



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
May 2, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmember Susan Wengraf
Councilmember Sophie Hahn

Subject: Oppose HR 38 (Hudson) and S 446 (Cornyn), the Constitutional Concealed Carry Reciprocity Act of 2017

RECOMMENDATION

Adopt a Resolution opposing H.R. 38 (Hudson), and S. 446 (Cornyn) the Constitutional Concealed Carry Reciprocity Act of 2017 and send a copy of the resolution to Congresswomen Barbara Lee and Senators Diane Feinstein and Kamala Harris.

FINANCIAL IMPLICATIONS

Minimal

BACKGROUND

Under current California law, a county Sheriff or municipal Police Chief determines who is eligible to receive a concealed-carry weapons (CCW) permit. 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. Under current law, 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.

HR 38 and S 446, the Constitutional Concealed Carry Reciprocity Act of 2017, 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 a concealed weapon in public in California. Further, HR 38 and S 446 would allow individuals from states that allow their residents to carry concealed firearms without a CCW permit to carry a concealed weapon in California without obtaining a permit. HR 38 and S 446 would severely undermine individual states' ability to regulate and control the issuance of CCW permits, infringes on the rights of states to regulate firearms, and would weaken CCW regulations throughout the United States.

HR 38 and S 446 would negatively impact California's gun control policies, and effectively lets states with the least stringent CCW permit requirements to set the basic

requirements for individuals who wish to carry a concealed weapon. Currently, a number of states bar certain individuals from obtaining a CCW. However, in some states, individuals who have been convicted of certain violent crimes, domestic abuse, stalking or other crimes can still legally carry a concealed weapon. HR 38 and S 446 would allow these individuals, who would be barred from possessing a firearm in California if they were residents of the state, to carry a concealed weapon as long as they maintain their official residency outside of California. It is likely that HR 38 and S 446 would result in individuals acquiring permits outside of California for the sole purpose of circumventing California's stricter CCW permit requirements

Further, HR 38 and S 446 would allow individuals with CCW permits from other states to utilize high capacity magazines in their firearms while in California, undermining recent legislation which prohibits the possession of high capacity magazines in the state. 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.

ENVIRONMENTAL SUSTAINABILITY

NA

CONTACT PERSON

Councilmember Susan Wengraf Council District 6 510-981-7160

Attachments:

1: Resolution

2: <https://www.congress.gov/115/bills/hr38/BILLS-115hr38ih.pdf>

3: <https://www.congress.gov/115/bills/s446/BILLS-115s446is.pdf>

RESOLUTION NO. ##,###-N.S.

WHEREAS, on January 3, 2017, Congressman Richard Hudson (R-NC) introduced HR 38, known as the Concealed Carry Reciprocity Act of 2017, which would force every state to recognize concealed carry permits by every other state, regardless of the permitting standards, or lack thereof, of that state; and

WHEREAS, while every state allows concealed carry under some circumstances, each state has different requirements on who is permitted to carry, what requirements are appropriate, and what type of training should be required of permit holders; and

WHEREAS, currently, many states, including California, prohibit out-of-state residents from carrying concealed weapons within their borders without complying with their own requirements; and

WHEREAS, the Concealed Carry Reciprocity Act of 2017 would force all states to recognize so-called "constitutional" or permitless carry, which allows gun owners to carry without receiving any permit or training; and

WHEREAS, the new bill also would override the Gun-Free School Zones Act, which makes it a federal crime to carry a gun in a school zone; and

WHEREAS, California, like many states, requires applicants to demonstrate a specific need for obtaining a concealed-carry permit; and

WHEREAS, the bill would effectively override existing state and city laws and severely limit the city's ability to prevent dangerous people from carrying loaded, hidden firearms in public.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby opposes HR 38 and S 446 (Cornyn), the Concealed Carry Reciprocity Act of 2017.

