H. R. 822

To amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2011

Mr. STEARNS (for himself and Mr. SHULER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Right-to-
Carry Reciprocity Act of 2011”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Second Amendment to the Constitution of the United States protects the fundamental right
of an individual to keep and bear arms, including for
purposes of individual self-defense.

(2) The Supreme Court of the United States
has recognized this right in the case of District of
Columbia v. Heller, and in the case of McDonald v.
City of Chicago, has recognized that the right is pro-
tected against State infringement by the Fourteenth
Amendment to the Constitution of the United
States.

(3) The Congress has the power to pass legisla-
tion to protect against infringement of all rights pro-
tected under the Fourteenth Amendment to the Con-
stitution of the United States.

(4) The right to bear arms includes the right to
carry arms for self-defense and the defense of oth-
ers.

(5) The Congress has enacted legislation of na-
tional scope authorizing the carrying of concealed
firearms by qualified active and retired law enforce-
ment officers.

(6) Forty-eight States provide by statute for
the issuance to individuals of permits to carry con-
cealed firearms, or allow the carrying of concealed
firearms for lawful purposes without the need for a
permit.
(7) The overwhelming majority of individuals who exercise the right to carry firearms in their own States and other States have proven to be law-abiding, and such carrying has been demonstrated to provide crime prevention or crime resistance benefits for the licensees and for others.

(8) The Congress finds that preventing the lawful carrying of firearms by individuals who are traveling outside their home State interferes with the constitutional right of interstate travel, and harms interstate commerce.

(9) Among the purposes of this Act is the protection of the rights, privileges, and immunities guaranteed to a citizen of the United States by the Fourteenth Amendment to the Constitution of the United States.

(10) The Congress, therefore, should provide for national recognition, in States that issue to their own citizens licenses or permits to carry concealed handguns, of other State permits or licenses to carry concealed handguns.
SEC. 3. RECIPROCITY FOR THE CARRYING OF CERTAIN
CONCEALED FIREARMS.

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

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

“(a) Notwithstanding any provision of the law of any State or political subdivision thereof, related to the carrying or transportation of firearms, a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm, may carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce, in any State, other than the State of residence of the person, that—

“(1) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(2) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.
“(b) A person carrying a concealed handgun under this section shall be permitted to carry a handgun subject to the same conditions or limitations that apply to residents of the State who have permits issued by the State or are otherwise lawfully allowed to do so by the State.

“(c) In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, a firearm shall be carried according to the same terms authorized by an unrestricted license or permit issued to a resident of the State.

“(d) Nothing in this section shall be construed to preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.”.

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

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

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

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