

112TH CONGRESS
1ST SESSION

H. R. 822

To amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2011

Mr. STEARNS (for himself and Mr. SHULER) 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 national standard in accordance with which nonresidents of a State may carry concealed firearms 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 “National Right-to-
5 Carry Reciprocity Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Second Amendment to the Constitution
9 of the United States protects the fundamental right

1 of an individual to keep and bear arms, including for
2 purposes of individual self-defense.

3 (2) The Supreme Court of the United States
4 has recognized this right in the case of District of
5 Columbia v. Heller, and in the case of McDonald v.
6 City of Chicago, has recognized that the right is pro-
7 tected against State infringement by the Fourteenth
8 Amendment to the Constitution of the United
9 States.

10 (3) The Congress has the power to pass legisla-
11 tion to protect against infringement of all rights pro-
12 tected under the Fourteenth Amendment to the Con-
13 stitution of the United States.

14 (4) The right to bear arms includes the right to
15 carry arms for self-defense and the defense of oth-
16 ers.

17 (5) The Congress has enacted legislation of na-
18 tional scope authorizing the carrying of concealed
19 firearms by qualified active and retired law enforce-
20 ment officers.

21 (6) Forty-eight States provide by statute for
22 the issuance to individuals of permits to carry con-
23 cealed firearms, or allow the carrying of concealed
24 firearms for lawful purposes without the need for a
25 permit.

1 (7) The overwhelming majority of individuals
2 who exercise the right to carry firearms in their own
3 States and other States have proven to be law-abid-
4 ing, and such carrying has been demonstrated to
5 provide crime prevention or crime resistance benefits
6 for the licensees and for others.

7 (8) The Congress finds that preventing the law-
8 ful carrying of firearms by individuals who are trav-
9 eling outside their home State interferes with the
10 constitutional right of interstate travel, and harms
11 interstate commerce.

12 (9) Among the purposes of this Act is the pro-
13 tection of the rights, privileges, and immunities
14 guaranteed to a citizen of the United States by the
15 Fourteenth Amendment to the Constitution of the
16 United States.

17 (10) The Congress, therefore, should provide
18 for national recognition, in States that issue to their
19 own citizens licenses or permits to carry concealed
20 handguns, of other State permits or licenses to carry
21 concealed handguns.

1 **SEC. 3. RECIPROCITY FOR THE CARRYING OF CERTAIN**
2 **CONCEALED FIREARMS.**

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

6 **“§ 926D. Reciprocity for the carrying of certain con-**
7 **cealed firearms**

8 “(a) Notwithstanding any provision of the law of any
9 State or political subdivision thereof, related to the car-
10 rying or transportation of firearms, a person who is not
11 prohibited by Federal law from possessing, transporting,
12 shipping, or receiving a firearm, and who is carrying a
13 government-issued photographic identification document
14 and a valid license or permit which is issued pursuant to
15 the law of a State and which permits the person to carry
16 a concealed firearm, may carry a concealed handgun
17 (other than a machinegun or destructive device) that has
18 been shipped or transported in interstate or foreign com-
19 merce, in any State, other than the State of residence of
20 the person, that—

21 “(1) has a statute that allows residents of the
22 State to obtain licenses or permits to carry concealed
23 firearms; or

24 “(2) does not prohibit the carrying of concealed
25 firearms by residents of the State for lawful pur-
26 poses.

1 “(b) A person carrying a concealed handgun under
2 this section shall be permitted to carry a handgun subject
3 to the same conditions or limitations that apply to resi-
4 dents of the State who have permits issued by the State
5 or are otherwise lawfully allowed to do so by the State.

6 “(c) In a State that allows the issuing authority for
7 licenses or permits to carry concealed firearms to impose
8 restrictions on the carrying of firearms by individual hold-
9 ers of such licenses or permits, a firearm shall be carried
10 according to the same terms authorized by an unrestricted
11 license or permit issued to a resident of the State.

12 “(d) Nothing in this section shall be construed to pre-
13 empt any provision of State law with respect to the
14 issuance of licenses or permits to carry concealed fire-
15 arms.”.

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 cir-
23 cumstance 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.

○