

RESOLUTION OF THE CITY COUNCIL

No. 438

Approved October 25, 2017

WHEREAS, On January 3, 2017, Congressman Richard Hudson (R-NC) introduced HR 38, known as the Concealed Carry Reciprocity Act of 2017 and Senator John Corryn (R-TX) introduced S446, known as the Constitutional Concealed Carry Reciprocity Act of 2017; and

WHEREAS, Passage of these bills would force states to recognize concealed carry permits from every other state, regardless of standards, or lack thereof; and

WHEREAS, While every state has standards and allows concealed carry firearms under some circumstances, each state has different requirements on who is permitted to carry based on local and state context and needs; and

WHEREAS, Currently, many states prohibit out-of-state residents from carrying concealed weapons within their borders if they do not comply with their own standards; and

WHEREAS, The Concealed Carry Reciprocity Act of 2017 would force states to recognize the lowest standard of the nation, which is permit-less carry, where individuals can carry without receiving any training or permit; and

WHEREAS, The State of Rhode Island recently passed the Domestic Gun Violence bill, prohibiting individuals convicted of a domestic violence crime from possessing firearms; and

WHEREAS, Under this bill, individuals from states where such a conviction is not reason to deny a permit would be allowed to possess concealed firearms in Rhode Island; and

WHEREAS, The House version of this bill, HR38, will exempt concealed carry permit holders from the Gun-Free School Zones Act of 1990, which expressly forbids any unauthorized individual from possessing a firearm in a school zone; and

WHEREAS, Law enforcement efforts will be complicated and left open to civil liability by passage of these bills as most police departments do not have the capability to verify the validity of out-of-state permits; and

WHEREAS, Verification becomes harder for out-of-state visitors who come from states where a permit is not required to possess a concealed weapon; and

WHEREAS, The National Law Enforcement Partnership to Prevent Gun Violence publicly opposes both H.R.38 and S.446, stating, "We reject the idea that one state's approach to carrying a concealed firearm will work across the country. States and localities should maintain their rights to legislate concealed carry laws that best meet the needs of their citizens"; and

WHEREAS, As public servants and the elected representatives of the people of Providence, the City Council has a moral obligation to keep dangerous weapons, such as semi-automatics, out of the hands of criminals and off of our streets.

IN CITY COUNCIL

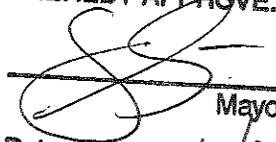
OCT 19 2017

READ AND PASSED

ACTING PRES.

CLERK

I HEREBY APPROVE.



Mayor
Date: 10/25/17

NOW, THEREFORE BE IT RESOLVED, That the Providence City Council strongly opposes HR38 and S446, known as the Concealed Carry Reciprocity Acts of 2017.

BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the elected U.S. House and Senate representatives of the City of Providence.

115TH CONGRESS
1ST SESSION

H. R. 38

To amend title 18, United States Code, to provide a means by which non-residents of a State whose residents may carry concealed firearms may also do so in the State.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. HUDSON (for himself, Mr. SMITH of Missouri, Mr. ABRAHAM, Mr. CUELLAR, Mr. GAETZ, Mr. HOLDING, Mr. KING of Iowa, Mr. LAMALFA, Mr. PALMER, Mrs. WAGNER, Mr. KINZINGER, Mr. THOMAS J. ROONEY of Florida, Mr. WALKER, Mr. PITTENGER, Mr. ADERHOLT, Mr. CARTER of Georgia, Mr. GRAVES of Georgia, Mr. ROGERS of Alabama, Mr. HENSARLING, Mr. LAMBORN, Mr. CRAMER, Mr. COOK, Mr. WESTERMAN, Mr. CHABOT, Mrs. WALORSKI, Mr. MULLIN, Mr. PALAZZO, Mr. FRANKS of Arizona, Mr. JODY B. HICE of Georgia, Mr. MEADOWS, Mr. WENSTRUP, Mr. WILLIAMS, Mr. SMITH of Texas, Mr. HUIZENGA, Mr. AMODEI, Mr. HUNTER, Mr. FARENTHOLD, Mr. JENKINS of West Virginia, Mr. EMMER, Mr. ROE of Tennessee, Mr. TIPTON, Mr. JOHNSON of Ohio, Mr. DESJARLAIS, Mrs. HARTZLER, Mr. DUNCAN of South Carolina, Mr. ZELDIN, Mr. YOHO, Mr. SANFORD, Mr. BRAT, Mr. PETERSON, Mr. DUFFY, Mr. YODER, Mr. BUCHANAN, Mr. COLE, Mr. NEWHOUSE, Mr. TURNER, Mr. BROOKS of Alabama, Mr. KATKO, Mr. RATCLIFFE, Mr. HILL, Mr. OLSON, Mr. HARPER, Mr. BUCK, and Mr. DIAZ-BALART) 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 means by which nonresidents of a State whose residents may carry concealed firearms may also do so 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 “Concealed Carry Reci-
5 procity Act of 2017”.

6 **SEC. 2. RECIPROcity FOR THE CARRYING OF CERTAIN**
7 **CONCEALED FIREARMS.**

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

11 **“§ 926D. Reciprocity for the carrying of certain con-**
12 **cealed firearms**

13 “(a) Notwithstanding any provision of the law of any
14 State or political subdivision thereof (except as provided
15 in subsection (b)) and subject only to the requirements
16 of this section, a person who is not prohibited by Federal
17 law from possessing, transporting, shipping, or receiving
18 a firearm, who is carrying a valid identification document
19 containing a photograph of the person, and who is car-
20 rying a valid license or permit which is issued pursuant
21 to the law of a State and which permits the person to
22 carry a concealed firearm or is entitled to carry a con-
23 cealed firearm in the State in which the person resides,
24 may possess or carry a concealed handgun (other than a
25 machinegun or destructive device) that has been shipped

1 or transported in interstate or foreign commerce, in any
2 State that—

3 “(1) has a statute under which residents of the
4 State may apply for a license or permit to carry a
5 concealed firearm; or

6 “(2) does not prohibit the carrying of concealed
7 firearms by residents of the State for lawful pur-
8 poses.

9 “(b) This section shall not be construed to supersede
10 or limit the laws of any State that—

11 “(1) permit private persons or entities to pro-
12 hibit or restrict the possession of concealed firearms
13 on their property; or

14 “(2) prohibit or restrict the possession of fire-
15 arms on any State or local government property, in-
16 stallation, building, base, or park.

17 “(c)(1) A person who carries or possesses a concealed
18 handgun in accordance with subsections (a) and (b) may
19 not be arrested or otherwise detained for violation of any
20 law or any rule or regulation of a State or any political
21 subdivision thereof related to the possession, transpor-
22 tation, or carrying of firearms unless there is probable
23 cause to believe that the person is doing so in a manner
24 not provided for by this section. Presentation of facially
25 valid documents as specified in subsection (a) is prima

1 facie evidence that the individual has a license or permit
2 as required by this section.

3 “(2) When a person asserts this section as a defense
4 in a criminal proceeding, the prosecution shall bear the
5 burden of proving, beyond a reasonable doubt, that the
6 conduct of the person did not satisfy the conditions set
7 forth in subsections (a) and (b).

8 “(3) When a person successfully asserts this section
9 as a defense in a criminal proceeding, the court shall
10 award the prevailing defendant a reasonable attorney’s
11 fee.

12 “(d)(1) A person who is deprived of any right, privi-
13 lege, or immunity secured by this section, under color of
14 any statute, ordinance, regulation, custom, or usage of any
15 State or any political subdivision thereof, may bring an
16 action in any appropriate court against any other person,
17 including a State or political subdivision thereof, who
18 causes the person to be subject to the deprivation, for
19 damages or other appropriate relief.

20 “(2) The court shall award a plaintiff prevailing in
21 an action brought under paragraph (1) damages and such
22 other relief as the court deems appropriate, including a
23 reasonable attorney’s fee.

24 “(e) In subsection (a):

1 “(1) The term ‘identification document’ means
2 a document made or issued by or under the author-
3 ity of the United States Government, a State, or a
4 political subdivision of a State which, when com-
5 pleted with information concerning a particular indi-
6 vidual, is of a type intended or commonly accepted
7 for the purpose of identification of individuals.

8 “(2) The term ‘handgun’ includes any magazine
9 for use in a handgun and any ammunition loaded
10 into the handgun or its magazine.

11 “(f)(1) A person who possesses or carries a concealed
12 handgun under subsection (a) shall not be subject to the
13 prohibitions of section 922(q) with respect to that hand-
14 gun.

15 “(2) A person possessing or carrying a concealed
16 handgun in a State under subsection (a) may do so in
17 any of the following areas in the State that are open to
18 the public:

19 “(A) A unit of the National Park System.

20 “(B) A unit of the National Wildlife Refuge
21 System.

22 “(C) Public land under the jurisdiction of the
23 Bureau of Land Management.

24 “(D) Land administered and managed by the
25 Army Corps of Engineers.

1 “(E) Land administered and managed by the
2 Bureau of Reclamation.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for such chapter is amended by inserting after the item
5 relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

6 (c) SEVERABILITY.—Notwithstanding any other pro-
7 vision of this Act, if any provision of this section, or any
8 amendment made by this section, or the application of
9 such provision or amendment to any person or cir-
10 cumstance is held to be unconstitutional, this section and
11 amendments made by this section and the application of
12 such provision or amendment to other persons or cir-
13 cumstances shall not be affected thereby.

14 (d) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect 90 days after the date of the
16 enactment of this Act.

○

115TH CONGRESS
1ST SESSION

S. 446

To allow reciprocity for the carrying of certain concealed firearms.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2017

Mr. CORNYN (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mrs. CAPITO, Mr. COCHRAN, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. ENZI, Mrs. ERNST, Mrs. FISCHER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mr. ISAKSON, Mr. MCCAIN, Mr. MORAN, Ms. MURKOWSKI, Mr. PERDUE, Mr. PORTMAN, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. THUNE, Mr. WICKER, Mr. YOUNG, Mr. JOHNSON, and Mr. FLAKE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To allow reciprocity for the carrying of certain concealed
firearms.

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 “Constitutional Con-
5 cealed Carry Reciprocity Act of 2017”.

1 **SEC. 2. 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) IN GENERAL.—Notwithstanding any provision
9 of the law of any State or political subdivision thereof to
10 the contrary—

11 “(1) an individual who is not prohibited by
12 Federal law from possessing, transporting, shipping,
13 or receiving a firearm, and who is carrying a govern-
14 ment-issued photographic identification document
15 and a valid license or permit which is issued pursu-
16 ant to the law of a State and which permits the indi-
17 vidual to carry a concealed firearm, may possess or
18 carry a concealed handgun (other than a machine-
19 gun or destructive device) that has been shipped or
20 transported in interstate or foreign commerce in any
21 State other than the State of residence of the indi-
22 vidual that—

23 “(A) has a statute that allows residents of
24 the State to obtain licenses or permits to carry
25 concealed firearms; or

1 “(B) does not prohibit the carrying of con-
2 cealed firearms by residents of the State for
3 lawful purposes; and

4 “(2) an individual who is not prohibited by
5 Federal law from possessing, transporting, shipping,
6 or receiving a firearm, and who is carrying a govern-
7 ment-issued photographic identification document
8 and is entitled and not prohibited from carrying a
9 concealed firearm in the State in which the indi-
10 vidual resides otherwise than as described in para-
11 graph (1), may possess or carry a concealed hand-
12 gun (other than a machinegun or destructive device)
13 that has been shipped or transported in interstate or
14 foreign commerce in any State other than the State
15 of residence of the individual that—

16 “(A) has a statute that allows residents of
17 the State to obtain licenses or permits to carry
18 concealed firearms; or

19 “(B) does not prohibit the carrying of con-
20 cealed firearms by residents of the State for
21 lawful purposes.

22 “(b) CONDITIONS AND LIMITATIONS.—The posses-
23 sion or carrying of a concealed handgun in a State under
24 this section shall be subject to the same conditions and
25 limitations, except as to eligibility to possess or carry, im-

1 posed by or under Federal or State law or the law of a
2 political subdivision of a State, that apply to the posses-
3 sion or carrying of a concealed handgun by residents of
4 the State or political subdivision who are licensed by the
5 State or political subdivision to do so, or not prohibited
6 by the State from doing so.

7 “(c) UNRESTRICTED LICENSE OR PERMIT.—In a
8 State that allows the issuing authority for licenses or per-
9 mits to carry concealed firearms to impose restrictions on
10 the carrying of firearms by individual holders of such li-
11 censes or permits, an individual carrying a concealed
12 handgun under this section shall be permitted to carry a
13 concealed handgun according to the same terms author-
14 ized by an unrestricted license of or permit issued to a
15 resident of the State.

16 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to preempt any provision of State
18 law with respect to the issuance of licenses or permits to
19 carry concealed firearms.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for chapter 44 of title 18, United States Code, is amended
22 by inserting after the item relating to section 926C the
23 following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

24 (c) SEVERABILITY.—Notwithstanding any other pro-
25 vision of this Act, if any provision of this Act, or any

1 amendment made by this Act, or the application of such
2 provision or amendment to any person or circumstance is
3 held to be unconstitutional, this Act and amendments
4 made by this Act and the application of such provision
5 or amendment to other persons or circumstances shall not
6 be affected thereby.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this Act shall take effect 90 days after the date of enact-
9 ment of this Act.

○