



## Federally Mandated Concealed Carry Reciprocity (H.R.38/S.65)

### What is federally mandated concealed carry reciprocity?

State and local governments have the primary responsibility for keeping their communities safe, and state and local elected officials enact laws, based on their communities' specific needs, to protect community members from violent crime. These laws include deciding who can possess firearms within their geographic borders and who can carry concealed handguns. This state and local decision-making is important, because firearm-related needs and challenges differ. For example, the firearm-related needs and challenges in rural and frontier communities are substantially different from those in densely populated urban areas.

Federally mandated concealed carry reciprocity requires states to allow anyone who can carry a concealed handgun in their state of residence to carry a concealed handgun in any state—even if the non-state of residency's laws prohibit the person from possessing a firearm at all—in a clear violation of the very principle of federalism. This would undermine states' and localities' ability to keep their communities safe by letting another state's laws override a given state's laws within that given state's borders.

*"One night a month after I first met my ex-boyfriend, my ex-boyfriend raped me with a gun, and I still feel terrified when I recall this scene."<sup>1</sup>*

### Federally mandated concealed carry reciprocity empowers domestic abusers.

Domestic abusers regularly use firearms as a tool of abuse. They threaten to shoot the victim, their children, themselves, other family members, pets, friends, coworkers, law enforcement, and community members. Almost 14% of American women and 6% of American men have been threatened by an intimate partner with a gun.<sup>2</sup> 43% of American women who were threatened with a gun having been shot, pistol whipped, sexually assaulted, or otherwise physically harmed by an intimate partner with a gun.<sup>3</sup> Most homicides of women by men are committed by intimate partners, and most are committed using firearms.<sup>4</sup> Homicide is the leading cause of death for pregnant and postpartum women.<sup>5</sup>

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<sup>1</sup> Battered Women's Justice Project & National Domestic Violence Hotline (2024). *2024 domestic violence and firearms report: A survey to learn more about survivor experiences with firearms and abuse*. <https://bwjp.org/wp-content/uploads/2024/12/for-publication.2024-Domestic-Violence-and-Firearms-Report-by-BWJP-and-NDVH-12.4.2024.pdf>

<sup>2</sup> Adhia, A., Lyons, V. H., Moe, C. A., Rowhani-Rahbar, A., & Rivara, F. P. (2021). Nonfatal use of firearms in intimate partner violence: Result of a national survey. *Preventive Medicine*. <https://doi.org/10.1016/j.ypmed.2021.106500>

<sup>3</sup> Ibid.

<sup>4</sup> Violence Policy Center. (2022). *When men murder women: An analysis of 2020 homicide data*. <http://www.vpc.org/studies/wmmw2022.pdf>

<sup>5</sup> Wallace, M., Gillispie-Bell, V., Cruz, K., Davis, K., & Vilda, D. (2021). Homicide during pregnancy and the postpartum period in the United States, 2018–2019. *Obstetrics and Gynecology*, 138(5), 762–769. <https://doi.org/10.1097%2FAOG.0000000000004567>

Victims and survivors experiencing gun threats and violence may choose to move to states with stronger protections against armed abusers to protect themselves. For example, while federal law does not prohibit individuals subject to a final dating violence protective order from possessing firearms, many states do. Under federally mandated concealed carry reciprocity, armed abusers could pursue fleeing victims across state lines, and if their state of residence allows them to carry a concealed handgun, state and local law enforcement would not have legal grounds to intervene until it was too late.

*“My abusive partner was from [another state] originally but we went to college together [here]. He chose to stay [here] to stalk me after we broke up and I was always afraid that it would be very easy for him to get a firearm [here]. My dream is to move somewhere with better firearm laws.”<sup>6</sup>*

### **Federally mandated concealed carry would force permitless carry on states with strong public safety laws.**

State laws that allow residents to carry loaded, concealed handguns with no license or background check are associated with a substantial increase in gun homicides, nonfatal injuries,<sup>7</sup> and violent crime overall.<sup>8</sup> They are wildly unpopular with voters, with only a quarter of Americans supporting permitless carry,<sup>9</sup> and with law enforcement generally opposing it.<sup>10</sup> Nevertheless, 29 states (representing a minority of Americans) have enacted permitless carry laws, and eleven other states do not require any training to get permit. People from these states would be able to carry concealed handguns anywhere in the U.S., regardless of the laws of the state in which they are carrying, with no training or background check.

*“I was told if I tried to leave, he’d kill me. The last time I tried, he pulled a gun on me and pointed it at me, and then said that the only way I was going to leave was in a box.”<sup>11</sup>*

### **Federally mandated concealed carry reciprocity is not like a driver’s license.**

In every state, people have to meet minimum requirements to obtain a driver’s license. Drivers must pass a written test and a driving test (or in some states, must have successfully completed a driver’s education course with minimum driving requirements). Almost all states require liability

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<sup>6</sup> Battered Women’s Justice Project & National Domestic Violence Hotline (2024). *2024 domestic violence and firearms report: A survey to learn more about survivor experiences with firearms and abuse*. <https://bwjp.org/wp-content/uploads/2024/12/for-publication.2024-Domestic-Violence-and-Firearms-Report-by-BWJP-and-NDVH-12.4.2024.pdf>

<sup>7</sup> Brownlee, C. (2024, August 9). *Permitless carry will deter shootings, proponents said. That’s not what’s happened*. The Trace. <https://www.thetrace.org/2024/08/permitless-concealed-carry-gun-super-bowl/>; GVPedia (2025). *Permitless carry analysis*.

<sup>8</sup> Donohue, J. J., Aneja, A., & Weber, K. D. (2018). Violent crime: A comprehensive assessment using panel data and state-level synthetic control analysis. *Journal of Empirical Legal Studies*, 16(2), 198-247. DOI: 10.3386/w23510

<sup>9</sup> Pew Research Center (2023, June 28). *Americans’ views of specific gun policy proposals*. <https://www.pewresearch.org/politics/2023/06/28/americans-views-of-specific-gun-policy-proposals/>

<sup>10</sup> CBS News Texas (2021, April 13). *Texas police chiefs oppose constitutional carry bills championed by state GOP*. <https://www.cbsnews.com/texas/news/texas-police-chiefs-constitutional-carry-bills-state-gop/>

<sup>11</sup> Battered Women’s Justice Project & National Domestic Violence Hotline (2024). *2024 domestic violence and firearms report: A survey to learn more about survivor experiences with firearms and abuse*. <https://bwjp.org/wp-content/uploads/2024/12/for-publication.2024-Domestic-Violence-and-Firearms-Report-by-BWJP-and-NDVH-12.4.2024.pdf>

insurance or some form of alternative scheme. In contrast, 29 states allow their residents to carry concealed, loaded handguns with no training, no background checks, and no licenses. Some states issue concealed carry licenses to people who are blind or otherwise physically unable to safely use a firearm.<sup>12</sup> *Plus, licensed drivers still have to comply with the laws of the state in which they are driving – unlike with federally mandated concealed reciprocity, which overrides state possession laws.*

States have also voluntarily entered into the Driver License Compact, the purpose of which is to promote compliance with the laws of the jurisdiction in which a person is driving and to share pertinent information about driving violations and other information between states. In contrast, states do not have access to each others' concealed carry license databases to verify the validity of a license or criminal or civil information housed exclusively in state databases. States would have no access to information about individuals from out-of-state who, under this bill, would be allowed to roam their streets with concealed, loaded handguns.

*“Would cock loaded gun and point it at me close range also leave cocked loaded gun on a table facing me when I was asleep so woke up to gun in my face. He would repeat over, “pull the trigger you know you want to die”. ”<sup>13</sup>*

### **H.R.38 punishes law enforcement for keeping their communities safe.**

H.R.38 creates a private right of action against any law enforcement officer who arrests or otherwise detains an individual from another state on suspicion of unlawfully carrying a firearm if the individual is ultimately found to be carrying a firearm legally under the laws of their state of residence. Moreover, the law requires law enforcement to accept “facially valid documents” as prima facie evidence that the person can carry, prohibiting them from even trying to confirm a firearm license is not a fake or has not been rescinded. This will have a chilling effect on law enforcement, potentially penalizing them for doing their jobs.

*“My ex-husband told me I could leave him. As I got up to head out of the room, he simply said you won’t make it to the door. I heard the gun click. He grabbed me and fired it out in our bedroom between my feet. There was a hole in our floor. I stayed for months after that because I knew he would end my life if I ever tried to leave him again.”<sup>14</sup>*

### **Federally mandated concealed carry reciprocity is un-American.**

The United States was founded on the principle that power derives from the consent of the governed, meaning that laws of a state should reflect the will of the people living in that state. Federally mandated concealed carry reciprocity disregards the choices of local voters and lawmakers, who have determined what is necessary to protect their communities, in favor of the laws of other states—over which the voters outside those other states have no influence—that may not align with the state’s own values or needs.

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<sup>12</sup> WISH (2025, February 4). *Blind man gets concealed carry permit, calls for common sense gun laws*. Live 5 WCSC. <https://www.live5news.com/2025/02/04/blind-man-gets-concealed-carry-permit-calls-common-sense-gun-laws/>

<sup>13</sup> Battered Women’s Justice Project & National Domestic Violence Hotline (2024). *2024 domestic violence and firearms report: A survey to learn more about survivor experiences with firearms and abuse*. <https://bwjp.org/wp-content/uploads/2024/12/for-publication.2024-Domestic-Violence-and-Firearms-Report-by-BWJP-and-NDVH-12.4.2024.pdf>

<sup>14</sup> Ibid.