

THE CONCEALED HANDGUN DEBATE AND THE NEED FOR STATE-TO-STATE CONCEALED HANDGUN PERMIT RECIPROCITY

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With the exception of abortion, perhaps no other issue in current American debate invokes more emotionally charged rhetoric and diametric opposition than the proper place of firearms in the modern-day United States. Whether guns are good or guns are bad, whether there should be more gun control or less gun control, and what types of gun control will best prevent crime and accidental deaths are questions that pervade congressional debate,¹ the popular media,² and even medical journals.³

Occupying center stage in the gun debate over the last few years has been the recent adoption by many states of permissive concealed-carry handgun statutes.⁴ This Note gives an overview of the types of concealed-carry handgun statutes in place among the various states, briefly examines the goals underlying them, and summarizes the benefits and problems inherent in each system. Having established this basic groundwork, the problems created by a lack of reciprocity provisions in many concealed-carry statutes will be introduced, with an analysis of the various types of reciprocity provisions now in place in a number of states. Next, the advantages and disadvantages of proposed federal solutions to the reciprocity problem will be examined. This Note concludes with a discussion regarding which reciprocity solutions are likely to be implemented and a recommendation regarding which solutions should be implemented.

1. See, e.g., *Gun Laws and the Need for Self-Defense: Hearing Before the Subcomm. on Crime of the House Comm. on the Judiciary*, 104th Cong. *passim* (1995).

2. For a recent example, see Richard Lacayo, *Still Under the Gun*, TIME, July 6, 1998, at 34.

3. See, e.g., THE GUN CONTROL DEBATE: A DOCUMENTARY HISTORY 131-57 (Marjolijn Bijlefeld ed., 1997); DON B. KATES, JR. & GARY KLECK, THE GREAT AMERICAN GUN DEBATE: ESSAYS ON FIREARMS AND VIOLENCE 123-47 (1997).

4. See discussion *infra* Part I.A.

I. CONCEALED-CARRY PERMIT SYSTEMS CURRENTLY IN PLACE

States have answered the concealed-carry question in different ways; none of the concealed-carry statutes are identical. Concealed-carry statutes in place in each state, however, can be grouped into one of three general categories: (1) Shall Issue; (2) Discretionary; and (3) No Concealed-Carry Permit systems.⁵ Under the Shall Issue system, the relevant statute sets forth a list of objective criteria for obtaining a permit.⁶ Once it is determined that an applicant has met all the necessary requirements, the relevant state agency is, in turn, required to issue the applicant a concealed-carry permit.⁷ Under the Discretionary system, the state agency has discretion to determine whether an applicant will be issued a permit.⁸ Under most Discretionary statutes, an applicant is required to show legitimate need before a permit will be issued.⁹ The No Concealed-Carry Permit system, as its name implies, makes no provision for the lawful carrying of concealed handguns by ordinary citizens, regardless of their qualifications or need.¹⁰ Each system represents a different socio-political reaction to the issue of allowing regular citizens to carry concealed handguns for self-defense purposes and each approach has its own underlying goals. In order to understand the reciprocity issue, a fundamental understanding of the different types of concealed-carry systems and their underlying goals is necessary.

A. The Shall Issue System

The Shall Issue system is currently the most popular type of concealed-carry handgun statute, having been adopted by thirty-one states.¹¹ The majority of Shall Issue statutes have been adopted within the last fifteen years.¹²

5. See Dan Peterson, *Guns on the Go: Concealed Carry Permits May Be Worthless When You Need Them the Most*, in 1997 GUNS & AMMO ANNUAL, at 60-65 (Jerry Lee ed., 1996).

6. See *id.* at 61.

7. See *id.*

8. See *id.*

9. See *id.*

10. See *id.*

11. See ALA. CODE § 13A-11-75 (2000); ALASKA STAT. §§ 18.65.700, .705 (Michie 1999); ARIZ. REV. STAT. § 13-3112 (1998); ARK. CODE ANN. §§ 5-73-301, -309 (Michie 1998); CONN. GEN. STAT. ANN. § 29-28(b) (West 1999); FLA. STAT. ANN. § 790.06 (West 1992 & Supp. 2000); GA. CODE ANN. § 16-11-129 (1996); IDAHO CODE § 18-3302 (1997 & Supp. 1999); IND. CODE § 35-47-2-3 (1998); KY. REV. STAT. ANN. § 237.110 (Banks-Baldwin 1999); LA. REV. STAT. ANN. § 40:1379.3 (West 1992 & Supp. 2000); ME. REV. STAT. ANN. tit. 25, § 2003 (West 1999); MISS. CODE ANN. § 45-9-101 (2000); MONT. CODE ANN. § 45-8-321 (1999); NEV. REV. STAT. § 202.3657 (1997); N.H. REV. STAT. ANN. § 159:6 (1999); N.C. GEN. STAT. § 14-415.12 (1999); N.D. CENT. CODE § 62.1-04-03 (1999); OKLA. STAT. tit. 21, § 1290.9 (1999); OR. REV. STAT. § 166.291 (1997 & Supp. 1998); 18 PA. CONS. STAT. ANN. § 6109 (West 1998 & Supp. 1999); S.C. CODE ANN. § 23-31-215 (Law. Co-op. 1999); S.D. CODIFIED LAWS § 23-7-7 (Michie 1999); TENN. CODE

The Arizona statute is representative of the average Shall Issue system. It provides as follows:

The department of public safety shall issue a permit to an applicant who meets all of the following conditions:

1. Is a resident of this state or a United States citizen.
2. Is twenty-one years of age or older.
3. Is not under indictment for and has not been convicted in any jurisdiction of a felony.
4. Does not suffer from mental illness and has not been adjudicated mentally incompetent or committed to a mental institution.
5. Is not unlawfully present in the United States.
6. Satisfactorily completes a firearms safety training program approved by the department of public safety....¹³

An applicant submits to the Arizona Department of Public Safety ("DPS") a completed application form, a certificate of completion of a certified firearms safety program, two sets of fingerprints, and an application fee.¹⁴ DPS then conducts a background check to make sure the applicant meets the statutory requirements.¹⁵ If the applicant passes the background check and his application is otherwise in order, DPS must issue the applicant a permit within fifteen working days.¹⁶ While minor variations exist, the Shall Issue statutes of other states are substantially similar to that of Arizona.¹⁷ The result of this system is to allow any

ANN. § 39-17-1351 (1999); TEX. GOV'T CODE ANN. § 411.172 (West 1999); UTAH CODE ANN. § 53-5-704 (1994 & Supp. 1996); VT. STAT. ANN. tit. 13, § 4003 (1998); VA. CODE ANN. § 18.2-308(D) (Michie 1999); WASH. REV. CODE § 9.41.070 (1998 & Supp. 2000); W. VA. CODE § 61-7-4 (1999); WYO. STAT. ANN. § 104 (Michie 1997).

12. In 1986, only nine states had Shall Issue systems in place. These states were Alabama, Connecticut, Indiana, Maine, New Hampshire, North Dakota, South Dakota, Vermont, and Washington. See John R. Lott, Jr., *Does Allowing Law-Abiding Citizens to Carry Concealed Handguns Save Lives?*, 31 VAL. U. L. REV. 355, 357 n.9 (1997).

13. ARIZ. REV. STAT. § 13-3112(E) (1998).

14. See *id.* § 13-3112(F).

15. See *id.* § 13-3112(G).

16. See *id.* § 13-3112(H).

17. See sources cited *supra* note 11. Many statutes include provisions excluding applicants who have been dishonorably discharged from the armed services, see, e.g., IDAHO CODE § 18.3302(1)(e) (Supp. 1998); LA. REV. STAT. ANN. § 40:1379.3(C)(15) (West Supp. 2000), or have known drug or alcohol problems, see, e.g., 18 PA. CONS. STAT. ANN. § 6109(e)(1)(vi), (vii) (West Supp. 1999). Some states require that an applicant be 18 instead of 21. See, e.g., W. VA. CODE § 61-7-4(a) (1997). Vermont is anomalous in that it does not require any permit for a citizen to carry a concealed handgun, but is lumped into the Shall Issue category for practical purposes. See VT. STAT. ANN. tit. 13, § 4003 (1998). Overall, the greatest difference among the various Shall Issue states involves the state agency actually authorized to issue the permit. Depending on the state, the permit may be issued by the attorney general, a municipal police chief, county sheriff or other local law enforcement agency, or other state agency like the department of public safety. See, e.g.,

competent, law-abiding citizen willing to take a training class and produce a permit fee to carry a concealed handgun.

The underlying assumption behind the recent surge to adopt Shall Issue systems is that putting concealed handguns in the purses, fannypacks, and pancake holsters of common, law-abiding citizens will have a deterrent effect on certain types of violent crime.¹⁸ Over the past several years, countless pages of books, law reviews, criminology journals, and the popular press have been devoted to empirical studies in support of and against the proposition that concealed handguns deter crime.¹⁹ Perhaps the most important work to date in support of the concealed-handgun-as-deterrent theory has been that of University of Chicago economist John Lott, Jr.²⁰ Lott's study is almost as remarkable for its author as it is for its conclusions. In contrast to the highly partisan standing of most researchers on either side of the gun debate, John Lott has never been a member of the National Rifle Association and, prior to completing his study, had never owned a gun.²¹

ARIZ. REV. STAT. § 13-3112(E) (1998); IND. CODE § 35-47-2-3(a)(1) (1998); WASH. REV. CODE § 9.41.070(1) (Supp. 1999); WYO. STAT. ANN. § 104(b) (Michie 1999).

18. See Lott, *supra* note 12, at 355-57.

19. See, e.g., GARY KLECK, POINT BLANK: GUNS AND VIOLENCE IN AMERICA (1991); Clayton E. Cramer & David B. Kopel, "Shall Issue": The New Wave of Concealed Handgun Permit Laws, 62 TENN. L. REV. 679 (1995) (analyzing Shall Issue statutes and data showing that the murder rates of states that adopted Shall Issue systems tended to go down in relation to the national average); David McDowall et. al., *Easing Concealed Firearms Laws: Effects on Homicide in Three States*, 86 J. CRIM. L. & CRIMINOLOGY 193 (1995) (responding to Cramer and Kopel's study showing that in four of five cities studied in three states that adopted Shall Issue statutes, homicides increased after the adoption of the Shall Issue system); David B. Kopel, *The Untold Triumph of Concealed-Carry Permits*, 78 POL'Y REV. 9 (1996) (responding to McDowall's study and pointing out flaws in the data used).

20. When the first version of Lott's study, John R. Lott, Jr. & David B. Mustard, *Crime, Deterrence, and Right-to-Carry Concealed Handguns*, 26 J. LEGAL STUD. 1 (1997), was published, a cottage industry to discredit it arose almost immediately. See, e.g., Dan A. Black & Daniel S. Nagin, *Do Right-to-Carry Laws Deter Violent Crime?*, 27 J. LEGAL STUD. 209 (1998) (criticizing Lott's methodology); Albert W. Alshuler, *Two Guns, Four Guns, Six Guns, More Guns: Does Arming the Public Reduce Crime?*, 31 VAL. U. L. REV. 365 (1997) (arguing that, based on common-sense, Lott's study cannot be correct). For Lott's response to these and other criticisms, see JOHN R. LOTT, JR., *MORE GUNS, LESS CRIME* 122 (1998) (responding to the various political and academic criticisms leveled at his work); John R. Lott, Jr., *The Concealed-Handgun Debate*, 27 J. LEGAL STUD. 221 (1998) (responding to Black and Nagin's article);

21. See Romesh Ratnesar, *Should You Carry a Gun?: A New Study Argues for Concealed Weapons*, TIME, July 6, 1998, at 48 (quoting Lott as saying, "If I had really strong views about guns I wouldn't have waited until I was 40 to write this").

Based on the most comprehensive data set on crime ever assembled,²² Lott concluded if those states that did not have Shall Issue systems in place in 1992 had enacted them in that year, there would have been between 1410–1840 fewer murders, 3700–4800 fewer rapes, 60,400–93,900 fewer aggravated assaults, 10,990–62,900 fewer robberies, and a total economic savings of \$5.7 billion to \$8.3 billion in victims' costs.²³ In light of such findings, it is little wonder that the trend to adopt Shall Issue concealed-carry systems is continuing.²⁴

However, the picture does not appear so rosy to opponents of Shall Issue systems. Opponents of permissive concealed-carry statutes argue that the introduction of a handgun into an already volatile situation has an escalating effect that increases the chances that someone will die,²⁵ and that ordinary citizens are generally not capable of competent use of firearms in violent situations.²⁶ Existing research, however, provides little support for these fears.²⁷

Street-rank police officers, arguably those most in touch with the likely consequences of regular citizens carrying concealed handguns, stand clearly in

22. See LOTT, *supra* note 20, at ix. See also Ratnesar, *supra* note 21, at 48 ("Lott stands by the thoroughness of his research: 'No study on crime has attempted to control for anywhere near as many factors as I have.'" (quoting John R. Lott, Jr.)).

23. See LOTT, *supra* note 20, at 55. The differing ranges result from whether county level data, county level data and state time trends, or state level data were used to make the calculations. See *id.*

24. See Ratnesar, *supra* note 21, at 48.

25. See LOTT, *supra* note 20, at 12 (stating that one fear of concealed-carry opponents is that traffic altercations will escalate into deadly encounters when armed citizens are involved); Editorial, CINCINNATI ENQUIRER, Jan. 23, 1996, at A8 ("If you introduce a gun into a violent encounter, it increases the chance that someone will die." (quoting Philip Cook)); Ann Japenga, *Would I Be Safer With a Gun?*, HEALTH, March 1, 1994, at 54 ("[L]ethal violence even in self-defense only engenders more lethal violence...." (quoting Betty Friedan)).

26. See Cramer & Kopel, *supra* note 19, at 733.

27. See Gary Kleck, *Summary of Point Blank: Guns and Violence in America, in THE GUN CONTROL DEBATE: A DOCUMENTARY HISTORY*, *supra* note 3, at 171–79 (stating that having a gun on hand can have negative effects on escalation); LOTT, *supra* note 20, at 12 (stating that the only known incident of a permit holder shooting another person during a traffic altercation was a result of self-defense, that there are no reported cases of a permit holder shooting a police officer by mistake, and that there are recorded cases of permit holders using their guns to save officer's lives); Cramer & Kopel, *supra* note 19, at 691–92 nn.50–53 (citing METRO DADE POLICE DEP'T, Aug. 31, 1992 (untitled report) (stating that, out of every reported incident involving Dade County (Miami), Florida's approximately 21,000 permit holders over a six year period, only once did a criminal take a gun from a permit holder and at no time did a permit holder injure an innocent person)); Don B. Kates, Jr., *The Value of Civilian Arms Possession as Deterrent to Crime or Defense Against Crime*, 18 AM. J. CRIM. L. 113, 147–49, 151, 164–65 (1991) (stating that the fact that a citizen is carrying a concealed weapon does not mean he or she will lose the capacity to judge when it is best to resist a crime and when the safest course of action is to submit); Kleck, *supra* note 19, at 120–26 (resisting a crime with a gun is safer than resisting with any other weapon or not resisting at all).

support of civilian concealed-carry. While between twenty and forty-seven percent of the general public support Shall Issue permit systems,²⁸ seventy-six percent of street-rank police officers feel that "all trained, responsible adults should be allowed to obtain handgun carry permits."²⁹ The testimony of Bryant Jennings, President of the Memphis, Tennessee Police Association (before the House Subcommittee on Crime), helps to explain this high degree of street-cop support:

If, during my patrol duties, I find myself confronted by an armed felon my closest backup is usually five to ten minutes away. Life and death armed conflicts usually resolve themselves in less than a minute or two.... God forbid I or any one of my colleagues should find ourselves facing down an armed criminal, but if we should,...the presence of an armed and trained private citizen beside me presents a greater comfort than waiting for my colleagues to travel, no matter how fast, to be at my side.³⁰

Faced with the overwhelming success of Shall Issue statutes, and their increasing support among police and the public in general, many state officials who initially opposed Shall Issue legislation have changed their views.³¹ Overall, Shall Issue permit systems are not producing the dire consequences that carry reform opponents initially predicted,³² and they seem to be having a positive impact in deterring certain types of violent crime.³³

28. See Cramer & Kopel, *supra* note 19, at 739.

29. *The Law Enforcement Technology Gun Control Survey*, LAW ENFORCEMENT TECH., July-Aug. 1991, at 14-15, cited in Cramer & Kopel, *supra* note 19, at 739 n.240.

30. *Gun Laws and the Need for Self-Defense (Part 2), Hearing Before the Subcomm. on Crime of the House Comm. on the Judiciary*, 104th Cong. 61 (1995).

31. Harns County District Attorney John Holmes, a "vocal opponent" of Texas' Shall Issue system when it was first adopted has since admitted, "I am detecting that I am eating a lot of crow on this issue. It's not something I necessarily like to do, but I'm doing it on this." Richard Connelly, *Handgun Law's First Year Belies Fears of "Blood on the Streets,"* TEX. LAW., Dec. 9, 1996, at 2. Ron Silver, the chief opponent of Florida's Shall Issue system when it was proposed, has since admitted that the system works "pretty well." WAYNE LAPIERRE, GUNS, CRIME, AND FREEDOM 22-23 (1994). Campbell County, Kentucky Sheriff John Dunn has said, "I have changed my opinion of this [program]. Frankly, I anticipated a certain type of people applying to carry firearms, people I would be uncomfortable with being able to carry a concealed weapon. That has not been the case. These are all just everyday citizens who feel they need some protection." Terry Flynn, *Gun Toting Kentuckians Hold Their Fire*, CINCINNATI ENQUIRER, June 16, 1997, at A1. A number of Florida law enforcement association officials have admitted to changing their views of the Shall Issue system. They also admitted that, despite their best efforts to document problems with the system, they were unable to do so. LOTT, *supra* note 20, at 14.

32. See Cramer & Kopel, *supra* note 19, at 747.

33. See *id.* See also *supra* Part I.A (discussing Lott's research).

B. The Discretionary Permit System

Thirteen states currently have a Discretionary permit system in place.³⁴ California law provides a representative example of a Discretionary statute. It reads:

The sheriff of a county, *upon proof* that the person applying is of good moral character, that *good cause* exists for the issuance, and that the person applying satisfies any one of the conditions specified..., and has completed a course in training..., *may* issue to that person a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person....³⁵

An applicant must pass a background check³⁶ and the issuing agency may place any restrictions that it feels are warranted and reasonable as to time, place, manner, and circumstances under which the applicant can make use of the permit.³⁷

The key element of the basic Discretionary statute is that the state official has authority to issue a permit based on her evaluation of the applicant's showing of need. If the state official feels that the applicant does not need a concealed-carry permit, she is not required to issue one.³⁸ The Discretionary system is based on the assumption that concealed-carry by ordinary citizens is a last resort, justifiable only by actual necessity. In theory, this system is very straightforward.

In practice, however, there are serious complications with the Discretionary system. The system's most serious problem involves state officials' discretion to determine what constitutes good cause. State actors are free to set their own standards as to what constitutes good cause to issue a permit.³⁹ For example, Detective William Phillips, the issuing agent for Denver, Colorado's Discretionary permit system, stated: "[F]ear for your life is not a compelling reason to have a permit."⁴⁰

34. See CAL. PENAL CODE § 12050 (West 1982 & Supp. 2000); COLO. REV. STAT. ANN. § 18-12-105.1 (West 1999); DEL. CODE ANN. tit. 11, § 1441 (1999); HAW. REV. STAT. § 134-9 (1999); IOWA CODE ANN. § 724.11 (West 1993 & Supp. 1999); KAN. STAT. ANN. § 75-7617 (1997); MD. ANN. CODE art. 27, § 36E (1999); MASS. ANN. LAWS ch. 140, § 131 (Law. Co-op. 1995 and Supp. 1998); MICH. STAT. ANN. § 28.426 (Law. Co-op. 1990 & Supp. 1999); MINN. STAT. ANN. § 624.7131 (West Supp. 2000); N.J. STAT. ANN. § 2C:58-4 (West 1997); N.Y. PENAL LAW § 400.00 (McKinney 2000); R.I. GEN. LAWS § 11-47-11 (1998).

35. CAL. PENAL CODE § 12050(a)(1)(A) (West Supp. 2000) (emphasis added).

36. See *id.* § 12050(d).

37. See *id.* § 12050(b).

38. See *id.* § 12050(a)(1)(A).

39. See Cramer & Kopel, *supra* note 19, at 682-85.

40. Steve Garnass, *Cops Get Tougher on Gun Permits*, DENV. POST, Apr. 24, 1988, at A1.

This policy may have had mortal consequences for Alan Berg, a controversial Jewish talk show host with a program in Denver.⁴¹ Berg went to a local police department to apply for a concealed-carry permit after he began receiving death threats.⁴² His application was denied, and shortly thereafter Berg was assassinated.⁴³ While it cannot be stated with certainty that Alan Berg would be alive today had he been granted a concealed-carry permit, it is apparent that, unarmed, he was able to offer little resistance to his attackers.⁴⁴

The city of Los Angeles, California, provides a further illustration of this problem. In the period from 1984 to 1992, Los Angeles police administrators did not issue a single concealed-carry permit.⁴⁵ On June 28, 1992, a concealed-carry permit was awarded to the new Los Angeles police chief, Willie Williams.⁴⁶ The city was subsequently sued for the discriminatory manner in which it granted permits.⁴⁷ In the pre-trial settlement, the city promised to be more fair in its determination of good cause, and to issue more permits.⁴⁸

However, in the nine months following the settlement, only five permits were issued: three to government employees and two to private attorneys.⁴⁹ During that same time period a jeweler who routinely carried large amounts of cash and jewelry and who had been burgled, had received documented death threats from a criminal he testified against, and had passed a class on the defensive use of handguns was denied a permit on the basis that he had failed to show a compelling need for a concealed handgun.⁵⁰

While concealed-carry permits are almost unobtainable in some California counties,⁵¹ law enforcement officials in other counties in California are more liberal in their granting of permits.⁵² In some California counties, three percent or more of the total population have been issued concealed-carry permits.⁵³ Under the Discretionary system, the definition of good cause often means different things to different state agents. The arbitrariness inherent in allowing states to define good cause is one of the chief deficiencies of the Discretionary system.

The above example of permit issuance in Los Angeles also brings to light a related problem with the Discretionary permit system. Not only does the

41. See STEPHEN SINGULAR, TALKED TO DEATH 142 (1987).

42. See *id.* at 141-42.

43. See *id.* at 19, 142, 287.

44. See Cramer & Kopel, *supra* note 19, at 683.

45. See *id.*

46. See *id.*

47. See *id.* See also Patrick McGreevy, *Permit Rules on Concealed Guns Eased*, L.A. DAILY NEWS, June 30, 1993, at 1.

48. See Cramer & Kopel, *supra* note 19, at 683; McGreevy, *supra* note 46, at 1.

49. See John Hurst, *LAPD's Tight Control on Gun Permits May Prompt New LawsUIT*, L.A. TIMES, June 25, 1994, at A30, A31.; Cramer & Kopel, *supra* note 19, at 683.

50. See Cramer & Kopel, *supra* note 19, at 683.

51. See *id.* at 710, 712.

52. See *id.*

53. See *id.*

definition of good cause shift between different state agents, but the required showing of cause often shifts between different social classes of applicants. In many cases, the granting of a permit under the Discretionary system is dependent on the applicant's political or social influence, not actual need.⁵⁴ For example, under New York's Discretionary system, permits were granted to influential figures such as gun control advocate Lawrence Rockefeller, Brady Bill advocate William F. Buckley, *New York Times* publisher and gun control advocate Arthur Ochs Sulzberger, comedian Bill Cosby, and radio personality Howard Stern.⁵⁵ More often than not, the reason given to establish good cause was carrying large sums of money.⁵⁶ In contrast, crime victims who received death threats by cooperating with police, and taxi drivers, who are at great risk of robbery, are denied permits.⁵⁷ Other political figures and celebrities who have obtained concealed-carry permits under other states' Discretionary systems includes United States Senator and gun control advocate Dianne Feinstein, Donald Trump, Tom Selleck, Cybill Shepherd, Robert De Niro, and Erika Schwarz, first runner-up in the 1997 Miss America Pageant, who decided to get a permit after being involved in a car-jacking incident.⁵⁸

C. The No Concealed-Carry Permit System

There are currently seven states with no provision for granting ordinary citizens permits to carry concealed handguns.⁵⁹ The Illinois statute is representative of a No Concealed-Carry permit system. It provides: "A person commits the offense of unlawful use of weapons when he knowingly...[c]arries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver,...or other firearm...."⁶⁰

Such statutes are arguably based on the premise that any benefit concealed handguns may confer in the hands of ordinary citizens is outweighed by their potential harms. In light of the previous discussion, this could prove a dangerous assumption to make.⁶¹

Criminals, by definition, do not obey laws. As long as crime is perceived to provide a quick solution to economic difficulties, and the disadvantaged in society have no sense of a future that will afford them any other option, criminals

54. *See id.* at 684.

55. *See id.*

56. *See id.* at 684-85.

57. *See id.*

58. *See* LOTT, *supra* note 20, at 15.

59. *See* D.C. CODE ANN. § 6-2301 (1998); 720 ILL. COMP. STAT. 5/24-1 (West 1993 & Supp. 1999); MO. ANN. STAT. § 571.030 (West 1995 & Supp. 2000); NEB. REV. STAT. § 28-1202 (1995); N.M. STAT. ANN. § 30-7-2 (Michie 1999); OHIO. REV. CODE ANN. § 2923.12 (Anderson 1999); WIS. STAT. § 941.23 (1996).

60. 720 ILL. COMP. STAT. ANN. 5/24-1(a)(4).

61. *See* discussion *supra* Part I.A.

will continue to plague society.⁶² Studies have found that criminals are less likely to attack someone they suspect of being armed and prefer victims they know to be unarmed.⁶³ When juveniles in Southern Florida detention centers were asked why they had been targeting foreign tourists as victims, they responded that foreign tourists were known to be unarmed.⁶⁴ The practical consequences of having a No Concealed-Carry permit system are to make it easier for criminals to perpetrate confrontational crimes like robbery, rape, and murder.⁶⁵ In light of the well established legal rule that police have no legal duty to protect any individual citizen from crime, it seems untenable to deny individual citizens the best means to protect themselves: "The government should not be able to take away a person's right of self-defense and then assert that it has no responsibility for the consequences."⁶⁶

After weighing the injustices present in the Discretionary and No Concealed-Carry permit systems against the findings of John Lott and others in support of Shall Issue permit systems, the importance of allowing competent, law-abiding citizens to carry concealed handguns in order to deter violent crime becomes apparent. According to the available data, the assumption that the harms of concealed handguns outweigh their benefits underlying the Discretionary and No Concealed-Carry permit systems seems to be misguided.

II. THE RECIPROCITY PROBLEM AND ITS CURRENT SOLUTIONS

Having laid the foundation for the proposition that, at a minimum, concealed handguns do not increase crime rates,⁶⁷ and may in fact deter crime, the need for state-to-state concealed handgun permit reciprocity is now examined. This section begins by setting forth the major problems which arise from not having reciprocity for concealed handgun permits between different states. It then examines how a number of states have provided solutions to the reciprocity dilemma. Finally, proposed federal solutions to the reciprocity problem are analyzed.

62. See Daniel B. Polsby, *The False Promise of Gun Control*, ATL. MONTHLY, Mar. 1994, at 57; James D. Wright, *Ten Essential Observations on Guns in America*, SOCIETY, Mar./Apr. 1995, at 63.

63. See JAMES D. WRIGHT & PETER R. ROSSI, ARMED AND CONSIDERED DANGEROUS: A SURVEY OF FELONS AND THEIR FIREARMS 149-51 (1986).

64. See Frank Espohl, *The Right to Carry Concealed Weapons for Self-Defense*, 22 S. ILL. U. L.J. 151, 165 (1997).

65. See Wright & Rossi, *supra* note 63, at 144-51; Espohl, *supra* note 64, at 165.

66. Cramer & Kopel, *supra* note 19, at 732. See also *id.* at 730-32.

67. Lott's opponents have conceded this point. See Black, *supra* note 20, at 209 ("A more general model [than Lott's]...yields no evidence of significant impact for any type of violent crime.").

A. Problems Created by a Lack of Reciprocity

The majority of states, even those with Shall Issue permit systems, make no provision for either recognizing a concealed handgun permit issued by another state or allowing a non-resident to obtain a permit under that state's permit system.⁶⁸ This lack of reciprocity leads to two basic problems.

1. The Permit Holding Interstate Traveler

The first problem occasioned by a lack of reciprocity is evidenced by a story related in Clayton E. Cramer and David B. Kopel's article, *Shall Issue: The New Wave of Concealed Handgun Permit Laws*.⁶⁹ Cramer and Kopel tell the story of a North Carolina resident pulled over in New Jersey for allegedly speeding on the New Jersey Turnpike.⁷⁰ The officer asked if there were any weapons in the vehicle.⁷¹ The North Carolina resident responded truthfully that he had a handgun in the car.⁷² He was promptly arrested and his gun was confiscated based on the theory that anyone entering New Jersey with a firearm must possess a New Jersey gun permit,⁷³ even if she is allowed to carry a gun in her home state.

While New Jersey's discretionary gun permit system allows for the issuance of a gun permit to a non-resident, the non-resident still must show cause before a permit will be issued.⁷⁴ Even if non-resident travelers are aware that they may apply for a New Jersey Discretionary carry permit, it is unlikely that many travelers would go through all the red tape involved in getting such a permit, especially if they planned only on driving through New Jersey on their way to another state.⁷⁵

A person is most likely to need a concealed handgun for protection when he is unfamiliar with his surroundings.⁷⁶ Interstate travel is a situation where the likelihood of finding oneself in unfamiliar surroundings is increased.⁷⁷ When someone takes a wrong turn into a crime-ridden section of an unfamiliar city, or is left at the mercy of passing strangers when her car breaks down, the possible consequences of not having an accessible means of self-defense are arguably greater than the confiscation of a handgun and a few months probation.⁷⁸

The lack of state-to-state reciprocity of concealed handgun permits may work to deprive a law-abiding citizen, deemed qualified to carry a concealed handgun in her home state, of carrying that handgun while traveling through an

68. See Peterson, *supra* note 5, at 61.

69. Cramer & Kopel, *supra* note 19, at 744 & n.264.

70. See *id.*

71. See *id.*

72. See *id.*

73. See *id.*; N.J. STAT. ANN. § 2C:39-5(b) (West Supp. 1999).

74. See N.J. STAT. ANN. § 2C:58-4(d) (West Supp. 1999).

75. See Peterson, *supra* note 5, at 65.

76. See *id.* at 61.

77. See *id.*

78. See *id.*; Cramer & Kopel, *supra* note 19, at 732.

unfamiliar state.⁷⁹ This lack of reciprocity works to deny the interstate traveler the ability to protect herself in a situation where she is arguably most likely to need it.⁸⁰ This occurs even though the requirements to obtain a concealed handgun permit in both states may be substantially similar.⁸¹ The recognition of concealed handgun permits issued by other states would work to facilitate interstate travel in this situation by simplifying the status of permit holders as they travel from state-to-state.⁸²

2. *The Permit Holder Who Spends Substantial Time in Another State*

The second major problem caused by a lack of reciprocity is illustrated by a personal experience which sparked my interest in this topic. During the Summer of 1995, I worked as the Head Cashier at the Stateline fuel dock on Lake Powell. As Head Cashier, my duties included closing down the dock in the evening, totaling up the receipts, and filling out the daily reports. When I finished this paperwork, I called the Marina Operator and told her to inform the motor patrol that I was done for the evening. I then hiked 200 yards up a hill to a dimly lit parking lot, the daily receipts in a bright yellow bank bag tucked under my arm, and waited for the motor patrol to come pick up the deposit.

One evening during the Fourth of July weekend, I was especially late due to the high volume of business that day. I called the Marina Operator and told her that I was heading up the hill. She responded that the motor patrol was helping to break up a nearby fight and that it might be a few minutes before they arrived. Not knowing how long they might be, and knowing from past experience that if I was not waiting for them in the parking lot the motor patrol could get very irate, I headed for the top of the hill.

Atop the hill, I waited for almost forty-five minutes, sitting on a yellow bank bag containing over \$3,500 cash, while mentally debating the merits of poolside bars, and looking over my shoulder to see if someone had painted a big fluorescent bull's-eye on the back of my white shirt or if it just felt like it.

After cursing all Bacchus-wrought inconveniences, my thoughts turned to a newspaper article I had recently read about Arizona's new Shall Issue concealed handgun permit system. I was in a situation where an Arizona permit to carry a concealed handgun might foreseeably be of use. But, I realized, I was sitting about 500 yards on the north side of the Arizona/Utah border.

I lived in Page, Arizona at the time and was considered an Arizona resident. If I obtained an Arizona concealed-carry permit, would it be valid in Utah, where I spent the greater part of my day and was most likely to need it? If an Arizona permit was not valid in Utah, would the Utah permit system, if the state had one, allow a non-resident such as myself to apply? The answer to both

79. See Peterson, *supra* note 5, at 60-61, 65.

80. See *id.*

81. See *id.*

82. See Cramer & Kopel, *supra* note 19, at 744.

questions, according to my inquiries at the local sporting goods store, appeared to be no.⁸³

I was dismayed, to say the least. My life was worth as much to me in Utah as it was in Arizona. I knew from repeated experience that crossing the state line into Utah did not transform me from a safety-conscious gun owner into a homicidal maniac. Arizona and Utah both have state constitutional provisions protecting a citizen's right to bear arms in self-defense⁸⁴ and Utah had recently adopted a Shall Issue permit system substantially similar to Arizona's.⁸⁵ My Arizona driver's license was valid in Utah, why then not an Arizona concealed handgun permit?

My experience illustrates the problem that a lack of reciprocity creates for those who are residents of one state but who, due to employment or other reasons, spend a substantial part of their time in another state.

B. Types of State Reciprocity Provisions Currently in Existence

A number of states⁸⁶ have recognized the reciprocity problems discussed above and in response have either included a reciprocity provision in their newly adopted Shall Issue statute or have amended their previously adopted permit system to provide for reciprocity.⁸⁷ The responses that various states have taken to the reciprocity problem can be placed into three basic categories: (1) Pact,⁸⁸ (2) Recognition,⁸⁹ and (3) Open.⁹⁰ Pact reciprocity systems authorize a state official to enter into reciprocity agreements with other states that have substantially similar

83. The Utah statute in fact allows non-residents to apply for a concealed weapon permit. *See* UTAH CODE ANN. § 53-5-704(2)(h) (1998). Utah and Arizona also recently entered into a reciprocity pact whereby an Arizona permit is recognized in Utah and vice versa. *See* Arizona Department of Public Safety, Arizona CCW Reciprocity (last modified Nov. 1, 1999) <<http://www.dps.state.az.us/ccw/recip.html>>. For more on how the Pact system works, see discussion *infra* Part I.B.1.

84. *See* ARIZ. CONST. art. II, § 26; UTAH CONST. art. I, § 6.

85. *Compare* ARIZ. REV. STAT. § 13-3112 (1998), with UTAH CODE ANN. § 53-5-704 (1998).

86. Examples of these states include Arizona, Florida, Georgia, Idaho, Indiana, Louisiana, Oregon, Pennsylvania, and Wyoming. These states are representative of the types of reciprocity systems currently in place, and their statutes will serve as a basis for analysis. *See* discussion *infra* Part I.B. A full list of states with some form of reciprocity provision, with links to the relevant state government websites, is maintained by Steve Munden. *See* Non-resident CCW Provisions by State (last updated Dec. 4, 1999) <<http://pw2.netcom.com/~chingesh/nonresCCW.html>>.

87. *See, e.g.*, ARIZ. REV. STAT. § 13-3112(T) (1998); IND. CODE § 35-47-2-3(a)(3) (1998); WYO. STAT. ANN. § 6-8-104(a) (Michie 1999).

88. *See, e.g.*, ARIZ. REV. STAT. § 13-3112(T); LA. REV. STAT. ANN. § 40:1379.3(T) (West Supp. 2000).

89. *See, e.g.*, IDAHO CODE § 18-3302(12)(g) (1997 & Supp. 1999); WYO. STAT. ANN. § 6-8-104(a).

90. *See, e.g.*, FLA. STAT. ANN. § 790.06(2)(a) (West Supp. 2000); IND. CODE § 35-47-2-3(a)(3) (1998).

permit requirements, whereby a permit issued by either state is honored by both states.⁹¹ Recognition reciprocity systems provide that a concealed handgun permit issued by any other state will be considered valid in the Recognition state, without the necessity of any formal agreement.⁹² The Open reciprocity system allows for a non-resident to apply for a concealed handgun permit under the Open state's permit system.⁹³ There are also a number of Hybrid reciprocity systems which combine elements of two or more of the systems outlined above.⁹⁴

1. The Pact System

The Pact reciprocity system represents the most recent attempt at a solution to the reciprocity problem.⁹⁵ The Louisiana statute states:

The deputy secretary of public safety services is authorized to endeavor to enter into reciprocity agreements with other states which have substantially the same or more restrictive requirements for obtaining a concealed handgun permit so that possession of a current and valid concealed handgun permit issued by another state shall be deemed to be valid within this state and possession of a current and valid concealed handgun permit issued by Louisiana shall be deemed valid in those states.⁹⁶

The Pact system has much to recommend it. By granting a state official the authority to enter into agreements with other states, the Pact system is more respectful of state sovereignty than either the Recognition or Open systems.⁹⁷

91. See, e.g., ARIZ. REV. STAT. § 13-3112(T); LA. REV. STAT. ANN. § 40:1379.3(T).

92. See, e.g., IDAHO CODE § 18-3302(12)(g) (1997 & Supp. 1999); WYO. STAT. ANN. § 6-8-104(a).

93. See, e.g., FLA STAT. ANN. § 790.06(2)(a); IND. CODE § 35-47-2-3(a)(3) (1998).

94. See, e.g., GA. CODE ANN. §§ 16-11-126(e), -128(c) (1998); OR. REV. STAT. § 166.291(8) (1997); 18 PA. CONS. STAT. ANN. § 6109(e)(1)(ix) (West Supp. 1999).

95. The Pact reciprocity system was adopted as part of the Shall Issue system instituted by Louisiana in 1996, see LA. REV. STAT. ANN. § 40:1379.3(T), and as an amendment to Arizona's Shall Issue system in 1998, see ARIZ. REV. STAT. § 13-3112(E).

96. LA. REV. STAT. ANN. § 40:1379.3(T).

97. Under the Recognition system, where any concealed handgun permit issued by another state is recognized as valid, the sovereignty of the Recognition state is diminished in the sense that permits issued in another state, where the requirements may not be as strict, are given the same weight as permits issued by the Recognition state. See WYO. STAT. ANN. § 6-8-104(a); Cramer & Kopel, *supra* note 19, at 744; Peterson, *supra* note 5, at 65. Under the Open system, where a non-resident is allowed to apply for a permit under the Open state's concealed handgun statute, there is lack of respect toward the outside state's ability to determine who is qualified to carry a concealed handgun. See FLA STAT. ANN. § 790.06(2)(a); IND. CODE § 35-47-2-3(a)(3). The Pact system, on the other hand, emphasizes state sovereignty by requiring representatives from each state to sit down and make sure that the permit requirements of each state are substantially similar. See, e.g., LA.

The Pact system, when employed, also does a good job of meeting the two main problems that arise from a lack of reciprocity.⁹⁸ So long as there is a reciprocity agreement in effect, a permit holder just passing through either state is not impeded.⁹⁹ Additionally, a resident of one state who spends a considerable amount of time in the other state for business or other purposes is not denied the opportunity to carry a concealed handgun for protection.¹⁰⁰

Another advantage of the Pact system can be found in the creation of the reciprocity agreement itself. The Pact system requires an analysis of the other state's permit requirements.¹⁰¹ In determining whether an outside state's permit requirements are substantially similar to those of the Pact state, any relevant differences in the requirements or rules of either state can be discovered and addressed in the reciprocity agreement itself.¹⁰² Addressing differences in state permit requirements in the reciprocity pact provides clear guidelines for enforcement.¹⁰³

The Pact system, however, is not without its shortcomings. The major drawback of the Pact system is its limited usage. At the present time, Louisiana, Arizona, and Virginia are the only states with a strictly pact system in place.¹⁰⁴ Geography limits the benefits of an Arizona/Louisiana/Virginia reciprocity pact. However, the fact that the Pact system deals well with the two main problems caused by a lack of reciprocity, while maintaining a balanced respect for state sovereignty and providing clear guidelines for subsequent enforcement, makes it likely that other states will adopt the Pact system.

2. *The Recognition System*

On its face, the Recognition system is the most simple reciprocity provision. It requires neither that state officials sit down and work out a reciprocity agreement, nor that non-resident permit holders go through the difficulty of applying for another state's concealed handgun permit.¹⁰⁵

The Wyoming concealed-carry statute provides an example of a Recognition provision: "A person who wears or carries a concealed deadly weapon is guilty of a misdemeanor...unless...[t]he person holds a valid permit

REV. STAT. ANN. § 40:1379.3(T), thereby respecting the outside state's authority to determine its own permit requirements.

98. See discussion *supra* Part II.A.

99. See Cramer & Kopel, *supra* note 19, at 744; Peterson, *supra* note 5, at 60-61, 65; discussion *supra* Part II.A.

100. See Peterson, *supra* note 5, at 65; discussion *supra* Part II.A.

101. See LA. REV. STAT. ANN. § 40:1379.3(T).

102. See Peterson, *supra* note 5, at 65.

103. See *id.*

104. ARIZ. REV. STAT. § 13-3112(T) (1998); LA. REV. STAT. ANN. § 40:1379.3(T); VA. CODE ANN. § 18.2-308(P) (Michie 1999).

105. See, e.g., WYO. STAT. ANN. § 6-8-104(a).

from a state agency in another state authorizing him to carry a concealed firearm."¹⁰⁶

The Recognition system provides a simple answer to the reciprocity problems outlined above.¹⁰⁷ A permit holder from an outside state should encounter little difficulty while carrying a concealed handgun through a Recognition state. For example, the permit of a Utah resident issued in his home state¹⁰⁸ is considered valid while traveling through Wyoming.¹⁰⁹ The same holds true if the Utah resident, or any other non-resident permit holder, spends considerable amounts of time in Wyoming.¹¹⁰ There is no requirement for the non-resident to apply for a permit of any sort issued by the Recognition state.¹¹¹

There are disadvantages to the Recognition system; its apparent simplicity creates problems of its own. As mentioned above, the Recognition system de-emphasizes the Recognition state's sovereignty to the degree that the permit requirements of another state are not as strict as those of the Recognition state.¹¹² The differences in permit requirements between an outside state and a Recognition state can raise other problems as well. The scenario outlined above, for example, in which the locations where concealed-carry is prohibited are different in the outside state than they are in the Recognition state,¹¹³ can raise a question as to which law controls.¹¹⁴

The Wyoming concealed-carry statute provides a simple solution to this problem by making clear that Wyoming law applies to "any permit issued from any other state."¹¹⁵ However, this places a burden on an outside state permit holder to discover the differences between the system of the Recognition state and her own, a burden that the outside state permit holder may not be aware of until she finds herself charged with violating a Recognition state provision that is not prohibited in her state.¹¹⁶ The difficulty of discovering any differences in the laws will also vary depending on the availability of relevant information.¹¹⁷ A pamphlet outlining the basic requirements of the Recognition state's permit system which could be placed in post offices, gas stations, gun shops, or other places likely to be frequented by non-resident permit holders would seem to provide a better solution than just requiring outside state permit holders to drop by the local law library and scan the relevant code provisions.¹¹⁸

106. WYO. STAT. ANN. § 6-8-104(a)(iii).

107. See discussion *supra* Part II.A.

108. See UTAH CODE ANN. § 53-5-704 (1998).

109. See WYO. STAT. ANN. § 6-8-104(a)(iii).

110. See *id.*

111. See WYO. STAT. ANN. § 6-8-104(a).

112. See *supra* note 97 and accompanying text.

113. See discussion *supra* Part II.B.1.

114. See Peterson, *supra* note 5, at 65.

115. WYO. STAT. ANN. § 6-8-104(t).

116. See Peterson, *supra* note 5, at 64.

117. See *id.*

118. See *id.*

The difficulties inherent in the Recognition system are not insurmountable and its simple method of providing reciprocity for any holder of an outside state permit, whether he is just passing through or spends substantial amounts of time in the Recognition state, make it an attractive answer to the reciprocity question.

3. *The Open System*

The Indiana statute, a typical example of an Open system, reads: "A person desiring a license to carry a handgun shall apply[,]. . .if he is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which he has a regular place of business or employment."¹¹⁹ The Florida statute's residency requirement is even simpler than that of Indiana, providing that, "The Department of State shall issue a license if the applicant. . .[i]s a resident of the United States. . ."¹²⁰

Allowing an outside resident to obtain a permit from the Open state has various advantages. Unlike the Recognition system, there is no possible question about which state's concealed-carry law governs,¹²¹ and, as part of the application process, an outside resident is required to familiarize himself with the laws of the Open state's permit system.¹²² Another advantage is that the Open system avoids the bureaucratic problem found in the Pact system as individuals wait for state officials to enter into reciprocity agreements.¹²³ Also, from a crime deterrence perspective, the fact that the Open system does not require the outside applicant to hold a permit issued by another state should help promote deterrence, especially among criminals who may otherwise be able to mark an out of state vehicle as a potentially unarmed victim.¹²⁴

Though one of the more popular of the various reciprocity systems,¹²⁵ the Open system nonetheless has a number of significant problems. The Open system works reasonably well in providing reciprocity for outside residents who spend considerable amounts of time in the Open state; however, learning a new state's carry laws,¹²⁶ filling out the appropriate paperwork,¹²⁷ paying another fee,¹²⁸

119. IND. CODE § 35-47-2-3(a)(3) (1998).

120. FLA. STAT. ANN. § 790.06(2)(a) (West Supp. 2000).

121. See IND. CODE § 35-47-2-3(a)(3).

122. See FLA. STAT. ANN. § 790.06(4)(c).

123. See discussion *supra* Part II.B.1.

124. See Espohl, *supra* note 64, at 165; discussion *supra* Part I.A.

125. The Open system, or some variation thereof, is currently employed by at least seven different states. See FLA. STAT. ANN. § 790.06(2)(a); IND. CODE § 35-47-2-3(a)(3); GA. CODE ANN. §§ 16-11-126(e), -128(c) (1998); ME. REV. STAT. ANN. tit. 25, § 2003(1) (West 1988 & Supp. 1999); OR. REV. STAT. § 166.291(8) (1997); 18 PA. CONS. STAT. ANN. § 6109(e)(1)(ix) (West Supp. 1999); UTAH CODE ANN. § 53-5-704 (1998).

126. See FLA. STAT. ANN. § 790.06(4)(c).

127. See *id.* § 790.06(4).

128. See *id.* § 790.06(5)(b).

waiting the requisite time for the permit to be issued,¹²⁹ and perhaps having to take another firearm safety/proficiency course¹³⁰ seem like undue burdens to place on a non-resident permit holder who plans only on passing through the Open state.¹³¹ This is especially true where the permit requirements of each state are substantially similar. Under the Indiana system, a non-resident who plans only on passing through the state would not be allowed to apply for an Open state permit even if she were willing to go through all of the steps above because she would fail the regular place of business or employment requirement.¹³² Also, while the Open system respects the sovereignty of the issuing state, it is implicitly distrustful of an outside state's ability to determine who is qualified to carry a concealed handgun.

The Open system serves passably well to allay the problems that arise due to a lack of reciprocity for residents of outside states who spend substantial time in the Open state for business or employment reasons. However, its burdensome impact on non-residents who are just passing through the state makes it an insufficient answer to the overall reciprocity problem.

4. Hybrid Systems

A small number of states have combined different aspects of the Pact, Recognition, and Open systems in an attempt to deal with certain aspects of the reciprocity problem.¹³³

a. Georgia

Georgia law answers the reciprocity question by combining the Recognition and Pact systems.¹³⁴ The Georgia statute reads:

[A] person licensed to carry a handgun in any state whose laws recognize and give effect within such state to a license issued pursuant to this part shall be authorized to carry a handgun in this state, but only while the licensee is not a resident of this state; provided, however, that such licenseholder shall carry the handgun in compliance with the laws of this state.¹³⁵

This provision retains the advantages of the Recognition system's simplicity.¹³⁶ It also deals with the problem of which state's law controls, but the burden remains

129. *See id.* § 790.06(6)(c).

130. *See id.* § 790.06(2)(h).

131. *See* Peterson, *supra* note 5, at 64.

132. *See* IND. CODE § 35-47-2-3(a)(3) (1998).

133. *See* GA. CODE ANN. §§ 16-11-126(e), -128(c) (1998); OR. REV. STAT. § 166.291(8) (1997); 18 PA. CONS. STAT. ANN. § 6109(e)(1)(ix) (West Supp. 1999).

134. *See* GA. CODE ANN. § 16-11-126(e).

135. *See id.*

136. *See* discussion *supra* Part II.B.2.

on the non-resident to research the Georgia statute for differences between the Georgia system and his own.¹³⁷

The difference between the Georgia system and a pure Recognition system is the requirement that a Georgia permit must be honored in the outside state before a permit issued by the outside state will be recognized in Georgia.¹³⁸ This condition amounts to an implicit Pact requirement without the difficulties of actually getting officials from different states appointed and creating an agreement.¹³⁹

This hybrid system offers most of the benefits of both the Recognition and Pact systems¹⁴⁰ and deals with the problem created by the fact that non-resident permit holders cannot vote in other states by creating an incentive for outside states to enact reciprocity provisions.¹⁴¹ This is good in the long-term, but in the short term it severely limits the number of states whose permits are recognized in Georgia. This is a disadvantage in light of the deterrent effects of concealed handguns and the propensity for criminals to target non-residents who are assumed to be unarmed.¹⁴²

b. Pennsylvania

The Pennsylvania system addresses some of the sovereignty issues raised above¹⁴³ by combining the Recognition and Open systems.¹⁴⁴ The Pennsylvania statute states: "A license shall not be issued to...[a] resident of another state who does not possess a current license or permit or similar document to carry a firearm issued by that state...."¹⁴⁵

By requiring a non-resident applicant to possess a permit to carry a concealed handgun in her home state before she may apply for a permit under Pennsylvania's Open/Recognition system, Pennsylvania is implicitly honoring the other state's ability to determine who is qualified to carry a concealed handgun.¹⁴⁶ This system also has the advantage of making sure that the non-resident applicant is aware of the regulations that will govern his concealed-carry in Pennsylvania.¹⁴⁷

Pennsylvania's Open/Recognition system, however, does nothing to alleviate the Open system's overly burdensome requirements on a non-resident

137. See GA. CODE ANN. § 16-11-126(e). See also discussion *supra* Part II.B.2.

138. See GA. CODE ANN. § 16-11-126(e). See also discussion *supra* Part II.B.1.

139. See GA. CODE ANN. § 16-11-126(e). See also discussion *supra* Part II.B.1.

140. See generally GA. CODE ANN. § 16-11-126(e); LA. REV. STAT. ANN. § 40:1379.3(T); discussion *supra* Part II.B.1.

141. See Cramer & Kopel, *supra* note 19, at 744; Peterson, *supra* note 5, at 65; discussion *infra* Part II.B.

142. See discussion *supra* Parts I.A, I.C.

143. See discussion *supra* Parts II.B.2, II.B.3.

144. See 18 PA. CONS. STAT. ANN. § 6109(e)(1)(ix) (West Supp. 1999).

145. *Id.*

146. See discussion *supra* Parts II.B.2, II.B.3.

147. See discussion *supra* Parts II.B.2, II.B.3.

who is just passing through the state.¹⁴⁸ The Pennsylvania system works well from a sovereignty perspective, but falls short in addressing some of the other major issues that reciprocity raises.¹⁴⁹

c. Oregon

The Oregon system's focus also seems to be on issues of state sovereignty.¹⁵⁰ The Oregon statute provides that: "The County Sheriff may waive the residency requirement [for obtaining a concealed-carry permit]...for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need."¹⁵¹

The Oregon statute creates an Open system limited to residents of contiguous states and incorporates a Discretionary permit system rather than the Shall Issue system that applies to Oregon residents.¹⁵² While the state's power to determine which non-residents will be allowed to carry a concealed handgun is stronger under the Oregon statute than any other state reciprocity provision, most of the problems that a reciprocity provision is meant to address are dealt with very poorly by the Oregon system.¹⁵³

Many people with compelling business interests or other legitimate needs desiring to obtain an Oregon permit will undoubtedly be residents of contiguous states.¹⁵⁴ The national scope of much of the business done in the United States suggests, however, that many non-residents with a legitimate need for a concealed handgun will be denied the opportunity to carry in Oregon, even if they are qualified to obtain a permit in their home states.¹⁵⁵ The Oregon system remains subject to all the disadvantages of a regular Open system¹⁵⁶ and also adopts all of the problems associated with the Discretionary system.¹⁵⁷

In light of all these problems, the Oregon system leaves much to be desired as a method of dealing with the problems raised by a lack of reciprocity.

C. Evaluation of State Solutions

Over the short-term, a Recognition system with a controlling law provision, like that of Wyoming,¹⁵⁸ offers the best solution to the reciprocity problem for both the non-resident permit holder who is just passing through and

148. See discussion *supra* Part II.B.3.

149. See discussion *supra* Part II.A.

150. See OR. REV. STAT. § 166.291(8) (1997).

151. *Id.*

152. See *id.* See also OR. REV. STAT. § 166.291(1); discussion *supra* Part I.B.

153. See discussion *supra* Part II.A.

154. See OR. REV. STAT. § 166.291(8).

155. See *id.*

156. See discussion *supra* Part II.B.3.

157. See discussion *supra* Part I.B.

158. See WYO. STAT. ANN. § 6-8-104(b)(1), (d)(3), (t) (Michie 1999).

the non-resident permit holder who spends considerable time away from her home state.¹⁵⁹ Over the long-term, however, a Pact system like Louisiana's¹⁶⁰ or a Recognition/Pact system like Georgia's¹⁶¹ offers the best solution to the reciprocity problem.¹⁶² Both states' systems provide clear guidance on which state's law controls, and is respectful of each state's sovereignty.¹⁶³ The Open system—like that of Indiana¹⁶⁴ and Florida,¹⁶⁵ and its hybrids in Pennsylvania¹⁶⁶ and Oregon¹⁶⁷—is the least effective answer to the reciprocity problem due to the burden it places on the non-resident permit holder who is just passing through the state.¹⁶⁸

D. Proposed Federal Reciprocity Provisions

Over the past few years there have been a number of proposals in the United States Congress to provide for state-to-state reciprocity for concealed handgun permits.¹⁶⁹ Though none of the proposals have been passed, Representative Stearns of Florida, Representative Cunningham of California, and Senator Craig of Idaho have introduced bills in Congress that would grant concealed-carry reciprocity on a national level.¹⁷⁰

1. The Stearns Bills

Representative Cliff Stearns has a strong history of support for handgun carry reform. During debate on the Violent Crime Control Act of 1984, Representative Stearns proposed an amendment to the bill that would allow, regardless of any conflicting state law, any individual over twenty-one years of age with no felony convictions or history of mental illness who completes a handgun safety course to carry a concealed weapon.¹⁷¹ This amendment was not added to the bill.¹⁷²

With research and experience demonstrating that the concealed-carry of handguns deterred many types of violent crime,¹⁷³ Representative Stearns found

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159. See discussion *supra* Parts II.A, II.B.2.
 160. See LA. REV. STAT. ANN. § 40:1379.3(T) (West Supp. 2000).
 161. See GA. CODE ANN. § 16-11-126(e) (1998).
 162. See discussion *supra* Parts II.A, II.B.1, II.B.4.a.
 163. See discussion *supra* Parts II.A, II.B.1, II.B.4.a.
 164. See IND. CODE § 35-47-2-3(a)(3) (1998).
 165. See FLA. STAT. ANN. § 790.06(2)(a) (West Supp. 2000).
 166. See 18 PA. CONS. STAT. ANN. § 6109(e)(1)(ix) (West Supp. 1999).
 167. See OR. REV. STAT. § 166.291(8) (1997).
 168. See discussion *supra* Parts II.A, II.B.3, II.B.4.b, II.B.4.c.
 169. See, e.g., H.R. 3838, 104th Cong. (1996); H.R. 218, 105th Cong. (1997); S. 816, 105th Cong. (1997).
 170. See H.R. 3838, 104th Cong. (1996); H.R. 218, 105th Cong. (1997); S. 816, 105th Cong. (1997).
 171. See 140 CONG. REC. H2233-01, H2237 (daily ed. Apr. 13, 1994) (statement of Rep. Stearns).
 172. See *id.*
 173. See discussion *supra* Part I.A.

practical empirical support for the ideological notion that the Second Amendment to the United States Constitution "provides all citizens the right to keep and bear arms."¹⁷⁴ Armed with scientific evidence that made the civilian carry of concealed handguns look less like an antiquated constitutional relic, and more like a legitimate, effective weapon in the war on crime,¹⁷⁵ Representative Stearns proposed a reciprocity bill in November of 1995.¹⁷⁶

House Resolution 2634 proposed that Chapter 44 of Title 18 of the United States Code be amended to provide as follows:

Notwithstanding any provision of the law of any State...a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm and who is carrying a valid license which is issued pursuant to the law of any State and which permits the person to carry a concealed firearm...shall be entitled to carry in any State a concealed firearm...in accordance with the terms of the license.¹⁷⁷

At first glance, this proposed statute seems like a straightforward solution to the reciprocity problem, providing that any permit issued by any state be recognized as valid in any other state. However, as Representative Stearns himself later recognized, the fact that the issuing state's permit law controls presents a problem: "This language would require law enforcement officers [of any one state] to know the right-to-carry laws of all 50 states because individuals licensed in different states would be allowed to carry in their state under varying laws."¹⁷⁸

In response to this concern, Representative Stearns introduced a new version of his right-to-carry bill which resolved this problem by providing that the concealed-carry law of State A controls where a non-resident with a permit issued by State B carries a concealed weapon in State A.¹⁷⁹ For states with No Concealed-Carry permit systems, the holder of a permit issued by another state would still be able to carry in the No Concealed-Carry system state under the improved Stearns bill.¹⁸⁰ For such states, the improved Stearns bill establishes a federal bright-line standard governing where the holder of a permit issued in a state that has a concealed-carry system is restricted from carrying in a state without a permit system.¹⁸¹

174. 140 CONG. REC. H2233-01, H2237 (daily ed. Apr. 13, 1994) (statement of Rep. Stearns).

175. See discussion *supra* Part I.A.

176. See H.R. 2634, 104th Cong. (1995).

177. *Id.*

178. 142 CONG. REC. E1310-02 (daily ed. July 17, 1996) (statement of Rep. Stearns).

179. See *id.*; H.R. 3838, 104th Cong. (1996).

180. H.R. 3838, 104th Cong. § 1(b)(2) (1996).

181. See *id.* (stating that restricted areas include schools, police stations, jails, bars, airport terminals, polling places, government meetings, and non-firearms related sporting events).

The bill makes explicit that if a state has a permit system in place, its restrictions trump the federal bright-line restrictions.¹⁸² However, Representative Stearns also points out that there is precedent for a federal preemption of state law in this area.¹⁸³ Addressing similar concerns to those raised by Representative Cunningham's proposed bill,¹⁸⁴ the improved Stearns bill allows any qualified current or former law enforcement officer to carry a concealed weapon in any state without the need for a concealed-carry permit.¹⁸⁵

The improved Stearns bill is the blueprint for other proposed federal reciprocity solutions.¹⁸⁶

2. The Cunningham Bills

California Representative Randy "Duke" Cunningham, in cooperation with the Law Enforcement Alliance of America,¹⁸⁷ has also proposed legislation that would grant blanket reciprocity to the holder of a concealed-carry handgun permit issued by any state.¹⁸⁸ The first version of H.R. 218, introduced in 1995,¹⁸⁹ dealt exclusively with exempting qualified current and former law enforcement officers from concealed weapons prohibitions in states without permit systems, or the requirement to obtain a permit in states with concealed-carry permit systems.¹⁹⁰ Current or former law enforcement officers needed only written identification of their qualified status to carry a concealed weapon anywhere in the United States.¹⁹¹ The practical effect of such a provision, as argued by the Law Enforcement Alliance of America, would be to put 200,000 to 600,000 armed veteran law enforcement officers on the street without having to spend any extra tax money.¹⁹²

182. See *id.* § 1(a). See also 142 CONG. REC. E1310-02 (daily ed. July 17, 1996) (statement of Rep. Stearns).

183. See 142 CONG. REC. E1310-02 (daily ed. July 17, 1996) (statement of Rep. Stearns). See also 15 U.S.C. § 5902 (1994) (providing that licenses to carry concealed weapons issued by a state to a member of an armored car crew be recognized by any other state to which the crew member travels while performing his duties).

184. See discussion *infra* Part II.D.2.

185. H.R. 3838, 104th Cong. § 2(a) (1996). A "qualified law enforcement officer" is "a law enforcement officer" who "is authorized to carry a firearm in the course of duty," is not subject to any disciplinary action, and meets any requirements established by the agency with respect to firearms. *Id.* A "qualified former law enforcement officer" is a qualified law enforcement officer who retired for reasons other than mental disability, is entitled to benefits under his former agency's retirement plan, meets all state requirements pertaining to firearms, and is not prohibited by federal law from receiving a firearm. *Id.* at § 2(b).

186. See discussion *infra* Parts II.D.2, II.D.3.

187. See Jim Fotis, *Which Side of Law and Order*, GUNS & AMMO, Jan. 1999, at 32.

188. See H.R. 218, 105th Cong. (1997). See also Fotis, *supra* note 187, at 32.

189. See H.R. 218, 104th Cong. (1995).

190. See H.R. 218, 104th Cong. § 2(a) (1995).

191. See *id.*

192. See Fotis, *supra* note 187, at 32.

As studies began to demonstrate that civilian concealed-carry significantly deters violent crime while posing nominal risks to public safety,¹⁹³ the Cunningham bill was expanded to include a blanket reciprocity provision for civilian holders of concealed-carry permits modeled on that of the improved Stearns bill.¹⁹⁴

3. *The Craig Bill*

Idaho Senator Larry Craig, as a companion bill to the improved Stearns proposal in the House of Representatives,¹⁹⁵ introduced a substantially identical bill in the Senate.¹⁹⁶ The Personal Safety and Community Protection Act proposed blanket reciprocity for state issued concealed-carry permits.¹⁹⁷ Under the Craig bill, as under the Stearns bill, the non-issuing state's carry restrictions where the state has its own permit system¹⁹⁸ and the default federal bright-line restrictions apply in states with No Concealed-Carry systems.¹⁹⁹ The Craig bill also contained a provision providing qualified current and former law enforcement officers carrying written identification of such status the right to carry a concealed handgun anywhere in the United States.²⁰⁰

While introducing the bill, Senator Craig made specific reference to the Professor Lott's conclusion²⁰¹ that allowing concealed-carry permits for citizens deters violent crime and does not produce an increase in accidental deaths or suicides.²⁰² Senator Craig stated that the purpose of the Personal Safety and Community Protection Act was "to protect the rights of citizens no matter where they may travel in the United States, and to enhance the protection of our communities."²⁰³

Federal solutions to the reciprocity problem have all approached the issue in the same way: require recognition of a concealed-carry permit issued in State A by State B regardless of whether State B allows its own citizens to carry concealed weapons.

193. See discussion *supra* Part I.A.

194. See H.R. 218, 105th Cong. § 4 (1997). See also H.R. 3838, 104th Cong. § 1 (1996).

195. See 143 CONG. REC. S5109-02, S5132 (daily ed. May 23, 1997) (statement of Sen. Craig).

196. Compare Personal Safety and Community Protection Act, S. 816, 105th Cong. (1997), with H.R. 339, 105th Cong. (1997), and H.R. 3838, 104th Cong. (1996).

197. See S. 816 § 2(a).

198. See *id.* § 2(b)(1).

199. See *id.* § 2(b)(2).

200. See *id.* § 3.

201. See discussion *supra* Part I.A.

202. See 143 CONG. REC. S5109-02, S5132 (daily ed. May 23, 1997) (statement of Sen. Craig (quoting Lott & Mustard, *supra* note 20, at 1)).

203. *Id.* at S5132.

III. STATE VERSUS FEDERAL RECIPROCITY SOLUTIONS

Having presented the various solutions to the reciprocity problem that have been adopted by a number of states and those that have been proposed in the United States Congress, the task remains to compare the state and federal systems. The differing natures of federal and state solutions involve a somewhat different set of pros and cons.

A. Federal Solutions

The main advantages of federal legislation²⁰⁴ are its simplicity of application²⁰⁵ and maximization of the deterrent effect that concealed handguns have on crime.²⁰⁶ Proposed federal legislation also offers the advantage of uniformity.²⁰⁷ For example, Jane, the holder of a permit issued by her home state of Arizona, would know that her permit allows her to carry a concealed handgun in any other state according to that state's concealed-carry statute or the federal default restrictions if the state has a No Concealed-Carry system.²⁰⁸ So, for Jane's upcoming road trip to visit her brother in Houston, Texas (which will require driving through Arizona, New Mexico, and Texas), she knows she will have to determine the restrictions imposed by the New Mexico and Texas concealed-carry statutes.²⁰⁹ Her inquiries will reveal²¹⁰ that in Texas she is restricted from carrying her concealed handgun in a bar, non-firearms related sporting event, prison, amusement park, church, government meeting, hospital, or nursing home without prior permission or while intoxicated.²¹¹ She will also learn that in New Mexico, which has a No Concealed-Carry permit system,²¹² the default federal restrictions would apply.²¹³ Assuming that appropriate measures are taken to insure the availability of the restrictions each state places on concealed-carry, proposed federal solutions to the reciprocity problem provide great uniformity and simplicity of application.²¹⁴

204. See discussion *supra* Part II.D.

205. See Cramer & Kopel, *supra* note 19, at 744-46; Peterson, *supra* note 5, at 65.

206. See discussion *supra* Part I.A.

207. See Peterson, *supra* note 5, at 65; Cramer & Kopel, *supra* note 19, at 744.

208. See discussion *supra* Part II.D.

209. See discussion *supra* Part II.D.

210. Jane could write or call the appropriate state authority, consult a government web page, etc. Ideally, the federal government could compile a list of the restrictions of various states and make it available on a web page and/or in pamphlet form. See discussion *supra* Part II.B.2.

211. See TEX. PENAL CODE ANN. § 46.035 (West Supp. 2000).

212. See N.M. STAT. ANN. § 30-7-2 (Michie 1999).

213. See H.R. 3838, 104th Cong. § 1(b)(2) (1996); H.R. 218, 105th Cong. (1997); S. 816, 105th Cong. § 1(b)(2) (1997).

214. See discussion *supra* Part II.B.2.

The Stearns, Cunningham, and Craig proposals also work to maximize the deterrent effects of concealed handguns on violent crime.²¹⁵ If criminals are more likely to attack people they know to be unarmed, reducing the classes of people, such as out-of-state travelers, that criminals can assume to be unarmed will increase the deterrent effect on crime that concealed handguns generate.²¹⁶ Providing blanket reciprocity of concealed-carry permits would make it impossible for a criminal to assume that the potential victim standing at the ATM machine is unarmed just because his vehicle has an out-of-state license plate.²¹⁷

Though the proposed federal solutions to the reciprocity problem are uniform, simple to apply, and maximize the deterrent effect of concealed handguns, there are problems with them as well. The idea that a Pennsylvania permit holder can carry a concealed weapon in New York, while a New York resident is denied the same opportunity, seems anomalous and violative of traditional notions of state sovereignty and federalism.²¹⁸

There is, however, precedent for federal legislation requiring recognition of a concealed-carry permit issued in one state by any other state of the union.²¹⁹ Arguments also exist that the right to keep and bear arms expressed in the Second Amendment is a fundamental civil right protected under the Ninth²²⁰ and Fourteenth Amendments²²¹ and the Article IV Privileges and Immunities clause²²² of the United States Constitution.²²³ The simplicity, uniformity, and maximization of deterrence arguments for proposed federal solutions to the reciprocity issue, together with the justification that the bearing of arms in self-defense is a constitutionally protected right, weigh heavily against the possible federalism concerns such a statute might raise.

B. State Solutions

The different state solutions, on the other hand, are very much in line with traditional notions of federalism.²²⁴ As concealed-carry law currently exists, it is up to each state to define its own requirements for obtaining a permit, set its

215. See discussion *supra* Part I.A.

216. See discussion *supra* Part I.C.

217. See discussion *supra* Parts I.C., II.D.

218. See Peterson, *supra* note 5, at 65. See also *United States v. Lopez*, 514 U.S. 549, 561 & n.3 (1995) (discussing federalism and noting that such things as crime and firearm policy are reserved to the states under our two-tiered system of government).

219. 15 U.S.C. § 5902 (1994).

220. U.S. CONST. amend. IX.

221. U.S. CONST. amend XIV.

222. U.S. CONST. Art. IV, § 2, cl. 1.

223. It is not the purpose of this Note to enter into a detailed debate on the current status of the Second Amendment. Suffice it to say this is one of the murkier areas of constitutional jurisprudence, a subject which merits at least an article of its own. A more in-depth outline of the arguments referred to has been made by other authors. See, e.g., Cramer & Kopel, *supra* note 19, at 745–46; Espohl, *supra* note 64, at 151–80.

224. See Cramer & Kopel, *supra* note 19, at 744.

own restrictions on where concealed-carry is prohibited, determine whether and to what extent permits issued by other states will be recognized, and decide if permits will be available to non-residents.²²⁵

State solutions, however, have their own shortcomings. State solutions' lack of uniformity make interstate travel a confusing experience for permit holders wishing to carry a concealed handgun for protection while on their journey.²²⁶ The lack of reciprocity generally found in current state solutions also fails to take full advantage of the deterrent effect on violent crime that concealed-carry creates.²²⁷

Perhaps the biggest obstacle state systems impose on workable solutions to the reciprocity problem is that non-resident permit holders have no vote outside their home states.²²⁸ The class affected most by a lack of reciprocity has no representation in the state that denies recognition of its concealed-carry permits.²²⁹ Recognizing that reciprocity is an important concern, states adopting the Pact system attempt to deal with this lack of representation by appointing state officials to actively seek out reciprocity agreements with other states.²³⁰ This promotes the interests of the Pact state's residents in being able to carry concealed while traveling and provides the same benefits to residents of other states.²³¹

The Georgia statute also provides an incentive for other states to enact reciprocity provisions by making recognition of an outside permit in Georgia contingent on the recognition of a Georgia permit in the outside state.²³² Outside states desiring recognition of their permits in Georgia are motivated to enact reciprocity legislation in their own state.²³³ As support for concealed-carry permits as a deterrent to crime continues to mount, more states will recognize that granting reciprocity to concealed handgun permits issued by other states results in a direct benefit to state residents through lower rates of violent crime.²³⁴

IV. CONCLUSION

The past decade has seen a marked trend toward the adoption of permissive Shall Issue concealed handgun statutes. As evidence continues to mount that concealed handgun carry has a significant effect on deterring certain types of violent crime, with little to no corresponding effect on accidental deaths or crimes of passion, this trend will continue. Evidence of concealed weapons as a deterrent to violent crime also supports the need for state-to-state reciprocity of

225. See discussion *supra* Parts I, II.

226. See Cramer & Kopel, *supra* note 19, at 744-45; Peterson, *supra* note 5 *passim*; discussion *supra* Part II.A.

227. See discussion *supra* Part III.A.

228. See Peterson, *supra* note 5, at 65.

229. See *id.*

230. See discussion *supra* Part II.B.1.

231. See discussion *supra* Part II.B.1.

232. See discussion *supra* Part II.B.4.a.

233. See discussion *supra* Part II.B.4.a.

234. See discussion *supra* Parts I.A, I.C, III.A.

concealed handgun permits. Recognizing this need, a number of states have included some form of reciprocity provision in their concealed handgun statutes and federal legislators have proposed measures that would grant blanket recognition of state-issued concealed-carry permits.

Over the short-term, the proposed federal solutions offer the greatest simplicity of application and deterrent effect on crime, but suffer from possible federalism problems. Over the long term, state solutions, especially the Pact and Recognition/Pact systems, best maximize state sovereignty. However, the difficulty in implementing state solutions occasioned by the fact that the non-resident permit holders who stand to gain the most from reciprocity have no vote in other states results in a lack of general reciprocity for the immediate future and failure to take full advantage of the deterrent effects of concealed handguns.

Either way, concealed handgun statutes are here to stay and state-to-state reciprocity will follow. In the current political and social climate, the state-by-state adoption of reciprocity provisions is likely to continue. But, as the evidence of the benefits created by concealed handguns continues to grow and attitudes about concealed-carry continue to change, adoption of federal level reciprocity provisions will become a more likely possibility.²³⁵

235. Many states have begun to fill the reciprocity gap. Notably, in 1999 Florida adopted a Recognition system to supplement its Open system. FLA. STAT. ANN. § 790.015 (West Supp. 2000). In practice, however, the law is being implemented as a Pact/Recognition System, as Florida will not grant recognition to a state that does not also recognize a Florida permit. Compare FLA. STAT. ANN. § 790.015, with Florida Department of State – Division of Licensing, “Concealed Carry” States (last modified Nov. 16, 1999) <http://licgweb.dos.state.fl.us/news/concealed_carry.html>. Other states seem to be doing much the same, enacting Pact/Recognition systems explicitly. See, e.g., N.D. CENT. CODE § 62.1-04-03.1 (Supp. 1999); ARK. CODE ANN. § 5-73-402 (Michie 1995). As things presently stand, the Pact and Pact/Recognition systems are being utilized in an increasing number of states. This trend is likely to continue based on the state sovereignty and clarity advantages of these types of reciprocity systems.