Guns in Public
A Threat to Safety and Democracy

OCTOBER 2020

CSGV | THE COALITION TO STOP GUN VIOLENCE
ABOUT THE COALITION TO STOP GUN VIOLENCE

The Coalition to Stop Gun Violence (CSGV) is the nation’s oldest gun violence prevention organization, founded in 1974. Along with its affiliate organization, the Educational Fund to Stop Gun Violence, CSGV develops and advocates for evidence-based solutions to reduce gun injury and death in all its forms. CSGV’s guiding principle is simple: We believe gun violence should be rare and abnormal. We pursue this goal through policy development, advocacy, community engagement, and effective training.

REPORT CONTRIBUTORS

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SUGGESTED CITATION

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The 2020 election season is unlike any other in modern American history. Our country is in the midst of unprecedented crises that threaten the core tenets of liberalism and democracy. We face a president who, taking cues from the gun lobby, incites insurrectionist violence, and undermines our democratic institutions by creating a political climate of fear and hatred. In the first presidential debate of the general election, President Trump refused to denounce a white supremacist hate group and instead told them to “stand back and stand by.” These tactics have given rise to widespread political violence, primarily instigated by far-right militias across America. They have led to the killing of protesters, the armed intimidation of state lawmakers, and the normalization of armed confrontations in our streets.

These serious threats to our democracy are fuelled by a decades-long effort from the gun lobby to dismantle centuries-old public safety laws that limited individuals from carrying guns in public. The gun lobby has continued to propagate the idea that guns should be used to achieve a political end, and the display and use of private guns is an acceptable means of response to individuals with differing views. Today, in many states Americans can carry guns in public, at protests, in state capitals, and even in front of polling places, leading to armed intimidation across our country.

Weak public carry laws combined with President Trump’s inflammatory rhetoric, fueled by the gun lobby, has pushed our nation to a breaking point. Starting with the 2017 neo-Nazi rally in Charlottesville we have seen, with increasing regularity, the rise of armed right-wing militia groups. These right-wing extremists intimidate and threaten those with differing views, whether it’s over a Black Lives Matter protest or a COVID-19 public health response.

Weak public carry laws fuel the violence we are witnessing across our country. If unchecked, these laws will continue to act as the catalyst for political violence and insurrectionism that threaten the future of our country.

However, it is not too late to preserve our democracy. If we indeed value our democracy and our public safety, we must pass laws that disarm extremism by banning public carry and strengthening concealed carry laws across the country. We must vote for officials up and down the ballot who support these strong gun violence prevention laws and will be tenacious about getting these laws enacted. Our democracy should not be decided by the barrel of a gun. 2020 offers us an opportunity to vote for gun safety.

Josh Horwitz

Executive Director, Coalition to Stop Gun Violence
Executive Summary

The carrying of firearms in public places poses a serious threat to public safety. Over the last four decades, the gun lobby has influenced states to weaken their concealed and open carry laws. As a result, an increasing number of Americans are carrying guns in public. Weak open and concealed carry laws increase gun violence in multiple ways: they 1) allow individuals who have a history of acting violently to carry their firearms in public, 2) promote a “shoot first” culture of violence, 3) encourage armed intimidation by hate groups, and 4) complicate law enforcement’s response to potential threats. To reduce gun violence, states should strengthen their concealed and open carry laws.

This report outlines the scope of public carry laws in America. It examines the shift that led the vast majority of states in this country to weaken their public carry laws and describes the research on its impact on gun violence. The report concludes with recommendations for policymakers to protect our country from violence and armed intimidation, and thereby preserve our democracy and freedom.

The Scope of Public Carry Laws

- An estimated 9 million Americans carry loaded handguns in public each month and 3 million Americans do so each day.¹
- As of September 2020, 47 states allow for open carrying of guns in public places, with many states allowing individuals to carry assault rifles at protests, into state capitol buildings, and even in front of polling places.²
- As of September 2020, 15 states have permitless concealed carry laws, allowing individuals to carry a concealed gun in public without a permit.³

The Impact of Weak Public Carry Laws

- Research has found just the presence of firearms can prime aggressive thoughts regardless of whether a “good guy” or “bad guy” is holding the gun.¹ Weak public carry laws can escalate conflict and encourage intimidation by extremist groups.⁵
- Shall-issue (a weak type of public carry law) concealed-carry permitting laws are linked to a nearly 9% higher firearm homicide rate, and a 13-15% higher violent crime rate compared to may-issue laws (a stronger public carry law).⁶,⁷
- At least 35 mass shootings were carried out by concealed carry permit holders since May 2007.⁸

Policy Recommendations

- Enact and implement state prohibitions on the open carry of firearms in public.
- Strongly regulate concealed carry of firearms to help protect public safety.
Since our nation’s founding, states have enacted laws that regulate the carrying of firearms in public to ensure public safety. In fact, public carry laws were among the most widely adopted gun laws in the United States, and up until the last few decades, these laws were largely uncontroversial. By the early 1900s, 43 states had laws restricting and, in some cases, prohibiting carrying firearms in public places. While these state laws differed in whether they restricted concealed carry, open carry, or both, they demonstrate that carrying firearms in public has always had limitations to ensure safety and prevent violence.

Over the last three decades, the gun lobby has perpetuated the myth that the public carrying of guns makes society safer. However, research consistently shows there is no public safety benefit for carrying a gun in public. Yet, the gun lobby, citing pseudoscience, has lobbied state legislators to weaken gun-carrying laws across this country. The gun lobby has transformed how the American public perceives and practices gun carrying. In the process, the gun lobby has endangered American lives and created a culture of fear and intimidation where anyone can be carrying a weapon in any public place at any time. The latest research confirms that this drastic shift in how Americans are allowed to carry guns in public places has had deadly consequences, increasing homicide rates and violent crime.
The weakening of our public carry laws has enabled the resurgence of hate crimes, armed right-wing extremists, and paramilitary groups. According to the FBI, violent hate crimes have reached a 16-year high with 4,571 physical assaults classified by law enforcement agencies as hate crimes in 2018 (the latest year for which data is available). A report by the Anti-Defamation League, which tracks murders perpetrated by domestic extremists, found that in 2018 alone at least 50 people were murdered by right-wing extremists. Hate crimes - whether physical attacks or threats - are often carried out with a gun.

In 2020 our nation confronts the dual crises of COVID-19 and police violence, causing widespread uncertainty and instability. These crises are compounded by the public carrying of guns and the normalization of armed vigilantism. This has fueled a surge in armed confrontations and political violence across this country. A report released by the Armed Conflict Location & Event Data Project and the Bridging Divides Initiative at Princeton University documents the dramatic rise in armed militias and other non-state actors over the summer of 2020. The report found that armed militias often incited confrontation and violence at what otherwise would have been peaceful demonstrations. In July 2020 alone, these groups engaged in nearly 30 events intimidating demonstrators and the public. The report concluded that the “United States is at heightened risk of political violence and instability going into the 2020 general election.”

When demonstrators carry firearms at protests the results can quickly turn deadly. On August 25, 2020, Kyle Rittenhouse joined a group of armed men to openly carry assault weapons and other military gear in Kenosha, Wisconsin claiming that they were protecting property. Confrontations erupted and Rittenhouse shot and killed two demonstrators and injured another. One week later, in Portland, Oregon, after a night full of violent clashes between pro-Trump demonstrators and counter-protesters, a man who claimed to be part of the antifa movement shot and killed a pro-Trump demonstrator.

These tragedies, and the political violence and instability they perpetuate, are preventable. Strong public safety laws that prohibit the open carrying of guns in public places and the concealed carry of guns at protests can diffuse the hate and violence that threatens our democracy.

“Dangerous chaos ensues when guns are added to volatile situations. In America today, guided by Donald Trump’s violent rhetoric and encouragement of untrained, unregulated, unprepared ‘militias,’ the gun culture has grown tragically out of hand. There are just too many guns in public, and too many people are too quick to use them, including law enforcement, ignoring the infectious nature the first shot fired can lead to.”

– JOSH HORWITZ, EXECUTIVE DIRECTOR
Open And Concealed Carry Laws

Laws that generally regulate and in some cases prohibit the carrying of guns in public places fall under two categories: open carry and concealed carry laws.

Open Carry: The practice of openly carrying a visible gun while in public

Federal law does not prohibit the open carrying of guns in public except for a few narrowly defined sensitive areas. Despite a long history of state laws prohibiting guns in public, today almost all states (47) allow for some type of open carrying of guns. Three states (California, Florida, and Illinois) and the District of Columbia prohibit the open carry of any type of firearm. Five additional states prohibit the open carry of either long guns (Massachusetts, Minnesota, and New Jersey) or handguns (New York and South Carolina).

It is important to note that states that permit open carry still often prohibit the open carrying of guns in sensitive areas such as schools, hospitals, and government buildings. Likewise, some states require a permit to openly carry a firearm. The permitting process varies by state but it generally requires individuals to apply for a permit and be approved by a law enforcement agency before an individual can openly carry. However, in the majority of states, it is legal to openly carry a loaded firearm without a permit—31 states allow individuals to openly carry handguns in public without a permit.
Concealed Carry: The practice of carrying a concealed gun in public

Federal law does not prohibit the concealed carrying of guns in public, except for a few narrowly defined sensitive areas. Historically, states prohibited or strictly regulated the carrying of concealed guns in public. They have generally done so either through outright prohibitions or by requiring a rigorous permitting process in which state law enforcement has the discretion to issue or deny a permit on a case-by-case basis. State concealed carry laws generally fall under four categories:

**NO ISSUE:**

The state prohibits concealed carry in public and does not issue concealed carry permits. While many states did not issue concealed carry permits in the past, no state currently falls in the ‘no issue’ permitting classification today.

**MAY-ISSUE:**

The permit-issuing agency has wide discretion to issue or deny a concealed carry permit based on factors such as the applicant’s “good character” or their demonstrated need to have a concealed carry permit. In simpler terms, the state may issue a permit.

**SHALL-ISSUE:**

*Shall-Issue - Limited Discretion:* The permit-issuing agency has a limited amount of discretion to issue or deny a concealed carry permit based, for example, on the character of the applicant. The shall-issue - limited discretion category falls between a may -issue and shall-issue - no discretion categorization.

*Shall-Issue - No Discretion:* The permit-issuing agency has no discretion. Anyone who may legally own a gun under state law and who applies for a concealed carry permit will be issued a permit. In simpler terms, the state shall issue a permit to legal gun owners.

**PERMITLESS CARRY:**

No permit is required to carry a concealed gun. Any individual who can legally possess a gun under state law can generally carry a concealed gun with them in public spaces. States that have permitless carry also issue permits under the “shall-issue” permitting criteria.
Four decades ago, before the gun lobby embarked on a campaign to weaken America’s public carry laws, nineteen states had “no issue” laws, which prohibited concealed carrying of firearms in public. Twenty states had strong “may-issue” laws in which permits were issued only if the applicant could demonstrate a good reason to have a permit. Only four states had less restricting “shall-issue” laws allowing any gun owner to easily qualify for a permit. Just one state allowed “permitless carry” of a concealed gun in public. \(^42\)

**State Concealed Carry Permit Laws: 1980**

![Map showing concealed carry laws in 1980](image-url)
The gun lobby succeeded in eroding gun-carrying laws across America. Today, **all fifty states allow for some form of concealed carry** and only eight states and D.C. have “may-issue” concealed carry permit laws. Twenty-seven states have “shall-issue” concealed carry permit laws and 15 states have permitless concealed carry allowing individuals to carry a concealed gun in public without a permit.43

### State Concealed Carry Permit Laws: 2020

The erosion of public carry restrictions allows an increasing number of Americans to legally carry their firearm in public spaces with very little oversight. A 2017 survey found that over a quarter of all gun-owning adults "carry a gun outside of their home all or most of the time."44 Similarly, a 2017 study estimated that 9 million Americans carry their loaded handguns in public each month, and 3 million do so each day.45 This study found that in states with permitless carry and shall-issue laws, more than twice as many handgun owners reported carrying a concealed loaded handgun in the past 30 days when compared to states with “may-issue” laws.
How Weak Public Carry Laws Increase Gun Violence

The increase in the number of Americans carrying guns in public as a result of lax public carry laws fuels gun violence in multiple ways. These laws 1) allow individuals who have a history of acting violently to carry their firearms in public, 2) promote a “shoot first” culture of violence, 3) encourage armed intimidation by hate groups, and 4) complicate law enforcement’s response to potential threats.

1. Allows individuals who have a history of acting violently to carry their firearms in public

In states with permitless carry and shall-issue laws, anyone who can legally own a gun can easily qualify to carry a gun in public. These individuals may have exhibited clear risk factors for gun violence including a history of violent misdemeanors, domestic violence, risky alcohol use, or threatening behavior.

Many of these individuals may feel emboldened by their public gun carrying and are more likely to act aggressively. For example, one study examined the 13 states with the least restrictive gun laws, all permitless carry, and found that in these states 60% of individuals incarcerated for gun-related violent crimes legally owned the guns they used in the crime. This demonstrates that a large portion of violent gun crime is perpetrated by individuals who are allowed to possess a gun. Weak concealed carry laws allow these individuals who have shown a predisposition towards acting aggressively and violently, to carry a gun in public places, putting the American public at risk.

On January 24th, 2019 an argument broke out between a concealed handgun permit holder and his former girlfriend at a hotel bar and grill in State College, Pennsylvania. Two bystanders, a father and son, attempted to intervene and were fatally shot by the concealed carry permit holder. The ex-girlfriend of the attacker was also shot. The attacker fled the crime, broke into a nearby house, and murdered an 82-year-old man before dying by suicide. Just ten days earlier, the attacker had pled guilty to three misdemeanors relating to a drunk driving car crash.
Escalates conflict and promotes a “shoot first” culture of violence

When large segments of the population are armed in public, altercations can quickly turn fatal. Weak public carry laws promote a “shoot first” culture of violence that can turn political disagreements into tragedies.

The Black Lives Matter movement protests and the subsequent right-wing counter-protests occurring across America in the summer of 2020 highlight how confrontations can quickly devolve into shootings when demonstrators are carrying guns. The carrying of firearms escalated conflicts and created the conditions that led to the deaths of demonstrators in Austin, Texas; Kenosha, Wisconsin; and Portland, Oregon.

- On July 26th, 2020 Garrett Foster was shot and killed from a vehicle while attending a Black Lives Matter protest in Austin, Texas. The killer claims that Foster pointed an assault rifle at him before he fired his handgun claiming he feared for his life.49

- On August 25th, 2020 Anthony Huber and Joseph Rosenbaum were shot and killed at a protest in Kenosha, Wisconsin. The killer, who was armed and openly carrying an assault weapon, claims he was acting in self-defense.50

- On August 29th, 2020 Aaron Danielson was shot and killed after a protest in Portland, Oregon. The killer, who was carrying a loaded gun, approached and shot Danielson.51 The killer claimed he and his friend were in danger and he was acting in self-defense.52

Public carrying of firearms can also escalate minor arguments between citizens who would otherwise be carrying out routine activities. In fact, research consistently notes that the mere presence of a gun increases aggressive thoughts and actions.53 A prime example of how this can play out in routine interactions between individuals is road rage violence. Two research studies have found that individuals who carry firearms in their car are more likely to act aggressively towards others and engage in road rage when compared to their non-gun carrying counterparts.54,55

In September 2013, two Michigan drivers had an altercation over whether one car was tailgating the other. Michigan’s weak concealed carry law allowed both drivers to be carrying loaded firearms. The dispute ended in a shootout that left both drivers dead.56
Weak public carry laws combined with stand your ground laws promote vigilantism and a “shoot first” mentality. Stand your ground laws allow individuals to use lethal force to defend themselves against perceived threats without first attempting to safely retreat. Together, weak public carry and stand your ground laws arm untrained individuals and give them the green light to shoot first, ask later when they are confronted with a potential threat. Often untrained individuals panic in stressful situations using poor judgment clouded by racist stereotypes or implicit biases.57,58

Ahmaud Arbery: The deadly combination of weak public carry and stand your ground laws

Weak public carry laws combined with stand your ground statutes are a deadly combination that can often result in the killing of unarmed Black men and women. The combination of these two laws allows people to both carry a gun in public with few restrictions, and use that gun in self-defense even when they could easily retreat.59 In February 2020, Ahmaud Arbery was jogging through a Georgia neighborhood when he was confronted by two White men. These men retrieved a handgun and shotgun from their home and pursued Arbery in their pickup truck.60 The men proceeded to follow Arbery, got out of their vehicle and after a brief confrontation, shot and killed him. Georgia’s weak public carry laws allowed these individuals to carry their loaded guns on them while in their vehicle, even though they did not have a permit to carry a concealed firearm or to openly carry a firearm in public.61 Likewise, Georgia law allowed the shooter to openly carry his shotgun outside of his vehicle in the moments leading up to the shooting.62 His murderers justified the killing by invoking Georgia’s stand your ground law and no investigation or arrests were made until months later. Ahmaud Arbery’s senseless killing is one of the most recent examples of the dangerous combination of weak public carry laws combined with stand your ground statutes. These two laws promote a “shoot first” culture of gun violence, that when combined with racism, or even racial bias, too often result in the killing of unarmed young Black men and women.63
Encourages intimidation by insurrectionists and other hate groups

Weak public carry laws, particularly open carry laws, can promote a culture of intimidation. While everyone has a right to speak and assemble freely, there is a difference between armed intimidation and peaceful assembly. Due to many states’ weak public carry laws, far too often extremist hate groups use military-style weapons to intimidate and thereby suppress the rights of others wishing to express their views.64

The Unite the Right neo-Nazi rally in August 2017 in Charlottesville, Virginia exemplifies how weak public carry laws limit a state’s ability to prevent armed extremists from intimidating citizens and inciting violence. White supremacists, militiamen, and members of known hate groups used their weapons to intimidate residents, counter-protesters, and police. Virginia’s public carry and preemption laws prevented state and local authorities from prohibiting people at the rally from carrying firearms. This left law enforcement and local officials without the tools to effectively address the threats of hate and violence. This case is not unique; in fact, 36 states have laws that take away the ability of local authorities to prevent extremists from demonstrating with openly carried guns.65

As recently as January 2020, the Educational Fund to Stop Gun Violence and other gun violence prevention groups were forced to cancel their 28th annual MLK Day Vigil in Richmond, Virginia due to credible threats of violence by armed extremists and neo-Nazis.66 Virginia Governor Ralph Northam declared an emergency order to temporarily ban weapons on the Capitol grounds where state lawmakers vote, but he was unable to take measures to protect the residents of Richmond.67 Thousands of armed individuals took over the streets of Richmond openly intimidating lawmakers, activists, and residents with racist and insurrectionist threats of violence.68

“The individuals who seek to turn a day which is traditionally about citizens exercising their First Amendment rights and participating in the democratic process into a platform for political violence are trying to destroy our democracy. They have amplified and fanned the flames of insurrectionism and civil war in a way that is irresponsible and dangerous. Now, citizens who represent the overwhelming majority of Virginians are prevented from lobbying their officials because of credible threats to their safety. This is a full-scale rejection of our democratic elections. This is mob rule. It is a grave threat to our democracy.”

– LORI HASS, SENIOR DIRECTOR OF ADVOCACY & VIRGINIA STATE DIRECTOR.69
Complicates law enforcement’s response to potential threats

Weak public and concealed carry laws also impair law enforcement’s effectiveness by complicating how police can respond to potential threats. As an increasing number of Americans carry concealed weapons, police face a greater risk of encountering lethal violence when investigating suspected criminal activity. This may make police more prone to using deadly force out of fear that a suspect is armed.

The increase in the number of Americans carrying guns in public can also make it hard for law enforcement to identify when someone poses a danger or is simply carrying their firearm on them in public. Law enforcement may be less likely to investigate suspicious gun-carrying activity when states allow individuals to open carry. For example, on the morning of October 31, 2015, Colorado Springs police received a report of a man carrying a long black rifle outside of a resident’s home. Colorado allows open carry and thus law enforcement did not immediately investigate the report. The man proceeded to go on a shooting spree through the neighborhood, fatally shooting three people.70

Law enforcement can also become easily confused and unable to identify the suspect when concealed carry permit holders attempt to also take action.71 In the wake of a 2017 Walmart mass shooting, police stated that the presence of multiple concealed carry permit holders drawing their weapons “absolutely” delayed their ability to identify and apprehend the suspect.72 This confusion among law enforcement as to who is the suspect can also end in tragedy. For example, in 2018 police responded to a fight in Portland, Oregon where they saw a man with a firearm. They fatally shot the man who ended up being a concealed carry permit holder who was trying to be a good Samaritan and break up the fight.73

“It is increasingly challenging when people have AR-15s [a type of rifle] slung over, and shootings occur in a crowd. And they begin running, and we don’t know if they are a shooter or not. We don’t know who the ‘good guy’ versus who the ‘bad guy’ is, if everybody starts shooting.”

– DALLAS POLICE CHIEF DAVID BROWN, describing the confusion police encountered in trying to identify the suspect who killed five Dallas police officers.74
Public Carrying of Firearms Exacerbates Tensions During the COVID-19 Pandemic

In June 2020 in Rockland, Maine, an 84-year-old man confronted a man and woman who were not wearing face coverings at a supermarket, which was required by state law. According to police, the 84-year-old made a comment saying maybe he should shoot people who are not wearing masks. He then pulled up his shirt to show his gun.75

The next month in this same Maine town, a customer at a Dunkin’ Donuts notified a fellow customer he was not wearing a mask, which was required in stores. The man reportedly said he could not wear a mask because he was wearing “this” and shifted his body to show the other customer his gun.76

While no one was physically harmed in these two incidents, these are two examples of armed intimidation as a means to achieve different political ends. Regardless of intention in either situation, the mere presence of a gun was used to threaten, intimidate, and escalate tensions during the COVID-19 pandemic.
Evidence that Weak Public Carry Laws Increase Violent Crime and Homicides

There is no comprehensive database that tracks the number of gun crimes committed by concealed carry permit holders. Whether the perpetrator of gun violence had a concealed carry permit or did not is rarely recorded. The true number of gun crimes carried out by concealed carry permit holders is unknown, and any count based on available data is a large underestimate. Using news reports and public records, the Violence Policy Center documented that from May 2007 to December 2019 there have been at least 1,358 non-self defense killings by concealed carry permit holders. This includes 35 mass shootings and 24 killings of law enforcement officers.

CONCEALED CARRY PERMIT HOLDERS HAVE:

- Killed over 1,358 people
- Carried out 35 mass shootings
- Killed 24 law enforcement officers

Violence Policy Center
From May 2007 to December 2019
Homicides

A 2017 study examined homicide rates in “shall-issue” states compared to “may-issue” states from 1991 to 2015. It found that shall-issue state laws were associated with statistically significant 6.5% higher homicide rates, 8.6% higher firearm homicide rates, and 10.6% higher handgun homicide rates.78 Similarly, a 2018 study examined the impact of public carry laws on firearm homicide rates in urban counties and found that counties in states with right-to-carry laws (states with either permitless carry or shall-issue laws) experienced a 7% increase in firearm homicide rates when compared to states with stronger concealed carry permitting laws (meaning the states had more restrictions on issuing concealed carry weapon permits).79

Violent Crime

An analysis published in 2019 by John J. Donahue and Abhay Aneja of Stanford Law School and Kyle D. Weber of Columbia University provides the most comprehensive analysis of shall-issue laws to date. The researchers analyzed data from the 33 states that enacted these laws from 1977 through 2014 using an array of different statistical methods and controlling for demographic, economic, and law enforcement factors. Each of the different statistical approaches found that the state enactment of shall-issue laws are associated with an increase in violent crime rates, and these effects increase over time. They estimated that 10 years after states enacted shall-issue laws, they experienced violent crime rates 13-15% higher than would have been expected if such a law was not enacted.80

Workplace Homicides

A 2019 paper examined the impact of state “shall-issue” laws on homicides that occur at the workplace. The author examined data reported by the federal government on workplace deaths each year from 1992 to 2017. They conducted various statistical analyses that controlled for variables including political and demographic factors. The authors found that state shall-issue concealed carry laws were, on average, associated with a 29% higher rate of firearm workplace homicides.81

“There is not even the slightest hint in the data ... that [shall-issue] laws reduce violent crime.”

– JOHN J. DONOHUE, ABHAY ANEJA, AND KYLE D. WEBER
Gun Theft and Illegal Trafficking

Public carry laws contribute to an increase in the number of guns stolen, trafficked, and used in violent crime. A nationally representative survey of gun owners found that an estimated 380,000 guns are stolen from gun owners each year. This study also found that those who carried their guns at least once in the past month were over three times more likely to have their guns stolen when compared to other gun owners.\(^82\) Often these guns are stolen from cars. One analysis suggests that as many as one in four guns documented by police as stolen are taken from vehicles.\(^83\) An examination of police department records from 25 cities found that on average, one gun was stolen from a car every two hours within these cities.\(^84\)

Weak public carry laws that allow gun owners to carry and store their guns in their vehicles contribute to these gun thefts. Police departments across the country have reported a drastic uptick in guns stolen from cars, coinciding with the passage of weak public carry laws that allow gun owners to carry and store their guns in their vehicles. For example, in 2008 Georgia passed a series of laws that allowed gun owners to store weapons in their car while at work and to bring guns into sensitive places like government buildings or bars. After the passage of these laws, the number of guns stolen from cars spiked. Police reported that in Atlanta, Georgia 439 guns were stolen from cars in 2009. By 2018 the number of guns stolen from cars more than doubled, to a total of 1,021.\(^85\) A similar increase was found after a 2012 open carry law in Oklahoma took effect. In Tulsa, Oklahoma gun thefts from cars increased from 135 in 2011 to 205 in 2015.\(^86\) The weak public carry laws in states across this country increase opportunities for criminal activity and gun traffickers to gain access and steal unsecured guns.
Concealed Carry Reciprocity

Many states choose to recognize concealed carry permits issued by other states often through concealed carry reciprocity agreements.87 The decision to enter into reciprocity agreements is generally made by the state attorney general.88 States with strong permitting requirements generally choose not to recognize out-of-state permits. For example, seven states and the District of Columbia with “may-issue” permitting requirements (California, Connecticut, Hawaii, Massachusetts, Maryland, New Jersey, and New York) choose not to recognize out-of-state concealed carry permits.89

National Concealed Carry Reciprocity Would Weaken States’ Rights and Put Americans at Risk

The gun lobby has supported federal legislation to mandate concealed carry reciprocity among states.90 This is a direct attempt to undermine state laws and allow widespread concealed carry for anyone who can legally own a gun. It would allow any individual in the states with permitless carry to carry a concealed gun without a permit in any state. Those currently prohibited by a state with a may-issue law from carrying a concealed gun because of a documented history of violence and dangerousness would be able to easily obtain a non-resident permit in a state with no requirements for issuing permits. This legislation would allow thousands of individuals with violent histories to carry a concealed gun in public and thereby endanger millions of Americans.91
Prohibiting Public Carry in Sensitive Places

There are some restrictions in federal and state law that prohibit the carrying of firearms in sensitive places. These sensitive places are considered areas where gun carrying poses a particular danger to public safety or where the public carrying of guns conflicts with constitutional rights and societal values. While federal law outlines specific sensitive places where the public carrying of firearms is prohibited, state laws vary significantly in outlining additional sensitive places where the carrying of firearms is prohibited.

Federal law prohibits the public carrying of guns, both concealed and open carry, on designated federal property such as within government buildings staffed with government employees and inside post offices. Federal law also prohibits individuals from carrying firearms within 1,000 feet of a primary or secondary school, unless the individual has a state-issued concealed carry permit. The carrying of firearms into the secure areas of airports and onto airplanes is also prohibited by the federal government.

All states place restrictions on the carrying of firearms in particular areas deemed to be sensitive. There is, however, significant variation between states in the areas determined to be sensitive and in the strength of such restrictions. Many states have prohibitions on the public carry of firearms in bars, hospitals, places of worship, and polling places. However, other states allow for the open and concealed carry of firearms in many of these places, making it perfectly legal for an individual to bring a loaded weapon into a house of worship, a sports stadium full of people, or even into a state courtroom.

To learn more about steps policymakers can take to prevent armed intimidation and voter suppression from open carry at polling places, see: Guns Down at the Polls: How States Can and Should Limit Firearms at Polling Places, a joint project produced by the Coalition to Stop Gun Violence and Guns Down America.

The Gun Lobby’s Push to Bring Guns into Sensitive Places

Over the past decade, the gun lobby has engaged in a campaign of removing state restrictions on guns in sensitive areas. It has pushed legislation to permit the public carrying of guns on college campuses, in government buildings, and national parks. The gun lobby has even pushed laws that infringe on the rights of private property owners, forcing property owners of parking lots to allow employees and customers to bring loaded guns onto private property as long as the gun is stored in a car. This dangerous push to bring guns into sensitive places puts American lives at risk.
Recommendations

Enact and implement state prohibitions on the open carry of firearms in public and strongly regulate concealed carry of firearms to help protect public safety.

1. **Prohibit open carry of firearms:**

   States should prohibit the open carrying of firearms in public places. In the absence of state prohibitions of open carry in all public places, states should prohibit the open carrying of firearms at protests, demonstrations, and in sensitive places such as schools, hospitals, and government buildings. This prohibition is the most equitable approach to preventing gun violence and political intimidation as it applies universally to the population.

2. **Regulate the concealed carry of firearms:**

   States should strongly regulate the carrying of concealed firearms in public by requiring a rigorous permitting process. States should additionally prohibit the concealed carry of firearms at protests, demonstrations, and in sensitive places such as schools, hospitals, government buildings, and polling places. Congress should oppose any legislation requiring concealed carry reciprocity between states.
References

26. Hawaii's open carry licensing law is facing a current legal challenge in Young v. Hawaii, 896 F.3d 1044 (9th Cir. 2019), rehearing en banc granted, 915 F.3d 681 (9th Cir. 2019), where a three-judge panel in the U.S. Court of Appeals Ninth Circuit held that the law was an unconstitutional violation of the Second Amendment. The panel reasoned that the "core" protections of the Second Amendment applied to carrying a firearm for defense in public as well as in someone's personal property. This interpretation is a radical departure from open carry jurisprudence. The Supreme Court of the United States plainly stated in District of Columbia v. Heller, 554 U.S. 570, 635 (2008) that the "core" Second Amendment protections pertain to the defense of one's "hearth and home," not public spaces. Gun laws on the federal and state level reflect this notion across the country. Young's opinion is currently non-binding, pending a new hearing. Shortly after the opinion was released, Hawaii's Attorney General issued a clarifying opinion about Hawaii's Concealed Carry law, providing a clear pathway for permit processing and how it does not limit the granting of permits to only private security officers and other individuals whose jobs entail protecting life and property, like the panel interpreted.
30. N.Y. Penal Law § 265.01(1).
32. See Ala. Code § 13A-11-61.2(a) (Prohibiting the possession or carrying of firearms in certain places such as government buildings). See also Va. Code Ann. § 18.2-287.01 (Prohibiting the possession or transportation of firearms in airports).
33. See Md. Code Ann., Crim. Law § 4-203(a), (b)(2).
41. See Concealed Carry Law, Senate Bill 12, signed by New Hampshire Governor Sununu (2017, February 22).
GUNS IN PUBLIC

Police investigate man at shop without mask, but with gun. VillageSoup, Knox.

The battle for the constitution: Guns are no mere symbol. The Atlantic.

Effects of weapons on aggressive thoughts, angry feelings, hostile appraisals, and aggressive behavior: A meta-analytic review of the weapons effect literature. Personality and Social Psychology Review.


Ga. Code Ann. § 16-11-126 (a)

Ga. Code Ann. § 16-11-126 (b)


Epp G. (2020). The battle for the constitution: Guns are no mere symbol. The Atlantic.


Freskos B. (2016). Guns are stolen in American up to once every minute. Owners who leave their weapons in cars make it easy for thieves. The Trace. The Trace analysis.


Freskos B. (2017). As thefts of guns from cars surge, police urge residents to leave their weapons at home. The Trace.


18 USC § 930(a), (g)(1).


1540.111, 1540.5

See Local Restrictions. Giffords Law Center for a comprehensive review of state restrictions.

Local Restrictions. Giffords Law Center.