



National Prevention Science Coalition

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A Science-Based Analysis of H.R.38¹ §926D and S.B. 446 (115th Congress, 1st Session): Title I — Constitutional Concealed Carry Reciprocity Act of 2017

December 20, 2017

To amend Title 18, US Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms² may also do so in any State

Key Provision of §926D that would be added if this legislation were enacted:

Persons who possess a valid permit to carry a concealed handgun in the State in which they reside, with proper identification and the permit on their person, may possess or carry a concealed handgun (other than a machinegun or destructive device){includes any magazine for use in a handgun and any ammunition loaded into the handgun or its magazine} that has been shipped or transported in interstate or foreign commerce, in any state, including State and National Parks, that has a statute under which residents of the State may apply for a license or permit to carry a concealed firearm or does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

Facts and Analyses

1. H. R. 38 & S.B. 446 (§926D) would allow individuals with concealed weapon permits in their home state to carry a concealed handgun in every state and the District of Columbia, regardless of the state laws in the state in which they are visiting. Every State and the District of Columbia have provisions to carry concealed handguns; however, states differ in the procedures and requirements to issue such permits. This bill would override each state's right to fully regulate concealed weapons by applying one's home state regulations to apply elsewhere and clearly increase the number of persons permitted to carry a handgun in states with more restrictive regulations. There are three types of state laws/regulations regarding concealed handguns: as of 2015³:
 - a. 32 states mandate that anyone who may legally own a handgun under state law shall be issued a concealed handgun permit upon request. These "shall be" laws are also known as "right to carry" (RTC) laws.

¹ H.R. 38, which has passed in the House, includes provisions beyond those in §926D, provisions that are not addressed in this analysis. S.B. 446 exclusively adds §926D to the statute.

² This means that persons with permits to carry a concealed handgun in their home state can carry concealed handguns in states in which they may not have fulfilled the requirements to secure such a permit.

³ Siegel, M., Ziming, X., Ross, C.S., Galea, S., Kalesan, B., Fleegler, E., & Goss, K. A. (2017). Easiness of legal access to concealed firearm permits and homicide rates in the United States. *American Journal of Public Health, 107*(12), 1923-1929.

- b. 9 states impose additional requirements to carry a concealed handgun, beyond the requirements to simply possess a handgun, laws known as “may issue” laws.
 - c. 9 states do not require a permit to carry a concealed handgun. These laws are known as “permitless-carry” states.
2. H. R. 38 & S.B. 446 (§926D) does not require any additional training or demonstration of handgun skills.
- a. 23 of the 30⁴ right to carry states require the completion of some sort of training in the use of handguns; however, among these 13 states, 7 states do not require applicants to demonstrate any hands-on ability in the proper use firearms⁵. The remaining 7 states do not require any training in the use or storage of firearms.
 - b. In a recent national survey of guns owners, 39 percent those who said they own a gun for self-protection had received no formal training in gun usage⁶.
 - c. In the limited evidence available in the scientific literature, the absence of training in the use of firearms increases the probability of iatrogenic effects, e.g., shooting of unarmed bystanders in simulations of active shooting situations⁷.
3. Public opinion polls suggest that a majority of Americans who own guns do so for purposes of safety and protection⁸. Pro-gun pundits suggest that enhanced gun possession (concealed or otherwise) would reduce the toll taken in mass shootings and function as a crime deterrent in general⁹. Research clearly indicates each of these views and opinions fail to meet the test of scientific analysis¹⁰.
- a. In the 111 mass shooting incidents that occurred during the period 1996 – 2015, in zero cases did an armed civilian effectively intervene and terminate a mass shooting in progress¹¹.

⁴ This analysis covered a period prior to 2015, thus the discrepancy between the number of RCT states and those cited by Siegel, et al., 2017.

⁵ Webster, D.W., Crifasi, C.K., Vernick, J.S., and McCourt, A. (2017). Concealed carry of firearms: Facts vs. fiction. Johns Hopkins Center for Gun Policy and Research: <https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/concealed-carry-of-firearms.pdf>

⁶ Rowhani-Rahbar A, Lyons VH, Simonetti JA, et al. Formal firearm training among adults in the USA: results of a national survey. *Injury Prevention* Published Online First: 11 July 2017. doi: 10.1136/injuryprev-2017-042352

⁷ Vince, J.J., Wolfe, T., & Field, L. (2015). *Firearms Training Self-Defense & Does the Quality and Frequency of Training Determine the Realistic Use of Firearms by Citizens for Self-Defense?* Facts and Evidence for Public Policy Considerations A Report Prepared for the National Gun Victims Action Council Chicago, Illinois:

http://www.gunvictimsaction.org/downloads22/FirearmsTrainings%20_StudyDocument_F_062115.pdf

⁸ Ingielnik, R. & Brown, A. (2017). *Key takeaways on Americans' views of guns and gun ownership*, Pew Research Center:

<http://www.pewresearch.org/fact-tank/2017/06/22/key-takeaways-on-americans-views-of-guns-and-gun-ownership>. See also the 2014 Gallop poll in which 63 percent of respondents reported that they thought having a gun in the house makes it safer and the 60 percent of gun owners indicated they had a gun for personal safety: <http://news.gallup.com/poll/1645/guns.aspx>.

⁹ The most widely cited analysis arguing these positions is that of John Lott in his 1998 book entitled “More Guns, Less Crime.” The corresponding and often repeated mantra is that “Good guys with guns stop bad guys with guns.”

¹⁰ Lott’s analytic methods and the results he reported to support his position that increased gun possession reduces crime have been shown to be severely flawed: See the Consensus Report published in 2005 by the National Academy of Sciences entitled “Firearms and Violence: A Critical Review.” <https://www.nap.edu/catalog/10881/firearms-and-violence-a-critical-review> and even more critically, see: Donohue, J.J. (2003). The final bullet in the body of the more guns, less crime hypothesis. *Criminology & Public Policy*, 2(3), 397-410.

¹¹ Klarevas, L. (2016). *Rampage nation: Securing America from mass shootings*. Amherst, NY: Prometheus Books, 2016. As cited in Webster, et al., 2017: See also, Blair, J.P. Schweit, K. A study of active shooter incidents, 2000-2013. Texas State University and FBI, Department of Justice, that demonstrated that unarmed civilians are 20 times as likely to successfully end an active shooting than are armed civilians: [file:///C:/Users/Michael/Downloads/\(U\)_ActiveShooter021317_17B_WEB%20\(2\).PDF](file:///C:/Users/Michael/Downloads/(U)_ActiveShooter021317_17B_WEB%20(2).PDF).

- b. In the most comprehensive study to date, based upon an analysis of data from the National Crime Victimization Survey covering the years 2007-2011. Of the 14,145 incidents in which a crime victim was present during a crime, use of a firearm by the victim in such cases showed no or less benefit in terms of reduced injury or lower property loss over other methods of self-protection, e.g., simply running away¹².
- c. Between the years 1991 and 2015, 20 states passed laws that shifted from “may issue” to “shall issue” concealed weapons regulations¹³. Between 1977 and 2014, 36 states shifted to “RTC” standards while 9 states maintained “may issue” standards¹⁴. These shifts, occurring at different points in time during these time periods, permitted researchers to conduct rigorous analyses of the impact of shifting from more restrictive requirements to less restrictive requirements to carry a concealed weapon¹⁵.
- d. Researchers utilizing data on these staggered shifts in states adopting “shall issue” standards clearly demonstrate that violent crime increases with the shift from “may issue” laws to “shall issue” or “right to carry” laws¹⁶,” i.e., adoption of less restrictive requirements to issue concealed handgun permits increases crime, and in particular, violent crime. One such study, using data from 1977 to 2014, found that 10 years following the adoption of a RTC law, violent crime rose 13 to 15 percent higher than predicted had such laws not been in place¹⁷. Another study, using data from the time period 1991 to 2015, demonstrated that the adoption of RTC laws among states that had had more stringent criteria to carry a concealed weapon is associated with an 11 percent increase in homicides committed with a handgun¹⁸.

Conclusion

If passed, this legislation would enable residents from “right to carry” and “permitted” states to carry concealed weapons in “may issue” states without applying for and meeting the requirements and standards of these states. Neither would the majority of such individuals be required to demonstrate proficiency in the use of firearms. Rigorous research has clearly established that the shift from ‘may issue’ to “shall issue” states substantially increases the probability of higher rates of violent crime, including homicides. Extrapolating from these studies, this legislation is very likely to cause an increase in violent crime and accidental shootings by untrained persons.

¹² Hemenway, D. & Solnick, S.J. (2015). The epidemiology of self-defense gun use: Evidence from the National Crime Victimization Surveys 2007–2011. *Preventive Medicine*, 79(Supplement C), 22-27.

¹³ Siegel, et al., 2017 and Donohue, J.J., Abhay, A. & Weber, K.D. (2017). Right to carry laws and violent crime: A comprehensive assessment using panel data and a state-level synthetic controls analysis. No w23510. National Bureau of Economic Research: file:///C:/Users/Michael/Downloads/The%20Impact%20of%20RTC%20Laws%20--%20Synthetic%20Controls%20%206_19_2017_stamped.pdf and Cook, P. & Donohue, J.J. (2017). Saving lives by regulating guns: Evidence for policy. *Science*, 358 (6368), 1259-1261

¹⁴ Donohue, J.J., Abhay, A. & Weber, K.D. (2017). Right to carry laws and violent crime: A comprehensive assessment using panel data and a state-level synthetic controls analysis. No w23510. National Bureau of Economic Research: file:///C:/Users/Michael/Downloads/The%20Impact%20of%20RTC%20Laws%20--%20Synthetic%20Controls%20%206_19_2017_stamped.pdf and Cook, P. & Donohue, J.J. (2017). Saving lives by regulating guns: Evidence for policy. *Science*, 358 (6368), 1259-1261.

¹⁵ Siegel, et al., 2017.

¹⁶ These are states in which no additional permit beyond a basic permit to carry firearms is required to carry a concealed handgun.

¹⁷ Donohue et al., 2017 and Cook & Donohue, 2017.

¹⁸ Siegel, M., et al., 2017.