

117TH CONGRESS
2D SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. DAINES introduced the following bill; which was read twice and referred to the Committee on _____

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”.

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

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

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

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

6 “(1) permit private persons or entities to pro-
7 hibit or restrict the possession of concealed firearms
8 on their property; or

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

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

23 “(2) When a person asserts this section as a defense
24 in a criminal proceeding, the prosecution shall bear the
25 burden of proving, beyond a reasonable doubt, that the

1 conduct of the person did not satisfy the conditions set
2 forth in subsections (a) and (b).

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

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

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

19 “(e) In subsection (a):

20 “(1) The term ‘identification document’ means
21 a document made or issued by or under the author-
22 ity of the United States Government, a State, or a
23 political subdivision of a State which, when com-
24 pleted with information concerning a particular indi-

1 vidual, is of a type intended or commonly accepted
2 for the purpose of identification of individuals.

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

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

10 “(2) A person possessing or carrying a concealed
11 handgun in a State under subsection (a) may do so in
12 any of the following areas in the State that are open to
13 the public:

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

15 “(B) A unit of the National Wildlife Refuge
16 System.

17 “(C) Public land under the jurisdiction of the
18 Bureau of Land Management.

19 “(D) Land administered and managed by the
20 Army Corps of Engineers.

21 “(E) Land administered and managed by the
22 Bureau of Reclamation.

23 “(F) Land administered and managed by the
24 Forest Service.”.

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

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

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

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