

File No. 171067

Committee Item No. _____

Board Item No. 35

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: October 17, 2017

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>House of Representatives Bill 38</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>United States Senate Bill 446</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Lisa Lew
Prepared by: _____

Date: October 11, 2017
Date: _____

1 [Urging the United States Congress to Oppose United States House of Representatives
2 Bill 38, and United States Senate Bill 446]

3 **Resolution urging the United States Congress to oppose the United States House of**
4 **Representatives Bill 38, the Concealed Carry Reciprocity Act of 2017, and United States**
5 **Senate Bill 446, the Constitutional Concealed Carry Reciprocity Act of 2017.**

6
7 WHEREAS, On January 3, 2017, Congressman Richard Hudson (R-NC) introduced
8 House of Representatives Bill 38 (H.R. 38), known as the Concealed Carry Reciprocity Act of
9 2017; and

10 WHEREAS, On February 27, 2017, Senator John Cornyn (R-TX) introduced United
11 States Senate Bill (S. 446), known as the Constitutional Concealed Carry Reciprocity Act of
12 2017; and

13 WHEREAS, Both H.R. 38 and S. 446 would force every state to recognize concealed
14 carry permits by every other state, regardless of the permitting standards, or lack thereof, of
15 that state; and

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

19 WHEREAS, Both H.R. 38 and S. 446 would force all states to recognize so-called
20 "constitutional" or permitless carry, which allows gun owners to carry without receiving any
21 permit or training; and

22 WHEREAS, H.R. 38 also would override the Gun-Free School Zones Act, which makes
23 it a federal crime to carry a gun in a school zone; and

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

4 WHEREAS, California and San Francisco, like many other cities and states, requires
5 applicants to demonstrate a specific need for obtaining a concealed-carry permit; and

6 WHEREAS, Both bills would allow individuals with concealed carry permits from other
7 states to utilize high capacity magazines in their firearms while in California, undermining
8 policies approved that prohibit the possession of these magazines in the state; and

9 WHEREAS, Both bills would undermine San Francisco's efforts in approving numerous
10 common sense gun safety and gun violence prevention measures and laws aimed at
11 protecting the public and stopping gun violence; and

12 WHEREAS, Both bills would effectively override existing state and city laws and
13 severely limit the city's ability to prevent people from carrying loaded, hidden firearms in
14 public; now, therefore, be it

15 RESOLVED, That the San Francisco Board of Supervisors, with the concurrence of the
16 Mayor, hereby registers its strong opposition to H.R. 38 and S.446 and urges the United
17 States Congress to oppose and deny both bills.

115TH CONGRESS
1ST SESSION

H. R. 38

To amend title 18, United States Code, to provide a means by which non-residents of a State whose residents may carry concealed firearms may also do so in the State.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. HUDSON (for himself, Mr. SMITH of Missouri, Mr. ABRAHAM, Mr. CUELLAR, Mr. GAETZ, Mr. HOLDING, Mr. KING of Iowa, Mr. LAMALFA, Mr. PALMER, Mrs. WAGNER, Mr. KINZINGER, Mr. THOMAS J. ROONEY of Florida, Mr. WALKER, Mr. PITTENGER, Mr. ADERHOLT, Mr. CARTER of Georgia, Mr. GRAVES of Georgia, Mr. ROGERS of Alabama, Mr. HENSARLING, Mr. LAMBORN, Mr. CRAMER, Mr. COOK, Mr. WESTERMAN, Mr. CHABOT, Mrs. WALORSKI, Mr. MULLIN, Mr. PALAZZO, Mr. FRANKS of Arizona, Mr. JODY B. HICE of Georgia, Mr. MEADOWS, Mr. WENSTRUP, Mr. WILLIAMS, Mr. SMITH of Texas, Mr. HUIZENGA, Mr. AMODEI, Mr. HUNTER, Mr. FARENTHOLD, Mr. JENKINS of West Virginia, Mr. EMMER, Mr. ROE of Tennessee, Mr. TIPTON, Mr. JOHNSON of Ohio, Mr. DESJARLAIS, Mrs. HARTZLER, Mr. DUNCAN of South Carolina, Mr. ZELDIN, Mr. YOHO, Mr. SANFORD, Mr. BRAT, Mr. PETERSON, Mr. DUFFY, Mr. YODER, Mr. BUCHANAN, Mr. COLE, Mr. NEWHOUSE, Mr. TURNER, Mr. BROOKS of Alabama, Mr. KATKO, Mr. RATCLIFFE, Mr. HILL, Mr. OLSON, Mr. HARPER, Mr. BUCK, and Mr. DIAZ-BALART) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. RECIPROcity FOR THE CARRYING OF CERTAIN**
7 **CONCEALED FIREARMS.**

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

11 **“§ 926D. Reciprocity for the carrying of certain con-**
12 **cealed firearms**

13 “(a) Notwithstanding any provision of the law of any
14 State or political subdivision thereof (except as provided
15 in subsection (b)) and subject only to the requirements
16 of this section, a person who is not prohibited by Federal
17 law from possessing, transporting, shipping, or receiving
18 a firearm, who is carrying a valid identification document
19 containing a photograph of the person, and who is car-
20 rying a valid license or permit which is issued pursuant
21 to the law of a State and which permits the person to
22 carry a concealed firearm or is entitled to carry a con-
23 cealed firearm in the State in which the person resides,
24 may possess or carry a concealed handgun (other than a
25 machinegun or destructive device) that has been shipped

1 or transported in interstate or foreign commerce, in any
2 State that—

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

6 “(2) does not prohibit the carrying of concealed
7 firearms by residents of the State for lawful pur-
8 poses.

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

11 “(1) permit private persons or entities to pro-
12 hibit or restrict the possession of concealed firearms
13 on their property; or

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

17 “(c)(1) A person who carries or possesses a concealed
18 handgun in accordance with subsections (a) and (b) may
19 not be arrested or otherwise detained for violation of any
20 law or any rule or regulation of a State or any political
21 subdivision thereof related to the possession, transpor-
22 tation, or carrying of firearms unless there is probable
23 cause to believe that the person is doing so in a manner
24 not provided for by this section. Presentation of facially
25 valid documents as specified in subsection (a) is prima

1 facie evidence that the individual has a license or permit
2 as required by this section.

3 “(2) When a person asserts this section as a defense
4 in a criminal proceeding, the prosecution shall bear the
5 burden of proving, beyond a reasonable doubt, that the
6 conduct of the person did not satisfy the conditions set
7 forth in subsections (a) and (b).

8 “(3) When a person successfully asserts this section
9 as a defense in a criminal proceeding, the court shall
10 award the prevailing defendant a reasonable attorney’s
11 fee.

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

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

24 “(e) In subsection (a):

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

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

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

15 “(2) A person possessing or carrying a concealed
16 handgun in a State under subsection (a) may do so in
17 any of the following areas in the State that are open to
18 the public:

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

20 “(B) A unit of the National Wildlife Refuge
21 System.

22 “(C) Public land under the jurisdiction of the
23 Bureau of Land Management.

24 “(D) Land administered and managed by the
25 Army Corps of Engineers.

1 “(E) Land administered and managed by the
2 Bureau of Reclamation.”.

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

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

6 (c) SEVERABILITY.—Notwithstanding any other pro-
7 vision of this Act, if any provision of this section, or any
8 amendment made by this section, or the application of
9 such provision or amendment to any person or cir-
10 cumstance is held to be unconstitutional, this section and
11 amendments made by this section and the application of
12 such provision or amendment to other persons or cir-
13 cumstances shall not be affected thereby.

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

○



115TH CONGRESS
1ST SESSION

S. 446

To allow reciprocity for the carrying of certain concealed firearms.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2017

Mr. CORNYN (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mrs. CAPITO, Mr. COCHRAN, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. ENZI, Mrs. ERNST, Mrs. FISCHER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mr. ISAKSON, Mr. MCCAIN, Mr. MORAN, Ms. MURKOWSKI, Mr. PERDUE, Mr. PORTMAN, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. THUNE, Mr. WICKER, Mr. YOUNG, Mr. JOHNSON, and Mr. FLAKE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To allow reciprocity for the carrying of certain concealed
firearms.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Constitutional Con-
5 cealed Carry Reciprocity Act of 2017”.

1 SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN
2 CONCEALED FIREARMS.

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

6 “§ 926D. Reciprocity for the carrying of certain con-
7 cealed firearms

8 “(a) IN GENERAL.—Notwithstanding any provision
9 of the law of any State or political subdivision thereof to
10 the contrary—

11 “(1) an individual who is not prohibited by
12 Federal law from possessing, transporting, shipping,
13 or receiving a firearm, and who is carrying a govern-
14 ment-issued photographic identification document
15 and a valid license or permit which is issued pursu-
16 ant to the law of a State and which permits the indi-
17 vidual to carry a concealed firearm, may possess or
18 carry a concealed handgun (other than a machine-
19 gun or destructive device) that has been shipped or
20 transported in interstate or foreign commerce in any
21 State other than the State of residence of the indi-
22 vidual that—

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

1 “(B) does not prohibit the carrying of con-
2 cealed firearms by residents of the State for
3 lawful purposes; and

4 “(2) an individual who is not prohibited by
5 Federal law from possessing, transporting, shipping,
6 or receiving a firearm, and who is carrying a govern-
7 ment-issued photographic identification document
8 and is entitled and not prohibited from carrying a
9 concealed firearm in the State in which the indi-
10 vidual resides otherwise than as described in para-
11 graph (1), may possess or carry a concealed hand-
12 gun (other than a machinegun or destructive device)
13 that has been shipped or transported in interstate or
14 foreign commerce in any State other than the State
15 of residence of the individual that—

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

19 “(B) does not prohibit the carrying of con-
20 cealed firearms by residents of the State for
21 lawful purposes.

22 “(b) CONDITIONS AND LIMITATIONS.—The posses-
23 sion or carrying of a concealed handgun in a State under
24 this section shall be subject to the same conditions and
25 limitations, except as to eligibility to possess or carry, im-

1 posed by or under Federal or State law or the law of a
2 political subdivision of a State, that apply to the posses-
3 sion or carrying of a concealed handgun by residents of
4 the State or political subdivision who are licensed by the
5 State or political subdivision to do so, or not prohibited
6 by the State from doing so.

7 “(c) UNRESTRICTED LICENSE OR PERMIT.—In a
8 State that allows the issuing authority for licenses or per-
9 mits to carry concealed firearms to impose restrictions on
10 the carrying of firearms by individual holders of such li-
11 censes or permits, an individual carrying a concealed
12 handgun under this section shall be permitted to carry a
13 concealed handgun according to the same terms author-
14 ized by an unrestricted license of or permit issued to a
15 resident of the State.

16 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to preempt any provision of State
18 law with respect to the issuance of licenses or permits to
19 carry concealed firearms.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for chapter 44 of title 18, United States Code, is amended
22 by inserting after the item relating to section 926C the
23 following:

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

24 (c) SEVERABILITY.—Notwithstanding any other pro-
25 vision of this Act, if any provision of this Act, or any

1 amendment made by this Act, or the application of such
2 provision or amendment to any person or circumstance is
3 held to be unconstitutional, this Act and amendments
4 made by this Act and the application of such provision
5 or amendment to other persons or circumstances shall not
6 be affected thereby.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this Act shall take effect 90 days after the date of enact-
9 ment of this Act.

○

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2017 OCT 3 PM 4:50
 or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Mark Farrell, *Cohen*

Subject:

Resolution - Urging Congress to oppose H.R. 38 and S. 446

The text is listed:

Attached.

Signature of Sponsoring Supervisor: []

For Clerk's Use Only

