

## Six Important Research Findings about Guns and Crime/Crime Prevention

□ Centers for Disease Control Review (2003)

This comprehensive survey of 51 scientific studies by an organization with a definite anti-Second Amendment orientation found that there is no statistically significant evidence that gun control is effective in preventing crime.

□ Research by Dr. Gary Kleck (1991)

Dr. Kleck, as close to an unbiased scientist as you can find in the debate, estimated that up to 2.5 million individuals use guns for self-defense every year. In the majority of these cases, no shots are fired.

□ Research by Dr. John Lott and Dr. David Mustard (2000)

This study, which looked at every county in the United States, concluded that “shall issue” concealed carry laws reduce the incidence of murder, rape, aggravated assault, and robbery.

□ National Academy of Sciences Review (2004)

The Academy panel studied 253 scientific journal articles, 99 books, 43 government publications and some of its own research and could not establish a cause and effect relationship between civilian gun ownership and violence. This finding is remarkable in that an overwhelming number of the panel members had a history of pro-gun control sentiment.

□ Small Arms Survey, Geneva, Switzerland (2007)

This organization, which is affiliated with the UN, has never been accused of a bias toward civilian ownership of firearms. The conclusion reached by the report published in 2007 states, “There is no clear relationship between more guns and higher levels of violence.”

□ Research by Dr. James Wright and Dr. Peter Rossi (1983)

These two doctors, engaged in research for the US Department of Justice, initially believed that gun control reduced crime. Based on the results of their research with incarcerated felons, the two concluded that armed citizens have a deterrent effect on criminal behavior.



## Gun Control Research: The CDC Study

A comprehensive study done by one of the most prestigious scientific organizations in the country has found no statistically significant evidence that gun control has prevented a single violent crime.

If you believe that scientific research is the most logical way to understand the reality of the world, then you pay attention to studies done by groups and individuals. You also give weight to surveys that attempt to draw conclusions by reviewing numbers of studies.

The survey in question was done by the Centers for Disease Control (CDC) to determine if gun control has made a difference in the crime rate in the United States. There are some important things to remember about this study, which was published in 2003.

The CDC is a governmental organization that generally favors strict gun control laws. The panel doing the review of studies on these laws was largely made up of advocates for restricting or banning the citizen ownership of firearms in the United States.

The purpose of the survey was to evaluate gun control laws with regard to effectiveness in controlling crime and violence. Given the institutional and individual bias in favor of restrictive gun laws, the conclusions of the CDC study are remarkable.

The CDC panel reviewed 51 studies regarding the effectiveness of gun control laws. Based on that review, they could not say that gun laws had prevented a single crime. The survey included, among other issues, studies of the effectiveness of gun and ammunition bans, licensing and registration laws, child access laws, and waiting periods. There was some slight evidence that waiting periods to purchase a firearm may reduce the gun suicide rate in older persons, while not affecting the overall suicide rate.

You would think that out of 51 scientific studies there would be more evidence of the effectiveness of gun control, if gun control were effective in preventing crime and violence. It is a tribute to the honesty of the CDC panel, given their preconceived ideas that they were willing to issue this report at all. The survey did say in somewhat Orwellian fashion that "insufficient evidence to determine effectiveness should not be interpreted as evidence of ineffectiveness." (Just because 50 studies failed to find a significant result, it doesn't mean that the result isn't there.)

The panel recommended additional research. This CDC survey is corroborated by the results of an even more exhaustive review done by the National Academy of Sciences.

Thacker, Steven, M.D., Dixon, Richard E., M.D., *First Reports evaluating the effectiveness of strategies for preventing violence: Firearms Laws*, Task Force on Community Preventive Services, Centers for Disease Control.

<http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5211a2.htm>

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**Gun Control Research- Dr. Gary Kleck- Gun most effective way to resist robbery and assault- up to 2.5 million defensive gun uses per year by U.S. adults**

Dr. Kleck, a professor of criminology at Florida State University is a registered Democrat, a member of the ACLU, does not own guns, and takes no money from anyone on either side in the debate. In 1988, Kleck published an article in the journal, *Social Relations*. This article, the first major research effort that measured defensive gun use, was based on state and national studies.

Dr. Kleck estimated that about 1 million adults per year use a gun for self-defense in the U.S. Kleck's research included studies done for the anti-gun National Alliance Against Violence, and the National Crime Victimization Surveys. Kleck concluded that gun use was the most effective and safest way of resisting a robbery or assault, safer than not resisting, running away, or using another method of resistance.

In 1991, Dr. Kleck published *Point Blank: guns and violence in America*. The book won an award in 1993 from the American Society of Criminology for an "outstanding contribution" to the field.

Not satisfied with the sources for his previous work, Dr. Kleck and his colleague Marc Gertz created a new survey with a sample size of about 5,000 individuals to better measure defensive gun use. With the new survey, Kleck and Gertz estimated between 2.2 to 2.5 million defensive gun uses per year in the U.S. Women were the defenders in about 46% of the cases reported. Less than 25% of the reporting defensive users indicated that they fired a shot during the incident under consideration.

Dr. Marvin Wolfgang was asked to critique the Kleck/Gertz Study. Dr. Wolfgang's review included the following: "I am as strong a gun-control advocate as can be found among... criminologists... they (Kleck and Gertz) have provided an almost clear-cut case of methodologically sound research in support of something I have theoretically opposed for years... the use of a gun in defense against a criminal perpetrator... I do not like their conclusions that having a gun can be useful, but I cannot fault their methodology."

The absolute lowest estimates of about 100,000 defensive gun uses per year in this country come from the Department of Justice, using U.S. Census information. There is no question in the survey that asks about defensive firearms' use. This estimate is probably a serious undercount.

The Clinton Justice Department funded what was supposed to be a counter study debunking the Kleck/Gertz research. In 1996, anti-gun researchers Ludwig and Cook came up with about 3 million defensive gun uses per year. They then decided that it is impossible to measure the true number of persons who use guns in America for self-defense.

The research done by Kleck and Gertz indicates that defensive use of firearms by private citizens is a significant factor in stopping criminal violence. The research also lends itself to the conclusion that in the vast majority of cases where a gun is used to resist robbery or assault, no shots are fired.

Sources:

- Blackman, Paul H., Ph.D., "Armed Citizens and Crime Control," [http://www.nraail.com/j-sues/articles/read.aspx?id\\_125](http://www.nraail.com/j-sues/articles/read.aspx?id_125).
- Kopel, David, Independence Institute, panel discussion on guns and self-defense, Warwick Hotel, Denver, Colorado, July, 2009. <http://vids.myspace.com/index.cfm?fuseaction=vids.individual&VideoID:60107462>
- "How Often Are Firearms Used in Self-Defense?" [http://www.guncite.com/gun\\_control/gcdguse.html](http://www.guncite.com/gun_control/gcdguse.html).
- Stevens, Richard W., "Statistics and 'Gun Control,'" Jews for the Preservation of Firearms Ownership, Inc, <http://www.jpfo.org/filegen-a-n-data-docs.htm>.

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Gun Control Research- Lott/Mustard- "More Guns-Less Crime"  
2009

Dr. John Lott has a Doctor's Degree in Economics from UCLA. He is a research scientist at the University of Maryland at the time of this writing. He has held research positions at Yale and the University of Chicago. He has published at least 96 articles in academic journals. He has published two books: *More Guns, Less Crime* (University of Chicago Press, 2000) and *The Bias Against Guns: Why Almost Everything You've Heard About Gun Control Is Wrong*, (Regnery Publishing, 2003.)

Dr. David Mustard has been a professor at the University of Georgia. Dr. Mustard, in 1999, authored a working paper, *The Impact of Gun Laws on Police Deaths*, which supports the concept that concealed carry laws may enhance officer safety.

Drs. Lott and Mustard, in a study associated with the University of Chicago Law School, researched crime statistics for every county in the United States from 1977 to 1992. Lott estimated that "shall issue" concealed carry laws reduced murder by 8.5%, rape by 5%, aggravated assault by 7%, and robbery by 3%.

Lott and Mustard's conclusions dovetail with those of Professors Wright and Rossi, who found that criminals are risk averse and "respond rationally to deterrence threats..." Wright and Rossi did extensive research with prison inmates.

John Lott's work is impressive in that Mustard and he looked at the entire universe of U.S. counties, rather than a smaller sample. This approach avoids problems with sample sizes or random selection of cases for examination. Lott has also made his data set available to anyone who wants to look at it.

The 2004 National Academy of Sciences study on gun control reported that Lott's results were not statistically significant. This review of the literature was paid for by the well-known, anti-gun Joyce Foundation. Noted Second Amendment Scholar David Kopel protested the makeup of the review panel at its creation, because all but one of the panel members had reputations indicating anti-Second Amendment bias. The "neutral" panel member filed a minority report in favor of Lott's findings regarding reductions in homicides following passage of "shall issue" laws. James Wilson pointed out that only Lott's work was subject to strict scrutiny by the committee. Research by his critics was taken more or less at face value.

Lott came out with another study in 1999 that indicated that concealed carry deters would-be spree killers who perpetrate "multiple victim" shootings. Again, this information corroborated the work of Wright and Rossi, which came to the conclusion that criminals, in effect, do risk/benefit analyses before committing crimes. No non-suicidal felon would try to shoot up a gun show or a police station.

Lott has been attacked for loss of research data that occurred during a reported computer crash in 1997, but he has responded forcefully to his critics. He has produced evidence from colleagues and other sources to support his contentions that the original survey and the resulting data did, in fact, exist.

More troubling, from a credibility standpoint, is the allegation that Lott used the pseudonym, "Mary Rosh," to praise his own work in on-line forums. Michelle Malkin discussed this issue in a post on WorldNetDaily.com, "The other Lott controversy." Her article has a link to Dr. Lott's response to her post.

Lott's work was cited in the Amicus Curiae brief of the Association of American Physicians and Surgeons Inc., in the landmark Supreme Court Case, *D.C. v. Heller*. A new edition of his first book is coming out this year. Lott remains a relevant, if controversial, figure in the debate on individual rights.

In any event, the most negative possible interpretation of his work is that "shall issue" concealed carry laws do not increase the probability of criminal behavior, as is often claimed by opponents of the right to self-defense against crime, tyranny, corruption, and genocide recognized by the Second Amendment.

Sources:

Kopel, David, "Damn Lies-Or Statistics," Book review of *More guns, Less Crime*, by John Lott, originally published in *Chronicles*, Dec. 1999," <http://www.abovokopel.com/2A/Msg/LottReview.htm>

"Liberalized Concealed Carry Laws," [http://www.amscife.com/gun\\_control/gkgecon.html](http://www.amscife.com/gun_control/gkgecon.html). (If you are entering the letters from a keyboard, there is an underlined space " " before and after the word "control" in the website address.

Lott, John R., Jr., "More Guns, Less Violent Crime," "The Rule of Law Column," *The Wall Street Journal*, NY, NY, August 28<sup>th</sup>, 1996.

Malkin, Michelle, "The other Lott controversy," WorldNetDaily.com, 02-05-03.

<http://www.wnd.com/news/article.asp?ARID=30373>

Schlafly, Andrew, L., Brief for Amicus Curiae Association of American Physicians and Surgeons, Inc. in Support of Respondent, No. 07-290, *District of Columbia, et al., v. Dick Anthony Heller*, Far Hills, NJ, page 16.





Gun Control Research-The NAS Study  
(No credible causal relationship between gun ownership and violence)

The National Academy of Sciences (NAS) was created by Abraham Lincoln to "examine, experiment, and report" on "science and art" when asked to do so by any government department. A panel of NAS scientists began formal hearings on "Improving Research Information and data on firearms" during the summer of 2001. The study was funded in part by the virulently anti-gun Joyce Foundation and the anti-gun David and Lucille Packard Foundation.

David Kopel, Colorado author and expert on Second Amendment issues, and co-author Glenn Reynolds criticized the study at its inception for the anti-gun bias of most of its members and the bias of its funding sources. Surprisingly, given the prejudiced atmosphere of the NAS study, the results, like those of the CDC Study, do not support the premise that gun ownership promotes crime or increases the overall risk of suicide.

The panel reviewed 253 scientific journal articles, 99 books, 43 government publications and some of its own research. The committee found that they could not determine if there was a cause and effect relationship between guns and violence. The below quotation comes from the panel's Executive Summary, which was published in 2004.

"In summary, the committee concludes that existing research studies and data include a wealth of descriptive information on homicide, suicide, and firearms, but because of the limitations of existing data and methods, do not credibly demonstrate a causal relationship between the ownership of firearms and the causes or prevention of criminal violence or suicide."

The NAS panel predictably recommended more research. The committee also concluded that there is no definitive information regarding defensive uses of firearms or the positive or negative effects on crime of concealed carry laws. James Q. Wilson, the only relatively neutral member of the panel, according to Kopel and Reynolds, issued a minority report in which he argued that John R. Lott's extensive research does establish that "shall issue" concealed carry laws reduce homicide rates.

Like the CDC Study, the Swiss-based Small Arms Survey, and the Kates and Mauser Study of international gun ownership and crime, the NAS exhaustive review of the literature in the gun control field does not find a credible cause and effect relationship between honest gun owners and violence. You would think that if there were causation, nearly 400 scientific studies, books, and government reports would have found one example.

The committee also looked at possible methods of government intervention into the "problem" of guns, crime, and suicide. Restricting access to guns? Needs more research. (Keep in mind that Prohibition didn't work. It fostered the rise of criminal gangs, corrupted police, and promoted general lawlessness.) Prevention programs? Don't seem to work and seem to increase children's interest in guns. (What does this say about sexual education programs?) Criminal justice system solutions, such as policing, sentencing, and Project Exile? Need more research. Keep in mind that murders occur in prison.

If restricting access to firearms has had an effect on U.S. gun crime, the anti-gun NAS panel was apparently not able to find it in almost 400 sources. If firearms cause crime, or if gun control laws work, why did this massive review of research fail to find credible evidence? The variables are complex, but if the proof were there, would not one study out of almost 400 have discovered it? Will the NAS continue to review literature in the gun control field until they find even a single study that gives them the results that they are seeking?

Kopel, David, Reynolds, Glen, "Political Science, Doing science a grave injustice," [nationalreview.com](http://nationalreview.com), August 29<sup>th</sup>, 2001.

National Academy of Sciences, Committee on Law and Justice, "Firearms and Violence, A critical review," [nasonline.org](http://nasonline.org), 2004.



Gun Control Research-Small Arms Survey-2007  
No clear relationship between more guns and high levels of violence

Many people do not regard the Small Arms Survey (SAS), conducted out of Geneva, Switzerland as an advocate of civilian firearms' ownership. The Survey is probably best known for its August 2007 report (1), which indicated that there are an estimated nine guns for every ten people in the United States. This finding managed to find its way into many newspapers and to gain airtime on major networks.

A lesser-known conclusion of this report is the finding that "There's no clear relationship between more guns and higher levels of violence." For instance, many countries in Latin America have low levels of legal gun ownership and high rates of violence.

(Mexico is a prime example. A recent report in *The Denver Post* on 01-19-09 quotes the U.S. Joint Forces Command as describing the country south of our border as being in danger of "rapid and sudden collapse." This risk is caused by "criminal gangs and drug cartels" apparently unaffected by Mexico's draconian gun control laws. Carl, Traci, "Lawlessness earns Mexico a spot on security-risk list," *The Associated Press, The Denver Post*, 01-19-09, page 10A.)

Keith Krause, Director of the Small Arms Survey, indicated that research seems to show that "gun violence often occurred in places undergoing rapid urban growth, and when lawless areas are created by extreme poverty and the absence of effective policing." Krause also decried the black market sale of guns and ammunition to criminals and gangs by military or police officials. (This involvement of government agency personnel is reminiscent of the corruption of American civil authorities by Prohibition and The War on Drugs.) Krause also said that European Union countries are experiencing increasing small arms smuggling activity.

The SAS findings are mirrored by a study done by the National Academy of the Sciences (2) and an international study done by researchers Kates and Mauser (3) (4), which find no credible causative relationships between gun ownership and violence.

(1) Associated Press, "Study: There Are 9 Guns for Every 10 Americans," August, 29<sup>th</sup>, 2007, <http://www.foxnews.com/story/0,2933,294976,00.html>

(2) National Academy of Sciences, Committee on Law and Justice, "Firearms and Violence, a Critical Review," 2004, [nasonline.org](http://nasonline.org)

(3) Kates, Don, Mauser, Gary, "Would Banning Firearms Reduce Murder and Suicide? A Review of International and Some Domestic Evidence," *Harvard Journal of Law and Public Policy*, 2007.

(4) Lewin, Marshall, "Would Banning Firearms Reduce Murder and Suicide?" *America's 1<sup>st</sup> Freedom*, National Rifle Association, Palm Coast, FL, August 2007, page 32. (Firearms Coalition of Colorado PO Box 1454 Englewood, CO 80150-1454)



Gun Control Research-Wright and Rossi Department of Justice Study  
(Deterrent effect of armed citizens upon criminal behavior)

Professors James D. Wright and Peter Rossi of the Social and Demographic Research Institute at the University of Massachusetts conducted a study in 1982 and 1983 paid for by the U.S. Department of Justice. (Professor Rossi was a former President of the American Sociological Association.) The researchers interviewed 1,874 imprisoned felons in ten states.

Professors Wright and Rossi initially believed that strict gun control deterred crime. The results of their research led them to the conclusion that armed citizens have a beneficial effect in reducing criminal behavior and that harsh laws, such as handgun bans could result in criminals using sawed off rifles and shotguns with more deadly results. 88% of the criminals surveyed by Wright and Rossi agreed with the statement that, "A criminal who wants a handgun is going to get one."

A 1986 review of the professors' work, *Armed and Considered Dangerous*, by Raymond G. Kessler of the Department of Criminal Justice of Memphis State University, concluded, "Although *Armed and Considered Dangerous* is not free of methodological problems, it is the best policy-oriented study of criminals and their guns available."

Wright and Rossi reported that:

81% of interviewees agreed that a "smart criminal" will try to determine if a potential victim is armed.

74% indicated that burglars avoided occupied dwellings, because of fear of being shot.

57% said that most criminals feared armed citizens more than the police.

40% of the felons said that they had been deterred from committing a particular crime, because they believed that the potential victim was armed.

57% of the felons who had used guns themselves said that they had encountered potential victims who were armed.

34% of the criminal respondents said that they had been scared off, shot at, wounded, or captured by an armed citizen.

Based on this government-funded research by Wright and Rossi, it would appear that armed citizens do have a deterrent effect on crime.

Wright, James D., Rossi, Peter H., Daly, Kathleen, *Under the Gun, Weapons, Crime, and Violence in America*, Aldine de Gruyter, New York, 1983.

Wright, James D., Rossi, Peter H., *The Armed Criminal in America*, U.S. Department of Justice, 1985.

Wright, James D., Rossi, Peter H., *Armed and Considered Dangerous, a Survey of Felons and their Firearms*, Aldine de Gruyter, New York, 1986.

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## Problems with Background Checks and Related Statistics "The 40% Myth"

Background checks don't actually deter criminals. The checks are inaccurate. Violations by prohibited persons are rarely prosecuted. A survey by the National Association of Chiefs of Police and Sheriffs in 2005 indicated that 96% of the respondents thought that any criminal could obtain a firearm by illegal means (without going through a background check.)

Reports that 40% of firearms are purchased without background checks apparently came from a Clinton-Era survey of 251 individuals. Overlooking the extremely small sample size in this report, most of the survey was done before implementation of the Brady Bill background checks in 1994. Dr. John Lott, a former economist at the US Sentencing Commission, wrote in an on-line article at *National Review on Line* that, "...the high figure" (40%) "comes primarily from including such transactions as inheritances or gifts from family members... If you look at guns that were bought, traded, borrowed, rented, issued as a requirement of the job, or won through raffles, 85% went through federally licensed dealers." That figure could be less than 10% today, according to Dr. Lott.

Colorado's reversal rate on appeals of background check denials was around 57% during the latest reporting period, down from 70 plus percent in 2008. How much higher would these rates have been if more people had appealed? What happens to a wrongly denied, battered woman who needs a gun for immediate protection? She must navigate a complicated appeals process that she may not live to complete.

In 2010, the Bureau of Alcohol, Tobacco, Firearms, and Explosives reversed 94% of initial denials after preliminary review. Only 13 people were convicted of background check-related crimes. In Chicago, notorious for its draconian gun laws and high murder rate, there were only 25 federal firearms' prosecutions in 2011. Chicago had 506 murders in 2012. Nationally, in another recent period, out of 76,142 background checks reported by licensed dealers, only 62 resulted in prosecution.

When a person is denied on a background check, he or she is reported to the authorities as a "prohibited person," regardless of the validity of the denial. This could work a real hardship on honest citizens, were the laws actually enforced. What about the legality of guns owned at the time of the denial?

Gun control doesn't work. As one young gang member so eloquently put it a few years ago on a Denver radio talk show, "If you're going to smoke somebody, you don't need no paperwork." Even if a "prohibited person" is denied on a background check, the odds are very low that he or she will be prosecuted, as evidenced by the above figures. It is then a simple matter for a felon or other ineligible individual to buy a gun "on the street" or arrange for a "straw purchase" through a third party.

Even if all the "legal" guns in the US were registered, which few gun control advocates want to admit might be the goal of background check legislation; current gun ownership, smuggling, and black market activity would be more than enough to supply the criminal demand for firearms. As we often hear from gun control advocates, there are about 88 guns for every 100 US citizens. All background checks really accomplish is the creation of a barrier to legal firearms ownership for citizens who try to obey the law.

If felons and gangsters had a lobby, they would, no doubt, be in favor of any bill that would tend to disarm their victims, while leaving the bad guys armed for mayhem. Canada dropped its "Long Gun Registry," because it was extremely expensive and could not be proven to have been of significant help in the solution of any crime. Background checks encourage crime in the same way that Prohibition promoted the rise of criminal gangs, notably in Chicago, which is arguably, the gun control and murder capitol of the country.

*Survey, National Association of Chiefs of Police and Sheriffs, 2005*

Workman, Dave, "Nearly 11,000 wrongly denied by background checks, *The New Gun Week*, 09-15-09, page 2.

Testimony from Colorado Bureau of Investigation in committee, 2013

Lott, John, "The 40% Myth," *National Review on Line*, 01-24-2013

*Small Arms Survey*, Geneva, Switzerland, 2007





**Gun Control Research- Professor Donald Kates and Professor Gary Mauser  
Criminals Don't Obey the Laws**

“The people you need to control are not going to obey the gun control laws...and the people you don't need to control, those are the ones who obey. So what you get is...either nothing, or you get worse results with gun control.

Professor Donald B. Kates is co-author of “Would Banning Firearms Reduce Murder and Suicide? A review of International and Some Domestic Evidence ” published in the spring of 2007 in the Harvard Journal of Law and Public Policy, the most widely distributed law review in the US. Professor Kates served as a professor at Stanford Law School. His co-author, Professor Gary Mauser, served as a Canadian university professor.

The Kates- Mauser study looked at 18 European nations with varying levels of gun ownership. They concluded:

“Whether gun availability is viewed as a cause or as a mere coincidence, the long term macrocosmic evidence is that gun ownership spread widely throughout societies consistently correlates with stable or declining murder rates. Whether causative or not, the consistent international pattern is that more guns equal less murder and other violent crime.”

Lewin, Marshall, “Would Banning Firearms Reduce Murder and Suicide?” *America's 1<sup>st</sup> Freedom*, National Rifle Association, Fairfax, Va., August 2007, Page 32.

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3 MINUTES

1. A. SERIOUS CONSTITUTION  
BILL RIGHTS PEOPLE ETC - 14x

2. B. READ 2ND AMEND -

↳ A. PART OF 10 AMENDMENTS, SUBMITTED  
BUT NOT PART OF CONSTITUTION -  
AS WERE UNDERSTOOD RIGHTS.

HOW CAN YOU TAKE A RIGHT FROM  
US THAT IS NOT GOVERNMENTS TO GIVE.  
B. - THEY WERE NOT "ARTICLE 8"

3. NONE OF THESE BILLS DEAL WITH  
EVIL AND "THOU SHALT NOT MURDER."

4. ANY INVESTIGATION AURORA THEATER  
SHOOTER'S NAME TURNED TO  
UCH "SECURITY COMMITTEE?"

5. ACTUALLY LOOKED AT STATS?  
CARS APROX 5x AS MANY DEATHS  
SEE FBI TABLE - DISTRIBUTE  
SEE "DATA" - DISTRIBUTE

6. PLEASE MAKE DECISION NOW FOR  
CONSTITUTION AND NOT WAIT FOR COURTS  
WITH A NO VOTE ON "GUN BILLS"

TALKING POINT NOTES - SHARED BY FORMER SENATOR CAIRNS



DATA

CMS 123/DAY Deaths

Avg \$ ~~1000~~ total Firearms 24+/DAY

Also 2007 to 2011 Declining Num

RIFLES + SHOTGUNS 1/2 OF KNIVES

Hammers MORE THAN KNIVES



Expanded Homicide Data Table 8

**Murder Victims**

by Weapon, 2007–2011

Weapons	2007	2008	2009	2010	2011
<b>Total</b>	<b>14,916</b>	<b>14,224</b>	<b>13,752</b>	<b>13,164</b>	<b>12,664</b>
Total firearms:	10,129	9,528	9,199	8,874	8,583
Handguns	7,398	6,800	6,501	6,115	6,220
Rifles	453	380	351	367	323
Shotguns	457	442	423	366	356
Other guns	116	81	96	93	97
Firearms, type not stated	1,705	1,825	1,828	1,933	1,587
Knives or cutting instruments	1,817	1,888	1,836	1,732	1,694
Blunt objects (clubs, hammers, etc.)	647	603	623	549	496
Personal weapons (hands, fists, feet, etc.) <sup>1</sup>	869	875	817	769	728
Poison	10	9	7	11	5
Explosives	1	11	2	4	12
Fire	131	85	98	78	75
Narcotics	52	34	52	45	29
Drowning	12	16	8	10	15
Strangulation	134	89	122	122	85
Asphyxiation	109	87	84	98	89
Other weapons or weapons not stated	1,005	999	904	872	853

<sup>1</sup> Pushed is included in personal weapons.





# HB-1229

## Background Checks for Gun Transfers

Rick Calhoun  
March 4, 2013



# Where Criminals Get Their Guns

**Table 8. Source of firearms possessed during the current offense of State prison inmates, 1997 and 1991**

Source of firearms	Percent of State prison inmates who possessed a firearm during current offense	
	1997	1991
Total	100.0%	100.0%
Purchased or traded from retail outlet	13.9%	20.8%
Retail store	8.3	14.7
Pawnshop	3.8	4.2
Flea market	1.0	1.3
Gun show	0.7	0.6
Family or friend	39.6%	33.8%
Purchased or traded	12.8	13.5
Rented or borrowed	18.5	10.1
Other	8.3	10.2
Street/illegal source	39.2%	40.8%
Theft or burglary	9.9	10.5
Drug dealer/off street	20.8	22.5
Fence/black market	8.4	7.8
Other	7.4%	4.6%

What are the scruples of the family and friends of a criminal?

People who are criminals or associated with criminals are unlikely to run background checks on other criminals

Source: <http://bjs.ojp.usdoj.gov/content/pub/pdf/fuo.pdf> cited by the Brady Campaign to Prevent Gun Violence



## What Needs to be Done?

- Study of 61 Individuals Who Committed Mass Murderer 1982-2012
  - Most of the Individuals Obtained Firearms Legally
    - 49 legally
    - 12 illegally
    - 1 unknown
  - Only Common Thread Among the Individuals
    - 79% (48) exhibited prior signs of abnormal behavior to someone prior to committing the crime
      - Mental illness or anger management issues
- Need a system that focuses on common thread(s) to find and isolate these individuals before they get a firearm

Source: <http://www.motherjones.com/politics/2012/07/mass-shootings-map>



# My Suggestion

- Allow free, anonymous online access to the CBI's database of persons prohibited from owning a firearm
  - Tell gun owners if sell or transfer a firearm to anyone and can't produce a piece of paper that documents you did a favorable CBI check, you can be held liable if the firearm is used in a crime
- Advantages
  - Closes the perceived loophole as well as the currently proposed legislation
  - Avoids the "hot button" background check fee issue
  - Avoids the "hot button" gun registry issue by preserving the autonomy of the current system
    - More likely to get gun owner cooperation rather than a road trip out of state to complete a transfer and test the firearm with a standard capacity magazine
  - Provides a tool to help gun owners and the population at large police themselves
    - Not a new concept - State allows free, online access to databases for sex offenders and 68 occupations / professions regulated by DORA
  - Provides a rapid, non-bureaucratic method for anyone to determine if someone who shouldn't have a firearm can get one
    - Social workers / mental health professionals
    - People who know friends, neighbors, co-workers, etc who exhibit abnormal behavior or have anger management issues who do or do not have guns
    - Domestic violence victims verifying the status of their estranged assailants
  - Authorities probably more likely to investigate claims of "suspicious persons" rather than wait for consequences if they are also told based on a CBI query the suspicious person illegally has a firearm or can get one





Hello, My name is Dana Keech. I would like to thank the chair person and this committee for the opportunity to speak to you today as it is a privilege to do so.

My wife and I are 36 year residents of Aurora in Arapahoe county.

I would like to start by saying that the recent gun violence acts are inexcusable. There is no sane explanation for these acts. Something needs to be done to remove the threat from the mentally disturbed and the criminals that mean to do harm.

I am not a supporter for guns as a solution to the problems we face in our current society. Neither am I a supporter for guns to be removed from the law abiding, God fearing, citizens of our state and country. Unless I can be assured that guns and weapons will be removed from the hands of the mentally disturbed and criminals of our society I cannot support any of the gun control policies currently being debated at this time.

I feel that the only solution to the gun violence problem is to help and deal with those who would do harm, those who are not rational and cannot distinguish between right and wrong.

Making any additional attempts to remove guns, restricting ammunition for guns and restricting magazine sizes for example, from law abiding, God fearing citizens will have an opposite effect on gun violence.

Take Chicago Illinois for example. That city has probably the strongest gun restrictions on it's citizens that I have read about in this country. Yet, gun violence is at an all time high high there. You see, the citizens are not allowed to posses guns in Chicago (with some minor change in 2010) but the criminal element continue to bring in guns from surrounding areas. I personally, from what I have read, would not want to live in Chicago where only the limited law enforcement and the criminals have access to guns. Strict gun laws there isn't working, in fact I feel it has had an opposite effect.

There are already enough gun laws currently (in my opinion) Maybe some tweaking in the background check is necessary, but I don't see that is being debated right now. Hopefully some debate can occur in the future.

I wish it was not necessary to make comments on the second amendment and the "rights of the citizens to bear arms." But, it is a right. By taking away or chipping away at these rights, I cannot help but to believe things will only get worse.

I wish it were possible to see the intent of a person (beforehand) who uses a gun and kills or injures people. Unfortunately only God can see such intent. My heart and prayers go out to all of the families affected by these terrible acts. Please keep in mind, that these acts were committed by individuals who would be considered mentally incapable at the very least. The guns used were not the problem, the mentally disturbed individuals were.

I will close by saying that my wish is for all debate here to be rational in nature. Although emotion will inevitably become a factor when making such important decisions, there must be calm and deliberate solutions found for the gun violence issue. I pray that this decision making body asks God how to make things better and solve these problems. Please ask Him to help as HE is the only one with all of the answers.

God Bless Colorado and God Bless America! Thank you for listening.

March 6, 2013

Senator Lucita Guzman  
Chairwoman Senate Judiciary Committee

Senator Angela Giron  
Chairwoman Senate State, Veterans and Military Affairs Committee.

Madam Chairwomen:

I traveled to the State Capitol building on the morning of March 4<sup>th</sup> to offer testimony on the series of gun control bills that were being heard in your committees. There were several hundred Colorado citizens like myself who were not given the opportunity to testify. I know it was a long day for each of you, your committee members and staff. But you were the folks who scheduled the hearings on very controversial issues and have only yourselves to blame for the results. I left the building at approximately 10:30 that night, after sitting through the assault weapon hearing, the first hearing I was actually able to witness. At that point, I had had nothing to eat or drink since breakfast at home early that morning and so I wouldn't lose my place in line, had not visited the restroom since just before noon. It was a long day for me and many others I met in the hallways who had traveled from all over the state only to be denied opportunity to express their views on the proposed legislation. As I left the building, I bumped into a gentleman who said he also had no opportunity to testify. While I headed for a sandwich and the light rail, he headed to his car for the drive home, over the mountains, to Grand Junction.

I noticed during the hearing on SB13-136 that the Bill's proponent, Senator Morse, in addition to his own extensive unlimited testimony, was afforded the opportunity to read into the record, the testimony without time limit of two witnesses who were not present. This consumed time that could have used to afford many of the common people who were present who were never afforded an opportunity to speak even with three minute limits, an opportunity. As one of those people, I ask for simple fairness to have read into or placed in the record my testimony as follows.

My name is Jack Theis and I am a resident of Centennial, Colorado. I came to the Capitol because I am convinced that five out of seven bills violate Amendment 2 of the U.S. Constitution and Article 2 Section 13 of the Colorado Constitution, as well as several other Constitutional provisions. The Legislature has no power to enact any law that is not authorized by or contrary to the provisions in the State or Federal Constitution. The stated purpose all seven bills is to prevent the massacre of citizens in gun free zones such as happened at Columbine, Aurora and Newtown. None of these seven bills, either individually or in combination with any or all of the other six will prevent, deter, or minimize casualties if or when someone chooses to carry out a similar event. Some provisions actually raise the possibility of an increased level of casualties. Therefore there is no justification for the State, under its police power, to deny fundamental rights of its

citizens which the Constitution recognizes, not grants, by prohibiting State from abrogating those rights.

The Federal language reads... "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

The Colorado language reads... "That the right of no person to keep and bear arms in defense of his home, person or property, or in the aid of the civil power when thereto legally summoned, shall be called into question; but nothing herein shall be construed to justify the practice of carrying concealed weapons."

The plain language of the Colorado Constitution clearly gives the legislature the power to regulate or prohibit the carrying of concealed weapons. Therefore SB 13-195 concerning training for concealed weapons permits and HB13-1226, whether or not they are wise, clearly meet Constitutional requirements. However the remaining bills clearly call into question and infringe the fundamental right to bear arms and must meet a far higher standard. They do not.

For the record, I do favor Concealed Carry training requirements including a live instructor. My own experience with online courses is that they are often rote and superficial. I still remember advice given to a 17 year old me by Marine Gunnery Sergeants on the firing range well over a half century ago not just about shooting, but the safe handling of firearms in a variety of situations. Personal advice by a qualified instructor who is familiar with you is invaluable.

Prohibiting concealed weapons by qualified permit holders on campus I oppose. I think their availability help protect vulnerable women, and the potential presence of concealed weapons may act as a deterrence to the mass shootings and might minimize the casualties should such an event occur. Thus this bill is counterproductive to the goals the lawmakers say they wish to achieve.

In limited circumstances, the Colorado Supreme Court has allowed the State, under its police power, to deny the right to bear arms, such as for those convicted of violent felonies. But this is a treacherous slope upon which any court, under our Constitutions, should fear to tread. Use of the police power of the State to deny fundamental rights of its citizens is a guaranteed path to tyranny.

SB13-197 concerning denial of the Right to Bear Arms to someone involved in a domestic violence dispute is overbroad and too vague to meet the Constitutional test. What type of egregious conduct triggers this provision is not spelled out. Is it a mere slap in a moment of high emotion, deliberate sustained serious physical abuse, or something in between. Without a conviction, other Constitutional provisions including the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 15<sup>th</sup> Amendments may be violated by the language of this law. While the subject of concern may be valid, this bill needs

to be withdrawn to address serious Constitutional concerns. Where the Constitution is concerned, the end should never be used to justify the means.

HB13-1228 concerning fees for background checks. This clearly infringes on the right to bear arms. The State is conducting an Administrative and judicial review to determine whether it may deny a citizen his Constitutionally protected fundamental right to bear arms. Denial of an individual citizens' 2<sup>nd</sup> amendment right to bear arms and 5<sup>th</sup> Amendment liberty interests requires due process. The State is not only obligated to provide that process, the burden of proof is on the State to prove a valid reason to deny the citizen his or her rights. Therefore it is the State who must bear the cost of the due process it must accord. No citizen should have to pay the State in order to exercise a fundamental right recognized and protected by the Constitution.

HB13-1229 concerning background checks for private sales of guns. This legislation cannot be implemented or enforced without a national gun ownership registry and record of transfers. This is a blatant infringement of the second amendment right to bear arms and affects interstate commerce as sales can and do occur across state lines. Regulation of interstate commerce is specifically reserved to the Federal government under Article 1, Section 8(3). Therefore Colorado does not have the authority adopt this statute. Horrendous tyrannies of the 20<sup>th</sup> Century always included gun registration followed by confiscation, the disarming of the civil population which both the State and Federal Constitutions expressly forbid.

The State has no way of properly tracking transfers without periodically entering private homes to verify inventory. This is a clear violation of 4<sup>th</sup> amendment protections against searches and seizures.

No instance of mass murder to date has involved a private gun sale that does not violate current law. This Constitutionally deficient and totally unadministratable Bill addresses a nonexistent problem.

HB13-1224 concerning large capacity magazines. The State and Federal Constitutions both prohibit all three branches of government from infringing on the Right to Bear Arms. The term Arms includes everything from spears to howitzers and beyond. Although often thought of today as concerning only muzzle loading muskets when the 2<sup>nd</sup> Amendment was ratified in 1791, the use of cannon by civilians was also common at the time. As they were expensive and often required more than one person to operate, not everybody had one. But they were common with private commercial enterprises on the frontier and at sea. Up into the early 20<sup>th</sup> century they were still used for hunting. In 1876 when the Colorado Constitution was adopted including Article 2, Section 13, lever action rifles were in common use among civilians. These rifles contained large capacity magazines holding as many as 38 rounds, at a time when the standard issue army infantry or cavalry arm was a single shot trap door Springfield rifle or carbine.

Under our form of government, Legislation is governed by the Constitution, not the other way around. The legislature has no power to define the type or capacity of arms available to its

citizens, particularly when the right to use those arms includes defense of home, person or property. If it desires to have that power, it must initiate the process for a requisite change to the Constitution itself. It cannot accomplish this simply by legislative fiat. Any change proposed for Article 2, Section 13 of the Colorado Constitution is required under Article VI to the federal Constitution to be compliant with the 2<sup>nd</sup> Amendment and Article IV Section 2, the Privileges and Immunities Clause.

Additionally, common availability of small capacity magazines will make it easier to smuggle large numbers of loaded detachable box magazines into a gun free zone. These can easily be taped together to effectively double the capacity. As a result of this Bill, there may be more bullets available to the shooter without impacting his continuous rate of fire. I know from my own experience in Vietnam, with less than five minutes practice, a reasonably coordinated person can flip the magazines in approximately one second. Some infantrymen were so adept you could hardly notice an interruption in the rate of fire as they continued on full automatic while changing magazines. Restriction on magazine size neither prevents nor deters these tragic events, while potentially increasing the number of casualties in a given incident.

SB13-195 concerning strict liability for the use, ownership and sale of assault weapons. The broad definition of assault weapons, the chilling effect of strict liability, imposition of strict liability that does not apply to identical damages caused by other firearms, the fear mongering language and deliberate factual inaccuracies contained in the legislative language demonstrate clearly that this bill is a blatant intended attack on the Constitutionally protected right to bear arms. That this bill has been sponsored by individuals whose oath of office requires them to uphold and support the Constitution makes this proposed law a disgraceful tragedy.

Although the legislative declaration declares that “assault weapons were originally intended for combat and were specifically designed to kill large numbers of people in a short period of time”, none of the weapons defined in this Bill as assault weapons meet this description. Even the assertion that “Military-Style” Assault Weapons were a common thread in listed mass shootings is incorrect. The Newtown shootings were by pistol.

Verbal testimony by a woman in support of this Bill at the hearing on March 4, 2013 stated that the Germans invented the assault rifle because their soldiers couldn’t shoot straight and assault rifles allowed them to just spray bullets around. This is inaccurate.

Germans invented the assault rifle as a result of combat experience on the Russian Front. Russian infantry were armed with fully automatic submachine guns firing pistol caliber rounds, often referred to as “Burp Guns” for the sound they made. Most had very high capacity drum magazines. These weapons had limited range, accuracy and hitting power but gave Russian infantry an advantage during assaults. Automatic fire enabled a soldier to lay down suppressing fire while running and upon reaching German trenches, quickly clear them.

The Germans were highly satisfied with their 7.92 caliber bolt action Mauser rifles due to their excellent range, accuracy and hitting power. Cemeteries from Normandy to the Russian Steppes are a testimony to the German soldiers' ability to use this weapon effectively. But, the Mauser rifle lacked the assault advantage of the Russian Burp Gun.

The Germans wanted a weapon that would provide both capabilities. The result was a 7.92 caliber weapon known as Sturmgewehr, German for assault (military attack) rifle. It had all the range, accuracy and hitting power of a standard rifle but had select fire capability. A soldier could select between a single round per trigger pull (semiautomatic) mode like a standard rifle, or a fully automatic mode like a submachine gun but packing the punch of a rifle, not a pistol. This was definitely a weapon intended for war and designed for killing people. Other nations followed suit with select fire weapons for their militaries. Long ago I used both a Russian designed Chinese manufactured AK-47 and an American M-16 in combat in the Mekong Delta. Ownership of select fire weapons such as these is regulated under federal firearm law and require special permits due to their automatic capability.

Senator Morse testified that the assault weapons as defined in this bill would include all semiautomatic rifles and shotguns, double barreled shotguns, even muzzle loading muskets. None of these weapons have select fire capability. None of these weapons were specifically designed to kill large numbers of people or intended for combat. They were designed primarily for use in target shooting and hunting. The fact that they can be lethal does not make them designed for combat. As a former police officer, Senator Morse should be well aware that even a pair of hands can be lethal.

At Senator Morse's behest a trial lawyer testified in favor of this bill particularly for strict liability. He testified that he anticipated no significant increase in legislation as a result of this bill. Having once passed the Bar in Colorado and even practiced a little law, trust me, strict liability is a business opportunity for trial lawyers. Any trial lawyer testifying for this bill has a financial interest its outcome and his testimony should be viewed with great skepticism.

If I were to propose a bill holding any Senator or Representative personally strictly liable for all damages occurring because a resident of Colorado was unable to adequately defend him or herself from criminal assault, due to legislation the Senator or Representative supported which limited or suppressed gun rights, the objections would be loud and vociferous. This would have a chilling effect on legislation they would scream. Precisely. It will have the same chilling effect on a citizens Constitutional right to bear arms. Strict liability is a power of destruction, not correction.

Additionally, strict liability when the weapon is a semiautomatic shotgun but not a pump action shotgun, or a semiautomatic rifle but not a bolt action rifle makes absolutely no sense. This legislation is purposely designed to restrict a citizens' Constitutional right to a choice of





# **Responsible Gun Ownership Framework**

**For all Americans**

**By a Coloradan**

**Cody Burrows**

**2013**

**[gundebate@hound28.com](mailto:gundebate@hound28.com)**

This is a Framework. There are no claims that it holds answers to every question. It is a living document that will change as more input is given by all of us. It provides a start to the discussion of better gun regulation that does not infringe on the 2<sup>nd</sup> Amendment and yet gets us all closer to a safer America. It is presented in an effort to get both sides of this debate closer to stopping both the massacres and daily gun violence we all want stopped.

## A Gun Regulation Framework for All Americans

The mass killings in Newtown, Aurora, Columbine and other locations are great tragedies, but so are the other gun related murders that happen in America every day. These horrors are unbecoming this country, and they should not be allowed to define us, or overshadow our manifest legacy as the world's greatest free democracy. These events have widened the divide between the pro-gun and pro-control advocates. There is a fundamental problem here we all want to fix. The issue is that the "how" is lost, since few on either side seem to listen to the legitimate concerns of their opponents, and thus they cannot begin to understand one another. This paper attempts to address those concerns in a way that both sides may find agreeable. I believe there is a fundamental basis, consistent with the principles of both sides. They both have legitimate fears, and both want a stronger, safer America. The problem is that neither seems to understand the other, as they generally come from different cultures in this multi-faceted country.

Pro-gun generally come from a rural background, where they grew up with guns, find them to be a natural part of life and are the bedrock of America founded in the Constitution. Their perspective is that guns are needed. They even consider it patriotic to own them. They do not fear guns, though they do fear innocent people dying because of "nuts with guns." Like the rest of us, they want to protect innocent Americans from harm. They believe the best way to do so is with a gun.

Pro-control are generally from urban backgrounds and often did not have the opportunity to grow up with guns. This does not make their concerns any less relevant. To the pro-control advocate, guns fall into three categories. The Bad: gangs, drug dealers, and 'gun nuts' that terrorize neighborhoods. The Good: police and soldiers, who should be the only ones authorized to carry guns as they are charged with protecting the populace from said gangs, drug dealers, and 'gun nuts'. The Acceptable: Hunters, who are a tolerated, being the exception in their eyes. Unlike those who are pro-gun, they do fear guns on some level.

We all agree that 'Nuts with guns' hurt people.

### The Plan

Something has to be done. We have all heard it, regardless of what side we are on; 'Guns don't kill people.... People kill people'. Saying it does not help stop 'nuts with guns' but I think the answer may be in these words. Going after the guns has failed. We need to go after the people, like the mantra states. I have learned that people fight change so the answer also needs to be familiar. Bans punish the innocent and are a big change. They are akin to banning cars because some people drive drunk. A license on the other hand is accepted. We require a license to drive a vehicle or even catch a fish. I think it will be an easier sell for all Americans if all gun owners are required to have a gun license. Most gun owners accept that to carry and conceal a weapon, more is required. Much like the written and practical exams for driving, the same can be required for gun ownership. With this approach, nobody is saying that 'you' as an American, cannot possess a gun. What it is saying is that you should have at least have been through a class and proven you can handle the basics of using a gun. You understand the responsibility of owning a gun. With this approach, there are other benefits. Trained people would have a better gauge of the mental state for those wanting to own a gun past a 15 min wait in a line such as with a drivers license. If a person seems unstable, questions could be asked to determine if there is an issue or even reject the ability to get a license unless a judge or Sheriff is involved. Those new to gun ownership can be required to go to a training range using a

learning license or go out with veteran gun owner as a supervisor. This sets a minimum bar for gun ownership and helps both sides. Pro-gun do not want untrained gun owners out there, jeopardizing the rights of those of us who do handle guns responsibly. Pro-Control should see this as a step towards more responsible gun ownership by all. This also helps law enforcement. If a person is found without a gun license they have positive control over the situation instead having to juggle between the safety of the community and the second amendment rights of an American Citizen. This approach addresses the 'straw buyer' and 'Gun Show Loophole'. Finally, a gun license is something that can be taken away if deemed appropriate by law.

It all starts with the:

### Learner license

This is meant to be for the gun owner that has not owned a gun and a gateway Class I

- Requirement
  - Buying a Gun Use Learners License
  - 15 Years of age
    - The age is negotiable
    - This allows a Father/Mother to hunt/teach their son/daughter legally
- Allows
  - Supervised training of gun use

### Class I

This is meant to be the 'Low level' gun owner:

- Requirements
  - 18 Years of Age
  - Required to take a class
    - Pass exams
      - Written
        - To show knowledge of C&C rules
      - Practical
        - To show ability to safely use the weapon
  - Basic Background Check
    - This is the same one required by an FFL (Federal Firearms License)
- Allows
  - Access to pistol and hunting class weapons
  - The purchase and transfer of weapons accessible under a Class I license

### Class II (Carry and Conceal) [Endorsement 'C']

This is for the gun owner that wants to be able to protect themselves outside of their home.

- Requirements
  - 18 Years of Age
  - Requires a C&C training
    - 16 hours of training
    - Instructors are allowed to deny students for mental concerns
      - Instructors are not liable for actions of students once they leave class

- This goes into background check
    - Denial by 2 instructors triggers a hold on license
    - Sheriff signature required to remove hold
  - Pass exams
    - Written
      - To show knowledge of C&C rules
    - Practical
      - To show ability to safely use the weapon
  - Advanced background check
  - Finger printing
  - Registration with local police
  - Sheriff approval
- Allows
  - The endorsement owner may conceal their weapon pursuant to applicable laws

### Class III (Assault weapons/Large Ammunition Clips/Silencer/Machine gun) [Endorsement 'A']

While these are some first steps, it does not answer some pressing issues gun control proponents have, such as assault weapons. It is difficult to define what an assault weapon is. One reason for this is that "weapons of war", as Pro-Control label them, have been interchangeable with civilian use throughout history. Many of the guns used in the Continental war were private to begin with. When "professional" arms were issued and the war was over, those same arms were either taken home by the soldier or sold as surplus when newer technology came along. There is also a cultural aspect, that while guns are used for hunting, they are also associated with the protection of our rights. This belief is held by a majority of people who serve in the armed forces. They did not get their commitment to duty from the armed forces, but instead, have grown up with it as a central identifier to whom they are. This does not mean that those growing up in an urban setting do not honor the United States but the rural communities associate guns more with their duty to protect this country.

- Requirements
  - 21 Years of Age
  - Requires advanced weapons training
    - Instructors are allowed to deny students for mental concerns
      - Instructors are not liable for students actions
      - Class denial goes into background check
      - Denial by 2 instructors triggers a hold on license
      - Sheriff or Judge signature required to remove hold
    - Pass exams
      - Written
        - To show understanding of laws concerning this class of weapon
      - Practical
        - To show ability to safely use the weapon(s)
  - Advanced background check
    - C&C endorsement is acceptable due to redundancy
  - Sheriff Endorsement

- Proof of ownership of a safe
  - Specifics on type of safe (TBD)
- Responsible Class I ownership for 1 year
  - This stops a person from buying an UZI to start with.
- Allows
  - Possession of
    - Semi-automatic (Assault type) weapons
    - Large Ammunition Clips
    - Silencers / Sound suppressors
    - Machine guns
    - Short Barrel Rifle (SBR)
    - Short Barrel Shotguns (SBS)
  - Class III license owner may supervise those within vicinity to use Class III guns
    - License owner assumes all responsibility of weapons under their control
    - Those being supervised are still required to have a Class I License
    - A learners license does not allow the use of Class III weapons
    - This allows training to occur

### **General Changes to Gun Laws**

#### **Sale of Weapons**

- Sale of a weapon to those without a gun license in “Good Standing” is a Felony.
- A learner’s license does not allow the purchase of a weapon.
- Ownness of the legitimacy of a gun license lies with the seller unless validated by LEO (through a ‘Good Standing’ hotline) or FFL holder.
- Law enforcement may validate gun licenses on request without requiring a reason for the verification if a gun is visible or found during a lawful search.
- Gun Shows shall require all attendants within the show to hold a valid Gun license.
- All Internet sales of guns shall require an FFL transfer.
- A gun license is enough to buy a weapon at a FFL shop
  - This will help gun owners and save money. Since a gun license requires a background check, this will alleviate the need for 6 redundant checks for 6 guns. If a problem is found with a person, the “Good Standing” of the gun license can be instantaneously updated. Gun shops could then do a ‘Current Standing’ check. This would be an up or down verification to allow the gun purchase.
  - The money saved from redundant background checks can be put towards more gun enforcement.

#### **License Requirements**

- Gun License fees shall not be greater than the cost of a drivers license for any state for any class of license.
  - This is to stop any state from running up the cost of the license thus making it cost prohibitive for gun ownership.
- Gun license data shall only be accessible to Law Enforcement
  - This follows the doctor patient confidentiality that we all now expect. A reason for the license is to give LEOs a tool to combat illegal gun ownership. It follows that they are the only ones with a need to know. They are also the only ones that have been given authority to handle the issue when a breach of trust with gun

- ownership has been found.
- There has been a stir over 'public' records of gun ownership being displayed without any consideration to the issues this causes. It makes gun owners less likely to comply with gun laws now or in the future. It makes it harder for politicians because Pro-gun feel they are being singled out. They won't support government that supports that. Generally this causes friction between otherwise happy neighbors. The point of the framework is to stop fear not cause more.
- Gun licenses shall be renewed on the same schedule as Drivers licenses
- If a person loses their "Good Standing". They must be
  - Notified of the change
  - Given time to transfer their weapons into escrow or to another licensed gun owner
    - Some period of time must be allowed (TBD)
    - When weapon(s) are transferred those taking custody; They must sign an affidavit that they assume liability for the use of those weapon(s) and that they will not release any of them until presented with a valid gun license in "Good Standing"

### Background checks

- Background checks shall include mental health searches
- Licensed psychiatrist shall be able to put a hold on all gun purchases
- Any person put on psychiatrist detention shall have a 3 month license hold
- Threats of suicide or homicide shall be grounds for a 3 month license hold
  - Must be witnessed by LEO
- All police stations shall have a formal process where concerned citizens may lodge formal concerns about individuals.
  - Formal concerns require at least 2 people to describe and attest to the concern
  - Concerns shall be cleared after 3 months if not substantiated
  - There shall be a formal protest process for the accused to be heard by a Judge
  - Valid concerns shall start a 1 month hold on all gun purchases
  - Filing a false concern shall be punishable (TBD)
- Mental reports shall be part of the background check.
- A hotline shall be created allowing "Good Standing" license checks by citizens.
- The only information allowed to be given is a repeat of the license number, the date and "Good/Bad" standing

### Gun Possession

- All gun possession shall require a gun license
- Possession of advanced guns and equipment requires advanced Class licenses
- Lost/Stolen firearms shall be reported within 48 hrs. of discovery of uncontrolled status.
- Those with a gun license are allowed to assume responsibility for guns used by those in their immediate vicinity.
  - This is to allow the learner to practice. The scenario here is a Grandfather teaching his grandson or a person new to guns gun safety.
  - Must have a Learners permit
- Unlicensed Gun possession:
  - First offense: Misdemeanor

- Possible forfeiture of all guns,
  - Confiscation of gun(s) that was associated with the violation
- Second offense: Felony
  - Immediate loss of all guns
- There shall be an escrow procedure and judicial review prior to execution.
- Revocation of ability to purchase a gun without a Judge/Sheriff signature.
- This allows a Judge to control if the violation was innocent or malicious.
- Possible Jail time if a gun was used in an aggravated (threatening) circumstance.
- Possible Fines.

## Summary

I saw a Diane Sawyers article with a 10-year-old boy in Chicago who was terrified to go out of his own home. That is just wrong. Both sides can agree on this point. The idea with the approach outlined here is not to take guns away from those that have shown they are responsible. What it does, is give Law Enforcement and everyone else the ability to stop the 18 year old with an UZI from terrorizing a Chicago neighborhood. It allows us to do something about the idiot shooting 50 rounds off in a parking lot from another recent news article. Nobody on either side of the debate wants these people to have access to guns. It gives a way to handle the 'nut' walking into the Aurora movie theater. The psychiatrist that went to the police could have worked with them to put a hold on his ability to be around guns. The mother of the Sandy Hook shooting could have been required to own a safe and restrict access to a dangerous person in the house. She may have been saved with such a simple requirement to ownership of advanced weapons. Will this approach solve all gun concerns, 'no'? Will it stop all of the horrors out there, 'no'? But it is a real framework to start from. We have to get away from the all or nothing approach. We have to find that middle ground. Freedom of speech is a fundamental right of every American but you cannot yell 'Fire' in crowded room without cause. The right to bear arms is a fundamental right repeatedly upheld by the Supreme Court, but you cannot walk into a movie theater or school and start shooting. Laws need to constrain and even revoke the rights of those that would abuse the rights of their fellow American. That does not mean that the rights of those that are not a threat to their fellow Americans should be punished. America was not conceived with this notion. When the Constitution was created, we were under the rule of a government that did not want to hear our opinion and found it to be treasonous to fight for our independence. We were specifically labeled terrorists back then. Our forefathers knew that, in the end, the power had to always lay with the people of this country, and thus, the second amendment states "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed." Webster's dictionary defines a 'Militia' as "a body of citizens organized for military service". It does not state the right to bear arms for hunting or target practice. Honestly, they assumed that. While all of this is true, they also did not intend for the citizenry of America to be held in fear of each other or be terrorized by each other. Both sides of this debate, whether of urban or rural background, have the right to feel protected in the pursuit of happiness. That right can be exercised by both those holding guns in the belief that defending oneself is necessary or by those whose expectation is that the government (be it Federal/State/Local) has the ability to keep evil at bay. These are not mutually exclusive ideals.

