

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 9, 1999 in Room 313-S of the Capitol.

All members were present except:

Committee staff present: Mary Galligan, Legislative Research
Russell Mills, Legislative Research
Judy Swanson, Committee Secretary

Conferees appearing before the committee: Dr. Erik Voth
Dave Meneley
Ms. Mikey Voorhees
Lisa Larson
Betty Leach
Sherrie Marvin, Kansas Second Amendment Society
Jan Exby
Jim Exby
Bill Freeman
Joe Gimar, Fraternal Order of Police, KS State Lodge
Mike Dann
Scott Hatstrup, Attorney & Kansas Sportsman's Alliance
George Peterson

Others attending: See attached list

Representative Ruff reviewed portions of **HB 2240**, concealed weapons. She provided Committee members with information on the right-to-carry law in all states. (Attachment #1)

Eric Voth, MD, testified in favor of the bill based on his family's personal experiences. (Attachment #2)

Dave Meneley, Shawnee County Sheriff, testified as an individual in support of **HB 2240**. (Attachment #3) He said passage or denial of this bill will not change criminals carrying concealed weapons.

Mikey Voorhees testified in favor of the bill. She is an advocate of self-defense and helped get the Texas law passed in 1995 concerning concealed carry. She explained why she personally advocated concealed carry. (Attachment #4)

Lisa Larson testified in favor of the bill. She said she is a mother in support of being able to protect herself. (Attachment #5)

Betty Leach testified in favor of the bill. She gave an example of how she protected herself in a crisis situation. (Attachment #6)

Sharon Marvin, Kansas Second Amendment Society, said she was in favor of **HB 2240**. She said she felt most of the other states had more confidence in their constituents. (Attachment #7)

Jan Exby testified in support of the bill for herself and for Safety for Women & Responsible Motherhood organization. As a victim of robbery and rape, she gave first-handed experience testimony as to why she felt the bill was good legislation. She urged the Committee to give her the choice to carry a concealed weapon. (Attachment #8)

**HOUSE FEDERAL & STATE AFFAIRS
GUEST LIST**

DATE: 2-9-99

NAME	REPRESENTING
Robin Lehman	Safe State
Kelly Kuitala	City of Overland Park
JIM KEATING	KANSAS SAFE KIDS COALITION
Chris Palazda	Intern - McClure
Hilary Meyer	Intern - Rep. Shimbeck
Roberta Fankhauser	Wichita Area Chamber of Commerce
Pat Gallagher	Wichita Area Chamber of Commerce
Elin Jurado	Bright Beginnings
Carissa McKenzie	Citizen
Mary Dineo	Central KS Head Start
C. Rae Jones	The Center for Counseling Great Bend
Gini Beerley	CKHS.
Mark Habigot	CKHS
Lenna Storti	Central Kansas Head Start
Bev Murray	Rep. Potterff
Joni Koehler	Intern - Sen. Stettin
PAT + LISA LARSON	Individual
DON LINDSEY	UTU
Jan Ghy	SWARM/Suy

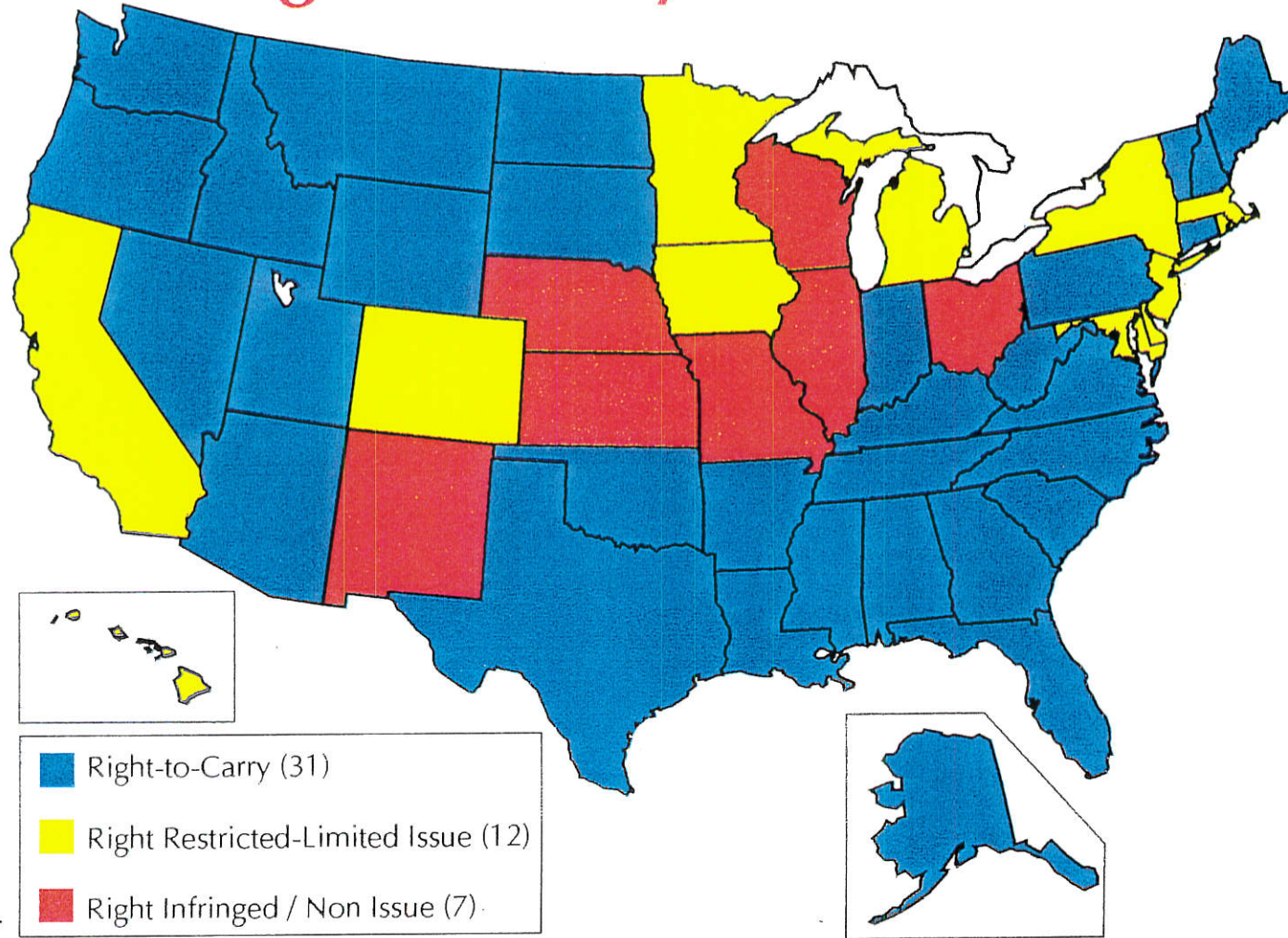
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**HOUSE FEDERAL & STATE AFFAIRS
GUEST LIST**

DATE: 2-9-99

NAME	REPRESENTING
Jim Flyg	Self
George Peterson	Self
Alex Kobayantz	J.C. Kragg Co. Convention Bureau
Michael Dann	Self
Bill Freeman	Self
David Miles	Associated Press
Frank Kelly Schiltz	Self
Tom Burgess	KSA
Scott Hattrup	Self
Edward C. Rome	League of Women Voters of U.S.
Greg D. Hill	Federico Consulting
J.A. Holder	Self
Mary Hallman	Citizen
USK Halling	Citizen
Billsy	Self
Jefferson Cole	Sen. Tyson - Intern
John Bailey	Self
Mary K. Ruype	Self
Richard Goodschmidt	Self
Don No	League of Women

Right to Carry Laws - 1998



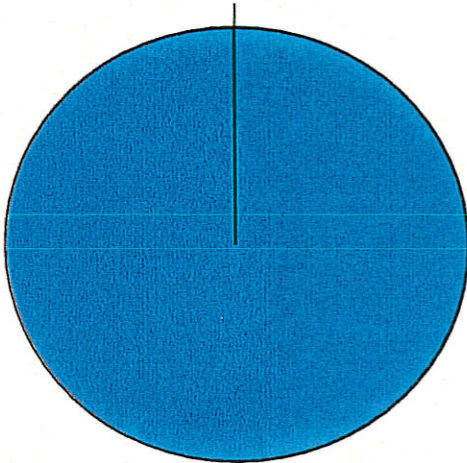
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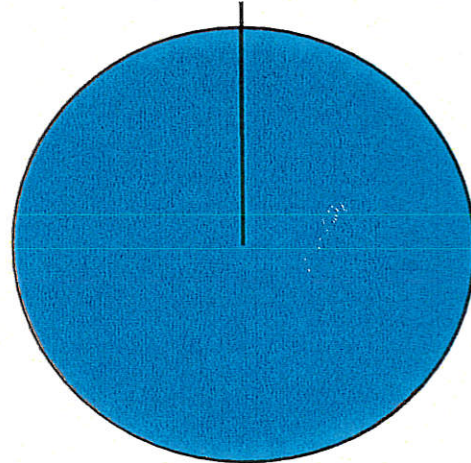
Carry Permits Issued vs. Carry Permits Revoked

Florida



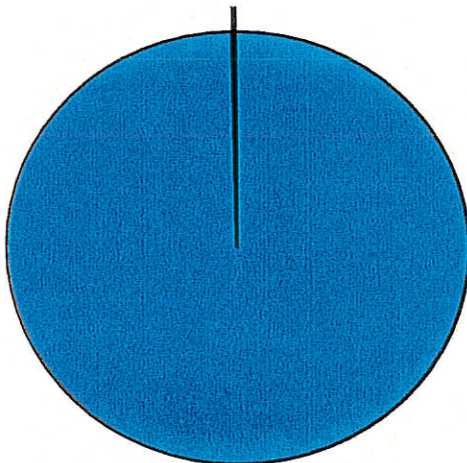
- 10/1/87 (start-up) through 12/31/97
- 478,248 permits issued
- 88 (0.018%) revoked for firearm crimes
- Source: Florida Div. Of Licensing

South Dakota



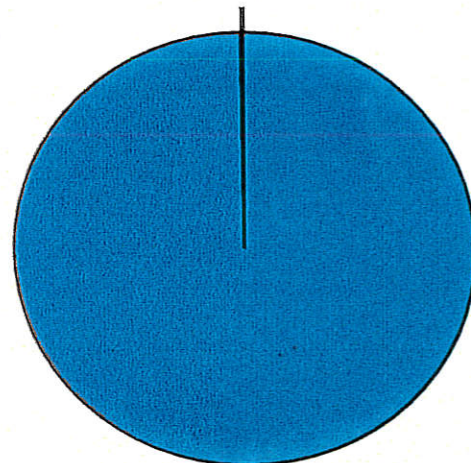
- 1/1/90 through 12/31/97
- 77,853 permits issued
- 64 (0.082%) revoked for any reason
- Source: South Dakota Sec'y of State

Texas



- 1/1/96 (start-up) through 1/23/98
- 165,191 permits issued
- 371 (0.225%) revoked for any reason
- Source: Texas Dept. Of Public Safety

Wyoming



- 10/1/94 (start-up) through 1/16/98
- 4,129 permits issued
- 8 (0.194%) revoked for any reason
- Source: Wyoming Highway Patrol

Percentage of State Population Requesting Carry Permit Applications or Receiving Permits.

Oklahoma (0.6%)



- State Population: 3,278,000
- Application requests 1/1/96 (start-up) through 5/15/97: 19,340

During the first year-and-a-half the law was in effect, 0.6% of the state's population requested applications for concealed carry permits.

source: The Daily Oklahoman

Kentucky (0.8%)



- State Population: 3,860,000
- Permits granted 10/1/96 (start-up) through 9/29/97: 30,182

During the first year the law was in effect, 0.8% of the state's population were issued carry permits.

source: Associated Press

Louisiana (0.8%)



- State Population: 4,342,000
- Application requests 10/1/96 (start-up) through 10/1/97: 33,000

During the first year the law was in effect, 0.8% of the state's population requested applications for concealed carry permits.

source: Associated Press

Texas (0.6%)

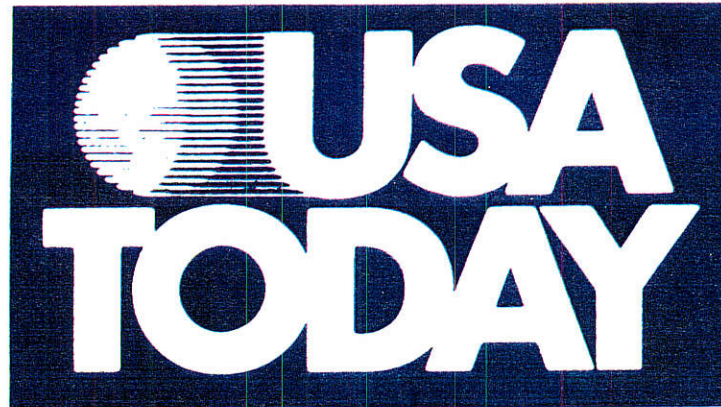


- State Population: 18,724,300
- Licences Issued 1/1/96 (start-up) through 2/1/97: 116,000

During the first year the law was in effect, 0.6% of the state's population were issued carry permits.

source: Austin American-Statesman

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THE NATION

Study: Weapons laws deter crime

Fewer rapes, killings found where concealed guns legal

By Dennis Cauchon
USA TODAY

In a comprehensive study that may reshape the gun control debate, researchers have found that letting people carry concealed guns appears to sharply reduce killings, rapes and other violent crimes.

The nationwide study found that violent crime fell after states made it legal to carry concealed handguns:

- ▶ Homicide, down 8.5%.
- ▶ Rape, down 5%.
- ▶ Aggravated assault, down 7%.

The University of Chicago study, obtained by USA TODAY, is set to be released next Thursday. But its impending release has already sent shock waves through the gun-control debate because of the effect it may have on one of the most controversial areas of gun law. Since 1986, the number of

states making it legal to carry concealed weapons has grown from nine to 31.

The National Rifle Association has led this fight in state legislatures, arguing that concealed weapons deter crime.

Gun control supporters counter that these laws cost lives by increasing accidental deaths and impulsive killings.

The study analyzed FBI crime statistics in the nation's 3,054 counties from 1977 to 1992 to see if the introduction of concealed-weapons laws had any effect on crime.

The results overwhelmingly supported the idea that these laws deter violent crime.

The drop isn't primarily caused by people defending themselves with guns, says John Lott, the study's author. Rather, criminals seem to alter their behavior to avoid coming into contact with a person who might have a gun.

Concealed-weapons laws have drawbacks, too, the study found. Auto theft and larceny increased. Criminals shifted to property offenses, in which contact with a victim is rare, says Lott.

"The policy implications are undeniable: If you're interested in reducing murder and rape, then letting law-abiding, mentally competent citizens

carry concealed weapons has a positive impact," says Lott.

Gun control backer Josh Sugarman of the Violence Policy Center blasted the study: "Anyone who argues that these laws reduce crime either doesn't understand the nature of crime or has a preset agenda."

Lott, who spent two years on the study, says he sent his research to scholars who might disagree with him and made changes to satisfy the critics.

David Kopel, a gun control scholar who did a smaller study on the same issue, says, "Lott's study is so far ahead of all previous studies that it makes them all worthless."



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THE LAW ENFORCEMENT ALLIANCE OF AMERICA

Law Enforcement Speaks: Right To Carry Works

FLORIDA (*Florida's concealed carry law took effect in 1987*)

"From a law enforcement perspective, the licensing process has not resulted in problems in the community from people arming themselves with concealed weapons." (Commissioner James T. Moore, FL Department of Law Enforcement, memo to Governor Lawton Chiles dated March 15, 1995.)

TEXAS (*Texas' concealed carry law took effect on January 1, 1996*)

"As we have seen in other states and had predicted would occur in Texas, all the fears of the naysayers have not come to fruition. A lot of the critics argued that the law-abiding citizens couldn't be trusted, nor were they responsible enough to avoid shooting a stranger over a minor traffic dispute. But the facts do speak for themselves. None of these horror stories have materialized." (Sheriff David Williams, Tarrant County, TX; to the Fort Worth Star Telegram, July 17, 1996.)

"All the horror stories I thought would come to pass didn't happen...No boogie man. I think it's worked out well, and that says good things about the citizens who have permits. I'm a convert." (Senior Cpl. Glenn White, President of the Dallas Police Association; to the Dallas Morning News, December 23, 1997. White had lobbied against passage of the bill in 1993 and 1995)

VIRGINIA (*Virginia's reformed, "shall issue" concealed carry law took effect in July of 1995*)

Arlington County Police Detective Paul Larson was one of those who predicted the number of accidental shootings would balloon with the inception of the concealed-carry law and the proliferation of legally carried concealed handguns. "I was wrong," said Larson, president of the Arlington County Police Association. "But I'm glad to say I was wrong." (The Alexandria Journal, July 9, 1997.)

"Virginia has not turned into Dodge City. We have not seen a problem." (Virginia Public Safety Secretary Jerry Kilgore; to The Freelance Star, Fredericksburg, VA, February 2, 1996.)

"Some of the public safety concerns which we imagined or anticipated a couple of years ago, to our pleasant surprise...have been unfounded or mitigated." (Fairfax County Police Maj. Bill Brown; to The Alexandria Journal, Alexandria, VA, July 9, 1997.)

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NORTH CAROLINA (North Carolina's concealed carry law took effect in 1995)

Has the county had trouble with those who receive permits? "There's been no problems whatsoever. "If you educate the people and train them on what they can and cannot do, then it's a good law." (**Sheriff R. Thomas Breedlove**; to The Tri-County Shopper, June 11, 1997.)

"The concerns that I had -- with more guns on the street, folks may be more apt to square off against one another with weapons -- we haven't experienced that," (**Charlotte-Mecklenburg Police Chief Dennis Nowicki**; to The News&Observer, November 24, 1997.)

"We haven't had any incidents where these folks who have the permits have done anything wrong, and you can't draw any correlation between concealed-weapons permits and the crime rate." (**Sheriff Robert Canaday, Cabarrus county**; to The News&Observer, November 24, 1997.)

"We've had no problems at all. We've not had the shootings in the street." (**Sheriff B.J. Barnes, Guilford county**; to the Winston-Salem Journal, December 29, 1996.)

KENTUCKY (Kentucky's concealed carry law took effect in 1996)

"Some of the things that we were concerned about, quite honestly, we have not seen happen at this point." (**Chief Ed Bray, President of the Kentucky Association of Chiefs of Police**; to The Associated Press, September 29, 1997.)

***** Thirty-one states, comprising nearly one-half of the U.S. population, have "shall issue" carry laws. In none of these states has there been any incident involving a license holder injuring or killing a law enforcement officer. *****

The Gaston Gazette

SUNDAY, February 16, 1997

20,082 permits were issued for concealed weapons in the first year of a new N.C. law.

0 were used to commit a crime

Despite lack of violence, foes of law aren't changing their minds

By **Waynette Gladden**
Gazette Staff Reporter

GASTONIA- When the North Carolina concealed weapons law took effect in December 1995, opponents warned of increased gun violence.

But a Gazette investigation into the first year of the law showed that didn't happen.

Of the 20,082 gun permits issued, none of the permit holders used a gun to commit a crime.

Police revoked only 22 permits—about one tenth of one percent of those issued. Despite the apparently peaceful end to the state's 116-year prohibition on concealed weapons, police chiefs and gun control advocates still oppose the new law.

"I'm actually pleased that there have been no more problems than there have been," said Gerald Galloway, past president of the state's association of police chiefs.

In 1995, Galloway told a Senate committee: "We believe to be secretly armed is bad public policy." Despite permit holders' track record, Galloway said he still believes the law is not the way to calm fears about crime.

"Concealed weapons should not be the answer to making people safe on the streets," he said. "We need to deal with it from the side of catching criminals and convicting them so citizens don't have to feel unsafe."

"We have not done our job in deterring crime if that's the case."

The state's permit holders have

proven that they can manage their weapons, he said, but they still have the burden of deciding to use deadly force.

The SBI's statistics don't affect the state's association of police chief's original stance on the issue, said past president John Crone.

"Our concern wasn't necessarily that people would get permits and then go out and shoot someone," Crone said. "We're concerned about officers' welfare."

The legislation forced police officers to change their approach when faced with people carrying weapons. They now have to ask to see a permit card before nabbing the person, Crone said.

"That makes the situation more difficult and more dangerous for police officers," he said.

The argument that the new law will increase public safety remains to be seen, Crone said.

He said he hasn't heard of any permit holders protecting themselves from crime because they have a gun.

Both Gaston County Sheriff Leroy Russell and district attorney Mike Lands said they haven't heard of any local permit holders using their weapons in self defense. They said they haven't heard of any cases of accidental shootings by permit holders either.

No statistics are kept on self-defense or accidental shootings, according to the SBI. Former Rep. Billy Joye of Belmont wasn't surprised by the SBI's statistics.

"I totally expected it based on what

happened in other states," Joye said.

He proposed a similar bill in April 1993 that was shot down immediately by a House committee.

"I caught a lot of flak back then because people couldn't understand why I would want folks to be able to carry concealed weapons," Joye said. "But these are law-abiding citizens. Crooks aren't going to take the time and expense to get a permit."

State Sen. David Hoyle voted for the concealed guns law. He said that he hasn't gotten any complaints.

"I assure you that the press would let me know if a permit holder had used his gun in a violent fashion," Hoyle said. "It sounds like the intent of the law is working. I'm encouraged by the numbers, and I'm glad more people didn't apply. The statistics prove to me that the people who did get permits were screened properly."

Crunching the numbers hasn't convinced Lisa Price, executive director of North Carolinians Against Gun Violence.

"I still think it's bad legislation although it doesn't seem to have turned out as bad as we thought it would," Mrs. Price said. "Some of the dire consequences of the repeal that we predicted didn't happen."

"I don't think there have been any examples of people carrying guns legally and doing terrible things with them—yet."

But the revocations show that legislation needs enforcement, Mrs. Price said.

"We lobbied hard against the repeal of the 116-year-old ban," she said. "Our basic question then and now remains, —What good is it for North Carolina lawmakers to allow citizens to carry concealed weapons."

She predicted that the Legislature would not be confronted with a sweeping effort to repeal the law this session.

The SBI originally had counted 34 statewide revocations in its report.

But in the wake of a Gazette county-by-county survey, which showed discrepancies, the SBI opened a review of the tally.

The Gazette investigation revealed that clerical errors and different translations of the definition of a denial and a revocations had skewed the SBI findings.

For instance, Durham County was listed with eight revocations, by far the most in the state, when it actually had zero.

The sheriff's department had incorrectly counted taking back temporary, emergency permits as official revocations, said Lt. Eric Scott of the Durham County Sheriff's Department.

Permit applicants who feel they're in immediate danger can apply for a one-time, 90-day permit to use until the regular permit comes in, he said.

The counties with the most revocations included Gaston, Davidson, and Guilford all of which had three. Rutherford County was second with two permits revoked.

Hundreds carry guns in Gaston

By **Waynette Gladden**
Gazette Staff Reporter

GASTONIA- About 600 Gaston County residents joined the ranks of more than 20,000 concealed weapons permit holders statewide last year, according to a recent survey by the SBI. And just

ing through my class, and I changed my mind."

One of those graduates includes 68-year-old Helen Bynum, a former Ashbrook High School teacher.

Mrs. Bynum said she felt "like a legal pistol-packin' mama" when she picked up her concealed weapons per-

Permit requirements include:

- A 12-hour firearms training and safety course.
- FBI and SBI background checks.
- A clean criminal record, including no minor assault offenses.
- Fingerprinting

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by myself. I felt like it would be to my benefit to have something to protect myself."

He said it's aggravating that some businesses won't allow permit holders to bring in their concealed weapons. "You've got to know if you can take it in or not." Kenlev said. "You

THE DAILY OKLAHOMAN

The State Newspaper Since 1907

OKLAHOMA CITY, OK

WEDNESDAY, MAY 14, 1997

Fears of More Crime Off-Target Under Gun Law

By Diane Plumberg
Staff Writer

Despite warnings that Oklahoma's concealed weapons law would promote crime, only five licensed gun carriers have lost their permits because of an arrest, authorities said Tuesday.

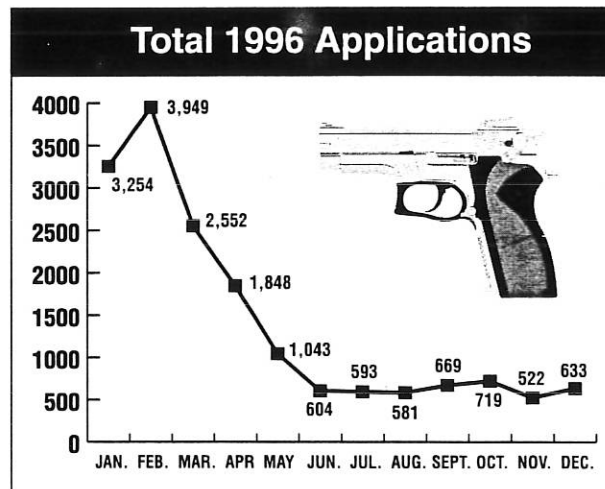
Only one gun owner is accused of using his licensed weapon in a crime.

Since the Oklahoma Self-Defense Act went into effect in January 1996, the Oklahoma State Bureau of Investigation has revoked seven permits - one for residency problems, another for mental health reasons and five for felony arrests, agency spokeswoman Kym Koch said.

"We're pleasantly surprised. This is less than we thought it would be," said Ray Overton, executive director of the Oklahoma Association of Chiefs of Police. "We thought it might cause big problems. ...We're still apprehensive."

Koch said the act's strict requirements may have kept the number of revocations low.

The self-defense act allows people to carry concealed handguns if they pass local, state, and federal criminal background checks and an eight-hour training course.



The registered weapon may be used only in self-defense.

A Tulsa grandfather is the only permit holder accused of using his concealed gun in a crime.

Harold Glover, 68, is awaiting trial on a first-degree manslaughter charge after police said he shot and killed his grandson's other grandfather outside the child's preschool.

Glover said he shot Cecil Herndon, 73, after Herndon forced his way into Glover's car and threatened to kill him with a knife.

At least four of the five licensees whose permits were revoked were arrested or convicted of felonies unrelated to firearms.

Koch said if the state bureau suspects a permit holder has violated the terms of the act, the licensee will appear before a self-defense act examiner. The gun owner usually learns within a week whether the bureau will revoke the license.

Overton said the chiefs association expected 50,000 people to apply for concealed weapons permits. Instead, 19,340 Oklahomans have asked for a license, and 2,337 of those requests were denied.

About 3,200 gun owners applied for a permit in the first month after the act took effect.

In December, 633 Oklahomans applied.

Just fewer than 2,000 people have applied for a permit in the first four months of 1997-compared with 10,775 in the same time last year.

Oklahoma County leads the state, with 3,397 applicants through April 15. **Tulsa County** is next, with 2,386, and then **Canadian, Comanche** and **Pottawatomie** counties, with 640, 478 and 433, respectively.

Alfalfa, Ellis and **Coal** counties rank near the bottom, with 17, 15, and 14 applications since January 1996. **Harmon** county had only 10 applications.

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ALEXANDRIA
THE **Journal**
The daily newspaper of Alexandria, Virginia

Wednesday, July 9, 1997

Critics Admit Gun Law Hasn't Hurt

By **ROBERT WHITE**

Journal staff writer

When Virginia's concealed weapons permit law went into effect in July 1995 it did so against the backdrop of stiff opposition from Northern Virginia officials, who feared an outbreak of violence would soon follow the law's enactment.

Two years later, some of those critics are beginning to acknowledge their worst fears have not come to pass.

"Some of the public safety concerns which we imagined or anticipated a couple of years ago, to our pleasant surprise ... have been unfounded or mitigated," acknowledged Maj. Bill Brown of the Fairfax County police.

Rather than witnessing the state's transformation into a modern-day OK Corral, with minor arguments escalating into deadly gunfights, several regional law enforcement authorities and elected officials say they instead have seen the measure strike a quiet balance between protecting the rights of gun owners and protecting the safety of residents.

About 5,700 permits have been issued among the City of Alexandria and Arlington and Fairfax counties since the law took effect.

Fairfax has rejected 55 of its 4,503 applications, fewer than half of those for cause - meaning the applicant had some disqualifying criminal history.

The permits allow virtually any adult without a criminal record to carry a concealed firearm in public.

Arlington, with 691 permit requests, has turned away 25, none because the applicant had a criminal background. Alexandria officials could not give a complete breakdown of their 571 applications, but said three of the 112 people who asked for a permit between Jan. 1 and May of this year were denied.

Said S. Randolph Sengel, acting commonwealth's attorney for Alexandria: "There has not been an increase in use of guns in violent crimes that coincided with the passing of the law."

Arlington County Police Detective

Paul Larson was one of those who predicted the number of accidental shootings would balloon with the inception of the concealed-carry law and the proliferation of legally carried concealed handguns.

"I was wrong," said Larson, president of the Arlington County Police Association. "But I'm glad to say I was wrong."

The latest confirmation of changing attitudes came Monday night, when the Fairfax County Board of Supervisors voted to cease the practice of fingerprinting residents who apply for the permits.

In doing so, the board relied heavily on numbers showing only one of the county's 4,503 permit seekers had his application rejected because of an FBI background search of fingerprint records. Another 25 were denied because their criminal past was discovered by some other means, usually a national background check of applicants' names.

The Fairfax police chief, Col. M. Douglas Scott, asked for an extension of the fingerprinting, which had been state-mandated until this month, when it became the option of individual jurisdictions.

Scott expressed a concern that minus the fingerprint search, the county would have no way of detecting whether applicants with criminal records were using fake names to secure a permit. But he conceded the fingerprint checks have not yet turned up such a case.

And Scott said he agreed with the stance of several dozen gun-rights supporters who had testified at a Fairfax County public hearing that the concealed weapons law appealed to law-abiding citizens, not hotheads with itchy trigger fingers.

"I appreciate a lot of their statements," he said. "They're all very legitimate."

Not everyone is as convinced. Arlington County Board member Albert C. Eisenberg, a Democrat, said increased violence is an inevitable result of the relaxed concealed weapons law.

"Common sense will tell you that it's only a matter of time that one or more problems will arise that could have been

prevented," he said. "Anything that increases the number of guns in the hands of the people is wrong, and anything that decreases the number is good."

"It's very difficult to prove that a problem that doesn't exist yet has been prevented," said Fairfax County Supervisor Dana Kauffman, D-Lee District, who voted to continue fingerprinting in Fairfax.

The motion failed 5-5 when Mount Vernon District Democrat Gerald W. Hyland sided with the board's four Republicans to block it.

However, longtime supporters of the concealed-carry law say in addition to not causing violence, it actually helps reduce crime.

"The bad guys don't know who they're talking to," explained Rex Maddox, a member of the Northern Virginia Citizens' Defense League who formerly served on a Fairfax police advisory commission.

Fairfax County Supervisor Michael R. Frey, R-Sully District, said fears of accelerating violence were unfounded, citing the examples of Vermont and Pennsylvania, which have more relaxed concealed weapons laws.

"There are states all around us that have had much more liberal concealed-carry requirements and they've never had any problems," he said.

After supervisors failed to endorse fingerprinting, Fairfax Police Chief Scott steered clear of doom-and-gloom predictions of criminals getting guns through the less accurate name-based checks.

But he said the key factor in determining whether the fingerprinting deterred applicants will be if the county, which now processes about 100 permit requests per month, sees a jump in the number of residents seeking permits.

The Alexandria City Council has voted to continue fingerprint checks. The Arlington County Board will take up the matter July 19.

Staff writers Robert Gehl and Jeff Marsh contributed to this article.

Austin American-Statesman

SUNDAY, February 2, 1997

Shootout in mild West

Texas' concealed-carry handgun law was enacted amid concerns in some quarters that it would lead us back to the days of the Wild West. But even though more than 116,000 Texans now are licensed to carry, there have been only a few incidents.

That reality is one reason why state Sen. Jerry Patterson, R-Pasadena, probably will have little trouble getting his "cleanup" amendments (S.B. 204) passed this session. Another is Article 1, Sec. 23 of the state Constitution, which specifically gives the Legislature the power to regulate the wearing of arms.

Certainly, people and local governments have reason to be concerned about gun violence, but they should realize that license holders aren't contributing to violence, for good reason. Those who apply for a license must be solid citizens. Also, few of those who obtain licenses carry their weapons.

Most license holders just want the ability to legally carry if they ever feel compelled to do so. That conclusion is derived from conversations with dozens of license holders, police officers and state lawmakers. It would be a good bet that if the Department of Public Safety did a survey of licensees to find how many regularly carry, the answer would be a lot closer to zero than 10 percent.

Why? For one thing, there is a huge liability risk. If a license holder shoots at an attacker and the bullet either misses the intended target or passes through the assailant and causes property damage or injures or kills an innocent person, a lawsuit is inevitable.

Also, only a desperate need to protect one's life or that of another would cause most people to actually use their weapon, and such situations are exceedingly rare.

Furthermore, even small handguns are a pain to carry concealed, as the law requires. That is especially so in the Texas summer.

Thus, whatever citizens think about the law, or about Patterson's proposed revisions, there is no empirical evidence that should lead to the conclusion that their enactment would create problems.

Patterson's revisions do not attempt — as some seem to be saying — to practically make people wear guns in churches, hospitals or government buildings. The law would continue to prohibit the carrying of weapons in places where they logically should not be worn: bars, schools, correctional facilities, hospital emergency rooms and trauma centers, and in areas of government buildings where meetings are taking place. Private businesses may prohibit weapons. And both private and public employers would be able to prohibit employees who are license holders from carrying on their premises.

But Patterson would give more institutions the ability to choose. A rash of church burnings, for example, might lead a church to permit a pastor who lives on premises to carry. A hospital might choose to permit employees who work late hours to carry.

The state attorney general has issued several opinions that interpret the law to give municipal transit authorities and county commissions certain regulatory authority. Patterson's measure would negate those by codifying the Legislature's authority over wearing of guns. That has some county and city governments worried, enough to pass resolutions in support of local control. State Rep. Sherri Greenberg, D-Austin, has introduced a measure to allow cities to regulate the carrying of firearms in parks.

Delegating regulatory authority to cities and counties that want it seems sensible. But given the sterling record of license holders and the hammer that the Legislature has — clear constitutional authority — cities and counties need to make their case based on facts, not emotion.

People and local governments have reason to be concerned about gun violence, but they should realize that license holders aren't contributing to violence.

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Investor's Business Daily

"For People Who Choose To Succeed"

Thursday, January 8, 1998

EDITORIALS

VIEWPOINT

No Smoking Gun With Concealed Weapons Laws

By MORGAN O. REYNOLDS &
H. STERLING BURNETT

Nationally, gun-rights advocates have been on the defensive since the early '90s. But in the states, where the fight against crime is won or lost, they're winning the debate. That's because they have the facts on their side.

Thirty-one states now let citizens carry concealed weapons — up from just nine states in '86. Have these "right-to-carry" laws made the public safer, or have they caused a sharp drop in public safety, as opponents warned?

The standard argument against "concealed carry" laws is that there is no good reason for the average Joe to carry a gun. But federal courts have ruled that police aren't obliged to protect individuals from crime. That means citizens are ultimately responsible for their own defense.

But do concealed weapons deter crime? Criminals commit 10 million violent crimes a year. Florida State University criminologist Gary Kleck found that victims use handguns about 1.9 million times in self-defense.

Criminals weigh the costs of the crime against the benefits. You don't have to be a criminal mastermind to know that the possibility of a concealed

weapon tilts the odds in the victim's favor. Research shows that robbery and rape victims who resist with a gun are only half as likely to be injured as those who don't.

A recent study by John Lott and David Mustard of the University of Chicago published in the *Journal of Legal Studies* bears this out. They found that concealed handgun laws reduced murder by 8.5% and severe assault by 7% from 1977 to '92. Had "right-to-carry" laws been in effect throughout the country, there would have been 1,600 fewer murders and 60,000 fewer assaults every year.

Vermont has long had the least restrictive firearms-carry laws. Citizens there can carry guns either openly or concealed without any permit. Perhaps in part because of its liberal gun policies, Vermont has among the lowest violent crime numbers in the country.

In 1980, when murders and robberies in the U.S. had soared to 10 and 251 per 100,000 people, respectively, Vermont's murder rate was 22% of the national average and its robbery rate was 15%.

In 1996, Vermont's crime rates were among the lowest in the country: 25% of the national murder rate, 8% of the national robbery rate.

Another objection to concealed-carry laws is that they'll boost impulse killings — fostering a "wild West" mentality with more shootings and deaths as people vent their anger with pistols instead of fists. Yet FBI data show that killings stemming from arguments are falling as a share of all homicides.

In fact, concealed-weapon permit holders are involved in fewer incidents than off-duty police officers.

Consider also:

■ Dade County, Fla., kept detailed records for six years. Of 21,000 carry permit holders, there was no reported incident of a permit holder injuring an innocent person.

■ Virginia issued more than 50,000 permits since it passed a right-to-carry law in '95. In that time, not one permit holder has been convicted of a crime, and violent crime has dropped.

Opponents are left to argue that concealed-carry laws will put guns in untrained hands and accidents will go up.

But there has been no rise in accidental shootings in counties with right-to-carry laws. Nationwide, there are about 1,400 accidental firearms deaths annually — a figure far lower than the number of deaths blamed on medical errors or car accidents.

And data show that civilians are even more careful with firearms than police officers are. There are only about 30 mistaken civilian shootings in the U.S. each year. The police commit more than three times as many mistaken killings as civilians.

In fact, the death rate from firearms has dropped in the last 20 years even as gun ownership has more than doubled and 22 states have passed right-to-carry laws.

The fatal firearm accident rate has dropped more than 19% in the last decade, and the number of gun-related accidents among children fell to an all-time low of 185 in '94 — down 64% since '75.

Keeping honest, law-abiding people unarmed and at the mercy of armed and violent criminals was never a good idea. In the gun policy debate, gun-rights advocates can argue honestly that a general concealed-carry law is sound public policy.

Morgan O. Reynolds is director of the National Center for Policy Analysis Criminal Justice Center and an economics professor at Texas A&M University. H. Sterling Burnett is a policy analyst for the National Center for Policy Analysis.

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TULSA WORLD

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Concealed Gun Carrier Subdues Suspect

By: Nicole Marshall
World Staff Writer

A man who police said kidnapped a 2-year-old child and robbed a disabled elderly woman of a medical monitor was in jail Friday after he was captured and held at gunpoint by a man with a license to carry a concealed handgun.

Sgt. Wayne Allen said police were called to the Lewiston Apartments at 5270 S. Lewis Ave. about 4 p.m. Thursday to investigate a report of a disturbance.

"When they arrived, they found a man holding another man at gunpoint," Allen said.

Police reports identified the man

Man Reportedly Had Snatched Toddler

with the gun as Gene Case. Case had been doing some landscaping work at the complex.

Case said he keeps the gun in the locked console of his truck.

Allen said the man on the ground, who had pulled his pants and underwear down below his knees by the time police arrived, was Donnie Neal Moore, 35.

"Apparently Mr. Moore had become involved in a dispute with people in one of the apartments," Allen said. "He then ran outside and pulled a medical monitor from the waist of an 80-year-old woman who was walking in the parking lot. The

woman was disabled and was walking with a walker," Allen said.

Witnesses told police that Moore then ran across the parking lot and grabbed a 2-year-old girl from her mother's car. The woman was standing outside the car, which was parked in front of her apartment.

"The suspect then carried the child across the parking lot," Allen said.

That's when Case took action.

Case, 51, said he had been yelling at the man throughout the ordeal. He said he warned Moore to stop.

"I only took the gun out when he ran off with that child," Case said.

He said Moore was standing about

six feet from him when he pulled the weapon and aimed the gun between his eyes.

"I said, 'Stop it! Put the child down, or I am going to kill you!'" Case said.

Case said he told Moore to get down on his knees and then lie face down on the ground.

Case said he dialed 911 on his cellular phone, which he held in his left hand, and continued to point the weapon at Moore with his right hand.

"I have never pulled a gun on anyone before, and I wouldn't have pulled a gun on this man if he had not run off with that little girl,"

See Caught on A-3

... Caught

Continued from A-1

Case said. "That mother was screaming for her child. She was quite upset."

A police report states that Moore pulled his pants down while Case was holding him at gunpoint.

When a police officer transported Moore to the Police Department's Uniform Division Southwest, Moore reportedly kicked the officer.

He was arrested on complaints of robbery by force or fear, kidnapping, indecent exposure and assault on a police officer. He was jailed with bail set at more than \$100,000.

Case said he applied for a license to carry a concealed weapon soon after the Oklahoma Self Defense Act became law Jan. 1, 1996.

He said part of his decision to obtain the license stemmed from a scary experience about 10 years ago. Case said he and his wife were shopping in a Sand Springs store when armed bandits burst in and robbed the business.

Case said the couple lay on the floor while bandits fired shots over their heads at law enforcement officers.

"It was quite a frightening experience," he said.

Discovering Security in the Barrel of a Handgun

The majority of American communities are sinking fast in a mire of crime and drugs. Who knows this better than we do? It becomes more obvious every day that gangs, drugs and violent crime are taking over our lives at an alarming rate. Citizens of many communities have had enough and are demanding additional ways to ensure their personal safety.

The *Second Amendment* gives us the right to bear arms. But should American citizens also have the right to carry concealed firearms or wear guns fully exposed? By allowing the public to carry firearms, do we become a society of "pistol-packin' " vigilantes?

Most people are law-abiding citizens who are concerned about crime in their communities. Should they have the right to carry weapons for personal safety and the safety of their loved ones?

The right to carry does not allow individuals to take matters into their own hands. Laws in nearly every state require gun purchasers to comply with strict regulations before any weapon is obtained. Those desiring to purchase a gun are subjected to an application process that includes a criminal background investigation. Should this application process go one step further and require psychological testing?

Applicants must be fully trained, qualified and demonstrate their ability to safely handle weapons. Ultimately, those using a weapon are held accountable for their actions.

In Texas recently, two vehicles bumped mirrors in traffic. What should have been a minor traffic dispute left one individual dead and another arrested for murder.

The shooter was lawfully licensed to carry his gun, and he shot a violent attacker who was bent on causing him bodily injury. The man had repeatedly yelled at his attacker to stop, but his words went unnoticed.

The victim in this incident was not the man who ended up dead in traffic, but the shooter who defended himself from an aggressive attack.

His actions clearly fell within the bounds of justifiable homicide. He was attacked; he warned the suspect to stop

striking him; he was fearful for his life; and finally, he used deadly force in order to prevent further injury to himself.

The extensive media coverage sensationalized the incident. But I believe coverage of these kinds of events will put the word out on the street. Law-abiding citizens are taking steps to protect themselves and their families.

Numerous states favor the citizens' right to carry firearms and have seen a marked decrease in crime statistics. Crime has dropped as much as 26 percent in some states, and legislators are joining citizens in an attempt to reduce crime to a manageable level. By allowing civilians the right to carry, legislators send a message to criminals that they've had enough. I believe criminals would think twice about committing crimes if they knew their potential victims could draw a weapon and defend themselves with deadly force.

Lobbyists, politicians and "right to carry" proponents will continue their push for legislation supporting an individual's right to protect himself. But it is in only one battle in the unceasing war against crime. The system must also take a stronger stance on "three strikes" laws. Criminals convicted of violent crimes must serve their entire sentence. It's time to let criminals know they no longer are in control.

Take a look at individual states where right to carry laws have been enacted. Do civilians regret the passage of such legislation? Are law-abiding citizens still afraid to simply walk in their own neighborhoods? Or are the streets a little bit safer for them?

I cringed when I learned that eight out of 10 Americans will be the victim of violent crime at least once in their lifetime. Statistics provided by the Department of Justice for 1994 show the use of handguns by criminals is steadily on the rise with no end in sight. I have no intention of becoming another statistic. And, if given the right to fight back against crime, I intend to do so.

—Randall C. Resch
Editor, *POLICE*



LAWRENCE RESEARCH

Politics · Public Affairs

PRESS RELEASE

Between March 15 and April 7, 1996, Lawrence Research of Santa Ana, California, administered a questionnaire to a sample of 257 applicants who were taking the required handgun-instruction class as part of the application process for a concealed-handgun permit.

Because the State of Texas does not collect data about applicants' occupation, determining this background was one of the main purposes of the study. Here are the top occupation categories:

<u>Occupation</u>	<u>%</u>
Retired	19
Sales	16
Protective Services	11
Administrative & Clerical	9
Executive, Administrative & Managerial	7
Trades / Construction & Precision	5
Engineers & Natural Scientists	4
Technical	4
Machinery Operators	4
Housewives	4
Health Diagnosing, Assessing & Treating	3
Educators	3
Students	3
Other Service	2
Mechanics & Repairers	2
Laborers	1

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The retired applicants were also asked their occupations before their retirement. When these are combined with the active occupations, the rank-order distribution remains virtually the same:

<u>Occupation</u>	<u>%</u>
Sales	18
Protective Services	13
Administrative & Clerical	10
Trades / Construction & Precision	9
Executive, Administrative & Managerial	8
Engineers & Natural Scientists	6
Technical	6
Machinery Operators	6
Housewives	4
Health Diagnosing, Assessing & Treating	4
Educators	3
Students	3
Other Service	3
Mechanics & Repairers	3
Laborers	1

We also found that 28% of the applicants are women and the median age is approximately 47 years old, with 19% between 18-34 and 29% over 55.

It was quite obvious from answers to other questions that the applicants are quite familiar already with firearms:

- 93% had already fired a handgun before the new law went into effect, and 84% of them had practiced firing a handgun within the last 12 months;
- There is a rifle in 85% of the applicants' households, and 83% of these households also have a shotgun;
- 97% of the applicants already own a handgun, and of them, 94% purchased it before 1996;
- 45% of the applicants have hunted wildlife within the last 18 months.

From a list of possible reasons, the applicants indicated which ones were a personal reason for them to apply for a permit to carry a concealed weapon. Wanting to protect their families was number one with 87%, followed by travel in high crime areas (57%) and wanting to be able to help others (54%). Other reasons include working late at night

(48%), having been a victim of a crime (27%) and having a job in which they have to carry large sums of money (26%).

Personal acquaintance with crime is quite high. Almost one in five (18%) has been the victim of a crime against their personal safety, and three in five have been a victim of a crime against their personal property. In addition, one in three has an immediate member of their family who has been the victim of a crime against his or her personal safety.

Methodologically, a sample of this size has a margin of error of ± 6.3 percentage points. Sampling points were chosen randomly from the public list of certified firearms instructors, of whom 83 were contacted and asked to administer the questionnaire to whatever students they may have between March 15 and April 6. From this, 257 interviews were completed from 21 locations.

Eric A. Voth, M.D., FACP
Internal Medicine and Addiction Medicine
901 Garfield
Topeka, Kansas 66606
785-354-0525

February 9, 1999

Madam Chairman, Members of the Legislature:

I have testified before you in several years past in support of the concealed firearms bill. I remind you that two years ago a similar bill passed the house and senate. I am not a fanatic, not a redneck, not a vigilante. I am a life-long Kansas, a physician, a husband, and a father of three. I am involved internationally in combating drug use. My politics are moderate. I contend that allowing law-abiding citizens who have passed background checks, training, and certification to carry a concealed firearm is a positive move for Kansas.

Contrary to the allegations of gun control advocates, I remind you of the study from the University of Chicago which demonstrated that violent crime has dropped steadily in the states that passed concealed carry.

Before you cast a vote for or against this bill, I would hope that members of this committee, the House, the Senate, and the Governor would reflect on whether you have ever awakened to the screams of an unarmed woman being raped and then chasing the rapist. I have. I ask if you have ever had an individual come up to you in the parking lot of a local hospital and say, "I can't wait to see the look on your face when they exercise the contract I put out on you." I have. I ask if you have received numerous death threats. I have. I ask if you have received hundreds of harassing phone calls, one of which told your wife, "I am coming over." My wife has. I ask if any of you have been stabbed 4 times while emptying his trash. My brother has. I wonder if you have experienced a desperate woman with shredded clothes banging on your

*House Fed & State
Attachment #2-1
2-9-99*

door screaming for help after being raped while jogging in Gage Park. My parents have.

The fact is that every one of these events could have been prevented or guarded against by concealed firearms. My neighbor who was raped in Kansas City scoffed at my suggestion of owning a gun until she stood half naked in her doorway screaming "kill him, shoot him." My wife was lukewarm on gun ownership early in our marriage, but now shoots well and would sign up to carry a firearm. This bill is not a license for simply anyone to carry a gun. It is not an invitation to a wild west show. It is an important step toward reducing crime and protecting the citizenry. Please pass this bill again.

Thank you.

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**Shawnee County
Sheriff's Department
Sheriff Dave Meneley
Law Enforcement Center**

320 South Kansas Ave., Suite 200
Topeka, KS 66603-3641
785-368-2200

Testimony by Shawnee County Sheriff Dave Meneley

February 9, 1999

Chairman and Members of the Committee:

I am Shawnee County Sheriff, Dave Meneley, and have come today in support of concealed carry.

I have read and heard just about every opposition to a concealed carry law and I have talked to law enforcement officers all over the United States. I am convinced this law is one solution to deterring crime.

I am a career law enforcement officer serving the citizens of our community for 28 years. Today, as in the past 28 years, criminals as well as many other citizens' carry concealed weapons. Passage or denial of this bill will not change that. All law enforcement officers across the state are aware of this fact. Previous testimony in front of this body indicates citizens have been shot and/or killed by concealed weapons. Passage of this bill will not decrease those numbers. People breaking the law killed these people.

As a police officer, I have nothing to fear from a law-abiding citizen if he or she is carrying a weapon legally, but the criminal who is about to attack him or her should.

For years the criminal element has held the majority of our citizens hostage through fear and the inability of law-abiding citizens to protect themselves. Why should 5% of our population (the criminal element) rule the majority (the law abiding citizens). I believe they have a right to protect themselves, their families, and their property.

Public safety and the escalating crime rate are my number one concerns. Violent crime in my county has not decreased with a passage of the Brady Bill or banning of the assault weapon. Crime is increasing and we need to do something about it. Concealed carry will help. My jurisdiction encompasses 540 square miles with many remote locations, which at times can be dangerous for my officers as well as the citizens they protect. Will this bill act as a deterrent to the violent crimes we witness today? I believe it will.

*House Fed + State
Attachment #3-1
2-9-99*

Statistics prove a decline in violent crimes against persons after concealed weapon laws have been enacted. A criminal may think twice about robbing, raping, or accosting a citizen if they think that person can protect himself or herself.

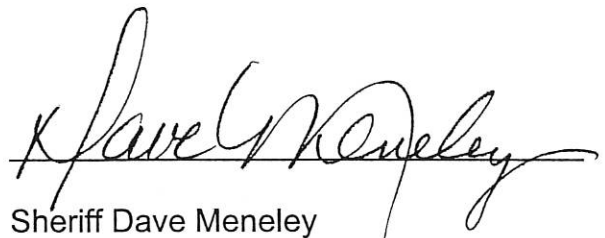
Many people and organizations that oppose this bill talk about all of the things that might happen. Laws should not be written for the exceptions, because there will always be a few, but should be written for the rule. Criminals interviewed in prison about the concealed carry law do not like it, doesn't that tell you something.

Some jurisdictions are currently providing services and training needed for licensing private security officers who carry guns. The public is quite comfortable with these people; these citizens receive no law enforcement training.

Not all citizens will want to carry a gun when it is explained that training and fees are required. I do feel educational programs to both the public and law enforcement is a necessity. We need to stress that carrying a weapon may create a danger to the bearer, and carry's a great deal of responsibility.

Everyday a large number of people are breaking the law in many jurisdictions by carrying a shotgun or deer rifle. In Topeka for instance there is a City Ordinance against carrying a "deadly weapon". Yet, people carry shotguns and deer rifles in the back window of their pick-ups and we've had no arrests for it, and there has not been any incidences of anyone shooting someone with their shotgun or deer rifle. Why not? Because honest, law-abiding citizens do not misuse the privilege of going hunting and carrying a weapon, neither would they misuse the privilege of carrying a concealed weapon. I ask you to please give the law-abiding citizen the privilege of protecting themselves and their families.

Thank you for allowing me to once again speak on this issue.


Sheriff Dave Meneley
Shawnee County Sheriff's Department

DM/bmt

3-2

TESTIMONY BEFORE THE
FEDERAL AND STATE AFFAIRS COMMITTEE
OF THE
KANSAS HOUSE OF REPRESENTATIVES
BY
HARRIET "MIKEY" VOORHEES
EL PASO, TEXAS

Ladies and gentlemen of the committee, thank you for allowing me to come before you and speak to HB 2240.

My name is Mikey Voorhees. I am a wife of 30 years, a mother of 3 grown children and grandmother to two sweet little girls. I am a former Army Nurse and have been a School Nurse in El Paso, Texas, for 27 years.

I'm sure you must be wondering why a School Nurse from Texas is here to speak to your bill. Well, I'll tell you. I am an adamant advocate of the right to self defense and was instrumental in getting the Right To Carry Bill passed in Texas in 1994. I'd like to help the women of Kansas get a law which affords them the power to protect themselves. If you will allow me, I'd like to tell you what I told both houses of the Texas Legislature as we had our hearings on the Right To Carry Bill.

A number of years ago I accompanied my husband and son on a hunting trip into the Guadalupe Mountains outside El Paso. We made camp down a dirt road normally used by ranchers and hunters. The only sign of our camp was our horse trailer parked off the highway.

Just before dawn, my husband and son left to hunt and I was alone in camp. After a leisurely breakfast, I began to pick up the camp and went into the tent to straighten up the sleeping bags. I came across the .380 Llama my husband had give me for protection a week or so before, and anticipating the chance to practice with it, I strapped it on.

While I was standing behind the camp stove, doing dishes, I heard a vehicle speeding down the road. I had never been the slightest bit concerned for my safety out on our hunting camps. I never really had thought about it. I had always left my protection up to the men in my family. Suddenly a station wagon screeched to a halt between the tent and my camp kitchen, and all of a sudden my innocence was shattered. Eight, I repeat, eight men, high on drink or drugs, came tumbling out of that station wagon. They were laughing, joking, and punching each other, all the while they yelled obscene remarks and made obscene gestures at me, egging each other on. They made it extremely clear what they had in mind for me and were trying to decide who would go first.

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Attachment #4-1
2-9-99

I was a lone woman about to be attacked by eight men and there was absolutely no one to help me. My men were too far away by now to hear me yell and there were no other camps around I knew of. The spare rifles wouldn't help because they were locked in the pickup on the other side of their station wagon. I had to protect myself.

As I looked around for some sort of weapon, I suddenly remembered that I had the gun in the holster on my hip. Moving from behind the camp stove with a bravado I didn't feel, I put my hand to the holster, removed the safety strap, and stood with my hand on the gun. I knew there was no way I could get all of them, but I felt that if I got one or two as they came at me, maybe the others would be scared off. I can't remember when I prayed so hard.

One of the men, seeing the gun, yelled, "My God, the bitch has a gun!" With that, they decided I was not the easy prey they thought, and stumbled all over each other as they piled back into the car. The last man was being pulled through a window as the car screeched off. It would have been comical if it hadn't been such a frightening situation. After they left, I went and retrieved the spare rifles, then sat under a tree and cried and shook for what seemed forever. After that experience, I have never felt completely safe anywhere by myself.

So you see, I know first-hand what a lifesaving tool a firearm can be. I am one of over 2 ½ MILLION people per year who protect themselves and their loved ones with a firearm, 98% of whom never had to fire a shot. A firearm is a deterrent, an equalizer, and a friend in time of dire need.

Most Americans are allowed to keep a gun in their home for self-protection but are defenseless on the street and in their neighborhoods, yet 87% of all violent crime occurs outside the home, according to the U.S. Department of Justice. As the face of crime changes and becomes more vicious and heinous, having the right to carry a firearm gives the honest citizen, especially women, the freedom to leave their homes and to provide protection for themselves and their families, a necessity, since the Supreme Court ruled that local law enforcement has no duty to protect a particular person but only a general duty to enforce the law. **THE RIGHT TO LIVE AND BE SECURE FROM PERSONAL ATTACK IS ONE OF THE MOST FUNDAMENTAL RIGHTS OF HUMAN BEINGS.**

In 1987, Florida enacted its right to carry legislation and critics predicted "Doomsday". Prematurely dubbed the "Gunshine" state, it only proved that not only did the law-abiding gun owners pose no threat to the safety of the general public, but violent crime amazingly decreased.

When we Texans were working on our right to carry bill, our detractors yelled that it would bring back the "Old West" mentality. If those people had really read their history and not relied on movies and TV, they would have seen that we could be proud of that "Old West" mentality because violent crime really was rare

H-2

and in most places women would walk the streets in safety because citizens were armed and able to protect themselves and their families.

During our state legislative hearings into our right to carry bill, someone brought out the fear that there would be a number of shootings at accident sites due to the heat of the moment. Evidence shows that such fears were unfounded: although there are 31 states with non-discretionary concealed handgun laws, some of them decades old, only one incident has been recorded of a shooting following a traffic accident. The news media was very quick on the trigger when they reported the incident but slow when it came time to report the man was not indicted because it was a clear case of self defense.

Well over half the states allow their citizens some form of carry law. Those states who have recently allowed concealed carry have averaged a 22% drop in violent crime such as murder, rape, and assault. Criminals are motivated by self-preservation just as everyone else is. They think twice about accosting someone who could be carrying a concealed firearm. In states with liberal gun laws, "hot burglaries", (where a home is broken into while the resident is at home) occur only in 13% of the break-ins because the average homeowner can protect his home. In Britain and Canada, with their severely restricted gun laws, the "hot burglary" rate runs over 50%.

There is yet another reason to pass HB 2240. A person who obtains a permit under this bill will receive additional instruction in the use of firearms. He or she will learn about firearm safety and about the proper methods of storing those firearms. These people will also be more likely to teach their children about firearms and firearms safety, and education helps cut down the potential for accidents.

As a side note: As a School Nurse and an educator, I am also deeply involved with the Eddie Eagle Gun Safety Program, a program that teaches gun accident prevention. It teaches a child who finds an unsecured gun to: STOP! DON'T TOUCH! LEAVE THE AREA! TELL AN ADULT! It also helps encourage parents to teach their curious children about firearms safety.

As you can see, there are many reasons your bill should be made into law. It needs to be a reasonable uniform bill that won't discriminate against women because of where they live or how old they are.

Thank you for your kind attention.

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Federal and State Affairs Comm.
Kansas House of Representatives
February 9, 1999

Honorable members of the committee, I am here to express my support of House Bill 2240. This bill will help protect our God-given rights to defend ourselves and our families. We elect officials, like you, with the intent that you will protect our freedoms and our rights.

I am a homemaker and mother of four small girls, ages 2 ½ mo., 4, 7, and 9. I am heavily involved in school and church activities. I find myself attending activities and meetings in both the day and evening hours. Many times I am either getting my children in and out of the car along with packages and other items. I feel very vulnerable. As I become more aware of the crime around me and in my community, the less I feel protected.

We moved to what we felt was a peaceful neighborhood in a good area of Overland Park. Repeating criminal activity in my area now leaves me feeling defenseless against carjackings, rape and other personal assaults. I feel the need more than ever to protect myself and my children.

I personally was not raised around firearms. It is my intent, however, to learn how to use them so I can take responsibility for my own safety as well as that of my children. I plan to become knowledgeable and proficient in the use and safety of firearms, in as well as outside my home.

As my husband and I put our girls to bed each night, we pray together as a family for safety, health and continued blessings. I now hope and pray that you, our elected officials, will respect our rights and freedoms to protect ourselves and our families. We must be able to protect ourselves from harm no matter if we are in or out of our homes.

As a mother, and we as a family, ask you to support House Bill 2240 which will protect our rights of self defense.

Lisa Larson
10106 W. 97th Terr.
Overland Park, Kansas

House Fed & State
Attachment #5
2-9-99

(b)

Hello, My name is Betty, I am 58, mother of 3 sons. I raised my 3 sons pretty much by myself, although I have married again. While my two oldest sons were in the Army and overseas a man took my phone number and address off a service station work order where I bought tires and he stalked me. The whole nine yards, late night calls, nasty suggestions. The police tapped my phone lines and finally caught him, after 13 months of persistent calling and chasing from him. I was so frightened by the time they caught him I promised myself I would never be so helpless again. When my oldest son came home from the Army in 79 he took me to an indoor shooting range and taught me how to shoot a pistol, load and unload it, safety switch, don't leave it with a shell in the chamber, remove the clip, and of course he made me practice until I could probably hit something if necessary- then he gave me a pistol, a small 380 Beretta. Mostly because I could shoot a better pattern with it, I am not a bullseye type shooter, just in the square is fine for me. For years I carried it in my luggage when I traveled. I often packed it, smiled and thought "fool". In 1992 I was driving down interstate 70 from Denver to Wichita, alone. Towns are few and far in-between. It is just a long stretch of highway, sky and mountains. Somewhere about the Kansas-Colorado border, a yellow van, with a painted over logo, you could still see the Hertz rental underneath, came up from behind me. It was a weekday, traffic was light and that was the only vehicle I had seen for a while. They passed me and I never gave it a thought, but then they started driving in an odd way. Slow down, fall back, speed up and pass too close, then slow and do the same again. The two fairly young men in the truck and they seemed to be having a lot of fun. One leaned out the passenger side and yelled at me several times, the things he was yelling made me feel a little uneasy so I decided to run off and leave them. Imagine my surprise when they pursued. I drove at 85 to 90 mph for several miles as I became quite frightened, alone in a car, a long empty stretch of road and 2 fools! For miles I traveled like this, dodging from side to side on the highway, wishing a Highway Patrol car would

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stop us for speeding, anything. Then I saw a rest stop and several cars in this rest stop and so I swerved at a high rate of speed into the exit lane. They passed on and I stopped, turned off the car and just shook. I went in to the restroom, washed my face, combed my hair and tried to relax. I bought a soda and because I couldn't stop shaking, I got my pistol out of my luggage, put the clip inside and placed it on the front seat next to me. I laughed at myself, you know the old adage, after the horse is gone, lock the barn type thing? Still my heart was pounding and I was still shaking so before I started the engine, I took off the safety and loaded a shell into the chamber. Still - I felt foolish. Pulled onto the highway and started drinking my Pepsi and turned on the radio, time to calm down -right. Two, three miles and there they were, that same truck pulled over, waiting on me! They pulled out and started chasing me again. They swerved towards me and forced the car onto the edge, again with one hanging out the window, hitting on the side of the cab and yelling. The last few times he yelled YO MAMA...I pushed the window button and when the window was down, I rested the pistol against my left arm, pointed it at him and yelled WHOSE MAMA, all this at 75 to 80 miles per hour. They ran off and left me! I called my son from the next service station and told him if I didn't make it to Wichita in the normal time call the hiway patrol. Still today I do not travel without that pistol. I'll never know what was in the minds of those two men but believe me, I do not want to. Fear that intense makes you shake, get sick at your stomach and paranoid. Fear leaves scars. I came here today because that same son asked me to but also because I believe every one should be able to protect themselves. I believe that a handgun is to a person, like the Armed Services are to our country. A deterrent to aggression and harm from people who would do harm for whatever reason. Make it legal to carry a weapon, not to start anything but to stop it.

V-2

Sharon Marvin
Wichita, Kans.

I have been a nursing professional for 25 yrs. and I have seen many victims of violent crime. I gave up home care nursing, as I was out on the streets at many odd hours, and have no way of protecting myself from a crime of violence.

Thousands of Kansans live in fear of being harmed by a crime of violence.

If anyone here, or the governors office could guarantee these people that they have nothing to fear from violent crime, we would not all be here today.

In states that adopted a carry concealed law, there was a marked decrease in personal assaults on men and women when the law went into effect; ** criminals no longer looked at their potential victims the same way.

I personally know 3 people, and all 4 of my children and their families have moved out of Wichita, to escape from the violent crime and the city gun ordinance. I was born in Wichita, I recently sold my home, and am currently building my home out of Wichita, for the same reasons.

I am certainly not blaming our courageous men and women of law enforcement, they can't be everywhere at all times.

Restrictive gun laws create a "catch-22" for victims of violent crimes. Under court decisions, the police have no legal obligation to protect any particular individual. The courts have ruled that the police are responsible for

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protecting society as a whole, not any individual. *

We do not want a gun to harm some one, we want a firearm
keep from being harmed. Gun sales have not increased in
states that passed a carry law, and Kansans already have
firearms, they just want a chance to qualify to carry the
firearms concealed on their person, for protection.

James Madison said "[the constitution preserves] the
privilege of being armed, which Americans possess over the
people of almost every other nation...[where] the governments
are afraid to trust the people with arms."

States like Oklahoma, Texas, Florida, for example,
apparently have more faith & trust in their constituents than
Missouri.

Thomas Paine said "arms discourage and keep invaders and
murderers in awe, and preserve order in the world as well as
liberty....Horrid mischief would ensue were [the law-
breaking] deprived of the use of them."

26 states have concealed carry and 12 have laws that say
local authorities may approve permits to carry concealed weapons.
Missouri is one of only 7 states that do not.

Eight out of 10 Americans will be the victim of violent
crime at least once in their lifetime.**

Personally, I don't care if the majority of Kansans want or
don't want carry concealed---perhaps the Kansas majority does
not want child safety seat or seat belt laws, but I think
they are good laws. They reduce fear, injury, and death.

I believe concealed carry would also reduce fear, injury

Kansas House of Representatives
Federal and State Affairs Committee
February 9, 1999

Madame Chairman and members of the Committee, I am here today to express my support for House Bill 2240, The Personal and Family Protection Act. The right to defend your life and safety and that of your family is a basic human, God-given right. This bill would permit law-abiding citizens, especially women, a choice, and an option for effective self defense. It would serve, as it has in all the other states, as a deterrent to crime and make our citizens less attractive to criminals. It should be passed.

I speak today not only for myself but for the women I've met through my association with an organization called Safety For Women And Responsible Motherhood. They have told me of their fears and concerns for their safety and their family's safety. They need this choice.

I live in a nice city with neighboring communities that have good, affordable housing and excellent schools. We also have violent crime. One evening, in March of 1995, I became a victim of violent crime. I was with a young lady who also became a victim. As we returned to her apartment, which was a half block from a police station, a man forced his way in as I stood in the doorway by violently running in to me and knocking me down. He flipped off the light switch, barred the door and threatened to shoot us. It was dark, but from the outside windows we could tell that he was disguised from head to foot. Pepper spray would have been useless. We were made to lie face down on the floor while he demanded our money. He told us to take our clothes off....we refused. He then forced us to the bedroom where he stripped us and raped us. When we tried to talk to him, he responded by choking and threatening us. I prayed with all my heart that we wouldn't be found murdered. It was disgusting and my heart breaks when I remember this young lady calling out to me for help, and I had no way to protect her.

After the police came, we had to write out by hand a statement of what happened. Do you have any idea how difficult that is after what you've just been through. Then we went to the hospital so a rape kit could be used to gather evidence. We had to take our clothes off again while standing over a large piece of paper, hoping that some sort of physical evidence left by our assailant would fall on the paper. Then samples of hair was taken from various parts of our bodies to compare to whatever was found. The doctor and nurses were very kind, but could not take away the humiliation of it all.

Even when a woman lives through rape, she faces death because of the threat of AIDS. Tests are taken and then life goes on. But lives are forever changed, certain fears are always present, and the reality that there's no guarantee it won't happen again. A woman named Barbara told me how she has lived this reality, having been abducted and raped by three men, and then exactly one year later, was raped again and threatened with murder by two other men. She wants the ability to defend herself.

I was attacked outside my home, where most crime occurs. If I had been in my home, I would have been justified in defending myself with a firearm. On one hand the law says I am justified in defending myself with deadly force, yet on the other hand I am prevented from having the means to do so. I wonder if this criminal would have attacked us if he had thought we might have been armed. Criminals have told us in prison interviews that they are deterred by the possibility of an intended victim being armed. If I am able to openly carry a firearm for protection, why am I not trusted to carry it out of sight?

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Our legislators and our laws should be protecting the right of women to defend themselves against horrible violations, rather than taking it away. How many unspeakable crimes must we suffer before we are heard?

Three out of four women will be the victim of at least one violent crime during their lifetime. Statistics show that approximately 87% of violent crime happens outside the home. Some women think it will never happen to them - they should think again. Women are very concerned because no place is safe anymore.

The women I have talked with come from a variety of backgrounds and occupations, ranging from full-time homemakers and wives to banking and finance professionals, lawyers, retired school teachers, secretaries, sales reps, and so on. Their politics are diverse. Some are single moms who carry the heavy burden of knowing that they alone are responsible for the safety of the themselves and their families. After my attack two women from my husband's office separately told us, one in tears, how they also had been victimized. You undoubtedly are acquainted with other women who have been victims, but you may not know it. With 3 out of 4 women being a victim sometime during their life, the odds are overwhelming that it has happened to someone you know.

Women tell me they don't feel safe taking walks or using jogging trails like they used to. Having to walk in a parking lot at night, whether it's the grocery store or at work is a frightening experience. A woman in southern Kansas called to tell me how she and her farming neighbors don't feel safe walking down their country roads with their children any more. Driving in broad daylight on city streets in my area has meant carjackings, robbery, murder and even rape on the side of the road. Some of them own guns and know how to use them. Some do not but know that may be a choice they'll have to make someday. 75% of first time handgun purchasers in this country are women. That should tell us something about how they feel and the threats to their safety. They are highly alarmed that their freedom of self defense is being limited, rather than protected, by our government. They need this choice.

One lady says it's like we're providing an Occupational Safety and Health Act for criminals. We make their work environment safer for them. Two years ago my local paper reported that there were between 500-600 hard core gang members in my county. That should concern all of us and it should be obvious by now that criminals have no regard for laws. Restricting the ability of peaceful citizens to defend themselves only makes them more attractive targets. The State of Kansas is fortunate in that we have access to information on how well these laws have worked over the years in all the other states. We are only 1 of 7 states which do not have some version of law which allows their honest citizens this option.

If we value women, then we must give them, not prevent them, from making choices on how to protect their lives and that of their families. This right to defend ourselves is God-given; it's not meant to be dependent upon the crime rate or the political leanings of the times. If you tell women no, they cannot have this choice, then you are, in turn, telling that to your wives, your mothers and your sisters. Is that really what you mean and want? Please give us this choice, help us to prevent our lives from being permanently scarred and damaged. Help us to remain whole women, secure and confident in our lives and our relationships, and, most importantly, living in peace and happiness with our families.

Jan Exby
8218 W. 97th Terrace
Overland Park, Kansas



Members of this Committee

My name is Jim Exby. I am the husband of Jan Exby.

I am here to speak in favor of House Bill 2240 that would allow trained law-abiding citizens of Kansas the option of carrying a firearm out of sight for defensive purposes. My wife is one of the 3 out of every 4 women who will become a victim of violent crime in their lifetime. For the many of you who voted before in favor of this bill I would like to thank you. For those of you who did not vote in favor of this bill in the past, and who don't think that anything bad will ever happen to you, or a member of your family, and don't believe that people or especially women have the right to defend themselves against being raped robbed and murdered, I would like to tell you about some aspects of our life that took place after the assault of my wife and our friend.

I sought out the advice and counsel of trained professionals in the field of self defense and crime, some of them being policemen on the Overland Park Police Force. Let me tell you what they told me. All eight of these men told me that both my wife and I should have a firearm within an arms distance at all times for at least the next ten years, and that their wives carried a firearm for self defense. I'm glad I took their advice.

Approximately 3 months after my wife was assaulted I was in Kansas City Kansas doing some employment counseling for members of the Church which we belong to. I completed the assignment as asked and started to return home in my truck when I noticed a group of young adults traveling in a another truck behind me. Their behavior was abnormal and suspicious. They were following me very closely-- about 6 inches from my back bumper, then they would quickly move over to the right lane and drive about 6 inches from the right rear side of my vehicle. They did this weaving back and forth for about 3 blocks until we arrived at a red light. By the time I reached that light I was fully aware of exactly what was happening to me. The other truck was approximately 6 inches from the right side of my vehicle. He very slowly inched forward until the cabs of our two trucks met. To this day I remember his eyes his face and his stare. I knew I was in danger. He kept on moving forward at a very slow pace never taking his eyes off of mine. He was staring at me intently, and positioned his truck so the camper shell, which had one of the windows missing, was directly across from the passenger side of my vehicle. Sitting inside the camper was a man with a gun pointing it directly at my head. I immediately reacted, picked up my firearm and pointed it at the driver who was still staring at me. His face changed dramatically as he turned and said something to the rest of his friends, slammed the gas pedal down, and drove off quickly in another direction. The light turned green I went home and told my wife the story.

Within a 3 month period, my wife and her friend were raped and I was almost a victim of a drive by shooting. I don't want to tell you what the next 3 ½ years were like. At a later date I found out that I was breaking the law by how I had carried my gun in the truck in Kansas City Kansas. What was perfectly legal for Overland Park is illegal for the 4 or 5 other communities I traveled through. If I had been carrying it in a way that was legal for Kansas City Kansas, I most likely would have been shot. Do you understand the confusion and concern we all have here?

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Kansas is one of only 7 states that do not allow its citizens the right to defend themselves against being raped robbed or murdered by allowing law abiding citizens the right to defend themselves by carrying a firearm out of sight.

During the past 3 ½ years my wife and I have talked to many of you about the right to defend yourself and you have had many questions in regards to the events that took place. Now I would like to ask you a few:

For those of you who voted against this bill or are against it now, do you honestly believe that you know more about it or understand it better then all the Governors and the members of the house and senate of all 31 states that have already passed a bill very similar to this one? And I will remind you that not one of those states has rescinded their bill.

To the men in the room. My wife and her companion were forced into another room at gunpoint, were stripped of their clothes, choked and raped. Can you honestly sit there and tell me that you don't think your Mother, your daughter, or your wife should have the right to protect themselves. I would ask you to raise your hand if you don't think they should but I doubt if I'd see many in the air.

To the women in the room. Do you believe you have the right to defend yourselves or your children against being raped or murdered or taken from you? I believe you do.

To all of you: How many men and women need to appear before you telling you some of the most gruesome stories you will ever hear in this building before you decide to do something about it. Earlier I told you that 75% of all women will be a victim of a violent crime in their life. How high does this number need to get before you let women have the option and the choice of defending themselves? If 75% of all women who cross train tracks ended up being victims would you put a light in to protect them? If 75% of all children who cross the street by their school ended up being victims would you draw white lines on the road put a stop sign in and have a guard to help them get across the street. If 75% of all women become victims of violent crime why are you against their choice and civil right of self-defense.

My hopes are that you, or a member of your family, or a friend, are not in the 75% category and that you take action to pass House Bill 2240.

Thank you

9-2

Facts in Support of 1999 Kansas Family and Personal Protection Act

FACT: Thirty-one states have non-discretionary right-to-carry laws like the proposed Kansas law. Their experience has been uniformly positive. This is not a radical or untested law.
Source: *More Guns, Less Crime*; J.R. Lott, Jr., Univ. of Chicago Press

FACT: Only seven states in the union do not permit law abiding citizens to provide for their self-defense away from their homes. Source: "Shall Issue": The New Wave of Concealed Handgun Permit Laws; Kopel & Cramer, Independence Institute, Golden, CO

FACT: When ten states adopted new right-to-carry laws between 1977 and 1992. The results in these ten states are-

- Murders decreased by 8 percent
- Rapes fell by 5 percent
- Handgun accidents did not increase significantly

Source: *More Guns, Less Crime*; J.R. Lott, Jr., Univ. of Chicago Press

FACT: If states (like Kansas) without right-to-carry laws had adopted them in 1992, these states together would have experienced:

- 1,400 fewer murders per year
- 4,200 fewer rapes per year
- 12,000 fewer robberies per year
- Saved \$5 billion per year in victim losses

Source: *More Guns, Less Crime*; J.R. Lott, Jr., Univ. of Chicago Press

FACT: Research into the effects of right-to-carry laws provides these insights:

- Urban counties experience the largest drops in violent crime
- Counties issuing the most permits experience the largest drop in violent crime
- Women and minorities benefit the most from right-to-carry permits

Source: *More Guns, Less Crime*; J.R. Lott, Jr., Univ. of Chicago Press

FACT: 85% of Americans live in states that have some sort of carry permits.

Source: "Shall Issue": The New Wave of Concealed Handgun Permit Laws; Kopel & Cramer, Independence Inst., Golden, CO

FACT: Half of all Americans live in states with "shall-issue" right-to-carry permit laws.

Source: "Shall Issue": The New Wave of Concealed Handgun Permit Laws; Kopel & Cramer, Independence Inst., Golden, CO

FACT: Properly licensed citizens are extraordinarily responsible in their use of firearms for self defense.

Source: *More Guns, Less Crime*; J.R. Lott, Jr., Univ. of Chicago Press

FACT: Rank and file law enforcement officers support right-to-carry laws. Kansas State Troopers Association and Kansas Fraternal Order of Police have supported the right-to-carry bills. Source: Testimony to Kansas House of Representatives by KSTA and KFOP representatives

CHALLENGE: Ask opponents of right-to-carry who suggest violent confrontations will result to provide actual examples from other states. If this were occurring it would be front page news. Unnecessary violence by licensed citizens in other states is virtually zero.

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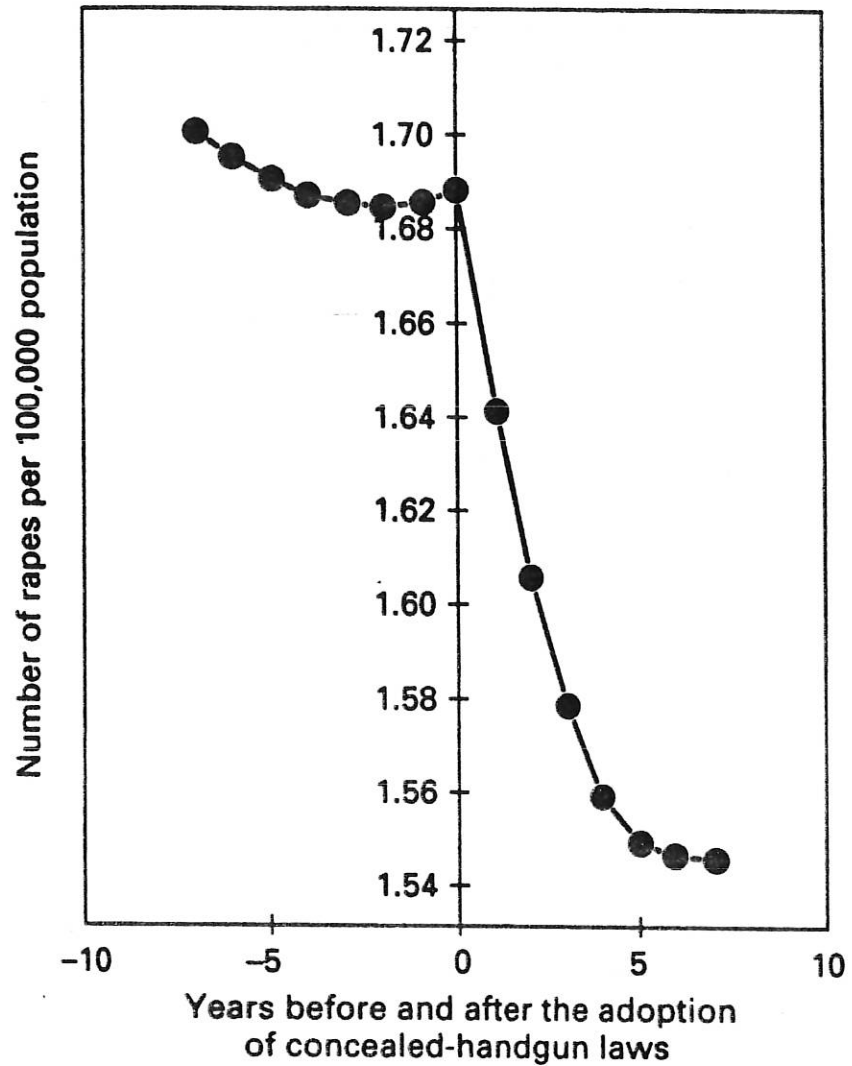


Figure 4.7. The effect of concealed-handgun laws on rapes

This chart is from Prof. John Lott, Jr.'s book "More Guns, Less Crime", published in 1998 by the University of Chicago Press.

Professor Lott's study evaluated all 3,054 counties in the United States from 1977 to 1992. He used standard statistical methods to correct for the effects of arrest rate for each type of crime, county population and population density, income, unemployment, poverty, fraction of the population in 10 year age groupings, gun control law differences and criminal sentencing differences.

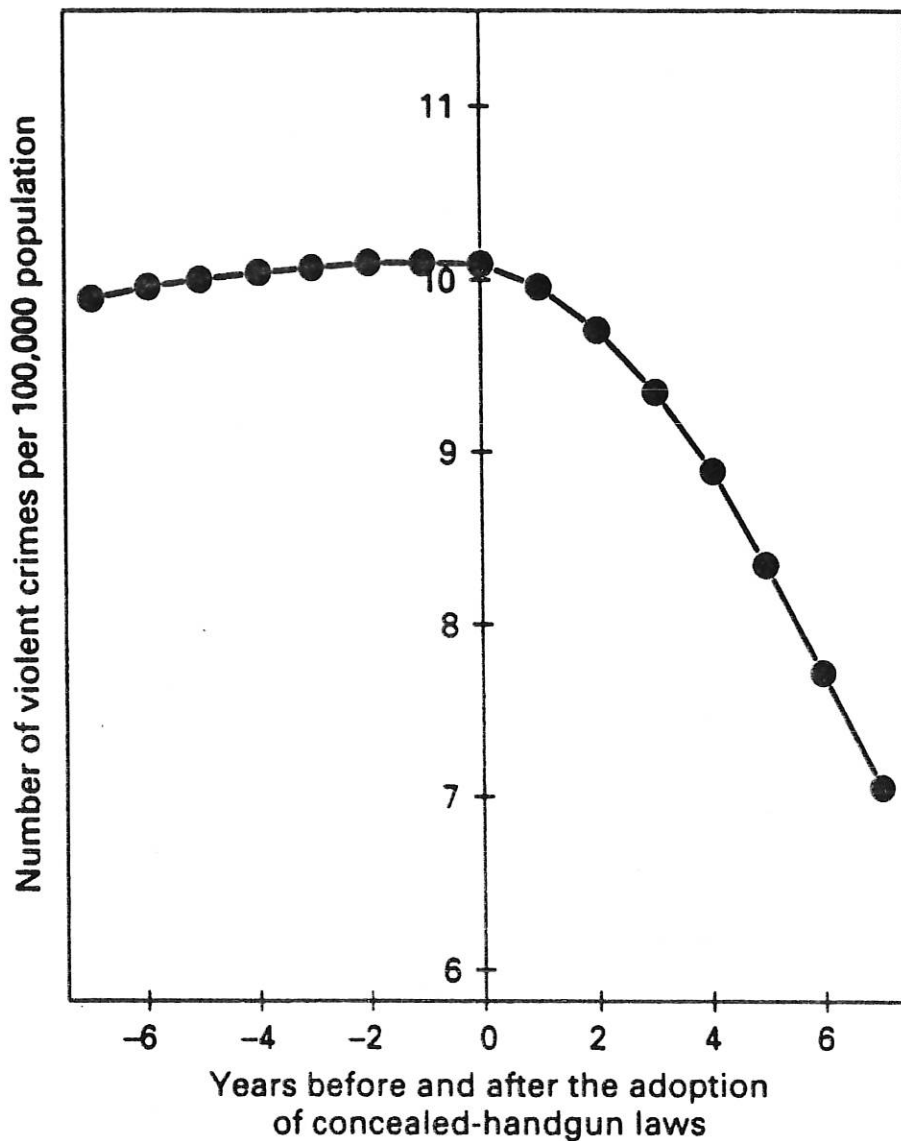


Figure 4.6. The effect of concealed-handgun laws on murders

This chart is from Prof. John Lott, Jr.'s book "More Guns, Less Crime", published in 1998 by the University of Chicago Press.

Professor Lott's study evaluated all 3,054 counties in the United States from 1977 to 1992. He used standard statistical methods to correct for the effects of arrest rate for each type of crime, county population and population density, income, unemployment, poverty, fraction of the population in 10 year age groupings, gun control law differences and criminal sentencing differences.

10-3



Fraternal Order of Police

Kansas State Lodge



Madam Chair and members of the Federal and House Affairs committee;

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

On behalf of the Kansas State Lodge, Fraternal Order of Police in support of H. B. 2240 with the following recommendations.

1. Increased severity level and penalties for K.S.A. 21-4201, Criminal Use of Weapons. Namely firearms.
2. Waiver or exemption for retired law enforcement officers.
3. Reduction in the number of years for qualification.
4. Provide adequate funding to the KBI to implement and conduct timely and accurate records checks.

Respectfully submitted,

Joseph T. Gimar

*House Fed & State
Attachment #11
2-9-99*

Dear Chairwoman Wagle and Members of the Committee,

My name is Michael Dann, and I thank you for the opportunity to testify to you today. I am a Kansan by choice, a husband, a father, a Certified Financial Planner, the manager of a financial services firm, the President of the Douglas County Rifle and Pistol Club in Lawrence, and a Certified Instructor in both Pistol and Personal Protection disciplines. I speak to you today in all of those capacities.

There are several myths surrounding the proposed Right To Carry bill. I'll speak to several.

The first is that such a law would flood the streets with new guns and shooters. Last year, I gave testimony to this committee on the Range Protection Bill concerning the number of calls I receive weekly about a place to shoot in the Lawrence area. I continue to receive an average of more than two calls a week, representing over 100 persons each year seeking a secure place to learn and/or practice safe handgun handling. Approximately 90% of those calls come from current handgun owners. Experience in other states with Right To Carry laws indicates the same thing: most individuals seeking Right To Carry Licenses are already handgun owners. There is only a small increase, less than 10%, in additional handgun ownership.

The second issue is the number of persons who may apply for a Right To Carry permit. The rather consistent average in the other 37+ plus states giving citizens the right to protect themselves in public is 3% of the eligible population. As there are 46% of American households with firearms, this indicates that that only a small portion elect to pursue this approach to protecting themselves and their families outside the home. These facts clearly refute any allegation or belief that this proposed law would flood Kansas with handguns on the streets. Experience in over 70% of the states in this country show that it just isn't so.

Another issue is that citizens may not be effectively trained, under the proposed bill, if they do not receive the same training as law enforcement officers. Let's look at this issue.

Law enforcement training is geared to teach officers to go to danger, to seek it out, and stop the action using the moral authority of the badge and laws permitting deadly force to control and apprehend. Self-defense training is based on teaching citizens to avoid dangerous situations and to remove themselves from the scene if possible.

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This is the key difference, and one that has been addressed in the longest standing, most taught personal protection course in the world. Attached to this document is the syllabus for the Personal Protection course developed by the national Rifle Association. You can see the it covers the following primary areas:

1. Knowledge of Firearms
2. Basic Shooting Skills
3. Being Prepared

This last area is worthy of further discussion. Again, training provided in Kansas for law enforcement officers is directed at the use of firearms to control, apprehend, and protect others from attack and to restrain/stop felonious acts. The training provided in this program is to avoid/minimize the risk of potential confrontations, to remove oneself from a violent situation, and the very strict application of the laws of self-defense. This last section of the training is given by attorneys or police officers; not the firearms instructor.

This step insures accurate information and the benefit of experience from individuals dealing with these situations and the law every day.

We urge you to consider this proven course, taken by tens of thousands of Americans, and the use of already certified instructors as critical to the success of a Personal Protection permit system. Requiring training similar to law enforcement or restricting training to only KBI developed courses would not meet the public's need for safe, effective permit holders.

Kansans are already permitted to use firearms to defend themselves on their property and within their homes. Kansans are already permitted to use firearms to defend themselves against deadly attacks in a fixed place of business. We ask that Kansans be permitted to defend themselves while traveling in between.

Thank for your time and attention, and I stand for questions.

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CAUTION: The handbook and program are designed only to teach students basic firearm safety and basic handgun operation. This program does not teach tactics or the use of deadly force and its legal aspects.

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Statement before the Kansas House Federal and State Affairs Committee
in support of HB 2240, February 9, 1999

Scott G. Hatstrup (*Univ. of Kansas*: B.G.S., 1989; J.D., 1995) is an attorney practicing in Overland Park, Kansas. He co-authored *A Tale of Three Cities: The Right to Bear Arms in State Supreme Courts*, which appeared in the Temple Law Review, volume 68, page 1177, in the fall of 1995. This article was reprinted in volume 8, fall 1996, of the Journal on Firearms and Public Policy, an annual review of important articles on firearms published by the Second Amendment Foundation. Mr. Hatstrup has testified before the Kansas House Federal and State Affairs Committee during the 1995, 1996, 1997 and 1998 legislative sessions. He was elected Chairman of the Kansas Sportsmen's Alliance in 1998. He is a certified firearms instructor and competitive shooter.

HB 2240 in its current form supports the rights of individuals and their families to self-protection, and I therefore **support** it.

Kansans are responsible citizens and deserve the opportunity to protect themselves from criminals. HB 2240 provides a means by which proven law-abiding Kansans will be able to obtain training in the safe, responsible use of a firearm, and learn how and when firearms are properly used. Under this bill, training classes will be provided by those who are knowledgeable in firearms usage and have satisfied the Kansas Bureau of Investigation that they know the legal standards for self-defense. Only then will a license be issued.

I have made presentations on firearms laws on or to students, lawyers, including an event sponsored by the Johnson County Bar Association, citizens, radio, television, and the legislature. When I make presentations I try to cover the issues as I have learned them, without bias towards one side or the other, without shading the truth or making up answers. If I don't know the answer to your question, I will tell you I don't know, or I will look up the answer before responding. That is why I was quite disturbed yesterday at the committee hearing when I heard half-truths and outright lies coming from some of the conferees in opposition to this bill.

For example, I have many clients and other interested parties who ask me as an attorney how they can carry a firearm legally in Kansas to protect themselves. Many of these Kansans are women who have been battered and are seeking my help in obtaining a protection from abuse or restraining order, or are in the process of filing for divorce. Others have been victims of violent crimes and now seek to defend themselves. Unless you have been a violent crime victim or witnessed it first-hand, you cannot know the daily terror many live through.

I could tell my clients that legally they could carry openly in a holster, or that they should just put a firearm in a purse or pocket and not tell anyone. I could rationalize this explanation since it is technically legal to carry openly, and that the chances of anyone I spoke to being charged with illegal concealed carry are quite small. If I did this, I might cause more trouble for them with my bad advice, or I might even be disbarred for it. Instead, I tell them of the myriad local regulations against carrying firearms in any manner, and that unless they are on their own property or in their own business they should not carry or possess a firearm nearby unless they are willing to risk criminal charges. Traveling through Kansas presents its own problems with the many jurisdictions one must cross on I-35 or I-70, and the many laws one encounters along the way. HB 2240 corrects a number of those problems.

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As Don Moler of the League of Kansas Municipalities said yesterday, "Kansas is not in the gun control business." Implied strongly in his statement though is that the cities of Kansas **are** in the gun control business. I have appended to my remarks the ordinances from Kansas City and Wichita which deal with firearms possession. Both cities have taken official positions that this bill should not pass, arguing at least in part that "open carry" for self defense is allowed.

Kansas City, Kansas Municipal Code Section 22-106(a)(4) & (9) states: "Unlawful use of weapons is knowingly (4) carrying or possessing any pistol . . . or other firearm on the person or in any [automobile or watercraft], loaded or unloaded, except when on the person's own land or in the person's own abode, fixed place of business or office, or (9) carrying any object in any manner with the intent to go armed, except when on the person's own land or in the person's own abode, fixed place of business or office." Any self defense object, not just firearms, is prohibited in Kansas City. The only exceptions which apply to most people are contained in subsection (c)(1) and (c)(4), which except licensed hunters, fishermen, or target shooters, or which allow transportation only when unloaded or in a secured case inaccessible to the driver. "Open carry" is not allowed in Kansas City, Kansas.

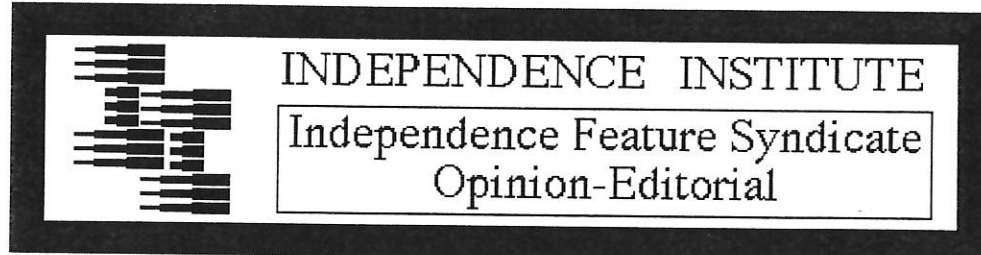
Despite the misleading assertions of Deputy Chief Terri Moses yesterday, Wichita's applicable ordinance allows open carry of a firearm **only** when it is unloaded. Even then the deputy chief stated that someone carrying a firearm openly, whether in a holster or a pickup truck gun rack could expect to be arrested by the police and searched to determine whether the firearm is legal. That announced policy of police harassment is why this bill is necessary, and why it must include statewide standards.

The Safe State Coalition introduced a so-called study by the Violence Policy Center, incorrectly implying that firearms license holders commit more crimes than other citizens, when actually the reverse is true. The attached opinion-editorial by Professor John Lott of the University of Chicago Law School indicates a number of problems with this group and its work. First and foremost, VPC's work concentrates on arrests rather than convictions. As any high school civics student can tell you, arrests do not always lead to convictions. Professor Lott documents that most of these arrests do not lead to convictions. He quotes law enforcement officials who originally opposed the Texas law who are now "eating a lot of crow" on the issue because the dire predictions have not come to pass. Professor Lott addresses some of the ad hominem (against the arguer) attacks raised against himself in his book, *More Guns, Less Crime*, published last year approximately one year after he testified before this committee.

VPC continues their attacks against individuals by structuring the charts in their material by Senate and Representative Districts in Texas, concentrating solely on those legislators who sponsored or supported the firearms bill when it passed. Again, only arrests are reported, not convictions, incorrectly implying that the individual legislators are directly responsible for a crime wave in their districts. I know I would not like to be falsely attacked for supporting a piece of legislation. I suspect that you and your fellow legislators would not care for it either.

I urge your support for HB 2240. When you vote on this bill, please remember the past victims of violent crime whom I have counseled and the other women and children of Kansas who may become victims of crime without it. A vote in favor of HB 2240 will protect both.

13-2



**License to Kill?:
Careful look at critical study actually
backs gun permit holders**

By John R. Lott, Jr.

[Originally published in the *Dallas Morning News*, Feb. 8, 1998, p. 6J]

There has been some confusion over whether people who have permits to carry concealed handguns are as law-abiding as other Texans. Using the provocative title "License to Kill," the Violence Policy Center recently released a report claiming that "those who do carry concealed handguns get into trouble more often than other Texans."

While there is cause to wonder whether the Violence Policy Center overreported the number of permit holders arrested, even its own numbers don't justify that claim. During 1996 and 1997, the first two years that the concealed handgun law was in effect, 163,096 people were licensed. During that period, 263 license holders were arrested for felony offenses, and another 683 were arrested for misdemeanor offenses. By comparison, if permit holders had been arrested at the same rate as the average adult Texan, they would have had 731 arrests for violence crimes and 2,202 for property crimes. Thus, permit holders were about a third as likely to be arrested as nonpermit holders and much less likely to commit serious crimes.

The public's ultimate concern is whether permit holders have used their concealed handguns improperly. So let's look at some more statistics to determine that.

During 1996 and 1997, five permit holders were arrested for felonies involving the "deadly conduct/discharge of a firearm" and another two for the "deadly conduct/display of a firearm." Those charges were brought in connection with four deaths. If permit holders had been arrested for murder at the same rate as other adult Texans, 56 would have been arrested.

Equally important, relying on arrest rates misses an important difference between permit holders and others who are arrested for murder. While the vast majority of murder arrests end in conviction, that hasn't been true for permit holders.

Of the four deaths mentioned, none has resulted in a conviction. In fact, two so far have been cleared and deemed to have acted in self-defense.

Thirty-five other permit holders were arrested for other felony "weapon-related offenses," but those involved the unlawful carrying of a weapon in places such as airports and schools. None of those cases apparently involved threats but invariably resulted from people who forgot they had a gun with them.

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Overall, the experience in Texas is similar to that in other states. In Florida, almost 444,000 licenses were granted from 1987 through 1997. About half, 204,700, currently are licensed. Eighty-four people lost their licenses after using a firearm in the commission of a felony.

So far in Virginia, not a single Virginia permit holder has been involved in a violent crime. Similar results have been observed in Kentucky, Nevada, North Carolina, South Carolina, Tennessee and other states for which detailed records are available.

In December, Glenn White, president of the Dallas Police Association, summed up the typical reaction of those police officers who opposed the concealed handgun law before its adoption: "I lobbied against the law in 1993 and 1995 because I thought it would lead to wholesale armed conflict. That hasn't happened. All the horror stories I thought would come to pass didn't happen. No bogeyman. I think it has worked out well, and that says good things about the citizens who have permits. I am a convert."

Harris County District Attorney John Holmes admitted he is "eating a lot of crow on this issue. It isn't something I necessarily like to do, but I am doing it on this."

In a forthcoming book, I find evidence indicating that concealed handgun laws save lives and reduce the threats that citizens face from rapes, robberies and assaults. Criminals tend to attack victims whom they perceive as weak, and guns can offset the differences in strength and serve as an important deterrent.

People don't even have to carry a permit themselves to benefit. The fact that criminals can't tell whether a potential victim has a concealed gun makes them less likely to attack people in general.

Without a doubt, people do bad things with guns, but guns also protect people when law enforcement officers aren't able to be there.

In the final analysis, one concern unites us all: Will allowing law-abiding citizens to own guns save lives? Unfortunately, studies like those done by the Violence Policy Center needlessly scare people and don't move us any closer to answering that question.

John R. Lott Jr. is the author of More Guns, Less Crime, which will be published by the University of Chicago Press in May

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Please send comments to Editorial Coordinator, Independence Institute, 14142 Denver West Pkwy., suite 185, Golden, CO 80401 Phone 303-279-6535 (fax) 303-279-4176 (email) webmgr@i2i.org

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Chapter 5.88

13

WEAPONS

Sections:

- 5.88.010 Unlawful use of weapons.
- 5.88.015 Permit requirements and other restrictions upon the purchase and sale of firearms, handguns and assault weapons.
- 5.88.020 Unlawful discharge of a firearm, air rifles, pellet guns and BB guns.
- 5.88.030 Air rifles, pellet guns and BB guns—Carrying within the city.
- 5.88.035 Discharging firearms at dwellings, structures or vehicles.

5.88.010 Unlawful use of weapons.

(1) Unlawful use of a weapon is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which, having the appearance of a pocket knife, also has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or by other mechanical contrivance, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

(b) Carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slingshot, nightstick, nunchucks, sap gloves, tomahawk, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife or a dangerous or deadly weapon or instrument;

(c) Carrying unconcealed on one's person or in any vehicle under one's immediate control, with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slingshot, nightstick, nunchucks, sap gloves, tomahawk, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife or a dangerous or deadly weapon or instrument;

(d) Carrying any pistol, revolver or other firearm concealed on one's person except when on one's land or in one's abode or fixed place of business;

(e) Carrying on one's person any unconcealed, loaded firearm, except when on one's land or in one's abode or fixed place of business;

(f) Carrying in any vehicle under one's immediate control, any loaded firearm, except when on one's land or in one's abode or fixed place of business;

(g) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(h) Drawing a pistol, revolver, knife or any other deadly weapon upon any person.

(2) Subsections (1)(a), (b), (c), (d), (e), (f) and (h) shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; or

(d) Manufacture of, transportation to, or sale of weapons to a person authorized under (a) through (c) of this subsection to possess such weapons.

(3) Subsection (1)(d), (e) and (f) shall not apply to or affect the following:

(a) Watchmen, while actually engaged in the performance of the duties of their employment;

(b) Private detectives licensed by the state to carry the firearm involved while actually engaged in the duties of their employment;

(c) Detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment; or

(d) The State Fire Marshal, the State Fire Marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto.

(4) Subsection (1)(d), (e) and (h) shall not apply to or affect historical reenactors and actors when engaged in performances and demonstrations. Provided, however, this subsection shall only apply to those performances and demonstrations which have been approved in advance in writing by the city manager or his designee.

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(5) Subsection (1)(a) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(6) It shall be an affirmative defense that the defendant is within an exemption.

(7) Any person who violates any of the provisions of this section within the corporate limits of the city shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

(8) In addition to the penalty for violation of any of the provisions of this section, it shall be the duty of the municipal court judge:

(a) To order any weapon seized in connection with such violation which is not a firearm to be forfeited to the city and the same shall be destroyed or caused to be destroyed by the chief of police whenever the weapon is no longer needed for evidence;

(b) To order any weapon seized in connection with such violation which is a firearm to be destroyed or forfeited to the Wichita police department. Any weapon forfeited to the Wichita police department shall be utilized by the police department or sold or traded to a federally licensed wholesale gun dealer for materials to be used by the Wichita police department. Proceeds from any such sale shall be used for law enforcement purposes by the Wichita police department. All transactions involving weapons disposed of under this subsection must have the prior approval of the city manager. All sales of weapons are subject to review by the city council;

(c) Any stolen weapon confiscated in connection with any violation of this section other than subdivision (a) of this subsection shall be returned to the person entitled to possession, if known, when the same is no longer needed for evidence. All other weapons shall be disposed of as provided in subsection (7)(a) and (b) above. (Ord. No. 42-636 § 1)

5.88.015 Permit requirements and other restrictions upon the purchase and sale of firearms, handguns and assault weapons.

1. Definitions. As used in this section, the following

terms shall have the following meanings, unless the context clearly indicates a different meaning:

Assault Weapon. An "assault weapon" is: (a) any semiautomatic action, center fire rifle or carbine that accepts a detachable magazine with a capacity of twenty rounds or more; (b) any semiautomatic shotgun originally designed with a factory magazine capacity of more than seven rounds; (c) any semiautomatic handgun that is a modification of a semiautomatic action, center fire rifle or carbine that accepts a detachable magazine with a capacity of twenty rounds or more; (d) any semiautomatic handgun originally designed to accept a detachable magazine with a capacity of twenty rounds or more; (e) any semiautomatic handgun that is a modification of an automatic firearm; (f) any firearm from which two or more shots may be discharged by a single function of the firing device; (g) any firearm which may be restored to any operable weapon of a type described in clause (a), (b), (c), (d), (e) or (f), above; and, any part or combination of parts designed or intended to convert a firearm into any operable firearm of a type described in clause (a), (b), (c), (d), (e) or (f), above, or from which any such weapon may be readily assembled. However, the term "assault weapon" does not include any firearm that uses .22 caliber rimfire ammunition with a detachable magazine having a capacity of twenty rounds or less, any shotgun with a factory magazine capacity of seven rounds or less, or any weapon that has been modified to render it permanently inoperable or permanently irreparable to any operable weapon of a type described in any of clauses (a), (b), (c), (d), (e) or (f), above.

"Business day" means any day on which both state offices and city offices are open.

"Dealer" or "firearms dealer" means any person, firm, limited liability company or corporation engaged in the business of selling firearms at wholesale or retail.

"Firearm" means any weapon designed to shoot bullets or other potentially lethal missiles by means of an explosive charge, including but not limited to handguns, rifles and shotguns, but excluding any weapon within the definition of "antique firearm" as set forth in U.S.C. Title 18 Section 921(a)(16). The definition of "firearm" also shall not include any weapon which has been rendered permanently inoperable.

"Handgun" means any firearm designed (originally or by modification) to be held and fired with one hand.

"Purchaser" means any person, other than a dealer, who orders, purchases, rents, or obtains a handgun or assault weapon (other than by devise, bequest, intestate succession or other transfer arising by operation of law) or who attempts to do so. Any transfer pursuant to a

Secs. 22-94—22-105. Reserved.

DIVISION 2. WEAPONS

Part A. General provisions

Sec. 22-106. Unlawful use of weapons.

- (a) Unlawful use of weapons is knowingly:
- (1) Selling, manufacturing, purchasing, carrying or possessing any bludgeon, sword, cane, loaded cane, sandclub, metal knuckles, any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement, a mailed fist, spiked knuckles, metal fist covers or any leather apparatus or device worn on the arms, legs, hands, feet and that contain metal spikes, studs or other metal attachments, sap gloves containing granulated metal or other ingredients designed to add weight to the gloves, or other dangerous or deadly weapon or instrument of like character.
 - (2) Carrying or possessing on one's person or in any land, water or air vehicle a sword, dagger, dirk, billy, blackjack, slingshot, dangerous knife, straight-edge razor, a lock-blade knife, belt or pocket pistol, fountain pistol or pen-like tear gas or powder charge projection weapon, stiletto or any other dangerous or deadly weapon or instrument of like character; provided, an ordinary pocket knife with a blade less than three and one-half (3½) inches in length shall not be construed to be a dangerous knife or a dangerous or deadly weapon or instrument.
 - (3) Carrying or possessing on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance.
 - (4) Carrying or possessing any pistol, revolver, shotgun, rifle or other firearm on the person or in any land, water or air vehicle, loaded or unloaded, except when on the person's own land or in the person's own abode, fixed place of business or office.
 - (5) Setting a spring gun.
 - (6) Possessing or transporting any incendiary or explosive material, liquid, solid or mixture, equipped with a fuse, wick or any other detonating device, commonly known as a molotov cocktail or a pipe bomb.
 - (7) Carrying on one's person or in any land, air or water vehicle any martial arts weapon, including but not limited to a shuriken or throwing star, as defined in K.S.A. 21-4202 and amendments thereto, karate sticks, nunchaku, Chinese fighting sticks, throwing spikes, metal coverings for fist or foot, or any other dangerous weapon or instrument of like character, except a student currently enrolled in a formal martial arts class or

a formal instructor of martial arts employed in a licensed martial arts studio or business while carrying with them their training uniform while going to or from their place of formal training.

- (8) Drawing, using, or demonstrating or threatening to draw, use or demonstrate any object in a hostile manner.
- (9) Carrying any object in any manner with the intent to go armed, except when on the person's own land or in the person's own abode, fixed place of business or office.
- (10) Discharging or firing any air rifle, pellet gun or BB gun within the city limits while on the streets, alleys or public places.
- (11) Discharging any gun, revolver, pistol, or firearm of any description within the city.
- (12) Possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance.
- (13) Possessing any firearm by any person, other than a law enforcement officer or clearly authorized security officer, in or on any school property or grounds.

(b) Subsections (a)(1), (2), (3), (4), (8), (9), (12) and (13) shall not apply to or affect any of the following:

- (1) Law enforcement officers or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers.
- (2) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crimes.
- (3) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty.
- (4) Manufacture of, transportation to, or sale of weapons to persons authorized under paragraphs (1) through (3) of this subsection to possess such weapons.
- (5) Special deputy sheriffs, as described in K.S.A. 19-805a et seq., who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74-5607a and amendments thereto.

(c) Subsections (a)(4) and (9) of this section shall not apply to or affect the following:

- (1) Licensed hunters or fishermen while engaged in hunting or fishing and traveling to and from places to hunt and fish; those engaged in camping, scouting, trap, skeet or target shooting and instruction and training in safety and skillful use of weapons and traveling to and from places to engage in such activities.
- (2) Persons licensed as private detectives by the state and detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service.

- (3) The state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157.
- (4) All persons carrying or transporting a pistol, revolver, rifle or other firearm to or from a place of business after purchase or for repair or between a person's abode or land and such person's place of business or office, provided that when transporting the same in any land, air or water vehicle, such firearm shall be unloaded and either stored or carried in that portion of the vehicle not accessible to the driver or passengers of the vehicle or when in a vehicle not containing a locked portion not accessible to the driver or the passengers then carried in a case or scabbard and behind or underneath an available seat, in a storage cabinet or closet or underneath the floorboard or carpeting; provided further that private detectives properly licensed pursuant to Kansas statutory requirement may carry their firearms on their persons or in an accessible portion of any land, air or water vehicle only while actually engaged in the performance of their duties and not when in transit to and from their jobs.
 - (d) Subsection (a)(1) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq., in the name of such person, and, if such person transfers such firearm, device or attachment to another person, it has been so registered in the transferee's name by the transferor.
 - (e) Subsection (a)(11) shall not apply to the discharge of firearms in any licensed shooting gallery, or by a gunsmith in carrying on his or her trade, or by any officer of the law in the discharge of his or her official duties.
 - (f) Subsection (a)(13) shall not apply to:
 - (1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school; or
 - (2) Any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school.
 - (g) The holder of a private security officer firearm permit shall carry a firearm while actually engaged in the performance of transporting an employer or their agent directly to and from a financial institute or as allowed by section 19-216. The holder of a private security officer permit shall be allowed to carry only those intermediate weapons approved for use by law enforcement officers with the city police department.
 - (h) It shall be a defense that the defendant is within an exemption.
 - (i) No person shall unlawfully use weapons as defined herein. Any person unlawfully using weapons as defined herein shall, upon conviction thereof, be deemed guilty of a Class A violation. In addition to the penalty for the violation of this section, it shall be the duty of the

municipal judge to order such weapon to be forfeited to the city. The same shall be destroyed, retained for use by the police department or sold by the chief of police whenever the weapon is no longer needed for evidence.

(Code 1964, § 39-3; Ord. No. 64772, §§ 1-6, 12-27-84; Ord. No. 65357, § 1, 10-6-88; Ord. No. 65498, § 41, 1-4-90; Ord. No. 65883, § 17, 3-10-94; Ord. No. 65924, § 1, 7-21-94; Ord. No. 66173, § 8, 11-7-96)

State law reference—Similar provisions, K.S.A. 21-4201.

Sec. 22-107. Defacing identification marks of a firearm.

(a) Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(b) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

(c) Defacing identification marks of a firearm is a Class B violation.
(Code 1964, § 39-7; Ord. No. 65498, § 42, 1-4-90)

State law reference—Similar provisions, K.S.A. 21-4205.

Sec. 22-108. Record of sales and purchases.

No wholesale or retail dealer in firearms shall possess for the purpose of sale or sell any handgun unless such person keeps a full and complete record of the name of the maker, the model, the manufacturer's number, or other mark of identification of the firearm; the name and address of the person from whom purchased and to whom sold; and the date of such purchase or sale. Such record shall be open to inspection at all times to any police officer or other peace officer of the state.

(Code 1964, § 39-8; Ord. No. 65498, § 43, 1-4-90)

Sec. 22-109. Criminal disposal of firearms.

(a) Criminal disposal of firearms is knowingly:

- (1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age;
- (2) Selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;
- (3) Selling, giving or otherwise transferring any firearm to any person who, within the preceding five (5) years, has been convicted of a felony, other than those specified in subsection (b), under the laws of this or any other jurisdiction or has been released from imprisonment for a felony and was found not to have been in possession of a firearm at the time of the commission of the offense;

(13-3) - 4

STATEMENT IN SUPPORT OF HB-2240

By George Petersen

Madam Chairwoman, members of the committee. My name is George Petersen, and I am a registered lobbyist for the Kansas Taxpayers Network. I DO NOT represent the KTN on this bill, as the KTN is neutral on this matter. Instead I come before you representing myself. I am a certified National Rifle Association handgun instructor and have also been involved in firearms training with the Kansas Hunter Education program for almost 25 years, and with the National Muzzle Loading Rifle Association.

It would appear from yesterdays testimony that the biggest fear of this bill is that persons who acquire the permits will be not be adequately trained in the use of their firearm.

I remember one bit of testimony that slammed the NRA, and yet this is the organization that has trained most of the police training officers. We can train year round on an 8 hour a day schedule and there will still be accidents.

Those of you who are familiar with the Kansas Hunter Ed program know that there are presently 10 hours of instructions required by law of which there is no requirement for live firing, although we try to offer it in as many classes as we can. The accident rate in Kansas has dropped each year since its start in 1972. Training for a concealed permit will require the person requesting a permit to show a degree of proficiency with the firearm as well as courses in the use and consequences of the use of deadly force.

If we are so concerned with the safety of our youth, maybe a ban on alcohol would have more of an effect than killing this bill.

In closing I would say that 42 other states have been willing to try this course of action, and I would like to think that the Representatives of this great body have enough trust and faith in the people of the state of Kansas to allow us the opportunity try.

Thank you for your time

House Fed & State
Attachment #14
2-9-99

**STATEMENT BY BRUCE DIMMITT
ON HB NO. 2240
BEFORE HOUSE COMMITTEE
ON FEDERAL AND STATE
AFFAIRS**

February 9, 1999

Madam Chairman and members of the Committee, I commend the Committee on consideration of HB 2240 and appreciate the opportunity to submit my written statement on the bill. I could not appear personally before you because I need to testify about First Amendment rights before another committee at the same time period as your committee.

I am registered as an independent lobbyist and in commenting on the bill, I do so on behalf of myself and many citizens that are of like mind.

My comments on the bill are as follows:

When our forefathers conceived of our system of government as set forth in the US Constitution, they understood that men are not angels and unless checked, can and do exploit, harm and abuse one another. (For example, the colonies certainly smarted under the tyranny of the British Crown and its military). Accordingly, the Constitution provides many checks and balances.

For example, the Constitution established three separate but co-equal branches of the Federal government, each with certain abilities to restrain the others. For example, the Congress has the power to impeach and remove from office the President (at least theoretically) and other officials including those of both the executive and judicial branches.

Another example is the First Amendment of the Constitution which guarantees citizens the right of freedom of speech, religion, press and assembly.

The Second Amendment of the constitution guarantees citizens that the right to keep and bear arms shall not be infringed. It is well documented by scholars that the reasoning of the founders was that citizens needed the ability to protect themselves, conceivably even from their own government, such as had been the case involving the British Crown.

While campaigning for office in 1996, a retired law enforcement official very convincingly told me that when a person is confronted with assault by an armed person, it is frequently impossible for a law enforcement official to arrive in sufficient time to provide protection.

*House Fed & State
Attachment #15-1
2-9-99*

Two of my grandson's living in Kansas City, KS were physically assaulted and are lucky they survived.

I learned first hand about assault on January 12, 1999. After attending the Governor's State of the State Address at the capitol building, I was walking to my car several blocks from the capitol when all of a sudden there was a gun in my back. It was dark and I was alone. Needless to say, I yielded some of the material wealth in my possession.

Fortunately I was not killed or injured, BUT I COULD HAVE BEEN. IT WAS NOT A FUN EXPERIENCE I GUARANTEE YOU. I REMEMBER AFTERWARD HAVING A FEELING I BELIEVE AKIN, BUT OF COURSE I WOULD NOT PRESUME TO SAY IDENTICAL, TO WHAT A FEMALE MIGHT FEEL AFTER BEING RAPED. IT WAS THE FEELING OF BEING A HELPLESS, DEFENSELESS VICTIM, VERY DEMEANING.

BUT IF I HAD BEEN CARRYING A GUN, I COULD HAVE PROTECTED MYSELF FROM WHAT DID HAPPEN AS WELL AS WHAT ELSE VERY WELL COULD HAVE HAPPENED. The man wanted my car but ran off when he decided he had gotten enough. Of course, he could have killed me or maimed me for life.

I would certainly feel safer if laws permitted concealed carry. Such a law could be a very effective deterrent because criminals who do not fear the law would at least have to wonder if a prospective victim might be armed and thereby able to defend himself or herself.

Authoritative research shows that where there is concealed carry, violent crime decreases dramatically.

I have attached a copy of an article from the *KC JONES* weekly newspaper giving facts very effectively dispelling a number of myths about imagined problems related to concealed carry. I trust you will find the article and my comments helpful in making your decision about HB 2240.

Thankyou for your consideration of my comments. If you have any questions, please give me a call. Also, I could use a bodyguard if anybody is interested. (By the way, I definitely do not park where I used to)

BRUCE DIMMITT
(913) 381-9413 (home)
(816) 807-0971 (cell phone)

15-2

Concealed Carry Myths

by
Richard
Nadler

Shootout in Missouri: Myths About Concealed Carry Gun Laws

by Richard Nadler

The Law & the Election

On Monday, April 6, 1999, Missourians will vote on the following proposal:

"Shall state or local law enforcement agencies be authorized to issue permits to law-abiding citizens at least twenty-one years of age to carry concealed firearms outside their home for personal protection after having passed a state and federal criminal background check and having completed a firearms safety training course approved by the Missouri Department of Public Safety?"

If this passes, Missouri will become the 32nd state with a "non-discretionary," or "shall-issue" permit system — one in which any citizen who meets the training and background requirements of the law is entitled to purchase a concealed carry permit.

Here are some features of the proposal.

— Concealed carry permits will be issued by the sheriff of the county where the applicant resides.

— The applicant must demonstrate his knowledge of basic handgun safety by submitting proof of completion of a twelve hour course approved by the Department of Public Safety.

— Concealed carry permits will be valid for three years, and cost eighty (\$80) dollars.

— Permit renewals will cost thirty-five (\$35) dollars.

— No concealed carry permit will be issued to an applicant with a criminal record.

— The permit will be issued within 45 days, unless the criminal record check has not been returned. The sheriff must submit a request for this check within seven days of the application.

— No concealed carry permit will be issued to an applicant whose has been adjudicated psychiatrically incompetent in a court proceeding.

— An applicant can be denied a permit if he has, within the past five years, exhibited violent behavior toward another person, except in self-defense, or offered an credible threat of violence.

— Any "competent" person, aged twenty-one or older, may file an affidavit alleging

that a permit holder has ceased to qualify for his or her permit. Small Claims Court shall conduct hearings on such affidavits, and may revoke permits in appropriate cases.

— The issuing sheriff can revoke or suspend any permit if the holder no longer qualifies for it.

Arguments Against Concealed Carry

Argument 1:

Allowing citizens to carry concealed weapons will increase the incidence of homicides and other violent crimes.

Both *time series* and *cross-sectional* studies show that "nondiscretionary" concealed carry laws reduce violent crime.

"Time series" studies record crime rates before and after a variable is introduced in a particular jurisdiction, and isolate the effects of that particular variable by controlling for other changes. A systematic analysis of crime data for all 3,054 counties in the United States from 1977 to 1992 demonstrates that when state concealed-handgun went into effect, county rates of violent crime fell sharply. Murder fell by 7.7 percent; rape by 5.3 percent, and aggravated assault by 7.0 percent. Violent crime fell by 4.9 percent overall.

A second major approach to evaluating the effect of a variable on rates of crime is to compare *different* places over the *same* time. The broadest measure of the effectiveness of "shall issue" handgun laws is to compare crime rates in states that have them against crime rates in states that prohibit or severely restrict concealed carry of firearms.

The thirty-one "shall-issue" concealed carry states, including three of the five most populous, have lower crime rates than the nineteen that disallow or severely restrict concealed firearms.

Crime rates in states and the District of Columbia that do and do not allow the carrying of concealed handguns (1992)

CRIME RATE PER 100,000

Type of crime	States nondiscretionary concealed handgun laws	All other states
Violent crime	378.8	684.5
Murder	5.1	9.5
Rape	35.0	43.6
Aggravated Assault	229.9	417.4
Robbery	108.8	222.6
Property crime	3,786.3	4,696.8
Auto theft	334.2	533.4
Burglary	840.3	1,074.7
Larceny	2,611.8	3,088.7

Professor John Lott, former chief economist for the U.S. Sentencing Commission, calculates that universal "shall issue" concealed carry laws, if adopted in 1992, would have reduced annual murders by 1,410; rapes by 4,200; aggravated assaults by 60,400; and robberies by 11,900.

Argument 2:

Common sense dictates that an increase in the number of guns will translate into an increase in the incidence of violent crime.

The largest surveys on gun ownership were compiled not by law enforcement authorities, but by political pollsters. In 1988, CBS News conducted a nation-wide General Election Exit Poll after the Bush-Dukakis contest. In 1996, the Voter News Service — a consortium of CBS, ABC, NBC, CNN, Fox and the Associated Press — conducted a National General Election Exit Poll. Both surveys included a question on gun ownership.

From 1988 to 1996, the proportion of voters owning guns increased from 27.4 percent to 37.0 percent. The increase among the general population was even greater: from 26 percent in 1988 to 39 percent in 1996.

Over that period, the rates of most violent crimes declined, including murder, forcible rape, and robbery. Property crimes also declined, including burglary, larceny and motor vehicle theft.

Using National Institute of Justice figures to calculate victim costs in each crime category, each 1 percent increase in gun ownership saved \$3.1 billion in victim costs nationwide.

President Bill Clinton is arguably the greatest gun salesman in history. As his Brady law approached passage through Congress, firearm sales exploded. Roughly 79 million adult Americans now own guns — a fifty percent increase from the presidency of George Bush.

Argument 3:

When the victim of a crime is armed with a gun, it only increases his or her danger.

Studies of data from the Department of Justice's National Crime Victimization Sur-

vey, conducted by criminologists Lawrence Southwick and Gary Kleck, found that women (and men) minimize their risk of criminal violence by carrying a gun. A woman offering no resistance to a serious attack is 2.5 times more likely to be seriously injured than a woman who resists with a gun. By contrast, a woman offering resistance *without* a gun is almost 4 times likelier to incur serious injury than one who offers no resistance at all.

Men, too, are likelier to be injured in a serious criminal attack when they resist without a gun, but less likely to incur injury when they resist with a gun.

These findings are based on mass surveys of actual victims — not anecdotal evidence.

Argument 4:

African Americans, already the disproportionate victims of gun crime, will suffer the most.

African American gun ownership rates are substantially below the national average, but they are 24.5 percent likelier to be victims of violent crimes than the general public. In polls, blacks express the lowest level of support for concealed carry laws, and the highest dissatisfaction with police response to crime.

But among counties where blacks constitute 37 percent or more of the population, the introduction of "shall issue" concealed-handgun laws reduced both aggravated assault and homicides by 11 percent from 1977 to 1992.

Argument 5:

Concealed carry laws may work in the country, but in densely populated areas, more guns mean more killings.

Concealed carry states include many of our most densely populated cities. Indeed, three of the nation's most inhabited states — Texas, Florida, and Pennsylvania — have "shall issue" laws. "Shall issue" concealed carry permits are available for five of our ten largest cities.

In counties with population densities of 3,000 people per square mile and greater, murder rates decline an average 8.5 percent after concealed carry laws are introduced.

Argument 6:

It is the Brady Bill, not concealed carry, that is responsible for recent decreases in homicide deaths.

Crime rates started to decline in 1991, four years before Brady was implemented, and continued to decline after the Brady background check was abolished.

In 1996, the General Accounting Office reported that Brady Bill background checks, initiated in 1994, had prevented or delayed 60,000 gun purchases. More than half of the rejections were for technical imperfections rather than criminal records. Some 3,000 of the rejections were based on prior convictions. No system tracks how many of these persons got guns through other means. No system tracks how many of these persons, denied guns, were victims of subsequent violence. But by 1997, when

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the background check provision of the Brady Bill was ruled unconstitutional, only four persons had been jailed for violating its provisions.

The other major element of the law delayed gun purchases. The most exhaustive study of the Brady "five day wait," conducted by John Lott, isolates its effect on crime rates in counties that did not have an equal or longer waiting period prior to its passage.

The result: the Brady law had no statistically significant impact on murder or robbery. However, rates of aggravated assault and rape *increased* in counties where Brady lengthened waiting periods.

Argument 7:

More guns generate more suicides and accidental deaths.

Selective journalism has convinced many that private handgun ownership causes large numbers of accidents. Nationwide, there are roughly 230 accidental civilian handgun deaths per year. By contrast, police accidentally kill 330 persons annually.

The 1,400 annual homicides that universal concealed carry could prevent dwarfs the *entire* number of accidental handgun deaths, let alone that uncertain fraction attributable to concealed carry laws.

But in fact, the proliferation of gun ownership in America — a 50 percent increase over the last decade — *increased neither the rate of accidental gun deaths, nor the rate of suicide.* From 1990 to 1995 (the last year for which statistics are available), the death rate from accidental firearm discharge declined from 0.5-to-0.4 per 100,000 persons. And the accidental death rate from handguns has remained flat at 0.1 per 100,000.

Concurrently, from 1990 to 1996, the suicide rate declined from 12.4-to-11.6 per 100,000.

Argument 8:

More guns promote mass killings by lunatics.

The opposite is true. "Shall-issue" con-

cealed carry laws are associated with major declines in multiple murders. A study of the ten states which changed their law from 1977 to 1992 found that the introduction of "shall issue" concealed carry reduced such incidents by 69 percent.

Evidently the "nuts" who perpetrate such incidents prefer gun-free environments, where they can take lives with no fear of death or injury.

Argument 9:

Other crime fighting tools, such as higher arrest and conviction rates, are more important in deterring crime than concealed handguns.

Arrests are more effective overall, but concealed carry is the most cost effective strategy. A landmark study of Pennsylvania crime compared the results of a one percent increase in concealed carry permits and a one percent increase in arrest rates. Both were highly effective.

Arrest rates reduced infractions of all sorts, accounting for 15 percent of the total variations in crime rates. More arrests proved particularly effective in deterring property crime.

Concealed carry permits accounted for 10 percent of the variation in murder, rape, aggravated assault, and burglary rates. Indeed, increased concealed carry explained a greater percentage of reduction in certain violent crimes, such as murder and rape, than increased rates of arrest.

But in terms of cost effectiveness, nothing remotely equals the crime-fighting bang-for-the-buck of concealed carry. The National Institute of Justice calculates typical financial losses for victims in each crime category based on capital and consumer expenditures, plus the value of lost labor. The lower rates of violent crime associated with concealed carry would have would have reduced victim costs by roughly \$5.7 billion in 1992 had "shall issue" laws been univer-

sal. Data from Pennsylvania indicate that each additional concealed-handgun permit reduced net victim costs by \$5,079. Data from Oregon indicates that each additional concealed-handgun permit reduced net victim costs by \$3,439.

The annualized average cost of handgun ownership is \$43 per year (including permit fees, maintenance, and capital depreciation).

Argument 10:

Research is evenly divided on whether concealed carry laws increase or decrease crime.

Since August of 1996, when John Lott released his pathbreaking study of concealed carry laws in the January 1997 *Journal of Legal Studies*, this has been inarguably false. The two basic techniques of studying the impact of policies on crime are "cross-sectional" -- studying different places with different laws during the same time -- and "time-series" -- studying changes in crime in a single place before and after a change of law. Both techniques have their problems. In cross-sectional studies, the researcher must ask: Are the places really comparable apart from their differing crime laws? If not, he must control statistically for the respects in which they are not. In time-series studies, the researcher must ask: could changes extraneous to law affect the crime rates? If so, he must control statistically for such changes.

Lott confronted these problems by examining a *huge number of localities over a long period of time.* Using crime and demographic evidence from all 3,054 U.S. counties from 1977 to 1992, he measured the effect of "shall issue" laws on all major offenses against persons and property. So as not to confuse the effects of concealed-carry laws with effects of other variables, he controlled for a variety of demographic factors, including:

- per capita income
- population density
- unemployment rates
- welfare rates
- ongoing crime trends apart from gun laws
- race and age
- other crime-prevention policies, including arrest and conviction rates
- other gun laws, including waiting periods, age requirements, and training requirements

"This is the first study to use cross-sectional time-series evidence at both the county and state levels," wrote Lott in 1998 update, *More Guns, Less Crime.* Lott examined 54,000 observations across 3,054 counties over 18 years.

In so doing, he produced not only the largest study on gun control, but America's largest study on crime. No work has approached Lott's either in terms of geographical breadth or historical depth. And no study has controlled for even a significant fraction of the variables Lott examined.

"The empirical work provides strong evidence that concealed-handgun laws reduce violent crime," wrote Lott, "and that higher arrest rates deter all types of crime... The greatest declines in crime rates are related to the greatest increases in concealed-handgun permits.

"Despite the opposition to these laws in large, urban, densely populated areas, those are the areas that benefit the most from the laws. Minorities and women tend to be the ones with the most to gain from being allowed to protect themselves."

On April 6, 1996, Missourians will vote on the right of law-abiding citizens to pack force comparable to that typically wielded by criminals.

"Preventing law-abiding citizens from carrying handguns does not end violence," said John Lott. "It merely makes citizens more vulnerable to attack."

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**For Laura McClure
State Representative**

**Testimony From Jack Selbe, Lucas, Kansas
The Right To Carry a Concealed Weapon**

These statistics are taken from a thesis by Gordon La Prie for his doctorate in jurisprudence. To maintain that firearms are necessary for self-protection, it must be demonstrated that, in balance, guns are effective tools of self-defense. Caveats about earlier estimates of 1 million protective uses of guns each year (14) have led Kleck to perform the largest scale, national, and methodologically sound study of the protective uses of guns. The best concordant and existent estimates suggest that good Americans use guns to protect themselves and their families between 800,000 and 2.4 million times each year (53) -- as many as 75 lives protected by a gun for every life lost to a gun, and many as 5 lives protected per minute.

Defense with a gun results in fewer injuries to the defender (17.4%) than resisting with less powerful means (knives, 40.3%; other weapon, 22%; physical force, 50.8%; evasion, 34.9%; ect.) and in fewer injuries that not resisting at all (24.7%).(14) Guns are most effective and safest means of protection. This is particularly important to women, children, the elderly, the handicapped, the weak, and the infirm, those who are most vulnerable to vicious predators. Perhaps the 19th. Century aphorism should be updated to "*God made woman and Lady Smith made her equal.*"

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To suggest that science has proven that defending oneself or one's family with a gun is dangerous, gun prohibitionists often claim: "a gun owner is 43 times more likely to kill a family member than an intruder." This is Kellermann and Reay's flawed risk-benefit ratio for gun ownership,(54) heavily criticized for its deceptive approach and its non-sequitur logic.(14,55,56) Unfortunately this fallacy is one of the most deceptive and misused slogans of the well-funded anti-self-defense lobby.

The true measure of the protective benefits of guns are the lives saved, the injuries prevented, the medical costs saved, and the property protected -- not the burglar or rapist body count. Since only 0.1 to 0.2% of defensive gun usage involves the death of the criminal,(14) any study, such as Kellermann and Reay's study, that counts criminal deaths as the only measure of the protective benefits of guns will expectedly underestimate the benefits of firearms by a factor of 500 to 1,000.

Interestingly, the authors themselves described but did not use the correct methodology. They acknowledged that a true risk-benefit consideration of guns in the home should (but did not in their "calculations") include "cases in which

burglars or intruders are wounded or frightened away by the use or display of a firearm (and) cases in which would-be intruders may have purposely avoided a house known to be armed...."(54) Objective analysis, even by Kellermann and Reay's own standards, shows the "43 times" comparison to be deceptively appealing, though only a specious contrivance. Kellermann's recent "2.7 times" comparison(57) suffered from the same errors of logic and method.

the myths of police protection

It has been argued that guns are not needed by citizens because citizens are incompetent in gun use, likely to injure themselves or other innocents, and, besides, citizens are protected by the police and the military. Those arguments collapse under examination from any direction. Recognizing current crime rates, recognizing that citizens already use guns to repel crime 7 to 10 times as frequently as the police,(14) and recognizing that of shootings by citizens only about 2% are wrongful compared with 20% wrongful shootings by police,(18) the effectiveness of police protection can be rightfully questioned.

A significant, if not majority, of police activity involves "mopping up" after the crime has already occurred. Since violent or other criminal assaults do not come pre-announced, the police cannot always be where they are needed, so police will be more effective in apprehension than in protection. This, of course, is exactly the role assigned to police, though research suggests that police apprehension offers less deterrent to criminals than the threat of encountering an armed victim.(13) How many police officers would be necessary to replace the benefits of today's armed citizen protecting themselves and their families, repelling and deterring crime? At what cost? Can the public coffers afford round-the-clock protection for all?

Many are surprised to discover that the police do not have any legal obligation to provide protection to individuals, even if in immediate danger.(58) An oral promise to respond to an emergency call for assistance does not make the police liable to provide protection.(59) Statutes(60) and legal precedents(61) are clear that the police only have a responsibility to provide some general level of protection to the community at large. Citizens have been and continue to be responsible for their own protection.

The withdrawal of police protection from riot-torn areas of Los Angeles and the two day delay in putting National

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the community at large. Citizens have been and continue to be responsible for their own protection.

The withdrawal of police protection from riot-torn areas of Los Angeles and the two day delay in putting National

Guard soldiers on the streets of Los Angeles exposed the illusion of public protection. Additionally, it is disturbing to recall that armed citizens had to protect themselves from the police and US National Guard soldiers who were looting in the aftermath of Hurricane Hugo.(62) Throughout American history we have innumerable examples of crime, terrorism, civil disorder, and natural disasters, where the police and military forces have been unable or unwilling to protect citizens, often for racist or political reasons.(63,64,65)

Though the police have an admittedly difficult and important job, police riots and other police abuse of authority, collective and individual, are frequent in the US.(66) One can rightfully question the wisdom of sole reliance upon the police or military in times of need.

Disarming citizens forces them to be dependent upon collective security measures that are demonstrably ineffective and unfairly distributed. It is difficult to reconcile the value of the individual's life and the subordination of the state, precepts upon which this nation was founded, with a forced dependency upon a demonstrably ineffective and inequitable government. With the government's demonstrated incompetence and mendacity evident in less important realms, how can we trust our lives to their ministrations, reduced to little else than passive spectators when our lives are in danger? In the view of one author, it reduces the right of self preservation to the First Amendment right to scream "911."(48)

The situation would be much like telling a climber that all ropes will be collectively controlled. If he begins to fall, then he need only call and an agent of the government will be dispatched to bring the rope that will prevent his injury or death. Unfortunately, once the need for the resource arises, assistance will in many instances be too late. Taking the analogy further to incorporate the additional problem of limited resources by assuming that there are at any one time one hundred actual climbers, thousands of potential climbers and only five rope administrators, together with the acute nature of the need, we should question the wisdom of the decision which prohibited self-help and individual ownership of ropes.(48)

the myth of invulnerability

It has been claimed that guns are not needed by citizens and that the "militia" is outmoded because Americans are protected by the military, including the National Guard, from

16-4

It has been claimed () guns are not needed by citizens and that the "militia" is outmoded because Americans are protected by the military, including the National Guard, from

14
IT SEEMS INCORPORATED - or MILITANT FOR CONGRESSMAN
STEPHEN SOLARZ AND TEDDY KENNEDY TO ARGUE THAT

citizens do not need guns for protection and consistently deny that individuals have a right to arms yet their bodyguards have been arrested on Capitol Hill for weapons violations (toting 9mm semiautomatic pistols and submachine guns respectively).(48) How can Senator Dianne Feinstein zealously and melodramatically advocate handgun prohibition for citizens, yet avail herself of the privilege of a concealed handgun license (or sham deputization as a US Marshal) so that she may enjoy the protective benefits of a handgun that she would deny to those she "serves"

(It is) difficult to justify...permitting government agents, whom we ideally characterize as servants, to enjoy a level of security, provided in part by firearms, unavailable to the general population. Such a result leads to the conclusion that those in positions of power in government are distinct from servants whose lives are somehow worth more than the lives of citizens. It then follows that our constitutional system is designed to tolerate a tier of elite whose interest in personal security exceeds that of citizens merely because of their positions in government. Our constitutional tradition, based on the concepts of limited government serving the citizenry and legitimate fear of the power vested in government, seems at odds with such conclusions.(48)

If one distrusts government or considers self-preservation at least as important as collective interests, then one might conclude that individual citizens may choose to own the same type of weapons carried by the police and individual soldiers. Given the adventuresome and provocative nature of American foreign policy, thoroughness demands than one explore whether Americans would be more secure from external threat and from internal abuse if the government and its innumerable agents had fewer means of mischief, denied possession of weapons not owned by the people.

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Federal and State Affairs Committee
February 9, 1999

Honorable members of the Committee. Thank you for letting me present my written comments to you. I am writing to tell you of my support of House Bill 2240, giving law-abiding citizens the ability to carry a firearm for personal protection against violent criminal attack while outside the home.

I know what it feels like to be vulnerable outside my own home and invaded inside my home. One morning after returning home from a graveyard shift, I was alone and asleep in my bed. A phone alarm woke me up. The phone had been taken off the hook. At first, I thought it was odd, then I realized that someone was in my home. While frozen in bed, a complete stranger entered my room. I could not dial 911 - I was alone and helpless. I felt that my life was in danger.

I remember thinking about the previous self defense training I had taken...*Head for a crowd; Keep your keys ready to unlock your door, try not to show any fear...* So I confronted the intruder by hollering at him. To my surprise he turned and left.

After he left, I was then able to dial 911. The police officer who responded told me I was lucky he had left the scene. Apparently he was going through the neighborhood burglarizing. He had left an elderly couple tied up just a couple blocks away. Yes indeed, I was fortunate. I am a mother of four children. This incident made me think about my shift work and having to leave home late at night, parking my car and then walking to work. I remembered the police officer in the self defense class telling us that pepper spray is considered useless basically for two reasons: 1) You're placed in danger because you have to get too close to the perpetrator for it to be effective, and 2) many of today's criminals are either on drugs or alcohol and the pepper sprays don't affect them. I suddenly realized how totally unprotected I was then ...and even to this very day.

Outside in broad daylight a couple years ago, I had a very frightening experience. I was on I-35 going south near I-435 in southern Johnson County. It was almost the same location where a woman had been raped along the side of the road in mid-day while cars were driving by. Another driver was harassing and intimidating me by driving alongside me, then moving in front of me and slowing down while waving at me...then back beside me and then behind me. There was nothing wrong with my car and he kept following me until I reached Olathe. He followed me into Olathe. I was on my way to a library but I was afraid to stop the car or lead him to my destination. I was fortunate and was able to eventually lose him in traffic.

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My point in relating these two incidents from my own life is, that male or female, in your home or out of your home, we are vulnerable to criminal activity. I believe that as a law-abiding citizen, I have the right to protect my life, the life of my family, and to protect my property.

I am asking the House of Representatives to move forward with legislation which will permit the law abiding citizen to obtain a permit that would include a background check, safety training, and education regarding the laws which accompany this choice. All but 7 states have some type of provision giving this choice to their citizens.

I feel the current law prohibiting us from being able to carry a firearm is punishing us, the law abiding citizens, for the actions of criminals. Law abiding citizens respect the laws of our nation, the State of Kansas, their respective cities and want peace and safety in their lives. They will act responsibly with this law like all the other states have.

Thank you.

Linda Lee Stewart
8823 Gallery
Lenexa, Kansas

House of Representatives
Federal and State Affairs Committee
February 9, 1999

Thank you Madame Chairman and members of the committee for accepting my written comments on an issue of great importance to all Kansans. My name is Sylvia Foulkes and I am a resident of Olathe, Kansas. I'm writing you in support of H.B. 2240, the Personal and Family Protection Act. I have the unenviable distinction of being a woman who has survived an attempt on her life.

Thirteen years ago at 5 pm. In the afternoon, I was the victim of a random act of violence. While walking to my car in a shopping mall parking lot, thinking how lucky I had been to get a spot so close to the entrance, I was approached by a young man carrying a knife. The man grabbed me and told me he was going to kill me. I remembered learning that in these situations you would be safer if you did not struggle. I did not fight my attacker, but my throat was slit and cheek almost entirely sliced off. The only reason I am alive today is because other shoppers in the parking lot quickly came to my aid and chased my assailant off. One of the men who helped save my life was also injured.

I was one of the lucky ones. My assailant was turned in by his father four days later and brought to trial. During this process I learned that his motive was not robbery but that he was angry about being denied a job at a shop in the mall. When asked what he did for a living, he said he killed people. I also found out that he had been taking drugs and drinking at the mall all day. He had been in trouble with the law since he was twelve. My assailant was sentenced to 15 years in prison for my attack and he remains there today. My last image is of him facing my family and me in court, telling me, "I know where you are and I will be back". I have suffered through his parole hearings. His 15 years are almost up and I am frightened!

I will forever carry the physical and emotional scars of this brutal attack. My recovery has been slow over the years and continues today. I not only had stitches and hours of plastic surgery to handle, but two teenage children as well. My daughter is still traumatized by the vision of her mother in the emergency room. I no longer go out at night or walk alone anywhere and my assailant's image haunts me every night before I go to bed.

Living through this traumatic experience has made me realize that Kansans need the right to defend themselves and their families. With my story in mind, I urge you to support H.B. 2240, the Personal and Family Protection Act, and give Kansans the right that they justly deserve.

Sylvia Foulkes
Olathe, Kansas

House Fed & State
Attachment #18
2-9-99

TESTIMONY FROM JUDY MORRISON
FEDERAL AND STATE AFFAIRS COMMITTEE
KANSAS HOUSE OF REPRESENTATIVES

February 9, 1999

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Madame Chairman and committee members, thank you for accepting my written testimony on behalf of House Bill 2240. My name is Judy Morrison and I live in Shawnee, Kansas. I support HB 2240 because I believe it will give women and men a choice they need to defend themselves and their families.

Several years ago an incident happened which left a very big impression on me, my daughter and the rest of my family. My daughter had been diagnosed with cancer. We went through several years of treatment, and had to do a lot of traveling between our home and the medical facility several hundred miles away. At first we were able to fly when the trips were less frequent. But as her condition worsened and the trips became more frequent and longer, finances meant that we had to do some of the trips by car.

Many times we arrived home at night or early morning. It was often necessary to stop beside the highway when she became ill from chemotherapy. On one of our driving trips, a tire blew out. Someone stopped-- but our instincts told us that something was not right-- and thankfully we convinced the person to leave. It was such a frightening experience for both of us, especially my daughter who was left in tears. My daughter Shanna suggested that we should never be on the road again without a way to defend ourselves. I had to tell her that the law wouldn't let us do that. She didn't think that was a very good law, and neither do I.

I often think of other mothers, like myself, who face vulnerable situations. Many are single parents and have the sole responsibility for taking care of their families. Some are even in physical danger from abusive ex-husbands and boyfriends, who have no regard for the law. Physically, few women can defend themselves against a man who is bound and determined to do her harm. It is so sad. They need this choice. While not all would take advantage of it, they should have the choice. There may be no one else to depend on but themselves. All the good intentions and desire to protect people which law enforcement has, will not help you when they are not there. That's why our laws justify us in defending our own lives and safety. Please let us have the tools to do so.

Kansas is one of only 7 states that does not have some type of law allowing its peaceable citizens the right to carry a firearm for self protection outside their homes. I believe the citizens of Kansas should be trusted like the citizens in other states are trusted.

In 1988 my daughter passed away but I do still have another daughter. Please allow women like myself and my daughter the right to protect ourselves. Please allow us to protect our children.

Judy Morrison
Shawnee, Kansas

House Fed & State
Attachment #19
2-9-99

LaRue, Roger T.

P.O. Box 2603, Olathe, KS 66063-0603

(913) 764-1173-wk (913) 393-6530-pgr (913) 493-4813

February 08, 1999

House Federal & State
Affairs Committee
Kansas Capitol Building
Topeka, KS

Ladies and Gentlemen,

I am sorry that I am unable to appear before you today to testify in support of House Bill 2240, which has been submitted in legislation this year for your consideration.

Attached to this letter is a document which I would request that you consider as my testimony in support of this bill. I would have liked to have had the opportunity to speak to you directly, however I do not have the opportunity to do so. I am told that you were treated to a "sea of blue" uniforms who presented to you their views in opposition to the bill in question. I would like to present to you the fact that the persons who testified to you were not as you might think, presenting the overall and total view of Kansas Law Enforcement.

On Feb 1st, I began my 28th year as a Police Officer for the Olathe Police Department, in March of this year, I will have completed 29th, and begun my 30th year as a law enforcement officer, a career which spanned both Federal and municipal service.

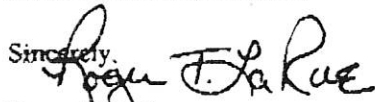
I am a member of the Kansas Police Officers Association, and I submit to you as a member of that association, my opinion, nor that of the membership at large was never consulted, or advised of any stand by the KPOA in opposition of this bill. It never happened.

I am a charter member of the International Homicide Investigators Association, a former member of the FOP, a member of the Blue Knights (a police motorcycle association) and with the exception of two years as either an Administrative and Recruiting Sergeant, or a Lieutenant/Watch Commander, have spent my entire career in Law Enforcement as a line, or working street officer. Like many other officers of my experience and background, I would like to tell you that I do not fear the right of honest law-abiding citizens of the State of Kansas to have the ability to possess or carry a firearm to defend their families and themselves.

I do not wish to submit to you that you should disregard what my fellow officers who have appeared before you in opposition to this bill have said, they have a right to their opinion as I do, however it is an opinion, and should not be taken with blinders to what the other officers would submit to you. I unfortunately, do not have the ability to come to speak before you on an *on duty status*, as my opposition has, but I would request that you give my written document the same credence as you would their testimony.

I submit to you that experience over the nation has proved that giving people the ability to defend themselves and their families has not caused the problems that it was thought that it would, exactly the opposite, the people of Kansas will be no different.

Sincerely,



Roger T. LaRue
(Detective Sergeant, Olathe Police Department, Olathe, Kansas)

House Fed + State
Attachment #20-1
2-9-99

Roger T. LaRue
P.O. Box 2603
Olathe, Kansas 66063

HOUSE OF REPRESENTATIVES
FEDERAL AND STATE AFFAIRS COMMITTEE
February 9, 1999

Madame Chairman and Committee Members, I am submitting my written comments in favor of House Bill 2240, which is now before you.

I am a Police Officer. I have served in Law Enforcement since March of 1970. On the 1st of February, I completed 27 years as a policeman for Olathe, Kansas, and have begun my 28th year. I began my career in police work in Russell, Kansas, after returning from duty with the Marines in Vietnam. I continued service with the Hays Police Department, and then to the Federal Protective Service, United States Special Police, based in Kansas City, Missouri.

Presently I am a Detective Sergeant with the Olathe Police Department. Currently I head up the Crimes Against Property and Licensing Unit. I also headed up the Crimes Against Persons Unit. I am currently assigned to the Kansas City Metropolitan Metro Squad, as a Major Case Investigator, and Lead Officer. I and others investigate homicides in an eight county area in the metropolitan Kansas City area.

I have 7 ½ years as either a uniformed officer, or a Field Sergeant, 1 year as a Watch Commander and nearly 18 years as a Sergeant in the Detective Division working in investigations. I also have 1 year in administration helping to recruit.

The purpose of my comments is to assure you that Law Enforcement officers do support the passage of 'Right To Carry' legislation, particularly the line or field officers who deal with victims and criminals every day.

As a LEO, I have no fear of law abiding persons having the ability to choose to carry a firearm for protection outside of the home. I know that under House Bill 2240, persons receiving permits will have undergone a background investigation and completed a firearms training course. I have been present during hearings when the Sheriff of Shawnee County, Kansas, the Kansas State Troopers Association, and the Kansas Fish and Game Officers Association all went on record in support of this type of bill.

I would like to share an incident that I recall from a cold winter night when I was a young Field Sergeant, stopping a car on Kansas City Road, leading from our city to Lenexa. I had stopped the vehicle for a bad license tag, but upon obtaining identification from the driver and his three passengers, I knew as I ran record checks on them that four of the five were well known felons. The dispatcher told me there were no units available to assist me at that time, but, as it turned out, I didn't need any immediately, after all.

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I heard the crunching of feet on snow to the side of me, and then heard a loud voice call out, "you do what the officer told you and get your hands up". A resident had seen my car stop and after what he thought was sufficient time for me to have released the car and gone on, or a second officer come to my aid, this citizen came out with his 20 gauge shotgun to see if I needed help. Beside the car we later found a .38 caliber pistol and a .22 caliber rifle that the occupants of the car had thrown out sometime after I had stopped them.

In 1994, a friend of mine was a murder victim. He had given the suspect his money but was killed by the robber anyway.

In 1995 a friend of mine was walking along the path bordering I-435 at Antioch in Overland Park, and was menaced by a deranged individual who made gestures as if he had a weapon. My friend retreated, finding only a rock to defend himself; but retreat he did with rock in hand. There have been three or four unsolved brutal rapes in that same area.

As a Police Officer I know better than most that we, the police, cannot be everywhere to protect the persons who live in our cities. We seldom are in a position to be at the scene of a rape in progress, or a robbery, or a murder. We must pick up the pieces afterward.

I ask you to give the honest law abiding citizens in our State the ability to defend themselves. This legislation makes everyone safer.

Thank you

Roger T. LaRue

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