

AMENDMENT TO H.R. 3237

OFFERED BY MR. HUDSON OF NORTH CAROLINA

Insert at the end (before the short title) the following:

1 **TITLE VIII—CONCEALED CARRY**
2 **RECIPROCITY**

3 **SEC. 801. SHORT TITLE.**

4 This title may be cited as the “Concealed Carry Reci-
5 procity Act”.

6 **SEC. 802. 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-

1 rying a valid license or permit which is issued pursuant
2 to the law of a State and which permits the person to
3 carry a concealed firearm or is entitled to carry a con-
4 cealed firearm in the State in which the person resides,
5 may possess or carry a concealed handgun (other than a
6 machine gun or destructive device) that has been shipped
7 or transported in interstate or foreign commerce, in any
8 State that—

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

12 “(2) does not prohibit the carrying of concealed
13 firearms by residents of the State for lawful pur-
14 poses.

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

17 “(1) permit private persons or entities to pro-
18 hibit or restrict the possession of concealed firearms
19 on their property; or

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

23 “(c)(1) A person who carries or possesses a concealed
24 handgun in accordance with subsections (a) and (b) may
25 not be arrested or otherwise detained for violation of any

1 law or any rule or regulation of a State or any political
2 subdivision thereof related to the possession, transpor-
3 tation, or carrying of firearms unless there is probable
4 cause to believe that the person is doing so in a manner
5 not provided for by this section. Presentation of facially
6 valid documents as specified in subsection (a) is prima
7 facie evidence that the individual has a license or permit
8 as required by this section.

9 “(2) When a person asserts this section as a defense
10 in a criminal proceeding, the prosecution shall bear the
11 burden of proving, beyond a reasonable doubt, that the
12 conduct of the person did not satisfy the conditions set
13 forth in subsections (a) and (b).

14 “(3) When a person successfully asserts this section
15 as a defense in a criminal proceeding, the court shall
16 award the prevailing defendant a reasonable attorney’s
17 fee.

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

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

5 “(e) In subsection (a):

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

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

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

20 “(2) A person possessing or carrying a concealed
21 handgun in a State under subsection (a) may do so in
22 any of the following areas in the State that are open to
23 the public:

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

1 “(B) A unit of the National Wildlife Refuge
2 System.

3 “(C) Public land under the jurisdiction of the
4 Bureau of Land Management.

5 “(D) Land administered and managed by the
6 Army Corps of Engineers.

7 “(E) Land administered and managed by the
8 Bureau of Reclamation.

9 “(F) Land administered and managed by the
10 Forest Service.”.

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

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

14 (c) SEVERABILITY.—Notwithstanding any other pro-
15 vision of this Act, if any provision of this section, or any
16 amendment made by this section, or the application of
17 such provision or amendment to any person or circum-
18 stance is held to be unconstitutional, this section and
19 amendments made by this section and the application of
20 such provision or amendment to other persons or cir-
21 cumstances shall not be affected thereby.

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

