

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

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Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

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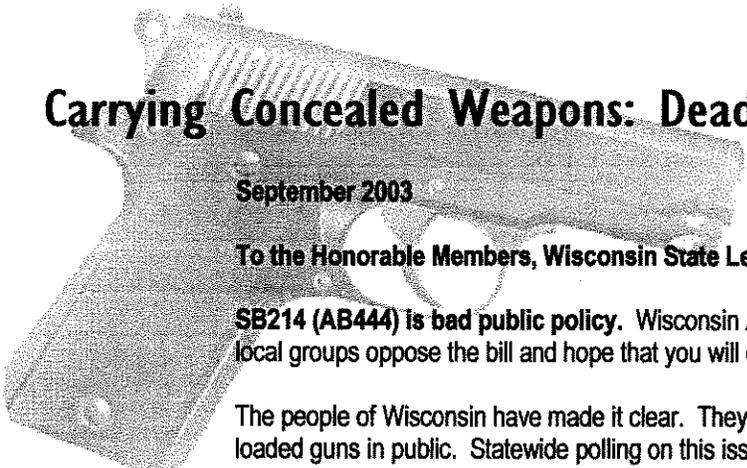
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Misc.

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Record of Committee Proceedings

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Carrying Concealed Weapons: Dead Wrong for Wisconsin.

September 2003

To the Honorable Members, Wisconsin State Legislature:

SB214 (AB444) is bad public policy. Wisconsin Anti-Violence Effort and many other statewide and local groups oppose the bill and hope that you will do all you can to see that it does not pass.

The people of Wisconsin have made it clear. They don't want the state to endorse carrying hidden, loaded guns in public. Statewide polling on this issue has shown that fewer than one in five adults favor allowing citizens to carry concealed weapons. More than two-thirds of gun owners oppose the idea, and law enforcement groups have consistently gone on record in opposition. Wisconsin organizations involved with education, public health and safety, children and families, violence prevention, law enforcement, religious and other issues are lining up to help keep Wisconsin free from state-endorsed concealed guns.

All of these Wisconsin residents are right. They know that more loaded guns carried concealed by more people won't reduce crime and won't improve safety. Many who support the bill will make the claim that "more guns equal less crime," but the facts simply don't bear that out. Some of the strongest supporters of gun ownership agree that there's no credible evidence that concealed weapons serve as a deterrent to crime. Indeed, the latest research by top academic institutions reveals that concealed weapons may contribute to an increase in gun crime.

From a public safety standpoint, more guns carried in public places increase the risk to everyone. At a time when gun violence takes the lives of more than 400 Wisconsin residents each year, **the solution is not more concealed weapons.** Even with the appalling number of deaths, crime rates, by many measures, are dropping. Our state is relatively safe compared to the states that have passed "shall issue" concealed weapons laws. We don't allow concealed weapons to be carried and we should keep it that way.

Finally, and perhaps most disturbingly, **a state law allowing concealed guns will send a particularly strong message to our children that the solution to crime and gun violence is more guns.** Common sense and research say otherwise. A recent Harvard University School of Public Health study showed that children age 5 to 14 are at a higher risk for killing themselves or being killed by others in states with more guns. The study found that in the five states with the highest levels of gun ownership, children were three times more likely to die from firearm homicide, seven times more likely to die from firearm suicide and 16 times more likely to die from unintentional firearm injury than children in the five lowest gun-ownership states. The five states in the study with the highest ownership levels have permissive concealed carry laws while the five states with the lowest gun ownership levels restrict the carrying of concealed weapons.

Concealed weapons are dead wrong for Wisconsin. Wisconsin should proudly keep its sensible policy against carrying them.

Sincerely,



Executive Director
Wisconsin Anti-Violence Effort Educational Fund

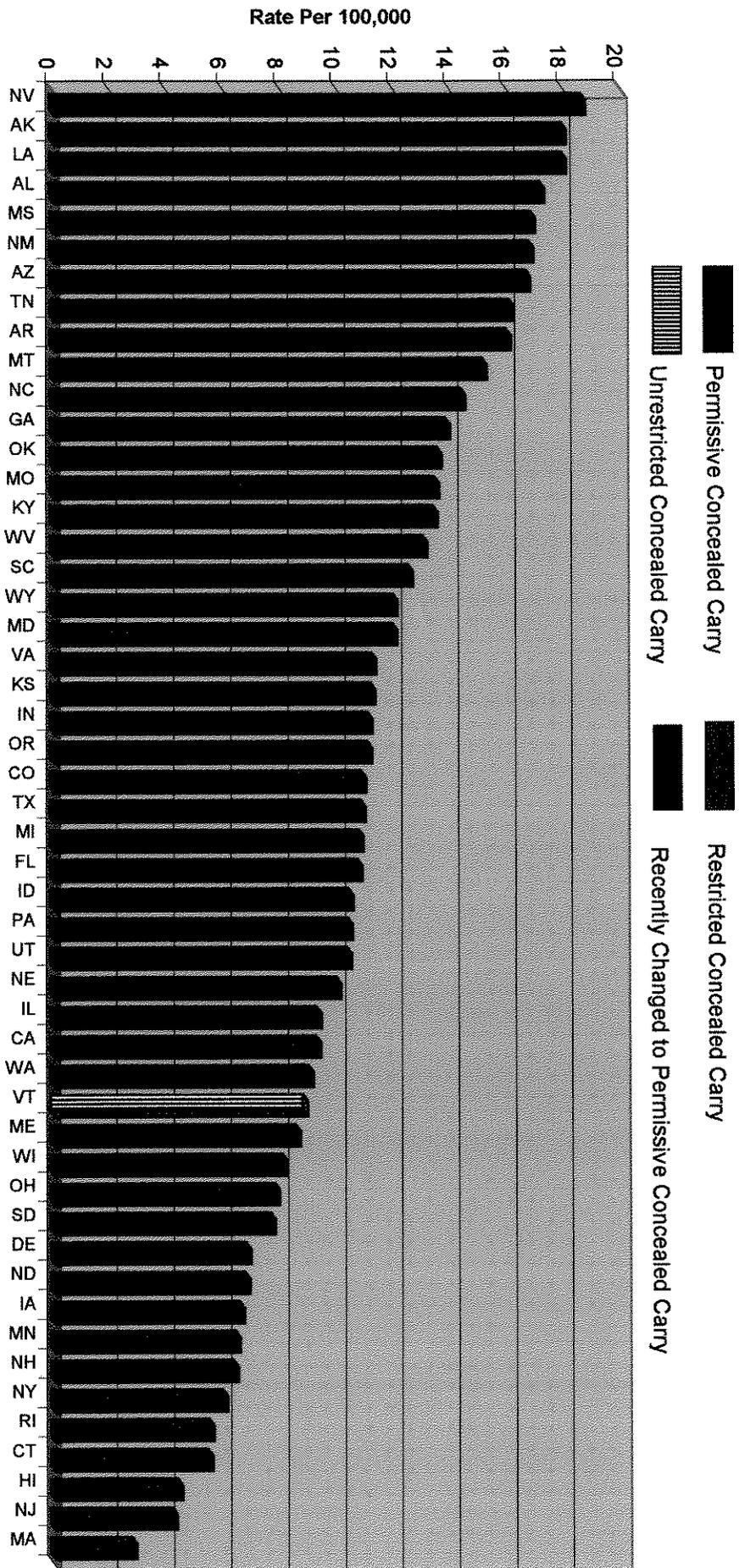
WISCONSIN ANTI-VIOLENCE EFFORT STRONGLY OPPOSES SB214/AB444.

THE PRO-GUN LOBBY AND THE GUN INDUSTRY HAVE CLAIMED THAT LEGALIZING THE CARRYING OF CONCEALED WEAPONS WILL MEAN A DECREASE IN VIOLENT CRIME AND AN INCREASE IN PERSONAL SAFETY.

NOT ONLY ARE THEIR CLAIMS COUNTER-INTUITIVE; THEY'RE WRONG!

CREATING A LAW BASED ON FAULTY LOGIC AND UNSUBSTANTIATED CLAIMS IS DANGEROUS AND DEAD WRONG FOR WISCONSIN.

Firearm Death Rates by CCW Status of State -- 2000



Source: Centers for Disease Control, Injury Mortality Report, 2000.
Standardized Year for Age-Adjusting: 2000.

Facts about Concealed Weapons Laws

- ◆ 14 of the 15 states with the highest firearm death rates have permissive “shall issue” concealed carry laws like the one being proposed for Wisconsin. 11 of the 15 states with the lowest firearm death rates (Wisconsin included) prohibit concealed carry or have restrictive laws.
- ◆ A study published in the journal, *Criminology and Public Policy* (August 2003), by researchers from the University of Alabama and JUSTEC Research found no support for the idea that allowing concealed carry reduces crime.
- ◆ An authoritative book published in 2003, “Evaluating Gun Policy” by Ludwig and Cook, reports that researchers from Stanford and Yale (Ayres & Donohue) replicated and extended concealed carry proponent John Lott’s main study and concluded it was deeply flawed and that he was mistaken in his interpretation of the data. They found that more concealed guns will not reduce crime and, if anything, may increase it.
- ◆ A Violence Policy Center study compared CCW permit holders in Texas to the general public and found that “In the first six months of 1997 the weapon-related offense rate among Texas concealed handgun license holders was more than twice as high as that of the general population of Texas aged 21 and over.”
- ◆ In the year following Texas’ passage of “shall issue” CCW legislation, law enforcement made 900 arrests of individuals with CCW permits for violent crimes including murder, rape, and kidnapping.
- ◆ After enacting “shall issue” legislation, Florida saw no reduction in its homicide rate for five years – and then only after the passage of a waiting period and implementation of background checks.

Opinions of the Experts

In the public debate regarding the efficacy of CCW laws, proponents argue that arming citizens will give criminals reason to fear and therefore reduce crime. They have based their claim on the findings of an economist named John Lott, who, as a result of a study done by himself and D. Mustard, concluded: “Concealed handguns are the most cost-effective method of reducing crime thus far analyzed by economists.” Lott, J.R., and D.B. Mustard. (1997). “Crime, Deterrence, and Right-to-Carry Concealed Handguns.” *Journal of Legal Studies* 26:1-68.

Further research and re-analysis of Lott’s work have brought other researchers and experts to a different conclusion:

“...there is no evidence that carrying a concealed weapon has a deterrent effect.” Gary Kleck as quoted in: Baker, D.P., J.W.Fountain, “Va. Concealment Issue Reveals a Twist in Annual Gun Debate,” *The Washington Post*, February 15, 1995, pp. B1, B5.

“[T]his analysis produces little evidence that shall-issue laws reduce crime and suggests that these laws are as likely to cause crime to increase as to decrease.” Ludwig, J. (1998). “Concealed-Gun-Carrying Laws and Violent Crime: Evidence from State Panel Data.” *International Review of Law and Economics* 18:239-254.

“When areas weaken limits on concealed weapons, they may be giving up a simple and effective method of preventing firearm deaths.” McDowall, D., C. Loftin, and B. Wiersema. (1995). “Easing Concealed Firearms Laws: Effects on Homicide in Three States.” *Journal of Criminal Law and Criminology* 86 (1):193-206.

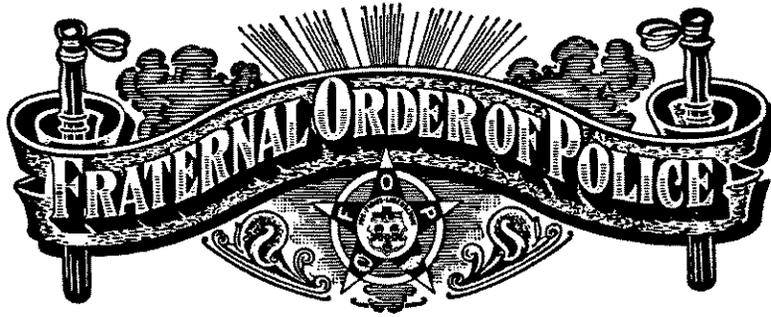
“...the potential impact of Lott and Mustard’s study on policy, and ultimately on public safety, is very real. Advocates of liberalizing concealed gun carrying laws, including Lott, are using this study to persuade policymakers to loosen carrying restrictions in states without shall-issue laws. Previous research suggests that more gun carrying by civilians may lead to more deaths.” Webster, D.W., J.S. Vemick, J. Ludwig, and K.J. Lester. (1997). “Flawed Gun Policy Research Could Endanger Public Safety.” *American Journal of Public Health* 87(6):918-921.

“Advocates of shall issue laws argue that they will prevent crime, and suggest that they have reduced homicides in areas that adopted them.” “[Our] analysis provides no support for the idea that the laws reduced homicides; instead, it finds evidence of an increase in firearm murders.” McDowall, D., C. Loftin, and B. Wiersema. (1995). “Easing Concealed Firearms Laws: Effects on Homicide in Three States.” *Journal of Criminal Law and Criminology* 86 (1):193-206.

“...inference based on the Lott and Mustard model is inappropriate, and their results cannot be used responsibly to formulate public policy.” Black, D., and D. Nagin. (1998). “Do ‘Right to Carry’ Laws Reduce Violent Crime?” *Journal of Legal Studies* 27(1):209-219.



Document prepared by Wisconsin Anti-Violence Effort Educational Fund
For more information call (414) 351-9283



Office of the
WISCONSIN STATE LODGE PRESIDENT
Nicholas Segina
PO Box 70
Dellwood, Wisconsin
53927

September 8, 2003

Dear Wisconsin Legislator,

The Fraternal Order of Police is the largest law enforcement organization in the country. We have a nationwide membership of over 310,000. We are a fraternal organization of police officers for police officers.

I am writing to you because of concerns regarding Wisconsin's Personal Protection Act (concealed carry law) SB214 and AB444. As our membership interacts with other members from across the country, we may have a better understanding of the ramifications if these bills become law than those less informed.

We have discussed these bills and have elected to support them.

In this day and age, we, as law enforcement officers, must consider everyone armed. It would be foolish on our part not to. In any instance that we interact with anyone in the public, we must protect ourselves and be aware of anything that could cause harm to the public or us. Our training has made these interactions appear normal and routine to the casual onlooker, but they are not. They are specific in design, nature, observation, communication, movement, and placement. All of this takes place every time a police officer has any contact with anyone. It is what helps keep us safe, and able to return to our families after work.

Citizens with the proper background clearance, training, certification and being armed have statistically posed little or no risk to any law enforcement officer. **Experience in other states has demonstrated that concealed carry is a deterrent to crime.**

The ones who have no respect for the law are the ones we worry about. They do not waste their time applying for permits and as such, laws mean nothing to them. Just look in our prisons and jails; do you see many law-abiding citizens there?

We are asking you to please take the time to thoroughly review all the information available to you, and look at the bigger picture. There are all kinds of stories out there both for and against these bills.

Not just in Milwaukee, but statewide, criminals prey on those who are not able to defend themselves. *"Why not hit an easy mark... we do not want to have to work for the money... that would mean being more careful and hesitant for worry about being overcome or caught"* just to paraphrase those who brag about doing those assaults.

Police officers can not be everywhere. With cost savings in the future for Wisconsin our safety and our families safety are being placed on the dice table. You are the ones shaking those dice. Can you really justify telling an honest law abiding citizen that they can not take steps to protect themselves equal to the threat placed on them and their families by the thugs and slime that ARE willing to kill them for trinkets and bobbles?

It has been proven that concealed carry reduces crime. Let's do everything we can to reduce crime in Wisconsin. Please reference these two papers. Do not be alarmed by the titles, but be informed by the contents:

Multiple Victim Public Shootings, Bombings, and Right-to-Carry Concealed Handgun Laws: Contrasting Private and Public Law Enforcement
<http://papers.ssrn.com/sol3/delivery.cfm/99042103.pdf?abstractid=161637> by John R. Lott Jr., Yale Law School and William M. Landes University of Chicago Law School National Bureau of Economic Research (NBER) and,

Crime, Deterrence, and Right-to-Carry Concealed Handguns
www.journals.uchicago.edu/JLS/lott.pdf by John R. Lott Jr. and David B Mustard.

We, as law enforcement officers need your support, If these bills are properly funded and administered, our involvement with the law-abiding citizens who choose to participate will be at a minimal. Yes, we will still consider everyone armed with or without the passage of this bill.

The citizens of Wisconsin have demonstrated an overwhelming support for these bills. Only you can give them back their freedom to make that choice in their life and perhaps in this sometimes-cruel world a little peace of mind.

If you would like more information on the Fraternal Order of Police please check our web site at www.grandlodgefop.org or feel free to contact me directly if you have any questions.

Thank you for your time and attention to this important issue.

Nick Segina

Nick Segina
State President and
National Trustee
for Wisconsin

nsegina@wifop.org
(608) 572 0088



Wisconsin Clerks of Circuit Court Association

Serving Wisconsin Courts

MEMORANDUM

To: Honorable Members of the Senate Committee on Judiciary, Corrections and Privacy
Honorable Members of the Assembly Committee on Criminal Justice

From: Wisconsin Clerks of Circuit Court Association
Legislative Committee
Donna Seidel, Clerk of Circuit Court, Marathon County
Gail Gentz, Clerk of Circuit Court, Kenosha County

Date: September 9, 2003

Subject: Senate Bill 214 and Assembly Bill 444

The Legislative Committee of the Wisconsin Clerks of Circuit Court Association (WCCCA) does not have a formal position on this legislation. We do, however, have concerns regarding specific language in these bills that needs further clarification and /or correction.

The first issue concerns the reporting responsibilities listed in Section (11)(d)1,2,a.thru j. requiring the Clerk of Circuit Court (Clerk) to immediately notify the Department of Justice of numerous types of case filings and dispositions in the Circuit Court. To meet the immediate reporting mandates, an automated system must be developed for the electronic exchange of this information between the Circuit Court and Department of Justice. This will ensure that the information is not only immediately reported but is accurate and uniformly reported by each county throughout the state. Relying on a manual system to accomplish this is unrealistic. In order to develop the necessary automated system, revenue sources must be identified that will cover costs for development of software and the interface for the Circuit Court and Department of Justice. Modifying the license fee to add an amount to cover these development and maintenance costs would be one solution.

Our second issue concerns the liability which is addressed in Section 21 (Immunity). While this proposal provides immunity from liability for the Department of Justice, Sheriff's Departments and their employees, no reference is made to provide the same immunity for the Clerks and their staff. This oversight should be corrected.

We would be happy to provide statewide data for all committee members on the number of court related events and activities the bills require Clerks to report. If there is other information that could assist your committees, please do hesitate to contact either of us.

Donna Seidel – 715-261-1333 Gail Gentz – 262-653-2810



WISCONSIN COUNCIL ON
**CHILDREN
& FAMILIES**
Voices For Wisconsin's Children

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A MEMBER OF THE NATIONAL ASSOCIATION OF CHILD ADVOCATES

TESTIMONY

September 9, 2003

To: Members of the Senate Committee on Judiciary and the Assembly Committee on Criminal Justice

From: William Perloff, M.D., Ph.D.

Representing the Wisconsin Council on Children and Families, and the Wisconsin Chapter of the American Academy of Pediatrics

Re: Assembly Bill 444 and Senate Bill 214

Thank you for the opportunity to testify today on the concealed carry legislation that is before you.

I am a Pediatric Critical Care Physician representing two organizations concerned with the health, safety and well-being of children: the Wisconsin Council on Children and Families, which is a statewide research, policy development and advocacy organization, and the Wisconsin Chapter of the American Academy of Pediatrics, the 550 member organization of Physicians who specialize in the care of children.

The proposed policy will increase the exposure of children to handguns by permitting concealed weapons to be carried into many venues where children congregate, including day care centers, churches, little league games and the many private, non-profit organizations that provide direct services to children and youth.

Allowing the carrying of concealed weapons will inevitably result in increased access of children and adolescents to loaded handguns when they are brought home, left in cars, or in a jacket hanging in a closet. The potential consequences are serious:

- Approximately five unintentional childhood deaths due to firearms occur annually in Wisconsin.¹ For every firearm-related death, there are between four and five nonfatal gun-related injuries.² A typical scenario is that of an unsupervised toddler or young child discovering a loaded handgun and killing himself or a playmate while exploring the new "toy". In a recent study, more than three fourths of 8 to 12 year old boys who

- found a real handgun in a drawer handled the weapon. Approximately half of them pulled the trigger, despite having had gun safety instruction at some time prior to the study.³
- About 50 adolescents commit suicide in Wisconsin each year, 60 percent of them with firearms, primarily handguns.¹ Suicide by adolescents is most often an impulsive act, reflecting the volatile emotions in this stage of life. Twenty percent of Wisconsin high school students admit to having seriously considered suicide, and nine percent claim to have attempted it.⁴ Suicide attempts involving firearms are successful 91 percent of the time, denying a chance to reconsider.⁵
- Approximately 35 Wisconsin children and adolescents are victims of firearm-related homicide annually, largely with handguns.¹ Firearm-related homicide is the leading cause of death for African-American males from 15 to 19 years of age in Wisconsin and nationally.¹ Teenage boys in all racial and ethnic groups are more likely to die from gunshot wounds than from all natural causes combined.¹
- Carrying of concealed weapons will increase opportunities for theft and subsequent misuse of handguns, especially by children and youth. Family and friends are the primary sources of guns for young people; only five percent have asked someone else to purchase a gun for them from legal or illegal sources.⁶

Will the increased availability of handguns lead to additional firearm-related injury and death in children? The issue has not been analyzed in states that have concealed-carry laws, but given the curiosity of children and the impulsiveness of adolescents, it is hard to imagine otherwise. We need to know much more about that risk before introducing such a policy in Wisconsin.

Would concealed-carry (CCW) legislation lead to a reduction in violent crime? Several studies have examined the effects of such legislation in states with CCW and compared them to states without CCW. Initial studies by Lott and Mustard⁷ found a reduction in violent crime in those states with CCW, prompting other states to adopt CCW. However, subsequent studies^{8,9} found important errors in the methods used by Lott and Mustard. The new studies have shown little or no reduction, or in some cases an increase in violent crime associated with instituting CCW laws. While the controversy may not be entirely settled, it seems clear that the hoped-for benefit of CCW has not materialized, even after more than 15 years of experience in some states. We are fortunate in Wisconsin to already have a homicide rate markedly lower than that for the nation (3.3 versus 5.9 per 100,000).¹⁰

The two organizations I represent believe the proposed concealed carry legislation poses a danger to children and are opposed to its passage. In a poll completed by the Public Policy Forum in 2002,¹¹ 68 percent of Wisconsin residents polled oppose allowing Wisconsin citizens to carry concealed weapons, and only 27 percent favored it, demonstrating that *the majority of Wisconsin citizens join us in that stance.*

Given what we know about the deadly combination of handguns and children, I respectfully urge you to oppose this legislation. I appreciate your attention today and the opportunity to speak on this important issue. I would be happy to answer any questions you may have.

REFERENCES CITED

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3. Jackman GA, Farah MM, Kellermann AL, Simon HK. Seeing is believing: What do boys do when they find a real gun? *Pediatrics.* 2001;107:1247-1250.
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U.W. System Position on Bills Introduced In the Legislature
During The 2003-04 Biennium

Assembly Bill 444 SB 214

Concealed Weapons

Testimony of Scott W. Rohde
Representing the University of Wisconsin System

Sept 09, 2003

My name is Scott W. Rohde, and I am the Police Chief at the University of Wisconsin, LaCrosse.

I am voicing the position of the University of Wisconsin system relating to the above captioned bill.

I have been in Law Enforcement for 17 years, the last 6 of which I have served as the University's Police Chief. Prior to that, I served municipal Police Departments both in a supervisory and top management capacity (Chief).

I understand the unique differences between policing the general public environment and a campus environment. The legislation should be amended to exclude U.W. System lands from the places a person has the right to carry a concealed weapon.

The proposed bill exempts K-12 schools and athletic events from places where a person may carry a concealed weapon. University campuses should have the same protection. Students at U.W. system campuses feel safe and secure and are protected by campus police and security officers. Part of that security comes from existing U.W. system policy against carrying, possessing or using dangerous weapons on university lands. This protection is provided by Chapter 18.

Allowing concealed weapons in campus environments could result in such instances becoming violent. Many of our campuses network with the K-12

schools in the communities in which they are located and frequently provide on campus field trips and educational opportunities for these schools. What this means is that on any given day, there are numerous public and private school children infused into the campus environment. These are the same students that the bill would currently aim to protect.

The potential existence of concealed weapons in the college classroom could threaten student learning by stifling debate on controversial issues. Campus officers understand that a significant part of their mission is to insure the best possible educational opportunity for all. They are uniquely dedicated to achieving a safe environment for this to occur. Frequently vigorous debate both in the classroom setting and through special programming is an important part of the student experience. I have personally been a guest lecturer and have observed academic freedom and information exchange. Students, guests, and presenters alike should feel confident that the presence of a concealed weapon will not threaten the safety of a particular event.

U.W. officers are focused on the safety and security of U.W. students, staff and visitors in a restricted geographic area allowing a higher degree of safety and rapid response to emergency situations therefore the need for civilian concealed weapons on campus is mitigated.

The American Council on Education and other national higher education associations have argued that state concealed weapons laws should exclude universities.

In Michigan, 2001 Act 381 permitted concealed weapons but exempted colleges and universities from among the places where concealed weapons could be legally carried.

In Vermont which has one of the most liberal concealed laws, concealed weapons are exempted at the University of Vermont.

MEMORANDUM

TO: Honorable Members of the Senate Committee on Judiciary, Corrections and Privacy
Honorable Members of the Assembly Committee on Criminal Justice

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate 

DATE: September 9, 2003

SUBJECT: Senate Bill 214 and Assembly Bill 444

The Wisconsin Counties Association (WCA) currently does not have a specific position in regard to carrying a concealed weapon. Our board of directors will take the issue up at its next meeting. However, given the current positions that we currently hold at the Association, WCA makes the following comments in reference to Senate Bill 214 and Assembly Bill 444:

- Under the legislation, county sheriffs departments are mandated to issue a concealed carry license if an individual meets the qualifications for the license, unless the county board (by a 2/3 vote) authorizes the sheriff not to issue licenses (and then it is the sheriff's prerogative). Involved with the issuance of the license is making available application forms, performing background checks, records retention, an appeals process, and annual reporting to the Department of Justice. Ensuring that these important tasks are performed properly will take resources from the county in the form of additional staff, funding, etc.

Members of this legislative body made it clear during the budget process that counties need to lower property tax levies across the state. In order for this to occur, counties have asked their department heads to submit budgets with numerous cutbacks, including staff, a decrease in the level of services, etc. It is unrealistic to think that counties can perform all of the functions listed at a cost of \$75 or less. Counties would prefer to use their shrinking resources on ensuring their jails are operating efficiently and vital law enforcement services are provided statewide, not spending time licensing individuals to carry concealed weapons.

Page 2
WCA Memorandum
September 9, 2003

- Additionally under the legislation, county clerks of circuit court are required to report to the Department of Justice the names of individuals charged with felonies, misdemeanor crimes of violence, drunk driving, found incompetent, etc. Again, at a time when counties are asked to cut back, this legislation requires extensive increased reporting requirements without the funding to carry out the task.
- WCA also has concerns regarding the liability provisions included in the legislation. In particular, we are uncertain if they provide adequate coverage for our sheriffs and their employees. In addition, the bill lacks protection for clerks of court who would have significant responsibilities under the legislation as well.

Thank you for considering our comments. If you have any questions, please do not hesitate to contact me at the WCA office.



WISCONSIN CATHOLIC CONFERENCE

TO: Members, Senate Committee on the Judiciary
Assembly Committee on Criminal Justice

FROM: John Huebscher, Executive Director

DATE: September 9, 2003

RE: Senate Bill 214 and Assembly Bill 444 – Carrying Concealed Weapons

On behalf of the Wisconsin Catholic Conference, I am writing to express our concerns with SB 214 and AB 444. Our main objection to these bills is that they fail to include churches, hospitals and other facilities that serve vulnerable populations. At the same time, we urge the committee to consider other questions as well.

These bills specify that persons may not carry concealed weapons into school zones and a number of other places. We request that this list of “exempt locations” include churches and other facilities operated by religious associations.

Churches are places where people gather for worship, prayer and community celebrations. Children are often present for religious instruction and other family oriented activities. Many Catholic churches share facilities and parking areas with schools. In our view, the introduction of concealed weapons in such places is highly inappropriate. The same reasons that justify banning concealed weapons from schools apply to churches and church facilities.

As for hospitals, many Catholic health facilities have policies that prohibit employees, patients and visitors from possession of weapons on their premises. The law should continue to permit them to do so.

Even as we voice these specific concerns, we also urge you to consider these bills in light of their broader impact on public respect for and trust in our law enforcement agencies. While no institution is perfect, we do not think the common good is fostered by policies that presume the inability of civic institutions to serve the public effectively, especially in matters of public safety.

Carrying of concealed weapons has been illegal in our state since 1872. We do not believe law enforcement agencies have become less capable of protecting society and pursuing criminals than was the case when the current laws were enacted. Indeed, there is much evidence to suggest they are more so.

We recognize that Wisconsin is only one of a few states where the practice of carrying concealed weapons is not permitted—just as we are in the minority in not employing the death penalty. Yet neither policy makes us less safe. Our rate of violent crime continues to be well below that of the national average. Moreover, crime rates are dropping here at a greater rate than in most “conceal and carry” states. In light of all this, the case for repealing current law has yet to be made.

We recognize that citizens have a right to protect their homes. Thus it is appropriate for the law to clarify that a person may carry a concealed weapon in his or her home or business. But we urge that this be done in a way that not disadvantage those who believe they are safer by not having weapons in their homes or businesses.

Neither those who desire to possess concealed weapons in their homes nor those who want their homes to be “weapons free” should have to advertise their choice to strangers. The rights of each can be best served by enacting a law that permits persons to carry concealed weapons in their own home or business but prohibits taking them into the homes or businesses of others. Such a policy would recognize the legitimate right of self-defense without undermining our longstanding practice of discouraging the carrying of concealed weapons in public.

Thank you for considering our views in this matter.



THE LAW ENFORCEMENT ALLIANCE OF AMERICA

Law Enforcement Alliance of America Memorandum in Support of AB 444 and SB 214

Executive Staff

Executive Director
James J. Foris
Lynbrook, New York
Police Department (Ret.)

Chief Operating Officer
Ted Deeda

On behalf of the more than 75,000 members and supporters of the Law Enforcement Alliance of America (LEAA), I urge you to support Wisconsin's right to carry legislation, AB 444 and SB 214.

My name is Jim Fotis and I am a retired street cop now serving as the Executive Director of the Law Enforcement Alliance of America (LEAA). On behalf of our members in Wisconsin and across the country, I need to tell you that a great number of rank and file law enforcement officers are in favor of giving law abiding Wisconsin adults who pass a police background check, the right to choose a firearm for their self-defense.

You can sum up the street cop's argument on this issue with a line from the old television show, *Dagnet*, "Just the facts, ma'am." Those arguing against giving the people of Wisconsin the right to choose self-defense rely on wild exaggerations and claims that have been proven false time and time again. Supporters can safely rely on facts that have been tested and proven over 16 years and 35 states.

Since the movement to pass concealed carry laws began in earnest with the passage of a concealed carry law in Florida in 1987, opponents have used the same phony scare tactics. Every state that has considered concealed carry has been predicted to turn into a virtual "Dodge City," with claims that simple arguments will turn into gun fights. Yet every time, these dire predictions are proven false.

The pro-self defense lobby has 16 years and 35 states that make a clear, reasonable and sound case for laws that allow responsible adult citizens who pass a police background check, to carry a concealed firearm for self-defense. Since Florida passed its law in 1987, half of the states in the union have followed suit. Not a single one has suffered any of the nightmare scenarios put forth by opponents and not a single state has seen fit to rescind or even limit their concealed carry laws.

60% of Americans live in states with a concealed carry law. The people of Wisconsin are no less trust worthy and deserving of the right to choose their own means of self-defense than the Americans in these 35 other states. Without a single example of a state that has been plagued by violence as a result of passing a concealed carry laws, opponents of the bills sound like a broken record, constantly repeating the wrong tune.

As a veteran street cop, I speak with experience when I tell you that the criminals who are a danger to cops and citizens alike already carry concealed weapons, the success or failure of a concealed carry law in Wisconsin won't change that. I've seen first hand how concealed carry laws have worked time and time again across the country.

Along the way, I've even seen law enforcement skeptics change their tune, such as Arlington County, Virginia, Detective Todd Larson, who opposed a concealed carry law in Virginia prior to passage in 1995. Two years after the law went into effect, Detective Larson was quoted in his hometown paper about his reaction to the new law... *"I was wrong. But I'm glad to say I was wrong"*.

Before Texas passed its concealed carry law, Senior Corporal Glenn White, President of the Dallas Police Association, traveled to the state capitol to lobby against the bill. A year after the law passed, White told his hometown paper, *"all the horror stories I thought would come to pass didn't happen...No boogie man. I think it's worked out well and that says good things about the citizens who have permits. I'm a convert."*

In the concealed carry debate, the facts are quite clear. The law proposed in Wisconsin is similar to and in some ways stricter than laws already on the books in 35 states. So next time someone tries to scare you away from the right to choose self-defense, ask them why their horror stories and scare tactics have never come true and why not a single state has abolished its concealed carry law. You have a right to demand just the facts!



The League of Women Voters of Wisconsin, Inc.

122 State Street, Madison, Wisconsin 53703-2500
608/256-0827 FX: 608/256-2853 EM: genfund@lwvwi.org URL: <http://www.lwvwi.org>

Testimony Opposing SB214 and AB444 Carrying Concealed Weapons

**Hearing of the Senate Judiciary, Corrections and Privacy Committee and the
Assembly Committee on Criminal Justice
Tuesday, September 9, 10 a.m., State Capitol Room 411 South**

League Opposition

The League of Women Voters opposes concealed carry laws in Wisconsin because they would simply increase the number of guns on the streets to more than 220 million. And, there is no credible evidence that carrying hidden, loaded guns reduces crime. We encourage you to review the death by firearms statistics in comparable states:

- 14 out of the 15 states with the highest firearm death rates have permissive "shall issue" concealed carry laws like the one being proposed for Wisconsin.
- 11 out of the 15 states with the lowest firearm death rates (Wisconsin included) prohibit concealed carry or have restrictive laws.

Guns pose a serious threat to public health and safety. Residents and police will be at an even greater risk of receiving a personal injury and incidents of mistakenly shooting innocent citizens will also increase.

It is appropriate that our representative government allow police the right to use deadly force in the oversight of public safety. The general public, however, should not be given that same right simply because of knowledge of weapon use. Although a recent Wisconsin Supreme Court ruling allows carrying a concealed weapon at home or in business, the majority confirmed the legality of the current law prohibiting the carrying of concealed weapons in most places: "Wisconsin's prohibition of the carrying of concealed weapons is, as a general matter, a reasonable exercise of the police power, and serves many valuable purposes in promoting public safety."

We also take issue with the fact that Licenses would be valid for five years, which we feel is too long a time for such a permit. Information about who is licensed would be available only to law enforcement agencies and only in certain specified circumstances. According to the bills, a permit from another state would be accepted in Wisconsin, however no information on these gun carriers would be available to our own law enforcement agencies. This lack of information about who can carry a concealed weapon would put Wisconsin citizens at great risk.

Finally, we all agree that too many times guns fall into the wrong hands. Increasing the number of guns in Wisconsin means increasing the number of guns available for criminals and children. More guns do not equal less crime. The goal of the legislature should be the prevention of violence and the construction of a more open and positive society. Please oppose passage of SB214 and AB444.

The League depends on public support for its work.
Contributions, unless given to the Education Fund, are not tax deductible for charitable purposes.

Carrying Concealed Weapons

Statement to Senate Committee on Judiciary, Corrections and Privacy and Assembly Committee on Criminal Justice

Madison, WI
September 9, 2003

Jeri Bonavia, Wisconsin Anti-Violence Effort

I am here today to testify in strong opposition to AB444 and SB214. The notion that legalizing the carrying of concealed weapons is an effective way to increase personal safety and decrease violent crime is not only counter-intuitive to most people, it's wrong.

There is, in fact, no credible research indicating that a law allowing people to carry concealed guns makes them or their communities safer. To support the "more guns, less crime" view, proponents of shall issue CCW laws cite the "research" of economist John Lott. Lott has claimed that CCW laws are an effective method of reducing crime.

For years experts have disputed his findings; now many are questioning his credibility and integrity, as well. Donald Kennedy, Editor-in-Chief of *Science*, the most highly regarded journal in the field of science, had this to say in the April 18, 2003 issue:

[Some of the data used in his book, *More Guns, Less Crime*] were allegedly based on some 2000 interviews conducted by Lott himself. But when pushed for the survey data, Lott gave a hauntingly familiar explanation: His hard drive had been destroyed in a computer crash...

Wait. It gets even funnier. As the debate over gun laws spilled over from the scholarly journals to the Internet, Lott was defended passionately by a persistent ally named Mary Rosh. She attacked Lott's academic critics, including John Donohue of Stanford Law School, claiming in one posting that Lott had been the "best professor I ever had." Alas for Lott and his case, Mary Rosh now turns out to be—John Lott!...

Meanwhile, though, legislators in a number of states are still considering liberalizing concealed weapon laws, and Lott's book plays a continuing role in the debate. That moves this story from high comedy to a troubling challenge in social policy that isn't funny at all. Death by shooting is a national public health problem. Sound social science, not cooked data, is what we need to work out the tough problems like the relationship between gun ownership and violent crime.

Even if Lott's personal integrity weren't at issue, after carefully reviewing Lott's work, eminent scholars have found serious flaws in his methods and, therefore, in the validity of his findings.

For example, in a *Valparaiso University Law Review* article, the author (Albert Alschuler) points out that the deterrent effect of concealed carry should be far greater for stranger homicides than for intra-family homicides, because with or without a concealed carry law, gun possession in the home is legal. Yet Lott's study showed that the proportion of stranger killings increases and the proportion of intra-family killings decreases following the passage of a concealed carry law.

In another example, authors of an article published in *The Journal of Legal Studies* challenge Lott's conclusion that there is great social benefit to shall issue CCW laws. In a reanalysis of Lott's data, these authors found that if just one state, Florida, is removed from the sample, there is no longer any detectable impact on the rates of murder and rape. These are the two crimes that Lott used to account for 80% of the alleged social benefit. After their careful analysis, these authors concluded that "inference based on the Lott and Mustard model is inappropriate, and their results cannot be used responsibly to formulate public policy."

And in a new study conducted by Kovandzic and Marvel and published in *Criminology & Public Policy* (August 2003), the authors concluded that it would be erroneous for state policy makers to pass right-to-carry laws, believing that they reduce crime.

Even Gary Kleck, a researcher often aligned with the pro-gun lobby, found, "...there is no evidence that carrying a concealed weapon has a deterrent effect." He further stated it is "more likely [that] the declines in crime, coinciding with relaxation of carry laws, were largely attributable to other factors not controlled for in the Lott and Mustard analysis."

Clearly, these laws are not effective in decreasing crime, but worse yet, they may actually lead to increases, particularly of firearm deaths. In an article appearing in *Journal of Criminal Law and Criminology*, researchers McDowall, Loftin and Wiersema summarized, "Advocates of shall issue laws argue that they will prevent crime, and suggest that they have reduced homicides in areas that adopted them. [Our] analysis provides no support for the idea that the laws reduced homicides; instead, it finds evidence of an increase in firearm murders." Many other researchers have come to the same conclusion.

For example, in a chapter of *Evaluating Gun Policy*, a new book published by the Brookings Institution Press, authors John J. Donohue of Stanford Law School and Ian Ayres of Yale Law School found that allowing citizens to carry concealed weapons will not reduce crime and may even increase it.

A study done by Harvard found that in the five states with the highest levels of gun ownership, children aged 5-14 were three times more likely to die from firearm homicide, seven times more likely to die from firearm suicide and 16 times more likely to die from unintentional

firearm injury than children in the five lowest gun-ownership states. The five states with the highest level of gun ownership (Louisiana, Alabama, Mississippi, Arkansas, and West Virginia) all have permissive CCW laws, while the five states with the lowest level of gun ownership (Hawaii, Massachusetts, Rhode Island, New Jersey, and Delaware) all restrict the carrying of concealed weapons.

Further, the conclusions of all of these researchers are supported by an analysis of FBI and CDC data. Specifically, the data show that generally the states that restrict or prohibit CCW have lower firearm death rates than those that allow it. In fact, in 2000 (the most recent data available) fourteen of the fifteen states with the highest firearm death rates were shall-issue CCW states, whereas eleven (including Wisconsin) of the fifteen states with the lowest firearm death rates restricted the carrying of concealed weapons. In addition, in 2001, Wisconsin had the sixth lowest violent crime rate.

Truly concealed carry laws do not have a benefit at the societal level, but what about the personal level? Will these guns increase personal safety? Researchers and other experts across the country have unequivocally said, "no!" For example, in the *American Journal of Public Health*, H. Morgenstern wrote, "the net impact of owning a handgun or having a family member own a handgun is to increase appreciably—not decrease—the risk of violent death."

Even though research shows that handguns do not have a net positive effect on safety, according to the National Sports Shooting Foundation, 63% of handgun owners possess their handgun primarily for personal protection. Yet even the gun experts conclude this may not be a wise decision. In the January 2002 issue of *Guns and Ammo*, Jeff Cooper, also known as the Gunner's Guru, writes, "...we see people rushing out to buy personal defense weapons, which may or may not be a good idea, since the possession of a weapon is of no value without the skill to use it well." Cooper's opinion is mirrored by another gun expert Massad Ayoob, a regular columnist for the premier gun industry magazine, *Shooting Industry*. Ayoob expresses his concerns by saying, "The uninitiated tend to make two kinds of mistakes with firearms: they either use guns when they shouldn't, or do not use them properly in the rare circumstances when they should."

But are these gun experts simply underestimating the abilities of the average gun owner? According to handgun defense expert Duane Thomas "Most cops and civilian gun carriers are lousy handgun shots. The level of ineptitude of many people who carry guns on a daily basis is nothing short of appalling." But what if you are the exception? Then would a concealed handgun make good sense?

Chris Bird, another gun expert, suggests that it wouldn't. He writes, "A handgun is the hardest firearm to shoot accurately, and, even when you hit what you are shooting at, your target doesn't vaporize in a red mist like on television." He also says, "Like many things in life, a handgun is a compromise. It is the least-effective firearm for self defense."

To summarize all of these experts, handguns are rarely, if ever, the best method of self-defense. Clearly, hidden handguns are not the be-all, end-all of personal protection. And, as I pointed out earlier, concealed weapons laws do not decrease violent crime.

Laws are often constructed in response to public demand, yet the majority of the people of Wisconsin is opposed and has been consistently opposed to CCW. In statewide polling, only about 20% of the population is in favor of CCW. Even most gun owners oppose this law. These results are consistent with polls conducted nationwide, in other states, and even in your own districts.

All of these people in Wisconsin aren't wrong. They know, and, of course, you know, creating a law based on nothing more than anecdotes and faulty logic is wrong. And it's dangerous. After carefully considering all of the research, the insights of the experts and the opinions of the majority of Wisconsin's citizens, please join us in opposition to AB444 and SB214.

Respectfully Submitted,

Jeri Bonavia
Executive Director, WAVE

Testimonial in Opposition of AB 444 and SB 214
September 9, 2003

I love the United States of America and feel blessed and proud to be here. I respect with all of my energy, our Constitution. The 2nd Amendment gives us the right to bear arms. However, this amendment does not insinuate in any way, shape or form, the right to carry *concealed* arms. I am writing to you to ask that you oppose Assembly Bill 444 and Senate Bill 214 which both encourage the passing of the concealed weapons law.

Earlier this year I witnessed workplace violence within the City of Madison, Motor Equipment Division that was against a disabled employee. The foreman at issue lunged at another employee with his fist and loud, vile language. While that scene is still troubling to me, imagine if this foreman were allowed to carry a concealed weapon in his place of work? Since he is already a loose canon, the concealed weapons laws will not protect us from people whom perhaps do not have a criminal record, a problem or convictions with AODA and can pass the background check, etc.; he might be eligible to carry a concealed weapon even though he holds a violent demeanor.

While nothing was done with the incident that I witnessed, there is the grave concern that further outbursts of violence in the workplace will commence with the right to carry a concealed weapon prevalent. Already, Workplace Violence is on the rise in some of the states that do have laws like AB 444 and SB 214.

We must also consider potential Domestic Violence offenders. Many of you know that some Domestic Violence perpetrators can be, or project themselves as the 'pillar of the community'. Of course under these proposals they would be eligible for a concealed weapon license. Example: The Crystal Brame case in my home town of Tacoma, Washington. She was murdered by her police chief husband, David Brame, in May of 2003 whom obviously had a license to carry a weapon, even though he failed two psychological exams to even become a police chief in the first place. Under this proposed law, naturally we want to keep weapons out of the hands of those whom may not be mentally and/or emotionally stable to respect the responsibilities of carrying a concealed weapon. As a former battered woman, I cringe at the thought of my ex-husband having a license to have carried a weapon. Domestic Violence convictions were not prevalent in the late 1980's where I was living, and they are not now in Wisconsin even. There is a pattern of Domestic Violence arrests being plead down in the court system to a simple 'disorderly conduct' so that the perpetrator does not have to forfeit any of the hunting arms that he or she may own. Therefore, without other convictions, this person would be eligible for the proposed AB 444 and SB 214 laws, to where he or she may carry a concealed weapon.

This bill is good, for those whom we know we can trust with a firearm or any other weapon, but when the system fails to either report or reprimand those in the wrongdoing, how are we statistically helping to bring the crime rate down to a level to where citizens feel whole again? We are all trying to protect ourselves from one another, and the criminals that have guns are going to have guns. That argument is prevalent with many supporters of this bill, yet I believe that by passing these bills that encourages somewhat of a hyper vigilance in our Wisconsin society.

I am query as to how the proposed law reads: that basically anyone that passes the required screenings can carry a concealed weapon. I am glad that we do have these screenings, though I do not believe they will be as thorough as society would need. Already, gun screening is not what it has promised to be. More and more people, turned criminals, have unwarranted access to guns that should have never been allowed to purchase them.

As a student in the field of Criminal Justice, my respect for our law enforcement is massive. For those of us that do care about our law enforcement personnel that get out there every day to protect and serve, we can only imagine the atrocity of approaching a suspect whom has a license to carry a concealed weapon. The subject may not need to protect himself or herself, but the way these bills are written and some of the commentaries from supporters; there is the attempt to justify 'protecting' oneself. The proposal of such outlandish laws are putting us further behind in our fight to end crime. Most criminal acts are performed with weapons. The more weapons we have on the streets, logistically equals more crime.

Again, please do not support these proposed bills. While I understand Wisconsin's need to follow other states statistical gatherings believing that these bills will reduce crime, Wisconsin should also consider being a leader in gun control.

Thank you for your time in reviewing my concerns and opinion(s), your thoughts and consideration are greatly appreciated.

Very truly yours,



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September 9, 2003

To: Members of the Senate Committee on Judiciary Corrections and Privacy and the Assembly Committee on Criminal Justice

From: Peter C. Christianson for the Wisconsin Newspaper Association

Re: Proposed Wis. Stats. §175.50 (18) should be stricken from Senate Bill 214 and Assembly Bill 444 (see page 32, lines 9-11)

The members of the Wisconsin Newspaper Association strongly oppose proposed Wis. Stats. s. 175.50 (18) and respectfully request that it be stricken from Senate Bill 214 and Assembly Bill 444. (The offensive language appears on page 32, lines 9-11, in each bill.) The members of the Wisconsin Newspaper Association take no position on the balance of the bills, however.

Proposed Wis. Stats. s. 175.50 (18) would create an exception from the Open Records law for the records maintained by a Sheriff or the Department of Justice concerning applications for a license to carry a concealed weapon. This exception would not apply to statistical reports prepared by a Sheriff or the Department of Justice or to the Law Enforcement Excellence Fund.

There is no valid reason to create a blanket exception to the Open Records law for applications for licenses to carry a concealed weapon, or for records concerning licenses which have been granted. If there is a situation where the identity of a person who has applied for and/or been granted a license should not be disclosed -- such as when the applicant has been a victim of domestic abuse -- the Open Records law contains a balancing test. In fact, this is the precise reason that the balancing test exists, and it should be noted that county sheriffs have been successfully applying the balancing test for many years. In short, there is no valid reason to include the exception to the Open Records law in the bills.

For this reason the members of the Wisconsin Newspaper Association respectfully request that proposed Wis. Stats. s. 175.50 (18) be stricken from SB 214 and AB 444. As noted above, the members of the Wisconsin Newspaper Association take no position with respect to the balance of either bill.

ljs

Milwaukee POLICE Association

Local #21 IUPA-AFL-CIO



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September 9, 2003

Senator David Zien
State of Wisconsin
P.O. Box 7882
Madison, WI 53707-7882

RE: MILWAUKEE POLICE ASSOCIATION SUPPORT OF SB214/AB444

Dear Senator Zien:

On behalf of the approximate 1700 law enforcement officers in the Milwaukee Police Association (MPA) please accept this correspondence as support for the Personal Protection Act (SB214/AB444).

The good law abiding citizens deserve every opportunity to defend themselves against persons committing heinous crimes. Police Officers have had the privilege of carrying a concealed firearm for as long we've been armed under the color of the State of Wisconsin. Police Officers would argue this right has been an asset, both on and off-duty, to reduce crime and enhance the quality of life in their respective communities.

SB214/AB444 will facilitate community support in reducing crime, perhaps long overdue. Thank you for your legislative support of the PPA.

Sincerely,

MILWAUKEE POLICE ASSOCIATION

Bradley DeBraska
President
Local #21, IUPA, AFL-CIO

BD/cmm

Affiliated with: International Union of Police Associations AFL-CIO
Wisconsin State AFL-CIO



Badger State Sheriff's Association, Inc.

An Association of Wisconsin Sheriffs

President Sheriff Kurt D. Heuer
 1st Vice President Sheriff Scott E. Pedley
 2nd Vice President Ron D. Cramer
 Secretary Sheriff Eric A. Runaas
 Treasurer Everett S. Muhlhausen

September 9, 2003

Testimony on Behalf of Badger State Sheriff's Association

The Badger State Sheriff's Association wishes to go on record opposing 2003 Senate Bill 214 and Assembly Bill 444 – Carrying Concealed Weapons (Personal Protection Act) co-sponsored by Senator Zien and Representative Gunderson.

While some Sheriffs independently support legislation for carrying concealed weapons, the vast majority of Wisconsin Sheriffs have great concerns about the current language and application of this legislation. At our Badger State Sheriff's Association meeting in Keshena this past August, the general membership present voted unanimously to oppose SB 214 and AB 444 for reasons (although not inclusive) as outlined in this testimony.

Issues and concerns regarding CCW were posed to Senator Zien at a Badger State Sheriff's meeting in Door County in November of 2001. He provided no answers or resolution to our concerns at this meeting. We offered to have a committee of sheriffs (both for and against CCW) meet with him and made follow-up attempts to do so to no avail.

Sheriffs are greatly disappointed that our request for discussions on this matter was ignored. Now we find the sheriffs playing a significant role as proposed in the current legislation.

In SB 214 and AB 444 (as proposed) the sheriff (county) will be mandated the tasks of application, background check, qualification validation, records retention, licensee appeals process and annual report to the Department of Justice. This type of process would be, and should be, time consuming and thorough. A major challenge to sheriffs and counties is limited manpower, resources and funding to do this appropriately. With shrinking budgets and threats of staff cutbacks state-wide, these additional responsibilities would come at a time when sheriff's offices are already doing more with less in order maintain their current levels of service.

There is also great concern in the area of immunity from liability for sheriffs and counties. This needs to be clarified in specific detail.

While counties can opt out of issuing CCW permits by a 2/3 vote in the proposed legislation, individuals from such a county may go to another county for a permit. There will be little control or knowledge by local law enforcement of who may actually have a permit in a county which has opted out, and a licensee has gone elsewhere to obtain his/her permit.

An additional shortcoming to the proposed legislation is the ability of concealed weapon licensee from another state traveling in Wisconsin. At what level is their training, background check, etc?

The Badger State Sheriff's Association strongly urges the Wisconsin Legislature to oppose Senate Bill 214 and Assembly Bill 444 as proposed. The Badger State Sheriff's Association and other law enforcement associations need to be heard on our valid concerns and our wishes to

Kurt D. Heuer, President P.O. Box 8095, Wisconsin Rapids, WI 54495-8095
 Phone 715-421-8732 FAX 715-421-8754 E-mail kheuer@co.wood.wi.us

be a part of developing law and public policy which have a tremendous impact on our daily obligations.

The Badger State Sheriff's Association has stood ready for the past 2 years to provide our input for SB 214 and AB 444. Please allow us the opportunity.

Kurt D. Heuer, Wood County Sheriff
President, Wisconsin Badger Sheriff's Association

Wisconsin Chiefs of Police Association, Inc.

116 Humphrey Circle So., Shawano, Wisconsin 54166 • Telephone (715) 524-8283 • Fax (715) 524-8280

Susan Riseling
President
U.W. - Madison

Randy A. Williams
1st Vice President
Onalaska

Gary L. Mikulec
2nd Vice President
Whitefish Bay

Edward N. Kondracki
3rd Vice President
La Crosse

Donald L. Thaves
Executive Director
Shawano

Edward A. Rudolph, Jr.
Treasurer
Port Washington



Testimony of Chief Susan Riseling

President of the Wisconsin Chiefs of Police Association

Assembly Bill 444 and Senate Bill 214

September 9, 2003

Good morning Mr. Chairman, members of the committees. Thank you for allowing me to testify today on Assembly Bill 444 and Senate Bill 214. My name is Susan Rising and I am the Chief of Police at the University of Wisconsin – Madison. I am here today speaking as the President of the Wisconsin Chiefs of Police Association representing over 550 law enforcement executives throughout the state. I am here to express the WCPA's opposition to these proposals.

We live in one of the safest states in the country. Wisconsin's violent crime rate has dropped 34.7 percent since 1992. Our violent crime rate continues to decline while in other Midwestern states crime rates are increasing.

For 130 years we have had sensible laws that prohibit the carrying of concealed weapons and those laws have served us well.

There is considerable, credible research that clearly indicates more guns result in more crime. Research that says otherwise has been shown to be deeply flawed.

There is also comprehensive study from the New England Journal of Medicine which shows that firearms purchased for self defense are far more likely to take the life of an innocent person than a criminal. In fact the numbers are staggering: forty-three (43) innocents will die for every criminal killed. Even the most conservative estimate is five (5) innocents for every one criminal killed. In short, many innocent people become at risk if these bills become law.

If other states' experience is any indication of what will happen in Wisconsin, 30,000 new concealed guns will be introduced into the everyday activities of the people of this state. Hidden guns will make their way into our places of worship, shopping, higher education, daycare centers, hospitals and work establishments, to name just a few.

This legislation would open Wisconsin's borders to allow anyone from any state who has been issued a carry permit in their home state to carry in Wisconsin; regardless of carrying/permitting requirements or lack thereof in those states. In Arkansas for example, no requirement for a mental health check is needed, but those from Arkansas could carry in Wisconsin.

I should be careful though not to criticize Arkansas. Since Arkansas' law while not safe, is over all far safer than what AB444 and SB214 would allow in Wisconsin. AB 444 and SB214 have no field testing for example, Arkansas does. AB 444 and SB214 have no positive identification mechanism, fingerprinting, for permits. Arkansas does.

While AB444 and SB214 have a provision about mental illness, under federal law the Health Insurance Portability Protection Act (HIPPA) makes it virtually impossible for Sheriffs or Chiefs to know what people's medical history is regarding mental or physical impairments to their ability to possess these hidden weapons.

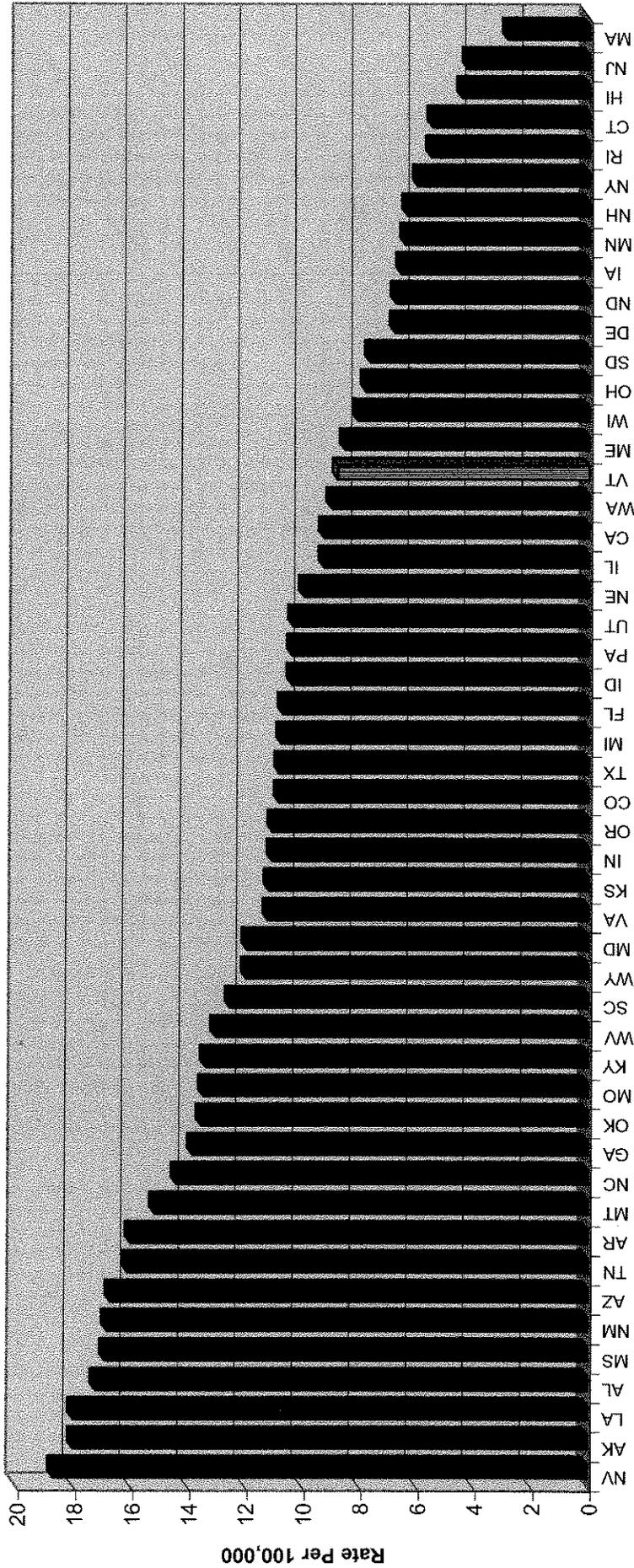
Our communities include many people who will qualify for a permit under this proposal that seriously lack the emotional stability, temperament, demeanor, and judgment to be trusted with carrying a concealed weapon and making the instantaneous decisions about ending a human life.

Police officers train and train and train in the use of firearms. Law enforcement is very limited in the applications of deadly force: i.e., it is used only to defend our life when it is directly threatened or the life of another. But even in those rare circumstances, we are now turning to less lethal alternatives. Police train in how to make quick decisions on the level and amount of force to use in different situations and, in particular, on when to shoot and when not to shoot. Police take into account not only the target at which they are aiming but what is behind the target, what may be crossing in harm's way in front of the target. AB444 and SB214 allow untrained, untested citizens to carry and use weapons in public places where missing their intended target is likely to end in tragedy. There will be the escalation of lesser crimes into potential deadly situations. For example, a 15 or 16 year old breaking into a car at the mall becomes a situation in which that juvenile could be confronted with a citizen armed with a gun and possibly firing it, killing that adolescent. The grim statistics from other states demonstrate that sad reality. Do not under the guise of public protection put Wisconsin citizens at risk for accidents that are the inevitable offspring of this well intentioned, but misguided proposal.

Thank you.

Firearm Death Rates by CCW Status of State -- 2000

- Permissive Concealed Carry
- Restricted Concealed Carry
- Unrestricted Concealed Carry
- Recently Changed to Permissive Concealed Carry



Source: Centers for Disease Control, Injury Mortality Report, 2000.
Standardized Year for Age-Adjusting: 2000.

2003 Senate Bill 214

Testimony given by Senator Dave Zien before the
Senate Committee on Judiciary, Corrections and Privacy and the
Assembly Committee on Criminal Justice
September 9, 2003

Good morning Mr. Chairman and Joint committee members, and thank you for taking the time today to hear testimony on this *most important issue*, Senate Bill 214 and its companion Assembly Bill 444

The issue is personal protection; protecting innocent lives.

There is no more important issue than ensuring law-abiding citizens the ability to protect their own lives, and the lives of their families, from a violent attack.

44 other states allow their citizens the right of self-defense. These bills are modeled after legislation passed in 35 of those states; states that offer what we call a "shall-issue" permit system. Yes, Wisconsin is one of only SIX states in the nation that prohibits its citizens from self-defense.

Today you will hear testimony from many law-abiding citizens, *not criminals*, who wish for the ability to protect themselves.

For some of these people, this bill comes too late to save them from being raped or stabbed.

We have been working to pass this legislation for the last six years. Which horrendous crimes could have been avoided, we will never know. We only know that much tragedy could have been prevented if crime violent crime had been reduced here as it has in other states.

You will hear testimony from men and women, young and old, weak and strong, rich and poor. Everyone has a story to tell, and everyone has one thing in common: *WE ALL DESERVE THE RIGHT TO PROTECT OURSELVES, INSIDE AND OUTSIDE OUR HOMES, FROM THOSE WHO WISH TO HURT US.*

Senate Bill 214 and Assembly Bill 444 allow a person age 21 or over to apply to a County Sheriff for a concealed carry permit. They must pass a firearm safety course, pass a background check, and pay a fee to the Sheriff for a picture-card license.

Criminals will not apply. Criminals, by definition, are already carrying weapons on them. If law-abiding citizens are allowed to carry concealed weapons, the criminals will think twice about attacking us.

Law-abiding permit holders don't suddenly get into "wild-west shootouts" because they have a gun. It just doesn't happen. Nor will permit holders take the place of police; they don't go looking for trouble; they don't brandish their gun every day. How many times have you used your fire extinguisher? It's there just in case you really need it.

This has been proven over and over again in other states. This is not a new concept. This has been a very VERY successful right in almost every state in America. And these bills will make it happen here in Wisconsin. It should happen here; it **MUST** happen here.

If ONE rapist or murderer were stopped from committing a heinous act against someone's body, it will be worth it. Protecting innocent lives is worth it.

Look at the facts; the proof is out there: concealed carry works. Let's pass Senate Bill 214 and Assembly Bill 444.

Thank you for your time today. I'll be happy to answer any questions.



**Wisconsin
Manufacturers
& Commerce**

Memo

TO: Members of the Senate Judiciary, Corrections and Privacy Committee and Members of the Assembly Criminal Justice Committee

FROM: James A. Buchen, Vice President, Government Relations

DATE: September 9, 2003

RE: Amendment to AB 444 and SB 214 - Concealed Weapons Permitting Legislation

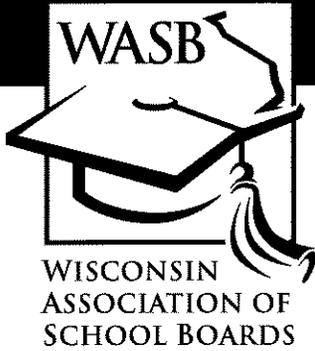
Wisconsin Manufacturers and Commerce requests an amendment to AB 444/SB 214 to clarify that this legislation would continue to permit employers to prohibit their employees from carrying concealed weapons during the course of employment. Many Wisconsin employers currently have work rules that prohibit the carrying of various weapons, including concealed firearms, in the course of employment based on safety concerns.

The present legislation is silent on the issue of whether a person licensed to carry a concealed weapon could do so in the workplace in light of an employment policy prohibiting carrying weapons in the course of employment. However, according to the Legislative Council "it appears that an employer could enforce a rule against employees carrying concealed weapons based upon the employers interest in and right to protect his or her business." The Council notes further in its analysis that it may be desirable to amend the bill to make that clear.

It is also our understanding that the concealed weapons permitting legislation that has been debated or adopted in various states in recent years has contained provisions recognizing the right of employers to continue to regulate and/or prohibit the carrying of concealed weapons by their employees during the course of employment. Thus, the amendment we are requesting would be consistent with other states' legislation.

Therefore, we request an amendment to AB 444/SB 214 recognizing the right of Wisconsin employers to continue to regulate or prohibit the carrying of concealed weapons during the course of employment.

Thank you for your consideration in this matter.



122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 • FAX: 608-257-8386

KEN COLE, EXECUTIVE DIRECTOR

TO: Senate Committee on Judiciary, Corrections and Privacy
Assembly Committee on Criminal Justice

FROM: Sheri Krause
Legislative Services Coordinator

DATE: September 9, 2003

RE: Senate Bill 214/Assembly Bill 444, related to carrying or going armed
with a concealed weapon

The Wisconsin Association of School Boards (WASB) does not have a position on the carrying of concealed weapons. However, we are concerned about several aspects of Senate Bill 214 and Assembly Bill 444 that relate to the carrying of concealed weapons on school grounds or in school zones and related penalties.

As the bill is written currently, a licensee would be prohibited from carrying a handgun on the "grounds of a school" or in a school zone with certain exceptions and prohibited from carrying any other weapon on "school premises." The term "school premises" is clearly defined under state statute as "any school building, grounds, recreation area or athletic field or any other property owned, used or operated for school administration." Thus, it is clear that all weapons, other than handguns, would be prohibited on school grounds, recreation areas, athletic fields and other district property.

However, "grounds of a school" is not defined under state statute. As a result of the ambiguity, it is unclear whether the handgun prohibition would apply to recreation areas, athletic fields or other property owned or used by a school district. To help ensure the safety of schoolchildren, we ask that the language of the bill be aligned to clarify that handguns are not allowed on school premises along with all other weapons.

In addition, the bill as currently written would lower the penalty for "licensees carrying handguns in a school zone or on school grounds, or carrying electric weapons, tear gas guns, knives, or billy clubs on school grounds." The safety of Wisconsin's schoolchildren is of paramount concern to school board members and the WASB is opposed to any lowering of penalties for carrying weapons on school premises or in school zones. We ask that the current penalties be maintained.

Thank you for your consideration of these concerns.



Badger State Sheriff's Association, Inc.

An Association of Wisconsin Sheriffs

President Sheriff Kurt D. Heuer
1st Vice President Sheriff Scott E. Pedley
2nd Vice President Ron D. Cramer
Secretary Sheriff Eric A. Runaas
Treasurer Everett S. Muhlhausen

September 10, 2003

To: Senators Zien, Fitzgerald, Stepp, George and Carpenter
Representatives Suder, Friske, Petrowski, Pocan and Schneider

From: President Kurt D. Heuer
Badger State Sheriff's Association

Re: Testimony from SB 214 and AB 444 Public Hearing

On behalf of the Badger State Sheriff's Association I would like to thank you for the opportunity to give testimony on September 9, 2003 regarding this proposed legislation.

BSSA would appreciate an opportunity to work with the authors and the committees to address the concerns of sheriff's on the administrative application of this legislation.

Thank you for your time and consideration. I look forward to hearing from you and having BSSA work with you.

SENATOR ZIEN'S REPRESENTATIVE SUDER,
COULD YOU PLEASE ADD TO THE RECORD
AND FORWARD TO ANY COMMITTEE MEMBERS I
MISSED. (ABOVE)

THANK YOU!

Wisconsin Chiefs of Police Association, Inc.

116 Humphrey Circle So., Shawano, Wisconsin 54166 • Telephone (715) 524-8283 • Fax (715) 524-8280

Susan Riseling
President
U.W. - Madison

Randy A. Williams
1st Vice President
Onalaska

Gary L. Mikulec
2nd Vice President
Whitefish Bay

Edward N. Kondracki
3rd Vice President
La Crosse

Donald L. Thaves
Executive Director
Shawano

Edward A. Rudolph, Jr.
Treasurer
Port Washington



Senator David Zien
23rd Senate District
Rm. 15 South, Capitol Building
Madison, WI

September 16, 2003

Dear Senator Zien:

On September 9, 2003 there was a public hearing on AB 444 and SB214 the Concealed Carry of Weapons. Representing the Wisconsin Chiefs of Police Association I gave testimony in opposition to these bills. While several members of the Assembly and Senate were present, many did not have that opportunity, so I wanted to make available to you a copy of my written testimony. I want to make sure you understand that the Wisconsin Chiefs of Police Association opposes these Bills. Also attached is a recent letter from our Past President Steven Rinzel of Brown Deer to Senator Darling which outlines some, but certainly not all, of our concerns.

Introducing concealed weapons into Wisconsin's citizens' lives is an important public safety matter about which the Wisconsin Chiefs of Police Association has significant and serious concerns. Regardless of where you stand on this issue or these particular pieces of legislation, we would welcome the opportunity to discuss this matter with you or your staff at greater length. Please contact the Association if you would like to avail yourself of this opportunity. Thank you.

Sincerely,

Susan Riseling
Chief of Police
President

Cc: Governor James E. Doyle
Attorney General Peggy Lautenschlager

Attachments



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
VICE CHAIRPERSON
COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
MEMBER
COMMITTEE ON SENATE ORGANIZATION
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
SENTENCING COMMISSION
COUNCIL ON TOURISM
JUDICIAL COUNCIL

AMENDED 10/13/03

***CHANGES REFLECT "/3" SIMPLE AMENDMENTS TO THE SUBSTITUTE AMENDMENT LRB0161/3**

MEMORANDUM

TO: Members, Senate Committee on Judiciary, Corrections & Privacy
FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy
DT: October 13, 2003
RE: Amendments LRBs0161/3, LRBa0896/3*, and LRBa0899/3* to SB 214

On September 9, 2003 this committee held a joint public hearing with the Assembly Committee on Criminal Justice on Senate Bill 214 and the companion legislation Assembly Bill 444.

We were encouraged to address the legitimate concerns that were most frequently raised through the thoughtful testimony and constructive discussion by the committee members. LRBa0896/3* and LRBa0899/3* are simple amendments that address those concerns. A substitute amendment has also been drafted to make additional substantive changes to the bill.

LRBs0161/3 is a substitute amendment that makes the following substantive changes to the bill:

- Under the bill, the \$15 Shooting Range Improvement Fee paid by a licensee would have been administered by the Department of Natural Resources. The fiscal estimate prepared by the DNR indicated that administering the incoming funds would have been a substantial and costly burden. The substitute amendment instead directs that money to be placed in the general fund of the county in which the license is issued. The Sheriff shall make grants from that fund to those who apply and qualify for the purpose of shooting range improvement activities.
- The bill refers to license-card issuing technology similar to that used by the Department of Transportation. Since the initial drafting of the bill, the DOT has switched to using a network-based system

WISCONSIN



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allowing all DOT substations to share information on the network, but the license-making technology remains the same. The substitute amendment allows the same license-making technology, but does not require a similar network-based system. Requiring such a system would significantly raise the cost of issuing a license and is unnecessary for the issuance of concealed carry licenses.

- The substitute amendment would require that licenses be mailed to the licensee by first-class mail. This is the process used by most states and is the most efficient and effective permit delivery mechanism for both the sheriff and the licensee.
- The substitute amendment adds "another national or state organization that certifies firearms instructors" to the list of organizations that may conduct training and certify instructors that train permit applicants. This amendment expands the bill to include qualified national or state organizations in addition to the National Rifle Association, which is already named in the bill. This provides additional training opportunities to permit applicants.
- The substitute amendment requires the sheriff to disclose the specific factual basis for license application denials when the disclosure of such information is not prohibited by law. This will allow denied applicants to know the specific reasons for the denial so that they may adequately address any misinformation.
- The substitute amendment also incorporates several technical changes suggested by the Legislative Reference Bureau drafting staff.

LRBa0896/3* addresses a concern at committee about private property rights and the prohibition of concealed weapons by permit holders on that property.

- The simple amendment would specify that private property owners may prohibit permit holders from carrying a concealed weapon on their property.
 - Specifies that residential property owners and occupants may prohibit the carry of concealed weapons by licensees by notifying the licensee that carry is prohibited.
 - Notification may be made personally, either in writing or orally, or by posting a sign at least 11 inches square for every 40 acres of property or by posting the same size sign in a prominent place near the primary entrance of the building.
 - This amendment ensures that residential property owners and occupants may prohibit carry without posting their property.

- o Specifies that an owner or occupant of nonresidential property may prohibit the carry of concealed weapons by licensees by notifying the licensee that carry is prohibited.
 - Notification must be made by prominently posting a sign at least 11 inches square near the primary entrance of the building and by personally and orally notifying the individual of the restriction.
 - Oral notification is required because the offense is not failing to see a posted sign but, instead, failing to leave a nonresidential property when requested to do so by the owner or occupant.
- o Clarifies that the ability to prohibit the carry of concealed weapons on nonresidential property does not apply to parking lots and parts of buildings occupied by the state or its political subdivisions.
- The amendment also provides immunity from any liability to a business or a nonprofit organization that allows a person to carry a concealed weapon on its property if the decision to do so is done in good faith.

LRBa0899/3* addresses a concern at committee about the ability of employers to prohibit the carry of concealed weapons by their employees who have a license to carry a concealed weapon.

- This simple amendment specifies that employers may prohibit a licensee that they employ from carrying a concealed weapon in the course of the employee's employment.
- The employer may not prohibit a licensee from carrying a concealed weapon in the licensee's own personal motor vehicle.
- The amendment also provides immunity from any liability to employers who allow licensees that they employ to carry a concealed weapon if the decision to do so is made in good faith.

Good Morning! Chairmen and Committee Members!

Thank you, for letting me speak today!

I am: Billy A. Schleusner, E6036 430th Avenue, Menomonie, Wisconsin 54751

I am representing:

- 1. The Menomonie Pistol and Rifle Club - has 27 members.**
- 2. The Dunn County Fish and Game Association - has 201 members.**
- 3. Myself**

Members in these two Clubs are: judges, lawyers, law enforcement personnel, game wardens, farmers, teachers, business persons, unions workers and youth.

All are interested in playing on a level field! Today, the only persons able to “carry” are the criminals. Law abiding citizens should also have the right to defend themselves by concealed carry.

The Menomonie Pistol and Rifle Club and the Dunn County Fish and Game Association and I would like to go on record as supporting Senate Bill 214 and Assembly Bill 444.

I would like to read a comment by Marcus Cicero of the Roman Republic giving a description of a person’s right to defend her/himself: Quote:

There exists a law, not written down anywhere, but inborn in our hearts; a law which come to us not by training or custom or reading but by derivation and absorption and adoption from nature itself; a law which has come to us not from theory but from practice, not by instruction but by natural intuition. I refer to the law which lays it down that, if our lives are endangered by plots or violence or armed robbers or enemies, any and every method of protecting ourselves is morally right. When weapons reduce them to silence, the laws no longer expect one to await their pronouncements. For people who decide to wait for these will have to wait for justice, too—and meanwhile they must suffer injustice first. Indeed, even the wisdom of the law itself, by a sort of tacit implication, permits self-defense, because it does not actually forbid men to kill; what it does, instead, is to forbid the bearing of a weapon with the intention to kill. When, therefore, an inquiry passes beyond the mere question of the weapon and starts to consider the motive, a man who has used arms in self-defense is not regarded as having carried them with a homicidal aim.

Civilized people are taught by logic, barbarians by necessity, communities by tradition; and the lesson is inculcated even in wild beasts by nature itself. They learn that they have to defend their own bodies and persons and lives from violence of any and every kind by all the means within their power. **Unquote.**

We believe that Senate Bill 214 and Assembly Bill 444 in part fulfills this need.

Thank You! Any questions?