

Union Calendar No. 320

115TH CONGRESS
1ST SESSION

H. R. 38

[Report No. 115-433]

To amend title 18, United States Code, to provide a means by which non-residents of a State whose residents may carry concealed firearms may also do so in the State.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. HUDSON (for himself, Mr. SMITH of Missouri, Mr. ABRAHAM, Mr. CUELLAR, Mr. GAETZ, Mr. HOLDING, Mr. KING of Iowa, Mr. LAMALFA, Mr. PALMER, Mrs. WAGNER, Mr. KINZINGER, Mr. THOMAS J. ROONEY of Florida, Mr. WALKER, Mr. PITTINGER, Mr. ADERHOLT, Mr. CARTER of Georgia, Mr. GRAVES of Georgia, Mr. ROGERS of Alabama, Mr. HENSARLING, Mr. LAMBORN, Mr. CRAMER, Mr. COOK, Mr. WESTERMAN, Mr. CHABOT, Mrs. WALORSKI, Mr. MULLIN, Mr. PALAZZO, Mr. FRANKS of Arizona, Mr. JODY B. HICE of Georgia, Mr. MEADOWS, Mr. WENSTRUP, Mr. WILLIAMS, Mr. SMITH of Texas, Mr. HUIZENGA, Mr. AMODEI, Mr. HUNTER, Mr. FARENTHOLD, Mr. JENKINS of West Virginia, Mr. EMMER, Mr. ROE of Tennessee, Mr. TIPTON, Mr. JOHNSON of Ohio, Mr. DESJARLAIS, Mrs. HARTZLER, Mr. DUNCAN of South Carolina, Mr. ZELDIN, Mr. YOHO, Mr. SANFORD, Mr. BRAT, Mr. PETERSON, Mr. DUFFY, Mr. YODER, Mr. BUCHANAN, Mr. COLE, Mr. NEWHOUSE, Mr. TURNER, Mr. BROOKS of Alabama, Mr. KATKO, Mr. RATCLIFFE, Mr. HILL, Mr. OLSON, Mr. HARPER, Mr. BUCK, and Mr. DIAZ-BALART) introduced the following bill; which was referred to the Committee on the Judiciary

DECEMBER 4, 2017

Additional Sponsors: Mr. BILIRAKIS, Mr. DUNN, Mr. BISHOP of Utah, Mr. BARR, Mr. LATTI, Mr. ROUZER, Mrs. LOVE, Mr. GOSAR, Mr. SHIMKUS, Mr. GROTHMAN, Mr. BUCSHON, Mr. TAYLOR, Mr. KELLY of Pennsylvania, Mrs. COMSTOCK, Mr. HARRIS, Mr. PERRY, Mr. KNIGHT, Ms. HERRERA BEUTLER, Mr. BOST, Mr. GIBBS, Ms. CHENEY, Mr. CULBERSON, Mr. SIMPSON, Mr. COMER, Mr. GOHMERT, Mr. VALADAO, Mr. SESSIONS, Mr. POSEY, Mr. GARRETT, Mr. MCHENRY, Mr. GOWDY, Mr. CRAWFORD, Mr. KELLY of Mississippi, Mr. PEARCE, Mrs. BLACK, Mr. ROSS, Mr. RODNEY DAVIS of Illinois, Mr. JOYCE of Ohio, Mrs. BROOKS of Indiana, Mr. RUTHERFORD, Mr. FRANCIS ROONEY of Florida, Mr. BUDD, Mr. YOUNG of Iowa, Mrs. NOEM, Mr. CONAWAY, Mr. WILSON of South Carolina, Mr. CARTER of Texas, Mr. DUNCAN of Tennessee, Mr. ROKITA, Mr. MARSHALL, Mr. BANKS of Indiana, Mr. RENACCI, Mr. HULTGREN, Mr. YOUNG of Alaska, Mr. BURGESS, Mr. THOMPSON of Pennsylvania, Mr. MITCHELL, Mr. JOHNSON of Louisiana, Mr. BISHOP of Michigan, Mr. WALBERG, Mr. COLLINS of New York, Mr. BARLETTA, Mr. DENHAM, Mr. WITTMAN, Mr. BYRNE, Mr. ALLEN, Mr. STIVERS, Mr. WOMACK, Ms. MCSALLY, Ms. STEFANIK, Mr. BIGGS, Mr. SHUSTER, Mr. DESANTIS, Mr. LAHOOD, Mr. LUETKEMEYER, Mr. THORNBERRY, Mr. MESSER, Mr. FASO, Mr. SMUCKER, Mr. KUSTOFF of Tennessee, Ms. TENNEY, Mr. GUTHRIE, Mr. MARCHANT, Mr. ROTHFUS, Mr. SAM JOHNSON of Texas, Mr. RICE of South Carolina, Mr. HOLLINGSWORTH, Mr. JORDAN, Mr. BABIN, Mr. FERGUSON, Mr. BRADY of Texas, Mr. MCKINLEY, Mr. HIGGINS of Louisiana, Mr. MOONEY of West Virginia, Mr. MARINO, Mr. MACARTHUR, Mr. FLEISCHMANN, Mr. AUSTIN SCOTT of Georgia, Mr. MOOLENAAR, Mr. REED, Mr. SMITH of Nebraska, Mr. MURPHY of Pennsylvania, Mr. MCCAUL, Mr. FLORES, Mr. BERGMAN, Mr. POE of Texas, Mr. BISHOP of Georgia, Mr. WEBER of Texas, Mr. STEWART, Mr. LUCAS, Mr. CHAFFETZ, Mr. BRIDENSTINE, Mr. ROYCE of California, Mr. LONG, Mr. LOUDERMILK, Mrs. BLACKBURN, Mr. DENT, Mr. BLUM, Mrs. ROBY, Mr. NUNES, Mr. BARTON, Mr. McCLINTOCK, Ms. GRANGER, Mr. LABRADOR, Mrs. MIMI WALTERS of California, Mr. ARRINGTON, Mr. POLIQUIN, Mr. ESTES of Kansas, Mr. JONES, Mr. LEWIS of Minnesota, Mr. GRAVES of Missouri, Mr. WALDEN, Mr. SCHWEIKERT, Mr. BACON, Mr. COLLINS of Georgia, Mr. ROGERS of Kentucky, Mr. COFFMAN, Ms. JENKINS of Kansas, Mr. GIANFORTE, Mr. NORMAN, Mr. TROTT, Mr. CALVERT, Mr. WEBSTER of Florida, Mr. ISSA, Mrs. HANDEL, Mr. GOODLATTE, Mr. DAVIDSON, Mr. GALLAGHER, Mr. ROHRBACHER, and Mr. CURTIS

DECEMBER 4, 2017

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 3, 2017]

A BILL

To amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Concealed Carry Reci-*
5 *procity Act of 2017”.*

6 **SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN**
7 **CONCEALED FIREARMS.**

8 *(a) IN GENERAL.—Chapter 44 of title 18, United*
9 *States Code, is amended by inserting after section 926C the*
10 *following:*

11 **“§926D. Reciprocity for the carrying of certain con-**
12 **cealed firearms**

13 *“(a) Notwithstanding any provision of the law of any*
14 *State or political subdivision thereof (except as provided in*
15 *subsection (b)) and subject only to the requirements of this*
16 *section, a person who is not prohibited by Federal law from*
17 *possessing, transporting, shipping, or receiving a firearm,*
18 *who is carrying a valid identification document containing*
19 *a photograph of the person, and who is carrying a valid*
20 *license or permit which is issued pursuant to the law of*
21 *a State and which permits the person to carry a concealed*
22 *firearm or is entitled to carry a concealed firearm in the*
23 *State in which the person resides, may possess or carry a*
24 *concealed handgun (other than a machinegun or destructive*

1 *device) that has been shipped or transported in interstate*
2 *or foreign commerce, in any State that—*

3 “(1) *has a statute under which residents of the*
4 *State may apply for a license or permit to carry a*
5 *concealed firearm; or*

6 “(2) *does not prohibit the carrying of concealed*
7 *firearms by residents of the State for lawful purposes.*

8 “(b) *This section shall not be construed to supersede*
9 *or limit the laws of any State that—*

10 “(1) *permit private persons or entities to pro-*
11 *hibit or restrict the possession of concealed firearms*
12 *on their property; or*

13 “(2) *prohibit or restrict the possession of fire-*
14 *arms on any State or local government property, in-*
15 *stallation, building, base, or park.*

16 “(c)(1) *A person who carries or possesses a concealed*
17 *handgun in accordance with subsections (a) and (b) may*
18 *not be arrested or otherwise detained for violation of any*
19 *law or any rule or regulation of a State or any political*
20 *subdivision thereof related to the possession, transportation,*
21 *or carrying of firearms unless there is probable cause to*
22 *believe that the person is doing so in a manner not provided*
23 *for by this section. Presentation of facially valid documents*
24 *as specified in subsection (a) is prima facie evidence that*

1 *the individual has a license or permit as required by this*
2 *section.*

3 “(2) *When a person asserts this section as a defense*
4 *in a criminal proceeding, the prosecution shall bear the bur-*
5 *den of proving, beyond a reasonable doubt, that the conduct*
6 *of the person did not satisfy the conditions set forth in sub-*
7 *sections (a) and (b).*

8 “(3) *When a person successfully asserts this section as*
9 *a defense in a criminal proceeding, the court shall award*
10 *the prevailing defendant a reasonable attorney’s fee.*

11 “(d)(1) *A person who is deprived of any right, privi-*
12 *lege, or immunity secured by this section, under color of*
13 *any statute, ordinance, regulation, custom, or usage of any*
14 *State or any political subdivision thereof, may bring an*
15 *action in any appropriate court against any other person,*
16 *including a State or political subdivision thereof, who*
17 *causes the person to be subject to the deprivation, for dam-*
18 *ages or other appropriate relief.*

19 “(2) *The court shall award a plaintiff prevailing in*
20 *an action brought under paragraph (1) damages and such*
21 *other relief as the court deems appropriate, including a rea-*
22 *sonable attorney’s fee.*

23 “(e) *In subsection (a):*

24 “(1) *The term ‘identification document’ means a*
25 *document made or issued by or under the authority*

1 *of the United States Government, a State, or a polit-*
2 *ical subdivision of a State which, when completed*
3 *with information concerning a particular individual,*
4 *is of a type intended or commonly accepted for the*
5 *purpose of identification of individuals.*

6 “(2) *The term ‘handgun’ includes any magazine*
7 *for use in a handgun and any ammunition loaded*
8 *into the handgun or its magazine.*

9 “(f)(1) *A person who possesses or carries a concealed*
10 *handgun under subsection (a) shall not be subject to the pro-*
11 *hibitions of section 922(q) with respect to that handgun.*

12 “(2) *A person possessing or carrying a concealed hand-*
13 *gun in a State under subsection (a) may do so in any of*
14 *the following areas in the State that are open to the public:*

15 “(A) *A unit of the National Park System.*

16 “(B) *A unit of the National Wildlife Refuge Sys-*
17 *tem.*

18 “(C) *Public land under the jurisdiction of the*
19 *Bureau of Land Management.*

20 “(D) *Land administered and managed by the*
21 *Army Corps of Engineers.*

22 “(E) *Land administered and managed by the*
23 *Bureau of Reclamation.*

24 “(F) *Land administered and managed by the*
25 *Forest Service.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
2 *such chapter is amended by inserting after the item relating*
3 *to section 926C the following:*

 “926D. *Reciprocity for the carrying of certain concealed firearms.*”.

4 (c) *SEVERABILITY.*—*Notwithstanding any other provi-*
5 *sion of this Act, if any provision of this section, or any*
6 *amendment made by this section, or the application of such*
7 *provision or amendment to any person or circumstance is*
8 *held to be unconstitutional, this section and amendments*
9 *made by this section and the application of such provision*
10 *or amendment to other persons or circumstances shall not*
11 *be affected thereby.*

12 (d) *EFFECTIVE DATE.*—*The amendments made by this*
13 *section shall take effect 90 days after the date of the enact-*
14 *ment of this Act.*

15 **SEC. 3. RULE OF CONSTRUCTION.**

16 *Nothing in this Act prohibits a law enforcement officer*
17 *with reasonable suspicion of a violation of any law from*
18 *conducting a brief investigative stop in accordance with the*
19 *Constitution of the United States.*

1 **SEC. 4. CERTAIN OFF-DUTY LAW ENFORCEMENT OFFICERS**
2 **AND RETIRED LAW ENFORCEMENT OFFICERS**
3 **ALLOWED TO CARRY A CONCEALED FIREARM,**
4 **AND DISCHARGE A FIREARM, IN A SCHOOL**
5 **ZONE.**

6 *Section 922(q) of title 18, United States Code, is*
7 *amended—*

8 *(1) in paragraph (2)(B)—*

9 *(A) by striking “or” at the end of clause*
10 *(vi); and*

11 *(B) by redesignating clause (vii) as clause*
12 *(ix) and inserting after clause (vi) the following:*

13 *“(vii) by an off-duty law enforcement officer who*
14 *is a qualified law enforcement officer (as defined in*
15 *section 926B) and is authorized under such section to*
16 *carry a concealed firearm, if the firearm is concealed;*

17 *“(viii) by a qualified retired law enforcement of-*
18 *ficer (as defined in section 926C) who is authorized*
19 *under such section to carry a concealed firearm, if the*
20 *firearm is concealed; or”;* and

21 *(2) in paragraph (3)(B)—*

22 *(A) by striking “or” at the end of clause*
23 *(iii);*

24 *(B) by striking the period at the end of*
25 *clause (iv) and inserting a semicolon; and*

26 *(C) by adding at the end the following:*

1 “(v) by an off-duty law enforcement officer who
2 is a qualified law enforcement officer (as defined in
3 section 926B) and is authorized under such section to
4 carry a concealed firearm; or

5 “(vi) by a qualified retired law enforcement offi-
6 cer (as defined in section 926C) who is authorized
7 under such section to carry a concealed firearm.”.

8 **SEC. 5. INTERSTATE CARRYING OF FIREARMS BY FEDERAL**
9 **JUDGES.**

10 (a) *IN GENERAL.*—Chapter 44 of title 18, United
11 States Code, as amended by section 2(a) of this Act, is
12 amended by inserting after section 926D the following:

13 **“§926E. Interstate carrying of firearms by Federal**
14 **judges**

15 “Notwithstanding any provision of the law of any
16 State or political subdivision thereof, a Federal judge may
17 carry a concealed firearm in any State if such judge is not
18 prohibited by Federal law from receiving a firearm.”.

19 (b) *CLERICAL AMENDMENT.*—The table of sections for
20 such chapter, as amended by section 2(b) of this Act, is
21 amended by inserting after the item relating to section
22 926D the following:

“926E. Interstate carrying of firearms by Federal judges.”.

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