

## MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Vice-Chairman Siegfried at 1:30 P.M. on March 2, 2006 in Room 313-S of the Capitol.

All members were present except:

Chairman John Edmonds  
Representative Ray Cox- excused  
Representative Kenny Wilk- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mary Torrence, Revisor of Statutes Office  
Carol Doel, Committee Secretary

Conferees:

Representative Sharon Schwartz  
Representative Candy Ruff  
Representative Mike Kiegerl  
Senator Phil Journey  
Kevin Graham, Office of the Attorney General  
Patricia Stoneking - National Rifle Association Certified Firearm Instructor  
Paul Radcliff - Youth Hunter Education Challenge  
Scott Hatstrup  
Steve Dryden  
Paul Degener  
Marc Galbraith, Deputy Director of the State Library  
Marshall Havenhill, II, M.D. Emporia Public Library  
Greg Gaul, Topeka Shawnee County Library  
Mark Tombs, League of Municipalities  
Sandra Barnett, Kansas Coalition Against Sexual & Domestic Violence  
Sarah Johnston, M.D.  
Kelly Johnston, Safe State Interface Ministeries  
Mark Desetta, KNEA

Others attending:

See attached list.

Vice-Chair Siegfried opened the meeting for bill introductions. There were none.

The Vice-Chair opened the floor for public hearing on **SB 418** - Personal and family protection act; licensing to carry concealed firearms.

Representative Sharon Schwartz was recognized supporting **SB 418** and delivered testimony from a constituent, Ms. Debbie Sparke. In this testimony, she related that Ms. Sparke had been stalked and harassed by a co-worker/neighbor and was attacked in 1993. Ms. Sparke fears that she is faced with bodily harm at some point in the future and urges support of the "Personal and Family Protection Act". (Attachment 1)

Representative Candy Ruff addressed the committee supporting **SB 418**. Representative Ruff told of hearing from two constituents who had been rape victims. They were also stripped of their keys, purses, identification, and money. Each victim wanted to be able to protect herself by carrying a small firearm. The Representative stated that she would be offering several amendments in order to allay the fears of those she trusts and respects. She offered that she would prohibit the weapons in places such as churches, libraries, daycare and daycare centers. (Attachment 2)

Representative Kiegerl rose in support of **SB 418** relating that he would like to feel that his wife and daughter have adequate protection by being able to carry a firearm when they are traveling by themselves.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 2, 2006 in Room 313-S of the Capitol.

(No Written Testimony)

Senator Phillip Journey presented testimony favoring the passage of **SB 418**. The Senator informed the committee that he had 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. He has participated as part of a team approved by the KBI to train private detectives in obtaining their firearm permits and he is an NRA Certified Instructor and Hunter Education Instructor. He related this is about trust, trusting the constituents to have the means to protect their families, themselves and their property as well as sending a message to all not just the criminal element. He further informed the committee that up to 46 States have already enacted this type of legislation. Senator Journey related incidents in which citizens had helped law officers in the overpowering of criminals. (Attachment 3)

Also submitted by Senator Journey, were articles from various newspapers about concealed gun laws. (Attachment 4)

Giving testimony on behalf of the Attorney General Phil Kline was Kevin A. Graham, Assistant Attorney General. They support **SB 418**. Their testimony showed that Kansas is one of only four states in the U.S. that currently does not provide a legal mechanism whereby a citizen may apply for a permit to carry a concealed weapon. They further related that **SB 418** represents a well-reasoned, balanced and fair proposal to provide law abiding Kansas citizens with the means to protect themselves in the most dire of situations. (Attachment 5)

Patricia Stoneking, NRA Certified Firearm Instructor, urged the passage of **SB 418** for the safety and well-being of the people in this state and to afford them the right that is given to the citizens of 46 other states in this great nation. (Attachment 6)

Paula Radcliff of Dexter, Kansas who is involved in the Youth Hunter Education Challenge, supports **SB 418**. It is her opinion that due to the criminal's instinctive knowledge, he knows that we do not have the means of self-protection. He also knows that our cell phone and self-defense classes are not sufficient to protect us from his attack. She questioned why Kansans are precluded from their right of self-protection when it is recognized in forty-six other states. It is her opinion that now is the time to re-establish those rights. (Attachment 7)

Scott Hatstrup, an attorney practicing in Lenexa, Kansas related that Kansans are responsible citizens and we deserve the opportunity to protect ourselves from criminals. It is his opinion that **SB 418** would provide a means for law-abiding Kansans to obtain training in the safe, responsible use of a firearm, and learn how and when firearms are properly used. Applicants would undergo background checks and only then would a license be issued. He urged the support of **SB 418**. (Attachment 8)

Concerned citizen, Paul Degener, addressed the committee in support of **SB 418**. Mr. Degener recited a passage from Amendment II of the United States Constitution stating that the people have the right to bear arms for their defense and security. He opined that this document seems to have been shelved. Mr. Degener urged the committee to vote in favor of the legislation as related in **SB 418**. (Attachment 9)

Also included in Mr. Degener's testimony was a copy of "*Quotes From The Founding Fathers Regarding Guns*". (Attachment 10)

Steve Dryden, School Psychologist from St. John, Kansas favors the passage of **SB 418** relating that it is he comes in contact with dangerous people and situations in his line of work. He would like to feel that he has the opportunity to protect his wife, daughter and himself should the need arise. (Attachment 11)

Written testimony favoring **SB 418** was submitted by Keith Wood of the National Rifle Association. (Attachment 12)

Sandra Barnett of the Kansas Coalition Against Sexual & Domestic Violence addressed the committee with a request to amend **SB 418**. Ms. Barnett stated that the bill does not adequately provide for the situation

## CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 2, 2006 in Room 313-S of the Capitol.

where a current license holder becomes subject to a disqualifying event, such as a protection order. Her testimony further stated that a revocation of the license must occur quickly as the period immediately after applying for a protection order can be a particularly dangerous time for a victim. While there are provisions for revocation, they believe that it is not adequate. A copy of their recommended amendments were submitted for review. ([Attachment 13](#))

Mark Galbraith, Deputy State Librarian, State Library of Kansas, addressed the committee saying that it is the feeling of his colleagues who administer and work in the public libraries that **SB 418**, as written in Section 10, would not permit licensees to bring a concealed firearm into a variety of places including elementary and secondary school and public and private school sporting events. They encourage that public libraries also be listed among the places and the activities included in Section 10. ([Attachment 14](#))

Marshall Havenhill, a semi-retired physician, member of the Board of Directors of the Emporia Public Library, Vice-President of the North Central Kansas Library System and a member of the Kansas Library Trustees Association Board. requested that public libraries be included from the provisions of **SB 418**. ([Attachment 15](#))

Greg Gaul, Safety and Security Manager for the Topeka and Shawnee County Public Library also spoke as a neutral to **SB 418**, but asking that libraries be added to the list found in Section 10 of **SB 418**. ([Attachment 16](#))

The League of Kansas Municipalities was represented by Mark Tomb. They oppose **SB 418** listing Page 10, New Section 17 of the bill which states all current and future cit ordinances regarding the concealed carry of weapons are declared to be invalid. Also on Page 7, New Section 10 of the bill lists a number of locations where carrying concealed weapons would not be allowed. The League would like to see the addition of "any city owned or leased property or facility including, but not limited to city hall, public parks, recreational facilities , and public works buildings." ([Attachment 17](#))

Sarah Johnston, a Wichita physician, is an opponent to **SB 418**. Doctor Johnston feels that the growing epidemic of firearm-related injury and death is a high-priority public health issue. This would required additional hospitalization as well as five times as many outpatient cares. She related that nationally, firearm related injuries cost between \$1.4 billion to \$4.0 billion annually in direct medical costs. Dr. Johnson also submitted a chart showing the selected state firearm death rates and legislation for children. ([Attachment 18](#))

Kelly Johnston addressed the committee representing Safe State Kansas/Inter-Faith Ministries as opponents to **SB 418**. Mr. Johnston said the Safe State Kansas is totally opposed to the concept of legally carrying concealed weapons - except by commissioned law enforcement officers. His testimony visited the various problems with concealed carry. ([Attachment 19](#))

The Kansas National Education Association (KNEA) was represented by Mark Desetti opposing **SB 418** for the reason that they take a position regarding firearms and students. They related that firearms must not be allowed near any school function or activity regardless of where that activity might be. ([Attachment 20](#))

Written testimony in opposition to **SB 418** was submitted by Lt. Colonel R. Keith Faddis, Overland Park Police Department ([Attachment 21](#)); Cynthia Berner Harris, City of Wichita ([Attachment 22](#)); Mike Taylor, Unified Government Public Relations ([Attachment 23](#)); and Janis McMillen for the League of Women Voters of Kansas ([Attachment 24](#)).

With no other persons wishing to address **SB 418**, Vice-Chairman Siegfroid closed the public hearing.

With no further business before the committee, Vice-Chairman Siegfroid adjourned the meeting.



STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

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COMMITTEE ASSIGNMENTS  
CHAIRPERSON: AGRICULTURE AND NATURAL  
RESOURCES BUDGET  
MEMBER: APPROPRIATIONS  
ENVIRONMENT

Chairman Edmonds and Committee members -

Thank you for the opportunity to appear today in support of the SB 418 – Personal and Family protection act SB 418. Ms. Debbie Sparke, a constituent of mine, contacted me and requested that I appear for her today. She is the postmaster in Randolph, Kansas and was unable to leave her work to appear on her own behalf.

Her testimony that I will read is attached.

Thank you for allowing me to speak on Ms. Sparke's behalf

FEDERAL AND STATE AFFAIRS

Date 3-2-06

Attachment 1

Honorable Legislators,

I would like to thank you for the privilege of expressing my support of the "Personal and Family Protection Act."

In 1991 I was stalked and harassed by a co-worker/ neighbor. This activity escalated until an attack occurred in 1993. At that time I was the victim of Aggravated Burglary, Aggravated Battery, Aggravated Assault, and Aggravated Kidnapping. The man was found guilty and sentenced to prison. He was paroled in August of 2004. He will remain on probation until March 2013. He is not to return to Riley County, and not to have any contact with me in any form. He was diagnosed as a Compulsive/Obsessive personality. According to my expert, he will not improve without therapy and medication. He has received neither, while in prison, or since being released.

I am faced with the possibility of great bodily harm at some point in the future. In 1993, there was no doubt in my mind that he intended to kill me. He had planned everything down to the last detail. Even to the extent to have filled out an emergency leave request for me. My employer would not have missed me for a week.

Not knowing what to expect upon his release, I built a house with exit strategies for every room. I started getting involved with the Friends of Fancy Creek Shooting Range, took firearms classes and "Refuse to be a Victim" classes. I have done everything I can to be prepared and able, to defend myself.

Except.. when I leave my property. As a law abiding citizen of the state of Kansas, I am not allowed to carry a firearm for personal protection. By March of 2013, if Kansas has not passed a "personal and family protection act", I will move to a state that has shown the wisdom and foresight to allow law abiding citizens the ability to protect themselves and their families. A convicted felon will have no qualms about carrying a gun. It is the innocent, law abiding citizen that Kansas is hurting.

Please support the "Personal and Family Protection Act".

Thank you for the time and attention you have given to this very important matter.

Thank you for allowing me to speak to this critical issue.

Respectfully submitted,

Debra K Sparke  
PO Box 1  
Randolph KS 66554  
785-944-3637

L. CANDY RUFF  
REPRESENTATIVE FORTIETH DISTRICT  
LEAVENWORTH COUNTY  
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COMMITTEE ASSIGNMENTS  
RANKING MINORITY MEMBER: COMMERCE & LABOR  
MEMBER: FEDERAL AND STATE  
AFFAIRS  
WILDLIFE, PARKS &  
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TOPEKA  
HOUSE OF  
REPRESENTATIVES

Testimony of Rep. L. Candy Ruff  
Presented in Support of SB 418  
To House Federal and State Affairs Committee

Because this is the 10<sup>th</sup> year in which I have supported Right to carry legislation, I want to assure you that we, as Kansas lawmakers, can trust the law-abiding citizens of Kansas. When I first became familiar with this legislation in 1996-97, I hadn't heard too much about the bill. Because my husband is a police officer, I asked him about the legislation. He said the last thing cops are afraid of is law abiding citizens. That was good enough for me.

The 1996 bill had been before my House Federal and State Affairs Committee about a week when I heard from two of my constituents. Articles had appeared in my local newspaper explaining the bill and these two women asked me to support it. When I asked them why, they told me of being rape victims. Both were attacked outside their homes, neither had reported their crimes to the police, but in both instances, the perpetrators had taken their keys, purses, identification and money. Both were scared to death.

Each wanted to protect herself by carrying a small fire arm. I immediately told them yes, I would support the bill and do what ever it took to get the bill passed. That was 10 years ago and I'm still fighting.

There are 46 states who currently allow conceal carry for their law abiding citizens and Nebraska is only a few weeks away from approval. For 10 years, I've been directly involved in the issue.

When it comes to the bill before you, I will be offering several amendments in order to ally the fears of those I trust and respect. Adding to prohibited places will be churches, libraries, day care centers according to state statute.

FEDERAL AND STATE AFFAIRS  
Date 3-2-06  
Attachment 2

## SENATOR PHILLIP B. JOURNEY

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TOPEKA

## SENATE CHAMBER

**Testimony for the Kansas House of Representatives  
Federal and State Affairs Committee  
Presented March 2, 2006, in Support of SB418**

## COMMITTEE ASSIGNMENTS

MEMBER: SPECIAL CLAIMS AGAINST THE STATE  
(JOINT), CHAIR  
HEALTH CARE STRATEGIES  
JUDICIARY  
PUBLIC HEALTH AND WELFARE  
TRANSPORTATION

CORRECTIONS AND JUVENILE JUSTICE  
OVERSIGHT (JOINT)

SOUTH CENTRAL DELEGATION, CHAIR

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 firearms 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.

FEDERAL AND STATE AFFAIRS

Date 3-2-06Attachment 3



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 snapshots 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,

A large, stylized handwritten signature in black ink, appearing to read "Phillip B. Journey". The signature is written over the typed name and extends to the right with a long, sweeping flourish.

Phillip B. Journey  
State Senator, 26<sup>th</sup> District

ALEXANDRIA

THE

# Journal

The daily newspaper of Alexandria, Virginia

Wednesday, July 9, 1997

## Critics Admit Gun Law Hasn't Hurt

By ROBERT WHITE

Journal staff writer

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

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

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

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

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

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

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

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

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

Arlington County Police Detective

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FEDERAL AND STATE AFFAIRS

Date 3-2-06Attachment 4

Reprints

# Austin American-Statesman

SUNDAY, February 2, 1997

## Shootout in mild West

**T**exas' concealed-carry handgun law was enacted amid concerns in some quarters that it would lead us back to the days of the Wild West. But even though more than 116,000 Texans now are licensed to carry, there have been only a few incidents.

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

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

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

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

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

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

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

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

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

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

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

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

# The Gaston Gazette

SUNDAY, February 16, 1997

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

**0** were used to commit a crime

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

By **Waynette Gladden**  
Gazette Staff Reporter

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

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

Of the 20,082 gun permits issued, one of the permit holders used a permit to commit a crime.

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

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

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

"Concealed weapons should not be the answer to making people safe on

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

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

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

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

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

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

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

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

happened in other states," Joye said.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# THE DAILY OKLAHOMAN

The State Newspaper Since 1907

OKLAHOMA CITY, OK

WEDNESDAY, MAY 14, 1997

## Fears of More Crime Off-Target Under Gun Law

By Diane Plumberg  
Staff Writer

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

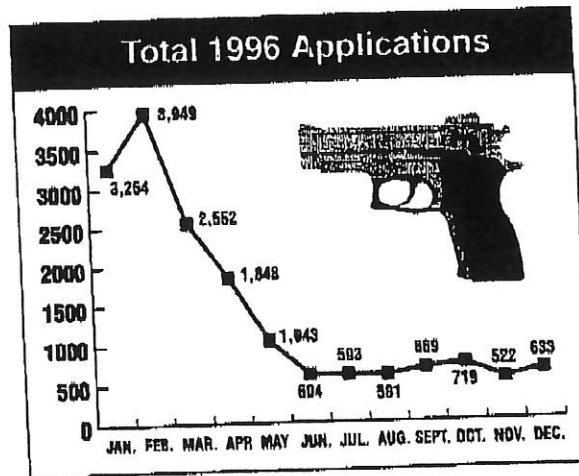
Only one gun owner is accused of using his licensed weapon in a crime.

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

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

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

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



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

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

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

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

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

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

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

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

In December, 633 Oklahomans applied. Just fewer than 2,000 people have applied for a permit in the first four months of 1997-compared with 10,775 in the same time last year.

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

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

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# Investor's Business Daily

"For People Who Choose To Succeed"

Thursday, January 8, 1998

## EDITORIALS

### VIEWPOINT

## No Smoking Gun With Concealed Weapons Laws

By MORGAN O. REYNOLDS &  
H. STERLING BURNETT

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

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

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

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

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

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

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

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

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

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

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

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

Consider also:

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

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

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

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

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

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

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

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

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

# Discovering Security in the Barrel of a Handgun

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

—Randall C. Resch  
Editor, *POLICE*

The writer is the John M. Olin law and economics fellow at the University of Chicago Law School.

# 'Gun Study Extensive, Thorough'

CHICAGO

**RESPONSE TO FEB. 28 EDITORIAL: 'FLAWED STUDY BACKS CONCEALED WEAPONS'**

Will allowing law-abiding citizens to carry concealed handguns save lives? Using FBI crime data for all 3,054 U.S. counties by year from 1987 to 1992, David Mustard and I published

a paper in the January 1997 Journal of Legal Studies finding that allowing concealed handguns deters violent crimes and produces no significant increase in accidental handgun deaths.

Our figures show the dramatic drop: Violent crime rates do respond to the adoption of these laws. Additional evidence indicates that these crime drops coincide very closely with the number of concealed handgun permits issued.

Not all crime categories fell, however. Some evidence suggests small increases in larceny and auto theft. When potential victims are able to arm themselves, some criminals appear to switch away from directly attacking victims and into substitute crimes like auto theft where the probability of direct contact with victims is small.

The data provided other surprises. While the support for the strictest gun control laws has usually been strongest in large cities, the largest drops in violent crimes occurred in the highest-population counties with the highest crime rates.

Women also benefited from obtaining permits more than men did.

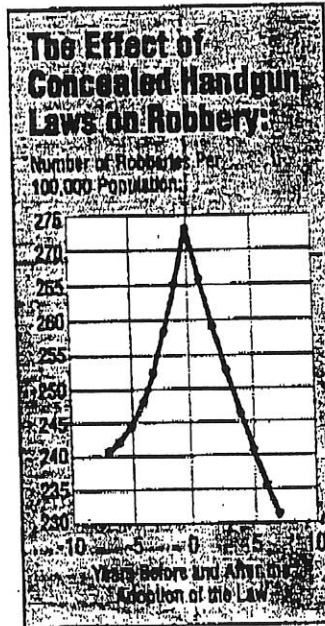
These data have been made available to academics at 24 universities, including Harvard, Stanford and Carnegie Mellon Universities and the Universities of Pennsylvania and Texas. Indeed, they have been given to all academics who have requested them.

No one has had any trouble replicating the study's results, though, as a recent editorial in The Omaha World-Herald noted, researchers at Carnegie Mellon University have disagreed with our interpretations. Several others have also criticized our findings.

Let me briefly respond to the points raised in The World-Herald editorial:

■ The study did not assume an "immediate and constant" effect from the laws. Indeed, one of the paper's central arguments was that the size of the deterrent effect was related to the number of permits issued, and it takes many years before the states reach their long-run level of permits.

■ We did not claim that there would be "similar effects across different states and counties." We did not claim this because we did not expect



Data from author's study: Chart illustrates, for example, that rate of robberies two years before concealed handgun laws took effect was about the same as the rate two years after the laws began. The difference, the author says, is that before the laws, the rate was increasing, and after the laws, the rate was decreasing, and it continued to decrease to a level below what it had been a similar number of years before the laws took effect.

the number of permits to change equally in all places. A major reason for the larger effect on crime in the more urban counties was that in rural areas permit requests already were being approved, hence it was in urban areas that the number of permitted concealed handguns increased.

■ While we think that Virginia's 1988 law clearly attempted to take away local discretion in issuing permits, the paper examined whether reclassifying Virginia affected the results. It did not. Given that we examined the data for all 50 states and the District of Columbia, changing the classification of one or two states is unlikely to affect any results.

■ The Carnegie Mellon researchers claim that when they compared the crime rates two to three years after the law with crime rates two or three years before the law, they "found no clear indication that the laws reduced crime." Look at the accompanying chart. As crime is rising right up until the law is adopted and falling thereafter,

it is not surprising that some values when the crime rate is going down are equal to those when it was going up. It is the slopes of the line that matter, and not simply the levels.

■ Despite claims to the contrary, we tried to control for national and state crime trends in several ways. The drops in crime rates not only begin right when the laws pass, but the resulting drops take the crime rates well below what they had been prior to the law.

So how much confidence do we have in these results? The almost 50,000 observations in our data set allow us to control for a whole range of other factors never accounted for in previous crime studies. For example, do higher arrest or conviction rates lower crime? What about longer prison sentences? What about changes in other handgun laws such as those imposing a penalty for using a gun in a commission of a crime or the well-known waiting periods? Is it possible that income-poverty, unemployment or demographic changes matter?

All these factors might play some role in affecting crime, but no previous gun study has controlled for changing criminal penalties, and only a few allow for any other considerations whatsoever.

In contrast with our work, the largest previous study examined 170 cities within one single year and found results similar to ours. In contrast, a 1995 study by three criminologists at the University of Maryland — which is undoubtedly the most cited study by gun control advocates — picked only five counties from three states with no explanation on how those five counties were chosen. Their study controlled for no other possible causes of crime and found that murders by handguns rose in three counties, stayed constant in one and fell in another.

Yet while people have strong views on either side of this debate and one study is very unlikely to end this discussion, the very large size and strength of our results should at least give those opposed to concealed handguns some pause. Crime-fighting methods that potentially offer at least 8.5 percent drops in murder rates are difficult to ignore.

**BILL TAMMEUS**

■ O.J. Simpson denies reports that he's bought a home in Florida. Oh, right. Like anyone would believe his denial.

■ Deng Xiaoping's family finally scattered his ashes at sea the other day. It's appropriate that he's still mostly all wet.



# TULSA WORLD

93rd Year - No. 140 • Tulsa, Oklahoma, Saturday, January 31, 1998 • Entire Contents © 1998 World Publishing Company

## Concealed Gun Carrier Subdues Suspect

By: Nicole Marshall  
World Staff Writer

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

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

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

Police reports identified the man

### Man Reportedly Had Snatched Toddler

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

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

Allen said the man on the ground, who had pulled his pants and underwear down below his knees by the time police arrived, was Donald Neal Moore, 36.

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

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

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

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

That's when Case took action.

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

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

He said Moore was standing about

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

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

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

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

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

See Caught on A-3

## ... Caught

Continued from A-1

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

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

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

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

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

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

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

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



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March 1, 2006

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

Testimony in Support of  
Senate Bill No. 418  
by  
Kevin A. Graham  
Office of the Attorney General

Dear Chairman Edmonds and Members of the Committee:

Thank you for allowing me to appear today on behalf of Attorney General Phill Kline in support of Senate Bill 418 the Personal and Family Protection Act. SB 418 proposes legislation designed to permit adult, law-abiding, trained and licensed Kansas citizens to carry a concealed weapon for lawful self-defense.

If SB 418 is enacted into law Attorney General Kline stands ready to begin implementing the license application and approval process for the issuance of concealed carry permits in the State of Kansas. While there will obviously be a considerable amount of work involved (drafting and implementing administrative regulations; approving training programs; developing appropriate application forms and identification documents; training county sheriff's offices) Attorney General Kline feels these tasks can be accomplished within the 180-day application approval requirement provided for in the bill (for applications submitted prior to July 1, 2007.)

The members of this committee are likely already aware Kansas is one of only four states in the U.S. that currently does not provide a legal mechanism whereby a citizen may apply for a permit to carry a concealed weapon. As of 2005, thirty-seven states have adopted "shall issue" statutes providing for the concealed carry of a firearm by a qualified individual. SB 418 would enact a "shall issue" law for the lawful concealed carry of a weapon in Kansas. The distinction between a "shall issue" state and a "may issue state" in regards to concealed carry statutes is that in "shall issue" states if the citizen applying for the permit has met each and every one of the statutorily required qualifications for the permit then the state must issue the citizen the requested permit. In "shall issue" states the decision on whether or not a citizen may obtain a concealed carry permit is not left to the discretion of a government employee; the law determines who will be eligible for a permit not an individual.

FEDERAL AND STATE AFFAIRS

Date 3-2-06  
Attachment 5

While much is often written and cited concerning the concealed carry laws in states such as Florida, Texas and New York (yes, they even have concealed carry in New York City) it is sometimes forgotten that nearly all of our Mid-Western neighboring states also already have "shall issue" laws on the books. Colorado, Missouri, Oklahoma, Arkansas, North Dakota, South Dakota and Indiana all provide their citizens with the right to carry a concealed weapon for self-defense under laws very similar to what is proposed in SB 418. Legislators in each of those states determined that law-abiding, properly trained and licensed citizens of their states deserved the ability to have the means to protect themselves and were capable of dealing with the responsibility of concealed carry.

Members of the committee, during the course of the debate on this bill you will no doubt be quoted statistics and survey results from a variety of sources seeking to convince you that concealed carry increases or decreases public safety. For example, data from the FBI in 1999 indicated right-to-carry states had lower violent crime rates, on average—24% lower total violent crime, 22% lower homicide, 37% lower robbery, and 20% lower aggravated assault—compared to other states and D.C. Does this statistic alone guarantee that if SB 418 is enacted violent crime in the State of Kansas will decrease? No. There are many factors which have been shown to have a direct correlation to violent crimes rates including economic fluctuations, unemployment, drug crimes and the weather just to name a few. However, statistics such as those from the FBI certainly do call into question the assertions of those who would claim that concealed carry of firearms increase crime. It must be kept in mind that SB 418 contemplates allowing individuals to carry concealed weapons who are of legal age, have not been convicted of felony offenses, are willing to complete a training program, go through a background check and pay a licensing fee. Simply put, these are not the type of individuals most likely to engage in violent crime. Further, SB 418 requires applicants for concealed carry permits must complete a training program that will include information on the safe storage of their firearms, thus there is the potential for greater safety in the storage of firearms in Kansas households where firearms are already located.

SB 418 represents a well-reasoned, balanced and fair proposal to provide law-abiding Kansas citizens with the means to protect themselves in the most dire of situations. It is time that Kansas stepped up to the plate and provided its citizens with a lawful choice concerning self-defense. On behalf of Attorney General Phill Kline, I encourage the Committee to support SB 418 and to recommend the bill favorably for passage.

Respectfully,



Kevin A. Graham  
Assistant Attorney General  
Director of Legislative Affairs

Thank Mr. Chairman and honorable members of the Committee for allowing me to testify before you today. My name is Pat Stonek. I am from Bonner Springs, KS and I am a proponent of Senate Bill 418-The Concealed Carry Bill. I am an NRA Certified Firearms Instructor. I teach Basic Safety and Personal Protection classes at The Bullet Hole Shooting Range in Overland Park, KS. Additionally, I conduct Refuse To Be A Victim® seminars, a program by the NRA that teaches Crime Prevention and Personal Safety. In my capacity as a firearms instructor I have encountered many students, both male and female, who have taken my classes because they have been a victim of violent crime or feel they have the potential of becoming a victim. I am here today to share some of their stories with you to help you understand why the citizens of Kansas need and deserve the right to protect themselves. I'd like to tell you about a middle aged widow who lives in Kansas City, KS that has been a victim of stalking for over a year now. I will refer to her as student "A" to protect her privacy. Student "A" has not felt safe for a very long time. Her stalker is a man whom she dated only a few times. She let him know she did not wish to continue to go out with him after realizing that he had some serious emotional problems and he became obsessed with not letting her go. He began threatening her and convinced her that her life was in danger. He continually drives by her workplace and her home, leaves notes on her car saying he will never let her go, calls her constantly on both her home and cell phones and sends her emails and letters of a very sick nature. One afternoon he blocked her in her own driveway with his vehicle after following her home without her realizing she was being followed and when he saw her make a call on her cell phone, left just minutes before the police arrived. She felt trapped. She was afraid to get out of the car. On another occasion she caught him attempting to come in an open window in her home which she managed to get closed before he finished getting the screen off. She yelled at him the police were on the way and he left before they arrived. Once when she was leaving home, she found his hat hanging on the door knob of her front door. Obviously a message that he can come and go without being detected. He has continued this behavior for over a year even though there has been a protective order placed on him by a reasonable court that saw him as a threat to her. She has had to call 911 repeatedly and the response time is always a minimum of 20 minutes. She knows they cannot get there in time to save her. She has changed both her home and cell phone numbers, installed an alarm system in her home and had her male employer tell him to quit calling and coming to her work. None of this has made a difference. A statement from one of his notes reads, "I'm called Veto Bandito and I prey on lonely widowed women." She has told me that she is terrified that someday he will finally hurt her. Determined to protect herself, she came to me to get training in the use of a firearm as she feels it is the only chance she has to remain safe. She has to live in fear and constantly watch that he might be lurking in the shadows every where she goes. This woman deserves the right to protect herself from an assault or possible deadly bodily harm from this person. She should have the means to protect herself while traveling to and from work and doing her shopping and errands.

My second example I'll call Student "B". Student "B" is a single woman 35 years of age who also lives in Kansas City, KS. As she went about her business in her home late one evening a man started banging violently on her front door. She felt he was about to break the door in and called 911 for help. She screamed through the door that she had a gun, which she did not actually have, and that she would shoot him if he came in. He went away. Just the verbal threat of her having a gun deterred this assailant from further attempts to enter her home and most likely saved her from becoming a statistic of violent crime. The police did not arrive for several minutes after he had fled. A confrontational situation could occur in any number of places and having a gun would provide a deterrent.

A third example, Student "C", a middle aged female also from Kansas City, KS, has been a victim of domestic violence. Her now ex-husband is about to be released from jail for severely assaulting her and she is afraid for her life. She told me that she knows in her heart that he will kill her. She too has sought training in the proper use of a firearm so that she can defend herself.

In the debate over Kansas concealed-carry permits, please don't forget the difference between men and women. This past November there was a murder in my hometown of Bonner Springs, KS which took place at the Dollar General Store where I often shop. I could not help but consider that if Robin Bell would have had the choice, and made the choice to carry a firearm, she may be alive today. Instead she was overpowered and beaten to death by a violent assailant. I ask myself, what if I would have been in that store when that happened! I know that if given the choice to carry a firearm and possessing self-defense skills through training, I could have protected myself. As it is, I am not given the choice and know that I could become a victim just as she became a victim that evening. I have to ask why I do not have that choice. That assailant is still walking the streets, maybe in my town and this crime goes unsolved. There are those that pretend there is no need for self-defense in our state. My personal experience and research tells me otherwise.

Once you become a victim, you are never the same psychologically. The students I have told you about and others not mentioned in this testimony live their daily lives in fear. I am asking you to empower them and all citizens by giving us the right to carry and use the tool that may save our lives and our sanity. The right of a rational, responsible, safety-conscious adult to carry a gun offers one way for women to protect themselves against violence.

I ask you to consider that these women and many others have the right to protect themselves from bodily harm. I respectfully ask you to consider all the circumstances in which a woman or man may find themselves in need of a firearm to save their life or the life of a loved one. As an Instructor I hear many stories about why people are taking my classes. The one commonality for the majority of students is that they feel the need to be able to protect themselves. The absolute one thing that 100% of them have in common is that they are responsible enough citizens to know that they need to have training and seek it on their own.

In closing, I urge you to pass Senate Bill 418 for the safety and well-being of the people in this state and afford them the right that is given to the citizens of 46 other states in this great nation. Mr. Chairman and members of the Committee, I thank you for your time today in allowing me to present my point of view.

List of Statistical Resources used in expanded verbal testimony:

<http://www.icpsr.umich.edu/NACJD/NCVS/> - NCVS Information (National Archive Of Crimi  
<http://www.rainn.org/statistics/> - Rape & Reporting Statistics (RAINN – Rape, Abuse and Ince  
<http://www12.familywatchdog.us/> - Map and Identification of Sexual Offenders in relation to ir

FEDERAL AND STATE AFFAIRS

Date 3-2-06

Attachment 6

## TESTIMONY

To: House Federal and State Affairs Committee

From: Paula Radcliff

Subject: Support for Senate Bill 418

Date: March 2, 2006

Good morning, Mr. Chairman and members of the Committee.

I am Paula Radcliff from Dexter, Kansas. My husband and I own a ranching operation in Cowley County. I have been married for thirty-two years and I have two children, two stepchildren and four grandchildren.

During that time, I became involved in several volunteer organizations.

Eleven years ago, our local sporting club in conjunction with the Kansas Wildlife and Parks hosted our first Youth Hunter Education Challenge. The YHEC program focuses on firearms training and safety after the Hunter Education program.

During the YHEC event, many mothers expressed a desire to have similar events for women only. This was the beginning of our Women on Target programs. The women receive one on one instruction with pistols, shotguns and rifles.

The responses to the Women on Target, which are now held annually, have been overwhelming. We have trained hundreds of women. I was also asked to join the board of the Kansas State Rifle Association to help develop Women on Target events in other areas of the state.

During this time, I have become acquainted with many women of all ages and of various occupations. They are responsible 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 a combination thereof.

One mother traveled from Topeka for our class last fall. She loves to take her children camping and fishing in Kansas during the summer months. She is greatly concerned for their safety. She has the right to protect them in their home but outside the home she realizes they are more vulnerable.

Last week, a prominent realtor in our area called to express her support for SB 418. She is very small in stature and worries about meeting clients at an unoccupied homes. She is also President of our Chamber of Commerce and travels late at night by herself.

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The common thread that binds us together is our desire for our right to protect and defend ourselves in a violent society where women are too often the victims.

With more women living alone, working outside the home, traveling alone or with their children, we have become more accessible targets and our need for personal protection has become more acute.

Due to the criminal's instinctive knowledge, he knows that we do not have the means of self-protection. The predator knows that our cell phones and our self-defense classes are not sufficient to protect us from his attack.

Perhaps the Kansas Legislature was prudent in not passing a Right To Carry Act in the early years. It was enacted in Florida in 1987. In the following nineteen years, 37 states, including our governor's home state of Ohio have enacted "shall issue" legislation and nine states with "may issue" legislation. There was not a return to the days of the Wild West as many predicted. Not one state has reported an upsurge in crime. If there were, the 46 states would have immediately repealed their right to carry. To date, no state has repealed their statutes that allow their citizens to protect themselves and their loved ones.

Mr. Chairman, members of the Committee, I would ask you, why are we, in Kansas, precluded from our right of self-protection when it is recognized in forty-six other states? I believe that now is the time and place to re-establish those rights. We want you to know that we would take the responsibility seriously and that we can be trusted with those rights.

I thank you for the opportunity to appear before you today and ask for your support for Senate Bill #418.

Paula Radcliff  
P.O. Box 100  
Dexter, KS 67038  
620-876-5418

Statement before the Kansas House Federal and State Affairs Committee  
in support of SB 418, March 2, 2006

**Scott G. Hatstrup** (*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. He has presented CLE seminars on firearms law to the Johnson County Bar Association several times. Mr. Hatstrup 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.

SB 418 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. SB 418 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. It is identical to the final amended version of HB 2798 which passed the Legislature in 2004, other than a change to a 2007 effective date, and the Senate committee amendments.

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 SB 418, 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.

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. SB 418 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

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bill. Most gun owners never take any sort of training course. Only 1 to 4% of the total eligible population in a state ever obtain 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 victimized 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. Those of you who have sat on this committee over the years have hear many heart wrenching accounts from many women in similar situations, including members of this very legislature. Open carry is not a viable alternative since it is actually illegal in Kansas City, Topeka, and Wichita, and is strongly discouraged in other large cities.

I have been speaking to various legislative committees on this issue since 1995. In that time, I have seen the opponents go from alleging that blood would run in the streets if Kansas enacted this law to enacting various straw man arguments that permittees would go looking for trouble, and accusing people of being vigilantes when they just want to defend themselves from criminals. They claim various statistics kept by the State of Texas during the first year of its new law prove something other than that there was a serious interpretation problem on the part of law enforcement, or that most of those charges were in fact dismissed. The Texas Department of Safety, in charge of law enforcement throughout that state, does not use those statistics for the purposes for which these groups claim they mean. Various groups that have called for handgun bans since the 1980s have raised false argument after false argument in the 20 or so states that have adopted or loosened carry laws since that same time. In every case, the legislators listened to reason, and not their shrill rhetoric.

I urge your support for SB 418. 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 SB 418 will protect both.



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March 2, 2006

SUBJECT: SB 418, Conceal Carry Legislation

Mr. Chairman, members of this committee, my name is Paul Degener and I am here in support of SB 418.

"II. ...the right of the people to keep and bear arms shall not be infringed." Amendment II, United States Constitution.

"§ 4. Bear arms; armies. The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power." Amendment 4, Kansas Bill of Rights.

The above passages just about say it all. The founding fathers intended that the law abiding citizens of this country would always be armed. But in recent times, it appears as though we have placed these documents on the shelf and have forgotten them or have chosen to ignore them. If we were to take these documents seriously, we would not be having this discussion today. We would automatically be allowed to bear arms for our self protection.. I have enclosed some quotes from the founding fathers to support this position. (Incl 1)

Studies have been conducted to support the notion that those states that have passed conceal carry legislation have experienced lower crime rates. If Kansas were serious about reducing crime, they would have passed conceal carry legislation long ago. History in Kansas however, shows us that when we have a legislature willing pass conceal carry, we are saddled with a governor who will veto it. When we have a governor who will sign conceal carry legislation, we don't seem to be able to put together a legislature that will pass it. We in Kansas are in a no-win situation. We are one of four states without conceal carry.

About two years ago we were considering conceal carry legislation and several conferees were asked about the feasibility of using mace or pepper spray in lieu of a handgun. I would like to attempt to answer that question. While attending a two-day defensive hand gun course at Frontsight Firearms Trainging Institute, we were provided with the following information.

#### **How close is too close?**

"Mike Waidelich designed a study which measured the amount of time the "average" man can present his weapon from the holster or the "Ready" position and fire a single shot in the center of mass of a humanoid target and compared it to the distance a man armed with a contact weapon could run and inflict a fatal wound. The time is 1.5 seconds. In that 1.5 seconds, the "average"

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man can travel 21 feet. Therefore, when facing an opponent armed with a contact weapon, 7 to 10 yards away, with nothing intervening between you and the weapon, you are in immediate danger of death or serious bodily injury. Dennis Tueller later wrote an article on Mike Waidelich's study which appeared in SWAT Magazine, 1983 and the study became known as the Tueller Drill."

I have never had an occasion to use mace, but I would guess that for mace to be effective, you would have to be much closer than 21 feet. Based on the foregoing, I would suggest that a person closer than 21 feet from an assailant would be in mortal danger even if armed with a firearm.

The natural instinct of a person when threatened is to defend themselves. So, what are the alternatives? Let's say we are in the parking lot of Westridge Mall and we notice an unsavory character watching us. (I know we are not supposed to profile.) .

1. We can just stand there and allow ourselves to be attacked, robbed, raped or murdered. I don't really think I would like this alternative. I don't handle pain well, and even though I am an old geezer, I am not quite ready to pack it in just yet.

2. We can reach for our handy cell phone and dial 911. I have to take my phone off of key lock and dial. Remember 1.5 seconds, 21 feet. This doesn't seem like a good solution.

3. We can wait for law enforcement. Again remember 1.5 seconds and 21 feet.

I would like to point out that law enforcement is not obligated to answer our cry for help. If they do not arrive in time, or do not arrive at all, as an individual, you cannot sue them. Law enforcement is responsible only to the community as a whole, not individuals. What is the typical response time for law enforcement? I think I have heard the number of 20 to 45 minutes if at all. Remember: 1.5 seconds, 21 feet. This is not to disparage law enforcement. They do a fine job, but in reality, law enforcement is reactionary. Very seldom are they on the scene when a crime is being committed.

4. You can be aware of your surroundings, keep your distance from a suspected assailant and keep your licensed conceal carry weapon ready for action. The big problem with this solution is that in the state of Kansas, we are unable to legally exercise our right to self-preservation.

I urge you to vote in favor of this legislation.

Thank you for your time.

INCL:

as

QUOTES FROM THE FOUNDING FATHERS REGARDING GUNS:

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"And that said Constitution be never construed to authorize Congress...to prevent the people of the United States, who are peaceable citizens, from keeping their own arms..." SAM ADAMS, in the Philadelphia Independent Gazetteer, Aug. 20, 1789.

"To preserve liberty it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them..." RICHARD HENRY (LIGHT HORSE HARRY) LEE, writing in Letters from the Federal Farmer to the Republic (1787-1788)

"On every question of construction [of the Constitution] let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed." THOMAS JEFFERSON, letter to William Johnson, June 12, 1823, found in The Complete Jefferson, p. 322

"The whole of the Bill [of Rights] is a declaration of the right of the people at large or considered as individuals... It establishes some rights of the individual as unalienable and which consequently, no majority has a right to deprive them of." ALBERT GALLATIN of the NY Historical Society, October 7, 1789

"...the people have a right to keep and bear arms." PATRICK HENRY AND GEORGE MASON, Elliot, Debates at 185

"No free man shall ever be debarred the use of arms." THOMAS JEFFERSON, Proposal for a Virginia Constitution, 1 T. Jefferson Papers, 334 (C.J. Boyd, Ed. 1950)

"As civil rulers, not having their duty to the people duly before them, may attempt to tyrannize, and as the military forces which must be occasionally raised to defend our country, might pervert their power to the injury of their fellow citizens, the people are confirmed by the article in their right to keep and bear their private arms." TENCH COXE in "Remarks on the First Part of the Amendments to the Federal Constitution," under the pseudonym "A Pennsylvanian" in the Philadelphia Federal Gazette, June 18, 1789.

"Last Monday a string of amendments were presented to the lower house; these altogether respect personal liberty..." Sen. WILLIAM GRAYSON of Virginia in a letter to Patrick Henry.

"The people are not to be disarmed of their weapons. They are left in full possession of them." ZACHARIA JOHNSON, 3 Elliot, Debates at 646.

"A free people ought...to be armed..." GEORGE WASHINGTON, speech of Jan. 7, 1790 in the Boston Independent Chronicle, Jan. 14, 1790.

"The best we can hope for concerning the people at large is that they be properly armed." ALEXANDER HAMILTON, the Federalist Papers at 184-8

"The great object is that every man be armed. Everyone who is able might have a gun." PATRICK HENRY, 3 Elliot, Debates at 386.

"A strong body makes the mind strong. As to the species of exercises, I advise the gun. While this gives moderate exercise to the body, it gives boldness, enterprise and independence to the mind. Games played with the ball and others of that nature, are too violent for the body and stamp no character on the mind. Let your gun therefore be the constant companion of your walks." THOMAS JEFFERSON, Encyclopedia of T. Jefferson, 318 (Foley, Ed., 1967).

"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)

"A militia, when properly formed are in fact the people themselves...and include all men capable of bearing arms." RICHARD HENRY (LIGHT HORSE HARRY) LEE, Additional Letters from the Federal Farmer (1788) at 169.

"What, sir, is the use of a militia? It is to prevent the establishment of a standing army, the bane of liberty." Rep. ELBRIDGE GERRY of Massachusetts, I Annals of Congress at 750 (August 17, 1789).

"I ask, sir, what is the militia? It is the whole people, except for a few public officials." GEORGE MASON, 3 Elliot, Debates at 425-426.

"The right of the people to keep and bear...arms shall not be infringed. A well regulated militia, composed of the people, trained to arms is the best and most natural defense of a free country..." JAMES MADISON, 1 Annals of Congress 434 (June 8, 1789).

"Besides the advantage of being armed, which the Americans possess over the people of almost every other nation... Notwithstanding the military establishments in the several kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms."  
JAMES MADISON, Federalist Papers, #46.

"Have we the means of resisting disciplined armies, when our only defence, the militia, is put in the hands of Congress?" PATRICK HENRY, 3 Elliot Debates at 48.

"And what country can preserve its liberties, if its rulers are not warned from time to time, that this people preserve the spirit of resistance? Let them take arms... The tree of Liberty must be refreshed from time to time, with the blood of patriots and tyrants." THOMAS JEFFERSON, letter to William S. Smith, 1787, in S. Padover (Ed.), Jefferson, On Democracy (1939), p. 20.

"Congress have no power to disarm the militia. Their swords, and every other terrible implement of the soldier, are the birth-right of an American... [T]he unlimited power of the sword is not in the hands of either the federal or state governments, but, where I trust in God it will ever remain, in the hands of the people." TENCH COXE, Pennsylvania Gazette, Feb. 20, 1788.

"Are we at last brought to such a humiliating and debasing degradation, that we cannot be trusted with arms for our own defense? Where is the difference between having our arms in our possession and under our own direction, and having them under the management of Congress? If our defense be the real object of having those arms, in whose hands can they be trusted with more propriety, or equal safety to us, as in our own hands?" PATRICK HENRY, 3 Elliot Debates 168-169.

\*\*\*\*\* NOTE: These quotes were compiled by John Marshall, of El Paso, TX.  
Prodigy VFCM83A  
CompuServe 76366,663  
NRA Life Member

Federal and State Affairs Committee  
Room 313-S  
Capital Building  
Topeka, Kansas, 66612


My name is Steve Dryden and I am a School Psychologist living in St. John, Kansas. I have lived in St. John for 25 years and my wife is a School Nurse for the St. John schools. I also teach for Barton County Community College as a part time faculty instructor and I am the Coordinator at St. John for Outreach services for BCCC.

What I wanted to talk to you about is my story about living in a small town that is very dangerous for me and my family. In the spring of 2002, I had a "meth house" across the street from me and did everything in my power to stop children and adults from becoming addicted and to stop this from happening to our town. In my efforts to do that, my truck was vandalized to the total of \$5076, burned, tires slashed, knifed and axed. This is in response to I and my wife had from calling the police to break up a "party". I also had the KBI in-service the school and the community to the dangers of methamphetamine production. After that in-service, the dealers and meth addicts tried to burn my house down. They continued to stalk us by following us in our vehicles, harassing us at grocery stores etc., and threatened us with bodily harm outside our residence and vehicles. I and my family were victimized by these dealers and meth addicts for the last 3 years. We live in a small community where law enforcement are few and often not available.

On 12/25/02, a "bomb" exploded in front of my house and I gave chase to see who it was and reported it. After coming out of the dispatcher's office, three meth addicts proceeded to attack my youngest daughter because she asked them to leave us alone. All I could do is watch and try to keep them from harming my daughter by trying to pull her to safety. Since that time, there have been numerous times that I and my daughter's have been run off the road and threatened bodily harm outside our residence and often when we were not in our home or vehicle. We can not expect the police to protect us from harm all the time. They can not be everywhere. I, my wife and my daughters are asking you to support the Conceal Carry Bill in front of you so we can protect ourselves from being victims again.

Some of you may ask, why did you put yourself in this position? It is my job and I come into contact daily with very dangerous people and parents due to working for the public school system. The fact is, for those who choose to do so, the Concealed Carry Bill is a viable option as long as it complies with the law. Once you become a victim, you always feel very vulnerable and safety for your family is utmost the most important issue that you face.

Thank you for your time,

  
Steve Dryden

School Psychologist  
443 west 3<sup>rd</sup>  
St. John, Kansas 67576

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



**NRA**

March 2, 2006  
House Federal & State Affairs Committee  
Kansas State Legislature

On behalf of the members of the National Rifle Association living in Kansas and all citizens who desire a means of self-protection, I am writing to urge your support of SB 418.

This legislation, known as the Personal and Family Protection Act, is certainly not a new issue for the Kansas Legislature. SB 418 represents the culmination of over ten years of debate, amendment, and careful consideration by both standing committees and the House and Senate chambers at-large. Kansas is not a "test case" on this issue, far from it. 46 states provide some method of allowing private citizens to lawfully carry concealed firearms outside of their homes and businesses, 38 states are what we refer to as Right-To-Carry (RTC) states with non-discriminatory laws similar to what is being proposed in SB 418. Not one of these states has ever made a serious effort to repeal these laws. Why? Because they work.

For several years, the proponents of RTC legislation have presented factual, common-sense testimony on the merits of this type of legislation using facts, figures, statistics, and real-world examples. For as many years, the opponents have used emotional pleas, conjecture, misrepresentations, and downright falsehoods to support their claims. Among the opponents' arguments is the statement that SB 418 is a "cure seeking an illness", perhaps they should tell that to the 10,445 victims of violent crime that occurred in Kansas during 2004. Those victims deserve a fighting chance against criminals who are currently armed in flagrant violation of the law. The fact is, the type of Kansan who seeks a permit to carry a firearm, who is willing to endure a background investigation, provide detailed personal information, undergo training and certification, and pay a significant fee is not the Kansan who we should fear. These citizens are asking for a manner by which to obey the law while protecting themselves and their families- we ask that you recognize that most fundamental right of self-preservation.

The fact is that the number of firearms possessed and legally carried by individuals in the U.S. is at an all-time high while violent crime is at a 30-year low and firearm accidents are at an all-time low. RTC is a proven concept and represents careful and common-sense public policy. This legislation's time has come and we ask that you give it the consideration and support that it deserves. Thank you for your attention on this very important issue.

Respectfully,

Keith Wood  
NRA-ILA Kansas State Liaison

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Attachment 12

634 SW Harrison Topeka, Kansas 66603  
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org • www.kcsdv.org

House Federal and State Affairs Committee

SB 418

Chairman Edmunds and Members of the Federal and State Affairs Committee:

Thank you for the opportunity to let you know of our request to amend SB 418.

KCSDV has for several years worked with key sponsors of "concealed carry" legislation to add provisions to protect victims, particularly those who are victimized by domestic abusers. KCSDV acknowledges and is grateful for the support and understanding given to these concerns over the past few years.

As is sometimes the case, we have re-reviewed the Personal and Family Protection Act, this time introduced as SB 418, and find a few more places where we could strengthen those safety provisions.

SB 418 does contain disqualification criteria for an initial license if, among other things, the applicant is subject to a protection from abuse or protection from stalking order or has been convicted of a crime constituting domestic violence within the five years previous to the application. However, SB 418 does not adequately provide for the situation where a current license holder becomes subject to a disqualifying event, such as a protection order. A revocation of the license must occur quickly as the period immediately after applying for a protection order can be a particularly dangerous time for a victim. While there are provisions for revocation, in this type of situation, we believe the act is inadequate and such revocation must be swift and immediate.

KCSDV recommends the following amendment (a balloon reflecting this is attached):

New Section 7. (page 6)

Insert as subsection (b) on line 33.

"(b)The sheriff in the county where a protection order is issued that would prohibit issuance of a license under New Sec. 4(a)(11) shall notify the attorney general immediately upon receipt of such court order. The attorney general shall immediately revoke any license issued under this Act upon being notified of the issuance of such order. The attorney general shall adopt rules and regulations establishing procedures that would allow for 24-hour notification and revocation of a license under the conditions set forth in this subsection."

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On page two, the provision contained on lines 37-43 is intended to disqualify an applicant if he/she has been convicted as an adult or a juvenile of a crime that constitutes domestic violence. The reference for those crimes is from the Kansas Statutes Annotated, yet in many municipalities these crimes are charged under municipal ordinances. Even though the municipal violations are often the exact or similar language to that contained in the state statute, it is not clear in the current version of SB 418 that those convictions are also included. KCSDV recommends the following amendment (a balloon is attached):

New Section 2. (page 2)

Insert on line 39 after "under" "any municipal ordinance or"

Finally, SB 418 directs the attorney general to issue a report to the legislature and other entities indicating the number of revoked, suspended and denied licenses during the previous year. KCSDV believes it would be beneficial to know the reasons for those determinations, we suggest the following amendment (a balloon is attached):

New Section 16 (page 10)

Insert at end of line 28

"and the reasons for such revocation, suspension, and denial."

Thank you for your consideration.

Respectfully Submitted,

Sandy Barnett  
Executive Director

1 to carry a concealed weapon and proper identification unless such license  
2 is noted on the person's driver's license or nondriver's identification card.  
3 Verification by a law enforcement officer that a person holds a valid li-  
4 cense to carry a concealed weapon may be accomplished by a record  
5 check using the person's vehicle tag and driver's license information.

6 Violation of the provisions of this subsection shall constitute a class B  
7 nonperson misdemeanor.

8 (c) A valid license, issued by any other state or the District of Colum-  
9 bia, to carry concealed weapons shall be recognized according to the  
10 terms of such license but only while the holder is not a resident of Kansas.

11 The provisions of this subsection shall take effect and be in force from  
12 and after January 1, 2007.

13 New Sec. 4. (a) On and after January 1, 2007, the attorney general  
14 shall issue a license pursuant to this act if the applicant:

15 (1) Is a resident of the county where application for licensure is made  
16 and has been a resident of the state for six months or more immediately  
17 preceding the filing of the application;

18 (2) is 21 years or more of age;

19 (3) does not suffer from a physical infirmity which prevents the safe  
20 handling of a weapon;

21 (4) has never been convicted or placed on diversion, in this or any  
22 other jurisdiction, for an act that constitutes a felony under the laws of  
23 this state or adjudicated, in this or any other jurisdiction, of committing  
24 as a juvenile an act that would be a felony under the laws of this state if  
25 committed by an adult;

26 (5) has not been, during the five years immediately preceding the  
27 date the application is submitted: (A) A mentally ill person or involuntary  
28 patient, as defined in K.S.A. 59-2946, and amendments thereto; (B) com-  
29 mitted for the abuse of a controlled substance; (C) convicted or placed  
30 on diversion, in this or any other jurisdiction, for an act that constitutes  
31 a felony or misdemeanor under the provisions of the uniform controlled  
32 substances act or adjudicated, in this or any other jurisdiction, of com-  
33 mitting as a juvenile an act that would be a misdemeanor under such act  
34 if committed by an adult; (D) committed for the abuse of alcohol; (E)  
35 convicted or placed on diversion, in this or any other jurisdiction, two or  
36 more times for an act that constitutes a violation of K.S.A. 8-1567, and  
37 amendments thereto; (F) convicted or placed on diversion, in this or any  
38 other jurisdiction, for an act that constitutes a domestic violence misde-  
39 meanor under article 34 or 35 of chapter 21 of the Kansas Statutes An-  
40 notated or adjudicated, in this or any other jurisdiction, of committing as  
41 a juvenile an act that would be a domestic violence misdemeanor under  
42 article 34 or 35 of chapter 21 of the Kansas Statutes Annotated if com-  
43 mitted by an adult; or (G) convicted or placed on diversion, in this or any

Insert on line 39 after "under"  
"any municipal ordinance or"

1 K.S.A. 21-3110, and amendments thereto, shall be: (1) Exempt from the  
 2 original license fee; (2) exempt from the required completion of a weap-  
 3 ons safety and training course if such person was certified by the Kansas  
 4 law enforcement training commission not more than eight years prior to  
 5 submission of the application; (3) required to pay the license renewal fee;  
 6 and (4) required to comply with the criminal history records check re-  
 7 quirement of this section.

8 New Sec. 6. (a) The attorney general shall maintain an automated  
 9 listing of license holders and pertinent information, and such information  
 10 shall be available, upon request, at all times to all law enforcement agen-  
 11 cies in this state, other states and the District of Columbia.

12 (b) Within 30 days after the changing of a permanent address, or  
 13 within 30 days after having a license lost or destroyed, the licensee shall  
 14 notify the attorney general of such change, loss or destruction. The at-  
 15 torney general, upon notice and hearing, may order a licensee to pay a  
 16 fine of not more than \$100, or may suspend the licensee's license for not  
 17 more than 180 days, for failure to notify the attorney general pursuant to  
 18 the provisions of this subsection.

19 (c) In the event that a concealed weapon license is lost or destroyed,  
 20 the license shall be automatically invalid, and the person to whom the  
 21 license was issued, upon payment of \$15 to the attorney general, may  
 22 obtain a duplicate, or substitute thereof, upon furnishing a notarized  
 23 statement to the attorney general that such license has been lost or  
 24 destroyed.

25 New Sec. 7. The attorney general shall suspend or revoke at any time  
 26 the license of any person who would be ineligible under section 4, and  
 27 amendments thereto, if submitting an application for a license at such  
 28 time or who fails to submit evidence of completion of a weapons safety  
 29 and training course as required by subsection (c) of section 4, and amend-  
 30 ments thereto. The suspension or revocation shall be subject to review  
 31 by the district court in accordance with the act for judicial review and  
 32 civil enforcement of agency actions. The suspension or revocation shall  
 33 remain in effect pending any appeal and shall not be stayed by the court.

34 New Sec. 8. (a) Not less than 90 days prior to the expiration date of  
 35 the license, the attorney general shall mail to the licensee a written notice  
 36 of the expiration and a renewal form prescribed by the attorney general.  
 37 The licensee shall renew the license on or before the expiration date by  
 38 filing with the sheriff of the applicant's county of residence the renewal  
 39 form, a notarized affidavit stating that the licensee remains qualified pur-  
 40 suant to the criteria specified in section 4, and amendments thereto, a  
 41 full frontal view photograph of the applicant taken within the preceding  
 42 30 days and a nonrefundable license renewal fee not to exceed \$100. The  
 43 license shall be renewed upon receipt of the completed renewal appli-

Insert as subsection (b) on line 33.

“(b)The sheriff in the county where a protection order is issued that would prohibit issuance of a license under New Sec. 4(a)(11) shall notify the attorney general immediately upon receipt of such court order. The attorney general shall immediately revoke any license issued under this Act upon being notified of the issuance of such order. The attorney general shall adopt rules and regulations establishing procedures that would allow for 24-hour notification and revocation of a license under the conditions set forth in this subsection.”

1 administered by the attorney general. Such grants shall be based on ap-  
2 plications submitted by sheriffs' departments that demonstrate the need  
3 for the equipment for which the grant is sought and substantiate that  
4 grant moneys will not be used to supplant existing funding of the recipient  
5 sheriff's department.

6 (c) On or before the 10th day of each month, the director of accounts  
7 and reports shall transfer from the state general fund to the county law  
8 enforcement equipment fund interest earnings based on: (1) The average  
9 daily balance of moneys in the county law enforcement equipment fund  
10 for the preceding month; and (2) the net earnings rate of the pooled  
11 money investment portfolio for the preceding month.

12 (d) All expenditures from the county law enforcement equipment  
13 fund shall be made in accordance with appropriation acts upon warrants  
14 of the director of accounts and reports issued pursuant to vouchers ap-  
15 proved by the attorney general for the purposes set forth in this section.

16 New Sec. 15. The committee on surety bonds and insurance, within  
17 the limitations of appropriations made therefor, shall purchase such li-  
18 ability insurance as it deems necessary for the protection of persons en-  
19 gaged in conducting an approved weapons safety and training course  
20 against any liability for injuries or damages arising from the conducting  
21 of such course of instruction by such persons.

22 New Sec. 16. (a) The attorney general shall adopt such rules and  
23 regulations as necessary to administer the provisions of this act.

24 (b) On or before January 1 of each year, the attorney general shall  
25 submit a statistical report to the governor, president of the senate, the  
26 senate minority leader, the speaker of the house of representatives and  
27 the house minority leader indicating the number of licenses issued, re-  
28 voked, suspended and denied during the preceding fiscal year.

29 New Sec. 17. (a) The legislature finds as a matter of public policy  
30 and fact that it is necessary to provide statewide uniform standards for  
31 issuing licenses to carry concealed weapons for self-defense and finds it  
32 necessary to occupy the field of regulation of the bearing of concealed  
33 weapons for self-defense to ensure that no honest, law-abiding person  
34 who qualifies under the provisions of this act is subjectively or arbitrarily  
35 denied the person's rights. Any city ordinance or county resolution that  
36 regulates, restricts or prohibits the carrying of concealed weapons shall  
37 not be applicable to any person licensed in accordance with the provisions  
38 of this act.

39 (b) The legislature does not delegate to the attorney general the au-  
40 thority to regulate or restrict the issuing of licenses provided for in this  
41 act, beyond those provisions of this act pertaining to licensing and train-  
42 ing. Subjective or arbitrary actions or rules and regulations which encum-  
43 ber the issuing process by placing burdens on the applicant beyond those

Insert at end of line 28

“and the reasons for such revocation, suspension, and denial.”



# KANSAS

State Library of Kansas  
150 Years of Outstanding Service

Kathleen Sebelius, Governor  
Christie P. Brandau, State Librarian

March 2, 2006

To: House Committee on Federal and State Affairs

|                                    |                                 |
|------------------------------------|---------------------------------|
| Representative John Edmonds, Chair | Representative Arlen Siegfried  |
| Representative Anthony Brown       | Representative Steve Brunk      |
| Representative Ray Cox             | Representative Barbara Craft    |
| Representative Donald Dahl         | Representative Everett Johnson  |
| Representative Richard Kelsey      | Representative Lance Kinzer     |
| Representative Ray Merrick         | Representative Judy Morrison    |
| Representative Don Myers           | Representative Lynne Oharah     |
| Representative Kenny Wilk          | Representative Tom Burroughs    |
| Representative Nile Dillmore       | Representative Tom Hawk         |
| Representative Broderick Henderson | Representative Judith Loganbill |
| Representative Ann Mah             | Representative Melody Miller    |
| Representative Candy Ruff          |                                 |

From: Marc Galbraith, Deputy State Librarian, State Library of Kansas

Re: SB 418 and public libraries

Mr. Chairman and committee members, thank you for this opportunity to visit with you about SB 418. My name is Marc Galbraith, Deputy State Librarian, State Library of Kansas.

I wanted to especially convey to you that many of my colleagues who administer and work in the public libraries in your communities are concerned that SB 418 does not include public libraries among the exceptions listed in section 10.

Section 10, as written, would not permit licensees to bring a concealed firearm into a variety of places including elementary and secondary schools and public and private school sporting events. We presume these places, and activities, are included in section 10 because you wish to avoid the presence of firearms where there are concentrations of children and young people.

We think that is a wise policy decision and applaud you for it. We also encourage you, for the same reasons, to include public libraries among the places and the activities included in section 10.

Public libraries have always been a place frequented by children. Public libraries are often the place that young children become acquainted with the wonders and rewards of reading. Many public libraries host "story time" activities for children from 3 to 10 years old. Most public libraries sponsor summer reading

programs that encourage young readers to frequent the library all summer long. More and more libraries are now offering reading groups and sessions for teens. Libraries are also the place where older kids and young adults, go to do homework. Libraries include books, periodicals, databases and specialized reference services that young people need to do history projects, English papers and science activities. These are just a few of the programs, and reasons, that you are likely to find lots of kids at the public library.

Libraries are, in fact, an extension of the school and as such we believe it is reasonable to list libraries among the school buildings and activities where those licensed per SB 418 would not be permitted to bring a concealed firearm.

We are, of course, aware that SB 418 would allow employers to post their premises as a place where concealed firearms cannot be brought. But we believe there are likely to be costs associated with posting. We also believe that posting would not be perfect and that some individuals may disregard the postings and bring their concealed firearms into a library anyway. What is the answer to that possibility? Metal detectors, searches, security staff? We have to ask ourselves if library employees are trained for such activities and the answer is "no." In many libraries there are no more than one or two employees. How can they be expected to schedule time to address this new complication? And what does a library employee do when an individual with a concealed gun approaches the library's front door and becomes angry because he or she cannot enter the library with his or her firearm?

Libraries are a haven for very young kids and young adults. We would certainly not want that to be otherwise. We ask you to please avoid the situation where parents have to think twice about sending their children to the public library.

We ask you to amend section 10 to include public libraries.

**Testimony before Kansas House of Representatives Committee on Federal and State Affairs  
2 March 2006**

**SB 418**

My name is Marshall Havenhill, II. I reside at 1702 W. 13<sup>th</sup> Avenue in Emporia. I have lived in Emporia for the past 36 years. I am a semi-retired physician. For the past 6 years my practice has been limited to Emporia State University Athletics. I have been a member of the Board of Directors of the Emporia Public Library for the past 5 years. I have served on the Executive Committee of the North Central Kansas Library System for the past 3 1/2 years and am currently Vice-President of that Committee. I have served as a member of the Kansas Library Trustees Association Board of Trustees for the past year. KLTA is composed of over 600 trustees of Kansas Public Libraries. My comments are printed on the blue sheet which you have.

By virtue of the fact that any community college, college or university facility and any elementary or secondary school building or structure used for student instruction or attendance is exempted from the provisions of SB 418, the libraries of these entities are exempted from the provisions of SB 418. However public libraries are not exempt. I ask that you also exclude public libraries from the provisions of SB 418.

The Emporia Public Library serves a population of approximately 35,000 from a single location. During calendar 2005, a total of 213,781 persons visited the Emporia Public Library - an average of 587 per day or slightly more than one per minute for every minute the library was open. The 213,781 persons who visited the Emporia Public Library did so to take advantage of a wide diversity of services and programs - BUT they all had one thing in common. Each one of them expected the library to be as safe a place as it could be.

A number of our educational programs involve children:

- ◆ During calendar 2005, 13,700 persons attended our various children's programs.
- ◆ 1,040 children were involved in our 2005 summer reading program for children through the sixth grade.
- ◆ Older children and adolescents use our computers for internet access help with homework. Public elementary and secondary school libraries are not open evenings and weekends. The Emporia Public Library is open evenings and weekends. Students without a computer at home, and there are many such students, use our computers for internet connection. We do not keep detailed statistics on computer use, but I can tell you that during calendar 2005 our public computers usage was 16,500 hours.

Parents expect the public library to be as safe as the elementary school library, the high school library and the college library.

In addition to recreational reading, many of our adult and senior visitors came to the Emporia Public Library to take advantage of our community programs which include:

- ◆ Literacy tutoring
- ◆ Volunteer assistance with federal, state and local tax returns
- ◆ Providing space for voting in general and special elections
- ◆ Providing space for public hearings
- ◆ Providing space for meetings of non political volunteer organizations.
- ◆ Genealogy assistance

These persons also expect the library to be as safe as other libraries.

Just as there is no place for guns in college, secondary school and elementary school libraries, there is no place for guns in public libraries. I ask that you also exclude public libraries from the provisions of SB 418.

Thank you.

FEDERAL AND STATE AFFAIRS

Date 3-2-06  
Attachment 15



March 2, 2006

House Federal and State Affairs Committee  
Representative John Edmonds, Chairperson

Members of the Committee—

My name is Greg Gaul. I am the Safety and Security Manager for the Topeka and Shawnee County Public Library. I am speaking today as either a proponent or opponent to SB 418. I am requesting that you make an amendment to New Section 10 of the legislation. Concealed weapons should not be brought into libraries or onto library property. Libraries serve many of the populations that this section of the legislation enumerates. Libraries have many programs that serve and educate youth, just as the schools listed in the bill do.

Libraries understand that there is a provision in the bill allowing businesses to post a notice disallowing concealed weapons on property. However, it would be easier for implementation if libraries statewide were included in SB 418.

In closing, I ask you to add libraries to the list found in New Section 10 of SB 418. I thank you for the opportunity to speak to you today. I would be happy to answer any questions that you might have.

FEDERAL AND STATE AFFAIRS

Date 3-2-06

Attachment 16





League of Kansas Municipalities

300 SW 8th Avenue  
Topeka, Kansas 66603-3912  
Phone: (785) 354-9565  
Fax: (785) 354-4186

To: House Federal and State Affairs Committee  
From: Mark Tomb, LKM  
Date: March 2, 2006  
Re: Opposition to SB 418

Thank you for the opportunity to appear before you today on behalf of the League of Kansas Municipalities and our 576 member cities. At the outset, it is important to note that the League does not have a position on whether the state should regulate firearms or whether the state should authorize and license the concealed carry of weapons. The League and our member cities, however, do take a strong position in favor of Constitutional Home Rule and local control. The 2006 *Statement of Municipal Policy* reads as follows: "We oppose any legislation which preempts local regulation of firearms."

Kansas has a strong history of local firearms regulation, including the local regulation of concealed weapons. Both the State of Kansas and its cities have regulated the concealed carry of weapons since the 1860s. I have attached to this testimony an ordinance adopted by the City of Lawrence in 1863 which prohibited discharge of firearms in the city limits (section 9) and the concealed carry of weapons (section 10). The City of Lawrence is not unique in this regard; many cities in Kansas have been regulating firearms by local ordinance for at least the last 143 years.

The Kansas Supreme Court has long recognized the power of cities to regulate firearms. As early as 1887, the Court recognized the right of cities to regulate the discharge of firearms pursuant to their general police powers. See, *City of Cottonwood Falls v. Smith*, 36 Kan. 401 (1887). In 1975, the Court dealt more directly with the issue of concealed carry in the *City of Junction City v. Lee*, 216 Kan. 495 (1975). In this case, the Kansas Supreme Court opined that neither the federal Constitution nor the state constitution grants a right to individuals to carry a weapon concealed on their person. In addition, the Court stated that "[w]eapons control is an area of cities' concern" and upheld a local ordinance which was more restrictive than state law. The Court in *Junction City v. Lee* recognized that one-size-does-not-fit-all in this case and upheld the Kansas tradition of local control regarding firearms by noting, "The governing bodies of some cities may conclude they are sufficiently protected by the state statutes on weapons control, but that is their business." *Junction City v. Lee*, 216 Kan. 495, 501-502 (1975).

It is in this historical context of local control that the League offers the following key objections to SB 418 in its current form:

FEDERAL AND STATE AFFAIRS

Date 3-2-06

Attachment 17

- **Preemption of Local Ordinances.** On Page 10, New Section 17 of the bill, all current and future city ordinances regarding the concealed carry of weapons are declared to be invalid. This type of complete preemption flies in the face of Kansas history regarding local control of firearms regulation. The League strongly objects to this preemption and respectfully requests that should the legislature go forward with this legislation, the preemption of local ordinances be removed.
- **Municipal Buildings and Property.** Page 7, New Section 10 of the bill lists a number of locations where carrying concealed weapons would not be allowed if this bill goes into effect. City hall is specifically mentioned in subsection (18). However, subsection (9) allows the State the ability to protect "any state office building." Further, subsection (15) protects "any place where the carrying of firearms is prohibited by federal or state law." K.S.A. 21-4218 grants the State the ability to prohibit concealed weapons in "any state-owned or leased building," including but not limited to the State Capitol, the Governor's residence, and all state office buildings. Basically, the State would have the authority to prohibit the carrying of firearms on nearly all state-owned or leased property.

We believe that city officials, our citizens, and our employees should be granted the same level of protection that has been granted to the State in this instance. Therefore, we respectfully request that the following language be added to New Section 10 of the bill:

"any city owned or leased property or facility including, but not limited to, city hall, public parks, recreational facilities, and public works buildings."

In conclusion, the League of Kansas Municipalities must oppose SB 418 in its current form. Should you decide to go forward with this legislation, we ask that the Kansas Legislature respect the tradition of local control and Constitutional Home Rule in this state and remove the preemption language from SB 418. In addition, we request that sensitive areas where city officials work, and our children play, be protected by the amendment that we are offering regarding municipal buildings and property.

Again, thank you for the opportunity to offer our comments and concerns regarding this very important piece of legislation. I would be happy to stand for questions at the appropriate time.

152  
CHARTER,

OTHER POWERS,

ORDINANCES

CITY OF LAWRENCE,

COMPILED BY ORDER OF THE CITY COUNCIL.

RAMUEL KIMBALL, COUNCILMAN, }  
E. V. BANKS, CITY ATTORNEY, } COMPILING COMMITTEE.

LAWRENCE:  
LUBAS STATE JOURNAL STEAM POWER PRESS PRINT.  
1886.

NUISANCES.

147

[No. 34.]

An Ordinance Relating to Nuisances...

- |                             |                                 |
|-----------------------------|---------------------------------|
| 1. Deposit of dead animals. | 6. Removal of nuisances.        |
| 2. Refusal to remove.       | 7. Notice to abate.             |
| 3. Privies.                 | 8. Bathing in the Kaw.          |
| 4. Slaughter houses.        | 9. Discharging firearms.        |
| 5. Filth.                   | 10. Carrying concealed weapons. |

*Be it ordained by the Mayor and Councilmen of the City of Lawrence:*

SECTION 1. Any person who shall deposit, or cause to be deposited, any dead animal upon any ground within the limits of this city, shall be subject to a penalty of not less than five nor more than twenty-five dollars.

SEC. 2. Any person, the owner of any dead animal which shall be found lying upon any ground within the limits of this city, who shall neglect or refuse to remove the same within one day after notice to remove the same shall have been given by the marshal, shall be subject to a penalty of not less than five nor more than twenty-five dollars.

SEC. 3. The owner of any privy in this city, or the owner of any lot in this city, upon which any privy is or may be erected, which is or may become offensive to persons residing in the neighborhood, shall remove or cleanse, or cause the same to be removed or cleansed within five days after notice shall be served upon him by the city marshal to remove or cleanse the same; and any person who shall neglect or refuse to remove or cleanse any privy as aforesaid, shall be subject to a penalty of not less than five nor more than fifteen dollars.

SEC. 4. Any slaughter house which now is, or may hereafter be erected within the limits of this city, which is or shall become offensive to the inhabitants of the neighborhood, shall be removed out of the bounds of this city within ten days after notice shall be given to remove the same by the city marshal. Any person or persons, the owner or owners of any slaughter house, as above mentioned, who shall neglect or

refuse to remove the same within the time above specified, shall be subject to a penalty of not less than ten nor more than twenty-five dollars.

SEC. 5. Any person who shall deposit any excrement, or filth, or refuse, or any vegetable or animal matter, or any substance whatsoever, which is or may become offensive in any street or place within the limits of this city, shall be liable to a penalty of not less than two or more than ten dollars; and all persons who shall or may have deposited any excrement or filth, or refuse, or any vegetable or animal matter, as aforesaid, are required to remove the same within one day after receiving notice to remove the same, from the city marshal, under a penalty of not less than two nor more than five dollars.

SEC. 6. It shall be the duty of the city marshal, in all cases of nuisance committed under the provisions of this ordinance, where the offending party is not known, or cannot be found, to remove and abate, or cause to be removed or abated, all nuisances so committed within a reasonable time, at the expense of the city; and in all cases where such offending party is known or can be found, but who neglected or refuses to obey the provisions of this ordinance, the city marshal shall remove and abate, or cause to be removed and abated, such nuisances, at the cost and expense of the party so neglecting or refusing to abate or remove the same.

SEC. 7. The city marshal shall have authority to notify persons to abate and remove nuisances as described in sections two, three, four and five of this ordinance, only upon written complaint made of the existence and continuance of such nuisance, by two residents of the city.

SEC. 8. It shall be unlawful for any person between the hours of five o'clock, A. M., (forenoon) and sun set, to bathe in a state of nudity in the Kaw river within the limits of this city. Any person offending against the provisions of this section shall be fined not less than one dollar.

NUISANCES.

SEC. 9. Whoever shall, within the city, discharge any fire-arms, except by permission of the mayor, or when mustered for drill or review, or otherwise acting under the command or by permission of some commissioned officer, or except when done in self-defense, or for the protection of gardens from destructive animals, shall be, upon conviction thereof, fined not less than five dollars.

SEC. 10. Any person who shall in this city have or carry concealed or partially concealed, upon his person, any pistol, bowie knife or other deadly weapon, shall, on conviction, be fined not less than one nor more than ten dollars: *Provided*, This section shall not apply to peace officers of the city or state. The carrying of a weapon in a holster, exposed to full view, shall not be deemed a concealed or partially concealed weapon under this section.

S. K. HUSON, Mayor.

Approved, January 12, 1863.

[No. 35.]

An Ordinance Amending "An Ordinance Relating to Nuisances."

Be it ordained by the Mayor and Councilmen of the City of Lawrence:

SECTION 1. That section seven of "An Ordinance relating to nuisances," approved, January 12, 1863, be and the same is hereby amended so as to read as follows: Section 7: The city marshal shall have authority, and it shall be his duty to notify any and all persons whose duty it shall be so to do; to remove any nuisance or nuisances mentioned in said ordinance.

SEC. 2. That this ordinance shall be in force from its publication.

Approved, December 7, 1866.

Attest: W. H. B. LYKINS, Mayor.

H. O. SHOLES, City Clerk.

**Testimony on SB 418**  
**March 2, 2006**  
**Sarah Johnston MD**

Background. The growing epidemic of firearm-related injury and death is a high-priority public health issue. From 1968 through the late 1990's, the number of firearm-related deaths in the US increased more than 60%. Children and adolescents have been disproportionately affected by the epidemic; more US teenagers today die of gunshot wounds than of all natural causes combined. For every death involving firearms, twice as many persons with firearm related injuries require hospitalization and five times as many need outpatient care. Nationally, firearm-related injuries cost between \$1.4 billion to \$4.0 billion annually in direct medical costs. These costs are reflected in higher premiums for private health insurance and are frequently borne by taxpayers through Medicaid.

One hundred ninety-two Kansas children aged birth through 18 years have died from firearm related deaths in the past 10 years: 110 by suicide, 63 by homicide and 19 by unintentional injury. (Source: the Kansas State Child Death Review Board)

Although some surveys show that citizens believe they are safer carrying a concealed weapon, this may be an illusion. Despite surveys of firearm owners indicating that they believe having a gun in their home makes them safe, studies show that suicides, accidental deaths, and homicides in the home outnumber deaths attributable to self-defense by 40 to 1.

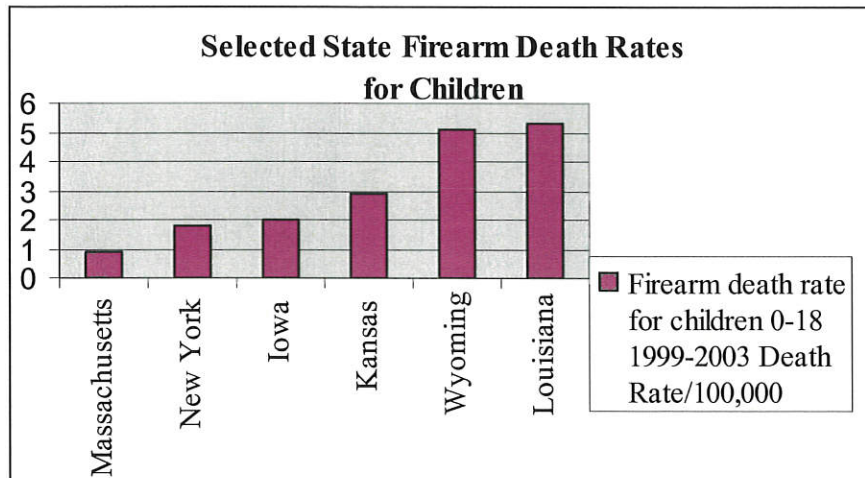
The American College of Physicians, the American Academy of Pediatrics, the American Academy of Family Physicians, and the Society of Adolescent Medicine have all issued policy positions supporting legislation to reduce firearm-related deaths and injuries, including laws prohibiting citizens from carrying concealed weapons.

The impact of such "life-saving" state legislation on child and adolescent firearm-related deaths is shown in the graph and table below.

FEDERAL AND STATE AFFAIRS

Date 3-2-06

Attachment 1B



Source: CDC, National Center for Injury Prevention and Control

| Selected State Firearm Death Rates and Legislation for Children   |           |           |           |        |           |             |
|---|-----------|-----------|-----------|--------|-----------|-------------|
| State   | Mass      | New York  | Iowa      | Kansas | Wyoming   | Louisiana   |
| Rank by firearm Death rate 2003                                   | 2         | 6         | 10        | 28     | 48        | 50          |
| Firearm death rate for children 0-18 1999-2003 death rate/100,000 | 0.87      | 1.81      | 2.00      | 2.89   | 5.07      | 5.3         |
| Prohibit assault weapon sale                                      | +         | +         | ±         | ○      | ○         | ○           |
| Concealed carry   | May issue | May issue | May issue | +      | May issue | Shall issue |
| Child access prevention   | +         | ○         | +         | ±      | ○         | ○           |
| Require gun licensing   | +         | +         | ○         | ○      | ○         | ○           |
| Require trigger locks   | +         | +         | ○         | ○      | ○         | ○           |

CDC National Center for Injury Prevention and Control

Violence Policy Center <http://www.VPC.org>

± = Some provisions

Conclusion. The more pieces of life-saving legislation passed by a state, the lower the death rate from firearms, particularly for children and adolescents.

I oppose the passage of SB 418.





# Safe State *Kansas*

Safe State Kansas is a program affiliated with Inter-Faith Ministries

829 N. Market – Wichita, KS 67214  
Ph: 316.264.9303 – Fax: 316.264.2233

## Program Director

Karole Bradford

## TESTIMONY BEFORE THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE REP. EDMONDS, CHAIRMAN

## Council of Directors

Kelly W. Johnston  
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Dr. Manfred Menking

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Al Vopata

## ANALYSIS OF SENATE BILL 418

March 2, 2006

Prepared by Kelly W. Johnston  
for Safe State Kansas/Inter-Faith Ministries

This is an analysis of the most controversial features of the proposal to legalize the carrying of concealed weapons (CCW) in Kansas. At the outset, please understand that Safe State Kansas is totally opposed to the concept of legally carrying concealed weapons - except by commissioned law enforcement officers.

## Community Liaisons

Trevor Foreman  
*Newton*

Eleanor Harris  
*Leawood*

Kerry Johnston  
*Andover*

Rod Nitz  
*Salina*

Steve Robinson  
*Lawrence*

Tom & Susan Maloney  
*Towanda*

Carolyn Weinhold  
*Topeka*

**1. KANSANS DO NOT NEED CCW:** Proponents of this bill have failed to demonstrate that there is a pervasive and overwhelming problem with our way of life in Kansas that calls out for this kind of legislative reaction. Crime rates are not rampant; indeed, we have enjoyed plummeting crime rates in Kansas since 1993. Like Missouri (until 2004), it has been illegal to carry concealed weapons in Kansas throughout recent history, yet our crime rates have dropped substantially over the past decade. As a matter of fact, crime rates have dropped significantly since Governor Graves in 1997 vetoed a concealed carry bill. According to The Hutchinson News, the state's crime index – total offenses per 1,000 population – stood at 51.6 in 1997. The violent-crime index in 1997 was at 4.3, and Kansas recorded 150 murders. By 2004, the crime index had dropped to 45.4, the violent crime index had dropped to 4.1, and Kansas reported 122 murders. (Kansas Bureau of Investigation, 2004 Crime Statistics).

## Honorary Board

Beth King

John Bell

Rev. Max Clayton

Deacon Ron Ealey

Linda Weir-Enegren

Connie Gamm

Gary Gamm

Rev. Tyrone Gordon

Carol Konek, Ph.D.

Carol Rupe

Bob Scott

Virginia White

Margalee Wright

**2. KANSANS DO NOT WANT CCW:** Proponents of this bill have not demonstrated that a majority of Kansans desire passage of a concealed carry law. I am unaware of a non-partisan state-wide poll on this issue since 1997, but a K-State study at that time proved that 68% of Kansans did not want concealed carry. Of those polled, only 45% described themselves as living in a city, so this overwhelming public sentiment against CCW cannot be explained as a rural versus urban difference of opinion. More recently, a poll conducted by the *Kansas City Star* on February 10-14, 1999 concluded that 60% of those polled expressed opposition to legalizing the carrying of concealed weapons (the *Kansas City Star*, Sunday, March 7, 1999).

FEDERAL AND STATE AFFAIRS

Date 3-2-06

Attachment 19

3. **MAY VS. SHALL ISSUE:** The bill proposes to give to the Attorney General the duty of issuing licenses, conducting background checks, overseeing training courses, and trying to make sure that unsafe and dangerous people don't acquire CCW licenses. A definite public safety responsibility is being placed on the Attorney General. But this bill does not give to the AG the authority and discretion to withhold issuance of a license to a person who is considered dangerous, like another Tim McVeigh, but who still meets the eligibility requirements. Though New Section 5(c)(2)[p.5, l. 4-13] permits a sheriff to send the AG a letter about an applicant who is "a significantly greater threat . . . than the average citizen", this threat must be based on "readily discoverable information, **corroborated through public records**" [lines 6-7]. Obviously, this would not include reliable information from a confidential informant. Though Kansas is only one of 4 states (Kansas, Nebraska, Illinois and Wisconsin) that does not permit CCW, there are 9 other states that allow their licensing authority to refuse to issue a permit in the interest of public safety. Why do the proponents of this bill distrust the AG to use proper discretion to safely issue CCW permits?

4. **RECIPROCITY:** If this bill becomes law, our borders will automatically and immediately be opened to licensees from all across the country to bring their hidden firearms to Kansas. These licensees would not be required to register with the AG, and the AG would not be allowed to verify the permit. How would be handled CCW carriers from Alaska and Vermont where licenses are not issued? How are these strangers going to know where in Kansas it is illegal to CCW? From a public safety standpoint, it doesn't make sense to require Kansans to go through the AG to acquire a CCW license, but not a licensee from New Jersey. Iowa, New Mexico, Nevada, New York and California are just a few of the states that see the wisdom of not allowing reciprocity. Remember that the only reason domestic terrorist Tim McVeigh was located and arrested for the Oklahoma City mass murder was because Oklahoma did not permit reciprocity. In fact, McVeigh tried to excuse his possession of a handgun by showing his New York CCW permit to the Oklahoma Highway patrolman who pulled him over. The patrolman is reported to have told McVeigh "that's no good here". What if Oklahoma had had reciprocity with New York? Reciprocity is not a feature of a reasonable, cautious concealed carry law.

5. **BACKGROUND CHECKS:** Although there are several categories of people who will be disqualified from acquiring a CCW license because of the background checks, it is a myth that only stable, law-abiding citizens will pass these eligibility tests. It is a myth because the ability to successfully discover an ineligible applicant depends on the comprehensiveness of the record-keeping and record-retrieval systems. How, for example, can the AG comprehensively confirm every applicant to not be a drug abuser? Another example is Tim McVeigh. Even though he was planning domestic terrorism while living in Kansas, buying weapons and fertilizer to make explosives, and stockpiling his wares, he nevertheless was a concealed weapons licensee from the state of New York. If a domestic terrorist can acquire a CCW license, then it is a foregone conclusion that background checks provide very little assurance that unstable,

criminally-minded persons are going to be weeded out by background checks. Statistics out of Texas from the Violence Policy Center have proven that thousands of CW licensees have nevertheless committed crimes, including murder, kidnapping, rape and impersonating a police officer. (See attached VPC Press Release). When you also consider that the AG will be mandated to issue a license within 90 days [p. 5, l. 27], even if their background-checking is incomplete, the risk should be obvious that unqualified perhaps dangerous people are going to be unintentionally issued licenses. Moreover, the **Kansas Association of Chiefs of Police** is concerned that people under arrest or indictment but not yet convicted can still be eligible to receive a CW license. Given the amount of time required, especially in metropolitan areas, to bring an arrest to trial, these law enforcement officials believe it is unsafe to not include "arrest or indictment" as a disqualifying factor.

6. **SHERIFF REPORTS OF DANGEROUS APPLICANTS:** New Section 5(c)(2)[p. 5, l.4-13] allows a sheriff to tell the AG when forwarding a CCW license application that the applicant poses "a significantly greater threat to law enforcement or the public at large than the average citizen." Sheriffs should indeed be encouraged to make these reports, but this bill does not tell the AG what to do with such a report, if the applicant otherwise meets the eligibility requirements of the law. New Section 5(e)(2) [p. 5, l. 31] gives the AG authority to deny a permit based upon a sheriff report only for "good cause shown". A sheriff cannot properly base an objection on information from a confidential informant, for example, because such a report must be based upon "readily discoverable information, corroborated through public records". Someone like a member of the Ku Klux Klan who does not have a criminal record, who is buying explosives on the black market, might still acquire a CCW license because SB 418 does not give to the AG the discretion to deny a permit in the interest of public safety.

7. **EIGHT HOURS OF TRAINING NOT ENOUGH:** New Section 4(b)(1)[p. 3, l. 19-22] requires that a CW license applicant need only complete eight hours of "weapons safety and training" to qualify to begin carrying concealed weapons in public. Safe State Kansas/Interfaith Ministries, as well as **Kansas Association of Chiefs of Police**, believe that this amount of training is woefully inadequate. Although the exact number of hours of firearms training varies from agency to agency, **Lt. Col. Keith Faddis** of the Overland Park Police Department has testified that *"every officer who is hired by the Overland Police Department starts their career by receiving training both at the Department and the Johnson County Regional Academy that totals 560 hours. That training includes 40 hours of pre-academy firearms, 40 hours of academy and 40 hours of post-academy advanced firearms training. This includes 16 hours in the classroom, 16 hours on the firearms training simulator (FATS), and the remainder of the time is spent on the range. The amount of time spent on the FATS machine is extremely important as this gives the officers the skills necessary to know not just how to shoot but when to shoot and when not to shoot. In addition to the pre-academy training, each officer receives annual training on marksmanship and the FATS machine. Every officer must also qualify with any weapon that is carried in an off-duty capacity. The 40 hours of defensive tactics includes training on weapon retention. Even with this training, 54*

*officers nationwide were killed when their own gun was used against them”* between 1995 and 2004. [Testimony before the Senate Fed. and State Affairs Committee, 2-2-06]. Eight hours of training might be sufficient to teach someone how to disassemble, clean, load, unload and discharge a firearm, but it is no where near enough training in how to make safe decisions, or to learn good marksmanship.

**8. NO GUN ZONES:** It is important to realize how New Sections 10 [p. 7] and 11 [p. 8] are structured. New Section 10 describes a list of 18 places where it shall be illegal - and punishable by criminal prosecution - for a CCW licensee to carry. Subsection (b) makes such a violation a Class A misdemeanor - which is up to 6 months in jail. New Section 11(a) also permits employers to establish rules that prevent carrying concealed weapons into the workplace, and permits businesses to prohibit CCW on their premises by posting a "No Guns Allowed" sign. New Section 11(b) strangely imposes only a Class B misdemeanor liability on a CCW licensee who ignores these rules or signs. The proponents of this bill obviously don't think it is important to give the same teeth to enforcing New Section 11 as they do for violating Section 10. Why?

New Section 10 curiously prohibits CCW at the State Fair Grounds, but permits CCW inside banks, casinos, hospitals and churches. These omissions are difficult to understand. It is also going to be repugnant for a place of religious worship to have to post on their doors a prominent and conspicuous "No Guns Allowed" sign.

**9. CARRYING CONCEALED WEAPONS WHILE INTOXICATED:** New Section 12 [p.8, l. 26] makes it a Class A misdemeanor for a licensee to carry a concealed weapon while under the influence of alcohol or drugs, or both. Obviously, this kind of behavior should be illegal. But what about a two-time offender? Shouldn't repeat offenders be subject to greater penalties? And shouldn't a conviction automatically result in license forfeiture? CCW licensees who continue to carry their weapons while inebriated should be treated sternly. Automobiles driven by impaired drivers often become killing machines, and no less would happen with firearms. Moreover, law enforcement officers are going to be at increased risk during car stops if this bill passes, and even more so if the driver is a CCW licensee who is impaired. Someone convicted once of DUI would still be allowed under New Section 4 to acquire a CCW license, so it seems reasonable to permanently revoke a CCW license if the licensee even once violates New Section 12.

**10. CRIMINAL ACTIVITY BY CCW LICENSEES:** New Section 16 [p. 10] requires the AG to publish annually a report regarding the number of licenses issued, revoked, suspended or denied. The same report should advise of the CCW licensees who have been arrested for any criminal offense. Arrests should be targeted for this reporting instead of convictions because several years can go by before a prosecution can be completed. If this bill passes, we predict that there will be future attempts to change the terms under which licensure will be offered, and the legislature should then know what has been the Kansas experience with crime being committed or even aided with the use of a CCW license.

**11. LOSS OF HOME RULE FOR CITIES AND COUNTIES:** New Section 17 [p.10] will pre-empt and override the ordinances of all Kansas cities and counties which currently prohibit CCW. The Kansas Constitution provides the foundation for cities and counties to exercise Home Rule, but the proponents of this bill believe that these governing bodies should have no discretion to legislate as it relates to firearms inside their boundaries. Even during the bygone days of the Wild West, cities possessed the right to decide whether carrying concealed weapons inside their city limits should be tolerated. Many such cities banned those weapons. Why now should we deprive cities of the right to decide for themselves whether CCW should be legal?

**12. REPORTING OF CCW LICENSE HOLDERS:** SSK agrees that all law enforcement agencies nation-wide should be able to determine if Kansas has issued a CCW license. It is troublesome that no where in this bill is there found a policy statement confirming that this list will constitute a public record that can be discovered by a Kansas Open Records request. It is troublesome that New Section 6 is silent as to the list of licensees being available to non-law enforcement groups like employers and other government agencies who might wish to conduct pre-employment investigations. The list of CCW licensees should not be a state secret.

**13. CONSTITUTIONALITY:** Buried in the text of this bill on page 10 [l. 37-39], proponents are trying to change the constitutional law of this state by providing that this "act is supplemental and additional to existing constitutional rights to bear arms and nothing in this act shall impair or diminish such rights." It has been the law of Kansas since 1975 that the Kansas Constitution does not guarantee a right of citizens to keep and bear arms. See *City of Junction City v. Lee*, 216 Kan. 495, 532 P.2d 1292. What is the point of New Section 17(c) if it is not a backdoor attempt to change the constitutional law of this state? If this law is passed, obviously there would be no impact on the debate of whether the 2nd Amendment to the U.S. Constitution guarantees such a right. State law would not have priority over federal law which has consistently recognized that the 2nd Amendment does not guarantee such a right. So the proponents must be trying to legislatively overrule *City of Junction City v. Lee*.

Thank you for this opportunity to advise the House regarding this legislation.



# Violence Policy Center

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## VPC Releases License to Kill IV: More Guns, More Crime

**Texas Concealed Handgun License Holder Offenses Include: Murder, Rape, Kidnapping, Weapon Crimes, Crimes Against Children, and Domestic Violence**

**For Release:**  
Wednesday, June 12, 2002

**Contact:**  
**Naomi Seligman**  
Violence Policy Center  
(202) 822-8200 x105

WASHINGTON—A new study released today by the Violence Policy Center (VPC) shows that Texas concealed handgun license holders have been arrested 5,314 times since the concealed handgun license law went into effect—an average of **two and one-half arrests every day** from January 1, 1996, until August 31, 2001. Texas has a "shall issue" concealed carry system, in which an adult (21 or over), is issued a license that allows them to have a handgun on or about their person as long as it is not visible or discernible through ordinary observation after they meet specific, objective criteria.

According to ***License to Kill IV: More Guns, More Crime***, from January 1, 1996, through August 31, 2001, there were 41 arrests for murder and attempted murder by concealed handgun license holders in Texas. ***License to Kill IV: More Guns, More Crime*** discusses the dangerous ramifications of concealed carry legislation and details the arrests of 11 concealed handgun license holders subsequent to licensure for the crimes of homicide, attempted homicide, and aggravated kidnapping. Arrest data is regularly accepted as a valid measure of crime, reflecting law enforcement response to criminal activity, and is used by agencies such as the Federal Bureau of Investigation (FBI) for its Uniform Crime Reports (UCR).

"The NRA told Texans in 1996 that a concealed handgun law would make Texas a safer place," VPC Health Policy Analyst Karen Brock, MPH, said today. "The thousands of arrests of concealed handgun license holders demonstrates the exact opposite to be true: license holders are committing crimes, not preventing them. States now considering concealed carry laws should learn from the dire consequences that Texans now live with day-in and day-out."

VPC analysis of the Texas Department of Public Safety's (DPS) data reveals that—

- From 1996 to 2000, Texas concealed handgun license holders were arrested for weapon-related offenses *at a rate 81 percent higher than that of the general population of Texas, aged 21 and older* which amounts to *more than one weapon-related offense every other day* since the law went

19-6

into effect.

- Texas concealed handgun license holders have been arrested for *more than two serious violent crimes per month* since the law went into effect including: murder/attempted murder, manslaughter/negligent homicide, kidnapping, rape, and sexual assault.
- Texas concealed handgun license holders have been arrested for *more than two crimes against children per month* since the law went into effect including: sexual assault/aggravated sexual assault on a child, injury to a child, indecency with a child, abandon/endanger a child, solicitation of a minor, and possession or promotion of child pornography.

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



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti, testimony  
House Committee on Federal and State Affairs  
March 2, 2006  
Senate Bill 418

Mr. Chairman, members of the committee, thank you for the opportunity to share testimony on **Senate Bill 418** with you today. My name is Mark Desetti and I represent the Kansas National Education Association.

KNEA as an organization has not taken a position on whether or not concealed firearms should be allowed in Kansas. We do however have a position on firearms and our students.

We cannot allow any firearms to be carried near our teachers and the students they serve. To that end we believe this bill falls short of ensuring that school employees and students are protected.

I refer to new section 10 which prohibits carrying a concealed weapon into certain places. While it prohibits the carrying of firearms at school athletic events or into school facilities, we believe these two exceptions are too limiting. For example, in places where school bands and orchestras perform in community centers or performing arts centers, would firearms be allowed if not otherwise posted? Would firearms be prohibited on school field trips? These would be school activities but not athletic activities. Firearms must not be allowed near any school function or activity regardless of where that activity might be. **The Kansas Association of School Boards joins Kansas NEA in asking that you add to section 10 a prohibition on carrying concealed weapons to any school, community college, college, or university sponsored activity.**

Under this bill firearms are not prohibited in churches yet many of our young people attend youth meetings in church basements and social halls and, in the event of an accident or deliberate shooting, our schools will be called upon to provide counseling and support for the community's young people. How can we allow firearms where children congregate? And finally, firearms are not prohibited in licensed child care facilities. Child care facilities are full of children and must be protected from the possibility of accidental shootings. Kansas NEA believes that firearms should not be allowed in those places where children congregate. For that reason we would like to see a prohibition on carrying firearms in child care facilities and religious facilities.

Subsection (b) of section 10 classifies carrying a weapon into a school or to a school athletic event as a Class A misdemeanor. The penalty is a fine of up to \$2500 and up to one year in a county jail. Frankly, we believe the protection of our children is paramount and there is simply no excuse for carrying a gun near a school or a school event of any kind. Responsible adults should know this and be prepared. "I'm going to the basketball game; leave my gun at home."

We acknowledge that this license would be granted only to law abiding citizens and what is wrong with letting law abiding citizens carry weapons. Everyone in our prisons was at one time a law abiding citizen. What caused each of them to choose to break the law? What made them go from law abiding citizen to criminal? In some cases it has been anger at a coach or teacher or reporter. In some cases it has been a domestic dispute. We simply must do everything we can to not let these disputes come to our children.

Zero tolerance policies have been promoted by policymakers for years. We read in the paper of children expelled for a year for carrying a toy gun or knife in a backpack or a few Tylenol. If little kids get a year for a toy, how do we explain that adults get up to a year for a firearm? When it comes to protecting our schools, we must have zero tolerance for firearms. Anything less is truly criminal.

FEDERAL AND STATE AFFAIRS

Date 3-2-06

Attachment 20





The City of  
**Overland  
Park**  
KANSAS  
8500 Santa Fe Drive  
Overland Park, Kansas 66212  
• Fax:  
www.opkansas.org

Chairman John Edmonds  
House Committee on Federal And State Affairs

March 2, 2006

Mr. Chairman and Members of the Committee:

I am writing on behalf of the City of Overland Park in opposition to Senate Bill 418. The Overland Park Police Department prominently displays the words "to protect and serve" throughout the department. This phrase applies to the citizens, but it also applies to the officers under my command. A tremendous amount of the debate has centered on how allowing concealed carry affects the crime rate. I would like to provide you with some information for your consideration on other areas of concern:

- Safety
- Training
- Costs
- Practicality

### Safety

Every year the FBI compiles statistics related to all crime, and they also prepare reports on specific crimes. The *Law Enforcement Officers Killed and Assaulted* report is of particular interest to those of us in law enforcement. The last published report in 2004 has some significant statistics I would like to point out. In 2004,

- 57 officers were killed in the United States
- 54 were killed with firearms (rifles, shotguns)
- Of those 54, 36 were killed with handguns

A review of the years 1995 to 2004 revealed significant facts:

- 594 officers were killed, not including the 72 who died at the World Trade Center
- 545 were killed with firearms.
- 396 were killed with handguns
- 54 were killed with their own weapons

The FBI also compiled statistics on the individuals who were arrested for killing those officers. During the same time period, 1993 to 2002:

- 696 known assailants were arrested
- 538 (67%) of those arrested had a prior criminal arrest
- 393 (47%) of those arrested had a prior criminal conviction
- 242 (34%) were under the influence of alcohol or drugs or in possession of drugs

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Using the standard of conviction for the basis of denying a license, 303 (43%) individuals who were arrested for killing a police officer would have been able to obtain a concealed carry license in this state if this legislation were passed.

The proposed legislation places limited restrictions on carrying a weapon in an establishment that serves alcohol. The restriction states that one cannot carry in the portion of the establishment that predominantly serves alcohol. If I read that correctly, one would be prohibited from carrying a concealed weapon in the bar area but could be armed in the dining section of the restaurant. Most restaurants that are licensed as a drinking establishment allow you to order and consume alcoholic beverages at the table that is not in the bar area. The policies of the Overland Park Police Department prohibit officers from consuming intoxicating beverages while carrying a firearm.

### **Costs**

There would be costs associated with this legislation that would not be covered by the fees. It is anticipated that courts and other municipal facilities would find it necessary to install metal detection equipment. Overland Park is currently making modifications to the Municipal Court to install metal detectors, hire personnel, and make necessary modifications to the building for security purposes. The costs for the screening equipment are \$32,000, and the personnel costs will be \$140,000 per year.

The legislation calls for the concealed carry license to be associated with the Kansas driver's license or Kansas ID card system. It would be extremely important that it be current and accurate. Every law enforcement officer in the state who has ever checked a vehicle license through KDOR is familiar with the response "not on file" or "work in progress, possible errors." There would be a need to constantly check to make sure those who have a concealed carry license have not been convicted of a crime that would require revocation of the license.

### **Training**

Every officer who is hired by the Overland Park Police Department starts their career by receiving training both at the Department and the Johnson County Regional Academy that totals 560 hours. That training includes 40 hours of pre-academy firearms, 40 hours of academy, and 40 hours of post academy advanced firearms training. This includes 16 hours in the classroom, 16 hours on the Firearms Training Simulator (FATS), and the remainder of the time is spent on the range. The amount of time spent on the FATS machine is extremely important as this gives the officers the skills necessary to know not just how to shoot but when to shoot and when not to shoot. In addition to the pre-academy training, each officer receives annual training on marksmanship and the FATS machine. Every officer must also qualify with any weapon that is carried in an off-duty capacity. The 40 hours of defensive tactics includes training on weapon retention. Even with this training, 54 officers nationwide were killed between 1995 and 2004 when their own gun was used against them.

I would not expect the average citizen to obtain the same training received by a certified law enforcement officer. But when an officer who has been trained in the use of a firearm, defensive tactics, and knowingly goes into dangerous situations can be disarmed and killed,

what level of training should be expected for the average citizen? To be able to identify a threat, determine a course of action, and take action requires a tremendous amount of training. In addition to the training, it is necessary to have the mindset that you may need to defend yourself without warning. According to FBI statistics, of the 594 officers killed in the line of duty between 1995 and 2004, 296 "did not use or attempt to use own weapon." From my own experience, answering a cell phone is similar to using a concealed weapon. When the phone rings you must identify it as your ring (identify the threat), and then you must locate the phone. Is it in a purse, belt clip, or briefcase? (React to the threat) How quickly can you retrieve it, push the answer button, and get it to your ear? (Take action). Now, do all of this while you fear for your safety with stress levels that are higher than you have ever known.

### **Practical application**

The legislation provides a list of locations, meetings, and institutions where carrying a concealed weapon would be prohibited. It also allows business owners and businesses to prohibit the carrying of concealed weapons on the premises. A bank in Overland Park already has posted signs at the entrance stating that firearms are prohibited. It is likely that a large number of businesses would post such signs. If that were the case, a person who was licensed to carry concealed could leave their residence, drive to the store, and find that weapons were prohibited. They would then have three options. Do not go into the store at all, go into the store anyway in violation of the prohibition, or leave their weapon in their vehicle. Last year in Overland Park there were 771 auto burglaries, over 250 occurred in commercial parking lots.

The legislation also allows for reciprocal agreements with other states that allow concealed carry. How would a Kansas law enforcement officer be able to verify the validity of the out-of-state license? An out-of-state individual could be carrying a concealed weapon with a license that appears to be valid, but how would the officer on the street know? Is there a national electronic database? Would the officer assume the out-of-state license is valid or would the officer charge the individual, take them into custody, make them post bond, or let them go until they find out if the license is valid? It is not uncommon for a person whose driver's license has been suspended to still be in possession of the actual license. The law in Florida states that the status of a concealed carry license must be available through the Florida Crime Information Center. To the best of my knowledge, Kansas law enforcement officers do not have access to that database.

If you believe that SB 418 would make Kansas safer for its citizens, I would ask that you consider those who have sworn "to serve and protect" all of the citizens of the State. This bill would not automatically make Kansas safer. It will make the duties of a law enforcement officer more difficult and more dangerous.

The City of Overland Park requests that you not support SB 418 favorably for passage. Thank you for your consideration.

Lt. Colonel R. Keith Faddis  
Overland Park Police Department

# City of Wichita

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## Testimony on SB 418

### Before the House Federal & State Affairs Committee

March 2, 2006

Re: SB 418 – Concealed Weapons – Libraries

The Personal and Family Protection Act (SB 418) lists several venues where licensees would NOT be authorized to carry concealed weapons (New Sec. 10). The City of Wichita, the Board of Directors of the Wichita Public Library and the Board of Governors of the Friends of the Wichita Public Library believe that the omission of “public libraries” from that list is a serious oversight.

Public libraries are among the most heavily used public facilities in many communities. The City of Wichita’s Central Library, for example, receives more than half a million visits each year. In 2005, more than 200,000 users visited our least used district branch. All totaled, we estimate nearly 2,000,000 visits to Wichita Public Libraries occur in a year. These users come to our buildings with a variety of interests, needs and motivations.

For the same reasons that we believe New Sec 10 excludes city halls, courthouses, state office buildings, schools, universities and community mental health centers as facilities where licenses might carry a concealed weapon in the current version of SB 418, we believe it is appropriate and important to specify public libraries. In fact, the Wichita Public Library fulfills many of the roles of facilities that are listed in New Sec 10 as sites where carrying concealed weapons would be disallowed.

- ❖ The Wichita Public Library serves as a “school” library for many of the home-schooling families in our service area as well as for a number of private schools, preschools, day care centers, and in-home day care providers. All library locations are popular sites for field trips, tours and programs. The Central Library plays an additional role as a research center for middle and high school classes, not only from the Wichita school district, but also from as far away as Udall and Haven. Every

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week during the school year, one or more schools will bring students to the Library for extended periods of research and study.

- ❖ The Wichita Public Library Central branch serves as the designated library for inmates of the Wichita Work Release Facility as that agency has no in-house library.
- ❖ The Wichita Public Library serves as a neighborhood city hall, providing district advisory board meeting space for the City Council members and residents of two of our community's six City Council districts.
- ❖ Elected officials at all levels of government are encouraged to make use of Wichita Public Library facilities for community meetings. Representative Delia Garcia, State Senator Donald Betts, Governor Kathleen Sebelius and Secretary of Health and Human Services Michael Leavitt all utilized Wichita Public Library locations in 2005 for community meetings or special events.
- ❖ As a de-facto shelter for many of the chronically homeless individuals living in the Wichita area, the Central Branch of the Wichita Public Library also works closely with social agencies such as Comprehensive Community Care of Sedgwick County (COMCARE) and the Breakthrough Club to coordinate service to our shared clients and customers.

Wichita Police Chief Norman Williams has expressed some of our other concern about authorizing concealed carry of weapons in public libraries when he said, "I do not understand why the libraries would be not be included in the carry conceal bill. Just as you have concerns with schools and children, the same would hold true for libraries throughout our city and other Kansas communities. Allowing people to carry a gun in a library will place our children at risk and it sends a message that it will be ok for them to carry a weapon, because children have tendencies to emulate adult behavior."

Although the bill would allow any property owner to post its property, we believe that is inadequate and an unnecessary burden and cost on governmental and public facilities such as the many public libraries in Wichita and across the State. In speaking with peer libraries in other states, we have found that the most positive responses come from areas where

libraries are included as exemptions in statute rather than in communities where individual libraries or cities have been required to create this restriction through policy.

As you review and forward recommendations on this bill to the House Committee of the Whole, we urge you to include an additional exemption for public libraries. Our Director of Libraries, Cynthia Berner Harris, and the President of our Library Board of Directors, Tim Moore, would be happy to receive any questions you may have about the impact of this proposed legislation upon Wichita Public Library locations. Thank you for your consideration.

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# Testimony

Unified Government Public Relations  
701 N. 7<sup>th</sup> Street, Room 620  
Kansas City, Kansas 66101

Mike Taylor, Public Relations Director 913.573.5565  
Don Denney, Media Relations Specialist 913.573.5544

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## Senate Bill 418 Personal and Family Protection Act

Delivered March 2, 2006  
House Federal and State Affairs Committee

The Unified Government of Wyandotte County/Kansas City, Kansas opposes Senate Bill 418.

The 2006 Legislative Program for our community states: *"The Unified Government opposes legislation allowing the carrying of concealed weapons and opposes any legislative effort to restrict or pre-empt local home rule authority to regulate firearms."*

The 2006 Legislative Program was unanimously adopted by the Board of Commissioners after a series of public meetings and workshops. The opposition to concealed carry legislation represents a consensus of the Commission and a consensus of the citizens in Wyandotte County.

Senate Bill 418 is problematic for several reasons. First, New Section 17 of the bill specifically provides that "any city ordinance or county resolution that regulates, restricts or prohibits the carrying of concealed weapons shall not be applicable to any person licensed in accordance with the provisions of this act." Cities in Kansas have been regulating firearms since statehood. Pre-emption on this important public safety issue is unacceptable. Wyandotte County has experienced a 50% decrease in violent crime since 1995. This is a result of dedicated, focused law enforcement and committed neighborhood and citizen groups. Stripping local elected officials of their ability to regulate firearms is not a positive step toward helping our community control crime.

Secondly, Senate Bill 418 lists a number of locations where individuals would not be allowed to carry concealed weapons. It includes police stations, courthouses, and a number of other locations. This measure would allow guns in a number of municipal facilities such as parks, auditoriums and libraries.

Finally, Senate Bill 418 is troubling because it once again overrides the wishes of the local community and the decisions of locally elected officials in favor of a legislative mandate. This is unacceptable on any issue but when it comes to allowing more guns on the streets of our community, it is repre

FEDERAL AND STATE AFFAIRS

Date 3-2-06

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LEAGUE OF WOMEN VOTERS® OF KANSAS

March 2, 2006

President  
Janis McMillen  
Overland Park

The Honorable John Edmonds, Chair  
Federal and State Affairs Committee  
The Kansas House of Representative

1st Vice President  
Sharon Ailsieger  
Wichita

Chairman Edmonds and members of the Committee:

2nd Vice President  
Doris Slocombe  
Emporia

The League of Women Voters of Kansas wishes to go on record as **opposing** SB 418. We believe that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. At issue is the safety and security of our citizenry. The proliferation of weapons, and particularly concealed weapons for personal use, puts families, adults and children in an unsafe and threatening environment.

Secretary  
Carol Snyder  
Overland Park

Treasurer  
Leonore Rowe  
Overland Park

The bill raises several questions that have not been addressed.  
- The League acknowledges that the U.S. Supreme Court and the lower federal courts have ruled consistently that the Second Amendment confers a right to keep and bear arms only in connection with service in a well-regulated militia, known today as the National Guard. It has been the law of Kansas since 1975 that the Kansas Constitution does not guarantee a right of citizens to keep and bear arms. What impact will this law have on the Kansas Constitution?

Directors  
Mary Ann Bradford  
Topeka

Emma Doherty  
Salina

Gwen Elliott  
Topeka

Ellen Estes  
Wichita

- If this bill becomes law, persons coming in to Kansas from other states can bring their concealed weapons into the state. Kansas will have no control over the backgrounds of these individuals, no opportunity to educate or license them, or to even determine if they have concealed carry permits. Is it in the best interests of our citizens to subject them to the potential hazards associated with this reciprocity?

Linda Johnson  
Manhattan

Bob Kruh  
Manhattan

Carrie Moore  
Lawrence

Bill Powell  
Salina

- There is no provision in this bill that would allow cities and counties to determine for themselves whether they want concealed carry for their residents, and it would, in fact, take precedence over the ordinances of cities and counties which now prohibit concealed carry. Should we not preserve Home Rule, and allow cities and counties the discretion of determining how best to preserve the safety of their residents?

- If this bill becomes law, it would be legal to carry a concealed weapon into a hospital, into a house of worship, and to school-sponsored events not conducted on the school grounds or athletic fields. If it is believed that persons in these locations should be protected from potential hazards of citizens carrying concealed weapons, why should persons in any of the other locations be excluded from such concern? Why should responsibility be placed on business owners, hospitals, or churches to post signs prohibiting concealed carry? And how will non-residents know where they can or cannot carry concealed weapons?

Unfortunately, our society is no longer "a kinder and gentler nation", and it is imperative that we do everything possible to reverse the trend of increasing violence in our society. Permitting concealed carry would be a step in the wrong direction.

Janis McMillen, President

FEDERAL AND STATE AFFAIRS

Date 3-02-06

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