



License to Kill

How Lax Concealed Carry Laws Can Combine with Stand Your Ground Laws to Produce Deadly Results

By Arkadi Gerney and Chelsea Parsons September 2013

Introduction and summary

The shooting death of Trayvon Martin and George Zimmerman's subsequent acquittal have focused the nation's attention on expansive self-defense laws—so-called Stand Your Ground laws—that enable an individual to use deadly force even in situations in which lesser force would suffice or in which the individual could safely retreat to avoid further danger. Leaders from around the country, including President Barack Obama⁵ and U.S. Attorney General Eric Holder,⁶ have questioned how Florida's law—which is similar to laws enacted in 21 other states—may have contributed to the circumstances that led to Martin's death.

Yet the Martin case also implicates another set of laws: the state laws governing who may carry concealed firearms—the laws that put a gun in Zimmerman's hands in the first place. Under Florida law, even individuals such as Zimmerman, who have a criminal history and a record of domestic abuse, are generally entitled to a concealed carry permit, as long as they are not barred from gun possession under federal law and as long as their offense does not meet a very narrow range of additional exclusions under state law.⁷ If Zimmerman had applied for a permit in one of the many states with stronger permit requirements, his history of violence and domestic abuse would likely have disqualified him from obtaining a concealed carry permit. This case might then have had a very different outcome.

These bodies of law—Stand Your Ground and concealed carry permitting—concern issues that are traditionally left to the states. In many ways, these issues are appropriately decided at the state level; the self-defense and concealed carry laws of New Jersey should not be imposed on Montana and vice versa. But there is an appropriate federal role. The federal government should ensure that states do not enact laws that have racially disparate impacts or significantly jeopardize public safety.

Additionally, in recent years, the issue of concealed carry permitting has become a federal one. The National Rifle Association, or NRA, has encouraged Congress to enact legislation that would create a national concealed carry mandate superseding individual state permitting laws. The NRA has described such national “concealed carry reciprocity” as its “top priority,”⁸ and since 2009, NRA backers in Congress have repeatedly introduced legislation and amendments that would override existing state-law standards and create national concealed carry with standards of the lowest common denominator.⁹

In the pages that follow, we consider the intersection of Stand Your Ground laws and weak state permitting laws that allow potentially dangerous individuals to carry concealed, loaded weapons in public with little law enforcement oversight or discretion. This report begins with a review of Stand Your Ground laws, examining the net effect on public safety and the disparate racial impact of these laws. We then examine how weak concealed carry laws compound those dangers. In conclusion, we offer recommendations for how the states, the Obama administration, and Congress can work together to ensure that these laws enhance—rather than jeopardize—public safety.

As the states, Congress, and the administration confront the challenges created by the variety of state approaches to self-defense and concealed carry laws, they should seek to balance competing interests. On the one hand, there is a legitimate state interest in tailoring laws to the particular needs and circumstances of its citizens; on the other, there is a federal interest in ensuring that such laws are applied equitably and do not jeopardize public safety. Likewise, it is important to respect the rights of responsible, law-abiding gun owners while protecting the public safety of all citizens. Achieving this balance will require an enhanced role by the Department of Justice in evaluating Stand Your Ground laws, congressional scrutiny of efforts to undermine states’ strong concealed carry laws, and more careful state-level reviews of the benefits and risks of these two bodies of law and how they intersect.

The Center for American Progress is a nonpartisan research and educational institute dedicated to promoting a strong, just, and free America that ensures opportunity for all. We believe that Americans are bound together by a common commitment to these values and we aspire to ensure that our national policies reflect these values. We work to find progressive and pragmatic solutions to significant domestic and international problems and develop policy proposals that foster a government that is “of the people, by the people, and for the people.”

Center for American Progress

