

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman William Mason at 1:30 p.m. on February 19, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative John Edmonds- excused
Representative Steve Brunk- excused

Committee staff present:

Russell Mills, Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Dennis Hodgins, Legislative Research Department
Rose Marie Glatt, Secretary

Conferees appearing before the committee:

PROPONENTS:

Representative Candy Ruff
Senator Phillip Journey
Representative Peggy Long-Mast
Victim from Kansas (anonymous)
Linda Morgan, Department of Public Safety, Garden City Community College
Paula Radcliff, Dexter, Kansas
Scott Hattrup, Attorney, Lenexa, Kansas
Bob Curtiss, President of Kansas Sportsmen's Alliance, Lenexa, Kansas
Kevin Cavanaugh, Chief of Police, Fairway, Kansas
Joseph T. Gimar, Kansas Fraternal Order of Police
Paul Degener, Shawnee County
Bob Prewitt, Director, EMS-Kansas
Jamie Cheatum, Syracuse, Kansas
Gene Wahl, Wichita
*(Written testimony only)
*Ray Morgan, Law Enforcement Officer-Kearney County Sheriff Office
*Amy Curtis, Student, University of Kansas

Without objection, Representative Dahl introduced a bill regarding the representation of older Kansas workers on workforce and employment act and decision making boards.

The Chairman continued the hearing on:

HB 2798 - Personal and family protection act: licensing to carry concealed firearms.

Representative Ruff, presented testimony regarding the experiences of women that had been raped and purchased guns for their personal safety (Attachment 1). She concluded by showing a short video on the importance of guns to self-defense.

Senator Phillip Journey rose in support of the bill, stating that 46 States have already enacted this type of legislation in one form or another (Attachment 2). There are over 2,000,000 permits issued at this time in the United States. The deterrent effect of the armed citizen is well documented and statistics were given from a survey developed from in-depth interviews with imprisoned felons in 10 states. He concluded that **HB 2798** is good legislation and he urged them to pass the bill out of committee. Discussion followed regarding exemptions in the bill for concealed carry on school properties.

Representative Peggy Long-Mast reviewed the story of a women that was raped when she was in her twenties (Attachment 3). That women had seen the perpetrator and felt helpless to defend herself. She wants to buy a gun , take the training, learn how to be responsible in handling a firearm in order to be prepared to protect herself if there ever is a next time.

CONTINUATION SHEET

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE at 1:30 p.m. on February 19, 2004 in Room 313-S of the Capitol.

Representative Ruff introduced the next conferee, who requested anonymity for security reasons. She spoke of the process that she and her family had endured since being raped in her home. She described the numerous courses on gun safety she had taken, and urged the committee to give citizens the right to carry a gun on their person, or concealed in their vehicle for protection. No written testimony was given.

Linda Morgan, stated that as a 23 year veteran Criminal Justice instructor at the Garden City Community College, a certified NRA Police Firearm Instructor for 22 years, a Kearney County Sheriff's Department Reserve Deputy for 21 years and a woman she testified in full support of **HB 2798** (Attachment 4). While not everyone would choose to carry a concealed firearm, the critical point is the right to choose.

Paula Radcliff, a co-owner of a ranching operation in Cowley County appeared in support of the bill. She testified on behalf on women from across the State that are willing and ready to meet the requirements for their right to carry a personal protection firearm (Attachment 5).

Scott G. Hattrup, a co-author of *A Tale of Three Cities: The Right to Bear Arms in State Supreme Courts*, stated that he had testified before this committee every year since the 1995 session on firearm issues (Attachment 6). The bill provides a means by which law-abiding Kansans can obtain training in the safe, responsible use of a firearm and he gave statistics on the drop in crime rates of other states when similar legislation was enacted.

Bob Curtis, President of Kansas Sportsmen's Alliance, gave testimony that included two spreadsheets and a map that provided data on violent crime comparisons for Oklahoma and Kansas. He spoke about the resulting drop in crimes in the states that had passed concealed carry laws (Attachment 7).

Kevin Cavanaugh, Chief of Police, testified in support of the legislation that would permit Kansas citizens and retired Kansas law enforcement officers to carry concealed weapons (Attachment 8). He stated that Kansas citizens are by and large, the most reasonable, rational and responsible people and those who would apply for a concealed carry permit probably would have reached that decision thoughtfully. He also spoke of his wife who travels extensively by herself and would choose to carry a weapon for protection, if it were legal.

Joseph T. Gimar, Kansas Fraternal Order of Police, testified that their membership of nearly 3,000 rank and file members of the lodge support **HB 2798** (Attachment 9). While many law enforcement administrators voice opposition and concern, their members believe that the good citizens of Kansas should have the right to protect themselves and their loved ones.

W. Paul Degener, private citizen, rose in support of the bill stating that it was his unalienable right as guaranteed by the 2nd Amendment and is protected by Article 4 of the Kansas Bill of Rights. He and his wife are seniors and believed that they fit the criteria of likely targets for criminals. They would like to have the ability to legally defend themselves in a warranted situation (Attachment 10).

Bob Prewitt, a firearm instructor for NRA for handguns, rifles, shotguns and home safety for over 10 years to appeared in support of **HB 2798** (Attachment 11). Because of the training component of the bill he believes that Kansas, like the other 40 states before us would benefit a great deal from the passage of this legislation.

Jamie K. Cheatum, Hamilton County, stated that people in public service can at times become victims of crimes (Attachment 12). The issue of preemption needs to remain in the bill as it would be extremely difficult to be aware if each county had their own set of laws. He told of an experience in which his daughter had been able to outrun a perpetrator. If it were legal today she would carry a gun.

Gene Wahl, Wichita Police Department retiree, spoke of the potential problems faced by retired law enforcement officers that have worked to put criminals behind bars (Attachment 13). The passage of **HB 2798** would give retired law enforcement officers and all Kansans the tools necessary to protect themselves and their families.

CONTINUATION SHEET

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It was noted that written testimonies in support of **HB 2798** had been distributed from Ray Morgan, Lakin, Kansas (Attachment 14) and Amy Curtis, student, University of Kansas (Attachment 15).

Committee discussions centered around support of the bill from “rank and file” police officers verses opposition expressed by administration, alternative methods of self-protection and safety issues around concealed carry for police officers.

The Chairman closed the hearing on **HB 2798**.

The meeting adjourned at 3:15 p.m. Next meeting is February 23, 2004.

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 CULTURAL RESOURCES

Testimony for Federal and State Affairs
 HB 2798

By Rep. L. Candy Ruff

About two weeks ago, a story appeared in the Topeka Capitol Journal regarding the Right to Carry bill that is before us today. Besides talking about the provision in this bill, the story talked about a nurse who had been a victim of a violent attack. She was raped.

"That woman in the story could have been me," she said with a voice choked full of tears. "I carry a small hand gun in my purse everyday and I know the police could arrest me. I'll take that chance because I will never be attacked again."

A nurse like the woman in the story, the woman calling me worked the evening shift in a major Topeka hospital. She still does just like the evening that changed her life forever, that terrible night when she was raped. Wanting me to know what happened, she spoke barely above a whisper.

First of all, no one knew of the attack. Afraid to tell her husband, she did not call the police, nor tell her friends or family. Afraid of her perpetrator's return, she did tell the gun store owner why she wanted to purchase a small handgun five days after being raped. He cautioned her about the seriousness of the purchase, then directed her to a gun-safety training class. Until this morning, he alone shared her secret.

Beside the rapist, that is. The Topeka nurse lived in fear of his return. He had her purse, knew her address, and could resurface at any time. Neither a large nor small woman, she stood little chance of stopping another rape. That reality drove her to protect and defend herself with a fire arm.

The reality of doing so in Kansas means this woman breaks the law every time she leaves the home with the small gun in her purse. But if she had the gun the night of her attack, would it have made a difference? Telling me about that night was going to be hard.

"I worked till 11 that night, but on the way home, I decided to pick up a few things at the drug store. I ran in, got my prescription, found the things I needed and bought them. My mind wasn't on watching my surroundings because I was in a good part of town where nothing bad ever happens. When I got to the car, he was behind me," she explained.

There was a pause. She choked back tears as the words of the attack rushed out. He forced her over to the passenger seat by sticking what looked like a switch blade in her side. He shoved her to the floor. Not knowing where he took her, they ended up at the dark end of a small park. He raped her.

“He must have known where he was, planned it ahead or something. He went through my purse, took out almost everything, and just threw the rest all over the car. I was shaking so hard, and I was so scared, I thought I might throw up. He kept telling me that if I told the police, he would know and come back. Next time, I would not be alive to raise my children.”

The rapist left her car keys, took off running somewhere in the dark of night, leaving the woman in shock. She didn't carry a cell phone nor did she have anyone to call. How would she explain the stop at the drug store? He husband was sure to never understand because their long marriage was littered with arguments over his controlling behavior and attitude. Her pain would be born alone.

Within a few days of the rape, she decided to make the visit to the gun shop, but until reading the story in the newspaper about the nurse who also carried a concealed handgun, she thought herself to be the only one breaking the law. She should not have to risk being charged with a crime, she told me.

During this entire time, I had just listened. Finally, I explained that her story was similar to others I had heard. Some had gone to the police, others chose not to bring in the police. They all talked about the same anger at not being able to legally defend themselves with a concealed firearm. Not one, however, would go without the protection now.

For the nurse who called me and other women finding themselves breaking the law by illegally carrying a concealed firearm to protect themselves, I want them to know this legislation before us is being given serious consideration. And the right to protect themselves may be a step closer to reality.

SENATOR PHILLIP B. JOURNEY

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TOPEKA

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**Testimony for the Kansas State House of Representatives
Federal and State Affairs Committee**

Presented February 19, 2004 in Support of HB2798

Mr. Chairman, Members of the Committee I want to thank you for the opportunity to address you again in support of this important legislation. I am sure many in the room are aware of my support and my expertise in this area of the Law. For those who may not be aware I also serve as the President of the National Rifle Association's affiliate the Kansas State Rifle Association and an independent PAC the Kansas Second Amendment Society. I have participated as part of a team approved by the KBI to train private detectives in obtaining their permits and I am an NRA Certified Instructor and a Hunter Education Instructor as approved by the Kansas Department of Wildlife and Parks. This public policy choice is more than a simple decision of what is provable. It is about trust, trusting your constituents to have the means to protect their families, themselves and their property. It is about sending a message to all not just the criminal element.

Depending on how you count, up to 46 States have already enacted this type of legislation in one form or another. While Missouri's is in legal limbo over 2,000,000 permits are issued at this time in the United States of America. We all know the modern media would report every noteworthy incident of violent crime committed by a permit holder while they tend to ignore those where permit holders come to the aid of law enforcement or thwart criminal activity. Here are a few examples.

Oklahoma Highway Patrol Officer Rick Wallace. He had found marijuana on a speeder, but was overpowered by the man before he could cuff him. Passerby Adolph Krejsek witnessed the altercation and came to the rescue, using his own firearm to help the trooper control the suspect. After helping subdue the assailant, Krejsek used the injured trooper's radio to call for help.
(*The Review Courier*, Alva, OK, 1/8/95) (AR 6/95)

Texan Travis Neel helped save a wounded Harris County deputy sheriff's life. Travis Neel witnessed the shooting by one of a trio of Houston gang members after a traffic stop just west of Houston. Travis Neel was on his way to his pistol range. He pulled his gun and fired, driving the officer's assailants away. An off-duty sheriff's deputy also came on the scene and joined Neel in covering the deputy, whose life was saved by his body armor. The trio was captured after a manhunt.
(*The Post*, Houston, TX, 1/22/94) (AR 4/94)

Oba Edwards witnessed two policemen struggling with a man they were attempting to arrest and saw the man wrest away one officer's revolver, shoot and kill him. Edwards armed himself and fired a shot that allowed the remaining officer to recover his partner's revolver and fatally wound the attacker. The dead man was on probation for assault of a Texas police officer.
(*The Daily Oklahoman*, Oklahoma City, OK, 6/7/88) (AR 9/88)

While these are only a few of the many examples possible they were chosen because of their location and the factor of the citizen aiding law enforcement.

It is important to consider out of the 38 or so states with shall issue none have had a meaningful attempt to repeal the law. Two States no do not have any prohibition against possession of a firearm on their person. Alaska retained their permitting system so their residents could take advantage of the reciprocity in other States.

The deterrent effect of the armed citizen is well documented. Criminals fear the armed citizen and the threat of punishment for using a gun (or other weapons) in committing a violent crime, according to the results of a survey of imprisoned felons conducted by Professors James D. Wright and Peter H. Rossi.

HS Federal & State Affairs
February 19, 2004
Attachment 2

Through in-depth interviews with 1,874 imprisoned felons conducted between August, 1982, and January, 1983, the government-funded researchers delved into the deep-seated attitudes of criminals on the questions of weapons choice, deterrence, attitudes toward "gun control," criminal history, and firearms acquisition. The prisoners, studied under a grant from the National Institute of Justice of the U.S. Justice Department, were incarcerated in Arizona, Florida, Georgia, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada and Oklahoma.

Here are a few statistical snapshot from the survey.

A 57% majority agreed that "Most criminals are more worried about meeting an armed victim than they are about running into the police." In asking felons what they personally thought about while committing crimes, 34% indicated that they thought about getting "shot at by police" or "shot by victim."

Fifty-six percent of the felons surveyed agreed that "A criminal is not going to mess around with a victim he knows is armed with a gun;" 74% agreed that "One reason burglars avoid houses when people are at home is that they fear being shot

Law Enforcement Technology magazine conducted a poll. 67% of street officers believed that all trained, responsible adults should be able to obtain CCW's. In a monograph, by Clayton E. Cramer and David B. Koppel, of the Independence Institute in Golden, Colorado, they concluded that "states considering carry reform can enact such laws knowing that reform will not endanger public safety and sometimes, carry reform lets citizens save their own lives."

The executive director of the Florida Chiefs Association, stated, "the minute that the bill was passed, we asked our chiefs in the state to be particularly alert for any cases in their jurisdiction that would give us knowledge of the fact that there was some abuse...the law is working very well." John Fuller, general counsel for the Florida Sheriff's Association agreed. "I haven't seen where we have had any instance of persons with permits causing violent crimes and I'm constantly on the lookout." A Florida legislator who originally opposed Florida's Firearm Permit law admitted "There are lots of people, including myself, who thought things would [be] a lot worse as far as that particular situation is concerned. I'm happy they're not."

Respectfully, submitted.



Phillip B. Journey
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TESTIMONY
HB 2798 PERSONAL AND FAMILY PROTECTION ACT
FEBRUARY 19, 2004

I thank you Chairman and members of the Committee for taking the time to consider this important piece of legislation and to allow me to speak on behalf of HB 2798. You will be hearing a lot of testimony over this issue and there is much to sort out. I just want to try to put this in proper perspective by giving you a true story of a woman who was brutally raped in her early twenties. At first, she turned to no one. She turned the pain inside, but then the perpetrator called her and told her he was coming back and he was going to rape her again. Some people do not realize that rapist get a big charge out of the fear of a victim.

At that time, she turned to the authorities and told her story. They were not surprised. As a matter of fact, she was told that seven other women had come forward and reported being raped, but none of them would press charges or agree to testify. You have to remember that back in the early seventies, the victim's picture and story were placed on the front page of the local papers as well as the attackers response and accusations. This woman also refused to testify or press charges, but the detective that worked the case promised that the attacker would not bother her again.

Years went by and the woman buried the incident in the back of her mind. She became a legislator and moved to Topeka. One day, while sitting in this very room, her attacker showed up to testify. He was still an angry person who was belligerent with the committee. Although she had blocked out what he looked like, she knew it was him. The name was the same, his anger; lack of respect and rebellious nature had not changed. She was terrified all over again and in a place that separated her from her family and those that she would normally look to for care and protection. Two thoughts came to mind. He would never violate her again. She would never allow it. He is a larger person than she. He is violent. Her only protection might be a gun. She wants to take the training, learn how to be responsible in handling a firearm and she wants to be prepared to protect herself if there ever is a next time. I want to emphasize that she does not want to retaliate, but she wants to feel safe and able to defend herself. Please do not deprive her of that.

I ask that you pass HB2798 out of committee. Please give your colleague and many other women like her the opportunity to feel protected and to protect themselves when they are away from home in cases like this. Thank you.



Department of Public Safety / Criminal Justice & Fire Science

Garden City Community College
801 Campus Drive, Garden City, KS



Professionalism Through Education



Date: February 19, 2004
To: Bill Mason, Chairman, Federal and State Affairs Committee
Committee Members
From: Linda M. Morgan
Re: Support of H.B. 2798 (CCW)

As a 23 year veteran Criminal Justice instructor at the Garden City Community College, a certified NRA Police Firearms Instructor for 22 years, a Kearny County Sheriff's Department Reserve Deputy for 21 years, and as a female, I am here to testify in full support of H.B. 2798 (CCW.)

I have trained hundreds of students, law enforcement officers and women in firearms safety, legal responsibility and marksmanship over the past 23 years. In working with our citizens, especially women, I have found that they want the tools necessary to protect themselves from criminal predators. While not everyone would choose to carry a concealed firearm, the critical point here is the RIGHT to CHOOSE. Anyone can become a victim of a violent crime. CCW helps to level the playing field.

I teach a Women's Self Defense course which includes a variety of prevention tips and self defense techniques. The course includes a section on firearms familiarity which includes firing range time. This section is always included because many women have firearms in their homes and haven't had the opportunity to learn how to safely operate them. Often the fear of firearms is based on a media perception rather than the actual weapon. Safety is always paramount and emphasized continually. The majority of the women in the classes leave with a greater sense of confidence and willingness to learn and practice. It is always disappointing, however, when I respond to their questions of 'how can I carry a firearm,' by telling them that it is illegal to carry a concealed firearm in Kansas. A firearm locked in the trunk doesn't do much good.

This bill incapacitates the backgrounding, training and follow-up for our responsible Kansas citizens to make their own decisions concerning their safety. We know that increasing quality training for police officers increases their ability to make better decisions. Through the required training in legal responsibility and firearms safety and marksmanship, this critical self defense training for qualified, law abiding citizens increases decision-making abilities.

Properly trained and backgrounded law abiding citizens are giving up a degree of their privacy to enable law enforcement officers to obtain personal information about them. Currently officers must, for officer safety, automatically assume ALL persons are potentially dangerous. This bill provides one piece of additional information officers on the street currently DON'T have available when making a traffic stop via vehicle registration information.

Kansas is one of only 5 states that has chosen NOT to provide responsible, law-abiding citizens with a right to choose whether they can carry a concealed weapon to protect themselves. The right to protect yourself and your family is part of what makes a free society free. I travel extensively, often alone. Predators on our streets who prey on innocent Kansas citizens don't care about legalities. Law-abiding citizens, however, DO care about legalities and are asking for a legal option to carry a concealed weapon.

Not everyone will choose to go through the extensive backgrounding and training required by this bill. The use of self-defense techniques, including the use of potentially deadly force, requires training and forethought. The right of choice, however, is the issue. I urge you to allow qualified citizens to make their own choice.

HS Federal & State Affairs
February 19, 2004
Attachment 4

TESTIMONY

To: House Federal and State Affairs Committee

From: Paula Radcliff

Subject: Support for HB 2798

Date: February 19, 2004

Good morning, Mr. Chairman and members of the Committee. I would like to introduce myself to you. I am Paula Radcliff from Dexter, Kansas. My husband and I own and operate a ranching operation in Cowley County. I have been married for thirty years and I have two children, two stepchildren and four grandchildren. During that time, I have been involved in many volunteer organizations, worked for EMS and operated my own mail order business for ten years. The challenges of raising children, owning your business and giving to your community are not easy and it takes a great deal of dedication and hard work to accomplish these tasks.

Nine years ago, I became very aware that the women in our area were interested in learning more about the shooting sports. Our local sporting club worked with us and we held our first Women on Target program. This involved one on one instruction with shotgun, rifles and pistols. There were also classes in archery, self-defense, turkey calling, deer hunting and upland game hunting. The responses to these classes, which are now held annually, have been overwhelming. I have also helped to develop the Women on Target events in other areas of the State.

During the course of the programs for women, I have become acquainted with many women of all ages and of various occupations. They are women who take all aspects of their lives seriously whether it is completing their education, raising their children or performing in their professional field or any combination thereof. One of my friends worked in the public building in the downtown Wichita area. A woman was brutally raped in the elevator in her building. The building had security guards but they were only able to assist the woman after the vicious attack. Because of the incident, she quit her career and went to work in a safer part of town. Her qualifications allowed her to do so, many women are not able to make a change so easily. Another friend lives in the rural area of Dexter, is divorced and the mother of a four year old daughter and a seven year old son. She travels to Wichita to help care for and be with her grandmother. She worries about the risk of having a flat tire or breaking down and being stranded on the side of the road, alone with her children. Both women are proficient with a firearm. However they cannot legally carry on their person or in their vehicle as it is against the law in Wichita and other cities through which they must commute. The common thread that binds us women together is our desire for our right to protect and defend ourselves in an increasingly violent society. With more women living alone, working outside the home, we have become more accessible targets and our need for personal protection has become more acute.

You may be sitting there asking yourself why is this testimony important to us but I stand before you today representing not only myself but also many women across the state of Kansas that take their legal responsibilities seriously. Women who recognize cell phones and self-defense classes are not sufficient enough to protect us from predators. Women that would ask you, why are we, in Kansas, precluded from the right of self-protection when it is recognized in forty-five other states. I represent women across the State who would be willing and ready to meet the requirements for our right to carry a personal protection firearm. Women who take the responsibility seriously and want you to know that we can be trusted to use good judgment.

Mr. Chairman, members of the Committee, I thank you for the opportunity to appear before you today and ask for your support for HB 2798.

Statement before the Kansas House Federal and State Affairs Committee
in support of HB 2798, February 19, 2004

Scott G. Hattrup (*Univ. of Kansas*: B.G.S., 1989; J.D., 1995) is an attorney practicing in Lenexa, 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 every year since the 1995 session, always and only on firearm issues. He has served on several local firearm organization boards, and is currently a director of the National Association of Arms Shows. He is an NRA certified firearms instructor in all disciplines, instructor trainer, nationally ranked competitive shooter in USPSA/IPSC and NRA Action Pistol, and has attended numerous firearm training schools.

HB 2798 in its current form supports the rights of individuals and their families to self-protection, and I therefore **support** it.

Kansans are responsible citizens and deserve the opportunity to protect themselves from criminals. HB 2798 provides a means by which law-abiding Kansans can 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. Applicants will also undergo background checks. Only then will a license be issued.

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

For example, the argument was made that this legislation will lead to more guns on the streets, and that would necessarily lead to an increase in crime. That is untrue, as borne out by the work of John Lott. By enacting this legislation, Kansas will join 46 other states which currently have some system permitting firearms to be effectively carried for self-defense. In the states which enacted legislation similar to that proposed in HB 2798, annual murder rates dropped an average of 8.5%, rape rates dropped an average of 5%, aggravated assaults by 7%, and robbery by 3%. John R. Lott, Jr. & David B. Mustard, *Crime, Deterrence, and Right-to-Carry Concealed Handguns*, 26 *Journal of Legal Studies* 1 (University of Chicago: January 1997). [JLS is a peer-reviewed legal journal not known for publishing "pro-gun" studies.] That study has been published as a book entitled "More Guns, Less Crime." These percentages are significantly higher in urban areas which have above-average crime rates. These are significant reductions in crime rates and represent many individuals who would otherwise have become victims of violent crime.

If the states which do not have this type of legislation, such as Kansas, had enacted it in 1993, citizens would have been spared approximately 1,570 murders, 4,177 rapes, 60,000

aggravated assaults, and 12,000 robberies through 1998. HB 2798 is an effective means of deterring crime.

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

So, when yesterday, an advocate for domestic violence victims stated a similar argument that this bill would put more guns on the street and lead to an increase in domestic violence, I wanted to scream. Domestic violence by its very definition tends to occur in a home setting. Whatever weapon is used will be already available. This bill does not address firearms in a home setting. One of its provisions, however, will prohibit those convicted of domestic violence from obtaining a license to carry. The overall bill will allow victims of domestic violence to carry the means to protect themselves from attack outside the home.

The League of Kansas Municipalities indicated that you should let municipalities continue to regulate the carry of firearms, even after passing a state-wide licensing scheme. Besides being an unworkable proposal, that act would also leave this whole legislation open to challenge on equal protection grounds. Two years ago, New Mexico passed a bill which allowed cities and counties to opt out of the state-wide provisions. It was soon struck down by the New Mexico Supreme Court on equal protection grounds. Don't let that happen here.

I urge your support for HB 2798. When you vote on this bill, please remember the past victims of violent crime in this state and the others in Kansas who may become victims of crime without it. A vote in favor of HB 2798 will protect both.

Mr. Chairman and members of the committee. Thank you for allowing me to speak to you today. My name is Bob Curtis and I am from Lenexa, Kansas. I am currently President of Kansas Sportsmen's Alliance. KSA is a Pro Second Amendment and Pro-Shooters organization in Kansas with about 825 members.

One of the people who testified yesterday against this bill asserted that more guns on the street would necessitate that more crime and negligent accidents would occur. He asked you to "Please let logic prevail!" I couldn't agree more. However, logic dictates that armed law abiding citizens are very bad news for predatory criminals. The statistical information that I am about to share with you will show what logic also dictates. Criminals, like all of us, do what they perceive to be in their best interest. When citizens are armed, some criminals find other vocations. It is just too risky. The statistics I am about to show you also will demonstrate something else that logic dictates. A law abiding citizen remains a law abiding citizen even if he or she is armed. Fundamentally they do not change.

I am handing out to you two spreadsheets and a color map. Before 1987 the map was radically different. Before 1987, there were 10 RTC states. Indiana, Maine, New Hampshire, North Dakota, South Dakota and Washington had "shall issue" laws. Alabama and Connecticut had fairly-administered discretionary-issue laws. Vermont allowed carrying without a permit. Georgia's law was varying interpreted. All other states prohibited carrying altogether or gave law enforcement officials the power to arbitrarily deny carry permits to eligible applicants.

In 1987, Florida enacted a "shall issue" law supported by the Florida Dept. of Law Enforcement, Florida Sheriffs Assn., Florida Police Chiefs Assn., and other police groups. Opponents claimed crime would increase and that there would be "Wild West" shootouts on every corner. The predictions proved false.

Through 1992, Florida's homicide rate decreased 23%, while the U.S. rate rose 9%. Thereafter, homicide decreased both nationally and in Florida. All major law enforcement groups supported the original legislation and in the eight years the program has been in place, none of these groups has requested any changes. National surveys of police show they support concealed handgun laws by a 3-1 margin. Sixty-four percent of Americans live in RTC states. The U.S. constitution, the constitutions of 44 states, and the laws of all 50 states recognize the right to use arms in self-defense.

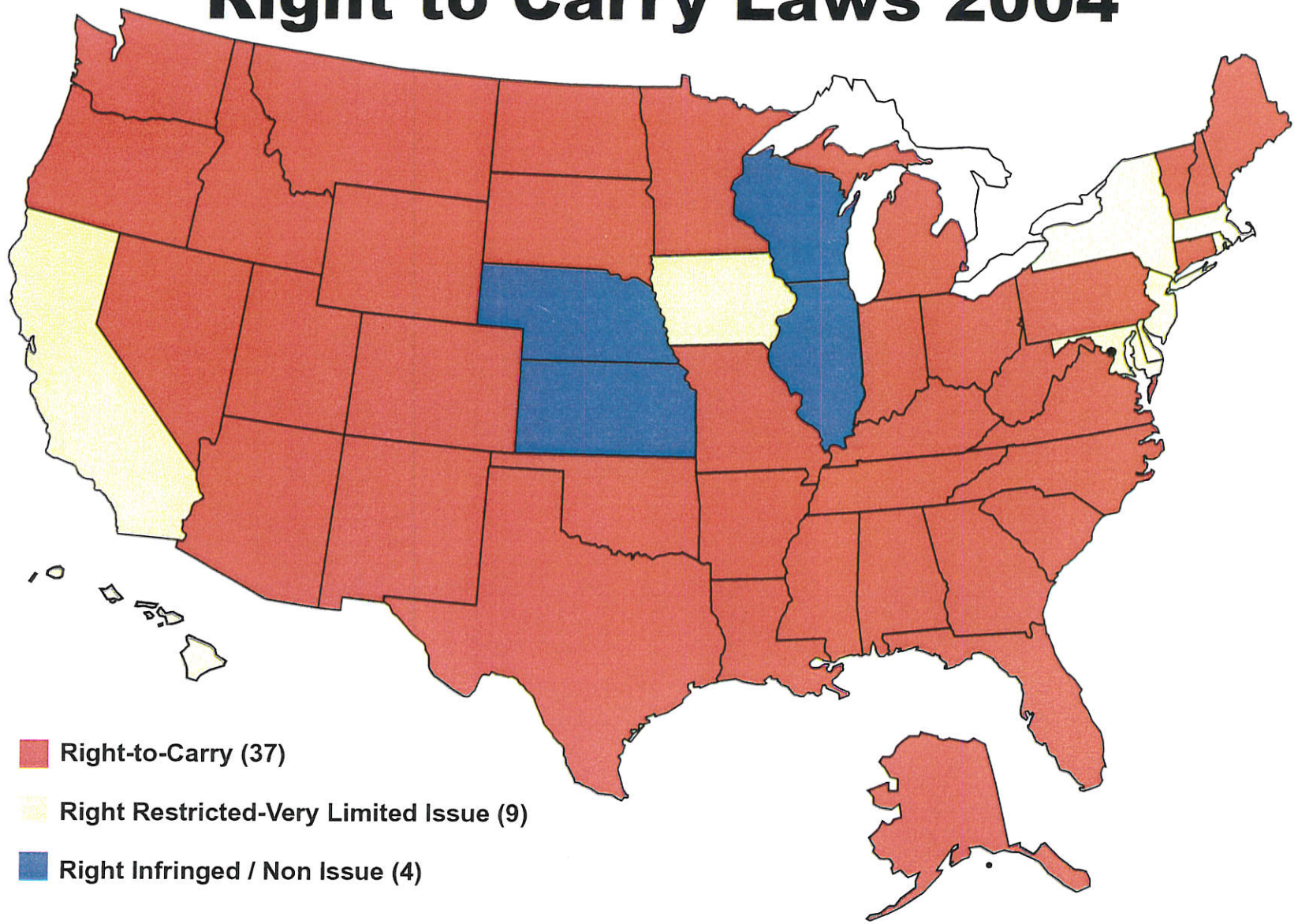
The nation's violent crime rate has decreased every year since 1991 and in 2002 hit a 23-year low. In the same period, 17 states adopted and 13 states improved RTC laws. This has been the prime driver across this country to drive violent crime down. Please refer to the spreadsheet "[Right to Carry State Information](#)." Note the low revocation numbers. Note the states that have passed RTC since Florida in 1987.

RTC states have lower violent crime rates, on average: 24% lower total violent crime, 22% lower murder, 37% lower robbery, and 20% lower aggravated assault. **The five states with the lowest violent crime rates are RTC states.** (Data: FBI)

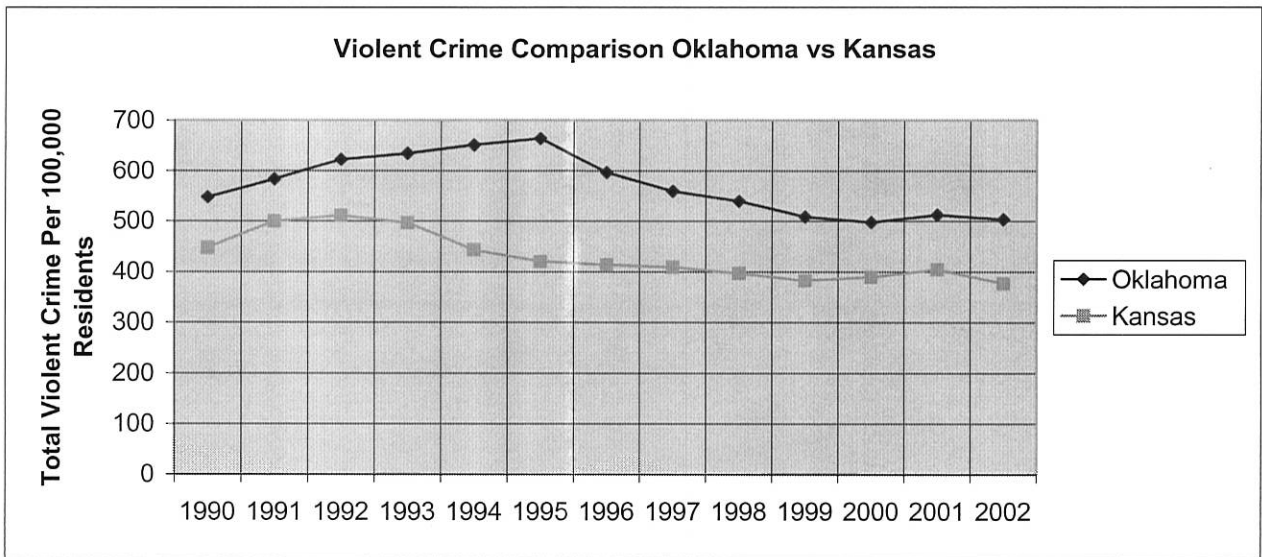
Now please refer to the Oklahoma vs. Kansas comparison.

Finally, ABC's 20/20 Show that aired on 1-23-04 was titled "[Lies, Myths and Downright Stupidity](#)." This show was produced by John Stossel. The transcript of that news segment states, "36 states already have right to carry laws and people in these states are not living in terror. We called state safety officials in all these states and not one reported an upsurge in crime." (After right to carry was passed.)

Right to Carry Laws 2004



Oklahoma								Kansas							
Year	Murder	Rape	Robbery	Assault	Total Violent Crime	From Previous Year % Change	Total % Change From 1995	Year	Murder	Rape	Robbery	Assault	Total Violent Crime	From Previous Year % Change	Total % Change From 1995
1990	8.0	47.0	121.9	370.5	547.4	0.00%		1990	4.0	40.4	117.6	285.7	447.7	0.00%	
1991	7.2	50.9	128.9	396.7	583.7	6.63%		1991	6.1	44.8	138.4	310.3	499.6	11.59%	
1992	6.5	48.4	136.2	431.6	622.7	6.68%		1992	6.0	41.3	129.9	333.7	510.9	2.26%	
1993	8.4	49.3	121.8	455.3	634.8	1.94%		1993	6.4	40.1	123.6	326.3	496.4	-2.84%	
1994	6.9	49.6	128.1	466.8	651.4	2.61%		1994	6.7	41.3	115.1	279.9	443.0	-10.76%	
1995	12.2	44.6	115.6	491.8	664.2	1.96%	0.00%	1995	6.2	36.6	108.2	269.8	420.8	-5.01%	0.00%
1996	6.8	46.8	106.6	436.9	597.1	-10.10%	-10.10%	1996	6.6	42.6	96.3	268.3	413.8	-1.66%	-1.66%
1997	6.9	45.7	103.9	403.0	559.5	-6.30%	-15.76%	1997	6.0	42.4	93.3	267.6	409.3	-1.09%	-2.73%
1998	6.1	45.2	92.0	396.1	539.4	-3.59%	-20.90%	1998	5.9	42.6	86.8	261.8	397.1	-2.98%	-5.73%
1999	6.9	40.9	82.9	377.5	508.2	-5.78%	-27.88%	1999	6.0	40.1	77.1	259.5	382.7	-3.63%	-9.31%
2000	5.3	41.2	75.8	375.5	497.8	-2.05%	-30.85%	2000	6.3	38.0	76.2	269.0	389.5	1.78%	-7.88%
2001	5.3	42.9	79.4	384.6	512.2	2.89%	-29.91%	2001	3.4	35.1	89.9	276.4	404.8	3.93%	-4.18%
2002	4.7	45.0	84.9	368.8	503.4	-1.72%	-32.30%	2002	2.9	38.1	79.7	255.9	376.6	-6.97%	-11.35%



The state of Oklahoma passed Conceal Carry in 1995. Oklahoma crime numbers were trending up until citizens were allowed to carry the means to protect themselves. Since 1995 Oklahoma has had a 32.3 % decrease in violent crime. During the same time period, Kansas has experienced an 11.35% decrease in violent crime.

See: <http://www.fbi.gov/ucr/02cius.htm>
 also see: <http://bjsdata.ojp.usdoj.gov/dataonline/Search/Crime/State/StateCrime.cfm>

All figures are from the FBI uniform crime reports. Each raw number is per 100,000 citizens.

State	Permits Issued	Permits Revoked	Revoked/ Issued	Data Source	Dates	Reasons
Florida	798,732	146	0.000183	Department of State	10/1/87-2/29/02	Criminal Use of Gun
Kentucky	71,770	585	0.008151	State Police	10/1/96-12/31/01	Any Reason, including DUI, drug possession Etc
Louisiana	15,319	67	0.004374	State Police	11/1/96-2/28/02	Any Reason, including DUI, drug possession Etc
Oklahoma	35,329	108	0.003057	State Bureau of Investigation	2/28/2002	Any Reason, including DUI, drug possession Etc
North Carolina	47,046	242	0.005144	State Bureau of Investigation	12/1/95-9/29/01	Any Reason, including DUI, drug possession Etc
South Carolina	33,492	164	0.004897	SLED	8/96-5/26/02	Any Reason, including DUI, drug possession Etc
Texas	223,584	1772	0.007925	Department Of Public Safety	1/1/96-5/1/02	Any Reason, including DUI, drug possession Etc
Tennessee	130,187	1126	0.008649	Department Of Public Safety	12/96-5/4/02	Any Reason, including DUI, drug possession Etc
Utah	44,173	565	0.012791		Dec.31,2001	Any Reason, including DUI, drug possession Etc
Virginia	172,347	372	0.002158	State Police	7/95-4/02	Any Reason, including DUI, drug possession Etc
Wyoming	7,480	20	0.002674	Dept of Criminal Investigation	10/94-2/02	Any Reason, including DUI, drug possession Etc

YR Passed	State
1989	Oregon, Pennsylvania (Phila. brought under RTC law in 1995), West Virginia, and Georgia;
1990	Idaho and Mississippi
1991	Montana
1994	Alaska, Arizona, Tennessee, and Wyoming
1995	Arkansas, North Carolina, Oklahoma, and Texas; Nevada*, Utah*, and Virginia*
1996	Kentucky, Louisiana*, and South Carolina
2001	Michigan*
2003	Colorado*, New Mexico, Minnesota*, and Missouri
2004	Ohio

TO: Bill Mason, Chairman, Federal and State Affairs Committee, Committee Members

FROM: Police Chief Kevin Cavanaugh, Fairway, Kansas

RE: Support of CCW

My name is Kevin Cavanaugh. I serve as the Chief of Police in Fairway, Kansas, a Johnson County community in the Kansas City metro area. I am here today to testify in support of legislation that would permit Kansas citizens and retired Kansas law enforcement officers to carry concealed weapons.

My reasons for supporting this legislation are twofold. First, over a law enforcement career that spans 29 years and counting, my observation is that the citizens of Kansas are, by and large, the most reasonable, rational and responsible people in the country. Our citizens are fully capable of making an informed decision as to whether they want to arm themselves for their own defense. Kansans who do not feel the need or desire to apply for a concealed carry permit are under no obligation to do so. I am confident that those law abiding citizens who *would* apply for a concealed carry permit have reached that decision thoughtfully and I categorically reject the notion that citizens of other states who have concealed carry privileges are better equipped intellectually, emotionally or psychologically to make this decision. We have seen decreases in the rate of violent, interpersonal crime in those states that have allowed their citizens to provide for their own protection in spite of the increased number of firearms in the hands of private citizens. There is no logical reason why Kansans should not be given the same choice.

Second, from a personal perspective, my wife of 32 years, Tracy Cavanaugh, as Vice President of a therapy provider, travels extensively by automobile. She travels alone on highways with long stretches between cities oftentimes late into the night. She makes occasional stops at secluded rest areas and truck stops. She eats alone in restaurants. She stays alone in motels. She is vulnerable to the human predators that we know prowl the state and interstate highways that connect this nation. There are no safety guarantees in this life. However, given the choice, she would prefer to legally arm herself for the purpose of self defense, to give herself a fighting chance against predators who have the advantage of choosing the point of attack, of physical strength and if more than one, of numbers. We ask that she be given the legal right to make that choice for herself.



Fraternal Order of Police

Kansas State Lodge

The Honorable Chairman Mason and members of the House Committee on Federal and State Affairs,

I am Joseph T. Gimar, representing the State Lodge, Kansas Fraternal Order of Police. I have been asked to speak on House Bill 2798, The Personal and Family and Protection Act.

On behalf of the nearly 3,000 rank and file members of the lodge, the Kansas Fraternal Order of Police stands unopposed to this legislation.

The Fraternal Order of Police believes the good citizens of this state have the right to protect themselves and their loved ones. The controlled implementation intended by this legislation would be an enhancement to that right.

While many law enforcement administrators' voice opposition and concern, it is done from an authoritarian, father knows best mentality. And while many contend this legislation would create a gun slinging nightmare for officers and endanger their safety, we contend the fears are baseless. Criminal intent is a state of mind. A criminal, intent on harming an officer, would do so whether there was a legal right to carry concealed or not.

Respectfully submitted.

W. Paul Degener
518 NW 56th St.
Topeka, KS 66617-1311
(785) 246-0215
willypeter@earthlink.net

SUBJECT: HB 2798, Personal and Family Protection Act

Mr. Chairman, members of the committee, thank you for allowing me to appear before this committee. My name is Paul Degener, I am a resident of Shawnee County and appear here as a concerned citizen in support of this legislation.

I support this legislation for several reasons. First because it is my unalienable right as guaranteed by the 2d Amendment to the United States Constitution. It is also protected by Article 4 of the Kansas Bill of Rights. "**§ 4. Bear arms; armies.** The people have the right to bear arms for their defense and security;"

Criminals, being the cowards they are, look for the weak and defenseless victims. My wife and I are senior citizens, we are not large in stature, and my wife is less mobile than I. I feel that we would fit the criteria of a likely target. I would like to have the ability to legally defend myself and my wife if the situation warranted.

If I had a choice in this matter, I would prefer the Vermont style of conceal carry. To my knowledge there are no laws in Vermont regarding the carrying of concealed weapons. If a person is a law-abiding citizen, he may carry a weapon as provided for in the 2d Amendment to the United States Constitution. Alaska has just recently passed similar legislation.

In the past we dealt with the bad guys by incarcerating them in institutions such as Alcatraz, San Quentin, and required them to work farms and on chain gangs. The criminal element was locked up and taken off of the streets. In our society today, even though the bad guys are apprehended by our law enforcement, they are back on the street before the paper work is complete. After several offenses, if we are lucky, the bad guys may finally be put behind bars. In lieu of working however, they enjoy such amenities as TV's, libraries, weight rooms and gymnasiums. We find too many times after a violent criminal has been apprehended that he or she has been arrested multiple times and then released. This approach to criminal justice does nothing but compound the problems of protecting our citizens. Now we are faced with the problems of an increased threat from illegal aliens and possible terrorists invading this country through our open borders. Now, more than ever our citizens need to be able to defend themselves from this expanding threat.

We hear from those opposed to the ability to protect ourselves that law enforcement will protect us. What I am about to say is in no way intended to disparage law enforcement, I think they do a fine job. But, looking at the situation realistically, law enforcement is reactionary. Only on rare occasions is the police officer present when a crime is being committed. In the case of battery, robbery, murder, forceful entry, or rape, law enforcement arrives on the scene to investigate only after the crime has been committed. It only seems logical that the law-abiding citizen should be afforded the tools necessary to defend themselves.

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Law enforcement is not responsible to provide us individual protection and cannot be held accountable for failing to protect us as an individual. "The Kansas Supreme Court has expressly held that, under the common law, 'the duty of a law enforcement officer to preserve the peace is a duty owed to the public at large.' Unless there is 'some special relationship with or specific duty owed [to] an individual,' the city cannot be held liable for failing to protect an individual." Woodruff v. City of Ottawa. (Source: Dial 911 and Die, pg. 85, by Richard W. Stevens, Attorney at law)

Page 3, line 27 of proposed bill, calls for: "(A) A requirement that trainees receive training in the safe storage of weapons. . . "

I don't have a problem with trainees being trained in the safe storage of weapons, however I am concerned that someone down the line will interpret this to mean that your firearms must be under lock and key at all times. I have a problem with this. In the past few years, right here in Topeka, we have experienced one instance where a perpetrator forced his way into a motel room and more recently in another instance into a home. The last incident was not far from our home. I will not lock up any weapons that I intend use for self-defense of my home.

Yesterday, one of the conferees stated that good reliable research is not available to support the notion that an armed citizenry will deter crime. Dr. John R. Lott, Jr., has conducted that research and published it in his book "More Guns, Less Crime." Dr. Gary Kleck has an endorsement to this book on the outside jacket. Dr. Kleck was referenced during yesterday's hearings.

Other references to support the notion of armed citizens defending themselves may be found in such periodicals as the New American Magazine, the American Rifleman and America's First Freedom. The National Rifle Association has put together a compilation of newspaper accounts from 1931 through 1988 referencing instances of an armed citizenry.

You cannot expect to gain a full appreciation of this issue by relying on the mainstream news media. They generally only report the sensational or negative side of the issue.

Thank you for your time.

February 19, 2004

TO: Members of the House Federal and State Affairs Committee

FROM: Bob Prewitt

I am currently the director for Kansas based EMS. I have been involved with public service and law enforcement agencies and personnel for over 30 years. I have been an instructor for the NRA for handguns, rifles, shotguns, & home safety for over 10 years as well as an instructor for the Kansas Wildlife and Parks Hunter Safety Education program for over 13 years. I appreciate the opportunity to testify today in support of HB 2798. I firmly believe the overwhelming answer to decreasing firearm accidents, decreasing Kansas crime rates & increasing the safety of Kansas citizens is through the education promulgated in this legislation. The points promoted in the background checks, required education and examination of each person who desires the ability to carry a concealed weapon is paramount in the passage of this bill. In the ongoing training programs offered through the Sand & Sage Rifle & Pistol club in the Garden City area promote the safe and proper use of firearms. The obvious component of "what happens IF I have to use this firearm" takes most of the time in all our classes and the safety issues take the rest. I also have over the last 20 years of instruction come to believe that when people are properly trained the safe and judicious use of firearms become a stronger component in the decisiveness within their lives. People do not become more inclined to use firearms, if anything they become more inclined not to use them. The ability to develop the mindset to protect themselves takes a new meaning and the ability to be able to identify & keep themselves away from situations that require these kinds of decisions. Awareness should be a very strong component of any firearm training program. When we in Sand & Sage Rifle & Pistol Club teach in our youth programs, the issue of awareness and safety are the primary functions of each instructor. This process is not much different from the program used to teach paramedics about street safety which I have also done for over 30 years.

My son is a Kansas certified law enforcement officer with the Garden City Police Department and the company commander for the 35th Military Police National Guard Unit in Topeka. He has been instrumental in the development of my training programs and helping form much of the opinion you are hearing today. He has just returned from Bosnia and is more

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strongly supportive of CCW law in Kansas based on the experience of dealing with people who do not have the option to protect themselves.

My opinion is that Kansas, like the other 40 some states before us would benefit a great deal from the passage of CCW legislation.

Thank you for your time and attention.

Sincerely,

Bob Prewitt MICT I/C

Thank you Mr. Chairman and Committee for holding the hearings on HB 2798. I am

Jamie K. Cheatum from Syracuse in Hamilton County.

I am an owner of a Controlled Shooting Area, a farmer, a parent and the County Commission Chairman although I do not represent that body today.

I am here to represent myself and my family as you citizen legislators know we in public service can at times become targets.

The issue of preemption needs to remain in the bill as I passed through 14 different counties and 11 different incorporated cities as I traveled to Topeka. It would have been extremely difficult to have known the laws if each had their own set of laws.

I would also like to say that my oldest daughter was the subject of a gangs wants while in college, it is only because she was an athlete and able to outrun them when she was attacked that she is physically unharmed today. We were advised to arm her but have not because it was illegal. This bill will allow that to happen. Thank You.

Let me begin with who I am and a little of my background. My name is Gene Wahl and after twenty years of service I retired as a Detective from the Wichita Police Department. During that time I received two Certificates of Commendation, a Distinguished Service Citation, a Distinguished Service Award and A Bronze Wreath of Merit. I am a Past President of the Fraternal Order of Police Wichita Lodge #5 and in 1991 was awarded the Kansas State Fraternal Order of Police Officer of the Year Award.

Law enforcement and government agencies for years have told people that when confronted, their best course of action was to cooperate, give the bad guys what they wanted. This was their best chance of not getting hurt. And this works fine as long as the bad guy's play by the rules. However the bad guys do not always play by the rules, and as a result we have become a nation of victims, preyed upon by those predators who walk among us.

I never met Jason Befort, Brad Heyka, Heather Muller or Aaron Sander. I do not know what their thoughts were on the right to carry a concealed weapon. Whether they were for, or against. We do not know because they died. They did everything that authorities have told us over the years to do. They cooperated, they gave the bad guys what was demanded of them. And after being humiliated, raped, tortured, and finally shot in the head, they were left as victims. Naked and exposed to a frigid Kansas winter, in a soccer field on December 15th, 2000. The fifth intended victim of this nightmare, through God's grace survived this ordeal. It is because of her that the Carr brothers, Reginald and Jonathan, were found, convicted and removed from law-abiding society.

Every day the news media reports about the illegal use of guns, of shootings in schools. We all have heard of, and remember Pearl, Mississippi and West Paduca, Kentucky in 1997. And of course in 1999, Columbine High School in Littleton, Colorado. But what we are not been told, or is not widely reported is the fact that the use of handguns can and does prevent the loss of lives.

While we remember that in Pearl, Mississippi two students were murdered and seven wounded, what you may not know is that an assistant principal Joel Myrick was able to prevent the shooter from leaving the scene. He retrieved a handgun from his car and held the shooter until the police arrived. In 2002 three students were murdered at the Appalachian Law School in Virginia. What we didn't hear is that two students Mikael Gross and Tracy Bridges were able to get to their cars, arm themselves and prevent the shooter from killing anyone else. If a law-abiding citizen had had access to a weapon in Littleton, Colorado, the carnage at Columbine High School would not have been as high. Unfortunately, there were law-abiding citizens at that school, and they were all prevented from carrying a concealed weapon.

Several years ago, my wife and I went out for the evening, At a local restaurant a man walked up to our table said hello and called me by name. Not knowing who he was, I made a general response of "How you doing, staying out of trouble?" His response was that he had to stay out of trouble as he had been in

jail for the last year thanks to me. Fortunately that was the end of the conversation and he left. As an off duty police officer, I had the advantage of being allowed to carry a concealed weapon. Since my retirement, I no longer have that advantage.

In the last four and a half years of my law enforcement career, I investigated and obtained convictions in over fifty cases of sexual abuse of children. Some of those perpetrators unfortunately will eventually be released. And while I applaud the Governor's willingness to trust and allow retired law enforcement officers the ability to carry, that trust should be extended to all law abiding citizens of Kansas. It is not just the law enforcement community that has to deal with disturbed individuals. People are stalked every day by ex-spouses, ex-boyfriends and ex-girlfriends. Women are raped; people are put in fear for their lives and the lives of those they love.

Citizens have become tired of being victims, of always giving in, of not having the tools available to protect themselves and their loved ones. Despite our best efforts, despite our tax dollars, despite the number of dedicated men and women who serve twenty-four hours a day, we can not protect our citizens from these predators. We can and have built more prisons, but they will only house those who have already committed a crime, and left victims with the torment of what's been done to them. We have poured millions of dollars into social programs, and can argue that we have almost nothing to show for it.

We are tired of being a nation of victims. And like the Neighborhood Watch Program's "Take Back the Night, Campaign" citizens across this country are speaking up, demanding that they be given the tools necessary to take back their right of self-defense. And State after State has listened to their citizens, and has answered them. It has been proven in forty-six of our fifty States, that when given the tools necessary, those citizens who wish to carry concealed weapons can be trusted to use them wisely. The feared and often touted "gun battles in the streets" have just not happened.

This Legislature and this Governor are once again being asked by the law-abiding citizens of Kansas to be given the tools necessary to protect themselves and their families, to enjoy those inalienable rights of life, liberty and the pursuit of happiness. Failure to do so will do nothing more than insure that we all remain victims.



Office of the Sheriff

P.O. Box P
Lakin, Kansas 67860

James F. Jarboe, Jr.
Sheriff

Ray C. Morgan
Undersheriff

Phone (620) 355-6211
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February 19, 2004

TO: Bill Mason, Chairman, Federal and State Affairs Committee and
Committee Members
FROM: Ray Morgan
RE: Support of CCW

By way of introduction, I have been a Kansas Police officer for the past 32 consecutive years. I have been the Kearny County Undersheriff for the past 21 years. Before this, I spent two years in the U.S. Army as a Military Policeman. I have been a certified police firearms instructor for the past 17 yrs. I am a member of the Kansas Sheriff's Association and an elected life member of the Kansas Peace Officers Association. I have served as a KPOA governor for the past 21 consecutive years. Whenever the CCW issue came before the KPOA board, along with others, I made it clear that I support CCW. I have supported CCW 110% for years.

CCW has been and still is a political hot potato. Because it is a political hot potato, KSA has voted to remain neutral. KPOA has voted to not take a position. KAC has voted to remain neutral and the KTA has voted to remain neutral.

After all the years of Kansas dealing with the CCW issue, we have heard all the arguments on both sides. Some fellow law enforcement officers who oppose the carry conceal law say that's all we need, more armed people on the streets. And, I will have to approach vehicle stops and people on the street much more cautiously. And, sometimes adding that, they will not know who he/she is dealing with as to whether or not they are licensed to carry.

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My response is yes, we do need more armed honest law abiding citizens on the street. I have said that for years. Since the world trade center, I feel even stronger that law abiding citizens should be armed. I point out that it does not matter if there is a carry conceal law or not. Every officer, no exceptions, had better do as they were trained. Approach cars and or people assuming they are armed and as though his/her life depended upon on it. Officers have to rely upon their training, their wits and gut feelings.

Those few officers who I have talked with who are opposed, I always ask if they have read the bill. I have yet to have an officer opposed to the bill say they have read the bill. It becomes obvious that it does not matter what is in the bill, or what requirements a citizen has to meet, to obtain a CCW permit.

Most know about the criminal background check and that you must be free of mental conditions which would prevent one from obtaining a permit. But I always follow up with the fact that the bill requires several hrs. of classroom training addressing the legal use of deadly force and the emotional issues which likely will follow should your judgement be, to shoot in self defense. I also add that the bill requires time at the firing range. The applicant for a CCW permit must demonstrate that they know how to safely handle a weapon and fire it reasonably well. Without exception, I could tell by the looks on the face of officers opposed to CCW that they were not aware of the two later requirements.

I go on and ask why would any officer have anything to fear from a law abiding citizen, who has to go through all these requirements to obtain a CCW permit. I tell them these citizens simply are not he ones who are going to shoot you when you stop them for a traffic violation. Rather, one of these CCW citizens may come to the aid of an officer who is in the middle of a deadly situation. I also add that since 9/11, it is even more important for law abiding citizens to be armed.

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Support of CCW

Preemption is a necessary part of this bill. A CCW permit would be almost worthless if cities could pass ordinances prohibiting CCW within their city limit. The purpose of CCW is to afford the law abiding citizen the right and the ability to be able to protect themselves and loved ones from deadly force. Not only in their own community but also wherever they travel within Kansas. As they travel, cities that choose to pass ordinances contrary to State law, effectively deny these people the right to self protection in a life threatening situation. Life threatening situations know no boundaries. I could go on but we have heard both sides of this issue before. I do not want to belabor this issue.

Respectfully,

A handwritten signature in blue ink that reads "R. Morgan". The signature is written in a cursive style and is positioned above a horizontal line.

R. Morgan
Undersheriff

Statement to the Kansas House of Representatives

Amy Curtis

02/19/04

My name is Amy Curtis. I am twenty-one years old, a student in the School of Education at the University of Kansas, and what I have to say is pretty simple: Kansas needs Conceal Carry. Even if we forget the fact that it is the state's burden to prove when we *can't* do something, like carry concealed firearms, and not the citizens' burden to prove that we *can*, we must look at the bigger picture.

We must see the logic that's right in front of our faces. If it is illegal for normal, law-abiding citizens to carry firearms, then only criminals will have them. It's that simple. People who wish to harm others prefer their victims to be unarmed; there is much less danger in it; unarmed victims are easy targets. Taking guns away from the people doesn't make things safer for them; it makes things safer for criminals.

Aside from all the facts and figures that have or will be presented here today that prove Conceal Carry's success in other states, don't ignore this point: criminals do not buy their guns legally. Criminals, by definition, disregard laws, so laws that control the sale of firearms, by design, do not affect criminals.

Every human being has the right to defend themselves. This point is rarely disputed. But what is important here is that no government, including the state of Kansas, has the right to tell us how. That is our decision. And we, the residents of Kansas, choose to be safe. Please represent us as we have elected you to do. Please make criminals think twice before preying on our citizens. Please pass Conceal Carry. Thank you.