H. R. 38

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.

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. Pittenger, 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. ParentHold, Mr. Jenkins of West Virginia, Mr. Emmer, Mr. Roe of Tennessee, Mr. Tipton, Mr. Johnson of Ohio, Mr. Desjardin, 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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Concealed Carry Reci-

procity Act of 2017”.

SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN
CONCEALED FIREARMS.

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

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

“(a) Notwithstanding any provision of the law of any
State or political subdivision thereof (except as provided
in subsection (b)) and subject only to the requirements
of this section, a person who is not prohibited by Federal
law from possessing, transporting, shipping, or receiving
a firearm, who is carrying a valid identification document
containing a photograph of the person, and who is car-
rying a valid license or permit which is issued pursuant
to the law of a State and which permits the person to
carry a concealed firearm or is entitled to carry a con-
cealed firearm in the State in which the person resides,
may possess or carry a concealed handgun (other than a
machinegun or destructive device) that has been shipped
or transported in interstate or foreign commerce, in any State that—

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

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

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

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

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

“(2) When a person asserts this section as a defense in a criminal proceeding, the prosecution shall bear the burden of proving, beyond a reasonable doubt, that the conduct of the person did not satisfy the conditions set forth in subsections (a) and (b).

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

“(d)(1) A person who is deprived of any right, privilege, or immunity secured by this section, under color of any statute, ordinance, regulation, custom, or usage of any State or any political subdivision thereof, may bring an action in any appropriate court against any other person, including a State or political subdivision thereof, who causes the person to be subject to the deprivation, for damages or other appropriate relief.

“(2) The court shall award a plaintiff prevailing in an action brought under paragraph (1) damages and such other relief as the court deems appropriate, including a reasonable attorney’s fee.

“(e) In subsection (a):
“(1) The term ‘identification document’ means a document made or issued by or under the authority of the United States Government, a State, or a political subdivision of a State which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

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

“(f)(1) A person who possesses or carries a concealed handgun under subsection (a) shall not be subject to the prohibitions of section 922(q) with respect to that handgun.

“(2) A person possessing or carrying a concealed handgun in a State under subsection (a) may do so in any of the following areas in the State that are open to the public:

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

“(B) A unit of the National Wildlife Refuge System.

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

“(D) Land administered and managed by the Army Corps of Engineers.
“(E) Land administered and managed by the Bureau of Reclamation.”.

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

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

(c) **SEVERABILITY.**—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.