



Federally Mandated Concealed Carry Reciprocity (H.R.38): Dangerous for New York

Federally Mandated Concealed Carry Reciprocity (FMCCR), a federal bill introduced to Congress in January 2017, would require New York and other strong-gun-law states to recognize the concealed carry permits of gun owners from all other states. Since many other states have weak concealed carry laws, FMCCR would allow people who have not been through a background check or who have no permit at all to carry concealed weapons in New York and around the country. FMCCR would also override state law prohibitions on guns in public places, such as bars and schools, and other reasonable safety measures that prevent dangerous people from carrying guns in public. The NRA-backed FMCCR bill would endanger our citizens and police and let weak-gun-law states dictate national gun law policy by overriding strong state laws.

New York State's concealed carry law is one of the strongest in the U.S.

- New York's strong gun laws have been designed to address the state's unique security and safety concerns (such as protecting millions of visitors to New York each year and addressing homeland security threats).
- New York's concealed carry permitting process requires the applicant to show "proper cause" to carry a concealed handgun in public and applicants may be required to undergo a mental health screening.ⁱ
- New York law enforcement is given full discretion to grant or deny individuals concealed carry permits.ⁱⁱ
- New York bars felons, people with violent misdemeanor convictions, convicted domestic abusers, convicted stalkers and other dangerous people from obtaining concealed carry permits.ⁱⁱⁱ
- New York does not currently recognize concealed weapon permits issued in other states.
- The constitutionality of New York's concealed carry law was affirmed in 2012 by a United States Court of Appeals.^{iv}

FMCCR would force New York to accept concealed carry weapon (CCW) permits issued by weak-gun-law states.

- FMCCR would allow dangerous criminals who have obtained their permits in weak-gun-law states to conceal carry in any state, including New York.
- A substantial number of states have weak CCW permitting requirements:
 - Vermont is one of 10 states that does not require a permit at all to carry concealed weapons.
 - Twenty-one states issue permits to convicted stalkers.
 - Twenty states allow individuals who have been convicted of crimes of violence to obtain concealed carry permits.^v
 - In Texas alone, more than 400 criminals (including armed robbers and rapists) were issued permits between 1995 – 2000, as reported by the *Los Angeles Times*.^{vi}
 - Florida has more than 1 million concealed carry permit holders. An *Orlando Sentinel* analysis of a six-month period in Florida reported that CCW permits were issued to more than 1,400 felons, 216 people with outstanding warrants, 128 people with active domestic violence injunctions against them, and six registered sex offenders.^{vii}

Concealed Carry Reciprocity would endanger public safety in New York.

- FMCCR would increase the number of people carrying loaded guns in public and allow millions of concealed carry permit holders from weak-gun-law states to freely carry their loaded weapons into New York and its crowded tourist destinations like Times Square and Niagara Falls.
- FMCCR would encourage more widespread transport of firearms and increase the number of lost and stolen guns.
- The practice of concealed carry is more likely to lead to murder, suicide, mass shootings, and unintentional death, than to be used for self-defense or to protect others.^{viii}

Concealed Carry Reciprocity would endanger New York State’s law enforcement.

- If FMCCR is enacted, New York law enforcement will be unable to quickly verify out-of-state CCW permits or enforce the law because there is no comprehensive national database to notify police when a permit is counterfeit, expired, or has recently been revoked.
- New York’s police may even be sued for attempting to verify a permit.
- Law enforcement will be more likely to misidentify a threatening, dangerous criminal as a lawful concealed carrier which will increase the chances of harm to the carrier and the public.

Concealed Carry Reciprocity undermines New York State’s right to protect its citizens.

- Federally mandated concealed carry reciprocity is a violation of states’ rights and undermines New York’s legislative and regulatory authority to determine who can—and who cannot—carry hidden and loaded guns in public.
- Overreaching by the federal government and effectively forcing lower standards on states is a direct breach of New York’s police powers.
- If passed, this bill would lead to a slippery slope of NRA-sponsored measures that would override reasonable New York State gun safety laws that are saving lives and would enable pro-gun extremists to dominate public spaces with guns.

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ⁱ N.Y. Penal Law § 400.00(2)(f).

ⁱⁱ *Id.*

ⁱⁱⁱ N.Y. Penal Law § 400.00(11).

^{iv} In *Kachalsky v. Cacace* (2012), the U.S. Court of Appeals, Second Circuit, unanimously upheld the constitutionality of NYS law’s “proper cause” requirement on the basis that the requirement is substantially related to New York’s strong interest in public safety and crime prevention.

^v <http://everytownresearch.org/state-by-state-danger-of-overriding-concealed-carry-laws/>.

^{vi} See <http://smartgunlaws.org/gun-laws/policy-areas/firearms-in-public-places/concealed-weapons-permitting/> citing 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>.

^{vii} www.concealedcarrykillers.org (Violence Policy Center) citing *Orlando Sentinel*, http://articles.orlandosentinel.com/2007-01-28/news/MGUNS28_1_carry-a-gun-license-to-carry-concealed.

^{viii} See Violence Policy Center’s analysis; <http://concealedcarrykillers.org/concealed-carry-killers-background/>.