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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_\_

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.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. HUDSON introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# 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 “Constitutional Con-  
5 cealed Carry Reciprocity 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, or base.

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).

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

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

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

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

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

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

22               “(F) Land administered and managed by the  
23       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 circum-  
8 stance 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.