

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 15, 2004 in Room 231-N of the Capitol.

All members were present except:

Senator Donald Betts- excused
Senator Pete Brungardt- excused

Committee staff present:

Russell Mills, Legislative Research
Dennis Hodgins, Legislative Research
Theresa Kiernan, Revisor of Statutes' Office
John Beverlin, Committee Secretary

Conferees appearing before the committee:

Representative Candy Ruff
Suzanna Hupp
Senator Phillip Journey
Scott Hatstrup, Kansas Sportsmen's Alliance
Paul Degener
Gene Wahl
Robert Curtis, Kansas Sportsmen's Alliance
Keith Wood, NRA

Others attending:

See Attached List.

Vice Chairperson Lyon called the meeting to order. He informed the committee that Chairperson Brungardt would be unable to attend the meeting. He let the committee know there were issues with **Sub HB 2713, Regulation of certain sports**, that needed to be clarified. Vice Chairperson Lyon asked Theresa Kiernan to explain the problems.

Ms. Kiernan explained that the committee report would be difficult to draft, the way it was done. She also explained that there was language missing concerning KBI background checks. She asked the committee to reconsider its action and allow a substitute bill.

Senator Clark made a motion for the committee to reconsider its action on **Sub HB 2713**. The motion was seconded by Senator Teichman. The committee decided to reconsider its action on **Sub HB 2713**.

Senator Vratil made a motion to direct the revisor to draft a substitute bill with all of the recommended clean-up amendments and then the committee recommend the substitute bill favorable for passage as amended. The motion was seconded by Senator Teichman. The motion to amend and then recommend favorable for passage as amended, a substitute for **Sub HB 2713** passed.

Vice Chairperson Lyon turned the committee's attention to **HB 2798, Personal and family protection act; licensing to carry concealed firearms**. He welcomed Representative Candy Ruff to the podium.

Representative Ruff started the hearing with the video, "Guns are Bad," by the news program 20/20. She then presented testimony to the committee (Attachment 1).

Vice Chairperson Lyon thanked Representative Ruff and welcomed Suzanna Hupp, a Representative in the Texas Legislature to the podium.

Ms. Hupp shared her story and experiences with the committee. She expressed her support for the right to carry concealed firearms.

Vice Chairperson Lyon thanked Ms. Hupp and welcomed Senator Phillip Journey to the podium.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at 10:30 a.m. on March 15, 2004 in Room 231-N of the Capitol.

Senator Journey presented testimony in favor of **HB 2798** (Attachment 2).

Vice Chairperson Lyon thanked Senator Journey and welcomed Scott Hatrup to the podium.

Mr. Hatrup presented testimony in favor of **HB 2798** (Attachment 3).

Vice Chairperson Lyon thanked Mr. Hatrup and welcomed Paul Degener to the podium.

Mr. Degener presented testimony in favor of **HB 2798** (Attachment 4).

Vice Chairperson Lyon thanked Mr. Degener and welcomed Gene Wahl to the podium.

Mr. Wahl presented testimony in favor of **HB 2798** (Attachment 5).

Vice Chairperson Lyon thanked Mr. Wahl and welcomed Robert Curtis to the podium.

Mr. Curtis presented testimony in favor of **HB 2798** (Attachment 6).

Vice Chairperson Lyon thanked Mr. Curtis and welcomed Keith Wood to the podium.

Mr. Wood presented testimony in favor of **HB 2798** (Attachment 7) and (Attachment 8).

Vice Chairperson Lyon thanked Mr. Wood and asked the committee for questions.

Senator Barnett asked Ms. Hupp if she would be open to carrying a concealed taser gun. He also wanted to know whether the weapon would have helped in her situation.

Ms. Hupp stated that she felt like any time you have to reduce the distance between the victim and the attacker, you run a chance for greater risk to the victim.

Senator Barnett stated the range for a taser is 15 feet. He then asked Representative Ruff if there was time in training spent with how to react with a gun.

Representative Ruff explained that time was spent with how to react, when it is proper to react, and the consequences. She further explained that there was also training on how to handle and store the weapon.

Senator O' Connor asked Mr. Hatrup to explain the Vermont law to the committee.

Mr. Hatrup explained to the committee that Vermont allows an individual to carry a firearm in any manner as long as it is not for an unlawful purpose. He further explained that they do not require a permit.

Vice Chairperson Lyon asked the committee for additional questions. None were asked. He pointed out to the committee that they had written testimony from Linda Morgan of the Department of Public Safety at Garden City Community College (Attachment 9), Ray Morgan, Sheriff in Kearny County, Kansas (Attachment 10) and from Paula Radcliff (Attachment 11).

The meeting was adjourned at 12:00 p.m. The next meeting is scheduled for March 16, 2004 at 10:30 a.m. in room 231-N.

Senate Federal and State Affairs Committee

Date: March 15, 2004

Name:

Representing:

Scott Hattrop	self, Mill Creek Rifle, Mo Valley Arms Club, etc.
Bob Curtis	Kansas Sportsmen's Alliance
George Petersen	Ks 2nd Amendment Society
Joe Lubert	Citizen
Barbara Aubert	Citizen
Barbara Pritz	Citizen
Don Link	Citizen
Roger D. Shanker	Kansas Law Enforcement Officers
Roger H. Talkington	Cottonwood Falls, Ks.
Justin S. Shore	Grenola, KS
Wanda Markley	Salina KS QUIVERA Gun Club
Ben Markley	SALINA KS QUIVERA Gun Club
Paul DeGenerer	Citizen
Koleen Nansen	Citizen
Karole Bradford	Inter-Faith Ministries
Kent Radcliff	Citizen
Paula Radcliff	Citizen
Dale Wasson	Citizen
Gene Wahl	Citizen Retired KEO
Suzanna Hupp	self & family
DWAYNE JUDES	SELF
Mark Tomb	League of Kansas Municipalities
Brian P. Oliveas	Intra Sea Batts
Sandy Bennett	KCSJV

Senate Federal and State Affairs Committee

Date: March 15, 2004

Name:

Representing:

Jeff Rottenberg

Kansas State Ass'n

L. CANDY RUFF
 REPRESENTATIVE FORTIETH DISTRICT
 LEAVENWORTH COUNTY
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TOPEKA

HOUSE OF

REPRESENTATIVES

COMMITTEE ASSIGNMENTS
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 BUSINESS, COMMERCE & LABOR
 FEDERAL AND STATE AFFAIRS
 TOURISM AND PARKS
 JOINT COMMITTEE ON ADMINISTRATIVE
 RULES AND REGULATIONS
 JOINT COMMITTEE ON ARTS AND
 CULTURAL RESOURCES

By passing the Personal and Family Protection Act, legislators give law-abiding citizens the right to carry concealed firearms. Effective Jan. 1, 2005, the Kansas Bureau of Investigation would issue permits (within 180 days from Jan. 1 to July 1, 2005, and 90 days afterwards) that are renewable every four years. Before being issued, however, the Bureau must perform thorough background checks and forward fingerprints to the FBI to check for national criminal history. Of extreme importance, the KBI will access expunged criminal records for the purposes of determining a person's qualifications for licensure.

All local regulations of carrying concealed firearms are preempted in this bill. Retired law enforcement officers are exempt from application fees, but not renewal fees; would be exempt from the "weapons and safety training course" requirement for eight year after retirement, but would have to submit to background investigations upon application and renewal.

To qualify, a person must:

- be a U.S. citizen, and a resident six months of the Kansas county in which application is made
- 21 years of age
- be free of any physical infirmity that prevents the safe handling of a firearm
- desire a legal means to carry a concealed firearm for lawful self-protection
- complete a "weapons and safety training course" approved by the KBI

Disqualifications include anyone:

- who had ever been convicted, placed on diversion or adjudicated for a felony (adult or juvenile) in any jurisdiction
- who was determined to have disabilities that prevent them from handling a firearm safely
- who is subject to a restraining order under the Protection from Abuse Act or Protection from Stalking Act
- who is not in contempt of court in a child support proceeding
- who has been dishonorably discharged from the military
- who during the five years preceding application had been
 - a mentally ill person or involuntary patient, as defined by statute
 - an alcoholic, as defined by statute
 - a drug abuser, as defined by statute
 - committed for abuse of a controlled substance
 - convicted, placed on diversion or adjudicated (adult or juvenile) in any jurisdiction for any misdemeanor under the Uniform Controlled Substance Act
 - committed for abuse of alcohol
 - convicted or placed on diversion two or more times for driving under the influence of alcohol or drugs; or
 - convicted, placed on diversion or adjudicated (adult or juvenile) of a misdemeanor under Articles 34 (crimes against persons) and 35 (sex offenses) of Chapter 21 of Kansas law or a similar law in any jurisdiction

Procedures and standards for the "weapons and safety training course" would be established by the KBI through Senate Federal and State Affairs Com.

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Attachment: # 1

- a requirement that trainees receive training in the actual firing and safe storage of firearms and instructions in state laws regarding carrying of concealed firearms and the use of deadly force
- general guidelines for the course
- qualifications and certification for instructors
- a requirement that the course be a weapons course:
 - certified or sponsored by the KBI or NRA
 - certified or sponsored by a law enforcement agency, college, private or public institution or organization, or weapons training school, and taught by instructors certified by the KBI or NRA

Successful completion of a “weapons and safety training course” is met in a form established by rules and regulations and adopted by the KBI director.

Licensees could not carry concealed firearms into:

- a place in which a common nuisance activity is maintained (illegal gambling, promotion of obscenity, promotion of prostitution, and violation of alcohol, drugs and tobacco laws)
- a police, sheriff or Highway Patrol station
- a detention facility, prison, or jail
- a courthouse
- a polling place
- a meeting of a governing body or a county, city or other subdivision
- any city hall
- state capitol or any state office building
- on the state fairgrounds
- a courtroom (unless licensee is a judge or unless authorized by a judge)
- a meeting of the Legislature or a legislative committee
- a school, community college, college, university, or professional athletic event not related to firearms
- any portion of an establishment licensed to dispense alcoholic liquor or cereal malt beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose, (a bar not restaurant that serves alcohol)
- any elementary or secondary school, community college, college or university facility
- any elementary or secondary school building or structure used for student instruction, attendance or extracurricular activities or for administration or maintenance
- any place where carrying of firearms is prohibited by state or federal laws
- any child exchange or visitation center
- any community mental health center or state hospital

A licensee carrying a concealed firearm while under the influence of alcohol or drugs or both would be guilty of a class A nonperson misdemeanor.

The bill would not prevent public or private employers or businesses open to the public from prohibiting permit holders from carrying concealed firearms while on the premises of the business or while engaging in the duties of employment. Businesses that are open to the public would have to post signs stating that carrying a concealed firearm on the premises is prohibited. Kansas will follow the example of other states by using existing trespassing laws to handle those violating this provision.

Permit fee for conceal carry license is \$150 for application and \$75 for renewal. The local sheriff’s office will retain \$40 for application and renewal with the remainder forwarded to KBI. The Bureau would be required to maintain a listing of licensee, not subject to open records, and provide a statistical report on an annual basis.

Kansas is one of four states without some form of Right-to-Carry laws, 37 with “shall” carry language similar to what is being considered here. Ohio passed Right-to-Carry legislation in January making it the 46th state, and the Missouri Supreme Court upheld its law not long ago. In Kansas, Gov. Bill Graves vetoed similar legislation in 1997 and the House passed a bill in 1999, but it failed to gain a Senate committee hearing.

Some areas of disagreement surround the fiscal note. Proponents of the legislation have expressed serious skepticism over the Bureau's need to rent new office space and purchase the accompanying office equipment. In addition, the need to hire nine new full time employees to handle 20,000 applications raised questions. When Oklahoma instituted similar legislation in 1996 under its state law enforcement bureau, only three employees came on board to handle 40,000 applications.

Although testifying as a neutral conferee, KBI indicated fees would generate for actual use \$1.12 million for 20,000 permits handled over four years or \$280,000 a year available for use. Among the nine employees are one attorney, two special investigators, an accountant, three administrative specialists, and two administrative assistants. Also included are one time capital outlay and on-going expenditures. The salaries and expenses are estimated to cost \$439,000 annually.

SENATOR PHILLIP B. JOURNEY

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
MEMBER: ASSESSMENT & TAXATION
NATURAL RESOURCES
PUBLIC HEALTH AND WELFARE

**Testimony for the Kansas State Senate
Federal and State Affairs Committee**
Presented March 15, 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. I served 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. 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.

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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 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.

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.

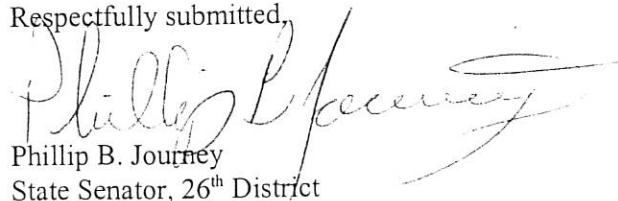
Here are a few statistical snapshot from the survey.

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." 56% 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
State Senator, 26th District

Statement before the Kansas Senate Federal and State Affairs Committee
in support of HB 2798, March 15, 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 Kansas House & Senate committees 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. We all deserve the opportunity to protect ourselves 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 to 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 at the House committee hearing when I heard half-truths and far-fetched speculation 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. None of the states which enacted this type of legislation saw increased crime. In the states which enacted a "shall issue" law 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 crime reduction 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. The authors of the study have continued to review the FBI crime statistics each year since the study was first released, and have seen consistent, similar results each year since then.

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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 person on person crime.

One of the main reasons crime drops after a law like this passes is the general publicity surrounding passage of the law informs those who would commit crimes that the costs of attacking a now-potentially armed victim just increased. The other main reason crime drops is that applicants, most of whom already owned a gun, got the mandatory training called for in the bill. Most gun owners never take any sort of training course. Only 1 to 4% of the total eligible population in a state ever even obtains a license to carry. Legislation like that proposed has a secondary effect of making affordable firearm training more common, thus leading those who already own a firearm to have better access and motivation to become proficient.

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. Open carry is actually illegal in Kansas City, Topeka, and Wichita, and is strongly discouraged in other large cities.

So, when in the House committee hearing, an advocate for domestic violence victims argued that this bill would put more guns on the street and lead to an increase in domestic violence, I knew they were stretching the truth. Domestic violence by its very definition tends to occur in a home setting. Whatever weapon is used will already be 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 discretely carry a way to protect themselves from attack outside the home, and will prevent the perpetrators of this crime from obtaining licenses under any circumstance.

The League of Kansas Municipalities has indicated that you should let cities 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. The legislation had to be reenacted without that provision.

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.

/ Paul Degener
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SUBJECT: HB 2798, Personal and Family Protection Act

Mr. Chairman, members of the committee, my name is Paul Degener, I am a resident of Shawnee County and appear here as a concerned citizen in support of this HB 2798.

I support this legislation for several reasons.

It has been pretty well established that criminals are cowards and seek out targets of opportunity, women, the weak, the elderly, the handicapped, the unaware and the disarmed, which most of us are.

Over the years, we have been disarmed by all levels of government and as a result denied the freedom to defend our lives, our families and our property. The message I hear from those who deny us those freedoms is that we should not resist, just let the criminal have his way and if you are lucky, you may survive. As individuals, we should have the freedom to choose whether to defend ourselves or become a victim.

We have a failed judicial system. Time and time again we hear of crimes committed by repeat offenders, they are apprehended and then released back on society with terrible results. We need to have the freedom and the ability to legally defend ourselves against this segment of society.

In addition to our home grown criminals we are now faced with increasing numbers of illegal aliens crossing our open borders. Along with those illegal aliens there can be no doubt that there are criminals and/or terrorists crossing our borders. We are now more vulnerable than ever and should be allowed the legal ability to defend ourselves against this growing threat.

Opponents of this legislation will contend that we are protected by law enforcement. What I am about to say is in no way intended to disparage law enforcement, I think they do a fine job, however, they are reactionary. Very seldom is law enforcement present when a crime is being committed. They investigate, they apprehend after the crime has been committed and then the criminal is released back into society. Additionally, law enforcement is not obligated to protect any one of us as individuals. I have here a book "Dial 911 and Die", by Richard W. Stevens, Attorney at Law. In this book we find: **"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*, 951 P.2d 953, 954, 958 (Kan. 1997) (court's syllabus; citation omitted.). Based on this we should neither rely on or expect law enforcement to protect us as individuals.

Opponents of this legislation fear that the criminal may take the weapon away from the armed citizen and use it on them. That could happen and it has happened. We as individuals have the ability to decide for ourselves whether or not to take that chance, now pr

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means to defend ourselves if we so decide.

I would like to address the problem we have with the news media. On the radio, TV and the newspaper we are constantly bombarded with the negative incidents involving firearms. We still hear about Columbine, we heard of the Kentucky school shootings, so-called postal rage, etc. It is what we very seldom hear that is troubling. We never hear of the incidents where lives were saved or a crime prevented by an armed citizen, but it does happen. It is estimated that there are 2 million incidents a year where a crime has been prevented by an armed citizen, many times only by presenting the weapon without firing a shot. You will very rarely read or hear of these incidents in the major news media.

I will say this. Those of us who are members of various pro-freedom organizations have access to both sides of the issue. We have our literature to support our position, and are bombarded by the news media with the opposing viewpoint. Opponents to the right to keep and bear arms only hear one side of the issue.

The NRA has several periodicals and each month there is a page devoted to newspaper articles from around the country which reports incidents of the armed citizen stopping a crime. The New American Magazine, a bi-monthly publication includes a page of newspaper articles from around the country reporting instances of the armed citizen stopping crime. In 1989 the NRA published a book titled "The Armed Citizen". This publication is 196 pages of documentation from 1931 to 1988 of instances of the armed citizen stopping crime.

You will probably hear from the opposition that there is no research to support the notion that an armed citizenry will reduce crime. Again, if you rely on the major news media or those who are in opposition to an armed citizenry then you will be led to believe that there is no research. I have here a book to refute that argument. The title of the book is "More Guns - Less Crime" by Dr. John R. Lott, Jr. Dr. Lott has conducted extensive research on this subject and has published his findings in this book.

I would like to close with a quote:

"Laws that forbid the carrying of arms. . . disarm only those who are neither inclined nor determined to commit crimes. . . Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man." -- Jefferson's "Commonplace Book," 1774-1776, quoting from On Crimes and Punishment, by criminologist Cesare Beccaria, 1764

I thank you for allowing me to appear before this committee.

Enclosure:

Historical quotes on self defense

"The supposed quietude of a good man allures the ruffian; while on the other hand, arms like laws discourage and keep the invader and plunderer in awe, and preserve order in the world as well as property. The same balance would be preserved were all the world destitute of arms, for all would be alike; but since some will not, others dare not lay them aside... Horrid mischief would ensue were one half the world deprived of the use of them..." THOMAS PAINE, I Writings of Thomas Paine at 56 (1894)

"Arms in the hands of citizens [may] be used at individual discretion... in private self defense..." JOHN ADAMS, A Defense of the Constitutions of the Government of the USA, 471 (1788)

""The constitutions of most of our States assert that all power is inherent in the people; that... it is their right and duty to be at all times armed;..."

Thomas Jefferson letter to Justice John Cartwright, June 5, 1824.

"[I]f our lives are endangered by plots or violence or armed robbers or enemies, any and every method of protecting ourselves is morally right."

CICERO, ROMAN ORATOR, 1ST CENTURY B.C.

- "The great object is, that every man be armed ... Every one who is able may have a gun."
-- *Patrick Henry, Elliot, p.3:386*
-

Thomas Jefferson, of Virginia:

"No free man shall ever be debarred the use of arms." -- Proposed Virginia Constitution, 1776

"Laws that forbid the carrying of arms. . . disarm only those who are neither inclined nor determined to commit crimes. . . Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man." -- Jefferson's "Commonplace Book," 1774-1776, quoting from *On Crimes and Punishment*, by criminologist Cesare Beccaria, 1764

Thomas Paine, of Pennsylvania:

"[A]rms discourage and keep the invader and plunderer in awe, and preserve order in the world as well as property. . . Horrid mischief would ensue were the law-abiding deprived of the use of them." -- **Thoughts On Defensive War, 1775**

"A covenant not to defend myself from force, by force, is always void. For...no man can transfer or lay down his Right to save himself from Death."

**THOMAS HOBBS, 17TH CENTURY ENGLISH POLITICAL
PHILOSOPHER**

"The laws that forbid the carrying of arms... serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."

**CESARE BECCARIA, 18TH CENTURY ITALIAN
CRIMINOLOGIST**

TESTIMONY — GENE WAHL

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, 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.

We were told by the news media that in Pearl, Mississippi two students were murdered and seven wounded. What was not widely reported, 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.

There are times that those in the law enforcement community will benefit from citizens carrying concealed weapons. One afternoon while driving in a marked patrol car in Wichita, I was stopped in a long line of traffic an Central and West Street. Up ahead I observed a man walking down the line of stopped

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cars, armed with a rifle. It is at times like this that I, and I am sure other law enforcement officers, would be thankful for the potential armed assistance of a law-abiding citizen.

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. At that time as an off duty police officer, I had the advantage of being allowed to carry a concealed weapon. Since my retirement almost six years ago, I no longer have that advantage.

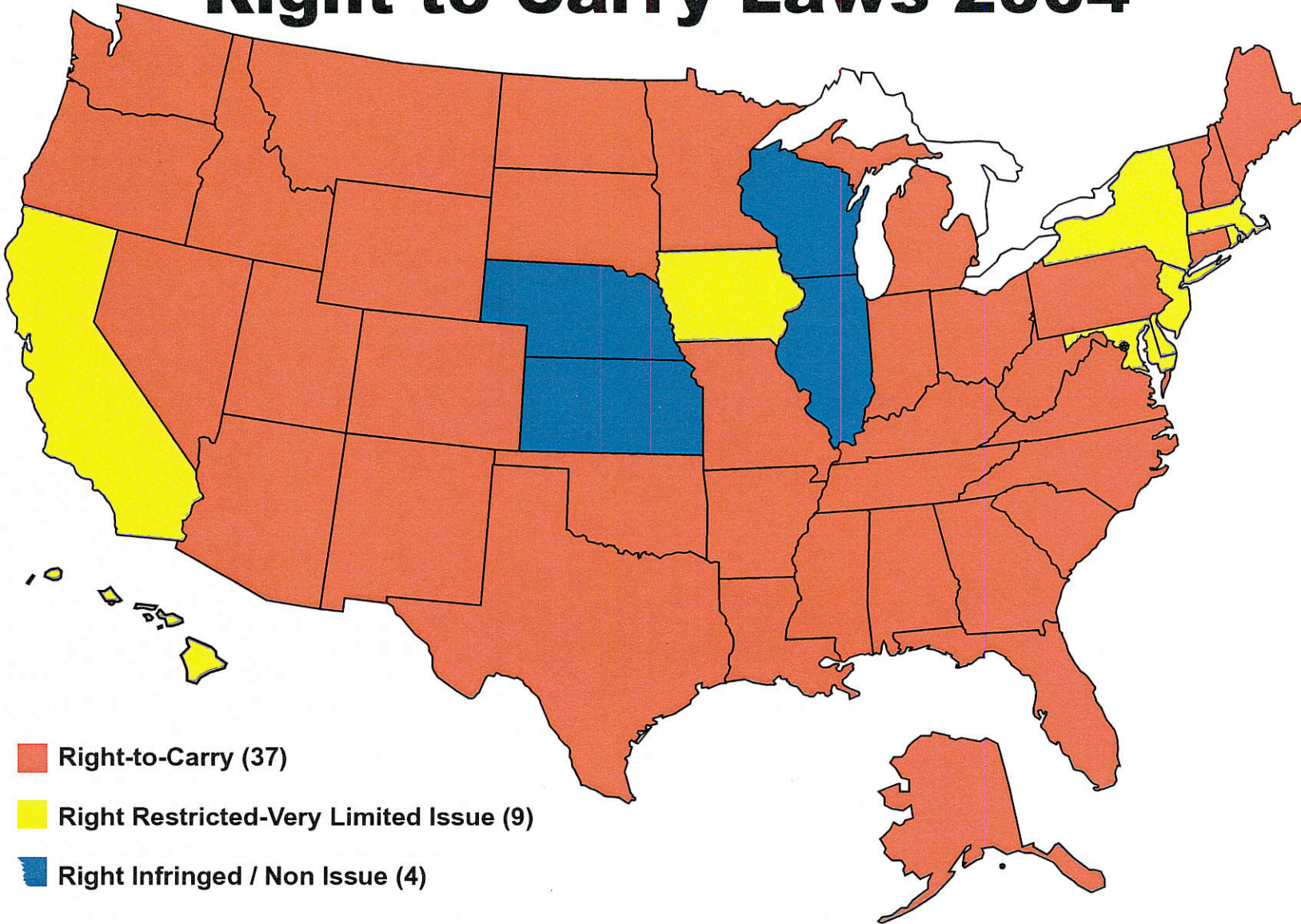
In the last four and a half years of my law enforcement career, I investigated and obtained convictions in over fifty cases of sexual abuse of children. Some of those perpetrators unfortunately will eventually be released. Those officers in law enforcement today, and who oppose allowing citizens to carry concealed weapons, will undoubtedly have a different opinion when they join the civilian ranks. 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.

Right to Carry Laws 2004



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.

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.

You have already received two spreadsheets and a color map. Lets look at the 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. All major law enforcement groups supported the original legislation and in the 17 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.

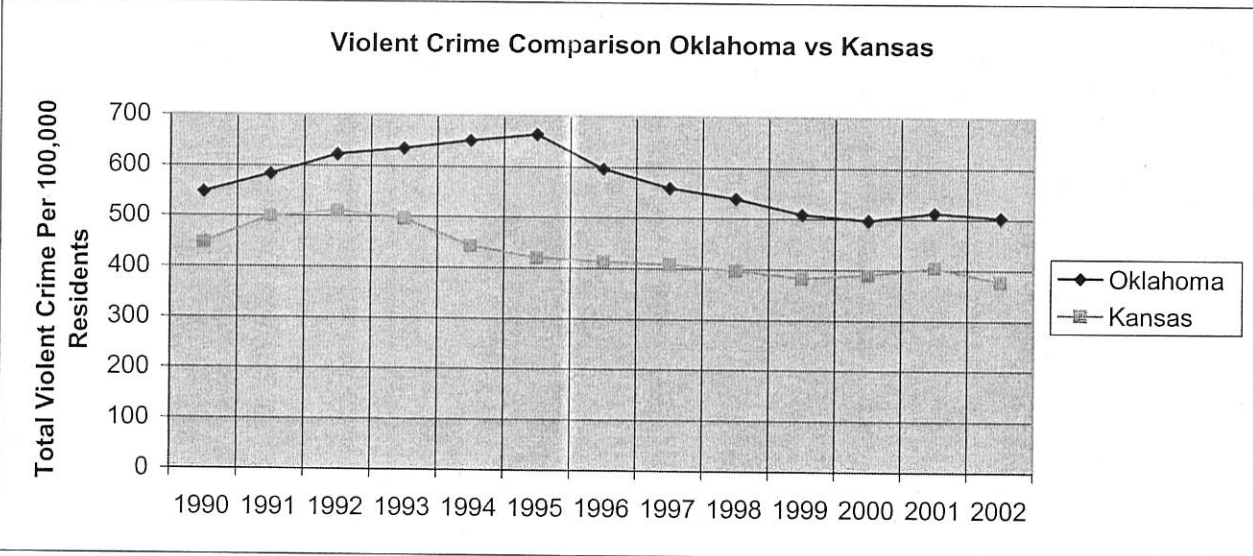
The nation's violent crime rate has decreased every year since 1991 and in 2002 hit a 23-year low. In the same period, 17 states adopted and 13 states improved RTC laws. This has been the prime driver across this country to drive violent crime down. Please refer to the spreadsheet "Right to Carry State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

Oklahoma								Kansas							
Year	Murder	Rape	Robbery	Assault	Total Violent Crime	From Previous Year % Crime Change	Total % Change From 1995	Year	Murder	Rape	Robbery	Assault	Total Violent Crime	From Previous Year % Crime 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/O2cius.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

Right to Carry State Information



NRA

Testimony before the Kansas Senate Federal & State Affairs Committee

March 15, 2004

Keith Wood, State Liaison

- Introduction
- HB 2798 represents good public policy
- Fundamental right of self-protection
- Deterrent effect of concealed firearms (would-be assailants won't know who is armed), "free-rider" effect
- Criminals ignore gun laws, prohibition on carry only applies to law-abiding citizens
- Facts from 46 other states dispel "doomsday" myths about Right to Carry (RTC)
- Not one of the 6 million permit-holders has ever shot a law enforcement officer
- Defensive uses of firearms outweigh criminal uses by a factor of up to 5-to-1
- Lott study shows significant decreases in violent crime after implementation of RTC laws
- Permit holders are among the nation's most law-abiding of all citizens (FL example)

What this bill does not do:

- Does not change use of force or self-defense laws
- Does not create "citizen police"
- Does not encourage "vigilante" justice
- Does not put more guns "on the street"- it will put guns into the hands of *trained*,

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investigated law-abiding citizens who refuse to be victimized

Opponent's arguments on RTC:

- Kansas don't *need* HB 2798: over 1,000 reported rapes, 2,168 robberies, 6,950 aggravated assaults, 79 murders in 2003; these are 10,228 *victims* who don't "need" it
- Kansans don't want HB 2798: Most recent poll in Kansas is 7 years old, nationwide poll shows that 79% of likely voters support RTC laws like HB 2798
- Shall-issue laws: discriminatory, elitist, open for corruption and influence
- Reciprocity/Recognition: currently exists with driver's licenses, etc.
- NRA training: national standard, recognized by nearly every state's permitting system
- Fiscal note: self-financing, fee would be the highest in the nation
- Tim McVeigh
- Open records: deterrent of not knowing who is armed, e.g. stalker, estranged spouse
- Extending "gun free" zones and/or penalties: trespass, personal property issues
- Home-rule: patchwork of municipal ordinances would invalidate benefits of RTC

TESTIMONY — KEITH WOOD
National Rifle Association of America

Questions and Answers

The Personal and Family Protection Act (PFPA); HB 2798

How many states allow citizens to carry concealed firearms for self-defense?

A total of 46 states allow concealed carry. There are 37 “shall issue” states that have laws virtually identical to the one proposed in the PFPA, establishing clear, objective standards a citizen must meet in order to carry a concealed firearm for self-defense. Another nine states have subjective “may issue” systems that allow government officials to arbitrarily deny law-abiding citizens the ability to carry a firearm.

How many of these states that implemented concealed weapons laws have subsequently repealed the law?

None of the 46 states has ever repealed its concealed carry law. Unless the elected officials in these states are utterly indifferent to the safety of their constituents, this is powerful evidence indicating that the doomsday predictions of concealed carry opponents have been entirely unfounded. In fact, after realizing permit holders are, indeed, law-abiding and trustworthy, most states with these laws have substantially liberalized their systems since enactment.

Which states preclude citizens from carrying concealed weapons for self-defense?

Kansas is *one of only four states* that prohibit citizens from carrying concealed weapons. The other three states are Nebraska, Wisconsin, and Illinois.

How many permit holders are there in the United States?

There are over *six million* permit holders in the United States. This is a population greater than Kansas'. Well over half of the country's population and law enforcement community live and work in “shall issue” permit states.

Is there any reason to believe Kansans will be an exception to the rule set by the citizens of the other 46 states?

No. Kansans should be offended by such a notion. It should be unacceptable for elected officials to explain to constituents that they know the other 46 states that allow for concealed carry have experienced virtually no problems but that KanSenate Federal and State Affairs Com.

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prove to be an exception to this rule set by the citizens of the other states. This is clearly the implication when any legislator claims that “blood will flow in the streets” if the PFPA is passed in Kansas.

Are PFPA opponents right when they argue “more guns will lead to more crime?”

No. They are engaging in a scare tactic that ignores the gun ownership and crime trends over the last 23 years. The number of guns in civilian possession has increased by millions of guns each year and is now at an all-time high. Meanwhile, the FBI reports that violent crime in the United States has decreased every year for the past 11 years (since 1991) and is now at a 23-year low. The annual *number* of deaths involving firearms has decreased every year since 1993 (National Center for Health Statistics). Since violent crime began falling annually in 1991, 18 states enacted “shall issue” concealed carry laws and another 13 states relaxed their existing laws. If more guns and expanded concealed carry laws caused more crime, as PFPA opponents claim, the nation’s crime rate would not be at a 23-year low, it would be at a 23-year high. All of this information from the FBI and the National Center for Health Statistics proves that opponents are wrong.

Do states with “shall issue” concealed carry laws have lower or higher violent crime rates when compared to the states like Kansas without these laws?

According to the FBI, the states with “shall issue” laws have much lower violent crime rates than the other states, 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 “shall issue” permit states.

Consistent with this FBI data, research by Professor John Lott finds that “shall issue” permit laws are responsible for significant reductions in violent crime. He did extensive research involving the 1,432 counties in states that adopted these laws. His findings of crime reduction stood even when comparing counties in a “shall issue” state that border counties in neighboring states without such laws. Professor Lott submitted his findings and data for extensive peer review. The majority of the reviewers could not find fault with his findings. Two studies used by PFPA opponents find that the laws have *no effect* on violent crime and *may* even slightly increase it. Their studies have not been submitted for the same extensive peer review as Lott’s. In short, after all of their doomsday predictions, the only claim that opponents have left to cling to is that “shall issue” permit laws have *no effect* on crime. The “power” of this claim as a reason to oppose the PFPA is lost on supporters and other rational observers.

What were some of John Lott’s specific findings from his exhaustive research?

Studying crime trends in every county in the U.S., John Lott and David Mustard found, “allowing citizens to carry concealed weapons deters violent crimes and it appears to produce no increase in accidental deaths. If those states which did not have Right to Carry concealed gun provisions had adopted them in 1992, approximately 1,570 murders; 4,177 rapes; and over 60,000 aggravated assaults would have been avoided yearly...[T]he estimated annual gain from allowing concealed handguns is at least \$6.214

billion...[W]hen state concealed handgun laws went into effect in a county, murders fell by 8.5 percent, and rapes and aggravated assaults fell by 5 and 7 percent.” (“Crime, Deterrence, and Right To Carry Concealed Handguns,” 1996.) One of the remarkable components of this study is the incredible number of variables (incarceration rates, economy, crime clearance rates, unemployment etc.) that were taken into account in order to isolate “shall issue” permit laws to determine their impact on crime trends.

Are Kansans who seek to become permit holders “paranoid” of being attacked?

No. They are people who understand that criminals are not restricted to attacking particular people in particular places. As too many citizens have learned, anyone can become a victim of crime. Are people who wear seatbelts paranoid of being in an accident? Of course not, they wear a seat belt *just in case* they are involved in an accident because they accept that accidents occur. They would not be in their vehicles if they *expected* to be in an accident. The same is true of citizens who choose to carry firearms. They do not *expect* to be attacked on their way to the store or they would stay home. The idea is to be prepared *in case* they are attacked. One could assume most of the 10,500 annual victims of violent crime in Kansas did not expect to be attacked when they became a violent crime statistic.

What should be the response to people who say “nothing could have been done” to prevent an incident of public violence?

Often this is true when an armed perpetrator is attacking unarmed victims. The equation can change dramatically when a potential victim is able to respond with proportional means. Currently, in Kansas, the state unfortunately provides an advantage to an attacker by making it certain that law-abiding victims are incapable of defending themselves with a firearm. If the PFPA is enacted, something can be done – a potential victim may be able to defend him or herself. In the vast majority of these instances, because of factors beyond its control, law enforcement is reactive, not proactive. A firearm is not a panacea but it does allow a citizen a *chance to survive* an attack where no other option may exist. It is wrong for the government to deny citizens this chance of survival.

Is there a reliable estimate of the number of times firearms are used for self-defense each year in the United States?

Analyzing National Crime Victimization Survey data, criminologists Gary Kleck and Marc Gertz found that firearms are used for self-protection in the United States about 2.5 million times annually. (*Journal of Criminal Law and Criminology*, Fall 1995) Marvin E. Wolfgang, self-described as “as strong a gun-control advocate as can be found among the criminologists in this country” said, “The methodological soundness of the current Kleck and Gertz study is clear. I cannot further debate it... I do not like their conclusion that having a gun can be useful, but I cannot fault their methodology.” (*Journal of Criminal Law and Criminology*, Fall 1995)

If this is true, why do opponents of the PFPA claim that, “The number of crime victims who successfully use firearms to defend themselves is actually quite small according to the FBI?”

Unfortunately, these people are parroting information from gun control groups and are willfully disregarding the great restraint shown by the majority of armed victims who are forced to defend themselves. They are only counting *dead* criminals (the number reported by the FBI), not the number of criminals wounded, detained and scared away by armed victims. Since armed victims discharge their firearms in only one percent of all self-defense encounters, the latter number is going to be much larger than the number represented by the FBI's criminal body count. Opponents of this bill should recognize that the objective of self-defense is not to kill the attacker. It is to *survive* a violent attack.

What is the reasoning behind the claim that the PFPA benefits even those who do not choose to acquire a permit?

This is known as the "free-rider effect." One of the benefits of *concealed* firearms carry is that violent criminals do not know who is armed and who is not. Therefore, because some citizens will obtain permits and carry firearms, criminals must fear attacking a victim who is able to respond through armed, and potentially lethal, resistance. There is extensive evidence indicating that criminals will choose not to attack some victims for fear that they are armed, whether they are or not in reality. There is truth to the age-old saying, "When the wolves can't tell the sheep from the lions, the whole flock is safe."

Has the government conducted any studies indicating that criminals are deterred by the possibility that a victim is armed?

Yes. A study for the U.S. Justice Department involved in-depth interviews with 1,874 imprisoned felons. These interviews revealed that 57% of the felons believed that "most criminals are more worried about meeting an armed victim than they are about running into police." Another 34% of felons had been "scared off, shot at, wounded or captured by an armed victim," and 40% of felons have not committed crimes, fearing potential victims were armed. This illustrates in no uncertain terms the deterrent effect created by potentially armed victims. Under current law, the state has eliminated this concern for criminals by disarming law-abiding citizens (potential victims). This, in effect, has created a safe, worry-free working environment for violent criminals.

Why do some opponents, particularly law enforcement organizations, contend that "ordinary" citizens are incapable of being trained to safely and effectively use firearms for self-defense without graduating from a police academy?

Simply stated, it is elitist to argue that "ordinary" citizens are incapable of being properly trained. Some opponents of the PFPA argue that only law enforcement officers should be permitted to carry firearms because they are required to undergo long, rigorous training. The training necessary for citizens and law enforcement is different because their objectives are different. A citizen's goal is to *survive* a life-threatening encounter. This most often involves scaring away an attacker without a shot being fired and seeking safety. Law enforcement officers require more extensive training because they must engage in pursuit, apprehension and suspect control. In other words, they must bring the

fight to the criminal. This is much more complex and dangerous than simply fending off an attacker.

In addition, much of a law enforcement officer's firearms training revolves around threat identification and shoot/don't shoot scenarios. This is necessary because police officers frequently enter unknown circumstances after a call for assistance. Citizens, on the other hand, rarely have difficulty determining who is the threat. For instance, a woman being attacked by a man in a parking garage is certain of who is posing the threat.

Regarding a citizen's ability to become a competent handgun shooter, it is worth noting that the country's top competitive tactical, self-defense shooters are "ordinary" citizens, not law enforcement officers (they compete in the same classes as other citizens). Permit holders are conscientious men and women who understand that carrying a firearm is an enormous responsibility. By in large, most will seek additional self-defense training in order to ensure they are able to use a firearm effectively for self-defense.

Is it true that some PFPA opponents argue that a law empowering citizens to defend themselves is unnecessary because crime rates are low in Kansas?

Yes, opponents are making this argument. However, it is doubtful that any one of the 1000+ reported rape victims every year in Kansas cares about low crime rates. What victims care about is that they were violently assaulted, law enforcement was not able to prevent their victimization and the state denied them the ability to defend themselves with a firearm in cases where the attack occurred outside of the home (the vast majority of violent crime). The success of the PFPA is not contingent upon high or low crime rates. The intent is to allow *individual citizens* to defend themselves and their loved ones against violent criminals.

Violent crime is still a problem in Kansas. In 2002, according to the FBI, there were 1,035 rapes, 2,168 robberies, 6,950 aggravated assaults and 79 murders/non-negligent manslaughters for a total of 10,228 violent offenses. This number represents 10,228 real people who were violently victimized. PFPA opponents seem to lose sight of this fact when they claim self-defense is an out-dated right in Kansas.

PFPA opponents suggest that Kansas's crime rate trends have been better than trends in states that allow concealed carry. Is this true?

No, it is demonstrably false using FBI crime data. Since 1991, when violent crime began decreasing throughout the U.S., it has decreased 33.2% nationally but only 24% in Kansas. Additionally, since 1991, total violent crime has decreased every year nationally, but it *increased* in three years (1992, 2000, and 2001) in Kansas. Murder decreased nationally in all but one year (1993), while it *increased* in Kansas in four years (1993, 1994, 1996, and 2000).

Why would anyone need to carry a concealed firearm particularly in light of Kansas's low crime rate?

The matter of Kansas's crime rate has already been addressed. There have been over 10,000 violent crime victims every year in Kansas since 1989. This number represents real people who were violently victimized while the state, in many instances, denied them the means of adequate defense. As everyone knows, despite their best efforts, law enforcement cannot be omnipresent to protect everyone from attack. This is illustrated by the fact that there are victims of violent crime in Kansas. These law-abiding citizens deserve the *opportunity* to defend themselves.

Are PFPA opponents correct when they say firearms are more likely to be used against the person possessing them for self-defense?

No, this is just another unsubstantiated scare tactic used by opponents. Research shows that, at most, 1% of defensive gun uses result in the offender acquiring the gun from the defender, though this includes guns stolen from residences in home invasions as well as those taken directly from the hands of the defender. This is not substantially different than the experience of law enforcement officers. Proper and simple training teaches citizens how to retain their firearms in self-defense scenarios.

Is the PFPA a woman's issue?

Yes. Approximately 20% of license holders in the 45 states with concealed carry laws are women. While the FBI reports that men are more often the victims of violent crime, women stand to benefit more from the force equalizing effects of a firearm in a self-defense scenario. Generally speaking, men are physically stronger than women. This will usually allow an unarmed male attacker to dominate a similarly unarmed female victim. The ability of a woman to respond to a violent attack through armed resistance does more than level the playing field. The current firearms carry prohibition in Kansas ensures that most women will always be at a disadvantage when faced by a male attacker. This is morally reprehensible. The PFPA's concept of force equalization also applies to other groups likely to be at a physical disadvantage such as the elderly and physically disabled.

Why have opponents of the PFPA argued that women, in particular, stand to have a firearm they carry for self-defense used against them by an attacker?

It is difficult to answer this question because there is no evidence to support this sexist claim. Many of these people are the same people (correctly) arguing that women are capable of being law enforcement officers. Without knowingly encouraging women to be placed in an unjustifiably dangerous line of duty (criminals taking firearms from female officers), the opponents simply cannot maintain these two contradictory positions. The fact is that women are as capable as men in being trained in the safe, effective use of firearms for self-defense.

Why shouldn't citizens *rely* on law enforcement for their protection?

As most law enforcement officers understand, the nature of their work is reactive, not proactive. They arrive on the scene after a person has been victimized in an effort to apprehend the perpetrator and console the victim if he or she is still alive. Also, the U.S.

Court of Appeals has ruled that the state is not responsible for the protection of individual citizens, only for the protection of society as a whole. This is why the families of murder victims do not sue local law enforcement for failing to protect their loved ones. When states like Kansas prohibit citizens from carrying firearms for self-defense, they on one hand say, "We are not responsible for your protection" while on the other hand they deprive citizens of the most effective means of self-defense when they are outside of their homes. These two concepts are simply irreconcilable.

Do rank-and-file law enforcement officers support a citizen's ability to carry concealed firearms?

Polling of rank-and-file law enforcement officers has indicated overwhelming support for "shall issue" permit legislation. Because of the nature of their job, most police officers know that, despite their best efforts, they cannot be everywhere all of the time to protect everyone. They understand that the potential victim, him or herself, is often the first line of defense against a violent criminal. The Kansas's Fraternal Order of Police supports the PFPA. Most rank-and-file law enforcement officers in Kansas appreciate the fact that they will retire one day and want to ensure that they continue to have the ability to carry a concealed weapon to protect themselves and their loved ones from violent attack. The PFPA provides them with this ability.

How has law enforcement responded to similar proposals in other states?

As is the case with the PFPA, many local and national law enforcement organizations have supported the enactment of concealed carry laws throughout the country (i.e. the sheriffs supported the law passed over the Governor's veto in Missouri last year). However, there have also been law enforcement groups that have opposed the legislation. Virtually without exception, these groups have withdrawn their opposition after the law was implemented without all of the horrific problems predicted by opponents. Glen White, the President of the Dallas Police Association is an example of a converted opponent. He opposed the Texas "shall issue" legislation in 1993 and 1995 contending that law enforcement officers would be put in jeopardy. Since the enactment of the law in 1996, he has stated, "All the horror stories I thought would come to pass didn't happen... No boogiemans. I think it's worked out well, and that says good thing about the citizens who have permits (234,000). I'm a convert." It's troubling that some law enforcement organizations have not learned from the experience of their fellow law enforcement officials in the 45 states with concealed carry laws.

How will law enforcement know who is armed when they confront a citizen?

Some PFPA opponents in the law enforcement community have contended that the passage of the PFPA will change the relationship between law enforcement and the citizens. If these law enforcement officials would take the time to speak with officials in the 45 states that allow concealed carry, they would learn that this is not true. Other opponents have contended that law enforcement will have to assume that every citizen they come into contact with is armed. This statement has been echoed by at least one law enforcement official in a local newspaper article. This is concerning because every police recruit should already be *trained* to make this assumption. Not assuming this leads

to complacency and danger. As everyone knows, criminals are already illegally carrying firearms. Law enforcement must assume the worst so that they are prepared to react properly if threatened by an armed criminal.

Have any permit holders ever used their concealed weapon to harm a law enforcement officer?

No. None of the approximately six million permit holders across the country has ever even *attempted* to shoot a law enforcement officer in the line of duty with a firearm carried pursuant to a permit (note that this represents a population much larger than Kansas's). In fact, there are dozens of reported accounts of permit holders assisting law enforcement officers in dangerous situations. In light of this decades-old case study, it is difficult to understand why some law enforcement representatives continue to contend that law-abiding citizens who carry concealed firearms for self-defense pose a threat to law enforcement.

Why shouldn't Kansas enact a "may issue" system instead of the "shall issue" system proposed in the PFPA?

A system that allows a government official (usually a sheriff or chief of police) to arbitrarily deny a law-abiding citizen the ability to carry a concealed firearm for self-defense is a system prone to abuse. The experience in jurisdictions that have enacted "may issue" permit systems indicates that permit applicants are discriminated against based on race, socio-economic status, political affiliations etc. Permits are often issued because of campaign contributions, personal friendships, individual wealth and celebrity status. In other words, it's not the black single mother of three working two jobs to make ends meet who must walk through a crime-ridden neighborhood at midnight who is issued a permit. Instead it is the celebrity with political connections who is statistically less likely to be victimized who receives favorable treatment. In these instances, the process provides the unsavory appearance that one citizen's life is more valuable than another's.

PFPA opponents contend that they favor a "may issue" system because only "those who *need* a gun should carry one." It is arrogant of them to assume they know who needs and does not need a means of self-defense. One could assume that many of the 10,000 annual violent crime victims in Kansas did not know that they "needed" a means of self-defense prior to their victimization.

Does the increased availability of firearms lead to an increase in the number of suicides?

No. Suicides *committed with firearms* may increase but all evidence indicates that those intent on suicide will find alternative means if firearms are not available. This is evidenced by the fact that a number of countries with extremely limited private ownership of firearms have much higher suicide rates than in the U.S (11.8 per 100,000). Examples are Japan (18.0), Germany (15.8) and Russia (26.6). Similarly, it only stands to reason that a country with high private automobile ownership rates will have higher

rates of suicide by carbon monoxide poisoning than a country with low auto ownership rates.

Members of the anti-gun public health community have written numerous articles that seek to blame an increase in suicide among young American males upon increased "gun availability." They fail to tell their readers that while suicide among American males aged 15 to 24 increased 7.4% from 1980 to 1990, the increase in England was more than 10 times greater (78%), with *car exhaust poisoning* being the leading method of suicide in a nation where gun ownership is severely restricted.

Have there been any indications of increased accidents due to enactment of RTC?

No. In fact, firearm accident deaths have been decreasing for decades. Since 1930, the annual **number** of firearm accident deaths has decreased 76%, *while the U.S. population has more than doubled and the number of civilian-owned guns has quintupled.* Among children 14 and under, such deaths have decreased 84% since 1975. Firearm accident deaths are at an all-time low among the entire U.S. population and among children. In 2000, there were 776 such deaths (0.8% of all accidental deaths in the U.S.), including 86 among children under the age of 15. In light of the dramatic increase in population and gun ownership, this is a remarkable safety record. Specifically, this safety enhancement has occurred at a time when the number of states with concealed carry laws has never been greater. This clearly refutes the claims of PFPA opponents. If the opponents' dramatic, fact-deficient claims were true, the number of firearm accident deaths would be at an all-time high, not an all-time low. (Accident data from the National Center for Health Statistics)

What about the right of PFPA opponents to "feel safe?"

This is a common and unfortunate refrain from PFPA opponents. Unlike the right to bear arms for self-defense in the Kansas State Constitution, there is no explicit right to "feel safe." The concept of safety is extremely subjective -- one person's idea of feeling safe may be a self-defense firearm being available while another's may include never leaving the security of home. If the PFPA is passed, citizens will have the right to *make* themselves safe, as is explicitly referenced in the State Constitution.

Is the permit issuance process an unfunded mandate on sheriffs?

No. Permit applicants will pay an adequate fee to cover all costs.

What have polls indicated regarding the public's view of the right to carry a concealed firearm?

A recent Zogby poll, December 2003 surveyed the entire United States. This poll was not commissioned by the NRA or any gun group but by The O'Leary Report a news organization that is analyzing attitudes on over 80 issues all over the country. This scientific poll found that 78% of Americans support CCW passage in their state.

Is it right for the state to deny citizens the means of self-defense when it knowingly releases violent criminals from prisons on a daily basis?

No, this is a wrong and dangerous practice. Of course, the American system of justice includes the release of prisoners back into the general community after their sentence is served. This is a well-established practice. However, the process includes releasing convicted murders, sexual offenders, and robbers, knowing that a significant number will re-offend. It is unconscionable that a state would deny its law-abiding citizens the means to defend themselves against these released offenders when outside of their homes, where most violent crime is committed.

Why does the PFPA provide for the recognition of permits issued by other states?

Most of the 36 “shall issue” states recognize permits issued by other states. Nine states, like with driver licenses, allow for “full recognition” of all other states’ permits. These states have not experienced any problems caused by out-of-state permit holders. There is no reason to believe Kansas’s experience will be an exception to this rule. The fact that permit holders from other states possess a *valid* permit shows that they have been responsible and trustworthy in their home state. Nothing suggests that the permit holder’s law-abiding conduct will change upon entering Kansas.

What are the permit revocation rates of all of the states that report such data?

Permit revocation rates are the best available measure of the conduct of permit holders. However, it should be noted that the majority of revocations are for technical violations and offenses unrelated to a concealed firearm (i.e. DUI). The information is taken from the agency responsible for reporting in each state.

Florida: 852,504 issued, 162 (0.02%) revoked for firearms-related offenses (10/87-2/02)
Kentucky: 71,770 issued, 585 (0.8%) revoked for *any* reason (10/96-12/01)
Louisiana: 15,319 issued, 67 (0.4%) revoked for *any* reason (11/96-2/02)
Oklahoma: 35,329 issued, 108 (0.3%) revoked for *any* reason (2/02)
North Carolina: 47,046 issued, 242 (0.5%) revoked for *any* reason (12/95-9/01)
South Carolina: 33,492 issued, 164 (0.5%) revoked for *any* reason (8/96-5/02)
Texas: 223,584 issued, 1,772 (0.8%) revoked for *any* reason (1/96-5/02)
Tennessee: 130,187 issued, 1,126 (0.9%) revoked for *any* reason (12/96-5/02)
Utah: 44,173 issued, 565 (1.3%) revoked for *any* reason (1/02)
Virginia: 172,347 issued, 372 (0.2%) revoked for *any* reason (7/95-4/02)
Wyoming: 7,480 issued, 20 (0.3%) revoked for *any* reason (10/94-2/02)

Some opponents contend that, “This legislation will allow guns to get into the wrong hands.” Is there any truth to this?

No. It sounds simple but the PFPA has nothing to do with citizens *acquiring* firearms. It only allows qualified, law-abiding citizens to *carry* firearms for self-defense. Further, the standards for obtaining a permit to carry concealed are more stringent than those for legally obtaining a firearm. This is another desperate attempt by opponents to generate confusion and scare the public.

How will policy makers and the public know just how law-abiding permit holders are in Kansas?

The PFPA provides for an annual report that will specify the number of permits issued, suspended and revoked and the specific reasons for suspension and revocation. PFPA opponents contend that the NRA advocates that permit holder information be kept confidential in order to “hide the misconduct of permit holders.” This is absurd. Like in other states, this report provision allows for the extraordinarily law-abiding conduct of permit holders to be presented for all to see without compromising the confidentiality expected by individual permit holders.

Why does the PFPA allow permit holders to carry their concealed weapons into restaurants that serve alcohol?

Virtually all restaurants serve alcohol for on-premise consumption. Permit holders should not be prohibited from defending themselves and their families from criminal attack while dining out. Of the 45 states with concealed carry laws, 36 allow carry in these establishments. In fact, the PFPA, by limiting carry to those establishments that generate at least half of their income from food sales, is much more restrictive than the vast majority of the 36 states. There have been no incidents of permit holders resorting to violence with their firearms in these establishments. Again, there is no reason to believe Kansans will prove to be the exception to this long-established rule. Finally, it would be dangerous and irresponsible to require permit holders to store their firearms in their vehicles while in restaurants because this leaves the firearms vulnerable to theft.

When background checks are performed on permit applicants, is the disqualifying mental health information available in the state and federal databases?

In some cases it is but in many cases it is not. This is a problem that existed long before the introduction of the PFPA because the same database is used to perform background checks on citizens who are attempting to *purchase* a firearm (people with an involuntary mental health commitment are prohibited from possessing firearms under federal law).

A bill pending in Congress would provide federal grants to states in order to incorporate this information into the federal database used by DOJ for background checks. It is supported by the NRA and has overwhelming bi-partisan backing. Its passage is virtually guaranteed. In order to use this grant money, state statute will have to be amended to provide the authority and system that will facilitate the transfer. The Legislature should take the opportunity presented by the PFPA to make these necessary changes.



Department of Public Safety / Criminal Justice & Fire Science
Garden City Community College
801 Campus Drive, Garden City, KS



Professionalism Through Education



Date: March 12, 2004
To: Peter Brungardt, Chairman, Senate Federal & 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 providing written testimony 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 incorporates 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, 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 and responsible Kansas citizens to make their own choice.

Thank you.

Linda Morgan

Linda Morgan

Senate Federal and State Affairs Com.

Date: *March 15, 2004*

Attachment: # *9*



Office of the Sheriff

P.O. Box P
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James F. Jarboe, Jr.
Sheriff

Ray C. Morgan
Undersheriff

Phone (620) 355-6211
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DATE: March 15, 2004
TO: Peter Brungardt, Chairman, Senate Federal & 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 remain neutral, 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, "I will not know who I am dealing with, someone licensed or not licensed."

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. Officers are trained to 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

Senate Federal and State Affairs Com.

Date: MARCH 15, 2004

Attachment: # 10

Support of CCW

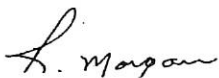
that it does not matter what is in the bill or what requirements a citizen has to meet to obtain a CCW permit.

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 hours of classroom training addressing the legal use of deadly force and the emotional issues which likely will follow should the 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 last requirements.

I go on asking, 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 the 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.

Not allowing 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 all heard both sides of this issue. I do not want to belabor this issue.

Respectfully,



R. Morgan
Undersheriff

TESTIMONY

To: Senate Federal and State Affairs Committee

From: Paula Radcliff

Subject: Support for HB 2798

Date: March 15, 2004

Good morning, Mr. Chairman and members of the Committee. 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 Emergency Medical Services 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 these 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 a public building in the downtown Wichita area. A woman was brutally raped in the elevator in the building where my friend worked. 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. While her qualifications allowed her to do so, many women are not able to make a change so easily. I have another friend who lives in rural 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. Although both women are proficient with a firearm, 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 where women are too often the

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victims. 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 ask yourself, "why is this testimony important?" It is because I stand before you today representing not only myself but also many women across the State of Kansas who take their legal responsibilities seriously. These women recognize that cell phones and self-defense classes are not sufficient to protect us from predators. These women 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 all across the State of Kansas who are willing and able to meet the requirements for our right to carry a personal protection firearm. These are women who would 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.

Paula Radcliff
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