

H.R. 822

“NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011,”

- ❑ **Bottom line:** This bill would override the laws of almost every state by forcing each to accept concealed handgun carry permits from every other state, even if the permit holder would not be allowed to carry or even possess a handgun in the state where he or she is traveling. That policy would undercut states’ rights and create serious problems for law enforcement. For those reasons, more than 600 mayors, major national and local police organizations, and domestic violence prevention organizations oppose national concealed carry reciprocity and Congress rejected similar legislation in 2009.

- ❑ **States Decide Criteria for Concealed Carry Permits Based on Their Public Safety Needs:** Almost all states issue licenses to carry concealed firearms, but the criteria for such permits differ widely, and each state makes its own decision about whether to accept other states’ permits based on their respective public safety needs.
 - **Licenses issued:** 44 states require permits to carry concealed handguns.
 - Illinois and Wisconsin¹ do not allow concealed carrying.
 - Alaska, Arizona, Vermont, and Wyoming allow concealed carrying without a permit.
 - **Criteria Vary Based on Public Safety Needs:** Each state with permitting has its own eligibility standards. Those criteria include:
 - **Dangerous misdemeanants:** At least 38 states, including Indiana and Pennsylvania, prevent people from carrying concealed weapons if they have certain dangerous misdemeanor criminal convictions beyond domestic violence misdemeanors, which prohibit gun possession under federal law.
 - **Safety training:** At least 35 states, including Nevada, require the completion of a gun safety program, many of which include live fire training, or other proof of competency prior to the issuance of a carry permit.
 - **Age restrictions:** At least 36 states, including Colorado and Missouri, prohibit individuals under the age of 21 from obtaining concealed carry permits.
 - **Law enforcement discretion** At least 24 states, including Alabama, give permits based on law enforcement discretion.
 - **Alcohol abuse:** At least 29 states, including New Mexico and South Carolina, prohibit alcohol abusers from obtaining a concealed carry permit.
 - **Good character:** At least 14 states, including Maine, require applicants to demonstrate good character to obtain a concealed carry permit.
 - **Good cause requirement:** At least 12 states, including North Dakota, require applicants to demonstrate that he or she has “good cause” for obtaining a concealed carry permit.
 - **Short permit renewal period:** At least 36 states, including Arkansas, require permit holders to renew their permit at least every five years.

¹ On July 8, 2011, Wisconsin Gov. Walker signed S.B. 93 into law, which takes effect Nov. 1 2011 and will allow for concealed carry with a permit in Wisconsin.

- **Residents:** At least 27 states require applicants to be residents of the state or have some other close tie to the state.
- ❑ **States Decide Whether to Offer Reciprocity:** Each state has its own laws on what other states' permits to accept, if any.
- 30 states recognize permits only from selected states – typically from states with equivalent or higher standards; and
 - 9 states do not recognize any out-of-state permits.
 - Of the other 11 states, 7 states allow carrying by all out-of-state permit holders, 3 states allow carrying by non-residents without a permit, and Illinois does not currently allow any form of concealed carrying.
- ❑ **What Would H.R.822 Do?** H.R.822 would require each state to accept concealed carry permits from every other state, usurping each state's right to set its own public safety laws. Those eligible include anyone who holds a concealed carry permit issued by any state and except for those barred under federal law.
- **Narrow exceptions to reciprocity:**
 - A person cannot obtain a permit from a state that grants permits to non-residents and then use that permit to carry in their own state of residence. However, under H.R.822, a person can obtain a non-resident permit and use it to carry in 47 other states.
 - They must carry a government-issued photo ID and their state license.
- ❑ **How Would H.R.822 Endanger Law Enforcement?**
- **Threatens Safety of Police Officers:** H.R.822 would create serious and potentially life threatening situations for law enforcement officers.
 - For example, during traffic stops, it will be nearly impossible for law enforcement officers to verify the validity of 48 different carry permits – forcing officers to make split-second decisions for their own safety in an already dangerous situation.
 - H.R.822 would also enable criminal traffickers to travel to out of state gun markets with loaded handguns in the glove compartment, exposing police to unnecessary danger.
 - **Weakens Law Enforcement's Ability to Detect Criminals:**
 - **Inability to prevent gun trafficking:** Gun traffickers who have concealed carry permits would be able to bring cars or backpacks full of guns into destination states and present their permit if stopped. As a practical matter, to arrest the traffickers, police would have to observe them in the act of selling guns.
 - **Inability to determine if individuals are in compliance with laws of other states:** Officers would have to distinguish between real and fake carry permits issued not only by their own state, but by every state. And in many cases, officers would have to determine whether a person is entitled to carry a gun, which would depend on their state of residence and is nearly impossible to verify quickly.

❑ **Legislative History: In 2009, the Senate defeated the Thune Amendment, a similar legislative proposal to preempt state concealed carry laws.**

➤ **Who Opposes National Concealed Carry Reciprocity?**

- **Mayors:** Over 600 members of the bipartisan coalition of Mayors Against Illegal Guns.
- **Law Enforcement:** Major national law enforcement organizations, including: International Association of Chiefs of Police; Major Cities Chiefs Association, which includes the Police Chiefs of 56 major U.S. cities; the Police Foundation, National Latino Peace Officers Association; National Organization of Black Law Enforcement Executives;
 - **State and Local Law Enforcement Organizations:** Alabama Association of Chiefs of Police, California Police Chiefs Association, Colorado Association of Chiefs of Police, Connecticut Police Chiefs Association, Massachusetts Police Chiefs Association, Minnesota Chiefs of Police Association, Virginia Association of Chiefs of Police, and Wisconsin Association of Chiefs of Police.
 - **Association of Prosecuting Attorneys**
 - **American Bar Association**
 - **National Network to End Domestic Violence** a coalition of 56 domestic violence victim advocacy organizations
 - **Faiths United** a coalition of over 30 national religious groups