

[Concealed Carry Laws](#)

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HISTORY OF CONCEALED CARRY LAWS

The origin of concealed-carry laws dates back to the turn of the twentieth century. The Vermont Supreme Court in 1903 determined that a city [ordinance](#) banning concealed firearms violated the state's constitution, which guarantees the right to keep and bear arms. This case continues to control Vermont law.

By the 1920s, some states considered adopting the Uniform Revolver Act. This Act made it unlawful to carry a concealed firearm without a license. States that adopted this Act developed licensing schemes that gave authorities discretion about whether to issue permits. However, commentators have noted that the authorities who issued the licenses often did so unfairly. Those who received permits were often white as well as rich and connected politically.

Washington state developed a different system in the 1960s. The Washington law required licensing authorities to issue permits unless the applicant fell into a category that disqualified him or her from obtaining the permit. More than 200,000 Washington citizens obtained permits in the first 30 years after the state passed the law.

The State of Florida was the next state to have a significant influence on this area of law. The state's legislature in 1987 considered its own law requiring a licensing authority to issue permits for concealed handguns once an applicant passed a background check and completed gun-safety classes. Among the supporters of the legislation was the state's police-chief association. Although Governor Bob Graham vetoed the proposal, his successor signed bill into law in 1987. By the end of 1987, only ten states allowed their ordinary citizens to carry concealed weapons. That number grew to 49 by 2012. Jurisdictions generally require citizens to obtain permits, but in most states, a person can obtain such a permit unless the state can establish a reason why the citizen should not carry one

OBTAINING A PERMIT

Specific requirements for obtaining a permit vary from state to state. In Texas, for example, an applicant is required to show the following to obtain a concealed handgun license, or CHL:

- The applicant must be 21 years old (although members and former members of the armed forces must be 18).
- The applicant must have a clean criminal history, including military service and recent juvenile records.
- The applicant must not be under a [protective order](#).
- The applicant must not be chemically dependent.
- The applicant must not be of unsound mind.

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Change in states' concealed carry permit designation, 2002 and 2012

Number of states by issue designation	June 2002 ¹	March 2012 ²
No-issue states that prohibit the concealed carry of handguns	7 states and the District of Columbia	1 state and the District of Columbia
Shall-issue states	29	39
May-issue states	13	10
States that do not require a permit to concealed carry	1	4

¹ The total number of states and the District of Columbia adds to 51.

² The total number of states and the District of Columbia adds to 55 in this analysis, because 4 states (Alaska, Arizona, Rhode Island, and Wyoming) are counted in two categories. Alaska, Arizona, and Wyoming do not require permits but are considered shall-issue; and Rhode Island provides may- and shall-issue authority. Rhode Island law provides for two mechanisms for obtaining a permit: the Rhode Island Attorney General has “may-issue” authority to issue permits under R.I. Gen. Laws § 11-47-18, and cities and towns have “shall-issue” authority, with limited discretion, to issue a permit, under R.I. Gen. Laws § 11-47-11

SOURCE: U.S. Government Accountability Office. *Gun Control States' Laws and Requirements for Concealed Carry Permits Vary across the Nation*, July 2012.

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- The applicant must not be delinquent in paying fines, fees, [child support](#), student loans, etc.
- The applicant must be eligible to purchase a handgun by completing the NICS check.
- The applicant must complete required training.

An applicant in Texas must also pay a licensing fee, which is set by [statute](#). A first-time standard applicant must pay a filing fee of \$140, while those who are renewing permits must pay a \$70 fee. Others, such as a judicial officers and peace officers, pay a reduced fee.

In other states, whether a licensing authority gives a citizen a concealed weapon permit is within the authority's discretion. California law, for instance, allows a police chief or county sheriff to issue a permit, assuming the applicant can meet the following conditions:

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- The applicant provides proof of good moral character.
- The applicant shows good cause for the authority to issue the license.
- The applicant is a resident of the county or city where the applicant is applying for a license.
- The applicant completed a course of training, which lasts between 16 and 24 hours.

OUT-OF-STATE PERMIT HOLDERS

A permit to carry a concealed weapon in one state does not entitle the person to carry a concealed weapon elsewhere. However, many states have made agreements with other states to recognize out-of-state permits. For example, the states of Florida, Michigan, and Missouri have agreed to recognize concealed carry permits from 37 other states. However, many of these states (including Michigan and Missouri) do not recognize permits that other states have given to nonresidents of those states.

RESTRICTIONS

Although gun owners in many states are able to obtain concealed carry licenses or permits rather easily, possession of concealed weapons is subject to a number of restrictions. For instance, federal law preempts state law and forbids a person from carrying a weapon at government facilities. This includes post offices, federal court buildings, military facilities, correctional facilities, transportation facilities (such as Amtrak), and other federal property.

States also impose a variety of restrictions, which vary from state to state. The State of Texas, for example, restricts gun possession at the following:

- Schools
- School buses
- Polling places
- Courts and court offices
- Racetracks
- Secured airport areas
- Premises where executions will be carried out
- Certain businesses where alcohol is being sold
- Locations of sporting events

Concealed guns may also be prohibited at hospitals, nursing homes, amusement parks, places of worship, government meeting locations, and some businesses.

LEGAL CHALLENGES

Parties both favoring and opposing concealed carry laws have brought legal actions to try to make changes to the law through the courts. During the early 2000s, parties in states such as New Mexico, Missouri, Minnesota, and Ohio challenged concealed carry laws in state appellate courts. However, most of these challenges failed as the courts upheld the constitutionality of these laws.

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In 2008, the U.S. Supreme Court issued a ruling in *District of Columbia v. Heller*, which upheld the right of private citizens to keep and bear arms. However, Justice Antonin Scalia's majority opinion noted that restrictions on concealed weapons are generally considered constitutional. He wrote: "Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose: For example, concealed weapons prohibitions have been upheld under the Amendment or state analogues"

In *McDonald v. City of Chicago*, the Court extended the decision in *Heller* to apply to states and local governments. In this case, the Court struck down a handgun ban in the City of Chicago. This decision led some to question whether other restriction on concealed weapons may also violate the Second Amendment. In fact, a U.S. District Court in Maryland in 2012, ruled that the State of Maryland violated the Second Amendment by requiring applicants to show "good and substantial reason" for a licensing authority to issue a permit. As of late 2012, an [appeal](#) of the decision was still pending.

CONCEALED CARRY STATISTICS

Whether concealed carry laws actually reduce crime is a matter of extensive debate. Author John R. Lott Jr. has written three editions of a book entitled *More Guns, Less Crime*, which asserts that concealed weapons laws have led to a significant decline in murder and other violent crime rates. However, other studies have contradicted Lott's findings, with one report showing that concealed carry permit holders killed a total of 117 people during a two and a half year span between 2007 and 2009.

STATE CONCEALED CARRY LAWS

In the context of concealed carry laws, states are usually divided in four categories: shall-issue, may-issue, no-issue, and unrestricted. A shall-issue state is one that does not give a licensing authority discretion about whether to issue a license. A may-issue state gives the licensing authority discretion about whether to issue the license. A no-issue state does not allow a citizen the right to carry a concealed handgun. An unrestricted state does not require a citizen to have a license to carry a concealed weapon.

ALABAMA:

Alabama law suggests that it is a may-issue state. However, Alabama authorities generally give permits to all applicants, making Alabama a shall-issue state in practice.

ALASKA:

Alaska is considered both a shall-issue state and an unrestricted state. State law does not require a permit, but the state will issue permits to its residents so that these residents can carry weapons in other states.

ARIZONA:

Alaska is considered both a shall-issue state and an unrestricted state. State law does not require a permit, but the state will issue permits to its residents so that these residents can carry weapons in other states.

ARKANSAS:

Arkansas is considered a shall-issue state.

CALIFORNIA:

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California is considered a may-issue state.

COLORADO:

Colorado is considered a shall-issue state.

CONNECTICUT:

Connecticut law suggests that it is a may-issue state. However, Connecticut authorities generally give permits to all applicants, making Connecticut a shall-issue state in practice.

DELAWARE:

Delaware is considered a may-issue state.

DISTRICT OF COLUMBIA:

The District of Columbia is known as a no-issue [jurisdiction](#).

FLORIDA:

Florida is considered a shall-issue state.

GEORGIA:

Georgia is considered a shall-issue state.

HAWAII:

Hawaii law give authorities discretion to issue a concealed weapon license. However, authorities do not generally issue these permits, making the state a no-issue state in practice.

IDAHO:

Idaho is considered a shall-issue state.

ILLINOIS:

Illinois is a no-issue state.

INDIANA:

Indiana is considered a shall-issue state.

IOWA:

Iowa is considered a shall-issue state.

KANSAS:

Kansas is considered a shall-issue state.

KENTUCKY:

Kentucky is considered a shall-issue state.

LOUISIANA:

Louisiana is considered a shall-issue state.

MAINE:

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Maine is considered a shall-issue state.

MARYLAND:

Maryland law give authorities discretion to issue a concealed weapon license. However, authorities do not generally issue these permits, making the state a no-issue state in practice.

MASSACHUSETTS:

Massachusetts is considered a may-issue state.

MICHIGAN:

Michigan is considered a shall-issue state.

MINNESOTA:

Minnesota is considered a shall-issue state.

MISSISSIPPI:

Mississippi is considered a shall-issue state.

MISSOURI:

Missouri is considered a shall-issue state.

MONTANA:

Montana is considered a shall-issue state.

NEBRASKA:

Nebraska is considered a shall-issue state.

NEVADA:

Nevada is considered a shall-issue state.

NEW HAMPSHIRE:

New Hampshire is considered a shall-issue state.

NEW JERSEY:

New Jersey law give authorities discretion to issue a concealed weapon license. However, authorities do not generally issue these permits, making the state a no-issue state in practice.

NEW MEXICO:

New Mexico is considered a shall-issue state.

NEW YORK:

New York is considered a may-issue state.

NORTH CAROLINA:

North Carolina is considered a shall-issue state.

NORTH DAKOTA:

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North Dakota is considered a shall-issue state.

OHIO:

Ohio is considered a shall-issue state.

OKLAHOMA:

Oklahoma is considered a shall-issue state.

OREGON:

Oregon is considered a shall-issue state.

PENNSYLVANIA:

Pennsylvania is considered a shall-issue state.

RHODE ISLAND:

Rhode Island is considered a shall-issue state.

SOUTH CAROLINA:

South Carolina is considered a shall-issue state.

SOUTH DAKOTA:

South Dakota is considered a shall-issue state.

TENNESSEE:

Tennessee is considered a shall-issue state.

TEXAS:

Texas is considered a shall-issue state.

UTAH:

Utah is considered a shall-issue state.

VERMONT:

Because of a Vermont Supreme Court decision construing the state constitution, Vermont does not have any restrictions on a person's right to carry a concealed weapon.

VIRGINIA:

Virginia is considered a shall-issue state.

WASHINGTON:

Washington is considered a shall-issue state.

WEST VIRGINIA:

West Virginia is considered a shall-issue state.

WISCONSIN:

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Wisconsin is considered a shall-issue state.

WYOMING:

Wyoming is considered both a shall-issue state and an unrestricted state. State law does not require a permit, but the state will issue permits to its residents so that these residents can carry weapons in other states.

ADDITIONAL RESOURCES

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- Spitzer, Robert J. *The Politics of Gun Control*. 4th ed. CQ Press Washington, D.C., 2008.
- Utter, Glenn H. *Encyclopedia of Gun Control and Gun Rights*. Oryx Press Phoenix AZ, 2000.
- Valdez, Angela; John E. Ferguson Jr. *Gun Control*. 2d ed. Chelsea House New York, 2012.

ORGANIZATIONS

- Brady Center to Prevent Gun Violence 1225 Eye St. NW, Ste, 1100 Washington, DC 20005 Phone: (202) 289-7319 Fax: (202) 408-1851 URL: <http://www.cphv.org>.
- Citizens Committee for the Right to Keep and Bear Arms (CCRKBA) Liberty Park 12500 NE 10th Pl. Bellevue WA 98005 Phone: (425) 454-4911 Email: AdminForWeb@ccrkba.org URL: <http://www.ccrkba.org>.
- National Rifle Association of America (NRA) 11250 Waples Mill Rd. Fairfax VA 22030 Toll Free: (800) 672-3888 Email: comm@nrahq.org URL: <http://www.nra.org>.



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