

# MYTHS VS. FACTS: CONCEALED CARRY RECIPROACITY

## **MYTH #1: CONCEALED CARRY RECIPROACITY WOULD CREATE A NATIONAL STANDARD SO THAT ALL PERMIT HOLDERS WOULD HAVE TO MEET THE SAME REQUIREMENTS TO CARRY A CONCEALED, LOADED HANDGUN IN PUBLIC.**

**THE FACTS:** If concealed carry reciprocity passes into law, it would not create a national standard for concealed carry weapons (CCW) permits. Currently, states have a wide array of CCW laws that determine who can carry concealed, loaded firearms in public. 24 states have robust permitting systems that allow the issuing authority discretion to deny a permit to a dangerous person, 14 states grant permits without a proper evaluation, and 12 states do not even require a permit to carry a concealed, loaded handgun in public.

Concealed carry reciprocity would instead **reinforce the confusing patchwork of state laws** and force every state to recognize concealed carry permits issued by every other state, despite the dramatically different standards. Untrained individuals could obtain permits through the state that is the weakest link, giving the weakest state laws in the country the furthest reach, and allowing individuals to carry guns in states where they cannot even legally purchase firearms.

## **MYTH #2: CCW PERMITS ARE JUST LIKE DRIVER'S LICENSES. IF CONCEALED CARRY RECIPROACITY PASSES INTO LAW, IT WOULD BE EASY FOR PEOPLE TO TRAVEL WITH THEIR CCW PERMITS NATIONWIDE.**

**THE FACTS:** Unlike CCW permits, driver's licenses are standard, verifiable documents that meet almost the same criteria across the country. In fact, in order to be recognized by federal agencies, driver's licenses must meet federal criteria established by the REAL ID Act that contain physical security features including a photo of its holder and uniform data such as identity, date of birth, principal residence address, etc.

Concealed carry permits, on the other hand, do not contain uniform information or standard security features. Permits' appearances vary significantly among states: some states issue permits that resemble paper library cards, while others issue permits that lack photo identification. In order to verify the authenticity and validity of a permit, law enforcement would have to contact the issuing agency in the permit holder's state because no national database—and sometimes no statewide database—containing concealed carry permit information exists.

To obtain a driver's license, individuals must also undergo several forms of testing, including a vision exam, exams that test knowledge of driving and relevant laws, and an in-person driving test. Underage applicants in most states must also fulfill practice hours or complete driver's education classes. Training to obtain a CCW permit, however, varies widely throughout the states. A number of states require classroom instruction and live-fire training to obtain a CCW permit. In 19 states, however, individuals do not need to undergo any training to carry concealed. This

includes 12 states where individuals do not even need a permit—no less any training—to carry concealed, loaded firearms in public.

If concealed carry reciprocity becomes law, untrained individuals could carry concealed, loaded firearms nationwide. The lack of identifying data and divergent information on concealed carry permits would present a serious challenge for a law enforcement officers seeking to determine if an individual is lawfully carrying a concealed gun. This would create a lengthy, complicated process that would take law enforcement away from critical policing duties. In many cases, law enforcement could lack the ability to verify if CCW permits are forged or stolen, allowing guns to fall into dangerous hands.

### **MYTH #3: PEOPLE WITH CONCEALED CARRY WEAPONS PERMITS ARE LAW ABIDING AND HIGHLY TRAINED.**

**THE FACTS:** While many states require CCW permit applicants to demonstrate that they have received training in firearm use and/or firearm safety, the gun lobby has worked aggressively in state capitols to weaken or eliminate training requirements for CCW permit holders.

The most drastic example of the erosion of state standards is the proliferation of “permitless” carry states. In 2011, the last time the U.S. House of Representatives took up a concealed carry reciprocity proposal, three states did not require a permit to obtain a CCW permit. In 2013, the last time the U.S. Senate voted on this proposal, four states did not require a permit to obtain a CCW permit. Today, 12 states do not require a permit or any training to carry a concealed, loaded handgun in public and 19 states in total do not require any training to obtain a permit. Law enforcement in the 12 “permitless” carry states have no way to know who is carrying concealed guns, let alone if these are trained or law-abiding individuals.

Additionally, many states poorly manage their concealed carry permitting systems. Dangerous flaws in permitting systems in North Carolina, Tennessee, Colorado and other states have allowed individuals disqualified by criminal convictions, including convicted felons and individuals with outstanding arrest warrants, to nevertheless maintain concealed carry permits.<sup>i</sup> Many of these permit holders go on to commit further crimes.

### **MYTH #4: PERMISSIVE CONCEALED CARRY WEAPONS LAWS REDUCE CRIME. EVERY YEAR, MILLIONS OF GUN OWNERS AND PERMIT HOLDERS USE FIREARMS DEFENSIVELY AND THWART CRIME AND ATTACKERS.**

**THE FACTS:** There is no credible statistical evidence that shows that permissive CCW laws reduce crime.<sup>ii</sup> In fact, the evidence suggests that permissive CCW laws may actually increase the frequency of some types of crime, such as assault.<sup>iii</sup> One recent study found that states that award CCW permits to anyone who meets minimum standards experience 13 to 15 percent more violent crime than states with stronger laws.<sup>iv</sup> Overall, research confirms the common sense conclusion that more guns create more opportunities for injury and death, not fewer.<sup>v</sup>

Claims that firearms are used defensively millions time every year have also been widely discredited.<sup>vi</sup> Even when a firearm is used in self-defense, which is rare, research shows that a firearm is no more likely to reduce a person’s chance of being injured during a crime than other various forms of protection.<sup>vii</sup> One study suggests that carry a firearm may actually increase a victim’s risk of firearm injury during the commission of a crime.<sup>viii</sup>

Few Americans believe the U.S. would be safer if more people carried guns. Just 35 percent of voters surveyed by a June 2017 Quinnipiac Poll believe that the country would be a safer place to live if more people carried guns.<sup>ix</sup>

### **MYTH #5: CCW PERMIT HOLDERS WHO ARE LAWFULLY ABLE TO CARRY IN THEIR STATE ARE OFTEN CONSIDERED “ACCIDENTAL CRIMINALS” JUST BECAUSE THEY ARE TRAVELING TO ANOTHER STATE WITH A CONCEALED FIREARM.**

**THE FACTS:** Currently, each state decides whether it will recognize CCW permits issued by other states. Through reciprocity agreements, states ensure that permit holders from one state can travel to another state with a loaded, concealed firearm without endangering public safety. Concealed carry permit holders can easily check to determine whether their permits are recognized in other states, as states make this information directly available online. Furthermore, if a permit holder wants to travel with a gun through a state that does not recognize his or her permit, the permit holder only needs to properly lock the gun in the trunk of the car—federal law already guarantees the permitholder that authority.

Concealed carry reciprocity would not create a national CCW permitting standard. Instead it would require states to accept all permits and permissions to carry from all other states even if they don't meet the requirements in that state. The wide array of state laws would remain intact and concealed carry reciprocity would only reinforce the confusing patchwork of state laws that currently exists.

### **MYTH #6: CONCEALED CARRY RECIPROCITY WOULDN'T OVERRIDE EXISTING STATE AND LOCAL GUN LAWS GOVERNING WHERE PEOPLE CAN CARRY.**

**THE FACTS:** The House version of concealed carry reciprocity would override a host of state and local laws that currently prohibit permit holders from carrying guns in places like bars, daycare centers, places of worship, athletic events, and near polling places. These laws buttress the authority of private property owners to prohibit guns on their property, and enable law enforcement to anticipate where they are most and least likely to encounter armed individuals. For example, in Florida and many other states, a concealed handgun license does not authorize the license holder to carry a concealed handgun into a bar. Administrative regulations in Indiana prohibit the carrying of guns in certain casinos and childcare centers. Louisiana prohibits the carrying of concealed handguns in churches, synagogues, mosques, and other places of worship, unless special requirements are met. These kinds of laws are common across the country, and law enforcement, private property owners, and the public rely on them. Concealed carry reciprocity would override these laws, allowing guns in spaces most people assume are gun-free.

### **MYTH #7: CONCEALED CARRY RECIPROCITY DOESN'T MAKE IT ANY EASIER TO BUY A GUN.**

**THE FACTS:** Gun traffickers frequently cross state lines to obtain guns from states with the weakest laws. Concealed carry reciprocity would make it easier for them to do that. It would tie the hands of law enforcement officers who encounter armed, out-of-state residents, who may be trafficking guns. Under the House version of concealed carry reciprocity, the Concealed Carry Reciprocity Act of 2017, or H.R. 38, a law enforcement officer who pulls over a person with a permit could face a lawsuit for questioning the person. An unscrupulous concealed carry permitholder would be able to gather large number of guns in states with weak gun laws, and then cross state lines unencumbered by questioning at traffic stops. Those guns would then be available in the criminal market, making us all less safe.

## MYTH #8: LAW ENFORCEMENT OFFICERS SUPPORT CONCEALED CARRY RECIPROCIITY.

**THE FACTS:** Major law enforcement groups, including the International Association of Chiefs of Police, Major Cities Chiefs Association, Police Foundation, and Police Executive Research Forum, oppose concealed carry legislation. The House version of concealed carry reciprocity, H.R. 38, goes a step beyond the Senate version and exposes law enforcement to personal litigation if officers mistakenly question a person's legal authority to possess a firearm. As a result, officers would fear conducting thorough investigations and would be deterred from effectively doing their jobs.

In a letter urging Congress to oppose the House bill, 9 national law enforcement organizations, including the groups referenced above, state that "The lack of consistent and in many cases the absence of training standards coupled with the exposure of agencies and police officers to tort claims present an unacceptable risk to the public, specifically our law enforcement personnel. We reject the idea that one state's approach to carrying a concealed firearm will work across every state, city or community. States and localities should have the right to legislate concealed carry."

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### ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords and her husband, Navy combat veteran and retired NASA astronaut Captain Mark Kelly, Giffords inspires the courage of people from all walks of life to make America safer.

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<sup>i</sup> Violence Policy Center, Research Exposes Dangerous Flaws in State Concealed

Handgun Permit Systems, at <http://concealedcarrykillers.org/wp-content/uploads/2017/03/State-CCW-fact-sheet-formatted-2017.pdf>.

<sup>ii</sup> Ian Ayres & John J. Donohue III, Shooting Down the "More Guns, Less Crime" Hypothesis, 55 Stan L. Rev 1193, 1285, 1296 (2003); Ian Ayres & John J. Donohue III, Comment, The Latest Misfires in Support of the "More Guns, Less Crime," Hypothesis, 55 Stan. L. Rev. 1371, 1397 (2003).

<sup>iii</sup> Daniel W. Webster et al., Firearms on College Campuses: Research Evidence and Policy Implications, at [16-17] (Oct. 15, 2016),

[http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/\\_pdfs/GunsOnCampus.pdf](http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/_pdfs/GunsOnCampus.pdf), John J. Donohue II et al., The Impact of Right-to-Carry Laws and the NRC Report: Lessons for the Empirical Evaluation of Law and Policy, 13 Am Law Econ Rev 565 (Fall 2011).

<sup>iv</sup> Over a period of ten years following enactment. John J. Donohue, Abhay Aneia & Kyle D. Weber, Right-to-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Controls Analysis, Working Paper 23510, National Bureau of Economic Research, <http://www.nber.org/papers/w23510.pdf>.

<sup>v</sup> States with higher rates of household firearm ownership have significantly higher homicide victimization rates. Matthew Miller, Deborah Azrael & David Hemenway, Rates of Household Firearm Ownership and Homicide Across US Regions and States, 1988-1997, 92 Am. J. Pub. Health 1988, 1991-92, Dec. 2002 at <http://aiph.aphapublications.org/doi/pdf/10.2105/AJPH.92.12.1988>.

<sup>vi</sup> The most famous of these claims, that guns are used defensively 2.5 million times annually, is based on a study that suffers from several fatal methodological flaws, including its reliance on only 66 responses in a telephone survey of 5,000 people, multiplied out to purportedly represent 200 million American adults. David Hemenway, Policy Perspective: Survey Research and Self-Defense Gun Use: An Explanation of Extreme Overestimates, 87 J. Crim. L. & Criminology 1430, 1432 (1997). The authors of that discredited study themselves stated that in up to 64% of their reported defensive gun use cases, the guns were carried or used illegally, including cases where the victim was actually the aggressor. Gary Kleck & Marc Gertz, Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun, 86 J. CRIM. L. & CRIMINOLOGY 150, 174 (1995).

<sup>vii</sup> David Hemenway, Private Guns, Public Health 78 (2004).

<sup>viii</sup> Charles C. Branas, Therese S. Richmond, Dennis P. Culhane, Thomas R. Ten Have & Douglas J. Weibe, Investigating the Link Between Gun Possession and Gun Assault, 99 Am. J. Pub. Health 2034 (Nov. 2009) at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2759797/pdf/2034.pdf>.

<sup>ix</sup> "U.S. Voters Reject GOP Health Plan More Than 3-1, Quinipiac University National Poll Finds; Voters Support Gun Background Checks 94 - 5 Percent" (June 28, 2017) at <https://poll.qu.edu/national/release-detail?ReleaseID=2470>