



FACT SHEET

# Federally Mandated Concealed-Carry Legislation

February 2017

Federally mandated concealed-carry legislation would override existing state laws regarding who may carry loaded, concealed guns in the community and would force states to allow individuals to carry guns who are not qualified to do so under their own laws. This extreme legislation is a dangerous encroachment on individual state efforts to protect public safety that would effectively nullify duly enacted state laws and hamper law enforcement efforts to prevent gun violence.

## Race to the bottom

States with the weakest requirements for allowing people to carry concealed, loaded guns in the community would now set the national standard.

- Each state currently sets its own standards regarding who is eligible to carry concealed guns in the community. State laws on eligibility for carry permits vary widely—some states have enacted strict eligibility and training requirements and provide discretion to the issuing authority, while others impose few restrictions on who can carry a concealed gun.
- States that have taken the most lax approach to concealed weapons permitting would effectively set the national standard, allowing individuals with no safety training, with violent misdemeanor convictions, or with a demonstrated history of drug or alcohol abuse to legally carry concealed, loaded guns in every state in the country.
- This legislation would undermine the strong laws currently in force in many states:
  - 39 states and the District of Columbia require some form of safety training before a permit can be issued, including 25 states that require live fire training.
  - 28 states bar convicted stalkers from obtaining concealed weapons permits.
  - 27 states bar individuals with multiple DWI convictions from obtaining concealed weapons permits.<sup>1</sup>

- The most extreme version of this legislation would mean that residents of states that do not require any permit to carry concealed guns would be able to carry **without a permit** in any other state in the country.
  - As of January 2017, 10 states allow residents to carry concealed guns without a permit.<sup>2</sup>

### Overriding state efforts to protect public safety

State laws governing eligibility for carry permits will be effectively nullified, and states will be unable to control who is legally entitled to carry a concealed gun within their borders. This federal law would force states to honor permits issued by other states that have substantially weaker standards.

- Mandated concealed carry would also undermine state laws regarding who is eligible to possess guns in a state. This legislation would allow some people who are not eligible even to possess guns under the law of a state to carry them loaded and concealed in the community.
- States would also be vulnerable to the poor administrative systems in other states that erroneously allow potentially dangerous people to have concealed weapons permits.
  - A 2007 investigation revealed that Florida mistakenly issued concealed weapons licenses to thousands of ineligible individuals, including 1,400 people convicted of felonies, 216 people with open warrants, and 128 people subject to domestic violence restraining orders.<sup>3</sup>
  - A 2011 review of North Carolina’s permit process found that the state failed to revoke the licenses of a substantial number of permit holders who became ineligible due to convictions for felonies, violent misdemeanors, and domestic violence.<sup>4</sup>

### Impeding law enforcement

There is no mechanism for state and local law enforcement to quickly and accurately verify the validity of an out-of-state concealed weapons permit, making it nearly impossible for law enforcement to determine whether an individual carrying a gun is doing so legally or poses an immediate threat to public safety.

- Many national law enforcement organizations oppose mandated concealed-carry legislation, including the Major Cities Chiefs Association; the International Association of Chiefs of Police; the Police Foundation; the Police Executive Research Forum; the National Organization of Black Law Enforcement Executives; the National Association of Women Law Enforcement Executives; the Hispanic American Police Command Officers Association; and the International Association of Campus Law Enforcement Administrators.<sup>5</sup>

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### Endnotes

- 1 Everytown for Gun Safety, “State-by-State Danger of Overriding Concealed Carry Laws” (2017), available at <http://everytownresearch.org/wp-content/uploads/2017/02/Overriding-Concealed-Carry-Laws-State-by-State.pdf>.
- 2 Law Center to Prevent Gun Violence, “Concealed Weapons Permitting,” available at <http://smartgunlaws.org/gun-laws/policy-areas/firearms-in-public-places/concealed-weapons-permitting/> (last accessed February 2017).
- 3 Megan O’Matz and John Maines, “Licensed To Carry: Florida’s Flawed Concealed Weapon Law,” *Sun Sentinel*, January 28, 2007, available at [http://articles.sun-sentinel.com/2007-01-28/news/0701270316\\_1\\_gun-licensing-system](http://articles.sun-sentinel.com/2007-01-28/news/0701270316_1_gun-licensing-system).
- 4 Michael Luo, “Guns in Public, and Out of Sight,” *The New York Times*, December 26, 2011, available at [http://www.nytimes.com/2011/12/27/us/more-concealed-guns-and-some-are-in-the-wrong-hands.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/12/27/us/more-concealed-guns-and-some-are-in-the-wrong-hands.html?pagewanted=all&_r=0).
- 5 Letter from Jim Johnson to Members of Congress, May 24, 2016, available at <http://lepartnership.org/wp-content/uploads/2016/05/Reissued-Statement-Re-Nationwide-Concealed-Carry-Reciprocity.pdf>.