for AB245

I am the Owner and Master Instructor for Great Basin Tactical located in Battle Mountain NV, County of Lander. I am also a Sergeant with the Lander County Sheriff's Office and have been in Law Enforcement for going on 31 years. I have been a Firearms Instructor for 23 years and a Master Instructor with the National Rifle Association (NRA) and the International Association of Law Enforcement Firearms Instructors. (I.A.L.E.F.I.) for approximately 10 years.

I. Introduction

I provide written testimony today in the opposition of AB245. The question of when an individual attains the right to possess a firearm is a matter of significant public and legal debate in the United States. This discussion intersects with fundamental constitutional rights, public safety concerns, and the evolving understanding of adulthood in American society. The age of eighteen holds a unique position in the legal landscape, as it is the age at which numerous rights and responsibilities of adulthood are conferred. My testimony aims to explore the legal and factual basis for the argument that eighteen-year-old adults should be permitted to possess firearms for self-defense and other lawful purposes, drawing upon federal and state laws, Second Amendment jurisprudence, and relevant empirical data. The analysis will demonstrate that denying this right to individuals who are otherwise considered legal adults in nearly all other aspects of life lacks a coherent legal foundation and overlooks the legitimate needs and responsibilities of this age group.

II. The Legal Landscape of Firearm Possession in the United States

The regulation of firearm possession in the United States is a complex interplay of federal and state laws. At the federal level, the Gun Control Act of 1968 plays a central role in setting minimum age requirements for firearm transactions with licensed dealers. Specifically, federal law prohibits licensed firearms dealers from selling or delivering

handguns or handgun ammunition to individuals under the age of 21. This restriction applies regardless of state or local law. The term "handgun-only ammunition" is also included in this prohibition. This creates a notable distinction in federal law between handguns and long guns (rifles and shotguns) when it comes to purchases from licensed dealers.

Conversely, federal law stipulates that licensed firearms dealers may not sell or deliver a long gun, or ammunition for a long gun, to any person the dealer knows or has reasonable cause to believe is under the age of 18. Interestingly, federal law does not establish a minimum age for the possession of long guns or long gun ammunition. This means that while an 18-year-old could not purchase a long gun from a licensed dealer before reaching that age, federal law does not prevent them from possessing one obtained through other means once they turn 18. This discrepancy suggests a different federal perspective on the risks associated with handguns versus long guns.

Adding another layer of complexity, federal regulations permit individuals between the ages of 18 and 21 to acquire a handgun from an unlicensed individual who resides in the same state, provided the person acquiring the handgun is not otherwise prohibited from receiving or possessing firearms under federal law. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has affirmed this interpretation. This creates a legal avenue for 18–20-year-olds to possess handguns through private transactions, effectively bypassing the restriction on sales by licensed dealers. This distinction based on the seller's licensing status indicates that federal concerns may be more focused on the regulated commercial market for this age group regarding handguns.

Furthermore, federal law prohibits the possession of handguns or handgun ammunition by any person under the age of 18, with specific exceptions. These exceptions include instances where a juvenile possesses written permission from a parent for activities such as employment, ranching, farming, target practice, and hunting. This acknowledgment of exceptions for younger individuals suggests a recognition that responsible firearm handling can occur under appropriate adult guidance and for legitimate purposes.

To illustrate the diversity of state regulations, examples include Alaska, which sets the minimum age for both handgun and long gun possession at 16; Arizona, where it is 18 for both, with exceptions for possession on private property; California, which requires individuals to be 21 to possess handguns and 18 for all other firearms, with some exceptions for those over 18 with hunting permits or who are military or law enforcement personnel; Florida, which mandates a minimum age of 21 for all firearm purchases; and Georgia, where the minimum age for possessing both handguns and long guns is 18. This intricate web of federal and state laws creates a challenging and often inconsistent

environment for young adults seeking to understand and exercise their Second Amendment rights.

Recent legal developments have further shaped the landscape. The Fifth Circuit Court of Appeals, in the case of *Reese v. ATF*, delivered a significant ruling that the federal ban on licensed gun dealers selling handguns to individuals aged 18 to 20 is unconstitutional as it violates the Second Amendment. The court applied the Supreme Court's precedent in *New York State Rifle & Pistol Association v. Bruen*, which emphasizes the need for gun regulations to be consistent with the nation's historical tradition of firearm regulation. The Fifth Circuit found insufficient historical evidence to support the federal restriction on handgun sales to this age group. This decision marks a direct challenge to federal law and highlights the evolving legal interpretation of the Second Amendment's application to young adults.

However, other appellate courts have reached different conclusions on similar issues, creating a "circuit split" that increases the likelihood of the Supreme Court ultimately addressing the matter. For instance, the Eleventh Circuit has upheld Florida's prohibition on firearm purchases by individuals under 21. This divergence in judicial opinions underscores the ongoing legal debate and the lack of a definitive national consensus. Notably, some courts, including the Fifth Circuit in *Reese*, have explicitly stated that 18-to-20-year-olds are included within "the people" protected by the Second Amendment, rejecting arguments that their inability to vote at the founding excluded them from this right. Furthermore, the Third Circuit's decision in *Lara* found Pennsylvania's restriction on 18-to-20-year-olds carrying a concealed firearm during a state of emergency to be unconstitutional, citing a lack of historical tradition supporting such limitations. These recent legal challenges and differing opinions underscore the unsettled nature of the law regarding the Second Amendment rights of young adults.

III. The Second Amendment and the Rights of Young Adults

The Second Amendment to the United States Constitution declares that "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed". For many years, the interpretation of this amendment was debated, with some arguing it primarily protected the right of states to maintain militias. However, the Supreme Court's landmark decision in *District of Columbia v. Heller* (2008) definitively affirmed that the Second Amendment protects an individual's right to possess a firearm, unconnected to service in a militia, for traditionally lawful purposes, such as self-defense within the home. This ruling established self-defense as a central component of the Second Amendment rights. Subsequently, in *McDonald v. Chicago* (2010), the Supreme Court extended these Second Amendment protections to the states

through the Fourteenth Amendment, ensuring that state and local governments cannot infringe upon this fundamental right.

Applying these principles to the 18-20 age group, legal arguments assert that the plain language of the Second Amendment includes these individuals within "the people" whose right to keep and bear arms is protected. The term "the people," as used throughout the Bill of Rights, generally refers to all members of the national community who possess fundamental rights. There is no textual basis within the Second Amendment itself to exclude 18-to-20-year-olds from this protection. Historically, at the time of the Second Amendment's ratification, individuals in this age group were often obligated to serve in the militia and were expected to provide their own firearms. The Militia Act of 1792, for example, mandated militia service for all free, able-bodied white male citizens between the ages of 18 and 45 and required them to equip themselves with a musket or rifle. This historical context strongly suggests that this age group was considered part of the armed citizenry whose right to bear arms was to be protected.

Furthermore, the right to "keep and bear arms" inherently implies the right to acquire those arms. Restricting the ability of 18-to-20-year-olds to purchase handguns from licensed dealers, as federal law currently does, places a significant burden on their ability to exercise their Second Amendment right, particularly for self-defense. Recent court decisions, such as the Fifth Circuit's ruling in *Reese*, have applied the *Bruen* framework, which requires modern gun laws to be consistent with historical restrictions from the founding era. These courts have found a lack of historical evidence to support contemporary bans on firearm purchases by 18-to-20-year-olds for self-defense, the central component of the Second Amendment. The argument that this age group was excluded from firearm rights due to not being able to vote or exercise other civic rights at the founding has also been challenged, with courts noting the absence of any such age restrictions within the text of the Second Amendment itself.

IV. The Legal Status and Capacities of 18-Year-Olds

In the United States, the age of 18 is a pivotal point, marking the attainment of legal adulthood in the vast majority of states. This transition confers upon eighteen-year-olds a wide array of rights and responsibilities, signifying their recognition as capable and accountable members of society. One of the most fundamental rights gained at 18 is the right to vote in federal, state, and local elections. This right to participate in the democratic process is a cornerstone of citizenship, empowering young adults to shape the future of their communities and nation.

At the age of 18, individuals also acquire the legal capacity to enter into binding contracts. This includes the ability to sign leases for apartments, take out loans for education or vehicles, and enter into employment agreements, demonstrating a level of financial and legal responsibility deemed appropriate for adulthood. Furthermore, eighteen-year-olds are eligible to serve in the military without parental consent. In fact, all male citizens are required to register for military service with the Selective Service System within 30 days of their 18th birthday. This obligation to potentially defend the nation underscores the significant responsibilities entrusted to this age group.

Moreover, eighteen-year-olds gain the right to make their own healthcare decisions, without requiring parental consent or notification. This autonomy in medical matters reflects their legal competence to make personal choices about their own well-being. They also have the right to sue or be sued in their own names, granting them standing within the legal system. The ability to control access to their educational information under the Family Educational Rights and Privacy Act (FERPA) also transfers to the student at age 18.

Denying 18-year-olds the right to possess firearms while simultaneously granting them this extensive array of adult rights and responsibilities creates an inconsistent legal framework. If individuals at this age are deemed mature and responsible enough to vote, serve in the military, enter into contracts, and make their own healthcare decisions, it becomes difficult to justify why they should be denied the right to possess firearms for self-defense and other lawful purposes. The principle of equal treatment under the law suggests that once the age of majority is reached, individuals should generally be treated as adults with the full complement of rights, unless there is a compelling and well-supported reason for differential treatment.

V. Firearm Ownership and Responsible Gun Handling Among 18-20 Year Olds

While specific data focusing solely on firearm ownership rates for the 18-20 age demographic may be limited, available information provides some insight. A 2015 study indicated that 13.2% of new gun owners were within the 18-24 age range. This suggests that a notable portion of individuals acquiring firearms for the first time are young adults just reaching the age of majority. This indicates an existing interest and participation in firearm ownership within this demographic.

Furthermore, data from 2021 reveals a strong inclination towards safety among new gun owners, a group that would include many 18–20-year-olds. Nearly 47% of first-time gun buyers that year inquired about training, and 43% actually signed up for training. This proactive engagement with safety education demonstrates a commitment to responsible gun ownership practices among young adults. Organizations like the National Shooting

Sports Foundation (NSSF) actively promote firearm safety through various educational resources and emphasize fundamental safety rules, such as always treating every firearm as loaded and keeping the muzzle pointed in a safe direction. These readily available resources can be easily accessed and utilized by young adults seeking to learn about safe firearm handling.

Comprehensive firearm training programs are also widely accessible. The NRA, for instance, offers a variety of courses catering to different skill levels and interests, including basic gun safety, marksmanship, and personal protection, many of which are open to individuals aged 18 and older. Many states also have their own state-certified firearm safety courses, often required for activities like hunting or obtaining a concealed carry permit, which are typically available to adults aged 18 and above. Additionally, youth shooting sports programs, such as those offered by 4-H and the Scholastic Shooting Sports Foundation (SSSF), often instill a strong emphasis on firearm safety and responsible conduct from a young age, with many participants continuing their involvement into young adulthood. These various avenues for firearm safety education demonstrate that young adults have both the interest and the opportunity to learn and practice responsible gun handling.

VI. Self-Defense Needs and the Right to Personal Protection

Statistical data reveals a concerning reality: Americans between the ages of 18 and 29 face the highest risk of gun homicide victimization. This elevated vulnerability underscores a significant need for effective means of self-defense for individuals in this age group. While older data from the Bureau of Justice Statistics (1992-94) indicated that those aged 18 to 21 were the most likely to experience serious violent crime overall, the more recent data on gun homicide specifically highlights the heightened risk faced by young adults.

Modern personal safety and self-defense strategies often emphasize non-physical techniques such as situational awareness, de-escalation, and avoidance. However, these methods may not always be sufficient in the face of a violent attacker. In situations where non-lethal options are inadequate, the ability to possess and use a firearm for self-defense can be a critical last resort. For young adults transitioning into greater independence, moving away from home, and navigating new environments, the potential for encountering threats to their personal safety can increase. Restricting their access to a potentially life-saving tool for self-defense could leave them more vulnerable during this period of increased autonomy and potential risk. The Supreme Court's recognition of self-defense as a core lawful purpose for owning a firearm in *Heller* further underscores the importance of this right for all law-abiding adults, including those aged 18-20.

VII. Participation in Lawful Firearm Activities

Beyond self-defense, 18-year-olds actively participate in various lawful firearm-related activities. Hunting is a long-standing tradition in the United States, and many states allow individuals under 18 to participate in hunting under adult supervision, with some offering specific youth hunting licenses. By the age of 18, young adults in most states are eligible to obtain full hunting licenses, often with hunter education requirements, allowing them to hunt independently. This demonstrates a societal acceptance of responsible firearm use by young people for hunting purposes.

Sport shooting and marksmanship are also popular activities among young adults. Youth shooting sports programs cater to individuals from elementary school through college age, emphasizing safety, education, and competition in various disciplines. As these young athletes reach the age of 18, they should have the continued right to participate in these sports with their own firearms. While some shooting ranges may have age restrictions for younger individuals, those aged 18 and older are generally treated as adults and can participate with greater independence. The fact that USA Shooting, the national governing body for Olympic shooting sports, has no minimum age requirement for membership further highlights the acceptance of youth participation in competitive shooting.

VIII. Analysis of Firearm-Related Incident Rates by Age

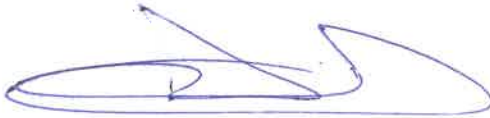
Examining firearm-related incident rates by age reveals a complex picture. Data indicates that individuals between the ages of 18 and 29 experience the highest rates of gun homicide victimization. This statistic underscores the vulnerability of young adults to being victims of gun violence. However, some data also suggests that 18–20-year-olds may be involved in a disproportionate share of gun homicides as offenders. It is crucial to contextualize this information. While concerning, these statistics do not necessarily justify restricting the rights of an entire age group, especially when considering their increased risk of victimization.

Firearm suicide rates are also a serious concern among young adults (18-29). Addressing suicide risk requires a multifaceted approach that includes mental health support and responsible firearm storage practices, rather than solely focusing on restricting firearm access for all individuals in this age group. Research on the effects of minimum age requirements on violent crime has yielded inconclusive evidence. This lack of clear evidence suggests that raising the minimum age for firearm possession may not have a significant impact on reducing violent crime rates. It is also important to note the increasing rates of firearm deaths among children and teens under 18, highlighting that the issue of gun violence affects individuals across a wide range of ages.

IX. Conclusion

Based on the legal principles enshrined in the Second Amendment, the widely recognized legal status and capacities of 18-year-old adults, the evidence of their participation in responsible firearm ownership and activities, and their demonstrated vulnerability to violent crime, the argument for allowing 18-year-old adults to possess firearms for self-defense and other lawful purposes is substantial and persuasive. Recent legal challenges to existing age-based restrictions and evolving interpretations of the Second Amendment further bolster this position. While acknowledging the importance of addressing firearm safety and violence prevention, denying a fundamental right to an entire class of legal adults based on age alone lacks a coherent legal foundation and overlooks the legitimate needs and responsibilities of this demographic. Emphasizing comprehensive firearm safety education, promoting responsible gun ownership practices, and ensuring access to mental health resources for all individuals are crucial steps towards fostering a safe environment while respecting the constitutional rights of law-abiding young adults.

Thank you for your attention,

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a series of loops and a final upward stroke.

Joseph Jones
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Great Basin Tactical