



DEPARTMENT OF THE ATTORNEY GENERAL

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HAWAII OPPOSES FORCED CONCEALED CARRY RECIPROCITY

HONOLULU - Attorney General Doug Chin joined a coalition of 17 attorneys general in forcefully opposing the Concealed Carry Reciprocity Act of 2017, arguing that the ill-conceived legislation would override local public safety decisions and endanger communities and police. The legislation (H.R. 38 / S. 446) would force states to recognize concealed carry weapon permits from other states.

The letter, sent to House and Senate leadership, was led by New York Attorney General Eric Schneiderman, and signed by the attorneys general of New York, Massachusetts, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maryland, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, and the District of Columbia. Collectively, these Attorneys General represent over 140 million Americans.

Attorney General Chin said, "Hawaii lawmakers already made decisions about firearms and public safety that best serve *our* state. We will resist any efforts by the federal government to turn our state into the Wild West and strip Hawaii residents of the protections passed by our state leaders."

As the highest ranking law enforcement officers for their states, the attorneys general fear that, if enacted, the legislation would inevitably "lead to the death of police officers and civilians, the proliferation of gun traffickers, and acts of terrorism and other mass violence."

"Under the legislation, our residents would lose the protections that their legislators and law enforcement agencies have deemed appropriate, in favor of rules made by States legislating for very different local conditions. Rather than creating a new national standard for who may carry concealed firearms, these bills would elevate the lowest state standard over higher ones and force some States to allow concealed carry by people who do not qualify under their laws," the attorneys general wrote. That lowest state standard would, for example, weaken local prohibitions on concealed carry by violent misdemeanor offenders, domestic abusers, and others who states have determined would pose a danger.

The attorneys general also point out that our country's Constitution and federalist system primarily reserve policing the public safety to the states, given the great diversity between them. "We would not mandate that one State honor another's fishing, liquor, or hunting permits, yet the proposed legislation applies that same flawed approach to the far more serious issue of who may carry a concealed firearm."

"The result of the proposed legislation would be a proliferation of potentially dangerous or irresponsible non-residents with concealed weapons in the States, cities, and towns across America that have made local judgments that certain regulations on the carrying of such weapons are necessary to protect public safety. Furthermore, the House bill would override some state laws that prohibit carrying concealed weapons in bars, schools, shopping malls, movie theatres, subways, or parks. States would not be able to enforce those restrictions; nor would local law enforcement officers reacting to specific risks to the public in such locations, which have tragically been the site of mass shootings in recent years," the attorneys general wrote.

The letter also highlights how the legislation would endanger local law enforcement officers by forcing them to determine quickly, and often under duress, whether an armed individual is allowed to carry a concealed weapon under his or her local laws. This is particularly disturbing, given that 12 states allow concealed carry without a permit. Finally, the legislation would facilitate gun trafficking, allowing traffickers to even more easily transport guns across state lines with just a driver's license from a "permitless" state.

"Please do not let concealed carry reciprocity become the next federal loophole lamented in the aftermath of a tragedy," the attorneys general conclude.

In addition to these attorneys general, law enforcement from across the country have spoken out against this legislation – including local police commissioners (such as the NYPD and LAPD) and the Law Enforcement Partnership (which is comprised of a dozen law enforcement associations, such as the International Association of Chiefs of Police, the Major Cities Chiefs Association, and the Police Foundation).

A copy of the letter is attached.

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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

October 22, 2017

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
Washington, DC 20510

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Nancy Pelosi
Democratic Leader
U.S. House of Representatives
Washington, DC 20515

RE: Constitutional Concealed Carry Reciprocity Act of 2017 (S. 446) and
Concealed Carry Reciprocity Act of 2017 (H.R. 38)

Dear Congressional Leaders:

We, the undersigned 17 Attorneys General, strongly oppose the Constitutional Concealed Carry Reciprocity Act of 2017 (S. 446) and Concealed Carry Reciprocity Act of 2017 (H.R. 38). With the worst shooting in American history fresh in our memory, we urge you and your colleagues to reject these ill-conceived bills that would override local public safety decisions and endanger our communities and law enforcement officers.

Each of our States allows concealed carry—as do all 50 states—but with carefully considered and long-standing substantive and procedural protections designed to address public safety concerns in our localities. Under the legislation, our residents would lose the protections that their legislators and law enforcement agencies have deemed appropriate, in favor of rules made by States legislating for very different local conditions. Rather than creating a new national standard for who may carry concealed firearms, these bills would elevate the lowest state standard over higher ones and force some States to allow concealed carry by people who do not

qualify under their laws. This forced acceptance of the most permissive standards would also affect determinations about the proper level of safety training necessary to justify concealed carry and the criteria governing whether a person is too dangerous to carry a gun in a crowded place.

The Constitution and our system of federalism primarily reserve policing and protecting public safety to the States to accommodate the great diversity in geography, population, culture, and tradition among them. We would not mandate that one State honor another's fishing, liquor, or hunting permits, yet the proposed legislation applies that same flawed approach to the far more serious issue of who may carry a concealed firearm. S. 446 and H.R. 38 would force every State to recognize the concealed carry standards of every other state—and even to allow concealed carry of a firearm by people with no permit, training, or recent background check at all. These bills would also frustrate decisions by state and local authorities about how to best ensure public safety. For example, the bills would weaken local prohibitions on concealed carry by violent misdemeanor offenders, domestic abusers, and others known to be a danger to themselves or others.

The result of the proposed legislation would be a proliferation of potentially dangerous or irresponsible non-residents with concealed weapons in the States, cities, and towns across America that have made local judgments that certain regulations on the carrying of such weapons are necessary to protect public safety. Furthermore, the House bill would override some state laws that prohibit carrying concealed weapons in bars, schools, shopping malls, movie theatres, subways, or parks. States would not be able to enforce those restrictions; nor would local law enforcement officers reacting to specific risks to the public in such locations, which have tragically been the site of mass shootings in recent years.

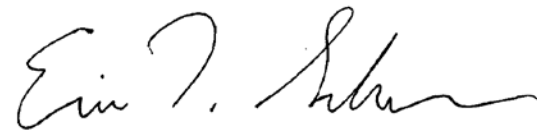
Indeed, the legislation would endanger our state and local law enforcement officers. Police officers on the beat would have to determine—often in an instant or under duress—whether an armed individual not permitted to carry a concealed weapon under local laws, may legally carry in the state in which he purports to be licensed, with no way to determine if a permit is legitimate or if it is revoked, suspended, forged or otherwise invalid. Even more alarming, officers would be further challenged when they encounter an individual claiming to be from one of the 12 states that allow concealed carry *without a permit*. A police officer patrolling city streets at 2 A.M. who spots a gun under the shirt of a suspicious person lurking outside a nightclub could (in order to avoid a potential lawsuit under the House bill) be forced to turn his back on any suspect who merely asserts residency a “permitless” state. In short, requiring officers to conduct traffic stops and other police activity with no ability to authenticate every other State's carry laws would pose an extraordinary and unnecessary risk to our communities and to the men and women who put their lives on the line every day to protect us.

The proposed legislation also would facilitate gun trafficking. As chief law enforcement officers of our States, we know that illegal guns often are trafficked from States with fewer legal restrictions to those with stricter policies. This legislation would worsen the problem, emboldening traffickers to transport guns across state lines for criminal purposes armed with a forged carry permit—or with only a driver’s license from an as-of-right “permitless” State. Indeed, the District Attorney for New York County correctly notes that concealed carry reciprocity may “play into the hands of . . . terrorists” who will be able to move between States with firearms more freely.

This legislation is at odds with constitutional principles of federalism. States that wish to enter into reciprocity agreements with other States can and have already done so. Requiring all States to allow reciprocity without their consent would endanger our communities and our law enforcement officers. We fear that, if enacted, these bills inevitably will lead to the death of police officers and civilians, the proliferation of gun traffickers, and acts of terrorism and other mass violence.

Please do not let concealed carry reciprocity become the next federal loophole lamented in the aftermath of a tragedy. We respectfully ask that you oppose this legislation and continue to allow state and local law enforcement to protect our own residents.

Very truly yours,



Eric T. Schneiderman
New York Attorney General



Maura Healey
Massachusetts Attorney General



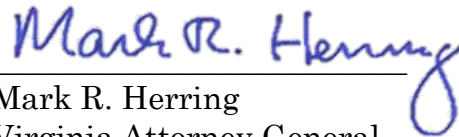
Xavier Becerra
California Attorney General



Josh Shapiro
Pennsylvania Attorney General



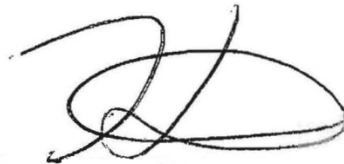
Ellen F. Rosenblum
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Mark R. Herring
Virginia Attorney General



Peter F. Kilmartin
Rhode Island Attorney General



Karl A. Racine,
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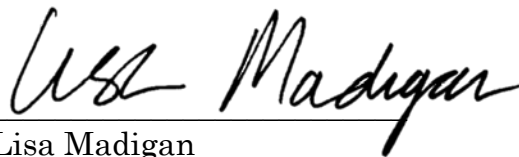
Matt P. Denn
Delaware Attorney General



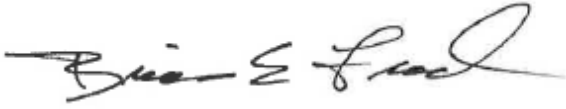
Thomas J. Miller
Iowa Attorney General



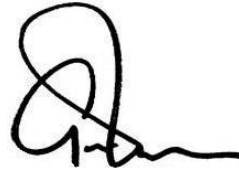
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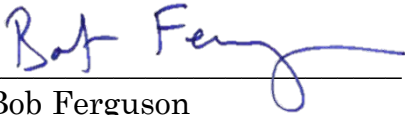
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