

Approved: 02/16/99
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS.

The meeting was called to order by Chairperson Representative Susan Wagle at 1:30 P.M. on February 8, 1999 in Room 313-S of the Capitol.

All members were present except:

Committee staff present: Judy Swanson, Committee Secretary

Conferees appearing before the committee: Sally Finney, Kansas Public Health Association
Diane Varnell
Rex W. Taylor, Chief of Police, Iola, KS
Terri S. Moses, Deputy Chief of Police, Wichita, KS
Captain Glenn L. Ladd, Overland Park Police Department
Don Moler, League of Kansas Municipalities
Karen O'Connor, Safe State
Dr. Joe Hendrixson, Kansas Ecumenical Ministries
Theresa Sittenauer, Kansas Peace Officers Association
Lane K. Ryno, Emporia Police Department
Loren C. Anderson, Douglas County Sheriff
Edward Rowe, League of Women Voters of Kansas
Jim Kaup, City of Topeka

Others attending: See attached list

Representative Ruff gave the Committee an overview of **HB 2240**, concealed weapons. She said that of the 42 states which have such legislation, this is the strictest language.

Sally Finney Executive Director of Kansas Public Health Association, testified in opposition to the bill. She expressed concern about safety ramifications if this bill were passed. (Attachment #1)

Diane Varnell, a detective on the Domestic Violence Unit for the Wichita Police Department opposed the bill. She said constant training is needed for officers using weapons, and women in domestic violent situations would be put at even more risk. (Attachment #2)

Rex Taylor, Chief of Police in Iola and Immediate Past President of the Kansas Association of Chiefs of Police, testified against **HB 2240**. (Attachment #3) He gave personal insight as to how dangerous it is to carry a concealed weapon .

Terri Moses, Deputy Chief of Police of Wichita Police Department, testified on behalf of the Wichita Police Department, as a Board Member for the Wichita Area Sexual Assault Center and as a woman and mother, against the bill. She said there is a great difference between rural and urban areas, and she felt this bill removes too much local control. As a law enforcement officer she carries a weapon, however as a mother she chooses not to carry a weapon. (Attachment #4)

Captain Glenn Ladd, Overland Park Police Department, testified on behalf of the City of Overland Park. He said Kansas doesn't need this law. Currently, we are legally able to possess and conceal firearms in our homes and places of business. He said it is not a guarantee of safety, if that were the case he would have not had to attend fellow officers funerals. (Attachment #5)

Don Moler, League of Kansas Municipalities, opposed the bill. His concern is the pre-emptive section of the bill. (Attachment #6)

Karen O'Connor, Safe State, testified in opposition to **HB 2240**. She said carrying a concealed weapon would not have kept her from being a victim. (Attachment #7)

Rev. Dr. Joe Hendrixson, Executive Director, Kansas Ecumenical Ministries, testified he felt this bill would increase the number of guns available to children and families. ([Attachment #8](#))

Theresa Sittenauer, Kansas Peace Officers Association, opposed the bill and introduced Lane Ryno and Loren Anderson.

Lane Ryno, Emporia Police Department, opposed the bill because there was no provision for liability insurance or any type of bonding in the bill. He also was concerned about the pre-emptive section. ([Attachment #9](#))

Loren Anderson, Douglas County Sheriff, strongly opposed the bill. He said most polls show Kansans oppose concealed carry by a 2 to 1 margin. ([Attachment #10](#))

Ed Rose, League of Women Voters of Kansas, testified against the bill. He did not feel his safety would be enhanced if this bill passed. ([Attachment #11](#))

Jim Kaup, City of Topeka, urged the Committee to kill this bill. ([Attachment #12](#)) He felt there were numerous areas of the bill that were bad public policy. He presented written testimony from Topeka Police Chief Dean Forster in opposition to **HB 2240** ([Attachment #13](#)) and said Chief Forster was available for questions.

Gilbert Hammond, NAACP, strongly opposed this bill. He said that law enforcement agencies in Geary County also oppose the bill.

Written testimony was presented to Committee members in opposition to the bill from the following:

Kansas Safe Kids Coalition ([Attachment #14](#))
Main Stream Coalition, ([Attachment #15](#))
Overland Park Chamber of Commerce ([Attachment #16](#))
Wyandotte County/Kansas City, Kansas, ([Attachment #17](#))

In answer to Rep. Ruff, Moses reiterated her concern that people will not train properly.

In response to Rep. Dahl, Ladd testified he felt the current status quo of the law is fine.

Hendrixson told Rep. Mason he will provide the Committee with how his organization's official statements are handled and will give members a list of official delegates from the denominations he represents.

In response to Rep. Burroughs, Hendrixson testified guns are only second to cars in teenage deaths.

Ladd responded to Rep. Burroughs by clarifying that one can carry a gun in a holster, but when a jacket is put on over the holster, it is considered concealed.

Moses assured Rep. Peterson that Wichita does not have an ordinance against carrying a weapon in plain sight in a vehicle.

Hearing was adjourned at 3:20 p.m.

HOUSE FEDERAL & STATE AFFAIRS

GUEST LIST

DATE: 2-8-99

NAME	REPRESENTING
Joseph Bahr	intern
Chris Palazola	intern - McClure
David Miles	Associated Press
Justin Kozlowski	CHPKM
Edward C. Rowe	LEAGUE OF WOMEN VOTERS/U.S.
George Peterson	NRA Firearms Instr
REX TAYLOR	KANSAS ASSO. CHIEFS OF POLICE
Loren Anderson	Kansas Sheriff's Assoc
Venosa Silenauer	KPOA / KSA
LANE RYNO	KPOA / EMPORIA P.D.
BRIAN LEWISER	KHP
James Clark	KC DAA
Charize Parrell	Kansas Bar Association
Marc Hamann	Div. of the Budget
Ken Bahr	Ks. Governmental Consulting
Arline Meats	West Ridge Mall
DEAN FORSTER	TOPEKA POLICE DEPT
JIM KEATING	KANS. SAFE KIDS COALITION
Erik Sartorius	Johnson Co. Board of Realtors

HOUSE FEDERAL & STATE AFFAIRS

GUEST LIST

DATE: 2-8-99

NAME	REPRESENTING
John Federico	Ks Assoc Chiefs Police
Tessi S. Moscs	Wichita Police Dept.
DITM VARNELL	WICHITA POLICE DEPT
SARA MORRIS	WICHITA POLICE DEPT
TROY G. SCROGGINS	TOPEKA - RESIDENT
Gilbert Hammond	NAACP KANSAS
Jane Karsk	Senate Minority Office
Jonathan Holder	Spectator
Denny Burgess	Kansas Sportsmans Alliance
JAY O'CONNOR	CITIZEN
Sarah O'Connor	Citizen
Cheta Remyer	R+L of Ks.
Laura Malzel	RTLK
Don Moler	League of Ks Municipalities
Mike Taylor	City of Wichita
Maggie Keating	Ks Ins Dept.
Barbara Walk	Overland Park Police Dept.
GLENN L. LADD	OVERLAND PARK POLICE DEPT.
Joe Hendrixson	Kansas Ecumenical Ministries

**KANSAS
PUBLIC
HEALTH
ASSOCIATION, INC.**

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Testimony on HB 2240

Presented by Sally Finney, Executive Director
on February 8, 1999

Thank you, Rep. Wagle and members of the committee, for allowing me to appear before you today. I am here to speak in opposition to HB 2240, a bill that would permit concealed carry of handguns, pistols, and revolvers in Kansas.

The public health community is very concerned about the safety ramifications that enacting such a measure would have on our children. We know that handguns owned by well-intentioned individuals are involved in accidents that kill and maim thousands of our children every year. We believe HB 2240 will increase the risk of in-home exposure to these weapons, thereby increasing the number of deaths and injuries to young Kansans.

According to the Centers for Disease Control and Prevention, guns killed an average of 13 children ages 0 to 19 in this country on each day in 1996. This is roughly equivalent to 24 jumbo jet crashes in a year with a zero survivor rate. The CDC also estimates that for every firearm-related homicide there are 3.3 non-fatal firearm assault injuries.

The suicide rate for persons living in a household with guns is nearly five times higher than the rate for person living without guns. According to the Kansas Department of Health and Environment, 453 young Kansans ages 5 to 24 died from suicide firearm deaths during the period from 1990 through 1994. Half of these were children ages 5 to 14.

In a legislative session highlighted by concern for children, it seems somehow inappropriate to consider passage of legislation legalizing concealed carry of weapons that cause so much harm to them. We urge you to defeat HB 2240.

House Fed & State
Attachment # 1
2-8-99

DISCUSSION IN OPPOSITION OF HOUSE BILL 2240

BY

DIANE VARNELL
DETECTIVE
WICHITA POLICE DEPARTMENT
WICHITA, KS

February 8, 1999

I am Diane Varnell, a detective or the Domestic Violence Unit for the Wichita Police Department in Wichita, Kansas. I am here to oppose the House Bill No. 2240 for the following reasons:

You have just heard about the many officers that have had their guns taken away from them and were killed by their own guns. These were professionals who were trained to use and to keep their guns. Officers are trained in gun retention and how to use their guns in split decisions at least twice a year mandatory in-service training and more if we want. What kind of training are we going to give a domestic violence victim? A one time training on how to use a gun? Are we going to train them in gun retention? Both require consistent training to keep proficient. Most domestic violence victims are female. Are they going to be overpowered and the gun taken away and used on them? Are they going to be trained to make split decisions? If they have a gun on them on the streets, will they make a rational decision to shoot that person when their emotions are involved? Will they look at the backdrop and not hit an innocent bystander?

I don't think we have thought this through. Most domestic violence happens in the home. We already have a law that allows citizens to have guns in their homes. And we are talking about domestic violence. What is it? Violence. And now we want to put a gun into an already violent situation? Isn't this what we have fought hard to correct? By now letting a person with domestic violence batter conviction even have or own a gun? We need to stop the violence.

I have learned that twenty-five (25) percent of all domestic violence arrests in the last three (3) years the suspects were under twenty-one (21) years of age. You have to be twenty-one (21) years of age to legally carry a gun in the State of Kansas.

I have also learned that there would be a license fee to get a license to carry a concealed gun. The majority of domestic violence incidences reported happen in lower income families. If you want to put guns into the hands of these people, they wouldn't be able to afford it. We are still defeating the purpose.

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I have talked with a few domestic violence women about this gun control bill in the short time I have learned about it. If we really want to protect the women, why don't we give free training about the cities in self-defense? This way, if it was a domestic partner or maybe a stranger on the street that is about to do bodily harm, they can take care of themselves and get away instead of putting themselves in more danger.

I would like to express my sincere gratitude in allowing me to voice my concerns on the House Bill No. 2240. I know that you will make the right decision for the community and welfare of all involved.

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Testimony for House Bill No. 2240

February 8, 1999

Rex W. Taylor

Chief of Police, Iola, Kansas

Immediate Past President of the Kansas Association of Chiefs of Police

Ladies and Gentlemen, thank you for the opportunity to speak to you today concerning House Bill 2240. I am Rex Taylor; Chief of Police in Iola, KS and immediate Past President of the Kansas Association of Chiefs of Police. Carrying concealed weapons has again been brought up for consideration by the Kansas Legislature and I am here today to speak in opposition on behalf of the Kansas Association of Chiefs of Police.

The members of our association recently voted to again oppose any bill that would allow a licensee to carry a concealed weapon. I am sure you have been given facts and figures that show, at least in our view, why such a law should not be passed. I have not come here today to bring you more facts and figures but to tell you why I believe allowing more guns on the streets is a cause for great concern.

I have a unique insight into what it means to confront an individual with a weapon and how bad that situation can get. In 1980 I was working as a police officer in Wichita and was called to a home where a man was trying to break in. The woman who lived there called the police and described to the dispatcher how frightened she was. I was the first officer on the scene and approached from the alley in an attempt to catch the man as other officers arrived in front. My plan worked and the man came running across the back yard and over the fence into the alley where I stood waiting.

With gun drawn, I identified myself and ordered the man to halt. He did, and as I was preparing to make the arrest he turned and attacked me. We fell to the ground and fought over my duty weapon. I remember lying on my back, the barrel of the gun being pushed toward my shoulder and I fought to push it back. I knew at that point I would have to shoot, I pulled the trigger, and nothing happened. The man had his hand on the cylinder and the gun wouldn't fire. Again we fought and again I forced my gun in his direction. This time the gun fired.

Because of this incident I have done a lot of research into what we call Critical Incident Stress. During that research I talked to a number of police officers that have been in a situation where they used deadly force in the performance of their duty. My conclusions are the basis for my opposition to a State carry concealed weapons law.

I understand that the idea of carrying a weapon gives a sense of security and when confronted by violence we look for ways of protecting ourselves. The problem with a concealed weapon is it gives a false sense of security. As a trained police officer I am very familiar with my weapon and in the handling of dangerous situations. What happened to me is not unlike what has happened to many police officers. Too many times this scenario ends with the officer being shot by his or her own weapon. I would like to quote what the then captain of investigations and now the Sheriff of Sedgwick County said after my shooting incident. "If he had been a weaker officer, we would have a dead officer."

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My situation was one where I was ready for problems. There was the possibility of danger and that's why I had my weapon out. Even being ready is not enough when a person is bent on violence.

A person who is carrying a concealed weapon is not going to be ready when violence strikes. They will not be able to get to their weapon while they are being attacked and as a result the violence will escalate and end as to many police encounters end with the person being shot by their own weapon. The tragedy is that a violent encounter can get worse, the victim can die.

Another area of my research has dealt with the aftermath of shooting incidents and how the incident effects the officer involved. Many are unable to continue as a law enforcement officer. I believe that police officers must mentally prepare themselves for what may be the most difficult task they are called upon to perform. Carrying a weapon is one of the greatest responsibilities a police officer has and should only be done by those who have mentally prepared themselves to take a life. I have made that commitment, so my family and my community don't have to. State law should not place citizens in a position to have to make that type of commitment every moment they possess a firearm.

In conclusion, this is an emotional issue. The facts tell us that most violence occurs in the home and current law allows for possession of a firearm in the home. The facts are that more guns on the street can only lead to more gun violence. I understand the feelings of violent crime victims, I will never forget August 14, 1980, but the truth about carrying a weapon is that there is no more dangerous way to protect yourself.

Thank you for your time and attention, and I would be happy to answer any questions you may have.

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DISCUSSION IN OPPOSITION OF HOUSE BILL 2240

BY

TERRI S. MOSES
DEPUTY CHIEF OF POLICE
WICHITA POLICE DEPARTMENT
WICHITA, KS

February 8, 1999

In this discussion I will present my feelings regarding House Bill 2240. I will examine the issue from three points of view; my position as Deputy Chief of Police for the largest police agency in the State of Kansas, my position as a member of the Board of Directors for the Wichita Area Sexual Assault Center and finally as a woman and a mother.

I have served as a member of the Wichita Police Department for the last eighteen years. In that time I have worked in all Divisions of the Department, on all shifts and in all areas of town. I am very familiar with the consequences of the use of deadly force. As to the use of firearms in domestic violence situations, I will let Det. Diane Varnell of our department discuss those issues. I will discuss two issues in the bill that are of major concern to the Wichita Police Department, both involve the removal of local control.

I am a native Kansan. I spent the first twenty years of my life in a rural Kansas area, Green Kansas. I have spent the last half of my life in the largest city in the State. I continue to visit my family in rural Kansas regularly. On these visits I am constantly reminded of the differences between rural and urban life. It is very apparent to me that local control of many laws is necessary simply because the differences in lifestyle are tremendous.

Local control is also a necessity in an urban area. The Wichita Area has adopted a philosophy that promotes community involvement. The Neighborhood Initiative encourages members of the community to be active in many areas of community life. The Wichita Police Department has participated in this initiative. Over the last five years the Wichita Police Department has implemented a city-wide community policing philosophy. In that philosophy it is imperative that we as a Police Department work with communities to assist them in policing themselves, rather than having the police department police the community. By allowing and encouraging "local control", we have seen increased participation by community members, an increased level of trust between the police and the community, the use of creative problem solving, and a steadily decreasing crime rate. We are able to tailor our police services to meet the needs of individual communities.

Through this initiative and through my involvement in both rural and urban life, I clearly see the value of "local control". This bill removes the ability for local governments to control firearms. It removes the ability of local governments to "tailor" laws that meet the needs of the

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communities they serve. I have seen first hand the value of local voice, please consider this when making your decision.

The other area where the loss of local control will affect Police Departments is in the area of violations. By removing local ordinances regarding handgun laws, you are making all handguns violations chargeable only in Districts Courts. These violations are currently handled in municipal courts. These municipal courts are already dealing with this case load. Most District Courts are currently facing case work loads that are large. Moving handgun cases to District courts will increase their case load. These numbers are not small. Following are the numbers of persons arrested for firearms violations in the City of Wichita for the past five years. A majority of these cases were handled by the City of Wichita Municipal Court.

<u>YEAR</u>	<u>COUNT</u>
1994	616
1995	458
1996	506
1997	495
1998	570

The Wichita Police Department is very aware of the value of arrest, we are also very aware of the value of successful prosecution. Moving firearms violations from a court that is familiar with these case and currently set up to handle them, to a court that is not ready to handle them, will adversely affect prosecution of these cases.

I also currently set on the Board of Directors for the Wichita Area Sexual Assault Center (WASAC). In order to help you understand the work of the center I will read to you the mission statement for WASAC.

The Wichita Area Sexual Assault Center, a non-profit organization, provides leadership in comprehensive services to the community, targeting the needs of persons affected by sexual assault and reducing the incidence of sexual assaults in the Wichita area.

Services provided by the center include twenty-four hour crisis counseling, assisting and supporting victims in the emergency room, accompanying and supporting a victim in court, one-on-one counseling and educational services. The center is celebrating it's twenty-fifth anniversary this year.

Prior to coming here today I spoke with the Executive Director of WASAC, Jill Carroll, she has dealt with many victims and is familiar with many incidents of sexual assault. As a female police officer, I to am familiar with sexual assault cases. In my career as both a police officer and as a member of the WASAC Board of Directors, I have often heard victims question their actions. Many times because they feel they failed to listen to the warnings of others or because they failed to follow their instincts. In no case in my career have I ever heard the victim of a sexual assault say, "If I had a firearm, I could have prevented this assault".

4-2

In the educational services provided both by the Police Department and WASAC, we emphasize the need for educated decision making and the need to "trust your instincts" when making decisions. In other words, know where you are going, who you are going with and trust your feelings.

Finally, I would like to talk about being a woman and a mother. Carrying a firearm is not easy. I have, because of my position, the ability to carry a concealed weapon. Carrying a weapon is uncomfortable for a female, believe me I have tried many wearing alternatives. This may sound silly, but I ask you women here today to think about how you would carry a firearm. Most would take the option of carrying it in your purse. Now think about where you normally carry your purse, try to imagine removing a firearm quickly from it. Think about trying to get to your wallet, keys or other items. I will tell you from experience that your firearm will end up at the bottom of your purse, in a totally unreachable location after a very short period of time. Also think about where your purse is most of the time, do you have total control over that purse. Have you like me, been embarrassed when a child looking through your purse found feminine items and asked with curiosity "What is this". With a firearm in your purse you can never set it down. Where do you put it in a restaurant, while your driving with others in the car, and at work?

Beyond carrying a firearm, there is the issue of the ability to properly use it. Again, I have the advantage of eighteen years of experience. I qualify twice a year by Department policy and try to practice at least twice a year to stay proficient. This is a job requirement for me, yet I find it difficult to make the time to practice. I am happy to see that the proposed bill included a provision for education prior to allowing a permit. The bill does not include any need for on going training. I know from experience that the use of a firearm requires skills that must be practiced. I also know that like all resolutions, the one made to practice regularly is likely to be unfulfilled.

To conclude, I request that you consider several areas of concern when making your decisions regarding this bill. Please consider the impact removal of local control will have on the many diverse communities of this state. Local voice is an important part of successful government. Also consider the impact of moving most firearm violations from Municipal Court to District Court. In regards to victims of sexual assault, my experience does not support the need for carrying concealed weapons, it supports the need for education and open discussion regarding sexual assault. Also consider the reality of carrying a concealed weapon. This bill has been created with an emphasis on the need for women to increase the ability to protect themselves. Please think about the reality of carrying a concealed weapon and remaining proficient with it.

I applaud each of you for taking a leadership role in your community, you have put yourselves in the position of having to make hard decisions. And this one is a very difficult one because there is not clear correct position. I ask that you do what I think is good advice for almost any situation, make an informed decision and trust you instincts. Thank You.

Handwritten signature or initials in the bottom right corner of the page.

POSITION PAPER

REGARDING HOUSE BILL No. 2240

THE PERSONAL AND FAMILY PROTECTION ACT

PREPARED BY

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

PREPARED FOR

THE LEGISLATURE OF THE STATE OF KANSAS

FEBRUARY 8, 1999

*House Fed + State
Attachment #5-1
2-8-99*

I am Captain Glenn L. Ladd of the Overland Park Kansas Police Department. As a 24 year veteran of law enforcement, I strongly oppose the title captioned House Bill No. 2240 in its current form. I come before this honorable group as a representative of the City of Overland Park, Ks. and the Overland Park Police Department.

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

On July 10th of last year, in Phoenix AZ, Toby Mack and Kenneth April began "to bounce chests and ... start to fight" during an argument at a local mini mart. Mack pulled a gun on April, who responded by pulling his own concealed handgun. April's friend, Mike Willey came out of the market and pulled his gun, whereupon several shots were exchanged by the three. When the shooting stopped, Mack lay on the ground dead and April had a wound to the lower abdomen. Both April and Willey possessed valid Arizona Concealed Weapons Permits. (*Reported in the Arizona Republic 7/11/98*)

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

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

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With respect to homicides, historically, the victim and the perpetrator are acquainted in half of the incidents. During the 1990s, the relationship seems to be changing. Today, less than half of all victims are related to or acquainted with their assailants. (1) One theory on this change is the evolution of the "drive by shooting" that is predominately an inner city gang phenomenon and is considered a "stranger" attack, and unsolved criminal homicides where the perpetrator is unknown. The argument of family protection is further diminished when guns in the home for self-protection are 43 times more likely to kill someone you know than to kill in self defense. (2) "When someone is home, a gun is used for protection in fewer than two percent of home invasion crimes." (3) The presence of firearms in the home has been found to significantly increase the risk of suicide among adolescents, regardless of how carefully the guns were secured or stored. (4)

In the United States, handgun ownership is 13,500 per 100,000. In England, that rate is less than 500 per 100,000. The rate of homicide by handgun is 40 times higher in the United States than in England. (5) As an instructor of Criminology for many years, I theorize this is partially due to the fact that England has been settled, or "civilized" many hundreds of years longer than the relatively short history the United States has experienced. We are not that far removed from the "Frontier Mentality" necessary to survive as our territories were settled and became states. We do not need this law. We would be better served to address the cause of our concerns, the criminal behavior, rather than creating laws that will encourage violence. "A prohibition against carrying guns in public seemed to be related to a drop in gun crimes in Boston, and a leveling off of handgun violence in Detroit. A total ban on handguns was tried in Washington, D.C., beginning in 1976. Both gun homicides and gun suicides dropped visibly after the ban took effect, while no change occurred in homicides and suicides not committed with guns". (6) The citizens of Kansas need to focus on making laws that ensure severe punishment for those who threaten our peaceful way of life. Until punishment is made more certain, no law addressing this problem will be effective.

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

The concept of a concealed weapon enhancing a person's level of self defense or protection of one's family is a hollow one. It erroneously assumes a level of protection that is not there. It is a mistake to assume the limited training will allow a citizen to draw a concealed weapon and use it successfully before the threatening criminal uses his/hers. If a criminal suddenly produces a weapon, they have the advantage. Some may say they "have the drop on you". Most would agree that training programs suggested by this bill would probably not be more comprehensive than training received on a continuing basis by our law enforcement officers, yet in the period from 1983 to 1992, 650 law enforcement officers were killed with a firearm. 103 officers were slain with their own weapons. (7) During the period from 1981 to 1990, 70 percent of all law enforcement officers slain, were killed by handguns. Of these, 85 percent of the victim officers in this study did not have the opportunity to discharge their service weapons. (8) Some assume the ability to carry a concealed weapon is some sort of guarantee of personal safety. I can testify first hand that it is not. If it were, then I would not have had to attend the police funerals for my fellow officers, murdered in the line of duty.

5-3

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

In 1998 there was federal legislation that was designed to allow reciprocity from state to state for those persons possessing concealed carry permits. This did not become law, however, if it should, that would mean a person from another concealed carry state could carry that weapon into any other state with the same provision. If Kansas had this provision, and the federal law were passed, no matter how comprehensive our screening, training, and requalification program, a person from a state with little or no restrictions would be allowed to carry a concealed weapon in Kansas. In the same light, The City of Overland Park opposes the portion of this Bill that would remove local government's ability to regulate firearms and violate the spirit and intent of constitutionally adopted home rule.

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

(please find attachments following the bibliography page)

5-4

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- (2) Kellerman, A., *New England Journal of Medicine*, 1986
- (3) Kellerman, A., *Journal of the American Medical Association*, 1995
- (4) Saltzman, L, Mercy, J, O'Carroll, P., Rosenberg, M. and Rhodes, P., "Weapon Involvement and Injury Outcomes in Family and Intimate Assaults," *Journal of the American Medical Association* 267 (1991): 2989-2995
- (5) Freda Adler, Gerhard O. W. Mueller, William S. Laufer, *CRIMINOLOGY*, second edition, McGraw-Hill, Inc., 1995
- (6) Ibid
- (7) FBI Uniform Crime Reports, released 1993
- (8) U. S. Department of Justice, 1992

5-5

FIREARM FACTS

Firearms are so pervasive in America that sometimes we forget the price we pay for all-too-easy access to guns. Consider some basic facts...

There are approximately 192 million privately owned firearms in the U.S. -- 65 million of which are handguns.

In 1996, 10,744 people were murdered with firearms in this country.

In 1996, firearms were used in 2 out of 3 murders committed in the U.S. Handguns were used in 54% of all murders.

In 1996, 8 out of 10 of those murdered with firearms were murdered with handguns.

In 1996, there were only 176 justifiable handgun homicides by private citizens in the United States.

Thinking of buying a gun to protect your home? You may want to remember that...

Guns kept in the home for self-protection are 43 times more likely to kill a family member or friend than to kill in self-defense.

The presence of a gun in the home triples the risk of homicide in the home.

The presence of a gun in the home increases the risk of suicide fivefold.

Guns are a blight upon our young people. For instance...

In 1994, firearms were the number two killer of men and women 10-24 years of age -- second only to motor vehicle crashes.

In 1994, the firearm injury death rate among males 15-24 years of age was 32% higher than the motor vehicle traffic injury death rate.

In 1994, firearm homicide was the leading cause of death for black males ages 15-34.

In 1995, 14 children, ages 19 and under, were killed with guns *every day* in this country.

Surprised? You shouldn't be, because...

In 1995 alone, 35,957 Americans were killed with firearms, in homicides, suicides, and accidents. In comparison, 33,651 Americans were killed in the Korean War and 58,148 Americans were killed in the Vietnam War.

Licensed firearms dealers sell an estimated 7.5 million guns every year, of which 3.5 million are handguns.

Of all accidental fatalities involving firearms, 71% involve handguns.

Finally, you may want to consider one more statistic...

In 1996, handguns were used to murder 2 people in New Zealand, 15 in Japan, 30 in Great Britain, 106 in Canada, 213 in Germany and 9,390 in the United States.

Last updated: 5/14/98

THE RISKS OF GUNS IN THE HOME

Over 35% of American households contains at least one firearm.

Police Foundation, 1996

One out of three handguns is kept loaded and unlocked in the home.

Police Foundation, 1996

Guns kept in the home for self-protection are 43 times more likely to kill someone you know than to kill in self-defense.

Kellermann A, New England Journal of Medicine, 1986

When someone is home, a gun is used for protection in fewer than two percent of home invasion crimes.

Kellermann A, Journal of the American Medical Association, 1995

The risk of homicide in the home is three times greater in households with guns.

Kellermann A, New England Journal of Medicine, 1993

The risk of suicide is five times greater in households with guns.

Kellermann A, New England Journal of Medicine, 1992

In 1995, there were only 179 justifiable handgun homicides compared with a total of 11,198 handgun murders in the United States.

FBI Uniform Crime Reports, released October 1996

In 60% of fatal accidents involving a firearm, the weapon was located in or near the home.

General Accounting Office Report on Accidental Shootings, 1991

85 percent of adults who don't own guns feels less safe when others in the community acquire firearms.

Hemenway, Solnick and Azrael, Firearm Training and Storage, 1995

In 1994, 16 children, aged 19 and under, were killed with guns every day in this country.

National Center for Health Statistics, 1996

More than 1.2 million elementary-aged, latch-key children have access to guns in their homes.

Lee, Journal of the American Medical Association, 1990

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WOMEN & GUNS

The gender gap in weapons has not changed. From 1980 to 1994, male ownership of firearms exceeded female ownership by a constant 31.1 percent. Male handgun ownership surpassed female ownership by 19.7 percent.

Smith, TW, *Journal of Criminal Law & Criminology*, 1995

More than 1.2 million elementary-aged, latch-key children have access to guns in their homes.

Lee, *Journal of the American Medical Association*, 1990

Although firearms are often kept in the home for protection, they are rarely used for this purpose. Of 198 cases of home invasion crimes studied, only three victims used a gun for self-protection.

Kellermann, A, *Journal of the American Medical Association*, 1995

The presence of a gun in the home triples the risk of homicide in the home.

Kellermann, A, *New England Journal of Medicine*, 1993

A gun in the home increases the risk of suicide fivefold.

New England Journal of Medicine, 1992

Between 1960 and 1980, the total number of females committing suicide with firearms more than doubled, while the total number of females committing suicide by all means other than firearms increased only 16 percent.

Zimring, FE, *Health Affairs*, 1993

Guns kept in the home for self-protection are 43 times more likely to kill a family member or friend than to kill an intruder.

Kellermann, A, *New England Journal of Medicine*, 1986

In Texas, since the carrying concealed weapons law went into effect on January 1, 1996, 10,043 permits have been issued as of February 12, 1996. Of those, only 1,231 were issued to females.

Texas Department of Public Safety, 1996

In 1994, there were only 260 justifiable handgun homicides compared with a total of 12,769 handgun murders in the U.S.

FBI Uniform Crime Reports, released 1995

650 law enforcement officers were killed with a firearm from 1983 - 1992. During the same time period, 103 officers were slain with their own weapons.

FBI Uniform Crime Reports, released 1993

More than twice as many U.S. women are shot and killed by their husbands or lovers than by strangers.

Ms., 1994

70 percent of all law enforcement officers slain from 1981 to 1990 were killed by handguns. Interestingly, 85 percent of the victim officers in this study did not have the opportunity to discharge their service weapons.

U.S. Department of Justice, 1992

Nearly half of all homicide victims are acquainted with or related to their killers.

FBI Uniform Crime Reports, 1992

Only about 1 percent of all victims of violent crime used a gun to successfully defend themselves (yearly average, 1987-1992).

Department of Justice Reports

The *GSS Social Change Report* indicates that between 1980 and 1994 about 11.6 percent of women owned a gun and 7.4 percent of women had a handgun.

University of Chicago, 1994

"One of the quickest ways to boost firearm sales is to inform the public that you are offering women the same fun shooting opportunities as the men."

American Firearms Industry, 1990

"In Atlanta, when a gun was involved in domestic violence, death was twelve times more likely. Overwhelmingly, it was the woman who died."

Centers for Disease Control and Prevention

"A weapon never improves a situation, and it increases the risk that an even greater tragedy is going to happen."

Coalition Against Domestic Violence

FIREARMS & YOUTH SUICIDE

At a national level, emergency room data verify that suicide attempts with firearms are almost always fatal - for every gun suicide, there is less than one nonfatal injury.

Annest FL, *Journal of the American Medical Association*, 1995

A youth aged 10-19 committed suicide with a gun every six hours in 1992 - 1,426 young people in one year.

National Center for Health Statistics, 1994

From 1980 to 1992, the suicide rate for 15-19 year-olds increased 28.3 percent and among 10-14 year-olds there was an increase of 120 percent. For black males, aged 15-19, the suicide rate increased 165.3 percent from 1980 to 1992.

Centers for Disease Control, 1995

In 1992, firearm-related deaths accounted for 64.9 percent of the suicides among individuals under the age of 25. Among 15-19 year-olds, firearm-related suicides accounted for 81 percent of the increase in the overall rate from 1980-1992.

Centers for Disease Control, 1995

The odds that potentially suicidal adolescents will kill themselves double when a gun is kept in the home.

Brent, *General Psychiatry*, 1988

The increased rate of completed suicides may be attributed to the use of more lethal means during attempts.

Centers for Disease Control, 1995

In Oregon from 1988-1993, 78.2 percent of suicide attempts with firearms were fatal. Only 0.4 percent of suicide attempts by drug overdose were fatal.

Centers for Disease Control, 1995

Guns are the method used in 65 percent of male teen suicides and 47 percent of female teen suicides.

National Center for Health Statistics, 1991

Between 1960 and 1980, the total number of females committing suicide with firearms more
<http://www.cphv.org/protecting/D1/dlythsui.htm>

2/6/99

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than doubled, while the total number of females committing suicide by all means other than firearms increased only 16 percent.

Zimring FE, *Health Affairs*, 1993

Most teen suicides are impulsive, with little or no planning, and 70 percent occur in the victims' homes.

University of Minnesota Medical School, University of Minnesota Clinic and Hospital

In Florida, whites are at risk for taking their lives with a firearm 2.5 times more often than blacks.

Florida Injury Prevention and Control Program, HRS Office of Health Promotion and Wellness, 1993

In Florida, the firearm-related suicide death rate for white males is more than double the rate of their black male counterparts and almost five times the rate of white females.

Florida Injury Prevention and Control Program, HRS Office of Health Promotion and Wellness, 1993

Updated 4/96



League of
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Legislative Testimony

TO: House Federal and State Affairs Committee
FROM: Don Moler, General Counsel
RE: Comment on HB 2240
DATE: February 8, 1999

First of all, the League would like to thank the Committee for allowing us to appear today to comment on HB 2240. 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 136 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 2240, 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 136 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 **1998-1999 Statement of Municipal Policy**, which was adopted by the membership of the League of Kansas Municipalities at its annual convention in October 1998, 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 2240. 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.**

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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.

Madame chairperson and distinguished committee members, thank you for allowing me the opportunity to speak to you today regarding the carry and conceal handguns bill.

My name is Karen O'Connor, I serve as a volunteer on the board of Safe State, a project that is in strong opposition to the concealed weapons bill. I also volunteer my time with USD 259 where two of my four children, James Ryan O'Connor, who is 11 years old and Sarah Pauline O'Connor who is 10, attend public school. For the past nine years I have been a member of and a volunteer for East Heights United Methodist church where my five year old, Molly Bryce O'Connor, and my very wild Three year old, Calahan Mac O'Connor, are enrolled in preschool. I also work with both the Safe Kids coalition and Safe communities of Sedgwick county and I currently serve, on the Citizens Participation Organization in council district two of Wichita.

I truly enjoy all of my volunteer activities. I know that when I give of my time and any talent that the lord has blessed me with, that I am working to make my community a healthier and safer place for my children. My children see my actions and they in turn emulate those actions. Modeling healthy behaviour for our children is a key to good parenting. We know that children who see certain behaviours modeled are more likely to repeat those behaviours themselves. For example children who live with a parent that smokes are more likely to smoke themselves. Studies show similar patterns for children who witness, and suffer through physical abuse. Although no formal analysis has been undertaken, it is clear from the 15 dead and 44 wounded on school campuses across America in 1998, that children who grow up in homes where firearms are kept and used are more likely to be desensitized to using them in deadly acts. This concealed weapons legislation is anti-child.

Our children will see us walking around afraid of anyone and everyone, carrying loaded guns into grocery stores, churches, and preschools, down at Country Club Plaza on a sunny afternoon, or at the Wichita River Festival. We will shoot and kill someone who is trying to take our purse or our car and tell our children its o.k. because they were doing us wrong. How do our children in turn interpret that? What will they perceive as a wrong? Being grounded by their parents or admonished by a teacher? Maybe, like 15 year old Luke Woodham who killed his mother and then shot and killed his ex-girlfriend and another student, he might think it is an injustice worth killing for if his girlfriend breaks up with him. God help me, please don't let it be my daughter. This concealed weapons legislation is a menace to our children.

In Florida more children died from unintentional shootings after they passed their concealed weapons law in 1987. The number of accidental shootings doubled. Because of this, Florida became the first state to pass a safe storage law in 1989. Will you look to the lesson they learned at the expense of their children and include mandatory storage regulations? The handgun homicide rate in Florida also increased after carry and conceal was passed. In response to this, Florida passed a constitutional amendment that created a mandatory three day waiting period for handgun purchases. Will you create a Three day

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waiting period for handgun purchases and institute it on a statewide basis? The crime rate in Florida rose 22% between 1987 and 1996. The number of violent crimes committed increased 25% for the same time period. Are you willing to pour the millions of dollars into law enforcement support, the justice system, victim services and indigent medical care that a rising violent crime rate will demand? Are you willing to take our resources that should be spent on educating and caring for our children so that they can become productive citizens instead of criminals, and spend it on arming people so that they can be ready to shoot those children that didn't get the care that they deserved? This concealed weapons legislation will kill our children.

What does a criminal look like in your mind? Young, baggy pants, white face, or ethnic face. What difference does it make. We know there is a huge gang problem out there and if we are going to be attacked at random it will probably be by some young thug. Or maybe you will just think it is a young thug like the New Jersey police officer who shot and killed a 15 year old boy when he saw him leaving a convenience store brandishing what he thought was a handgun. It was a Three Musketeers wrapper but the child is dead. God be with us, please do not let it happen to my son.

Facts show that young thugs, nameless, faceless strangers are not attacking us. Women are being raped, robbed and killed by people who we are either related to or acquainted with. A report issued by the Attorney Generals office compiled domestic violence statistics for Kansas from 1995 to 1997. 67% of those reporting a rape were related to or otherwise knew their attacker. The majority of the time Rape happens in our homes where we can already strap on as many guns as we want. 69% of the incidents happened in a single or multiple residence. What is most offensive in referring to Carrying a concealed weapon as a woman's safety issue is the fact that it is our daughters that are most at risk. Those most likely to be raped are between the ages of 10 and 19. This legislation requires a person to be 21 to carry a concealed handgun. Will you lower the age restriction so that my 10 year old daughter can carry? She is more at risk than I am, and I can not be with her every moment. This legislation is offensive to women and children.

.I am very proud to be a woman in the great state of Kansas. Kansas women have a wonderful legacy as being visionaries, trailblazers... Amelia Earhart, Nancy Kassebaum-Baker, Olive Ann Beech... Leaders all, not followers. We should not be bullied into jumping on the bandwagon for concealed carry just because other states have. You need only to look to their experience to know that those states have made a mistake. Be true leaders and reject this legislation. This is a monstrous bill. It is not working to reduce crime in the states where it has passed. It is only creating Chaos for business owners, private citizens and, lawmakers alike.

I have great respect for those women and men who serve in our legislature. You have great responsibilities to uphold. You must review hundreds of pieces of legislation each year with minimal time and support. It is incumbent upon you to make sure that you have accurate information on a bill that is so controversial and dangerous. Please do not rely

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on a highly paid Lobbyist for a the National Rifle Association. Look at the information yourself. I did.

For 9 months, from January of 1997 through October of that year, I took time away from my family in order to research the claims of the National Rifle Association regarding concealed carry. There was no Safe state project at that time. I did it on my own time, with my own resources. I thought that if carrying a concealed weapon was working to make people safer in the states where it had passed, then that would be a good thing. After researching the issue in depth, it was obvious that crime was not decreasing as a result of this type of law being instituted. As a matter of fact crime was getting worse. In Texas the number of crimes committed rose 2.6% in 1996. I made hundreds of Phone calls to the states that had passed the laws.

I asked questions;

Is this working? "We don't know".

Are permit holders remaining law abiding? "We don't track it".

I finally came across information in Texas. They were the only state that tracked the behaviour of permit holders. This information is analyzed in the study "license to kill". What we found is that permit holders were more likely to be arrested for weapons violations than the rest of the population. In 1996, permit holders were arrested for weapons related offenses at a rate 22% higher than the general population. During the first 6 months of 1997, the rate of arrest was more than twice as high. I formed the Safe State project because I wanted to make sure that the citizens of Kansas and our legislators had access to accurate information on this issue. I have been volunteering my time for this effort for over two years now.

As I said previously, volunteering is very fulfilling to me, but I really do not want to be here today. I want to be home, with my children, showing them how to be viable community members. I do not want to teach my children how to drop and roll at their bus stop like the children in Israel do. Do not pass this out of your committee for our children's sake. The children of Kansas should not be led to the slaughter just because "everyone else is doing it".

I want you to know what led me to undertake the research project that became Safe State. I grew up in a house that was filled with physical abuse, some sexual, but mostly physical beatings. I can not tell you how many times I heard my father say he wanted to kill my mother. I am grateful that there was not a gun available to either of them. My father or mother may have used it on the other, but they also may have decided to take their children with them.

When I was 26 I was at a birthday party for a friend when someone put a drug in to my drink. I was raped, by three men. I knew them vaguely. They were colleagues, co-workers, young, up and coming executives. A gun would have not helped me. I was drugged by people I would have never suspected to begin with, and the drug rendered me helpless. I know that tomorrow you will hear from women who will give you details of their experience. I understand the pain of what they suffered through. I know what it feels

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like to be afraid to walk out of your door in the morning because you have been violently abused and shocked into not trusting any one. I will tell you that I would not have wanted you to give me a loaded gun to walk around with then. I was anxious and frightened and very angry. There was not a man walking down the street that I did not fear. I many times tried to size them up as a potential rapist. Sometimes today thirteen years later I still do that. I try to tell the good guys from the bad guys but I cant, neither can you.

These incidents did not motivate me in the way that one seemingly insignificant piece of information did. Early on in my search for the truth about this bill I found raw data, inarguable numbers from the CDC and KDHE. When our sons turn 15, they enter into an inescapable black period where they are more likely to die from a bullet than any other injury. It does not matter their socioeconomic, their race, or religion. The simple facts that they are male and are now 15 earmarks them for this distinctly American fate. Our children are being sacrificed to the firearms industry and the inflated egos of the National Rifle Associations leadership. Concealed Handguns in Kansas will only exacerbate the violent culture that our children are being forced to endure. This is not a woman's safety issue. It is a how many guns and accessories can we sell issue. This piece of legislation is Dangerous to our communities, our businesses, and most of all our children. Don't let it out of your committee.

THANK YOU

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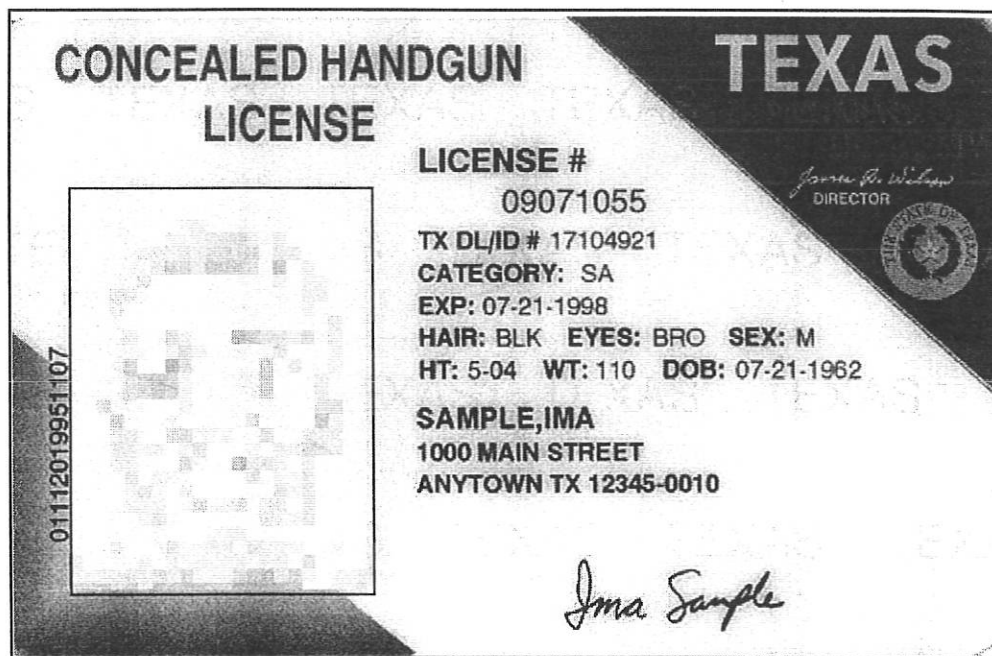
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License to Kill

Arrests Involving Texas Concealed Handgun License Holders



January 1998

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The Violence Policy Center is a national non-profit educational organization that conducts research on violence in America and works to develop violence-reduction policies and proposals. The Center examines the role of firearms in America, conducts research on firearms violence, and works to reduce firearm-related death and injury.

The author of this study was Susan Glick, MHS. The study was edited by Josh Sugarmann. Research assistance for this study was provided by Marty Langley, Jennifer Lynn, and Randy Turkel.

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Past studies released by the Violence Policy Center include: December 1997's *That Was Then, This is Now: The NRA and the Gun Industry Talk About Assault Weapons—From Both Sides of Their Mouths*; November 1997's *Joe Camel with Feathers: How the NRA with Gun and Tobacco Industry Dollars Uses its Eddie Eagle Program to Market Guns to Kids*; October 1997's *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence (Revised Edition)*; August 1997's *Who Dies?—A Look at Firearms Death and Injury in America*; March 1997's *Kids Shooting Kids: Stories From Across the Nation of Unintentional Shootings Among Children and Youth*; August 1996's *Concealing the Risk: Real-World Effects of Lax Concealed Weapons Laws*; July 1996's *Gun Shows in America: Tupperware Parties for Criminals and NRA Family Values: The Racism, Sexism, Legal Woes, and Gun Industry Ties of the National Rifle Association's Board of Directors*; March 1996's *Lawyers, Guns, and Money: The Impact of Tort Restrictions on Firearms Safety and Gun Control*; December 1995's *Firearms Production in America*; November 1995's *Concealed Carry: The Criminal's Companion*; December 1994's *Use the Schools: How Federal Tax Dollars are Spent to Market Guns to Kids and Female Persuasion: A Study of How the Firearms Industry Markets to Women and the Reality of Women and Guns*; and, December 1992's *More Gun Dealers Than Gas Stations: A Study of Federally Licensed Firearms Dealers in America*.

Introduction

In 1995 the Texas legislature, with the strong support of Governor George W. Bush, passed a "shall-issue" concealed weapons law—creating a non-discretionary system under which state authorities *must* provide a concealed handgun license to any applicant who meets specific, objective criteria.¹ Licenses issued under the new law became effective in January 1996.

The bill was originally introduced in the Texas legislature in the late 1980s. By 1993 it had passed both houses of the legislature, but was vetoed by then-Governor Ann Richards. George W. Bush championed the concealed handgun bill in his 1994 gubernatorial election challenge to Richards, promising his signature on the legislation if elected to office.² Bush was elected governor that November, and signed the bill into law the next year.

To receive the standard four-year license, applicants must submit an application—with fingerprints, photograph, proof of age and residency, and \$140 fee—to the Texas Department of Public Safety (DPS).³ An additional fee is required for

¹ Eligibility criteria in the Texas law allows an individual with prior felony adjudication as a juvenile to apply for and obtain a license 10 years from the time of adjudication. The law also allows individuals with many Class A, Class B, or disorderly conduct misdemeanor convictions to apply for and obtain concealed carry licenses five years from the time of conviction. Such convictions include: assault; false imprisonment; terroristic threat; illegal discharge of a firearm; theft; criminal trespass with a weapon; and, driving while intoxicated. Individuals with Class C misdemeanor convictions, with the exception of disorderly conduct or family violence, face no restrictions on concealed handgun licensure. Such convictions include petty theft and leaving a child in a vehicle.

² Both Governor Bush and Lieutenant Governor Robert Bullock had initially indicated that they would support a voter referendum on whether to retain the law if passed. Lobbyists for the National Rifle Association, however, refused to accept a referendum. Bush and Bullock eventually changed their positions. While a referendum provision was added to the bill in the House by a one-vote margin, it failed to be attached in the Senate and the conference committee removed it. Despite a Combined Law Enforcement Association of Texas poll showing that a majority of Texans supported a referendum on the issue (79 percent), Governor Bush signed the legislation as promised in 1995.

³ The Texas law restricts carrying handguns into businesses that derive 51 percent or more of their income from the sale of alcohol consumed on the premises; the premises of a high school, collegiate or professional sporting event or interscholastic event; correctional facilities; hospitals and licensed nursing homes; permanent amusement parks covering at least 75 acres and in counties of at least one million people; established places of religious worship; and, meetings of government entities. Businesses that derive 51 percent or more of their income from the sale of alcohol, hospitals and nursing homes, amusement parks as defined by the statute, established places of religious worship, and meetings of government entities are required by the penal code to post designated signs giving notice that it is unlawful to carry a handgun on the premises. Concealed handgun license holders may carry in public or private driveways, streets, sidewalks or walkways, and parking lots or garages of restricted premises. Other places that concealed handgun license holders are not prohibited from carrying their handguns include: restaurants—as long as the business does not derive 51 percent or more of its income from the sale of alcohol consumed on the premises, theaters, day-care centers, museums, libraries, public parks, grocery stores, malls, and concerts. However, such locations may

the mandatory 10 hours of firearms proficiency training. The DPS then has 60 days in which to conduct a background check on the applicant. At the end of the 60 days the agency must either grant or deny the license. The law stipulates, however, that the DPS may suspend the 60-day "mandatory issuance" period for up to 180 days if more background investigation is warranted. Since the Texas law took effect in September 1995, 151,433 individuals—one percent of the state's adult population—have obtained concealed handgun licenses.⁴

In promoting the law, and defending it after passage, many "shall-issue" proponents have dismissed public safety concerns expressed by the legislation's critics. The law's most vocal defender has been its primary author, Texas State Senator Jerry Patterson of Pasadena, Texas. In a December 1996 article in *Texas Lawyer* magazine Patterson promised, "What the past year has shown is that responsible people can behave responsibly." Like Patterson, organizations such as the National Rifle Association (NRA) maintain that only "law-abiding" citizens apply for and receive concealed handgun licenses. At an April 18, 1996 press conference in Dallas, NRA head lobbyist Tanya Metaksa asserted, "As we get more information about right-to-carry, our point is made again and again....People who get permits in states which have fair right-to-carry laws are law-abiding, upstanding community leaders who merely seek to exercise their right to self-defense."

Yet unlike "shall-issue" laws passed by other states, the Texas law contains a mechanism—albeit a limited one—that offers a glimpse of how "responsible" and "law-abiding" some of its license holders are. The Texas concealed handgun law is unique in that it requires law enforcement agencies to report incidents involving license holders to the Department of Public Safety. Under the law, such reports are required to be made only where a violation regarding illegal carrying or discharge of a firearm has occurred and only when the license holder has been arrested. In practice, a majority of arrests appear to be reported by law enforcement agencies to the licensing authority. Discerning the details of such incidents, however, is extremely difficult because of broad confidentiality provisions contained in the law.⁵ Yet research conducted by the

post a criminal trespass sign that would ban license holders from carrying their weapons.

⁴ According to the Texas Department of Public Safety, between September 1, 1995 and September 4, 1997 a total of 151,433 adult individuals obtained concealed handgun licenses in Texas. Of these, 111,955 (74 percent) were white males. The demographic profile of concealed handgun license holders is not representative of the population of Texas as a whole. According to the Department of Public Safety, while white males aged 21 and over account for nearly three quarters of concealed handgun license holders in Texas, they account for less than a third of Texas' total population. According to the Texas State Population Estimates and Projections Program at the Texas State Data Center, there were an estimated 12,698,243 adults aged 21 and over and an estimated 3,865,199 white males aged 21 and over in the state of Texas in 1996 (the most recent year available).

⁵ The process of tracing arrests involving concealed handgun license holders is difficult because of the Texas law's broad confidentiality provision that limits the department's ability to

Violence Policy Center (VPC) reveals that many Texas license holders have been arrested for a wide range of crimes.

According to the Department of Public Safety, from January 1, 1996 to October 9, 1997 Texas concealed handgun license holders were arrested for 946 crimes. Of these, 263 were felony offenses. Felony crimes for which license holders were arrested include: murder/attempted murder; kidnapping; sexual assault; assault; weapon-related offenses; drug-related offenses; burglary; and, theft. During this same period, concealed handgun license holders were arrested for 683 misdemeanor crimes, including: 120 instances of assault; 194 weapon-related offenses; 215 instances of driving while intoxicated; and, 24 drug-related offenses.

This study details arrests reported to the Texas Department of Public Safety and offers analysis as well as additional information on specific incidents gathered through Violence Policy Center research.

Section One: Arrests details felony and misdemeanor arrests reported to the Texas Department of Public Safety and offers Violence Policy Center analysis of the information. The section also offers detailed information gathered by the VPC from additional sources on specific arrests, including one arrest for aggravated kidnapping and three arrests for murder or attempted murder. The section also offers detailed information on such common arrests as driving while intoxicated and unlawful carrying of a weapon. The section also offers detailed information on one reported suicide involving a license holder as well as one reported unintentional shooting.

Section Two: Recommendations contains a series of Violence Policy Center recommendations regarding the Texas concealed handgun law.

The study also contains an appendix detailing arrests that occurred in the legislative districts of primary supporters of the concealed handgun law. Arrests are reported for the districts of Senator Jerry Patterson, Senator Chris Harris, Senator Mike Moncrief, Representative Ray Allen, Representative Bill Carter, Representative Mark Stiles, and Representative Ron Wilson. The Violence Policy Center is also able to provide arrests for any legislative district in Texas.

disclose virtually any information about concealed handgun license holders to the public. The law stipulates that the department may only identify whether an individual *currently* possesses a license. No information is provided about prior criminal histories, reasons for denial, suspension, or revocation—including crimes committed after licensure. The department does provide a list of arrest incidents involving license holders, but the only identifiers provided by the department are the licensee's: date of birth; sex; race (limited to black or white); zip code of residence; incident date; arrest text description; and whether the incident involved family violence. The department may not disclose the name of the arrested licensee. Occasionally, news articles covering high-profile incidents will note whether the suspect has a concealed handgun license, but otherwise the public is not alerted to alleged crimes involving license holders. The law's confidentiality provision—which in effect makes concealed handgun license holders a protected, privileged class—makes it extremely difficult to identify possible flaws in the law.

Section One: Arrests

According to the Texas Department of Public Safety⁶ (DPS), from January 1, 1996 to October 9, 1997 the agency received 946 arrest reports involving Texas concealed handgun license holders.⁷ Of these, 263 were felony offenses (please see chart on page eight for a complete listing of felony arrests). License holders were arrested for an additional 683 misdemeanor crimes (please see chart on page 10 for a complete list of misdemeanor arrests). In October 1997, the Violence Policy Center (VPC) acquired a list of arrest incidents involving Texas concealed handgun license holders from the DPS. These records list felony, misdemeanor, and miscellaneous incidents from January 1, 1996 to October 9, 1997 involving concealed handgun license holders. VPC analysis of the DPS information reveals that—

- o In 1996 Texas concealed handgun license holders were arrested for weapon-related offenses *at a rate 22 percent higher than that of the general population of Texas.*⁸

⁶ The DPS is responsible for administering and reviewing concealed handgun license applications, providing statistical data on concealed handgun license holders, and directing the application and training process for the certified handgun instructors.

⁷ According to the Department of Public Safety, between January 1, 1996 and October 9, 1997 there were 263 felony and 683 misdemeanor arrests involving concealed handgun license holders. There were also more than 400 "miscellaneous" incidents involving license holders reported by the department. Miscellaneous arrests include out-of-state incidents as well as felonies and misdemeanors committed prior to licensure that the department did not identify during the application process. These included such crimes as: statutory rape; violation of the Private Investigators and Private Security Agencies Act (acting as a security guard when not on duty); breaking and entering; larceny of dangerous animals; involuntary manslaughter; and auto theft. The miscellaneous category also includes incidents involving concealed handgun license holders that do not fit into the felony or misdemeanor categories.

⁸ In 1996, according to the DPS' Crime Records/Crime Information Bureau/UCR, 9,135 persons aged 21 and older were arrested for weapon-related offenses (illegal carrying, possession, etc.) in Texas. According to the Texas State Population Estimates and Projections Program at the Texas State Data Center, in 1996 there were an estimated 12,698,243 adults aged 21 and older in Texas. The 1996 weapon-related arrest rate among all Texans aged 21 and older was 72 per 100,000. Arrest records from the DPS list 101 weapon-related arrests among concealed handgun license holders in 1996. The DPS reports that there were 114,809 concealed handgun license holders in 1996. The 1996 weapon-related arrest rate among Texas concealed handgun license holders was 88 per 100,000.

- o In the first six months of 1997 the weapon-related offense arrest rate among Texas concealed handgun license holders was *more than twice as high as that of the general population of Texas*.⁹
- o While proponents of concealed handgun laws deny that licensees will attempt to take the law into their own hands, DPS data reveals that 236 concealed handgun license holders have been arrested on weapon-related offenses including deadly conduct/discharging a firearm, failure or refusal to display handgun license, failure to conceal a handgun, and unlawful carrying of a handgun.¹⁰
- o According to the DPS, 42 arrests of concealed handgun license holders involved family violence, including: one alleged murder; one arrest for attempted murder; and, seven arrests for aggravated assault with a deadly weapon.

Arrests included in the DPS information include:

- o six charges of murder or attempted murder involving at least four deaths;
- o two alleged kidnapping incidents;
- o forty-nine cases of alleged aggravated assault with a deadly weapon; and,
- o two-hundred nineteen individuals charged with driving while intoxicated.

⁹ In the first six months of 1997, according to the DPS' Crime Records/Crime Information Bureau/UCR, 4,373 persons aged 21 and older were arrested for weapon-related offenses (illegal carrying, possession, etc.) in Texas. According to the Texas State Population Estimates and Projections Program at the Texas State Data Center, in 1996 there were an estimated 12,698,243 adults aged 21 or older in Texas (1996 estimates are the most recent available). The weapon-related arrest rate among all Texans aged 21 and older for the first six months of 1997 was 34 per 100,000. Arrest records from the DPS list 113 weapon-related arrests among concealed handgun license holders in the first six months of 1997. The DPS reports that as of June 30, 1997 there were 142,324 concealed handgun license holders. The weapon-related arrest rate among Texas concealed handgun license holders for the first six months of 1997 was 79 per 100,000.

¹⁰ There have also been five felony-related arrests in which concealed handgun license holders were arrested for impersonating a police officer.

The remainder of this section offers more detailed narratives of select incidents based on additional Violence Policy Center research.

Kidnapping

Aggravated Kidnapping—Seguin, Texas

- o On April 28, 1997 concealed handgun license holder Diane James was arrested by Seguin, Texas police in the aggravated kidnapping of a young woman. According to the *San Antonio Express-News*, Diane James and her husband David abducted a San Antonio woman in her 30s off the street as she walked home. According to police reports the woman was assaulted with a stun gun, pulled into the James' van, and then taken to their home where she was kept naked and in chains. The woman reportedly told police that David James told her she was going to be "trained" as a sex slave. The woman escaped the next morning and ran to a neighbor's home. David James—armed with an AR-15 assault rifle—followed the woman to the neighbor's home. When the police arrived at the scene a shootout ensued in which David James was killed. Diane James was convicted of aggravated kidnapping on November 21, 1997 and was sentenced to 15 years in the Texas Department of Criminal Justice Penitentiary.

Murder

Capital Murder—Houston, Texas

- o On May 15, 1996 concealed handgun license holder Francisco Santos-Rojo was arrested for attempted capital murder in connection with the robbery-slaying of diamond broker Janos Szuc in Szuc's southwest Houston office on January 24, 1996. Houston police report that Santos-Rojo allegedly paid off a cleaning woman for security access into Szuc's office building and waited outside in a getaway car during the incident. According to the *Houston Chronicle*, brothers Alberto and Reinaldo Dennes allegedly shot and wounded a security guard in Szuc's building with a 9mm pistol fitted with a silencer, shot and killed Szuc, and then stole \$3.6 million in diamonds from Szuc's office safe before driving off with Santos-Rojo. The Dennes brothers were arrested and charged with capital murder in late February 1996, and Santos-Rojo was arrested in May. He was later indicted for capital murder. Houston police state that Santos-Rojo was released on bond and is awaiting trial.

**Felony Arrests of Concealed Handgun License Holders in Texas
January 1, 1996 to October 9, 1997**

Felony Charge	Number of Offenses
Murder/Attempted Murder	6
Kidnapping	2
<u>Sexual Assault</u>	18
Sexual Assault/Aggravated/Attempted	11
Aggravated Sexual Assault on a Child	7
<u>Assault</u>	66
Aggravated Assault w/Deadly Weapon	48
Injury to a Child/Elder/Disabled Person	9
Aggravated Assault Causing Serious Bodily Injury	5
Intoxicated Assault w/Vehicle	4
<u>Weapon-Related Offenses</u>	42
Unlawfully Carrying a Weapon	34
Deadly Conduct/Discharge Firearm	5
Deadly Conduct/Display Firearm	2
Weapon in Weapons-Free Zone	1
Indecency w/Child	18
Abandoning/Endangering a Child/Interference with Custody	5
Drug-Related Offenses	30
Driving While Intoxicated	4
Impersonating a Police Officer	5
Burglary	4
Theft	26
Organized Crime	10
Criminal Mischief	4
Forgery/Fraud	15
Other¹¹	8
Total Number of Offenses	263

¹¹ Other includes: retaliation; perjury; and tampering with government records.

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Murder—Pinehurst, Texas

- o On May 19, 1997 concealed handgun license holder Daniel Meehan of Pinehurst, Texas was arrested for the alleged shooting death of a woman who had been living with him. According to reports in the *Orange Leader*, Selma Pieruccini was found dead in her home from a 9mm gunshot wound in the back. At the time of her death she was separated from her husband who was caring for their four children in Pennsylvania. The *Beaumont Enterprise* reports that Meehan was charged with murder and remains in custody at the Orange County Jail without bail.

Attempted Murder—Midlothian, Texas

- o On July 9, 1997 the Midlothian Police Department arrested concealed handgun license holder Stephen Ray Harrelson for attempted murder. According to an article in *Midlothian Today*, Harrelson allegedly entered his estranged wife's home and forced her into a back room. There, he allegedly stuck a pistol to her head. The woman contacted her children in front of the home and they were able to alert the police by calling 911. A struggle broke out and the woman was able to get Harrelson to leave. A police pursuit of Harrelson—who still had his firearm—ensued. According to police, when he was located Harrelson threatened to kill himself. He eventually laid down his weapon and surrendered. Harrelson was released on bond and is awaiting trial.

Driving While Intoxicated

According to the Department of Public Safety there have been 219 incidents in which concealed handgun license holders were arrested for driving while intoxicated. The Texas Penal Code states that the holder of a concealed handgun permit commits an offense if he carries a handgun while intoxicated regardless of whether it is concealed.

Driving While Intoxicated—Cleveland, Texas

- o On March 8, 1996 concealed handgun license holder Thomas Earl Richardson was arrested by the Cleveland, Texas police department for driving while intoxicated and unlawfully carrying a handgun by a license holder. The officer who filed the report noted that "the '92 Toyota came close to hitting the concrete wall on the right side of the highway three times and the vehicle crossed the left center lane four times." The reporting officer also noted that he

**Misdemeanor Arrests of Concealed Handgun License Holders
January 1, 1996 to October 9, 1997**

Charge	Number of Offenses
<u>Assault</u>	120
Aggravated Assault w/Deadly Weapon	1
Assault Causing Bodily Injury or Involving Family Violence	106
Terroristic Threat	9
Retaliation	1
Assault on a Public Servant	1
Assault	1
Assault-Warrant for Arrest	1
<u>Weapon-Related Offenses</u>	194
Unlawful Carrying of a Weapon	129
Failure or Refusal to Display Handgun License	40
Deadly Conduct	18
Deadly Conduct/Discharging Firearm	1
Disorderly Conduct/Discharging Firearm	1
Deadly Conduct/Displaying Firearm	1
Disorderly Conduct/Displaying Firearm	1
Disorderly Conduct/Discharging or Displaying Firearm	1
Failure to Conceal Handgun	2
<u>Conduct-Related Offenses</u>	15
Disorderly Conduct	4
Harassment	6
Lewd or Indecent Conduct	4
Official Oppression	1
<u>Sexual Misconduct</u>	15
Prostitution	12
Indecent Exposure	2
Possession or Promotion of Child Pornography	1
<u>Automobile-Related Offenses</u>	228
Driving While Intoxicated	215
Driving While License Suspended	6
Failure to Stop & Give Information	4
Reckless Driving	2
Obstructing Highway Passage	1
<u>Drug-Related Offenses</u>	24

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7-17

Charge	Number of Offenses
Theft/Burglary/Larceny	29
Criminal Mischief	16
Violation of Protective Order	7
Criminal Trespassing	7
Unlawful Sale of Alcoholic Beverages	4
Fraud	5
Arrest-Related Offenses	14
Other ¹²	5
Total Number of Offenses	683

had to pull a stumbling Mr. Richardson away from oncoming traffic as he exited his car: "Due to Richardson's demeanor, poor balance, and inability to walk without going sideways, this officer felt that it would be safest to take Richardson into custody and placed him in the patrol car before he got hit by oncoming traffic." The officer found a loaded Colt .45 pistol and two extra loaded clips in Mr. Richardson's car. The reporting officer noted that the Intoxilyzer revealed that Mr. Richardson's alcohol level was nearly twice the legal limit. Mr. Richardson plead guilty to the driving while intoxicated charge. He received one year probation, a \$400 fine, and \$232 in court costs. His driver's license was probated for 90 days. The charge for unlawfully carrying a handgun was dropped.

Unlawful Carrying of a Weapon

The Texas concealed handgun law restricts carrying in several settings including: bars, courtrooms, schools, and hospitals. Concealed handgun license holders are provided with a list of restricted areas in the penal code section of the guide distributed by the Department of Public Safety. Private businesses are also allowed to restrict concealed carry on private premises. However, records from the Department of Public

¹² Other includes: failure to appear, cruelty to animals, failure to make a political meeting public, abuse of official capacity, and possession of gambling equipment.

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7-78

Safety reveal that there have been 163 arrests for unlawful carrying.

Unlawful Carrying—Houston, Texas

- o In an incident reported by the Houston Police Department, a concealed handgun license holder was arrested on April 10, 1996 at the George Bush Airport for carrying a firearm in a prohibited area. Details on the offense noted that the "defendant placed carry-on bag on the X-ray belt at the airline screening check point with handgun inside." The officer noted that "defendant stated that she thought she had left the gun at home and did not know the gun was inside her bag."

Suicide

Proponents of concealed handgun laws often object to proposals for psychological or emotional testing of concealed handgun license applicants. In the February 1995 public hearing of the Senate Judiciary Committee on the Texas concealed handgun bill, Senator Royce West asked the bill's author, Senator Patterson, "If police officers have to go through psychological testing in order to have the right to carry a gun and make a decision on life and death, do you think that citizens should likewise undergo psychological testing?" Senator Jerry Patterson responded: "I do not. We're not training police officers, we're arming citizens...." Suicidal tendencies may be one disqualifier that would become apparent through psychological testing. In fact, according to the DPS, there have been at least three suicides involving concealed handgun license holders and several attempted suicides. The VPC was able to obtain records on one of these incidents.

Suicide—Austin, Texas

- o On March 10, 1996 Austin Police reported the handgun suicide of a white male who was a concealed handgun license holder. According to the police report, the victim's wife had moved out of their house earlier that day. The victim had reportedly called his wife threatening to kill himself. When his wife arrived at the house she found her husband dead of an apparent gunshot wound to the chest. She reported that while her husband had never previously threatened to kill himself, he did suffer from depression, was on medication, and had a "drinking problem."

Unintentional Shooting

Unintentional Shooting—Austin, Texas

- o On March 23, 1996 Austin police were dispatched to a shooting call after concealed handgun license holder Harry Hart was reported to have unintentionally shot himself in the foot at the Thrift Town discount store in Austin. In the police description of the incident, the reporting officer noted, "Harry advised that he was in the rear of the store in the book area. He had gotten a book and was sitting down on the bench. He had in the rear of his pants in his lower back area a loaded Springfield Armory model 1911-A1 .45 semi-automatic [pistol]....As Harry sat down the weapon was uncomfortable in his back/buttocks area. As Harry attempted to adjust the weapon it fired one round. The hammer on the weapon was cocked and locked and there is a safety on the hand grip. The round exited the holster, Harry's blue jeans, went through the bench and into Harry's right foot. There was no exit wound in Harry's right foot....Harry holds a valid concealed handgun license...." Four days later the reporting officer wrote, "I informed him [Harry Hart] that we would not be pursuing charges, but I encouraged him to seek safe ways to carry his weapon. I did not find anything in the new gun laws involving licensed permit holders involved in accidental shootings. I also contacted Diane Lawson, the person who instructed his gun class to let her know what happened, and ask that she stress safety in carrying weapons."

Section Two: Recommendations

Since 1987, the National Rifle Association has successfully conducted a state-by-state campaign to loosen concealed carry requirements. As noted earlier in this study, in promoting such laws "shall-issue" proponents have routinely dismissed public safety concerns expressed by the legislation's critics. Law proponents, such as Senator Jerry Patterson, have promised "that responsible people can behave responsibly." Unfortunately, as detailed in this study, Senator Patterson's promises bear little resemblance to the reality of concealed carry.

In light of the findings of this study, the Violence Policy Center recommends strongly against the adoption of "shall-issue" licensing in any additional states and urges that states like Texas that have "shall-issue" licensing repeal such laws. Short of this, the VPC offers the following recommendations for changes to the Texas concealed handgun law.

- o The list of disqualifying crimes should be comprehensive enough to capture all potentially dangerous applicants. At a minimum, all felonies and a set of clearly defined misdemeanors should automatically disqualify applicants from receiving a license—regardless of the date of conviction.
- o The confidentiality provisions contained in the law should be removed to allow the public greater access to information regarding concealed handgun license holders. A full and comprehensive evaluation mechanism should be established to more closely examine the effects of the licensing system. The mechanism would identify and track the circumstances surrounding all denials, revocations, and suspensions. In addition, a system for identifying all uses of licensed weapons should be established. All information obtained under this system should be open to the public.
- o The list of restricted locations should be expanded to include such sites as restaurants (regardless of amount of income derived from alcohol sales), theatres, day-care centers, museums, libraries, public parks, grocery stores, malls, and concerts.
- o Psychological testing should be required of all applicants for concealed handgun licenses.
- o Failure to show a concealed handgun license upon demand by a law enforcement official should result in the revocation of the license.
- o Licenses should be issued only for handguns that have passed safety drop-testing to ensure that they are not prone to unintentional discharge.

**Appendix: Arrests of Concealed Handgun License Holders
in Select Texas Legislative Districts**

**Arrests of Concealed Handgun License Holders
in Senator Jerry Patterson's District (11)¹³**

Charge	Number of Offenses
Capital Murder	1
Sexual Assault	2
Sexual Assault	1
Aggravated Sexual Assault on a Child	1
Assault	12
Assault Causing Bodily Injury or Involving Family Violence	6
Aggravated Assault w/Deadly Weapon	5
Injury to a Child	1
Weapon-Related Offenses	8
Unlawfully Carrying a Weapon	4
Failure or Refusal to Display Handgun License	3
Deadly Conduct/Discharge Firearm	1
Theft	3
Fraud	1
Drug-Related Offenses	1
Driving While Intoxicated	13
Resisting Arrest	1
Impersonating a Police Officer	1
Prostitution	1
Selling Alcoholic Beverages to a Minor	1
Criminal Trespass	1
Total Number of Offenses	46

¹³ Senator Patterson is the primary author of the Texas concealed handgun law.

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7-22

**Arrests of Concealed Handgun License Holders
in Senator Chris Harris' District (10)¹⁴**

Charge	Number of Offenses
Kidnapping	1
<u>Assault</u>	9
Aggravated Assault w/Deadly Weapon	1
Assault Causing Bodily Injury	7
Terroristic Threat	1
<u>Weapon-Related Offenses</u>	9
Unlawfully Carrying a Weapon	6
Failure to Display Handgun License	2
Disorderly Conduct/Displaying a Firearm	1
Driving While Intoxicated	13
Indecent Exposure/Prostitution	2
Engaging in Organized Criminal Activity	1
Burglary of a Household Intending Another Felony	1
Criminal Mischief	2
Fraud	1
Other¹⁵	3
Total Number of Offenses	42

¹⁴ Senator Harris is a coauthor of the Texas concealed handgun law.

¹⁵ Other includes: harassment; possession of marijuana; and, unlawful use/alteration/transfer of food stamps.

7-21-23

**Arrests of Concealed Handgun License Holders
in Senator Mike Moncrief's District (12)¹⁶**

Charge	Number of Offenses
<u>Assault</u>	4
Assault Causing Bodily Injury	2
Aggravated Assault w/Deadly Weapon	1
Assault—Warrant for Arrest	1
<u>Weapon-Related Offenses</u>	5
Unlawful Carrying of a Weapon	3
Failure/Refusal to Display Handgun License	2
Deadly Conduct	1
Drug-Related Offenses	1
Theft	2
Forgery of a Financial Institution	1
Driving While Intoxicated	5
Prostitution	2
Criminal Mischief	1
Sale of Alcoholic Beverage to a Minor	1
Total Number of Offenses	23

¹⁶ Senator Moncrief is a coauthor of the Texas concealed handgun law.

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7-24

**Arrests of Concealed Handgun License Holders
in Representative Ray Allen's District (106)¹⁷**

Charge	Number of Offenses
Drug-Related Offenses	2
Engaging in Organized Criminal Activity	2
Fraud	1
Total Number of Offenses	5

¹⁷ Representative Allen was a sponsor of the Texas concealed handgun law.

7/23/23

**Arrests of Concealed Handgun License Holders
in Representative Bill Carter's District (91)¹⁸**

Charge	Number of Offenses
Assault Causing Bodily Injury	1
Disorderly Conduct/Displaying Handgun	1
Driving While Intoxicated	1
Total Number of Offenses	3

¹⁸ Representative Carter was a sponsor of the Texas concealed handgun law.

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7-26

**Arrests of Concealed Handgun License Holders
in Representative Mark Stiles' District (21)¹⁹**

Charge	Number of Offenses
Unlawfully Carrying a Weapon in a Prohibited Place	1
Indecency With a Child—Exposure	1
Terroristic Threat	1
Possession of Marijuana	1
Total Number of Offenses	4

¹⁹ Representative Stiles was a sponsor of the Texas concealed handgun law.

7²⁵
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**Arrests of Concealed Handgun License Holders
in Representative Ron Wilson's District (131)²⁰**

Charge	Number of Offenses
Driving While Intoxicated	1
Total Number of Offenses	1

²⁰ Representative Wilson was a sponsor of the Texas concealed handgun law.

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7-28



Key Findings

- o According to the Department of Public Safety, from January 1, 1996 to October 9, 1997 Texas concealed handgun license holders were arrested for 946 crimes.
- o Of these crimes, 263 were felony offenses. Felony crimes for which license holders were arrested include: six charges of murder or attempted murder involving at least four deaths; two charges of kidnapping; 18 charges of sexual assault; 66 charges of assault, including 48 cases of aggravated assault with a deadly weapon; and, 42 weapon-related charges.
- o During this same period, concealed handgun license holders were arrested for 683 misdemeanor crimes, including: 120 charges of assault; 194 weapon-related charges; 215 charges of driving while intoxicated; and, 24 drug-related charges.
- o In 1996 Texas concealed handgun license holders were arrested for weapon-related offenses *at a rate 22 percent higher than that of the general population of Texas.*
- o In the first six months of 1997 the weapon-related offense arrest rate among Texas concealed handgun license holders was *more than twice as high as that of the general population of Texas.*
- o While proponents of concealed handgun laws deny that licensees will attempt to take the law into their own hands, DPS data reveals that 236 concealed handgun license holders have been arrested on weapon-related offenses including deadly conduct/discharging a firearm, failure or refusal to display handgun license, failure to conceal a handgun, and unlawful carrying of a handgun.
- o According to the DPS, 42 arrests of concealed handgun license holders involved family violence, including: one alleged murder; one arrest for attempted murder; and, seven arrests for aggravated assault with a deadly weapon.



Arrests Involving Texas Concealed Handgun License Holders

Taken From the January 1998 VPC Study *License to Kill*

Aggravated Kidnapping—Seguin, Texas

- o On April 28, 1997 concealed handgun license holder Diane James was arrested by Seguin, Texas police in the aggravated kidnapping of a young woman. According to the *San Antonio Express-News*, Diane James and her husband David abducted a San Antonio woman in her 30s off the street as she walked home. According to police reports the woman was assaulted with a stun gun, pulled into the James' van, and then taken to their home where she was kept naked and in chains. The woman reportedly told police that David James told her she was going to be "trained" as a sex slave. The woman escaped the next morning and ran to a neighbor's home. David James—armed with an AR-15 assault rifle—followed the woman to the neighbor's home. When the police arrived at the scene a shootout ensued in which David James was killed. Diane James was convicted of aggravated kidnapping on November 21, 1997 and was sentenced to 15 years in the Texas Department of Criminal Justice Penitentiary.

Capital Murder—Houston, Texas

- o On May 15, 1996 concealed handgun license holder Francisco Santos-Rojo was arrested for attempted capital murder in connection with the robbery-slaying of diamond broker Janos Szuc in Szuc's southwest Houston office on January 24, 1996. Houston police report that Santos-Rojo allegedly paid off a cleaning woman for security access into Szuc's office building and waited outside in a getaway car during the incident. According to the *Houston Chronicle*, brothers Alberto and Reinaldo Dennes allegedly shot and wounded a security guard in Szuc's building with a 9mm pistol fitted with a silencer, shot and killed Szuc, and then stole \$3.6 million in diamonds from Szuc's office safe before driving off with Santos-Rojo. The Dennes brothers were arrested and charged with capital murder in late February 1996, and Santos-Rojo was arrested in May. He was later indicted for capital murder. Houston police state that Santos-Rojo was released on bond and is awaiting trial.

Murder—Pinehurst, Texas

- o On May 19, 1997 concealed handgun license holder Daniel Meehan of Pinehurst, Texas was arrested for the alleged shooting death of a woman who had been living with him. According to reports in the *Orange Leader*, Selma Pieruccini was found dead in her home from a 9mm gunshot wound in the back. At the time of her death she was separated from her husband who was caring for their four children in Pennsylvania. The *Beaumont Enterprise* reports that Meehan was charged with murder and remains in custody at the Orange County Jail without bail.

Attempted Murder—Midlothian, Texas

- o On July 9, 1997 the Midlothian Police Department arrested concealed handgun license holder Stephen Ray Harrelson for attempted murder. According to an article in *Midlothian Today*, Harrelson allegedly entered his estranged wife's home and forced her into a back room. There, he allegedly stuck a pistol to her head. The woman contacted her children in front of the home and they were able to alert the police by calling 911. A struggle broke out and the woman was able to get Harrelson to leave. A police pursuit of Harrelson—who still had his firearm—ensued. According to police, when he was located Harrelson threatened to kill himself. He eventually laid down his weapon and surrendered. Harrelson was released on bond and is awaiting trial.

Driving While Intoxicated—Cleveland, Texas

- o On March 8, 1996 concealed handgun license holder Thomas Earl Richardson was arrested by the Cleveland, Texas police department for driving while intoxicated and unlawfully carrying a handgun by a license holder. The officer who filed the report noted that "the '92 Toyota came close to hitting the concrete wall on the right side of the highway three times and the vehicle crossed the left center lane four times." The reporting officer also noted that he had to pull a stumbling Mr. Richardson away from oncoming traffic as he exited his car: "Due to Richardson's demeanor, poor balance, and inability to walk without going sideways, this officer felt that it would be safest to take Richardson into custody and placed him in the patrol car before he got hit by oncoming traffic." The officer found a loaded Colt .45 pistol and two extra loaded clips in Mr. Richardson's car. The reporting officer noted that the Intoxilyzer revealed that Mr. Richardson's alcohol level was nearly twice the legal limit. Mr. Richardson plead guilty to the driving while intoxicated charge. He received one year probation, a \$400 fine, and \$232 in court costs. His driver's license was probated for 90 days. The charge for unlawfully carrying a handgun was dropped.

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- o In an incident reported by the Houston Police Department, a concealed handgun license holder was arrested on April 10, 1996 at the George Bush Airport for carrying a firearm in a prohibited area. Details on the offense noted that the "defendant placed carry-on bag on the X-ray belt at the airline screening check point with handgun inside." The officer noted that "defendant stated that she thought she had left the gun at home and did not know the gun was inside her bag."

Suicide—Austin, Texas

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Unintentional Shooting—Austin, Texas

- o On March 23, 1996 Austin police were dispatched to a shooting call after concealed handgun license holder Harry Hart was reported to have unintentionally shot himself in the foot at the Thrift Town discount store in Austin. In the police description of the incident, the reporting officer noted, "Harry advised that he was in the rear of the store in the book area. He had gotten a book and was sitting down on the bench. He had in the rear of his pants in his lower back area a loaded Springfield Armory model 1911-A1 .45 semi-automatic [pistol]....As Harry sat down the weapon was uncomfortable in his back/buttocks area. As Harry attempted to adjust the weapon it fired one round. The hammer on the weapon was cocked and locked and there is a safety on the hand grip. The round exited the holster, Harry's blue jeans, went through the bench and into Harry's right foot. There was no exit wound in Harry's right foot....Harry holds a valid concealed handgun license...." Four days later the reporting officer wrote, "I informed him [Harry Hart] that we would not be pursuing charges, but I encouraged him to seek safe ways to carry his weapon. I did not find anything in the new gun laws involving licensed permit holders involved in accidental shootings. I also contacted Diane Lawson, the person who instructed his gun class to let her know what happened, and ask that she stress safety in carrying weapons."



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CONCEALED HANDGUN PERMITS ARE LICENSES TO KILL

- **Criminals do apply for concealed carry licenses.** A Violence Policy Center (VPC) study of concealed carry license holders in Florida identified many individuals with criminal felony convictions—including such crimes as aggravated battery with a firearm and carrying a concealed firearm—who applied for a license.
- **Criminals do receive concealed carry licenses.** Many individuals with felony convictions have obtained concealed carry licenses. The VPC study of Florida concealed carry license holders documents cases of persons with criminal records including aggravated battery on a police officer and kidnapping who obtained licenses and were able to keep them for up to 25 months before they were revoked. The Florida Division of Licensing reports that since the law took effect in 1989, more than 370 individuals have received licenses—despite committing crimes that should have rendered them ineligible.
- **Concealed carry license holders are arrested.** According to the Texas Department of Public Safety, from January 1, 1996 to October 9, 1997, Texas concealed carry holders were arrested for 946 crimes. Of these, 263 were felony offenses. The felonies included: six charges of murder or attempted murder involving at least four deaths; two charges of kidnapping; 18 charges of sexual assault; 66 charges of assault, including 48 cases of aggravated assault with a deadly weapon; and, 42 weapon-related charges. More than 1,600 Texas concealed carry license holders have been arrested for state crimes since the law went into effect in 1996.
- **Concealed carry license holders are arrested for weapon-related offenses at a rate twice that of the general population.** In 1996, Texas concealed handgun license holders were arrested for weapon-related offenses at a rate of 22 percent higher than that of the general population of Texas aged 21 years and older. In the first six months of 1997, the weapon-related offense arrest rate among Texas concealed handgun license holders was more than twice as high as that of the general population of Texas aged 21 years and older.
- **Concealed carry license holders are convicted.** According to The Florida State Division of Licensing, more than 940 concealed carry license holders have had their licenses revoked for crimes committed either before obtaining the Florida concealed carry license or after. And in 1998, Texas concealed carry license holder Daniel Meehan was convicted of murder. He shot and killed his girlfriend with a 9 mm pistol. He was sentenced to 99 years in prison.

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Concealed Handgun Shootings

-1997-

- **OKLAHOMA: JANUARY--**

Two grandfathers arguing about who would take their four year-old grandson home from a daycare center staged a tragedy in front of 250 children. After a verbal dispute, one of the men pulled his licensed weapon and killed the other grandfather. Authorities later determined that the victim had not acted in a life-threatening manner, therefore the shooter acted without proper justification.

- **INDIANA: JULY--**

A young Indiana concealed handgun permit holder, who was previously acquitted of the deaths of his parents on technical grounds, was charged with four counts of murder for the deaths of his brother and three other family members and friends. As in most Concealed Carry incidents, Indiana law enforcement officials did not have the authority to deny or revoke the permit despite the licensee's prior criminal history.

- **FLORIDA: SEPTEMBER--**

Jesus Antonio Tamayo, a 64 year-old postal clerk, critically wounded his ex-wife and her friend before fatally shooting himself in a Miami Beach post office. Mr. Tamayo had a valid Florida concealed handgun permit for the two .357 handguns he pulled from his fanny pack to shoot the two victims. Tamayo was issued the license two months before the shooting incident.

- **PENNSYLVANIA: SEPTEMBER--**

A shooting occurred which left five people injured and two men under arrest. Gunfire erupted outside a tavern after 2 a.m. Law enforcement officials discovered five handguns on the scene. The handguns used in the shooting were all registered to individuals licensed to carry concealed firearms.

- **FLORIDA: SEPTEMBER--**

An ex-judicial candidate, Daniel Blackman, pulled a gun on an emergency-room doctor and police officer at St. Mary's Medical Center. Blackman was a valid Florida concealed handgun permit holder. Law enforcement officials on the scene seized a silver Derringer from Blackman. In 1996, police arrested Blackman for issuing threats to a police officer and for striking a police officer's vehicle with his own automobile. Investigating officers found a loaded 9mm automatic handgun in Blackman's vehicle.

- **FLORIDA: OCTOBER--**

A Fort Lauderdale loan officer, who held a valid Florida concealed handgun permit, murdered his girlfriend. The suspect took his life the following day with his .38 handgun.

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Concealed Handgun Shootings

~~-1998-~~

- June 6, 1998:** Allentown, Pennsylvania. William Muth, Jr. killed one person and wounded two others before taking his life. Muth Jr. held a valid Pennsylvania concealed handgun permit since 1996. In addition to the five rounds left in the weapon, Muth had three loaded magazines and 130 loose rounds of ammunition.

-Source: Morning Call Newspaper (6-7-98)
- August 19, 1998:** Shelbyville, Indiana. Crystal Elliot, 17, was shot in the leg by a Shelbyville man, who held a valid Indiana concealed handgun permit. The defendant fired multiple shots through a wall at the front of a residence near the young woman's home. Elliot lost her mother to gun violence in early June, 1998.

-Source: Shelbyville News (8-20-98)
- August 23, 1998:** Houston, Texas. A Houston man, who held a Texas concealed handgun license, fatally shot his ex-girlfriend's new boyfriend. Immediately after he assassinated his competition, the permit holder killed himself with a solo shot. It was reported by witnesses that the killer staked out his ex-girlfriend's residence for at least five hours prior to the double homicide.

-Source: Houston Chronicle (8-24-98)
- September 3, 1998:** Willington, Connecticut. Edward Premo, a former police officer and valid Connecticut concealed handgun permit holder, fired numerous shots from multiple firearms at three Connecticut State Troopers. Premo was dismissed from the Norwich, CT police force in 1986 for failure to meet departmental standards. Following Premo's assault on the three officers, investigators found nine explosive booby traps, numerous hand grenades and dynamite, pipe bombs and guns.

-Source: Hartford Courant (9-4-98)
- October 19, 1998:** Fort Pierce, Florida. Lorraine Holmes, a 46 year-old Florida concealed handgun permit holder, fired a hollow-point bullet at a "group of leprechauns who had invaded her back yard. The police seized Holmes' five-shot stainless steel revolver, 50 rounds of hollow-point ammunition and the concealed weapons permit.

-Source: Fort Pierce Tribune (10-21-98)
- December 9, 1998:** Seattle, Washington. Carlton Evans, a 37 year-old Washington concealed handgun permit holder, killed his wife (Melanie Edwards) and baby daughter (Carli Fay). One day after receiving his permit, Evans violated Edwards' protection order and murdered his family with a 9mm semi-automatic pistol. When law enforcement attempted to arrest Evans he fled, and later killed himself.

-Source: Associated Press (12-31-98)

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Concealed Handgun Shootings

-1999-

- January 11, 1999: Miami, Florida. Robert Herndon, a 45 year-old valid Florida concealed handgun permit holder, fatally shot Dr. Bradley Silverman several times in the chest. The shooting, allegedly sparked by a personal grudge, occurred at Dr. Silverman's office in a Miami suburb around 1:00 p.m. Silverman was overheard crying out: "Oh God. Please, No!" before Herndon fired multiple shots at the doctor. In 1991, authorities came to Herndon's home when he fired five bullets into a water bed and threatened his wife. Following the violent outbreak, Herndon spent one week in a Miami area mental-health crisis center.

-Source: Sun-Sentinel (1-16-99)

-Source: Orlando Sentinel (1-24-99)

Testimony on House Bill 2240

Before the House Committee on Federal and State Affairs

February 8, 1999

Introduction

Mme. Chairman, thank you for the opportunity to speak to the Committee regarding House Bill 2240. I am Rev. Dr. Joe Hendrixson, Executive Director of Kansas Ecumenical Ministries. Known colloquially as the state council of churches, Kansas Ecumenical Ministries is made up of nine church bodies with congregations in our state, including the American Baptist Churches, the Christian Church (Disciples of Christ), the Church of the Brethren, the Episcopal Church, the Evangelical Lutheran Church in America, the General Conference Mennonite Church, the Presbyterian Church U.S.A., the United Church of Christ, and the United Methodist Church. Together, these churches include over 1,700 congregations and 400,000 church members in Kansas. I appreciate the opportunity to share with you and the members of the Committee the perspective of the churches on this important piece of legislation.

I compliment the committee on this carefully crafted bill. It is clear from reading it that every attempt has been made to be thorough and meticulous in sifting out those who should not be allowed to carry concealed weapons. Felons, substance abusers, the mentally ill, the untrained, and so on are rightfully among those disqualified from licensure. Fingerprinting, background checks, cross-jurisdiction sharing of information, and input from local sheriff's offices are all reasonable and sensible prerequisites to issuing a license. It is a well-written act, if one believes that allowing Kansans to carry concealed weapons is good public policy.

The churches of Kansas do not.

I could bring you testimony today questioning the constitutionality of the right to carry concealed weapons, but I will not. On that topic, I will only encourage you to hear that the legal community is divided. Do not listen to those who will tell you that the Second Amendment's right to bear arms is a settled issue and will not allow you to question its application to the "right" to carry concealed weapons.

I could bring you testimony today from law enforcement regarding their concern over "shall carry" bills such as House Bill 2240. Again, the community is divided, and I ask only that you not turn your ear solely to those who believe that concealed weapons are an ally of good law enforcement.

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I could bring you extensive testimony regarding the dangers that concealed weapons bring to those who live in the very homes they are trying to protect. I will do some of that, in order to paint the background for the churches' opposition to this legislation. But the extensive piece of that testimony is already a matter of public record, and will be presented no doubt by others.

My complaint isn't with people who like to hunt deer or other wild game with firearms (though I personally find that abhorrent, too), or who would keep a well-stocked militia around to defend themselves in case of governmental attack (even though the churches of Kansas also have a program of education and response to those militia groups). No, my complaint is the ease with which children and youth obtain access to guns, resulting in killing themselves and other young people. The message we send to our children by saying that it is appropriate for some private citizens to walk in our neighborhoods with guns hidden on their person is irresponsible. My principal purpose today is to give testimony as to why the churches of Kansas believe that allowing the concealed carry of handguns is a morally bankrupt public policy.

Background

Firearms are so pervasive in America that sometimes we forget the price we pay for all-too-easy access to guns, especially handguns. In 1996, 8 out of 10 of those murdered in the United States were murdered with handguns.

Often, well-meaning citizens seeking self-protection, much like those who support the legislation before us today purchase these handguns. But guns kept in the home for self-protection are 43 times more likely to kill a family member or friend than to kill in self-defense. The presence of a gun in the home triples the risk of homicide in the home. The presence of a gun in the home increases the risk of suicide fivefold. Of all accidental fatalities involving firearms, 71% involve handguns. In addition, in 1995, there were only 179 justifiable handgun homicides, compared with 11,198 handgun murders in the United States.

Concealed Carry does not mean less crime

There are those who would tell you that licensees are all law-abiding citizens who will only use their firearms to defend themselves. Ensuring that use is the purpose of the many restrictions on eligibility in HB 2240. But the churches, of all institutions, know that predicting human character and behavior is not as easy as constructing a laundry list of sociopaths. The reality is that a growing number of permit holders in this country have used their weapons to commit crimes, or have had their licenses revoked for crimes unrelated to their handguns. In Texas alone, over 1,600 concealed weapons licensees have had their permits revoked for all types of crimes, including murder. "Law-abiding" citizens carrying firearms can make mistakes everywhere they go. And a readily available firearm hidden beneath a coat makes crimes of passion a more immediate threat than ever. Perhaps this is why 85% of adults who do not own guns feel less safe when others in the community acquire firearms.

A study conducted last month (by the Center to Prevent Handgun Violence) provides compelling evidence that more concealed handguns do not mean less crime. According to the Federal Bureau of Investigation's Uniform Crime Reports, from 1996 to 1997 the nation's overall crime rate dropped 3.2%. More telling, crime fell faster in states that have strict concealed carry of weapons laws or that don't allow the carrying of concealed weapons at all than in states which have lax laws.

The danger to children and families

Others will tell you in more detail about the devastating results of having handguns in the home when domestic violence is present. More than twice as many U.S. women are shot and killed by their husbands or lovers than by strangers. Nearly half of all homicide victims are acquainted with or related to their killers.

I want to focus on how the scourge of gun violence frequently attacks the most helpless members of our society – our children. In 1994, firearms were the number two killer of children and youth ages 10 to 24 years – second only to motor vehicle crashes. In that same year, almost one-half of all the murders of those under age 18 involved handguns. And in 1995, 14 children age 19 and under were killed with guns every day in this country. In 1995, Kansas had 49 firearm deaths to children and teenagers.

Last November, a nationwide poll conducted by Peter D. Hart Research Associates showed that more than two in five of all American households with children have guns, and of those, about one in four keep those guns loaded and/or unlocked. Too many children in America have access to a loaded firearm in the home. And for too many households, it is a tragedy just waiting to happen. But it's not just families that are at risk when a gun is improperly stored; it's the entire community. Too many children are getting guns from private homes and carrying guns to school and, too often, with tragic results. The best handgun and weapons training programs in the world will not change the careless behavior of adults in their own homes.

The United States is rather unique concerning handguns when compared to the rest of the developed nations of the world. In 1996, handguns were used to murder two people in New Zealand, 15 in Japan, 30 in Great Britain, 106 in Canada, 213 in Germany and 9,390 in the *United States*.

The Churches of Kansas Speak Out

Almost every national and state church body right now has a priority or special area of ministry on behalf of children and families. Most of the time you hear us use those priorities to speak out regarding economic issues such as welfare reform. But our concern for the children and families of Kansas also includes our concern for their physical well-being, health, safety, and peace within their homes. If there are any children living in a home, keeping a gun poses a very real danger to the family.

Because children are naturally curious, young children often discover where guns and other firearms are kept within a home. Since young children cannot tell the difference between real guns and toy guns, they do not understand the deadly consequences that result from playing with a real gun. Parents must be aware that most 3-year-olds can pull the trigger on most handguns.

Teenagers don't always follow the rules, and may often seek out a gun even though they have been told not to touch it. Preteens and teens are attracted to guns and see guns as symbols of power. Firearms are the most frequent suicide method used by depressed teens, and 78% of all firearm suicide attempts are fatal. Not keeping a gun in the home may be the deciding factor between a child's death and the second chance for life.

We have all heard how carrying concealed weapons provide good citizens with a means of self-defense. Hard and cold statistics simply do not bear evidence supporting that belief. However, as far as the religious community is concerned, that is neither here nor there. The founder of the faith of those whom I represent today called us to peace and nonviolence with those we love and with those whom we consider our enemies. The proliferating possession of guns and the escalation of the violence that they generate in our communities is of great concern in the faith community. Our founder, some 2,000 years ago, called us to turn the other cheek, to go the extra mile, and to love our neighbor as ourselves. The Ten Commandments, common to more religious traditions than simply my own, besides prohibiting killing, demand that we have no other God but God; yet there is developing a worship of guns and the power they seem to bring, with no regard for the consequences to God's family.

The Church expects our public policy-makers to be engaged in enhancing the health, wellness, peace and security of its citizens. HB 2240 fails by all these measures. Instead of seeking ways to put more weapons on the streets of our towns, this legislature should be looking for ways to protect our children and families. Before we ever look at a measure like HB 2240, we should have in place measures that hold adults accountable when they leave guns accessible to children, that support youth gun tracking to identify and shut down the sources of guns recovered from children at crime scenes, and that require childproofing and trigger locks.

- HB 2240 is poor public policy
- HB 2240 sends the wrong message about violence to our children
- HB 2240 endangers our families
- HB 2240 does not protect potential victims of crime
- HB 2240 makes citizens feel less safe in their neighborhoods
- HB 2240 is contrary to the Church's message of peace and reconciliation

Conclusion

My father is a third-generation resident of Hutchinson. He is a proud veteran of World War II, having been a gunnery officer on the front lines of the South Pacific. We used to tease him about how much he was like Archie Bunker of the old television series “All In the Family,” with his stories of having fought in “the Big One.” But that war taught my father something. From the moment he returned he never allowed a gun in the house. To my knowledge, he never fired a gun for any purpose after the war was over.

I suppose there is more of my father in me than I sometimes care to admit. In 1994, the churches of Kansas called for an end to gun violence. At that time it noted that soaring sales of firearms contribute to violence, fear, and alienation, as reflected in the rise of domestic violence in which disproportionate gun victims are women; and the rise in death fueled by the systemic injustices of racism and poverty. In 1997, the churches supported Governor Bill Graves’ veto of a concealed carry bill.

Christian faith is no stranger to violence. One author has said that Christianity is a post-violent faith because our central story is an account of violence transcended. The full gospel message is of both realism and hope. We believe that it is possible to move through violence to faithful living on behalf of others. We call on you to keep the current restrictions on concealed weapons in the state of Kansas as a call to move to the other side of violence.

The real work, of course, must still be done in our homes – beyond law and policy – to the most basic values of respect, right and wrong, conscience and community, and violence rejected in favor of nonviolence and communication. Only parents can remedy what ails children in their heart of hearts. But the rest of us must do our part to help, and must do our part to contain the potential for destructive violence when things fail at home. Keeping guns out of the hands of children is everyone’s responsibility. Every gun manufacturer, every gun dealer, every gun owner, every school, and every parent must do their part. So must the Kansas legislature.

Dr. Joe M. Hendrixson, Executive Director
Kansas Ecumenical Ministries
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FEDERAL AND STATE AFFAIRS COMMITTEE

IN REFERENCE TO HB 2240

The Kansas Peace Officer's Association would oppose the passage of this bill.

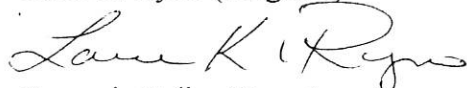
The KPOA does not question the Constitution of the United States nor does it question the issue of The Right to Bare Arms. The KPOA does question the need for people to Carry Concealed Weapons. The view of the KPOA is that these two issues are not the same issue and should not be referred to as the same issue as some people have done. If the Carry Concealed Issue is attached to a protection or Anti-Violent Crime Issue, maybe this should be addressed through legislation to actually punish the offender for his actions. From a Law Enforcement view point the passage of this bill will do no more than put more guns on the street. It does nothing to address the issue of accountability or the responsibility of those who choose to carry a gun concealed.

In looking at this particular bill there seem to be several expectations of the KBI. I am sure they would attempt to fulfill these expectations to the best of their ability, but I don't understand how they will be able to do this and not suffer financially. The amount allotted in the application fee would not begin to cover their expenses.

Further more this bill appears to be somewhat ambiguous. Part of the bill requires the applicant to be scrutinized as to their history or past behavior. I assume this is an attempt to make sure anyone issued a permit to carry a concealed weapon would be law abiding and of the highest moral standard. Another part of this bill would prohibit these people from carrying the concealed weapon into certain places. I guess the question is, if this is such a good bill, why can't the people who have passed the qualifications to carry their concealed weapon carry it where ever they want to? Or is this just an appeasement in the effort to pass a bad bill?

Another thing that seems to be absent from this bill is the fact there is no provision or condition for any type of liability insurance. Every one else in the state who is currently authorized to carry a concealed weapon is covered by liability insurance. All Private Investigators who are licensed are required to have it, and all commissioned Law Enforcement Officers are covered by their employers. The state of Kansas requires a licensed driver of a motor vehicle to have liability insurance, but wouldn't require someone who is licensed to carry a concealed weapon to have any. There appears to be no logic behind this.

Lane K. Ryno (Sergeant)


Emporia Police Department

KPOA Legislative Committee

*House Fed + State
Attachment #9
2-8-99*

LOREN C. ANDERSON
SHERIFF



KENNETH L. MASSEY
UNDERSHERIFF

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TO: Rep. Susan Wagle, Chair
House Federal and State Affairs

FROM: Loren C. Anderson
Douglas County Sheriff

DATE: February 8, 1999

RE: HB 2240

Madam Chair, members of the committee, my name is Loren Anderson. I serve as the Douglas County Sheriff, and I appear today on behalf of the Kansas Sheriff's Association ("K.S.A."). The K.S.A. appreciates the opportunity to voice its opposition to HB 2240. Our reasons are many and strong.

Proponents of this "concealed carry" legislation claim a direct relationship between concealed carry laws and reduction in violent crime. Kansas bars general concealed carry, yet our rate of violent crime has dropped.

Proponents claim concealed carry laws deter crime; criminals will be reluctant, they say, to commit crimes, not knowing whether intended victims are armed. The truth is, criminals don't think that way. They assume they won't be thwarted or caught.

Proponents claim law-abiding citizens should be able to carry concealed handguns, since criminals already do. Ask any law enforcement officer how many criminals that they arrested carrying concealed guns - the answer is hardly any.

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Proponents think most Kansans support this type of legislation. That simply isn't so - most polls say Kansans oppose concealed carry by a 2-1 margin.

Proponents have said that law enforcement supports concealed carry. The K.S.A. voted late Thursday to oppose.

Just put yourself in the shoes of the cop on the beat, sent to a disturbance call. The officer finds two people involved when he or she arrives; one is armed, his handgun drawn on the other. The cop must decide the answer to one simple question - who's the bad guy?

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

K.S.A. urges the defeat of HB 2240. We appreciate this opportunity to express our concerns. Please don't hesitate to contact me if you have questions or need further information.

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

919½ South Kansas Avenue Topeka, KS 66612 (785) 234-5152

Testimony before the
House Committee on Federal and State Affairs
Concerning HB 2240, extending the right to carry a concealed handgun
February 8, 1999

Chairman Wagle and members of the committee, I am Edward Rowe, one of several volunteer lobbyists for the League of Women Voters of Kansas.

After study, the League adopts its local, state, or national positions in a democratic, grass-roots manner. Safety is our primary concern on gun issues, as indicated in the opening of our national position:

“The League of Women Voters of the United States believes that the proliferation of handguns
.... in the United States is a major health and safety threat to its citizens.”

As I read HB 2240 I find too little indication of intent to put sensible limits on who may carry a concealed weapon. I understand that police detectives and the governor's security detail have a legitimate need to carry concealed handguns, and I can understand that persons who carry large sums of money as part of a legitimate business operation would want this protection, but it appears to me that HB 2240 goes too far toward letting almost anyone and everyone carry a hidden lethal weapon.

While HB 2240 does remove convicted felons, convicted spouse abusers, and recent mental patients from the list of those eligible to receive a concealed carry license, it opens up this dangerous privilege to too many potentially unstable persons. The wording in a one section of HB 2240 requires giving a license to anyone who “desires a legal means to carry a concealed weapon.” It seems to me that a large number of people with aggressive tendencies might desire to carry a concealed weapon and those same people would not yet have committed anything serious enough to be ruled out as a concealed carrier under HB 2240.

I do not see anywhere that an applicant for a concealed carry license is required to justify the request on the basis of need, and HB 2240 effectively prohibits the Kansas Bureau of Investigation from exercising judgement on an individual case.

I don't feel my safety will be enhanced if this bill is passed and it becomes the norm for civilians to carry concealed firearms into public places. I hope you will be careful not to contribute to a dangerous arms race among citizens.

Edward Rowe

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*House Fed & State
Attachment #11
2-8-99*



CITY OF TOPEKA

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12

LEGISLATIVE TESTIMONY CITY OF TOPEKA HOUSE BILL 2240

TO: Chair Wagle and Members, House Committee on Federal and State Affairs
FROM: Jim Kaup, on behalf of the City of Topeka
DATE: February 8, 1999
RE: HB 2240 -- Carrying Concealed Weapons

The City of Topeka opposes HB 2240. For many years now the City has appeared before this Committee in opposition to legislation similar to HB 2240, including 1997 HB 2159, a bill virtually identical to HB 2240, vetoed by Governor Graves. The City sees HB 2240 as a threat to public safety and to the safety of law enforcement officers, and as an unjustified and harmful intrusion by the State upon a subject local governments have historically regulated.

I. STATE LICENSE TO CARRY CONCEALED WEAPONS

HB 2240 proposes to create a statutory right to carry concealed handguns and other weapons. This right would be held by any Kansan licensed by the State to carry that weapon. The KBI would be required 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 many 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

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ordinance generally make the carrying of a concealed weapon a crime. HB 2240 proposes to (1) make an exception to the state law to allow, upon licensure, most Kansans to carry concealed weapons into most places in this state, and (2) invalidate the 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 handgun, hidden on their person. Nonetheless, it is entirely reasonable to believe HB 2240 would put more guns on the streets than there are now. Representatives of law enforcement have in the past provided this Committee with 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. Shopkeepers will know that more of the people coming through their doors will be armed.

HB 2240 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?

This Committee will undoubtedly hear again this year the objections law enforcement officers have to this liberalizing of the firearms laws. The City will defer to those officers for a description of the real-world consequences 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 2240. 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.

II. STATE PREEMPTION OF LOCAL AUTHORITY

While the threat it poses to public safety is by itself adequate reason to oppose HB 2240, the City's strongest objection to this bill relates to Section 16, which is state preemption of local lawmaking regarding carrying a concealed weapon. Topeka's 1999 State Legislative Policy Statement, adopted by the City Council on January 5, 1999 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 this subject. In the event of conflict between local law and state law, the rule is that the state law prevails. **The State can establish a state license to carry a concealed weapon without preempting local authority to regulate the same subject, as HB 2240 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:

III. COMMITTEE ACTION REQUESTED ON HB 2240

A. The City opposes HB 2240 and requests Committee action to kill the bill. We ask you to be respectful of the 100 year-plus tradition of joint state-local regulation of firearms. Understand that by preempting local lawmaking authority and adopting a single statewide rule you are making it likely that the legislature will face requests from cities 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 2240 should be passed notwithstanding the risks to the

public safety which we expect to result from placing more firearms on the streets, **we request extensive amendments to HB 2240.** These amendments would give the City of Topeka some means to lessen the threat this legislation poses to our citizens.

1. Recognize 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 23, page 1) and delete Section 16 (a) to preserve the tradition of joint local-state regulatory authority with respect to firearms. (Delete language in lines 33:42 of page 8.)

2. Premises Where Concealed Weapons Would Remain Banned:

HB 2240 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-licensed person should not be allowed to carry a concealed weapon.

Therefore we request Section 10 be amended to add a subsection "(n) any other premises, property or structure when so designated by ordinance of a city or resolution of a county."

In the alternative the Committee should 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

3. Licensure and License Revocation Requirements:

This Committee should 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 child abuse, per K.S.A. 21-3609 or comparable law of another jurisdiction
- also, Section 12 covers situations where a licensee carries a hidden weapon while under the influence of alcohol and/or drugs. This should be a felony level offense, not the proposed misdemeanor and Section 12 should expressly state that conviction or diversion for this offense will result in a loss of the license.

4. **Public Costs:**

To ensure that those who enjoy the statutory privilege which would be created by HB 2240 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 concealed 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 merit a "right" to have concealed weapons for self-defense, or who suffer from a label that makes them something less than "honest, law-abiding" persons (Sec. 16 (a)). In creating these categories HB 2240 appears to discriminate against persons with disabilities in a manner 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 1, line 42: "...does not suffer from a physical infirmity..."
 - page 2, lines 7:8: "...mentally ill person or involuntary patient..."
 - page 2, lines 9:10: "...an alcoholic ... a drug abuser..."
 - page 2, line 16: "... committed for the abuse of alcohol..."
 - page 2, line 31: "...has not been adjudged a disabled person"

TOPEKA POLICE DEPARTMENT

320 S. KANSAS AVE. TOPEKA, KANSAS 66603 (785) 368-9437

To: CHAIRMAN WAGLE AND MEMBERS, HOUSE COMMITTEE ON FEDERAL
AND STATE AFFAIRS
From: F. DEAN FORSTER
Subject: HB 2240 --CARRYING CONCEALED WEAPONS HB 2240
Date: February 8, 1999

The City of Topeka has expressed opposition to HB 2240. I appear as the Chief of Police of Topeka, Kansas and also in opposition to HB 2240 in its current form.

My opposition is related to concerns for the safety of Police Officers and the efficient discharge their law enforcement duties. Firearms, especially handguns, present a constant danger to law enforcement officers. The immediate availability of handguns will only increase the dangers faced everyday by Police Officers. The question every officer will have to ask on every call will be "who has a gun?"

During the period from 1987-1997, 762 Law Enforcement Officers were killed in the United States, 7 in the state of Kansas. Of these 762 Officers slain, 541 were killed by the use of a handgun (71%)

In Topeka, during 1998, 8 of the 17 homicides recorded involved the use of a handgun. Of the 316 aggravated assaults, 80 involved handguns, surpassing even knives which were involved 73 times.

No Law Enforcement Officer would deny any citizen the right to protect themselves. The carrying of concealed handguns is not the answer. The use of a handgun for self protection will unfortunately not be its only use. Anger, at some time or another, will play a part in the use of a weapon.

I am also concerned about New Sec. 16 which contains the wording: "Any city ordinance or county resolution that regulates, restricts or prohibits the carrying of concealed weapons shall not be applicable to any person licensed in accordance with the provisions of this act." To take away a city or county's right to regulate firearms within their boundaries will take away a city's right to recognize local problems and react accordingly.

Police Officers, from all jurisdictions, have a difficult and dangerous job. I respectfully asked that you not approve HB 2240 in the current form.

House Fed & State
02-08-99
Attachment #13



900 SW Jackson, Suite 1051S
Topeka, KS 66612-1290
(785) 296-1223
(785) 296-8649 (FAX)

February 8, 1999

Written Testimony to the
House Committee on Federal and State Affairs

House Bill 2240 Concealed Weapons

THE Kansas SAFE KIDS Coalition opposes House Bill 2240 which would allow the concealed carry of firearms in our state for the following reasons:

1. **Allowing adults to carry a concealed weapon will increase the exposure of children to guns.** If adults are carrying guns they will naturally be kept in a place accessible to the gun owner, many times where they can be picked up by a child. Children will be exposed to more improperly stored guns in places like purses and briefcases as well as at home when the gun owner comes home. Exposure to guns increases the risk of unintentional firearm-related death and injury to children. Adults often have unrealistic perceptions about a child's capability and behavioral tendencies with regard to guns, including those that are "concealed" in purses, pockets and briefcases. There are misunderstandings about a child's ability to gain access to and; fire a gun. Many children may be unable to distinguish whether a gun is real or a toy. Furthermore, adults often overestimate a child's ability to make sound judgements about handling a gun, and to consistently follow gun safety rules.

2. **HB 2240 does not contain adequate protection for Kansas' youngest citizens - our children.** Regardless of one's views on individual gun ownership, preventing the access of children to a firearm is an important consideration in enacting legislation. Unintentional shootings account for more than 20% of all firearm-related fatalities among children ages 14 and under, compared with 3% for the entire U.S. population. Furthermore, more than 70% of unintentional firearm shootings involve handguns. Unfortunately, children as young as age 3 are strong enough to pull the trigger of many of the handguns available in the United States.

It is the responsibility of both the gun owner and the state to ensure the safety of Kansas children by limiting the access of firearms to children. All childhood deaths are tragic - but those that "could have been" prevented are the most tragic of all.

The Kansas SAFE KIDS Coalition, Inc., is a nonprofit group of over 60 statewide businesses and organizations that have joined together to protect Kansas children from the number one killer of Kansas kids - unintentional

Coordinator:
Jan Stegelman
Kansas Department of
Health and Environment

Executive Committee:
Dennis Cooley, MD
Medical Advisor
American Academy of
Pediatrics, Kansas
Chapter

Horace Hartley
Kansas State
Association of Fire Chiefs

Linda J. DeCoursey
Kansas Insurance
Department

Anne L. Humphrey
Kansas Hospital
Association

Darlene Whitlock
Kansas Emergency
Nurses Association

Darral Lang
Kansas State Department
of Education

Del Meier
Salina Chapter,
Kansas SAFE KIDS
Coalition



House Fed & State
Attachment #14-1
2-8-99



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Kansas Department of
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Executive Committee:

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Pediatrics, Kansas
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Horace Hartley
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Association of Fire Chiefs

Linda J. DeCoursey
Kansas Insurance
Department

Anne L. Humphrey
Kansas Hospital
Association

Darlene Whitlock
Kansas Emergency
Nurses Association

Darral Lang
Kansas State Department
of Education

Del Meier
Salina Chapter,
Kansas SAFE KIDS
Coalition

injuries. Limiting the access of firearms to children and thereby reducing the number of unintentional firearm injuries to children is a priority of the Coalition.

Jim Keating
Public Policy Chair
785-437-6287



14-2



MAIN STREAM COALITION

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66207-2520

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A 501(c)4 Organization

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Sarah Ingram-Eiser

Bob Johnson

Marty Jones

Dolores Lewis

Diane Linver

Rev. Jay McKell

Annette Morgan

Judy Pallett

Brian Steele

Penny Stuber

Louise Wallace

Dan Winter

Caroline McKnight
Executive Director

TESTIMONY ON BEHALF OF THE MAINstream COALITION AND
THE MAINstream EDUCATION FOUNDATION to members of the
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE ON February
8, 1999

The MAINstream Coalition opposes House Bill 2240, the PERSONAL AND
FAMILY PROTECTION ACT, for the following reasons:

1. The MAINstream Coalition membership is well aware that a fear of violent crime pervades much of modern society, perhaps, even here in Kansas. However, we disagree with proponents of concealed carry legislation on devising practical and legal measures for coping with crime. Our membership, representing over 2,000 Kansans, believes that the most effective policy is one that supports the efforts of law enforcement to keep our cities and towns peaceful. In 1997, a poll taken by the Research Department of Kansas State University showed that a clear majority of Kansas law enforcement officers are opposed to the concealed carry of weapons.

2. The same poll shows that 69% of all Kansans oppose concealed carry. The Chambers of Commerce in Overland Park and Topeka, representing the prevailing interests of businesses, oppose such legislation at a minimum rate of 84%. Nationally, there has been such a proliferation of crimes committed with handguns that in February of 1998, 87% of surgeons and 94% of internists believed that it was time to consider gunshot wounds a public health epidemic. MAINstream members cannot support any legislation that makes guns potentially more available, legal or not.

3. Kansans already have the right to carry a firearm as long as it is carried openly. If possession of a firearm alone is the deterrent to potential criminals that proponents claim it to be, how can concealing the weapon make it more of a deterrent? That, combined with the difficulty in reaching a concealed weapon, reduces any claimed advantage over a motivated assailant.

4. Even gun owners are now favoring stricter gun control. A Harris Poll, taken in May 1998, shows a 3-1 (69% vs. 23%) majority of gun owners support stricter gun control, even of handguns. The poll concluded, "Recent events may well have increased support for stricter gun controls, as the public viewed with shock the murders of teachers and schoolchildren by school boys."

5. Two years ago, Governor Bill Graves vetoed a bill that would have legalized concealed weapons. He argued, and MAINstream agrees, that more weapons on the street would make people feel less secure, not more so. We support the current Kansas policy regarding permission to use and carry a gun. For these, and many more, reasons, we urge you to vote NO on House Bill 2240.

House Fed & State
Attachment #15
2-8-99



February 8, 1999

The Honorable Susan Wagle
Chairman, House Federal and State Affairs
State House
Topeka, Kansas 66612

Dear Chairman Wagle and Members of the Committee:

As chairman of the chamber's State/Federal Affairs Task Force, I am writing to express the chamber's strong opposition to HB 2240, which would authorize licensing for the concealed carry of firearms.

Concealed carry of weapons is an important issue for our chamber members. In a 1998 survey, approximately 85% of respondents opposed concealed carry legislation.

Businesses are concerned that, if concealed carry is authorized, either of their alternatives -- to permit concealed weapons on their premises or to prohibit them -- could potentially give rise to costly litigation and potential liability. Moreover, to enforce a decision to prohibit concealed weapons could be expensive for the business, impractical, and potentially damaging to customer relations.

In addition, state legislation that preempts municipal ordinances governing concealed weapons would conflict with Kansas's long history of local control. Each community should continue to be permitted to decide for itself whether authorizing concealed weapons is appropriate.

For these reasons, the chamber respectfully urges the House Federal and State Affairs Committee not to recommend HB 2240 for passage. Thank you for your time and consideration.

Sincerely,

G. Eugene Troehler

G. Eugene Troehler
Chairman, State/Federal Affairs Task Force

*House Fed + State
Attachment #16
2-8-99*





**Unified Government of
Wyandotte County/Kansas City, Kansas**

Carol Marinovich, Mayor/CEO

701 North 7th Street, Suite 926
Kansas City, Kansas 66101

Phone: (913) 573-5010
Fax: (913) 573-5020

February 8, 1999

Representative Susan Wagle
Chairperson of House Federal and State Affairs Committee
300 SW 10th Avenue Room #170-W
Topeka, Kansas 66612-1504

RE: *Opposition to any legislation changing current concealed-weapons laws*

Dear Representative Wagle and members of the House Federal and State Affairs Committee:

The Unified Government of Wyandotte County/Kansas City, Kansas has a very strong concern about any proposed initiative which would change or expand the current state's concealed weapons laws. The County Commission and I strongly 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.

Furthermore, we strongly oppose any preemption of the ability of cities in Kansas to regulate firearms. Research conducted by the Kansas League of Municipalities indicates that cities in Kansas have regulated firearms in one way or another since at least 1861. Preemption of all local gun control laws, it has been argued, would allow that gun control could be managed as a uniform matter by the Kansas Legislature. Unfortunately, there is virtually no gun control of any substantive nature contained in state statute. We believe preemption of local control would have a significant negative impact on constitutional home rule in Kansas, and would require a "one-size fits all" mentality for gun control.

If this initiative for preemption of local control over guns is successful, we can expect in the foreseeable future numerous large jurisdictions going to the legislature asking for legislation to allow them to solve a specific problem in their community. Unfortunately, any statute that would be enacted after that point would be applicable to all jurisdictions in Kansas -- both large and small, urban or rural.

We fully support the expert opinions expressed to you by Wyandotte County District Attorney Nick Tomasic. Mr. Tomasic strongly opposes concealed carry and preemption of local control over guns. We are convinced without a shadow of a doubt that any change in state laws on concealed weapons would not deter criminal activity. Furthermore, it is their belief that any change could place significant liability on Kansas communities statewide.

Sincerely,

Carol Marinovich
Mayor/CEO

House Fed + Stat
Attachment #17
2-8-99
TOTAL P.01