

## National Park Carry FAQ

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### National Park Carry FAQ

**Q: When does this new law take effect?**

**A: 12:01am February 22, 2010**

However, it is strongly recommended that you give it 12-24 hours of “buffer time” before exercising your right to carry.

**Q: Is the new law for Concealed or Open carry?**

**A: It depends on your state laws.**

The relevant section (612) of HR627/PubLaw 111-24 states

“The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and
- (2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

In short, this means that the rules and restrictions are now the same as they would be anywhere else in the state.

So in Virginia, for example, if it is legal for you to own/possess a firearm, it would be legal to Open carry, and also to Concealed carry (with a valid CCW permit) that firearm. In some parks (Yellowstone) that cross multiple boundaries you also need to be aware of WHERE you are.

**Q: What about information stations and concession stands?**

**A: Any restricted federal buildings must be clearly posted as such.**

The interior of a federal building (this includes any rest stops, information centers, and concession stands bearing the National Park Service logo) falls under Title 18, Sec 930 “Possession of firearms and dangerous weapons in Federal facilities” ( <http://tinyurl.com/yg2zhwb> )

However, Title 18, Sec 930 does stipulate the following

- (h) Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and notice of subsection (e) shall be posted conspicuously at each

public entrance to each Federal court facility, and no person shall be convicted of an offense under subsection (a) or (e) with respect to a Federal facility if such notice is not

so posted at such facility.

So there shouldn't be any confusion as restricted buildings MUST BY LAW be "posted conspicuously" that weapons are not permitted. If it's not posted, it's not restricted (Unless you have been notified by an authorized person and asked to leave because then you've had "actual notice" under subsection H...<sigh>).

**Q: What if I am confronted by a park official who doesn't know the new law?**

**A: Co-operate with the park official and lodge an official complaint later.**

If you are confronted by a park official who does not seem to know the changes in the law it is not unreasonable to ask if they are aware of the changes in the law, however you should cooperate fully with any instructions/directions from that park official while at the same time trying to collect enough information (name, rank, position, title, badge#) to enable you to lodge a formal complaint later.

**However, if a park official asks you to leave a building (even one without a sign) you should do so without delay (see the note about "subsection H" above).**

-----**The boring details if you want them**-----  
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**Relevant Text from HR627/PubLaw 111-24 Section (512) "Protecting Americans From Violent Crime"**

Available online at <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:h.r.00627:>

[DOCID: publ024.111]

CREDIT CARD ACCOUNTABILITY RESPONSIBILITY AND DISCLOSURE ACT  
OF 2009

HR 627 become Public Law 111-24  
111th Congress

SEC. 512. <<NOTE: 16 USC 1a-7b.>>

PROTECTING AMERICANS FROM VIOLENT CRIME.

Approved May 22, 2009.

(a) Congressional Findings.--Congress finds the following:

(1) The Second Amendment to the Constitution provides that "the right of the people to

keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of--

- (A) the National Park System; and
- (B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009--

- (A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and
- (B) the new regulations--
  - (i) are under review by the administration; and
  - (ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) Protecting the Right of Individuals To Bear arms in Units of the National Park System and the National Wildlife Refuge System.--The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if--

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

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LEGISLATIVE HISTORY--H.R. 627 (S. 414):

HOUSE REPORTS: No. 111-88 (Comm. on Financial Services).

SENATE REPORTS: No. 111-16 accompanying S. 414 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 155 (2009):

Apr. 29, 30, considered and passed House.

May 11-14, 19, considered and passed Senate, amended.

May 20, House concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):

May 22, Presidential remarks.

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## **Relevant Text from Title 18, Sec 930**

### **“Possession of firearms and dangerous weapons in Federal facilities”**

( <http://tinyurl.com/yg2zhwb> )

TITLE 18--CRIMES AND CRIMINAL PROCEDURE

PART I--CRIMES

CHAPTER 44--FIREARMS

Sec. 930. Possession of firearms and dangerous weapons in Federal facilities

(a) Except as provided in subsection (d), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal facility (other than a Federal court facility), or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both.

(b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

(c) A person who kills any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, or attempts or conspires to do such an act, shall be punished as provided in sections 1111, 1112, 1113, and 1117.

(d) Subsection (a) shall not apply to--

(1) the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or

supervise the prevention, detection, investigation, or prosecution of any violation of law;

(2) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or

(3) the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to hunting or other lawful purposes.

(e)(1) Except as provided in paragraph (2), whoever knowingly possesses or causes to be present a firearm in a Federal court facility, or attempts to do so, shall be fined under this title, imprisoned not more than 2 years, or both.

(2) Paragraph (1) shall not apply to conduct which is described in paragraph (1) or (2) of subsection (d).

(f) Nothing in this section limits the power of a court of the United States to punish for contempt or to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any building housing such court or any of its proceedings, or upon any grounds appurtenant to such building.

(g) As used in this section:

(1) The term ``Federal facility" means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.

(2) The term ``dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

(3) The term ``Federal court facility" means the courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the United States marshal, probation and parole offices, and adjoining corridors of any court of the United States.

(h) Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and notice of subsection (e) shall be posted conspicuously at each public entrance to each Federal court facility, and no person shall be convicted of an offense under subsection (a) or (e) with respect to a Federal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a) or (e), as the case may be.