



**Statement for the Record from Amnesty International USA  
Committee on the Judiciary  
U.S. House of Representatives  
Mark-Up Hearing on the Concealed Carry Reciprocity Act of 2017<sup>1</sup>**

November 28, 2017

The Honorable Bob Goodlatte  
Chairman  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515

The Honorable Jerry Nadler  
Ranking Member  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Goodlatte, Ranking Member Nadler and Members of the Committee:

Amnesty International USA (“AIUSA”) respectfully submits this statement for the record in connection with the above-referenced mark-up hearing before the Committee on the Judiciary. We respectfully request that this statement be included as part of the official hearing record.

On behalf of AIUSA’s more than one million members and supporters nationwide, we strongly urge you and your Members to **oppose** the Concealed Carry Reciprocity Act of 2017 (H.R.38). If passed, this bill would require all states to adopt the weakest standards in the country for issuance of concealed carry firearm permits, paving the way for individuals—some of whom have not passed any screening process—to be armed with loaded, concealed guns. The proposed legislation would hamper states’ efforts to ensure that concealed weapons do not end up in the hands of individuals likely to misuse them. Removing safeguards intended to protect the public against potential harm or deadly force by private individuals jeopardizes universally recognized human rights—including the right to life, the right to security of person, and the right to freedom of movement—thereby violating the United States’ obligations under international law.

All states authorize some type of concealed carry, but most states require a gun owner to obtain a permit before carrying a concealed weapon in public. Many states require concealed carry permit holders to complete firearms training before being issued a permit. Others place safety precautions and prohibitions on individuals who may be a danger to themselves and/or others. Some states restrict concealed carry in areas designated as gun-free zones, like schools, police stations, hospitals and bars. The most stringent policies active in eleven states require a showing of “good cause” as to why an applicant might need to carry a concealed weapon in public. Eight states also require a demonstration of good character before issuing a permit.<sup>2</sup>

Conversely, twelve states allow individuals to carry a concealed weapon *without a permit*.<sup>3</sup> H.R.38 would require all states, regardless of current state and local policy, to give full faith and



credit to concealed carry permits issued on less prudent grounds, eliminating local and state governments' ability to govern firearm policy, vetting, and safety standards impacting their own communities.

I. The Concealed Carry Reciprocity Act of 2017 (H.R.38) Mandates Concealed Carry Reciprocity in All States for the Carrying of Certain Concealed Firearms

Allowing private individuals to carry concealed, loaded handguns can endanger the public by introducing potentially lethal weapons into everyday situations, escalating disagreements, threatening law enforcement, and increasing the risk of accidental shootings. Accordingly, it is critical that states allowing concealed carry of firearms institute adequate safety precautions to ensure that concealed loaded firearms do not end up in the hands of private individuals likely to misuse them. Federally-mandated concealed carry reciprocity would strip away the shared expectation of nonviolence in public places—especially in communities that have adopted comprehensive firearm safety procedures—introducing instead an unknown force multiplier which dramatically compromises the lives of those caught in the crossfire.

A. Preempting Protections Enacted By States

All states should adopt firearm policies that protect the right to life, the right to security of person, and the right to freedom of movement, among other universally recognized human rights. States that choose to enact legislation safeguarding their residents from the dangers of concealed carry firearm policies should not be preempted. Compelling states with stringent concealed carry permitting systems to adopt less thorough procedures, under federal law, is patently unfair and forces states currently exercising due diligence in congruence with existing international human rights obligations, to instead weaken their efforts, putting the public at increased risk.

Currently, thirty-six states and the District of Columbia (DC) authorize law enforcement officials to withhold concealed carry permits from applicants who pose a danger to the public. While local and state officials are in a better position to determine whether an individual should be permitted to carry a concealed firearm, H.R.38 rolls back these protections. Under the law, a qualified individual who lawfully carries or possesses a concealed handgun in another state: (1) is not subject to the federal prohibition on possessing a firearm in K-12 public schools, and (2) may carry or possess the concealed handgun in federally owned lands that are open to the public, certain federal parks and other traditionally gun-free zones.<sup>4</sup>

Federally-mandated reciprocity would diminish existing precautions, allowing potentially dangerous individuals to carry hidden, loaded guns nationwide. Currently, for example, thirty-nine states and DC mandate gun safety training for any concealed carry permit applicant, with some requiring live training sessions. H.R. 38 would require these states to honor the concealed carry permits of states that require *no training at all*. It is well-established that firearm training is critical to responsibly manage a loaded concealed weapon, capable of



expelling deadly force<sup>5</sup>—as reflected in data from the U.S. Bureau of Justice Statistics noting that states require an average of 168 hours of firearm skills, defensive tactics, use of deadly force, and judgement training for law enforcement trainees before they are certified to carry a concealed weapon as an officer.<sup>6</sup>

H.R.38 would not only require that states honor the concealed carry permits issued by other states, but that they do so even where the permits are at odds with regulations for residents of their own state. For example, under H.R.38, a California resident *prohibited* from carrying a concealed firearm in his/her home state could obtain a permit from another state and then force California to allow that individual to carry a concealed weapon in public, directly contradicting policies of their own jurisdiction. H.R. 38 effectively nullifies all state laws designed to protect their residents against concealed carry of firearms by prohibited individuals, due to safety and security concerns that may have informed policy in a particular district or region.

B. Eroding Existing State-wide Statutory Protections Enables Potentially Dangerous Individuals to Carry Hidden, Loaded Guns Nationwide.

Thirty states and DC deny permits to individuals convicted of certain violent crimes. H.R. 38 would allow people with violent criminal convictions to carry concealed firearms across the country, even if they are completely barred from possessing guns in a particular state.

1. *Domestic Abusers:*

Currently, individuals fearing domestic abuse at the hands of an armed abuser have protection in thirty-five states and DC, where concealed carry permits are denied to *any* applicant convicted of abuse and/or subject to a domestic violence restraining order. Federal law governing the possession of firearms by domestic abusers enables two critical loopholes. First, the federal definition of domestic abuse requires that a couple be currently or formerly married, cohabitating, or the parents of shared children.<sup>7</sup> Termed the “boyfriend loophole” federal law does not pre-empt convicted domestic abusers who *aren’t married to their targets* from purchasing guns if they’re otherwise eligible.<sup>8</sup> Second, federal legislation addressing gun purchases by domestic abusers does not address relinquishment of the perpetrator’s existing gun collection, which renders the ban ineffective against any abuser who already owns a firearm, absent state and local processes for seizure of the weapon.<sup>9</sup>

2. *Stalkers:*

Armed stalkers carrying concealed weapons across the country are another grave concern under federally-mandated concealed carry reciprocity. Federal law bans felons from owning firearms, thereby covering individuals convicted of felony stalking offenses, but this restriction does not extend to individuals convicted of misdemeanor stalking.<sup>10</sup> Stalkers who can evade state gun regulations are a serious concern for victims, particularly in states where no gun



violence protection exists for victims of misdemeanor stalking.<sup>11</sup> One study found that 76 percent of women who were murdered by intimate partners were first stalked by their partner.<sup>12</sup> The Department of Justice Office for Violence Against Women notes that one in seven stalking victims move residences and locales to get away from their stalker.<sup>13</sup>

### 3. *Teenagers:*

Research indicates that 18-20 year-olds commit firearm-related homicides at a rate of four times that of adults aged 21 and older.<sup>14</sup> Age should be considered in the issuance of a concealed carry permit. Most states across the U.S. reserve the issuance of a concealed carry permit for adults aged 21 and older, but states such as Utah issue concealed carry permits to individuals as young as 18 years old. H.R. 38 would require all states to honor the concealed carry permits of other states, even those with low thresholds for age requirements. As it is, gun violence is the second leading cause of death in the U.S. for youth ages 15-24.<sup>15</sup> Youth of color are particularly impacted by gun violence, it being the leading cause of death among African American men ages 15-34.<sup>16</sup> Arming youth with the ability to carry loaded concealed weapons will only exacerbate the issue.

#### C. Forcing Adoption of Poorly Administrated Permitting Systems

Permitting systems for the issuance of concealed carry licenses vary nationwide. As with any nonuniform system, each state maintains different mechanisms through which it considers, administers, and tracks concealed carry permits. Numerous states have dismantled their permitting systems, removing background check requirements and other critical precautionary steps. Some statewide systems are ineffectively run, issuing permits to convicted felons and other dangerous individuals likely to misuse a concealed firearm—an oversight that could be deadly. In Texas, for example, over 400 convicted felons, including rapists, were inadvertently issued concealed carry weapons permits under state law between 1995 and 2000.<sup>17</sup> H.R. 38 would require that all states honor the concealed carry permits of other states, regardless of whether they have adequate systems in place to safeguard against the issuance of these licenses to private individuals likely to misuse firearms.

#### D. Impeding Law Enforcement

Federally-mandated concealed carry reciprocity would gravely impact law enforcement officers acting in the line of duty. Ambush attacks on law enforcement have increased in recent years, with 21 ambush attacks occurring in 2016 alone.<sup>18</sup> Allowing individuals likely to misuse firearms to carry concealed firearms with no system in place to adequately assess whether they are carrying legally, puts officers tasked with protecting communities at risk. Additionally, H.R. 38 would place law enforcement officers in the dangerous position of determining whether an individual carrying a concealed firearm is doing so legally, without any consistent standard for evaluation.



Law enforcement officials are particularly concerned by the provisions of H.R. 38 which would expose them to legal liability for carrying out their duties to protect the public. H.R. 38 allows law enforcement officers to be sued for attempting to verify the validity of a concealed carry permit, hampering their ability to defend themselves and others from potentially dangerous armed individuals.<sup>19</sup>

Nationwide, law enforcement groups have vehemently opposed concealed carry reciprocity—including the International Association of Chiefs of Police and the Police Foundation to the Major Cities Chiefs Association, which includes the Chiefs of Police and Sheriffs of the sixty-six largest law enforcement organizations in the country.<sup>20</sup>

**“We reject the idea that one state’s approach to carrying a concealed firearm will work across the country. States and localities should maintain their rights to legislate concealed carry laws that best meet the needs of their citizens.”<sup>21</sup>**

Concealed carry permitting states with weak vetting procedures have increased the probability of a dangerous person inadvertently being granted a license to carry a hidden weapon and have amplified the rates of violent crime in their communities. Most Americans oppose permit-less concealed carry, yet H.R. 38 would require that policies like permit-less carry become the national standard.

H.R. 38 raises serious concerns about the protection of fundamental human rights: the right to life, the right to security of person, and the right to freedom of movement. As a party to two of the international human rights treaties—the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)— the U.S. government is obligated to protect the people living in this country from gun violence.

Killing more than 30,000 men, women and children across the U.S. every year, gun violence is a human rights crisis that demands immediate attention. We ask that you take into consideration the human rights implications of gun violence and create domestic mechanisms that will allow the U.S. to meet its human rights obligations to prevent the loss of life, whether it be when a person is walking down the street, in their home, at school, attending a concert, or worshipping with their faith community. Every person has the right to live, to safety and security, and to enjoy freedom of movement. These human rights must not be compromised. In the wake of the worst mass shooting in modern U.S. history, H.R.38 would affirmatively decrease protections from gun violence, by eliminating existing safeguards governing who can carry concealed, dangerous, and deadly devices in public.

**In summary, AIUSA strongly urges you to oppose H.R. 38, due to its dangerous provisions which remove existing safeguards imposed by states to ensure that concealed weapons do not end up in the hands of individuals likely to misuse them. Passage of the Concealed Carry**



**Reciprocity Act of 2017 will threaten the lives of Americans and further exacerbate the U.S.'s existing failure to meet its obligations under international human rights law.**

For more information, please contact Zeke Johnson at [zjohnson@aiusa.org](mailto:zjohnson@aiusa.org) or (212) 633-4256.

Respectfully,

Zeke Johnson  
Senior Director of Programs  
Amnesty International USA  
[zjohnson@aiusa.org](mailto:zjohnson@aiusa.org)  
(212) 633 - 4256

---

<sup>1</sup> H.R. 38, the Concealed Carry Reciprocity Act of 2017.

<sup>2</sup> The Law Center to Prevent Gun Violence, Concealed Carry, <http://smartgunlaws.org/gun-laws/policy-areas/guns-in-public/concealed-carry/>

<sup>3</sup> *Id.*

<sup>4</sup> H.R.38 - Concealed Carry Reciprocity Act of 2017, <https://www.congress.gov/bill/115th-congress/house-bill/38>.

<sup>5</sup> United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>.

<sup>6</sup> Bureau of Justice Statistics, Summary of State and Local Law Enforcement Training Academies (July 2016), [https://www.bjs.gov/content/pub/pdf/slleta13\\_sum.pdf](https://www.bjs.gov/content/pub/pdf/slleta13_sum.pdf).

<sup>7</sup> 18 U.S.C. § 922(g)(8),(9) ; see also The Law Center to Prevent Gun Violence, Domestic Violence & Firearms, <http://smartgunlaws.org/gun-laws/policy-areas/who-can-have-a-gun/domestic-violence-firearms/>.

<sup>8</sup> Jennifer Mascia, *Domestic Abusers Frequently Get to Keep Their Guns. Here Are the Big Reasons Why*, The Trace (Oct. 26, 2015), <https://www.thetrace.org/2015/10/domestic-abuse-guns-boyfriend-loophole/>.

<sup>9</sup> The Law Center to Prevent Gun Violence, Domestic Violence & Firearms, <http://smartgunlaws.org/gun-laws/policy-areas/who-can-have-a-gun/domestic-violence-firearms/>.

<sup>10</sup> Winnie Stachelberg, Arkadi Gerney, Chelsea Parsons, *Preventing Domestic Abusers and Stalkers from Accessing Guns*, Center for American Progress (May 2013), <https://cdn.americanprogress.org/wp-content/uploads/2013/05/GunsStalkersBrief-3.pdf>.

<sup>11</sup> Arkadi Gerney and Chelsea Parsons, *Women Under the Gun: How Gun Violence Affects Women and 4 Policy Solutions to Better Protect Them*, The Center for American Progress (June 2014) at 3, <https://cdn.americanprogress.org/wp-content/uploads/2014/06/GunsDomesticViolencereport.pdf>. (“A review of conviction records in 20 states showed that there are at least 11,986 individuals across the country who have been convicted of misdemeanor-level stalking but are still permitted to possess guns under federal law.”)

<sup>12</sup> McFarlane, J.M., J.C. Campbell, S. Wilt, C.J. Sachs, Y. Ulrich, and X. Xu, *Stalking and Intimate Partner Femicide*, *Homicide Studies* 3 (4) (1999): 311, <https://victimsofcrime.org/docs/src/mcFarlane-j-m-campbell-j-c-wilt-s-sachs-c-j-ulrich-y-xu-x-1999.pdf?sfvrsn=0>.

<sup>13</sup> U.S. Department of Justice, *Office of Violence Against Women Highlights Significant Findings of Stalking Crimes Report* (June 2009), <https://www.justice.gov/sites/default/files/ovw/legacy/2009/01/13/stalking-crime-report.pdf>.

<sup>14</sup> FBI Supplementary Homicide Report, 2010-2014, and US Census Population Data, 2010-2014 (persons aged 18-20 made up 4.24% of the US population and were the primary offender in 17.16% of all gun homicides for which the age of the offender was known; adults aged 21 and over made up 72.25% of the population and were the primary offender in 76.24% of all gun homicides for which the age of the offender was known).

<sup>15</sup> Chelsea Parsons, *Young Guns: How Gun Violence is Devastating the Millennial Generation*, Center for American Progress (February 2014) at 6, <https://cdn.americanprogress.org/wp-content/uploads/2014/02/CAP-Youth-Summit-01-07-2015.pdf>.

- 
- <sup>16</sup> Centers for Disease Control and Prevention, *Youth Violence: National Statistics* (2012), <https://www.cdc.gov/violenceprevention/pdf/yv-datasheet-a.pdf>, (According to the Centers for Disease Control and Prevention, homicide is the leading cause of death for young black males ages 10 to 24.); *see also* S.Bieler, K. Kijakazi, N. LaVigne, N. Vinik, and S. Overton, *Engaging Communities in Reducing Gun Violence*, Urban Institute (April 2016), at VI, <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000760-Engaging-Communities-in-Reducing-Gun-Violence-A-Road-Map-for-Safer-Communities.pdf>; Katy Hall, *The Horrific Risk of Gun Violence for Black Kids in America*, The Huffington Post (Nov. 26, 2014), [http://www.huffingtonpost.com/2014/08/19/black-children-gun-deaths\\_n\\_5692423.html](http://www.huffingtonpost.com/2014/08/19/black-children-gun-deaths_n_5692423.html).
- <sup>17</sup> William C. Rempel & Richard A. Serrano, *Felons Get Concealed Gun Licenses Under Bush's 'Tough' Gun Law*, L.A. Times, Oct. 3, 2000, at A1, at <http://articles.latimes.com/2000/oct/03/news/mn-30319>.
- <sup>18</sup> Preliminary Law Enforcement Fatalities Report 2016; <http://www.nleomf.org/assets/pdfs/reports/Preliminary-2016-EOY-Officer-Fatalities-Report.pdf>.
- <sup>19</sup> The Concealed Carry Reciprocity Act of 2017, § 926 D (3)(d)(1), <https://www.congress.gov/115/bills/hr38/BILLS-115hr38ih.pdf>.
- <sup>20</sup> Letter from Jim Johnson to Members of Congress, May 24, 2016, <https://www.lepartnership.org/wp-content/uploads/2017/01/Reissued-Statement-Re-Nationwide-Concealed-Carry-Reciprocity.pdf>.
- <sup>21</sup> Statement of the National Law Enforcement Partnership to Prevent Gun Violence on the Concealed Carry Reciprocity Act of 207- S,466 and H.R. 38, [https://www.lepartnership.org/wp-content/uploads/2017/07/LEP\\_Letter-2017-1\\_CCW-HouseSenate.pdf](https://www.lepartnership.org/wp-content/uploads/2017/07/LEP_Letter-2017-1_CCW-HouseSenate.pdf).