



## **FOP and IACP Issue Call to Action on H.R. 38:**

### ***Urges Congress to Reject Bill Over Major Changes on Officer Liability and Qualified Immunity***

Leadership from the U.S. House of Representatives recently announced that consideration of H.R. 38, the “Concealed Carry Reciprocity Act,” will be a priority when Congress returns. The National Fraternal Order of Police (FOP) and the International Association of Chiefs of Police (IACP), which collectively represent a majority of rank-and-file officers and police executives, have serious reservations about the impact this legislation would have on officer safety, officer liability, qualified immunity, and state and local gun safety laws.

The legislation exempts any person with a valid photographic identification from state or local firearms law who asserts that they are lawfully carrying a firearm under the laws of their own state of residence. This is problematic, but the most concerning provision of H.R. 38 is that it prohibits law enforcement officers from making any arrest or detaining a suspect for any violation of state or local law pertaining to the possession, transportation, or carriage of a firearm. This also includes several Federal laws such as carriage in school zones and Federally managed lands.

The bill goes further and provides that any person “who is deprived of any right, privilege, or immunity” may sue a law enforcement officer, who would not be afforded qualified immunity. This makes it impossible for an officer to conduct any investigation with respect to ascertaining if the person is in fact compliant with the firearms law in their state of residence. It would also expose the officer to civil liability if, for example, they were to secure the firearm while they conducted an investigation into other suspected criminal activity.

Officers would be expected to interpret and apply laws from all 50 states in real time, without reliable means to verify an individual's eligibility to carry concealed weapons, especially those from permitless carry states where no physical permit exists. This leaves law enforcement unable to confirm lawful possession during encounters, creating confusion and heightened risk in high-stakes situations.

## **Impact on Officer Safety and Legal Liability**

Law enforcement officers are most likely to encounter armed citizens when responding to a disturbance call or making a traffic stop. In 2024, 92 officers were shot when answering a disturbance call, 8 of whom were killed. In that same year, 49 law enforcement officers were shot during traffic stops, 12 of whom were killed. These two types of calls represent 44% of all officers shot in the line of duty in 2024. Officers handle these encounters differently if their suspect is armed or discovered to be armed. This is for their safety, the suspects' safety, and the public's safety.

If a driver from Vermont, a state that allows its residents to carry firearms without a license or permit, is stopped by a Virginia State Trooper, as soon as the driver provides a valid photographic identification and asserts he or she is lawfully carrying under the laws of Vermont, he or she has met the requirements of H.R. 38. The driver is not subject to any of Virginia's firearms laws, and because the bill includes provisions that allow individuals to sue law enforcement officers and agencies for detentions or arrests related to concealed carry, the Trooper would be placing himself in legal jeopardy in taking any action that could be later construed as depriving the driver of any rights or privileges. This would include securing the firearm to determine if the driver is impaired or engaged in other criminal activity unrelated to the firearm.

The inability to confirm whether someone is lawfully carrying a concealed firearm increases the risk of armed encounters and reduces situational awareness for officers in the field. No officer should be placed at greater risk just because they cannot use common practices—which officers in every jurisdiction are trained to do—when encountering an armed suspect.

## **Jeopardizes Qualified Immunity**

The bill also seems to cancel any qualified immunity for the officer as the right of Americans to bear arms is guaranteed by the Second Amendment. Qualified immunity protects officers from civil liability unless they violate clearly established statutory or constitutional rights. Any action the officer may take in reaction to the knowledge that the person they have encountered is armed could place that officer in very real legal peril.

As described above, officers who fear their actions may result in personal liability means that no encounter with an armed suspect would be routine or by the book—because this legislation rewrites the book.

## **Undermines State Sovereignty and Authority to Investigate**

Many states already recognize concealed carry permits from jurisdictions with comparable requirements, such as live training and enhanced background checks. These agreements respect state sovereignty and public safety without Federal overreach. This legislation would override these tailored arrangements and strip states of their ability to set and enforce their own standards for concealed carry. Instead of officers being thoroughly trained on their state and local gun safety laws, officers would be expected to interpret and apply laws from all 50 states in real time, without reliable means to verify an individual's eligibility to carry concealed weapons, especially those from permitless carry states where no physical permit exists.

## **Conclusion**

While the FOP and IACP support the Second Amendment and respect the rights of lawful and responsible gun ownership, the specific provisions of H.R. 38 present serious concerns for law enforcement officers. The bill's creation of personal liability for officers, combined with its erosion of state and local authorities to regulate firearms and conduct reasonable investigations of armed suspects, threatens officer safety and exposes agencies and officers to costly litigation.

For these reasons, the FOP and IACP urge the U.S. House of Representatives reject H.R. 38, the "Concealed Carry Reciprocity Act," should it come to the floor for a vote.

*The National Fraternal Order of Police is the oldest and largest law enforcement labor organization in the United States, with more than 382,000 members. The International Association of Chiefs of Police has more than 36,000 members in over 180 countries and is the world's largest association of law enforcement executives.*