

117TH CONGRESS
1ST SESSION

H. R. 38

To amend title 18, United States Code, to provide a means by which non-residents of a State whose residents may carry concealed firearms may also do so in the State.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Mr. HUDSON (for himself, Mr. ALLEN, Mr. BABIN, Mr. BALDERSON, Mr. BARR, Mr. BISHOP of North Carolina, Mrs. BOEBERT, Mr. BROOKS, Mr. BUDD, Mr. CALVERT, Mr. CHABOT, Mr. CLINE, Mr. CLOUD, Mr. DAVIDSON, Mr. DUNCAN, Mr. FULCHER, Mr. FERGUSON, Mr. GAETZ, Mr. GOSAR, Mrs. GREENE of Georgia, Mr. GROTHMAN, Mr. HIGGINS of Louisiana, Mr. HILL, Mr. JOHNSON of Ohio, Mr. JOYCE of Pennsylvania, Mr. KELLY of Pennsylvania, Mr. KINZINGER, Mr. LAMALFA, Mr. LAMBORN, Mr. LONG, Mr. MOONEY, Mr. MULLIN, Mr. NEHLS, Mr. NORMAN, Mr. PALAZZO, Mr. PALMER, Mr. POSEY, Mr. RESCHENTHALER, Mr. ROUZER, Mr. RUTHERFORD, Mr. STEUBE, Mr. TAYLOR, Mrs. WAGNER, Mr. WALTZ, Mr. WEBER of Texas, Mr. ZELDIN, Mr. CRENSHAW, Mr. RICE of South Carolina, Mr. GOODEN of Texas, Mr. BUCSHON, Mr. WITTMAN, Mr. BIGGS, Ms. STEFANIK, Mr. MEUSER, Mr. ARMSTRONG, Mr. WOMACK, Mr. BACON, Mrs. LESKO, Mr. SIMPSON, Mr. WALBERG, Mr. MCKINLEY, Mr. GONZALEZ of Ohio, Mr. STIVERS, Mr. COLE, Mr. HAGEDORN, Mr. KUSTOFF, Mr. BANKS, Mr. GARCIA of California, Mr. HERN, Mr. NEWHOUSE, Mr. BRADY, Mr. HUIZENGA, Mr. AUSTIN SCOTT of Georgia, Mr. BUCHANAN, Mr. GREEN of Tennessee, Mr. SMITH of Missouri, Mr. STEWART, Mr. TIMMONS, Mr. EMMER, Mr. WESTERMAN, Mr. MURPHY of North Carolina, Mr. WRIGHT, Ms. HERRERA BEUTLER, Mr. SCHWEIKERT, Mr. WILLIAMS of Texas, Mr. BERGMAN, Mr. LATTA, Mrs. WALORSKI, Mr. JACOBS of New York, Mr. BURCHETT, Mr. ESTES, Mr. CRAWFORD, Mr. WENSTRUP, Mr. COMER, Mr. ROY, Mr. HICE of Georgia, Mr. MOORE of Alabama, Mr. DESJARLAIS, Mr. THOMPSON of Pennsylvania, Mr. LUETKEMEYER, Mr. AMODEI, Mr. ROGERS of Alabama, Mr. SMUCKER, Mr. MAST, Mr. LOUDERMILK, Mr. STAUBER, Mr. GUEST, Mr. MCHENRY, Mr. CAWTHORN, Mr. DUNN, Mr. GIBBS, Mrs. SPARTZ, Mrs. HARTZLER, Mr. JACKSON, Mr. HARRIS, Mr. UPTON, Mr. GOHMERT, Mr. BAIRD, Mr. SMITH of Nebraska, Mr. ARRINGTON, Mr. JOHNSON of South Dakota, Mr. CLYDE, Mr. CARTER of Texas, Ms. GRANGER, Mr. JORDAN, Mr. JOHNSON of Louisiana, Mr. LAHOOD, Mrs. BICE of Oklahoma, Mr. BUCK, Mr. CUELLAR, Mr. PERRY, Mr. CURTIS,

Mr. VICENTE GONZALEZ of Texas, Mr. RODNEY DAVIS of Illinois, Mr. SCALISE, Mr. ROSE, Mr. BISHOP of Georgia, Mr. TIFFANY, Mr. GRAVES of Missouri, Mr. MCCLINTOCK, Ms. CHENEY, Mr. PFLUGER, Mrs. CAMMACK, Mr. CARTER of Georgia, Mr. BURGESS, Mr. WEBSTER of Florida, Mr. ROGERS of Kentucky, Mr. ADERHOLT, Mr. STEIL, Mr. FALLON, Mr. REED, Mr. MOORE of Utah, Mr. GUTHRIE, Ms. MACE, and Mr. KELLY of Mississippi) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Concealed Carry Reci-
 5 procity Act”.

6 **SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN**
 7 **CONCEALED FIREARMS.**

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

11 **“§ 926D. Reciprocity for the carrying of certain con-**
 12 **cealed firearms**

13 “(a) Notwithstanding any provision of the law of any
 14 State or political subdivision thereof (except as provided
 15 in subsection (b)) and subject only to the requirements

1 of this section, a person who is not prohibited by Federal
2 law from possessing, transporting, shipping, or receiving
3 a firearm, who is carrying a valid identification document
4 containing a photograph of the person, and who is car-
5 rying a valid license or permit which is issued pursuant
6 to the law of a State and which permits the person to
7 carry a concealed firearm or is entitled to carry a con-
8 cealed firearm in the State in which the person resides,
9 may possess or carry a concealed handgun (other than a
10 machine gun or destructive device) that has been shipped
11 or transported in interstate or foreign commerce, in any
12 State that—

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

16 “(2) does not prohibit the carrying of concealed
17 firearms by residents of the State for lawful pur-
18 poses.

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

21 “(1) permit private persons or entities to pro-
22 hibit or restrict the possession of concealed firearms
23 on their property; or

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

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

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

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

24 “(d)(1) A person who is deprived of any right, privi-
25 lege, or immunity secured by this section, under color of

1 any statute, ordinance, regulation, custom, or usage of any
2 State or any political subdivision thereof, may bring an
3 action in any appropriate court against any other person,
4 including a State or political subdivision thereof, who
5 causes the person to be subject to the deprivation, for
6 damages or other appropriate relief.

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

11 “(e) In subsection (a):

12 “(1) The term ‘identification document’ means
13 a document made or issued by or under the author-
14 ity of the United States Government, a State, or a
15 political subdivision of a State which, when com-
16 pleted with information concerning a particular indi-
17 vidual, is of a type intended or commonly accepted
18 for the purpose of identification of individuals.

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

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

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

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

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

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

10 “(D) Land administered and managed by the
11 Army Corps of Engineers.

12 “(E) Land administered and managed by the
13 Bureau of Reclamation.

14 “(F) Land administered and managed by the
15 Forest Service.”.

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

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

19 (c) SEVERABILITY.—Notwithstanding any other pro-
20 vision of this Act, if any provision of this section, or any
21 amendment made by this section, or the application of
22 such provision or amendment to any person or circum-
23 stance is held to be unconstitutional, this section and
24 amendments made by this section and the application of

1 such provision or amendment to other persons or cir-
2 cumstances shall not be affected thereby.

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

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