



HB 230 Constitutional Carry of a Firearm

Sponsor: Rep. Rick Saccone

Current co-sponsors listed below:

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House Co-sponsors as of 3-27-2016

Constitutional Carry - Issue Overview

Rep Rick Saccone has introduced Constitutional Carry (HB 230) and currently is co-sponsored by 51 PA House members.

Synopsis:

Constitutional Carry is a situation within a state in which the carrying of firearms, concealed or not, is generally not restricted by the law, for law abiding citizens. When a state or other jurisdiction has adopted Constitutional Carry, it is legal for law-abiding citizens to carry a handgun, firearm, or other weapon concealed with or without an applicable permit or license.

The law decriminalizes the carry of handguns for self-defense purposes without a license, and puts the burden upon a prosecutor to prove criminal intent of a person carrying a handgun. Also, there are no defined statutory limits as to 'how' a legally carried handgun should be carried openly or concealed; thus it is considered Constitutional Carry.

Alaska enacted 'Freedom to Carry' in 2003 and all's well. Texas enacted 'Freedom to Carry' "light" in 2007 as the Motorist Protection Act: there is no government interference with discreetly having a gun anywhere in your premises or your vehicle (including any sort of motor home), and from your premises to your vehicle, an excellent start (you still need a license while out and about on foot, so they're taking it one step at a time, so to speak). Having a firearm, if you're doing nothing wrong, is not a crime. And should not be a crime. What a concept. A woman should be able to put a handgun in her handbag and go about her day without fear of arrest. Montana enacted Freedom to Carry in 1991 for 99.4% of the state (outside city limits).

Under the infringement of so-called "reciprocity" schemes (an odious feature of "right-to-carry" plans), your human and civil rights as an American have been reduced to a list of government-approved states for licensees only, when you leave your home state. The 98% of the public that refuses to jump through the hoops, be taxed, get on the criminal database and get "rights" papers is left out in the cold when they travel under the current "reciprocity" model. Enormous police effort that could be going directly toward reducing crime is instead being diverted into registering, regulating and tracking the innocent.

Constitutional Carry will create a two-tiered system with the carrying of firearms for lawful purposes:

- **Option 1** gives citizens the ability to obtain a (LTCF) License To Carry Firearm permit that is valid throughout Pennsylvania and would provide for carrying firearms in other states (currently, (32) states either recognize Pennsylvania LTCF's or there is a reciprocity agreement in effect).
- **Option 2** recognizes that Commonwealth citizens have a fundamental constitutional right to keep and bear arms (Article 1, Section 21) and that 'no LTCF' is required for law abiding citizens to carry a firearm throughout Pennsylvania.

It is a well-recognized fact that criminals cannot and do not apply for LTCF permits. The statement (below) by Philadelphia District Attorney Williams underscores that reality:

- District Attorney R. Seth Williams said the “85% of the homicides in Philadelphia are caused by handguns, with 99% of those being committed by individuals not licensed to carry and after having obtained the handgun illegally.”

Currently in PA there is no License to Carry a Firearm (LTCF) permit required for law abiding citizens to openly carry a firearm throughout Pennsylvania. This principle acknowledges that Pennsylvanians have a fundamental constitutional right to keep and bear arms (Article 1, Section 21 of the PA Constitution)

Since citizen’s pass a criminal background check to purchase a firearm’s it is patently unjust to require a government issued permission slip before exercising a right. It is constitutionally questionable to add layers of bureaucratic regulations on those who are least likely to commit a crime just because the citizen prefers to carry his weapon concealed.

When one examines the anemic enforcement of the laws, against criminals, for ‘carrying firearms without a license’ the reasoning behind mandating a license ‘only’ for law abiding citizens quickly falls apart.

The enactment of this legislation into law will also benefit citizens exercising their ‘right to bear arms’ in a number of areas:

- **Transporting firearms** - Currently in Pennsylvania it is a crime to transport a firearm (section 6102 definition) without a license except in four very narrow exceptions in the law unless the individual transporting a firearm has a LTCF permit. Stopping to refuel one’s vehicle or at a restaurant or even to going to a restroom without having a LTCF permit puts the unknowing, law abiding citizen in jeopardy of prosecution for a misdemeanor 1 crime.
- **Limit abuses of law abiding citizens** – recent examples of incidents throughout Pennsylvania (ex. Mark Fiorino/Philadelphia) demonstrates that the licensing process and carrying of firearms by law abiding citizens is rife with problems and institutionalized prejudice.
- **Reform the issuance of LTCF permits** – a number of urban centers in Pennsylvania have instituted policies and procedures that directly or indirectly conflicts with state law (section 6109). This legislation also clarifies the intent of the law and the legislature regarding these issuance procedures in numerous areas.
- **Removes the exemption for cities of the 1st class** and restates the constitutional premise of equal protections.
- **History shows that issuance of Licenses to Carry Firearms** actually increases in states with this law.

10 states currently have Constitutional carry:

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|------------------|---------------------------------------------|------------------------------------------------|
| 1. Vermont | 6. Kansas 2015 | 10. Montana (Permit necessary for cities only) |
| 2. Alaska 2003 | 7. Mississippi 2015 | 11. West Virginia (2016) |
| 3. Arizona 2010 | 8. Maine 2015 | 12. Idaho (2016) |
| 4. Wyoming 2011 | 9. Idaho (Permit necessary for cities only) | |
| 5. Arkansas 2013 | | |

(Vermont’s Constitutional Carry has been in effect for over 3 decades-the state’s violent crime rate was the lowest in 2014)

Some of the other states considering constitutional carry are:

Colorado, Indiana, Iowa, Kentucky, Minnesota, Nevada, New Hampshire, South Carolina, Texas, Tennessee, Georgia, Montana, Ohio, Oregon, South Dakota, Utah, Virginia.

We respectfully request that you consider adding your support to HB 230, by co-sponsoring, this important upgrade to a law abiding citizen’s right to self-defense.