

Approved: April 9, 1999  
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:10 a.m. on March 25, 1999 in Room 313-S of the Capitol.

All members were present:

Committee staff present: Mary Galligan, Legislative Research Department  
Russell Mills, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Judy Glasgow, Committee Secretary

Conferees appearing before the committee: Representative Candy Ruff  
Walt Hagen, Individual Kansas  
Jan Exby, Safety for Woman and Responsible Motherhood,  
Inc. Overland Park, Kansas  
Jim Exby, Overland Park, Kansas  
Kelly Johnston, Safe State  
Jim Kaup, City of Topeka  
Lonie Addis, Labette County Commission  
Marion Davis, MAINStream Coalition  
Representative Susan Wagle  
Phil Journey, Kansas 2<sup>nd</sup> Amendment Society; Ks. State Rifle  
Association  
Ann Hebberger, Main Stream Coalition  
Don Moeler, League of Kansas Municipalities

Others attending: See Attached Sheet

Senator Bleeker introduced her son Casey Bleeker and Meredith Henkle a friend from Great Bend, who are serving as pages.

Chairman Oleen opened the hearing on **HB 2240 - concealed weapons**

Chairman Oleen recognized Representative Candy Ruff, one of the co-sponsors of **HB 2240**. Representative Ruff stated that 42 states already have various measures concerning the "right to carry". (Attachment 1. (Also attached were the following articles from various news papers *USA Today*, Friday 8-2-96 "Study: Weapons laws deter crime"; *The Daily Oklahoman*, 5-14-97 "Fears of More Crime Off-Target Under Gun Law"; *The Gaston Gazette*, 2-16-97 "Despite lack of violence, foes of law aren't changing their minds"; *The Topeka Capital Journal* 3-25-97 "S.C. Lawmaker: Problems Few with Concealed Carry"; *The Alexandria Journal*, 7-9-97 "Critics Admit Gun Law Hasn't Hurt"; *Austin American-Statesman*, 2/2/97 "Shootout in mild West"; *Investor's Business Daily*, 1/8/98, "No smoking Gun with Concealed Weapons Laws"; *Tulsa World*, 1/31/98 "Concealed Gun Carrier Subdues Suspect"; *Police*, date unknown, "Discovering Security in the Barrel of a Handgun"; *GCL Lawrence Research*, Press Release, date unknown; *The Law Enforcement Alliance of America*, Date unknown, "Law Enforcement Speaks: Right to Carry Works.") She did express some concern that the section on protection from abuse portion of the bill needed to be strengthened. Representative Ruff stated that she would like to see a portion of the extra money generated from this bill be used toward the local enforcement agencies ability to input data into the central computer information on protection from abuse orders. She requested that the committee favorably consider **HB 2240**.

Chairman Oleen opened the hearing on **HB 2540 - Limitation on actions against firearms and ammunition manufacturers, distributors, dealers and sellers and trade associations thereof.**  
to accommodate Representative Wagle's schedule.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 313-S  
Statehouse, at 11:10 A.M. on March 25, 1999.

Chairman Oleen recognized Representative Susan Wagle, sponsor of **HB 2540**. Representative Wagle noted that **HB 2540** seeks to protect firearms and ammunition manufacturers from being sued for making a legal product and selling that product while abiding by every state and/or federal law imposed on that industry. (Attachment 2 Also attached were news paper articles from *The Washington Post*, 1/5/99 "After Tobacco Success, Lawyers Pick Gun Fight"; *The New York Times*, 3/10/99 "Tobacco-Busting Lawyers on New Gold-Dusted Trails"; *USA Today*, 3/18/99 "Lawyers eye suits over cigarettes' role in fires). She stated that the hunting and sport shooting area is a \$1.1 billion dollar industry for the State of Kansas and by protecting this industry and those next in line from these frivolous lawsuits, Kansas ensures that money is reinvested into the Kansas economy. She called the committee's attention to copies of several letters that had been sent to Governor Graves in support of this bill. National Shooting Sports Foundation, Inc. (Attachment 3) Primex Technologies, Inc., St. Marks, Fl. (Attachment 4); Sturm, Ruger and Company, Inc., Southport, Connecticut (Attachment 5) and The Law Enforcement Alliance of America, Falls Church, Virginia (Attachment 6). Representative Wagle asked for the committee's favorable consideration of **HB 2540**.

Chairman Oleen announced that the hearing would return to **HB 2240-Concealed weapons** and recognized Walter Hagen, proponent. Mr. Hagen stated that he has written to Governor Graves asking him to reconsider his position on vetoing all legislation regarding the right of law-abiding citizens to carry a concealed weapon. (Attachment 7). Mr. Hagen asked for the committee's favorable consideration of **HB 2240**.

Chairman Oleen recognized Jan Exby, Overland Park, Kansas a proponent of **HB 2240**. Mr. Exby stated that in 1995 she became one of the three out of four women who is a victim of a violent crime. (Attachment 8 Attached was an article from *The Wall Street Journal*, 8-28-96 "More Guns, Less Violent Crime".). She stated that this bill would permit law-abiding citizens, especially women, a choice and an option for effective self-defense. She stated that she was appearing for the organization Safety for Women and Responsible Motherhood; and this organization needs this choice. (Attachment 9). She ask the committee to support this legislation.

Chairman Oleen recognized Jim Exby, Overland Park, Kansas. Mr. Exby testified in favor of **HB 2240** and stated that 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 sigh (Attachment 10) Mr.. Exby stated that he had almost been the victim of a drive by shooting, but had avoided it by having a gun in his truck. He said that he found out later that he had broken the law in Kansas City, Kansas, in the way he had carried the gun in the truck. Mr. Exby stated that what was legal in Overland Park was illegal in other communities that he traveled through. He ask for the committee's support of **HB 2240**.

The Chair, splitting the time equally between proponents and opponents of **HB 2240** called on Mr. Kelly Johnston, of Safe State, an opponent to **HB 2240**. Mr. Johnston stated that a copy of a study released recently by the Violence Policy Center on the Texas Concealed Carry License Holders was distributed for committee members. (Attachment 11). He stated that Florida crime rates have dropped, but no more than in Kansas or Missouri - states which do not have concealed carry laws. Mr. Johnston stated that Safe States believe that the best way to preserve a peaceful way of life and to maintain crime rate reductions in Kansas is not to put more guns into public places.

Chairman Oleen recognized Jim Kaup, representing the City of Topeka. Mr. Kaup testified that the City of Topeka opposes **HB 2240** believing that it is a threat to public safety and to the safety of law enforcement officers. (Attachment 12). He stated that it is unjustified and harmful preemption by the state of a subject Kansas local governments have historically regulated. He asked that the committee not support **HB 2240**.



CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 313-S  
Statehouse, at 11:10 A.M. on March 25, 1999.

Chairman Oleen called on Lonie R. Addis, Labette County Commissioner, an opponent of **HB 2240**. Mr. Addis testified on behalf of the 105 county commissions across the State of Kansas. Mr. Addis expressed opposition to **HB 2240** and **HB 2540**. (Attachment 13). Mr. Addis stated that the home rule authority under KSA 19-101 et seq is very important and **HB 2240** and **HB 2540** should not pre-empt that right. He ask the committee not to support **HB 2240** and **HB 2540**.

Chairman Oleen recognized Marion Davis, MAINStream Coalition, as an opponent to **HB 2240**. Ms. Davis testified that a clear majority of Kansas law enforcement officers are apposed to the concealed carry of weapons. She also stated that 69% of all Kansans oppose concealed carry and that Kansans already have the right to carry a firearm as long as it is carried openly. (Attachment 14) Ms. Davis stated that MAINstream Coalition opposed **HB 2240** and urges the committee to vote no on this bill.

Chairman Oleen recognized conferees who were proponents of **HB 2240** but because of lack of time would not be able to testify but stated that their written testimony would be entered into the record. These included Mr. Richard Kellog, Fraternal Order of Police, Kansas State Lodge (Attachment 15). Mr. Scott Hattrup, Overland Park, Kansas, (Attachment 16). They were recognized by the committee.

Written testimony supporting **HB 2240** was noted by Chairman Oleen from Judy Morrison, Shawnee, Kansas (Attachment 17); Roger T. LaRue, Police Officer, Olathe, Kansas (Attachment 18); Sylvia Foulkes, Olathe, Kansas (Attachment 19); Lisa Larson, Overland Park, Kansas (Attachment 20); Michael Dann (Attachment 21) and Eric Voth, M.D., Topeka, Kansas (Attachment 22).

Chairman Oleen recognized conferees who were opponents of **HB 2240** but because of lack of time would not be able to testify; she stated that their written testimony would be entered into the official record. They were recognized by the committee. These included Sally Finney, Kansas Public Health Association (Attachment 23); Don Moeler, League of Kansas Municipalities (Attachment 24); Richard Old, Kansas Peace Officers (Attachment 25); Diane Vernell, Detective, City of Wichita Police Department (Attachment 26); Jim Keating, Kansas Safe Kids Coalition (Attachment 27); Ed Rowe, League of Women Voters of Kansas (Attachment 28); and Reverend Jesse Brown, Associate Pastor of First Baptist Church, Topeka (Attachment 29).

Chairman Oleen noted that the committee received written testimony opposing **HB 2240** from the following; Ellen T. Hanson, Police Chief, Lenexa Kansas (Attachment 30); Captain Glenn L. Ladd, Overland Park Police Department (Attachment 31); G. Eugene Troehler, Overland Park Chamber of Commerce (Attachment 32); Lawrence Chamber of Commerce (Attachment 33); and Terri S. Moses, Wichita Deputy Chief of Police (Attachment 34).

Written testimony was submitted by Kansas Coalition against Sexual and Domestic Violence, Topeka requesting amendment to **HB 2240** strengthening the national registry for Protection from Abuse order use (Attachment 35).

Chairman Oleen continued the hearing on **HB 2540- an act concerning firearms, ammunition and firearms dealers, limiting certain civil actions.**

Chairman Oleen called on Phillip Journey, Kansas Second Amendment Society and the Kansas State Rifle Association. Mr. Journey noted that this legislation is a reaction to the lawsuits filed by cities such as Chicago and Atlanta. (Attachment 36). He stated that suits against the firearms industry are for products that properly yet tragically functioned as intended. Mr. Journey urged the committee to favorably recommend **HB 2540**.

Scott G. Hattrup, Overland Park Attorney, a proponent for **HB 2540** was recognized by Chairman Oleen. Mr. Hattrup stated that many employers and business in Kansas are now under threat of frivolous lawsuits. (Attachment 37). He stated that a vote in favor of this bill would protect business and the constitutional legislative process in Kansas.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 3131-S  
Statehouse, at 11:10 a.m. on March 25, 1999.

Chairman Oleen called on Ann Heberger, MAINStream Coalition, an opponent to **HB 2540**. Ms. Heberger stated that there are many reasons to oppose this legislation; the effect on local control, the protection of a select industry, and the denial of the right to sue by the Attorney General. (Attachment 38) However, MAINStream opposes this bill as an extension of the long term opposition of the gun lobby and its efforts to encourage the unregulated proliferation of guns.

Chairman Oleen recognized Don Moeler, League of Kansas Municipalities as an opponent to **HB 2540**. Mr. Moeler stated that one of the fundamental powers of cities found in the first statute which sets out the corporate powers of cities is the power of cities to sue and be sued. (Attachment 39). He stated that to set a precedent prohibiting lawsuits as a matter of state statute appears to be extreme and unwise public policy. He urged the committee to reject **HB 2540**.

Chairman Oleen recognized Robert Hodgdon, Overland Park, as a proponent to **HB 2540**. Mr. Hodgdon stated that the Kansas National Guard and armed forces stationed on Kansas bases revolve significantly around small arms manufactured by the firearms industry. (Attachment 40). He stated that the economic impact of this industry on Kansas can total as much as \$2.2 billion. He urged the passage of this bill.

The committee received written testimony in support of **HB 2540** from American Shooting Sports Council, Inc., (Attachment 41); National Rifle Association of American, Fairfax, Virginia (Attachment 42); and Marlin Firearms Company, North Haven, Ct. (Attachment 43).

Chairman Oleen requested action on committee minutes for March 17 and 22 at the rail. Senator Becker moved to accept the minutes for March 17 and 22 rail. Senator Gooch seconded the motion. The motion carried.

Chairman Oleen recessed the meeting at 1:15 p.m. and announced the meeting would continue at 3:00 p.m. March 25 in Room 529-S.

The meeting was reconvened at 3:05 p.m. in Room 529-S in the State House.

Chairman Oleen called for questions from the committee. Senator Vratil questioned how many law suits had been brought where the gun manufacture had been held liable for damages. Mr. Scott stated that the Brooklyn suit was the only one that has gone to trial; all the others had been dismissed before reaching trail.

Senator Gooch questioned Mr. Scott about the statements in his testimony stating that if this bill was not passed that some Kansas businesses would go out of business. Mr. Scott stated that there was the potential that these businesses would go out of business because of their size if the bill was not passed.

Senator Gooch questioned Representative Ruff about the safety of those employees at the correctional institutions and ask if a bill should be directed to special groups of people to carry guns. Representative Ruff stated women were a special group of persons who needed to be protected because bad things do happen to them.

Upon completion of questions from committee members Chairman Oleen announced that the hearings were closed on **HB 2240** and **HB 2540**.

The meeting adjourned at 3:50 p.m. The next meeting of the committee will be held March 26, 1999

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE  
GUEST LIST

DATE: MARCH 25, 1999

NAME	REPRESENTING
Robin Lehman	Safe State
Elizabeth Baker	Safe State
Kelly W. Johnston	Safe State
Pat Lehman	KS FSA
JIM KEATING	KANS SAFE KIOS COAL.
Lonie R. ADDIS	Ks. County Comm. Assn.
Jesse BROWN	KS. ECUMENICAL MINISTRIES
ED ROWE	LEAGUE OF WOMEN VOTERS/KS
WALT HAGEN	SELF
Richard Old	KPOA
Ann DeBerger	Mainstream Coalition
Marian Slavin	Mainstream Coalition
Phil [unclear]	Ks State Rifle Assoc, Ks, 2nd Annual Sec.
Al Thompson	Ks. State Rifle Association
Robert Hodgdon	Hodgdon Powder Co
Dan [unclear]	Dan [unclear]
Jan [unclear]	Self-Support
Blaine [unclear]	KTCIV
[unclear]	NRA

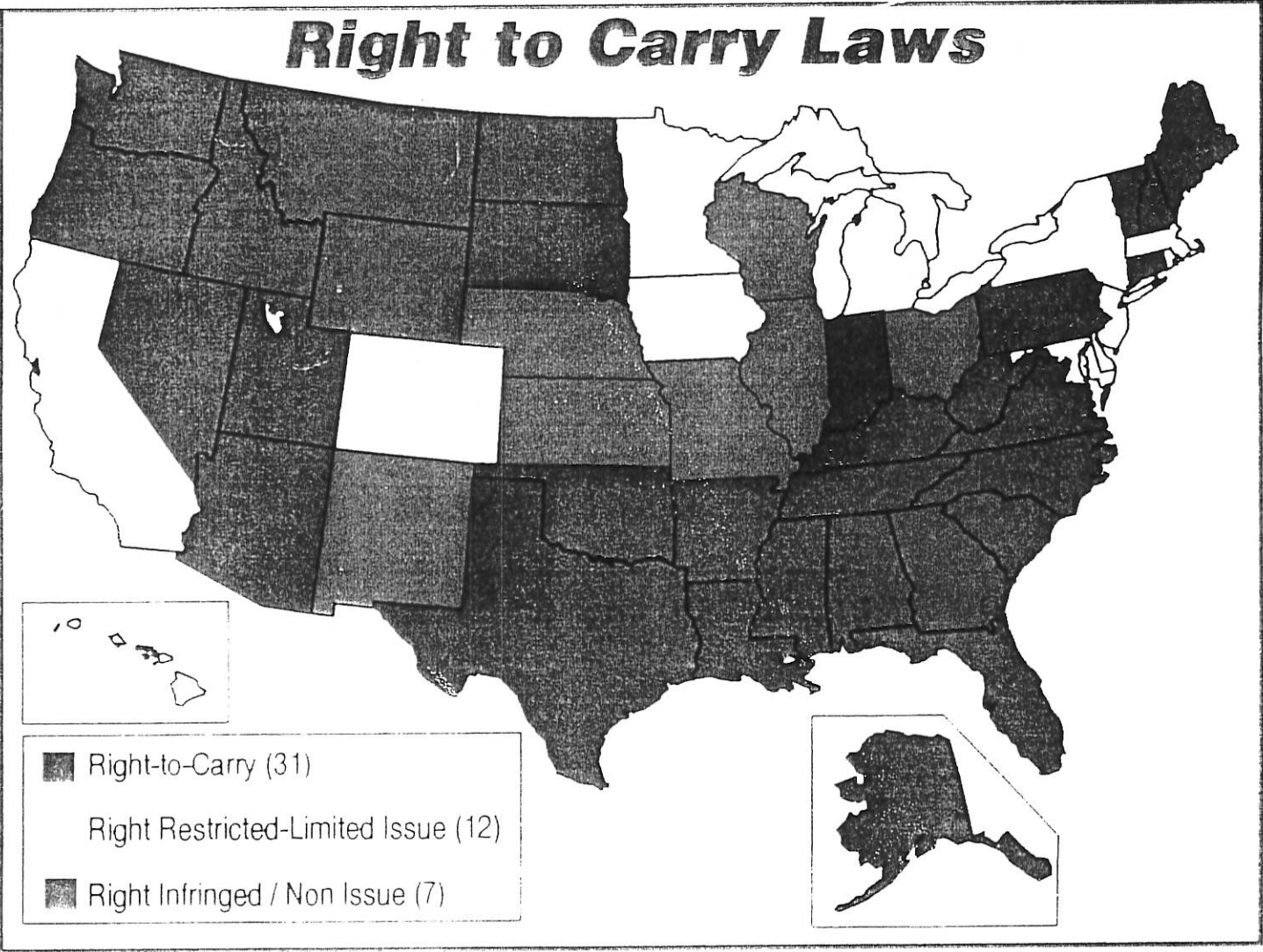


# SENATE FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: \_\_\_\_\_

NAME	REPRESENTING
Sandy Barnett	KUSDV
S. Therese Bangert	SELF
Judith Molen	Ks. Assoc of Counties
Dana Foston	Johnson County
Tim Wood	Via CHRISTI HEALTH System
Kelly Finney	Ks. Public Health Assn
Alex Kobyanetz	Self
George Petrus	Ks Water Ed Inst
Glenn Thompson	SUFK
<sup>DET.</sup> Beverly Brimer	Wichita Police Dept
Rob May	Senat
Barney Bad Ass	Seaverworth
Dewot Koch	SWB
Whitney Darran	KS Beer Assn
TODD REISER	SEN. VRATIL ~ INTERN
Marc Hamann	Div. of the Budget
Mike Lecht	Smart + Associates

# Right to Carry Laws



# Right-to-Carry Permits Issued and Percentage of Permits Revoked

## South Carolina



- State population: 3,699,000
- Permits issued through 1/18/99: 18,496
- Permits revoked: 56

As of January, 1999 only 0.3% of Right-to-Carry permits issued have been revoked.

source: South Carolina State Law Enforcement Division

## Oklahoma

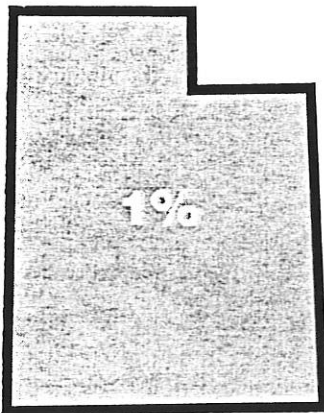


- State population: 3,301,000
- Permits issued through 8/1/98: 25,648
- Permits Revoked: 21

As of July, 1998 only 0.1% of Right-to-Carry permits issued have been revoked.

source: Department of Public Safety

## Utah

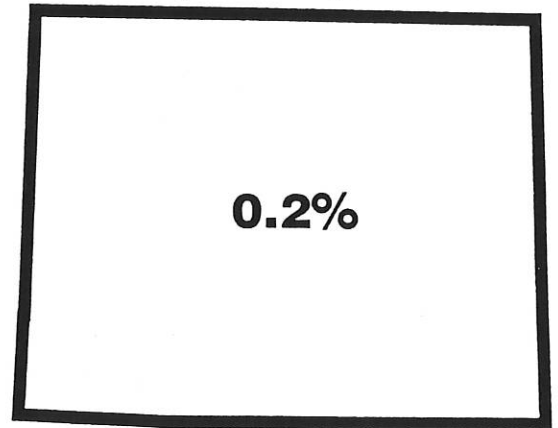


- State population: 2,059,000
- Permits issued through 1/15/99: 22,401
- Permits revoked: 215

Since permit program began, only 1% of Right-to-Carry permits issued have been revoked.

source: State Highway Patrol

## Wyoming



- State population: 480,000
- Permits issued through 1/11/99: 5,288
- Permits revoked: 10

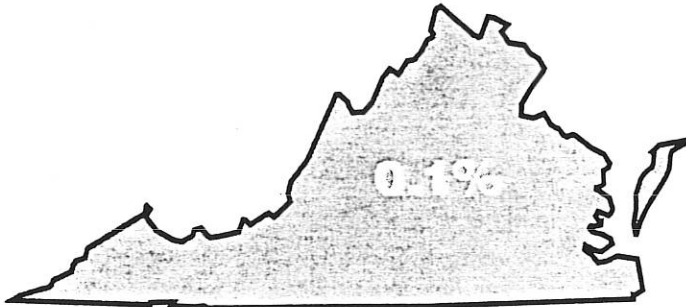
Since permits have been granted, only 0.2% of carry permits have been revoked.

source: Department of Criminal Investigation, A.t.torney General's office



# Right-to-Carry Permits Issued and Percentage of Permits Revoked

## Virginia

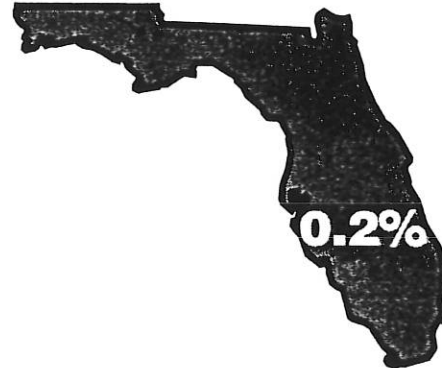


- State population: 6,734,000
- Permits issued 7/95 through 12/98: 77,180
- Permits revoked: 88

During the first three years the law has been in effect, only 0.1% of Right-to-Carry permits issued were subsequently revoked..

source: Virginia State Police

## Florida

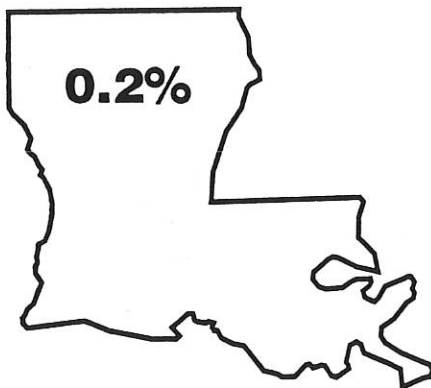


- State population: 14,654,000
- Permits issued 10/1/87-11/30/98: 540,025
- Permits revoked: 107

Only 0.2% of Right-to-Carry permits issued have subsequently been revoked.

source: Florida Division of Licensing

## Louisiana

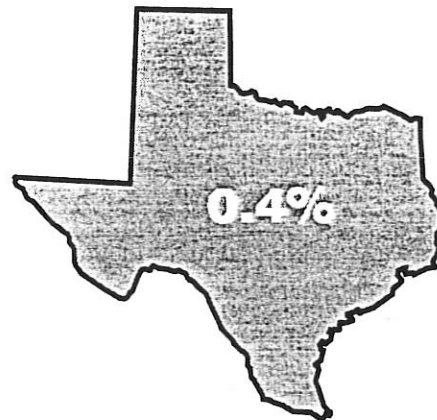


- State population: 4,352,000
- Permits issued 10/1/96 through 12/31/98: 10,309
- Permits revoked: 21

Since permit program began, only 0.2% of Right-to-Carry permits issued have been revoked.

source: Louisiana State Police

## Texas



- State population: 19,439,000
- Licences issued 1/1/96 (start-up) through 1/13/99: 195,630
- Permits revoked: 718

During the three years permits have been granted, only 0.4% of carry permits have been revoked.

source: Texas Dept. of Public Safety

# 2

State of Kansas  
House of Representatives



**Susan Wagle**

**TESTIMONY ON HB 2540**

March 25, 1999

Madame Chairman, distinguished members of the Committee, thank you for letting me speak on HB 2540, which I believe to be a critical and necessary protection for the future of business and industry in Kansas.

HB 2540 seeks to protect firearms and ammunition manufacturers from being sued for making a legal product and selling that product, while abiding by every state and federal law imposed on that industry. The firearms and ammunition industry as a whole is, without question, one of the most regulated industries in the nation. In order to sell **ANY** legally manufactured firearm in the State of Kansas, you must first obtain a Federal Firearms License from the A T F (Department of Alcohol, Tobacco and Firearms). If you wish to purchase **ANY** firearm in the State of Kansas, you must first satisfy a background check conducted by the F B I (Federal Bureau of Investigation).

On average, gun manufacturers and dealers dedicate 25 - 30% of their gross operating expense to compliance with existing laws. I know of no other retail business in this country that is subjected to such scrutiny in relation to it's daily operations. Despite the responsible efforts of the firearm and ammunition industry, gun control activists continue to target them for the criminal misuse of their legal products. This brings up an important question - what kind of message are we sending to the firearms and ammunition manufacturing community when they pour millions of dollars into awareness and safety programs each year and continually strive to raise industry standards, and we let lawsuits like these go unanswered? If we choose to let these suits go forward, we are telling them regardless of these efforts to operate by the book, to conduct their transactions and manufacturing within **EVERY** legal constraint, they are still liable. This is illegal, it is wrong, and by letting this one industry fall to dangerously devastating lawsuits, we open the floodgates on every other industry in Kansas.

Hunting and sport shooting are a 1.1 billion dollar industry for the State of Kansas and by protecting this industry and those next in line from these frivolous lawsuits, we ensure that money is reinvested into the Kansas economy. Legitimate businesses have always had a secure foundation in Kansas, and I fear that may not be true if we start trying to solve tough issues through high-stakes litigation. I ask that the committee cast their vote in favor of HB 2540.

Once again, I thank you Madame Chairman and members of the committee, for letting me speak on HB 2540.



## National Shooting Sports Foundation, Inc.

FLINTLOCK RIDGE OFFICE CENTER • 11 MILE HILL ROAD • NEWTOWN, CT 06470-2959  
(203) 428-1320 • FAX (203) 428-1087

March 24, 1999

The Honorable Bill Graves  
Office of the Governor  
State Capitol  
Topeka, KS 66612

Fax: 785/296-7973

Dear Governor Graves:

On behalf of the National Shooting Sports Foundation, the industry's largest and most diverse trade association, I am writing in strong support of HB 2540, the lawsuit preemption vehicle.

Current lawsuits filed by cities such as New Orleans, Chicago and Bridgeport, are clearly politically motivated actions and are based on legal theories that go well beyond traditionally accepted notions of product liability or responsible product distribution.

Many companies named in these lawsuits have long been members of the National Shooting Sports Foundation and through their contributions to the Foundation have for many years supported industry safety education campaigns and programs that encourage the responsible use of firearms by all Americans. These same companies – more than a few whose history dates back to the dawn of the American Industrial Revolution – also produce the firearms used by local, state and federal law enforcement agencies as well as our military services. As part of America's proud firearms manufacturing history, these companies have operated their businesses and sold their products in a responsible, law-abiding manner for many decades.

The lawsuits being filed by municipalities across the country clearly pose a threat to all firearms manufacturers, an industry with strong tradition of support of America's hunting and shooting sports heritage and the safe and responsible use of firearms by all Americans.

I appreciate this opportunity to communicate with you and respectfully urge your support of HB 2540.

Sincerely,

Doug Painter  
Executive Director

Sen. Federal & State Affairs Com  
Date: 3-25-99  
Attachment: # 3-1





March 23, 1999

Honorable Bill Graves  
Office of the Governor  
State Capitol  
Topeka, KS 66612

Dear Governor Graves:

RE: Kansas HB 2540

I am writing to advise of the urgent need for legislation such as proposed in Kansas HB 2540. You must be aware that the gun and ammunition industry is under severe threat of financial ruin due to a multitude of frivolous lawsuits initiated by cities who attack the gun industry. It is alarming that lawsuits against law-abiding companies are viewed as a way to reduce crime rather than to insist on strict enforcement of existing laws.

As a long-standing member of NSSF and SAAMI, I now advise that a major segment of our outdoor activities are threatened by such frivolous suits. American heritage is at risk. I am, therefore, asking that you recognize the need for expeditious action regarding this serious matter.

May we count on you to support the continuance of our industry? Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "D. E. Findley".

D. E. Findley  
Vice President  
Propellant Systems

DEF/ghf  
REF 9.044

PRIMEX TECHNOLOGIES, INC.  
Ordnance and Tactical Systems Division  
P.O. Box 222, St. Marks, FL 32355 • Telephone: (904) 925-6111 •

Sen. Federal & State Affairs Comr  
Date: 3-25-99  
Attachment: # 4-1



## STURM, RUGER & Company, Inc.

Lacey Place, Southport, Connecticut 06486  
Telephone: (203) 259-7843 • Fax: (203) 259-8888

March 24, 1999

### VIA FACSIMILE

The Honorable Bill Graves  
Office of the Governor  
State Capitol  
Topeka, KS 66612

Re: Municipal Lawsuits Against the Legitimate Firearms Industry

Dear Governor Graves:


I am enclosing a copy of a message we recently ran in our local newspaper, which you may find of interest. It is intended to correct some misconceptions about our Company, its products, and its exemplary record concerning the vital issue of firearms safety.

We hope you find this information and the enclosed items useful in any discussions concerning related issues. As the nation's largest firearms manufacturer, we are proud to celebrate our 50<sup>th</sup> anniversary as "Arms Makers for Responsible Citizens."

Please do not hesitate to contact us if we can be of any further assistance.

Sincerely,

STURM, RUGER & COMPANY, INC.

  
Stephen L. Santti  
Vice President, General Counsel

Sen. Federal & State Affairs Com.  
Date: 3-25-99  
Attachment: # 5-1

# THE LAW ENFORCEMENT ALLIANCE OF AMERICA

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



## LEAA

### MEMORANDUM IN SUPPORT

DT: March 24, 1999  
TO: Governor Bill Graves  
FR: James J. Fotis, Executive Director *JJF*  
RE: HB 2540

On behalf of the more than 65,00 members of the Law Enforcement Alliance of America (LEAA), I invite you to join us in supporting HB 2540. This bill would prevent politically minded and financially motivated lawyers from circumventing the legislative process in their attempts to get rich off the bankrupting of America's sporting firearm's industry.

These lawsuits are of particular concern to law enforcement, as they divert much needed attention and resources from real crime fighting activities. Every dollar that cities and state agencies spend to bankrupt America's sporting firearm industry in the name of stopping gun violence, is another dollar that won't be used to fund much needed law enforcement activities. In the name of justice and fighting crime, these lawsuits divert money from law enforcement and crime prevention programs into costly lawsuits, ensuring that the only sure winner in this fight will be the lawyers.

The consequences of not supporting HB 2540 are great, for both Kansas law enforcement and law-abiding citizens. The financial costs of these lawsuits will be shared by the law-abiding people of Kansas who purchase firearms for sporting or self-defense purposes and Kansas law enforcement agencies who buy firearms and related equipment for their officers. Ultimately, the financial burden of these lawsuits will fall on Kansas taxpayers who will pay for the dramatically increased cost of equipping Kansas law enforcement agencies with firearms.

If you have any questions about the Law Enforcement Alliance of America's position on HB 2540 or other legislation pending before the Kansas Legislature, please feel to call me personally, at (800) 766-8578. Thank You.

7700 Leesburg Pike • Suite 421 • Falls Church, VA 22043 • (703) 847-COPS • (800) 766-8578  
The Law Enforcement Alliance of America (LEAA) is recognized by the United States Treasury Department as a non-profit organization under IRS Code Section 501 (c) (4).  
Due to LEAA's legislative activities, contributions and gifts to LEAA are not tax-deductible.

Sen. Federal & State Affairs Com  
Date: 3-25-99  
Attachment: # 6-1



25 March, 1999

Hearing for concealed carry legislation

Dear Senators:

Several months ago, I wrote Governor Graves, to reconsider his position on vetoing all legislation regarding allowing law-abiding citizens to carry a concealed weapon, for their self defense, I told him that he was making me a criminal, by not allowing me to carry a concealed weapon, in my car. My wife has Aphasia from having three strokes, plus, she lost the lower part of her right leg, and wears a prosthesis. Consider what would happen if a carjacker accosted us, and demanded immediate disembarking of the car, my wife would be shot on the spot, because she would get disoriented and confused, and with her prosthesis, could not get out of the car, in a time that would suit the carjacker.

With that in mind, I implore you all to consider not just my plight, but the plight of many others in similar situations.

It surely isn't fair to deny us the right granted by the Second Amendment, and I don't really understand why our Governor has taken such a negative stance against it.

Thank you for your time,



Walter W. Hagen

# 5

Kansas Senate  
Federal and State Affairs Committee  
March 25, 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?

Sen. Federal & State Affairs Comr  
Date: 3-25-99  
Attachment: # 8-1

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. Bureau of Justice 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 nor 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. 97<sup>th</sup> Terrace  
Overland Park, Kansas

Kansas

LAWRENCE RESEARCH  
1450 N. Tustin Avenue, Suite 150  
Santa Ana, California 92701

Project #6608  
Time Started \_\_\_\_\_  
Time Ended \_\_\_\_\_

Field Dates: February 6-7, 1996

Hello, I'm \_\_\_\_\_ of Lawrence Research, a national research firm. We're conducting a national public opinion survey and I'd like to ask you a few short questions. (AS NECESSARY: This is not a sales call; it's a legitimate opinion poll. It will take about three minutes.)

A. Are you registered to vote? (IF YES, BEGIN; IF NO, ASK:) Is there anyone else in your household who is registered to vote? (IF YES:) May I please speak with him or her?

Our first question is about the upcoming U.S. Senate race ...

1. If the election for U.S. Senator were held today, would you vote for ... (ROTATE) Pat Roberts, Republican or Sally Thompson, Democrat?

Pat Roberts . . . . . 42  
Sally Thompson . . . . . 23  
[UNDECIDED] . . . . . 35

On another topic ...

2. Do you feel that people should or should not have the right to defend themselves against criminal acts within their own homes?

Should . . . . . 95  
Should not . . . . . 2  
[NO OPINION] . . . . . 3

3. Do you feel that people should or should not have the right to defend themselves against criminal acts outside their homes?

Should . . . . . 76  
Should not . . . . . 11  
[NO OPINION] . . . . . 13

4. Would you favor or oppose a law allowing law-abiding citizens to be issued a permit to carry a firearm for personal protection outside their homes?

Favor . . . . . 42  
Oppose . . . . . 44  
[NO OPINION] . . . . . 14

5. Would you favor or oppose a law allowing law-abiding citizens to be issued a permit to carry a firearm for personal protection outside their homes if they have passed a state and federal criminal records check and have completed a firearms safety training course?

Favor . . . . . 61  
Oppose . . . . . 33  
[NO OPINION] . . . . . 7

And three questions for statistical purposes.

6.	Are you registered to vote as a Republican, a Democrat, or something else?	Republican . . . . . 47 Democrat . . . . . 28 Independent/Other . . . . . 21 [REFUSED] . . . . . 3
----	--	---

7.	Is the occupation of the head of your household ... professional, white collar, blue collar, retired or unemployed?	Professional . . . . . 30 White collar . . . . . 14 Blue collar . . . . . 24 Retired . . . . . 27 Unemployed . . . . . 2 [REFUSED] . . . . . 4
----	---	---

8.	And what is your age, please?	18 - 24 . . . . . 7 25 - 34 . . . . . 15 35 - 44 . . . . . 22 45 - 54 . . . . . 17 55 - 64 . . . . . 14 65 + . . . . . 22 [REFUSED] . . . . . 2
----	-------------------------------	---

9.	Sex	Male . . . . . 50 Female . . . . . 50
----	-----	--

10. POST CODE: COUNTY FIPS CODE

\_\_\_\_\_

That completes our interview. Thank you for talking with us today.

PHONE: \_\_\_\_\_ / \_\_\_\_\_

\*\*\*\*\*

INTERVIEWER CERTIFICATION: I have re-read this completed questionnaire and certify that all questions requiring answers have been appropriately filled in and that this interview has been obtained from the individual designated.

INTERVIEWER \_\_\_\_\_ DATE \_\_\_\_\_

NOTE: This interview is the property solely of Lawronce Research. Any attempt to duplicate or sell the contents constitutes an illegal act and is subject to prosecution.

**Kansas Senate  
Federal and State Affairs Committee  
March 25, 1999**

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**RE: Chamber of Commerce Survey**

Attached are the results of a written survey which we conducted over the last two years. The intent of the survey was to determine the opinion of chambers of commerce regarding the general effects upon business of their state's right to carry (concealed carry) law.

There was an approximate 25% response rate to our survey. All the responses, except one, were that their law was not an issue. When contacted, the respondent with the Virginia chamber could not remember why he had indicated 'negative' on question no.10.

Also attached is a copy of my summary statement submitted in 1997 to the Kansas Senate Federal and State Affairs Committee, summarizing telephone interviews with several other chambers of commerce.

The Koch Crime Commission in Kansas published a report on it's research into concealed carry laws which it has conducted over the last couple years. The report states that the concerns over a concealed carry law, raised by some KS chambers, may be overstated given the data which is available. They used my summary to the Senate committee two years ago as part of their information.

**Jan Exby**

Safety For Women And Responsible Motherhood, Inc.  
P.O. Box 12813  
Overland Park, KS 66282

Sen. Federal & State Affairs Com  
Date: 3-25-99  
Attachment: # 9-1



# SURVEY RESULTS: "RIGHT-TO-CARRY LAWS"

9-2

nk = Unknown)

Safety For Women And Responsible Motherhood, Inc. - Overland Park, Kansas

STATE/CHAMBER	RESPONSES TO QUESTIONS 1-12 ON QUESTIONNAIRE												
	1	2	3	4	5	6	7	8	9	10	11	12	Date Completed
<b>ALASKA</b>													(Chamber comments)
Anchorage Chamber					No Pos.								12/12/97 - don't have enough info. to complete
<b>ARIZONA</b>													
Flagstaff Chamber of Commerce	Unk	Unk	Unk	Unk	Neutral	Not a Problem	No Signs	Unk	Unk	Unk	No		12/1/97
Tucson Metro Chamber of Comm.	No	No	No	Unk	Neutral	Not a Problem	Signs	Unk	Unk	Not a Factor	No	10+	12/3/97
<b>IDAHO</b>													
Boise Area Chamber of Commerce	No	No	No	N/A	Neutral	Not a Problem	N/A	Unk	Unk	Not a Factor	N/A	N/A	11/25/97
<b>INDIANA</b>													
Greater Bloomington Chamber	No	No	No	No	Neutral	Not a Problem	No Signs	Unk	Unk	Not a Factor	No	Unk	12/22/97
<b>MAINE</b>													
Bunyon Region Chamber	No	No	No	Unk	Neutral	Not a Problem	No Signs	Unk	Unk	Not a Factor	No	Unk	11/24/97 Approx.
<b>MISSISSIPPI</b>													
Jackson County Chamber	No	No	No		Neutral	Not a Problem	Signs	No	Prohibit	Not a Factor	No		12/3/97 Approx.
<b>MONTANA</b>													
Bozeman	No	No	No	Unk	Neutral	Not a Problem	No Signs	Unk	Unk	Not a Factor	---	---	12/10/97
Great Falls Area Chamber	No	No	No	Unk	Neutral	Not a Problem	No Signs	Unk	Unk	Not a Factor	No	10+	12/2/97
<b>OKLAHOMA</b>													
Tulsa	No	No	No	Unk	Neutral	Not a Problem	Signs	Unk	Prohibit	Not a Factor	No	0-2	5/9/98
<b>OREGON</b>													
La Grande-Union County	No	No	No	No	Neutral	Not a Problem	No Signs	Unk	Unk	Not a Factor	?	?	5/12/98 complete non-issue & has never come up
<b>TEXAS</b>													
Abilene	No	No	No	No	Neutral	Not a Problem	Signs	Unk	Prohibit	Not a Factor	No	0-2	5/15/98
Galveston	No	No	No	No	Neutral	Not a Problem	Signs	Unk	Prohibit	Not a Factor	No	0-2	5/15/98
<b>UTAH</b>													
Provo	No	No	No	No	Neutral	Not a Problem	No Signs	Yes	No Reg.	Positive	No	3-5	5/15/98
<b>VIRGINIA</b>													
Richmond (Central Virginia)	No	No	No	No	Opposed	Opposed	No Signs	No	Unk	Negative	No	3-5	5/98
<b>WASHINGTON</b>													
Olympia	No	No	No	---	Neutral	---	---	Unk	Unk	Not a Factor	---	---	5/13/98
Seattle (Greenwood-Phinney)	No	No	No	Unk	Neutral	Not a Problem	No Signs	No	Unk	Not a Factor	No	Unk	5/14/98
<b>WEST VIRGINIA</b>													
Lewisburg (Greater Greenbrier Chamber)	No	No	No	Unk	Neutral	Not a Problem	No Signs	No	Prohibit	Not a Factor	Unk	Unk	5/13/98
STATE /CHAMBER not listed on returned form)	No	No	No	No	Neutral	Not a Problem	Signs	Unk	Unk	Not a Factor	No	0-2	----

**SURVEY: GENERAL EFFECTS OF LAWS WHICH PERMIT CITIZENS TO CARRY FIREARMS FOR SELF DEFENSE, (RIGHT-TO-CARRY LAWS) UPON BUSINESSES AND THE GENERAL BUSINESS CLIMATE.**

		YES	NO
1.	Do most businesses considering locating in your area ask about this law and its effect on business?		
2.	To your knowledge, has your right-to-carry law been a detriment in attracting new business?		
3.	To your knowledge, have any businesses left because of this law? (If yes, please give details on back of form)		
4.	Has any individual with a legal permit, been convicted of using a firearm during a crime at a business? (If yes, please briefly explain on back of form)		

5. Prior to passage of your law, which of the following was the position of your chamber:

\_\_\_\_\_ Opposed      \_\_\_\_\_ In Favor      \_\_\_\_\_ Neutral, or No Position Taken

6. How does your chamber currently view your right-to-carry law:

\_\_\_\_\_ Opposed      \_\_\_\_\_ In Favor      \_\_\_\_\_ Not an Issue or a Problem

7. How do most of your retail businesses regulate the carrying of firearms by customers?

\_\_\_\_\_ Signs Prohibiting      \_\_\_\_\_ No Signs      \_\_\_\_\_ Prohibit - Signs and Metal Detectors  
at Doors

8. Has any retail business decided to remove signs which prohibit carrying of firearms?

\_\_\_\_\_ Yes      \_\_\_\_\_ No      \_\_\_\_\_ Unknown

9. How do most of your non-retail businesses regulate the carrying of firearms by employees?

\_\_\_\_\_ Prohibit by company policy      \_\_\_\_\_ No regulation      \_\_\_\_\_ Unknown

10. Overall, how would you describe the effect of your right-to-carry law on the health and growth of business in your area?

\_\_\_\_\_ Not a Factor      \_\_\_\_\_ Negative factor      \_\_\_\_\_ Positive Factor

11. Is the city or county covered by your chamber, exempted from the state right-to-carry law?

\_\_\_\_\_ No      \_\_\_\_\_ Yes

12. Approximately how long has your state's right-to-carry law been in effect?

\_\_\_\_\_ 0-2 years      \_\_\_\_\_ 3-5 years      \_\_\_\_\_ 5-9 years      \_\_\_\_\_ 10+ years

Chamber: _____	Phone: _____
Signature of person completing survey: _____	
Printed Name: _____	Date: _____

MARCH 19, 1997

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

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

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

Chambers contacted:

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

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

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

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

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

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

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

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

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

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

Jan Exby  
Safety For Women And Responsible Motherhood, Inc.

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 rape and 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?

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 than 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 killed 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

829 North Market  
Wichita, KS 67214

(316)-264-9303  
Fax: (316)-264-2232

**HB 2240**

*SAFE*  
*STATE*

**TESTIMONY BEFORE SENATE FEDERAL AND STATE  
AFFAIRS COMMITTEE, LANA OLEEN, CHR.**

**MARCH 25, 1999**

**Board**

Kelly Johnston  
*Chairperson*

Madam Chairwoman, Distinguished Committee Members and  
Staff:

Elizabeth Baker  
Matt Greene  
Ivonne Goldstein  
Liz Hicks  
E.L. Lee Kinch  
Candace Laultt  
Dr. Manfred Menking  
The Rev. Sam Muyskens  
Karen O'Connor  
Peg Vines

House Bill 2240 proposes to legalize the carrying of  
concealed weapons in Kansas. This legislation will also  
overrule the ordinances and laws of counties and  
municipalities in Kansas that prohibit the carrying of  
concealed weapons within their boundaries. Safe State  
urges this Committee to reject this dangerous legislation.

**Community Liaisons**

Carolyn Weinhold  
*Saline County*  
  
Eleanor Harris  
*Johnson County*  
  
The Hon. Don Smith(Ret.)  
*Ford County*

The most important information for you to consider on this  
subject is the study released four days ago by the Violence  
Policy Center entitled **License to Kill, and Kidnap, and  
Rape, and Drive Drunk: An Update on Arrests of Texas  
Concealed Carry License Holders** (March 1999). A copy of  
this study is attached hereto.

**Honorary Board**

John Bell  
The Rev. Max Clayton  
Deacon Ron Ealey  
Linda Weir-Enegren  
Connie Gamm  
Gary Gamm  
The Rev. Tyrone Gordon  
Carol Konek, Ph.D.  
Carol Rupe  
Bob Scott  
Virginia White  
Margalee Wright

This study proves that, since the advent of the Texas  
concealed carry law in January 1996, Texas concealed  
handgun license holders have been arrested 2,080 times – an  
average of **nearly two arrests every day**. Crimes for which  
license holders have been arrested include murder or  
attempted murder (15), kidnapping or false imprisonment  
(6), rape or sexual assault (28), assault or aggravated assault  
with a deadly weapon (103), driving while intoxicated (442),

*Support Home Rule - Oppose Conceale*

Sen. Federal & State Affairs Comm  
Date: 3 - 25 - 99  
Attachment: # 11 - 1

indecent with children (30), drug-related charges (140) and sexual misconduct (70). Details of seven of these arrests in Texas are discussed on page 9 – 11 of the study. The proponents of HB 2240 ask you to assume that Kansans who acquire a concealed carry license will not misbehave, and will not commit crimes assisted by those weapons. This Violence Policy Center study debunks that theory with hard data.

The proponents of HB 2240 characterize this legislation as a “women’s safety” measure. The Violence Policy Center demonstrates how unfounded is that claim. Of the 2,080 arrests of Texas concealed handgun license holders in the two years 1996 through 1998, 28 of the arrests were for rape or sexual assault, and 103 arrests were for assault or aggravated assault with a deadly weapon. A number of the other arrests were for offenses like Indecent Behavior With A Child, Stalking, Harassment, Intimidation and even Promotion of Child Pornography. Incredibly, nine Texas concealed handgun license holders were arrested for impersonating a police officer or a public servant! The last time a concealed carry law was passed by the Kansas Legislature in 1997, this hard data out of Texas was not available to Kansas law makers. Since this study was only released four days ago, the Kansas House was unaware last week of this information. Now that you are aware of it, Safe State hopes that you will appreciate the gravity of the harms that may be experienced by Kansans, if this law is passed. If some of you voted in favor of the 1997 law, please accept this information from the Violence Policy Center as a scientific reason for changing your vote.

HB 2240 is also promoted as a crime-fighting measure. As law makers, Safe State submits that you should carefully consider the opinions of Kansas law enforcement officers and agencies on the validity of this argument. When HB 2240 was debated in the House Committee on 2-8-99, testifying against its passage was Diane Varnell, a Detective with the **Wichita Police Department**; Deputy Chief Terri Moses of the **Wichita Police Department**, Glen Ladd, Captain of the **Overland Park Police Department**, Rex Taylor, Chief of the **Iola Police**

**Department**, who also represented the **Kansas Association of Chiefs of Police**, Theresa Sittenour of the **Kansas Peace Officer's** and **Kansas Sheriff's Associations**, Lane Rino of the **Emporia Police Department**, and Loren Anderson of the **Douglas County Sheriff's Office**. These public servants unanimously advised the House Committee that permitting citizens to carry concealed weapons would not be the personal safety panacea that the proponents of this bill proclaim. These law enforcement officers are charged with the responsibility of protecting the safety of our persons and property. Whom should you trust to accurately advise you in matters of public safety policy? Indeed, many of these officers appear before you again today to urge you to not pass HB 2240.

The proponents of HB 2240 also argue that passage of this law will cause a reduction in violent crime rates in Kansas. To support this contention, they point out that crime rates have dropped in many states where concealed carry laws have passed. But the truth is that violent crime has dropped precipitously all over the United States. The experience of Florida is usually cited by proponents of HB 2240 as a demonstration of the effect concealed carry laws can have upon a state's crime rate. Despite these proclamations, the 1997 FBI Uniform Crime Report found that Florida had the **highest rate of violent crime in the nation**. According to the FBI, in 1996, **four of the top five crime cities in America were in Florida. Those five cities include Ft. Lauderdale (2), Orlando (3), Tampa (4), and Miami (5)**. According to the graph attached hereto, violent crime rates in Florida have not dropped more than in Kansas or Missouri - states which do not have concealed carry laws. Indeed, the argument that concealed carry laws produce reductions in violent crime is just another myth that is debunked by this information.

Finally, proponents of HB 2240 often cite a study by John Lott, a John M. Olin Fellow at the University of Chicago Law School, as evidence that laws of this nature are a deterrent to violent crime. More recent scientific scrutiny proves this study to be nothing more than junk science.

According to Daniel W. Webster of the JOHNS HOPKINS CENTER FOR GUN POLICY & RESEARCH, Lott's statistical models did not adequately account for commonly observed crime cycles. When each of the 10 states studied by Lott were analyzed separately, the Lott models FAILED 32 of 40 tests of statistical adequacy.

When independent studies by Dan Black and Daniel Nagin of Carnegie Mellon University, and Jens Ludwig of Georgetown University were conducted, it was determined that, AFTER ACCOUNTING FOR THESE CRIME CYCLES, there was NO CORRELATION between the passage of concealed carry laws and reductions in violent crime.

Lott used arrest ratios (arrests per crime committed in a given year) to predict changes in crime rates – a method DEEMED INAPPROPRIATE TWO DECADES AGO by a National Academy of Sciences panel of experts.

Professor Ludwig advised the National Press Club in Washington, D.C. on December 9, 1996 that "there is NO CREDIBLE EVIDENCE to support the idea that permissive concealed-carry laws reduce violent crime."

Professor Ludwig also told the National Press Club that "it is important to be aware that there are a whole host of potentially severe methodological problems with the widely-reported Lott and Mustard study on concealed-carry laws."

Perhaps the problems with the Lott-Mustard study are best understood in light of the links between the John M. Olin Foundation and the Olin Corporation, which owns Winchester Ammunition (the manufacturer of the infamous "Black Talon" bullet).

Winchester stands to reap financial gain from the increased sale of handgun ammunition generated by the passage of concealed carry legislation. The Olin Foundation was founded in 1953 by John M. Olin while he was head of the Olin Corporation.



Tax records of stock sales by the Olin Foundation disclose that millions of dollars in Olin Corp. stock were donated to the Foundation in 1957 and that as recently as 1994 the Foundation has sold shares of that stock for revenue.

Current Olin Foundation board member Eugene F. Williams, Jr. served on the Olin Corp. board of directors from 1955 to 1994. Fellow Olin Foundation board member Richard M. Furland also served on the Olin Corp. board of directors from 1963 to 1993.

Because of the close association between the Olin Foundation and Olin Corp. (owner of Winchester), the objectivity of the Lott study must be questioned.

Safe States submits that the passage of HB 2240 will inevitably escalate the risk of Kansans being involved in shoot-outs under circumstances where, but for the presence of easily-drawn firearms, only harsh words and gestures might have been exchanged. If HB 2240 is allowed to become law, Safe State predicts that we will begin to see increases in violent crime on our public streets, in our businesses and retail shops, and in public parks and other recreation areas. Indeed, Safe State believes that the best way to preserve our peaceful way of life and to maintain our crime rate reductions in Kansas is **not to put more guns** into public places. We are all permitted to defend our homes and businesses with firearms, and nothing about HB 2240 will change that privilege.

We understand that a great deal of pressure is brought to bear upon legislators over this issue. Clearly, this is an issue which demands careful consideration. We hope this information will be helpful to your deliberations.

**Kelly W. Johnston, Chair, Safe State**



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## **NEW STUDY: TEXAS HIDDEN HANDGUN LICENSEES ARRESTED FOR NEARLY TWO CRIMES A DAY SINCE LAW PASSED**

***Offenses Include Murder, Rape, Kidnapping, Weapon Crimes,  
Drunk Driving, and Domestic Violence***

WASHINGTON—A new study by the Violence Policy Center shows that Texas concealed handgun license holders have been arrested 2,080 times since a law making the permits easier to obtain went into effect—an average of ***nearly two arrests every day*** during that time. The entire analysis, based on data from the Texas Department of Public Safety, is embargoed until 12:01 a.m. on Sunday, March 21, 1999.

Crimes for which license holders were arrested include:

- 15 charges of murder or attempted murder
- 6 charges of kidnapping or false imprisonment
- 28 charges of rape or sexual assault
- 103 charges of assault or aggravated assault with a deadly weapon
- 442 charges of driving while intoxicated
- 30 charges of indecency with children
- 140 drug-related charges
- 70 charges of sexual misconduct

"When the gun lobby pushed this law through, they promised it would not arm the bad guys. They now owe us over 2,000 explanations," said VPC Health Policy Analyst Susan Glick, MHS, the study's author. "If legislators had realized how many murderers and sex offenders would carry concealed handguns, this law would never have passed."

—MORE—

## VPC, PAGE 2

The study, entitled *License to Kill, and Kidnap, and Rape, and Drive Drunk...*, also found that:

- o Texas concealed handgun license holders have been arrested for *more than one serious violent crime per month* since the law went into effect, including: murder, kidnapping, and rape.
- o Texas concealed handgun license holders have been arrested for *one weapon-related offense every other day* since the law went into effect.
- o *Family violence was identified in more than one in 20 incidents* involving concealed handgun license holders.
- o Texas concealed handgun license holders have been arrested for *nearly three drunk driving offenses per week* since the law went into effect.

In addition to statistical information, the VPC's report provides the details of several heinous crimes committed by license holders. For example, license-holder Jack Reynolds of Dallas was convicted of murder in January 1999 for shooting and killing his next-door neighbor, Julian Rioz, during a party at Reynolds' house. Witnesses said Reynolds was known for shooting his gun in the air for no reason. Reynolds testified at his trial that he was too drunk and drugged to remember the shooting, and police said he had spent his pension check on beer and drugs for the party.

"Jack Reynolds was drunk, stoned, reckless—and licensed to carry a hidden handgun," Glick said. "All too often, concealed handgun license holders don't stop crimes, they commit them. This is proof positive that concealed handgun laws ought to be repealed."

Reporters can obtain an embargoed copy of *License to Kill...* by contacting the VPC.

*The Violence Policy Center is a national non-profit educational organization that examines the role of firearms in America, conducts research on firearms violence, and works to reduce firearm-related death and injury. More information is available at the VPC's web site located at [www.vpc.org](http://www.vpc.org).*

—END—



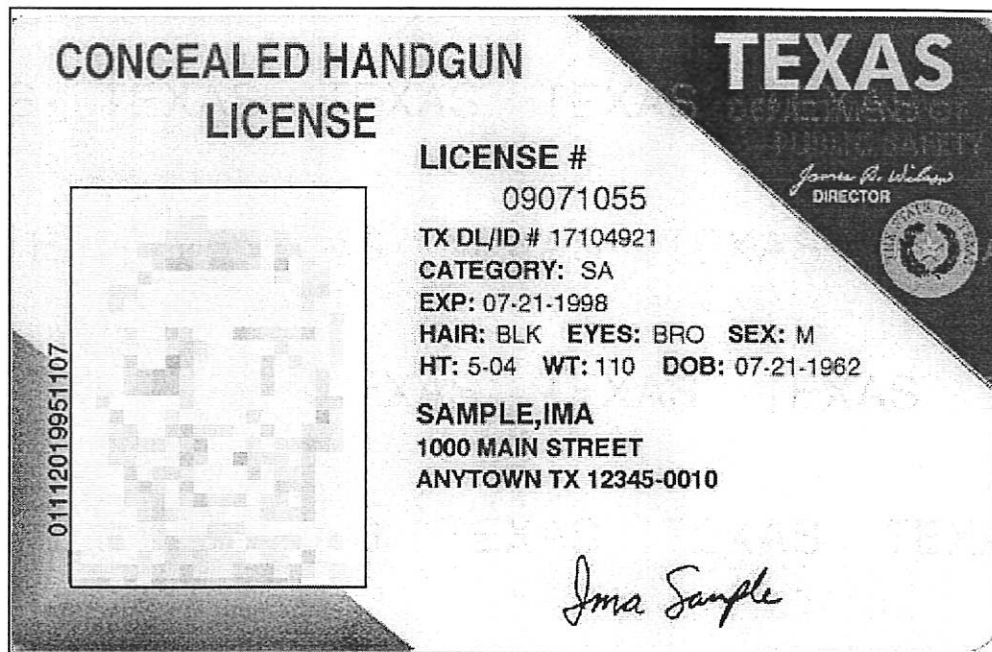
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# License to Kill, *and* Kidnap, *and* Rape, *and* Drive Drunk...

## An Update on Arrests of Texas Concealed Handgun License Holders



March 1999

**License to Kill,  
*and* Kidnap,  
*and* Rape,  
*and* Drive Drunk...**

**An Update on Arrests of Texas Concealed  
Handgun License Holders**

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**The Violence Policy Center** is a national non-profit educational organization that conducts research and public education on firearms violence and provides information and analysis to policymakers, journalists, grassroots advocates, and the general public. The Center examines the role of firearms in America, analyzes trends and patterns in firearms violence, and works to develop policies to reduce firearm-related death and injury.

This study was co-authored by Susan Glick, MHS and Marty Langley.

This study was funded with the support of The Center on Crime, Communities & Culture; The George Gund Foundation; The Joyce Foundation; and The John D. and Catherine T. MacArthur Foundation.

**Past studies** released by the Violence Policy Center include:

- *Who Dies? A Look At Firearms Death and Injury in America* (February 1999)
- *Making a Killing: The Business of Guns in America* (January 1999)
- *Paper Tiger: Will the Brady Law Work After Instant Check?* (November 1998)
- *Broken Promises: The Failure of the Trigger Lock "Deal" Between the Gun Industry and the White House* (October 1998)
- *When Men Murder Women: An Analysis of 1996 Homicide Data—Females Murdered by Males in Single Victim/Single Offender Incidents* (September 1998)
- *Where Did You Get That Statistic?—A Firearms Violence Bibliography and Resource Guide for Advocates Working to Reduce Firearms Violence* (February 1998)
- *License to Kill: Arrests Involving Texas Concealed Handgun License Holders* (January 1998)
- *Joe Camel with Feathers: How the NRA with Gun and Tobacco Industry Dollars Uses Its Eddie Eagle Program to Market Guns to Kids* (November 1997)
- *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence* (Revised, October 1997)
- *Kids Shooting Kids: Stories From Across the Nation of Unintentional Shootings Among Children and Youth* (March 1997)
- *Concealing the Risk: Real-World Effects of Lax Concealed Weapons Laws* (August 1996)
- *Female Persuasion: A Study of How the Firearms Industry Markets to Women and the Reality of Women and Guns* (December 1994)
- *Use the Schools: How Federal Tax Dollars are Spent to Market Guns to Kids* (December 1994)

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## Introduction

According to the Texas Department of Public Safety (DPS),<sup>1</sup> Texas concealed handgun license holders<sup>2</sup> were arrested for a total of 2,080 crimes from January 1, 1996 to December 31, 1998. Crimes for which license holders were arrested include: murder/attempted murder, kidnapping, rape/sexual assault, assault, weapon-related offenses, drug-related offenses, burglary, and theft. Texas DPS identified an additional 344 non-arrest incidents involving concealed handgun license holders including: delinquent child support, protective orders, non-payment of taxes, medical/mental diagnoses, and suicide.

In January 1998 the Violence Policy Center (VPC) released *License to Kill: Arrests Involving Texas Concealed Handgun License Holders*. That study analyzed the DPS' concealed handgun license holder arrest data between January 1, 1996 and October 9, 1997 and found that concealed handgun license holders had been arrested for 946 crimes subsequent to licensure. Since the VPC's 1998 study, Texas concealed handgun license holders have been arrested for more than a thousand additional crimes. This study is an update of the January 1998 report.

This follow-up study<sup>3</sup> details arrests of concealed handgun license holders subsequent to licensure reported to the Texas Department of Public Safety. The study also offers information gathered through Violence Policy Center research on seven of these arrests: one for aggravated kidnapping and six for murder or attempted murder. The chart on page four details arrests reported to the Texas Department of Public Safety. VPC analysis of the DPS information reveals that—

- o Texas concealed handgun license holders have been arrested for *nearly two crimes a day* since the law went into effect.

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<sup>1</sup> The Department of Public Safety (DPS) is responsible for administering and reviewing concealed handgun license applications, providing statistical data on concealed handgun license holders, and directing the application and training process for the certified handgun instructors.

<sup>2</sup> As of December 31, 1998, there were 183,753 individuals with active concealed handgun licenses—1.4 percent of the state's 1997 adult population aged 21 and older (12,971,226 according to the U.S. Census Bureau in 1997, the most recent year available).

<sup>3</sup> In February 1999, the Violence Policy Center (VPC) acquired a list of arrest incidents involving Texas concealed handgun license holders from the DPS. These records list incidents from January 1, 1996 to December 31, 1998 involving concealed handgun license holders.

- o Texas concealed handgun license holders have been arrested for *more than one serious violent crime per month* including: murder/attempted murder, kidnapping,<sup>4</sup> and rape or sexual assault since the law went into effect.
- o Texas concealed handgun license holders have been arrested for *one weapon-related offense every other day* since the law went into effect.
- o *Family violence was identified in more than one in 20 incidents* involving concealed handgun license holders.<sup>5</sup>
- o Texas concealed handgun license holders have been arrested for *nearly three drunk driving offenses per week* since the law went into effect.

Unlike other states, the Texas concealed handgun law contains a provision that requires some reporting of incidents involving concealed handgun license holders. Information reported to DPS is very limited<sup>6</sup> and it is therefore extremely difficult to obtain the full set of facts surrounding each incident. In fact, beyond recording demographics of the arrest, little is known about the actual crimes. Using outside resources, such as newspaper accounts, law enforcement reports, and public data on criminal records, the VPC was able to obtain additional information on seven of the 2,080 arrests reported by the DPS.

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<sup>4</sup> Includes one arrest for false imprisonment.

<sup>5</sup> There were 222 incidents involving concealed handgun license holders in which DPS could not identify whether or not family violence occurred.

<sup>6</sup> The Texas law's broad confidentiality provision severely limits the department's ability to disclose virtually any information about concealed handgun license holders to the public. The law stipulates that the department may only identify whether an individual *currently* possesses a license. No information is provided about prior criminal histories, reasons for denial, suspension, or revocation—including crimes committed after licensure. The department does provide a list of arrest incidents involving license holders, but the only identifiers provided by the department are each licensee's date of birth, sex, race, zip code of residence, incident date, arrest text description, and whether the incident involved family violence. The department may not disclose the name of the arrested licensee. Occasionally, news articles covering high-profile incidents will note whether the suspect has a concealed handgun license, but otherwise the public is not alerted to alleged crimes involving licensee holders. The law's confidentiality provision—which in effect makes concealed handgun license holders a protected, privileged class—makes it extremely difficult to identify flaws in the law and the threat posed by license holders.

Incidents involving concealed handgun license holders include:

- 15 charges of murder or attempted murder
- 6 alleged kidnapping/false imprisonment incidents
- 28 arrests for rape/sexual assault
- 103 cases of alleged assault/aggravated assault with a deadly weapon
- 442 individuals charged with driving while intoxicated
- 30 arrests for indecency with children
- 140 alleged drug-related incidents
- 70 individuals charged with sexual misconduct
- 18 allegations of trespassing/criminal trespassing
- 6 arrests for arson
- 13 cases involving mental instability
- 5 incidents of suicide or attempted suicide

**Arrests of Concealed Handgun License Holders in Texas  
January 1, 1996 to December 31, 1998**

Charge	Number of Arrests
<b>Murder/Attempted Murder</b>	<b>15</b>
<b>Kidnapping/False Imprisonment</b>	<b>6</b>
<b><u>Rape/Sexual Assault</u></b>	<b>28</b>
Rape	1
Sexual Assault/Aggravated/Attempted	12
Sexual Assault/Aggravated on a Child	15
<b><u>Manslaughter/Negligent Homicide</u></b>	<b>3</b>
Manslaughter	1
Intoxicated Manslaughter with a Vehicle	1
Criminal Negligent Homicide	1
<b><u>Assault</u></b>	<b>306</b>
Injury to a Child/Elder/Disabled Person	18
Assault/Aggravated Causing Bodily Injury or Involving Family Violence	243
Terroristic Threat	18
Retaliation	7
Assault/Aggravated on a Public Servant	5
Assault Involving Family Violence	2
Assault/Aggravated Assault	6
Intoxicated Assault w/Vehicle	5
Simple Assault	1
Battery	1
<b><u>Weapon-Related Offenses</u></b>	<b>557</b>
Assault/Aggravated Assault w/Deadly Weapon	103
Unlawfully Carrying a Weapon	305
Deadly Conduct/Discharge Firearm	67
Discharge Firearm	4
Disorderly Conduct/Discharge or Display Firearm	9
Criminal Trespassing with Deadly Weapon	3
Failure to Conceal Handgun	1
Weapons Law Violation	4
Disposing Firearm to Felon	1
Failure or Refusal to Display Handgun License	51
Theft of a Firearm	3
Unlawful Possession of Prohibited Weapon	5
Accidental Shooting	1

<b><u>Automobile-Related Offenses</u></b>	<b>478</b>
Driving While Intoxicated	442
Driving While License Invalid/Suspended	17
Failure to Stop & Give Information/Render Aid	6
Failure to Give Notice for Striking Unattended Vehicle	2
Reckless Driving	8
Unauthorized Use of a Vehicle	1
Obstructing Highway Passage	2
<b>Arson/Aggravated Arson</b>	<b>6</b>
<b>Indecency w/Child/Expose/Sexual Contact</b>	<b>30</b>
<b><u>Child Custody Offenses</u></b>	<b>6</b>
Abandon/Endanger Child	5
Interfere with Custody	1
<b><u>Drug-Related Offense</u></b>	<b>140</b>
Dangerous Drugs	1
Delivery of Marijuana	1
Drug Money	1
Chemical Dependency	1
Manufacture/Deliver Controlled Substance	8
Possession of Marijuana	70
Possession of Controlled Substance	55
Trafficking in Drugs	1
Violation of Controlled Substances	2
<b>Impersonating a Police Officer/Public Servant</b>	<b>9</b>
<b><u>Conduct-Related Offenses</u></b>	<b>66</b>
Aggravated Perjury	2
Abuse of Official Capacity	3
Interfere with Duties of a Public Servant	3
False Report to Police Officer	4
Contempt of Court	1
Cruelty to Animals	9
Disorderly Conduct/Family Violence	12
Stalking	1
Harassment	18
Intimidation	2
Reckless Conduct	1
Tampering w/Witness or Government Records	7
Official Oppression	2
Improper Influence	1



<b><u>Sexual Misconduct</u></b>	<b>70</b>
Prostitution	37
Indecent Exposure	16
Lewd/Public Lewdness	10
Solicitation of Minor	1
Illegally Operating Sexually Oriented Business	2
Possession or Promotion of Child Pornography	4
<b><u>Robbery/Burglary/Theft/Larceny</u></b>	<b>133</b>
Aggravated Robbery	3
Robbery	1
Burglary	10
Grand Larceny	1
Theft	117
Swindle and Theft	1
<b><u>Organized Crime</u></b>	<b>18</b>
<b><u>Criminal Mischief</u></b>	<b>26</b>
<b><u>Forgery/Fraud</u></b>	<b>49</b>
Credit Card Abuse	3
Change ID	1
Counterfeit	1
Displaying Fictitious Inspection Certificate	1
False Entry or Record/Tax Returns	2
Use/Alter/Transfer Food Stamps	2
Forgery	10
Fraud/Mail Fraud	18
Misappropriate Fiduciary/Trust	6
Money Launder	1
Insufficient Funds/Check	3
Pyramid Schemes	1
<b><u>Violation of Protective Order</u></b>	<b>10</b>
<b><u>Trespassing/Criminal Trespassing</u></b>	<b>18</b>

<b><u>Alcohol-Related Offenses</u></b>	<b>19</b>
Alcohol Dependency	2
Boating While Intoxicated	3
Importing Beer w/o License	1
Permit Intoxicated on License Premises	1
Public Intoxication	2
Selling Alcoholic Beverages to a Minor	6
Selling Alcoholic Beverages in a Dry Area	1
Serving Alcoholic Beverages to Intoxicated or Insane	1
Selling Alcoholic Beverages w/o a License	1
Violation of Alcohol and Beverage	1
<b><u>Arrest-Related Offenses</u></b>	<b>30</b>
Evading Arrest	16
Fleeing/Fleeing Police Officer/Escape	5
Resisting Arrest	7
Hinder Apprehension/Prosecution	2
<b>Other<sup>7</sup></b>	<b>57</b>
<b>Total Number of Offenses</b>	<b>2,080</b>

<sup>7</sup> Other includes: arrest data not received; aids/calls meetings; complaint letter; civil rights violations; discharge waste; failure to appear/identify fugitive from justice; federal charges; unstated felony; hunting with artificial light; material misrepresentation; manufacture/distribute decoding device; warrant offenses; possession of gambling device; dishonorable discharge; several unstated offenses; and unknown offenses.

**Non-Arrest Incidents of Concealed Handgun License Holders in Texas  
January 1, 1996 to December 31, 1998**

Non-Arrest Incident	Number of Incidents
Failure or Refusal to Display Handgun License <sup>8</sup>	61
Delinquent Child Support	12
Protective Order Issued	42
<b><u>Non-Payment of Taxes</u></b>	<b>184</b>
Comptroller Taxes	173
Local Taxes	11
Delinquent Texas Guaranteed Student Loan	17
Failure to Change Address	6
Medical/Mental Disability	17
<b><u>Suicide</u></b>	<b>5</b>
Attempted Suicide	3
Threatened Suicide	1
Suicide	1
<b>Total Number of Incidents</b>	<b>344</b>

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<sup>8</sup> According to *Texas Concealed Handgun Laws and Selected Statutes*, as of September 1, 1997 concealed handgun license holders who are stopped by law enforcement for Failure or Refusal to Display Handgun License are not arrested. Such individuals receive a 90-day concealed handgun license suspension.

## Arrest Incidents Involving Concealed Handgun License Holders

Because of the Texas law's broad confidentiality provision, identifying the circumstances of arrests involving concealed handgun license holders is extremely difficult. However, the VPC has collected information on the following arrest incidents from newspaper accounts, law enforcement homicide divisions, district attorneys' offices, and public data on criminal records. The section offers detailed information on specific arrests: one for aggravated kidnapping and six for murder or attempted murder.

### **Kidnapping**

#### ***Aggravated Kidnapping—Seguin, Texas***

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

### **Murder**

#### ***Murder—Austin, Texas***

- o On July 8, 1998 concealed handgun license holder Paul Anders Saustrup allegedly shot and killed Eric Demart Smith after catching Smith breaking into his girlfriend's Chevrolet Suburban. According to the *Austin American-Statesman*, Saustrup followed Smith on foot for three blocks before shooting him twice in the back. Police found no weapons on Smith's body. According to the Travis County District Clerk's office, Saustrup is in Travis County jail awaiting his jury trial currently set for April 12, 1999.

### ***Murder/Suicide—Houston, Texas***

- o On August 23, 1998 concealed handgun license holder Gene Hanson shot and killed his ex-girlfriend's new boyfriend, Tim Twain Gooch, and then himself. According to the *Houston Chronicle*, a neighbor reported that Hanson staked out his ex-girlfriend's home around 11:30 a.m. Another neighbor reported that about five hours later Hanson pulled his car behind his ex-girlfriend and her boyfriend as their car pulled into the driveway. Hanson reportedly got out of his car, said a few words, and then opened fire. He did not shoot his ex-girlfriend, but killed Gooch and then himself. Both Gooch and Hanson died in the woman's driveway. According to the Houston Police Department, Hanson had been harassing his girlfriend the month before the shooting.

### ***Murder—Dallas, Texas***

- o On June 5, 1998 concealed handgun license holder Jack Reynolds was charged with murder after he shot and killed his next-door neighbor, Julian Rioz. The Dallas Police reported that Rioz and several other people were at a party at Reynolds' home when a fight broke out over a woman present at the party. Police said Mr. Reynolds retrieved his handgun from his pocket and as Rioz was walking home shot his pistol in the air. Rioz taunted the man and told him if he was going to shoot him he should come closer and do it. Reynolds crossed the yard and at point blank range shot his neighbor once in the chest. According to the Dallas Police Department, Reynolds had spent his pension check on beer and drugs for the party, and was drunk at the time of the shooting. Witnesses related that Reynolds was known for shooting his weapon into the air for no reason. At the time of the trial, Reynolds told the jury that he was too drunk and drugged to remember what happened. Reynolds was convicted of murder in January 1999 and sentenced to 10 years probation.

### ***Attempted Murder—Midlothian, Texas***

- o On July 9, 1997 the Midlothian Police Department arrested concealed handgun license holder Stephen Ray Harrelson for attempted murder. According to an article in *Midlothian Today*, Harrelson allegedly entered his estranged wife's home and forced her into a back room. There, he allegedly stuck a pistol to her head. The woman alerted her children in front of the home and they were able to summon the police by calling 911. A struggle broke out and the woman was able to get Harrelson to leave. A police pursuit of Harrelson—who still had his gun—ensued. According to police, when he was located Harrelson threatened to kill himself. He eventually laid down his handgun and surrendered. Harrelson was sentenced to 10 years probation.

### ***Murder—Pinehurst, Texas***

- o On May 19, 1997 concealed handgun license holder Daniel Meehan of Pinehurst, Texas was arrested for the shooting death of Selma Pieruccini, who had been living with him. According to reports in the *Orange Leader*, Pieruccini was found dead in her home from a 9mm gunshot wound. According to the *Beaumont Enterprise*, Meehan originally reported the shooting as a suicide, but autopsy reports showed Pieruccini had been shot in the back from a range of less than two feet. Meehan had reportedly consumed approximately 16 beers the night of the murder. Meehan was convicted of murder in February 1998 and was sentenced to 99 years in prison.

### ***Capital Murder—Houston, Texas***

- o On May 15, 1996 concealed handgun license holder Francisco Santos-Rojo was arrested for attempted capital murder in connection with the robbery-slaying of diamond broker Janos Szuc in Szuc's southwest Houston office on January 24, 1996. Houston police report that Santos-Rojo allegedly paid off a cleaning woman for security access into Szuc's office building and waited outside in a getaway car during the incident. According to the *Houston Chronicle*, brothers Alberto and Reinaldo Dennes allegedly shot and wounded a security guard in Szuc's building with a 9mm pistol fitted with a silencer, shot and killed Szuc, and then stole \$3.6 million in diamonds from Szuc's office safe before driving off with Santos-Rojo. The Dennes brothers were arrested and charged with capital murder in late February 1996, and Santos-Rojo was arrested in May. According to Texas DPS Santos-Rojo was indicted for capital murder, his charge was subsequently reduced, and he was convicted of robbery and sentenced to 10 years in prison.

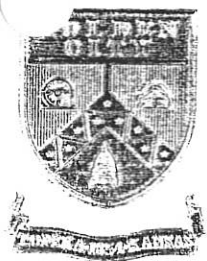
## **Conclusion**

While<sup>3</sup> advocates of relaxed concealed weapons laws promise the public protection from crime, Texas DPS data details the day-to-day, real-world effect of such laws: they arm criminals and threaten public safety. All too often, concealed carry license holders don't stop crimes, but commit them. In light of the findings of this study, and previous studies conducted by the Violence Policy Center of the Texas and Florida concealed weapons laws, the VPC strongly recommends against the adoption of concealed carry licensing in any additional states and urges states that have passed such laws to repeal them.



## VIOLENT CRIME IN FLORIDA

YEAR	TOTAL VIOLENT CRIME VOLUME	PERCENT CHANGE	TOTAL VIOLENT CRIME RATE PER 100,000 POPULATION	PERCENT CHANGE
1971	38,572	.0	547.80	0.0
1972	40,248	4.3	540.90	-1.3
1973	46,430	15.4	591.80	9.4
1974	54,852	18.1	665.00	12.4
1975	57,663	5.1	679.60	2.2
1976	54,543	-5.4	637.80	-6.2
1977	57,916	6.2	664.40	4.2
1978	65,784	13.6	733.60	10.4
1979	73,866	12.3	799.00	8.9
1980	94,068	27.3	982.00	23.0
1981	98,090	4.3	971.40	-1.10
1982	93,406	-4.8	900.30	-7.3
1983	88,298	-5.5	833.70	-7.4
1984	95,368	8.0	872.50	4.7
1985	106,980	12.2	948.50	8.7
1986	120,977	13.1	1,037.70	9.4
1987	123,030	1.7	1,021.50	-1.6
1988	138,343	12.4	1,114.10	9.1
1989	145,473	5.2	1,136.70	2.0
1990	160,554	10.4	1,220.90	7.4
1991	158,181	-1.5	1,198.70	-1.8
1992	161,137	1.9	1,200.30	0.08
1993	161,789	0.4	1,188.90	-0.9
1994	157,835	-2.4	1,137.20	-4.3
1995	150,208	-4.8	1,061.60	-6.6
1996	151,350	0.8	1050.20	-1.1



# CITY OF TOPEKA

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

## LEGISLATIVE TESTIMONY CITY OF TOPEKA HOUSE BILL 2240

**TO:** Chair Oleen and Members, Senate Committee on Federal and State Affairs

**FROM:** Jim Kaup, on behalf of the City of Topeka

**DATE:** March 25, 1999

**RE:** HB 2240 -- Carrying Concealed Weapons

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

### I. STATE LICENSE TO CARRY CONCEALED WEAPONS

HB 2240 proposes to create a statutory right to carry concealed handguns and other weapons. This right would be held by any Kansan licensed by the State to carry that weapon. The KBI would be required to issue a license to any adult Kansan who "desires a legal means to carry a concealed weapon for lawful self-defense" (Sec. 4 (a) (6)) if that Kansan can pass basic screening related to prior criminal convictions, alcohol or drug use, mental and physical condition and proof of completion of a firearm safety and training course (Sec.4).

Topeka, like many cities in Kansas, has an ordinance which parallels the state law crime of criminal use of weapons, K.S.A. 21-4201 (Topeka Ord. No. 16664). That statute and the Topeka ordinance generally make the carrying of a concealed weapon a crime. HB 2240 proposes to (i) make an exception to the state law to allow, upon licensure, most Kansans to carry concealed weapons into most places in this state, and (2) make the laws of Topeka and those of many other cities inapplicable to State licensees.

The City does not offer testimony today regarding how many of the more than 67,000,000 handguns in this country are owned by Kansans. We do not know how many Kansans would exercise this new right to carry their handgun, hidden on their person. Nonetheless, it is entirely reasonable to believe HB 2240 would put more guns on the streets than there are now. Representatives of law enforcement have in the past provided this Committee with testimony that, upon passage of concealed carry, their police officers will know that more of the drivers they pull over for traffic offenses will have handguns hidden on their person. Shopkeepers will know that more of the people coming through their doors will be armed.

HB 2240 prohibits carrying a concealed weapon onto a few specified areas (e.g. a courtroom or elementary school) (Sec. 10). Is it reasonable to believe the licensee will understand it is lawful to carry a concealed handgun into a package liquor store but unlawful to take it into a tavern, okay to carry it into a fast-food restaurant but not into a restaurant with a CMB or liquor license, lawful to take it into a day-care center, nursing home or hospital but not into a polling place, okay to take it to a city park or playground but not into the city council meeting room?

This Committee will undoubtedly hear again this year the objections law enforcement officers have to this liberalizing of the firearms laws. The City will defer to those officers for a description of the real-world consequences for law enforcement of a state policy promoting carrying concealed weapons. We would remind you, however, that it is local government which will feel the effects of HB 2240. It is local governments which provide the vast majority of law enforcement. Topeka alone has over 270 law enforcement officers -- by comparison the Kansas Highway Patrol has approximately 600 sworn officers. Kansas cities have many more times the number of law enforcement officers than the State of Kansas has. This is no surprise, as it is a fundamental purpose of local governments to protect the public's safety. Local government law enforcement officers are the ones who will primarily feel the consequences of this bill if it is passed. Cities, and their police departments, believe any proposal which would result in more guns being carried into public places is a dangerous threat to the public's safety.

## II. STATE PREEMPTION OF LOCAL AUTHORITY

While the threat it poses to public safety is by itself adequate reason to oppose HB 2240, the City's strongest objection to this bill relates to Section 16, which is state preemption of local lawmaking regarding carrying a concealed weapon. Topeka's 1999 State Legislative Policy Statement, adopted by the City Council on January 5, 1999 provides: **"The City opposes any**

legislative efforts to restrict or preempt local home rule authority to regulate ownership, possession or use of firearms.” The City is a staunch defender of Constitutional Home Rule. We advocate the effective, lawful use of that power of self-government. Home Rule has been responsibly, and necessarily, used with respect to firearm regulation.

#### A. Home Rule in General.

The essence of City Home Rule -- as adopted by the voters in 1960 -- is that matters of local affairs and government should be open to local solution and experimentation to meet local needs. Different communities will perceive a problem, such as gun control, differently and therefore adopt different measures to address the problem. Those local solutions should remain free from interference by State lawmakers who disagree with the particular approach chosen by the people of a particular community.

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

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

Municipal regulation of firearms is well-recognized as a lawful exercise of the general police power, justified as protective of the general welfare. Such local regulation has been long-recognized as lawful in Kansas, preceding Home Rule by many years. For example, an 1887 decision of the Kansas Supreme Court, City of Cottonwood Falls v. Smith (36 Kan. 401) was one of the first cases upholding the power of cities to enact ordinances prohibiting the discharge of firearms within city limits. One of the Kansas Supreme Court's most detailed examinations of the Home Rule Constitutional Amendment dealt with city laws regulating firearms. The decision in that case, Junction City v. Lee, 216 Kan. 495 (1975), stands not only as controlling law on the scope and use of Constitutional Home Rule in Kansas, it also reveals the Court's sensitivity to the importance of Home Rule -- the need for the people, through their local governments, to be able to respond to local conditions and circumstances that demand local solutions.

### III. PUBLIC SAFETY AND CONCEALED CARRY

An analysis conducted by the Center to Prevent Handgun Violence, comparing the latest drop in crime rates among the states, provides evidence that allowing more people to carry concealed handguns does not mean less crime. According to the Federal Bureau of Investigation's Uniform Crime Reports from 1996 to 1997 the nation's overall crime rate dropped 3.2%, from 5086.6 to 4922.7 crimes per 100,000 population. **Crime rates fell faster in states that have strict concealed carry laws or that do not allow the carrying of concealed weapons at all than it did in states**

**which have liberal concealed carry laws such as HB 2240.**

In the 20 states that have liberal concealed carry laws the crime rate fell **2.1%** from 5397.0 to 5285.1 crimes per 100,000 population from 1996 to 1997. During the same time period, in the 21 states and the District of Columbia with strict concealed carry laws or which do not allow the carrying of concealed weapons at all, the crime rate fell **4.4%**, from 4810.5 to 4599.9 crimes per 100,000 population. **The decline in the crime rate of strict licensing and no-carry states was 2.1 times that of states with liberal concealed carry laws.**

**From 1992 to 1997 the violent crime rate in the strict and no-carry states fell 24.8% while the violent crime rate for states with liberal concealed carry laws dropped 11.4%. Nationally the violent crime rate fell 19.4%.**

#### **IV. COMMITTEE ACTION REQUESTED ON HB 2240**

**A. The City opposes HB 2240 and requests Committee action to kill the bill.** We ask you to be respectful of the more than 100 year tradition of joint state-local regulation of firearms. Understand that by preempting local lawmaking authority and adopting a single statewide rule you are making it likely that the legislature will face requests from cities each year for new laws necessary to address local situations and concerns -- local problems which today are handled by Home Rule.

**B. If the Committee believes HB 2240 should be passed notwithstanding the risks to the public safety which we expect to result from placing more firearms on the streets, we request extensive amendments to HB 2240.** These amendments would give the City of Topeka some means to lessen the threat this legislation poses to our citizens:

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

Revise Section 3 to delete " throughout the state" ( line 27, page 1) and delete Section 16 (a) to preserve the tradition of joint local-state regulatory authority with respect to firearms. (Delete lines 39:43 of page 8 and lines 1:5 of page 9.)

**2. Premises Where Concealed Weapons Could Not be Carried By Licensees:**

HB 2240 does select a few locations where it apparently is felt that the "right" of "honest, law-abiding" persons to provide for their self-defense by carrying concealed guns is outweighed by the risk created by those guns for judges, jailers and legislators. It is presumptuous for the legislature to say that it knows better than 627 elected city governing bodies, and 105 elected boards of county commissioners, all those local premises into which a state-licensed person should not be allowed to carry a concealed weapon.

Therefore we request Section 10 be amended to add a subsection "(o) any other premises,



property or structure when so designated by ordinance of a city or resolution of a county."

In the alternative the Committee should add the following places which are not now on the Section 10 list:

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

**3. Licensure and License Revocation Requirements:**

This Committee should either expressly authorize local governments to adopt qualifications for licensure and license revocation in addition to those set out in Section 4 or, in the alternative, add the following disqualifications for licensure, or grounds for license revocation or suspension, to those set out in Section 4:

- conviction of any non-felony crime involving the use of a firearm e.g. any violation of K.S.A. 21-4201
- conviction of child abuse, per K.S.A. 21-3609 or comparable law of another jurisdiction
- also, Section 12 covers situations where a licensee carries a hidden weapon while under the influence of alcohol and/or drugs. This should be a felony level offense, not the proposed misdemeanor and Section 12 should expressly state that conviction or diversion for this offense will result in a loss of the license.

**4. Public Costs:**

To ensure that those who enjoy the statutory privilege which would be created by HB 2240 do not exercise it totally at the expense of the taxpayers:

- authorize local governments to require licensed persons to carry personal liability insurance to provide a source of compensation to members of the public who may be injured or killed by the discharge of a concealed gun
- authorize local governments to impose a concealed weapons annual permit fee
- authorize local governments to enact laws requiring a holder of a state concealed weapons license to identify himself or herself to the appropriate law enforcement



agency upon entering the local jurisdiction

**5. —Discrimination in Licensure Qualifications:**

Section 4 lists categories of people who apparently do not merit a "right" to have concealed weapons for self-defense, or who suffer from a label that makes them something less than "honest, law-abiding" persons (Sec. 16 (a)). In creating these categories HB 2240 appears to discriminate against persons with disabilities in a manner violative of the Kansas Acts Against Discrimination, K.S.A. 44-1001 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. 1201 et seq.

- e.g. page 2, line 3: "...does not suffer from a physical infirmity..."  
page 2, lines 11:12: "...mentally ill person or involuntary patient..."  
page 2, lines 13:14: "...an alcoholic ... a drug abuser..."  
page 2, line 20: "... committed for the abuse of alcohol..."  
page 2, line 35: "...has not been adjudged a disabled person"

# 13

**POSITION STATEMENT  
KANSAS COUNTY COMMISSIONERS ASSOCIATION  
HB 2240 & HB 2540**

On behalf of the 105 county commissions across the State of Kansas, I express my opposition to House Bills 2240 and 2540. As a commissioner in my seventeenth year, I have come to deeply regard my colleagues in other counties. I also applaud the voters of this state for placing the quality of men and women into these key positions to carry out the business of their individual counties. Each commissioner takes on the responsibility and governs with the consensus of their constituency. County Commissions are probably one of the most scrutinized legislative bodies by the media and the electorate.

With the diversity of each of the 105 counties, comes the need to be governed accordingly. This is why our home rule authority under KSA 19-101et seq is so very important, and why Bills 2240 and 2540 should not pre-empt that right. No one can look at Jewell and Johnson or Sedgwick and Cheyenne Counties and not see the vast differences. County Commissioners can weigh the needs of their individual county and make appropriate decisions.

We likewise do not wish to yield our position to recover damages, through litigation, from firearms and ammunition manufacturers, distributors, dealers, sellers, or any trade association. The cost for counties to maintain our court systems, county attorney offices and sheriff departments warrants our right to initiate a lawsuit under given circumstances. We must have the right to hold those responsible accountable for their actions. Like with so many other county expenses, why should we not have the latitude to seek alternate sources of reimbursement rather than increased property taxes?

I appreciate the committee's time and respectfully request their consideration.

If I can be of further assistance and the need arises, contact me at:

Lonie R. Addis  
Labette County Commissioner  
640 Iowa St.  
Oswego, Kansas 67356  
(316) 795-2826  
[addis@oswego.net](mailto:addis@oswego.net)

Sincerely,



Lonie R. Addis  
Vice-President  
K.C.C.A.

Sen. Federal & State Affairs Comr  
Date: 3-25-99  
Attachment: # 13-1



# MAIN STREAM COALITION

5350 West 94th Terrace  
Suite 103  
Prairie Village, Kansas  
66207-2520

Phone: 913-649-3326

Fax: 913-649-3285

A 501(c)4 Organization

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TESTIMONY ON BEHALF OF THE MAINstream COALITION AND THE  
MAINstream EDUCATION FOUNDATION to members of the SENATE  
FEDERAL AND STATE AFFAIRS COMMITTEE, Senator Lanna Olecn,  
Chairman, on March 25, 1999

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

1. The MAINstream Coalition membership is well aware that a fear of violent crime pervades much of modern society, perhaps, even here in Kansas. However, we disagree with proponents of concealed carry legislation on devising practical and legal measures for coping with crime. Our membership, representing over 2,500 Kansans, believes that the most effective policy is one that supports the efforts of law enforcement to keep our cities and towns peaceful. In 1997, a poll taken by the Research Department of Kansas State University showed that a clear majority of Kansas law enforcement officers are opposed to the concealed carry of weapons.

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

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

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

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

Sen. Federal & State Affairs Comm

Date: 3-25-99

Attachment: # 14-1



# *Fraternal Order of Police*

## Kansas State Lodge

**Testimony of Richard Kellogg, 2nd Vice President  
Fraternal Order of Police, Kansas State Lodge  
March 25, 1999  
Prepared for the Senate Federal and State Affairs Committee  
Concerning House Bill 2240**

Madam Chair and members of the Senate Federal and State Affairs Committee:

Thank you for allowing House Bill 2240 to have a hearing and us the opportunity to give testimony. I am Richard Kellogg, 2nd Vice President of the Fraternal Order of Police, Kansas State Lodge, a retired Riley County Police officer with 21 years of service, and currently a first grade teacher with the Geary County School District.

The organization which I represent, Kansas State Lodge of the Fraternal Order of Police, has a combined total membership of over 2000 law enforcement officers throughout the great state of Kansas. The mission of the Fraternal Order of Police is "To improve the officer." One way to improve the officer is to support avenues to better protect the citizens of Kansas.

Since the creation of this bill, every sub-ordinate lodge and the state lodge has debated the acceptance and the wording of this bill. It was our desire to give the citizens of this state the ability to protect themselves and their families from violent crimes. Communities will never be able to afford the sufficient numbers of police officers to protect all citizens at all times. This bill, if it becomes law, gives our law abiding citizens a better chance of a quality life.

The bill as it is written has been accepted by our membership. We feel it has adequately covered all areas of concern for safety of citizens and law enforcement officers. As fully trained law enforcement officers we feel safe with the language of the bill. We ask you to also accept this bill to assist in better protection of our citizens.

Requiring the law abiding citizen to go through the training in handgun usage will give them confidence in when and when not to use the handgun for protection. This same intense training has decidedly caused some new law enforcement recruits to give up the career before becoming a certified law enforcement officer.

Bills similar to HB 2541 have been passed into law by approximately 35 other states. These states have recorded decrease in crime. Criminals are now aware that the so called "victim" may be armed.

Sen. Federal & State Affairs Com  
Date: 3-25-99  
Attachment: # 15-1

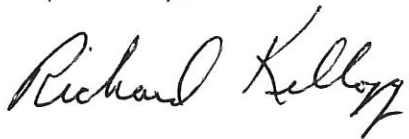


Through discussion it was stated that the country of Austria spent over five million dollars to collect and destroy guns. This country has now reported an increase in violent crime.

This bill also allows retired police officers to continue to carry their handgun. Throughout the years of my service my family and I have been threatened with retaliation from people I have arrested. I want the means to protect my family. I also want the ability to assist other law enforcement officers when the need arises. The police officer part of my life will always be with me as it is with other retirees.

In closing, the Fraternal Order of Police asks that you accept this bill and pass it on to be signed into law by the governor; it is a law that will help Kansas law enforcement officers to better protect our citizens against crime.

Respectfully,

A handwritten signature in black ink that reads "Richard Kellogg". The signature is written in a cursive style with a large, prominent "R" and "K".

Richard Kellogg  
2nd Vice President  
Kansas State Lodge  
Fraternal Order of Police

12

Statement before the Kansas Senate Federal and State Affairs Committee  
in support of HB 2240, March 25, 1999

**Scott G. Hattrup** (*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. Hattrup 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.

Some of you may not know my background. Besides being an attorney, I present firearms issues and laws to interested members of the public, students, and lawyers, including a continuing legal education program sponsored by the Johnson County Bar Association. I am also a federally licensed collector of firearms, and a certified instructor for their use. I try to be knowledgeable on firearms issues and inform others of my findings. Two years ago, Senator Becker, Representative Ruff and I participated in a televised debate on this very issue at Johnson County Community College. Some things have changed since then, others have not.

Kansans are still responsible citizens and deserve the opportunity to protect themselves from criminals. HB 2240 provides a means by which 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.

Current estimates are that firearms are used successfully for self defense approximately 2.5 million times per year, most of the time without a shot ever being fired. Kansas recognizes the right to use force in self-defense in three separate statutes in the criminal procedure code. It is a pity that we do not have a state-wide standard for how a firearm may be carried. We have only a state prohibition on carrying a firearm concealed on one's person. Cities and counties are allowed to be more restrictive in their ordinances, even going so far as to prohibit carry of a firearm at all, even in the open.

Certain cities in Kansas have taken official positions and presented testimony indicating that this bill should not pass, arguing at least in part that "open carry" for self defense is allowed, and implying that "concealed carry" is not needed. Those positions are misleading at best and outright lies at worst.

Kansas City, Kansas Municipal Code Section 22-106(a)(4) & (9), a copy of which is attached, 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

Sen. Federal & State Affairs Comr  
Date: 3-25-99  
Attachment: # 16-1



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, Kansas, if one carries it with the intent to be armed and resist attack by criminals. The only exceptions regarding firearms which apply to most people are contained in subsection (c)(1) and (c)(4), which except licensed hunters, fishermen, or target shooters but only while engaged in those activities, or which allow transportation of a firearm only while it is unloaded or in a secured case inaccessible to the driver. "Open carry" and self-defense items of any sort are not allowed in Kansas City, Kansas.

Wichita's applicable ordinance, Section 5.88.010(1)(e), allows open carry of a firearm **only** when it is unloaded. Even then it is the announced position of the police department that anyone carrying a firearm openly, whether in a holster or a pickup truck gun rack, should 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. Otherwise, Kansans have no way of knowing what is legal, or how they may exercise their right of self-defense.

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 people 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, although not in Kansas City or Wichita, and that the chances of anyone I spoke to being charged with illegal concealed carry are quite small. If I did this, I would likely cause more trouble for them with my bad advice. 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. I also tell them to support HB 2240 and other bills like it since it corrects a number of those problems.

Many noted law enforcement officials in other states have changed their in the few years after similar firearms carry laws pass. Professor John Lott of the University of Chicago mentioned in a recent editorial that certain Texas officials who originally opposed that state's law are now "eating a lot of crow" on the issue because their dire predictions have not come to pass. Professor Lott addresses many of the arguments raised against these laws in his book, *More Guns, Less Crime* (1998). Professor Lott is available to answer questions from legislators at his office in Chicago at (773) 702-0424. He testified in the House in favor of similar legislation in 1997. I believe he also supports this bill as a crime reducing measure.

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

**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;



Chapter 5.88

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.

16-7  
16-6



(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 inrestorable 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

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TESTIMONY FROM JUDY MORRISON  
FEDERAL AND STATE AFFAIRS COMMITTEE  
KANSAS SENATE  
March 25, 1999

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

Sen. Federal & State Affairs Comr  
Date: 3-25-99  
Attachment: # 17-1

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

KANSAS SENATE  
FEDERAL AND STATE AFFAIRS COMMITTEE  
March 25, 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 1<sup>st</sup> of February, I completed 27 years as a policeman for Olathe, Kansas, and have begun my 28<sup>th</sup> 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.

Sen. Federal & State Affairs Comr  
Date: 3-25-99  
Attachment: # 18-1

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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Kansas Senate  
Federal and State Affairs Committee  
March 25, 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 House Bill 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 House Bill 2240, the Personal and Family Protection Act, and give Kansans the right that they justly deserve.

Sylvia Foulkes  
Olathe, Kansas

Sen. Federal & State Affairs Comm  
Date: 3-25-99  
Attachment: # 19-1



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Federal and State Affairs Committee  
Kansas Senate  
March 25, 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. 97<sup>th</sup> Terr.  
Overland Park, Kansas

Sen. Federal & State Affairs Comm  
Date: 3-25-99  
Attachment: # 20-1



March 25, 1999

Honorable Chairwoman and Members of the Committee,

My name is Michael Dann, and I thank you for the opportunity to submit this testimony today. I am a Kansan by choice, a husband, a father, a Certified Financial Planner, manager of a financial services firm, the President of the Douglas County Rifle and Pistol Club in Lawrence, and a Certified Instructor in Pistol and Personal Protection disciplines. My testimony comes from 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 the legislature on the Range Protection Bill concerning the number of calls I receive weekly seeking 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. Over 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 only a small portion elect to pursue this approach to protecting themselves and their families outside of 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.

Sen. Federal & State Affairs Comm  
Date: 3-25-99  
Attachment: # 21-1

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.

This is the key difference, and one that has been addressed in the longest standing, most taught personal protection course in the world. As I indicated, I teach this course developed by the National Rifle Association. 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. 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 permit 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 law enforcement training or restricting training to only KBI developed courses would not meet the public's need for safe 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.

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

March 25, 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 Kansan, 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

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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.

**KANSAS  
PUBLIC  
HEALTH  
ASSOCIATION, INC.**

**KANSAS PUBLIC HEALTH ASSOCIATION, INC.**

*AFFILIATED WITH THE AMERICAN PUBLIC HEALTH ASSOCIATION*

**215 S.E. 8TH AVENUE**

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Testimony on HB 2240

Presented by Sally Finney, Executive Director  
on March 25, 1999

I am here to ask you to oppose HB 2240, a bill that would permit concealed carry of handguns, pistols, and revolvers in Kansas.

The public health community is deeply concerned about the ramifications that enacting this legislation would have on Kansas' children. We know that handguns owned by well-intentioned individuals are involved in accidents that kill and maim thousands of children every year. Of the more than 2,000 fatal firearms incidents that occur in this country annually, half occur in the home. HB 2240 will increase the risk of in-home exposure to guns, thereby increasing the number of deaths and injuries to young Kansans. Imagine a young mother or father returning home for the day absent-mindedly setting a briefcase or purse on the kitchen table to carry out the business of the evening. That briefcase or purse contains a loaded, unlocked handgun. What happens if the gun is left unguarded, awaiting the exploration of an eager child?

According to the Centers for Disease Control and Prevention, guns killed an average of 13 children ages 0 to 19 in this country on each day in 1996. This is roughly equivalent to 24 jumbo jet crashes in a year with a zero survivor rate. The CDC also estimates that for every firearm-related homicide there are 3.3 non-fatal firearm assault injuries. It is important to note that reliable data only exists for deaths. Injury data are not available because of inconsistencies in reporting systems.

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

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

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League of  
Kansas  
Municipalities

Legal Department  
300 S.W. 8th  
Topeka, Kansas 66603  
Phone: (785) 354-9565 Fax: (785) 354-4186

**Legislative Testimony**

TO: Senate Federal and State Affairs Committee  
FROM: Don Moler, General Counsel  
RE: Comment on HB 2240  
DATE: March 25, 1999

First of all, the League would like to thank the Committee for allowing us to appear today to comment on HB 2240. I cannot overstate how strongly the League of Kansas Municipalities opposes any state preemption of local laws regulating the use of concealed weapons in our state. This is a fundamental question that the legislature should not undertake lightly. League records indicate that cities in Kansas have regulated firearms within their communities since at least 1863. Over the 136 years which have elapsed since that time, we believe that cities throughout the state have acted reasonably on behalf of their citizens to regulate firearms in a responsible manner. The preemption provision of HB 2240, found at New Section 16, strikes at the very heart of Constitutional Home Rule authority of cities in Kansas and is a complete departure from the historical nature of firearm control in Kansas. Proponents of this legislation disregard not only the Constitutional Home Rule authority of cities and their responsiveness to their citizens, but also disregard the illustrious history of the State of Kansas and the public policy decisions that have been made over the past 136 years to allow cities to regulate firearms within their geographical boundaries.

The League has a long standing policy position against any state preemption of the ability of local authorities to determine local matters locally. Specifically in the **1998-1999 Statement of Municipal Policy**, which was adopted by the membership of the League of Kansas Municipalities at its annual convention in October 1998, Section G-7 entitled **Firearms Regulation** states as follows:

"We oppose any legislative efforts to restrict or preempt local home rule authority to regulate firearms, including the possession or discharge of firearms in public places within cities. As a matter of public safety, we also oppose any modification of state statute which would allow ordinary citizens to carry concealed weapons in public places."

Despite this policy statement in general opposition to allowing concealed carry, the League is not specifically opposing HB 2240. Rather, we are concerned about the preemption aspect of the legislation found at New Section 16. Cities have been protecting their citizens since the state was founded and are expected to do that today. In contrast, current state statutes controlling firearms are typically very broad in scope and limited in application. They essentially make it unlawful to: carry concealed weapons; give or dispose of a firearm to a person addicted to a controlled substance or who is a felon; remove or deface the identification marks of a firearm; discharge a firearm upon or across the land of another; discharge a firearm at an unoccupied dwelling; and possess a firearm within the state capitol building and other state buildings. **Most substantive regulation of firearms in Kansas is done at the local level.**



The League believes cities have used their power reasonably, effectively and prudently in regulating guns within their boundaries. We would point out that if the citizens of a given city believe that a governing body has overstepped its bounds in the area of gun control, or any other area for that matter, they have the ability to remove elected governing body members from office at the ballot box and replace them with a governing body who will pass ordinances and other local regulations more to the citizenry's liking.

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

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

We should not deceive ourselves into believing that the State of Kansas is truly in the gun control business, it isn't. Most gun control regulation is and has been done at the local level since statehood. We see no reason to change this long-standing policy which has served the state well for many, many years.

MEMORANDUM

TO: Senator Lana Oleen, Chair  
Senate Federal and State Affairs Committee

FROM: Richard Old  
Kansas Peace Officers Association

DATE: March 25, 1999

RE: HB 2440

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Madam Chair, members of the committee, my name is Richard Old, Sheriff of Wabaunsee County and I appear today on behalf of the Kansas Peace Officers Association ("KPOA"), Kansas' largest professional law enforcement organization, with more than 3,500 members statewide. We appreciate this opportunity to express our **strong opposition** to HB 2240, the Personal and Family Protection Act, commonly known as "concealed carry." Our reasons are many and strong.

- Proponents of this "concealed carry" legislation claim a direct relationship between concealed carry laws and reduction in violent crime. Kansas bars general concealed carry, yet our rate of violent crime has dropped over the past few years.
- Proponents claim concealed carry laws deter crime; criminals will be reluctant, they say, to commit crimes, not knowing whether intended victims are armed. The truth is, criminals don't think that way if they think at all. They assume they won't be thwarted or caught.
- Proponents claim law-abiding citizens should be able to carry concealed handguns, since criminals already do. Ask any law enforcement officer how many criminals that

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he or she arrested carrying concealed guns—the answer is hardly any. Most criminals don't carry guns.

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

- Proponents have said that law enforcement supports concealed carry. This is simply not accurate. The Kansas Peace Officers Association, the largest professional law enforcement organization in the state, consistently opposes it, as do the Kansas Association of Chiefs of Police and the Kansas Sheriffs' Association.

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

Again, we appreciate this opportunity to express our concerns and urge the **defeat of HB 2240**.

DISCUSSION IN OPPOSITION OF HOUSE BILL 2240

BY

DIANE VARNELL  
DETECTIVE  
WICHITA POLICE DEPARTMENT  
WICHITA, KS.

MARCH 25, 1999

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

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

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

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

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

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

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



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Kansas State  
Association of Fire Chiefs

Linda J. DeCoursey  
Kansas Insurance  
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Anne L. Rubeck  
Kansas Hospital  
Association

Darlene Whitlock  
Kansas Emergency  
Nurses Association

Sgt. John Eichkorn  
Kansas Highway Patrol

Sally Finney  
Kansas Public  
Health Association

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March 25, 1999

Testimony to the  
Senate Committee on Federal and State Affairs

House Bill 2240 Concealed Weapons

by Jim Keating, Public Policy Chair

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

1. **Allowing adults to carry a concealed weapon will increase the exposure of children to guns.** If adults are carrying guns they will naturally be kept in a place accessible to the gun owner, many times where they can be picked up by a child. Children will be exposed to more carelessly placed or improperly stored guns found in places like purses and briefcases as well as at home when the gun owner comes home and removes the weapon from his person. Exposure to guns increases the risk of unintentional firearm-related death and injury to children. Adults often have unrealistic perceptions about a child's capability and behavioral tendencies with regard to guns, including those that are "concealed" in purses, pockets and briefcases. There are







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misunderstandings about a child's ability to easily gain access to and; fire a gun. Many children may be unable to distinguish whether a gun is real or a toy. Furthermore, adults often overestimate a child's ability to make safe and sound judgements about handling a gun, and to consistently follow gun safety rules.

2. HB 2240 does not contain language to provide adequate protection for Kansas' youngest citizens - our children.

Regardless of one's views on individual gun ownership, preventing the access of children to a firearm is an important consideration in enacting legislation. Unintentional shootings account for more than 20% of all firearm-related fatalities among children ages 14 and under, compared with 3% for the entire U.S. population. Furthermore, more than 70% of unintentional firearm shootings involve handguns. Unfortunately, children as young as age 3 are strong enough to pull the trigger of many of the handguns available in the United States.

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

The Kansas SAFE KIDS Coalition, Inc., is a nonprofit





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group of over 60 statewide businesses and organizations that have joined together to help protect Kansas children from the number one killer of Kansas kids - unintentional injuries. Limiting the access of firearms to children and thereby reducing the number of unintentional firearm injures to children is a priority of this Coalition.

Jim Keating  
Public Policy Chair  
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## Kansas SAFE KIDS Coalition Member Organizations

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AAA Kansas  
American Academy of Pediatrics  
Kansas Chapter  
American Red Cross - Wyandotte County  
American Red Cross - Wichita  
Attorney General of Kansas  
Barber County SAFE KIDS Chapter  
Board of Emergency Medical Services  
Children's Mercy Hospital  
Clay County SAFE KIDS Chapter  
Dillon Stores  
Fire Education Association of Kansas  
Fire Marshal's Association of Kansas  
Ford County SAFE KIDS Chapter  
Head Injury Association of Kansas  
and Greater Kansas City  
Hutchinson SAFE KIDS Chapter  
Johnson County SAFE KIDS Coalition  
Kansas Academy of  
Family Practice Physicians  
Kansas Association of Counties  
Kansas Association of  
Local Health Departments  
Kansas Healthy Start Home Visitors  
Kansas Highway Patrol  
Kansas Department of Health &  
Environment  
Kansas Department of Human Resources  
Kansas District of Kiwanis International  
Kansas Emergency  
Medical Tech. Association  
Kansas Emergency Nurses Association  
Kansas Insurance Department  
Kansas Medical Society  
Kansas State Board of Education  
Kansas Public Health Association  
Kansas Department of Transportation  
Kansas Professional  
Fire Chiefs Association  
Kansas Chapter International  
Association Of Arson Investigators  
Kansas MADD  
Kansas Association of  
Osteopathic Medicine  
Kansas Hospital Association  
Kansas State Fire Marshal  
Kansas Cooperative Extension 4-H  
Kansas Chiropractic Association  
Kansas Recreation & Park Association  
Kansas School Nurses Organization  
Kansas Association of School Boards  
Kansas Farm Bureau  
Kansas Congress of Parents and Teachers  
Kansas State Nurses Association  
Kansas Dental Association  
Kansas Rehabilitation Hospital  
Kansas State Association of Fire Chiefs  
Kansas Safety Belt Education Office  
Kansas SADD  
Kaw Valley Girl Scout Council  
KNEA  
Lawrence SAFE KIDS Coalition  
Manhattan SAFE KIDS Chapter  
NHTSA Regional Office  
Office of the Governor  
Pottawatomie County SAFE KIDS  
Chapter  
Salina SAFE KIDS Chapter  
Safety and Health Council of Western  
Missouri & Kansas  
Stormont-Vail Regional Medical Center  
Topeka SAFE KIDS Chapter  
United School Administrators of Kansas  
University of Kansas Medical Center  
Child Development Unit  
University of Kansas Medical Center  
Burn Center  
Via Christi - St. Francis Burn Center  
Western Resources  
Wichita Area SAFE KIDS Coalition

rev. 01/27/99





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# LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

Testimony before the  
Senate Federal and State Affairs Committee  
Concerning HB 2240, which would allow licensed civilians to carry a concealed handgun  
March 25, 1999

Chairman Oleen and members of the committee, I am Edward Rowe, one of several volunteer lobbyists for the League of Women Voters of Kansas. The League adopts local, state, and national positions after careful study and does so in a grass-roots manner.

Safety is League's primary concern on gun issues, as indicated in the opening of our national position: "The League of Women Voters of the United States believes that the proliferation of handguns . . . in the United States is a major health and safety threat to its citizens."

As I read HB 2240 I find far too little indication of intent to put sensible limits on who may carry a concealed handgun. I can understand that police detectives and members of the governor's security detail have a legitimate need to carry concealed handguns and I can understand why persons who carry large sums of money as part of a legitimate business operation would want to be licensed, but HB 2240 goes too far toward granting anyone and everyone this dangerous privilege.

HB 2240 seeks to rule out convicted felons, convicted spouse abusers, and recent mental patients, but then it turns around and requires that a license be granted to anyone else who merely "desires a legal means to carry a concealed weapon." It occurs to me that a large number of unstable persons with aggressive tendencies might want to carry a concealed weapon, and they would not be ruled out because they have not yet committed anything serious enough to rule them out as a permittee under HB 2240.

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

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

I thank you for allowing me to testify today.

Edward C. Rowe      Home phone: 316-342-7490      e-mail: 102367.2334@compuserve.com

*Ed Rowe*

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I have listened to and have been moved by the personal experiences of some of the proponents who have had some truly horrifying experiences. It would be hard not to feel sympathy for them.

Nevertheless, I still feel that the better overall public policy is to work for a safer society, one in which it is not acceptable behavior to carry around a concealed weapon.

I have not been the victim of violence, but I have been close to people affected by accidental shootings. I would bet that my experience is more typical and that increasing the numbers of handguns out there will result in a large number of accidental shootings and only a few rescues.

I think there are statistics that would bolster my safety argument. But let me tell you one story, which will explain why I feel so strongly on this issue.

As an eighteen-year-old I was able to obtain a summer job as a hospital orderly in a small hospital. (I was thinking at that time of going into a health field and wanted to get some first-hand experience.) Late in the summer a nineteen-year-old patient was brought in. His six-year-old brother had been handling an "unloaded" .22 caliber pistol when it discharged, hitting him in the side. The physicians were hopeful at first that they could stop his internal bleeding and that he would recover, but he gradually worsened. He must have been an athlete; I will never forget what a perfect physical specimen he was. Our surgeons did an exploratory operation but were unable to locate the source of the bleeding, and could do no better than suture him back up when they concluded they were doing more harm than good. We on the staff, and several of us were close to his age, felt helpless as we watched him slowly get worse, and he died about a week after he was brought in. I'm here to tell you that his death was taken as a serious defeat by the staff, and was a terrible tragedy for the young man's family.

I'm terribly afraid that passage of HB 2240 would increase the number of small pistols out there and would increase the number of "incidents" like the one I've recited here.

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# **TESTIMONY ON HOUSE BILL 2240**

**Before the Senate Committee on Federal and State Affairs**

**March 25, 1999**

## **INTRODUCTION**

I thank you for the opportunity to speak to the Senate Committee regarding House Bill 2240. I am the Reverend Jesse Brown, Associate Pastor of First Baptist Church, Topeka and I am a member of the Kansas Ecumenical Ministry's Committee on Inter-faith Impact.

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

I compliment the House on this carefully crafted bill. It is clear from reading it that every attempt has been made to be thorough and meticulous in sifting out those who should not be allowed to carry concealed weapons. It is a well-written act, if one believes that allowing Kansans to carry concealed weapons is good public policy.

Many Kansas church men and women do not!

One could cite testimony today questioning the constitutionality of the right to carry concealed weapons, but I will not. I could bring you testimony today from the law enforcement community regarding their concern over "shall carry" bills such as House Bill 2240.

I could bring you extensive testimony regarding the dangers that concealed weapons bring to those who live in the very homes they are trying to protect. Much of this testimony is already a matter of public record, and will be presented no doubt by others.

Our complaint isn't with people who like to hunt deer or other wild game with firearms. Our complaint is the ease with which children and youth obtain access to guns, resulting in killing themselves and other young people. The message we send to our children by saying that it is appropriate for some private citizens to walk in our neighborhoods with guns hidden on their person is dangerous. But my principal purpose today is to give testimony as to why the churches of Kansas believe that allowing the concealed carry of handguns is a morally bankrupt public policy.

## **BACKGROUND**

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

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



## CONCEALED CARRY DOES NOT MEAN LESS CRIME

There are those who would tell you that licensees are all law-abiding citizens who will only use their firearms to defend themselves.

Ensuring that use is the purpose of the many restrictions on eligibility in HB 2240. But the churches, of all institutions, know that predicting human character and behavior is not even easy for ourselves, let alone for others. The reality is that a growing number of permit holders in this country have used their weapons to commit crimes, or have had their licenses revoked for criminal behavior. In a recent Kansas City STAR poll (February, 1999) 60% of all respondents opposed legalization of concealed weapons and only 21% thought legalizing concealed weapons would reduce crime. A readily available firearm hidden beneath a coat makes crimes of passion a more immediate threat than ever.

## THE DANGER TO CHILDREN AND FAMILIES

You are intelligent men and women and you know about the devastating results of having handguns in the home when domestic violence is present. More than twice as many U.S.

women are shot and killed by their husbands or lovers than by strangers. Nearly half of all homicide victims are acquainted with or related to their killers.

But of even greater importance is the fact that the real scourge of gun violence is this: it frequently attacks the most helpless members of our society -- our children. In 1994, firearms were the number two killer of children and youth ages 10 to 24 years. And in 1995, 14 children, age 19 and under, were killed with guns every day in this country. In that same year, Kansas had 49 firearm deaths to children and teenagers.

Too many children in America have access to a loaded firearm in the home. And for too many households, it is a tragedy just waiting to happen. But it's not just families that are at risk when a gun is improperly stored; it's the entire community. Too many children are getting guns from private homes and carrying them to school and as we have seen, with tragic results. The best handgun and weapons training programs in the world will not change the careless behavior of adults in their own homes.

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

## THE CHURCHES OF KANSAS SPEAK OUT

Almost every state church body right now has a priority or special area of ministry on behalf of children and families. Most of the time you hear us use those priorities to speak out regarding

economic issues affecting children such as welfare reform and the like. But our concern for the children and families of Kansas also includes our concern for their physical well-being, health, safety, and peace within their homes. Where there are any children living in a home, keeping a handgun poses a very real danger to the family.

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

We have all heard how carrying concealed weapons provide good citizens with a means of self-defense. However, statistics simply do not bear evidence supporting that belief. However, as far as the religious community is concerned, that is not the ultimate argument. The founder of the faith of those whom I represent today called us to peace and nonviolence with those we love and with those whom we consider our enemies. The proliferating possession of handguns and the escalation of the violence that they generate in our communities is of great concern in the faith community. The Ten Commandments, common to more religious traditions than simply my own, besides prohibiting killing, demand that we have no other God but God before us; yet there is developing in America a worship of guns and the power they claim to bring, that is idolatrous and is demonic in its limited regard for the consequences to God's family.

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

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

## CONCLUSION

In 1994, the churches of Kansas called for legislative support to help reduce gun violence. At that time it noted that soaring sales of firearms contribute to violence, fear, and alienation, as reflected in the rise of domestic violence in which a disproportionate number of gun victims are women. In 1997, the churches supported Governor Graves' veto of a concealed carry bill.

The Christian faith is no stranger to violence. Christianity is a post-violent faith because our central story is an account of violence transcended. We call on you to keep the current restrictions on concealed weapons in the state of Kansas as a call to move to the other side of violence.

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

Dr. Jesse H. Brown  
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Written Testimony to the Senate Federal and State Affairs Committee  
Regarding HB 2240: Personal and Family Protection Act  
Presented by Police Chief Ellen T. Hanson, Lenexa Kansas  
March 25, 1999

I regret that I am not able to speak to the Committee in person today. Concealed Carry is a topic that I have debated in many forums for well over two years, and one which has tremendous import for all citizens of this state as well as for all of Kansas Law Enforcement.

As we are all aware, this is an area fraught with emotion and conflicting statistics. What I would like to focus on in this paper is neither of these but instead, the real life common sense concerns that need to be considered. This information is based on 24 years of Kansas law enforcement experience as well as research and information from other law enforcement sources. I've divided these into 4 basic areas, which follow.

**1. There is no way to perform effective background checks.** Proponents of this issue tout a flawless and timely system that will keep guns out of the hands of convicted felons. In truth the computer system in use in many states is so backlogged that the gun permits are issued before the information has been processed. Of even more concern is the type of information that is not available to those making the decisions about who gets a gun. In addition to the problems associated with obtaining accurate information regarding felony convictions is the total absence of any information regarding the following: those with mental problems, emotional problems, anger control problems, the drug user and drug abuser, those who misuse alcohol, those who committed a felony and plead to a lesser charge, those who have an unhealthy fascination with weapons or a disproportionate need to have a sense of power and dominance or those who are just plain aggressive and mean.

Additionally I'd like to tell you that the police have caught everyone who has committed a violent or serious crime, but the truth is there are a lot of people who get away and there is no record of any kind which would preclude issuing a permit to them.

We are all aware of road rage and other spontaneous situations that can create in some persons an immediate and uncontrollable feeling of anger and aggression. Let me take you one step further and tell you of the videotapes I view weekly of encounters that officers have with non-criminal persons. People who are intoxicated, hostile, angry and overly aggressive even with an

Sen. Federal & State Affairs Comm  
Date: 3-25-99  
Attachment: # 30-1

uniformed officer. Most of these persons appear to be completely out of control during these encounters but their records indicate that they are you average law abiding citizens. These are persons who would not likely carry a weapon if it were illegal, but if able to possess one legally would. And many of these are about the last people who should be holding a deadly weapon I was recently at a meeting with a man who was employed part time as a bouncer in a very large and very busy bar. He asked the question of how we would like to be dealing with hundreds of persons who had had a lot to drink, who engaged in brawls and who you knew were most likely carrying a gun. A sign at the door to "check you weapons" would not likely be effective in his opinion.

So when proponents say that this is legislation that will place lethal weapons in the hands of only good law abiding citizens please remember these examples I have given you today.

**2. *More guns equal more injuries and death.*** In 1997 the Center for Disease Control reported that guns killed nearly two times as many Americans as all other household and recreational products, and by 2003 will kill as many as die in automobile accidents. In all states where similar legislation has been passed, many who didn't previously own a gun obtained one. In Virginia in the 10 months following the enactment of the law they issued 25,000 permits. This is good for the gun manufactures, not for the public. It is a fact that in times of anger we tend to use what we have--cave men used rocks, then, as tools developed man used spears, today those who have a gun in hand will ofcourse use the gun.

**3. *The training can not be adequate.*** Anyone who is familiar with firearms will tell you that accuracy is considered secondary to judgment in determining what is a good shooting. Almost anyone can stand in front of a stationary target and practice until they are perfectly accurate. When you are involved in a real shooting situation you must add in all of the instant decisions and emotional and physical elements that are crucial. The decision to shoot or not is made in a split second with very little time to consider the circumstances or surroundings. Those making that choice need to have the physical, emotional and mental capabilities to carry this off successfully. Law enforcement agencies train officers in realistic situations for hours each month and some still make judgement errors. Add in the physical reaction to a life and death situation and you have set the stage further for disaster. Think of your reaction when you have had a near-miss car accident. Your breathing becomes erratic and your chest is heaving, your hands and perhaps whole body shake, your ears ring and your thinking is not clear. This is just the reaction you will have in an armed encounter and you can imagine what it will do to your accuracy. It is very difficult to know in a fraction of a second if someone is reaching for a weapon and poses a real threat, or if they are attempting to retrieve a cell phone from a belt holster or pocket.



And it is not just a matter of knowing the right person to aim at, but also hitting the person you are aiming at and **not** hitting an innocent bystander. Police officers are trained to recognize and react to a threat. When they see a weapon they must react instantly.

If, as is possible, a citizen carrying a weapon has an encounter with an unarmed person intending to rob them and the citizen draws the weapon, the attacker is much more likely to be predisposed to use violence than the citizen. In the time that the citizen hesitates the attacker is likely very capable of disarming the citizen and using the weapon against him.

Ask any police officer who has been involved in a shooting and they will tell you that when forced to shoot they automatically reverted back to what they had been taught during hundreds of hours of intensive training. Most citizens firing a gun will not have that advantage. The officers will also talk about the terrible aftermath of knowing that you have killed another human being. You have to be ready not just to *carry* a gun but to *use* it and that takes hours and years of training and a very special type of psyche.

**4. *This legislation will cause serious problems for law enforcement:***

Many police officers will tell you that after the first few years as an officer they don't carry their weapons off duty in social settings. They feel no need and have learned the potential for problems. They also think it is ironic that at the time that law enforcement community are moving toward the use of less forms of force and are lauded by the citizenry for this. In Lenexa the use of pepper spray has made most other forms of force almost obsolete. In more serious situations we are moving to bean bag loads and small rubber batons shot from a shotgun.

In many situations there are well-meaning citizens who will see a situation unfold and stop to help even before police officers arrive. Imagine being an officer who drives up on a disturbance and sees an individual holding another at gunpoint and now must make the split second decision of who is the bad guy and who is there to help.

Picture yourself as an officer who has received intelligence that rival gangs are planning an altercation. You stop a vehicle you believe to be enroute to the fight, which is occupied by an armed individual wearing gang colors. When you check, he has no criminal history in the computer and you have to let him drive on down the road, later you hear that he killed someone in a drive by shootings. These are situations that have actually occurred.

This legislation is a double whammy for law enforcement: it increases officer's apprehension in dealing with the public, puts them in impossible decision

making situations and will be a tremendous burden to them in enforcing the concealed carry law. They will be responsible for verifying permits, and for enforcing the no-carry provisions in certain buildings. These activities will take valuable time away from their regular law enforcement duties.

Manpower is always at a premium and this legislation will add to that problem.

Obviously this is not solely a law enforcement issue. The number of serious considerations is too large to address in this document. One large that should be considered was discussed in an article, which appeared in the Kansas City Star on March 21. This article did an excellent job in highlighting the concerns of business owners. Those who are responsible for workers and customers see a myriad of problems dealing with on-premise shootings and legal liability.

In summary, the issue is certainly an emotional and complex one. I submit that the only way to make a solid decision on whether concealed carry is good for the citizens of Kansas is to look at the common sense side of the question and weigh the actual need for citizens to carry concealed lethal weapons, with the increased hazards those lethal weapons will create.



31

**POSITION PAPER**  
**REGARDING HOUSE BILL No. 2240**  
**THE PERSONAL AND FAMILY PROTECTION ACT**

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

**PREPARED FOR**  
**THE LEGISLATURE OF THE STATE OF KANSAS**

**FEBRUARY 8, 1999**

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

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

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

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

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

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

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

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

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

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

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

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

(please find attachments following the bibliography page)

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March 25, 1999

The Honorable Lana Oleen  
Chairman, Senate Federal and State Affairs  
State House  
Topeka, Kansas 66612

Dear Chairman Oleen and Members of the Committee:

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

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

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

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

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

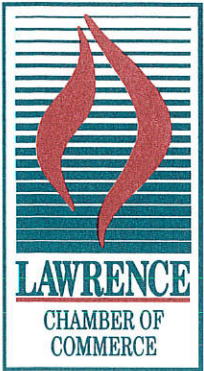
Sincerely,

A handwritten signature in cursive script that reads "Eugene Troehler".

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

Sen. Federal & State Affairs Comm  
Date: 3-25-99  
Attachment: # 32-1

**Testimony in Opposition to HB 2240**  
**Senate State & Federal Affairs Committee**  
**Gary Toebben, President**  
**Lawrence Chamber of Commerce**



(785) 865-4411  
(785) 865-4400 FAX

Dear Members of the Committee:

The Lawrence Chamber of Commerce is opposed to legislation that would authorize the carrying of concealed weapons by persons who are not involved in law enforcement.

Our board of directors recognized that this issue would be the subject of debate during the 1999 legislative session. As a result, we used our annual survey on state legislative issues to ask our members how they felt about concealed carry. Five hundred thirty-five Lawrence Chamber members (30%) responded to our survey. Twenty percent said that they supported legislation that would allow a person without a felony conviction, to carry a concealed weapon after taking a training course. **Seventy-four percent of our members opposed this legislation.** Six percent were undecided.

**When seventy-four percent of our members agree on something, we listen. Our members do not believe that concealed carry will make our community a safer place to live. And they do not want their customers and employees carrying concealed weapons into their places of business.**

Even with an amendment that would allow business owners to restrict persons carrying a concealed weapon from entering their place of business, the members of the Lawrence Chamber of Commerce are opposed to this bill. They believe that enabling people to carry concealed weapons in Kansas will ultimately create more exposure to liability for their businesses.

We ask the members of this committee to oppose HB 2240. Thank you.

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LAWRENCE, KS 66044

Sen. Federal & State Affairs Comm  
Date: 3-25-99  
Attachment: # 33-1

DISCUSSION IN OPPOSITION OF HOUSE BILL 2240

BY

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

March 25, 1999

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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



## **KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE**

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Hearing on House Bill 2240  
Senate Committee on Federal and State Affairs  
March 25, 1999

Testimony by: Sandy Barnett, Director

Chairwoman Oleen and members of the Committee, I appreciate having an opportunity to discuss with you some specific provisions of HB 2240 as they relate to the danger battered women and their children face each and every day.

### Domestic Violence and Rape in Kansas:

The Kansas Coalition Against Sexual and Domestic Violence represents the 28 programs in Kansas providing advocacy and shelter services to victims of domestic violence, sexual assault and rape. Those programs provide services to an average of 6,000 people per year. The Kansas Report on Domestic Violence and Rape, published by Attorney General Carla Stovall and the Kansas Bureau of Investigation, indicates that during 1997 more than 17,000 victims in Kansas sought assistance from law enforcement agencies. Domestic violence and rape occurs as frequently in Kansas as it does across this nation.

Acts of domestic violence and rape often lead to injury and sometimes end in murder. In 1997, 22 murders were committed in Kansas that were domestic violence related. Additionally, 215 or 2% of cases reported to law enforcement involved a gun that was actually used – this number does not include all incidents where threats of the use weapons occurred. Those murders in Kansas were committed most commonly during or after the victim had managed to leave the abuser. National studies indicate that the danger of serious injury or death to victims increase seven-fold after leaving the abusive relationship. In many cases victims seek Protection From Abuse (PFA) orders as a safety tool when attempting to leave an abusive relationship.

The PFA is the most important legal remedy we have available to victims of domestic violence. But, PFA's are effective only when law enforcement and the judicial system is able to enforce these orders. One of the primary problems for law enforcement is having the knowledge that a PFA order exists. A national registry for PFA orders was established through the NCIC, but Kansas does not mandate that orders are entered into this system. The Violence Against Women and Children Committee, a group of professionals who assist Attorney General Stovall's office with the Violence Against Women State Plan which is filed with the Justice Department in order to receive some federal funds, has discussed the need to mandate PFA's be entered into the system. However, the concern about



such a mandate is the cost associated with the entry and maintenance of that data. Naturally, the greatest burden would be placed on those counties with high population centers.

Having said that, we must also remember that the existence of a PFA may be the single best indicator of the volatility of that perpetrator.

Specifics of House Bill 2240:

The crafters of HB 2240 acknowledged the increased danger to victims of domestic violence when separating from an abusive partner when they determined that the applicant for a license to carry a concealed weapon would be ineligible if they were "...subject to a restraining order filed under the protection from abuse act." This consideration is a good start, but does not go far enough. If, we as a state, are serious about acknowledging the danger faced by victims of domestic violence then we must extend this period to include the existence of a protection order for at least the year prior to application for a license.

**Amend Section 2 (11) to:** is not *currently, nor has been for the previous 12 months*, subject to a restraining order filed under the protection from abuse act.

The problem of accessing information about the existence of a current or recent PFA still exists. It is not possible for local law enforcement to know about PFA's unless it was filed in their county and they either had records or were willing to check the court records. However, it is not uncommon to for a victim to file a PFA in the county where she currently lives, which may not be the county in which the perpetrator resides and applies for a license to carry a concealed gun. Or, the perpetrator may have moved from the county in which a PFA was filed or exists. It is only possible to gain this information if all PFA's are entered into the NCIC.

**Amend Section 13 (b) to:** Moneys in the concealed weapon licensure fund shall be used only for: (1) Payment of the expenses of administration of the personal and family protection act; and **(2) expenses associated with the registration of all protection orders into the NCIC;** and (3) transfers to the county law enforcement equipment fund and the forensic laboratory and materials fee funds as provided in subsection (e).

Amend Section (e) to: allocate a percentage of the license fees collected to assist county law enforcement to off-set the costs associated with entering and maintaining PFA data.

**Amend Section 14 (b) to:** Moneys in the county law enforcement ~~equipment~~ fund shall be used only to fund grants to sheriffs' department for purchases of law enforcement equipment other than motor vehicles **and to assist with costs associated with entering and maintaining county PFA data.**

Amend other reference to "equipment fund" by striking through ~~equipment.~~

Two additional problems exist in the gathering of information about the existence of PFA's.

- 1) The standard records check is waived for law enforcement officers and those who have retired within a year prior to the date in which an application is filed for a license to carry a concealed weapon. Law enforcement officers are not exempt from battering their partners. A PFA records check should still be completed for this population.

**Amend Section 5 (e)** to: Any law enforcement officer as defined by K.S.A. 21-3110, and amendments thereto, shall be exempt from the fees and background investigation ***except for the existence of a protection from abuse order*** required by this section ...”

- 2) During the renewal of a license, there appear to be no provisions for another background check. Rather, we are relying on the applicant signing an affidavit testifying that they are still eligible based on the qualifications outlined in section 4. I believe it is likely that the renewing license holder will not report PFA's. It seems only prudent to at least check the NCIC for new information since the original license or most recent renewal was issued.

Thank you for your time and consideration of our concerns regarding protection orders and the safety of victims as they relate to the issuing of licenses to carry concealed weapons in Kansas.

Phillip B. Journey  
President Kansas Second Amendment Society (PAC)  
Director at Large Kansas State Rifle Assoc.

Testimony in support of HB 2540  
An Act concerning firearms and firearms dealers; relating to the limitation  
on certain civil actions

HB 2540 is a bill that is sweeping the nation's state legislatures, in Georgia and South Dakota it has already been enacted and is close to enactment in Oklahoma and other states. The legislation is a reaction to the lawsuits filed by cities such as Chicago and Atlanta. The lawsuits filed by these cities attempt to make firearms manufactures financially liable for the acts of criminals based in part on the theory that manufacturers, distributors and dealers negligently market their products or create a public nuisance. These lawsuits are an attempt by lawyers to copy the financial success of the tobacco suits. Unlike tobacco there is a constitutionally protected right to keep and bear arms. The transparent goal of taking a large number of weak cases to court simultaneously is not to win verdicts, but to bankrupt the industry by inflicting massive legal expenses upon them.

Firearms manufactures, distributors and dealers have strong arguments for the substantial benefits their products offer their customers, guns are used three times more often to protect against crime than they are to commit crime. I would be surprised to hear where a cigarette saved someone's life. The Chicago Tribune wrote in a recent editorial " the Chicago lawsuit attempts to elevate good morality...not [to] sell guns to people you have reason to think are bad guys... to the level of a legal requirement that no legislation has seen fit to impose.... It seeks to use the courts and the public treasury to make the gun industry comply...or face bankruptcy." In real product liability suits injured plaintiffs sue manufactures of defective products and seek compensation for injuries caused by those defects. Defendants in such suits can assert the defense that the product was not defective and worked as intended. However the suits against the firearms industry are for products that properly yet tragically functioned as intended. Criminal or negligent use of correctly working products is not a cause of action against the manufacturer, distributor or retailer. "The mere fact that a product is capable of being misused to criminal ends does not render the product defective" *Armijo v. Ex Cam Inc.* 656 F.Supp771, 773 (D. N.M. 1987)

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These suits are merely attempts to end firearm ownership in this nation when the proponents of disarming the American people are unable to politically accomplish their goals through the legislature and lawyers seeking to enrich themselves at the expense of our liberty. This body sets public policy for the state and this bill stands for the proposition that, when criminals commit crimes, the criminal is to blame, not the store that complies with all federal, state and local laws. If marginally successful these suits could substantially increase the price of firearms across the board. This price increase will increase the costs to all of us including local and state governments. It will put the price of self defense further out of the reach of the poor who need the means to protect themselves, their families and their property the most.

Kansas and out of state hunters who come here spend 555 million dollars each year in Kansas. This consumer spending translates into 14,500 jobs, 255 million paid in wages, over 32 million in state revenue and 1.1 Billion in economic activity in the state annually according to the Congressional Sportsmen's Foundation. There are 437,000 Kansas sportsmen and women in the state, which is more than the combined population of the cities of Wichita and Topeka. They deserve to have their sport protected from these frivolous civil suits.

This bill does not prevent appropriate suits from being brought against those who sell defective products in breach of warranties by individuals or governmental entities. It does not prevent suits against those who negligently or intentionally sell firearms to persons who should not legally possess or purchase firearms. If these lawsuits succeed it will set a dangerous precedent that will establish legal theories that will be applied to other industries. Suits against car manufactures or liquor producers their distributors and retailers for the carnage caused by drunk drivers. Suits against the beef industry for heart disease. Suits against cutlery manufactures for the crime perpetrated with their products. The possibilities are endless. The organizations I am here representing today urge you to stop it here and now and to fast track this bill to the full House for approval as soon as possible. The KSRA and KSAS have thousands of members in the state.

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Statement before the Kansas Senate Federal and State Affairs Committee  
in support of HB 2540, March 25, 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.

Most of you know that I am an attorney. Most people would take my chosen profession, plus the fact that I usually represent the "little guy," or individual plaintiffs, and rarely corporate defendants, and assume that I would oppose this type of bill because of the potential for cutting my own income. Those people could not be more wrong. HB 2540 in its current form protects manufacturers, dealers, and sellers from frivolous lawsuits, and I therefore **support** it.

Several years ago, people began suing tobacco manufacturers on the theory that the availability of cigarettes and the like caused otherwise reasonable people to begin smoking, adversely affecting their health, and causing premature death. These lawsuits were uniformly rejected by the courts. That is until the federal and several state governments, including our own, began suing these same tobacco manufacturers to recover health care costs caused in some part by years of tobacco use. The tobacco manufacturers either found the cases less frivolous than I did, or they finally gave up in the face of litigation against taxpayer-funded plaintiffs. The manufacturers settled for payment of damages in excess of \$200 billion over the next twenty-five years. Of that settlement, several law firms split the largest fee award in history, again in the multiple billion dollar range. Some of the same law firms who sued the tobacco firms have now set their sights on firearms manufacturers, and they are now well-funded for the battle.

When the first tobacco suits were filed, few observers considered them to pose serious threats to the industry. That miscalculation should not recur with these firearms lawsuits. Just because no city or county in Kansas has publicly announced that it intends to follow Chicago, New Orleans, Atlanta, Bridgeport, Connecticut, Miami, Philadelphia, Los Angeles, or Baltimore, all of which have filed or publicly announced they are considering filing lawsuits, does not mean that Kansas can take a wait-and-see attitude towards preventing their occurrence here.

There are two main problems with allowing cities to sue the manufacturers of otherwise legal products. The first problem is that lawsuits such as these bypass the legislative process and allow the court system, or possibly twelve random citizens, to set public policy for a city, state, region, or an entire country. That policy will not always agree with the laws set in the various legislatures. The second problem is that lawsuits like these are inherently anti-business.

In the February 16, 1999, issue of the *Wall Street Journal*, a story appeared describing the result in a firearms case that ended early last month in Brooklyn. Eleven jurors decided amongst themselves to ignore most of the evidence presented, adopted their own formula to determine whether damages would be assessed, and then proceeded to award damages based on a percentage split against certain manufacturers, but not others. Endemic to their discussion was

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the fact that the jury was spending someone else's money. This is not the type of open, public discussion that should take place during the legislative process.

The Mayor of Miami-Dade County, Florida was even quoted in a recent issue of the New York Times asserting, "This [firearms lawsuits] is exactly what the courts are there to do, to fix inequities that you can't accomplish in the legislature." Esteemed committee members, the Mayor of Miami is plain wrong. The Legislature is where we debate and decide policy issues, not the courts. If he doesn't like it, tough cookies. If HB 2540 does not pass, Kansas runs the risk of being drawn into the morass of judicially-imposed public policy over and over again.

Some of the businesses in Kansas which would be directly affected by a firearms lawsuit here include Wichita Arms, a manufacturer of highly accurate target pistols and rifles, CZ-USA, a distributor in Kansas City, Kansas, for Czechoslovakian firearms manufactured since before World War II, and Hodgdon Powder Company, a distributor for smokeless and black powder for reloading, supplier of explosive bolts to the space shuttle program, and employer of several people in Johnson County and Herrington, Kansas. These are all small businesses, employing your constituents and neighbors, generating taxes for the state selling lawful products. Many more firearms businesses regularly sponsor the Governor's Turkey Shoot each spring. These businesses would likely appreciate the show of support this body could give them by passing HB2540 since it would protect them from groundless liability suits.

Other business which could be affected if this trend in frivolous litigation is not stopped include beef packing plants and dairies being sued for causing heart disease, General Motors and Ford, which manufacture cars in or near Kansas, and which could be sued for causing drunk driving or traffic accidents, and the entire airplane industry in Wichita, which went through quite a downturn and cut back the manufacture of new light planes until a 10-year federal statute of repose was passed.

I urge your support for HB 2540. When you vote on this bill, please remember the many employers and businesses in Kansas that are now under threat of frivolous lawsuits. Remember too that the announced goal of those bringing the suits is to accomplish something in the courts that they have not been able to get through the legislative process. A vote in favor of HB 2540 will protect business and our constitutional legislative process.



# MAIN STREAM COALITION

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A 501(c)4 Organization

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## Sub HB 2540. An Act concerning firearms, ammunition and firearms dealers, limiting certain civil actions:

The MAINstream Coalition, is a non-partisan group of moderate religious, business, political and community leaders, founded in 1993 and based in Prairie Village, Kansas. We count over 2,500 members on our rolls. Our primary mission is to serve as a counter-force to those religious and political extremists who would threaten constitutional freedoms. We do not believe that the 2nd Amendment has any bearing on this particular issue, and furthermore, we believe that no select industry should be exempt from the right of consumers to sue.

This bill strips cities and counties of the right to sue gun distributors, dealers and trade associations. The Kansas Attorney General would also be prevented from filing lawsuits against the gun industry without the permission of the legislature.

There are many reasons to oppose this legislation such as: the effect on local control, the protection of a select industry, and the denial of the right to sue by the Attorney General, however, MAINstream **opposes** this bill as an extension of our long-term opposition of the gun lobby and its efforts to encourage the unregulated proliferation of guns.

Sen. Federal & State Affairs Comm.

Date: 3-25-99

Attachment: # 38-1

HN - SUNEDT

## SJ -SJ Shoot down misguided gun bill

### THE ISSUE

Protecting gun manufacturers

### THE ARGUMENT

This is none of the Legislature's business

One of the most misguided pieces of lawmaking in Topeka this session is a bill that would prevent cities and counties from suing gun manufacturers and dealers. The bill passed the House by a two-to-one vote, but fortunately its passage is not assured in the Senate. Gov. Bill Graves may veto the bill.

By whatever means, this dangerous bit of foolishness needs to be stopped, whether in the Senate or on the governor's desk.

The bill is in response to lawsuits filed by several large American cities, including Atlanta, Chicago and New Orleans. They have sued gun manufacturers seeking to recover the money spent treating gun-related injuries and deaths. The lawsuit is patterned after actions filed by states against the tobacco industry, which resulted in a multi-billion dollar settlement.

Such lawsuits are misguided, opportunistic and ill conceived. But that doesn't mean the firearms industry should be granted a special legal shield in Kansas. Those in the firearm business have the responsibility to answer even the most frivolous lawsuits in court, just like everyone else in the private sector. That is part of the cost of doing business in this country.

Even more dangerous than the legal shield this law would provide, is the precedent it would set. If this bill becomes law then other industries will argue they need special protections from lawsuits.

Additionally, a bill disallowing cities and counties from certain legal action sends the message that citizens cannot be trusted to conduct the business of local government without hand-holding by state lawmakers. It also shows that House lawmakers do not trust juries to reach fair decisions in American courtrooms.

This bill is a mistake and takes state government down a rocky path. It should be stopped. If the Senate won't shoot it down, then perhaps our common-sense governor will put it out of its misery.

- Tom Bell

Editor & Publisher

hsal: Mar 19, 99 (Fri 11:13p)

sunedt.bt!al



**League  
of Kansas  
Municipalities**

LEGAL DEPARTMENT · 300 S.W. 8TH TOPEKA, KS 66603 · TELEPHONE (785) 354-9565 · FAX (785) 354-4186

**LEGISLATIVE TESTIMONY**

**TO:** Senate Federal and State Affairs Committee

**FROM:** Don Moler, General Counsel

**RE:** Opposition to HB 2540

**DATE:** March 25, 1999

First I would like to thank the Committee for allowing the League to testify today in opposition to HB 2540. One of the fundamental powers of cities, found in the very first statute which sets out the corporate powers of cities, K.S.A. 12-101 *First*, is the power of cities to sue and be sued. This is a fundamental aspect of the corporate powers of the 628 cities in Kansas and modification of this power should not be undertaken lightly.

HB 2540 identifies a specific group of manufacturers, trade associations and dealers and prohibits lawsuits brought by cities in Kansas on behalf of their citizens and taxpayers, against these manufacturers, trade associations and dealers. We would suggest this is a dangerous road to start down. We would suspect that if this legislation is successful this year, some other group will approach the legislature in the near future asking for the same consideration. Essentially removing the possibility that a city, county or other municipality might bring a lawsuit against them.

We are unaware of any city in Kansas currently contemplating such a lawsuit. However, to set a precedent prohibiting lawsuits in this area as a matter of state statute appears to us to be extreme and unwise public policy. We would strongly urge the committee to reject HB 2540 as a matter of sound public policy.

Once again I would like to thank the Committee for the opportunity to appear before you today and offer testimony regarding HB 2540.

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Date: 3-25-99  
Attachment: # 39-1





# HODGDON POWDER CO. INC.



My name is Robert Hodgdon. I am President of Hodgdon Powder Company, which has offices in Overland Park and a manufacturing plant in Herington, KS. We package and store products in our Shawnee facility, and do some processing and storage in the old ammunition facilities at Forbes Air Force Base in Topeka. We manufacture Pyrodex, a propellant for muzzleloading sportsmen, and produce smokeless powder primarily for sportsmen who reload their own ammunition. We sell to many ammunition manufacturers, including those as large as Remington Arms, and to one which manufactures specialty ammunition for the Navy Seals program. One of our products separates the bolts holding the liquid fuel tanks to the NASA shuttles. We hire from 55 to 100 people (depending on the season) who work in our three locations; have around a \$3.5 million payroll.

My testimony is prepared to inform the committee of the economic importance of the firearms and related industries to the State of Kansas, which could be grievously injured should these manufacturers be impaired or bankrupted by the massive legal costs incurred fighting newly-concocted legal theories in courts throughout the U.S.

The firearms industry goes far beyond only the manufacturers of firearms and ammunition, and those engaged in its commerce are employed in nearly every city and town in Kansas, as well as in many rural settings. The sportsmen who hunt, or are involved in sports shooting activities enjoy their sport, not just during a season, but around the calendar. They equip themselves not only with the necessary firearms and ammunition, but with specialized wearing apparel and accessories, raingear and boots, SUV's, a variety of off-road vehicles, optical gear, photographic equipment, game calls and devices, duffels and luggage, gun cases, cleaning equipment, and gun safes for storage, to name a few. Their interest in this sport carries over into facets which become hobbies of their own, requiring equipment such as reloading tools and components, chronographs, home gunsmithing items, woodworking equipment, taxidermy equipment and supplies, wild animal feeders, and animal care supplies, etc. Most sportsmen subscribe to outdoor specialty magazines, and have libraries of many volumes on a myriad of variants of hunting and shooting interests. Technology has not left the hunter behind; there are every imaginable type of cyber-hunting experiences available on computer programs to let the activist realistically practice off-season.

The dollars brought to rural communities during hunting seasons are often the backbone of their economy. Motel rooms filled, restaurants serving meals, gasoline being pumped, and supplies being replaced at the local gunshop or hardware store helps sustain economies, which otherwise may rely solely on the shifting fortunes of agriculture or animal husbandry. Fortune Magazine says, "there, merchants look to hunting season the way Macy's looks to Christmas: it can make or break the year."

#### Manufacturing:

Rt. 2, Herington Industrial Park  
P.O. Box 270  
Herington, KS 67449

#### Corporate:

6231 Robinson  
P.O. Box 2932  
Shawnee Mission, KS 66201  
Telephone: (913) 362-9455  
Fax: (913) 362-1307

#### Distribution:

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Obviously, all of law enforcement in the State of Kansas and its municipalities depend on products produced by our industry, as do security companies and officers. Programs of the Kansas National Guard and armed forces stationed on Kansas bases revolve significantly around small arms manufactured by the firearms industry. In short, our citizens would be much less secure without a continuing flow of products, which are now threatened by lawsuits recently initiated by cities against the industry.

According to the National Shooting Sports Foundation, overall shooting sports related activity in the U.S. amounts to \$30.9 billion annually! This activity supports more than 986,000 jobs. This is less than 1 percent of all U.S. employment, but represents more people than are employed in Wyoming and West Virginia combined, and more people than work in cities such as Kansas City, San Francisco, Portland, Orlando, or Ft. Worth.

### IN PERSPECTIVE

The following comparisons are provided to help put in perspective the economic significance of the sporting firearms and ammunition industries and related activities.

- In the few minutes it takes to review this report, the nation's hunters and shooters will generate enough economic activity to support eight jobs.
- Each day, the firearms and ammunition industry, and related hunting and shooting activities, generate enough economic activity to support 1,640 jobs.
- Hunting and shooting related industries employ more people than all Sears stores.
- The \$30.9 billion in economic activity generated by the hunting and shooting sports industries exceeds the annual sales of companies such as Coca-Cola, Anheuser Busch, McDonalds, Home Depot, Johnson & Johnson, Caterpillar Tractor, Goodyear Tire & Rubber, Hewlitt Packard, RJR Nabisco and scores of other highly recognizable "Fortune 500" companies.
- The blockbuster movie Titanic grossed \$376 million in 9 weeks. The hunting and shooting sports generate that much in just 4 days.
- The entire motion picture industry gross revenue from theater admissions is about \$5 billion, annually-the firearms and ammunition industry and related activities generate that much in two months.
- More than 21 million Americans participated in shotgun, handgun and rifle target shooting activities in 1996. That's over three times as many people who played racquetball during the same period, more than twice as many as take part in water skiing, and is roughly the same number of people who played golf.
- Hunting and target shooting activity employ more people than Chrysler, Phillip Morris, United Parcel Service, and Ford combined.

Hunting and target shooting in Kansas accounts for some \$581 million in economic activity each year. Retail sales data calculated from the U.S. Bureau of Census and applied to U.S. Fish & Wildlife figures, shows the multiplier effect of economic impact on Kansas can total as much as \$1.1 billion. Firearms products and jobs annually directly donate to Kansas sales tax of \$16.7 million, and income tax of \$4.2 million. Sportsmen's license fees are \$15.2 million. The Federal Aid in Wildlife Restoration Trust Funds (an excise tax of 11% on firearms and ammunition imposed by the industry on themselves in the 1930's) generates an additional \$2.6 million per year to the Kansas Dept. of Wildlife and Parks; for a total direct tax contribution to the State coffers of \$38.7 million (not including taxes on ancillary activities).

A potent economic force in Kansas is the outdoor catalog sales industry. LL Bean, Orvis, Cabelas, Bass Pro, Dixie Gun Works, Navy Arms, and a host of others send hundreds of thousands of catalogs, and do untold millions of dollars of business here, providing Kansans with sportsmen's products.

In Missouri, the greatest tourist attraction is not the Arch in St. Louis, Silver Dollar City, Branson itself, the Lake of the Ozarks, or any other lake. It is the retail store and museum of Johnny Morris's Outdoor World Bass Pro in Springfield! This reflects the tremendous power of the outdoors and nature's pull on the sportsman.

Kansas has 263 federally licensed firearms dealers, some of which represent multiple locations. Perhaps the sporting goods department at Walmart (s) would be Kansas' greatest tourist attraction, especially right before and during our hunting season.

There were 178,203 hunters in Kansas in 1997, the last year for which we have figures. The National Sporting Goods Association, in their 1997 annual report, reported there were 174,000 target shooters in the state. This would indicate 14% of Kansans participate in a shooting sports event at least once a year.

## SUMMARY

We do not maintain that hunting, recreational shooting, or the purchase of firearms for personal or home protection are acceptable merely because they make a significant contribution to our national and local economies. These activities are an acceptable, responsible and desirable ingredient of our nation's heritage, and should be continued, because experience, statistical evidence and common sense tells us so. The economic impact of these activities must be considered when well-meaning, but less than fully informed individuals, suggest that America would be a better place without hunting, recreational shooting, or the right of self-protection.

Firearms manufacturing is one of this nation's oldest industries. The very concept of interchangeable, machine-made parts was pioneered by Eli Whitney at his gun factory in 1803. The U.S. firearms industry continues to set the worldwide standard for product excellence. Names like Winchester, Remington, Colt, and Smith & Wesson are inextricably linked with the growth of our nation and are known all over the world.

## AMERICA'S "UN-ENDANGERED"® SPECIES

# ...it didn't just happen!

In recent years, there's been a lot written about "endangered species." So much so, that many people now think that much of our wildlife is in serious danger of extinction.

It isn't so. Many previously threatened species have today been restored to healthy and abundant numbers—thanks largely to the dedication and commitment of hunters and anglers.

As described inside, sportsmen were America's "First Environmentalists," leading the call to establish laws and taxes on hunting and fishing equipment that today provide most of the funding for wildlife and habitat restoration programs.

Fortunately, they weren't content to stop there and went on to form over 10,000 groups like Ducks Unlimited, The Rocky Mountain Elk Foundation and The National Wildlife Federation, which annually contribute hun-

dreds of millions of dollars and countless hours of hard work to conservation projects. And they have consistently served as the nation's "environmental conscience," lobbying for policies that responsibly conserve and protect wildlife and the habitat it needs to flourish.

The chart below shows just how successful we've been at helping many species of American wildlife. In addition to those listed below, other conservation success stories include the alligator, beaver, Florida panther, peregrine falcon, red cockaded woodpecker, sea otter, spotted owl and wood duck.

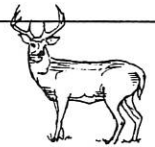
So, even if you don't enjoy hunting and fishing yourself, the fact remains that the cleaner streams, revitalized wetlands and thriving woodlands are there for all of us to enjoy. And we have hunters and anglers to thank for their commitment—even if you don't hear about it on the evening news.

## Here's What Hunters And Anglers Are Doing For Our Wildlife:

**THEN**  
**500,000**

In 1900, an official U.S. survey estimated that less than 500,000 **white-tailed deer** remained in the nation. Today, some 19 million whitetails roam our forests.

**NOW**  
**19,000,000**



**THEN**  
**1,110,000**

Habitat destruction reduced **Canada goose** populations to a low of some 1,110,000 in the late 1940s. Since then, the population has more than tripled.

**NOW**  
**3,760,000**



**THEN**  
**73**

In 1935, only 73 **Trumpeter Swans** were left. Today, thriving populations total more than 16,000 in the U.S.

**NOW**  
**16,000**



**THEN**  
**41,000**

In 1907, only about 41,000 **elk** were counted in the U.S. Today, there are more than 800,000 and most western states have surplus populations.

**NOW MORE THAN**  
**800,000**



**THEN**  
**100,000**

By the early 1900s, encroaching civilization and habitat loss had reduced **wild turkey** populations to 100,000. Conservation programs have now restored the turkey to healthy numbers in almost all 50 states.

**NOW MORE THAN**  
**4,500,000**



**THEN**  
**12,000**

Almost 100 years ago, the total U.S. population of **prong-horn antelope** was about 12,000. Habitat restoration and restocking have helped to restore it to about 1 million.

**NOW ABOUT**  
**1,000,000**





1845 The Exchange, Suite 41  
Atlanta, Georgia 30339  
(770) 933-0200  
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## American Shooting Sports Council, Inc.

March 23, 1999

Kansas Senate  
The Honorable Richard L. Bond, President  
Kansas Statehouse  
300 SW 10<sup>th</sup> Ave.  
Topeka, KS 66612

As a national trade association representing manufacturers, distributors, and retailers of firearms, ammunition and shooting sports accessories, the American Shooting Sports Council is extremely concerned with the rising threat posed to legitimate businesses from lawsuits being filed against our industry by municipal governments across the country.

This litigation, which seeks to hold firearm companies as well as their trade associations responsible for the criminal and/or negligent acts of third parties beyond our control, has no basis under current legal theories. That, however, is beside the point. The strategy behind these lawsuits is readily apparent. It is a politically motivated effort promoted by special interest groups to severely cripple, if not completely destroy, an entire industry and in the process achieve through an abuse of our court system a stranglehold on the rights of American citizens to legitimately acquire and own firearms.

Numerous national surveys show that the public does not support this litigation strategy. The most recent poll by DecisonQuest, a national jury-consulting firm, found that 66 percent of the public opposes governments suing gun manufacturers for the cost of violent crime. Yet even though the firearm industry has public support on its side, and even though the long-established rule of liability law favors the industry's legal defense, the industry can ill-afford to wage legal battles in a multitude of jurisdictions around the nation.

It is for these reasons that the American Shooting Sports Council urges the Senate to pass the legislation before you which will prevent these types of politically motivated lawsuits from being filed in the state of Kansas.

Thank you for your consideration.

Sincerely,

Robert A. Ricker  
Executive Director  
American Shooting Sports Council

REPRESENTING THE FIREARM INDUSTRY

Sen. Federal & State Affairs Comm  
Date: 3-25-99  
Attachment: # 41-1



"The Smoking Gun" - The Next Case of Lawsuit Abuse  
Address of Alabama Attorney General Bill Pryor  
to the American Shooting Sports Council,  
February 1, 1999, Atlanta, Georgia

It is an honor and pleasure to be with you to discuss what I believe is a clear and present danger to the rule of law in our Nation. Although I am a lawyer, I must admit that the subject I want to address illustrates why lawyers have become the butts of so many jokes. This phenomenon has created a problem: most lawyers don't think the jokes are funny and most other people don't think they are just jokes. Now I do think they are funny. One of my favorites is "Why did the trial lawyer cross the road? To get to the car accident on the other side." Another is "What is the difference between a trial lawyer and a trampoline? You take your shoes off to jump on a trampoline." Another is "What is the difference between a trial lawyer and a dalmation? A dalmation knows when to stop chasing an ambulance." Every year I attend a conference of lawyers who complain about the image of the legal profession, and invariably their proposed solution to this problem is to conduct a public-relations campaign to explain all of the "good works" of lawyers. I believe, however, that we need to concentrate on the harm that many lawyers are doing to both the free market and the legal system, which brings me to my topic here.

Two years ago, I warned in editorials published in *The Wall Street Journal* and *The New York Times* that the lawsuits filed by my fellow state attorneys general against the tobacco industry threatened "the entire business community." Recently, as you are all too aware, the mayors of New Orleans and Chicago have followed the tobacco precedent by filing lawsuits against the firearms industry, and the mayors of several other cities have announced their intention to file similar suits. Even Bill Campbell, the Mayor of Atlanta, has announced his intention to file this kind of lawsuit. This dangerous marriage of the tort bar and governmental power must be severed soon before it further weakens what remains of limited government, the rule of law, and respect for individual responsibility in this Nation.

When the first tobacco suits were filed, few observers in the business world considered the suits to pose serious threats to the industry. That miscalculation should not recur. The trial lawyers who provided the financial support for the tobacco suits have enormous resources and are even richer as they now undertake the gun suits. The billions of dollars recently awarded to several trial lawyers by an arbitration panel, as part of the national tobacco settlement, represent by far the largest fee award in legal history. When they file these kinds of suits, the trial lawyers often carefully select courts where they have cozy relations with judges who are politically susceptible to setting aside traditional legal doctrines. The judges can reward their wealthy trial lawyer friends, who have been known to contribute to judicial election campaigns or sit on judicial nominating commissions, and the judges can then bask in the media attention that accompanies their so-called landmark rulings. Meanwhile, against this corrosive backdrop, the politicians (e.g., mayors, attorneys general) who act as clients can mount a high-profile public relations campaign and extol the virtues of their "public interest" litigation. They can frame the campaign as an effort to protect innocent "kids" and a host of liberal interest groups are always eager to lend their credibility to the campaign.

If you think tobacco products are necessarily different from guns, think again. Your industry will correctly argue, as the tobacco industry argued, that the dangers of firearms are well known and those risks must be assumed by the users. The trial lawyers will counter, however, that their government clients do not assume those risks but must bear the costs of police and medical treatment associated with gun crimes, deaths, and injuries. When your industry correctly argues that it provides legal products for law abiding citizens to defend themselves from crime, the trial lawyers will say, with a straight face, this benefit is irrelevant because your industry somehow created the crime problem that required citizens to defend themselves. The trial lawyers will try to find disgruntled former employees of the industry to act as the ultimate "smoking gun" witnesses. The trial lawyers will utilize liberal court discovery procedures to obtain millions of industry documents and they will try to distort the meaning of those documents to vilify your industry. On the eve of trial, your industry could be confronted by enormous risks. Any appeal could be foreclosed by the inability to post an enormous bond. This framework was used to extract a settlement of 200 billion dollars from the tobacco industry, which for decades had been undefeated in scores of product liability cases. It can happen again.

These kinds of lawsuits threaten limited government, because they shift political disputes from the legislative arena to the judiciary. Regulation and taxation of products that would otherwise be politically impossible becomes tempting when the



can be framed as a legal dispute where “damages” are owed by an unpopular industry to the public. The tobacco experience demonstrates that regulation and taxation through litigation is frighteningly powerful. Many of the regulatory aspects of the recent national tobacco settlement, such as billboard and other advertising restrictions, could not have been achieved through legislation without violating provisions of the Constitution, such as the first amendment. The mayors similarly want to achieve unprecedented gun control and manufacturing restrictions that cannot be achieved in the ordinary political process. The main purpose of these lawsuits, however, is to shift the awesome power of taxation to the judiciary so that enormous sums can be raised to feed the insatiable appetites of politicians for more money. Voters and consumers who oppose the additional regulation and taxation are left out of this debate.

These kinds of suits make citizens more confused about tenets of American government, such as the separation of powers. It is frightening to read, in *The New York Times*, the Mayor of Miami-Dade County assert, “This is exactly what the courts are there to do, to fix inequities that you can’t accomplish in the legislature.” This is wrong. The courts are supposed to apply the existing law to resolve legal disputes, not make new law to resolve political disputes.

The rule of law, with its historic respect for freedom of contract and private property, is also undermined by this emerging legal regime. The distributors of dangerous products can be haled into court and ordered to pay huge sums in a legal framework that they never envisioned when they first calculated the risks of investing in that product market. The liberal agenda of denying individual responsibility is taken a step further by those leftist bounty hunters (otherwise known as trial lawyers) who are slick experts in representing alleged victims of corporate greed. At bottom, these lawsuits, which are being filed en masse to politicize the legal process, represent the antithesis of the rule of law: namely, the ends justify the means.

The mayors say that they are filing suits to fight crime, but their suits in truth demonstrate an abdication of responsibility for the crime problems of their cities. By filing suit, the mayors are playing the blame game. As the chief law enforcement official of a state, I can say unequivocally that crimes are caused by criminals, not by the firearms industry. Indeed, by providing quality firearms at reasonable prices to law-abiding citizens and law enforcement agencies, the firearms industry helps reduce crime. The proven method of disarming criminals is to enforce the myriad laws that prohibit convicts and juveniles from purchasing firearms and enhance penalties for crimes involving the use of firearms.

These suits are counterintuitive. If the firearms industry raises prices to pay off the cities and their lawyers, law-abiding citizens then will be less able to afford firearms to defend themselves from criminals who have received all the wrong messages from our society about individual responsibility. Police departments will also pay higher prices for the weapons they need to fight crime. Meanwhile, the black market for illegal firearms will expand and its trade will become more profitable, which will further strain law enforcement agencies. If the suits are successful, guns also will have new “safety” features that make those weapons more difficult to use in self-defense.

It is also distressing that this latest wave of extreme lawsuit abuse is directed at firearms when the ownership of these products is protected by the Bill of Rights. In recent years, several legal scholars have proved beyond any doubt that the Framers of the Second Amendment intended to protect the right of individuals to keep and bear arms. These lawsuits clearly threaten this fundamental civil right.

For two years, I resisted intense pressure to join the tobacco litigation, because I am firmly committed to the rule of law and limited government. I was recently elected in a close race against an opponent who was strongly supported by the trial lawyers and made the tobacco litigation the main issue in his campaign. A few months ago, I had no choice but to take the necessary steps to ensure that the taxpayers of my State would receive their proportional share of the national tobacco settlement, which is now raising the costs of cigarettes in every state. Fortunately, the trial lawyers will not share in the revenues to be paid to my State.

You are in the center of a battle for the heart and soul of our legal system. As a survivor of the tobacco wars, I hope and pray that your industry will prove to be tougher opponents of the trial lawyers and their political allies than Big Tobacco proved to be. I urge you to take these suits seriously; assemble the finest legal teams that you can afford; build a broad coalition to counterattack in the legislative and political arenas; and never, never surrender. The free market and the cause of human liberty cannot survive much more of this litigation madness.



NATIONAL RIFLE ASSOCIATION OF AMERICA  
INSTITUTE FOR LEGISLATIVE ACTION  
11250 WAPLES MILL ROAD  
FAIRFAX, VIRGINIA 22030-7400

STATE & LOCAL AFFAIRS DIVISION  
JEFF FREEMAN, KANSAS STATE LIAISON

## MEMORANDUM IN SUPPORT

TO: Members of the Kansas State Senate  
FR: Randy Kozuch, Director NRA-ILA State & Local Division *RK*  
Jeff Freeman, NRA-ILA Kansas State Liaison *JF*  
Tom Burgess, Kansas Sportsmens Alliance Lobbyist *TB*  
RE: HB 2540  
Date: March 23, 1999

On behalf of the more than 30,000 NRA members living in the State of Kansas, I respectfully urge you to support HB 2540, a proposal which would protect lawful manufacturers and sellers of firearms from the types of reckless and financially-devastating lawsuits that have been leveled against the firearms industry in recent months.

These lawsuits are nothing more than a transparent attempt to achieve their legislative goals through the court system, to blame a lawful industry for cities' failed attempts to control crime and to bankrupt smaller manufacturers and dealers through litigation.

- **HB 2540** will ensure that city and county officials, like all other citizens of Kansas, must make laws by utilizing the legislature rather than the courts.
- **HB 2540** would not prevent individuals or groups of individuals from filing suit against ammunition or firearm manufacturers.
- **HB 2540** would not prevent cities or counties from filing suit for breach of contract or warranty.
- **HB 2540** would prevent law-abiding firearm and ammunition manufacturers from being held responsible for big-city mayors failure to prevent crime.
- **Every product** manufactured can be used improperly to achieve undesirable consequences. However, in any year, less than 1% of the firearms in America are used in violent crimes. In that same year firearms are used 2.5 million times in self-defense.

In the event that you would like to discuss NRA's position on HB 2540 or any other piece of legislation pending before the Kansas Legislature, please do not hesitate to contact us at (703) 267-1214 or Tom Burgess, with the Kansas Sportsmens Alliance at (785) 234-2728. Again, thank you for your careful consideration on this matter.

Sen. Federal & State Affairs Comm.  
Date: *3-25-99*  
Attachment: # *42-1*

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March 24, 1999

The Honorable Bill Graves  
Office of the Governor  
State Capitol  
Topeka, KS 66612

Dear Governor Graves:

I am writing this letter in support of HB2540 currently being considered by the Kansas legislature.

It is unfortunate that such legislation is necessary at all, but in some municipalities it has become all too common to abdicate personal responsibility and the proper role of government in addressing society's tougher issues. Quick fix litigation and blame shifting often result and this is hurting America.

Thus, I hope you will support HB2540 and the responsible manufacturers of this country who are looking to our elected officials for meaningful leadership.

Sincerely,

THE MARLIN FIREARMS COMPANY

Robert W. Behn  
President

RWB/app

*America's Favorite Rifle Maker*

Sen. Federal & State Affairs Comm  
Date: 3-25-99  
Attachment: # 43-1