

Senate Amendment number 1618. Mr. THUNE (for himself, Mr. Vitter, Mr. Enzi, Mr. Barrasso, and Mr. Coburn) proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) *Findings.*--Congress finds the following:

(1) The second amendment to the Constitution of the United States protects the right of an individual to keep and bear arms, including for purposes of individual self-defense.

(2) The right to bear arms includes the right to carry arms for self-defense and the defense of others.

(3) Congress has previously enacted legislation for national authorization of the carrying of concealed firearms by qualified active and retired law enforcement officers.

(4) Forty-eight States provide by statute for the issuance of permits to carry concealed firearms to individuals, or allow the carrying of concealed firearms for lawful purposes without need for a permit.

(5) The overwhelming majority of individuals who exercise the right to carry firearms in their own States and other States have proven to be law-abiding, and such carrying has been demonstrated to provide crime prevention or crime resistance benefits for the licensees and for others.

(6) Congress finds that the prevention of lawful carrying by individuals who are traveling outside their home State interferes with the constitutional right of interstate travel, and harms interstate commerce.

(7) Among the purposes of this Act is the protection of the rights, privileges, and immunities guaranteed to a citizen of the United States by the fourteenth amendment to the Constitution of the United States.

(8) Congress therefore should provide for the interstate carrying of firearms by such individuals in all States that do not prohibit the carrying of concealed firearms by their own residents.

(b) *In General.*--Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following: ``§926D. Reciprocity for the carrying of certain concealed firearms

“(a) Notwithstanding any provision of the law of any State or political subdivision thereof--

“(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm, may carry a concealed firearm in any State other than the State of residence of the person that--

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes;

“(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled to carry a concealed firearm in the State in which the person resides otherwise than as described in paragraph (1), may carry a concealed firearm in any State other than the State of residence of the person that--

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

“(b) A person carrying a concealed firearm under this section shall--

“(1) in a State that does not prohibit the carrying of a concealed firearms by residents of the State for lawful purposes, be entitled to carry such firearm subject to the same laws and conditions that govern the specific places and manner in which a firearm may be carried by a resident of the State; or

“(2) in a State that allows residents of the State to obtain licenses or permits to carry concealed firearms, be entitled to carry such a firearm subject to the same laws and conditions that govern specific places and manner in which a firearm may be carried by a person issued a permit by the State in which the firearm is carried.

“(c) In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, a firearm shall be carried according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

“(d) Nothing in this section shall be construed to--

“(1) effect the permitting process for an individual in the State of residence of the individual;
or

“(2) preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.”.

(c) *Clerical Amendment.*--The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

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

(d) *Severability.*--Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(e) *Effective Date.*--The amendments made by this section shall take effect 90 days after the date of enactment of this Act.