

Oppose Federal “Arm Anyone” Legislation: The Gun Industry’s Push to Allow Dangerous People to Carry Anywhere

Rep. Richard Hudson (R-NC) introduced the first piece of federally mandated concealed carry legislation to the 115th Congress on January 3rd, 2017. The inaccurately *named* **Concealed Carry Reciprocity Act of 2017 (H.R. 38)** would create national reciprocity for state concealed carry permits, and is similar, though not identical, to the Concealed Carry Reciprocity Act of 2015 (H.R. 986), which Rep. Hudson introduced in the 114th Congress. The bill has been referred to the House Judiciary Committee, and has over 200 co-sponsors, three of whom are Democrats. (Henry Cuellar, TX, Sanford Bishop, GA and Collin Peterson, MN.)

On February 27th, Senator John Cornyn (R-TX) reintroduced the similarly misnamed **Constitutional Concealed Carry Reciprocity Act of 2017 (S. 446)**. It currently has 37 co-sponsors with no Democrats. S.446 is similar, but not an exact companion to H.R. 38.

H.R. 38 would allow any person to carry a concealed handgun in any state, provided they (i) are not prohibited by federal law from possessing, transporting, shipping, or receiving a firearm; (ii) are carrying a valid photo ID; and (iii) carrying a valid permit/license issued under the law of *any other state* that allows the person to carry a concealed firearm, or is otherwise entitled to carry a concealed firearm in his/her state of residence. The provisions of S. 446 are essentially identical on this point.

H.R. 38 provides that, in the event of arrest or other detention, “presentation of facially valid documents” is prima facie evidence that an individual has a valid permit (and therefore has the right to carry a concealed firearm), and that a person may not be arrested for violating laws related to possession, transportation, or carrying of firearms unless there is probable cause to believe the individual has not complied with the law. S. 446 excludes this provision.

H.R. 38 exempts a person who is authorized to carry a concealed weapon under the terms of the bill from the federal prohibition on carrying firearms within 1,000 feet of a school zone. The bill also includes a provision to specifically allow a person who is authorized to carry a concealed weapon to carry that weapon in the National Park System, the National Wildlife Refuge System, on public lands administered by the Bureau of Land Management, and on lands administered by the Army Corps of Engineers and the Bureau of Reclamation. H.R. 38 allows the individual a civil right of action to sue law enforcement if detained. S. 446 excludes this provision.

Position: Brady opposes H.R. 38 and S.446. Many states have adopted sensible rules and requirements that require safety training and education before a concealed carry permit can be issued. Other states have no requirements related to issuance of a permit and allow permit-less concealed carry. If H.R. 38 or S. 446 became law, both would supplant strong state concealed carry rules with those that apply in the weakest states, effectively allowing any person with permission to carry in the weakest concealed carry state to be recognized to carry in the strongest state. In effect, it would be “a race to the bottom.”

Both S. 446 and H.R. 38 also fail to recognize state laws that have expanded categories of prohibited purchasers to include domestic violence offenders, convicted stalkers, etc. As a result, an individual who may be a prohibited purchaser under expanded state law in California because of a domestic violence conviction could qualify for concealed carry in a state that only recognizes the federal categories for prohibited purchasers. Obviously this is a perverse result, but it is what would happen if S. 446 and H.R. 38 became law.

Talking Points:

- H.R. 38 and S. 446 flout state law and ensure that the most permissive concealed carry rules become the law of the land. It takes traditional notions of state sovereignty and turns them on their head, saying that the state with the weakest laws should determine the rules for concealed carry in every other state. This is absurd and would be akin to saying that because the speed limit is 85 in a rural, less populous state, any person who has lived in or traveled through the state should be able to drive 85 everywhere in the United States, whether they are in a school drop-off zone, a densely populated city, or a crowd at a parade.
- Law enforcement officers are charged with understanding the law in their state and charged with putting their lives on the line every day in situations with individuals brandishing weapons and putting public safety at risk. The carrying of concealed weapons makes it much harder for law enforcement officers, who must make snap decisions about “good guys” and “bad guys” to quickly discern one from the other and appropriately protect public safety.
- States that have stronger concealed carry rules require gun safety courses, practical training and storage training, among other requirements, that help those seeking to qualify for a concealed carry permit to understand best practices and how to qualify for a permit in a manner that recognizes important public safety considerations. These sensible state legal requirements should not be supplanted by a federal law that eviscerates these standards in favor of no safety or training requirements.

Neither of these proposed bills represent sound policy, and clearly flouts traditional notions of states’ rights. It also places law enforcement officers at greater risk because they are held liable for enforcing the law and using appropriate force, but when anyone can carry a gun at any time, it makes it much harder for police to identify “bad guys” from law abiding concealed carry holders, putting everyone at greater risk. H.R. 38 and S. 446 represent an encroachment on states’ rights and undermine appropriate standards for public safety and should be rejected.

The Law Enforcement Partnership to Prevent Gun Violence, a league of the leading national law enforcement associations including the International Association of Chiefs of Police (IACP), the Police Executive Research Forum (PERF), the Police Foundation, the Major Cities Chiefs Association (MCCA) and the International Association of Campus Law Enforcement Administrators (IACLEA), has come out consistently in strong opposition to such federally mandated “Arm Anyone” bills like H.R.38 and S.446. For more information, go to: <http://www.lepartnership.org/>