

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 38
OFFERED BY MR. GOODLATTE OF VIRGINIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Concealed Carry Reci-
3 procity Act of 2017”.

**4 SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN
5 CONCEALED FIREARMS.**

6 (a) IN GENERAL.—Chapter 44 of title 18, United
7 States Code, is amended by inserting after section 926C
8 the following:

9 **“§ 926D. Reciprocity for the carrying of certain con-
10 cealed firearms**

11 “(a) Notwithstanding any provision of the law of any
12 State or political subdivision thereof (except as provided
13 in subsection (b)) and subject only to the requirements
14 of this section, a person who is not prohibited by Federal
15 law from possessing, transporting, shipping, or receiving
16 a firearm, who is carrying a valid identification document
17 containing a photograph of the person, and who is car-
18 rying a valid license or permit which is issued pursuant

1 to the law of a State and which permits the person to
2 carry a concealed firearm or is entitled to carry a con-
3 cealed firearm in the State in which the person resides,
4 may possess or carry a concealed handgun (other than a
5 machinegun or destructive device) that has been shipped
6 or transported in interstate or foreign commerce, in any
7 State that—

8 “(1) has a statute under which residents of the
9 State may apply for a license or permit to carry a
10 concealed firearm; or

11 “(2) does not prohibit the carrying of concealed
12 firearms by residents of the State for lawful pur-
13 poses.

14 “(b) This section shall not be construed to supersede
15 or limit the laws of any State that—

16 “(1) permit private persons or entities to pro-
17 hibit or restrict the possession of concealed firearms
18 on their property; or

19 “(2) prohibit or restrict the possession of fire-
20 arms on any State or local government property, in-
21 stallation, building, base, or park.

22 “(c)(1) A person who carries or possesses a concealed
23 handgun in accordance with subsections (a) and (b) may
24 not be arrested or otherwise detained for violation of any
25 law or any rule or regulation of a State or any political

1 subdivision thereof related to the possession, transpor-
2 tation, or carrying of firearms unless there is probable
3 cause to believe that the person is doing so in a manner
4 not provided for by this section. Presentation of facially
5 valid documents as specified in subsection (a) is prima
6 facie evidence that the individual has a license or permit
7 as required by this section.

8 “(2) When a person asserts this section as a defense
9 in a criminal proceeding, the prosecution shall bear the
10 burden of proving, beyond a reasonable doubt, that the
11 conduct of the person did not satisfy the conditions set
12 forth in subsections (a) and (b).

13 “(3) When a person successfully asserts this section
14 as a defense in a criminal proceeding, the court shall
15 award the prevailing defendant a reasonable attorney’s
16 fee.

17 “(d)(1) A person who is deprived of any right, privi-
18 lege, or immunity secured by this section, under color of
19 any statute, ordinance, regulation, custom, or usage of any
20 State or any political subdivision thereof, may bring an
21 action in any appropriate court against any other person,
22 including a State or political subdivision thereof, who
23 causes the person to be subject to the deprivation, for
24 damages or other appropriate relief.

1 “(2) The court shall award a plaintiff prevailing in
2 an action brought under paragraph (1) damages and such
3 other relief as the court deems appropriate, including a
4 reasonable attorney’s fee.

5 “(e) In subsection (a):

6 “(1) The term ‘identification document’ means
7 a document made or issued by or under the author-
8 ity of the United States Government, a State, or a
9 political subdivision of a State which, when com-
10 pleted with information concerning a particular indi-
11 vidual, is of a type intended or commonly accepted
12 for the purpose of identification of individuals.

13 “(2) The term ‘handgun’ includes any magazine
14 for use in a handgun and any ammunition loaded
15 into the handgun or its magazine.

16 “(f)(1) A person who possesses or carries a concealed
17 handgun under subsection (a) shall not be subject to the
18 prohibitions of section 922(q) with respect to that hand-
19 gun.

20 “(2) A person possessing or carrying a concealed
21 handgun in a State under subsection (a) may do so in
22 any of the following areas in the State that are open to
23 the public:

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

1 “(B) A unit of the National Wildlife Refuge
2 System.

3 “(C) Public land under the jurisdiction of the
4 Bureau of Land Management.

5 “(D) Land administered and managed by the
6 Army Corps of Engineers.

7 “(E) Land administered and managed by the
8 Bureau of Reclamation.

9 “(F) Land administered and managed by the
10 Forest Service.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 for such chapter is amended by inserting after the item
13 relating to section 926C the following:

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

14 (c) SEVERABILITY.—Notwithstanding any other pro-
15 vision of this Act, if any provision of this section, or any
16 amendment made by this section, or the application of
17 such provision or amendment to any person or cir-
18 cumstance is held to be unconstitutional, this section and
19 amendments made by this section and the application of
20 such provision or amendment to other persons or cir-
21 cumstances shall not be affected thereby.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect 90 days after the date of the
24 enactment of this Act.

1 **SEC. 3. CERTAIN OFF-DUTY LAW ENFORCEMENT OFFICERS**
2 **AND RETIRED LAW ENFORCEMENT OFFICERS**
3 **ALLOWED TO CARRY A CONCEALED FIRE-**
4 **ARM, AND DISCHARGE A FIREARM, IN A**
5 **SCHOOL ZONE.**

6 Section 922(q) of title 18, United States Code, is
7 amended—

8 (1) in paragraph (2)(B)—

9 (A) by striking “or” at the end of clause
10 (vi); and

11 (B) by redesignating clause (vii) as clause
12 (ix) and inserting after clause (vi) the following:

13 “(vii) by an off-duty law enforcement offi-
14 cer who is a qualified law enforcement officer
15 (as defined in section 926B) and is authorized
16 under such section to carry a concealed firearm,
17 if the firearm is concealed;

18 “(viii) by a qualified retired law enforce-
19 ment officer (as defined in section 926C) who
20 is authorized under such section to carry a con-
21 cealed firearm, if the firearm is concealed; or”;
22 and

23 (2) in paragraph (3)(B)—

24 (A) by striking “or” at the end of clause
25 (iii);

1 (B) by striking the period at the end of
2 clause (iv) and inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(v) by an off-duty law enforcement officer
5 who is a qualified law enforcement officer (as
6 defined in section 926B) and is authorized
7 under such section to carry a concealed firearm;
8 or

9 “(vi) by a qualified retired law enforcement
10 officer (as defined in section 926C) who is au-
11 thorized under such section to carry a concealed
12 firearm.”.

