

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 21, 1996 in Room 519-S of the Capitol.

All members were present except: Representative Clyde D. Graeber, Absent  
Representative Britt Nichols, Absent

Committee staff present: Mary Galligan, Legislative Research Department  
June Evans, Committee Secretary

Conferees appearing before the committee: Representative Andrew Howell  
Dr. Eric Voth, Topeka  
Eric Haskin, Trooper, Greensburg  
Joe Gimar, Hutchinson, State Lodge of Fraternal Order of Police  
Sheriff Dave Meneley  
Dave Kopel, Boulder, CO  
Judy Morrison, Shawnee  
Herb Taylor, Shawnee Mission  
Al Timmisch, KPOA, Wichita  
Captain Glenn L. Ladd

Others attending: See attached list

The Chairperson opened the continuation of hearing on **HB 2885 - Licensure to Carry Concealed Firearms.**

Representative Andrew Howell testified in support of **HB 2885** stating his support stems primarily from experience as a law enforcement officer and believes this bill ensures the public safety by requiring that any citizen that desires to carry a concealed weapon for self-defense purposes must be licensed. (See Attachment #1)

Dr. Eric A. Voth, Topeka, testified in support of **HB 2885** stating he is in favor of individual lawful citizens having the right to carry concealed weapons. Owners of guns and those who desire to carry concealed weapons for self defense are mostly law-abiding citizens desiring the opportunity to provide themselves an extra layer of self defense in these violent times. (See Attachment #2)

Eric Haskin, a trooper with the Kansas Highway Patrol, testified as a proponent for **HB 2885** stating he is on the Kansas State Troopers Association Board and the ten member board of directors voted overwhelmingly to support **HB 2885**. (See Attachment #3)

Joseph T. Gimar, representing the Fraternal Order of Police, testified in support of **HB 2885** with the following recommendations: (1) Increased severity level and penalties for K.S.A. 21-4201, Criminal Use of Weapons. Namely 21-4201 (a) (4), Carrying a concealed pistol, revolver, or other firearm unlawfully. (2) Waiver of exemption for retired law enforcement officers and (3) Provide adequate funding to the KBI to implement and conduct timely and accurate records checks. (See Attachment #4)

Sheriff Dave Meneley, Shawnee County, testified as a proponent for **HB 2885** stating at the current time criminals and many citizens carry concealed weapons. All police officers and sheriff deputies across the state are aware of this. The percentage of police officers shot and/or killed by concealed weapons is .003%. Passage of this bill would not decrease those numbers nor decrease the risk to law enforcement officers. Those officers were shot and/or killed by persons breaking the law. The only concern is that being concealed, the weapon might create a danger to the bearer. An intense educational program to both the public and law enforcement is a necessity. (See Attachment #5)

Dave Kopel, Boulder Colorado, testified as a proponent for **HB 2885**. Mr. Kopel is co-author of "Shall Issue": The New Wave of Concealed Handgun Permit Laws in the "Tennessee Law Review", Spring of 95. Mr. Kopel stated about one-third of all states have adopted laws or practices that enable persons who are

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S  
Statehouse, at 1:30 p.m. on February 21, 1996.

legally allowed to possess a handgun in their own home to be eligible for a license to carry a concealed handgun for protection. The laws require that after passing a background check and sometimes a firearms safety class, eligible persons must be granted the permit if they apply. If the application is rejected, the burden of proof is on the non-issuing sheriff, police chief, or judge to show that an applicant is either unqualified or a danger to public safety. Typically, about one to four percent of a state's population decides to obtain such a permit.

There are 28 states that have the right to carry, 14 states have rights restricted, limited issue and 8 states have the right infringed/non issue as of December, 1995. (See Attachment #6)

Judy Morrison stated she supported HB 2885. Ms. Morrison had to make many long distance trips taking her daughter for cancer treatments and on one occasion became very frightened on the road and felt that they would have felt safer if they were allowed to carry a handgun. (See Attachment #7)

Herb Taylor, Shawnee, testified as a proponent for HB 2885, stating he was General Manager of Gazlay Marketing Group and when the alarm is tripped he receives notification after the police are notified and goes to the plant. There is much criminal activity in the area and does take some type of personal protection but passing through 3 or 4 different municipalities and due to the multitude of local municipal gun laws could be in violation of carrying protection. (See Attachment #8)

Al Thimmesch, Executive Officer of the Kansas Peace Officers Association, testified in opposition of HB 2885, stating law enforcement officers deal with societies problems on a daily basis and they already face the potential of armed confrontations without the need of dealing with more individuals carrying weapons for their own agendas. This proposal places the burden on the Kansas Bureau of Investigation which is already understaffed and under budgeted to handle their current statutory requirements. The easiest way for abuse of this act should it become law is the failure to be able to keep current information on those who claim to have the license. If the Bureau does not have the resources to do this since they are still currently struggling to get back enough staff to do their current requirements how can they begin to set this system up and hope they can be an inquiry resource for field officers charged with enforcing the provisions of the act. Kansas Peace Officers Association's Legislative Committee voted again this year to oppose HB 2885 due to the public safety concerns. (See Attachment #9)

Captain Glenn L. Ladd, Investigation Division Commander, Overland Park Police Department, testified in opposition to HB 2885. Although the bill would not increase the number of guns in Kansas, it would increase the availability and access of weapons to those that would not normally have a handgun at their immediate disposal. These weapons may be available at times when emotions and anger are clouding better judgment, such as in arguments over traffic situations. The bill does attempt to screen out certain undesirable persons from access; however, even very good people sometimes commit judgment errors.

Allowing the carrying of concealed weapons would mean more people would possess weapons. This creates an increased danger to police officers. The concept of a concealed weapon enhancing a citizen's level of self defense protection is a hollow one. It erroneously assumes a level of protection that is not there. It is a mistake to assume the limited training would allow a citizen to draw a concealed weapon and use it successfully before the threatening criminal uses his/hers. If a criminal suddenly produces a weapon, they have the advantage. In these cases, concealed weapons would be of no use; in fact, a weapon in plain view, which is currently legal, would probably be more effective. (See Attachment #10)

Helen Stephens, representing the Kansas Peace Officers Association, testified opposing HB 2885. A telephone survey this year of the Peace Officers was unanimous to oppose. If the person has been reported to the Domestic Violence Dispute they should not get a license. Domestic violence is a very large cause of death and injury. (See Attachment #11)

The following testimony was distributed in support of HB 2885: Sylvia Smith, Wichita (See Attachment #12), James Fotis, Executive Director, Law Enforcement Alliance of America (See Attachment #13), Right to Carry Status (See Attachment #14).

The following testimony was distributed in opposition of HB 2885: Kansas Sheriffs Association (See Attachment #15), Douglas S. Murphy, Chief of Police, City of Kinsley (See Attachment #16) and William M. Watson, Chairman, Legislative Committee Kansas Association of Chiefs of Police (See Attachment #17)

The Chairperson closed the hearings and stated hearings would be continued on HB 2885 on Monday, February 26.

The meeting adjourned at 3:10 p.m. The next meeting is scheduled for February 22, 1996.

FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE: Feb 21, 1996

NAME	REPRESENTING
Christine E. Pelton	Ottawa University
<del>Muffat</del>	Ottawa University
Elizabeth A. Wallace	Ottawa University
Regine Middlebush	" "
Donia Salvini	Ottawa University
Jennifer Burroughs	Ottawa University
Amy Kramer	Ottawa University
J. Wright	Engl
Al Thomas	KPOA
Helen Stephens	KPOA/KSA
Markus Pappas	KBI
Joy Morony	Ottawa University
Brandy Dailey	Ottawa University
Stacie Fetterly	Ottawa University
Donna Cruise	Ottawa University
Jan Macek	Ottawa University
Shirley Flynn	Ottawa University
Scott White	Ottawa University
Christy Bailey	Senator Jerry Kavan

# FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE: Feb 21, 1996

NAME	REPRESENTING
Edward N. Johnson	N. R. A.
ROBERT L. TOWLES	N. R. A.
Myron Keber	National Rifle Assoc.
Chester Richards	Spangler
BILL TUCKER	KS SPORTSMENS ALLIANCE
Zachary Starbird	
Craig Rutherford	Self
Ernest F. Miller	Self
Joseph Nave	Self
John C. Dyer	Self
Bill Freeman	KS Sportsmans Alliance
DAVE PERULER	Oange City Ks
Jan B. Winter	Self
Ron Hooper	SELF
Harold M. Winter	NRA
E. Turner	NRA
Mary Selbe	Self
PAUL DEGENER	Self
John E. Diehl	self.

# FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE: February 27, 1996

NAME	REPRESENTING
Kipper Berry	Intern
Helen Hayzlett	spouse
Robert Hodgeson	self - Ks Spomen Alliance
Tom Highmyer	Self
Ron Conaway	self
D. GAO	self
Bill Kamm	self
Eileen Palmer	Self
Jack Labov	Self
Cap G.L. LADD	THE CITY OF OVERLAND PARK KS
Jenifer L. Baudberry	City of Overland Park
Jack Selts	SELF
Kary Mann	self
Chulma Mann	Self
M. Thompson	Self
Shelley Robertson	Self
Larry Morgan	Self
James Morrison	self
Myron A. Calhoun	self



# FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE: 2-20<sup>21</sup> - 96

NAME	REPRESENTING
Jim Thompson	Mill Creek Rifle Club
ROGER T. LARUE Dought	Olathe PD / KPOA
HARRY W. MOBERLY, JR	HIMSELF, SHAWNEE KS
Michael W. King	Kan Valley Sportsman Association
Carl F. Nelson	Rural Kansas + NRA
DUNN WEBER	LEAWOOD KANSAS SELF NRA
JE Gaddy	Missouri Ks. Concern Citizens
Jan Holt	KCK " "
DAN SUTROGGER	PEPE McGinn & Assoc
Brian Farley	Douglas County Rifle & Pistol Club, Inc. 80+ members
Robert Lewis	Concerned Citizens
Marl Webb	" " NRA
Sean Pitt	Kansas and NRA
Herbert B. Sul	KANSAS CITIZEN MILITIA
PAUL WEBB	SELF / NRA
John P. Bailey	" "
ALLAN HERREL PROHAKS	- SELF -
Randy Wingler	H&E Gun Services
Paul S. and Janice M. Hunter	Self + various citizens of Muscatine

STATE OF KANSAS

ANDREW HOWELL

REPRESENTATIVE, FOURTH DISTRICT

Home Address: 728 SOUTH HOLBROOK

FORT SCOTT, KANSAS 66701

(316) 223-6137

Office: STATE CAPITOL BUILDING, ROOM 182-W

TOPEKA, KANSAS 66612-1504

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TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

AGRICULTURE

HEALTH AND HUMAN SERVICES

JUDICIARY

February 21, 1995

House Federal and State Affairs Committee

Testimony on H.B.2885

My support for this bill stems primarily from my experience as a law enforcement officer. I believe this bill ensures the public safety by requiring that any citizen that desires to carry a concealed weapon for self-defense purposes, must be licensed. To be licensed, that person must have a background check and must not be a felon. Further, he or she must not be an alcoholic, drug abuser, habitual DUI violator, and must pass a weapons safety and training course. These educational requirements will license only demonstrably capable and careful citizens. This in turn should make the law enforcement officer's job easier in that it will allow an officer to know immediately upon seeing the license that this person is not likely to be a serious safety risk either to the officer or to the public.

Law enforcement cannot, as a matter of practical fact, be at all places at all times to ensure every citizen's safety. My experience leads me to believe that the solution is to empower the law-abiding to more safely defend themselves, in the hope that criminals will understand by experience that it is not worth their time or the risk, to attack a potentially prepared citizen.

I appreciate your careful consideration.

A handwritten signature in cursive script, appearing to read "Andrew Howell", with a decorative flourish at the end.

FUSA  
2-21-96  
Atch #1



**Eric A. Voth, M.D.,FACP**  
Internal Medicine and Addiction Medicine  
901 Garfield  
Topeka, Kansas 66606  
913-354-9591

**2/19/96**

**Mr. Chairman, members of the House:**

**I am speaking in support of House Bill 2885. I spoke last year in favor of individual lawful citizens having the right to carry concealed weapons. My attitude remains unchanged as we face the new legislation.**

**Owners of guns and those who desire to carry concealed weapons for self defense are mostly law-abiding citizens desiring the opportunity to provide ourselves an extra layer of self defense in these violent times. This bill, which will allow gun owners the opportunity to carry concealed weapons under strict guidelines, will provide that layer of defense to citizens, and not criminals. It is criminals who commit crimes with guns, not law-abiding gun owners. Most gun owners are respectable citizens who use their guns for sport, hunting, or self-defense. As a group, we are not wide-eyed crazed ultra-right wingers. In fact, I have feared being labeled as a pro-gun extremist as a result of testifying for this bill, but my fundamental belief in the right to self-protection has forced me to step forward.**

**I am a physician here in Topeka, and I grew up here. I have seen a pleasant city turn into a violent city. I also have been deeply involved in combating the problems of drug abuse throughout the United States. As a result, I have testified in several criminal trials for the prosecution against drug dealers, have provided drug policy recommendations to the Whitehouse, DEA, Congress, and several foreign countries.**

**Because of my involvement with the drug world, I have often felt the need to be able to protect myself. I have been the target of an individual who placed a contract on my life, experienced several death threats, and had several hundred harassing phone calls. Two armed robberies have occurred within my place of business.**

**A second vignette may help the committee understand my support for gun ownership. When I was in medical training in Kansas City, we lived in a violent and dangerous area. My wife was quite anti-gun, but did not**

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2-21-96*

*Atch #2*

**begrudge my owning guns. One night we awoke to the desperate screams of our neighbor who was being raped. I awakened fully alert, grabbed a handgun, and ran out the front door chasing the rapist through our backyard. The neighbor, who was by the way previously quite anti-gun, screamed "shoot him, kill him." Because I was well trained and disciplined, I did not shoot at the rapist and risk hitting innocent people or hitting the rapist in the back. The policeman later on the scene said that it was too bad that I didn't get a clear shot at him. He was caught and was implicated in rapes all over that area of town. Subsequently my wife asked to learn about guns, learn to shoot, and own her own.**

**A recent study in the Journal of the American Medical Association (1995;273:1759-62) found that not one of the individuals in the study who used a gun in self defense was injured. A 1994 US Dept of Justice report (NCJ-147003 1994) found that one fifth of victims defending themselves with a firearm suffered an injury, compared to almost half of those who defended themselves with weapons other than firearms or had no weapon.**

**Despite my solid support of law enforcement agencies, I do not feel that they can provide me, my family, and other citizens adequate protection from violence. They can only pick up the pieces by arresting individuals who cause tragedy.**

**I agree that law-abiding gun owners who desire to carry concealed weapons should be required to pass rigorous training and certification as presented in the proposed legislation. I am willing to go through such training, although I have already taken it upon myself to be well-versed and highly skilled in firearms use for self-defense.**

**I suggest that the legislature keep in mind that the current bill supports law-abiding citizens. It is criminals that we should fear, not citizens who seek to find legal means to protect themselves.**

**Sincerely,**



**Eric A. Voth M.D.**

**TESTIMONY OF TROOPER ERIC HASKIN ON H.B. 2885  
FEDERAL AND STATE AFFAIRS COMMITTEE  
KANSAS HOUSE OF REPRESENTATIVES  
FEBRUARY 21, 1996**

I appreciate the opportunity to address this committee today. My name is Eric Haskin. I am a lifelong resident of the state of Kansas, and I am a trooper with the Kansas Highway Patrol. I have been employed with the highway patrol for 18 years. I am assigned to the western region, Troop E, District 9, which includes Kiowa, Comanche, Pawnee, Edwards, Rush, Ness, Hodgeman, and Clark counties. I am very often the only trooper on duty in an area that covers over 6000 square miles.

My entire career has been devoted to direct law enforcement duties as a road trooper. I have never sought an administrative position and fully intend to continue my career as a street officer until my retirement.

In addition to my position as a trooper with the Highway Patrol, I am now in my 6th year serving on the board of directors of the Kansas State Troopers Association. The Troopers Association is recognized by the Kansas Public Employee Relations Board as the official representative body for troopers serving with the Highway Patrol. Our current membership includes 309 active duty troopers and 100 retired troopers.

It is in the role of board member for the Kansas State Troopers Association that I appear before the committee today.

On January 24th and 25th of this year, our Association held their first quarter business meeting in Topeka. During this meeting our ten member board of directors voted overwhelmingly to support House Bill 2885.

In my research for this testimony, I obtained what I feel to be undeniable evidence of the success of concealed carry laws already enacted in other states.

One important question I wanted answered was the danger concealed carry laws might pose to myself and other law enforcement officers.

My quest for information led me to Mr. John Russi. John is the Director of Licensing for the Florida Department of State. Mr. Russi's Department of Licensing oversees the issuance of concealed permits for the state of Florida.

During conversations with Russi, he had only praise for the for the concealed carry law in Florida, saying that it had proved very successful. The law in Florida was supported by every major law enforcement organization in the state including the Florida Department of Law Enforcement. James T. Moore, commissioner of the Florida Department of Law Enforcement recently wrote a memorandum to the Governor of Florida, the Florida Attorney General and the Secretary of State of Florida. In this memorandum, dated March 15, 1995, Commissioner Moore made the following statement:

"From a law enforcement perspective, the licensing process has not resulted in problems in the community from people arming themselves with concealed weapons. The strict provisions of 790.06, Florida statutes, preclude the licensing of convicted felons, etc., thus allowing the permitting of law abiding citizens who do not routinely commit crimes or otherwise violate the law."

Mr. Russi also offered the following statistical information to support his view of the law's success:

Out of 314,938 licenses issued since 1987, there have been only 638 revoked. Of the 638 revocations, only 57 were for incidents related to firearms. This would be a revocation rate of .018% for firearms related incidents.

In Florida, the murder rate was 36% above the national average when the concealed carry law went into effect in 1987; by 1991 it fell to 4% below the national average.

FBI uniform crime reports show that in Florida during the period from 1987 to 1993, handgun homicides were down 29% and the total homicide rate declined 22%.

FBI statistics also showed that in states with right to carry laws, homicides are 33% lower, handgun homicides are 38.3% lower, aggravated assaults are 18.1% lower and robbery is 35.3% lower.

In the nine years since Florida passed their concealed carry law, there have been no cases of a legally licensed permit holder using a firearm against a law enforcement officer. The record for Florida's

F & SA  
2-21-96  
Atch #3

permit holders speaks for itself and answered my initial question about increased risk to law enforcement.

In addition to this information provided by the Florida Department of State, I found that detailed information about civilian defensive gun use has been compiled by Florida State University Criminology Professor Gary Kleck and published in the January 1996 issue of the *Journal of Criminal Law and Criminology*. In analyzing information from the U.S. Department of Justice, Kleck found:

Firearms are used for personal protection more than 2.5 million times annually. In no more than 1% of defensive gun uses was the gun taken away by a criminal.

The odds of a civilian defensive gun user accidentally killing an innocent person is less than 1 in 26,000.

For robbery and assault victims the lowest injury rates were among victims who resisted with a gun, disproving the idea that you are likely to have your own firearm turned against you.

Statistically, only 1%-4% of a state's population will choose to obtain a permit.

These statistics make it very clear that the legal right to carry a concealed firearm does not translate into an increase in crime rate. In fact, the corollary of right to carry laws is sometimes a reduction of violent crime.

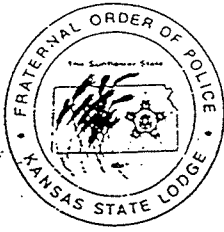
Whether it is a remote rural area or in one of the state's major metropolitan areas, we as police officers simply cannot be there for everyone in need. Legislation that gives law abiding citizens the right to provide for their own protection seems to be the logical solution.

The evidence clearly shows that allowing law-abiding citizens the right to carry concealed firearms does not turn them into ill-tempered criminals spoiling for a fight. In fact, it is often times associated with preventing crimes and saving lives. We believe that Kansas citizens are at least equal in character and quality to the citizens of Florida or anywhere else. Concealed carry laws have worked successfully in other states and it will also be successful in Kansas.

The Kansas State Troopers Association stands in support of House Bill 2885.

Thank you very much.

3-2



*Fraternal Order of Police*  
Kansas State Lodge

Chairman Boston and members of the Federal and House Affairs committee;

I am Joseph T. Gimar from Hutchinson, Kansas representing the Kansas Fraternal Order of Police.

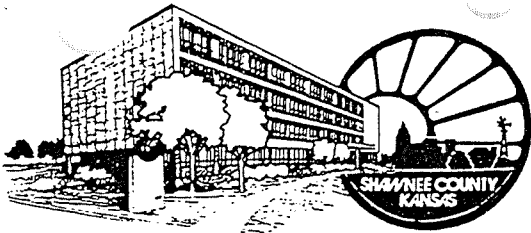
On behalf of the Kansas State Lodge, Fraternal Order of Police in support of H.B. 2885 with the following recommendations.

1. Increased severity level and penalties for K.S.A. 21-4201, Criminal Use Of Weapons. Namely 21-4201(a)(4), Carrying a concealed pistol, revolver, or other firearm unlawfully.
2. Waiver or exemption for retired law enforcement officers.
3. Provide adequate funding to the KBI to implement and conduct timely and accurate records checks.

Respectfully submitted,

  
Joseph T. Gimar

F-5A  
2-21-96  
Atch # 4



Shawnee County  
Sheriff's Department  
Sheriff Dave Meneley

COURTHOUSE 200 EAST 7TH STREET  
TOPEKA, KANSAS 66603-3932  
ROOM B-16 913-233-8200 EXT. 4044

FEBRUARY 21, 1996

H B 2885

Mr. Chairman and Members of the Committee:

I am Sheriff Dave Meneley, Shawnee County, and have come today in support of H B 2885.

I have read and heard just about every opposition to a concealed weapons law, but as of yet I am not convinced this law is bad.

In my career in law enforcement, I know that at the current time criminals, and many citizens, carry concealed weapons. All police officers and sheriff deputies across the state are aware of this fact. The percentage of police officers shot and/or killed by concealed weapons is .003 percent. Passage of this bill will not decrease those numbers nor decrease the risk to our law enforcement officers. These officers were shot and/or killed by persons breaking the law.

For years the criminal element has held the majority of our citizens hostage through fear and the inability of the law abiding citizens to protect themselves. Why, I ask, should 5% of our population (the criminal element) rule the majority (the law abiding citizens). I believe it should be the right of any citizen to protect his/herself, his/her family, and his/her property.

I have read numerous articles which show a declination in violent crimes against persons after concealed weapons laws have been enacted. As a police officer, I have nothing to fear from a law abiding citizen if he or she is carrying a weapon legally, but the criminal who is about to attack him or her should. A criminal may think twice about robbing, raping, or accosting a citizen if they think that person can protect themselves.

Many people and organizations who oppose this bill talk about all of the things that might happen. Laws should not be written for the exceptions because there will always be a few, but should be written for the rule. The only fear police officers have of a person carrying a weapon is that it is not legal or if concealed it surprises them.

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2-21-96  
Atch #5

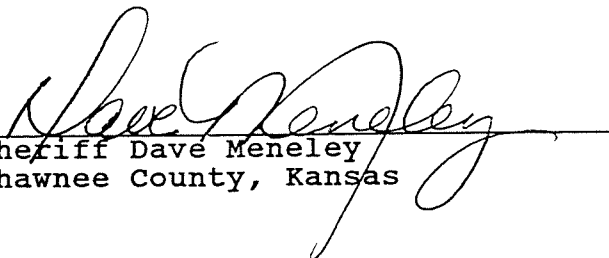
Public safety is my number one concern. My jurisdiction encompasses 540 square miles with many remote locations which at times is dangerous for my officers as well as the citizens they protect. Many of our citizens have been caught with guns in their vehicles or homes. Violent crime in my county has not decreased with passage of the Brady Bill or banning the assault weapons.

Many jurisdictions are currently providing services and training needed for the licensing of private security officers. I feel the training requirements adopted or sanctioned by the K.B.I. should be comparable so that law enforcement is comfortable the person carrying the weapon is competent in its use. Not all citizens will want to carry a gun when it is explained what training and fees are required.

It should be brought to your attention that many of the security officers employed throughout the state, which are citizens, have not received law enforcement training, yet our citizens are quite comfortable with them carrying a gun.

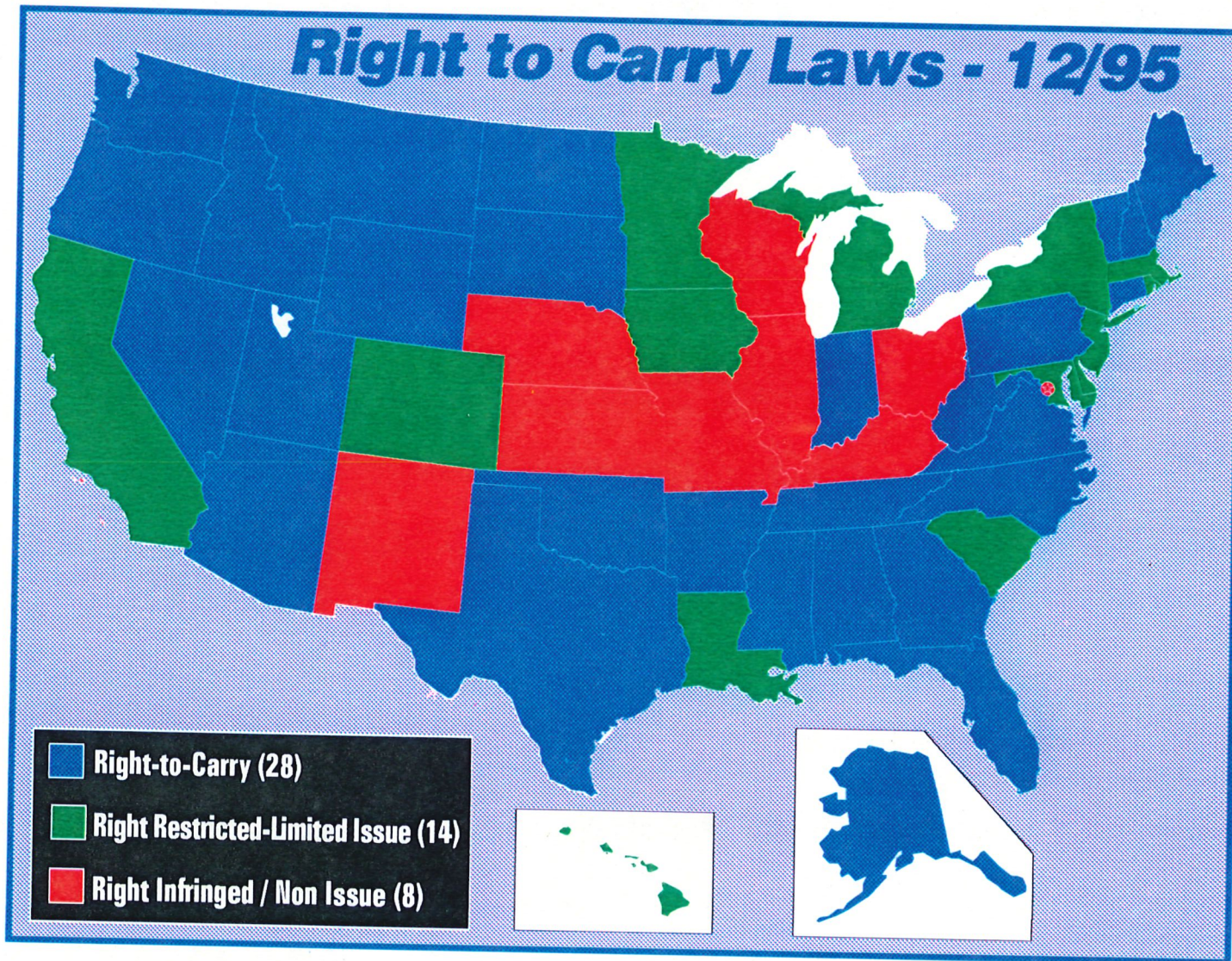
My only concern is that being concealed, the weapon might create a danger to the bearer. An intense educational program to both the public and law enforcement is a necessity.

Thank you for allowing me to address this body.

  
Sheriff Dave Meneley  
Shawnee County, Kansas

DM/jl

FUSA  
2-21-96  
Atch #6





TESTIMONY OF JUDY MORRISON ON H.B. 2885  
FEDERAL AND STATE AFFAIRS COMMITTEE  
KANSAS HOUSE OF REPRESENTATIVES  
FEBRUARY 21, 1996

Mr. Chairman and Committee members, thank you for hearing my testimony this afternoon. My name is Judy Morrison and I live in Shawnee, Kansas. In 1984 my daughter Shanna was diagnosed with cancer. Thus, began four years of on-going treatment. Shanna was treated several hundred miles from home.

Originally her treatment involved monthly visits to the hospital. As her disease became more complex and side effects worsened, we found our stays more frequent, and often longer than anticipated.

Eventually, finances made it impossible to fly for each visit. When Shanna felt she could make the trip by car we did so. Many times, we arrived home late at night. It was often necessary to stop beside the highway when she became ill from chemotherapy.

On one occasion a tire blew out. We had a very uncomfortable experience. My daughter was so frightened that she suggested we should never be on the road without a way to

F.S.A.  
2-21-96  
Atch # 7

defend ourselves. I felt only a firearm would be effective. However, I explained that would be against the law. Shanna didn't think that was a good law, and frankly neither did I. Nor do I today.

I often think of other children and mothers in vulnerable situations. Mothers that bear the full responsibilities for the safety of their children!

Physically, few women can defend themselves against a man. Criminals prey on the weak. Criminals will always have access to guns. As much as law enforcement officers want and try to protect us, statistics have proven it to be impossible. Unfortunately they cannot fight crime alone.

In 1988, my daughter Shanna passed away but I do still have a 27-year old daughter. Please allow women like my daughter and myself the right to protect ourselves. More importantly, allow us the right to protect our precious children.

Only eight states are without some form of right-to-carry. I am asking you to trust law-abiding Kansans.

Date: 2/16/96

Subject: Address to Kansas Legislature

Honorable Members of The Kansas Federal and State Affairs committee, thank you for the opportunity to briefly address you this afternoon in support of a non-discretionary self-protection law.

My name is Herb Taylor, I am a lifelong resident of Kansas and for the past 27 years have resided in Shawnee, Kansas. Since January 1990 I have been employed as the General Manager of Gazlay Marketing Group, a digital pre-press facility located in Kansas City, Kansas. Our building is in a light industrial complex, an area not considered to be a "bad part of town". Gazlay Marketing Group has in excess of \$1,500,000 of computer equipment ranging from Macintosh or IBM PC's up to high-end Scitex equipment. Our premises are protected by alarm systems monitored by National Guardian or Wells Fargo.

Over the past 6 years, there have been numerous instances of criminal activity in the area as most of the businesses in this complex are closed at nighttime. Much of the crime is attributed to "gangs" and it is fairly organized. For instance the "gangs" will activate or instigate a minor activity at one end of the complex and while the authorities are busy with that situation, the balance of the criminals will be breaking into buildings on the other side of the complex 1/4 to 1/2 mile away.

When the alarm in our building is tripped, I get the first call (after police notification) from the alarm company as I am number one on the call list and geographically reside nearest the plant. I have been called at dinner time on holidays as well as 3:00 am with an apparent break-in. With the high degree of possible criminal activity, I must respond in person to the situation and am never aware of what I will encounter upon my arrival. Over the 6 years I have probably responded 20 times to an alarm call.

In only two instances of my arrival at the plant were there any law enforcement personnel on site. The law enforcement personnel may have come and gone or I may have arrived first.

When responding to these middle of the night situations, I take some type of personal protection along. On my drive to the plant I pass through 3 or 4 different municipalities. Due to a multitude of local municipal gun laws that I may be in violation of when carrying protection, I carry the weapon in an unloaded, out of reach and broken down state.

FUSA  
2-21-96  
Atch #8

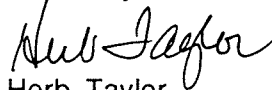
By virtue of my job, I often work late at night and leave after dark. This is not uncommon during winter. At times our parking lot lights are not on due to some malfunction. It is a very uncomfortable feeling to go to your car in the dark and be unable to rely on some type of personal self-protection.

The police on a day in, day out basis do a very fine job of carrying out their duties. They rarely are in a position to prevent crimes, for the most part they are put in a position of reaction only.

Criminals have no compunction at carrying weapons in the pursuit of their activities. Criminals will however, be much more reluctant to prey on people if they feel that person has the ability to act in a like manner with self protection. The police cannot protect us, we need the ability to protect ourselves. Please allow myself and my fellow Kansas residents that right of SELF-PROTECTION in our pursuit of our personal lives.

Again, thank you for your very valuable time today and we fellow Kansans look forward to a positive outcome in our desires for the right to self-protection in Kansas in 1996 and thereafter. As I sit here today, Kansas is one of only 8 states in this country that does not allow its residents the right to SELF-PROTECTION!! Please support and pass HB2885 and establish a non-discretionary self-protection law.

Sincerely,



Herb Taylor  
Kansas Resident

Committee Hearing  
HB 2885 February 21, 1996

Mr. Chairman, Committee members

My name is Al Thimmesch. I am currently and have been since 1985, an executive officer of the Kansas Peace Officers Association. I started in law enforcement in 1961 with the Wichita Police Department, retiring in 1988 as Deputy Chief. I am here to offer testimony in opposition to House Bill 2885.

As I read the bill, the purpose is to provide a legal means for citizens to carry concealed weapons for self-defense purposes. I and many others in law enforcement question the wisdom and reasons for this. You, as law makers, have the responsibility of enacting legislation that provides for the common good and/or safety of all citizens of this state. In doing this, you have to look at both the intent of the law and more importantly the impact it's implementation will have.

Will adding a multitude of gun carrying citizenry alleviate the problems relating to those who carry them illegally or those who victimize citizens. Put yourself in the place of the Law Enforcement officers that deal with societies problems on a daily basis. They already face the potential of armed confrontations without the need of dealing with more individuals carrying weapons for their own agendas.

I know the intent is for self protection, but I can assure you that this will not be the case in many situations. And, in these situations, there will often be unintentional and innocent victims that will suffer. Unlike words in a conflict, bullets cannot be taken back. How many times I have seen changes occur in individuals demeanor when a feeling of superiority exists based on numbers or weaponry. Prudent conduct is not usually a priority.

Very few of us in law enforcement mourn the demise of a criminal or his apprehension by citizens protecting themselves. We however, do not like dealing with the aftermath of a situation gone bad that has caused the loss of life or injury on unintended or innocent victims. It is almost a situation where, if we can't stop criminals from carrying guns, we should let everyone who wants to do so. will this really solve the problem. I realize that there would be restrictions, but the past has proven that where there is a will, there is a way. Suppose we apply this same logic to other prohibited activities.

Aside from the public safety aspect, the administration and fiscal aspects of this statute need to be considered. The proposal places the burden on the Kansas Bureau of Investigation which is already understaffed and under budgeted to handle their current statutory requirements. The easiest way for abuse of this act should it become law is the failure to be able to keep current information on those who claim to have the license. If the Bureau does not have the resources to do this since they are still currently struggling to get back enough staff to do their current requirements how can they begin to set this system up

FCSB  
2-21-96  
Atch #9

and hope they can be an inquiry resource for field officers charged with enforcing the provisions of the act.

~~I have not read in the bill, a provision that requires the carrying of the permit by an individual that has obtained one. It requires a person to have it, but I do not see the provision that it be carried at the same time as the person is carrying a weapon. This, along with a lack of current resource files will lead to the abuse of the provisions of this Bill, particularly in the form of counterfeiting a permit. If you think that this would not happen, remember the last time you slowed down because you saw a police car. If you think there is a problem in enforcement and you probably can get by violating the law, the tendency for those so inclined to do so will take place.~~

I agree with the logic that was voiced by another opponent of this Bill. If after a person goes through all of the qualifications to receive a license, why do you have reservations about where they can be carried if you are not afraid that not all of those carrying a weapon should have the right to carry them any place. It is interesting that you cannot carry one into a bar, but you can have a party and take off drunk with your weapon and your impaired logic and ability. If in fact this bill is passed, it will be interesting to see if places that don't want people carrying guns into them will need to provide a gun check room as they would for coat checks. Obviously, most people will choose not to leave their firearm in their car where it might be stolen, so most will continue to carry them where supposedly they are not supposed to.

The Kansas Peace Officers Association's Legislative Committee voted again this year to oppose this bill due to the public safety concerns. Obviously, the Committee does not speak for every KPOA member in regards to this, but those who may be inclined to not oppose it agree that the position we have taken is one they will and have supported. The KPOA Legislative Committee is made up of Law Enforcement Officers of all levels and from around the state. Those on the Committee are there because they have an interest in issues that affect our profession.

Thank you for your attention.

Al Thimmesch

**POSITION PAPER**  
**REGARDING HOUSE BILL No. 2885**  
**CARRYING CONCEALED WEAPONS**

**PREPARED BY**

**CAPTAIN GLENN L. LADD**  
**INVESTIGATION DIVISION COMMANDER**  
**OVERLAND PARK POLICE DEPARTMENT**

**PREPARED FOR**

**THE LEGISLATURE OF THE STATE OF KANSAS**

**FEBRUARY 21, 1996**

*FSA*  
*2-21-96*  
*Atch #10*

I am Captain Glenn L. Ladd of the Overland Park Kansas Police Department. As a 22 year veteran of law enforcement, I strongly oppose the title captioned House Bill No. 2885 in its current form. I come before this honorable group as a representative of the City of Overland Park, Ks. and the Overland Park Police Department.

Although the bill will not increase the number of guns in Kansas, it will increase the availability and access of weapons to those that would not normally have a handgun at their immediate disposal. These weapons may be available at times when emotions and anger are clouding better judgment, such as in arguments over traffic situations. The bill does attempt to screen out certain undesirable persons from access; however, even very good people sometimes commit judgment errors.

Allowing the carrying of concealed weapons will mean more people will possess weapons. This creates an increased danger to police officers. The potential for a person they are contacting in a professional setting possessing a concealed weapon will be increased dramatically. The possibility is great for a person to mishandle a concealed weapon, signalling danger to the police officer who will respond to the perceived threat.

Another dangerous situation created by the bill is to persons in public spotlight such as entertainers, sports figures, community leaders and politicians. Much the same as persons are sometimes angry when contacting the police, they are not always pleased with the actions of those they see in a leadership role. These increased dangers will probably result in the application of safety procedures being employed by police and security personnel in the way of frisking and searching more persons for the safety of all. This may be resented by some members of the community.

An article in *Time* magazine July 17, 1989 title, "Death by Gun", indicated the following statistics during the first week of May, 1989:

464 Americans died violent firearms deaths, with 216 (47%) of these being suicides. 9 of these suicides killed someone else before they killed themselves. 203 were criminal homicides. 22 were preventable accidents. Only 14, (.03%) occurred in self defense situations. (1)

With respect to homicides, nationally, the victim and the perpetrator are acquainted in 77.76% of the incidents. (2) The argument of protection is further diminished when in less than one fourth of the cases, it is a stranger that intends harm.

In the United States, handgun ownership is 13,500 per 100,000. In England, that rate is less than 500 per 100,000. The rate of homicide by handgun is 40 times higher in the United States than in England. (3) As an instructor of Criminology for many years, I



theorize this is partially due to the fact that England has been settled, or "civilized" many hundreds of years longer than the relatively short history the United States has experienced. We are not that far removed from the "Frontier Mentality" necessary to survive as our territories were settled and became states. This bill is a step backward in our cultural development. We do not need this law. We would be better served to address the cause of our concerns, the criminal behavior, rather than creating laws that will encourage violence. "A prohibition against carrying guns in public seemed to be related to a drop in gun crimes in Boston, and a leveling off of handgun violence in Detroit. A total ban on handguns was tried in Washington, D.C., beginning in 1976. Both gun homicides and gun suicides dropped visibly after the ban took effect, while no change occurred in homicides and suicides not committed with guns". (4) The citizens of Kansas need to focus on making laws that ensure severe punishment for those who threaten our peaceful way of life. Until punishment is made more certain, no law addressing this problem will be effective.

Kansas doesn't need this bill. Currently, we are legally able to possess firearms for sport or protection as long as they are not concealed. We are legally able to possess, and conceal for that matter, firearms in our homes and places of business.

The concept of a concealed weapon enhancing a citizen's level of self defense protection is a hollow one. It erroneously assumes a level of protection that is not there. It is a mistake to assume the limited training will allow a citizen to draw a concealed weapon and use it successfully before the threatening criminal uses his/hers. If a criminal suddenly produces a weapon, they have the advantage. Some may say they "have the drop on you". In these cases, concealed weapons would be of no use; in fact, a weapon in plain view, which is currently legal, would probably be more effective.

The question of sufficient training is further distressing. With my law enforcement training and experience, I know the handling of firearms in peace keeping situations is incredibly complicated. We train our officers every month in proficiency and judgment situations. When considering the variety of experience, maturity, and wisdom of those that will be eligible to be licensed to carry a concealed weapon, I don't think it is wise to trust their judgment when to shoot and not to shoot in self defense. It requires much more training to know when NOT to shoot than to learn how to shoot. For example, we routinely train and re-train our officers to consider their surroundings before using deadly force. I am not comfortable this lesson will be adequately provided for the citizen considering the use of deadly force when they perceive danger and are in a crowd, or a group is in their line of fire.

In conclusion, I firmly believe most people are law abiding and will obey the laws of the State for the good of all. This proposed bill is not a good law. It is like taking the guard off of a piece of dangerous machinery to make work at the plant easier or taking down the guard rail at a look-out point on a high cliff so people can have complete freedom to get close to the edge to get a better look. Please don't take a step backwards by passing this bill. Let's work together to pass laws to punish those that threaten our peaceful way of life.

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- (4) Ibid

MAYFIELD, President  
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enter, Kansas 66783

DOUGLAS, President-Elect  
Kansas Highway Patrol  
Emporia, Kansas 66801

FRANK DENNING, Vice-President  
Johnson County Sheriff's Office  
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VIN THIMMESCH,  
Secretary-Treasurer  
Kansas Peace Officers' Association  
Wichita, Kansas 67201

O. J. McF  
Sergeant a  
Paola Police D  
Paola, Kansas 66771

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Kansas Lottery Security  
Wichita, Kansas 67202

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Kinsley Police Department  
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TOM PRUNIER  
Derby Police Department  
Derby, Kansas 67037  
SCOTT MAYFIELD  
Kansas Highway Patrol  
Wichita, Kansas 67226

#### DISTRICT 8

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Eureka, Kansas 67045  
CHARLES D. WARD  
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Chanute, Kansas 66720  
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# Kansas Peace Officers' Association

INCORPORATED

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House Committee on Federal and State Affairs

February 21, 1996

HB 2885

Mr. Chairman and Members of the Committee:

A telephone survey of KPOA's 40- member legislative committee last year reflected 35 against, 2 opposed, 2 neutral, and 1 could not be reached. These numbers have not changed and do reflect the opinions of the association as a whole. Do they reflect all of KPOA - certainly not, just as not all NRA members or all gun owners support this concealed carry legislation.

You know our concerns - the health and safety of the public as well as law enforcement officers on the street. These have not changed from last year, nor will they change next year.

Even though we are opposed, that is not sufficient reason to let a piece of legislation slide through without making adjustments that would make this a more palatable bill for the public in general.

New section 3(4) and (5) should be amended to better gauge who should be allowed to carry a concealed weapon. The definitions in KSA 59-2902 (mentally ill person), 65-4003 (alcoholic), and 65-5201 (drug abuser) are vague and no information or verification is possible. It does sound good, but is ineffective. Two or more arrests or violations of any statute dealing with alcohol or drugs should make a person ineligible for a concealed carry license.

One of the most volatile situations is not even addressed -- domestic violence, a subject this legislature is addressing each year. Why not state that if a person has been involved in a domestic dispute report two or more times, they cannot receive a license; or their license must be revoked?

The people of Kansas voted for their sheriffs. Why do the sponsors say a sheriff "may participate in the process by submitting a voluntary report to the bureau ..., but several pages later say the KBI cannot consider this information. We believe public safety would be better served by allowing the KBI to consider the sheriff's knowledge.

*In Unity There Is Strength*

FvSA  
2-21-96  
Atch # 11

We also question the ability of the KBI, under present budget conditions, to handle the estimated 16,000 applications. We would hope that extra personnel and funds would be available (over and above what the House Appropriations Committee has appropriated) if this is passed.

Our last issue is the preemption of local ordinances. A number of you campaigned on "getting the government off the backs of citizens" and/or "local control is better than federal or state involvement" and/or "local citizens know their communities better than Topeka or Washington D.C." Is it the duty of this legislature, or any legislature, to overturn ordinances which many communities around the state support? If this issue is of great importance, why not let each county decide their status on guns.

We hope you will consider the amendments listed above. Thank you for your consideration.

**Submitted Testimony of Sylvia Smith on H.B. 2885  
Federal and State Affairs Committee  
Kansas House of Representatives  
February 21, 1996**

My name is Sylvia Smith and I live in Wichita, Kansas. Thank you, Mr. Chairman and Committee members for allowing me the opportunity to testify on the very important issue of self-protection.

Before 1993, I probably would not have testified on the issue of self-protection. To be honest with you, I was very unaware of my vulnerability. My attitude and concerns have greatly changed since I was mugged and robbed in a Wichita "Checkers" grocery store parking lot in 1993. Since the occurrence I have become much more aware of the dangers and of the precautions I need to take.

I have been in the hotel business for about 10 years and I have worked as the Corporate Sales Director of a Wichita hotel for about 5 years. As an employee of a hotel, you can imagine I come and go at all hours of the day and night. I am also a certified environmental inspector which requires me to enter vacant commercial buildings. But it was not my odd hours at the hotel or my work in isolated areas that set me up for an attack.

One evening around 9:00 pm I was coming out of the grocery store in the well-lit parking lot of Cherry Creek Shopping Center in Wichita when a man grabbed me. He tried to drag me to a nearby parked car where another man was waiting to drive us away. I was very close to the grocery store door and my car was parked very close by, but neither the close proximity of the store or the car stopped the man from grabbing me and holding on to me. Fortunately, I was able to poke the man in the face and then he threw me across the parking lot. The man took my purse and then ran to the waiting car. I then laid in the parking lot for about 40 minutes before the police or a rescue squad arrived. These men were never caught for my mugging and robbery. My injuries included a dislocated kneecap and elbow. However, as I have thought back on that night, I consider myself lucky and wonder if I would be here today to testify if that man had gotten me in that car.

I later found out that other incidents of this nature had occurred in this shopping center; however, nothing had been publicized and as a consumer I had not been given any warning of this crime trend.

Even though I have been treated for post-traumatic stress syndrome, I still am anxious now and then when I think about this night or when I am isolated or placed in certain situations.

After this experience in 1993, I now fully understand that my personal protection is my responsibility. The police can not protect me. I considered myself to be in a well-lit area at a normal time of evening in a busy shopping center, but I was still victimized.

Unfortunately, this is not an isolated incident in Wichita. A couple of weeks after my mugging, one of my neighbors was mugged in a "Food Barn" grocery store parking lot in Wichita.

Ladies and Gentlemen of the Committee, I implore you to allow me and other law-abiding citizens to defend ourselves while we go about our daily lives, working, shopping and doing all the other activities that one day entails.

Please vote for self-protection act, H.B. 2885 and allow me to take responsibility for my own safety. Thank you for your time and consideration of this issue that is so important to me.

F & SA  
2-21-96  
Atch #12

# THE LAW ENFORCEMENT ALLIANCE OF AMERICA

*The Nation's Largest Coalition of Law Enforcement, Crime Victims and Concerned Citizens Dedicated to Making America Safer.*



LEAA

**Testimony of  
James Fotis, Executive Director  
Law Enforcement Alliance of America**

**Before the Kansas House Committee on Federal and State  
Affairs  
In Support of "Right to Carry" Legislation  
H.B. 2885**

**February 20, 1996**

Law Enforcement Alliance of America, Inc.

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Due to LEAA's legislative activities, contributions and gifts to LEAA are not tax-deductible.

F. SA  
2-21-96  
ATCH # 1

Good afternoon, and thank you for the opportunity to present the view of rank-and-file law enforcements' on Kansas' "Right to Carry" legislation. My name is Jim Fotis and I'm the Executive Director of the Law Enforcement Alliance of America (LEAA).

LEAA is the nation's largest coalition of law enforcement professionals, crime victims and concerned citizens joined together to support legislation that benefits law enforcement, provides for the safety of citizens, and increases the penalties against criminals.

Today I represent over 50,000 Members nationally and over 700 Members here in the state of Kansas. I am speaking to you today with 13 years of personal experience. I retired from the police force as my departments highest decorated officer after sustaining injuries in the line of duty.

As you have already heard this morning, the experiences of over half of the states in this nation prove that "Right to Carry" legislation is not a problem. LEAA, rank-and-file cops, and crime victims strongly support passage of a non-discretionary, fair, concealed weapons permit statute here in Kansas.

As the debate over this issue heats up you'll likely hear the following claims:

- *citizens with these permits will pose an additional threat to working cops;*
- *minor situations will "flare-up" into gun fights;*
- *permit holders will either have their guns turned against them by their attacker or they won't be able to defend themselves with them.*

I would like to take the opportunity to respond to these claim before they have a chance to cloud the true issue at hand -- the right to self-protection.

After talking with thousands of rank-and-file officers, I know very few, that believe the claim that permit holders pose an added danger to law enforcement. To date, we are unaware of a single incident in which a legally licensed permit holder has shot a police officer with his or her concealed weapon.

The argument that officers will have to approach people more carefully because of concealed firearm permits is groundless. Every credible law enforcement training program in this nation teaches officers to approach all patrol situations as if they pose a possible threat. The issuance of permits should be absolutely immaterial with respect to how officers perform their routine duties. Additionally, none of the police officers I have spoken with have expressed fear of massive outbreaks of violent crime by permit holders. The idea that permit holders will suddenly become violent has been totally discredited.

In addressing the phobia of increased gun violence by permit holders, I'd like to reiterate that of 306,739 carry permits issued in Florida, spanning eight years concluding

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October 31, 1995, **only 52** -- less than 0.02% -- have been revoked because permit holders committed crimes when guns were present. And, as impressively, Florida's homicide rate has dropped more than 21% to a level of 4% below the national average.

In Oregon, after passage of a carry law like Florida's, only 4 of 14,000 (less than 0.03%) of permit holders were convicted of crimes involving the use or possession of firearms.

The concerns about criminal behavior of permit holders have been conclusively proven to be completely unfounded.

I would also like to dispel the image that everyone is going to be carrying a firearm when this bill passes. First of all, carrying a firearm for protection is a very personal decision, which many will decide against. Secondly, with "shall issue" permit systems, like the one proposed here in Kansas, and available in 21 other states, the average number of persons who will obtain permits is only 1-4% of those individuals qualified to do so.

The assertion that a firearm used in self-defense by a citizen is likely to be turned against it's owner is also fraudulent. According to a study done in Miami, Florida, covering six years and over 21,000 permit holders, there was only **one** known incident of a crime victim having his gun taken away. Meanwhile, award-winning criminologist Gary Kleck's nationwide research demonstrates that firearms are used for self-protection more than 2.1 million times annually. Clearly these firearms are not routinely being turned against their owners.

The rhetoric that citizens won't be able to defend themselves in any meaningful way with a firearm is also weak. Supporting Dr. Kleck's statements about 2.1 million defensive uses of guns annually by citizens, the U.S. Department of Justice has found that 34% of felons have been "scared off, shot at, wounded, or captured by an armed victim." The study also found that 40% of felons have not committed one or more particular crimes for fear their potential victims were armed. Even more amazing is that an individual using a firearm to prevent an attack against themselves is 57% more likely to prevent their victimization than an unarmed individual.

Finally, statistics from Florida also show that armed citizens tend to be more effective at wounding, driving off, or capturing criminals than law enforcement. This study found that citizens have been successful 83% of the time as compared to law enforcement's 68% due to the fact that law enforcement usually responds after the crime is committed.

Clearly, citizens are effectively using firearms to stop crime with no significant

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difficulties. And, there is no way to know how many hundreds of thousands of crimes are deterred by a criminal's fear of running up against an armed citizen.

The concerns of the opponents of this legislation are totally unfounded. They represent nothing other than unsubstantiated opinion. The facts available from states which have enacted legislation creating a non-discretionary permit system, such as Florida and others, have proven this.

I would also like to point out that of the states that have enacted similar "Right to Carry" reforms we are aware of none which have repealed the legislation. Soon the spokesmen of national, and some local, police organizations - often appointed by politically correct gun-hating politicians, and having a clear history of vilifying guns and gun-owners - will start claiming that this "Right to Carry" reform is a bad idea. When they do, just remember that John Fuller, General Counsel of the Florida Sheriff's Association said, "I haven't seen where we have had any instances of persons with permits causing violent crimes, and I'm constantly on the lookout." And, in 1994, Florida State Representative Ron Silver - who was the biggest opponent to Florida's "Right to Carry" bill - admitted, ". . . *I think it's working pretty well. . . We have found very few instances whereby (permit holders) have actually gone out and committed a crime afterwards.*" As a retired, highly decorated, disabled police officer, injured in the line of duty after surviving a shootout and other injuries, I can tell you from personal experience that law-abiding citizens with carry permits are not a threat to anyone, especially our police.

The facts are in... and the record is clear: honest citizens who are given the choice whether or not to have the means to provide for their own security are not a threat to society.

The citizens, the police, and the crime victims of Kansas implore you to pass this important legislation this year creating a fair and equitable permit system.

Thank you.

# RIGHT TO CARRY STATUTES

<u>STATE</u>	<u>STATUTE</u>	<u>LAST SIGNIFICANT MODIFICATION</u>
Alabama	yes	1936
Alaska	yes	1994
Arizona	yes	1994
Arkansas	yes	1995
California	yes	1920
Colorado	yes	1920
Connecticut	yes	1986
Delaware	yes	1992
<b>DISTRICT OF COLUMBIA</b>	<b>NO</b>	
Florida	yes	1987, 1995 (law w/out sign)
Georgia	yes	1976
Hawaii	yes	?
Idaho	yes	1995
<b>ILLINOIS</b>	<b>NO</b>	
Indiana	yes	1980
Iowa	yes	1977
<b>KANSAS</b>	<b>NO</b>	
<b>KENTUCKY</b>	<b>NO</b>	
Louisiana	yes	?
Maine	yes	1985
Maryland	yes	1972
Massachusetts	yes	?
Michigan	yes	1927
Minnesota	yes	1970
Mississippi	yes	1990
<b>MISSOURI</b>	<b>NO</b>	
Montana	yes	1991
<b>NEBRASKA</b>	<b>NO</b>	
Nevada -	yes	1995
New Hampshire	yes	1923
New Jersey	yes	1920
<b>NEW MEXICO</b>	<b>NO</b>	
New York	yes	1911
North Carolina	yes	1995 (amended upon passage no sign. needed)
North Dakota	yes	1985
<b>OHIO</b>	<b>NO</b>	
Oklahoma	yes	1995
Oregon	yes	1990
Pennsylvania	yes	1989, 1995
Rhode Island	yes	1930
South Carolina	yes	?
South Dakota	yes	1986
Tennessee	yes	1994
Texas	yes	1995
Utah	yes	1995
Vermont	yes	no permit needed
Virginia	yes	1995
Washington	yes	1983
West Virginia	yes	1989
<b>WISCONSIN</b>	<b>NO</b>	
Wyoming	yes	1994

*Bold: Indicates no statute on the books*

FSA  
2-21-96  
Atch #14

# KANSAS SHERIFFS ASSOCIATION

Legislative Committee

February 20, 1995

HB 2885

TO: House Committee on Federal and State Affairs

Much of law enforcement's time and effort is spent trying to minimize liability and at the same time, protect citizens. We ask our officers to make split-second life or death decisions and we expect them to make the correct decision. If they make a wrong decision, there is no second chance for the officer or the victim.

Training is utilized continuously to prepare officers for those decisive moments, however, the frequency of episodes involving weapons directly affects the number of mistakes that occur.

Human nature is such that individuals involved in conflict feel compelled to respond; if a weapon is available (carried) the response will include the use of a weapon. Our belief is that situations may be deadly if the good Samaritan is carrying a concealed weapon.

We are currently dealing with more and more incidents of students carrying concealed weapons to school with tragic results. Are we prepared to set an example which sends them the message that concealed weapons are okay? This message will be interpreted as is our drinking age law. The law says they cannot drink until they are 21, yet they drink because we do.

We should strive to decrease the number of weapon-related incidents rather than creating additional opportunities for weapons to be involved.

We ask you to consider the serious ramifications of passage of such a law and urge you not to pursue this simply because other states have.

**Persons who DO NOT choose to CARRY A CONCEALED WEAPON have the RIGHT TO KNOW WHO DOES.**

*FLSA  
2-21-96  
Atch #15*

**CITY OF****KINSLEY**316-659-3611 / City Building / P.O. Box 7 / 721 Marsh  
**Kinsley, Kansas 67547**

February 21, 1996

TO: Committee Members

FROM: Douglas S. Murphy  
Chief of Police

Re: HB 2885

Dear Committee Members:

You will find attached a copy of my testimony regarding HB 2885. It was my intent to present this to you personally today during committee hearings on HB 2885. However, due to being called out at 3:00 AM to assist my officers with a drug interdiction and the subsequent court filings and hearings this morning, I am unable to appear before you.

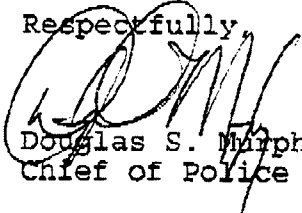
I respectfully request your consideration of my comments and apologize to you for not appearing.

In addition to my duties as Chief of Police, I also serve as a District Governor and a Legislative Committee member of the Kansas Peace Officer's Association. While I realize that there are a few law enforcement officers who may personally support HB 2885, I personally and the KPOA as an organization do not. Nor do the majority of the citizens of this State that I have visited with.

However, if passage of this bill is inevitable, I would request that you strongly consider the amendments to specific sections that are recommended to make this bill more workable than it is in its present state.

Again, I apologize for not appearing for you personally and ask for your consideration.

Respectfully,



Douglas S. Murphy  
Chief of Police

FISA  
3-21-96  
Atch #16

## TESTIMONY ON HB 2885

Douglas S. Murphy  
Chief of Police  
Kinsley, Kansas

MY NAME IS DOUGLAS S. MURPHY AND I AM THE CHIEF OF POLICE FOR THE CITY OF KINSLEY, KANSAS. KINSLEY IS LOCATED APPROXIMATELY 37 MILES EAST OF DODGE CITY, KANSAS, AND SETS ALONG THE ORIGINAL SITE OF THE SANTE FE TRAIL. BOTH DODGE CITY AND THE SANTE FE TRAIL ARE RICH IN THE HISTORY OF WHAT KANSAS WAS ONCE KNOWN FOR: GUNFIGHTS, LAWLESSNESS, AND A GENERAL DISREGARD FOR THE WELFARE AND SAFETY OF THE CITIZENS OF THAT TIME.

THE STATE LEGISLATURE IS CONSIDERING ADOPTING THE PROVISIONS OF HB 2885; THAT OF ALLOWING CITIZENS TO CARRY CONCEALED WEAPONS. A NUMBER OF STATES, INCLUDING OUR NEIGHBORS TO THE SOUTH, OKLAHOMA AND TEXAS, HAVE PASSED SIMILAR LAWS. IT WOULD APPEAR CITIZENS OF THOSE STATES, AND NOW THE CITIZENS OF THE STATE OF KANSAS, ARE BECOMING INCREASINGLY ALARMED ABOUT THEIR SAFETY IN TODAY'S SOCIETY WITH THE RISING CRIME RATE. THE PEOPLE ARE WANTING TO BE PROTECTED. IF WE AS LAW-MAKERS AND LAW ENFORCERS CAN'T PROTECT THE CITIZENS, THEN THEY WANT TO BE ABLE TO PROTECT THEMSELVES.

CURRENTLY UNDER KANSAS LAW ANY PERSON WHO IS NOT OTHERWISE PROHIBITED BY LAW, CAN OPENLY CARRY A FIREARM ANYWHERE WITHIN THE STATE OF KANSAS UNLESS THERE IS A CITY ORDINANCE OR COUNTY RESOLUTION TO THE CONTRARY. ADOPTING A LAW THAT ALLOWS A CITIZEN TO CARRY CONCEALED WEAPONS, EVEN ONE WHO MAY BE LAW-ABIDING AND MEET THE ELIGIBILITY SET FORTH IN HB 2885, HAS THE POTENTIAL OF RETURNING US TO THE DAYS OF THE WESTERN FRONTIER WHEN CITIZENS

TOOK THE LAW INTO THEIR OWN HANDS.

MOST PEOPLE WHO WOULD APPLY FOR AND BE ISSUED A LICENSE TO CARRY A CONCEALED WEAPON WILL NEVER HAVE TO USE THE WEAPON IN THEIR PERSONAL DEFENSE, OR TO KEEP THEMSELVES FROM BECOMING A VICTIM OF CRIME. ALTHOUGH THE CRIME RATE IS INCREASING AT AN ALARMING RATE, THE CHANCES OF A PERSON BECOMING THE VICTIM OF VIOLENT CRIME IS STILL RELATIVELY LOW. THE NEED FOR THE AVERAGE CITIZEN TO CARRY A CONCEALED WEAPON IS NOT IMPERATIVE.

ON THE OTHER HAND, ALLOWING PEOPLE TO CARRY WEAPONS, CONCEALED OR OTHERWISE, ONLY INCREASES THE POTENTIAL FOR FURTHER HARM; HARM IN THE FORM OF ACCIDENTAL SHOOTINGS WHICH WILL RESULT IN INJURY OR DEATH. ALLOWING THE CARRYING OF WEAPONS WOULD ALSO INCREASE THE POTENTIAL FOR A NORMALLY LAW-ABIDING PERSON TO RESORT TO VIOLENCE THEMSELVES WHEN CONFRONTED WITH A SITUATION SUCH AS A FIGHT, A CAR WRECK, A NEIGHBORHOOD DISPUTE, DOMESTIC VIOLENCE, AND SO FORTH. I AM SURE THE COMMITTEE IS AWARE OF THE NUMBER OF SHOOTINGS IN OTHER STATES ARISING SIMPLY OVER ONE PERSON MAKING OBSCENE GESTURES AT ANOTHER PERSON. ADOPTING THE PROVISIONS OF HB 2885 WOULD ONLY INCREASE THE POTENTIAL FOR GREATER HARM.

I FULLY UNDERSTAND AND APPRECIATE THE AVERAGE, LAW-ABIDING CITIZEN'S CONCERN FOR SAFETY IN THE FACE OF TODAY'S RISING CRIME. HOWEVER, I BELIEVE THAT HB 2885 IS NOT THE SOLUTION TO THE CONCERNS FELT BY OUR CITIZENS.

EACH YEAR THE GALLUP POLL CONDUCTS A PUBLIC OPINION SURVEY OF THE DIFFERENT SEGMENTS OF OUR SOCIETY. IN 1993, LAW ENFORCEMENT WAS RANKED AS HAVING THE THIRD HIGHEST APPROVAL

16-3

RATING OF ALL THE DIFFERENT SEGMENTS OF OUR SOCIETY, COMING IN BEHIND THE MILITARY, WHICH WAS RANKED FIRST WITH 64%, AND THE CHURCH, WHICH WAS RANKED SECOND WITH 62%. IN 1994, LAW ENFORCEMENT PASSED THE CHURCH AND HAD THE SECOND HIGHEST APPROVAL RATING, AT 61%. BOTH THESE SAME YEARS THE CRIMINAL JUSTICE SYSTEM CAME IN FAR BELOW THE DISMALLY LOW 22% APPROVAL RATING HELD BY CONGRESS.

THIS WOULD SUGGEST THAT CITIZENS BELIEVE LAW ENFORCEMENT DOES WHAT IT CAN TO PROTECT THEM; THEIR CONCERN IS WITH THE CRIMINAL JUSTICE SYSTEM'S INABILITY TO FOLLOW-THRU IN THE PROCESS. I SUGGEST THE FEELINGS FELT BY OUR CITIZENS WOULD BE BETTER ADDRESSED BY LOOKING CLOSER AT THE CRIMINAL JUSTICE SYSTEM AND WHAT CAN BE DONE TO MAKE CRIMINALS LESS APT TO COMMIT CRIME. A COUPLE OF AREAS THAT COULD BE ADDRESSED WOULD BE STIFFER, MANDATORY SENTENCING AND REDEFINING THE JUSTICE SYSTEM INTO A VICTIM OR SOCIETY JUSTICE SYSTEM RATHER THAN A CRIMINAL JUSTICE SYSTEM.

AS AN EXAMPLE, AGGRAVATED BATTERY IS A VIOLENT CRIME WHEREIN A PERSON IS INJURED WITH A DEADLY WEAPON AND, AS DEFINED IN K.S.A. 21-3414(a)(1)(B), IS A SEVERITY LEVEL 7 PERSON FELONY AND PROVIDES A PRESUMPTION OF PROBATION; UNLESS THE OFFENDER HAS A LENGTHY CRIMINAL HISTORY. NO WONDER WHY OUR CITIZENS FEEL THEY NEED TO ARM THEMSELVES.

THE DOWN SIDE TO PROVIDING STIFFER/MANDATORY SENTENCING WOULD BE THE NEED TO INCREASE THE NUMBER OF PRISON BEDS AVAILABLE TO HOUSE THOSE WHO PREY ON INDIVIDUALS AND OUR SOCIETY. WE SHOULD HAVE BEEN PROVIDING MORE PRISON BEDS TO KEEP PACE WITH THE

RISING CRIME RATE, RATHER THAN FINDING WAYS TO NOT BUILD MORE BEDS. THE PEOPLE I HAVE TALKED TO WOULDN'T MIND PAYING MORE IN TAXES FOR MORE PRISON BEDS IF THEY SAW MORE CRIMINALS GOING TO PRISON AND NOT BEING RELEASED BACK INTO SOCIETY.

THE UP SIDE TO REDEFINING THE JUSTICE SYSTEM WOULD BE CITIZENS THAT FELT THE JUSTICE SYSTEM WAS, IN FACT, TRYING TO PROTECT THEM.

I PERSONALLY BELIEVE IN THE SECOND AMENDMENT AND A LAW-ABIDING CITIZEN'S RIGHT TO OWN FIREARMS, AND IN NO WAY WANT TO CONVEY AN ALTERNATE IMPRESSION. HOWEVER, I FEEL THAT HB 2885 IS NOTHING MORE THAN A KNEE-JERK POLITICAL REACTION TO A PROBLEM RATHER THAN A SOLUTION TO THE PROBLEM. THE "CALL TO ARMS" FOUND IN THE PROPOSED BILL WOULD ONLY RETURN US TO THE DAYS OF THE WILD WEST, DODGE CITY STYLE GUNFIGHTS, AND THE LAWLESSNESS FOUND IN THE EARLIER DAYS OF OUR BECOMING ORDERLY SOCIETY.

THANK YOU FOR YOUR TIME AND ANY CONSIDERATION YOU MAY GIVE TO MY COMMENTS.





**OFFICERS**

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ROGER SCHROEDER  
Region VI  
Garden City

February 20, 1996

Chairperson and Committee Members  
House Federal and State Affairs Committee  
300 W. 10th Room 519  
Topeka, Kansas 66612

Kansas Association of Chiefs of Police urges you to vote against House Bill 2885 which provides for the licensure to carry certain concealed weapons.

The Kansas Association of Chiefs of Police opposes the efforts to ease restrictions on carrying of concealed firearms because of the escalation of potentially dangerous situations concealed firearms impose on law enforcement officers and citizens alike. The proliferation of firearms in our society has not been an effective solution to the problems of crime and the proliferation of concealed firearms will only exasperate the situation.

We understand, probably better than any other group, the dangers associated with the use of firearms. We are trained extensively on the use and retention of our service weapons yet many officers are killed every year by firearms. Most officers killed by firearms do not get a chance to fire their weapons and many are killed with their own weapons. Can citizens expect to fare any better than cautious, well-trained police officers?

Although some would have you believe that this legislation would make Kansas a safer place to live because criminals might be deterred by the knowledge that many citizens are carrying concealed firearms, there is no evidence or statistical data that supports this contention. It is just as likely that criminals would become better armed and strike first at a potential victim for the same reasons. Citizens of

FUSA  
2-21-96  
Atch #17

Kansas may keep loaded concealed firearms in their businesses and homes and yet thousands of criminal offenses occur in those businesses and homes perpetrated by the same criminals we are to believe will be deterred by making available concealed weapons in public.

Proposed efforts to adequately regulate and administer the issuance of carry concealed permits is admirable but is simply not currently possible. The Kansas Bureau of Investigation does not have adequate access or resources to maintain and research information to keep from issuing permits to mentally ill, alcoholics, substance abusers, the dishonorably discharged, illegal non-citizens and those subject to a restraining order issued under the protection from abuse act. Changes in these conditions in reference to individuals occur daily and are beyond the control and present access of the KBI.

In conclusion, we ask that you protect our officers who daily put their lives in jeopardy by not allowing this legislation to become law.

Sincerely,



William M. Watson  
Chairman  
Legislative Committee  
Kansas Association of Chiefs of Police