

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: July 13, 2015

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations and
Neighborhoods Committee

FROM: Sharon M. Tso  Council File No: 15-0002-S32
Chief Legislative Analyst Assignment No: 15-04-0271

SUBJECT: Resolution (Parks - Krekorian) to oppose S. 498 (Cornyn)

CLA RECOMMENDATION: Adopt Resolution (Parks - Krekorian) to include in the City's 2015 - 2016 Federal Legislative Program OPPOSITION to S. 498 (Cornyn), which would permit a person who has a valid concealed-weapons permit from a state to carry a concealed weapon in any other state.

SUMMARY

On April 1, 2015, a Resolution (Parks - Krekorian) was introduced in opposition of S. 498 (Cornyn), the Constitutional Concealed Carry Reciprocity Act of 2015, which would allow an individual with a valid concealed-carry weapons permit (CCW) to carry a concealed weapon in any other state that allows for concealed carry. The Resolution states that laws related to guns and gun control differ greatly state to state, and that California's rules for concealed carry are far stricter than other states. The Resolution further states that S. 498 would allow any individual with a CCW to carry a weapon in any state that allows for the issuance of CCWs, regardless of any difference in local regulations.

The Resolution states that S. 498 would force states with stricter CCW laws, such as California, to recognize permits issued by states with lower requirements. The Resolution, therefore, seeks an official position of the City of Los Angeles to oppose S. 498 (Cornyn), the Constitutional Concealed Carry Reciprocity Act of 2015.

BACKGROUND

Under current California law, a county Sheriff or municipal Police Chief determines who is eligible to receive a concealed-carry weapons permit (CCW). To obtain a permit, an individual must meet specific requirements, including having 'good cause' for carrying a concealed weapon, and must pass a training course. California's CCW rules are among the strictest in the United States, and the state does not recognize CCW permits from other states. A person who has been issued a CCW permit in another state is prohibited from carrying a concealed weapon in California without first acquiring a CCW permit in California.

S. 498 (Cornyn), entitled the Constitutional Concealed Carry Reciprocity Act of 2015, would establish mandatory reciprocity for CCW permits across state lines, seriously undermining California's CCW regulations. This bill would allow individuals who receive a CCW permit in any state to legally carry their weapon in California.

S. 498 would negatively impact California's gun control policies, and effectively lets the states with the least stringent CCW requirements, such as Nevada, Texas and South Dakota, to set the basic requirements for individuals who wish to carry a concealed weapon. In these states, an individual does not have to show good cause for a CCW, and no weapons training is required for the issuance of a CCW. S. 498 would result in individuals acquiring permits outside of California for the sole purpose of circumventing California's stricter requirements. This bill would pose a significant threat to public safety in the State of California, and seriously undermine regional efforts to reduce the number of guns on the street.

DEPARTMENTS NOTIFIED

Police Department

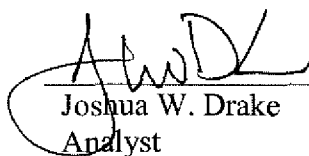
BILL STATUS

12/12/2014

Bill introduced

12/12/2014

Referred to the Senate Committee on the Judiciary


Joshua W. Drake
Analyst

SMT:jwd

Attachment: Resolution (Parks - Krekorian)
S. 498 (Cornyn)

R3

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, guns have a unique and troubling place in American society; and

WHEREAS, on average, 32 Americans are murdered with guns every day and 140 are treated for gun assault in an emergency room; and

WHEREAS, laws related to guns and gun-control differ significantly from state to state; and

WHEREAS, California has some of the Nation's toughest gun-control laws; and

WHEREAS, California requires people to pass a gun safety course to qualify for a concealed-weapon permit, while other states do not; and

WHEREAS, S. 498 (Cornyn), the Constitutional Concealed Carry Reciprocity Act of 2015, authorizes those who have a state issued concealed-weapon permit to carry a concealed handgun in any other state, even if different from the issuing state, so long as there is an existing statute that allows residents to obtain permits to carry concealed firearms; and

WHEREAS, S. 498 requires that states apply the same terms authorized by a license or permit to residents of the state to those who have a concealed-weapon permit issued by any state; and

WHEREAS, S. 498 would force states with stricter gun laws and rules related to the issuing of a concealed-weapon permit, like California, to recognize permits issued by states with lower requirements;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 Federal Legislative Program OPPOSITION to S. 498 (Cornyn), that would authorize a person who has a concealed-weapon permit issued by a state to carry a concealed handgun in any state in accordance with the restrictions of that state.

PRESENTED BY

Bernard C. Parks

BERNARD C. PARKS
Councilmember, 8th District

SECONDED BY

Paul Kellerman

[Signature]

APR 1 2015

ORIGINAL

114TH CONGRESS
1ST SESSION

S. 498

To allow reciprocity for the carrying of certain concealed firearms.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2015

Mr. CORNYN (for himself, Mr. MANCHIN, Mr. THUNE, Mr. VITTER, Mr. GRASSLEY, Mr. HATCH, Mr. BURR, Mr. COCHRAN, Mr. WICKER, Mr. ISAKSON, Mr. BOOZMAN, Mr. BARRASSO, Mr. MORAN, Mr. CRAPO, Mr. RISCH, Mrs. FISCHER, and Mr. DAINES) 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 2015”.

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.

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