

The History of Concealed Carry, 1976-2011

by Larry Arnold, larnold@ktc.com Do you want to take the CHL [History Quiz?](#)

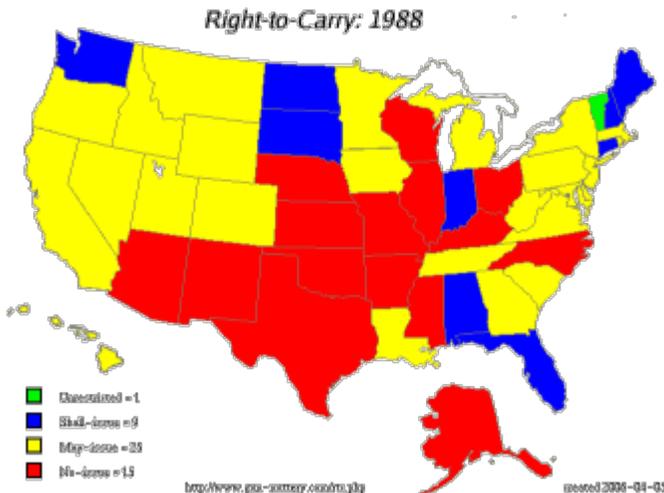
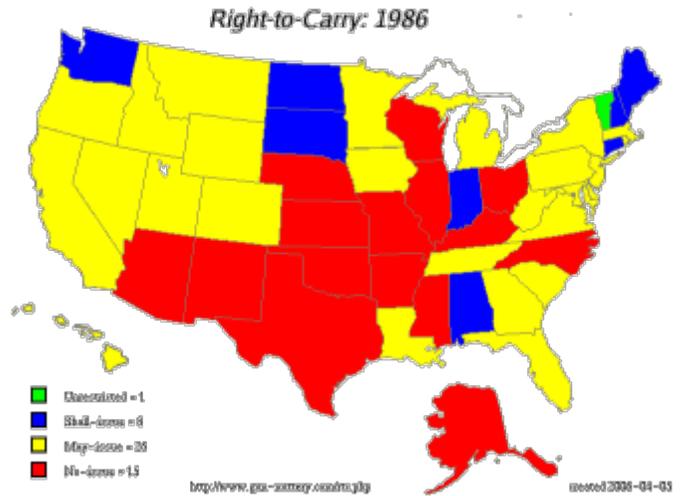
United States

For a graphic illustration of the spread of concealed carry see <http://www.gun-nuttery.com/rtc.php>.

1976 to 1986: Getting Started

In the United States the history of modern concealed carry started with Georgia. In 1976 that state's lieutenant governor, Zell Miller, introduced what became the model for later laws. His effort was inspired by an NRA director and former border patrolman, Ed Topmiller. The heart of the law was that the job of administering the shall-issue permit process was given to a non-law enforcement, elected official, the Probate Court Judge. Georgia joined a handful of other states allowing concealed carry, including Vermont, where no license is required; New Hampshire, with a 1923 law; Washington, which made issuance almost mandatory in 1961; and Connecticut, where in 1969 a Handgun

Review Board was established to minimize arbitrary denials. The Indiana Sportsmen's Council, assisted by the NRA-ILA, passed a mandatory issuance law in 1980, then had to sue the state police and other agencies and elected officials into compliance. A trend started, with CHL laws passed in Indiana in 1980, Maine and North Dakota in 1985, and South Dakota in 1986.



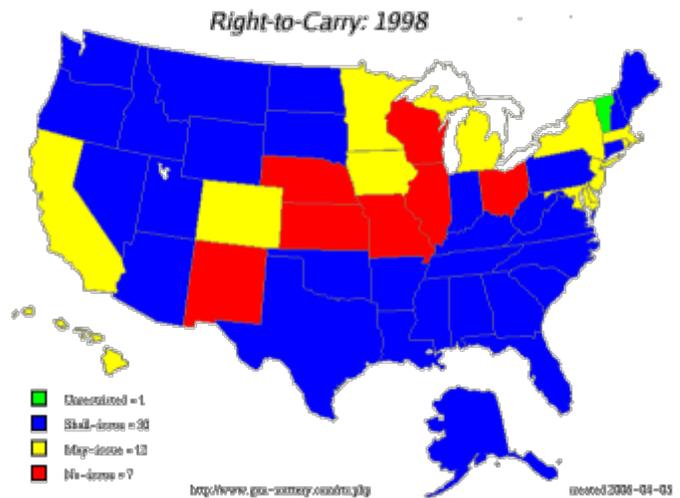
1987-88: Florida, the Media Storm

The national media ignored these until 1987, when Marion Hammer tackled Florida. Anti-gun folks were horrified. Obviously concealed carry would turn Florida into another Dodge City. Blood would flow in the street. Fender-benders would turn into firefights. The fight was tough, but the Unified Sportsmen of Florida succeeded. The dire Predictions? A year later the president of the police

chiefs association, who had opposed the bill, was asked if he had kept track of all the problems the law caused. "There aren't any," he said.

1989 to 1998: CHL Sweeps the U.S.

That opened the way. CHLs swept through Oregon, Pennsylvania and West Virginia in 1989; Idaho and Mississippi in 1990; Montana in 1991; and Alaska, Arizona, Tennessee and Wyoming in 1994. Then came 1995, with Arkansas, North Carolina, Oklahoma, Texas, Nevada, Utah, and Virginia. In 1996 Kentucky, Louisiana, and South Carolina passed CHL laws, and West Virginia passed it again, their state supreme court having struck down the first one. Alaska, in 1998, had to override a governor's veto to remove restrictions from their law.

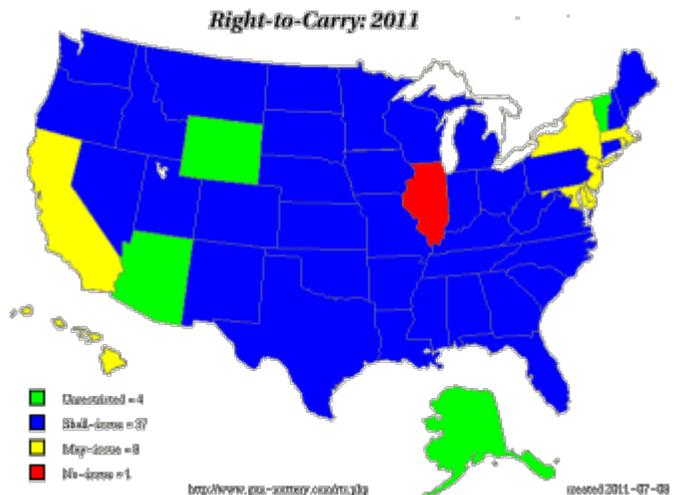


1999 to 2001: CHL On Hold

In 1999 several states were considering concealed carry, including Colorado. Then, on April 20, two students at Columbine High School killed a teacher and twelve students and injured twenty-four students. Experts predicted the anti-gun backlash would end the spread of concealed carry, and indeed it did result in a delay.

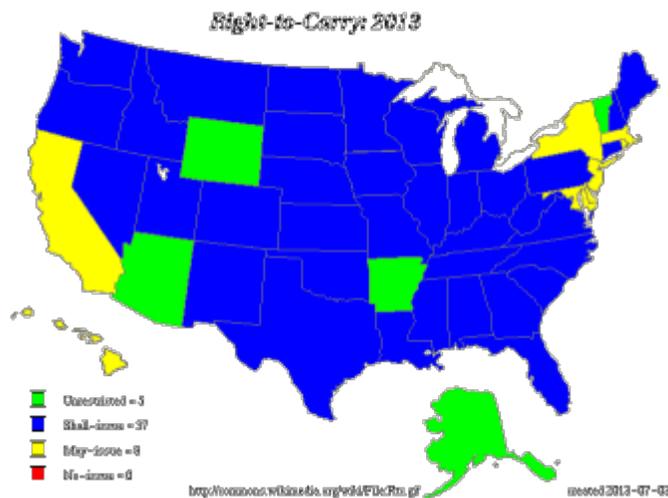
2002 to 2011: Picking Up Stragglers

In 2002 New Mexico passed the first concealed carry bill since Columbine, only to see it struck down by a judge. Anti-gun forces had added a provision allowing cities to opt out, and an anti-gun judge used this anti-gun provision to invalidate the law, saying that the New Mexico Legislature could not cede this authority to cities. The next year the New Mexico Legislature responded by passing concealed carry legislation without the provision. Also in 2003 Colorado,



Minnesota, and Missouri passed shall-issue laws. Kansas and Nebraska went shall-issue in 2006, with Kansas having to override their governor's veto. Alaska amended its carry law in 2003 to join Vermont by allowing no-license concealed carry. The state still has a shall-issue CHL for purposes of reciprocity and NICS check exemption. Gun owners in Wisconsin had a long road. Concealed carry legislation passed their assembly in 2004, 2005, and 2006 but they have been unable to override a veto. They were one vote short in 2006. Then the U.S. Supreme Court weighed in, first with *District of Columbia v. Heller* in 2008, confirming an individual right to keep and bear arms. In 2009 *McDonald v. Chicago* applied that principle to the states. Congress passed two laws, one expanding concealed carry in national parks, and the other allowing firearms to be checked on Amtrak trains. They went into effect in 2010. Arizona passed a no-license carry law in 2010, like Alaska retaining their shall-issue CHL. Iowa also made its CHL truly shall-issue, effective January 1, 2011. In 2011 Wyoming passed a law allowing unrestricted carry for residents, which went into effect July 1. They retained shall-issue CHL. Also, Wisconsin elected a new governor. He signed their concealed carry law in 2011, and it went into effect November 1. In Illinois state legislators voted 65-32 in favor of a shall-issue CHL. Unfortunately, the state requires 71 votes to pass legislation restricting local communities' regulatory power, so Illinois remains the only no-carry state. Passing CHL laws was never easy.

A December, 2012 school shooting in Connecticut reignited the gun-control issue, but this time the results were split. Sandy Hook Elementary School was a textbook "gun-free" school zone, with strict state gun control, just-updated security, and rapid law enforcement response. Yet 26 innocent people died. The states that already favor gun restrictions hurriedly passed new ones, in some cases resulting in mistakes that had to be fixed. Many of these new laws are being challenged in court, and in Colorado, for the first time in the state's history, two state senators were recalled in a voter backlash. In a number of gun-rights states the reaction was to rethink the "gun-free school zone" philosophy. Larger city school districts are moving toward more armed school resource officers, while many smaller districts are, for the first time, allowing teachers to carry self-defense handguns.



2014: The Last Holdouts

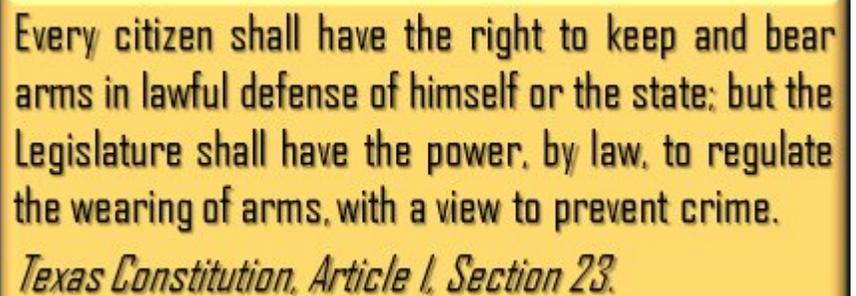
The 7th U.S. Circuit Court of Appeals ruled in December, 2012 that it's unconstitutional for Illinois to ban concealed carry. After much debate Illinois passed a shall-issue concealed carry law. The first Illinois concealed carry gun licenses—about 5,000 of them—were printed and mailed March 1, 2014. As of the first day of 2015, there were more than 90,000 active concealed carry license-holders in the Land of Lincoln.

February of 2014 saw the 9th U.S. Circuit Court rule that California's "show good reason" requirement for a concealed carry license was unconstitutional. That ruling also affects Hawaii, and the U.S. Territory of Guam. Guam passed a

shall-issue law March of 2014. California and Hawaii are still appealing. Then the nation's capital was called on the carpet. *Palmer v. D.C.* struck down that city's ban on carry outside the home. After much wailing the City Council passed a restrictive discretionary-issue law similar to New Jersey's. On January 27 D.C. Police announced that they had issued eight licenses and denied eleven, out of 66 applications. Their procedure is headed back to court. The current concealed carry status, as of 2015, is forty-two shall-issue states, five unrestricted carry states (four also shall-issue), no states with concealed carry banned, and eight with restrictive discretionary carry.

Texas

The first Texas law against concealed and open carry was "An Act to Regulate the Keeping and Bearing of Deadly Weapons, Law of April 12, 1871, ch. 34, §1, 1871 Tex. Gen. Laws 25" passed as part of the Reconstruction. That law was not substantially modified until 1995. In many ways the Texas process was typical. The push started with proposed laws in 1983, 1985, 1987 and 1989 (the Texas Legislature meeting only on odd numbered years). The 1991 attempt came closer to passing, but failed to gain enough support in the Legislature, and was amended to death.



Every citizen shall have the right to keep and bear arms in lawful defense of himself or the state; but the Legislature shall have the power, by law, to regulate the wearing of arms, with a view to prevent crime.
Texas Constitution, Article I, Section 23.

73rd Legislature, 1993

In 1993 CHL returned again, and this time the big state media let loose with the typical "blood in the streets" predictions, both in quotes of anti-gunners and echoed on the opinion pages. They called for the people to contact their legislators. The People did. I really think the popular support for the law caught the media by surprise. Then the Governor, Ann Richards, weighed in with the news that she would veto any CHL law the legislature passed. Politically, that should have been the end, but popular support would not let the bill die. Trying to find something the governor would sign, the 73rd Legislature ended up passing a law that only called for a statewide referendum on CHL, not authorizing anyone to actually set up any program. Governor Richards vetoed it anyway, saying that the people of Texas didn't need to vote on something like concealed carry.

74th Legislature, 1995

Two years later the 74th Legislature passed SB 60, and the new Governor George W. Bush fulfilled a campaign promise to sign the first Texas concealed carry bill. Throughout the long struggle to get a concealed handgun law passed for Texas there were a number of people who risked their political lives to accomplish what many thought might be an impossible task. Two

stand out. One is Texas Senator Jerry Patterson, who sponsored and shepherded a number of the bills, including the successful 1995 effort and the equally important 1997 revision. He happens to be a classmate of mine from Texas A&M University, Class of 1969. The other is Suzanna Gratia, who rose from the tragedy in Killeen to provide essential testimony at a critical time. As Suzanna Gratia-Hupp she become a Representative in the Texas Legislature and served several terms, always speaking up for gun owners. The law went into effect September 1, giving the Texas Department of Public Safety about three months to write all the procedures, design the paperwork, and train enough Qualified Instructors to teach the required course DPS wrote. They did it. About 2,000 newly-minted Qualified Handgun Instructors began teaching the ten to fifteen hour CHL new-license class September 1, facing an initial flood of about 200,000 applicants. The new concealed handgun licensees started legally carrying January 1, 1996. It was somewhat anticlimactic, as the predicted bloodbath failed to materialize. There was an initial surge in "No Handguns" signs on businesses that had been convinced the knuckle-dragging CHLs would invade in their camo clothing, tromping through stores in muddy boots spitting tobacco everywhere and running decent customers away. Instead, it was the decent customers who politely informed store owners that unless the signs came down their business would go elsewhere. Six months later "No Handguns" signs were an endangered species.

75th Legislature, 1997

A loophole creating a conflict between concealed carry rules and alcoholic beverage license regulations made a revision of the law necessary. That was accomplished in 1997, and went into effect 1 September of that year. More significantly, that same bill also effectively removed hospitals and nursing homes, amusement parks, places of worship, and government meetings from the list of places where concealed carry is automatically prohibited. Another law established the "30.06" sign as the only one property owners could officially use to ban concealed carry.

76th Legislature, 1999

The anti-gun folks came back in the 76th Legislature with bills to prohibit firearms anywhere on a school's property, and to reinstate the prohibition on carrying in a place of worship. Both were handily defeated. A number of pro-gun bills also failed to pass, and would be revisited in subsequent sessions. These include an effort to clarify the definition of "travelling," carrying in a car, lowering fees for veterans, securing the privacy of licensees, concealed carry on college and university campuses, and allowing military personnel to qualify for a CHL at 18.

77th Legislature, 2001

In 2001 the 77th legislature added one restriction, prohibiting possession of any firearm within 1,000 feet of a place of execution on the day of an execution. A bill to deny concealed carry in a place of worship but with a provision that the church or synagogue could allow carrying failed, as did a bill prohibiting carrying in school parking lots and streets. On the pro-gun side, bills reducing veteran's fees and securing licensees privacy failed, as did a flawed bill extending the license period from four to five years and a bill that would have kept cities and counties from using PC 30.06 to ban concealed carry in government facilities.

78th Legislature, 2003

The 78th legislature passed the ban on government agencies using PC 30.06, establishing the right to carry on public facilities. It also loosened rules on out-of-state Texas CHLs and the requirements for reciprocity. As a result, within two years the number of reciprocal states jumped from eight to twenty-seven. Bills to insure licensee privacy, allow concealed carry on Lower Colorado River Authority property, and expand firearms possession on school campuses failed, but so did a proposal that would have extended CHL training and required a psychological evaluation for licensing.

79th Legislature, 2005

A number of pro-CHL bills passed the 79th Legislature. They extended renewal licenses from four years to five, eased the requirements for states whose licenses we recognize, allowed military personnel to get a CHL at 18, cut the new license fee for active military and the renewal fee for seniors in half, allowed persons from any state to qualify for a Texas out-of-state CHL, allowed payment of CHL fees by personal check, and eased eligibility requirements for a person with an old deferred adjudication. The most significant legislation attempted to change the definition of "travelling" to allow unlicensed carry in a personal vehicle. However, this law proved to be controversial, with several district attorneys claiming that it failed to actually accomplish its aim. Bills insuring licensee privacy and allowing concealed carry on LCRA property failed to pass, as did a bill prohibiting concealed carry in school parking lots and an "assault weapons" ban. Also failing was the first attempt at restricting employer gun bans in parking lots.

80th Legislature, 2007

In 2007 the 80th Legislature waived the license fee for active and newly-discharged military and cut the fee for all veterans in half. A bill insuring privacy for licensees by eliminating the procedure for anyone to find out whether a person is licensed passed. The Legislature revisited car carry, restoring the "travelling" rule to its former state and including a private auto as "premises under the control," solving the problem. A Castle Doctrine bill removed the retreat requirement and limited civil liability. Other bills passed that make the renewal class valid for ten years, finally allows concealed carry on LCRA property, and prohibits seizing firearms during a disaster. A bill that would have prohibited carrying in school parking lots passed, but was amended so it just prohibited exhibition of firearms. An employer parking lot bill also failed, as did one that would have expanded the no-guns area of an airport.

81st Legislature, 2009

Because of the filibuster over the Voter ID bill much of the pro-gun legislation proposed in the 81st Legislature stalled out, including campus carry and employer parking lot bills. Bills that passed included one creating a defense for improper 51% signs, removing the suspension penalty for failure to display to law enforcement, expanding interstate purchase of firearms, and simplifying instructor and student paperwork.

82nd Legislature, 2011

There were two fierce battles in the 82nd Legislature, campus carry and parking lot storage. The parking lot storage bill, SB 321, passed. It keeps employers from prohibiting employees from securing legally-owned firearms and ammo in company parking lots. Campus carry had more than enough votes to pass both houses, but parliamentary rules kept it from coming to the floor of the House of Representatives. Other new laws legalize the carrying of handguns in boats the way they are in autos, allow foster parents with CHLs to carry in their cars, and protect shooting ranges.

83rd Legislature, 2013

In response to the Sandy Hook tragedy the Legislature passed two school protection bills. The first invented a new category of law enforcement officer, the school marshal. These volunteers would have very limited authority, no pay, and would have to keep their handguns locked in a safe. The other law tasks Department of Public Safety with writing a training course to qualify CHL instructors to conduct school safety training. General campus carry for colleges was once again blocked, but a new law does allow college students with CHLs to secure firearms in their cars on campus. Concealed carry simplification included shortening the initial license class to four to six hours and eliminating the renewal class. The most welcome CHL change eliminated handgun categories. Applicants can shoot any type of legal handgun, .32 cal. or greater, and carry whatever they want. Travelers will benefit from a new requirement for a hotel with a restrictive firearms policy to place that policy on their reservation website and include information about it in written confirmations. Under another law you still have to carry so the average person doesn't know you're armed, but it will be harder to prosecute if, for instance, your gun prints through your shirt. Also, you can legally display the firearm if you are justified in using force, instead of waiting until deadly force was justified. Switchblade knives were removed from the list of prohibited weapons.

Today

Eighteen years after the Texas CHL program started, with over 3,000 instructors and more than 750,000 active CHLs, the Texas violent crime rate continues to drop. Texas residents with Texas CHLs can carry in 35 states. As happened in all the other CHL states, concealed carry is working just fine.