

How to Use this Guide

Firearm laws can be quite intimidating when traveling outside one's own state. Many horror stories exist in which the nonresident traveler is arrested on a 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 drew 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, 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.

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. Some states modify their reciprocity lists without warning. So verification is always a good idea. Readers of the print version may use the map on the inside back cover to color code the states where their permits are recognized.

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 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 reasons 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. When checking 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.

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 carry permit with a concealed weapon. This action may not be legally required in all states. But it will help to immediately establish 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 vantagepoint 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.

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continues for
another 8 pages