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November 27, 2017

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate  
317 Russell Senate Office Building  
Washington, DC 20510

The Honorable Paul Ryan  
Speaker of the House  
U.S. House of Representatives  
1233 Longworth HOB  
Washington, DC 20515

The Honorable Chuck Schumer  
Minority Leader  
U.S. Senate  
322 Hart Senate Office Building  
Washington, DC 20510

The Honorable Nancy Pelosi  
Minority Leader  
U.S. House of Representatives  
233 Cannon H.O.B.  
Washington, DC 20515

**Re: Prosecutors' Concerns Regarding the Constitutional Concealed Carry Reciprocity Act of 2017 and Concealed Carry Reciprocity Act of 2017**

Dear Majority Leader McConnell, Leader Schumer, Speaker Ryan and Leader Pelosi:

The Association of Prosecuting Attorneys (APA) is a private non-profit organization whose mission is to support and enhance the effectiveness of prosecutors in their efforts to create safer communities. We are a national organization supporting all prosecutors, including both appointed and elected prosecutors, as well as their deputies and assistants, whether they work as city attorneys, city prosecutors, district attorneys, state's attorneys, attorneys general, or U.S. attorneys. On behalf of APA, I write to express concerns regarding the Constitutional Concealed Carry Reciprocity Act of 2017 (S. 446) and Concealed Carry Reciprocity Act of 2017 (H.R. 38). Neither piece of legislation would create a national standard of who can carry a concealed gun in public. Rather, they would override existing state laws and force each state to accept the concealed carry standards applicable to residents of every other state, regardless of whether those other states have similar standards, or any standards at all, for issuing permits. This federal preempting would create significant difficulties for law enforcement officers. Specifically, it would undermine state and municipal laws, increase the danger to officers involved in routine traffic stops, and make it more difficult for prosecutors to evenly enforce criminal gun possession laws.

As prosecutors, we respect the rights protected under the Second Amendment of the United States Constitution, as well as the recent Supreme Court decisions interpreting this constitutional right. The Supreme Court held in District of Columbia v. Heller that while



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Americans have a fundamental right to keep and bear arms in the interest of self-defense of person and home, the right is not unlimited. Indeed, “the right [is] not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” District of Columbia v. Heller, 554 U.S. 570, 626 (2008). The Court has upheld laws prohibiting the possession of firearms by felons or the mentally ill, in sensitive areas such as schools and government buildings, and restrictions and qualifications for the commercial sale of firearms.

The Court reiterated its reasoning in McDonald v. City of Chicago, 561 U.S. 742, 786 (2010), stating “[w]e made it clear in Heller that our holding did not cast doubt on such longstanding regulatory measures as ‘prohibitions on the possession of firearms by felons and the mentally ill,’ ‘laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms’... We repeat those assurances here....[I]ncorporation does not imperil every law regulating firearms.” As these types of regulations and prohibitions are highly localized in nature, they traditionally have been and are best handled by state and local governments to reasonably protect the safety of their constituents.

State and local governments throughout the country have carefully and thoughtfully created their own framework of standards for carrying concealed firearms to suit public safety needs. For example, at least 38 states require a resident to have a concealed carry permit, at least 31 states require applicants to complete safety training, at least 27 states prevent people convicted of certain misdemeanor crimes of violence from obtaining carry permits, and at least 23 states prevent alcohol abusers from obtaining concealed permits. S. 446 and H.R. 38 undermine this framework by allowing individuals to carry concealed weapons in every state, without regards as to whether that person would be eligible to do so under the laws of the non-residential state. Federal legislation would remove from the states authority to craft their own public safety laws and would undercut local efforts to combat gun violence.

A serious implication of forced reciprocity of concealed carry laws is the difficulty and threat to safety that law enforcement would face during traffic stops if they must verify the validity of carry standards and permits from across the country. Traffic stops, already unpredictable and dangerous, would become more stressful for police if they are confronted with hundreds of thousands of visitors from states with lower concealed carry standards and forced to anticipate the presence of a concealed firearm by visitors. This legislation would force officers to make split-second decisions for their own safety and would increase the danger to all involved in the traffic stop.

As prosecutors, our most important goal is to keep our communities safe by evenly and effectively enforcing our laws in the criminal courts to hold offenders accountable for their actions. State and local law enforcement are in the best position to determine what criminal



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justice policies work best in the communities. Weakening concealed carry permits standards would compromise public safety and make the jobs of police officers far more difficult and dangerous. I urge you to consider the effects that S. 446 and H.R. 38 would have on the safety of police officers and the safety of communities nationwide.

Sincerely,

**David LaBahn**  
President and CEO