

# How to Use this Guide

The firearm laws facing the gun owner of the early twenty-first century can be quite intimidating when traveling outside one's own state. Many horror stories exist in which the nonresident traveler is arrested on a firearm felony charge for a violation that wouldn't qualify as a misdemeanor in the traveler's home state. A routine traffic stop suddenly degenerates into a nightmare journey through the criminal justice system. The unsuspecting traveler is hauled off to jail and forced to await the intervention of an attorney while his vehicle is searched and later impounded.

One story typifying this situation occurred several years ago on the New Jersey turnpike. A businessman from North Carolina was traveling to Maine via New Jersey when he was stopped by a New Jersey State trooper for a speeding violation. During the routine questioning, the trooper asked the North Carolina man if he had any firearms in the vehicle. Having a concealed carry permit from North Carolina, the traveler assumed he was operating well within the law. He told the trooper that he had a Glock 19 semi-automatic pistol in his briefcase that he was licensed to carry and would be more than happy to allow the trooper to inspect it. Before the traveler could utter another word, the trooper had drawn his sidearm, pointed it at the traveler and began shouting at the man to exit the vehicle at once with his hands in the air. The stunned businessman, who had never had so much as a parking ticket, did as the officer demanded. He soon found himself spread eagle on the ground while the agitated trooper called for assistance. In the days after his arrest, the traveler was charged with a felony and spent three days in a Newark jail. He was eventually placed in a diversion program while the felony charge was pled down to a misdemeanor. But if the traveler had not possessed such an exemplary prior record, he may have faced the original felony and prison time. In traveling through New Jersey, the traveler failed to take into account the radical difference in legal firearms carry from his native state of North Carolina. Such a lapse could have cost him much more than it did.

This guide will prevent such an incident by providing an outline of the legal pitfalls a traveler may encounter while carrying his firearms from state to state. Beginning with Alabama and continuing in alphabetical order through Wyoming, each state is afforded one page of explanation pertaining to the firearm laws most relevant to the traveler. The District of Columbia, Canada and Mexico are also covered. A bar graph showing how each state is rated for its treatment of firearms is displayed in the top margin of each page. Any change in firearms freedom from the previous year is noted by a (+) or (-) as well as the reason behind the change. When no change has occurred, the author provides the reader with a short phrase summarizing why the state has its current rating. This provides a quick reference when time is of the essence. Vehicle carry of firearms, concealed carry and reciprocity for non-resident licensees, and laws governing possession of all firearm types are covered in a user-friendly format for each state.

## Shall Issue vs. May Issue

The reader will find the terms "shall issue" and "may issue" used extensively throughout this Guide. "Shall issue" refers to the statutory language in states where the issuance of a license to carry concealed is not dependent upon the discretion of a local law enforcement officer. If an applicant satisfies a number of objective criteria (ie. no felony record, no record of mental defect, etc.) and completes whatever training course is mandated by the law, the applicant *must* be issued a license regardless of what the issuing authority personally thinks of the individual. Most states with concealed carry laws operate their licensing procedure in this manner.

"May issue" refers to states that allow a certain amount of discretion over the issuance of a permit to carry a firearm. The local sheriff may require that the applicant demonstrate a viable need to carry a weapon by showing that the applicant has had his life threatened recently or requires a gun because of his current occupation. Fortunately for gun owners, "may issue" states are rapidly becoming an endangered minority. The recent flurry of interest in concealed carry laws has forced most states that formerly had discretionary issuance to amend their laws to make them "shall issue."

## **Reciprocity and Recognition**

The traveler's concern with the concealed carry law of the various states is rooted in the issue of reciprocity. Many states with concealed carry licensing laws will recognize the out-of-state carry permits of travelers under certain conditions. Some of these states provide universal or "automatic" recognition for any foreign state's permits. These states will recognize any valid, out-of-state permit to carry a firearm regardless of bureaucratic interpretation. Other states will qualify their recognition of a foreign state's permits on the foreign state recognizing the permits of the host state or having issuance standards which are similar to the standards of the host state. Recognition of permits in these states is often at the discretion of the attorney general or state police. Such discretion indicates the potential for inconsistency. Travelers journeying to these states should verify the status of their out-of-state permits if they intend to use their permits for firearms carry. An up-to-date list is provided on p. 65 with the reciprocity status of the conditional states at the time of printing. Travelers may also further confirm the status of the states they are visiting by contacting any one of the official state agencies listed on p. 63 or by viewing updates to this list at [www.gunlawguide.com](http://www.gunlawguide.com). Some states modify their reciprocity lists without warning. So verification is always a good idea. Readers of the print version may use the map (p.10) to color code the states where their permits are recognized. This will make for convenient quick reference.

An issue that is fast becoming a problem for travelers is that of non-resident permits. More and more states are issuing permits to persons who are not residents of the issuing state. And some states that do not issue permits to nonresidents will make special exception for military personnel stationed in the state. This has been of immense benefit to citizens living in restrictive states such as New Jersey and New York who sometimes find it almost impossible to acquire in-state permits. But the downside has been a number of states that are refusing to recognize out-of-state permits that are issued to persons who are not residents of the issuing state. Various justifications are given as to why this is being done. None of these explanations really answer the question as to why a non-resident, who passes through the same background checks as a resident, is less qualified for recognition than a resident. The bottom line for the traveler is that this can be a sticky wicket. While using this Guide to check the recognition status of your permit, be sure to note which states do not honor non-resident permits. These states are set apart on p.65-67 with a star (\*). States that do not recognize out-of-state permits held by their own residents are underlined on those same pages. A more detailed explanation regarding this issue is provided on each state page.

When carrying concealed outside of one's vehicle in a state that provides reciprocity, the traveler carries subject to the restrictions imposed on concealed carry in that state. Most states only issue licenses for handgun carry. States that allow other weapons to be carried are covered in the Traveler's Checklist. So travelers should be aware of which weapons may be carried with a permit before carrying anything other than a handgun. Persons should also have immediate possession of their carry permits and watch for postings that prohibit carry in certain areas such as public parks and government buildings. If approached by a police officer for a law enforcement purpose, the permittee should notify the officer that he has a permit to carry a concealed weapon and the firearm is present on his person. This action may not be legally required in all states. But it is prudent in order to avoid any misunderstanding on the part of the officer as to one's status as a law-abiding citizen.

## **Concealed vs. Plain View**

The meaning of "concealed vs. plain view" might vary from state to state depending on how the statutes and case law of a particular state define them. Generally, however, concealed includes readily accessible firearms that are "hidden from ordinary observation on or about one's person." While in a vehicle, this definition would almost always include under one's outer clothing or in a closed container such as a purse or gym bag that is actually carried by the person. Many states also regard having a hidden firearm within arms reach to be carrying concealed. This would include glove compartment, console box and seat pocket containment.

Plain view usually refers to firearms that are visible from a vantage point outside the vehicle. This carry mode is utilized primarily while the vehicle is occupied and the owner wishes to have immediate access to his firearms for personal defense. In a holster or sling while on the vehicle's dashboard, passenger's seat or gun rack is considered acceptable in most states that mandate plain

view carry. Travelers carrying firearms in plain view may find it prudent to secure their weapons in a trunk or rear storage area when they are not occupying the vehicle. All states which allow plain view passenger compartment carry allow cased and unloaded trunk transport as well.

### **Important Terms Defined**

In the "Travelers Checklist," the subheading "*standard firearms & ammo*" refers to the possession or sale of "non-military pattern" handguns & long guns as well as commercially available ammunition common to most firearms. Some states will not permit mere ownership of these items without a permit and may go as far as to require a license to simply possess them in your own home. If a state requires a license, that detail is noted. Also, any relevant restrictions affecting the traveler are mentioned. But restrictions affecting items uncommon to the travelers (ie. flechette rounds, armor-piercing steel core ammo, exploding rounds, etc.) are not covered.

"*Semi-auto & high capacity magazines*" refers to military-pattern weapons and magazines capable of holding more than 10 rounds of ammo. Some states will prohibit certain semi-automatics based solely on their appearance. And those same states may also ban magazines over 10 shots.

"*Machine guns & suppressors*" refers to such items as are owned under the relevant portions of the National Firearms Act. "Bump Stocks" are devices that simulate full-auto fire on semi-autos and are prohibited in all states by a 2019 federal ruling by BATF.

The section entitled "*Vehicle Carry for non-permittees*" refers to vehicle carry by persons *without* recognized permits. Most states allow persons with recognized permits to carry handguns anywhere in the vehicle. Specific exceptions are noted in the text. Those persons who do not have permits must follow certain statutory rules for vehicle carry. This section examines these rules.

The term *posted* is used repeatedly in the text and simply refers to businesses or other entities that may post signs prohibiting firearms carry on their premises.

The terms *permittee* and *non-permittee* are used throughout the Guide. A permittee is a person who possesses a carry permit that is recognized in the state being discussed. A non-permittee is a person who does not possess a recognized permit in that state. Unless otherwise noted, these terms only include *non-enhanced* permits. *Enhanced* permits are only covered by specific reference.

*Securely encased* refers to firearms that are in closed commercial gun cases which are latched, but not necessarily locked, in place. "Securely encased" does not include firearms in cases not designed to hold guns. Purses, gym bags and briefcases do not qualify as securely encased containers. But hard plastic cases manufactured specifically for gun transport would be legitimate.

*Constitutional Carry* refers to states that allow some form of "on foot" concealed carry without a permit. These "permitless carry" states may provide an almost universal allowance for the right or may limit it to residents or to certain areas (ie. areas outside cities or towns).

*Weapons allowed for licensed carry* covers which weapons a particular state allows a person to carry under the authority of his permit. Most states limit this category to handguns only. But some states, such as Kentucky, allow any lawful deadly weapon.

*State Parks* is a section that covers the issue of carry by recognized permittees. Many states have carved out exceptions to general gun prohibitions for licensees but still prohibit open carry by non-licensees. As a rule, if a state allows concealed carry by permittees, it will also allow non-permittees to keep their firearms cased and unloaded in their vehicles. Many states may also allow handgun carry by permittees but will require long guns carried by anyone to be unloaded and cased.

*Restaurants serving alcohol* is a section limited to specific parameters for permittees. Restaurants are eating establishments such as Applebee's or Fridays that serve alcohol but produce most of their income from the sale of food. The term would not include "Joe's Corner Bar" that may serve pizzas and pretzels but is primarily a "watering hole" for those wishing to imbibe. If the Guide indicates that permittees may carry in restaurants it means that permittees can carry concealed, loaded handguns if they do not consume alcohol, remain in the dining area and do not frequent the "bar portion" of the establishment. Granted, some states may allow permittees to drink and visit the bars of these restaurants, but enough states limit this privilege to make these guidelines necessary. Most states that allow carry in these restaurants allow businesses to post signs against such carry. Do not be surprised if you see some restaurants in "carry friendly" states posted against carry.

***Duty to Notify LEO of permit status*** refers to the permit holder's duty to notify an approaching *Law Enforcement Officer (LEO)* that he has a concealed weapon and a license authorizing him to carry it. States will either require "immediate notification" upon initial contact with the officer or notification upon officer request. The states that require *immediate notification* put the burden on the licensee to tell the officer that he has a permit with a concealed weapon. Failure to immediately do so upon first contact can result in an arrest. So be especially careful in these states.

### **Right of Self-defense**

The "Right of Self-defense" section in the Traveler's checklist indicates how each state protects a traveler's self-defense rights. It references whether a state has enacted an "NRA-model castle doctrine" in the last fourteen years and whether a citizen has a right to "stand his ground" in public areas and not retreat when threatened with deadly force. Most states have some form of the "common law castle doctrine" which provides *stand your ground* rights in your home. But many of the "NRA-model castle doctrines" extend this right to public areas outside one's home. Most reference any place "where a person has a right to be." Others limit the right to your vehicle. Some states may have "stand your ground" language in their case law but have not "codified" or "written it into" their statutes. These states are noted as being "not codified."

The section is not intended to provide the reader with in-depth knowledge of a state's self-defense laws. Rather it is meant to act as a barometer for the casual traveler in assessing a state's attitude toward self-defense rights outside of one's home. Too often, citizens who use deadly force to defend themselves are subsequently prosecuted by over-zealous district attorneys and even sued in civil court by their attackers. The result is a chilling effect. A citizen is afraid to use a gun for self-defense for fear of being turned into a criminal. This section will allow the traveler to determine which states are friendly to the citizen and which ones coddle the criminal.

### **Vehicle Gun Possession at Colleges**

Most colleges and universities prohibit firearms carry in buildings and campus facilities. But some states have begun to carve out exceptions for gun possession in vehicles located on campus parking lots. The Guide provides an overview of this by classifying the regulatory action each state undertakes. Some states prohibit all gun possession on college campuses (vehicles included) through their criminal or administrative codes. Violating these rules could result in criminal sanctions such as arrest and prosecution. Other states allow each college to determine regulatory action through policy. Those connected in some way to the college (students, faculty and staff) are most at risk. They can be fired, expelled or face civil sanctions. Aside from muted trespass charges, not much can be done to penalize the occasional visitor. A small but growing number of states exempt those holding valid carry licenses from criminal action and, in some cases, also exempt all lawful gun owners. Perhaps the safest states are the ones such as Kentucky, which, along with exempting all gun owners from criminal sanctions, also prevent colleges from prohibiting vehicle gun possession through policy.

The Guide classifies each state based on these regulatory schemes. Readers should note that where vehicle gun possession is allowed, the firearm should remain locked in one's vehicle and hidden from view. If the state only exempts permittees, then only the weapons that one may carry with a valid permit (ie handguns) may be stored in the vehicle.

Some states exempt gun owners from criminal sanctions but allow the enforcement of college policy that could adversely affect those connected with the institution. These states are noted appropriately under each subheading. And readers should not be surprised to see "no gun" signs in campus parking lots where possession of lawful firearms is allowed. Some colleges still attempt to enforce "no gun" policies in spite of state laws that prevent such rules; proving that academics will often bend the rules to meet their own ideological ends.

### **Vehicle Gun Possession on K-12 School Grounds**

Although most states prohibit gun possession within K-12 school buildings, some states have created exemptions for possession within vehicles located on school parking lots. The Guide covers this aspect in the Traveler's Checklist. But readers should be aware of several important parameters.

First, coverage is limited to permittees who are licensed by the state where the K-12 school is located. This is to be in conformance with both federal and state law. Federal law generally prohibits any loaded gun possession in or on school grounds or within 1,000 feet of such grounds. Firearms located on private property within the zone and guns possessed by persons licensed to carry by the state where the K-12 school is located may be loaded. So even though some states, such as Kentucky, do not require a license to have a loaded handgun in a vehicle, federal law would make any loaded gun possession illegal unless one had a license from the state where the school is located.

Second, coverage is generally limited to loaded handguns that are concealed from view and, when the vehicle is unoccupied, locked inside a secure compartment. Visible guns on school property are not recommended even if a specific state's law does not prohibit them. And most states restrict permittee carry to handguns only. So readers should assume the detailed exemption applies only to handguns and not to long guns whether loaded or unloaded.

And finally, this section is primarily intended to provide guidance for non-student adult parents who are attending some legitimate event on campus with a handgun in their vehicle. School employees may have separate policies for which they are responsible. While it would not be a criminal act for them to possess a gun in a vehicle in a state that allows such possession, they could run afoul of a personnel policy that could affect their future employment.

### **Loaded vs. Unloaded**

The term "loaded" refers to firearms that have live ammunition in either the magazine or the chamber. A firearm with any number of rounds in its magazine is considered loaded under the laws of most states even if no live round is in the chamber. The four notable exceptions to this general rule are Colorado, Nevada, North Dakota and Utah which define "loaded" as only applying to firearms with a live round in the chamber. Some states consider guns that are in close proximity to magazines containing ammunition to be "loaded." Other states prohibit magazines from being inserted into firearms but allow loaded magazines to be located within arms reach of the firearm. These state-by-state differences are noted appropriately within the text.

Travelers should also keep all loaded firearms out of reach of their children while in a vehicle. A small number of states criminalize those who keep firearms in any place where a child might access the weapon. Some states, such as Ohio and Colorado, have specific laws in this regard. Other states may attempt enforcement through generalized laws involving child endangerment.

### **Open Carry**

Carrying a handgun that is unconcealed on your person is a way for some persons to carry who do not have the benefit of a recognized concealed carry permit. Many states do not criminalize such behavior; thus making this mode of carry legitimate under law. But travelers should use common sense when attempting open carry in heavily populated urban areas where such carry is not widespread. Even in states that allow such carry in theory, police may stop and question an individual who is displaying a firearm on his hip for all to see. Granted, no person who is exercising a fundamental right should have to worry about being harassed for otherwise legal behavior. But such scrutiny can and does occur in the real world. A traveler should simply exercise good judgment and keep his handgun secured in a snapped, visible belt holster.

### **Interstate transport through restrictive states**

Readers will also notice occasional references to the McClure-Volkmer Act of 1986 and its specific treatment of interstate firearms transport. This federal law is listed in the U.S. Code as an amendment to the Gun Control Act of 1968. It serves to correct certain draconian aspects of the 1968 law as well as make interstate transport of firearms less restrictive. Persons transporting firearms through a state that would otherwise view such transport as illegal may do so if the weapons are unloaded, cased and stowed in a trunk or vehicle storage compartment which is not readily accessible to the occupants. Any ammunition must also be kept separate from the firearms. Persons operating vehicles without trunks or external storage compartments may transport unloaded firearms in "locked" cases. Internal storage compartments other than console boxes or glove compartments that are locked may also suffice when a trunk is not available.

The traveler must simply be passing through the state and must be bound for a jurisdiction where possession of such weapons is legal. Any extended stops for reasons other than gas or emergency services would effectively nullify the traveler's interstate commerce classification and subject him to the effects of state law. For example, a traveler from Kentucky bound for Maine with Class III machine guns will pass through the state of New York. New York does not allow personal possession of machine guns. As long as the traveler maintains a steady, uninterrupted course through the state with the offending weapons stowed in the manner described above, he is operating within the parameters of federal law. As soon as the traveler stops to visit relatives in Albany, he falls within the police power of New York. He could be arrested for possessing firearms that are illegal under New York law. Some travelers have found it beneficial to have a hotel or campground pre-registration form with them when trekking through restrictive states such as New York. This form proves to any state trooper that you are actually traveling to a legitimate, gun-friendly destination and have no intention of remaining within the restrictive state for an extended period.

The Code only references firearms or ammunition. So the law *may* not cover a box of high capacity magazines (or other component parts) that are prohibited in a restrictive state. The courts have yet to "flesh out" the details of this aspect.

### **Traffic Stops**

Any traveler carrying firearms should be aware of the proper way to handle a routine traffic stop. One involved in frequent travel will eventually be pulled over for a speeding violation or some other minor infraction. A motorist should avoid any erratic physical movements during a traffic stop. Both hands should remain on the steering wheel while the driver remains seated in the vehicle waiting for the officer to approach. At this point, the investigating officer has the right to ask questions of the motorist concerning his operation of the vehicle. Questions which may elicit self-incriminating information from the traveler may be refuted by simply informing the officer that the traveler would prefer to be represented by proper counsel before answering the posed question. Some officers may wish to go beyond mere questioning and conduct a search of the vehicle for contraband that could include firearms in some states. For an officer to conduct a legitimate search of a vehicle, he must have "probable cause." Most traffic stops do not provide the officer with enough probable cause for a search. Therefore, the officer will often politely ask the motorist for voluntary consent. Many citizens, fearing they will look guilty upon refusal, willingly sign the consent form the officer provides them. This is not a recommended course of action. Voluntary consent gives the officer free reign to do what he likes and nullifies any subsequent legal challenges. If asked to consent to a vehicle search, politely refuse and inform the officer that he will have to search on his own. Most officers who are unable to establish probable cause will not search without a consent form.

Travelers should note that a police officer might conduct a "protective search" of your person for weapons without probable cause. An officer may ask a motorist who appears suspicious to exit the vehicle so as to allow a frisk of the person's clothing for concealed weapons. The officer may also check the area of the vehicle under the motorist's immediate control for weapons before allowing him to reenter the vehicle. The courts allow this type of search only if the officer can articulate a reasonable suspicion that the motorist may have an illegal weapon. Such a protective search may not extend to other areas of the vehicle without probable cause of criminal activity.

Permittees sometimes wonder whether they should volunteer to an officer that they have a recognized permit if the officer does not ask. Most states do not require a citizen to divulge that information unless the officer requests it. But some states require the permittee to volunteer the information as soon as he is approached by a police officer. The states that require this action are noted in the text. As a general rule, it is recommended that no matter what the legal restriction, a recognized permittee should let an officer know that he has a permit with a gun on his person. Such notification will help avoid any escalation of what is already a tense situation. This notification is generally limited to permittees who carry under the authority of a permit. Firearms that are cased and unloaded in the trunk or storage area need not be declared unless a vehicle search is executed.

Also, recent reports indicate that police in anti-gun states such as Maryland are using license plate reader cameras to pull over gun owners from other states and search them for weapons. One family from Florida recently had their car emptied of all possessions, the husband handcuffed and the

wife and kids searched because the Maryland trooper had information obtained from one of these cameras that the motorist had a carry license in his native state of Florida. The trooper claimed this gave him “probable cause” to harass the otherwise innocent family for almost two hours. Whether this is standard policy in Maryland has yet to be determined. But, be advised, this case illustrates how police in other states may know your license status before they even pull you over.

### **Universally Restricted Areas**

Firearms carry is universally prohibited in certain areas even with a concealed carry permit. Federal installations such as Post Offices (including parking lots), courthouses and administrative offices and some federal management areas such as Corps of Engineers properties forbid gun carry inside buildings and, in most instances, on the outside premises. The Corps of Engineers enforces the “no guns” rule on any property it occupies, owns or leases to others. Many lakes formed by Corps of Engineers dam projects contain shoreline that is owned by the Corps. So travelers should be aware of Corps boundaries and carry firearms per McClure-Volkmer (p.5) when on Corps property.

Military bases prohibit firearms carry by visitors and also restrict firearm possession within one’s vehicle. A recent Defense Department directive (5210.56) outlines gun possession policy on DOD property and also provides guidance as to how certain qualified personnel could be granted authority to carry personal firearms while on a military post. Visitors and military personnel should check with officials before visiting a military installation with firearms.

Most states prohibit firearms carry within preschool and primary & secondary school buildings (K-12). Harsh penalties are usually set for violating this restriction. And Federal law prohibits firearm possession within 1000 ft. of primary and secondary school properties. Concealed weapon permittees from the state in which the school is located, persons possessing unloaded firearms in locked containers inside their vehicles and private property areas within this zone are exempt from this prohibition. But someone carrying a loaded gun without a license within 1,000 feet of a school’s property boundary would be in violation of federal law (although federal prosecutors have mostly used this as an “add-on” charge for drug and gang activity). Exceptions for vehicle possession by permittees on actual school grounds are covered separately on p. 4 of this section.

Firearms carry may also be prohibited in law enforcement offices, detention facilities, courthouses, most legislative meetings, some polling booths, many public buildings that house governmental offices where official business is conducted as well as mental health and day care facilities. Exceptions to these general rules do exist. But, for the most part, travelers should consider these areas to be off-limits unless the Guide states otherwise.

Retail establishments whose *primary* business is the sale of alcohol by the drink (bars) may have restrictions that vary from total prohibition to gun carry absent any alcohol consumption. Travelers should avoid carrying into these areas unless the specific rule for that state is known.

### **Hotels & Lodgings**

Questions often arise as to gun carry in hotels. No state specifically prohibits carry in hotels. And one state, Montana, actually protects the right of travelers to possess loaded guns in hotel rooms. But, in most states, carry would be subject to the individual policy of the hotel. And this is where the reader should make special note. While a hotel may have a *policy* against gun possession, that policy may lack any “force of law.” The hotel can ask a gun-carrying guest to leave. But, unless the guest refuses, no criminal sanctions are possible. The coverage in the Traveler’s Checklist is directed toward this common factor. If the hotel is located in a state where a “no gun” policy, with proper “posted” notice, could result in criminal sanctions, then “force of law” is mentioned in the blurb. If a state has a statute allowing rejection or ejection of a guest for gun possession, this fact is also noted. States with no relevant laws are simply classified as “subject to policy enforcement.” Readers should be aware that some states with very strict carry laws (ie. New York & New Jersey) are classified in this way. This does not mean these states are lenient. It simply means that general gun possession is already so stringent that additional laws involving place restrictions are not necessary.

The information in this section assumes that the potential guest is in legal possession of his firearm (preferably with a recognized permit) and is not involved in any other criminal activity. And, while we do not recommend violating even non-criminal hotel policies, necessity may sometimes

require that a “judgement call” be made as to whether to keep a gun with you while staying in a hotel. This section will allow one to make an informed decision based on the relevant statutes.

### **Roadside Rest Areas**

Roadside rest areas in almost all states are O.K. for carry unless posted. A few states, such as Illinois, Maryland and New York prohibit carry generally. And Oklahoma prohibits carry in buildings only. But most states recognize gun carry rights at rest areas.

### **National Parks, Forests and Indian Reservations**

Firearm possession in National Parks and wildlife refuges is governed by 16 USC section 1a-7b of the U.S. Code. This 2010 change mandates that firearm possession and carry in these areas is regulated by the state where the park or refuge is located. For example, if your permit is recognized in Idaho, you can carry in any park or refuge located in Idaho, subject to the carry restrictions of Idaho. This expansion of the right to carry only applies to outdoor areas such as nature trails and campsites. All official structures such as visitor centers and ranger stations are still off-limits to any gun carry. Private vendors with gift shops and restaurants are not automatically off-limits. But most states allow these entities to post signs that prohibit carry.

National Forests are under the management of the Department of Agriculture and are not subject to the same regulatory action as National Parks. The law of the state where the National Forest is located is usually the law that prevails for gun carry. If a state allows open carry, the National Forests in that state also allow open carry unless otherwise posted. Some travelers have reported “no firearms” signs in National Forests that are located in otherwise firearms-friendly states. These signs may exist because a state’s law specifically prohibits carry in a national forest. Or the signs may be posted by officials attempting to enforce an otherwise unenforceable policy. Either way, travelers should know that authorities may enforce these restrictions regardless of their legal basis.

Indian reservations *may have* stricter firearm carry laws within their boundaries than the states where they are located. This condition exists because reservations are relatively autonomous areas that exist as quasi-independent nations. It is beyond the scope of this Guide to cover each reservation specifically. But travelers visiting casinos and other tourist attractions inside reservations would be well-advised to transport all firearms in an unloaded, cased and secure manner that is consistent with the McClure-Volkmer Act discussed earlier. Carry of firearms on one’s person is not recommended unless the traveler verifies with the tribal council that such action is lawful.

### **Motorcycle Issues**

Motorcycle riders often ask how carry laws written for four-wheel vehicles apply to them. For example, where is the glove compartment in a motorcycle? Does a saddlebag qualify as a legitimate container for gun carry? Most states’ laws do not specifically address these issues. But motorcycle owners can follow some general rules and be sure of compliance in most states.

The rear compartment on a motorcycle qualifies as a trunk if it contains a lock. An unloaded handgun in this locked compartment should be legitimate in most states that prohibit loaded firearms in a vehicle. And, of course, a carry permit would allow the concealed carry of a loaded firearm on one’s person in states that recognize the permit. Tote bags have the same effect as a briefcase or gym bag carried on a vehicle’s front seat. Most weapons in this venue would be considered concealed.

If one lacks a recognized permit while visiting a state that allows open carry, a firearm could be carried in a hip holster in plain view. This carry mode might appear somewhat aggressive to other motorists and could result in unnecessary attention from police. But it would be an otherwise legal way to carry a handgun in a state that allows open carry. A motorist would have to weigh the advantage of being legally armed with the disadvantage of being subject to increased scrutiny.

### **Motorhome and RV issues**

A common question among RV owners is whether their motorhomes are considered vehicles or residences. Most states consider RVs to be readily mobile and thus subject to all firearm laws concerning vehicular travel. But courts have held that RVs in a fixed state (ie. in a designated campground and hooked up to water, sewer, electric and other utilities) are residences. RV owners



should keep this in mind so as to be aware of what their classification is at any one particular time. Many states will allow loaded firearms possession in one's home while prohibiting it in one's vehicle.

Occasional references are made to the trunk transport of firearms. The usual response from RV owners is, "I drive an RV, I don't have a trunk." Because most state statutes do not address the issue of carry in motorhomes, owners should view their external compartments as having the same legal status as a standard vehicle's trunk. A trunk is a compartment that requires one to exit the vehicle in order to gain access to it. If a recommendation is made to transport guns in one's trunk, RVers should take this to mean that transport in a locked, external compartment is legitimate.

The same standard can be applied to trailers. These attachments require one to exit the towing vehicle to access their interiors. Transporting firearms in a trailer would have the same legal effect as transporting firearms in a trunk. Both are separate from the passenger section of the vehicle and would qualify as legitimate storage areas.

Owners of full size RVs sometimes find it difficult to apply the principle of "plain view" carry to their rigs. If the cab is extremely high, how does an approaching police officer see the gun from outside the vehicle? Simply put, the officer cannot. And if the gun is not visible from outside the vehicle, then it is not in plain view. Owners of these motorhomes must exercise another carry option if they wish to keep a loaded gun up front. Many states are allowing console box and glove compartment carry for non-permittees. These options do not have a visibility requirement and probably serve the owners of large motorhomes better than the plain view carry.

### **Traveling by Air, Cruise Ship, Train & Greyhound Bus**

While federal law prohibits firearm possession in the sterile areas of airports, persons traveling by air may transport unloaded firearms in their checked baggage. Firearms must be unloaded and secured in locked, hard-sided gun cases. Ammunition should be contained in commercial boxes and not loaded into any extraneous magazines. Firearms and ammunition may be kept in the same locked case unless a specific airline's regulations mandate otherwise. Travelers must notify their airline about the presence of the firearms and/or ammunition when checking the baggage and provide the key to their gun cases if a search is requested. Check-in procedures vary among airlines. Travelers should call ahead to verify where to check-in and what paperwork needs to be completed. Federal law prevents airlines from marking cases containing guns with visible "firearm" signs. Any attempt by an employee to do so would be illegal and should be reported.

Those entering an airport who do not intend to board an airline may carry in the parking lot and non-sterile (before the security screening) terminal areas if allowed by the state where the airport is located. The "Traveler's Checklist" covers this issue on a state by state basis. States that allow carry in both terminals and parking lots are noted as well as states that allow carry in parking lots only. Some states prohibit carry on all airport property and others may allow localities to decide the matter. Those exercising this option must be lawfully allowed to carry (ie. by permit or other authorization) in the state where the airport is located. They must also watch for postings that indicate where "sterile areas" begin and where "no weapon" zones are located.

A federal court recently held that the interstate transportation protections of McClure-Volkmer (p.5) only apply to vehicular travel. Travelers with connecting flights through restrictive states could face local prosecution if they possess any firearms that are illegal in those states.

Gun owners traveling by train, cruise ship, greyhound bus or other form of common carrier involved in interstate transportation must turn over possession of their legally owned firearms and ammunition to the captain, conductor or pilot of the vessel for the duration of the trip. Certain carriers will make provisions for passengers transporting firearms. But travelers are encouraged to contact the carrier before making passage to determine what that policy might be.

### **Over the Road Commercial Trucks**

Mark Twain once said, "a rumor is half way around the world before the truth gets its boots on." One of the most often heard rumors is that federal law prohibits carrying firearms in commercial vehicles such as semi-tractor trailers. This myth has been repeated by trucking company supervisors and corporate management for years with no legal citation or statutory proof offered for support. The truth is that while many companies have internal policies that prohibit guns in company vehicles, no

federal law exists that regulates guns in trucks. Truckers can carry subject to the same state and local restrictions as everyone else. Independent truckers will have an easier time carrying simply because they are not beholden to company policies that may prohibit such activity. But any trucker, regardless of company policy, **will not** be violating federal law if he carries a gun for personal protection.

### **Current & Retired Law Enforcement Officers**

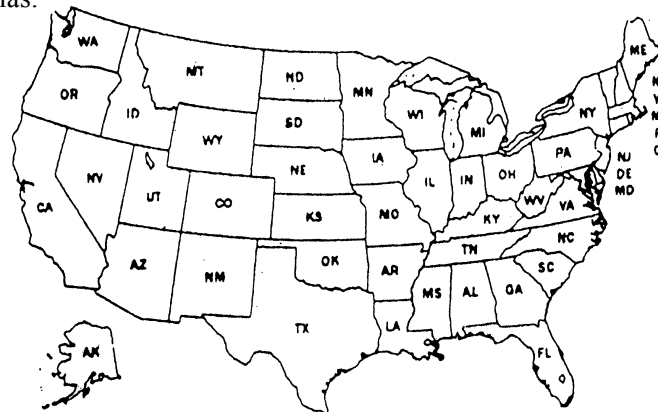
Federal legislation signed into effect in July 2004 allows all active duty law enforcement officers from any state or locality to carry concealed firearms while traveling. The officer must possess an official photographic identification from his department and be authorized to carry a firearm by the agency with which he is employed. The firearm may be carried in most public areas but must remain concealed. This carry allowance does not extend to any governmental property where carry is prohibited or private properties where the owners restrict gun possession. State magazine restrictions apply to officers who carry under this law. But recent amendments exempt officers from any ammunition restrictions that are not rooted in federal law.

Retired law enforcement officers also have the right to carry concealed firearms while traveling in the same manner stated above. But the restrictions on their qualifying status are much greater. To be considered a “retired law enforcement officer,” one must have been employed as a law enforcement officer for at least 10 years and been authorized during that period to carry a firearm and conduct arrests and investigations. If an officer did not achieve a full 10 years of service, but separated from employment early because of a service connected disability, then any probationary service period as determined by his department of employment would be acceptable. Most importantly, every 12 months, a retired officer must meet his current state’s firearm qualification standards for police or those standards of the agency from which he retired. He must also have a photographic identification issued by the department from which he retired identifying him as a former policeman of that department. Certification through either the agency he retired from or any certified firearms instructor or law enforcement agency in his current state of residence is acceptable.

### **Preemption of Local Laws**

Most state legislatures have enacted statutes known as firearm preemption laws. These laws prevent cities and counties from passing ordinances that regulate the carry, possession and ownership of firearms. Some of these acts mandate total uniformity in firearm laws by prohibiting any amount of home rule while others allow local ordinances existing before the passage of the law to remain in effect. A small minority allow the local enactment of new firearm laws if the state assembly concurs. These distinctions are noted in the explanations for each state and help the traveler to determine if issues such as open carry or glove compartment placement are subject to local control. Travelers will find their journeys much easier to plan in states with comprehensive preemption laws in place.

The author of this guide hopes readers will benefit from the information discussed in the preceding pages. Travel with firearms in the United States is as much a necessity as a guaranteed right. Knowing how to carry your firearms in a legally correct manner is as essential to safe, efficient travel as a good road atlas.



*Use a colored pencil to shade the states where your permit is recognized*