

City of Miami, Florida

MANUEL A. DIAZ
MAYOR



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July 16, 2009

The Honorable Mel Martinez
United States Senate
Washington, DC

Re: Vote NO on "Concealed Carry Reciprocity" (S.845) Protect Our Communities and Police

Dear Senator Martinez,

I am writing to express my strong opposition to legislation pushing for so-called "concealed carry reciprocity" as contained in S.845. If passed, this legislation will infringe upon the ability of our state and local governments to protect our citizens with sensible, constitutional, community-specific laws and regulations regarding the carrying of hidden handguns. It will empower gun traffickers, making it easier for them to transport the guns they sell to criminals without being apprehended by law enforcement. The bill threatens to further compromise the safety of our police officers, facing them with the increasingly difficult task of distinguishing between the legal and illegal possession of a firearm.

This bill would even allow persons ineligible for a permit in their own state to shop around for lower standards in the many states that offer permits to out-of-state residents, circumventing laws that would otherwise render the applicant ineligible.

It is common for states to set standards for carrying guns on city streets that go beyond whether an applicant is able to pass a federal background check. Many states, including those with strong gun rights traditions, have enacted common sense concealed carry laws that prohibit persons regarded as unusually dangerous and criminals convicted of certain misdemeanors, or that require safety training for anyone who wants to carry concealed firearms. For example:

- 18 states prohibit alcohol abusers from obtaining a concealed carry permit, including South Carolina, which prevents "habitual drunkards" from carrying guns.
- 24 states prohibit persons convicted of certain misdemeanor crimes from carrying concealed firearms, including Pennsylvania, which bars those who have been convicted of impersonating a law enforcement officer and other misdemeanor offenses.



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- 19 states require the completion of a gun safety program prior to the issuance of a permit, including Nevada, which requires a 40 question written exam and live fire training from three different positions with a certified instructor as components of their required gun safety course.

S. 845 would eviscerate all of these standards, moving concealed carry permitting to a new national lowest common denominator.

States ought to have the ability to make their own decisions about whether to accept concealed carry permits from out of state. Eight states have chosen to honor concealed carry permits issued in any other state. However, 13 states choose not to recognize any out of state permits, and 29 states recognize permits only from selected states – typically from states with equivalent or higher standards. Any of these options should be available – and it should be each state's choice to make.

This legislation will also aid and abet gun traffickers and frustrate law enforcement. In December 2008, Mayors Against Illegal Guns issued a first-of-its-kind report illustrating how traffickers already rely on states with weak laws as a source for the guns they sell illegally. The report showed that 30% of crime guns crossed state lines before they were recovered, meaning traffickers and straw purchasers often purchase guns in one state and then drive them to their destinations, often major cities hundreds of miles away. S.845 would allow criminal traffickers to travel to their rendezvous with loaded handguns in the glove compartment. Even more offensive is that a trafficker holding an out-of-state permit would be able to walk the streets of their city with a backpack full of loaded guns, enjoying impunity from police unless they were caught in the act of selling a firearm to another criminal.

Finally, this law will endanger our police officers. Policing our streets and confronting the risks inherent in even routine traffic stops is already perilous enough, without increasing the number of guns that officers encounter. Ambiguity as to the legality of firearm possession will lead to potentially catastrophic officer hesitation in dangerous situations. Congress should be working to make the job of a police officer safer – not less safe.

I ask for your immediate action to oppose and vote against this legislation to shield Floridians, our cities and communities from gun trafficking, and to protect our nation's law enforcement officers.

Sincerely,

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