

Chief Justice Marshall's Court & Cases

United States v. Lopez

Argued: November 8, 1994

Decided: April 26, 1995

Facts of the case

Alfonzo Lopez, a 12th grade high school student, carried a concealed weapon into his San Antonio, Texas high school. He was charged under Texas law with firearm possession on school premises. The next day, the state charges were dismissed after federal agents charged Lopez with violating a federal criminal statute, the Gun-Free School Zones Act of 1990. The act forbids "any individual knowingly to possess a firearm at a place that [he] knows...is a school zone." Lopez was found guilty following a bench trial and sentenced to six months' imprisonment and two years' supervised release.

Question

Is the 1990 Gun-Free School Zones Act, forbidding individuals from knowingly carrying a gun in a school zone, unconstitutional because it exceeds the power of Congress to legislate under the Commerce Clause?

Conclusion

Yes. The possession of a gun in a local school zone is not an economic activity that might, through repetition elsewhere, have a substantial effect on interstate commerce. The law is a criminal statute that has nothing to do with "commerce" or any sort of economic activity.

■ "*United States v. Lopez.*" Oyez, 17 Jul. 2018

<https://goo.gl/qW5mTw>

After the Supreme Court's Lopez decision in April 1995, striking down the original Gun-Free School Zones Act of 1990 as not substantially related to commerce, Congress revised the original law and changed the language to address the Court's constitutional concerns by requiring that the prosecution prove that the gun moved in or affected interstate or foreign commerce. Cong. Rec. S7920-7921 (Statement of Sen. Kohl). The language was changed to provide:

Gun-Free School Zones Act of 1995 - Amends the Gun-Free School Zones Act of 1990 to prohibit possessing or, knowingly or with reckless disregard for the safety of another, discharging (or attempting to discharge) a firearm **that has moved in or that otherwise affects interstate or foreign commerce** (thus providing the jurisdictional basis for regulation under the interstate commerce clause of the Constitution) in a school zone. S.890 — 104th Congress (1995-1996).

■ Available online <https://goo.gl/eNCrgr>