



Concealed Carry Reciprocity (S.446): Overriding State Public Safety Laws

- ❑ **Bottom Line:** Senator John Cornyn's (R-TX) concealed carry legislation (S.446) would force each state to recognize the concealed carry standards from every other state, even those that have dramatically weaker standards – and those that don't require any permit at all. Law enforcement overwhelmingly opposes this legislation, which would put police in danger for doing their jobs.
 - Reciprocity would force states to let violent offenders and people with no firearm safety training carry hidden, loaded handguns—even if those people could not otherwise legally purchase a gun in the state.
 - Sen. Cornyn's bill would even force states to allow concealed carry by many people **with no permit whatsoever**—allowing people who have never been screened by a background check to carry throughout the country.
- ❑ **Reciprocity would be an extraordinary encroachment on states' rights.**
 - **State concealed carry permitting systems vary dramatically.** Each state sets its own requirements for carrying concealed, loaded guns in public. For example, some states require extensive firearms training, while others issue permits to people with no training. And some systems are so ineffectively run that they issue permits to people with felonies.
 - **Three in four Americans live in a state that refuses to recognize all or some out-of-state carry permits.** For nearly one in three Americans, their home state does not recognize *any* out-of-state permits.¹ In most other US states, only *some* out-of-state permits are recognized—typically those with equivalent or higher standards.²
 - **Reciprocity simply overrides these states' laws.** It would force each state to recognize permits for all out-of-state residents—even if the permit holder would otherwise not be allowed to possess a gun.
- ❑ **S.446 would have a profound impact on state public safety, making the state with the weakest standards into the law of the land, and letting criminals and other dangerous people carry concealed guns in every state in the country.**³
 - **No Training:** Thirty-nine states and Washington DC require gun safety training for any permit applicant,⁴ and 25 of those states and DC require live-fire training experience.⁵ S.446 would force all states to allow concealed carry without any training whatsoever.
 - **Certain Domestic Abusers:** Thirty-five states and DC deny permits to abusive boyfriends (in addition to husbands) convicted of abuse and/or subject to domestic violence restraining orders.⁶ Under S.446, these abusers could carry hidden weapons across the country.
 - **People Who Pose a Danger:** Thirty states and DC allow law enforcement to deny applicants who pose a danger to the public.⁷ Local authorities may know a person has a red flag in their history—for example, domestic disturbances, assault arrests, or dangerous mental health issues. In several states, the law also requires an applicant to demonstrate “good cause” (or a similar showing) in order to get a permit. S.446 would gut those laws.



- **Violent Criminals:** Thirty states and DC deny permits to people convicted of misdemeanor crimes of violence.⁸ S.446 would allow people with these violent criminal convictions to carry across the country, even if they are barred from possessing guns at all in a given state.
- **Convicted Stalkers:** Twenty-eight states and DC will not grant permits to convicted stalkers.⁹ Reciprocity would override those states' laws and force them to allow people with stalking convictions to carry hidden, loaded guns.
- **Teenagers:** Thirty-five states and DC will only issue permits to people 21 and older.¹⁰ Eighteen- to 20-year-olds commit gun homicides at a rate nearly four times higher than adults 21 and older.¹¹ S.446 would force these states to allow 18- to 20-year-olds to carry.
- **Drunk Drivers:** Twenty-seven states and DC won't give permits to people with multiple DUIs within the past 3 years. Reciprocity would enable these people to carry across the country.¹²
- **Felons and Other Prohibited People:** States vary widely in the *quality and effectiveness* of their permitting. Some states have such poorly administered systems that they have mistakenly granted permits to (or failed to revoke permits from) people legally prohibited from having guns under federal law.¹³ Under S.446, all states would have to recognize permits from states that inadvertently issue to felons and other dangerous people.
- ❑ **The gun lobby's legislation would even allow people from several states *with no permit whatsoever* to carry firearms across the country.**
 - Twelve states have no permitting or background check requirement, including eight that have effectively dismantled their permit systems since 2015. Unlike earlier versions of this legislation, S.446 would force all states to allow residents from those "permitless" states to carry *with no permit whatsoever*.
- ❑ **This legislation would present serious risks to law enforcement and could make it impossible to confirm if an armed person is indeed carrying legally.**
 - Unlike with driver's licenses, police often have no way to verify the validity of an out-of-state permit—meaning they would be unable to confirm if a person presenting a carry permit is a law-abiding gun owner. And because some bills would even allow concealed carry by people from states *with no permit whatsoever*, out-of-state visitors would be armed without being screened by a background check—and law enforcement would have no permit to evaluate.
 - Law enforcement organizations have denounced concealed carry reciprocity—including the International Association of Chiefs of Police and the Police Foundation to the Major Cities Chiefs Association, which includes the Chiefs of Police and Sheriffs of the sixty-six largest law enforcement organizations in the country.¹⁴
- ❑ **The gun lobby has been trying to pass reciprocity legislation for over two decades.**
 - Gun lobby-backed Congress members have introduced more than two dozen bills¹⁵ to override state laws on who is too dangerous to carry concealed weapons on their streets. Mayors Against Illegal Guns, now part of Everytown, has led the fight to defeat these bills—including when 58 senators voted for it in 2009¹⁶ and when it passed the House in 2011.¹⁷



¹ 32.5% of Americans live in CA, CT, DC, HI, IL, MA, MD, NJ, NY, OR, or RI, states that do not recognize any out-of-state permits. 2015 Census estimates.

² 75.3% of Americans live in either a state that does not recognize *any* out-of-state permits or else one of the following states that do not recognize *all* out-of-state permits: AZ, CO, DE, FL, GA, KS, LA, ME, MN, MT, NE, NV, NH, NM, ND, PA, SC, TX, VT, VA, WA, WV, WI, WY. 2015 Census estimates.

³ Federal law prohibits several narrow categories of people from possessing a handgun; prohibited people may not carry handguns in any state. These categories include felony offenders (but not most misdemeanor offenders), certain abusers convicted of domestic violence or under restraining orders (generally including abusive spouses and generally excluding abusive boyfriends), and people under 18 (with certain exceptions). The state concealed carry standards discussed in this document generally surpass this federal floor.

⁴ AK, AZ, AR, CA, CO, CT, DE, DC, FL, HI, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MT, NE, NV, NJ, NM, NC, ND, OH, OK, OR, RI, SC, TN, TX, UT, VA, WV, WI, WY

⁵ AK, AR, CT, DE, DC, FL, IL, KS, KY, LA, MD, MI, MO, MN, NE, NV, NJ, NM, NC, OH, OK, RI, SC, TN, TX, WV

⁶ CA, CT, DE, FL, DC, HI, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, TN, TX, UT, VA, VT, WA, WI, and WV. Vermont does not issue a concealed carry permit, but does bar certain abusive boyfriends from having or carrying firearms.

⁷ AL, AK, CA, CO, CT, DC, DE, GA, HI, IL, IN, IA, KS, LA, ME, MD, MA, MN, MO, MT, NJ, NY, ND, OK, OR, PA, RI, SD, UT, VA, WY

⁸ AK, CA, CT, DE, DC, FL, HI, IL, IA, KY, LA, MD, MA, MI, MN, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, TX, UT, VA, WV.

These states block people convicted of a) misdemeanor "crimes of violence," as classified by the state; or of b) certain serious violent misdemeanors such as assault and battery, threatening, or crimes committed with a weapon. Some disqualifiers lapse after several years. Alaska disqualifies people with multiple offenses. New Jersey disqualifies offenders convicted of offenses punishable by more than 6 months. While New Jersey crimes in this category are generally punishable by at least 18 months, misdemeanor crimes from other states are disqualifying in New Jersey.

⁹ Some state stalking crimes are felonies, and convictions are therefore prohibiting under federal law. The following is a full list of states where all stalkers are disqualified from getting a permit: AZ, CA, CO, DE, DC, HI, IL, IN, IA, LA, MD, MA, MI, MN, NV, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VT, VA, WI. Vermont does not issue a concealed carry permit, but does bar convicted stalkers from having or carrying firearms.

¹⁰ AK, AZ, AR, CO, CT, DC, FL, GA, HI, IL, IA, KY, KS, LA, MA, MI, MN, MS, NE, NV, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VA, WA, WI, WY

¹¹ FBI Supplementary Homicide Report, 2010-2014, and US Census Population Data, 2010-2014. Persons aged 18-20 made up 4.24% of of the US population and were the primary offender in 17.16% of all gun homicides for which the age of the offender was known. Adults aged 21 and over made up 72.25% of the population and were the primary offender in 76.24% of all gun homicides for which the age of the offender was known.

¹² AK, AR, CO, CT, DC, FL, IL, IN, IA, KY, LA, MD, MA, MI, MS, MO, NV, NM, NY, NC, OK, OR, PA, TN, TX, UT, VA, WV. MD and PA bar people with three recent offenses and IA bars people with three or more recent arrests and one conviction.

¹³ Everytown for Gun Safety, "Federally Mandated Concealed Carry Reciprocity: How Congress Could Undercut State Laws on Guns in Public", January 2015, available at: <http://every.tw/1jGKyXL>.

¹⁴ National Law Enforcement Partnership to Prevent Gun Violence, April 15, 2013, available at: <http://bit.ly/14AQyJE>.

¹⁵ H.R. 2634 (1995); H.R. 3838 (1996); H.R. 2722 (1997); H.R. 407 (1997); H.R. 950 (2001); S.514 (2001); H.R. 990 (2003); H.R. 1243 (2005); H.R. 226 (2007); S.388 (2007); H.R. 861 (2007); H.R. 5782 (2008); S.3207 (2008); H.R. 197 (2009); S.371 (2009); S.Amdt.579 to S.160 (2009); H.R. 1620 (2009); S.Amdt.1618 to S.1390 (2009), H.R. 822 (2011); S.2188 (2012); S.2213 (2013); H.R. 578 (2013); H.R. 2959 (2013); H.R. 986 (2015); S.498 (2015); H.R. 402 (2015)

¹⁶ S.Amdt.1618 to S.1390 (2009). <http://bit.ly/2fGBD7G>

¹⁷ H.R. 822 (2011)