

Approved: 3-6-96
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 20, 1996 in Room 519-S of the Capitol.

All members were present except:

Committee staff present: Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Representative Gary Hayzlett
Jim Kaup, City of Topeka
John Estes, Paola
Don Moler, League of Kansas Municipalities
Terry Leatherman, KCCI
Chester Richards, Kansas City
Captain Dave Burger, Lenexa Police Department
Stephen Cox, Chief of Police, Leawood

Others attending: See attached list

The Chairman announced the minutes from February 6, 7, 8, 13 and 14 were distributed. Testimony had been distributed from the following who would not be appearing, i.e., George R. Pisani, The Kansas State Rifle Association, Inc. a proponent, (See Attachment #1), Gerry Ray, Intergovernmental Coordinator, Johnson County Board of Commissioners, an opponent (See Attachment #2) and testimony from Rebecca Rice, Legislative Counsel for Kansas Retail Liquor Dealers Association, neither a proponent or an opponent, on HB 2560 that had a hearing on February 14, 1996 (See Attachment #3).

The Chairman opened the hearing on HB 2885 - Licensure to Carry Concealed Firearms.

Mary Torrence, Revisor of Statutes gave a briefing on HB 2885, stating the bill was similar to the concealed carry bill last year. The bill would provide for license to carry concealed hand pistols or revolvers. The license shall be in a form, prescribed by the bureau, that is approximately the size of a Kansas driver's license and shall bear the licensee's signature, name, address, date of birth and driver's license number or nondriver's identification card number. The licensee must carry the license, together with a valid Kansas driver's license or Kansas nondriver's identification card, at all times in which the licensee is in actual possession of a concealed weapon and must display both the license and proper identification upon demand by a law enforcement officer. Violation of the provisions of this subsection shall constitute a class B nonperson misdemeanor.

Representative Gary Hayzlett, a proponent for HB 2885, stated there was input in the compilation of this bill from the police people throughout the state, input from attorneys and a great number of people and think that out of the 28 states that were looked at allow that form of concealed carry. This is what we think of as a model bill. The restrictions and prohibitions are tremendous. The old saying is that everyone will have a gun, but if you look at this bill that just won't happen.

Jim Kaup, stated the City of Topeka is in strong opposition to HB 2885. The bill is both a threat to public safety and represents an unjustified and harmful intrusion by the State upon a subject local governments have historically regulated. (See Attachments #4 & 5)

John W. Estes, Paola, testified in opposition to HB 2885, stating there is a law that allows citizens the right to carry a firearm, as long as the weapon is carried in the open. The deepest concern with this irresponsible legislation is the message it sends to young people. If the right to carry concealed firearms in the state of Kansas becomes law, we would be telling children that society has become frightened with a vigilante mentality. (See Attachment #6)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S
Statehouse, at 1:30 p.m. on February 20, 1996.

Don Moler, General Counsel, League of Kansas Municipalities, testified opposing **HB 2885**, stating the League by and through its member cities, opposes the state preemption of local laws regulating the use of concealed weapons in our state. League records indicate that cities in Kansas have had the power to regulate all types of firearms within their communities since at least 1863. (See Attachment #7)

Terry Leatherman, Executive Director, Kansas Industrial Council, Kansas Chamber of Commerce and Industry, testified opposing **HB 2885**, stating the policy question of expanding the rights of citizens to carry a concealed weapon has prompted a divided response from KCCI members, but both sides are very passionate about their opinions on this issue. In an October survey by KCCI, two questions were asked concerning concealed weapons. In the first question, on whether the members support legislation to require officials to issue a concealed weapons permit to any law-abiding citizen that has successfully completed a firearms safety course, the vote was close. Fifty-seven percent opposed the idea while 43% supported the proposal. However, there was near unanimous support (96%) to the second question. That question asked if a business owner retains the right to determine work place policies which could preclude employees and customers from carrying a concealed weapon onto the business premises during hours of employment. With this overwhelming expression of business support in mind, KCCI respectfully requests consideration of the following amendment.

“Nothing in this act shall be construed to prevent any public or private employer from limiting, restricting or prohibiting in any manner persons licensed under this section from carrying a concealed weapon on the premises of a business or during any period of employment.” (See Attachment #8)

Chester Richards, Kansas City, stated the right of the people to keep and bear arms, shall not be infringed. The state’s attempt to “license or permit” is an attempt to reduce an absolute right to a privilege of which the city, state or federal government by exerting influence can revoke. (See Attachment #9)

Captain David Burger, Lenexa Police Department, testified opposing **HB 2885**. Captain Burger stated the joined in all the comments of his colleague Chief J. Steven Cox of the Leawood Police Department. Society is angry and increasingly violent. At one time a homicide investigation gave investigators something to go on. There were relationships, conspiracies, partnerships, marriages, divorces, feuds and a continuing list of historical touchstones to rely on to provide some reason for the murderous result. That does not exist today. The final option is the only option in the flashfire confrontations that are in the papers everywhere. The whole history leading to the event is only seconds or minutes long. There is nothing to uncover. No relationship or history to reconstruct. The logistics of requiring proper training for deserving civilian applicants with the price of the application make it impossible to provide. (See Attachment #10)

J. Stephen Cox, Chief of Police, Leawood, testified in opposition to **HB 2885**, stating that violence, particularly that committee with firearms, is an epidemic in this country. Making firearms more readily available will not make the problem go away. For whatever reason, people in general are angry at government, at their employers, at their families, at other motorists, at strangers. Mr. Cox urged defeat of **HB 2885**. (See Attachment #11)

The Chairman closed the hearing on **HB 2885** and stated the hearing would continue on February 21.

Representative Standifer moved and Representative Mason seconded to approve the minutes of February 6, 7, 13 and 14 as written and with changing the place of meeting to Kansas Bureau of Investigation on February 8. The motion carried.

The meeting adjourned at 3:10 p.m.

The next meeting is scheduled for February 21, 1996.

FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE: February 20, 1996

NAME	REPRESENTING
Joe Grant	KCC
John Fagan	* WAF
Scott Haddock	Self
Kim Berry	Guest
Don Palmer	Self
Joseph Nave	Self
Greg Brownfield	Intern
Maggie Briggs	FOP
Steve White	Self
Whitney Damon	Kansas Bar Association
PAUL DEGENER	SELF
Don Moler	League of KS Municipalities
Leslie Camp	SELF
DAVID BURGER	LENEXA POLICE DEPT
Stephen Cox	Leawood Police Dept.
Tan Burgess	Ks. Second And. Society
Jim Zele	B.L.F.
Tom Brown	Alumni Assoc.
Tom Hayselder	Shawnee K. Police Dept.

Ben Barnett	Self
R. Hodgdon	Self
Chelma Mann	Self
Gay Mann	Self
Arthur Hering	Self
Harold Plimmet	Self
John C. Ely	Self
Stella Thirkell	KSNT TV
M. Shields	Harris News
Markus Pappan	KBI
AM Thompson	Self
Shelley Robertson	Self

FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE: Feb 20, 1996

NAME	REPRESENTING
Dean Schweninger	U, Methodist Church - Interfact Impact
DAVID B. SCHLOSSER	PETE MCGILL & ASSOC.
Helen Stephens	KPOA/KSA
Jeff Johnson	Monitor "inter" Kearney & Assoc.
Jennifer Brown	Overland Park Chamber of Commerce
Walter Smith	Kc Co. Commission Assoc.
Lyle Sylvester	Interfact Impact
John Estes	Citizen and MA/Notre Dame Coalition
Jack Selbe	Citizen for firearms
Israel Johnson	W Eagle
David Smith	Reg Smith
Pamela S. McAlden	City of Overland Park
Ken L. Brandberry	City of Overland Park
Mike Taylor	City of Wichita
John Coughan	Interested Bystander
Charles Richards	Self

The KANSAS STATE RIFLE ASSOCIATION, Inc.



affiliated with the National Rifle Association
serving the SHOOTERS, HUNTERS, COLLECTORS, and PLINKERS of Kansas

17 February 1996

Rep. Garry Boston, Chair, House Federal and State Affairs Committee

Dear Rep. Boston:

In lieu of attending its hearing (which work prevents me from doing) I write in strong support of HB2885, now referred to the House Federal and State Affairs Committee for consideration. The bill provides a formal mechanism for law-abiding Kansans to be issued a permit to carry a concealed firearm for personal protection. During House debate of the bill last year, I presented testimony supporting it; I cited philosophical as well as statistical reasons for this support (copy enclosed).

Since last year, new data from unbiased sources attest to the effectiveness of these laws in other states. The FBI has released its 1994 Uniform Crime Report, and as we expected, states that allow their citizens to carry firearms have a lower overall violent crime rate than states that do not. In fact, the violent crime rate in states that had right-to-carry laws throughout 1994 was 21% lower; the homicide rate was 28% lower; the rape rate was 1% lower; the robbery rate was 35% lower, and the aggravated assault rate was 14% lower. In Florida, whose right-to-carry law is often used as a model for other states, the homicide rate dropped 6.7% in 1993-1994, translating into a 26.8% (27%) drop since adopting right-to-carry in 1987. Between 1987-1994, the U.S. homicide rate rose 8.4%. As for the total violent crime rate -- Florida's has risen 11.9% since right-to-carry, but the U.S. rate has risen 17.4%.

I here wish to reaffirm my support (as an individual, and also as Chair of the Kansas State Rifle Assoc. Legislative Committee) for this bill in its **as-introduced, unamended form**, and to emphasize a point made by several persons other than me who presented testimony in favor of the bill— part of the demonstrated crime-suppression success of this sort of law in other states is a direct consequence of making these permits broadly available to qualified citizens. Women in particular have been very receptive to the empowering aspect of these laws. Saddling the system with high fees and a stifling administrative bureaucracy (like a separate State Board, padded with employees) would be **TOTALLY** contrary to the hopes of many citizens. The citizens testifying in favor of HB2885 are, I assure you, the tip of the iceberg. Last year's hearings demonstrated that.

One of the biggest obstacles facing this bill has been the demand for "home rule" by several larger municipalities. This issue is being addressed by a separate but related bill this session. Crime is not restricted to big cities. Increasingly, it spills out of them into rural areas and smaller municipalities. Mobile criminals work their "trade" in more than one big city, undeterred by big city law enforcement. Therefore, to my mind the concept of home rule does NOT bear relevance to this issue. The State needs to pre-empt control of ALL gun-related legislation NOW, while we are in the early stages of the flood of humanity from either coast that is resettling here. How ironic that the cities with the highest violent crime rates are the most averse to trusting trained citizens with personal protection. If they want home rule, let them keep their crime at home!

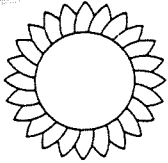
Quite pessimistically, I anticipate that our Attorney General's staff, certain of whom have vigorously sought to saddle this bill's predecessors with a host of restrictive bureaucratic amendments that would effectively negate its valuable provisions, will once again seek to do so. The considerable support we have rallied FOR this bill applies **solely** to the unamended version. We have NO interest in supporting a flawed measure that thereafter we shall have to work to "reform." The cold facts of life are that criminals have been carrying concealed weapons for years without government sanction. In response, so are an increasing number of Kansans who are well trained in the use of defensive firearms, as well as in the complex decision-making that accompanies such use. The KBI and certain other politically-motivated law-enforcement agencies would have us believe that only police can make such decisions. That frankly is like saying that only police can learn to drive a car safely and fast. It's pure, unadulterated rubbish.

I hope that the diversity of arguments in favor of HB2885 again will sway the Committee, and thereafter the House, to support this bill decisively. I anticipate that passage of this bill may in fact be the most influential crime-control measure passed in Kansas in many years.

Sincerely,

George R. Pisani
George R. Pisani

xc: copies for HF&SA Comm. members



Johnson County
Kansas

February 20, 1996

TO: House Federal and State Affairs Committee

FROM: Gerry Ray, Intergovernmental Coordinator
Johnson County Board of Commissioners

SUBJ: HB 2885

Johnson County opposes HB 2885 based on a concern for the welfare of our citizens and law enforcement officers.

The people in Johnson County have a reasonably safe and secure environment in which to live and rear their families. It is the County's responsibility to preserve the existing conditions as closely as possible. Current law allows a license to be obtained to carry a gun where it can be seen. If the theory supporting concealed carry is the belief the public will be better protected from becoming a victim of violence, the question must be answered as to why concealing a weapon is better than carrying it in the open where it can be seen by everyone, including a potential attacker.

The safety factor for law enforcement officers is obvious. If concealed carry is passed, when an officer approaches an individual or a vehicle there will be no way that officer can know what will be encountered. It can be argued that the same danger exists now, however if it is made legal to conceal guns on the person or in a vehicle, the odds of endangering the officer go up significantly.

Most Kansas communities are not burdened with a high crime rate compared to the national level. Why then is there a need to encourage the average citizen to arm themselves for protection? Johnson County does not consider HB 2885 a change that is necessary nor is it in the best interest of Kansas communities and their citizens. The Committee is urged to reject this proposal.

Fed. State
2-20-96
Atch #2

**TESTIMONY PRESENTED TO THE
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
re: HB 2560**

February 14, 1996

**by: Rebecca Rice
Legislative Counsel for Kansas Retail Liquor Dealers Association**

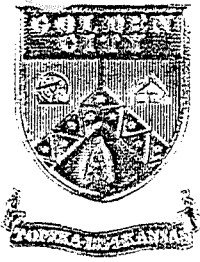
Mr. Chairman, I am Rebecca Rice, representing the Kansas Retail Liquor Dealers Association. We are neither an opponent nor a proponent of HB 2560. However, because it does affect retail liquor dealers, I felt it would be helpful to the committee to express why we have no definitive position on the bill.

We are supportive of the language which prohibits limited liability companies from having a retail liquor license. We are cautious about limited liability partnerships also being allowed to have a retail liquor license. We don't know that we are opposed to that idea. We simply want to remind the committee that extending liability coverage due to artificial business structures should be examined very carefully before that liability is extended when it is for a retail liquor license.

The section of the bill which strikes the language which requires an outside entrance to the licensed retail liquor premises is troublesome for us. I have many members who have had numerous problems with the "vestibule" requirements between their party shop and their liquor store. It has caused innumerable problems for the ABC and my clients to determine compliance. I have other members who are absolutely adamant that the vestibule requirement must remain in place to avoid a situation where the grocery store and the liquor store have separate licensed premises, but there is no wall separating the two. Our association has attempted, with the assistance of the ABC, to determine a way to solve the vestibule problem while not eliminating the prohibition which retains the wall between the grocery store and the liquor store. We have not yet found that solution. Therefore, some of my members, in order to eliminate the chronic vestibule problem, would probably support this repealer language. I have others who would vehemently oppose this repealer.

Thank you, Mr. Chairman. I would be happy to stand for questions.

*Fed & State
2-20-96
Atch # 3*



CITY OF TOPEKA

City Council
215 E. 7th Street Room 255
Topeka, Kansas 66603
Phone 913-295-3710

LEGISLATIVE TESTIMONY CITY OF TOPEKA HOUSE BILL 2885

TO: Chairman Boston and Members, House Committee on Federal and State Affairs

FROM: Jim Kaup, City of Topeka

DATE: February 20, 1996

RE: **HB 2885--Carrying Concealed Weapons**

The City of Topeka appears in strong opposition to HB 2885. This bill is both a threat to public safety and represents an unjustified and harmful intrusion by the State upon a subject local governments have historically regulated.

I. STATE LICENSE TO CARRY CONCEALED WEAPONS

HB 2885 proposes to create a statutory right to carry concealed handguns and other weapons. This right would be held by any Kansan licensed by the State to carry that weapon. The KBI would be required, by Section 3, to issue a license to any adult Kansan who "desires a legal means to carry a concealed weapon for lawful self-defense" if that Kansan can pass basic screening related to prior criminal convictions, alcohol or drug use, mental and physical condition and proof of completion of a firearm safety and training course.

Topeka, like a large number of cities in Kansas, has an ordinance which parallels the state law crime of unlawful use of weapons, K.S.A. 21-4201 (Ord. No. 16-664). That statute, and the Topeka ordinance, generally make the carrying of a concealed weapon a crime. HB 2885 proposes to: (1) create a large exception to the state law to allow, upon licensure, most Kansans to carry concealed weapons into most places in this state, and (2) invalidate the ordinances of Topeka and those of other cities to the extent they conflict with the exercise of this new statutory right.

The City does not offer testimony today regarding how many of the 67,000,000 handguns in this country are owned by Kansans. We do not know how many Kansans would exercise this new right to carry their handgun, or other weapons, concealed on their person. Nonetheless, it is entirely reasonable to assume HB 2885 would put more guns on the streets than there are now. A representative of the Topeka Police Department will tell you that our City's police officers will know that more of the drivers they pull over for traffic offenses will have handguns concealed on their person. Shopkeepers will know that more of the people coming through their doors will be armed.

HB 2885 prohibits carrying a concealed weapon onto a few specified areas (e.g. a courtroom or elementary school). Is it reasonable to believe the licensee will understand it is lawful to carry a concealed handgun into a convenience store but unlawful to take it into a tavern, okay to carry it into a restaurant but not into a high school gymnasium, lawful to take it into a day-care center, nursing home or hospital but not into a polling place, okay to take it to a city park or playground but not into the city council meeting room?

HB 2885 flies directly in the face of common sense recognition that we have too many guns, not too few. That guns are too easy to acquire and carry, not too hard.

This Committee will undoubtedly hear again this year the objections law enforcement officers have to this liberalizing of the firearms laws. The City will defer to those officers for a description of the real-world consequences of a state policy promoting carrying concealed weapons. We would remind you, however, that it is local government which will feel the effects of HB 2885. It is local governments which provide the vast majority of law enforcement. Topeka alone has 272 law enforcement officers -- the Kansas Highway Patrol has 602 sworn officers. Kansas cities have many more times the number of law enforcement officers than the State of Kansas has. This is no surprise, as it is a fundamental purpose of local governments to protect the public's safety. Local government law enforcement officers are the ones who will feel the consequences of this bill if it is passed. Cities, and their police departments, believe any proposal which would result in more guns being carried into public places is a dangerous threat to the public's safety. We think the good logic of that position speaks for itself.

II. STATE PREEMPTION OF LOCAL AUTHORITY

While the threat it poses to public safety is adequate reason to oppose HB 2885, the City's strongest objection to this bill relates to Section 12, which amounts to state preemption of local lawmaking regarding carrying a concealed weapon. The City's "1996 State Legislative Policy Statement" provides: "The City opposes any legislative efforts to restrict or preempt local home rule authority to regulate ownership, possession or use of firearms." The City is a staunch defender of Constitutional Home Rule. We advocate the effective, lawful use of that power of self-government. Home Rule has been responsibly, and necessarily, used with respect to firearm regulation.

A. Home Rule in General.

Home rule is predicated on the assumption that matters of local affairs and government should be open to local solution and experimentation to meet local needs. Different communities will perceive a problem, such as gun control, differently and therefore adopt different measures to address the problem. Those local solutions should remain free from interference by those who disagree with the particular approach chosen by the people of a particular community.

This Committee should remember that the Kansas Home Rule Constitutional Amendment does not prohibit the legislature from enacting laws relating to local affairs and government. The State of Kansas and the City of Topeka may both legislate on the same subject -- obviously both the State and the City have legislated on this subject. In the event of conflict between local law and state law, the clear rule is that the state law prevails. *The State can establish a state license to carry a concealed weapon without preempting local authority to regulate the same subject.*

B. Home Rule Powers of Kansas Cities to Regulate Firearms.

Municipal regulation of firearms is well-recognized as a lawful exercise of the general police power, justified as protective of the general welfare. Such local regulation has been long-recognized as lawful in Kansas, preceding Home Rule by many years. For example, an 1887 decision of the Kansas Supreme Court, City of Cottonwood Falls v. Smith (36 Kan. 401) was one of the first cases upholding the power of cities to enact ordinances prohibiting the discharge of firearms within city limits.

One of the Kansas Supreme Court's most detailed examinations of the Home Rule Constitutional Amendment dealt with this issue of city laws regulating firearms. The decision in that case, Junction City v. Lee, 216 Kan. 495 (1975), stands not only as controlling law on the scope and use of Constitutional Home Rule in Kansas, it also reveals the Court's sensitivity to the importance of Home Rule -- the need for the people, through their local governments, to be able to respond to local conditions and circumstances that demand local solutions. The Court said:

The governing bodies of some cities may conclude they are sufficiently protected by the state statutes on weapons control but that is their business. Evaluation of the wisdom or necessity of the Junction City enactment of a weapons control ordinance more rigid than statutory law is not within our province, although the city fathers undoubtedly were aware of the fact that in situations where passions or tempers suddenly flare easy accessibility of weapons, whether carried openly or conceal, may contribute to an increased number of fatalities, and further that their own problem is rendered more acute by the presence of an adjoining military reservation from whence combat troops trained in the use of handguns and knives sometimes repair to the city during off-duty hours.

III. CONSTITUTIONAL RIGHT TO BEAR ARMS FOR SELF-DEFENSE

Section 12 of HB 2885 refers to what this bill's supporters must believe to be an individual's constitutional right to bear arms for purposes of self-defense. The City objects to placing such language in the Kansas statutes when the "right" referenced to is not recognized under either the Kansas Constitution or the United States Constitution.

If the Kansas legislature wishes to see such a right established in the Kansas Constitution it may initiate that by passage of a concurrent resolution. However merely stating in a statute that such a right exists does not make it so. Attachment A to this testimony shows how the courts have interpreted the relevant provisions of the state and federal constitutions on this point. The bottom line is clear: *neither the Second Amendment to the Constitution of the United States nor Section 4 of the Kansas Bill of Rights guarantees an individual's right to bear arms.*

IV. ACTION REQUESTED

A. **The City opposes HB 2885 and requests Committee action to kill the bill.** We ask you to be respectful of the 100 year-plus tradition of joint state-local regulation of firearms. Understand that by preempting local lawmaking authority and adopting a single statewide rule you are guaranteeing that the legislature will face requests each year for new laws necessary to address local situations and concerns -- which today are handled by Home Rule.

B. If the Committee believes the risks to the public safety which we expect to result from placing more firearms on the streets are acceptable, then **in the alternative we request HB 2885 be amended** to address the same glaring defects in the proposed state licensing procedure which we pointed out to you last year in HB 2420. These amendments would give the City of Topeka some means to lessen the threat this legislation poses to our citizens.

1. **Preserve the liberal construction clause of the Kansas Constitution favoring the exercise of Home Rule in matters of local affairs:**

Revise Section 2 to delete "throughout the state" (line 19, page 1) and delete Section 12, the first, fourth and fifth sentences, to preserve the tradition of joint local-state regulatory authority with respect to firearms. (Delete language in lines 6:12 and 19:22 of page 7.)

2. **Premises Where Concealed Weapons Would Remain Banned.** HB 2885 does select a few locations where it apparently is felt that the "right" of "honest, law-abiding" persons to provide for their self-defense by carrying concealed guns is outweighed by the risk created by those guns for judges, jailers and legislators. It is presumptuous for the legislature to say that it knows better than 627 elected city governing bodies, and 105 elected boards of county commissioners, which local premises a person should not be allowed to carry a concealed weapon.

Therefore we request Section 8 be amended to add a subsection "(n) any other premises, property or structure when so designated by ordinance of a city or resolution of a county."

In the alternative the Committee should consider expressly designating the following places which are not now on the Section 8 list:

- places of worship
- funeral establishments
- city halls
- hospitals, clinics, blood banks and other medical facilities
- mental health facilities and mental retardation/developmental disabilities facilities, including state hospitals, community centers, group homes, crisis homes, and respite care facilities
- day-care facilities
- publicly-owned or operated cultural or recreational facilities such as city parks and playgrounds, Topeka Performing Arts Center, Expocentre, Heartland Park Raceway
- safe houses for victims of domestic violence or child abuse

There are at least two other glaring omissions to the list in HB 2885: (1) business places are open to the public -- why should not a store owner be able to forbid persons from carrying guns into his or her private property? (2) workplaces -- many employers, private and public, have taken the advice of insurance companies and lawyers and have adopted personnel rules and regulations which prohibit bringing guns onto the workplace. HB 2885 appears to invalidate such employment contracts. In both of these instances there is the scent of a compensable "taking" of private property rights in the air.

3. Licensure and License Revocation Requirements. Either expressly authorize local governments to adopt qualifications for licensure and license revocation in addition to those set out in Section 3, or in the alternative, add the following qualifications to those set out in Section 3:

- conviction of any crime involving the use of a firearm
- conviction of assault or battery in connection with domestic violence per K.S.A. 21-3408 or K.S.A. 21-3412 or comparable law of another jurisdiction
- conviction of child abuse, per K.S.A. 21-3609 or comparable law of another jurisdiction

4. Public Costs. To ensure that those who enjoy their new statutory privilege do not exercise it totally at the expense of the public:

- authorize local governments to require licensed persons to carry liability insurance
- authorize local governments to impose a concealed weapons permit fee
- authorize local governments to enact laws requiring a holder of a state concealed weapons license to identify himself or herself to the appropriate law enforcement agency upon entering the local jurisdiction

5. **Public Records.** Amend Section 5 to clarify that lists of license holders' records are open to public inspection under K.S.A. 45-215 et seq.

6. **Discrimination in Licensure Qualifications.** Section 3 lists categories of people who apparently do not merit a "right" to have concealed weapons for self-defense, or who suffer from a label that makes them something less than "honest, law-abiding" persons. In creating these categories HB 2885 discriminates against persons with disabilities. On its face HB 2885 is violative of the Kansas Acts Against Discrimination, K.S.A. 44-1001 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.

e.g. page 1, line 41: "... does not suffer from a physical infirmity ..."
page 2, lines 3:4: "... mentally ill person or involuntary patient ..."
page 2, lines 11:12: "... committed for the abuse of alcohol ..."
page 2, lines 20:24: "... has not been adjudged a disabled person . . ."
page 2, lines 24:29: "... has not been an involuntary patient pursuant to the treatment act for mentally ill persons . . ."

ATTACHMENT

FEDERAL AND STATE CONSTITUTIONAL RESTRICTIONS ON FIREARMS REGULATION

- A. **The SECOND AMENDMENT to the federal constitution, according to the intent of the Founding Fathers and interpretations of the U.S. Supreme Court, guarantees the states the right to maintain a well-armed militia. It does not guarantee individuals the right to bear arms.**

The Second Amendment states: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The intent of the framers of the Second Amendment was to establish a collective right of the people to bear arms so that the states, through their militias, could check the national standing army. In interpreting the Second Amendment, the U.S. Supreme Court has consistently held that the Second Amendment was intended to protect members of a state militia from being disarmed by the federal government. In Presser v. Illinois, 116 U.S. 252 (1886), the U.S. Supreme Court ruled that an Illinois law prohibiting fraternal military groups drilling with firearms did not violate the Second Amendment. The Court held that the Second Amendment limited only federal firearm regulations, not state regulations. Unlike other Bill of Rights provisions, the Second Amendment to the constitution has not been interpreted as applying to the states through the Fourteenth Amendment due process clause. See Adamson v. California, 332 U.S. 46 (1947). In United States v. Miller, 307 U.S. 174 (1939), the Supreme Court again reaffirmed that the purpose of the Second Amendment was to assure a continuation of state militia.

- B. **SECTION 4 OF THE KANSAS BILL OF RIGHTS does not limit the legislature's power to enact laws prohibiting the carrying of arms or other deadly weapons. Similar to the U.S. Constitution, there is no guarantee of an individual's "right" to bear arms to be found in the Kansas Constitution.**

Section 4 of the Kansas Bill of Rights states: "The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power."

In its first interpretation of Section 4, the Kansas Supreme Court in 1905 upheld a municipal conviction of a person carrying a pistol while intoxicated. Salina v. Blaksley, 72 Kan. 230 (1905). The Court noted that: "The provision in Section 4 of the bill of rights that 'the people have the right to bear arms for their defense and security' refers to the people as

a collective body. It was the safety and security of society that were being considered when this provision was put into our constitution. It is followed immediately by the declaration that standing armies in time of peace are dangerous to liberty and should not be tolerated, and that 'the military shall be in strict subordination to the civil power.' It deals exclusively with the military; individual rights are not considered in this section." 72 Kan. 231-232. (Emphasis added)

In City of Junction City v. Lee, 216 Kan. 495 (1975), the Kansas Supreme Court rejected the argument that Section 4 of the Bill of Rights is worded sufficiently differently from the Second Amendment to the U.S. Constitution to create the right of an individual to carry a gun under the Kansas Constitution. Noting that the Court had long since laid the matter to rest, the Court reaffirmed the interpretation that Section 4 of the Kansas Bill of Rights refers to the people as a collective body, not as individuals.

Attachment-2

4-8

HOUSE FEDERAL STATE AND AFFAIRS COMMITTEE
SUBMITTED TESTIMONY BY LT. TERRY STEVENS
HOUSE BILL 2885

Members of the committee, I submit testimony on behalf of the Topeka Police Department in opposition to House Bill 2885. The Topeka Police Department opposes this bill from the standpoint of both officer safety and citizen safety.

Police officers currently realize that anyone found to be in possession of a concealed weapon in all probability and with rare exception are in violation of existing laws. Enactment of this law would create a serious doubt on the part of an officer whether a violation is occurring or not. A split second hesitancy on the part of an officer in trying to determine the legality of a concealed weapon could have serious consequences for that officer.

As trained professionals, police officers must be cognizant that an encounter with a citizen, whether it would be in a traffic stop, the checking of a reported suspicious person, or even a domestic dispute might result in a dangerous and potentially armed conflict. While this potential exists today, the enactment of this legislation would serve only to heighten the precautionary measures taken by officers for their safety. Assumptions by officers that a citizen contact might result in a dangerous situation would now be elevated to at least a level of most probable.

Initial actions on the part of an officer toward a citizen, to assure the officer's safety, could result in both a misunderstanding and embarrassment by a citizen and quite possibly result in increased complaints against officers for improper conduct. Also, an unknowing and inadvertant reaction by a citizen carrying a concealed weapon could have serious and potentially fatal consequences.

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In reviewing the proposed legislation, the Topeka Police Department also has concerns related to the licensing requirements of citizens to carry concealed weapons. The designated license period is four years. A licensee has only to demonstrate proficiency with a handgun once every four years. Comparably, officers of the Topeka Police Department are required to demonstrate proficiency four times a year. Even licensed security guards in the City of Topeka must requalify with their weapons yearly. Additionally, there is no requirement that the weapon used by a citizen to initially become licensed be the weapon that would be routinely carried. Individuals with only limited knowledge of handguns realize that even similar types of weapons have their own uniqueness. Drastic differences exist when comparing the functions and operations between a revolver and a semi-automatic handgun.

In considering the requirement to license individuals for carrying concealed weapons and mandating proficiency tests and legal training prior to the granting of a license, the legislature must determine if sufficient resources are available throughout the state to accommodate these requirements. Enactment of this legislation in absence of sufficient resources could only encourage the violation of this law.

In concluding my testimony, I would submit there are citizens in this state that are in fact more proficient in the handling of handguns than many professional police officers. However, the vast majority of citizens affected by this legislation would be required to have only minimal training once every four years to satisfy licensing requirements. The ability to shoot a handgun for a qualifying score at a non moving paper target is only one small part of overall training. Knowledge of laws governing use of force and especially deadly force are in fact the basic foundation for licensing in this legislation. These laws are consistently changing as a result of court decisions and legislative action. Citizens would

not have the benefit of updated and continuous training in the changes of law or the possible consequences of their actions should they decide to use force, especially if certification only occurred once every four years.

Based on the previously stated concerns, the Topeka Police Department opposes favorable passage of House Bill 2885.

February 20, 1996

Testimony of John Estes, Paola, KS
To Kansas House of Representatives
Federal and State Affairs Committee

SUBJECT: Concealed Weapons HB 2885

I appear before you today because of my deep concern for House Bill 2885, that would permit Kansans to carry concealed firearms.

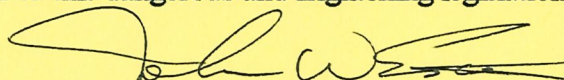
We already have a law that allows citizens the right to carry a firearm, as long as the weapon is carried in the open for all to see. I fail to comprehend the rational thinking that would further encumber access to that weapon by hiding it beneath a coat or in a purse.

As a former United States Army Special Forces officer during the Vietman era, I can assure you that I am not a stranger to firearms, either foreign or domestic. Please believe me when I tell you that most armed private citizens, even with required training, are at a distinct and perilous disadvantage to a desperate criminal.

I believe that most criminals don't want to kill their victims. But if the criminal aggressor is concerned that the other person might be carrying a concealed weapon, then I would perceive that the victims' chance of survival could be significantly diminished. A simple "bang" from the gun of the criminal could very well replace the traditional demand to "stick 'em up!"

Perhaps my deepest concern with this irresponsible legislation is the message it sends to our young people. If the right to carry concealed firearms in the State of Kansas becomes law, we will be telling our children that we have become a frightened society, with a vigilante mentality. When these children see their paranoid parents carrying a hidden gun, what are they to think? Maybe, just maybe, they perceive that it's Okay to carry a gun, just like Mom and Dad.

At a legislative breakfast held February 10th in Paola, Kansas, an overwhelming majority of the 120 plus pro active citizens in attendance, clearly indicated by a show of hands, that they were opposed to concealed weapons. Representative Jene Vickrey, a member of this committee, was there, and surely could see that most members of his community, and my community, are opposed to this dangerous and frightening legislation.



John W. Estes
116 Waterworks Rd
Paola, KS 66071
913-294-3160

F.S.A
2-20-96
Atch #6



League of Kansas Municipalities

Legal Department • 300 S.W. 8th Topeka, KS 66603 • Telephone (913) 354-9565 • Fax (913) 354-4186

Legislative Testimony

TO: House Federal and State Affairs Committee

FROM: Don Moler, General Counsel

RE: Opposition to HB 2885

DATE: February 20, 1996

First of all, the League would like to thank the Committee for allowing us to appear today in opposition to HB 2885. I cannot overstate how strongly the League of Kansas Municipalities by and through its member cities, opposes the state preemption of local laws regulating the use of concealed weapons in our state. This is a fundamental question that the legislature should not undertake lightly. League records indicate that cities in Kansas have had the power to regulate all types of firearms within their communities since at least 1863. Over the 133 years which have elapsed since that time, we believe that cities throughout the state have acted reasonably and rationally on behalf of their citizens to regulate firearms in a responsible manner. HB 2885 strikes at the very heart of home rule authority of cities in Kansas and is a complete contradiction and contravention of the historical nature of firearm control in Kansas. Proponents of this legislation disregard not only the home rule authority of cities and their responsiveness to their citizens, but also disregard the illustrious history of the State of Kansas and the public policy decisions that have been made over the past 133 years to allow cities to regulate firearms within their geographical boundaries.

The League has a long standing policy against any state preemption to prohibit cities from regulating firearms. Specifically in the **1995-1996 Statement of Municipal Policy**, which was adopted by the membership of the League of Kansas Municipalities at its annual convention in October 1995, Section G-7 entitled **Firearms Regulation** states as follows:

"We oppose any legislative efforts to restrict or preempt local home rule authority to regulate firearms, including the possession or discharge of firearms in public places within cities."

This direct statement essentially represents the entire history of gun control in Kansas. Cities have been protecting their citizens since the state was founded and are expected to do that today.

In contrast, current state statutes controlling firearms are typically very broad in scope and limited in application. They essentially make it unlawful to: carry concealed weapons; give or dispose of a firearm to a person addicted to a controlled substance or who is a felon; remove or deface the identification marks of a firearm, unlawfully discharging a firearm upon or across the land of another; and possession of a firearm within the state capitol building. Most substantive regulation of firearms in Kansas is done at the local level.

*Fede State
2-20-96
Atch # 7*

I suspect it would shock most Kansans that state law does not prohibit the carrying of an unconcealed weapon even today. Perhaps we are not as far away from Dodge City of the 1870's as we might like to think, especially when serious consideration is given to allowing virtually anyone in the State to carry a concealed weapon. We at the League believe cities have used their power reasonably, effectively and prudently in regulating guns within their boundaries. We would point out that if the citizens of a given city believe that a governing body has overstepped its bounds in the area of gun control, or any other area for that matter, they have the ability to remove elected governing body members from office at the ballot box and replace them with a governing body who will pass ordinances and other local regulations more to the citizenry's liking.

We believe that this legislation is simply a first step by a few special interests to do away with effective gun control in Kansas. We should not deceive ourselves into believing that the State of Kansas is truly in the gun control business, it isn't. Most gun control regulation is and has been done at the local level since statehood. We see no reason to change this long-standing policy which has served the state well for many, many years.

Finally, I would direct your attention to the handout that I have attached to my testimony which is taken from the 1866 Code of the City of Lawrence, Kansas. I have replicated the cover and pages 147 through 149. This is the general nuisance ordinance of the City of Lawrence which was approved on January 12, 1863. I thought that Sections 9 and 10 would be interesting and informative for the Committee today.

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K-152

CHARTER,

OTHER POWERS,

ORDINANCES

CITY OF LAWRENCE,

COMPILED BY ORDER OF THE CITY COUNCIL.

SAMUEL KIMBALL, COUNCILMAN,
E. V. BANKS, CITY ATTORNEY, } COMPILING COMMITTEE

LAWRENCE:
KANSAS STATE JOURNAL STEAM POWER PRESS PRINT.
1886.

NUISANCES.

147

[No. 34.]

An Ordinance Relating to Nuisances.

- | | |
|-----------------------------|---------------------------------|
| 1. Deposit of dead animals. | 6. Removal of nuisances. |
| 2. Refusal to remove. | 7. Notice to abate. |
| 3. Privies. | 8. Bathing in the Kaw. |
| 4. Slaughter houses. | 9. Discharging firearms. |
| 5. Filth. | 10. Carrying concealed weapons. |

Be it ordained by the Mayor and Councilmen of the City of Lawrence :

SECTION 1. Any person who shall deposit, or cause to be deposited, any dead animal upon any ground within the limits of this city, shall be subject to a penalty of not less than five nor more than twenty-five dollars.

SEC. 2. Any person, the owner of any dead animal which shall be found lying upon any ground within the limits of this city, who shall neglect or refuse to remove the same within one day after notice to remove the same shall have been given by the marshal, shall be subject to a penalty of not less than five nor more than twenty-five dollars.

SEC. 3. The owner of any privy in this city, or the owner of any lot in this city, upon which any privy is or may be erected, which is or may become offensive to persons residing in the neighborhood, shall remove or cleanse, or cause the same to be removed or cleansed within five days after notice shall be served upon him by the city marshal to remove or cleanse the same; and any person who shall neglect or refuse to remove or cleanse any privy as aforesaid, shall be subject to a penalty of not less than five nor more than fifteen dollars.

SEC. 4. Any slaughter house which now is, or may hereafter be erected within the limits of this city, which is or shall become offensive to the inhabitants of the neighborhood, shall be removed out of the bounds of this city within ten days after notice shall be given to remove the same by the city marshal. Any person or persons, the owner or owners of any slaughter house, as above mentioned, who shall neglect or

7.4

refuse to remove the same within the time above specified, shall be subject to a penalty of not less than ten nor more than twenty-five dollars.

SEC. 5. Any person who shall deposit any excrement, or filth, or refuse, or any vegetable or animal matter, or any substance whatsoever, which is or may become offensive in any street or place within the limits of this city, shall be liable to a penalty of not less than two or more than ten dollars; and all persons who shall or may have deposited any excrement or filth, or refuse, or any vegetable or animal matter, as aforesaid, are required to remove the same within one day after receiving notice to remove the same, from the city marshal, under a penalty of not less than two nor more than five dollars.

SEC. 6. It shall be the duty of the city marshal, in all cases of nuisance committed under the provisions of this ordinance, where the offending party is not known, or cannot be found, to remove and abate, or cause to be removed or abated, all nuisances so committed within a reasonable time, at the expense of the city; and in all cases where such offending party is known or can be found, but who neglected or refuses to obey the provisions of this ordinance, the city marshal shall remove and abate, or cause to be removed and abated, such nuisances, at the cost and expense of the party so neglecting or refusing to abate or remove the same.

SEC. 7. The city marshal shall have authority to notify persons to abate and remove nuisances as described in sections two, three, four and five of this ordinance, only upon written complaint made of the existence and continuance of such nuisance, by two residents of the city.

SEC. 8. It shall be unlawful for any person between the hours of five o'clock, A. M., (forenoon) and sun set, to bathe in a state of nudity in the Kaw river within the limits of this city. Any person offending against the provisions of this section shall be fined not less than one dollar.

SEC. 9. Whoever shall, within the city, discharge any fire-arms, except by permission of the mayor, or when mustered for drill or review, or otherwise acting under the command or by permission of some commissioned officer, or except when done in self-defense, or for the protection of gardens from destructive animals, shall be, upon conviction thereof, fined not less than five dollars.

SEC. 10. Any person who shall in this city have or carry concealed or partially concealed, upon his person, any pistol, bowie knife or other deadly weapon, shall, on conviction, be fined not less than one nor more than ten dollars: *Provided*, This section shall not apply to peace officers of the city or state. The carrying of a weapon in a holster, exposed to full view, shall not be deemed a concealed or partially concealed weapon under this section.

S. K. HUSON, Mayor.

Approved, January 12, 1863.

[No. 35]

An Ordinance Amending "An Ordinance Relating to Nuisances."

Be it ordained by the Mayor and Councilmen of the City of Lawrence:

SECTION 1. That section seven of "An Ordinance relating to nuisances," approved, January 12, 1863, be and the same is hereby amended so as to read as follows: Section 7. The city marshal shall have authority and it shall be his duty to notify any and all persons whose duty it shall be so to do; to remove any nuisance or nuisances mentioned in said ordinance.

SEC. 2. That this ordinance shall be in force from its publication.

Approved, December 7, 1866.

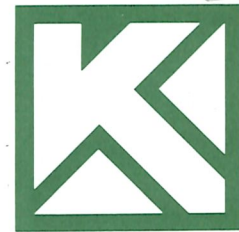
Attest: W. H. B. LYKINS, Mayor.

H. O. SHOLES, City Clerk.

7-6

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry



835 SW Topeka Blvd. Topeka, Kansas 66612-1671 (913) 357-6321 FAX (913) 357-4732
HB 2885

February 20, 1996

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

House Committee on Federal and State Affairs

by

Terry Leatherman
Executive Director
Kansas Industrial Council

Mr. Chairman and members of the Committee:

My name is Terry Leatherman. I am the Executive Director of the Kansas Industrial Council, a division of the Kansas Chamber of Commerce and Industry. Thank you for this opportunity to explain a concern the members of the Kansas Chamber have regarding the issue contained in HB 2885.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 46% of KCCI's members having less than 25 employees, and 77% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

The policy question of expanding the rights of citizens to carry a concealed weapon has prompted a divided response from KCCI members, but both sides are very passionate about their opinions on this issue. In an October survey by KCCI, we asked two questions concerning the concealed weapons issue. In the first question, on whether our members support legislation to

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r e officials to issue a concealed weapons permit to any law abiding citizen that has succes. completed a firearms safety course, the vote was close. Fifty-seven percent opposed the idea, while 43% supported the proposal. However, there was near unanimous support (96%) to our second question. That question asked if a business owner retains the right to determine work place policies which could preclude employees and customers from carrying a concealed weapon onto the business premises during hours of employment. With this overwhelming expression of business support in mind, KCCI respectfully requests consideration of the following amendment to HB 2885.

"Nothing in this act shall be construed to prevent any public or private employer from limiting, restricting or prohibiting in any manner persons licensed under this section from carrying a concealed weapon on the premises of a business or during any period of employment."

The KCCI-suggested amendment was drawn from employer's rights provisions in bills which became law last year in Oklahoma and Texas. It attempts to address the core concern Kansas employers have with concealed weapons bills by making clear that granting an affirmative right to citizens to carry concealed handguns for self defense does not change the traditional rights of employers to set rules regarding this issue for their work place.

It has been suggested that employers will maintain their right to establish a work place gun control policy, without the need of the KCCI amendment. People making that point may be right. However, even if they are, it will require costly litigation to decide this legal question. As a result, if the authors of this bill do not wish to interfere with an employer's rights in this area, the KCCI amendment should be supported as a method to clarify intent and to avoid an inevitable legal challenge.

It is also important for this Committee to consider that employer's right to establish work procedures in this area may not prevail in court. In terms of employment policy, there have been public policy exceptions to the "employment-at-will" doctrine which have been accepted by courts. Further, when you consider that HB 2885 provides exceptions to concealed carry rights on page five of the bill, it becomes conceivable a court could rule legislative intent was to abandon employer's

ri in this area, since it was included in the exceptions portion of the legislative portion of bill.

Regardless of the legal questions, KCCI's position on HB 2885 is basic. If a person receives a concealed weapons license, as permitted in this bill, KCCI believes an employer should have the clear right to tell the person to leave their gun at home when they are at work. In addition, KCCI feels a business owner has the right to turn customers away at the door if they are carrying a properly licensed concealed weapon. KCCI is only asking for what the authors of HB 2885 granted themselves by exempting legislative meetings from places where concealed handguns are permitted by requesting insertion of an employer's rights amendment into HB 2885.

Thank you for the opportunity to comment on HB 2885. I would be happy to attempt to answer any questions.

I WOULD LIKE TO PRESENT TO THIS COMMITTEE THE FACT THAT "THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS, SHALL NOT BE INFRINGED." AND THE STATES ATTEMPT TO "LICENSE OR PERMIT" IS AN ATTEMPT TO REDUCE A ABSOLUTE RIGHT TO A PRIVILEGE, OF WHICH THE CITY, STATE OR FEDERAL GOVERNMENT BY EXERTING INFLUENCE CAN REVOKE. A ABSOLUTE RIGHT CANNOT.

ALL ELECTED PERSONS HAVE TAKEN THE OATH TO UPHOLD THE CONSTITUTION OF THE UNITED STATES, THIS APPLIES TO APPOINTED AS WELL, AT CITY, STATE AND FEDERAL LEVELS. THIS INCLUDES JUDGES AS WELL.

THE FEDERALIST PAPERS THAT WERE WRITTEN IN THE FORMATION PERIOD OF OUR COUNTRY. POINTED OUT MANY REASONS FOR THE THINKING OF THE FOUNDERS OF THE CONSTITUTION. IN FORMING THE CONSTITUTION THE FOREFATHERS LAID OUT THE "UN-INALIENABLE, AND ABSOLUTE RIGHTS" THE PEOPLE HAVE IN "THE BILL OF RIGHTS" OR THE FIRST 10 AMENDMENTS.

THE RIGHT TO KEEP AND BEAR ARMS IS AN "ABSOLUTE RIGHT" AS EXPRESSED BY WILLIAM BLACKSTONE IN HIS "COMMENTARIES ON THE LAWS OF ENGLAND" VOLUME ONE. HIS WRITINGS WERE USED AS THE PRIMARY SOURCE FOR THE WRITING OF THE CONSTITUTION. HE STATES THAT MAN HAS ALWAYS USED WEAPONS TO PROTECT HIMSELF AND FAMILY THEIR HOME AND AS THEY TRAVELED" . IT IS NOT MUCH DIFFERENT TODAY. THE CITIES ARE REFEREED TO AS JUNGLES.

THE STATE OF KANSAS JUDICIAL SYSTEM HAVE MADE ITS DECISIONS NOT ON THE CONSTITUTION BUT UPON OTHER COURT DECISIONS. SOME OF WHICH ARE FLAWED.

IN UNITED STATE V. CRUIKSHANK ET AL.

6. THE RIGHT TO BEAR ARMS IS NOT GRANTED BY THE CONSTITUTION; NEITHER IS IT IN ANY MANNER DEPENDENT UPON THAT INSTRUMENT FOR ITS EXISTENCE. THE SECOND AMENDMENT MEANS NO MORE THAT THAT IT SHALL NOT BE INFRINGED BY CONGRESS, AND HAS NO OTHER EFFECT THAT TO RESTRICT THE POWERS OF THE NATIONAL GOVERNMENT.

A PERSON NOT UNDERSTANDING THIS DECISION MIGHT DRAW THE WRONG CONCLUSION FROM ITS WRITING

1. A RIGHT CANNOT BE GRANTED WHEN IT ALREADY EXIST.
2. IT CANNOT BE DEPENDENT UPON THE CONSTITUTION BECAUSE IT ALREADY EXIST.
3. CONGRESS SHALL NOT INFRINGE UPON THOSE RIGHTS

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THE FACT THAT THE CONSTITUTION ONLY APPLIES TO THE NATIONAL GOVERNMENT IS IN ERROR. THE CONSTITUTION WAS WRITTEN BY THE PEOPLE AND PLACED THOSE RESTRICTIONS ON ITS GOVERNMENTS CITY, STATE AND NATIONAL GOVERNMENT . THE WORD STATES APPEARS AS WELL IN THAT DOCUMENT.

Presented

Chester Richards

3418 N 71st

KE Ks. 66009

413-299-3744



February 20, 1996

TO: Kansas House Federal and State Affairs Committee
FROM: Captain David A. Burger *DB*
SUBJ: Opposition to Concealed Carry and Local Preemption
Legislation

Mr. Chairman and Members of the Committee:

It is my purpose to express opposition to the concealed carry legislation before you. I join in all the comments of my colleague Chief J. Steven Cox of the Leawood Police Department and will make my own comments brief.

I am a Captain with the Lenexa Police Department in my 27th year of law enforcement. My career path is fairly typical given a variety of assignments and experiences. I now command a 13 person Investigative unit, and can make the following observations based on all of the above.

Society is angry and increasingly violent. I don't know all the frustrations involved with making it angry and I don't know all of the factors involved with making it violent, but it is.

At one time, a homicide investigation gave you something to go on. There were relationships, conspiracies, partnerships, marriages, divorces, feuds and a continuing list of historical touchstones you could rely on to provide some reason for the murderous result. That doesn't exist today.

The final option is the only option in the flashfire confrontations that are in the papers everywhere. The whole history leading to the event is only seconds or minutes long. There is nothing to uncover. No relationship or history to reconstruct.

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Atch #70*

As I said, I am in my 27th year of law enforcement. In that time, I have been required to train regularly for proficiency and for judgment under stress in practical shoot/don't shoot scenarios. The logistics of requiring similar training for deserving civilian applicants with the price of the application make it impossible to provide. The sponsors must know intuitively the importance of this kind of training as proven by the one year waiver granted to retiring law enforcement officers.

Finally, I have a 22 year old son who was hired as a Police Officer six months ago by the Shawnee Police Department. Three of those six months were spent in the Johnson County Police Academy, and the three months since his graduation have been spent in Shawnee in the Field Training Program. In his basically three months on actual patrol with a Field Training Officer, my son has had to draw his weapon more times than I have in my 27 years. As a father, that scares me to death.

Since, as I see it, the intent of this legislation is to put guns on the street, I appeal to you as a father and as a law enforcement officer to oppose it and pass it out of committee with an unfavorable recommendation.

Thank you.



LEAWOOD POLICE DEPARTMENT

9617 LEE BOULEVARD, LEAWOOD, KANSAS 66206

(913) 642-5555

FAX (913) 642-2238

February, 1996

TESTIMONY IN OPPOSITION TO PROPOSED CONCEALED WEAPONS AND PREEMPTION LAWS

Violence, particularly that committed with firearms, is an epidemic in this country. Making firearms more readily available will not make the problem go away. For whatever reason, people in general are angry - at government, at their employers, at their families, at other motorists, at strangers.

Effect in Reducing Crime

In my opinion, the theory behind concealed weapons laws is flawed. The assumption that armed citizens will be able to stem the tide of crime is spurious, at best. Proponents will offer the argument that the incidence of violent crime has been reduced in states with concealed weapons laws. Is there a cause and effect? This is far from proven. The number of homicides in Kansas City, Missouri dropped significantly between 1994 and 1995, but citizens there have no right to carry concealed weapons. Crime is a social phenomenon, and crime statistics vary widely from year to year. To my knowledge, no one factor has ever been identified to cause such variations.

Background Checks

All concealed weapons laws are predicated on background checks which will weed out those unsuitable to be issued permits. This assumption is erroneous, as it assumes anyone without a known record of certain disqualifiers (felony convictions, mental illness, drug abuse, etc.) is suitable for a carry permit. Much of this information is not documented in police or any other public records; for example, mental illness is treated as a medical condition, and medical records are not subject to disclosure. Drug and alcohol abuse may never come to police attention in the form of arrests. Many violent criminals may have no felony convictions due to plea bargaining. Many mass killers have had no disqualifying criminal records, including the man who murdered nearly two dozen people in Killeen, Texas. Thus, he would have likely qualified to carry a concealed weapon!

GUIDING PRINCIPLES

- THE EXTRA MILE IS OUR STANDARD • WE ARE HERE TO PROTECT, HELP, AND REASSURE THE COMMUNITY •
- HOW WE GET THE JOB DONE SETS US APART • WE ARE FAIR BUT FIRM • THE ATTITUDE IS AS IMPORTANT AS THE JOB •

FISA
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Training in the Use of Firearms

The minimal training requirements which accompany concealed weapons laws are insufficient to insure more than elementary proficiency in the use of a firearm. Further, proper firearm use is a function of three different elements: judgment, reaction, and accuracy. Most people can be taught to shoot accurately, but of course conditions on a range do not equate to those encountered in the stress of an armed confrontation. Average reaction will also suffice in most situations, but reaction is adversely affected by fatigue, medication, alcohol, and any number of other factors. The most critical component, however, is that of judgment. Is this a situation in which the use of deadly force is appropriate? Is it safe to shoot? Do I have a clear field of fire? Judgment is also clouded by anger, stress, fatigue, medication, and chemicals.

Law enforcement officers train regularly with their weapons, in general at least four times per year. Failure to qualify results in the loss of the officer's commission until such time as he or she can demonstrate the required level of skill. However, this "hands on" training is continually reinforced through policy, training, and updated legal information. The average citizen will not have the time or resources to insure that knowledge, skill, and judgment are kept up to date, which is the only way we can insure officers react properly when faced with a potential deadly force situation.

Shooting is not a simple physical exercise; merely being able to fire a weapon and handle it safely is not sufficient.

Legal Considerations

It has been my observation throughout my 25-year law enforcement career that the average citizen believes that he or she has much more latitude to use deadly force than the law truly allows. How many times have we heard the "folklore" that if you shoot an intruder outside your home you should drag the body inside, because it's okay to kill someone in your house? Such a belief is nonsense; the law in Kansas doesn't condone killing a person simply because he has entered your house. It also assumes that the police are so inept we'll never be able to figure out what really happened. So what is the law? When can you use force? How much force can you use?

How many average citizens can discuss Tennessee vs. Garner? If they want to carry weapons they ought to be familiar with this case. Does Kansas law give a citizen more authority to use deadly force than it gives the police? People need to understand the restrictions. I will never forget the sight of a resident holding three pre-teens at the point of a high-powered rifle because they had broken a pane of glass out of his gas yard lamp. Even in the mid-1970's vandalism was not a capital offense.

Are citizens aware of the civil liability implications of using or misusing deadly force? Most police agencies are somewhat shielded because of constant reinforcement through training and policy. Agencies still get sued, and when they make mistakes they pay dearly, but prevention is the key to protection.

The law relating to the use of deadly force is very specific, yet it is subject to interpretation and it is regularly modified by the courts. There is a vast difference between criminal and civil sanctions for improperly using deadly force, and anyone who wants to carry a weapon should be fully versed in all the legal considerations.

Personal Considerations

I doubt that many people have any concept of the personal ramifications of using deadly force. It's very easy to say we could "blow someone away" if it was warranted; it's another matter altogether to deal with the consequences of such an action. Recognize it or not, we are generally products of a society with an ethical and moral code which teaches us "thou shalt not kill." Even police officers who correctly and justifiably use deadly force often suffer feelings of guilt and remorse, and they require psychological assistance to deal with these feelings. FBI research tells us that most law enforcement officers involved in fatal shootings leave the profession within 18 months of the event because they are unable to deal with the negative feelings resulting from the killing of another person.

Public Policy Considerations

Although the issue of carrying concealed weapons is frequently presented as an idea with widespread public support, that position is not necessarily fact. Two studies with which I am familiar paint a much different picture.

In both Michigan and Illinois, statistically valid random polls showed that the public was not in favor of concealed weapons laws. The Illinois study demonstrated that nearly 75% of the population believed that such a law was not desirable. Interestingly, even owners of handguns generally disfavored the idea. Information on these studies is attached.

I recall reading of a similar poll of Kansans reported in the *Kansas City Star*. The results were very much the same. It should also be noted that Kansas and Illinois are similar in many respects - a few widely scattered urban areas with a predominantly rural, agricultural base in the majority of the state.

If a concealed weapons law is to be considered, it seems appropriate for the voters of the state to tell us that they favor such a law before one is adopted.

The other public policy consideration involved in this legislation is that of preemption. I feel very strongly that preemption of local regulation is unwise and counter to the public interest. Kansas law recognizes the diversity of the state in granting many home rule powers to local communities. What works in rural southwestern Kansas does not automatically fit in Johnson County and vice versa simply because both locales are in the same state. Local authorities should have the right to control the carrying and use of weapons in a manner appropriate to local needs, conditions, and traditions.

Officer Safety

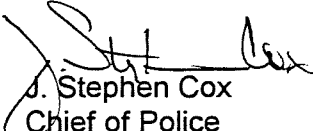
Last, but far from least, is the matter of officer safety. Law enforcement officers face enough risk coping with armed criminals; armed citizens, even with good intentions, pose additional hazards. Confrontations with criminals are rarely controlled and orderly. As a rule they are stressful and often chaotic. The addition of another distraction - an armed citizen - simply increases the risks for all involved. Who is this person running up carrying a gun? Is he another suspect, or is he a citizen trying to help? How can I tell? How much attention can I pay to him, drawing my focus away from the criminal? How is he going to react?

Officers often have to deal with armed, terrified people who believe someone is trying to break in to their homes. The officer in such a situation is much more at risk than any possible perpetrator. We find armed motorists who, right or wrong, feel threatened and are so paranoid that they may react violently to anything out of the ordinary such as a police officer in an unmarked car who stops them for a traffic violation.

I urge you to defeat this legislation, or to at least require that the issue of concealed weapons and preemption be placed before all the voters of Kansas so that you may see for yourselves whether these are truly matters of widespread public support.

Thank you for your consideration.

Sincerely,


J. Stephen Cox
Chief of Police
Leawood, Kansas

Illinois Statewide Survey on Public Attitudes toward Concealed Handguns

April 13, 1995

conducted by

The Illinois State Police
and
the Survey Research Office,
Institute for Public Affairs,
Sangamon State University

The Illinois Statewide Survey on Public Attitudes toward Concealed Handguns was conducted through telephone interviews with 1,403 randomly-selected citizens. Interviewing took place from April 8 through April 12, 1995.

Presented below are the survey sample numbers and sampling errors for selected groups, at the 95 percent confidence level. That is, 95 times out of 100, the actual population percentages will be within the error range of the percentage results in the survey.

<i>Population group</i>	<i>Number</i>	<i>Error</i>
Statewide	1,403	+/- 2.6%
Statewide males.....	563	+/- 4.1%
Statewide females	839	+/- 3.4%
Cook County	445	+/- 4.7%
Other counties in Chicago metro area	399	+/- 4.9%
Counties outside the Chicago metro area	558	+/- 4.2%
Households not owning handgun	1,061	+/- 3.0%
Households owning handguns.....	249	+/- 6.2%
Cook County		
Males	174	+/- 7.4%
Females	270	+/- 6.0%
Other counties in Chicago metro area		
Males	175	+/- 7.4%
Females	224	+/- 6.6%
Counties outside the Chicago metro area		
Males	213	+/- 6.7%
Females	345	+/- 5.3%

Results have been adjusted so that the survey sample is representative of the public in terms of the three regions and in terms of gender.

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Summary of Findings

Whether citizens should be allowed to carry concealed handguns. Nearly three-quarters (74%) of the statewide public believe that citizens should NOT be allowed to carry concealed handguns. This belief is held by vast majorities in every regional and gender group. Over 80 percent of females in the Chicago metropolitan area believe this. Half of the respondents in households which own a handgun also hold this belief.

Whether would feel more safe or less safe if citizens could carry concealed handguns. By a three-to-one margin, more statewide respondents feel they would be LESS SAFE rather than MORE SAFE if citizens could carry concealed handguns. For the question which asked about carrying concealed handguns *in cars and while walking around outside*, 65 percent said they would feel less safe while 22 percent said they would feel more safe. For the question which asked about carrying concealed handguns *into public places -- like stores and restaurants*, 62 percent said they would feel less safe while 18 percent said they would feel more safe.

Females in the Chicago suburbs outside of Cook County are particularly likely to believe that they would feel less safe rather than more safe (79% vs. 10% for the car/walking around question and 77% vs. 12% for the public places question). Nearly half of the respondents in households with a handgun said they would feel less safe rather than more safe for both questions.

Consequences for crime. By a margin of nearly three-to-one, more of the statewide public believe that crime will increase rather than decrease if citizens are allowed by carry concealed handguns (46% vs. 16%). About 30 percent think it will make no difference.

At least half of the following groups believe that crime will increase: females (53%), those in households without handguns (53%), and Cook County residents (50%). Nearly one-quarter (24%) of males believe that crime will decrease, but even more of them believe crime will increase (38%) and believe crime will remain the same (32%). Those respondents in households with a handgun are divided, with 36 percent believing crime will decrease, 52 percent believing there will be no difference in crime, and 29 percent believing there will be an increase in crime.

Consequences for accidental shootings. Just over 70 percent of the statewide public believe that accidental shootings will increase if citizens are allowed to carry concealed handguns. This belief is held by two-thirds to three-quarters of both males and females and by the public in each of the three regions. It is also held by nearly 60 percent of the respondents in households with a handgun. One-in-six (17%) believe that there will be no difference while one-in-twenty (6%) believe that there will be a decrease in accidental shootings.

Attitudes toward two selected requirements if Illinois allows citizens to carry concealed handguns. If Illinois allows citizens to carry concealed handguns, over 70 percent of the statewide public believe citizens should be required to show that they have a real need for protection before they are allowed to carry one. This belief is held by vast majorities of every regional and gender group as well as by 60 percent of the respondents in households with a handgun.

If Illinois allows concealed handguns, over 80 percent of the statewide public believe that citizens who carry concealed handguns should be required to have liability insurance. This finding holds for both males and females, for each of the three regions, and for those in households with and without handguns.

Statistical Summary of Results

Question 1: Do you think citizens should be allowed to carry concealed handguns?

	Yes	No	Neither/ DK/NA*
Statewide Results	19.2%	73.8%	7.0%
Results by Gender: Male	26.2%	67.8%	6.0%
Female	12.8%	79.5%	7.7%
Results by Region**:			
Cook County	14.9%	77.1%	8.0%
Rest of Chicago Metro Area	21.2%	73.7%	5.1%
Rest of State	23.3%	70.1%	6.6%
Results by Household Handgun Ownership:			
Do Not Own Handgun	13.4%	82.3%	4.4%
Own Handgun	45.3%	50.9%	3.8%
For Cook County			
Male	20.1%	71.3%	8.6%
Female	10.4%	82.6%	7.0%
For Rest of Chicago Metro Area (Rest of MSA)			
Male	30.9%	63.4%	5.7%
Female	10.7%	84.8%	4.5%
For Rest of State			
Male	31.0%	66.7%	2.3%
Female	16.8%	73.0%	10.1%

*In this table and others, "DK" refers to those who said they did not know, and "NA" refers to those who did not give a response to the question. "Neither" in the tables refers to those who would not give a "yes" or "no" response or who not choose between the responses given.

**Counties outside of Cook County in the Chicago metropolitan area (in the Chicago MSA) were defined in this project as: Lake, DuPage, Kane, McHenry, Will, Kendall, Grundy, and DeKalb.

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Question 2: Which of the following two statements comes closer to your view ...

One: I would feel safer if I could carry a concealed handgun in my car and while walking around outside.

or

Two: I would feel less safe if I knew other citizens could carry concealed handguns in their cars and while walking around outside.

Concealed handguns in cars and while walking around outside

	<i>One: Feel safer if I could carry concealed handgun</i>	<i>Two: Feel less safe if others could carry concealed handgun</i>	<i>Neither DK/ NA</i>
Statewide Results	22.4%	64.8%	12.9%
Results by Gender: Male	29.5%	57.8%	12.7%
Female	15.7%	71.2%	13.0%
Results by Region: Cook County	20.0%	64.2%	15.8%
Rest of Chicago MSA	20.4%	70.3%	9.3%
Rest of State	26.5%	62.5%	11.0%
Results by Household Handgun Ownership:			
Do Not Own Handgun	17.0%	72.5%	10.5%
Own Handgun	45.7%	47.6%	6.7%
For Cook County			
Male	24.1%	59.2%	16.7%
Female	15.9%	68.9%	15.2%
For Rest of Chicago Metro Area (Rest of MSA)			
Male	29.7%	62.3%	8.0%
Female	10.3%	79.0%	10.7%
For Rest of State			
Male	36.2%	53.5%	10.3%
Female	18.3%	70.1%	11.6%

Question 3: Which of the following two statements comes closer to your view ...

One: I would feel less safe if I knew other citizens could carry concealed handguns into public places -- like stores and restaurants.

or

One: I would feel safer if I could carry a concealed handgun into public places -- like stores and restaurants.

Concealed handguns into public places -- like stores and restaurants

	<i>Two: Feel safer if I could carry concealed handgun</i>	<i>One: Feel less safe if others could carry concealed handgun</i>	<i>Neither DK/ NA</i>
Statewide Results	18.2%	62.0%	19.8%
Results by Gender: Male	25.1%	57.1%	17.8%
Female	11.9%	66.4%	21.7%
Results by Region: Cook County	16.3%	59.6%	24.1%
Rest of Chicago MSA	18.3%	69.0%	12.7%
Rest of State.....	20.5%	61.0%	18.6%
Results by Household Handgun Ownership:			
Do Not Own Handgun	14.5%	68.9%	16.6%
Own Handgun	36.4%	49.0%	14.6%
For Cook County			
Male	23.0%	55.2%	21.8%
Female	10.4%	63.3%	26.3%
For Rest of Chicago Metro Area (Rest of MSA)			
Male	24.6%	61.7%	13.7%
Female	11.6%	76.8%	11.6%
For Rest of State			
Male	28.2%	56.3%	15.5%
Female	13.9%	64.9%	21.2%

Question 4: Do you think allowing citizens to carry concealed handguns will cause crime to decrease, increase, or not make much difference either way?

	Decrease	Increase	No Difference	DK/ NA
Statewide Results	16.4%	45.8%	30.2%	7.5%
Results by Gender: Male	24.0%	37.7%	32.0%	6.4%
Female.....	9.4%	53.2%	28.7%	8.7%
Results by Region: Cook County	15.6%	50.3%	26.8%	7.3%
Rest of Chicago MSA	17.7%	45.6%	29.3%	7.4%
Rest of State	16.6%	40.5%	35.0%	8.0%
Results by Household Handgun Ownership:				
Do Not Own Handgun.....	12.2%	53.2%	31.2%	3.4%
Own Handgun.....	36.4%	28.7%	32.3%	2.6%

Question 5: Do you think that allowing citizens to carry concealed handguns will cause accidental shootings to decrease, increase, or not make much difference either way?

	Decrease	Increase	No Difference	DK/ NA
Statewide Results	5.5%	71.3%	17.1%	6.2%
Results by Gender: Male	6.0%	67.1%	21.3%	5.6%
Female.....	4.8%	75.2%	13.2%	6.8%
Results by Region: Cook County	5.2%	74.0%	14.1%	6.7%
Rest of Chicago MSA	4.9%	75.1%	15.1%	4.9%
Rest of State	5.9%	66.0%	21.8%	6.3%
Results by Household Handgun Ownership:				
Do Not Own Handgun.....	5.7%	79.2%	13.8%	1.4%
Own Handgun.....	5.9%	59.3%	32.2%	2.6%

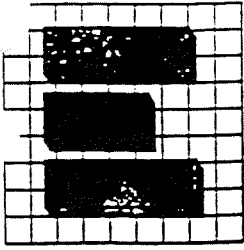
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Question 6: If Illinois allows citizens to carry concealed handguns, should citizens be required to show that they have a real need for protection before they are allowed to carry a concealed handgun?

	Yes	No	DK/NA
Statewide Results	72.0%	17.4%	10.6%
Results by Gender: Male	65.9%	24.4%	9.7%
Female	77.6%	11.1%	11.4%
Results by Region: Cook County	72.3%	15.8%	11.9%
Rest of Chicago MSA	69.7%	20.4%	10.0%
Rest of State	73.0%	17.7%	9.3%
Results by Household Handgun Ownership:			
Do Not Own Handgun	80.0%	14.2%	5.8%
Own Handgun	60.7%	33.0%	6.4%

Question 7: If Illinois allows citizens to carry concealed handguns, should those citizens who carry these handguns be required to have liability insurance? (PROMPT: that is, insurance to cover any injuries to innocent people they may cause)?

	Yes	No	DK/NA
Statewide Results	82.9%	8.3%	8.8%
Results by Gender: Male	82.0%	10.0%	8.0%
Female	83.6%	6.8%	9.6%
Results by Region: Cook County	82.3%	8.6%	9.1%
Rest of Chicago MSA	84.0%	8.0%	8.1%
Rest of State	83.0%	8.1%	9.0%
Results by Household Handgun Ownership:			
Do Not Own Handgun	88.8%	6.8%	4.4%
Own Handgun	81.0%	16.1%	2.9%



EPIC ■ MRA

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Survey Questions about Concealed Weapons and CCW Permits

A STATEWIDE SURVEY
OF VOTER OPINIONS

*EXECUTIVE SUMMARY, ANALYSIS,
AND CROSS TABULATIONS*

conducted for

*The Law Enforcement Coalition for Officer Safety
and Responsible Concealed Weapon Laws*

- Educational
- Political
- Industrial
- Consumer

- Market
- Research
- Analysis

Tuesday, September 12, 1995

D-48

11-12

METHODOLOGY

EPIC ■ MRA designed and administered this telephone survey that was conducted by professional interviewers. The survey reached 600 adults, 18 years or older, who are registered to vote in Michigan. The survey was conducted between August 23-28, 1995. Several questions were commissioned by the Law Enforcement Coalition for Officer Safety and Responsible Concealed Weapons Laws to test public opinion on concealed weapons issues and legislation that would ease restrictions on obtaining concealed weapons permits.

If a respondent indicated that he or she had voted in 1992, 1994 or both, or was too young to vote in either, the interview was continued. Respondents for the interviews were selected utilizing an interval method of randomly selected records from a computerized file for Michigan. The sample was geographically stratified so that each county represents in the sample the proportion of expected vote in the 1996 general election for President. The results of these questions are confidential and will not be published or released without the authorization of the Law Enforcement Coalition for Officer Safety and Responsible Concealed Weapons Laws.

In interpreting survey results, all surveys are subject to error; that is the results may differ from those which would have been obtained if the entire population was interviewed. For example, if 50 percent of all 600 respondents expresses support or opposition to a question, as indicated in the chart on the next page, this percentage would have a sampling error of plus or minus 4 percent. That means that with repeated sampling, it is very likely (95 times out of every 100), that the percentage for the entire population would fall between 46.0 percent and 54.0 percent, hence 50 percent \pm 4 percent.

The size of the sampling error depends on the total number of respondents to a particular question. The table which follows on the next page represents the estimated sampling error for different percentage distributions of responses based on sample size.

Statewide Poll - EPIC/MRA - August 23-28, 1995

Frequency Report of Survey Responses - 600 Sample - ± 4%

20. Do you think citizens in Michigan should be allowed to carry concealed handguns?

24% - Yes.

69% - No.

7% - Undecided/Don't know.

21. Which of the following two statements comes closer to your view?

Statement 1: I would feel safer if I could carry a concealed handgun in my car and while walking around outside.

Statement 2: I would feel less safe if I knew other citizens could carry concealed handguns in their cars and while walking around outside.

21% - Statement 1: I would feel safer carrying a concealed handgun.

71% - Statement 2: I would feel less safe with other citizens carrying a concealed handgun.

8% - Undecided/Don't know.

22. Which of the following two statements comes closer to your view?

Statement 1: I would feel less safe if I knew other citizens could carry concealed handguns into public places - like stores and restaurants.

Statement 2: I would feel safer if I could carry a concealed handgun into public places - like stores and restaurants.

70% - Statement 1: I would feel less safe if other citizens could carry concealed handguns into public places.

19% - Statement 2: I would feel safe if I could carry a concealed handgun into public places.

11% - Undecided/Don't know.

23. Do you think that allowing citizens to carry concealed handguns will cause crime to decrease, increase, or not make much difference either way?

18% - Crime will decrease.

45% - Crime will increase.

32% - Won't make much difference either way.

5% - Undecided/Don't know.

Statewide Poll - EPIC/MRA - August 23-28, 1995

Frequency Report of Survey Responses - 600 Sample - ± 4%

20. Do you think citizens in Michigan should be allowed to carry concealed handguns?

24% - Yes
69% - No
7% - Undecided/Don't know

21. Which of the following two statements comes closer to your view?

Statement 1: I would feel safer if I could carry a concealed handgun in my car and while walking around outside.

Statement 2: I would feel less safe if I knew others citizens could carry concealed handguns in their cars and while walking around outside.

21% - Statement 1: I would feel safer carrying a concealed handgun.
71% - Statement 2: I would feel less safe with other citizens carrying a concealed handgun.
8% - Undecided/Don't know

22. Which of the following two statements comes closer to your view?

Statement 1: I would feel less safe if I knew other citizens could carry concealed handguns into public places - like stores and restaurants.

Statement 2: I would feel safer if I could carry a concealed handgun into public places - like stores and restaurants.

70% - Statement 1: I would feel less safe if other citizens could carry concealed handguns into public places.
19% - Statement 2: I would feel safe if I could carry a concealed handgun into public places.
11% - Undecided/Don't know

23. Do you think that allowing citizens to carry concealed handguns will cause crime to decrease, increase, or not make much difference either way?

18% - Crime will decrease.
45% - Crime will increase.
32% - Won't make much difference either way.
5% - Undecided/Don't know.

24. Do you think that allowing citizens to carry concealed handguns will cause accidental shootings to decrease, increase, or not make much difference either way?

7% - Accidental shootings will decrease.
72% - Accidental shootings will increase.
20% - Won't make a difference.
1% - Undecided/Don't know.

25. If Michigan allows citizens to carry concealed handguns, should citizens be required to show they have a real need for protection before they are allowed to carry a concealed handgun?

78% - Yes.
16% - No.
6% - Undecided/Don't know.

26. If Michigan allows citizens to carry concealed handguns, should those citizens who carry these handguns be required to have liability insurance – that is, insurance to cover any injuries to innocent people they may cause?

81% - Yes.
12% - No.
7% - Undecided/Don't know.

27. Current Michigan law prohibits citizens from carrying a gun unless they have a legitimate reason to carry one and can obtain a concealed weapons license, called a CCW permit. Proposed legislation under consideration in the Michigan Legislature would change the law to allow any person to get a permit to carry a concealed handgun without having to provide a reason why they need to carry a gun, and a permit would be granted unless the person applying for the permit has a record of mental problems or a criminal record. Based on what you know about this issue, would you approve or disapprove of this proposed legislation? [IF APPROVE/DISAPPROVE] Would that be strongly APPROVE/DISAPPROVE] or somewhat [APPROVE/DISAPPROVE]?

13% - Strongly approve.
11% - Somewhat approve. 24% TOTAL APPROVE
14% - Somewhat disapprove.
57% - Strongly disapprove. 71% TOTAL DISAPPROVE
5% - Undecided/Don't know.