

Approved: 5-3-97  
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:10 a.m. on March 24, 1997 in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Midge Donohue, Committee Secretary

Conferees appearing before the committee:

W. Jeffrey "Jeff" Young, South Carolina State Representative,  
Columbia, South Carolina  
Mr. Scott G. Hattrup, Attorney at Law, Overland Park  
Eric Haskin, Trooper, Kansas Highway Patrol  
Mr. James J. Fotis, Executive Director, Law Enforcement Alliance of  
America, Falls Church, Virginia  
Mrs. Jan Exby, Director, Safety for Women and Responsible Motherhood,  
Overland Park  
Mr. Jim Kaup, City of Topeka  
Ms. Karen O'Connor, Wichita  
Ms. Helen Stephens, Kansas Peace Officers Association & Kansas Sheriffs'  
Association, Prairie Village  
Sergeant Lane Ryno, Emporia Police Department

Others attending: See attached list

Senator Oleen advised that Representative Hayzlett, a sponsor of the bill being heard by the committee today, was scheduled to appear in support of the measure, but the House was in session and she would make every effort to accommodate his schedule, time permitting.

Senator Oleen inquired if anyone in the room was carrying a concealed weapon and, if so, she asked that the weapon be taken across the hall and left there. No one responded. Senator Oleen indicated the request was made because of concern expressed by committee members, and because a concealed weapon had been worn by a conferee at a hearing held earlier on the subject.

Senator Oleen explained that the time allotted for the hearing today would be divided equally between proponents and opponents of the issue. She referenced a handout from the Legislative Research Department (Attachment #1) comparing the major provisions of the 1997 bills which provide for licensure to carry concealed weapons. She called attention also to the supplemental note on the house bill, which she said could be found in the bill book, and told committee members if they had questions on specific parts of the bill, time would be allowed to address them.

The hearings were opened on:

**HB 2159: An act enacting the personal and family protection act; providing for licensure to carry certain concealed weapons; prohibiting certain acts and prescribing penalties for violations.**

W. Jeffrey "Jeff" Young, South Carolina State Representative, addressed the committee as a proponent of **HB 2159 (Attachment #2)**. Representative Young, sponsor of the South Carolina Law Abiding Self-Defense Act signed into law last July, discussed South Carolina's experience with the Act, citing the number of people

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trained in handgun use and safety, the number of permits issued, and the number of applications denied. He said the system of checks worked in South Carolina and indicated the same thing is happening in every state that has enacted concealed weapons laws. He pointed out that not one of the states has had to reverse its position.

Mr. Scott G. Hattrup, Attorney at Law, Overland Park, a proponent of the bill, waived his time before the committee and asked that his written remarks (Attachment #3) be included in the record.

Eric Haskin, a Kansas State Trooper, appeared before the committee on his own behalf as a proponent of **HB 2159** (Attachment #4). Trooper Haskin told the committee that, about a year ago, he became interested in the issue of legally licensing civilians to carry concealed weapons and contacted the Director of Licensing for the Florida Department of State, the department that oversees the issuance of concealed carry permits for the State of Florida. Trooper Haskin discussed Florida's experience with concealed carry legislation. He said the debate about concealed carry should not be about political or philosophical differences between law enforcement officials or between legislators; rather, he said it is simply an issue of citizen safety. Trooper Haskin stated that **HB 2159** would allow law abiding Kansans a much needed option to provide for their own personal safety.

Mr. James J. Fotis, Executive Director, Law Enforcement Alliance of America, Falls Church, Virginia, addressed the committee as a proponent of **HB 2159** (Attachment #5). Mr. Fotis explained the purpose of the Law Enforcement Alliance of America, an organization with 50,000 members nationally, 800 from Kansas. He stated that rank and file police officers in Kansas and across the country are seeing good things happen because of "Right to Carry" laws that currently exist in forty-three states and that they, along with crime victims, strongly support passage of a non-discretionary concealed handgun permit system in Kansas. Mr. Fotis pointed out that not everyone will be carrying a firearm if the bill becomes law; that it is a personal decision. He specifically addressed **HB 2159** and said it is one of the toughest "Right to Carry" bills he has encountered; that legislation passed in other states is not as strict in training requirements or background checks. In regard to background checks, he told the committee a legitimate check can be accomplished in less than ten minutes with a date of birth or a social security number and a name. He said that "Right to Carry" laws have passed the test of scientific analysis and convinced the public that this type of law saves the lives of honest Americans. On behalf of the Law Enforcement Alliance of America, he asked the committee to give favorable consideration to **HB 2159**.

Senator Oleen asked Mr. Fortis about the LEAA and how it began. He explained it was incorporated in Virginia. Upon further questioning, he acknowledged that the National Rifle Association (NRA) had provided seed money to the organization.

The testimony of Mrs. Jan Exby, Director, Safety for Women and Responsible Motherhood, Overland Park, a proponent of **HB 2159**, was limited to one minute due to time constraints. She talked about her experience as a crime victim and said she was speaking for women who have contacted her who are members of Safety for Women and Responsible Motherhood. Mrs. Exby addressed the need for statewide uniform standards to ensure that a street or county boundary will not be an arbitrary basis to deny capable women from protecting themselves. In the interest of time, Senator Oleen advised Mrs. Exby that her written remarks would be entered into the record (Attachment #6).

The chair noted that the allotted time had elapsed for testimony to be presented by proponents of the bill. She said that other committee members had commitments that would require them to leave before all testimony could be heard but that, in the interest of fairness, she would remain in order for opponents to have equal time to be heard.

Mr. Jim Kaup, representing the City of Topeka, addressed the committee as an opponent of **HB 2159** (Attachment #7). Mr. Kaup pointed out two basic concerns the City of Topeka has with the bill in its present form: public safety and the preemption of home rule. He said the City opposes the bill because it is a threat to the safety of the public and law enforcement officers. Further, he said it is an unjustified and harmful preemption by the state of a subject matter that local governments have historically regulated in partnership with the state. For those reasons, the City asks that the committee report the bill unfavorably.

When questioned about the City's concern regarding public safety, Mr. Kaup told the committee the City did not have confidence in the training required in the bill; that it is unknown if an individual will exercise good judgment or how a person will perform in a crisis situation. He said, however, that the City's main concern was the issue of preemption.

Ms. Helen O'Connor, Wichita, a proponent of **HB 2159**, told the committee she worries about what to tell children if this legislation passes (Attachment #8). She spoke about the values instilled in children. She

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compared guns to drugs, saying both are lethal weapons, and she would not allow her children to be around either. Ms. O'Connor stated that a bill like **HB 2159** will lead children to the conclusion that we have no confidence in the future; that we have lost hope and have no control over circumstances.

Ms. O'Connor advised that she had brought petitions, and that the message they delivered is great. She indicated that, while gathering signatures on the petitions, she found that for every person who supports the bill, there are thirty who are strongly oppose it.

Senator Oleen acknowledged the petitions Ms. O'Connor referenced. She indicated they had been delivered last Friday and were being processed.

Ms. Helen Stephens, representing Kansas Peace Officers Association and the Kansas Sheriffs Association, spoke in opposition to **HB 2159**. She stated she had no written testimony to submit, but her position had not changed since her testimony before the committee earlier on **SB 21**. She stated that, in polling the membership of the associations she represents, it was learned that members were opposed to concealed carry, and some were opposed because of preemption. She said they did not believe the training required in the bill is adequate, particularly in regard to when to use a firearm. She stated that the training does not tell you how an individual will react in an emergency or when in a panic situation. She pointed out that law enforcement officers train and qualify in the use of firearms on a regular basis. Ms. Stephens urged the committee to let the people vote on the issue of concealed carry by passing **SCR 1606** and wording the ballot in such a way that people understand what they are voting for.

Ms. Stephens then testified as a private citizen in opposition to the bill. She told the committee that she was testifying as a woman and resident of Kansas who is appalled that the bill "has passed on the backs of women". She said she believes, if you carry a weapon, you are deluding yourself into thinking you are safe and you will not be alert and take precautions that really work.

Senator Oleen noted that the constitutional amendment issue was scheduled for debate on the floor of the Senate this week and, should it pass, she indicated the committee would work **HB 2159**. She announced that a subcommittee had been appointed to draft enabling legislation, and the members of the subcommittee are Senator Oleen, Senator Jones, Senator Vidricksen, Senator Harrington and Senator Gooch.

Sergeant Lane Ryno, Emporia Police Department, advised that he had no written remarks to submit but was representing the Kansas Peace Officers Association. Sergeant Ryno told the committee that members of the KPOA oppose the bill. One of the reasons for their opposition was the lack of training required in the bill, that the bill does not require testing upon completion of training, nor is the applicant for a permit required to meet certain standards. He pointed out also that a lot of criminal history information cannot be obtained; that information cannot be accessed on misdemeanor offenses or the mental history of an applicant.

Senator Oleen acknowledged additional written testimony which had been submitted and would be entered into the record:

Mr. James W. Clark, Executive Director, Kansas County and District Attorneys Association,  
Topeka (Opponent) (Attachment #9)

Mr. Don Moler, General Counsel, League of Kansas Municipalities, Topeka (Informational)  
(Attachment #10)

The hearings on **HB 2159** were closed, and the meeting adjourned at 12:19 p.m. The next meeting is scheduled for March 25, 1997.

SENATE FEDERAL & STATE AFFAIRS COMMITTEE  
GUEST LIST

DATE: 3-24-97

NAME	REPRESENTING
HARRY L. MOBERLY, JR	MYSELF
Helen Stephens	KPOA / KSA
Jim Clark	KC DAA
<del>Jim Clark</del>	Self
Karen O'Connell	Self
John D. ...	The Star
Scott Hattup	Self
Jim EXBY	SWARM
JAN EXBY	SWARM
HERB TAYLOR	KANSAS Sportsman's Alliance
Judy Morrison	SWARM
Ken Morrison	Self
PAUL DEGENER	SELF.
Don Miller	Lynedy G.S.M.
LANE RYNO	KPOA
Ashley Sherard	Overland Park Chamber
Karen McNeely	RM 145 DSOB
Deeb Haskin	Self
Eric Haskin	Self



COMPARISON OF MAJOR PROVISIONS 1997 BILLS THAT WOULD PROVIDE FOR LICENSURE TO CARRY CONCEALED WEAPONS/HANDGUNS

1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
Definition of weapon: A handgun, pistol, or revolver. (Sec. 1(b))	Definition of handgun: any firearm designed, made, or adapted to be fired with one hand. (Sec. 1(g))
Kansas Bureau of Investigation authorized to begin issuing licenses January 1, 1998. (Sec. 3)	Licenses could be issued upon effective date of the act. (July 1, 1997)
Licenses would be valid for four years. (Sec. 3(a))	Same. (Sec. 9)
No KBI discretion regarding licensure. The only grounds for denial of the application would be failure of the applicant to meet statutory criteria. (Sec. 3(a), Sec. 4, Sec. 5(d), Sec. 8, and Sec. 16(b))	Same. (Sec. 6)
After July 1, 1998, the KBI would be required to issue or deny a license within 90 days of receiving the application, fee, and required documentation. Prior to July 1, 1998, the KBI would have 180 days. (Sec. 5(d))	Within 90 days (60 days after January 1, 1998) of designee's receipt of application materials, issue the license, or notify the applicant in writing that the application was denied and the grounds for denial. (Sec. 6(b)) (Maximum time from KBI receipt of completed initial application: 120 days (90 days after January 1, 1998).)
The KBI would be authorized to adopt rules and regulations to administer the act, but would not be authorized to adopt rules and regulations that ". . . encumber the license issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed . . ." in the bill. (Sec. 15(a) and Sec. 16(b))	The director would be authorized to adopt rules and regulations to administer the act. (Sec. 22)
The "act shall be liberally construed to carry out the constitutional right to bear arms for self-defense." (Sec. 16(c))	
	<p>Two license categories by type of handgun:</p> <ul style="list-style-type: none"> <li>• SA—Any handguns that are not prohibited by law, whether semiautomatic or not; and</li> <li>• NSA—Handguns that are not prohibited by law and that are not semiautomatic. (Sec. 6(f))</li> </ul> <p>A license of one category could be modified to the other if the licensee demonstrates proficiency in the use of the appropriate handguns. (Sec. 10(a) and 16(e) and (h))</p>
Preemption of local regulation and licensure to carry concealed weapons. (Sec. 16(a))	No preemption provision. The act would be nonuniform.
Qualifications for licensure:	
<ul style="list-style-type: none"> <li>• resident of county where application is filed and Kansas resident for at least six months (Sec. 4(a)(1));</li> </ul>	<ul style="list-style-type: none"> <li>• Legal state resident—six months Sec. 2(a)(1)</li> </ul>
<ul style="list-style-type: none"> <li>• at least 21 years of age (Sec. 4(a)(2))</li> </ul>	<ul style="list-style-type: none"> <li>• Same (Sec. 2(a)(2))</li> </ul>
<ul style="list-style-type: none"> <li>• does not suffer from a physical infirmity that prevents safe handling of a weapon (Sec. 4(a)(3));</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant must demonstrate proficiency in use of handguns and in handgun safety procedures (Sec. 16(d)(2))</li> </ul>
<ul style="list-style-type: none"> <li>• has never been placed on diversion, convicted or adjudicated for a felony (adult or juvenile) in any jurisdiction (Sec. 4(a)(4)); and</li> </ul>	<ul style="list-style-type: none"> <li>• Not charged with or convicted of a felony as an adult or adjudicated within ten years prior to application as a juvenile for commission of an act that would be a felony for an adult. (Sec. 2(a)(3), (4), and (14))</li> <li>• Not charged with or convicted of felony or misdemeanor domestic violence for five years prior to application (ref. K.S.A. 22-2309 and criminal statutes). (Sec. 2(a)(16))</li> <li>• No suicide attempt or assistance in a suicide attempt during ten years preceding date of application (ref. K.S.A. 21-3406) (Sec. 2(a)(17))</li> </ul>
<ul style="list-style-type: none"> <li>• has not been, during the <u>five years</u> inmediately preceding the date of application:</li> </ul>	No time restriction except as noted for specific qualifications.

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 Attachment: # 1

1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
<ul style="list-style-type: none"> <li>▶ a mentally ill person or involuntary patient as defined in K.S.A. 59-2946 (Sec. 4(a)(5)(A));</li> <li>• has <u>never</u> been determined to be disabled under the Act for Obtaining a Guardian or Conservator unless the person was ordered restored to capacity three or more years before the date on which the application is submitted (Sec. 4(a)(8));</li> </ul>	<p>Not of unsound mind—“Unsound mind” means the mental condition of a person who:</p> <ul style="list-style-type: none"> <li>• has been adjudicated mentally incompetent, mentally ill, or not guilty of a criminal offense by reason of insanity;</li> <li>• has been diagnosed by a physician as being characterized by a mental disorder or infirmity that renders the person incapable of managing the person’s self or the person’s affairs, unless the person furnishes a certificate from a physician stating that the person is no longer disabled or under any medication for the treatment of a mental or psychiatric disorder; or</li> <li>• has been diagnosed by a physician as suffering from depression, manic depression, or post-traumatic stress syndrome, unless the person furnishes a certificate from a physician stating that the person is no longer disabled or under any medication for the treatment of a mental or psychiatric disorder. (Sec. 1(j))</li> </ul>
<ul style="list-style-type: none"> <li>▶ an alcoholic as defined in K.S.A. 65-4003 (Sec. 4(a)(5)(B));</li> <li>▶ committed for abuse of a controlled substance (Sec. 4(a)(5)(D));</li> <li>▶ committed for abuse of alcohol (Sec. 4(a)(5)(F));</li> <li>▶ a drug abuser as defined in K.S.A. 65-5201 (Sec. 4(a)(5)(C));</li> <li>▶ convicted or placed on diversion two or more times for driving under the influence of alcohol or drugs (Sec. 4(a)(5)(G));</li> </ul>	<p>Not chemically dependant—For most applicants “chemically dependent person” would be defined to be a person who has been convicted twice during the ten years preceding application for licensure of a class B misdemeanor or more serious crime that involves the use of alcohol or a controlled substance as a statutory element of the offense. (Sec. 2(c))</p> <p>For retired judges, “chemically dependent person” would be defined to be a person who frequently or repeatedly becomes intoxicated by excessive indulgence in alcohol or uses controlled substances or dangerous drugs so as to acquire a fixed habit and an involuntary tendency to become intoxicated or use those substances as often as the opportunity is presented. (Sec. 1(c))</p> <p>Throughout the act “intoxicated” would be defined to mean not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances or any other substance into the body, or having a blood or breath alcohol concentration of 0.08 or greater. (Sec. 1(h))</p>
<ul style="list-style-type: none"> <li>▶ convicted, placed on diversion, or adjudicated (adult or juvenile) for a misdemeanor under the Uniform Controlled Substances Act in any jurisdiction (Sec. 4(a)(5)(E));</li> <li>▶ convicted, placed on diversion, or adjudicated (adult or juvenile) of a crime under Articles 34 (crimes against persons) and 35 (sex offenses) of Chapter 21 of the statutes in any jurisdiction (Sec. 4(a)(5)(H));</li> <li>▶ convicted, placed on diversion, or adjudicated (adult or juvenile) for carrying a concealed weapon in violation of the act or violation of the criminal statute that prohibits carrying a concealed weapon (Sec. 4(a)(5)(I)).</li> </ul>	<p>Not charged with, or convicted in the five years preceding application, of an A or B misdemeanor or criminal use of weapons (ref. K.S.A. 21-4201). (Sec. 2(a)(4)) For purposes of qualifying for a license under the act, a class A misdemeanor would be defined as a crime that is not a felony and conviction of which could result in confinement in a nonstate jail. (Sec. 2(b))</p> <p>Not charged with or convicted of felony or misdemeanor domestic violence for five years prior to application (ref. K.S.A. 22-2309 and criminal statutes). (Sec. 2(a)(16))</p>
<ul style="list-style-type: none"> <li>• desires a legal means to carry a concealed weapon for lawful self-defense (Sec. 4(a)(6));</li> </ul>	
<ul style="list-style-type: none"> <li>• presents evidence, as described in the bill, of completion of a “weapons safety and training course” approved by the KBI (Sec. 4(a)(7) and (b)(2));</li> </ul>	<p>Submits certificate of proficiency and signed affidavit attesting to understanding of the act and state laws regarding the use of deadly force (Sec. 3(a)(7) and (8))</p>
<ul style="list-style-type: none"> <li>• has not been dishonorably discharged from military service (Sec. 4(a)(9)) ;</li> </ul>	<p>Not dishonorably discharged <u>within ten</u> years of application. (Sec. 2(a)(19))</p>
<ul style="list-style-type: none"> <li>• is a citizen (Sec. 4(a)(10)); and</li> </ul>	
<ul style="list-style-type: none"> <li>• is not subject to a restraining order under the Protection from Abuse Act (Sec. 4(a)(11)).</li> </ul>	<p>Not restricted under a court protective order or subject to a restraining order affecting the spousal relationship, not including a restraining order solely affecting property interests. (Sec. 2(a)(13))</p>
	<p>Not finally determined delinquent in making a child support payment and no past due child support. (Sec. 2(a)(10) and (18))</p>
	<p>No suicide attempt or assistance in a suicide attempt during ten years preceding date of application (ref. K.S.A. 21-3406). (Sec. 2(a)(17))</p>

1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
	Never affiliated with street gang or other criminal enterprise as defined in state and federal law (ref. K.S.A. 21-4401 and 18 U.S.C. 1961). (Sec. 2(a)(20))
	Not a fugitive from justice for a felony or an A or B felony. (Sec. 2(a)(5))
	Qualified under state and federal law to purchase a handgun. (Sec. 2(a)(9))
	Current in payment of all state and local taxes. (Sec. 2(a)(11))
	Not in default on a state guaranteed higher education loan. (Sec. 2(a)(12))
<p>Grounds for license suspension or revocation:</p>	
<ul style="list-style-type: none"> <li>Licensees who fail to submit evidence of completion of a weapons safety and training course every two years would have their licenses suspended or revoked. (Sec. 7) and Sec. 4 (c))</li> </ul>	
<ul style="list-style-type: none"> <li>Licensees who fail to maintain initial eligibility to receive a license would have their licenses revoked. (Sec. 7)</li> </ul>	<p>The KBI would be authorized to revoke a license if the licensee:</p> <ul style="list-style-type: none"> <li>was not entitled to the license at the time it was issued;</li> <li>gave false information on the application; or</li> <li>subsequently becomes ineligible for a license.</li> </ul> <p>Being charged with or convicted of a felony or a class A or B misdemeanor could result in revocation. (Sec. 12(a))</p>
<ul style="list-style-type: none"> <li>A false answer to any question on the license application form or submission of any false document by the applicant would subject the applicant to prosecution for perjury. (Sec. 5(a)(5)) (Perjury in this instance would be a felony and preclude licensure.)</li> </ul>	
	Any conviction entered by any court for criminal use of weapons (K.S.A. 21-4201 <i>et seq.</i> ) must contain the handgun license number of the convicted licensee. A certified copy of the judgment would be conclusive and sufficient evidence to justify revocation of a license. (Sec. 14(c) and Sec. 12(a))
	If a law enforcement officer believes a statutory basis for suspending or revoking a license exists, the officer would be required to prepare an affidavit on a form provided by the bureau stating the reason for the revocation or suspension of the license and giving the KBI all of the information available to the law enforcement officer at the time of the preparation of the form. The officer would have to attach the officer's reports relating to the license holder to the form and send the form and attachments to the KBI at its Topeka headquarters not later than the fifth working day after the date the form is prepared and to the licensee. (Sec. 12(b) and 13(b))
<ul style="list-style-type: none"> <li>Failure to notify the KBI within 30 days of a change of permanent address, or the loss or destruction of a license could result in imposition of a maximum \$100 fine, or a maximum 180-day license suspension. (Sec. 6(b))</li> </ul>	<p>The KBI would be authorized to suspend a license if the licensee:</p> <ul style="list-style-type: none"> <li>is convicted of disorderly conduct punishable as a class C misdemeanor;</li> <li>fails to notify the KBI of a change of address or name as required;</li> <li>carries a handgun of a different category than the license allows;</li> <li>has been charged with a crime conviction for which would result in ineligibility for a license; or fails to return a license after receiving a license for a different class of handgun. (Sec. 13(a))</li> </ul> <p>Licenses could be suspended for statutory reasons for a minimum of one year or a maximum of three years. (Sec. 13(c))</p> <p>Failure or refusal to display the license and identification as required by the bill would specifically be grounds for suspension and would be a class B misdemeanor. (Sec. 6(l) and 13(a)) Conviction of a class B misdemeanor could result in license revocation and prevent a person from being licensed for a minimum of five years. (Sec. 2(a)(8), and 12(a)(3) and (c))</p>



<p>Rules and regulations of the KBI would establish procedures and standards for the weapons safety and training course. Those standards would have to include:</p> <ul style="list-style-type: none"> <li>• qualifications of instructors (Sec. 4(b)(1)(C);</li> </ul>	<p>The KBI would be authorized to adopt rules and regulations establishing minimum standards for handgun proficiency, a course to teach handgun proficiency, and examinations to measure handgun proficiency. (Sec.16(a))</p> <p>The director of the KBI may certify as a qualified handgun instructor a person who:</p> <ul style="list-style-type: none"> <li>• is certified by the Kansas Law Enforcement Training Commission and the Kansas Attorney General to instruct others in the use of handguns;</li> <li>• regularly instructs others in the use of handguns and has graduated from a handgun instructor school that uses a nationally accepted course designed to train persons as handgun instructors; or</li> <li>• is certified by the National Rifle Association of America as a handgun instructor. (Sec. 18(a))</li> <li>• After certification, a qualified handgun instructor may conduct training for applicants for concealed handgun licenses. (Sec. 18(e))</li> </ul> <p>A qualified handgun instructor would have to be qualified to instruct persons in:</p> <ul style="list-style-type: none"> <li>• laws that relate to weapons and to the use of deadly force;</li> <li>• handgun use, proficiency, and safety;</li> <li>• nonviolent dispute resolution; and</li> <li>• proper storage practices for handguns, including storage practices that eliminate the possibility of accidental injury to a child. (Sec. 18(b))</li> </ul> <p>A qualified handgun instructor certificate would be valid for two years. To renew a certificate, the qualified handgun instructor would have to pay a fee of \$100 and take and successfully complete the retraining courses required by rule and regulation of the KBI. (Sec. 18(d))</p> <p>If the KBI determines that a reason exists to revoke, suspend, or deny a license to carry a concealed handgun with respect to a person who is a qualified handgun instructor or an applicant for certification as a qualified handgun instructor, the bureau shall take that action against the person's certification as a qualified handgun instructor regardless of whether the person has a license issued under this act to carry a concealed handgun. (Sec. 18(f))</p> <p>A qualified handgun instructor would have to cooperate with the KBI in the bureau's efforts to monitor the instructor's presentation of training. An instructor would have to make available for inspection to the bureau all records maintained by the instructor. The instructor would have to keep a record of all certificates of handgun proficiency issued by the instructor and other information required by the bureau by rule and regulation. The KBI would be authorized to monitor any class or training presented by a qualified handgun instructor. (Sec. 16(l))</p>
<ul style="list-style-type: none"> <li>• general guidelines for courses (Sec. 4(b)(1)(B);</li> <li>• a requirement that the course be a weapons course: <ul style="list-style-type: none"> <li>■ certified or sponsored by the KBI; or</li> <li>■ certified or sponsored by a law enforcement agency, college, private or public institution or organization, or weapons training school and taught by instructors certified by the KBI (Sec. 4(b)(1)(D);</li> </ul> </li> </ul>	<p>The course to teach handgun proficiency would have to contain training sessions divided into two parts. One part of the course would have to be classroom instruction and the other part would have to be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use the category of handgun for which the applicant seeks certification. (Sec. 16(a))</p> <p>Requirements for handgun proficiency certification would be waived for applicants for licensure who take and successfully complete training to be qualified handgun instructors and who pay the training fee. (Sec.18(c))</p>

1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
<ul style="list-style-type: none"> <li>■ a requirement that trainees receive training in the safe storage of weapons actual firing of weapons (Sec. 4(b)(1)(A); and</li> </ul>	<p>An applicant could not be certified unless the applicant demonstrates, at a minimum, the degree of proficiency that is required to effectively operate a 9-millimeter or .38-caliber handgun. (Sec.16(a))</p> <p>A retired law enforcement officer who obtains a concealed handgun license would be required to maintain, for the category of weapon licensed, the proficiency required for a law enforcement officer under K.A.R. 107-1-5 and amendments thereto. The KBI or a local law enforcement agency would be required to allow a retired peace officer of the bureau or agency an opportunity to annually demonstrate the required proficiency. The proficiency would have to be reported to the KBI upon application and renewal. (Sec. 28(e))</p>
<ul style="list-style-type: none"> <li>■ instruction in state laws regarding the carrying of concealed weapons and the use of deadly force (Sec. 4(b)(1)(A).</li> </ul>	<p>Handgun proficiency courses would have to be administered by qualified handgun instructors and include a minimum of ten hours and a maximum of 15 hours of instruction on:</p> <ol style="list-style-type: none"> <li>(1) the laws that relate to weapons and to the use of deadly force;</li> <li>(2) handgun use, proficiency and safety;</li> <li>(3) nonviolent dispute resolution; and</li> <li>(4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child. (Sec. 16(b))</li> </ol> <p>The classroom instruction part of the proficiency course for active judicial officers and elected prosecutors would not be subject to a minimum hour requirement. The instruction would have to include instruction only on:</p> <ol style="list-style-type: none"> <li>(1) handgun use, proficiency and safety; and</li> <li>(2) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child. (Sec. 30(f) and (h))</li> </ol>
<p>No examination requirement specified.</p>	<p>The proficiency examination to obtain or to renew a license would have to be administered by a qualified handgun instructor and include:</p> <ol style="list-style-type: none"> <li>(1) a written section on the subjects required to be covered in the proficiency course; and</li> <li>(2) a physical demonstration of proficiency in the use of one or more handguns of specific categories and in handgun safety procedures. (Sec. 16(d))</li> </ol> <p>A retired law enforcement officer who obtains a concealed handgun license would be required to maintain, for the category of weapon licensed, the proficiency required for a law enforcement officer under K.A.R. 107-1-5 and amendments thereto. The KBI and local law enforcement agencies would be required to allow retired peace officers of the bureau or agency an opportunity to annually demonstrate the required proficiency. The proficiency would have to be reported to the KBI upon application and renewal. (Sec. 28(e))</p>
<p>The following would constitute evidence of satisfactory completion of an approved weapons safety and training course:</p> <ul style="list-style-type: none"> <li>▶ a photocopy of a certificate of completion of the course;</li> <li>▶ an affidavit from the instructor, school, club, organization, or group that conducted or taught the course attesting to completion by the applicant; or</li> <li>▶ a copy of any document which shows completion of the course. (Sec. 4(b)(2))</li> </ul>	<p>If a person successfully completes the proficiency requirements, the instructor would be required to endorse a certificate of handgun proficiency provided by the KBI. An applicant would have to successfully complete both classroom and range instruction to receive a certificate. The certificate would have to indicate the category of handgun for which the applicant demonstrated proficiency during the examination. (Sec.17(b))</p> <p>The KBI would establish in rule and regulation a maximum fee of \$5 to cover the costs of handgun proficiency certificates. (Sec. 17(a))</p>
<p>The applicant must pay for the training course. (Sec. 4(b)(2))</p>	
<p>Licensees could not carry concealed weapons into:</p>	<p>Licensees would be prohibited from intentionally, knowingly, or recklessly carrying a <u>concealed or unconcealed</u> handgun on or about the licensee's person:</p>
<ul style="list-style-type: none"> <li>• a place in which a common nuisance is maintained (illegal gambling, promotion of obscenity, promotion of prostitution, violations of drug, alcohol, and tobacco laws) (Sec. 10(a));</li> </ul>	

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1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
<ul style="list-style-type: none"> <li>• a police, sheriff, or highway patrol station (Sec. 10(b));</li> </ul>	
<ul style="list-style-type: none"> <li>• a detention facility, prison, or jail (Sec. 10(c));</li> </ul>	<ul style="list-style-type: none"> <li>• on the premises of a correctional facility (Sec. 37(b)(3); (Violation of this provision would be a felony of the third degree; (Sec. 37(g)) ("Premises" for this and the following prohibitions would be defined to be a building or a portion of a building. The term would not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage or other parking area. (Sec. 37(f)(3)))</li> </ul>
<ul style="list-style-type: none"> <li>• a courthouse (Sec. 10(d)); (See K.S.A. 21-4218)</li> <li>• a polling place (Sec. 10(f));</li> <li>• a meeting of the governing body of a county, city, or other subdivision (Sec. 10(g));</li> <li>• a courtroom (unless a judge or unless authorized by the judge) (Sec. 10(e));</li> <li>• a meeting of the Legislature or a committee thereof (Sec. 10(h)); (See K.S.A. 21-4218)</li> </ul>	<ul style="list-style-type: none"> <li>• whether or not on or about the licensee's person, at any meeting of a governmental entity (Sec. 37(c) and (d)).</li> </ul>
<ul style="list-style-type: none"> <li>• any school, community college, college, university or professional athletic event not related to firearms (Sec. 10(l)); (See K.S.A. 21-4204)</li> </ul>	<ul style="list-style-type: none"> <li>• on premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the licensee is a participant in the event and a handgun is used in the event; (Sec. 37(b)(2) (See K.S.A. 21-4204)</li> </ul>
<ul style="list-style-type: none"> <li>• any portion of an establishment licensed to dispense alcoholic liquor or cereal malt beverage for consumption on the premises, which portion of the establishment is primarily devoted to such purpose (Sec. 10(j));</li> </ul>	<ul style="list-style-type: none"> <li>• on the premises of a microbrewery that is also licensed as a club or drinking establishment, if the business derives 51 percent or more of its income from the sale of alcoholic beverages for on-premises consumption. (Sec. 37(b)(1)) (Violation of this provision would be a felony of the third degree.) (Sec. 37(g))</li> </ul>
	<p>Microbreweries that are also licensed as a club or drinking establishment and that derive 51 percent or more of their income from the sale of alcoholic beverages for on-premises consumption would have to display at each entrance to the premises a sign that provides notice that it is illegal to carry a handgun on the premises. (Sec. 31(a) and (b)) Those signs would have to be in both English and Spanish, and meet other statutory specifications. (Sec. 31(c))</p>
<ul style="list-style-type: none"> <li>• any elementary or secondary school facility (Sec. 10(k)); (See K.S.A. 21-4204)</li> </ul>	
<ul style="list-style-type: none"> <li>• any community college, college, or university facility (Sec. 10(l)); or</li> </ul>	
<ul style="list-style-type: none"> <li>• any place where the carrying of firearms is prohibited by state or federal law (Sec. 10(m)).</li> </ul>	
	<ul style="list-style-type: none"> <li>• on the premises of a licensed hospital or nursing home unless the handgun licensee has written authorization of the hospital or nursing home administration, as appropriate; (Sec. 37(b)(4))</li> </ul>
	<p>Licensed hospitals and nursing homes would have to display at each entrance to the premises a sign that provides notice that it is illegal to carry a handgun on the premises. (Sec. 31(a) and (b)) Those signs would have to be in both English and Spanish, and meet other statutory specifications. (Sec. 31(c))</p>
	<ul style="list-style-type: none"> <li>• in an amusement park (37(b)(5); ("Amusement park" would be defined to be a permanent indoor or outdoor facility or park where amusement rides are available for use by the public, located in a county with a population of more than one million, encompassing at least 75 acres in surface area, enclosed with access only through controlled entries, open for operation more than 120 days in each calendar year and with security guards on the premises at all times. The term would not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage or other parking area. (Sec. 37(f)(1)))</li> </ul>
	<ul style="list-style-type: none"> <li>• on the premises of a church, synagogue, or other established place of religious worship. (Sec. 37(b)(6))</li> </ul>

1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
The act could not be interpreted to prevent a business owner or operator who has posted signs or a private or public employer from prohibiting licensees from carrying concealed weapons while on the business premises or while engaged in duties of employment. (Sec. 11)	This bill would not prevent or otherwise limit a public or private employer from prohibiting licensees from carrying a concealed handgun on the premises of the business. (Sec. 32)
	Licensees would be prohibited from carrying a <u>deliberately unconcealed</u> handgun on or about the licensee's person unless the licensee would be justified under state law in using deadly force to protect the licensee or another person. (Sec. 37(a) and (h))
A licensee carrying a concealed weapon while under the influence of alcohol or drugs, or both would be guilty of a class A nonperson misdemeanor. (Sec. 12)	
An application for a concealed weapon license would be completed under oath and submitted to the sheriff of the county where the applicant resides. (Sec. 5(a) and (b))	The applicant must complete and submit the application on a KBI provided form that requires only the information specified by the law. (Sec. 3(a)(1) and (b) and 4(a))
Initial license fee between \$100 and \$125. (Sec. 5(b)(2) and (c)(1))	Application fees: 1. Most applicants \$140 (Sec. 3(a)(6)) 2. Active and retired judges At level necessary to cover administrative costs 3. Indigent applicants and applicants who are 60 or older \$70 (Sec. 33(a) and 34) 4. Elected prosecuting attorney None (Sec. 30(h)) 5. Modification of license to permit carrying a handgun of a different class \$25 (Sec. 10(a))
License renewal fee \$80 to \$100. (Sec. 5(c)(1) and Sec. 8(a))	License renewal fee would be set by the KBI at the level necessary to cover administrative costs. (Sec 11(b))
Retired law enforcement officers exempt from fees and background investigations for one year subsequent to the date of retirement. (Sec. 5(e))	Retired law enforcement officer initial application fee: \$25 (Sec. 28(d))
Sheriff forwards to the KBI \$100 of original license fee, and \$80 of renewal fee. The cost of taking fingerprints would be paid from the portion of the application or renewal fee retained by the sheriff. (Sec. 5(c)(1))	
Fees received by the KBI would be used for administration of the act with the balance allocated to the County Law Enforcement Equipment Fund (20 percent) and the Forensic Laboratory and Materials Fee Fund (80 percent). (Sec. 13) All fees retained by sheriff would be deposited in the county general fund and budgeted for the use of the sheriff's department. (Sec. 5(c)(3))	All fees collected under the act would be credited to the Concealed Handgun License Account of the KBI General Fees Fund. All moneys credited to that account could be expended only to pay the KBI's costs of implementing and administering the act. Any amounts in the account that would not be needed to implement the act would be transferred to the Crime Victims Compensation Fund. (Sec. 23)
A late fee of \$15 would apply to applications for license renewal made up to six months after expiration of the license. (Sec. 8(a) and (c))	
The fee for replacement of a lost or destroyed license would be \$15. (Sec. 6(c))	Duplicate license fee \$25. (Sec. 8(d))
	Required fees could only be paid by cashier's check, money order made payable to the KBI, or other method approved by the bureau. Any fees received by the bureau under the act would be nonrefundable. (Sec. 25)

	<p>The KBI would:</p> <ul style="list-style-type: none"> <li>• Conduct a criminal history record check through a computerized criminal history system. (Sec. 5(a))</li> <li>• Send applicant's fingerprints to the FBI for national criminal history check. (Sec. 5(b))</li> <li>• Forward applications, except those from active or retired judicial officers, to the KBI director's local designee no later than 30 days after receiving the application from the applicant. (Sec. 5(a) and Sec. 30(e)(2))</li> <li>• The KBI's designee would conduct additional criminal history record check and investigation of local official records to verify accuracy of the application. The scope of the record check and investigation would be at the discretion of the KBI. (Sec. 5(b))</li> <li>• Conduct appropriate background investigations to determine a retired judicial officer's eligibility for a license. (Sec. 30(e)(2))</li> </ul> <p>It does not appear that active judges and elected prosecutors would be subject to background checks. (Sec. 30(e) and (h))</p>
<p>The sheriff accepting the application would be authorized, but not required, to submit within 45 days a report to the KBI of any "readily discoverable prior information" that the sheriff deems pertinent to the licensing of an applicant. A sheriff who submits such a report would not incur any civil or criminal liability as a result of the good faith submission. (Sec. 5(c)(2) The sheriff's report could be the sole basis for license denial. (Sec. 5(d)(2)(A))</p>	<p>The KBI's local designee would be authorized, but not required, to submit to the KBI a written recommendation for approval or disapproval of the application. Any recommendation for disapproval would have to be accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of statutory grounds for denial of license. (Sec. 5(b))</p> <p>A qualified handgun instructor could submit to the bureau a written recommendation for disapproval of the application for a license, renewal, or modification of a license, accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of facts that lead the instructor to believe that an applicant is not qualified for handgun proficiency certification. (Sec.17(c))</p>
<p>The KBI would be required to notify licensees in writing at least 90 days prior to the expiration of the license. (Sec. 8(a))</p>	<p>The KBI would have to notify licensees of impending license expiration and providing a renewal form at least 60 days prior to license expiration. (Sec. 11(b))</p>
<p>Licensees would apply for renewal by submitting to the sheriff the renewal fee, renewal form, an affidavit stating that the licensee is qualified as required by the bill, a fingerprint card, a photograph, and evidence of satisfactory completion of a weapons safety and training course. (Sec. 8(a) and Sec. 4(c))</p>	<p>A licensee would have to submit an application for license renewal with the required fee. (Sec. 11(a)(3)) If renewing by mail, the licensee would have to sign and return a form that describes state law regarding the use of deadly force and places where it is unlawful for the holder of a license to carry a concealed handgun. (Sec. 11(d))</p>
<p>Licenses of qualified applicants would be renewed "upon receipt by the bureau of the [renewal application]." (Sec. 8(b))</p>	<p>Within 45 days after receipt of a license renewal or modification application, issue license or notify the applicant of denial in writing. (Sec. 10(c) and Sec. 11(c))</p>
<p>The licensee would have to submit to the KBI every two years evidence that the licensee has completed within the preceding 12 months a weapons safety and training course approved by the KBI. (Sec. 4(c))</p>	<p>In order to qualify for license renewal, the licensee would have to complete a continuing education course in handgun proficiency and obtain a handgun proficiency certificate not more than six months before the date of application for renewal. (Sec. 11(a))</p> <p>The continuing education course for persons who wish to renew a license would be defined in rules and regulations of the KBI and would have to include at least four hours of instruction on one or more of the topics covered in the initial licensure course and other information the KBI director determines is appropriate. (Sec. 16(c))</p> <p>The proficiency examination for license renewal would be the same as the examination for an original license. (Sec. 16(d))</p> <p>An active judicial officer would not be required to attend the classroom instruction part of the continuing education proficiency course to renew a license. (Sec. 30(g))</p>

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1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
The KBI would be required to maintain an automated listing of license holders and "pertinent information" that would have to be available, upon request, at all times to all law enforcement agencies in Kansas. (Sec. 6(a))	The KBI would be required to disclose to criminal justice agencies, or individuals upon written request and payment of a reasonable copying fee, whether a named individual or any individual named in a specified list is licensed to carry a concealed handgun. Information about an individual that could be disclosed would include the individual's name, date of birth, gender, race, and zip code. (Sec. 20)
	The KBI would be authorized, but not required to make public and distribute to the public at no cost lists of individuals who are certified as qualified handgun instructors by the bureau. (Sec. 20)
	All records maintained under the act would be confidential and not subject to mandatory disclosure under the Open Records Act (K.S.A. 45-215 <i>et seq.</i> ) except those specified in the act as open. (Sec. 20 and Sec. 21)
	An applicant or licensee could be furnished a copy of such disposable records on request and the payment of a reasonable fee. (Sec. 20)
The KBI would be required to report annually to the Governor and Legislative leadership the number of licenses issued, revoked, suspended, and denied. (Sec. 15 (b))	The KBI would have to provide, on request and payment of a reasonable fee to cover costs of copying, a statistical report that includes the number of licenses issued, denied, revoked, or suspended by the bureau during the preceding month, listed by age, gender, race, and zip code of the applicant or licensee. (Sec. 21)
Failure to carry the concealed weapons license and a valid driver's license or nondriver identification card when carrying a concealed weapon or failure to display both the license and proper identification upon demand by a law enforcement officer would be a class B nonperson misdemeanor. (Sec. 3(c))	Licensees would be required to display the handgun license and driver's license or identification certificate when a judge or a law enforcement officer asks to see the handgun license or when asked for identification while carrying a handgun. (Sec. 6(g) and (h)) Failure or refusal to display the license and identification as required by the bill would specifically be grounds for suspension and would be a class B misdemeanor. (Sec. 6(l)) Conviction of a class B misdemeanor could result in license revocation and prevent a person from being licensed for a minimum of five years. (Sec. 2(a)(8), and 12(a)(3) and (c))
A false answer to any question on the license application form or submission of any false document by the applicant would subject the applicant to prosecution for perjury. (Sec. 5(a)(5)) Each application for an initial license or license renewal would have to include a specific warning that false statement would result in prosecution for perjury. (Sec. 9) Perjury in this instance would be a level 9, nonperson felony. Conviction of a felony would preclude licensure to carry a concealed weapon. (Sec. 4(a)(4))	No misrepresentation or failure to disclose a material fact on an application submitted under the act. (Sec. 2(a)(15)) Any such misrepresentation or failure to disclose would be grounds for license denial. Giving false information on an application would be grounds for license revocation. (Sec. 12(a))
Single step application process with application submitted to county sheriff.	Two step application process. Both steps require submission of material to the KBI.

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# House of Representatives

State of South Carolina

**W. Jeffrey "Jeff" Young**

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**Committees:**

Judiciary  
General Laws Sub-Committee,  
Chairman

## Testimony Before The Kansas Senate State & Federal Affairs Committee

**March 24, 1997**

Madam Chairwoman and other distinguished Senators from Kansas.

Thank you for the opportunity to appear before you on House Bill 2159 concerning the granting of concealed weapons permits to proven law-abiding citizens.

As you are aware, I was the sponsor of the South Carolina Law Abiding Self-Defense Act of 1996 which was signed into law last July. Just one year ago the South Carolina Senate was experiencing just what you are today. Many of your questions were also asked by the South Carolina Senate.

I know you have been inundated with facts about what the effect this legislation will have in your state. You have been told that 31 states have passed right to carry with no ill effects. You have been told that law-abiding citizens deserve the right to protect themselves. You have also been told that criminals use this law as a means to obtain weapons and that good citizens will shoot bystanders because of a lack of firearm training. As was the case in South Carolina, the fear generators received much of the press while the truth was left struggling to be heard.

My statements are limited to what South Carolina has experienced since we enacted this type of law last summer.

As of March 10th, 7,214 citizens have submitted applications for concealed weapons permits. In South Carolina, the training must be accomplished prior to submission, and what that means is we have 7,214 more people trained in handgun use and safety than we did this time last year.

5,017 concealed weapons permits have been issued. As of now, 2,197 are still undergoing the required fingerprint background check and sheriff's review.

68 applications have been denied. The number one reason for denial is prior criminal convictions or notification by the sheriff that the applicant had a history of violent behavior.

Sen. Federal & State Affairs Comm.  
Date: 3-24-97  
Attachment: # 2

One permit has been revoked. One man attempted to impersonate a police officer. There have been no incidents of concealed weapons permit holders discharging a weapon in any manner illegally.

We are very proud in South Carolina of how well the Law-Abiding Citizens Self-Defense Act has worked, but we are not surprised. Our results are consistent with the results in every other state that has enacted this type of law.

Much of the opposition to the bill came from those who felt that background check would not reveal criminal behavior from other distant jurisdictions. The fact is the background checks work.

I can personally attest to one man being denied a permit who was convicted of a felony in New York in 1972. Although he had lived in Sumter, South Carolina for 20 years as a law-abiding citizen, his prior conviction was discovered and he was prohibited from obtaining a permit.

The bottom line is the system of checks worked in South Carolina very well.

But what about those who are getting the permits? Are they "gun-crazed radicals" planning a revolt?

Hardly. I am a permit holder and I am typical. I'm a practicing attorney, married, father of three children. I am active in my community and church. I have no desire to harm anyone, but at the same time, I will not allow anyone to harm my family.

Immediately prior to my coming here, I contacted Bill Osborne, the president of the newly formed Concealed Weapons Permit Instructor Association. I asked him to tell me his experience about who are these people who want concealed weapons permits and what have some of his experiences been?

I have enclosed his message to me for your review. His comments are typical of what I have heard from other instructors, and they all speak well of the citizens of my state.

What is occurring in South Carolina is the same thing that has happened in each and every state that has enacted concealed weapons permitting laws.

In each state, the opposition has focused in on the extremely rare events and "wild west" scenarios hoping fear will sway you against enacting this legislation. The factual basis for these stories have never been shown and often the opponents ignore the overwhelming truth that concealed carry by trained, law-abiding citizens has never been a problem to anyone but the criminal elements of our society.

Let me make the statistics simple and clear. 31 states have chosen to allow their citizens the right to protect themselves. Not one, I repeat, not one has seen a need to reverse its position. In fact, many are looking into further liberalizing their law to the benefit of good citizens.

South Carolina is only the latest state to dispel the myths about concealed carry causing problems. The facts roar the truth in 31 states.

Look closely at the stats from South Carolina. They reflect the level of responsibility our citizens have. I can only assure that the citizens of the great state of Kansas are as responsible as the citizens in South Carolina and the 30 other states that trust their citizens enough to allow them the right to protect themselves from those who would do them harm.

Thank you.





# House of Representatives

State of South Carolina

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**Committees:**

Judiciary  
General Laws Sub-Committee,  
Chairman

## South Carolina Concealed Weapons Statistics\*

( August 23, 1996 - March 10, 1997)

Applications for CWPs received by SLED ( Includes those being reviewed)	7,214
CWPs issued	5,017
CWPs denied (Criminal record #1 reason)	68
CWPs revoked ( Impersonating a police officer)	1
Number of incidents	0

\*Provided by State Law Enforcement Division (SLED)



**SOUTH CAROLINA LAW ENFORCEMENT DIVISION**

**CONCEALED WEAPON PERMIT  
APPLICATION PACKET**

**THIS PACKET CONTAINS:**

1. General information and instructions for:
  - Application for a Concealed Weapon Permit or Renewal
2. Form:
  - Concealed Weapon Permit Application
  - Two Fingerprint Cards

Allow **90 days** for processing your completed application and delivery of your permit. Please do **not** call Regulatory Services regarding the status of your application unless you have not received notification within this time frame.

Inquiries should be directed to the Regulatory Services Section, South Carolina Law Enforcement Division at 803-896-7014.

**GENERAL INFORMATION AND INSTRUCTIONS**

**1. CONCEALED WEAPON LAW - SECTION 23-31-205**

Applicant shall read and understand South Carolina laws regarding concealed weapons.

'Concealable weapon' means a firearm having a length of less than twelve inches measured along its greatest dimension that must be carried in a manner that is hidden from public view in normal wear of clothing except when needed for self-defense, defense of others, and the protection of real or personal property.

**2. APPLICATION PROCESSING FEES**

CONCEALED WEAPON PERMIT.....	\$50.00
REPLACEMENT CARD FOR CONCEALED WEAPONS PERMIT.....	\$ 5.00
NEW CARD ISSUED FOR ADDRESS CHANGE.....	\$ 5.00

Fees are payable by **cashier's check, certified check, or money order**, payable to:  
**South Carolina Law Enforcement Division.**

**Personal checks and cash are NOT accepted. ALL FEES ARE NON- REFUNDABLE.**

-----CONTINUED-----

3. DOCUMENTS and FILING

Submit the completed, **original** application form included in this packet. **DO not send a photocopied application.** Please keep a photo copy of the application for your files in the event follow-up is required regarding your application. **Please print legibly.**

Fingerprint cards must be filled out completely, including your name, signature, social security number, address, date of birth, and your physical characteristics (sex, race, height, etc.). Two (2) fingerprint cards are required on new applicants. One (1) fingerprint card is required for renewals.

**Fingerprint cards must be legible. Fingerprints should be taken by trained fingerprint technicians. Fingerprint cards that are not legible will be returned to the applicant and will cause a delay in processing the application.**

Fingerprint services may be available from your local law enforcement agency. There are private businesses that also offer this service. A law enforcement agency may charge a fee not to exceed five (5) dollars to fingerprint an applicant.

Proof of Residence - An applicant must provide his/her current address on the original or certified copy of one of the following:

- a. Valid South Carolina drivers license
- b. Official I.D. card issued by the Department of Public Safety, a federal or state law enforcement agency, an agency of the United States Department of Defense, or United States Department of State
- c. Voters registration card
- d. Another document that SLED may determine that fulfills this requirement

Proof of Training - An applicant has to provide the original or certified copy of documents that certify that the applicant has successfully completed a basic or advanced 8 hour handgun course within three (3) years before filing an application. This course has to be approved by SLED.

Proof of Actual or Corrected Vision Rated at 20/40 within 6 months of the date of application or presentation of a valid South Carolina drivers license.

Proof of Exemption - Must provide documentation that certifies that the applicant is a disabled veteran or retired law enforcement officer.

Concealed Weapon permit is valid **statewide**.

Permit holder must have his permit identification card in his possession whenever he carries a concealable weapon.

Permit holder must report the loss or theft of a permit identification card to SLED headquarters **IMMEDIATELY**.

Any change of permanent address must be communicated in writing to SLED within **ten days (10)** of the change accompanied by your **old permit card** and a payment of **\$5.00 dollars** for a new permit reflecting the address change.



# SOUTH CAROLINA LAW ENFORCEMENT DIVISION CONCEALED WEAPON PERMIT APPLICATION

● Please read the instructions on the back prior to completing this form.  
TYPE OR PRINT IN INK.

Please complete all applicable parts of this form. Your application **will not** be processed unless all applicable questions have been answered. Be sure to provide all supporting documents, a full set of fingerprints and a cashier's check, certified check or money order for the appropriate amount. Personal checks and cash are **not** accepted. **FEES ARE NON-REFUNDABLE.**

<input type="checkbox"/> NEW PERMIT APPLICATION	<input type="checkbox"/> RENEWAL PERMIT APPLICATION	SLED USE ONLY	RCWP <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>										

NAME IN FULL: LAST, FIRST, MIDDLE (IF FEMALE, LIST MAIDEN NAME)	COUNTY
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RESIDENCE ADDRESS: STREET NUMBER & NAME (APARTMENT OR LOT #)	CITY	STATE	ZIP CODE <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>								

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HEIGHT	WEIGHT	EYE COLOR	HAIR COLOR	DISABLED VETERAN <input type="checkbox"/> Yes <input type="checkbox"/> No	RETIRED LAW ENFORCEMENT OFFICER <input type="checkbox"/> Yes <input type="checkbox"/> No	
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**Yes No All applicants: Please answer "Yes" or "No" to all the questions listed below.**

	Are you under twenty-one (21) years of age?
	Are you under indictment for any crime ?
	Have you ever been convicted of a crime?
	Have you been adjudged unfit to carry or possess a pistol by order of a circuit or county judge of this state?
	Are you a fugitive from justice?
	Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?
	Have you been discharged from the Armed Forces under <b>dishonorable</b> discharge?
	Are you an unlawful user of, or addicted to alcohol, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?
	Are you an alien <b>illegally</b> in the United States?
	Are you a person who, having been a citizen of the United States, has renounced his/her citizenship?
	Are you a member of a subversive organization as defined in act 330 of 1965 South Carolina Statutes at Large as amended?
	Have you been a resident of the State of South Carolina for at least one year?
	Have you satisfactorily completed a SLED approved <b>Firearms Safety Training Program (8 hours)?</b>

I attest that, to the best of my knowledge, all answers on this application are true. I understand that I may be subjected to criminal prosecution for falsification or misrepresentation of any part of any document provided to the South Carolina Law Enforcement Division in the application process. Falsification or misrepresentation is also grounds for my permit being denied or revoked. I understand that if I become prohibited under State Law from possessing a weapon I must surrender my permit to SLED **immediately** and my permit will be **revoked**.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

DETACH HERE AND RETURN COMPLETED APPLICATION TO SLED REGULATORY

# APPLICATION INSTRUCTIONS

This application form is used to apply for a concealed weapons permit and renewal of a concealed permit.

## Eligibility:

1. Must be lawfully present in the United States and a resident\* of South Carolina.

\*a. "Resident" means an individual who is a resident of South Carolina for at least twelve months preceeding the date on which an application to carry a weapon is submitted.

\*b. Military personnel on permanent change of station orders.

2. Must be at least 21 years of age.

3. Not prohibited under State Law from possessing a weapon.

4. Have satisfactorily completed a SLED approved Firearms Safety Training Program (8 hours).

## Exceptions:

1. Regular, salaried law enforcement officers and reserve officer police officers of a municipality or county of the State, uncompensated Governor's constables, law enforcement officers of the federal government or other states when carrying out official duties while in this State and deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers employed as private detective or private investigators.

2. Members of the Armed Forces of the United States or of the National Guard, organized reserves or the State Militia while on duty.

3. Members of organizations authorized by law to purchase or receive firearms from the United States or this State, or regularly enrolled members of clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members are at or going to or from their places of target practice or their shows and exhibits.

4. Licensed hunters or fishermen while engaged in hunting or fishing or going to or from their places of hunting or fishing.

5. Any person regularly engaged in the business of manufacturing, repairing, repossession, or dealing in firearms or the agent or representative of this person while possessing, using, or carrying a pistol in the usual or ordinary course of the business.

6. Guards engaged in protection of property of the United States or any agency thereof.

7. Any authorized military or civil organizations while parading or the members thereof when going to and from the places of meeting of their respective organizations.

8. Any person in his home, or upon his real property, or fixed place of business.

9. Any person in a vehicle where the pistol is secured in a closed glove compartment, closed console, or closed trunk.

10. Any person carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or a fixed place of business or while in the process of changing or moving of one's residence or the changing or moving of his fixed place of business.

11. Any prison guard while engaged in his official business.

12. Any person who is granted a permit under provision of law by the State Law Enforcement Division to carry a pistol about his person, under conditions set forth in the permit.

## **Firearms Safety Handgun Training Course (To be completed by the training instructor )**

As a SLED approved instructor of firearms safety handgun training, I certify that on \_\_\_\_\_, 199\_\_\_\_  
\_\_\_\_\_ satisfactorily completed the SLED approved Firearms Safety  
Training Program required for a concealed weapon permit (8 hours).

SLED Training Instructors Number

Training Instructor Name: \_\_\_\_\_

Training Instructor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Subject: Who are the people applying for CWP?**

**Date:** Fri, 21 Mar 1997 09:41:52 -0500

**From:** Bill.Osborne@sonoco.com

**To:** "repjyoung(a)ftc-i.net" <repjyoung@FTC-I.NET>

The Honorable Jeff Young,

I hope this reaches you before your trip to Kansas.

In my personal experience of teaching about 100 Law Abiding Citizens and serving as Range Master for 2 or 3 times that many, I can honestly say I have had no "bad" students. These people come in all sizes, shapes and colors. They come from backgrounds ranging from corporate leader to common laborer. Some are highly proficient gun handlers, others have never touched a gun until they come to the class. Some take the course because it is a "ticket" that must be punched while others are hungry for the gun knowledge and safety training they can get. One student took my class simply because her husband was getting a CWP and she wanted to know what he was being taught. Three ER nurses took a fellow instructor's course because a colleague was mugged and beaten in a HOSPITAL parking lot. These are all "good" people. I work with a group of 6 instructors that share a common firing range. We are all agreed that if we ever have a student that is "not right", a student that we just don't feel comfortable with, his money will be cheerfully refunded and his application will not be signed. The instructor's evaluation of the students' performance and behavior is the last and best opportunity to make sure CWP holders are responsible citizens.

My youngest student was a 13 year old girl. She is going to have to retake the course in a few years to get her CWP.

One student was deaf. An assistant range instructors translated my range commands to hand signals for the student. He shot 100% on the course.

One woman was so terrified of guns she was having trouble being around them in the classroom. Her instructor took her aside on the range for an hour of one-on-one familiarization. She shot 100%! She now thinks shooting is "neat".

One woman made me re-grade her target 4 times just to make sure she had beaten her husband by one shot.

Women are the best students by far. They listen, they learn and they APPLY what they learn. Women shooting 100% are not uncommon at all.

The Law Abiding Citizens Self-Defense Act of 1996, has had an interesting unintended consequence. It has created a heightened awareness of handguns and handgun safety. I am hearing from more than one instructor about the demand for more and varied firearm training and education. It has even enhanced the importance of NRA's Eddie Eagle program.

I hope these ramblings are of some help. Good luck in Topeka.

Bill Osborne

p.s. Don't forget your own quote which is the Instructor's Unofficial motto; "The wolves have always been armed. Now the sheep have guns."

Testimony before the Kansas Senate Federal and State Affairs Committee  
in support of HB 2159, March 24, 1997

**Scott G. Hatstrup** (*Univ. of Kansas*: B.G.S., 1989; J.D., 1995) is an attorney practicing in Overland Park, Kansas. He co-authored *A Tale of Three Cities: The Right to Bear Arms in State Supreme Courts*, which appeared in the annual state constitutionalism issue of the *Temple Law Review*, volume 68, page 1177, in fall 1995. This article was republished in volume 8, fall 1996, of the *Journal on Firearms and Public Policy*, an annual review of important articles regarding the right to bear arms published by the Second Amendment Foundation. Mr. Hatstrup has testified before the Kansas House Federal and State Affairs Committee during the 1995 and 1996 legislative sessions.

HB 2159 in its current form allows the law-abiding citizens of Kansas to defend themselves from criminals, and I therefore **support** it.

Kansas should set a state standard on how this legislation is to be carried out. There are approximately 767 cities and 105 counties in Kansas. If each of these smaller entities is allowed to specify how a state-issued license is to be used, it will be impossible for license holders and law enforcement officers to know all the laws. How will the KBI certify instructors to teach these laws to license holders if there is no state standard, or if there are 872 variations? The current section 16 of HB 2159 sets a state standard which can be taught in classes to applicants.

By enacting this legislation, Kansas will join 43 other states which currently have some system permitting firearms to be effectively carried for self-defense. In the states which enacted legislation similar to that proposed in HB 2159, murder rates dropped an average of 8.5%, rape rates dropped an average of 5%, aggravated assaults by 7%, and robbery by 3%. John R. Lott, Jr. & David B. Mustard, *Crime, Deterrence, and Right-to-Carry Concealed Handguns*, 26 *Journal of Legal Studies* 1 (University of Chicago: January 1997). [JLS is a peer-reviewed legal journal not known for publishing "pro-gun" studies.] These percentages are significantly higher in urban areas which have above-average crime rates now. These are significant reductions in crime rates and represent many individuals who would otherwise have become victims of violent crime.

If the states which do not have this type of legislation, such as Kansas, had enacted it in 1992, citizens would have been spared approximately 1,570 murders, 4,177 rapes, 60,000 aggravated assaults, and 12,000 robberies. HB 2159 is an effective means of deterring crime.

The study often cited against these findings, that by David McDowall, Colin Loftin, & Brian Wiersema, *Easing Concealed Firearm Laws: Effects on Homicide in Three States*, 86 *Journal of Criminal Law & Criminology* 193-206 (Fall 1995), also referred to as the "University of Maryland study," suffers from serious flaws. Among the flaws are a selection of only five cities to study a national trend in legislation (three cities in Florida, one each in Mississippi and Oregon), and a different sample period and base year for each of the five cities, thus rendering comparisons between the five impossible. The authors even concede in a discussion following their article that their results are dependent on how the samples were selected and defined. Even though they obtain skewed results in the five cities, total murder rates still go down.

HB 2159 in its current form will be good legislation. I urge you to recommend it be enacted without amendment.

Sen. Federal & State Affairs Comm.  
Date: 3-24-97  
Attachment: # 3

TESTIMONY OF ERIC HASKIN ON H.B. 2159

FEDERAL AND STATE AFFAIRS COMMITTEE

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 a trooper with the Kansas Highway Patrol; I have served in this capacity for 19 years. My entire career has been devoted to direct law enforcement duties. I have never sought administrative positions and fully intend to continue my career as a street officer.

About a year ago I became interested in the issue of legally licensing civilians to carry concealed weapons. I had heard much about these laws, mainly through magazine and newspaper articles. I wanted to find out for myself if this type of legislation posed a threat to law enforcement officers. I was also curious to find out what effect these laws had on crime rates.

Sen. Federal & State Affairs Comm.  
Date: 3-24-97  
Attachment: # 4



My quest for information first led me to Mr. John Russi. John is a retired member of the Florida Highway Patrol and is currently serving as the Director of Licensing for the Florida Department of State. Mr. Russi's department oversees the issuance of concealed carry permits for the State of Florida. Florida records show that there have been over 380,000 permits issued since the inception of their concealed carry law in 1987. As of January 1997, only 72 licenses have been revoked for firearms related crimes. This is a revocation rate of .019%. Laws passed in other states have had very similar results. It appears to me that concealed carry permit holders are probably much more law abiding than the population at large. As to the issue of officer safety, Mr. Russi informed me that there had not been a single case of a permit holder assaulting a police officer. In fact, I cannot find a single instance anywhere in the United States where a legally licensed permit holder has used his weapon against a police officer.

A recent University of Chicago study answered my other question about the efficacy of these laws in the fight against violent crime. This comprehensive research showed conclusively that violent crimes against people were reduced after concealed carry laws were enacted.

This debate should not be about political or philosophical differences between law enforcement officials or between legislators. It is very simply an issue of citizen safety. There is an enormous amount of empirical data that we can examine to determine exactly how these laws will work. We do not have to rely on theory or conjecture. We have heard from opponents of this legislation that "More guns equals more crime"; "It will be like the wild west again", or "There will be shootouts on every corner or at every minor traffic accident". Thirty-one states now have right to carry laws. There are 127,000,000 people who live in states with right to carry laws. These frightening prophecies have not been fulfilled elsewhere; why would it be different in Kansas?

In the area where I work in western Kansas, there are usually one to three troopers on duty to cover a geographic area larger than the states of Delaware, Connecticut or Rhode Island. It is obvious that we as police officers cannot provide protection for everyone. House Bill 2159 would allow law abiding Kansas citizens a much needed option to provide for their own personal security.

# 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 J. Fotis, Executive Director**

**Before the Kansas Senate Committee on Federal and State Affairs  
In Support of "Right to Carry" Legislation, H.B. 2159**

**March 24, 1997**

Good morning madame chairwoman, thank you for the opportunity to present the view of rank-and-file law enforcement 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 penalties against criminals.

Today I represent over 50,000 members nationally and nearly 800 members here in the state of Kansas. I am speaking to you today from the viewpoint of a veteran police officer with 13 years of personal experience. I retired from the Lynbrook N.Y. police force as the highest decorated officer in that department's history, after sustaining injuries in the line of duty.

Rank-and-file police officers in Kansas and across the country are seeing good things happen because of "Right-to-Carry" laws that currently exist, in one form or another, in 43 states. Unfortunately, Kansas is one of seven states in America without a citizens self-defense law. I have personally testified in favor of this legislation in more than 15 states, and many times against what seemed to be a stacked deck of political police claiming to represent rank-and-file officers. But in almost every case the legislature realized that the people wanted the ability to defend themselves. The legislators proved that they trusted the citizens who elected them, above criminals who disregard all laws.

LEAA, rank-and-file cops, and crime victims strongly support passage of a non-discretionary, fair, concealed handgun permit system here in Kansas.

As the debate over this issue heats up you'll likely hear opponents of the bill use the argument that citizens with concealed carry permits will pose additional threats to working cops.

After talking with thousands of rank-and-file officers, I know that cops think armed law-abiding citizens do not pose a threat to officers' safety; and in fact, they view them as a vital ally in the fight against violent crime. To date, LEAA is unaware of a single incident in which a legally licensed permit holder has ever shot or even threatened a police officer with his or her concealed firearm.

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 and to prove this fact I would like to reiterate that out of over 400,000 carry permits which have been issued in Florida, to date, **only 76 -- less than 0.019% --** have been revoked because permit holders committed crimes when guns were present. Additionally, Florida's homicide rate has dropped more than 21% to a level of 4% below the national average.

In fact, since neighboring Oklahoma began issuing permits on January 1, 1996, over 15,000 permits were issued (more than a quarter of them to women) and only 4 -- 0.027% -- were revoked for any reason - not necessarily because of a firearm crime.

Also keep in mind that not 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 31 other states, the average number of people who will obtain permits is only 1-4% of those individuals qualified to do so.

I would also like to take a moment and comment specifically on the bill that you are reviewing today, House Bill 2159 introduced by Representative Gary Hayzlett. Representative Hayzlett's bill is one of the toughest "Right-to-Carry" bills that I've encountered in my years of supporting this type of legislation. Many of the states that have recently passed legislation that allows their law-abiding citizens to carry firearms for personal protection are not nearly as tough or as strict in their training requirements or background checks as House Bill 2159. And placing the administration of the bill in the competent hands of the Kansas Bureau of Investigation ensures that these tough standards will be met and maintained.

I understand that the Kansas Bureau of Investigation has some concerns about their ability to properly conduct the mandated background checks on individuals. I can tell you truthfully that other states' law enforcement agencies have had similar concerns. However, with the upgrading of NCIC and other national information systems, along with fingerprinting checks there is virtually no way a felon will slip through the bureaucratic crack so to speak. I can do a legitimate check right now in less than 10 minutes with a date of birth, or a social security number and a name and feel 99% confident that this person is not a felon.

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. And cops are no longer buying into the doom and gloom predictions about "Right-to-Carry" laws. "Right-to-Carry" laws have passed the test of scientific analysis and convinced the court of public opinion that these types of laws save the lives of honest Americans.

Following my testimony, you will hear from some law enforcement officers who have bought into the doom and gloom predictions that opponents of "Right-to-Carry" laws have been trying to sell the public since Florida first passed their law in 1987. But as you listen to their testimony, ask yourselves -- and more importantly, ask them -- to provide you with specific examples of their allegations of permit holders shooting up a super market or killing each other because of a fender bender. They will not be able to do so.

And that is the bottom line between opponents of "Right-to-Carry" and their hypothetical arguments of what might happen, and supporters of "Right-to-Carry" who know that law-abiding citizens deserve the trust of their government.

On behalf of the members of the Law Enforcement Alliance of America and law-abiding Kansans I ask you to pass this important legislation now.

Thank you.

March 24, 1997

Jan Exby

Madame Chairman and Committee members, I would like to make a few remarks regarding House Bill 2159 and how it will protect the right of law abiding citizens, especially women, to protect themselves.

I have previously related to you my experience, along with a friend, of being the victim of both robbery and rape. I was not attacked in my own city, but in a neighboring town, with only a street separating the two. I specifically speak in support of the necessity for Sec. 16 of this bill, calling for statewide uniform standards, as it will ensure that a street or county boundary will not be the arbitrary basis to deny capable women from protecting themselves. I strongly reemphasize that a woman must be permitted the choice to have an effective means to protect her life and safety outside her home as well as inside, and regardless of where she lives in the State of Kansas. When we walk out the doorways of our homes, we do not leave our good sense, our values and our respect for others. H.B. 2159 would give women the ability to make choices on how to protect themselves as they go about those necessary activities of everyday life, which may require passing between different communities and at all times of the day and night.

Let me give you another example of the need for this provision. One evening about a year and a half ago, a man named Jim left one of our church buildings in Kansas City, Kansas, and was driving home, when a truck with several men in it, began weaving back and forth behind him. As he stopped at a light, this truck slowly started pulling alongside on his right, inches away from the passenger side. The other driver pulled even with Jim's vehicle and then continued to inch forward until the open window in the truck's camper section was even with Jim's passenger window. Jim could see someone sitting inside the camper section pointing a gun. Realizing the extreme danger he was in, Jim had to quickly make it known that he was armed and could defend himself, and the driver immediately veered away and took off. Jim, my husband, probably saved his own life. Normally, I would have been with him that evening. What we now know, is that while he was carrying his firearm in a legal manner for Overland Park, it wasn't for Kansas City, Kansas. If he had been carrying it as Kansas City prescribes, he most likely could have been murdered. House Bill 2159 will give law abiding women and men, like my husband, the ability to protect themselves in similar and other situations, from being murdered or who knows what else, whether they are in Overland Park or in Kansas City, or another town.

I have attached a recent article sent in by a woman in Kansas to a national magazine, detailing her personal experience with deterring a crime. As she quite accurately points out at the end, she is now another uncounted statistic of a citizen deterring a crime through the display of a firearm. Her ability to defend her life and safety should not be restricted by her own or any other city if she has qualified under the state law for a permit. To do so to her or any other woman is a continuation of officials interfering with our

Sen. Federal & State Affairs Comm.  
Date: 3-24-97  
Attachment: #6

rights of self-defense, rather than protecting those rights. And it declares that women who have been and will be violently attacked, are accepted casualties.

Dr. Lott's study found that "in large cities, where crime rates are highest, is precisely where right-to-carry laws have produced the largest drops in violent crimes." The women in our cities deserve the benefits of these laws as well.

I have asked about the other states with these laws. They do have preemption for concealed carry. If preemption for concealed carry was an impediment to law enforcement on the local levels, those laws most surely would have been repealed or changed, but they have not been. I'm sure our law enforcement agencies are just as capable as the other states are, and can operate successfully with preemption over this one particular area of firearms regulation.

My husband and I have called the chambers of commerce in several cities in different states to get some feedback on how they view their laws. I've attached a summary of those conversations. Basically, they have all stated that their concealed carry laws have been a non-issue for businesses. There wasn't much to tell us because of the lack of problems. Because of these conversations, along with the results and evidence from the other states, I am confident that the training required and other provisions in this bill will produce a successful law as in the other states. I believe the law abiding citizens of Kansas are just as responsible.

In past testimony, there were comments made about the tradition of communities and homerule. Well, criminals have a tradition also -- to attack and prey upon those where the opportunity exists, especially upon women. Criminals, themselves, tell us that citizens possibly being armed, reduces that opportunity and changes their minds. If you were a criminal, would you want this law to pass? The State of Kansas must present a united front and tell criminals that it's going to permit its law abiding citizens, wherever they live, especially its women, to protect themselves against being robbed, attacked and violated. Without that, the rapists, the muggers, the murderers and the gang members will know, that it's still business as usual.

At the conclusion of these hearings, it will be time for this committee to act in good faith. There is considerable support for this bill in the Senate and it deserves to be heard. Madame Chairman, I urge you and this committee to vote upon House Bill 2159 and favorably pass it, for consideration by the Senate. Thank you.

Last spring, I finished teaching my English classes for the day and began the drive home. It was one of the first sunny days of the semester, so I put down the top before I pulled onto the road.

I needed to drop off a movie at the video store, so I took a circuitous route to the house. I left the top down as I went into the store, where I had a conversation with the clerk and rented another movie. When I returned to the car, I pulled out of the lot and headed for home. As I neared the house, I noticed a rusted white van in the rear-view mirror. The van and the two men having an animated conversation in the front seats looked familiar, and I suddenly realized they had been behind me since I'd left the college.

I had reached my house, but I was too suspicious by then to risk stopping and either setting myself up for a carjacking or letting potential criminals know where I lived. Rather than turn into my driveway, I drove past the house. A few blocks down the road I made a left turn. The van followed. Three turns later, it was still behind me, so I knew there was a real possibility of trouble.

I opened my purse's pistol pocket and pulled out my fully loaded .357 Magnum, which I hid beneath my grade book on the passenger seat. Then, I let the two men in the van pull up quite close behind me. As we reached a changing stop light, I suddenly switched from the right to the left lane, a move which forced them to pull up and stop beside me.

I pretended to ignore them at first, but when I looked to my right, the driver's eyes bored into me. He and his likewise-leering passenger knew that I was onto them. They made it obvious that they didn't care.

With icy fear clamping my chest, I returned their predatory looks with a smile and casually slid the grade book aside. As they watched me wrap my fingers around the revolver's grip, first the driver's and then his passenger's expressions changed from those of ag-

gression to alarm.

The van's tires squealed against the pavement as the driver made a sudden unsignaled right turn on red. As I watched the van speed away from me and waited for the light to change, I realized that I had just become one of those uncounted statistics in which a citizen averts a criminal attack through the display of a firearm.

Marilyn Mahan ████████, Kansas



MARCH 19, 1997

SUMMARY OF COMMENTS RECEIVED FROM CHAMBERS OF COMMERCE IN OTHER STATES REGARDING THEIR CONCEALED FIREARMS LAWS

Over the last several months, we have called and visited with individuals from several chambers of commerce. The brevity of this report is illustrative of the absence of concerns and problems related to us in these conversations.

In good faith, we will continue to call and visit with chambers in states which have right to carry laws in place, for additional input. Based on the similarity of comments from those we've talked with so far, I don't recommend that you hold your breath while waiting for significantly different results. These comments mirror the reality of a significant lack of problems and crimes by permit holders as reported by the states.

Chambers contacted:

- Phoenix, AZ Chamber of Commerce
- Oklahoma City, OK Chamber of Commerce
- Dallas, TX Chamber of Commerce
- Salem, OR Chamber of Commerce
- Little Rock, AK Chamber of Commerce

The overall consensus expressed by the chambers is that their concealed carry laws have been a 'non-issue'.

A business reporter for the KC Star called the Florida Chamber of Commerce and was told that the law hasn't affected businesses one way or the other. As he told my husband, the law has been a 'non-issue' for businesses. The individuals we talked with were spokespersons for the chambers and/or handled chamber matters related to legislative issues and public policy. We asked the following about their laws:

*Has your law had any negative effects on business? -- **No, not an issue***

*Have there been firearm related crimes committed by permit holders in any businesses that you know of? -- **Couldn't think of any***

*Do businesses coming into the area ask about the law? -- **No***

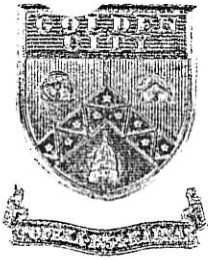
*Has your law interfered with business growth? -- **Not an issue***

Of particular note in our conversations was the lack of problems related, there were no expressions of alarm or concern, just the reiteration that the law is not causing any problems and just "has not been a significant issue at all."

The issue is so insignificant that most really didn't know how long their law had been in place and had not had anyone call and ask questions like we were doing. Businesses were setting their own policies on how, if at all, to regulate permit holders carrying their firearms on their premises.

On just a slightly different sidenote, two law enforcement personnel from Texas related to my husband while they were all at a week long defensive firearms training course out of state, that one business in Texas (a TV station) had set aside 20-30 minutes of airtime to cover all the incidents they were sure would happen the first day that permits were being issued in Texas. Needless to say, they were faced with nothing but empty airtime then, and since, on ill effects from the law.

Jan Exby  
Safety For Women And Responsible Motherhood, Inc.



# CITY OF TOPEKA

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City Council  
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Phone 913-~~368~~-3710

## LEGISLATIVE TESTIMONY CITY OF TOPEKA HOUSE BILL 2159

**TO:** Chairperson Oleen and Members, Senate Committee on Federal and State Affairs  
**FROM:** Jim Kaup, City of Topeka  
**DATE:** March 24, 1997  
**RE:** HB 2159 -- Carrying Concealed Weapons

The City of Topeka appears in strong opposition to HB 2159. For many years now the City has appeared before this Committee in opposition to legislation similar to HB 2159. The City opposes HB 2159 because it is a threat to the safety of both the public and law enforcement officers. It is also an unjustified and harmful preemption by the State of a subject matter local governments have historically regulated in partnership with the State.

### I. STATE LICENSE TO CARRY CONCEALED WEAPONS

HB 2159 proposes to create a statutory right to carry hidden guns into the vast majority of public places in the State. This right would be held by any Kansan licensed by the State to carry that weapon. The KBI would be required to issue a license to any adult Kansan who "desires a legal means to carry a concealed weapon for lawful self-defense" (Sec. 4 (a) (6)) 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 (Sec.4).

Topeka, like a large number of cities in Kansas, has an ordinance which parallels the state law crime of criminal use of weapons, K.S.A. 21-4201 (Topeka Ord. No. 16664). That statute and the

Topeka ordinance generally make the carrying of a concealed weapon a crime. HB 2159 (1) creates a large exception to current state law to allow, upon licensure, most Kansans to carry hidden guns into most places in this state, and (2) invalidates the laws of Topeka and those of many other cities which conflict with the exercise of this new statutory right.

The City does not offer testimony today regarding how many of the more than 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 guns hidden on their person. Nonetheless, it is entirely reasonable to believe HB 2159 would put more guns on the streets than there are now. Representatives of law enforcement have again this Session provided testimony that, upon passage of concealed carry, their police officers will know that more of the drivers they pull over for traffic offenses will have handguns hidden on their person. Likewise, shopkeepers will know that more of the people coming through their doors will be armed.

HB 2159 prohibits carrying a concealed weapon onto a few specified areas (e.g. a courtroom or elementary school) (Sec. 10). Is it reasonable to believe the licensee will understand it is lawful to carry a concealed handgun into a package liquor store but unlawful to take it into a tavern, okay to carry it into a fast-food restaurant but not into a restaurant with a CMB or liquor license, 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?

The Legislature has heard 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 for law enforcement 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 2159. It is local governments which provide the vast majority of law enforcement. Topeka alone has over 270 law enforcement officers -- by comparison the Kansas Highway Patrol has approximately 600 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 primarily 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 have seen no credible evidence which supports a conclusion contrary to what common sense tells us.

## II. STATE PREEMPTION OF LOCAL AUTHORITY

While the threat it poses to public safety is by itself adequate reason to oppose HB 2159, the City's strongest objection to this bill relates to Section 16, which preempts local lawmaking regarding carrying a concealed weapon. Topeka's 1997 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.**

The essence of City Home Rule -- as adopted by the voters in 1960 -- is 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 for many years have both legislated on the subject of concealed carry. The State can establish a state license to carry a concealed weapon without preempting local authority to regulate the same subject, as HB 2159 does by Section 16.

**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 concealed, 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 16 of HB 2159 refers to an individual's constitutional right to bear arms for purposes of self-defense. The City object 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. The recently-issued opinion of Attorney General Stovall is only the most recent pronouncement on this legal question.

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. Merely stating in a statute that such a right exists does not make it so. Attachment A to this testimony summarizes 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 any individual's right to bear arms.*

### IV. COMMITTEE ACTION REQUESTED

**A. The City opposes HB 2159 and requests Committee action to kill the bill.** We ask you to be respectful of the more than 100 year 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 -- local problems which today are handled by Home Rule.

**B. If the Committee believes HB 2159 should be passed notwithstanding the risks it creates to the public safety, we request extensive amendments to HB 2159.** These amendments would give the City of Topeka some means to lessen the threat this legislation poses to the safety of our citizens.

**1. Respect the Liberal Construction Clause of the Kansas Constitution Favoring the Exercise of Home Rule in Matters of Local Affairs:**

Revise Section 3 to delete " throughout the state" ( line 26, page 1) and delete Section 16 (a) to preserve the tradition of joint local-state regulatory authority with respect to firearms (lines 20:29 of page 9).

**2. Premises Where Concealed Weapons Would Remain Banned:**

HB 2159 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, all those local premises into which

a state-licensee should and should not be allowed to carry a concealed weapon.

Therefore we request Section 10 be amended to add a new 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 add the following places which are not now on the Section 10 list:

- places of worship
- funeral establishments
- city halls
- hospitals, clinic, blood banks and other medical facilities
- mental health facilities and mental retardation/developmental disabilities facilities, including state hospitals, community centers, group homes, crisis homes
- day-care, pre-school or similar 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, whether publicly or privately owned or operated

New Section 11 represents an incomplete and grossly inadequate attempt by the House to respond to the fears of the business community over concealed weapons.

The wording of Section 11 raises many more questions than it answers -- not the least of which are:

- (a) What offense does a licensee commit by bringing a concealed weapon onto premises which have been properly posted by the business owner or operator?
- (b) What measures are required of the business owner/operator after identifying someone carrying a concealed weapon onto property which has been properly posted?
- (c) What liability exists for the business owner/operator who has properly posted the premises, but failed to identify persons carrying concealed weapons, and the concealed weapon is then used -- either in the commission of a crime or in self-defense -- and persons are injured as a result of the use of the weapon?
- (d) What liability exists for the business owner/operator who has properly posted the premises, has identified a person carrying a concealed weapon but failed to notify the police of that person's presence -- and the weapon is then used either in the commission of a crime or in self-defense -- and persons are injured?

### **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 4 or, in the alternative, add the following disqualifications for licensure, or grounds for license revocation or suspension, to those set out in Section 4:

- conviction of any non-felony crime involving the use of a firearm e.g. any violation of K.S.A. 21-4201
- 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
- also, section 12 covers situations where a licensee is DUI. This should be a felony level offense, not the proposed misdemeanor and Section 12 should expressly state that DUI conviction or diversion will result in an automatic revocation of the license.

#### 4. **Public Costs:**

To ensure that those who enjoy the statutory privilege which would be created by HB 2159 do not exercise it totally at the expense of the taxpayers:

- authorize local governments to require licensed persons to carry personal liability insurance to provide a source of compensation to members of the public who may be injured or killed by the discharge of a lawfully-carried hidden gun
- authorize local governments to impose a concealed weapons annual 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. **Discrimination in Licensure Qualifications:**

Section 4 lists categories of people who apparently do not deserve the "right" to have concealed weapons for self-defense, or who suffer from a label that makes them something less than "honest, law-abiding" persons (Sec. 16 (a)). In creating these categories HB 2159 discriminates against persons with disabilities. On its face HB 2159 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. 1201 et seq.

- e.g. page 2, line 5: "...does not suffer from a physical infirmity..."  
page 2, lines 13:14: "...mentally ill person or involuntary patient..."  
page 2, lines 15:16: "...an alcoholic ... a drug abuser..."  
page 2, lines 22:23: "... committed for the abuse of alcohol..."  
page 3, line 2: "...has not been adjudged a disabled person"

**6. "Constitutional Right to Bear Arms for Self-Defense":**

The City urges this Committee not to approve language for the statute books which is clearly erroneous as to the existence of a constitutionally-based right of individuals to "bear arms".

Whether one believes such a constitutional right should exist or not, saying it does by statute serves only to confuse Kansans and reflects poorly upon the lawmaking process. Delete Section 16 (c), (lines 38:41 of page 9).

**7. Concealed Carry by Non-Licensed Persons:**

The total preemption by Section 11 of HB 2159 extends even to enforcement of city ordinances and county resolutions against non-licensees who carry concealed weapons. Invalidating such local laws -- and pushing prosecutions over to the district courts and out of the municipal courts -- was probably an oversight by the House. There is no valid public policy advanced by prohibiting Topeka from making it illegal for a non-licensed person to carry a hidden gun onto the Gage Park playground, into Topeka City Hall, or a host of other public places.



## 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 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 militia, 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. Balksley, 72 Kan. 230 (1905). The Court noted that: "That 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 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.

March 24, 1997

To: Senate Federal and State Affairs Committee

From: Karen O'Connor

Re: HB 2159

Isn't it a glorious day? Today is truly a gift from God. A time to go outside to feel the breath of spring, to sow seeds, to begin new growth. There is still a slight chill on occasion, so don't forget your sweater and maybe a hat. And....don't forget your handgun.

Four weeks ago as I watched the first hearings on this bill I began to visualize children, our children, living in a world where anyone might have a hidden gun. Hannah's preschool teacher or maybe that nice lady at the park—you know those people. They are the people who have heard so many times that crime is getting worse and they believe it. They have not looked for the truth and they are ready to arm themselves against each other. I wondered who would knock on my door with a gun hidden somewhere? Would it be the appliance repair man or the loving father with his candy-selling little leaguer. Certainly the pizza delivery man will be packing heat. As those scenarios played through my mind, I realized the real dilemma will be what will we tell our children if this legislation passes.

My husband and I have spent considerable time instilling in our children respect for others, dignity, and pride in themselves. We have taught them the values of reading, learning, and using their minds. We have taught them that they are the future and they are capable of great things. We monitor and limit their television viewing. We do not have Sega nor Nintendo. We have taught them to talk things out when they have problems and we resolve our differences accordingly. As parents, we lead by example. We don't use or condone physical or emotional abuse. We don't drink

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Date: 3-24-97  
Attachment: # 8

or use foul language and we would no more allow our children to be around guns than we would drugs. They are both lethal weapons. As role models, mentors and leaders in our community and state we must all lead by example.

While watching the first hearing I decided that if our honorable lawmakers were seriously considering this bill, I must be misinformed. So I gathered all the research polls and studies I heard cited and sought to verify every assertion, opinion, projection and vague innuendo that I had seen. The more I learned, the more concerned I became and that's when I decided to come before you today and express those concerns. When writing this testimony, I told myself, "Karen, don't be emotional, argue the facts. Be professional, find loopholes and lobby, lobby, lobby."

Well, I am not a lobbyist. I am not from some powerful special interest group with headquarters in Virginia or Washington, D.C. I am a mother and a traditional homemaker. Although you are esteemed lawmakers, you are also human beings who have families of your own. When we even consider a bill like HB 2159 we are not leading our children to higher moral ground. We are instead leading them to the conclusion that we have no confidence in the future and that they will not be able to effect it in a positive way. We are telling them that we have lost hope and have no control over our circumstances, therefore we must arm ourselves against each other.

I have brought petitions to you. I know the number of signatures is somewhat insignificant, but the message they deliver is great! Although the time I spent gathering these signatures was very limited, I discovered that for every person who supports this bill, there are 30 more people in strong opposition! Come home with me and talk to people and you'll see that they do not want this bill.

Come home with me and look into my children's eyes and tell me that you really believe that our children have no right to a more peaceful future. Go home this weekend and look in your children's and grandchildren's eyes and explain why Grandma has a gun in her purse. This bill is a statement that humanity finds it necessary to embrace fear, violence, and inhumanity towards man. This bill is a rejection of hope, goodness and all that is most noble in man. Call me at home and tell me how it goes. I'll be waiting.

Nanette L. Kemmerly-Weber, President  
 William E. Kennedy, Vice-President  
 Julie McKenna, Sec.-Treasurer  
 Paul J. Morrison, Past President



William B. Elliott  
 Jerome A. Gorman  
 David L. Miller  
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## Kansas County & District Attorneys Association

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### TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 2159

The Kansas County and District Attorneys Association opposes HB 2159, as is also opposes Senate Bill 21.

It is our belief that, unlike Texas, passage of a concealed handgun bill in Kansas will increase the number of such weapons, just as legalized gambling has increased the number of gamblers. The result is to increase the likelihood of serious injuries or deaths in our state.

Passage of the bill also sends a message that our state is no longer safe, that law enforcement protection is no longer valid, and the rule of law has been usurped by private enforcement measures.

The bill purports to engender a better quality of life for citizens of our state by emphasizing protection of the individual and the family. But the bill merely raises false expectations of increased security. For example, the most compelling testimony given in the House was by women who were attacked in their homes or on the highway, yet the bill does not offer any more protection than is already available to Kansas citizens, as handguns are already permitted in homes and automobiles. The bill also purports to raise the qualification of those with handguns by subjecting applicants to rigorous background checks and training; yet by preempting local regulation the bill eliminates regulation of other forms of handgun possession, i.e. **unconcealed** handguns openly carried, and handguns in automobiles

The bill purports to reduce the threat of crime by allowing concealed handguns, yet it either recognizes the increased danger of concealed weapons by exempting selected locations from its applicability, or makes an even greater leap of logic by determining that the exempted locations require less protection for Kansas citizens. By exempting employees of bars, schools, and government meeting places from the added protection that concealed weapons allegedly provide, the Legislature is denying those employees, literally, equal protection, without a rational basis for the distinction.

The bill purports to give greater protection to families, yet seems to ignore important areas of family life: children's activities, thus exposing them to a higher risk. For example, the bill give special protection from concealed weapons to a special class of activities, such as government, courts, schools (especially athletic events) and bars. Yet does not protect churches, day care centers, community recreational activities such as soccer and little league games, shopping malls, 4-H fairs or public swimming pools. Nor does it punish licensees who allow children access to these weapons, such as handguns in purses.

Many of our earlier concerns have been dealt with by House amendments, such as including diversion and expungement, and increased demands on the KBI. But it remains deficient in failing to regulate other forms of handgun possession by unlicensed carriers; and creates constitutional violations by making protection of concealed weapons unavailable to certain employees, without a rational basis.

Sen. Federal & State Affairs Comm.  
 Date: 3-24-99  
 Attachment: #9



League of  
Kansas  
Municipalities

Legal Department  
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***Legislative Testimony***

TO: Senate Federal and State Affairs Committee  
FROM: Don Moler, General Counsel  
RE: Comment on HB 2159  
DATE: March 24, 1997

First of all, the League would like to thank the Committee for allowing us to appear today to comment on HB 2159. I cannot overstate how strongly the League of Kansas Municipalities opposes any 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 regulated firearms within their communities since at least 1863. Over the 134 years which have elapsed since that time, we believe that cities throughout the state have acted reasonably on behalf of their citizens to regulate firearms in a responsible manner. The preemption provision of HB 2159, found at New Section 16, strikes at the very heart of Constitutional Home Rule authority of cities in Kansas and is a complete departure from the historical nature of firearm control in Kansas. Proponents of this legislation disregard not only the Constitutional 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 134 years to allow cities to regulate firearms within their geographical boundaries.

The League has a long standing policy position against any state preemption of the ability of local authorities to determine local matters locally. Specifically in the **1996-1997 Statement of Municipal Policy**, which was adopted by the membership of the League of Kansas Municipalities at its annual convention in October 1996, 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. As a matter of public safety, we also oppose any modification of state statute which would allow ordinary citizens to carry concealed weapons in public places."

Despite this policy statement in general opposition to allowing concealed carry, the League is not specifically opposing HB 2159. Rather, we are concerned about the preemption aspect of the legislation found at New Section 16. 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; discharge a firearm upon or across the land of another; discharge a firearm at an unoccupied dwelling; and possess a firearm within the state capitol building and other state buildings. Most substantive regulation of firearms in Kansas is done at the local level.

The League believes 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.

Further we believe that the local preemption aspect of this legislation is onerous to good government and Constitutional Home Rule. **For this reason the League is suggesting removing the language currently found in section (a) of New Section 16 and replacing it with the following:**

***"No portion of this act shall be construed to restrict the Constitutional Home Rule authority of cities in Kansas to regulate the carrying, possession or use of concealed weapons within the boundaries of the city."***

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.