

Hindsight

March for permitless carry continues

by Joseph P. Tartaro
Executive Editor

Major shifts in public policy take time.

“Shall issue” concealed carry spread from state to state over a recent period of about 35 years, even though a couple of states offered such carry licenses even before Florida enacted its law in the late 1980s. Last year, Illinois ended its draught on carry and became the fortieth state with such a system. Today, there are still 10 states with “may issue” or “good cause” arbitrary licensing systems.

While there is also a push for open carry—with or without licenses, the current major shift in public policy seems to focus on permitless carry, also known as “constitutional carry.” At one time, people referred to such a system as “Vermont-style” carry because Vermont never did require a license for law-abiding citizens to carry concealed.

Then four more states joined Vermont with a permitless carry policy, Alaska, Arizona, Arkansas and Wyoming. Alaska went permit-free in 2003; Arizona in 2010; Wyoming in 2011 (limited to residents); and Arkansas in 2013. Actually, parts of Montana are also permit-free for residents but not the whole state.

Until a viable federal reciprocity law is passed, some of the permitless states still issue them so that residents can take advantage of applicable state reciprocity agreements.

Meanwhile, firearms civil rights activists are pushing the permitless carry policy in several other states, not always with complete success, which was also the case for “shall issue” laws, but making incremental progress.

Gun rights advocates have had tremendous success in recent decades making it easier to obtain a concealed-carry permit. In most states, the process is now fairly straightforward: a non-prohibited applicant typically has to pass a background check and meet his or her state’s other specified qualifications.

But after the 2014 elections, more firearms friendly Republicans took control of nearly a dozen state chambers, allowing permitless concealed-carry efforts to resurge

in places like Kansas, Idaho, New Hampshire, West Virginia and Maine.

And that’s not surprising as polls have indicated that the American public has recently been tilting more and more toward gun rights. A recent Pew Research poll showed guns rights supporters pulling ahead of gun control supporters 52 to 46.

So far, the only new state to allow permitless carry is Kansas, where the legislature approved legislation in its most recent session and Gov. Sam Brownback signed it into law earlier this year.

We all await results of the campaign to gain full right to carry concealed for self- and property-protection outside our homes and businesses in accordance with each individual state’s law governing self-defense, although most of such laws are based on the “reasonable man” principle. That is what the Founding Fathers meant when they included the word “bear” in the Second Amendment.

There have been some partial setbacks which may send people back to the legislative drawing boards next year. Permitless carry is not that easy an idea to sell when powerful law enforcement, business, and political interests are opposed.

In West Virginia, such a measure passed in the Senate and the House and was sent to Gov. Earl Ray Tomblin (R) with every expectation that he would sign it into law. However, with very public opposition from Sen. Joe Manchin (D) and other powerful people in the state, Tomblin vetoed the measure.

In Idaho, there was a similar but less confrontational scenario. After the bill made some progress in the legislature, it got strangled by amendments and powerful opposition. Gov. Butch Otter (R) also raised issues, so it went it back to the legislature for this year.

In Maine, permitless carry is still very much alive this year. In recent years, gun rights advocates have come extremely close to passing such a law, failing in 2013 by one vote in the House. In 2014, their efforts fell short again.

But 2015 is different. Republicans took control of the Senate and added 10 seats in the House, which remains under Democratic control, in January.

State Sen. Eric Brakey (R) reintroduced the permitless concealed-carry legislation, and it has moved. LD652, a constitutional carry bill, has passed both houses of the legislature but the House added two new provisions and it goes back to the Senate for concurrence. How it will all end remains in question as this is written.

In neighboring New Hampshire, SB116, a repeal or revision of the Granite State’s “shall issue” right-to-carry permit system, would establish permitless carry but with allowance for permits for those who want to have a permit in order to carry in other states. The measure has passed both in the Senate and the House. However, Gov. Maggie Hassan (D) has threatened to veto the measure, but has not yet done so.

Across the country, permitless carry also was proposed in Colorado and passed the state Senate, but seems to have run aground in the House, and is unlikely to move further in 2015 because the legislature has adjourned.

Permitless carry was also introduced in several other states this year, including Indiana, South Carolina, South Dakota, Ohio and Utah. While permitless carry legislation is still alive in the Ohio legislature, it appears to have stalled elsewhere.

In Indiana, HB 1144 has been stuck in committee and it appears unlikely to get a hearing, according to the *Kokomo Perspective*.

In South Carolina, a permitless concealed carry bill foundered by the end of May after passing the House by a vote of 90-18. Further amendments would have required unanimous votes, and that didn’t happen. If it passes in the next legislative session, it appears that Gov. Nikki Haley (R) would sign it, as she has indicated support for constitutional carry.

In South Dakota, HB 1116 passed the House 44-23 on Feb. 10, but was tabled by the Senate judiciary committee.

In Utah, Gov. Gary Herbert (R) vetoed such a measure in 2013, citing the importance of background checks. A similar bill this year was tabled recently after Herbert asked the sponsor to hold it for now, according to the *Park Record*.

So far, only Kansas has joined the limited but prestigious “permitless carry club” this year.

Still residents of other states have gained more rights, and meanwhile, the lack of any negative increase in violent crime in the states with such laws may provide further impetus to the movement.