AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 38
OFFERED BY MR. GOODLATTE OF VIRGINIA

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Concealed Carry Reciprocity Act of 2017”.

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

(a) In General.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

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

“(a) Notwithstanding any provision of the law of any State or political subdivision thereof (except as provided in subsection (b)) and subject only to the requirements of this section, a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, who is carrying a valid identification document containing a photograph of the person, and who is carrying a valid license or permit which is issued pursuant
to the law of a State and which permits the person to
carry a concealed firearm or is entitled to carry a con-
cealed firearm in the State in which the person resides,
may possess or carry a concealed handgun (other than a
machinegun or destructive device) that has been shipped
or transported in interstate or foreign commerce, in any
State that—

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

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

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

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

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

“(c)(1) A person who carries or possesses a concealed
handgun in accordance with subsections (a) and (b) may
not be arrested or otherwise detained for violation of any
law or any rule or regulation of a State or any political
subdivision thereof related to the possession, transportation, or carrying of firearms unless there is probable cause to believe that the person is doing so in a manner not provided for by this section. Presentation of facially valid documents as specified in subsection (a) is prima facie evidence that the individual has a license or permit as required by this section.

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

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

“(d)(1) A person who is deprived of any right, privilege, or immunity secured by this section, under color of any statute, ordinance, regulation, custom, or usage of any State or any political subdivision thereof, may bring an action in any appropriate court against any other person, including a State or political subdivision thereof, who causes the person to be subject to the deprivation, for damages or other appropriate relief.
“(2) The court shall award a plaintiff prevailing in an action brought under paragraph (1) damages and such other relief as the court deems appropriate, including a reasonable attorney’s fee.

“(e) In subsection (a):

“(1) The term ‘identification document’ means a document made or issued by or under the authority of the United States Government, a State, or a political subdivision of a State which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

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

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

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

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

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

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

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

“(F) Land administered and managed by the Forest Service.”.

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

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

(e) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.
SEC. 3. CERTAIN OFF-DUTY LAW ENFORCEMENT OFFICERS
AND RETIRED LAW ENFORCEMENT OFFICERS
ALLOWED TO CARRY A CONCEALED FIRE-
ARM, AND DISCHARGE A FIREARM, IN A
SCHOOL ZONE.

Section 922(q) of title 18, United States Code, is
amended—

(1) in paragraph (2)(B)—

(A) by striking “or” at the end of clause
(vi); and

(B) by redesignating clause (vii) as clause
(ix) and inserting after clause (vi) the following:
“(vii) by an off-duty law enforcement offi-
cer who is a qualified law enforcement officer
(as defined in section 926B) and is authorized
under such section to carry a concealed firearm,
if the firearm is concealed;
“(viii) by a qualified retired law enforce-
ment officer (as defined in section 926C) who
is authorized under such section to carry a con-
cealed firearm, if the firearm is concealed; or”;

and

(2) in paragraph (3)(B)—

(A) by striking “or” at the end of clause
(iii);
(B) by striking the period at the end of clause (iv) and inserting a semicolon; and

(C) by adding at the end the following:

“(v) by an off-duty law enforcement officer who is a qualified law enforcement officer (as defined in section 926B) and is authorized under such section to carry a concealed firearm; or

“(vi) by a qualified retired law enforcement officer (as defined in section 926C) who is authorized under such section to carry a concealed firearm.”.