

Why National Concealed Carry Reciprocity Would Be a Dangerous Mistake



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Just as gun culture varies in different places across the country, gun laws vary from state to state. But this Congress may soon consider changing that. Several bills have been introduced and are quickly gaining cosponsors which would institute mandatory national concealed carry reciprocity. If one of these bills passed, any person allowed to carry a loaded, concealed gun in their home state would be able to do so in every state, even if they would never have qualified to do so under that state's laws. Until now, every state has been able to make its own determination of who should be allowed to carry concealed weapons in the cities and towns within its borders. And federal gun laws have long set a national floor for gun safety, allowing states to pass stronger laws if their voters and policymakers choose. But a mandatory national reciprocity law would do the opposite—not only creating a ceiling, but setting its height at the lowest common denominator. It would undercut state gun laws, leave states doing a good job of recordkeeping at the mercy of those that are not, and put law enforcement in an untenable position.

1. It undercuts state gun laws.

All fifty states and the District of Columbia have laws on their books allowing at least some people to carry concealed weapons within their jurisdictions. But currently, each state gets to decide for itself who is eligible for such a permit and what standards they have to satisfy in order to earn one. Establishing mandatory national reciprocity—where each state would have to accept the permits of every other—would create a race to the bottom in which the states with the fewest standards trump all others. Right now:

- 16 states allow people under the age of 21 to obtain concealed carry permits.
- 22 states grant permits to convicted stalkers.
- 23 states allow people who have been convicted of violent misdemeanors to obtain permits.
- 15 states allow people who have been convicted of crimes of domestic violence or who are currently subject to domestic violence restraining orders to carry concealed.
- 27 states allow people with multiple drunk driving convictions to obtain permits.
- 25 states don't give law enforcement any discretion to deny permits to people they believe to be a danger to themselves or others.
- 19 states grant permits to people who haven't completed safety training.
- And 29 states allow people to obtain permits without undergoing any sort of "live-fire" training to ensure they know how to safely handle and fire a gun.¹

If Congress passed a reciprocity bill, teenagers, convicted stalkers, violent misdemeanants, domestic abusers, and habitual drunk drivers with permits from their home states would be able to carry concealed in every other—and there is nothing those other states could do to stop it. States have already established a concealed carry reciprocity system

amongst themselves in which each state decides what requirements are critical and can recognize the permits of other states whose laws are up to par. But under a nationally-mandated system, a state would have to recognize the permits of every other, even those whose laws they have already reviewed and found lacking.

Establishing mandatory national reciprocity wouldn't just mean that states have to recognize permits granted to people they would have disqualified under their own laws. They would also have to deal with people from the 12 states that don't require any sort of permit at all to carry a concealed weapon. That means a state would have to allow *any resident* of those 12 states to carry a loaded concealed gun on their person, without so much as a background check. So long as they're not prohibited from possessing a gun under federal law or from carrying under their home state's laws, they wouldn't even need a permit to carry concealed in every other state—just an ID of some kind showing they were a resident of one of the 12 states.

Nearly every state's gun laws would be weakened if Congress passes a concealed carry reciprocity bill. That includes the 38 states that would have to allow people from non-permit states to carry a concealed weapon without a permit, the 35 that would have to allow teens to carry, the 34 that would have to allow domestic abusers to carry, the 27 that would have to allow those convicted of a violent crime to carry, the 28 that would have to allow stalkers to carry, the 25 where law enforcement would no longer have any discretion to deny permits to people they deem dangerous, and the 31 that would have allow people to carry without any safety training.²

2. It leaves states doing a good job of recordkeeping at the mercy of those that aren't.

If a mandatory national reciprocity bill passes, the states doing the best job of tracking criminal and mental health

records and entering them into the background check system would be at the mercy of those doing the worst. It's all well and good for a state to disqualify stalkers from obtaining concealed carry permits, but if that state doesn't do a good job of maintaining the records that show whether or not someone has been convicted of stalking, it doesn't really make a difference.

Some states have gone to great lengths to improve their recordkeeping systems, like Virginia did after the tragic shooting at Virginia Tech University—but others have not. In particular, many states fail to submit or maintain records that would disqualify someone from carrying concealed (in fact, from possessing a gun at all) if they are dangerously mentally ill. For example, according to census data and an analysis by Everytown:

- Out of a population of over 560,000 residents, Wyoming has only four disqualifying mental health records in its system.
- Montana, with a population of nearly 1 million, has only three mental health records.
- And New Hampshire, home to more than 1.3 million residents, has only two mental health records in its system.³

It used to be that poor recordkeeping only weakened the gun laws of the states who were themselves guilty of it, but under a mandatory national reciprocity system, that burden would be shifted onto the entire country. If a national reciprocity bill passes and a state awards a permit to someone who shouldn't have one due to lax recordkeeping, he or she could then use that permit to carry coast to coast.

It's not just poor submission of records that is a threat, either—some states also don't do a good job tracking criminal and mental health records after a permit has already been granted. In those instances, the state may fail to notice and revoke the permit of someone who later commits a crime or

otherwise disqualifies themselves from carrying a gun.⁴ And under a national reciprocity system, so long as they have a permit, they could continue to use it to carry across the nation. So in the end, it's the states that are trying to be responsible—by submitting and tracking records—that would be punished most by mandatory national reciprocity.

3. It's not safe or feasible for law enforcement.

Imagine you are a police officer. Right now you know that some people are carrying concealed weapons legally in your state, but only if they have an in-state permit, have passed a background check, and have successfully completed live-fire safety training. But if a mandatory national reciprocity bill passes, that could soon change—and someone who could never qualify for a permit in your home state could suddenly carry there. These armed out-of-staters may not be aware of the rules regulating where and when concealed weapons can be carried in your jurisdiction. And not only would you be forced to accept the out-of-state permits of convicted abusers as well as those who aren't accustomed to the laws of your state, but you'd also have to be able to ascertain whether those permits are real. While you're likely familiar with your state's permit—and know how to spot a fake—how would you know whether an out-of-state permit is a forgery?

Every state that issues permits has its own format—some include photos, some show a signature, and some are just pieces of paper. Unlike driver's licenses, which can be verified by law enforcement officers in any state, concealed carry permits typically can't be authenticated in any way outside of the state in which they are issued. There is no universal magnetic strip to scan or 800-number to call to make sure permits are legitimate and up-to-date. Without some sort of federal database of permit-holders—which does not exist and would be vociferously opposed by the same forces who are pushing for mandatory reciprocity—there would be no way for law enforcement to confirm that an out-of-state permit is current, or even whether it is a real.

Worse, what would you do if you were a police officer who came across an armed individual claiming to be from a state that doesn't require permits? So long as he or she has identification from one of those 12 states, you wouldn't be able to tell just from looking at them if they are carrying illegally. Under federal law, for instance, someone who has been involuntarily committed to a psychiatric hospital cannot carry a gun in any state. But how would a local police officer in one state know if an out-of-town visitor carrying a loaded, concealed weapon had been involuntarily committed in another? States that don't require permits choose to risk not having an easy way to tell if someone is eligible to carry—but mandatory national reciprocity would force that choice on every other state as well.

That's why many law enforcement organizations are opposed to national concealed carry reciprocity, including the Major Cities Chiefs Association, the Police Foundation, and the Chiefs' Associations in multiple states, including Alabama, Colorado, Minnesota, Virginia, and Wisconsin.⁵ If this policy were enacted, not only would police have to supervise an untold number of out-of-state permit-holders carrying concealed weapons within their jurisdictions, but they would also have the impossible task of determining whether a permit is real or fake—if there is even a permit to look at in the first place.

Conclusion

There are multiple versions of national concealed carry reciprocity legislation pending before the 115th Congress. In fact, one goes even further than establishing reciprocity—including by voiding state laws that ban guns in churches, bars, or daycares and by invalidating gun-free zones in schools and national parks.⁶ But every one of them would undercut state laws, create a race to the bottom for concealed carry standards, and leave responsible states at the mercy of those who are less diligent. They would also endanger law enforcement and put them in the untenable position of guessing whether someone is legally allowed to carry a

concealed weapon in their state. While mandatory national reciprocity for concealed carry permits might sound like a reasonable idea at first blush, these bills would undermine public safety and make our country more dangerous.

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- 6.** United States, Congress, House of Representatives, “Concealed Carry Reciprocity Act of 2017,” 115th Congress, 1st Session, January 3, 2017. Accessed March 28, 2017. Available at: <https://www.congress.gov/bill/115th-congress/house-bill/38>.