

# The Washington Post

## Growth chart of right to carry

By David Kopel, Updated: February 17 at 8:14 pm

The chart below shows how Shall Issue laws for the licensed carrying of firearms for self-defense have become the American norm.

As of 1986, slightly less than 10% of the U.S. population lived in states where there were objective and fair procedures for the issuance of concealed handgun carry permits. About a third of the population lived in states where there was not even a process to apply for a permit. The majority of the population lived in states where issuance in permits was highly discretionary, and many issuing authorities refused to issue to ordinary law-abiding citizens.

By 2014, the percentage of people living in the Red states, with no possibility of even applying for a permit, has declined to zero. Illinois' 2013 reforms ended the problem of states not even having an process theoretically available. (The problem persists in DC, but this chart is only for states.)

As of January 2014, about 2/3 of the population lived in a Green state, with a Shall Issue licensing statute.

Purple states (concealed carry is allowed without need for a permit) have increased from Vermont only in 1986 to several states comprising about 4% of the population. Currently, the Purple states are Alaska, Arizona, Arkansas, Vermont, and Wyoming (residents only).

The Yellow states (arbitrary permitting) were the national norm in 1986, but they are now outliers. Unless the 9th Circuits' decision in *Peruta* is overturned, California and Hawaii will have to become Shall Issue states.

This will leave Yellow states at less than 1/7 of the U.S. population.

Moreover, some parts of the Yellow "may issue" states are already issuing permits as if they were Green. In New York, Massachusetts, Rhode Island, and Delaware, permits are issued by local authorities, and in some jurisdictions, local authorities issue in a manner consistent with respect for the right to bear arms. Permits are rarely issued in Maryland, and are extremely rare in New Jersey.

The six hold-out states are increasingly isolated. Not counting tiny Rhode Island and Delaware, the four larger hold-out states each are all bordered mainly by Green states. (Mass. by upper New England and Connecticut; NY by Penn., Vt., and Conn.; NJ by Penn.; Maryland by Penn., Vir., and WV). It should also be noted that in two of Delaware's three counties, permit issuance is often approximately what a Green state would do.

Rhode Island is *sui generis*. There are two licensing statutes: a “may issue” statute for the Attorney General, and a “shall issue” state for municipalities. Getting a municipality to follow the statute and issue a permit may require great persistence, and even that is not always successful.

It is interesting to compare the above chart to the map showing the demise of laws against “sodomy” (oral or anal sex), between 1970 and 2003. On the eve of *Lawrence v. Texas*, there were still 13 states which had sodomy statutes.

Thanks to Rob Vance for gathering the data and producing the chart.