



United States Department of the Interior
NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:
W42 (2465)

*****ELECTRONIC COPY ONLY – NO HARD COPY TO FOLLOW *****
January 9, 2009

Memorandum

To: Regional Directors
Attn: Superintendents

From: Associate Director, Visitor and Resource Protection /s/ **Karen Taylor-Goodrich**

Subject: Implementation of Concealed Firearms Rule

The final rule 36 CFR 2.4(h), takes effect today, Friday, January 9, 2009. It was published December 10, 2008 in the Federal Register (73 FR 74966). The Department of Justice and DOI Solicitors are still working to interpret this regulation from a legal implementation standpoint. Because of the ambiguity in the language of the regulation, we must remain flexible and exercise sound judgment in incidents involving concealed firearms.

The following is meant to provide general guidance regarding the enforcement of this regulation. Further guidance will be forthcoming pursuant to additional legal review.

- The principle behind concealed carry is strictly self defense; it does not confer the authority to assist law enforcement officials or use a firearm for any other reason. Further, the regulation does not allow a firearm to be carried in an open/visible manner. Anyone taking any type of action is acting as a private citizen, and will be judged by that legal standard.
- It does not allow the carry of firearms in federal buildings; the possession of firearms in those facilities is governed by Title 18 United States Code, Section 930, which makes it unlawful to knowingly bring a firearm or dangerous weapon into a federal facility. A federal facility is a building where federal employees are customarily at work.
 - Firearms prohibitions must be posted at public entrances to facilities in order to be enforced. Appropriate verbiage on signage is being reviewed and will be forthcoming.
- Laws in each state (by CFR definition, “state” includes territories) vary widely – there is no uniformity, so it is important to know the specifics of each state law; state law includes local ordinances (see definition of state law, 36 CFR §1.4). In addition, the law of the state in which the firearm is carried applies, not the law of the state in which it was issued. As an example, when a concealed carry permit holder from Colorado travels to Michigan, they must know and obey the restrictions imposed by Michigan state law on those who possess a concealed carry permit.
- Reciprocity between states is not consistent. A number of states have written, signed agreements for reciprocity in the acceptance of each others concealed carry permits. However, many states merely accept the concealed carry permits of another state, and there is no signed agreement. As a result, there may not be reciprocity. As examples, Alaska accepts concealed carry permits from 46 states that issue them, but 13 of those states do not recognize Alaska permits. Alaska has true

written reciprocity agreements with only 10 states. Ten states recognize Maine permits, but Maine does not recognize any other state.

- Many states issue non-resident permits as well as resident permits. Maine, for example issues resident and non-resident permits. It is possible for a resident of Indiana to get a Maine non-resident permit, and use it in Arizona, because Arizona accepts Maine resident and non-resident permits. The Indiana resident, however, could not use the permit in Michigan, because Michigan only recognizes Maine resident permits.
- The Law Enforcement Officers Safety Act of 2004 (18 USC 926B & C) allows concealed carry by active (in this case, when not in performance of official duties) and retired law enforcement officers without a permit, but they still must obey state and federal laws that prohibit possession in certain situations, such as the prohibition of firearms in federal facilities (18 USC 930). DOI regulations prohibit the possession of firearms by on-duty, non-law enforcement employees. (43 CFR 20.511)

We ask that any incident connected with this regulation, regardless of outcome, be reported through proper channels to the Office of Regulations and Special Park Uses. Please do not hesitate to contact Chief, Regulations and Special Park Uses, Philip Selleck, 202-208-4206 with questions or concerns.

cc: Associate Regional Directors of Operations
Regional Chief Rangers

Attachment