

Carrying Concealed Weapons

Background

Carrying concealed weapons (CCW) laws determine the circumstances, if any, under which a person is permitted to carry a concealed firearm in public. Illinois and Wisconsin are the only states that do not permit carrying concealed firearms. Most states allow carrying of concealed weapons after issuance of a permit, and the recent trend is toward more permissive laws.¹

Several studies have analyzed the impact of permissive CCW laws. The Violence Policy Center examined a CCW law adopted in Texas in 1995 to overturn the state's 125-year ban on concealed weapons.² The study found that between January 1, 1996 and August 31, 2001, Texas concealed handgun license holders were arrested for 5,314 crimes, including murder, rape, kidnapping and theft.³ The investigation discovered that some license holders had been arrested for more than two crimes per day, and for more than four drunk driving offenses per week. From 1996 to 2000, license holders were arrested for weapons-related crimes at a rate 81% higher than that of the state's general population age 21 and older.⁴

On October 3, 2000, the Los Angeles Times published the results of a yearlong investigation of the Texas law. That investigation found that since the law took effect, more than 400 criminals – including rapists and armed robbers – had been issued CCW permits. The investigation also found that thousands of the 215,000 permit holders in Texas had been arrested for criminal behavior or found to be mentally unstable.⁵ The investigation specifically noted that the “largest category of problem licensees involve[d] those who committed crimes after getting their state” permits.⁶

In an investigation of Florida's concealed weapons system, the South Florida Sun-Sentinel found that those licensed to carry guns in the first half of 2006 included more than 1,400 individuals who had pleaded guilty or no contest to felonies, 216 individuals with outstanding warrants, 128 people with active domestic violence injunctions against them, and six registered sex offenders.⁷

The number of defensive gun uses is dwarfed by the frequency of crimes committed with guns. According to the Federal Bureau of Investigation Uniform Crime Reports, the number of crime victims who successfully use firearms to defend themselves is very

¹ Note that the gun lobby has made it a priority in recent years to increase the number of “shall issue” states.

² Violence Policy Center, *License to Kill IV: More Guns, More Crime* (June 2002), at <http://www.vpc.org/graphics/ltk4.pdf>.

³ *Id.* at 2.

⁴ *Id.* at 5.

⁵ William C. Rempel & Richard A. Serrano, *Felons Get Concealed Gun Licenses Under Bush's 'Tough' Gun Law*, L.A. Times, Oct. 3, 2000, at A1.

⁶ *Id.*

⁷ Megan O'Matz, *In Florida, It's Easy to Get a License to Carry a Gun*, South Florida Sun-Sentinel, Jan. 28, 2007, at 1A.

small. Of the 30,694 Americans who died by gunfire in 2005, only 147 were shot in justifiable homicides by private citizens with firearms.⁸

Summary of Federal Law

Federal law provides that certain law enforcement officers may carry concealed firearms. Any “qualified law enforcement officer” with proper agency-issued identification may carry a concealed firearm.⁹ The term “qualified law enforcement officer” is defined as any employee of a governmental agency who:

- Is authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
- Is authorized by the agency to carry a firearm;
- Is not the subject of any disciplinary action by the agency;
- Meets the standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- Is not prohibited by federal law from receiving a firearm.¹⁰

Under federal law, any “qualified retired law enforcement officer” with proper identification also may carry a concealed firearm.¹¹ The term “qualified retired law enforcement officer” is defined as an individual who:

- Retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

⁸ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Injury Mortality Reports, 1999-2005* (2008), at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html; Federal Bureau of Investigation, U.S. Department of Justice, *Crime in the United States, 2006 Expanded Homicide Data Table 14*, at http://www.fbi.gov/ucr/cius2006/offenses/expanded_information/data/shrtable_14.html. A “justifiable homicide” is defined by the FBI as the killing of a felon, during the commission of a felony, by a private citizen.

The effect of permissive CCW laws remains controversial, however. Gun rights advocates claim that “shall issue” CCW laws are associated with a significant reduction in violent crime. *See, e.g.,* John Lott, Jr. & David Mustard, *Crime, Deterrence and Right-to-Carry Concealed Handguns*, 26 *J. Legal Stud.* 1 (1997). Recent analyses have criticized the methodology and conclusions of these studies. *See, e.g.,* Daniel Webster & Jens Ludwig, *Myths about Defensive Gun Use and Permissive Gun Carry Laws*, Berkeley Media Studies Group (2000); and John J. Donohue, *The Impact of Concealed-Carry Laws*, in *Evaluating Gun Policy: Effects on Crime and Violence* (Jens Ludwig & Philip J. Cook eds., 2003). A 2003 study concluded that there is no statistical evidence that shall-issue concealed weapons laws reduce crime. Ian Ayres & John J. Donohue III, *Shooting Down the More Guns, Less Crime Hypothesis*, Center for the Study of Law and Society Jurisprudence and Social Policy Program, Papers Presented in the Center for the Study of Law and Society Bag Lunch Speaker Series (University of California, Berkeley), Paper 5, 101, 146, 156 (Apr. 2003), at <http://repositories.cdlib.org/cgi/viewcontent.cgi?article=1026&context=csls>. Rather, the study found that the adoption of shall-issue laws generally will increase crime. *Id.*

⁹ 18 U.S.C. § 926B.

¹⁰ 18 U.S.C. § 926B(c).

¹¹ 18 U.S.C. § 926C.

- Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
- Either:
 - Before retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or
 - Retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- Has a nonforfeitable right to benefits under the retirement plan of the agency;
- During the most recent 12-month period, has met, at the expense of the individual, the state's standards for training and qualification for active law enforcement officers to carry firearms;
- Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- Is not prohibited by federal law from receiving a firearm.¹²

Both statutes supersede state and local laws regarding CCWs for law enforcement except in certain circumstances. States are not precluded from allowing private persons or entities to prohibit or restrict the possession of concealed firearms on their property by current or retired law enforcement. States also are not precluded from prohibiting or restricting the possession of firearms by current or retired law enforcement on any state or local government property, installations, buildings, bases or parks.

A person holding a state-issued permit allowing the person to acquire or possess firearms (e.g., a concealed weapons permit) is not required to undergo a background check if the permit was issued: (1) within the previous five years in the state in which the transfer is to take place; and (2) after an authorized government official has conducted a background investigation to verify that possession of a firearm would not be unlawful.¹³ Permits issued after November 30, 1998 qualify as exempt only if the approval process included a NICS check.¹⁴ This exemption could allow some prohibited persons to acquire firearms, in cases where a state permit holder falls into a prohibited category after issuance of the state permit. Under the federal exemption, no background check is required and the seller would have no way to learn that the prospective purchaser is prohibited from possessing firearms.

SUMMARY OF STATE CCW LAWS

Concealed Carry Prohibited

[Illinois](#)
[Wisconsin](#)¹⁵

720 Ill. Comp. Stat. 5/24-1(a)(10), 5/24-1(a)(4)
Wis. Stat. § 941.23

¹² 18 U.S.C. § 926C(c).

¹³ 18 U.S.C. § 922(t)(3); 27 C.F.R. § 478.102(d).

¹⁴ 27 C.F.R. § 478.102(d).

¹⁵ The Wisconsin Supreme Court has held that the state constitutional right to “keep and bear arms” for personal security under Art. I, § 25 of the Wisconsin Constitution, when exercised within an individual’s own home or place of business, and supported by a factual determination that the individual had no unlawful purpose behind

Concealed Carry Allowed

Most states allow the carrying of concealed weapons by persons who obtain a permit. States that issue CCW permits are generally categorized as either “shall issue” or “may issue” states. In “shall issue” states, law enforcement officials are required to issue a permit to anyone who meets certain minimal statutory requirements (e.g., that the person is not a convicted felon or mentally incompetent). Once a permit has been issued, the permit holder is allowed to carry a loaded, concealed firearm in public places, although a number of states prohibit concealed weapons in government buildings and other specified locations. “May issue” states give discretion to the issuing official to grant or deny the permit, based on various statutory factors. Only two states allow the carrying of concealed weapons without a permit.

“Shall Issue” States

[Arizona](#)

Ariz. Rev. Stat. §§ 13-3112, 13-3102

[Arkansas](#)

Ark. Code Ann. §§ 5-73-119, 5-73-120, 5-73-122, 5-73-301 – 5-73-319, 5-73-401 – 5-73-402

[Colorado](#)

Colo. Rev. Stat. §§ 18-12-201 – 18-12-216

[Florida](#)

Fla. Stat. Ann. §§ 790.01, 790.015, 790.06, 790.0601

[Georgia](#)

Ga. Code Ann. § 16-11-126 – 16-11-130

[Idaho](#)

Idaho Code Ann. §§ 18-3302, 18-3302C, 18-3302D

[Indiana](#)¹⁶

Ind. Code Ann. §§ 35-47-2-1 – 35-47-2-6, 35-47-6-1, 35-47-6-1.3, 35-47-9-1, 35-47-9-2

[Kansas](#)

Kan. Stat. Ann. §§ 12-4516, 21-4201, 21-4619, 75-7c01 – 75-7c18

[Kentucky](#)

Ky. Rev. Stat. Ann. §§ 237.110, 527.020

[Louisiana](#)

La. Rev. Stat. Ann. §§ 40:1379.1, 40:1379.3, 40:1379.3.1

[Maine](#)

Me. Rev. Stat. Ann. tit. 25, §§ 2001-A – 2006

[Michigan](#)

Mich. Comp. Laws §§ 28.421a – 28.429c

[Minnesota](#)¹⁷

Minn. Stat. § 624.714

[Mississippi](#)

Miss. Code Ann. §§ 45-9-101, 97-37-17

[Missouri](#)

Mo. Rev. Stat. §§ 571.101 – 571.121

[Montana](#)

Mont. Code Ann. §§ 45-8-321 – 45-8-329

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concealing the firearm, provides a defense to a violation of Wis. Stat. § 941.23. *State v. Hamdan*, 2003 WI 113, 264 Wis. 2d 433, 665 N.W.2d 785.

¹⁶ Indiana issues lifetime licenses to carry a handgun. The lifetime license carries no additional requirements (other than a higher fee). Ind. Code Ann. §§ 35-47-2-3, 35-47-2-4.

¹⁷ In 2003, the Minnesota Legislature enacted this statute to transform Minnesota from a “may issue” state to a “shall issue” state. The statute was found to violate the Minnesota Constitution’s single subject requirement, *Unity Church of St. Paul v. Minnesota*, 694 N.W.2d 585 (Minn. Ct. App. 2005), and in 2005, the legislature re-enacted the “shall issue” law (with only technical amendments). On November 14, 2006, in a challenge brought by Edina Community Lutheran Church and others, a Hennepin County District Court found that the law violates federal and state constitutional provisions that protect religious freedom, and permanently enjoined the state from enforcing the provisions of the law that bar the plaintiffs from prohibiting firearms on religious property. *Edina Community Lutheran Church, et al. v. State of Minnesota*, No. 27-CV-06-11659 (Hennepin County, Minn., Nov. 14, 2006).

“Shall Issue” States (continued from previous page)

Nebraska	Neb. Rev. Stat. Ann. §§ 28-1202, 69-2427 – 2447
Nevada	Nev. Rev. Stat. Ann. §§ 202.3653 – 202.369
New Hampshire	N.H. Rev. Stat. Ann. §§ 159:6 – 159:6-f, 159:19
New Mexico	N.M. Stat. Ann. §§ 29-19-1 – 29-19-13, 30-7-2.4, 30-7-3, 30-7-13
North Carolina	N.C. Gen. Stat. §§ 14-415.10 – 14-415.24, 14-269.2, 14-269.3, 14-277.2
North Dakota	N.D. Cent. Code §§ 62.1-04-01 – 62.1-04-05, 62.1-02-04 – 62.1-02-05
Ohio	Ohio Rev. Code Ann. §§ 2923.11 – 2923.1213
Oklahoma	Okla. Stat. tit. 21, §§ 1277, 1290.1 – 1290.26
Oregon	Or. Rev. Stat. §§ 166.291 – 166.295, 166.370
Pennsylvania	18 Pa. Cons. Stat. §§ 6106, 6109, 912, 913; 55 Pa. Code §§ 3270.79, 3280.79, 3800.101, 6400.86
South Carolina	S.C. Code Ann. §§ 23-31-210 – 23-31-240, 16-23-20, 16-23-420, 16-23-430, 16-23-460, 16-23-465
South Dakota	S.D. Codified Laws §§ 23-7-7 – 23-7-8.6, 22-14-23, 13-32-7
Tennessee	Tenn. Code Ann. §§ 39-17-1351 – 39-17-1360, 39-17-1305, 39-17-1309
Texas ¹⁸	Tex. Gov't Code Ann. §§ 411.171 – 411.208, Tex. Penal Code Ann. §§ 30.06, 46.15, 46.02, 46.03, 46.035
Utah	Utah Code Ann. §§ 53-5-701 – 53-5-710, 78-7-6, 76-8-311.1, 76-8-311.3, 76-10-529, 76-10-530
Virginia	Va. Code Ann. §§ 18.2-308 – 18.2-308.1:5, 18.2-283, 18.2-283.1, 18.2-287.01
Washington	Wash. Rev. Code Ann. §§ 9.41.070 – 9.41.075, 9.41.097, 9.41.280, 9.41.300, 9.41.800
West Virginia	W. Va. Code §§ 61-7-4 – 61-7-7, 61-7-11a, 61-7-14

“May Issue” States

Alabama	Ala. Code §§ 9-11-304, 13A-11-52, 13A-11-59, 13A-11-73 – 13A-11-75
California	Cal. Penal Code §§ 12050-12054, 12590
Connecticut	Conn. Gen. Stat. §§ 29-28 – 29-30, 29-32 – 29-32b, 29-35, 29-37
Delaware	Del. Code Ann. tit. 11, § 1441

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¹⁸ An amendment to Texas's CCW law, effective Sept. 1, 2007, allows residents to carry concealed firearms without a permit when they are traveling in a private vehicle, and on their person when traveling to and from their premises and their vehicle. Tex. Penal Code § 46.02. Firearms in vehicles must be hidden from plain view. *Id.*

“May Issue” States (continued from previous page)

District of Columbia ¹⁹	D.C. Code Ann. §§ 22-4502.01 – 22-4506
Hawaii	Haw. Rev. Stat. Ann. § 134-9
Iowa	Iowa Code §§ 724.4, 724.4B, 724.7 – 724.13
Maryland	Md. Code Ann., Pub. Safety §§ 5-301 – 5-314
Massachusetts	Mass. Gen. Laws ch. 140, §§ 131, 131C, 131P; ch. 269, § 10
New Jersey	N.J. Stat. Ann. §§ 2C:58-3, 2C:58-4, 2C:39-5
New York	N.Y. Penal Law §§ 400.00, 265.01, 265.20
Rhode Island	R.I. Gen. Laws §§ 11-47-8 – 11-47-18
Wyoming ²⁰	Wyo. Stat. Ann. § 6-8-104

No Permit Required

Alaska	Alaska Stat. § 11.61.220(a)
Vermont	Vt. Stat. Ann. tit. 13, §§ 4004, 4016

States that Require a Showing of Good Cause for Issuance of a Concealed Weapons Permit

Alabama
California
Delaware
District of Columbia
Hawaii
Iowa
Maryland
Massachusetts
New Jersey
New York
Rhode Island

¹⁹ Note that in 2007, the U.S. Court of Appeals for the District of Columbia Circuit struck down the District of Columbia’s strict laws banning most handgun possession in the District, prohibiting the carrying of pistols without a license, and requiring lawfully owned firearms to be kept unloaded and disassembled or bound by a trigger lock or similar device. *Parker v. District of Columbia*, 478 F.3d 370 (D.C. Cir. 2007). The court held that the laws violate the Second Amendment, interpreting the Amendment to protect an individual right to keep and bear firearms unrelated to service in the militia. The U.S. Supreme Court granted *certiorari* on the following question: Whether the challenged provisions violate the Second Amendment rights of individuals who are not affiliated with any state-regulated militia, but who wish to keep handguns and other firearms for private use in their homes? *District of Columbia v. Heller*, 128 S. Ct. 645, 169 L. Ed. 2d 417 (2007). The Supreme Court is expected to issue its ruling in the case by June 2008.

²⁰ In *Mecikalski v. Office of Att’y Gen.*, 2 P.3d 1039, 1046-47 (Wyo. 2000), the Supreme Court of Wyoming held that a local sheriff and chief of police correctly denied plaintiff’s application for a concealed weapons permit pursuant to Wyo. Stat. Ann. § 6-8-104(g). The court found that section 6-8-104(g) and the legislative intent behind it give local law enforcement broad discretion to deny a permit when there are reasonable grounds, based in fact, to believe that the permit would endanger the community. *Mecikalski*, 2 P.3d at 1046-47.

States that Require Applicants for Concealed Weapons Permits to be of Good Character

Alabama
California
Connecticut
Delaware
District of Columbia
Hawaii
Massachusetts
New Jersey
New York
Rhode Island

States that Require Applicants for Concealed Weapons Permits to Demonstrate Knowledge of Firearm Use and/or Safety

California	Missouri
Connecticut	Nebraska
Delaware	New Jersey
Hawaii	North Carolina
Iowa	Oregon
Kansas	Rhode Island
Kentucky	South Carolina
Massachusetts	Texas
Michigan	Utah

States that Limit the Locations Where Concealed Weapons May be Carried

Alabama	Maine	Ohio
Alaska	Maryland	Oklahoma
Arizona	Massachusetts	Pennsylvania
Arkansas	Michigan	South Carolina
California	Minnesota	South Dakota
Colorado	Mississippi	Tennessee
Connecticut	Missouri	Texas
District of Columbia	Montana	Utah
Florida	Nebraska	Vermont
Georgia	Nevada	Washington
Idaho	New Hampshire	West Virginia
Indiana	New Jersey	Wyoming
Iowa	New Mexico	
Kansas	New York	
Kentucky	North Carolina	
Louisiana	North Dakota	

Description of State Laws Governing the Carrying of Concealed Weapons

1. *Standards for Issuing Concealed Weapons Permits in “May Issue” States:*
In “may issue” states, concealed weapons permits are issued at the discretion of the licensing authority. In Alabama, California, Connecticut, Hawaii, Iowa, Massachusetts, New Jersey, New York, Rhode Island, Wyoming and the District of Columbia, concealed

weapons permits are issued by local law enforcement agencies. Concealed weapons permits in Maryland are issued by the state police. (Massachusetts and New Jersey also authorize the state police to issue concealed weapons permits, in addition to local law enforcement.) In Delaware and New Jersey, court approval is required.

In addition to requiring applicants to pass a background check, concealed weapons laws in these states contain a variety of standards to guide licensing authorities in exercising their discretion:

a. *States Requiring a Showing of Good Cause for Issuance of a Permit:* Most “may issue” states require a showing of need by the applicant to carry a concealed firearm. Alabama, California, Delaware, Hawaii, Iowa, Maryland, Massachusetts, New Jersey, New York, Rhode Island and the District of Columbia require applicants for concealed weapons permits to demonstrate good cause or a justifiable need to carry a concealed weapon. Some states further delineate the circumstances that constitute good cause or justifiable need: Alabama, Massachusetts and Rhode Island require the applicant to show a “good reason” to fear injury to his or her person or property, or any other proper reason for carrying a concealed firearm. Delaware issues concealed weapons licenses only “for personal protection or the protection of the person’s property.” Hawaii grants licenses to carry concealed weapons “[i]n an exceptional case, when an applicant shows reason to fear injury to the applicant’s person or property.”

b. *States Requiring Applicants to be of Good Character:* Most “may issue” states also require the licensing authority to consider the character of the applicant. Alabama, Connecticut, Hawaii, Massachusetts, Rhode Island and the District of Columbia allow permits to be issued only to “suitable persons.” California, Delaware and New York require the licensing authority to find the applicant is of “good moral character.” New Jersey requires that three “reputable persons” who have known the applicant for at least three years certify that the applicant is of “good moral character and behavior.” Delaware also requires that the applicant include with his or her application a certificate signed by five “respectable citizens” of the county in which the applicant resides, stating that the applicant is of good moral character, has a reputation for peace and good order, and that possession of a concealed deadly weapon by the applicant is necessary for the protection of the applicant or the applicant’s property.

2. *States Requiring Applicants to Demonstrate Knowledge of Firearm Use and/or Safety:* Among “may issue” states, California, Connecticut, Delaware, Hawaii, Iowa, Massachusetts, New Jersey and Rhode Island require applicants to complete a firearm safety course, or otherwise demonstrate their qualification to use a firearm safely. Delaware’s firearm safety training requirement, which applies to the applicant’s initial license only, is particularly strong, specifying that the training course must include instruction regarding:

- Knowledge and safe handling of firearms and ammunition;
- Safe storage of firearms and ammunition and child safety;
- Safe firearms shooting fundamentals;

- Federal and state laws pertaining to the lawful purchase, ownership, transportation, use and possession of firearms;
- State laws pertaining to the use of deadly force for self defense; and
- Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution.

Delaware also requires that the training include live fire shooting exercises on a range, including the expenditure of a minimum of 100 rounds of ammunition, and identification of ways to develop and maintain firearm shooting skills.

Rhode Island requires applicants to obtain a certification that they are qualified to use a handgun of a caliber equal to or larger than the one they seek to carry. The certification can be obtained by passing a firing test conducted by a range officer or pistol instructor.²¹

Among “shall issue” states, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, North Carolina, Oregon, South Carolina, Texas and Utah require firearm safety training. Kansas, Kentucky, Michigan, North Carolina, South Carolina and Texas require live firing as part of the firearm training component of the law.

3. *States Limiting the Locations where Concealed Weapons May be Carried:* Most states that allow carrying concealed weapons impose some restrictions on the locations where they may be carried. The majority of states prohibit concealed weapons on school property, in prisons or jails, courthouses and other government buildings, and at locations where liquor is served. A smaller number of jurisdictions prohibit concealed weapons in a wide range of other locations, including places of worship (Arkansas, Georgia, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Dakota, South Carolina, Texas, Utah, Virginia and Wyoming); polling places (Arizona, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, South Carolina and Texas); sports arenas (Kansas, Michigan, Missouri, Nebraska and Oklahoma); hospitals and/or medical facilities (Michigan, Missouri, Nebraska, South Carolina and Texas); sites where gambling is permitted (Indiana, Missouri, North Dakota and Oklahoma); and mental health facilities (Kansas, Ohio, Pennsylvania and Washington).

²¹ In addition, Wyoming requires applicants to demonstrate familiarity with a firearm, through completion of certain safety or training courses, or by past experience using a firearm through participation in an organized handgun shooting competition or military service.

SUMMARY OF SELECTED²² LOCAL LAWS GOVERNING THE CARRYING OF CONCEALED WEAPONS

Local Laws Governing the Carrying of Concealed Weapons²³

Chicago	Chicago, Ill., Code §§ 8-20-010, 8-24-020
Cleveland	Cleveland, Ohio, Code §§ 627.02(a) and (d), 627.10(a), 674.01 <i>et seq.</i>
Columbus	Columbus, Ohio, Code § 2323.12(A), (E)(3)
Hartford	Hartford, Conn., Code §§ 21-71, 21-72(d)
New York City	New York, N.Y., Admin. Code §§ 10-131(h)(1), (2); New York, N.Y., Rules tit. 38, § 5-01
Omaha	Omaha, Neb., Code §§ 20-192, 20-194, 20-195, 20-204 – 20-208, 19-392.2

Chicago: Chicago prohibits carrying concealed weapons.

Cleveland: While Cleveland prohibits the knowing carrying of a concealed deadly weapon, this prohibition does not apply to firearms that are loaded, or for which the offender has ammunition “ready at hand.”²⁴ Cleveland also prohibits knowingly carrying, possessing, or having “ready at hand” any handgun or long gun at or about a public place.

Cleveland requires that any person receiving, possessing, having on or about the person or using any handgun must have an identification card and a registration card for the handgun.

Columbus: Like Cleveland, Columbus prohibits any person from knowingly carrying or having concealed on his or her person or concealed ready at hand any deadly weapon, but this prohibition does not apply to firearms that are loaded or for which the offender has ammunition ready at hand.²⁵

²² This section is based on research and analysis of existing firearms laws in: Boston, Massachusetts; Chicago, Illinois; Hartford, Connecticut; Los Angeles, California; Newark, New Jersey; New York, New York; Omaha, Nebraska; and San Francisco, California. LCAV selected these cities because they are located in states that grant local jurisdictions broad authority to regulate firearms. It also includes existing laws in Cleveland and Columbus, Ohio. Note, however, that in 2006, the Ohio Legislature passed House Bill 347 (overriding the Governor’s veto), which created Ohio Rev. Code Ann. § 9.68(A), a provision that purports to preempt all local authority to regulate firearms with few, limited exceptions. Legal challenges to the law are pending. Additional information about state laws governing local authority to regulate firearms is contained in the section of this report titled [“The Legal Background.”](#)

²³ Note that the Cleveland and Columbus ordinances predate the Ohio concealed carry law. Ohio Rev. Code Ann. §§ 2923.11 – 2923.1213. Likewise, the Omaha ordinance was in effect before Nebraska enacted its concealed carry law. Neb. Rev. Stat. Ann. §§ 28-1202, 69-2427 – 2447.

²⁴ Ohio state law prohibits the knowing carrying of a firearm concealed on the person or ready at hand without a permit. Enhanced penalties apply in cases where the firearm is loaded, or for which the offender has ammunition “ready at hand.”

²⁵ *Id.*

Hartford: Hartford prohibits any person from possessing a handgun without a local permit, except in his or her dwelling house or place of business. Permit applicants must complete a firing range safety and qualifications test.

New York City: New York City prohibits the carrying of a loaded rifle or shotgun in public within the city limits. Unloaded rifles or shotguns carried in public within the city limits must be completely enclosed or contained in a non-transparent carrying case. With limited exceptions, state-issued licenses to carry concealed weapons are not valid in New York City.²⁶ The city issues five basic types of handgun licenses: (1) a “premises license” which allows possession of a handgun in a specific business or residence; (2) a “carry business license” which allows the holder to carry a concealed handgun; (3) a “limited carry business license” which allows the holder to carry a handgun to and from specific locations at specific times; (4) a “carry guard license/gun custodian license” which allows the holder to carry a handgun while engaged in work as a security guard or gun custodian; and (5) a “special license” which allows the holder of a state permit to carry a handgun while in New York City and/or while engaged in work as a security guard or gun custodian in New York City.²⁷ Licenses to carry a handgun are issued for maximum terms of three years, for a fee of \$340.

Omaha: Omaha prohibits any person except law enforcement from “purposely or knowingly” carrying a concealed firearm. Omaha also prohibits any person from knowingly carrying or transporting a concealable firearm in a motor vehicle (with several exceptions).

Omaha has established a firearms safety training program and licensing scheme. If a person successfully completes the program, he or she will receive an “identification card” and be exempt from the concealable firearm prohibition. The identification card is valid for three years from the date of issue. Omaha prohibits any person under age 21 from possessing a concealable firearm.

Nonresidents who exhibit firearms at a firearms exhibition in Omaha may legally possess concealable firearms at the exhibition site, and while in direct route to or from the exhibition, without registering them with local law enforcement.

COMMENT ON CCW LAWS

The features listed below are intended to provide a framework from which policy options may be considered and debated. LCAV has not attempted to include every provision or every creative approach identified in the analysis above, nor have we addressed appropriate exceptions so that the regulation does not produce unintended consequences. A jurisdiction considering modifying existing, or developing new legislation in this area should consult with counsel to ensure its legal sufficiency and compatibility with existing codes and statutes, as appropriate.

²⁶ N.Y. Penal Law § 400.00(6).

²⁷ With some exceptions, no person may knowingly possess a firearm at a place that he or she knows or should know is a school zone. New York, N.Y., Charter § 460.

LCAV believes that sound public policy requires a prohibition on carrying concealed weapons. However, the gun lobby has been successful in securing permissive CCW laws in all but two states, Illinois and Wisconsin. In states that permit carrying concealed weapons, LCAV notes that the following types of provisions would help to mitigate, but would not eliminate, the serious risks of permissive CCW laws to public health and safety:

- A license or permit to carry is required (*46 states and the District of Columbia*)²⁸
- Law enforcement has discretion to issue permits based on strict guidelines (*12 states and the District of Columbia are “may issue” states; of these 13 jurisdictions, nine of them, Alabama, California, Delaware, Hawaii, Massachusetts, New Jersey, New York, Rhode Island and the District of Columbia, issue permits only for good cause to persons of good character*)
- In addition to background checks, applicants are required to have safety training and to pass written and hands-on tests demonstrating knowledge of firearm laws and safety
- Permits are of limited duration and may be renewed only upon satisfaction of all conditions and testing, including background checks
- Permits are subject to revocation in cases where holder becomes a prohibited purchaser or fails to comply with applicable federal, state and local firearms laws
- Restrictions are placed on the locations where carrying concealed weapons is allowed (*43 states and the District of Columbia*)

²⁸ Additional information on features of comprehensive licensing laws is contained in the section on [Licensing of Gun Owners or Purchasers](#).