

**QUESTION 7 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III
OR IN SOFTEST ANSWER SCREEN 7**

The city of Portertown, Michigan recently passed an ordinance prohibiting the possession of all handguns within its city limits, with the exception of law enforcement personnel. The city permits the possession of other firearms, such as rifles, but a separate ordinance requires that legally possessed weapons be "unloaded and disassembled or bound by a trigger lock or similar device" at all times unless being used for lawful recreational activities, such as hunting.

A resident of Portertown, Ben Barker, would like to keep handguns in his home for self-defense, but is prohibited from doing so by Portertown's ordinance. Moreover, Barker would like to keep his weapons (handguns and shotguns) in his home without the need to unload them or use a trigger lock. Barker filed a lawsuit in the local circuit court seeking to enjoin the city from enforcing the ban on handguns and the trigger-lock requirement regarding other firearms insofar as the ordinances prohibit the use of "functional firearms within the home."

First, applying principles of federal constitutional law, and assuming there are no justiciability issues, discuss whether Barker is likely to prevail regarding both the handgun ordinance and the trigger-lock requirement. Second, discuss the constitutionality of the handgun ordinance under the Michigan constitution. Explain your answers.

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