

**CONCEALED HANDGUN LAWS  
AND PUBLIC SAFETY**

By

**Marcus Nieto**

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## DIGEST

This report examines concealed handgun laws in different states and discusses the concept of self-defense. It also reviews research about the effectiveness of laws regulating how and when individuals may carry concealed handguns in public. The research was requested by Assembly Member Robert Hertzberg, Chair of the Assembly Public Safety Committee.

Studies on the beneficial impact of concealed handguns/firearms have generally focused on their use for self-defense.\* Crime indicators such as rape, robbery, and aggravated assault, and psychological variables such as personal security and peace of mind have generally been the focus of the research. This report broadens that base of information. Areas of focus include the relationships between state concealed handgun laws, the incidence of violent crime, and state gun purchasing and gun exporting laws. The public's perception of concealed handguns, their utility, and cultural relevance is also discussed.

Some of the key findings of this study are:

- States with the least restrictive concealed handgun laws generally have higher violent crime and murder rates than states with stricter handgun laws, but no causal links have been established;
- According to polls, the public generally disapproves of laws making it easier to carry concealed handguns;
- People living in rural California counties are more likely to be granted a concealed handgun license than people living in moderate-to large-size urban counties; and
- States with the least restrictive concealed handgun laws generally have the highest rates of guns exported to other states which are used in a crime, according to Bureau of Alcohol, Tobacco, and Firearms statistics.

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\* Confusion arises in defining firearms (a generic term equivalent to guns) because of inconsistencies in legal and popular classification. The military refers to a pistol as a "sidearm," a rifle as a "weapon," and a "gun" as artillery. According to California law, a "pistol," "revolver," or "firearm capable of being concealed upon the person is a concealed weapon." This definition also applies to any device designed to be used as a weapon, from which is expelled a projectile by the force of explosion, or other form of combustion, and which has a barrel less than 16 inches in length. For purpose of this report, firearm and handgun are used interchangeably.

## REGULATION OF CONCEALED HANDGUNS

### History of Concealed Handgun Laws

Laws allowing citizens to carry concealed handguns in the United States are relatively recent. However, some statutes enacted before the Civil War did address carrying concealed guns. They completely outlawed the purchase of weapons that could be concealed, rather than setting up a system whereby concealed carrying could be permitted. These statutes usually had no exemption for sheriffs or other peace officers, even when on duty.<sup>1</sup>

During the 1920s and 1930s, many states adopted *A Uniform Act to Regulate the Sale and Possession of Firearms*. This model law, adopted by the National Conference of Commissioners on Uniform State Laws and supported by the National Rifle Association, prohibited unlicensed concealed handguns. Most states also adopted provisions allowing a sheriff, police chief or judge to issue concealed handgun permits, recognizing that there were circumstances when at least some civilians would have a legitimate need for a concealed handgun.<sup>2</sup> Many of the statutes left broad discretionary power to law enforcement above and beyond certain minimum standards for obtaining a permit. In some parts of the United States, concealed handgun statutes were passed as a method of prohibiting Blacks from carrying arms.<sup>3</sup>

Not every state adopted the *Uniform Act* in the 1920s and 1930s. Some states had already enacted their own statutes. For example, Vermont did not adopt a statute prohibiting concealed handgun permits, in part because of the Vermont Supreme Court's expansive reading of the right to bear arms in the Vermont Constitution (*State vs. Rosenthal, 1903*). Vermont still has no laws prohibiting or regulating carrying concealed handguns.

### Concealed Handgun Laws and the Permit Issuing Process

Carrying a handgun outside the home, in a vehicle or on the person, is subject to a variety of state and local regulations. In most states, carrying a concealed handgun is prohibited or restricted to individuals who have obtained a special license or permit. Other states have enacted "right-to-carry" (RTC) laws under which most citizens can easily obtain a concealed handgun permit.

### ***“No Carry” Permit States***

Seven states prohibit the carrying of concealed handguns. In these states, only law enforcement personnel are allowed to carry a concealed handgun. These states are: Illinois, Kansas, Missouri, Nebraska, New Mexico, Ohio and Wisconsin.<sup>†</sup>

### ***“May Issue” Permit States***

The “*may issue*” system operates in 12 states (including California) in which permits are issued by law enforcement or judicial officials. These states allow local law enforcement authorities to approve or deny an application for a concealed handgun license based on an applicant’s criminal record, standing in the community, and a broad range of local “need to carry” requirements. These states are as follows:

Alabama, California, Delaware, Hawaii, Iowa, Maryland, Massachusetts,  
Michigan, Minnesota, New Jersey, New York, and Rhode Island.

Most people seeking a concealed handgun permit in *may issue* states must demonstrate a specific need to qualify for a permit (for example: a security guard or merchant who transports money or precious commodities to a bank). The need must be “true and compelling.” Permits are generally restricted to certain times and places. Compared to right-to-carry (RTC) states where the license process is fairly easy, relatively few concealed handgun licenses are granted. Most conservative estimates place the number of concealed handgun permits in *may issue* states at less than one percent of the population.

Applicants in *may issue* states who believe they meet the minimum criteria but are denied a concealed handgun permit often question the discretionary process. For example, a Denver Police administrator contended that, “Just because you fear for your life is not a compelling reason to have a permit.”<sup>4</sup> Allegations are sometimes made that persons granted permits are politically influential rather than in need.

### ***Concealed Handguns in California***

Concealed handgun permits in California are issued at the discretion of the chief of police of the city, or sheriff of the county, in which the applicant resides. These law enforcement officials are free to develop their own licensing criteria. There are no uniform guidelines issued by county sheriffs or city chiefs of police. However, recently enacted state law more narrowly restricts the issuance of concealed handgun permits by law enforcement to residents of that jurisdiction (*SB 146 Chapter 408, Statutes of 1997*). Some critics previously characterized this process as “haphazard.”<sup>5</sup>

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<sup>†</sup> Wisconsin recently passed a law permitting passage of concealed firearms through the city of Milwaukee in a vehicle traveling to another destination within the state.

California's *may issue* permit process was examined in 1994 by researchers interested in knowing how the discretionary authority to issue concealed handgun permits varied by county. They grouped the state's 58 counties into three categories: the least populated (counties with less than one-tenth of one percent of the state's population), average (counties with up to one percent of the state's population), and most populated (over one percent of the state's population). The second variable was the degree of restriction in concealed handgun licensing criteria. The study then compared these categories to the number per capita of concealed handgun permits issued and the rate of aggravated assault and robbery. The findings are detailed in Table 1.<sup>6</sup>

Type of Counties	Concealed Handgun Permit Issue Rate Per 100,000 Population	Aggravated Assault Rate Per 100,000 Population	Robbery Rate Per 100,000 Population
Highly Restrictive Urban Counties	28.3	621.5	372.7
Moderately Restrictive Urban Counties	437.5	449.9	124.4
Non Restrictive Rural Counties	1,736.5	414.2	48.5
California Total Average	122.5	593.5	331.8

Source: California Department of Justice, 1994

These findings generally suggest that persons living in sparsely populated rural counties are much more likely to be granted a concealed handgun permit than those living in moderate to heavily populated counties. The data also implies that persons living in rural counties are less likely to be the victim of robbery or aggravated assault.

While no conclusions were drawn from the study about the benefits of concealed handguns, the authors believe their findings are inconsistent with the notion that carrying concealed handguns will lead to more murders or other crimes.<sup>7</sup>

Current state law requires the California Department of Justice to perform background fingerprint checks of all county applicants for concealed firearm permits submitted by local law enforcement. Applicants with previous felony convictions, current judicial restraining orders, or previous medical institutional commitments are ineligible for concealed firearm permits. According to department officials, over the last two years, only 25 out of 5,611 applicants failed their background checks.<sup>8</sup>

### ***“Shall Issue” Permit States***

The non-discretionary “*shall issue*” concealed handgun permit system is commonly referred to as “right to carry” (RTC). States with RTC laws require law enforcement officials to issue a concealed handgun permit to an individual unless he or she is in a prohibited category (generally a convicted felon). Applicants are not required to demonstrate need to be granted a permit, and in most RTC states applicants can obtain a license by claiming a lawful purpose such as basic self-defense. Persons who are granted permits to carry concealed handguns must always carry their permit with them, obey all laws, and renew the permit as required by state laws.

There are 30 *shall issue* states (encompassing 48 percent of the U.S. population). They are:

Alaska, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wyoming.

Interestingly, while the concealed handgun permit process in RTC states is not as stringent as in *may issue* states, the qualification process for law enforcement to carry and use a firearm is generally substantial. For example, in RTC states a law enforcement officer must go through extensive background checks, polygraph interviews, psychological interviews with clinical psychologists, drug screening, and extensive training in the use of firearms. Law enforcement officers receive constant training and guidance on when the use of force is lawful and appropriate.

### **Where May Concealed Handguns be Carried?**

In most *may issue* states, permit holders are restricted as to where and when they may carry a concealed handgun. As discussed earlier, many permit holders are restricted to carrying a concealed handgun at their place of business or to certain times of the day.

Under most *shall issue* laws, permit holders can carry a concealed handgun in most places in their state. Generally any person who is in compliance with the terms of a license may carry any combination of handguns about their person. Public places in which carrying a concealed handgun is restricted are as follows:

- Any police, sheriff of state highway patrol station;
- Any detention facility, prison, or jail;
- Any courtroom;
- Any governmental meeting, or meeting of the Legislature;
- Any school; and

- Any place prohibited by federal law (mainly any establishment licensed to dispense alcohol beverages).

In some RTC states, local businesses and companies have begun to restrict employees from carry a concealed handgun into the workplace. In Texas, for example, the state's 20 largest businesses, which collectively employ about a half-million people, are all developing or reaffirming bans on concealed handguns in the workplace. Fifteen of the largest cities in Texas have approved rules outlawing concealed handguns in city buildings, or are considering a ban. Cities and businesses in other RTC states are considering similar bans.<sup>9</sup>

Prompting this trend is the concern by some employers over workplace safety. While workplace violence has not reached epidemic proportions, it is the second-leading cause of occupational deaths in the nation (behind deaths involving cars).

Deaths in the workplace also have the potential for expensive litigation, regardless of employer attempts to prevent them. According to one corporate lawyer who specializes in employment law, "companies that allow employees to carry concealed handguns are setting themselves up for a enormously expensive judgment if a customer is injured or killed."<sup>10</sup>

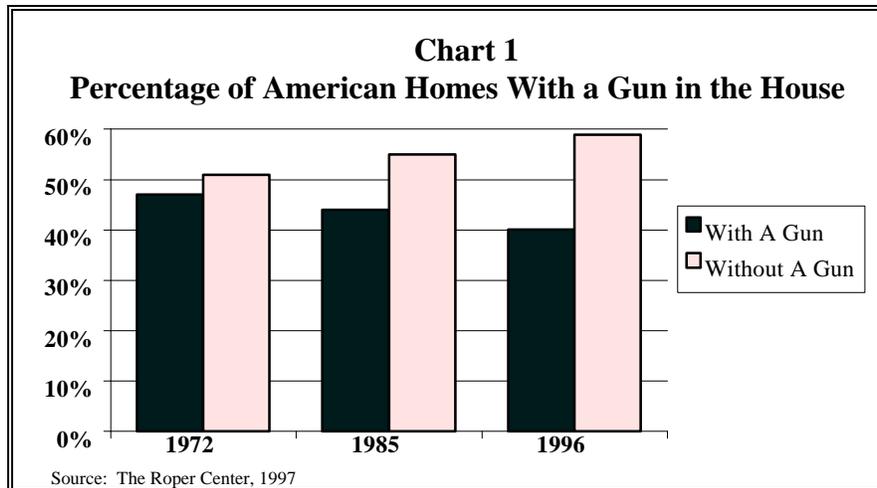
## **FIREARM PREVALENCE AND USE IN SELF-DEFENSE**

There are approximately 222 million firearms available for sale or in the possession of civilians in the United States.<sup>‡</sup> This includes 65 million handguns, 70 million rifles and 49 million shotguns which are privately owned.<sup>11</sup> About half of all the homes in America contain one or more firearms. Although most persons who own guns keep them primarily for hunting or sports, three quarters of gun owners keep them at least partly for protection. One fifth of gun owners identify "self-defense at home" as their most important reason for having a gun.<sup>12</sup>

A National Survey of Private Ownership of Firearms (NSPOF) conducted by the Police Foundation found that the number of homes with guns decreased from 50 percent in 1990 to 38 percent in 1996. This is consistent with other research conducted over a longer period of time by the Roper poll, which found that homes with guns were decreasing (See Chart 1). Most of the people who owned guns said in the NSPOF survey that they did not use them for hunting or sport shooting, but to deter crime against their person or property.<sup>13</sup>

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<sup>‡</sup> Bureau of Alcohol, Tobacco and Firearms, 1996.



The NSPOF also reported the following:

- About 14 million adults, or 6.9 percent of the nation's adult population, carried concealed handguns for protection at least once during 1994 (U.S. adult population over 18 years of age was roughly 194.4 million people);
- Nearly 10 million people kept firearms in their cars or carried them on their person;
- About 7.8 million adults (56 percent of all adult gun carriers) carried a concealed firearm outside of work fewer than 30 days per year; and
- As many as 4 million adults carried concealed handguns for protection in connection with work.
- Males who carried concealed guns were twice as likely to have been arrested for a non-traffic offense as other men.

Surprisingly, only 3.5 million of these people were employed in the protective services field. As many as three million people never left home without their firearm.

According to a U.S. Department of Justice, National Crime Victimization Survey (NCVS) published by the U.S. Bureau of Justice Statistics, data from 1987 to 1992 indicate that 20,000 persons used guns to protect their property each year, mostly against home burglary.<sup>II</sup> A December 1993, poll published in the *USA Today* found that one in seven (14 percent) of those surveyed had used a gun in self-defense. Both the survey and the poll did not distinguish between persons in the business of self-protection (police officers, armed security guards) and those who are not.

The NCVS for 1987-1992 also found that approximately 38 percent of the victims defending themselves with a firearm attacked the offender by displaying or firing the gun, while the remaining 62 percent threatened to use a gun against the offender. A fifth of the

<sup>II</sup>The way in which guns were used to protect property was not defined in the NCVS.

victims defending themselves with a firearm suffered an injury, compared to nearly half of those who defended themselves with other weapons. In most cases victims who used firearms to defend themselves or their property were confronted by offenders who were either unarmed or armed with weapons other than firearms.<sup>14</sup> On average each year, about 35 percent (22,000 per year) of the violent crime victims defending themselves with a firearm faced an offender who also had a firearm.<sup>15</sup> In the case of attempted burglary and motor vehicle theft, about one-third of these victims attacked the offender with a firearm.

Use of a handgun or firearm in self-defense was a major factor in frontier United States, and still carries considerable approval. However, the data is unclear as to how widespread the use of handguns for self-defense is today. The U.S. Department of Justice NCVS is generally considered the most reliable source of information on predatory crime, since it has been in the field for over two decades and incorporates the best thinking on survey methodologies. From this source it would appear that guns were actually used in self-defense against criminal predators about 62,000 times per year between 1987-1992 (this figure does not include the threat of using a handgun in self-defense). This amounts to less than one percent of all violent crime.<sup>16</sup> A more recent NCVS indicated that guns were used in self-defense against criminals about 108,000 times per year between 1992-1994. A third and quite different figure of 2.5 million uses of guns in self-defense was obtained in a 1994 telephone survey study conducted by Florida State University researchers.<sup>17</sup> However, as a side note, while this research finding has been cited by gun supporters to support the carrying of guns, the author of the study does not agree: "I believe in the general protective utility of guns, but there is no evidence that carrying a concealed weapon has a deterrent effect."<sup>18</sup>

The Police Foundation NSPOF telephone survey conducted in 1994 also examined the use of firearms by American adults in self-defense. The survey instrument used was similar to the Florida State research model. Researchers estimated that 1.5 million persons used a firearm to defend themselves in 1994. Researchers from the U.S. Department of Justice contend that the large difference between the NSPOF findings and the results obtained by Florida State University researchers is due to sampling errors in the Florida study. For example, many of the Florida State University survey respondents included individuals who indicated having multiple defensive gun uses (DGU). In addition, the survey did not distinguish between those individuals who fired a gun from those who threatened to use a gun. When U.S. Department of Justice researchers applied a strict interpretation of the Florida State University model to the NSPOF finding, the estimated defensive gun use of firearms increased from 1.5 million to 4.7 million per year.<sup>19</sup> This variation suggests that the wording of questions and selection of survey sample can markedly affect results.

The key difference between the NCVS, the NSPOF, and Florida State surveys is the level of "false positive" defensive gun use responses. Neither the NSPOF nor Florida State University models adequately screened false positive responses, according to U.S.

Department of Justice researchers. For example, respondents could falsely provide a positive response to the defensive gun use question for a number of reasons:

- They might want to impress the interviewer by their heroism and hence exaggerate a trivial event;
- They might be genuinely confused due to drugs, illness or simply less-than accurate memories; and
- They might actually have used a gun defensively within the last couple of years, but falsely reported it as occurring in the previous year--a phenomenon known as “telescoping.”

It appears that many of the defensive gun use respondents surveyed in the NSPOF and Florida State University surveys exaggerated or falsified their responses. For example, respondents to the Florida State survey gave contradictory information as to the circumstances of their defensive gun use and whether it was in response to the threat of rape, robbery, or attack.

This false positive problem is minimized in the National Crime Victimization Survey due to the design of its questionnaire. For example, only those respondents who defended themselves and were actually the victim of a crime in which they had direct contact with the offender are included as victims in the survey. Simply put, most people who participated in this survey never had a chance to answer the defensive gun use question, falsely or otherwise.<sup>20</sup> Table 2 displays the different results among the surveys.

<b>Table 2</b>				
<b>(DGU) Estimated for 1 Year Recall Period (1994)</b>				
<b>Comparison of (NSPOF) and (NCVS) with Florida State University Estimates</b>				
	NCVS Estimates	NSPOF Estimates		Florida State University Estimates
	DGUs Meeting NCVS Criteria	All DGUs Against Persons	DGUs Meeting the Florida State University Criteria	
Estimated number of defenders	62,000		1.5 million	2.5 million
Estimated number of DGUs	108,000	3.1 million	4.7 million	N/A
Source: California Research Bureau, California State Library, 1997				

What is clear from these studies of defensive use of firearms is the general disagreement as to which approach to measuring this activity is more accurate and useful. Survey methodology is clearly a powerful determinant of results. As one U.S. Department of Justice researcher recently concluded, “Even if one were clever enough to design a questionnaire that would weed out false positive error, a problem in interpreting the results would remain.”<sup>21</sup>

## **New Approaches to Accurately Measure Defensive Gun Use**

Research to determine a more accurate way to measure the number of times firearms are used in self-defense needs to be conducted. New studies have pointed out several ways to improve current measurement techniques.

The ordinary practice in medical screening is to develop a more reliable survey measuring tool. When an initial test comes out positive, a follow-up test is usually applied to distinguish true from false positives. If knowing the true prevalence is important, then it is worthwhile to devise systems for distinguishing true from false positives after the initial screening.

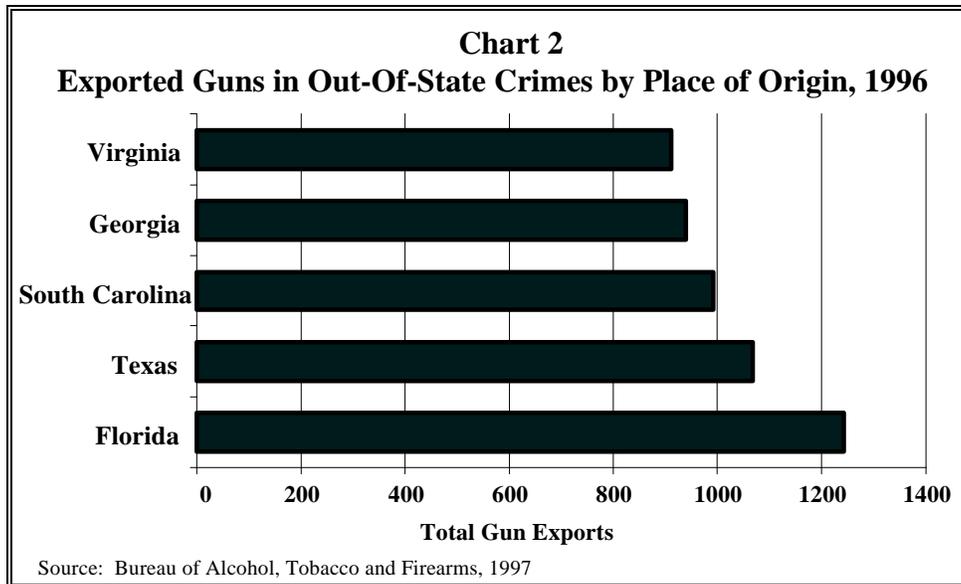
Determining the social value of reported gun use is a second challenge that will be at least as difficult as overcoming the false-positive problem. More detailed information about the entire sequence of each event, including the respondent's actions prior to using a gun, is necessary.

Another interesting exercise would be to start with a sample of instances in which guns used in self-defense are reported to the police, and interview each of the participants. Comparisons between these responses and the results of the police investigation might provide some sense of the ways in which survey reports are "shaded."<sup>22</sup>

## **Cultural Values in *Shall Issue* States**

In the South and many rural areas of the United States, carrying firearms is embedded in the culture and way of life.<sup>23</sup> These values are reflected in the laws which govern the possession, sale and interstate transfer of guns. For example, many of the *shall issue* or right-to-carry (RTC) states also have the least restrictive gun control laws. People residing in these states may also make large purchases of firearms which can be transferred out of state. Sixteen of the top 25 firearm exporting states are RTC states. The 1994 Police Foundation study (NSPOF) found that a disproportionate share of individuals carrying guns resided in the South, where the prevalence of carrying concealed guns was almost double that of the rest of the nation.

The top five gun-exporting states, in which firearms were purchased and used in crimes committed in another state, are RTC states in the South (See Chart 2).<sup>24</sup>

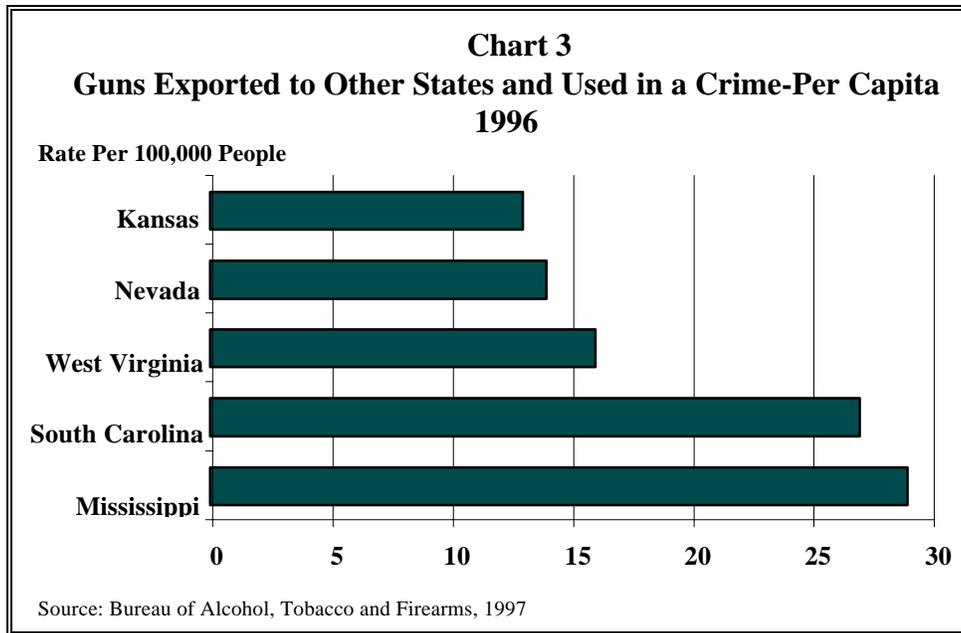


According to the U.S. Bureau of Alcohol, Tobacco and Firearms (ATF), interstate gunrunning has become a very deadly business.<sup>25</sup> Gunrunning is the practice of legally buying firearms in a state with weak gun laws, and then selling the weapons illegally in another state which has strict gun laws. Smugglers often transfer these firearms from legitimate commerce to the black market, where many firearms end up in criminals' hands, according to ATF officials.

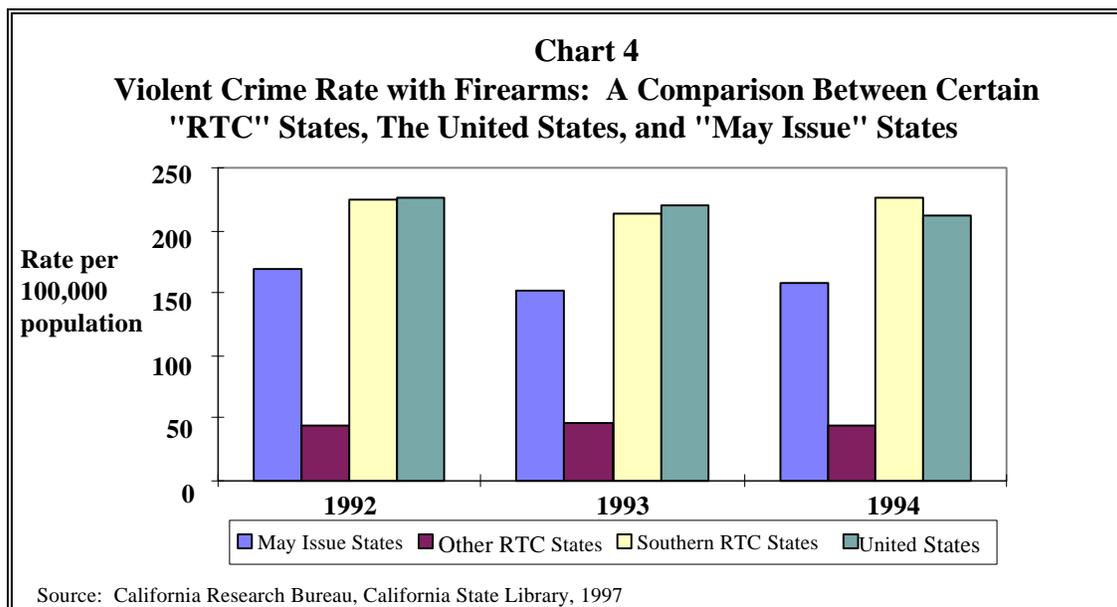
The states shown in Chart 2 are typical shopping stops for the nation's gunrunners, who then sell the firearms in states like New York, New Jersey, Illinois or other strong gun law states. According to the ATF, the favorite smuggling routes for gunrunners are Interstate 95 (I-95) from Florida, Georgia, and South Carolina (all RTC states) to New York, New Jersey, and Massachusetts, or north from Mississippi along Interstate 55 to Illinois.

Chart 3 adjusts for population, more clearly demonstrating the link between RTC states and the sale of guns used in crimes in other states.

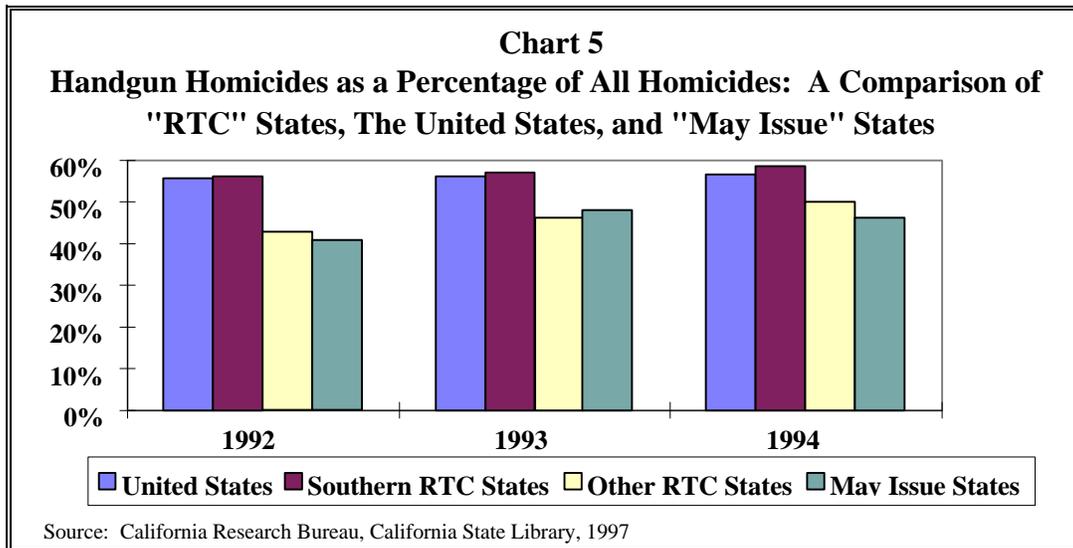
The export rate shows how many guns were traced from crimes elsewhere per 100,000 state residents. In other words, for every 100,000 Mississippi residents, 29 guns were sold in that state and traced to crimes in another state. In comparison, New Jersey is a *may issue* state, with less than one gun used in an out-of-state crime for every 100,000 residents.



A broader look at the violent crime rate involving firearms and homicides in certain RTC states, when compared to the national rate and to states with more stringent concealed firearm requirements, reveals some interesting findings. For example from 1992 to 1994, the violent crime rate involving firearms in RTC states from the South was generally higher when compared to all groups. (See Chart 4).



A similar comparison was made between the same groups of states and the United States as a whole using handgun homicides as a percentage of all homicides. Handgun homicides as a percentage of all homicides were generally higher in RTC states from the South than the nation's *may issue* states or other RTC states (See Chart 5).



## CONCEALED HANDGUN RESEARCH

The study of handguns and firearms is rich in “advocacy research,” in which the methodology tends to a particular outcome. The most recent study to examine the impact of carrying a concealed handgun was published in 1996 by University of Chicago researchers. Their study incorporated a cross-sectional time-series analysis of arrest and crime rate data for counties at the national and state levels from 1977 to 1992. They concluded that counties within states lacking right-to-carry (RTC) concealed firearm laws would have avoided approximately 1,400 murders, 4,000 rapes, 11,000 robberies and 60,000 assaults if they had had RTC laws (See Table 3).<sup>26</sup>

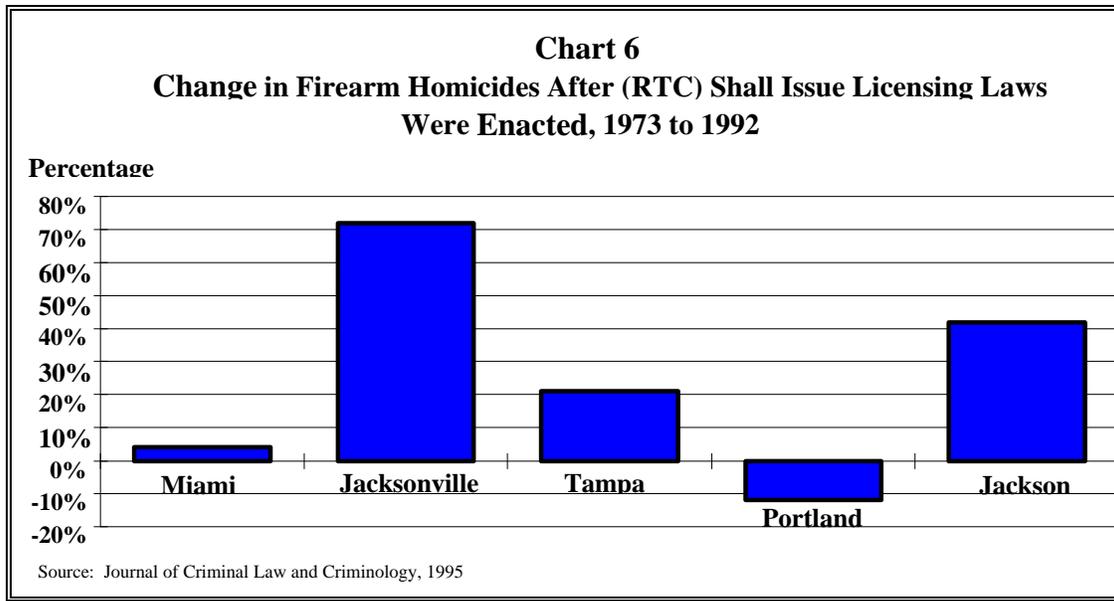
Crime Category	Change in Number of Crimes if the States Without “ <i>Shall Issue</i> ” Laws in 1992 had Adopted the Law	
	Estimates Using County-Level Data	Estimates Using State-Level Data
Murder	-1,414	-1,592
Rape	-4,117	-4,811
Robbery	-11,898	-62,852
Assault	-60,363	-93,860

Source: John Lott and David Mustard, *Crime, Deterrence, and Right-To-Carry Concealed Handguns*, 1997

The University of Chicago study also concluded that in RTC states property crime rates (auto theft, burglary, and larceny) increased, because criminals tend to avoid higher risk crimes (such as robbery and assault) when the threat of being shot by an armed citizen is greater. The monetary loss from the increase in these property crimes was an estimated \$417 million annually. However, because violent crime in RTC gun states was less likely to occur, the savings from the reduction in the loss of quality of life (fear, pain, and suffering) was estimated to be \$5.74 billion, which far exceeds the loss due to increased property crimes.<sup>27</sup>

Other researchers are particularly critical of the University of Chicago study. Many point out flaws in the study's methodology, which failed to account for changes in state laws such as fingerprint background checks and waiting periods for purchasing. These factors are enacted as a direct response to crime when rates are high and may be one cause of declining crime rates.<sup>28</sup> Another criticism of the study is that it did not control for variables and trends that drive crime cycles, such as poverty and changes in the criminal justice system (for example: sentence enhancements for crimes committed with a gun).<sup>29</sup> Finally, researchers note that most rapes are committed in the home by someone known to the victim. Aggravated assaults also usually involve people who know each other, and only 15 percent of murders in which the circumstances are known are the result of predatory crimes (for example: robbery).<sup>30</sup> These are crimes which do not involve a victim carrying a gun in public because most are committed by someone known to the victim. Thus the deterrent value of concealed firearms would be of limited utility.

Advocates of stricter handgun laws point to several studies which dispute the University of Chicago study results, including one funded in 1995 by the U.S. Department of Health and Human Services (DHHS). In the DHHS study, researchers from the University of Maryland examined homicides in the three RTC states of Oregon, Florida and Mississippi. The Maryland researchers used a time series designed to estimate average homicide levels before and after *shall issue* laws were adopted.<sup>31</sup> The researchers replicated their analysis in five major urban areas of the three states.<sup>32</sup> The average study periods before and after the enactment of RTC laws for all five areas were 100 months and 45 months respectively. The study found that firearm homicides increased in four of the five areas after the enactment of "*shall issue*" laws. A decrease in homicides in the city of Portland was attributed in part to the tightened gun purchasing laws, which went into effect at the same time as the *shall issue* law (See Chart 6).<sup>33</sup>



Most academic researchers in this field agree that studies on the effects of increased gun carrying by civilians are incomplete. However, many conclude that the weight of evidence from research thus far suggests that more individuals carrying guns leads to more deaths. Indeed, many studies conclude that gun density is positively associated with homicide rates.<sup>34</sup> In support of this position, 75 nationally recognized researchers and other health professionals petitioned the Federal Trade Commission in 1996, contending that advertising equating the purchase of a handgun with increased consumer security and safety is “at odds with the best available epidemiological evidence.”<sup>35</sup>

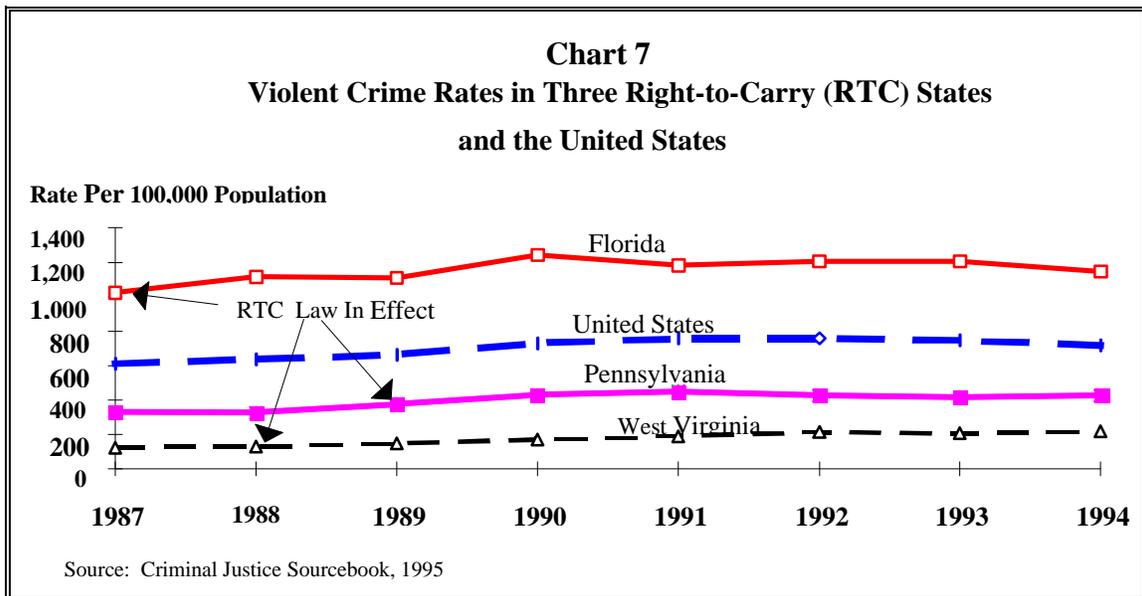
### **Tracking Concealed Handgun Permit Data From States**

A telephone survey was conducted by the California Research Bureau to determine what other states are doing to track and report criminal statistics which involve concealed handgun permit holders. None of the states sampled in the survey keep specific information on the crimes committed by their handgun licensed holders. Some states (including Florida) hold public hearings in which handgun licensees who have had their licenses revoked can dispute the revocation. The circumstances involved in the license revocation are a matter of public record.

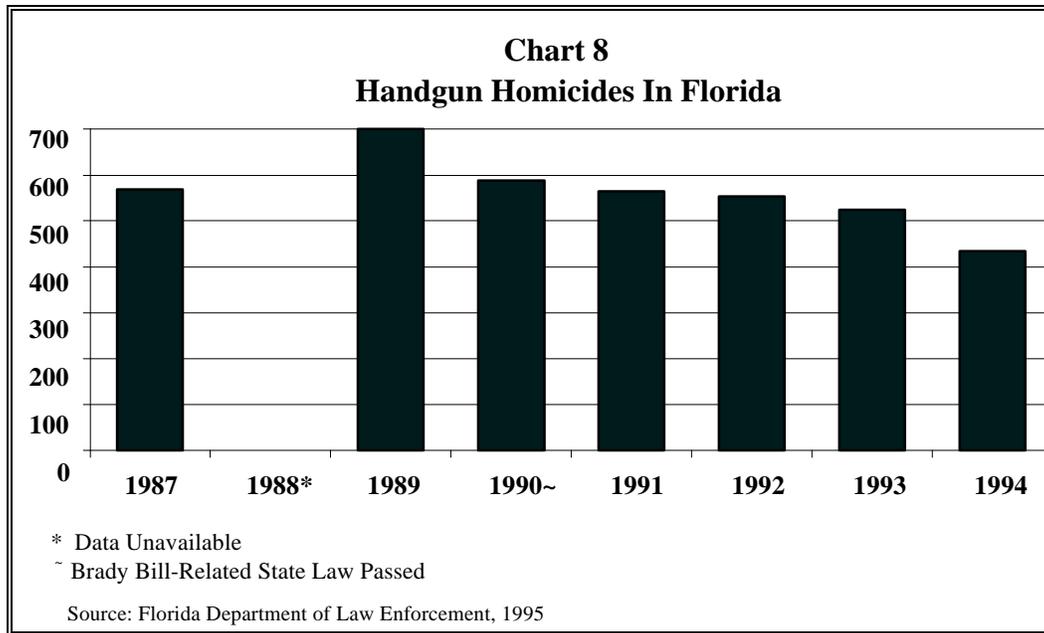
Anecdotal information involving Florida, Texas, and Mississippi indicate that one to three percent of those state populations have been issued concealed handgun permits since RTC laws were passed.<sup>36</sup> Florida has issued 450,753 concealed handgun permits since 1987.<sup>37</sup>

## What Happened After Concealed Handgun Laws Came Into Effect?

Florida was the first state to pass a RTC concealed handgun law in 1987. It has been the focus of several studies looking at the impact of RTC concealed firearm laws on violent crime rates (homicide, assault and rape). Between 1987 and 1994, the violent crime rate in Florida increased 11.7 percent. According to the FBI Uniform Crime Report, Florida also had the highest violent crime rate of any of state in the nation. Chart 7 compares the national violent crime rate with three RTC concealed weapon states since 1987.



It is important to note that there are factors which could influence changes in the crime rate. Demographic changes and an extended recession occurred during this time period. Florida enacted a state law similar to the Federal Brady Bill in 1989. This law required a mandatory 3 day waiting period to conduct background checks for all gun purchases before completing a sale. There was a major drop in handgun homicides between 1989 and 1990 (See Chart 8).



Further research into the implementation of Florida’s RTC law during the period from 1987 to 1995 reveals problems in the applicant screening process. Researchers found that 213 individuals with mostly out-of-state criminal records were granted concealed handgun licenses.<sup>38</sup> This was apparently due to the inadequate time to conduct background checks within the state mandated 3 days. Licenses were revoked only after it was discovered that the individual had committed another crime. In response, Florida suspended the mandatory 3 day issuance process in certain circumstances to allow more time for out-of-state background clearances in 1995.

A more recent 1995 to 1996 study of the Florida RTC law found that 149 individuals had their concealed handgun license revoked for crimes committed either before or after issuance. Of these individuals, 65 had their concealed handgun license revoked after it was found they had committed crimes before issuance.<sup>39</sup>

### **Public Sentiment About Concealed Handguns Laws**

The debate over concealed handgun laws elicits strong feelings. There are at least two sides of the issue. On the one hand, a number of people share the general philosophy that citizens of each state should have the right to bear arms in accordance with the 2nd Amendment of the U.S. Constitution, including the freedom to carry a concealed handgun. They present data suggesting that carrying a concealed handgun for self-defense serves as a deterrent against violent crime. Concealed handgun laws are seen as crime fighting tools.

On the other hand, many people see the proliferation of handguns as a major cause of violence in American society. They are generally committed to reducing the availability of guns, including banning certain types of handguns (such as “Saturday night specials”) and

assault weapons, strengthening handgun purchasing requirements, and ensuring that law enforcement officials are able to exercise discretion in issuing concealed handgun permits.

Telephone surveys are an important source of information for gauging the public's views about the safety of guns and community well being. While surveys generally have limitations due to sampling error, they are relied upon extensively by public opinion researchers. Several surveys have examined the enhanced feeling of psychological safety that some individuals gain from owning and possessing a gun. They postulate that the feeling of maximum safety can be explained in terms of *subjective belief* and *objective reality*. For example, a gun in *Household A* could make its residents feel more or less safe, and could also make residents of other households feel more or less safe. Most gun owners, particularly those who own guns for protection, feel safer because of their guns. Whether other members of the family or neighbors also feel safer is unclear.<sup>40</sup>

In a 1994 national telephone survey of gun owners and non-gun owners, many respondents were unsure whether more guns in their communities contributed to safety.

- 85 percent of the non-gun owners reported that they would feel less safe if more people in their community acquired firearms, while only 8 percent would feel safer.
- For gun owners, the acquisition of firearms by others in the community would leave about equal numbers feeling less safe or more safe.
- Among gun owners, those likely to feel less safe were females, non-whites, and urban dwellers.
- For the entire survey population (gun owners and non-gun owners) over 70 percent felt less safe and only 19 percent felt more safe when others in the community acquired firearms.
- Among the total population, women and non-gun owners were particularly likely to feel less safe.<sup>41</sup>

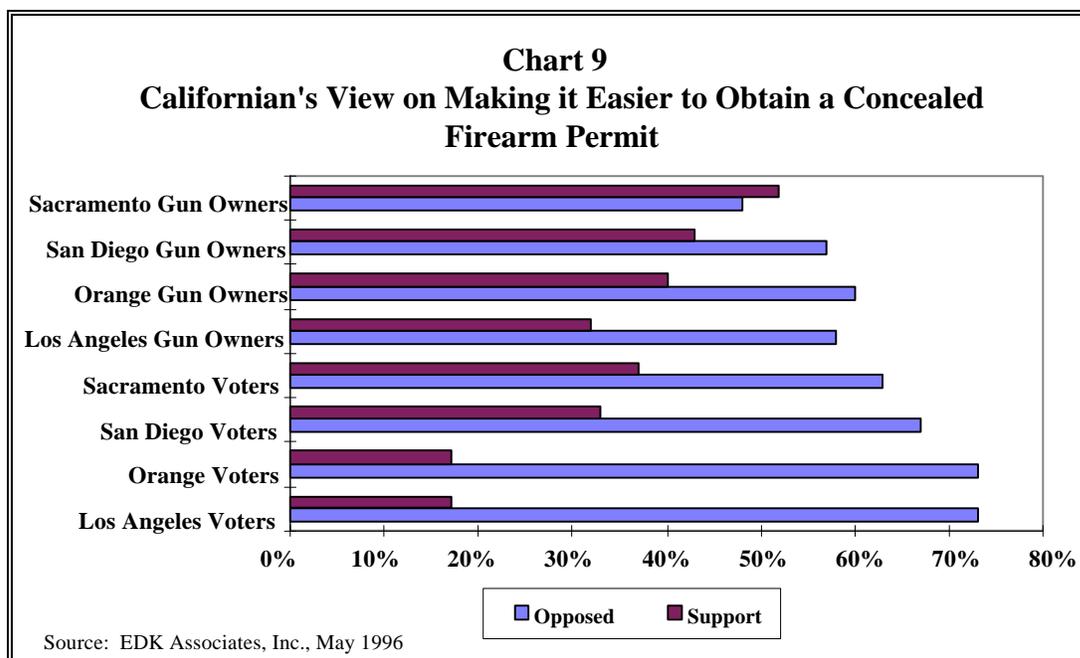
A variety of independent and state sponsored surveys have found that RTC laws are not supported by the general public, even in states with right to carry laws. For example, two different Mason-Dixon polls conducted in 1995 found that 62 percent of registered Texas voters opposed concealed firearms legislation (which was passed and signed by the Governor).<sup>42</sup> A second poll conducted in Louisiana found 60 percent of the registered voters opposed legislation to weaken the state's *may issue* law.<sup>43</sup>

### ***Other Public Polls***

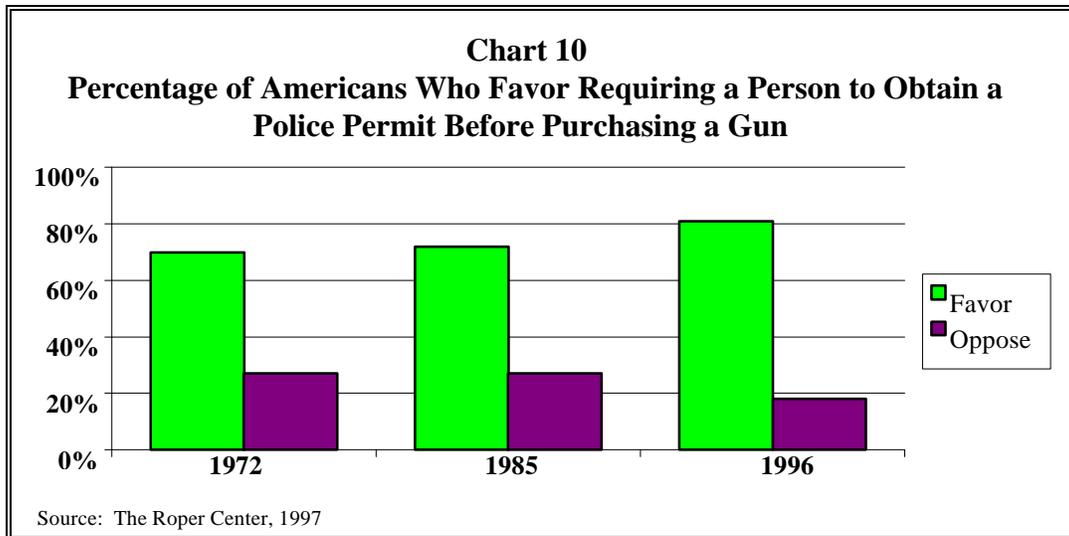
- In Virginia, a September 1995 *Richmond Times Dispatch/Channel 12 News* poll found that 56 percent of the state's voters thought the *shall issue* law would contribute to violence, while 28 percent thought it would improve public safety.
- In 1994, 48 percent of the citizens in Missouri believed that allowing concealed weapons to be carried in the state would cause crime; 14 percent believed crime would decrease.<sup>44</sup>

- A 1995 poll for the *Denver Post and Channel 4 News* found that 61 percent of Colorado residents were opposed to making it easier to carry concealed weapons, even if a background check were conducted.
- A November 1994 Michigan poll found that 76 percent of Michigan adults were opposed to relaxing state law to make it easier to carry a concealed firearm.<sup>45</sup>
- In Illinois, an April 1995 State Police poll reported that 73 percent of state voters opposed changing the *may issue* concealed firearm law.<sup>46</sup>

A recent California poll of 4 major urban areas (conducted in 1996 by EDK Associates for the California Wellness Foundation) found that the public favored banning home gun dealers and Saturday night specials by 60 percent and 65 percent respectively. This poll also found that with the exception of Sacramento gun owners, a majority of voters and gun owners in Los Angeles, Orange, San Diego, and Sacramento counties were opposed to allowing any person 21 years and older to obtain a permit to carry a concealed firearm (See Chart 9).<sup>47</sup>



A national Roper poll conducted annually since 1972 to the present found that an increasing majority of Americans want citizens interested in buying and carrying a concealed handgun to first obtain a police permit (See Chart 10).<sup>48</sup>



Public concern has not gone unnoticed by Congress. This year two relevant bills are being considered by the 105th Congress. They are:

- HR 339 (Stearns) establishes a national standard to enable citizens to carry firearms and to exempt law enforcement officers from restrictive state laws. The bill was assigned to the Sub-Committee on Crime in July after completion of a Judiciary Committee review.
- S 707 (Lautenberg) prohibits carrying concealed weapons, but exempts law enforcement and authorized security personnel and preempts certain state concealed weapons laws. The bill was assigned to the Committee on Judiciary in May.

## ENDNOTES

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<sup>1</sup> *State vs. Reid*, 1 Alabama. 612 (1840). See Generally Clayton Cramer, “*For the Defense of Themselves and the State: The Original Intent and Judicial Interpretation of the Right to Keep and Bear Arms*,” Westport, Conn., Praeger, 1994.

<sup>2</sup> Clayton Cramer and David Kopel, “*Shall Issue: The New Wave of Concealed Handgun Permit Laws*,” *Tennessee Law Review*, 62:3, Pages 679-757, Spring 1995.

<sup>3</sup> *Watson vs. Stone*, 4 So. 2nd. 700, 703 (Florida, 1941): “...the Act was passed for the purpose of disarming the Negro laborers and to thereby reduce the number of unlawful homicides....and to give the white citizens in sparsely settled areas a better feeling of security. The statute was never intended to be applied to the white population.... and there has never been, within my knowledge, any effort to enforce the provisions of the statute as to white people, because it has been generally conceded to be in contravention of the Constitution and non-enforceable if contested.”

<sup>4</sup> Steve Garnass, “*Cops Get Tougher on Gun Permits*,” *Denver Post*, Page A-1, April 24, 1988.

<sup>5</sup> John Hurst, “*LAPD’s Tight Control on Gun Permits May Prompt New LawsUIT*,” *Los Angeles Times*, Page B-1, June 25, 1994.

<sup>6</sup> Clayton Cramer and David Kopel, “*Shall Issue: The Wave of Concealed Handgun Permit Laws*,” *Tennessee Law Review*, 62:3, pages 679-757, Spring 1995.

<sup>7</sup> *Ibid.*, Page 26.

<sup>8</sup> Telephone interview with Mike Small, Program Manager, California Department of Justice, Fingerprint Clearance Program, September 1997.

<sup>9</sup> Frank Bass, “*Firing Line: Cities and Companies Say ‘No’ to Concealed Handguns*,” *Texas Journal*, Page T-1, December 20, 1995.

<sup>10</sup> Garry Mathiason, Senior Partner, Littler, Mendelson, Fastiff, Tichy, and Mathiason, interview reported in the *Texas Journal*, December 20, 1995.

<sup>11</sup> Philip Cook and Jens Ludwig, “*Guns in America: National Survey on Private Ownership and Use of Firearms*,” National Institute of Justice, May 1997.

<sup>12</sup> Bureau of Alcohol, Tobacco, and Firearms (ATF), *Estimates*, 1996.

<sup>13</sup> *Ibid.*, Page 3.

<sup>14</sup> Michael Rand, “*Guns and Crime*,” *Crime Data Brief*, U.S. Department of Justice, April 1994.

<sup>15</sup> Michael Rand, U.S. Department of Justice, Office of Justice Programs, *Crime Data Brief, Handgun Victimization, Firearm Self-Defense, and Firearm Theft*, NCJ-147003, April 1994.

<sup>16</sup> David McDowall, Colin Loftin, and Brian Wiersema, “*A Comparative Study of Preventive Effects of Mandatory Sentencing Laws For Gun Crimes*,” *Journal of Criminal Law and Criminology*, 83 No. 2, Pages 378-394, Summer 1992.

<sup>17</sup> Gary Kleck and Michael Gertz, “*Armed Resistance to Crime: The Prevalence and Nature of Self-Defense With a Gun*,” *Journal of Criminal Law and Criminology*, 86 (1): 1500187, Fall 1995.

<sup>18</sup> Donald Baker and John Fountain, “*Virginia Concealment Issue Reveals a Twist in Annual Gun Debate*,” (Statement by Gary Kleck) *The Washington Post*, Page B-1 and B-5, February 15, 1995.

<sup>19</sup> Donald Hemenway, “*Survey Research and Self-defense Gun Use: An Explanation of Extreme Overestimates*,” Harvard Injury Control Center Discussion Paper, 1996.

<sup>20</sup> Phillip Cook, Jen Ludwig, and David Hemenway, “*The Gun Debate’s New Mythical Number: How Many Defensive Uses Per Year?*” *Journal of Policy Analysis and Management*, Vol. 16, No. 3, Pages 463-469, 1997.

<sup>21</sup> Phillip Cook and Jens Ludwig, “*Guns in America: National Survey on Private Ownership and Use of Firearms*,” *Research in Brief*, National Institute of Justice, May 1997.

<sup>22</sup> *Op.cit.*

<sup>23</sup> Gary Kleck, *Point Blank: Guns and Violence in America*, Page 25, 1991.

<sup>24</sup> *War Between the States: How Gunrunners Smuggle Weapons Across America*, Congressman Charles Schmuier, April 9, 1997.

<sup>25</sup> *Ibid.*

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- <sup>26</sup> John R. Lott Jr., and David B. Mustard, "Crime, Deterrence, and Right-To-Carry Concealed Handguns," University of Chicago Press, *Journal of Legal Studies*, Vol. XXVI, January 1997.
- <sup>27</sup> Ibid.
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- <sup>33</sup> New York Times Interview with David McDowall in New York Times article, "Killing Said to Rise After Gun Laws are Relaxed," March 13, 1995.
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- <sup>38</sup> Susan Glick, "Concealed Carry: The Criminal's Companion," Violence Policy Center, November 1995.
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- <sup>40</sup> David Hemenway, Sara Solnick, and Deborah Azrael, "Firearms and Community Feelings of Safety," *The Journal of Criminal Law and Criminology*, Vol. 86, No. 1, 1995.
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- <sup>42</sup> Mason-Dixon Pool, January 13-15, 1995 (819 likely voters, margin of error, 3.5 percent).
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