Brandishing or Display of Firearm Statutes

After getting many questions on this issue we are looking at adding this info to each states page as it is listed below. This would be added to the Misc Information Section of each states page. Some states have laws specifically defining Brandishing while many don’t. Below is a listing of Statutes that define Brandishing or statutes that could cover displaying a firearm. When it comes to this subject Case Law would have a huge impact on how these laws are applied. This is a work in progress and any assistance you could give us in any additions to this list would be appreciated. 
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18 U.S. Code § 924. – Penalties

(c)(4) For purposes of this subsection, the term “brandish” means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.

Note: Handgunlaw.us believes the above Federal Code gives a very good Definition for Brandishing. Each States Name is a Link to that states page at https://handgunlaw.us.

Alabama

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
§ 13A-11-7 - Disorderly Conduct

Alaska

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
§ 11.41.220 - Assault in the Third Degree.
§ 11.61.110 - Disorderly Conduct

Arizona

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
§ 13-421 - Justification; Defensive Display of a Firearm; Definition
§ 13-2904 - Disorderly Conduct; Classification

Arkansas

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
§ 5-71-207 - Disorderly Conduct
California

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Penal Code  Part 1. Title 11, § 417 – (a)(2) Crimes Against the Public Peace
Penal Code  Part 1. Title 11, § 417.3
Case Law - PEOPLE v. LARA

Colorado

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 18-3-206 – Menacing  § 18-9-106 - Disorderly Conduct

Connecticut

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 53, Chpt. 943 Sec. 53a-182 - Disorderly Conduct

Delaware

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 11 – Chpt. 5 – Subchpt. VII - § 1301 - Disorderly Conduct

District of Columbia

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 22-1321 - Disorderly Conduct.

Florida

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title XLVI – Chpt. 790 - § 790.10 - Improper Exhibition of Dangerous Weapons or Firearms

Georgia

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 16-11-102 - Pointing or Aiming Gun or Pistol at Another
§ 16-11-39 - Disorderly Conduct  § 16-5-20 Simple assault

Hawaii

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

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Idaho

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
- § 18-3303 Exhibition or Use of Deadly Weapon
- § 18-3304 Aiming Firearms at Others

Illinois

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
- 720 ILCS 5/12-6 – Intimidation
- 720 ILCS 5/12-1 - Assault

Indiana

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
- IC 35-42-2-2 - Criminal Recklessness; Element of Hazing; Liability Barred for Good Faith Report or Judicial Participation.
- IC 35-47-4-3 - Pointing Firearm at Another Person

Iowa

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
- Title XVI, § 723A.1 - Definitions - 1. h. Brandishing
- Title XVI § 708.1 - Assault Defined

Kansas

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
- § 21-5221. Use of force; definitions.
- § 21-5412 - Assault; Aggravated Assault; Assault of a Law Enforcement Officer;…

Kentucky

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
- § 525.060 - Disorderly Conduct in The Second Degree
- § 508.050 - Menacing

Louisiana

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
RS 40:1382 - Negligent Carrying of a Concealed Handgun

**Maine**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

*Title 25 – Part 5 – Chpt. 252 - § 2001-A. Threatening Display of or Carrying Concealed Weapon*

**Maryland**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

*Criminal Law Title 3 Subtitle 2 § 3-202. - Assault in the First Degree - Westlaw § 3-202*

**Massachusetts**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

*General Laws - Part IV - Title I - Chapter 265 - Section 15B(b) - Assault With Dangerous Weapon*

**Michigan**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

*§ 750.222 (c) Definition of Brandish
§ 750.234e Brandishing Firearm in Public; Applicability; Violation as Misdemeanor; Penalty*

**Minnesota**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

*§ 609.66 - Dangerous Weapons*

**Mississippi**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

*§ 97-37-19 - Deadly Weapons; Exhibiting in Threatening Manner*

**Missouri**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

*Title XXXVIII - § 571.030 Unlawful Use of Weapons – Exceptions - Penalties*

**Montana**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

*§ 45-3-111 - Openly Carrying Weapon – Display - Exemption*
§ 45-5-213 - Assault with Weapon

Nebraska

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 28-310 - Assault in the Third Degree; Penalty

Nevada

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

NRS 202.290 - Aiming Firearm at Human Being; Discharging Weapon Where Person Might be Endangered; Penalty
NRS 202.320 - Drawing Deadly Weapon in Threatening Manner

New Hampshire

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title LXII - § 627:4 - Physical Force in Defense of a Person II-a.
Title LXII - § 631:3 - Reckless Conduct
Title LXII - § 631:4 - Criminal Threatening

New Jersey

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

2C:12-1 a(3) - Assault.
2C:33-2 - Disorderly Conduct

New Mexico

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 30-3-1 - Assault. § 30-7-4 - Negligent Use of a Deadly Weapon
§ 31-18-16 - Brandishing of firearm; alteration of basic sentence; suspension and deferral limited

New York

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Penal Code – Part 3 – Title H - § 120.14 - Menacing in the Second Degree
Penal Code Part 3 – Title N - § 240.20 - Disorderly Conduct

North Carolina

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

“Going Armed to the Terror of the Public” State v. Dawson, 272 N.C. 535, 541-42 (1968);
State v. Staten, 32 N.C. App. 495, 496-97 (1977) (citing Dawson)

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State v. Huntly, 25 N.C. 418, 418 (1843); § 14-34 - Assaulting by Pointing Gun

North Dakota

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 12.1-31-01 - Disorderly Conduct
§ 12.1-17-05 - Menacing

Ohio

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 2903.12 Aggravated Assault § 2903.21 - Aggravated Menacing
§ 2941.145 - Firearm Displayed, Brandished, Indicated That Offender Possessed the Firearm, or Used it to Facilitate Offense Specification

Oklahoma

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 21, Chapter 53, § 1289.16 - Felony Pointing Firearms
Title 21, Chpt. 53, § 1289.11 - Reckless Conduct

Oregon

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 166.190 - Pointing Firearm At Another
§ 166.220 - Unlawful Use of Weapon
§ 163.190 - Menacing

Pennsylvania

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 18, § 5503 - Disorderly Conduct

Rhode Island

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 11-45-1 - Disorderly Conduct

South Carolina

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

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§ 16-23-410 - Pointing Firearm at Another Person

**South Dakota**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 22-18-35 - Disorderly Conduct

**Tennessee**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 39-13-102 - Aggravated assault  § 39-17-305 - Disorderly Conduct

**Texas**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Penal Code Title 5, § 22.05 - Deadly Conduct
Penal Code Title 9, § 42.01 - Disorderly Conduct

**Utah**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 76-10-506 - Threatening With or Using Dangerous Weapon in Fight or Quarrel
§ 76-9-102 - Disorderly conduct

**Vermont**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

13 V.S.A. § 4011 - Aiming Gun at Another

**Virginia**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 18.2-282 - Pointing, Holding, or Brandishing Firearm, Air or Gas Operated Weapon or Object Similar in Appearance; Penalty
§ 18.2-56.1 - Reckless Handling of Firearms

**Washington**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 9.41.270 - Weapons Apparently Capable of Producing Bodily Harm—Unlawful Carrying or Handling—Penalty—Exceptions.

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§ 9.41.230 - Aiming or Discharging Firearms, Dangerous Weapons.

West Virginia

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 61-7-11 Brandishing Deadly Weapons; Threatening or Causing Breach of the Peace; Criminal Penalties.

Wisconsin

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 941.20 - Endangering Safety by Use of Dangerous Weapon
§ 947.01 - Disorderly Conduct.

Wyoming

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 6-2-502 (iii) Aggravated assault and battery;
§ 6-2-504 - Reckless Endangering

U.S. Possessions

American Samoa

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 46.4203 - Unlawful Use of Weapons. § 46.3522 - Assault in the 3rd degree
§ 46.4501 - Disturbing Public Peace.

Guam

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 9, § 19.40 - Reckless Conduct; Defined & Punished

Northern Mariana Islands

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 6, Div. 1, §1204 - Assault with a Dangerous Weapon

Puerto Rico

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

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Title 25, Subtitle 1, Part V Chpt. 51A Subchpt. V § 458n - Discharging or Pointing Firearms

U.S. Virgin Islands

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

14 V.I.C. § 621 - Brandishing, Exhibiting, or Using Deadly Weapons
14 V.I.C. § 3061(d) (5) - Definition of Brandishing

Understanding Defensive Display of Firearms - An Interview with Massad Ayoob

Puerto Rico¹ - Handgunlaw.us is not sure if this code was repealed or not with Puerto Rico’s new Firearms Law. The new law seems to only cover Owning/Licenses/Transporting/Buying/Selling Firearms which leads us to believe this part of the code will remain.

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¹ www.handgunlaw.us