

**THUNE AMENDMENT ON CONCEALED HANDGUN CARRYING
(AMENDMENT 1618 TO DEFENSE APPROPRIATIONS BILL, S.1390)**

- ❑ **Bottom line:** This bill will override the laws of almost every state by obliging each to accept concealed carry permits from every other state, even if the permit holder would not be allowed to possess or carry a gun in the state where he is traveling. Such preemption will create serious problems for law enforcement.

- ❑ **Background:** 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 and, if so, which ones.
 - **Comparison with federal law:** These rules in almost every state go beyond the minimum set by federal law, which prohibits only felons and a few other categories of people from possessing guns.
 - **Licenses issued:** 46 states issue concealed carry permits.
 - Illinois and Wisconsin do not allow concealed carrying.
 - Alaska and Vermont allow concealed carrying without a permit.
 - Alaska nonetheless issues permits to its residents who want to carry elsewhere.
 - **Criteria vary widely:** Each state with permitting has its own eligibility standard, some of which are very lax. Among other differences:
 - **Law enforcement discretion:**
 - Some states grant permits to anyone who can pass a background check based on listed criteria. These are known as “shall issue” states.
 - Some states give law enforcement agencies some discretion about whether to issue a permit to a particular applicant who may be dangerous. These are known as “may issue” states.
 - **Misdemeanors:** At least 35 states prevent people from carrying concealed weapons if they have certain misdemeanor convictions.
 - **Alcohol abuse:** At least 31 states prohibit alcohol abusers from obtaining a concealed carry permit.
 - **Safety training:** At least 31 states require the completion of a gun safety program prior to the issuance of a permit.
 - **Non-residents:** 21 states grant concealed carry permits to non-residents.
 - **States' decision about reciprocity:** Each state has its own laws on what other states' permits to accept, if any. The Thune Amendment will have the most impact in the 39 states that currently do not grant any reciprocity or only grant reciprocity to select states:
 - 29 states recognize permits only from selected states – typically from states with equivalent or higher standards; and
 - 10 states do not recognize any out-of-state permits.
 - Of the other 11 states, 9 states allow carrying by all out-of-state permit holders, and Illinois and Wisconsin do not allow any form of concealed carrying.

- ❑ **Effect of the Thune Amendment:** This bill will remove that freedom by obliging each state and D.C. to accept concealed carry permits from every other state, even if the

permit holder would not be allowed to possess or carry a gun in the state where he is traveling.

➤ **People who will be able to take advantage of reciprocity:**

- Anyone who holds a concealed carry permit issued by any state.
- Anyone who is allowed to carry a concealed firearm in their home state without a permit – including residents of Alaska and Vermont, which do not require licenses.
- Only the few people barred by federal law from buying guns cannot take advantage of reciprocity.

➤ **Narrow exceptions to reciprocity:**

- A person cannot take advantage of reciprocity to ignore the laws of their own state of residence.
- They must carry a government-issued photo ID and their state license (if any).
- Reciprocity does not apply in the two states that entirely ban concealed carrying.

❑ **Enforcement problems: This bill will create five serious problems for police:**

- **Inability to identify foreign states' licenses:** To know who is allowed to carry a concealed weapon, police will have to recognize every state's concealed carry permits. Criminals will exploit the law by forging permits from distant states.
- **Inability to verify residence:** If police are confronted with someone bearing a permit from another state, they will have to determine whether the person is a resident of their own state – if so, reciprocity does not apply. But residence may be difficult to determine.
 - While people taking advantage of reciprocity will have to have some sort of ID, it need not specify their address.
 - In some cases, a person's residence is a complicated legal question.
- **Inability to prevent gun trafficking:** Gun traffickers who have concealed carry permits will 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 will have to observe them in the act of selling guns.
- **Danger at traffic stops:** By making it more difficult to distinguish legal from illegal gun possession, the bill will expose police to additional danger, especially when stopping cars.
- **Lack of time for training:** These problems are exacerbated by the bill's rapid effective date – 90 days after enactment.