

# FEDERALLY MANDATED CONCEALED CARRY RECIPROACITY

HOW CONGRESS COULD UNDERCUT STATE LAWS ON GUNS IN PUBLIC



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# EXECUTIVE SUMMARY

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## **JASON KENNETH HAMILTON HAD A LENGTHY RAP SHEET AND A HISTORY OF VIOLENT BEHAVIOR THAT LEGALLY PROHIBITED HIM FROM OWNING A FIREARM OR CARRYING A CONCEALED WEAPON.**

In 1991, at age 21, Hamilton was charged with domestic abuse. On various occasions in the years that followed, he was charged with aggravated assault, drug possession, pulling a gun on his landlord and threatening to “blow [his] ‘f-in’ head off,” and killing an ex-girlfriend’s puppy whose back he broke after picking it up by its leash, choking, and kicking it. In June, 2006 he was convicted of domestic battery for strangling his live-in girlfriend. The jury in the strangulation case wrote to the judge requesting the lengthiest sentence possible.<sup>1</sup>

The conviction made Hamilton legally prohibited from owning firearms under federal law, but because of loopholes in federal and state gun laws, Hamilton was able to acquire several guns. And because of a weak permitting system in the state of Idaho, the “card-carrying Aryan Nations member” was able to obtain a state permit to carry a concealed firearm.<sup>2</sup>

Less than a year after his domestic violence conviction — and while holding his Idaho concealed carry permit — Hamilton went on a shooting rampage. He fatally shot his wife, and then set off for the courthouse where she had worked and fired numerous shots at the building. When law enforcement responded, Hamilton shot and killed a police officer. He then fled to a church across the street and, after shooting and killing the church sexton, committed suicide.<sup>3</sup>

In Idaho, as in nearly every other state, it is illegal to carry a concealed, loaded gun in public without first obtaining a “concealed carry” permit. But Hamilton’s case demonstrates how Idaho’s weak permitting system allows dangerous criminals to obtain concealed carry permits.

And this is why numerous states across the country, including half the states that border Idaho — Nevada, Oregon, and Washington State — have exercised their police power and refused to grant reciprocity to Idaho’s standard concealed carry permit.<sup>4</sup> Those states do not recognize a standard Idaho permit.

Determining who is too dangerous to carry a hidden, loaded gun in public is among the most important judgments that a state government can make — and exercising that police power is among the most basic of states’ rights. Under current law, each state makes its own determinations about who can carry a concealed, loaded weapon in public, including deciding which other states’ permits to recognize.

But dangerous legislation introduced in Congress would interfere with states' rights and let the federal government dictate to each and every state who can carry hidden, loaded guns within its borders. Under this proposed "concealed carry reciprocity" legislation, the federal government would force every state to recognize concealed carry permits issued by every other state — no matter how lax or ineffective a given state's permitting standards.

Federally mandated concealed carry reciprocity would upend each state's carefully considered judgments about public safety. Under this scheme, even if a state has determined that public safety requires live-fire training for permit holders, the state would have to allow permit-holders from other states without any training requirement to carry guns on their streets. States that determined teenagers too young to buy alcohol or criminals convicted of assault or stalking should not be granted concealed carry permits would have to allow such people with out-of-state permits to carry hidden, loaded guns within their borders. Federally mandated concealed carry reciprocity would be a severe encroachment on states' rights. It offends the basic traditions of federalism on which the country was founded.

Moreover, each state has made unique decisions not only about who is too dangerous to carry concealed guns in public, but about which people are too dangerous to own firearms at all — including, for example, people convicted of stalking, assault, or violent misdemeanors. If a person has a permit to carry concealed in any state in the country, federally mandated reciprocity would enable him to carry a loaded gun in every state other than his own. He could travel to any state in the country and carry a hidden gun on city streets — even if he wouldn't be legally permitted to even possess a gun if he lived there.

If the federal government mandated automatic reciprocity for all states, it would create a race-to-the-bottom in terms of permitting standards, and would present serious safety risks — particularly for law enforcement. Unlike with driver's licenses, there is no national data system that allows police to check the validity of an out-of-state concealed carry permit. Because law enforcement has no way to verify that someone presenting an out-of-state permit is in-fact a law-abiding visitor to their state, federally mandated reciprocity would turn interactions with out-of-state visitors — like routine traffic stops — into dangerous, high-risk situations. As a result, an extensive array of law enforcement organizations has renounced Congressional proposals to mandate automatic reciprocity.

Among the majority of states whose laws would be effectively nullified by the federal government if Congress mandated automatic reciprocity are five states that border Idaho — Montana, Nevada, Oregon, Washington, and Wyoming — as well other, diverse states across the country, from Colorado and New Mexico to Pennsylvania, Virginia, and West Virginia. Altogether, 32 states and the District of Columbia have rejected the automatic reciprocity that Congressional proposals would impose on the country.

Congress should renounce any proposal to dangerously extend federal power and abrogate states' rights. Federally mandated concealed carry reciprocity should be rejected.

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# WHAT IS FEDERALLY MANDATED CONCEALED CARRY RECIPROCITY?

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Congressionally-imposed concealed carry reciprocity would undermine federalism, override the laws of almost every state, and eviscerate states' rights by severely restricting their ability to prevent dangerous people from carrying hidden, loaded guns in public. Federally mandated reciprocity would force each state to recognize concealed carry permits from every other state — even if the permit holder would otherwise never be allowed to carry or even possess a gun in that state. It would allow domestic abusers, violent criminals, and people untrained in even basic firearms safety to carry loaded weapons in densely-populated cities, playgrounds, parks, and supermarkets across the country.

To ensure the safety of their citizens, state governments prohibit gun possession by certain dangerous people and generally make it illegal to carry a concealed, loaded gun in public without first acquiring a permit to carry concealed weapons (a "CCW" permit). All 50 states and the District of Columbia now allow concealed carrying of firearms, but in 46 of these states, it is illegal to do so without first receiving a CCW permit. Only four states — Alaska, Arizona, Vermont, and Wyoming — allow gun owners to carry concealed handguns without a permit.<sup>5</sup>

Most states set higher and more detailed standards for carrying concealed weapons in public than they do for gun possession generally. For example, Missouri prohibits offenders convicted in the past five years of a violent misdemeanor or convicted of multiple drug or impaired driving ("DUI") offenses within the past five years from obtaining CCW permits, although the only criminals it bars from possessing guns are felons.<sup>6</sup> Similarly, while the only criminal convictions that prohibit gun ownership under New Mexico law are felonies, the state does not allow anyone to carry a hidden, loaded gun in public if they have been convicted of a DUI in the past five years, a violent misdemeanor in the past 10 years, or misdemeanor violence against a family member at any time in the past.<sup>7</sup> Oregon, too, only prohibits criminals with felony convictions from possessing guns, but bars concealed carry by people who have been convicted of any misdemeanor crime within the past four years.<sup>8</sup> In each state, lawmakers have made careful public safety decisions about who is too dangerous to be armed with concealed, loaded weapons on city streets.

The result is highly varied concealed carry laws across the 50 states. This variation is consistent with centuries of American tradition, in which the rules for carrying guns in public have always varied geographically.<sup>9</sup> There are significant differences between states, of course, and legislators in state capitols across America have crafted concealed carry laws tailored to conditions in their states. Historically and today, laws regulating hidden guns in public have differed as widely as the states that have passed them.



Some states have effective systems in place that ensure concealed carry permit holders are law-abiding, meet minimum age and residency requirements, and are proficient in firearm safety. A smaller number of states issue CCW permits to nearly anyone who applies, requiring no safety training or residency requirements.

Some states do thorough criminal background checks on applicants, while other states have such ineffective permitting systems that they inadvertently issue permits to felons who are federally prohibited from having guns.

Federally mandated concealed carry reciprocity would turn American tradition on its head and let the states with the weakest gun laws trump the reasoned judgments other states have made about how best to protect their citizens. Every state CCW permit would enable its holder to travel to any other state in the country and legally carry a concealed firearm there, even if the person would not otherwise be able to carry — or even possess — a gun in the state he was visiting.

## THE CONSTITUTIONAL CONCEALED CARRY RECIPROCITY ACT OF 2014

The leading automatic reciprocity proposal pending in the last Congress, the Constitutional Concealed Carry Reciprocity Act of 2014 (S. 1908), would allow anyone with a valid CCW permit to travel to any state outside his home state and legally carry a hidden weapon there. The bill would have the ironic — and unsettling — effect of making it easier for persons visiting a state to legally carry concealed weapons there than it is for residents of that state.<sup>10</sup>

For example, a Pennsylvania resident cannot obtain a Pennsylvania CCW permit if he has been convicted of stalking. But a convicted stalker who resides in any one of the 49 other states could obtain a license from a state that does not prohibit CCW permits because of stalking — like New Hampshire, which issues licenses to residents of any state — and then use that license to legally carry concealed weapons in Pennsylvania. Under the Constitutional Concealed Carry Reciprocity Act, while Pennsylvania could prevent its own citizens from concealed carrying if they had been convicted of stalking, it would be legally powerless to stop convicted stalkers who reside in any other state from carrying hidden, loaded guns in the Keystone State.

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# FEDERALLY MANDATED RECIPROCITY WOULD BE AN EXTRAORDINARY ENCROACHMENT ON STATES' RIGHTS



If Congress imposed reciprocity on the nation, it would violate basic tenets of federalism by using federal power to impose a single standard on every state regarding which dangerous people may carry guns in public. By sacrificing strong state laws on the federal altar and gutting the states' police power, reciprocity would represent an extraordinary encroachment on states' rights.

By forcing every state to accept concealed carry permits from every other state — no matter how lax the other state's permitting laws — federally mandated reciprocity would effectively prevent states from enforcing their own laws. Federalizing concealed carry permitting would create a race to the bottom, enabling people who can obtain a permit from any state in the nation to carry concealed weapons on the streets of every town and city in America — even in states where the person would otherwise be barred from having guns at all.

Given the dangerous and ill-advised effects that federal reciprocity would have, it is no surprise that a strong majority of states — about two-thirds — have repudiated the idea by refusing to recognize CCW permits from at least some other states. In many of these states, the carefully considered decisions about which out-of-state permits to recognize are subject to frequent changes as other states tighten or loosen their permitting standards, and as evidence emerges about weaknesses in other states' permitting processes. In recent years, several states have cancelled or revoked reciprocity agreements with other states that have loosened their standards.<sup>11</sup>

Altogether, today, 32 states and the District of Columbia reject the type of automatic reciprocity that Congressional proposals would impose on the country. Among these are 22 states that recognize out-of-state permits from only select states (typically those with issuance standards stronger than or equivalent to their own), and another 10 states (and Washington, D.C.) that do not recognize any out-of-state permits.<sup>12</sup>

The states that have rejected automatic reciprocity have widely divergent rates of gun ownership and represent every section of the country. They include states with well-established hunting and pro-gun cultures, like North Dakota, Texas, West Virginia, Washington, and Wyoming, and states with comparatively low rates of gun ownership, like California, Massachusetts, New Jersey, New York, and Rhode Island. States from every region have rejected nation-wide reciprocity, including western states like Colorado, Montana, Nevada, and Oregon, mid-western states like Nebraska, Minnesota, and Wisconsin, mid-Atlantic states like Pennsylvania, Maryland, Delaware, and Virginia, and the southeastern states of Florida, Georgia, and South Carolina. In short, policymakers from states that have precious little in common in terms of geography and culture have nonetheless reached the same conclusion when it comes to recognizing concealed carry permits from every state in the nation: it doesn't make sense for their state.

Given that the overwhelming majority of state policymakers across the country have rejected automatic reciprocity, it would be an extraordinary overreach for Congress to nullify the reasoned judgments of the states and impose federal reciprocity. If it did so, Congress would supersede the judgment of more than three in five states. Federally mandated reciprocity would undermine the basic tenets of federalism and erode states' autonomy by intruding on their ability to enforce rules they deem necessary to keeping their communities safe.



## MAJOR LAW ENFORCEMENT ORGANIZATIONS HAVE REJECTED FEDERALLY MANDATED RECIPROCITY

A broad and impressive array of law enforcement organizations have spoken out against automatic concealed carry reciprocity. Included in this group are national organizations such as the National Law Enforcement Partnership to Prevent Gun Violence; the International Association of Chiefs of Police; the Police Foundation; the National Latino Peace Officers Association; the Hispanic American Police Command Officers Association; the National Black Police Association; the National Organization of Black Law Enforcement Executives; the National Association of Women Law Enforcement Executives; the International Association of Campus Law Enforcement Administrators; and the Major Cities Chiefs Association, which is comprised of the Chiefs of Police and Sheriffs of the sixty-six largest law enforcement agencies in the United States. State and local organizations are also opposed, including the Alabama Association of Chiefs of Police; the California Police Chiefs Association; the Colorado Association of Chiefs of Police; the Connecticut Police Chiefs Association; the Maryland Chiefs of Police Association; the Massachusetts Police Chiefs Association; the Minnesota Chiefs of Police Association; the Virginia Association of Chiefs of Police; and the Wisconsin Association of Chiefs of Police.<sup>13</sup>

These groups recognize the dangers of a race-to-the-bottom in terms of permitting standards. They point out that law enforcement is often unable to verify the validity of an out-of-state permit, and that the inability to do so in a high-risk situation puts both police officers and members of the general public at risk.

According to the executive director of the Colorado Association of Chiefs of Police, “varying state standards make it very difficult to know if a carry permit from another state is valid.”<sup>14</sup> Similarly, the president of the California Police Chiefs Association explained that “[f]rom a practical standpoint, there is currently no national data system that records legitimately issued concealed weapons permits, making it impossible for the officer on the street to determine the validity of an individual’s concealed weapons permit.”<sup>15</sup>

As the commissioner of the Philadelphia Police Department described when testifying before Congress, if a police officer in one state pulled over a resident of another state who presented an out-of-state permit, the officer would have no way to determine whether that permit were legitimate, and no way to know that the permit-holder “is responsible, well-trained and thoroughly vetted. . . . The officer is faced with an individual who has a loaded gun, and the officer is unable to verify whether the person is carrying that gun legally.” Because federally mandated reciprocity would leave police officers in that position “without a mechanism to determine if the permit they hold in their hands is real and valid,” “[t]he consequences for our front-line police officers could be severe and dire.”<sup>16</sup>

Our nation’s law enforcement officers serve on the front lines of the fight against gun violence, and know best what policies reduce public safety risks and what policies exacerbate the problem. These first responders agree: federally mandated concealed carry reciprocity is a recipe for disaster.

# ARMED AND DANGEROUS IN YOUR BACKYARD: HOW FEDERALLY MANDATED RECIPROCIDY THREATENS PUBLIC SAFETY

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Besides representing among the most egregious encroachments on states' rights proposed in recent Congresses, federally mandated reciprocity would present serious public safety concerns. It would allow people with permits from the weakest states to legally carry in states with the strongest laws — superseding state laws on required training, minimum age, and the type of criminal or violent conduct that renders a person ineligible for a CCW permit.

## DOMESTIC ABUSERS WITH HIDDEN GUNS

In 19 states and the District of Columbia, federally mandated reciprocity would enable domestic abusers currently prohibited from possessing guns to carry concealed weapons in public by effectively wiping laws off the books for abusers who hold out-of-state permits.

Over the past 25 years, more intimate partner homicides in the U.S. have been committed with guns than with all other weapons combined,<sup>17</sup> and more American women are killed by abusive boyfriends than by their husbands.<sup>18</sup> And while federal law blocks domestic abusers from possessing firearms if they have been convicted of particular domestic violence crimes or are subject to a qualifying restraining order taken out by a spouse, it does nothing to keep guns out of the hands of abusive dating partners.<sup>19</sup> That is, federal law does not block abusive boyfriends from having guns, even if they have been convicted of a domestic violence misdemeanor or are subject to a restraining order.<sup>20</sup> Nineteen states and Washington, D.C. have closed this gap in federal law by making it illegal for all abusive boyfriends to have guns if (in some of the states) they have been convicted of abusing their girlfriends or (in some of the states) they are subject to a restraining order taken out against them by their dating partner.<sup>21</sup>

If Congress imposed automatic reciprocity on the states, these public safety laws would be severely undermined. An abuser who was ineligible to receive a CCW permit from — or even possess a gun in — the state where his victim resided would simply have to acquire a permit from a state with more permissive requirements, and he could legally carry a concealed weapon in his victim's home state. For example, if a victim of abuse living in Illinois took out an order of protection against her abusive ex-boyfriend, he would not be eligible to own a gun or carry a concealed weapon if he were a resident of Illinois. But if the abuser lived in the neighboring state of Indiana, he could legally obtain a CCW permit, and with that out-of-state permit, he could legally carry a hidden gun where his victim lived in Illinois.

Victims of domestic abuse in the 19 states with heightened domestic violence protections would be at risk from abusers who could freely carry loaded firearms in the states where their girlfriends and ex-girlfriends live — as long as they obtained a concealed carry permit from a state with weaker protections.

This would be a serious problem for many victims of domestic abuse because many states grant CCW permits to people who have attacked their intimate partners or family members. In Tennessee, for example, a person may obtain a concealed carry permit even if he has been convicted of assaulting or falsely imprisoning his girlfriend.<sup>22</sup> Arkansas grants permits to applicants with convictions for domestic battery against intimate partners or family members (as well as people convicted of negligent homicide, assault, coercion, and terroristic threatening).<sup>23</sup> And Georgia permits can be obtained by people convicted of cruelty to children, or sexual battery.<sup>24</sup>



Similarly, in New Hampshire, issuers may give a concealed carry permit to a person convicted of falsely imprisoning or sexually assaulting his ex-girlfriend.<sup>25</sup> And if his ex-girlfriend moved to the neighboring state of Massachusetts, where state law currently bars him from owning or carrying a gun, the New Hampshire permit holder could legally carry a concealed weapon there and menace his ex-girlfriend — or worse — if federally mandated reciprocity were the law. Because federal reciprocity would force all states to accept permits from those states with the weakest systems, domestic abusers could legally carry hidden guns across the entire country.

### ARMED STALKERS

Stalking is a strong predictor of intimate partner homicide: according to one study, nearly 9 in 10 attempted murders of women were preceded by at least one incident of stalking in the year before the attack.<sup>26</sup> Many states have tackled this danger by blocking dangerous stalkers from having guns. In 21 states, including diverse states like Arizona, Massachusetts, Colorado, and Pennsylvania, all people convicted of stalking crimes are prohibited from owning firearms and cannot carry hidden guns in public.<sup>27</sup>

Under federally mandated reciprocity, however, convicted stalkers would be able to own guns and to conceal them in public, in all 50 states. Victims in states with strong public safety laws could lose their protection and be vulnerable to potential armed stalkers.



### CASE STUDY: COLORADO

Under Colorado law, individuals must be at least 21 years old and must complete an in-person training program to obtain a concealed carry permit. But under federally mandated reciprocity, teens as young as 18 who receive permits from states like Maine or Maryland could legally carry hidden handguns in Colorado. Others could legally carry in Colorado with no training at all if they had a permit from a state like Washington, which does not require training, or after merely completing an online course, which is the only training requirement in a state like Virginia.

Colorado also places a premium on alcohol-related restrictions on concealed carrying, and does not grant licenses to people who are chronic or habitual drinkers, which includes individuals who have been committed for alcohol treatment and persons with two or more alcohol-related arrests. But if automatic reciprocity were the law, individuals with drinking problems or multiple impaired driving arrests could legally carry in Colorado if they obtained a concealed carry permit from a state with a more lenient permitting policy on alcohol — like Illinois, Minnesota, Ohio, or Oregon.



## CARRYING LOADED WEAPONS WITH NO TRAINING

Forty states and Washington, D.C. currently require gun safety training before a person can obtain a concealed carry permit; of these, 23 states and the District of Columbia require live-fire training in handling and firing a gun.<sup>28</sup> In many states, the training requirements mandate as many as 12 to 16 hours of instruction,<sup>29</sup> and some state laws include detailed requirements for demonstrating firearm proficiency. Kentucky, for example, mandates that training must include live-fire practice at a firing range, during which a permit applicant must successfully hit the silhouette portion of a full-size target at least 11 times while firing no more than 20 rounds.<sup>30</sup> In Louisiana, to obtain a permit lasting more than five years, an applicant must complete live fire training including at least 12 rounds fired at distances of six, 10, and 15 feet, and must score 100% hits within the silhouette portion of a silhouette target with at least 36 rounds — proficiency that must be demonstrated again every 5 years.<sup>31</sup>

In many states, other training requirements are highly detailed. Michigan, for example, requires permit applicants to complete at least eight hours of instruction — including three hours of instruction at a firing range and firing of at least 30 rounds — and the instruction must include training on safe storage, use, and handling of a pistol (including to protect children); ammunition knowledge and the fundamentals of pistol shooting; pistol shooting positions; firearms and the law, including civil liability issues and the use of deadly force (to be taught by either an attorney or an individual trained in the use of deadly force); avoiding criminal attack and avoiding a violent confrontation; and all applicable state laws for carrying concealed pistols.<sup>32</sup>

Those detailed training requirements are in force in states that include 18 of the 20 most populous American cities, ensuring that intensive training is required before any person can carry in dense urban centers that rely on crowded public transportation systems.<sup>33</sup> Federally imposed automatic reciprocity would override these requirements nationwide, allowing people who obtain a permit from one of the 10 states with no training requirement whatsoever to legally carry hidden, loaded handguns without ever receiving any safety training — including in America's biggest cities.

### CASE STUDY: NEW MEXICO

If Congress imposed automatic reciprocity on New Mexico, the state would have to recognize permits from multiple states that issue permits to people as young as 18, even though New Mexico's minimum age for CCW permits is 21. And New Mexico would have to recognize permits from states like Alabama, Georgia, Indiana, New Hampshire, Pennsylvania, South Dakota, and Washington that don't require permit holders to complete any training whatsoever — even though New Mexico requires permit applicants to undergo at least 15 hours of training, including live-fire training.



## LAW ENFORCEMENT AUTHORITY TO DENY PERMITS

In the majority of states, law enforcement has the authority to deny a CCW permit to people who pose a danger. While most state concealed carry laws lay out specific criminal offenses, restraining orders, and mental health conditions that will disqualify an applicant, three in five states and the District of Columbia also grant law enforcement the authority to withhold a permit when there is sufficient reason to believe that issuing one would threaten public safety.<sup>34</sup>

The authority granted to law enforcement varies from state to state. In several states, including Alabama, Colorado, Iowa, Missouri, and Oregon, law enforcement can deny an application if the person poses a danger to him- or herself or others.<sup>35</sup> States like Louisiana, Utah, and Wyoming allow issuers to deny permits where the applicant has a history or pattern of engaging in violence or threats of violence.<sup>36</sup> In California, Maryland, New Jersey, and New York, respectively, law enforcement will not issue a permit unless the applicant demonstrates, respectively, a “good cause,” a “good and substantial reason,” a “justifiable need,” or a “proper cause” to carry a concealed handgun.<sup>37</sup>

These laws provide a critical backstop against arming dangerous people. Local authorities are best positioned to know if a given person has a dangerous history or presents a red flag — perhaps because of multiple domestic disturbances, multiple assault arrests, or severe mental health issues that pose a danger to others. Accordingly, most state legislatures have given law enforcement the authority to deny permits in these instances. Federally mandated reciprocity would completely undermine this local expertise, effectively giving a national free pass to any state permit holders.



### CASE STUDY: PENNSYLVANIA

Under Pennsylvania law, sheriffs have authority to deny CCW permits to dangerous persons; they must “investigate whether [an] applicant’s character and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety.” Under national reciprocity, however, Pennsylvania would be forced to recognize permits from states that afford law enforcement no such discretion — including states as diverse as New Mexico, Nebraska, Ohio, South Carolina, and Washington.

Pennsylvania, where the minimum age for a concealed carry permit is 21, would also have to recognize permits issued to individuals as young as 18 by states including Alabama, Delaware, and Maryland.

Finally, although Pennsylvania prohibits permits from being issued to persons subject to protection from abuse orders, it would have to allow abusers subject to restraining orders who lived in states that issue them permits — like South Carolina — to legally carry hidden weapons in Pennsylvania.



## TEENS WITH GUNS

Federal law bars people under 18 from having handguns but has no minimum age requirement for possession of rifles and shotguns. While some states — like Montana and New Hampshire — have no additional age restrictions for gun possession, most states set higher requirements. Iowa and Connecticut, for example, do not allow anyone under 21 to have handguns, while states like Michigan and Nevada forbid rifle or shotgun possession by anyone under 18. Altogether, more than two-thirds of all states set the minimum age for concealed carry at 21, while a dozen states routinely allow teenagers as young as 18 to carry concealed weapons.<sup>38</sup>

Under reciprocity, 18, 19, and 20 year olds would be permitted to legally carry guns in states that set a minimum age requirement of 21 for their own concealed carry permits. Indeed, because states like Maine and New Hampshire issue permits to non-residents, 18-year-olds from around the country could get a license from either of those states — even if their home state had a minimum carry age of 21 — and could travel to any state other than their home state and legally carry a hidden gun.

People aged 18 to 20 make up only 4 percent of the US population, but they commit 17 percent of gun homicides with known offenders — making them nearly four times more likely to commit gun homicides than older adults.<sup>39</sup> Such disproportionate involvement in violent crime explains the decision 38 states have made to bar 18, 19, and 20 year olds from carrying concealed guns in public.<sup>40</sup>

Congressionally imposed automatic reciprocity would severely undermine these restrictions, and let teens carried concealed weapons across the country.



## CASE STUDY: VIRGINIA

While Virginia requires training and sets a minimum age of 21 for its CCW permits, under reciprocity it would have to recognize permits from states where the minimum age is 18 or 19 — like Missouri, Georgia, Alabama, Iowa, Maine, and New Hampshire — and states with no training requirement — like Georgia, Alabama, and New Hampshire.

Virginia also refuses to issue CCW permits to individuals who have been convicted for driving impaired, public drunkenness or certain drug crimes within the last three years. Federally mandated reciprocity would force Virginia to recognize CCW permits issued by states that lack these same protections against dangerous people, like Connecticut, Georgia, Massachusetts, and Oregon.

## PERMITS ISSUED TO INELIGIBLE PERSONS

If it weren't bad enough that federally mandated reciprocity would allow permit holders from states with weak standards to legally carry in states with strong permit requirements, such reciprocity would also make permits issued by states that routinely grant them to convicted felons, domestic abusers, and other dangerous people a nationwide free pass to carry hidden guns.

Several states have such poorly administered permitting systems that they cannot be trusted: in practice, these states grant permits even to people who don't meet their already low standards. Under reciprocity, these ineligible permit holders, too, could legally carry concealed weapons throughout the nation.



The quality and effectiveness of state permitting systems vary just as the eligibility standards in state law do. Some high-performing states carefully track their permit holders — and revoke permits from people after they are convicted of disqualifying crimes or are committed for dangerous mental illness. In Kentucky, for example, officials run background checks on their permit holders once a month to ensure they remain qualified.<sup>41</sup> In South Carolina, every time a person becomes prohibited due to mental illness, authorities check to ensure the person does not have a carry permit that should be revoked.<sup>42</sup>

But other states have poorly administered, ineffective permitting systems that routinely let ineligible people slip through the cracks. The result is that many people who don't actually qualify for CCW permits under the law actually end up receiving them, and states with poor systems fail to keep permits out of the hands of convicted criminals. There is ample evidence that such persons can and do obtain CCW permits from poor-performing states across the country:

- In **North Carolina**, over a five-year period, 2,400 CCW permit holders were convicted of crimes, and authorities failed to revoke or suspend the permit of roughly half of the felons — including murderers, rapists, and kidnapers.<sup>43</sup>
- In **Florida**, more than 1,400 permits were issued to offenders who had pled guilty or no contest to felonies like burglary, sexual battery, and child molestation. The state also issued permits to more than 200 people with outstanding warrants, and more than 100 people subject to domestic violence restraining orders.<sup>44</sup>
- The Indianapolis Star investigated hundreds of individuals in **Indiana** who received CCW permits in spite of often lengthy criminal records. Among those who received a permit from Indiana were a man who “pressed the barrel of a loaded handgun into the chest of a woman holding her 1-year-old son,” another whose “handgun was confiscated by police three times — twice for shooting in public,” and a third man who had been arrested for “dealing crack cocaine and . . . beating his girlfriend.”<sup>45</sup>

- The Memphis Commercial Appeal reported that the state of **Tennessee** gave concealed carry permits to convicted felons as a result of poor information sharing among state agencies.<sup>46</sup> Among the individuals whom the Commercial Appeal determined had received CCW permits were dozens of people with violent criminal histories, including “a man convicted of sexually assaulting his ex-girlfriend and then, armed with an assault rifle and a handgun, abducting her,” and “one case in which a permit holder had 25 arrests on his record when he obtained his concealed carry permit.”<sup>47</sup>
- Many criminal convictions of permit holders go unreported in **Michigan** — and offenders’ permits are not revoked. Between 2006 and 2010, nearly 1,000 charges were filed against permit holders, but issuers never followed up on 70 percent of those charges. As a result, officials took no action to revoke permits from 700 Michiganders who were convicted of crimes like assault and battery and home invasion.<sup>48</sup>
- When asked whether **Georgia** concealed carry permit holders ever break the law, a Georgia Bureau of Investigation spokesperson said, “Nobody knows. The state of Georgia doesn’t track it. I don’t know of any way to prove they are law-abiding or disprove it, because there’s no record to say one way or the other.”<sup>49</sup>

Federally mandated reciprocity would force states with high-quality, effective permitting systems to allow concealed carrying by non-residents from states like these, where CCW applicants are not properly vetted and where officials do not check whether newly convicted offenders are on the state’s CCW permit list. And because there is no national database of CCW permits, local law enforcement would have no way to confirm whether a permit from another state is valid, or whether the permit should have been revoked after a criminal conviction.



The threats posed by lax standards and poorly administered CCW permitting systems are real. They have enabled violent offenders to obtain CCW permits and commit terrible crimes, including the following:

- **Thirteen shots fired:** In 2005, Marqus Hill lost his Pennsylvania carry permit after being charged with attempted murder and aggravated assault. He then assaulted a police officer during a hearing to have his permit reinstated, and was convicted of disorderly conduct. But Hill was able to obtain a CCW permit from Florida — which allowed him to legally carry in Pennsylvania, despite having had his Pennsylvania permit revoked. In 2010, he shot and killed an 18-year-old, firing 13 bullets.<sup>50</sup> In 2013, the Pennsylvania Attorney general announced a policy change to close the “Florida Loophole”: now, residents of Pennsylvania who obtain a Florida permit can no longer legally carry in the Keystone State unless they meet Pennsylvania’s standards and obtain a Pennsylvania permit.<sup>51</sup>
- **Murder after aggravated assault:** William Garrido was convicted of aggravated assault with a weapon, but held a Florida carry permit 11 years later when he shot and killed a Miami cab driver in 2008.<sup>52</sup>
- **Three dead, including a child:** In 1993, Michael Joe Hood was found guilty of unlawful weapon possession and drunken driving in Tennessee. But he was still able to get a permit to carry in 2008 — and killed his half-sister, her 13-year-old son, and her ex-husband.<sup>53</sup>
- **Murder-suicide:** Michael Leopold Phillips was subject to a domestic violence restraining order from 1988 to 1990 — and faced three charges of domestic battery or assault on a spouse. But he was still able to obtain a Florida carry permit in 1999, which was renewed in 2006. In 2008, he shot and killed his wife before killing himself.<sup>54</sup>

Tragedies like these are possible when low legal standards or bad permitting practices allow dangerous people — including those who cannot legally possess or carry guns — to obtain concealed carry permits. Under a federally mandated automatic reciprocity regime, bad permitting practices in any single state could allow dangerous, prohibited people to carry across the country.

The bottom line is that, under federally mandated reciprocity, Congress would lower the bar for all concealed carry nationwide to that of the states with the lowest-quality standards — including states that routinely grant permits to convicted felons. Anyone who received a permit from one of those states would be allowed to carry a concealed handgun anywhere in the country, including in states with the highest-quality systems for ensuring that dangerous people may not carry in public. The consequences for public safety would be dire.



### CASE STUDY: WEST VIRGINIA

In West Virginia, a CCW permit may not be issued to a person who is the subject of any domestic violence protective order — whether it is an emergency or temporary order or a final protective order. But under a federally mandated reciprocity policy, the state would have to allow restrained abusers who obtained permits from other states to carry concealed weapons in West Virginia. This would include abusers from states like Maine and Washington, which do not prohibit issuing permits to applicants subject to emergency restraining orders. West Virginia would also have to recognize permits from several states that issue CCW permits to any 18 year old, even though West Virginia’s basic minimum age for a CCW permit is 21, and the state only issues permits to people as young as 18 if they are required to carry a concealed weapon by the terms of their employment.



# CONCLUSION

Congressionally-imposed automatic reciprocity would intrude on states' most basic authority to determine which criminals, stalkers, and domestic abusers are too dangerous to carry hidden handguns in public. Federally mandated reciprocity would lower the bar for concealed carry, nationwide, to the level of states with the least rigorous standards — allowing states with the weakest permitting requirements and most ineffective, error-prone permitting systems to decide who can carry nationwide. This misguided federal proposal would enable dangerous criminals to legally carry hidden guns in states where they would otherwise be prohibited from possessing firearms at all.

Congress must respect core federalism principles, honor the states' exercise of their police power as they deem necessary, and reject calls to federalize questions of public safety that have always been resolved by the states. Throughout American history, states have carefully built their own public safety laws and today's bedrock state gun laws have been constructed over many decades. Congress should turn aside attempts to eviscerate states' rights and undercut their efforts to prevent gun violence.

# ENDNOTES



- 1 Nathaniel Hoffman, Massacre in Moscow, Part I: Portrait of a murderer in small-town Idaho, Boise Weekly, July 9, 2008, available at <http://bit.ly/1A5e2Tl>.
- 2 Taryn Brodwater, Bill Morlin, and Amy Cannata, Shooter linked to Aryans, The Spokesman-Review, May 23, 2007.
- 3 Bill Loftus and William Yardley, Idaho Gunman Also Killed Wife, Police Say, N.Y. Times, May 22, 2007.
- 4 Idaho is bordered by Montana, Nevada, Oregon, Utah, Washington and Wyoming. Oregon does not recognize any Idaho permits, and Nevada and Washington reject standard (but not enhanced) permits from Idaho. Montana, Utah, and Wyoming recognize both standard and enhanced permits from Idaho. Other states that have exercised their police powers by refusing to recognize standard Idaho permits include California, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia. See Idaho State Police, Idaho License to Carry Concealed Weapons, CWL Reciprocity with Other States, at <http://www.isp.idaho.gov/BCI/concealedWeapons.html>.
- 5 While Alaska, Arizona, and Wyoming allow concealed carrying without a permit, they do issue optional CCW permits. Vermont is the only state that does not issue any CCW permits.
- 6 R.S.Mo. §§ 571.070, 571.101(2).
- 7 N.M. Stat. Ann. §§ 30-7-16, 29-19-4.
- 8 ORS §§ 137.540(m), 166.291.
- 9 See generally Joseph Blocher, Firearm Localism, 123 Yale L. J. 82 (2013).
- 10 The same is true of the similar federal concealed carry reciprocity bill introduced in the House during the last Congress, the National Right-to-Carry Reciprocity Act of 2013 (H.R. 2959).
- 11 Nevada, for example, recently announced that it would no longer recognize CCW permits from West Virginia because West Virginia made permits available to persons under age 21 and it would no longer recognize permits from Utah because Utah no longer requires live-fire training. West Virginia: Nevada Drops Reciprocity for Concealed Handgun License Permit Holders, NRA-ILA, Aug. 13, 2014, at <http://bit.ly/1zfmN9u>; Cliff Schechter, Chris Cox's Failed Argument for Forced Concealed Carry, Huffington Post, Sept. 13, 2011, at <http://huff.to/1vcbxZb>.
- 12 Colorado, Delaware, Florida, Georgia, Louisiana, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming all refuse to recognize concealed carry permits from at least some states, and recognize permits only from select states — typically those with equivalent or higher standards. California, Connecticut, Hawaii, Illinois, Massachusetts, Maryland, New Jersey, New York, Oregon, and Rhode Island, and Washington, D.C. do not recognize any out-of-state concealed carry permits (though these states generally will grant permits to non-residents under at least some circumstances). See C.R.S. § 18-12-213; 11 Del. C. § 1441(j); Fla. Stat. § 790.015; O.C.G.A. § 16-11-126(e); La. R.S. § 40:1379.3(T); 25 M.R.S. § 2001-A(2)(F); Minn. Stat. § 624.714, subd. 16; 45-8-329(1), MCA; R.R.S. Neb. § 69-2448; Nev. Rev. Stat. Ann. §§ 202.3688, 202.3689; RSA § 159:6-d; N.M. Stat. Ann. § 29-19-12(E); N.D. Cent. Code § 62.1-04-03.1; 18 Pa.C.S. § 6109(k); S.C. Code Ann. § 23-31-215(N); S.D. Codified Laws § 23-7-7.3; Tex. Gov't Code § 411.173(b); Va. Code Ann. §



18.2-308.014(A); Rev. Code Wash. § 9.41.073(1)(a); W. Va. Code §§ 61-7-6(a)(6), 61-7-6a(a); Wis. Stat. § 175.60(1)(f), (g); Wyo. Stat. § 6-8-104 (a)(iii); Cal. Pen. Code §§ 26150, 26155; Conn. Gen. Stat. § 29-28(f); HRS § 134-9(a); § 430 ILCS 66/40; ALM GL ch. 140, § 131G; Md. Public Safety Code Ann. § 5-306; N.J. Stat. § 2C:58-4; NY CLS Penal § 400.00; ORS §166.291(8); R.I. Gen. Laws § 11-47-11(a); D.C. Code § 22-4506 (as amended by D.C. Act 20-462 (2014)).

- 13 See Providing for Consideration of H.R. 822, National Right-to-Carry-Reciprocity Act of 2011, 157 Cong. Rec. H. 7593, Nov. 15, 2011; National Right-to-Carry Reciprocity Act of 2011, 157 Cong. Rec. 7661, Nov. 16, 2011; Letter from Chief Jim Johnson, Chair, National Law Enforcement Partnership to Prevent Gun Violence to Members of Congress, Apr. 15, 2013, available at <http://bit.ly/14AQyJE>.
- 14 Letter from Karen Renshaw, Executive Director, Colorado Chiefs of Police Association, to Senator Michael Bennet, concerning Protect America's Police Officers, Our Citizens, and States Rights by OPPOSING the National Right-to-Carry Reciprocity Act of 2011 (H.R. 822), Aug. 19, 2011.
- 15 Letter from David L. Maggard, President, California Chiefs of Police Association, to Senator Dianne Feinstein, concerning H.R. 822, Aug. 1, 2011.
- 16 Testimony of Charles H. Ramsey, Police Commissioner, Philadelphia Police Department, Hearing on H.R. 822 National Right-to-Carry Reciprocity Act of 2011, before the House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security, September 13, 2011.
- 17 Professor April M. Zeoli, Letter to the Hon. Patrick J. Leahy & Charles Grassley, Jan. 28, 2013.
- 18 Everytown for Gun Safety Analysis of FBI Supplementary Homicide Reports, 2012.
- 19 See 18 U.S.C. § 922(g)(1), (8), (9). Federal law does prohibit firearm possession by abusive dating partners if they share a child, cohabit, or formerly cohabited with their victims.
- 20 See generally Everytown for Gun Safety, Guns and Violence Against Women: America's Uniquely Lethal Domestic Violence Problem, 2014.
- 21 Dating partners subject to restraining orders are prohibited from having guns in California, Connecticut, Delaware, Hawaii, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Texas, Wisconsin, West Virginia, and the District of Columbia. See Cal. Pen. Code 29801(a), Cal. Fam. Code § 6211; Conn. Gen. Stat. §§ 53a-217(a)(4), 29-36f(b)(6), 46b-38a(2)(F); 11 Del. C. § 1448(a)(6), 10 Del. C. § 1041(2)(b); HRS §§ 134-7, 586-1, 586-3; § 750 ILCS 60/214(b)(14.5), § 750 ILCS 60/103(6), § 430 ILCS 65/8.2; La. Rev. Stat. §§ 46:2136.3(A), 46:2151; ALM GL Ch.140 § 129C, Ch. 209A §§ 1 & 3; MCLS §§ 28.422, 552.14, 600.2950, 600.29050a; Minn. Stat. § 518B.01, subd. (6)(g), subd. 2(b)(6); RSA §§ 173-B:5(II), 173-B:1(I), (XV); N.J. Stat. §§ 2C:58-3.c(6), 2C:25-19(d); NY Fam. Ct. Act § 8423a(1), (2), 828(1)(a), (3); NY Crim. Proc. Law §§ 520.12(1), 530.11(1)(e), 530.141(1)(a), (2); N.C. Gen. Stat. §§ 14-269.8, 50B-1(b)(6); Tex. Pen. Code § 46.04(c), Tex. Fam. Code §§ 71.004, 71.0021; Wis. Stat. §§ 813.12(4m), 813.12(1)(am) & (ag), 941.29(1)(f), (g), (2)(d), (e); W. Va. Code §§ 48-26-21061-7-7(a)(7); D.C. Code Ann. 7-2502.03(a)(12), 16-1001(7)(c).

Dating partners convicted of abuse are prohibited in most of those same states (California, Connecticut, Hawaii, Illinois, Minnesota, New Jersey, New York, West Virginia, and the District of Columbia), as well as in Arizona, Nebraska, and Washington. See Ariz. Rev. Stat. §§ 13-3101(A)(7)(d), 13-3102(A)(4), 13-3601(a)(6); Cal. Pen. Code § 29805; Conn. Gen. Stat. §§ 53a-61, 53a-96, 53a-181d; Haw. Rev. Stat. Ann. §§ 134-1, 134-7; 430 Ill. Comp. Stat. §§ 65/4(a)(2)(ix), 65/8(l), 725 Ill. Comp. Stat. §



5/112A-3(3); Minn. Stat. § 609.749, Subd. 8, Minn. Stat. § 609.2242, subd. 1, 3, Minn. Stat. § 518B.01 Subd. 2(b)(6); Neb. Rev. Stat. §§ 28-323(8), 28-1206(1)(b), (4); N.J. Stat. Ann. §§ 2C:25-19(d), 2C:39-7b(1); N.Y. Pen. Law §§ 265.00(17), 400.00(1); Wash. Rev. Code Ann. §§ 9.41.040, 9.41.010(18), 10.99.020(3)-(4); W. Va. Code §§ 48-26-210, 61-7-7(a), 61-2-9(b), (c); DC Code Ann. §§ 7-2501.01(9B) (citing § 16-1001(8)), 7-2502.03(a)(4)(D), 7-2506.01, 16-1001(7)(c).

22 Tenn. Code Ann. §§ 39-13-302, 39-13-101.

23 See A.C.A. §§ 5-73-309; 5-26-305; 5-10-105(b); 5-13-205; 5-13-208; 5-13-301.

24 O.C.G.A §§ 16-11-129(b)(2); 16-5-70(e)(3); 16-6-22.1(c).

25 N.H. Rev. Stat. Ann. §§ 632-A:4, 633:3.

26 J. MacFarlane, J. Campbell et al., Stalking and Intimate Partner Femicide, Homicide Studies No. 4, 300-16, Nov. 1999.

27 The 21 states where all convicted stalkers are prohibited from owning or carrying firearms are Arizona, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Dakota, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. In some of these states, convicted stalkers are prohibited by federal law because all the state's stalking crimes are felonies or misdemeanors punishable by more than two years. In some states, stalkers are explicitly prohibited under state law, and in some states, both federal and state law combine to separate stalkers and guns. See A.R.S. § 13-2923(B); Cal. Pen. Code §§ 29805, 646.9; C.R.S. §§ 18-3-602(3), 18-12-203, 18-12-108; Conn. Gen. Stat. §§ 53a-217, 53a-61, 53a-96, 53a-181d, 29-28(b); 11 Del. C. § 1312; § 720 ILCS 5/12-7.3(b); Burns Ind. Code Ann. § 35-45-10-5; Maryland Criminal Law Code Ann. § 3-802(d); ALM GL ch. 265, § 43; Minn. Stat. § 624.713(11), 609.749, subd. 8; N.J. Stat. § 2C:39-7(b)(1); NY CLS Penal 265.01(4), 400.00(1)(c); N.D. Cent. Code 62.1-02-01(1)(b); 18 Pa.C.S. §§ 2709.1, 6105(b); R.I. Gen. Laws § 11-59-2(b); S.C. Code Ann. § 16-3-1730; Tenn. Code Ann. § 39-17-1316(a)(1); Tex. Pen. Code § 47.072; Va. Code Ann. §§ 18.2-60.3(E), 19.2-152.10(B); Rev. Code Wash. §§ 9.41.010(5), 10.99.020(3), 9A.46.110; Wis. Stat. § 940.32(2).

28 The states that require training, but not live-fire training, are Arizona, Alaska, California, Colorado, Connecticut, Florida, Hawaii, Iowa, Maine, Massachusetts, Montana, Oregon, Utah, Virginia, West Virginia, Wisconsin, and Wyoming. See A.R.S. §13-3112(E), A.A.C. §§ R13-9-101, 305; Alaska Stat. §18.65.705, 13 Alaska Admin. Code 30.070; Cal Pen. Code § 26165; C.R.S. §§ 18-12-203(1)(h), 18-12-209(2)(a); Conn. Gen. Stat. § 29-28(b); Fla. Stat. § 790.06(2)(h); H.R.S. § 134-2(g); Iowa Code § 724.9; 25 M.R.S. § 2003(1)(E)(5); ALM GL ch. 140, § 131P, 5.15 CMR 3.00 et. seq.; 45-8-321(3), (5), MCA; ORS § 166.291(f); Utah Code Ann. 53-5-704(6)(d); Va. Code Ann. § 18.2-308.02(B); W. Va. Code § 61-7-4(d), W. Va. Code § 61-7-4(a)(11); Wis. Stat. § 175.60(4)(a); Wyo. Stat. § 6-8-104(b)(vii).

The states whose permitting training requirements include live-fire training are Arkansas, Delaware, Idaho (for an enhanced permit), Illinois, Kansas, Kentucky, Louisiana, Maryland, Michigan, Missouri, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota (for a Class 1 permit), Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, and the District of Columbia. See A.C.A. §5-73-309(13), 130 00 CARR 001 (Rule 13.0(c)); 11 Del. C. §1441(a)(3)(f); Idaho Code §18-3302(K)(4); § 430 ILCS 66/25(6), 66/75; K.S.A. §§ 75-7c04(b)(1), 75-7c03(e),(g), (i); KRS § 237.110(4)(i); LAC 55:1.1311; Md. PUBLIC SAFETY Code Ann. §5-306(a)(5); MCLS § 28.425b(7)(c),



28.425j(1); R.S.Mo. §§ 571.101(2), (10), 571.111; Minn. Stat. § 624.714, subd. 2(b)(1), subd. 2a(b)(2), subd. 11a; R.R.S. Neb. §§ 69-2433(11), 69-2432, Ne. Admin Code Title 272, Chapter 21, Rule 26 and 27; N.R.S. §202.3657(3); N.J. Stat. § 2C:58-4(d), N.J. Admin. Code § 13:54-2.4(b); N.M. Stat. Ann. § 29-19-4(A)(10), N.M. Stat. Ann. § 29-19-7(A)(4); N.C. Gen. Stat. § 14-415.12(a)(4); N.D. Cent. Code, § 62.1-04-03(2); O.R.C. Ann. 2923.125(G)(1); 21 Okl. St. 1290.9(4), 1290.12(2), 1290.14(A); R.I. Gen. Laws §§ 11-47-15, 11-47-16; S.C. Code Ann. § 23-31-210(5)(a)(iv); Tenn. Code Ann. 39-17-1351(e); Tex. Gov't Code §§ 411.174(a)(7), 411.188(a), 411.188(g); D.C. Code §7-2509.02(4), (5).

29 See, e.g., Alaska Stat. §18.65.705; 13 Alaska Admin. Code 30.070 (requiring at least 12 hours of training); Cal. Pen. Code § 26165 (up to 16 hours of training); § 430 ILCS 66/25(6), 66/75 (16 hours of training).

30 KRS § 237.110(4)(i).

31 La. R.S. § 40:1379.3(D), (V)(4).

32 MCLS § 28.425b(7)(c); MCLS § 28.425j(1); MCLS § 28.425j(1)(b).

33 Training requirements are in force in the 20 largest American cities except Philadelphia and Indianapolis.

34 The states in which law enforcement has discretion to deny CCW permits to ensure public safety are Alabama, Arkansas, California, Colorado, Connecticut, District of Columbia, Delaware, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, Utah, Virginia and Wyoming. See Code of Ala. § 13A-11-75(a)(1)(a); A.C.A. § 5-73-308; Cal Pen. Code §§ 26150, 26155; C.R.S. § 18-12-203(2); Conn. Gen. Stat. § 29-28(b); D.C. Code § 22-4506(a); 11 Del. C. §1441(a), (d); O.C.G.A. § 16-11-129(d)(4); HRS §134-9(b); § 430 ILCS 66/10(4), 66/20(4)(g); Burns Ind. Code Ann. § 35-47-2-3(e); Iowa Code § 724.8(3); K.S.A. § 75-7c05(c)(2), (e)(2); La. R.S. § 40:1379.3(C)(16); 25 M.R.S. § 2003 (1), (2)(B-1), (4); Md. PUBLIC SAFETY Code Ann. § 5-306(a)(6); ALM GL ch. 140, § 131(d); MCLS § 28.425b(7)(n); Minn. Stat. § 624.714, subd. 6(a)(3); R.S.Mo. § 571.101(2)(7), (6); 45-8-321(2), MCA; RSA 159:6(l)(a); N.J. Stat. § 2C:58-4(d); NY CLS Penal § 400.00(1)(b), (n); N.D. Cent. Code, § 62.1-04-03(1)(e); ORS § 166.293(2); 18 Pa.C.S. § 6109(e)(1)(i); R.I. Gen. Laws § 11-47-11(a); Utah Code Ann. § 53-5-704(3); Va. Code Ann. §18.2-308.04; Wyo. Stat. § 6-8-104(g).

35 See Code of Ala. § 13A-11-75; C.R.S. § 18-12-203(2); Iowa Code § 724.8(3); R.S.Mo. § 571.101(2)(7), (6); ORS § 166.293(2).

36 See La. R.S. § 40:1379.3(C)(16); Utah Code Ann. § 53-5-704(3); Wyo. Stat. § 6-8-104(g).

37 See Cal. Pen. Code §§ 26150, 26155; Md. PUBLIC SAFETY Code Ann. § 5-306(a)(6); N.J. Stat. § 2C:58-4(d); NY CLS Penal § 400.00(1)(b), (n).



38 Ten states — Alabama, California, Delaware, Indiana, Maine, Maryland, Montana, New Hampshire, North Dakota, and South Dakota — have a minimum concealed carry age of 18, Vermont law has no minimum age for concealed carry, and in Missouri, the minimum age is 19. See Code of Ala. § 13A-11-76; Cal Pen. Code § 29610; 11 Del. C. § 1441(a), 1 Del. C. § 302(3); Burns Ind. Code Ann. § 35-47-2-3(g)(3); 25 M.R.S. § 2003(1)(A); Md. PUBLIC SAFETY Code Ann. § 5-306(a)(1); 45-8-321, MCA; RSA 159:12; N.D. Cent. Code, § 62.1-04-03(1)(a); S.D. Codified Laws § 23-7-7.1(1); 13 V.S.A. § 4008 (restricting children under the age of 16 from possessing certain firearms without parental consent); § 571.101(2) R.S.Mo., as amended by 2014 MO SB 656.

In the other 38 states, the minimum age for concealed carry is 21. See Alaska Stat. § 18.65.705(1); A.R.S. § 13-3112(E)(2); A.C.A. § 5-73-309(3); C.R.S. § 18-12-203(1)(b); Conn. Gen. Stat. § 29-28(b)(10); Fla. Stat. § 790.06(2)(b); O.C.G.A. § 16-11-129(b)(2); HRS § 134-9(a); Idaho Code § 18-3302(1)(l); § 430 ILCS 66/25(1); Iowa Code § 724.8(1); K.S.A. § 75-7c04(a)(4), 2013 Kan. HB 2578; KRS § 237.110(4)(c); La. R.S. § 40:1379.3(C)(4); ALM GL ch. 140, § 131(d)(iv); MCLS § 28.425b(7)(a); Minn. Stat. § 624.714, subd. 2(b)(2); Miss. Code Ann. § 45-9-101(2)(b)(i); R.R.S. Neb. § 69-2433(1); Nev. Rev. Stat. Ann. § 202.3657(3)(a); N.J. Stat. §§ 2C:58-4(c-d), 2C:58-3(c)(4); N.M. Stat. Ann. § 29-19-4(A)(3); NY CLS Penal § 400.00(1)(a); N.C. Gen. Stat. § 14-415.12(a)(2); ORC Ann. 2923.125(D)(1)(b); 21 Okl. St. 1290.9(3); ORS § 166.291(1)(b); 18 Pa.C.S. § 6109(b); R.I. Gen. Laws § 11-47-11(a); S.C. Code Ann. § 23-31-215(A); Tenn. Code Ann. § 39-17-1351(b); Tex. Gov't Code § 411.172(a)(2); Utah Code Ann. § 53-5-704(1)(a); Va. Code Ann. § 18.2-308.02(A); Rev. Code Wash. § 9.41.070(1)(c); W.Va. Code § 61-7-4(a)(3); Wis. Stat. § 175.60(3)(a); Wyo. Stat. § 6-8-104(b)(ii).

39 FBI Supplementary Homicide Report, 2012, and US Census population data, 2012. Persons aged 18 to 20 make up 4.2% of the US population and committed 17.35% of all gun homicide for which the age of the offender was known. Adults aged 21 and over make up 72% of the population and commit 76.5% of all gun homicides for which the age of the offender was known.

40 See note 38, supra.

41 See Kentucky State Police, Concealed Deadly Weapons (CCDW) Annual Statistical Reports, at [http://kentuckystatepolice.org/ccdw/ccdw\\_reports.html](http://kentuckystatepolice.org/ccdw/ccdw_reports.html); see also James Kelleher, Firearm Background Checks Spike In 2011 According To FBI Statistics, Reuters, Jan. 4, 2012, available at <http://huff.to/1s5XfOT> (citing FBI spokesman reporting that Kentucky “runs a fresh background check every month on gun owners with state-issued concealed weapons permits”).

42 See S.C. Code Ann. 23-31-1020(E).

43 Michael Luo, Guns in public, and out of sight, N.Y. Times, Dec. 26, 2011, available at <http://nyti.ms/170oHwX>.

44 Megan O'Matz and John Maines, In Florida, it's easy to get license to carry gun, Orlando Sentinel, Jan. 28, 2007, available at <http://bit.ly/1zTPKkX>.

45 Mark Alesia, Heather Gillers, Tim Evans and Mark Nichols, Should these Hoosiers have been allowed to carry a gun in public?, Indianapolis Star, Oct. 11, 2009, available at <http://bit.ly/1wGmlPd>.

- 46 See Megan Harris and Lani Lester, Felons slip through cracks in system to carry firearms, The Commercial Appeal, Aug. 3, 2008, available at <http://bit.ly/13YXP6x>; Marc Perrusquia, Armed and dangerous: Dozens with violent histories received handgun carry permits, The Commercial Appeal, Mar. 12, 2009, available at <http://bit.ly/1GXC2Kq>.
- 47 Cliff Schechter, Chris Cox's Failed Argument for Forced Concealed Carry, Huffington Post, Sept. 13, 2011, at <http://huff.to/1vcbxZb>.
- 48 John Agar, Ready, aim, misfire: Analysis finds mistakes, misunderstanding in gun reports, Grand Rapids Press, June 27, 2011, available at <http://bit.ly/1B1QuNH>.
- 49 Editorial, Safely obscuring gun facts, Atlanta Journal-Constitution, Aug. 24, 2008, available at <http://on-ajc.com/13YY0P8>.
- 50 Mensah M. Dean, Was 13-shot slaying of burglar a crime or self-defense? Jury to decide, Philadelphia Inquirer, Feb. 2, 2011, available at <http://bit.ly/1sZ0FOX>.
- 51 See Laura Olson, Pa. Attorney General closes "Florida Loophole" on concealed-gun permits, Pittsburgh Post-Gazette, Feb. 8, 2013, available at <http://bit.ly/1xLlrp5>.
- 52 Kathleen McGrory, Miami Beach: Murder Charge for Cabbie, Miami Herald, July 5, 2008.
- 53 Andy Sher, Group takes aim at new Tennessee gun laws, Times Free Press, Oct. 22, 2011, available at <http://bit.ly/1HCKa1c>.
- 54 Cliff Schechter, Chris Cox's Failed Argument for Forced Concealed Carry, Huffington Post, Sept. 13, 2011, at <http://huff.to/1vcbxZb>.

**FEDERALLY MANDATED  
CONCEALED CARRY  
RECIPROCITY**

HOW CONGRESS COULD UNDERCUT  
STATE LAWS ON GUNS IN PUBLIC

