

COMMUNITY PROTECTION ACT OF 1998

OCTOBER 14, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HYDE, from the Committee on the Judiciary,
submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 218]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 218) to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Community Protection Act of 1998”.

SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

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

“§ 926B. Carrying of concealed firearms by qualified law enforcement officers

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(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) As used in this section, the term ‘qualified law enforcement officer’ means an employee of a governmental agency who—

“(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

“(2) is authorized by the agency to carry a firearm at all times;

“(3) is not the subject of any disciplinary action by the agency; and

“(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm.

“(d) The identification required by this subsection is the official badge and photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.”.

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

“926B. Carrying of concealed firearms by qualified law enforcement officers.”.

SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

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

“§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(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) As used in this section, the term ‘qualified retired law enforcement officer’ means an individual who—

“(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

“(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

“(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 5 years or more; or

“(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

“(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

“(5) during the most recent 12-month period or, if the agency requires active duty officers to do so with lesser frequency than every 12 months, during such most recent period as the agency requires with respect to active duty officers, has completed, at the expense of the individual, a program approved by the State for training or qualification in the use of firearms; and

“(6) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is photographic identification issued by the State in which the agency for which the individual was employed as a law enforcement officer is located.”

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

“926C. Carrying of concealed firearms by qualified retired law enforcement officers.”.

SEC. 4. NATIONAL STANDARD FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

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

“§ 926D. National standard for the carrying of certain concealed firearms

“(a)(1) Notwithstanding any residency requirement imposed by or under State law, a person who is not a resident of a State may carry a concealed firearm in the State, subject to the other laws of the State, if—

“(A) the person is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm;

“(B) the firearm has been shipped or transported in interstate or foreign commerce;

“(C) the person is carrying a valid license or permit which—

“(i) is issued by a State designated under subsection (b) as a Class I State or a Class II State; and

“(ii) permits the person to carry a concealed firearm in such Class I or Class II State; and

“(D)(i) the State is designated under subsection (b) as a Class I State; or

“(ii) the State is designated under subsection (b) as a Class II State, and has transmitted to the Attorney General a declaration, not subsequently withdrawn or rescinded, by the Governor or other chief executive officer of the State, that, for purposes of this section—

“(I) the State will treat a permit which meets the requirements of subparagraph (C) as if the permit were issued by the State; and

“(II) such officer is not prohibited by State law from making such a declaration.

“(2) Within 7 days after the Attorney General receives a declaration described in paragraph (1)(D)(ii), or a revocation of such a declaration, the Attorney General shall publish in the Federal Register a notice advising the public of the terms and effective date of the declaration or revocation for purposes of this section.

“(b)(1) Not later than 90 days after the date of the enactment of this section, the Attorney General shall—

“(A) designate a State as a Class I State if the State is required to issue a license or permit to carry a concealed firearm to any person who meets criteria established in law or regulation, or if the meeting of such criteria by a person is sufficient to permit the person to carry a concealed firearm; and

“(B) designate a State as a Class II State if the State is authorized but not required to issue a license or permit to carry a concealed firearm to any person who meets criteria established in law or regulation.

“(2)(A) On authorization of the legislature of a State, the chief executive officer of the State may transmit to the Attorney General notice that, as a result of a change in State law, the designation in effect with respect to the State under this subsection is no longer clearly warranted.

“(B)(i) Within 7 days after being informed of any change in law which warrants the redesignation of a State under this subsection, the Attorney General shall redesignate the State, as appropriate, and publish notice of the redesignation in the Federal Register.

“(ii) For purposes of this section, a redesignation shall take effect upon publication under clause (i) of notice of the redesignation.

“(c) The Attorney General shall commence an ongoing and regular compilation of all State laws, and where applicable, Federal laws, relating to the lawful carrying of concealed firearms by private citizens, and publish on an annual basis the same for use by the public.

“(d) As used in this section:

“(1) The term ‘State’ means any State, district, commonwealth, or territory of the United States.

“(2) The term ‘Attorney General’ means the Attorney General of the United States.

“(3) The term ‘concealed firearm’ does not include a machine gun or destructive device.

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

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

PURPOSE AND SUMMARY

H.R. 218, the “Community Protection Act of 1998,” establishes federal regulations and procedures which may allow active-duty and retired law enforcement officers, as well as lawful citizens with a valid concealed carry permit, to travel interstate with a firearm. The legislation balances the rights of citizens with the need for public safety.

For law enforcement officers, H.R. 218 creates strict guidelines which must be met before any law enforcement officer, active-duty or retired, may carry a firearm into another state. For non-law enforcement officers, H.R. 218 establishes a national standard which recognizes the individual autonomy of the fifty states. The legislation allows for a person of one state to carry a concealed firearm into another state, but subject to restrictions and only after the United States Attorney General makes an appropriate designation.

Specifically, H.R. 218 requires the United States Attorney General to designate a state as a Class I or Class II state, for the purposes of establishing a national standard for the carrying of concealed firearms. A Class I state is defined as any state which is required to issue a license or permit to any person who meets the state’s established criteria for the issuance of such a license or permit. A Class II state is defined as any state which authorizes, but does not require, the issuance of a license or permit to carry a concealed firearm to any person who meets the state’s established criteria. A person with a valid Class I license or permit will be permitted to carry only in another Class I state. It is left to the individual discretionary permit Class II states to choose when to recognize a sister state’s concealed carry permit laws.

BACKGROUND AND NEED FOR THE LEGISLATION

Currently, United States citizens face a complex patchwork of federal, state and local laws regarding the carrying of concealed firearms. H.R. 218 addresses that patchwork, and establishes some measures of uniformity and consistency.

Due to the myriad of state and local laws, federal law already address one circumstance under which a citizen may carry a concealed firearm interstate. Section 926A of title 18, United States Code, allows any person who is not otherwise prohibited under the federal criminal code from transporting, shipping, or receiving a firearm, to transport a firearm from any place the person may lawfully possess it to any place the person may lawfully possess it.

During transportation, such firearm must be unloaded, and neither the firearm nor the ammunition may be directly accessible from the passenger compartment. For vehicles without separate trunk space, the firearm or ammunition must be locked in a container other than the glove compartment. Thus, federal law serves to provide for a more uniform policy for the interstate transportation of concealed firearms.

In an effort to provide further assistance to citizens who wish to travel with a valid concealed carry permit, H.R. 218 establishes a mechanism by which law enforcement officers, and citizens with valid permits, may travel interstate with a firearm. Qualified active-duty law enforcement officers will be permitted to travel interstate with a firearm, subject to certain limitations and provided that the officer is carrying his or her official badge and photographic identification. Generally, an active-duty officer is a qualified officer under H.R. 218 if the officer is authorized to engage in or supervise any violation of law, is authorized to carry a firearm at all times, is not subject to any disciplinary action by the agency, and meets any agency standards with respect to qualification with a firearm. A qualified active-duty officer may not carry a concealed firearm on any privately owned lands, if the owner prohibits or restricts such possession. A qualified officer may also not carry a firearm on any state or local government property, installation, building, base, or park. However, in their official capacity, law enforcement officers are permitted to carry weapons whenever federal, state, or local law allows. This legislation is not intended to interfere with any law enforcement officer's right to carry a concealed firearm, on private or government property, while on duty or in the course of official business.

A qualified retired officer may carry a concealed firearm, subject to the same restrictions as active-duty officers, with a few additional requirements. A retired officer must have retired in good standing, have a nonforfeitable right to collect benefits under a retirement plan, and have been employed before retirement for an aggregate of five years or more, unless forced to retire due to a service-related injury. In addition, a qualified retired officer must complete a state-approved firearms training or qualification course at his or her own expense.

As noted above, H.R. 218 also establishes a national standard for the carrying of concealed firearms by private citizens. The United States Attorney General is directed to classify a state as a Class I or Class II state. Class I states, often referred to as "shall-issue states," must recognize their sister states concealed carry laws. Class II states, often referred to as "discretionary-issue states," may choose to recognize another state's concealed carry permits or licenses. A Class II state may choose to recognize another state's concealed carry laws. H.R. 218 establishes a mechanism by which the Governor of a Class II state can notify the Attorney General of the United States that such state will treat a concealed carry permit from another state as valid. The Attorney General prints the Governor's notification in the Federal Register. The notification can be revoked or rescinded at any time the state chooses. Thus, it is left to the individual discretionary permit Class II states to

choose when to recognize a sister state's concealed carry permit laws.

The Attorney General is given ninety days to review state laws to determine whether a state is a Class I or Class II state. Many Class I states have similar, but not identical, concealed carry permit laws, and thus the Attorney General is in the best position to determine which states will qualify under the definition of a Class I state. The Committee knows of thirty states which may qualify as Class I states,¹ but as states can amend their laws at any time, the Attorney General should carefully review all states' laws before making a determination. Although Class II states have the option of permitting a citizen from another state to carry a concealed weapon in that state, the Attorney General is nevertheless expected to make as careful a review and determination for classification of Class II states. The bill does not affect any state which does not provide a mechanism by which its own citizens may carry a concealed weapon. The Committee intends that states which are classified as neither Class I nor Class II by the United States Attorney General are therefore not impacted by the national standard for private citizens provisions of this legislation.

The Committee is aware of recent studies which indicate that laws which permit private citizens to carry concealed firearms act as a deterrent to crime. A well-known study regarding concealed carry laws and a correlational decrease in crime was published in the *Journal of Legal Studies* in 1997. The study, entitled "Crime, Deterrence and Right-to-Carry Concealed Handguns," was conducted by Professor John R. Lott, Jr. and Professor David B. Mustard from the University of Chicago, and indicated marked decreases in a wide range of violent crimes, including murder, rape, robbery and aggravated assault, in those states which passed concealed carry firearms laws. Specifically, the research indicated that, if states adopted concealed carry handgun laws in 1992, approximately 1500 murders and over 4000 rapes would have been avoided. The study also found that states with the largest increases in gun ownership also had the largest drops in violent crime. The Committee is aware that the University of Chicago study has been criticized, but Professors Lott and Mustard have made their findings available to all groups for review and duplication, and they remain committed to their conclusions.

The study also noted that there is no statistical correlation between a state's concealed carry laws and accidental deaths with firearms. Additionally, according to a November, 1997 issue brief by the National Center for Policy Analysis, the national rate of accidental firearms deaths has declined annually, despite an increase in firearm ownership. The fatal firearm accident rate has declined to approximately .5 per every 100,000 people, a decrease of more than 19% in the last decade.

The Fraternal Order of Police, the Law Enforcement Alliance of America, the Southern States Police Benevolent Association, and

¹The thirty states are Alabama, Alaska, Arizona, Arkansas, Connecticut, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and Wyoming.

the Federal Law Enforcement Officers Association support passage of this legislation.

HEARINGS

The Committee's Subcommittee on Crime held one day of hearings on "Interstate Carrying of Concealed Firearms by Law Enforcement Officials," on July 22, 1997. Testimony was received from seven witnesses, representing eight organizations.

COMMITTEE CONSIDERATION

On June 19, 1998, the Subcommittee on Crime met in open session and ordered reported favorably H.R. 218, by a vote of 7-2, a quorum being present. On August 4, 1998, the Committee met in open session and ordered reported favorably the bill H.R. 218 without amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

There were no recorded votes.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth H.R. 218, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, September 11, 1998.

Hon. HENRY J. HYDE,
 Chairman, Committee on the Judiciary,
 House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 218, the Community Protection Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts for this estimate are Mark Grabowicz (for federal costs), and Lisa Cash Driskill (for the state and local impact).

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 218—Community Protection Act of 1998

Summary: H.R. 218 would exempt certain current and former law enforcement officers from state laws that prohibit the carrying of concealed firearms. This legislation also would establish a national standard for the carrying of concealed firearms across state lines by civilians. The bill would direct the Attorney General to publish relevant changes in state regulations in the Federal Register and to publish an annual report on state and federal laws relating to the carrying of firearms by private citizens.

CBO estimates that implementing this legislation would cost the federal government less than \$500,000 annually, assuming the availability of appropriated funds. The bill would not affect direct spending or receipts, so pay-as-you-go procedures would not apply.

H.R. 218 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs would not be significant and would not exceed the threshold established by that act (\$50 million in 1996, adjusted annually for inflation). This bill contains no new private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: Assuming the availability of appropriated funds, CBO estimates that implementing H.R. 218 would cost less than \$500,000 annually. The costs would be incurred by the Department of Justice, primarily to prepare the required reports on state and federal laws relating to the carrying of firearms by private citizens.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: H.R. 218 contains intergovernmental mandates as defined in UMRA, but CBO estimates that the costs would not be significant and would not exceed the threshold established by that act (\$50 million in 1996, adjusted annually for inflation). The bill would establish national standards for carrying concealed firearms and would thereby preempt state laws governing such weapons. First, all states would be required to allow any qualified current or retired law enforcement officer to carry a concealed firearm without obtaining a permit or providing notification. Second, the bill would direct the At-

torney General to designate states as Class I—those that must provide a firearm permit to people who meet minimum qualifications (referred to as “shall issue” states), or Class II—those that are authorized to issue firearm permits only under certain circumstances. The bill would require the 29 states likely to be designated as Class I to accept firearm permits from all Class I and Class II states.

In many “shall issue” states, applicants currently must obtain safety training and undergo background checks before receiving a firearm permit. This bill would require such states with strict requirements to accept firearm permits from states with limited or no safety training and background checks. The governors of the 13 states likely to be designated as Class II would not be required to accept the national standard. Eight states would not be affected by the bill—seven that do not allow the carrying of a concealed weapon and one that allows it but requires no permit.

Based on information from affected states, CBO expects that the only direct cost associated with these mandates would be the loss of revenue from firearm permit fees currently generated in Class I states from nonresidents and from qualified retired police officers. (UMRA includes in its definition of the direct costs of a mandate the amounts that state, local, and tribal governments would be prohibited from raising in revenue.) For a number of reasons, CBO estimates that revenue losses are likely to be small in each of the five years after the bill’s enactment. First, the cost of a firearm permit is small, ranging from zero to \$140, and relatively few permits are issued to nonresidents. Second, many states already have reciprocity agreements with states that have similar requirements for safety training and background checks. Furthermore, several states do not charge retired resident law enforcement officers for firearm permits. In states that do, the forgone revenue would be negligible. Finally, because permit fees are often used to fund the administration of state firearm permit programs, any loss of income from fees would likely be at least partially offset by a reduction in administrative costs.

Estimated impact on the private sector: H.R. 218 contains no new private-sector mandates as defined in UMRA.

Estimated prepared by: Federal Costs: Mark Grabowicz. Impact on State, Local, and Tribal Governments: Lisa Cash Driskill.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, Section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS

Sec. 1 Short Title: This section states that this Act may be cited as the “Community Protection Act of 1998.”

Sec. 2. Exception of Qualified Law Enforcement Officers From State Laws Prohibiting the Carrying of Concealed Firearms: This section creates new § 926B, “Carrying of concealed firearms by

qualified law enforcement officers,” in title 18, United States Code. Section 926B authorizes qualified active-duty law enforcement officers who are carrying appropriate identification to carry a concealed firearm subject to certain restrictions. The identification required is the official badge and photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

Law enforcement officers are “qualified” under this section if they: (1) are authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and have statutory powers of arrest; (2) are authorized by the law enforcement agency to carry a firearm at all times; (3) are not subject to any disciplinary action by the agency; and (4) meet established agency standards, if any, which require employees to regularly qualify in the use of a firearm. Thus, all law enforcement officers who meet all four of the above requirements, regardless of such person’s job title or the location of the agency, may carry a concealed firearm interstate. Each law enforcement officer must have specific arrest authority in the jurisdiction in order to qualify under this section.

Sec. 3. Exemption of Qualified Retired Law Enforcement Officers From State Laws Prohibiting the Carrying of Concealed Firearms: This section creates new § 926C, “Carrying of concealed firearms by qualified retired law enforcement officers,” in title 18, United States Code. Section 926C authorizes qualified retired law enforcement officers who are carrying appropriate identification to carry a concealed firearm subject to certain restrictions. The identification required is the official photographic identification issued by the state in which the agency for which the individual was employed as a law enforcement officer is located. The Committee understands that not every state issues a separate, photographic identification to retired law enforcement officers. Therefore, the Committee intends that any official photographic badge issued by the law enforcement agency from which the officer retired will be acceptable as proper photographic identification under this section.

Retired law enforcement officers are “qualified” under this section if they: (1) retired in good standing, other than for reasons of mental instability; (2) before such retirement, were authorized by law engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and have statutory powers of arrest; (3) before such retirement, were regularly employed as law enforcement officers for an aggregate of five years or more, or retired due to a service-connected disability, as determined by the agency, after completing any applicable probationary period; (4) had a nonforfeitable right to benefits under the agency’s retirement plan; and (5) during the most recent 12-month period or, if the agency requires active duty officers to do so with lesser frequency than every 12 months, during such most recent period as the agency requires with active-duty officers, has completed or will complete, at personal expense, a program approved by the state for the training or qualification in the use of firearms. In addition, all persons who wish to carry a concealed firearm interstate must not be prohibited by federal law from receiving a firearm. Each retired law enforcement officer must

have had specific arrest authority in his or her jurisdiction in order to qualify under this section.

The Committee requires that all officers must serve an aggregate of five years, to ensure that persons are not joining a police force under pretext, and retiring one or two years later with the authority to carry a concealed firearm into any state. This section is not intended to create a cohort of highly paid personal security officers, sanctioned by the federal government to carry a firearm interstate. This section is intended to increase the number of trained law enforcement officers on the streets, as well as afford police officers the opportunity to defend themselves from those who would harm them or their families simply because they carry a badge. The Committee is aware of situations in which retired officers were harmed or killed because a perpetrator discovered the retired officer's badge or shield.

Sec. 4. National Standard for the Carrying of Certain Concealed Firearms: This section creates new §926D, "National standard for the carrying of certain concealed firearms," in title 18, United States Code. This section allows the interstate carrying of concealed firearms by lawful license or permit holders, subject to specified restrictions.

Under subsections (a)(1)(A) and (B), a person who is not a resident of a state may carry a concealed weapon in that state, subject to that state's laws, if the person is not prohibited under federal law from possessing, transporting, shipping or receiving a firearm, and the firearm has been shipped or transported in interstate or foreign commerce. In addition, under (a)(1)(C), the person must be carrying a valid license which was issued by a state designated under subsection (b) as a Class I or Class II state, and permits the person to carry a concealed firearm in such Class I or Class II state. Also, under subsection (a)(1)(D), the state the person wishes to carry in must be a Class I state, or a Class II state designated under subsection (b), which has transmitted to the Attorney General a declaration, not subsequently withdrawn or rescinded, by the Governor or other chief executive officer of that state, that the state will treat a permit which meets the requirements of (C) as if the permit were issued by that state. The Governor or chief executive officer must not be prohibited by state law from making such a declaration. Within seven days after receiving such a declaration from a state Governor or chief executive officer, the United States Attorney General shall publish a notice in the Federal Register, advising the public of the term and effective date of the declaration, or revocation of the declaration, for purposes of this section.

Subsection (b)(1) requires the Attorney General to designate a state as a Class I or Class II state not later than ninety days after enactment of this Act. Class I states, often referred to as "shall-issue states," must recognize their sister states' concealed carry laws. A state is a Class I state if the state is required to issue a license or permit to carry a concealed firearm to any person who meets criteria in law or regulation, or if the meeting of such criteria by a person is sufficient to permit the person to carry a concealed firearm. Thus, states which allow citizens to carry concealed firearms without requiring a permit or license would qualify as Class I states. A state is a Class II state, often referred to as "dis-

cretionary-issue state,” if the state is authorized, but not required, to issue a license or permit to any person who meets criteria established in law or regulation.

On authorization of the legislature of a state, the chief executive officer of the state may transmit to the Attorney General notice that, as a result of a change in state law, the designation in effect with respect to that state is no longer warranted. Within seven days of being so informed, the Attorney General shall redesignate the state, as appropriate, and publish notice of the redesignation in the federal register. In accordance with such changes, the Attorney General is directed to commence a regular and ongoing compilation of all state laws, and where applicable, federal laws, relating to the lawful carrying of firearms by private citizens. The Attorney General shall annually publish such a compilation.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

CHAPTER 44 OF TITLE 18, UNITED STATES CODE

CHAPTER 44—FIREARMS

Sec.	Definitions.						
921.		*	*	*	*	*	*
926A.	Interstate transportation of firearms.						
926B.	<i>Carrying of concealed firearms by qualified law enforcement officers.</i>						
926C.	<i>Carrying of concealed firearms by qualified retired law enforcement officers.</i>						
926D.	<i>National standard for the carrying of certain concealed firearms.</i>						
		*	*	*	*	*	*

§926B. *Carrying of concealed firearms by qualified law enforcement officers*

(a) *Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).*

(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) *As used in this section, the term “qualified law enforcement officer” means an employee of a governmental agency who—*

(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

(2) *is authorized by the agency to carry a firearm at all times;*
 (3) *is not the subject of any disciplinary action by the agency;*
 and

(4) *meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm.*

(d) *The identification required by this subsection is the official badge and photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.*

§926C. Carrying of concealed firearms by qualified retired law enforcement officers

(a) *Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).*

(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) *As used in this section, the term “qualified retired law enforcement officer” means an individual who—*

(1) *retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;*

(2) *before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;*

(3)(A) *before such retirement, was regularly employed as a law enforcement officer for an aggregate of 5 years or more; or*

(B) *retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;*

(4) *has a nonforfeitable right to benefits under the retirement plan of the agency;*

(5) *during the most recent 12-month period or, if the agency requires active duty officers to do so with lesser frequency than every 12 months, during such most recent period as the agency requires with respect to active duty officers, has completed, at the expense of the individual, a program approved by the State for training or qualification in the use of firearms; and*

(6) *is not prohibited by Federal law from receiving a firearm.*

(d) *The identification required by this subsection is photographic identification issued by the State in which the agency for which the individual was employed as a law enforcement officer is located.*

§926D. National standard for the carrying of certain concealed firearms

(a)(1) *Notwithstanding any residency requirement imposed by or under State law, a person who is not a resident of a State may carry a concealed firearm in the State, subject to the other laws of the State, if—*

(A) *the person is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm;*

(B) *the firearm has been shipped or transported in interstate or foreign commerce;*

(C) *the person is carrying a valid license or permit which—*
 (i) *is issued by a State designated under subsection (b) as a Class I State or a Class II State; and*

(ii) *permits the person to carry a concealed firearm in such Class I or Class II State; and*

(D)(i) *the State is designated under subsection (b) as a Class I State; or*

(ii) *the State is designated under subsection (b) as a Class II State, and has transmitted to the Attorney General a declaration, not subsequently withdrawn or rescinded, by the Governor or other chief executive officer of the State, that, for purposes of this section—*

(I) *the State will treat a permit which meets the requirements of subparagraph (C) as if the permit were issued by the State; and*

(II) *such officer is not prohibited by State law from making such a declaration.*

(2) *Within 7 days after the Attorney General receives a declaration described in paragraph (1)(D)(ii), or a revocation of such a declaration, the Attorney General shall publish in the Federal Register a notice advising the public of the terms and effective date of the declaration or revocation for purposes of this section.*

(b)(1) *Not later than 90 days after the date of the enactment of this section, the Attorney General shall—*

(A) *designate a State as a Class I State if the State is required to issue a license or permit to carry a concealed firearm to any person who meets criteria established in law or regulation, or if the meeting of such criteria by a person is sufficient to permit the person to carry a concealed firearm; and*

(B) *designate a State as a Class II State if the State is authorized but not required to issue a license or permit to carry a concealed firearm to any person who meets criteria established in law or regulation.*

(2)(A) *On authorization of the legislature of a State, the chief executive officer of the State may transmit to the Attorney General notice that, as a result of a change in State law, the designation in effect with respect to the State under this subsection is no longer clearly warranted.*

(B)(i) *Within 7 days after being informed of any change in law which warrants the redesignation of a State under this subsection, the Attorney General shall redesignate the State, as appropriate, and publish notice of the redesignation in the Federal Register.*

(ii) *For purposes of this section, a redesignation shall take effect upon publication under clause (i) of notice of the redesignation.*

(c) The Attorney General shall commence an ongoing and regular compilation of all State laws, and where applicable, Federal laws, relating to the lawful carrying of concealed firearms by private citizens, and publish on an annual basis the same for use by the public.

(d) As used in this section:

(1) The term "State" means any State, district, commonwealth, or territory of the United States.

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "concealed firearm" does not include a machine gun or destructive device.

* * * * *

DISSENTING VIEWS

We oppose H.R. 218, the “Community Protection Act of 1998,” as reported by the Committee. Although many of us support the provisions of the legislation which would allow current and former law enforcement officers to carry concealed weapons across state lines, we all strongly oppose amendments added at markup which allow private citizens licensed to carry weapons in one state to carry them in other states, even if the two states’ licensing standards vary significantly.

The problematic provisions of H.R. 218 (section 4) would require the U.S. Attorney General to designate states as either “Class I” or “Class II” jurisdictions, depending on the nature of their laws regarding the issuance of permits to carry concealed firearms. A state would be designated a “Class I” state if its laws required it to issue a license or permit to carry concealed firearms to any person who met criteria established in law or regulation.¹ A Class I state would be required to honor concealed firearms permits issued to private citizens by any other state. A state would be designated a “Class II” state if its laws authorized, but did not require, it to issue a license or permit to carry concealed firearms to any person who met criteria established in law or regulation.² Class II states would also be required to honor concealed firearms permits issued to private citizens by any other state if their Governors merely declared to the Attorney General that they wished to extend reciprocity to out-of-state concealed firearms permits. States that do not issue concealed firearms permits at all would not be subject to this national reciprocity scheme.³

Under H.R. 218, the 29 states that would likely be designated Class I states⁴ would have to honor concealed firearms permits issued to private citizens by any other state. Even if a Class I state had expressly declared by law or resolution that it would not honor certain or all out-of-state concealed firearms permits issued to private citizens, it would be forced to honor such permits by this bill. A Class I state could escape this mandatory reciprocity scheme only by amending its own law governing the issuance of concealed firearms permits in a manner that caused it to be re-designated as

¹Class I states are commonly known as “shall issue” jurisdictions.

²Class II states are commonly known as “may issue” jurisdictions.

³E.g., Illinois, Kansas, Nebraska, New Mexico, Ohio, Missouri and Wisconsin do not allow private citizens to carry concealed firearms.

Upon authorization of the state legislature, the Governor of a state may request that the Attorney General revise its designation as a Class I or Class II state when a change in state law resulted in its current designation being “no longer clearly warranted.” In turn, the Attorney General would be required to revise that state’s designation if so warranted.

⁴“Shall issue” jurisdictions appear to include Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and Wyoming.

a Class II state or by outright banning the issuance of concealed firearms permits to its own private citizens.

This obvious and sweeping intrusion on state sovereignty will not be welcome in many instances. Indeed, a number of Class I states have already expressly considered and rejected state legislation aimed at extending reciprocity to out-of-state concealed firearms permits issued to private citizens. For example, in February of this year, South Dakota's state Senate rejected a proposal that would have extended reciprocity to out-of-state concealed pistol permits.⁵ Similarly, the Governors of Florida and Washington have recently vetoed bills allowing individuals with out-of-state concealed handgun licenses to carry concealed handguns in Florida and Washington respectively.

The legislation also short-circuits the traditional legislative processes of the fourteen so-called Class II jurisdictions which would be required to honor concealed firearms permits⁶ issued to private citizens by any other state if its Governor simply notified the U.S. Attorney General that he or she wished the state to extend reciprocity to out-of-state permits. In electing to participate in nationwide reciprocity, the Governor of a Class II state need not have secured passage of a state law expressly authorizing him or her to "opt in" on behalf of the state or even consult with the state's legislature. The state's legislature could prevent the Governor from unilaterally electing to honor out-of-state concealed firearms permits only by passing a law, presumably over the Governor's veto, expressly prohibiting the Governor from doing so.

H.R. 218 is opposed by a wide variety of law enforcement and police groups, including the International Brotherhood of Police Officers,⁷ the National Troopers Coalition,⁸ the American Federation of State, County and Municipal Employees,⁹ the Police Commissioner of New York City,¹⁰ the National Conference of Mayors and the National League of Cities,¹¹ the International Association of Chiefs of Police,¹² the Police Executive Research Forum,¹³ the National

⁵"Gun Legislation Causes Controversy," Yankton Daily Press & Dakotan (Feb. 26, 1998).

⁶"May issue" jurisdictions appear to include Alabama, California, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York and Rhode Island.

⁷Letter to Chairman Henry Hyde, from Kenneth Lyons, National President of the International Brotherhood of Police Officers (Sept. 10, 1998) ("The IBPO is disappointed that special interest groups have influenced this legislation that if passed would put police officers in more peril than they are now.").

⁸Letter to Congressman Meehan, from James Rhinebarger, Chairman of the National Troopers Coalition (Sept. 11, 1998) ("The NTC strongly opposes the amendment to H.R. 218 that would include non-law enforcement holders for several reasons. The first and foremost is officer safety.").

⁹Letter from Charles M. Loveless of the American Federation of State, County, and Municipal Employees, AFL-CIO, to Congressman Charles E. Schumer (July 31, 1998) ("We are concerned that the bill as amended would only serve to exacerbate the problem of violence in our communities.").

¹⁰Letter from Howard Safir, Police Commissioner of the City of New York, to Chairman Henry Hyde (Aug. 3, 1998) ("A nationwide expansion of the ability to carry concealed weapons would severely undermine the efforts of state and local governments to control the flow of arms and minimize their use.").

¹¹The Interstate Carrying of Firearms By Law Enforcement Officials, 1997: Hearing on H.R. 218 before the House Subcomm. on Crime, 105th Cong. (Statement of Albert Eisenberg, County Commissioner of Arlington County, Virginia on behalf of the National League of Cities and the United States Conference of Mayors).

¹²Id. (Statement of Darrell Sanders, Chief of Police, Frankfort, Illinois and President of the International Association of Chiefs of Police).

¹³Id. (Statement of Chief John S. Farrell, Chief of Police of Prince George's County and Legislative Committee Chair of the Police Executive Research Forum).

Organization of Black Law Enforcement Officers, the Hispanic American Police Command Officers Association, and the Major City Chiefs of Police. This legislation is also opposed by the American Bar Association, and various national and state public interest groups and religious organizations¹⁴ that are concerned with public safety and the increase in gun-related crimes that will result if this legislation is passed.

We will not cede to the divisive tactic of using the plight of law enforcement officers who should be entitled to carry weapons across state lines to secure the enactment of wholly unjustified and controversial language concerning private citizens. Indeed, we fear that this tactic will ultimately work to impede the chances for passage of any proposals affecting the carrying of concealed firearms by law enforcement officers during this Congress. For these and the other reasons set forth herein, we dissent from this legislation.

I. H.R. 218 WILL ENDANGER LIVES

Allowing citizens who are permitted to carry concealed weapons in a state with weak gun control laws and safety requirements to carry a concealed weapon in a strict gun control state will lead to an increase in firearm accidents and crimes. Numerous studies demonstrate that there is a substantial increase in crime and arrest rates with relaxed concealed-carry laws. According to the Texas Department of Public Safety, from January 1, 1996 to October 9, 1997, Texas concealed carry permit holders were arrested for 946 crimes, including 263 felonies. In 1996, Texas concealed carry license holders were arrested for weapon-related offenses at a rate 22% higher than that of the general population aged 21 and older. In the first six months of 1997 alone, Texas' concealed carry license arrest rate was more than twice as high as that of the general population 21 years and older.¹⁵ More than 1600 Texas concealed carry permit holders have been arrested for state crimes

¹⁴ Letter from Church Women United, Jack Berman Advocacy Center of the American Jewish Congress, National Black Police Association, National Coalition Against Domestic Violence, National Council of Jewish Women, Trauma Foundation, The United Methodist Church, General Board of Church and Society, Violence Policy Center, Youth ALIVE!, Alaska Network on Domestic Violence and Sexual Assault, Arizona Coalition Against Domestic Violence, Orange County Citizens for the Prevention of Gun Violence, Atlanta-Fulton Commission on Children and Youth, Georgians for Children, Georgians United Against Violence, Hawaii State Coalition Against Domestic Violence, Illinois Council Against Handgun Violence, Man Challenging Violence, PAVE, Iowa Coalition Against Domestic Violence, Massachusetts Coalition of Battered Women's Service Groups, YWCA of Grand Rapids, New Yorkers Against Gun Violence, New York State Coalition Against Domestic Violence, The Northern Westchester Shelter, Inc., and Washington Cease-fire, to Congressman Charles E. Schumer (Sept. 10, 1998) ("H.R. 218 is legislation based on the absurd notion that more guns leads to less crime. We strongly urge you to oppose its passage.")

Letter from the American Jewish Congress, American Medical Student Association, American Public Health Association, Americans for Democratic Action, Church of the Brethren, Washington Office, Coalition to Stop Gun Violence, Episcopal Peace Fellowship, Evangelical Lutheran Church in America, Office of Government Affairs, Handgun Control, Inc., Mennonite Central Committee, Washington Office, National Association of Public Hospitals and Health Systems, National Association of School Psychologists, National Association of Secondary School Principals, National Black Police Association, National Council of Catholic Women, National Council on Family Relations, Physicians for Social Responsibility, Presbyterian Church (U.S.A.), Washington Office, Union of American Hebrew Congregations, Unitarian Universalist Association of Congregations, United Church of Christ, Office for Church in Society, United Methodist Church, General Board of Church and Society, and the YWCA of the USA, to Chairman Henry Hyde (July 20, 1998) ("In the interest of public safety, please do not allow this dangerous legislation to become law. Oppose H.R.218, as amended.")

¹⁵ Violence Policy Center, "License to Kill Arrests Involving Texas Concealed Handgun License Holders" (Jan. 1998).

since the law went into effect in 1996, many of which could have been prevented.

Similarly, a comprehensive analysis of Florida's concealed-carry law indicates that since 1990 more than 690 individuals with serious criminal histories such as kidnaping, rape, and battery with a firearm applied for a concealed-carry permit. The study also indicates that 167 individuals were actually licensed, including those who had criminal histories of manslaughter and assault and battery on a police officer. Florida also revoked the licenses of 292 individuals for crimes they committed after received their license. With a total of 469 individuals committing crimes either before or after obtaining a license, this evidence indicates that concealed-carry can lead to more crime.¹⁶

An additional study was conducted to examine the frequency of homicides in major urban areas of Florida, Mississippi, and Oregon, before and after their shall issue laws began which reveals an increase in firearm murders. This study indicates that in four out of five municipalities examined, there was an increase in the number of firearm-related homicides after concealed-carry laws were relaxed. Researchers found that gun related homicides increased by an average of 26%, while homicides by other means did not increase.¹⁷

Proponents of the argument that relaxed concealed weapons laws lead to reduced crime often site the work of Dr. Lott and Mustard.¹⁸ However, researchers across the country who have evaluated the Lott/Mustard Study have found the conclusions unsubstantiated. For example, professors Nagin and Black¹⁹ have stated "inference based on the Lott and Mustard model is inappropriate, and their results cannot be used responsibly to formulate public policy." Similarly, professors Webster, Vernick, Ludwig, and Lester have written "the flaws in Lott and Mustard's study of shall-issue laws are so substantial, and the findings so at odds with criminology theory and research, that any conclusions about the effects . . . based on this study are dubious at best."²⁰

¹⁶ Violence Policy Center, "Concealed Carry: The Criminal's Companion, Florida's Concealed Weapons Law—A Model for the Nation?" (Nov. 1995).

¹⁷ McDowall, Loftin and Wiersema, "Easing Concealed Firearms Laws: Effects on Homicide in Three States," University of Maryland (March 1995).

¹⁸ John R. Lott & David B. Mustard, "Crime, Deterrence, and Right to Carry Concealed Handguns," 26 *J. Leg. Stud* 1 (1997).

¹⁹ Dan A. Black & Daniel S. Nagin, "Do Right-to-Carry Laws Deter Violent Crime?," 27 *J. of Legal Studies* 209 (Jan. 1998).

²⁰ Daniel W. Webster, John S. Vernick, Jens Ludwig, & Kathleen J. Lester, "Flawed Gun Policy Research Could Endanger Public Safety," 87 *Am. J. of Public Health* 918 (June 1997). See also, Jens Ludwig, "Concealed-Gun-Carrying Laws and Violent Crime: Evidence from State Panel Data," *International Review of Law and Economics* (draft date Jan. 25, 1998); Franklin Zimring & Gordon Hawkins, "Concealed Handguns: The Counterfeit Deterrent," *The Responsive Community* 46 (Spring 1997); Daniel W. Webster, "The Claims that Right-to-Carry Laws Reduce Violent Crime are Unsubstantiated," *The Johns Hopkins Center for Gun Policy and Research* (March 1997); Albert W. Alschuler, "Two Guns, Four Guns, Six Guns, More Guns: Does Arming the Public Reduce Crime?" 31 *Valp. Univ. L. Rev.* 365 (Spring 1997). Among the many substantive and procedural flaws found in the Lott/Mustard study are:

1. The status of concealed-carry laws in certain states were misclassified. Various states indicated in the Lott/Mustard study as having relaxed concealed-carry laws, actually allow some police discretion and were misclassified as "shall-issue" states. The central argument of any study concerning concealed-carry laws is the question of who is allowed to receive a permit. Adding local police discretion in providing permits as a crucial component in deciding who should and should not receive a permit, results in differentiating some "shall-issue" states from others, which is not incorporated in the Lott/Mustard study.

II. H.R. 218 CONFLICTS WITH STATE LAWS AND WILL CREATE
INTRACTABLE ENFORCEMENT PROBLEMS

H.R. 218 will provide a number of serious conflicts with state concealed weapons laws and policies and raise significant enforcement problems. Many states that have enacted laws extending some degree of reciprocity to out-of-state concealed firearms permits extend such reciprocity only when the issuing state's training requirements are as rigorous as their own. H.R. 218 totally ignores discrepancies between state training requirements, however, and thus sets an inappropriately low threshold for interstate reciprocity.

Under H.R. 218, Class I states that mandate safety or hands-on training prior to awarding concealed firearms permits to private citizens would be required to honor concealed firearms permits issued by other states requiring little-to-nothing in the way of such safety or hands-on training. In doing so, the bill permits the circumvention of training requirements that some Class I states have deemed essential to their allowing the carrying of concealed firearms within their borders—training requirements typically aimed at exposing the potential recipients of concealed firearms permits to some basic knowledge about how to use firearms, when it is lawful to use firearms, and how to store firearms safely.

For example, assume that a private citizen received a concealed firearms permit only from Georgia—a Class II state that does not require any safety or hands-on training prior to issuing such a permit—and then traveled with his or her concealed and loaded firearm across the border into Florida. Florida is a Class I state that does require safety training (completion of one of a variety of safety or training courses) prior to issuing a concealed firearms permit. Under H.R. 218, even though Florida requires safety training prior to issuing a concealed firearms permit, it must allow the carrying of concealed firearms within its borders by private citizens licensed only by Georgia—which does not require safety and hands-on training.

A similar problem may arise with respect to Class II states that require safety or hands-on training prior to issuing concealed firearms permits to private citizens. At the unilateral election of a Governor of such a state, it would have to honor concealed firearms permits issued to private citizens by other states with no safety or hands-on training requirements.

In addition, states between which reciprocity would be mandated by H.R. 218 often differ in regard to the restrictions they impose on precisely where a concealed firearm may and may not be carried within their borders. Accordingly, a private citizen licensed by one

2. "Shall-issue" laws were initially adopted to deter street crime, including robbery. Lott & Mustard demonstrate that relaxing concealed-carry laws leads to a reduction in rapes and homicides, but had virtually no effect on robbery. A high percentage of rapes and homicides are committed inside a home, where concealed-carry laws would have no impact.

3. Lott/Mustard claim that loosening concealed-carry laws will result in the reduction of certain types of violent crime and an increase in property crime. They support this theory by stating that criminals will substitute one crime for another. In other words, they claim that criminals intending to commit murder or rape will switch to stealing cars or knocking over vending machines.

4. Lott & Mustard fail to account for other gun control initiatives designed to reduce crime. Some concealed-carry laws also included other changes in gun control such as waiting periods, background checks, and safety training, which have proven to reduce crime.

state to carry a concealed firearm within its borders would not likely be familiar with other states' statutory prohibitions on carrying concealed firearms at certain sites.

Again, an example should illustrate the perils of this policy. Assume that a private citizen received a concealed firearms permit only from Arizona—a Class I state that does not expressly restrict where concealed firearms may be carried—and then traveled with his or her concealed and loaded firearm across the border into Nevada. Nevada is a Class I state that expressly bans the carrying of concealed firearms in law enforcement facilities, prisons, courthouses, public or private school facilities, or on government. Under H.R. 218, even though that private citizen may not know about the many restrictions Nevada imposes on precisely where concealed firearms may be carried within its borders, he or she would be able to carry a concealed firearm in Nevada with impunity. A related problem is that many private citizens would undoubtedly carry concealed firearms into states which they believed were Class I states but were in fact Class II states whose Governors had not elected to extend reciprocity to out-of-state permits.

Furthermore, upon encountering an out-of-state private citizen carrying a concealed and loaded firearm, a state or local police officer would have to ascertain whether that individual was properly licensed in his or her state of residence in order to determine whether the reciprocity mandated by H.R. 218 was applicable. That process will likely entail the officer's having to determine whether an out-of-state concealed firearms permit he or she is inspecting is genuine and currently valid. Notably, this legislation does nothing to facilitate the development of the sort of interstate records-sharing systems which would obviously be essential to that officer's responsibilities in this regard.²¹

CONCLUSION

Private citizens simply lack the training and experience in using deadly force and safely storing firearms that law enforcement officers have. Likewise, background checks required for the issuance of concealed firearms permits to private citizens are not even remotely as searching as those performed by law enforcement agencies examining prospective hires. Both of these factors make the carrying of concealed firearms by private citizens a far more dangerous proposition than the carrying of such firearms by current and former law enforcement officers. We urge the defeat of this dangerous legislation.

JOHN CONYERS, Jr.
 CHARLES E. SCHUMER.
 HOWARD L. BERMAN.
 JERROLD NADLER.
 BOBBY SCOTT.
 ZOE LOFGREN.

²¹ Indeed, Governor Gary Locke of Washington cited precisely this issue in explaining his veto of state reciprocity legislation, stating "the practical effect [of the reciprocity legislation] would be to require prosecutors to check with all 50 states in order to convict a person of violating our law against carrying a concealed handgun without a license. This is tantamount to repeal of the concealed handgun license law." See message of Governor Gary Locke accompanying veto of section 1 of Engrossed House Bill No. 1408, "An act relating to the carrying of a concealed pistol by persons from another state" (April 1, 1998).

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