

115TH CONGRESS  
1ST SESSION

# H. R. 38

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.

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## 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

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## 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  
10      the 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  
15      in subsection (b)) and subject only to the requirements  
16      of this section, a person who is not prohibited by Federal  
17      law from possessing, transporting, shipping, or receiving  
18      a firearm, who is carrying a valid identification document  
19      containing a photograph of the person, and who is car-  
20      rying a valid license or permit which is issued pursuant  
21      to the law of a State and which permits the person to  
22      carry a concealed firearm or is entitled to carry a con-  
23      cealed firearm in the State in which the person resides,  
24      may possess or carry a concealed handgun (other than a  
25      machinegun or destructive device) that has been shipped

1 or transported in interstate or foreign commerce, in any  
2 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 pur-  
8 poses.

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

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

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

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

1 facie evidence that the individual has a license or permit  
2 as required by this section.

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

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

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

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

24 “(e) In subsection (a):

1           “(1) The term ‘identification document’ means  
2           a document made or issued by or under the author-  
3           ity of the United States Government, a State, or a  
4           political subdivision of a State which, when com-  
5           pleted with information concerning a particular indi-  
6           vidual, is of a type intended or commonly accepted  
7           for the purpose of identification of individuals.

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

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

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

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

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

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

24               “(D) Land administered and managed by the  
25          Army Corps of Engineers.

1           “(E) Land administered and managed by the  
2       Bureau of Reclamation.”.

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

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

6       (c) SEVERABILITY.—Notwithstanding any other pro-  
7 vision of this Act, if any provision of this section, or any  
8 amendment made by this section, or the application of  
9 such provision or amendment to any person or cir-  
10 cumstance is held to be unconstitutional, this section and  
11 amendments made by this section and the application of  
12 such provision or amendment to other persons or cir-  
13 cumstances shall not be affected thereby.

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

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