

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

HOUSE JUDICIARY COMMITTEE

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In the matter of: :
:
Public Hearing on House Bills :
:
372, 831, 819, 794, 2415 and :
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2688 :
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Pages 1 through 82

Assembly Room of the
William Pitt Student Union
University of Pittsburgh
Pittsburgh, Pennsylvania

Thursday, August 28, 1986

Met, pursuant to notice, at 10:15 a.m.

BEFORE:

H. WILLIAM DeWEESE, Chairman

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P R O C E E D I N G S

1
2 CHAIRMAN DeWEESE: Welcome, ladies and gentlemen.

3 My name is Bill DeWeese. I am from Greene County. The
4 Judiciary Committee of the House of Representatives is meeting
5 here at the university today to discuss a variety of bills
6 dealing primarily with weapons.

7 We have a distinguished group of individuals who
8 are going to share some testimony and observations with the
9 Committee.

10 Before we get started, I would like to indicate
11 that we will be comparatively informal. I would like the
12 people here at the head table to introduce themselves to the
13 audience.

14 Starting on our left, Amy Nelson, our research
15 analyst with the Committee. Then we will ask David Mayernik
16 to introduce himself.

17 REPRESENTATIVE MAYERNIK: Dave Mayernik. I am a
18 Representative from North Hills, North (word inaudible) area.

19 REPRESENTATIVE LEVDANSKY: My name is Dave
20 Levdansky. I am a Representative from the 39th District
21 around Elizabeth (word inaudible) and Clariton area.

22 REPRESENTATIVE KUKOVICH: Allen Kukovich,
23 Westmoreland County.

24 MR. EDMUNDSON: Chief Counsel Mike Edmiston, from
25 Harrisburg.

1 REPRESENTATIVE McVERRY: Terry McVerry,
2 Representative, 42nd District, which is the South Hills.

3 MR. DUNKLEBERG: I am Paul Dunkleberg. I
4 am a staff member of the Judiciary Committee.

5 REPRESENTATIVE OLASZ: Richard Olasz, State
6 Representative from the 38th District, West Mifflin, Baldwin,
7 (word inaudible), 32nd ward of the city of Pittsburgh.

8 CHAIRMAN DEWEESE: We are going to stick pretty
9 much to our prepared agenda, but I am going to ask
10 Representative Olasz to offer a few remarks to commence this
11 morning's proceedings, relative to House Bill 372.

12 He will give a few observations and then I am
13 under the impression that Mike Slavonic will enhance those
14 comments or amplify those comments later on, but after
15 Dick Olasz is finished Bob Reid our first person to offer
16 testimony, the Vice President, North Boro Sportsmen's
17 Association.

18 Dick, would you please make yourself welcome and
19 thanks for being here this morning.

20 REPRESENTATIVE OLASZ: Thank you very much, Mr.
21 Chairman for your bringing the Committee to Pittsburgh and
22 giving me an opportunity to speak on House Bill 372.

23 So that this hearing can move along, I just briefly
24 want to mention one of the reasons why I introduced House
25 Bill 372 back in 1985.

1 Section 6120 of Title 18 of the Pennsylvania
2 Consolidated Statute (word inaudible) several loopholes
3 that leave gun owners vulnerable to a number of different
4 types of gun control laws who do not live in a municipality
5 which is incorporated under the "Home Rule Charters
6 and Optional Plans Law of the State of Pennsylvania."

7 Under Section 6120, any municipality prohibited
8 from enacting legislation which in any manner regulates the
9 lawful ownership, possession or transportation of fire arms.

10 But a municipality or a city, which is incorporated
11 under the Home Rule Charters and Optional Plans Law is
12 prohibited to enact any ordinance or take any other action
13 dealing with the regulation or the transfer or ownership,
14 transportation or possession of fire arms.

15 The difference is the transportation or possession--
16 the difference is the word transfer. Thus all other
17 municipalities could ban the sale of fire arms if they choose
18 while Home Rule municipalities could not.

19 This is one of the reasons why I introduce House
20 Bill 372. There are others. But I will defer to Michael
21 Slavonic.

22 He has some comments on the recent Supreme Court
23 decision which I think the Committee should consider.

24 Thank you very much, Mr. Chairman.

25 CHAIRMAN DeWEESE: Thank you, Dick.

1 Bob Reid our next person to offer testimony
2 will be introduced by Dave Mayrtnik.

3 Come on up, Bob.

4 REPRESENTATIVE MAYERNIK: Mr. Reid is the
5 Vice President of North Boro Sportsmen's Association. Several
6 months ago, Mr. Chairman, Mr. Reid called me regarding
7 a problem that is occurring with their sportsmen's club
8 about complaints from the neighbors.

9 This legislation would adequately address this
10 problem and the problem of the club. The reason I had
11 asked Bob to come here today is so that he could explain
12 first-hand to the Committee some of the problems that are
13 being experienced with the club.

14 Whereupon,

15 BOB REID
16 having been called, testified as follows:

17 DIRECT TESTIMONY

18 MR. REID: Thank you. First of all, I am a better
19 skeet shooter than public speaker, so bear with me if I
20 stumble a little bit here.

21 My name is Bob Reid and I live at 119 First Avenue
22 which is in Ross Township, Allegheny County. I represent
23 the North Boro Sportsmen's Association.

24 I felt compelled to do this, not so much for our
25 club in particular, but just to give you some idea of what a

1 small club or a big club can be subject to and the problems
2 that we are up against.

3 First of all, a little bit about our club history.
4 The club was organized in the 1930's and it was first
5 established on rented property on Arndt Road, which I believe
6 was in Ohio Township.

7 In 1963 our club purchased property on Freel
8 (phonetic) Road which is in Economy Borough in Beaver County.
9 We are affiliated with the NRA and the Allegheny County
10 League of Sportsmen.

11 Our activities are primarily, skeet shooting. We do
12 have trap. We have an archery range. We have some pistol
13 shooting and we have a rifle range.

14 Primarily, the club participates in skeet shooting.
15 We don't belong to any leagues. It is just amongst ourselves
16 what we do.

17 The membership consists of approximately 85 people.
18 So you can see we are not real big. We are a small place.
19 The shooting hours are primarily on Saturday from approximately
20 9:00 a.m. until 2:00 p.m.

21 We have always discouraged any shooting before
22 noon on Sunday. We weren't really sure if it would
23 interfere with any church services in the area, but we
24 always discouraged any shooting at all before noon on Sunday.

25 We have no lights. We did have lights approximately

1 seven or eight years ago when we were participating in the
2 North Suburban Trap League.

3 Due to vandalism, we just gave up on the lights.
4 There is no after dark shooting whatsoever. One of the
5 by-laws that I think is pertinent is that there are no
6 alcoholic beverages permitted.

7 In other words, if we shoot, we do not drink.
8 There is no exception to that rule. We have picnics. We
9 have lunch and breakfast every Saturday at the club.

10 We have picnics, but there is never any alcohol.
11 It is in the by-laws that we are not allowed any alcohol.

12 In May of this year, the residents of Freel Road--
13 we are just off of Freel Road. Our driveway is maybe 200
14 yards long off of Freel Road.

15 We were advised by one of the residents who
16 frequents our club that the people on the road were getting
17 a petition together to present to borough council to make us
18 stop shooting.

19 At that time we really didn't know what the
20 problem was, if it was the noise--of course, we suspected
21 noise.

22 We really didn't know what the petition said or
23 what the problem was, why they, after twenty-three years,
24 all of a sudden, they had a problem with us.

25 We went to the borough council meeting in May. The

1 following complaints were made against us. First of all, noise
2 pollution.

3 They wanted us to stop shooting completely.
4 Secondly, was littering the road. Alcohol abuse, abuse of
5 alcohol.

6 One gentleman got up in the borough council
7 meeting and said that he looked in our club house one day
8 and saw cases of beer stacked up to the ceiling.

9 Well, they were in fact cases of clay birds. We
10 used to have to store them inside the building. So, unless
11 he drinks Remington beer, I don't know where he got the idea
12 that that was beer.

13 It had to be clay birds. Of course, we made that
14 known at the meeting. I don't know how well it came off.
15 They accused us of shooting on Sunday morning.

16 They accused us of shooting after dark. They
17 said that we did not agree to our original agreement. Now,
18 when the club was established--and this is before my time with
19 my club.

20 When it was established they did meet with the
21 residents of the road and they told those people that they
22 would be eligible for full membership of the club at no
23 charge.

24 They told them that there was some talk of putting
25 in a fishing lake, but at a later date it was decided that

1 the liabilities and responsibilities of a body of water back
2 in there would be too great and we decided not to do it.

3 We also may have talked about a picnic pavillian
4 which was never followed up on. Initially they may have had
5 that idea, but it has never been done.

6 Also, along with the membership, the people
7 were told they would be issued membership cards. Well,
8 specifically membership cards were never issued, but they
9 were all aware that they could use the facility.

10 They had full privileges. We never issued the
11 membership cards. The solicitors, the borough solicitor,
12 his comments at that first council meeting after all these
13 allegations were made, was that first of all, he would study
14 the borough ordinance.

15 There was a borough ordinance written after our
16 club was established to prohibit the formation of any further
17 clubs of that type.

18 There is two clubs in Economy Borough, Ambridge
19 Sportsmen, which has approximately 700 members and ourselves
20 with eighty members.

21 He said he would study the ordinance and see if we
22 qualified, if he could use that ordinance against us I might
23 say that he was very--he seemed to be very--to me, he seemed
24 to be very impartial and fair and treated us, I thought, very
25 fairly.

1 He said it was a possibility that we could be
2 told to fence the property. What prompted that statement,
3 when they accused us of shooting on Sunday morning and
4 after dark, we said it wasn't our members.

5 It was possibly some people coming in that did not
6 belong to the club, weren't aware of the regulations. Well,
7 you know, that is our responsibility, to keep those people
8 out.

9 So he said that possibly we may have to fence
10 in the property to stop that, or caretaker or guards, somebody
11 on the property at all times to make sure that outsiders
12 didn't use it and use it improperly.

13 Another suggestion that he made was to rearrange the
14 shooting fields to reduce the noise. In other words, turn the
15 trap fields around so that the muzzle blast would be in a
16 different direction.

17 Well, that really wasn't practical. He had no
18 way of knowing that without going out and looking at the
19 property.

20 He was just talking, kind of thinking out loud,
21 I guess you might say. He also said that he could restrict
22 our shooting hours.

23 At that time then he asked the residents if they
24 could wait one month for him to study this situation and make
25 some decision at the next council meeting.

1 Well, at the June council meeting, the solicitor
2 advises the residents that, first of all, the ordinance--we
3 were there before the ordinance was established and we were
4 perfectly legal.

5 He said he could impose reasonable restrictions
6 and by that he defined reasonable as to say that he could
7 restrict--he was advising borough council that they could
8 restrict us from shooting, say, before 9:00 in the morning
9 or after 9:00 at night.

10 He said the key word here is reasonable. He said
11 he could impose fencing on the property or a security guard.
12 But again, he said it had to be reasonable.

13 So we agreed to put up a fence or gate across
14 the road, which we had in the past, but the chain had been
15 stolen about three times, so we gave up on the idea.

16 The bottom line was he advised the residents that
17 he could not shut us down, he could not keep us from shooting,
18 but he could or he--as I said, he was advising the council
19 that they could possibly restrict our activities.

20 But everything had to be reasonable. Well, at that
21 time the residents turned to us and says, how about talking
22 to us?

23 You know, let's talk about this and see if we can't
24 come to some kind of an agreement. So we said, okay, so we
25 went in the conference room with the residents that were at the

1 meeting.

2 In that meeting they asked us if we would stop
3 shooting on Sunday. Apparently they felt as though maybe
4 their efforts weren't going to be of any good so they
5 decided to at least get us to quit shooting on Sunday.

6 So we talked about it and I advised them that if
7 we were to make any decision like that, before I could make
8 a commitment I had to get back to our membership, a director's
9 meeting and then I couldn't make a commitment like that at
10 that time.

11 So we talked to them about giving them the
12 membership cards, which I thought that was kind of funny.
13 They were interested in their membership cards, but they were
14 trying to shut us down, but that is the way it went.

15 They were interested in their membership cards.
16 They were interested if we drank. Of course, we told them
17 about the clay birds that they saw in there and it certainly
18 wasn't liquor.

19 We talked about the lake. We talked about a lot
20 of things that the way it ended up was that we would
21 consider not shooting on Sunday.

22 We would put up a gate. We would issue the
23 membership cards. By the way, one thing I forgot to mention,
24 the family that seemed to be spearheading this whole thing, the
25 husband had used our facility to site in his deer rifle and

1 he had hunted on our property.

2 His kid used to work for us, like cutting grass
3 and doing some incidental things. So what prompted these
4 people to start this at this time, we still have no idea.

5 Well, about two weeks after the June council
6 meeting, we get a call from borough council to please send a
7 representative out for a special meeting.

8 Now, this is two weeks later. We had not had
9 our director's meeting. We had not had our general meeting
10 yet.

11 So we were not able to make any real commitments
12 to these people. Well, they had called, I guess, some of the
13 council members and complained that there had been no action
14 taken, that we had done nothing and apparently that they felt
15 as though they were being ignored.

16 So we told council that we would get back to
17 council and the residents as soon as we had our director's
18 meeting, which we did.

19 After our director's meeting, in writing, we
20 responded to the borough council and to the residents. In
21 fact, the letter went directly to the family that seemed to
22 be--did most of the talking that apparently started the whole
23 thing.

24 In that letter we agreed to not shoot prior to
25 noon on Sunday. We agreed to put up a fence. We agreed to

1 issue the membership cards.

2 Of course, the fence was in an effort to keep
3 people out of there that wasn't supposed to be there. There
4 would be no shooting after dark and things of that nature.

5 At this time we haven't heard any more from them.
6 That is where we stand right now. Just to sum up, as of
7 this date, there has been no further communication from the
8 council or the residents.

9 I am here speaking to you in an effort in support
10 of House Bill 794 and 2415. Had the solicitor enforced any
11 of the restrictions such as fencing in the property, that
12 number one, if they had insisted that we fence in the property,
13 the club could not financially withstand such a demand.

14 I believe there are many small clubs such as ours
15 in the State of Pennsylvania, therefore, House Bill 794 and
16 2415 must be passed to assure our continuance.

17 CHAIRMAN DeWEESE: Thanks very much.

18 Is Henry Burkhart here?

19 MR. BURKHART: I am here.

20 CHAIRMAN DeWEESE: Okay. Thank you.

21 Do we have any questions from members of the
22 Committee for Bob Reid.

23 REPRESENTATIVE OLASZ: Mr. Chairman.

24 CHAIRMAN DeWEESE: Please, go ahead, Dick.

25 REPRESENTATIVE OLASZ: First, some clarification,

1 Bob. Did they want you to fence all forty acres?

2 MR. REID: He made that statement. He said, this
3 could be a way of keeping the outsiders out. Yes, he said
4 that.

5 But he never--at the second meeting he started
6 talking more in reasonable demands. Of course, it was never
7 brought up again.

8 But had that happened, I don't know if they could
9 do it or not. I mean, we never secured an attorney or got
10 that far with it.

11 But it was said, yes, fence in the whole place.

12 REPRESENTATIVE OLASZ: I am certain that all of us
13 know that certain boroughs have limits to height of fences.
14 But even a minimal four-foot fence around forty acres, I
15 don't think the Commonwealth could afford it.

16 MR. REID: Well, we certainly couldn't. That
17 would have been the end of us. That is one way they could
18 have shut us down.

19 REPRESENTATIVE OLASZ: From the time your club
20 was organized in the thirties, did you have shooting, to the
21 best of your knowledge?

22 Did they shoot at that time from 1930 on up to the
23 present?

24 MR. REID: Yes. At Arndt Road they shot--they had
25 the old time traps that you had to crank by hand. In 1963 when

1 we built--when we purchased the property on Arndt it has
2 been shooting every Saturday since then.

3 REPRESENTATIVE OLASZ: Approximately how many homes
4 were there say back in 1963 when the club really became
5 active?

6 MR. REID: I think it is basically the same then
7 as it is now.

8 REPRESENTATIVE OLASZ: The same number?

9 MR. REID: Yes.

10 REPRESENTATIVE OLASZ: When I say buffer zone, is
11 there a tree line or something that separates the club from
12 the homes?

13 MR. REID: In the summer, I would think that the
14 trees and the leaves would keep the noise to an absolute
15 minimum.

16 In the winter, the people, the windows are closed.
17 But they stated that it was worse in the winter than it is in
18 the summer.

19 The one lady, in fact, said that everytime her
20 granddaughter came to the house on the weekends, when we would
21 start shooting, she would run in her room, pull the blinds
22 and hide under the bed, which I thought was a little
23 ridiculous.

24 REPRESENTATIVE OLASZ: The point I am getting at
25 those residents, if there are any new ones, certainly know

1 of the existence of the club.

2 Perhaps my colleague is more learned maybe in
3 municipal law, Representative McVerry (word inaudible) on
4 your past practices that a lot of communities grant (word
5 inaudible) so to speak as long as you remain active and are
6 not down for a year.

7 Is that correct, Terry?

8 REPRESENTATIVE McVERRY: I really can't speak to
9 that.

10 REPRESENTATIVE OLASZ: I don't mean to put you on
11 the spot. I know that my experience as a councilman in
12 West Mifflin Borough, that is a situation the way we handled
13 most of those.

14 Just one last comment. I think it is really
15 unreasonable to shut down a club completely on Sunday. Take
16 members of the House of Representatives, we may be in session
17 or in Harrisburg five days a week.

18 We come home on the weekends, Saturdays is
19 consistuent business. Sunday is our day to relax. Maybe
20 we want to go out and shoot.

21 You tell me I can't use my club on a Sunday,
22 I just think it is unfair. I think it is a reasonable time
23 to start.

24 I think it is an unfair restriction.

25 MR. REID: Well, in our meeting prior to making the

1 commitment, we came very close to possibly not shooting on
2 Sunday in the summer, like between Memorial Day and Labor Day.

3 I mean, we wanted to make a concession. We want
4 to get along with the people. We want to be good neighbors.
5 I mean, that was what--we want to keep our club, but at the
6 same time, we would like to get along with the people.

7 But we do have members that Sunday is the only
8 day they can shoot. So we decided that we are just going to
9 go with basically what we have been doing for years.

10 That is all we did. We haven't heard any more.
11 So all I can say is that I think we are out of the woods.
12 But this is the kind of thing that small clubs like ours
13 are subject to.

14 But not necessarily small clubs, but we are
15 more vulnerable because we certainly couldn't afford a fence
16 or a guard or you know some of the things that were talked
17 about.

18 CHAIRMAN DEWEESE: Other questions?

19 REPRESENTATIVE : Yes.

20 Bob, what is the cost of your dues?

21 MR. REID: Twenty dollars a year.

22 REPRESENTATIVE : And what would you say
23 is your annual budget, a ballpark figure?

24 MR. REID: Somewhere around \$2,500.

25 REPRESENTATIVE : I can personally attest

1 to Mr. Reid's comments. I have been at the club on several
2 occasions.

3 It is very neat, clean orderly. And I know for
4 a fact that there is no drinking on the grounds.

5 In these allegations made by the residents at
6 the borough council meeting, has the club ever been cited
7 for any of them by the police?

8 MR. REID: Oh, no, no.

9 REPRESENTATIVE : So there has never been
10 citing by the police and no documentation to the fact, but yet
11 you are being harrassed for some reason and you seem to be
12 most vulnerable, as all shooting ranges do, because of noise
13 pollution.

14 In this case, we are fortunate because they are
15 grandfathered in the North Boro Sportsmen's Club that I see
16 a need for this legislation, both House Bills, Mr. Chairman,
17 due to the fact that down the road somewhere there will be
18 clubs that haven't been grandfathered in and will be
19 susceptible to problems by the borough solicitors.

20 So I would ask for consideration (words inaudible).

21 Bob, I would like to thank you for coming today
22 to testify.

23 MR. REID: Thank you, my pleasure.

24 CHAIRMAN DeWEESE: Anything else?

25 REPRESENTATIVE McVERRY: Mr. Chairman.

1 CHAIRMAN DeWEESE: Terry McVerry.

2 REPRESENTATIVE McVERRY: I can't let the last--
3 the comments go by without making an observation of House
4 Bill 794.

5 I think that Mr. Reid, you make a very, very
6 reasonable presentation. I have no reason to doubt that your
7 club acts in a reasonably responsible way.

8 As a matter of fact, I think you should be able to
9 stay in business. However, as far as House Bill 794 is
10 concerned, although I don't oppose the granting of a limited
11 amount of immunity as far as noise pollution is concerned, the
12 wording of House Bill 794 is so broad that it would make
13 owners of rifle, pistol, skeet, trap shooting and black
14 powder ranges immune from any civil action whatsoever or
15 criminal prosecution relating to noise or noise pollution.

16 Theoretically, you could come in with a cannon
17 and be blasting it constantly and this legislation would permit
18 you to do that or would not permit a municipality to keep
19 you from doing that.

20 So just as you and your club are going to be
21 reasonable, so must a grant of immunity of any sort be
22 reasonable.

23 So I could support this--the theory of this
24 legislation, but I couldn't support this bill in its current
25 form, only for the reason that it is not reasonable.

1 MR. REID: Well, as I said, we want to maintain
2 our ability to shoot and to keep our club and we want to be
3 good neighbors, too, so whatever it takes, just so we can
4 maintain our ability to shoot and keep our club going.

5 That is what we are interested in. If something
6 like this would help us in any form, that is what we want.

7 CHAIRMAN DEWEESE: You see the point that he was
8 making here.

9 MR. REID: Yes. I understand.

10 CHAIRMAN DEWEESE: You could use a Gatling Gun
11 twenty-four hours a day according to this thing.

12 REPRESENTATIVE McVERRY: A good point well taken.

13 CHAIRMAN DEWEESE: Thank you very much, sir, for
14 joining us this morning.

15 MR. REID: Okay.

16 (Witness excused.)

17 CHAIRMAN DEWEESE: Henry Burkhart, Director of the
18 Millville Sportsmen's Club.

19 MR. BURKHART: I don't have any comments to make
20 at this time.

21 CHAIRMAN DEWEESE: That is helpful to a Chairman
22 who is trying to stay on time. I should have had you up
23 here with Bob.

24 Thanks for joining us today, Henry.

25 Mr. Slavonic, Legislative Chairman, Allegheny

1 County Sportsmen's League, welcome and thanks for joining us.

2 Whereupon,

3 MICHAEL J. SLAVONIC, JR.

4 having been called, testified as follows:

5 DIRECT TESTIMONY

6 MR. SLAVONIC: Mr. Chairman and members of the
7 Committee, I am Michael J. Slavonic, Jr., Legislative Committee
8 Chairman of the Allegheny County Sportsmen's League.

9 For eight years I was legal affairs director of the
10 Pennsylvania Rifle and Pistol Association and from 1982 to
11 1985, a member of the board of directors of the National
12 Rifle Association.

13 I appreciate the opportunity to appear before you
14 today to express the position of the Allegheny County
15 Sportsmen's League on House Bill 819, as well as 372, 831 and
16 2415.

17 The Allegheny County Sportsmen's League is a
18 nonprofit educational membership organization representing
19 over forty-five clubs and their members in the county.

20 Our county, as you may know, leads the nation in
21 the sale of hunting and fishing licenses sold. As a result,
22 we hold the honor and distinction of being the voice of over
23 200,000 sportsmen.

24 I would like to thank the Chairman for bringing
25 these very important hearings to our county. We view this

1 legislation as being essential in order to protect the
2 constitutional rights of every citizen of Pennsylvania to
3 own, use and carry firearms.

4 I would like to begin by first addressing House
5 Bill 819. We have eagerly awaited for some time now when
6 the legislature would turn its attention towards a problem that
7 has been existing for far too long now in the State.

8 The maladministration and often misuse of the
9 license to carry--firearms statute by some (word inaudible)
10 and police chiefs.

11 This problem has surfaced in various forms
12 throughout the State and at times--the time has come for the
13 legislature to consider reforming the law.

14 I believe that it is important to use as a basis
15 for examining this bill, the wording of our right to bear
16 arms constitutional provision, Article 1, Section 21.

17 This article states, "The right of the citizen
18 to bear arms in defense of themselves and the State shall not
19 be questioned."

20 These words in my opinion are unmistakable. They
21 guarantee the absolute right of each lawabiding individual
22 adult citizen in this State to carry firearms for lawful
23 purposes.

24 Some may dispute my claim, but I believe it debates
25 in the 1873 Pennsylvania Constitutional Convention, provides

1 indisputable support that this article prohibits any attempt
2 to bar a lawabiding citizen his right to carry a license.

3 During the 1873 convention an attempt was made
4 by one delegate to amend Article--Section 21, in order to
5 prohibit the carrying of a fire arm concealed.

6 As the delegates discussed this amendment, even
7 the maker of the motion agreed that Article 1, Section 21,
8 "Even if amended as proposed in the nature of a mandate to
9 the legislature and the section itself would not contain
10 a single word that could be construed to prohibit citizens
11 from carrying arms in any manner they may see fit."

12 Another delegate offered the clarification of the
13 intent of this provision and said, "The spirit and the
14 intention of the section is to allow men to bear arms for
15 their own defense and not arms for aggressive purposes."

16 These statements make it clear that our right to
17 bear arms is equivalent to our right to free speech and
18 press and religion and any attempt to deny these rights would
19 be illegal.

20 Some officials have been violating this right and
21 some have been claimed the current statute gives them this
22 privilege.

23 This misconduct by these individuals--these
24 officials, is what has created the need for House Bill 819.

25 While a member of the NRA Board of Directors, I had

1 received numerous complaints from across the State from
2 people who were denied a license to carry.

3 Some outrightly and others because they could not
4 comply with unnecessary and unauthorized regulations required
5 by these officials that were almost impossible to comply with.

6 For example, in Venango County, that sheriff simply
7 stopped issuing licenses and refused to renew existing ones.
8 Under the Constitution and the existing statute, he has no
9 authority to do so.

10 In Bucks County that sheriff designed an application
11 form for a license which included information not authorized
12 by the law.

13 In Huntington County, the sheriff's office included
14 a provision in the application that an applicant must obtain
15 the signature of his employer before an application could be
16 processed.

17 Existing statute does not require such a signature.
18 Most employers will not sign. This requirement amounts to
19 a defacto ban on receiving a license.

20 In Philadelphia, that city's police commissioner
21 is taking it upon himself to greatly restrict the number of
22 licenses issued by his office, something he has no authority
23 to do because that amounts to legislating the law which the
24 city is not allowed to do under the Home Rules Charter and
25 State's Preemption Act.

1 In Pittsburgh, individuals have been denied a
2 license by the police or were not allowed to renew their
3 existing licenses because it was determined that a reason
4 for requesting a license appeared not to be acceptable.

5 No reasons in writing were given to these
6 individuals. In the city of New Castle, the police chief
7 had refused to accept an application for a license unless
8 the applicant can show proof of completion of a lethal
9 weapon's training course.

10 The cost of such training is approximately \$250 and
11 would be prohibitive by certain classes of people in spite
12 of the fact that the law does not require such training.

13 These are just a few incidents and there may be
14 even more where officials charged with issuing a license to
15 carry a firearm have been misusing their authority and
16 creating unauthorized restrictions not permitted under the
17 law.

18 Now, the reasons offered by these officials
19 for restricting licenses to law abiding citizens are that
20 they are acting for the sole purpose of serving the best
21 interest of the public.

22 In some cases that may be true. In other cases
23 they have simply taken it upon themselves to legislate the
24 law because they are personally opposed to the private
25 citizens carrying firearms.

1 No matter what reason you accept, both are in
2 conflict with the Constitution. When such conflict arises
3 it is the responsibility of the legislature to reexamine the
4 law and make the necessary reforms.

5 Because in the words of Justice Grandys (phonetic),
6 "In a government of law, existence of government will be
7 imperiled if the government fails to observe the law
8 scrupulously. Our government is the potentent and only
9 present teacher for good or for ill. It teaches the
10 whole people by its example.

11 "If government because a law breaker, it breeds
12 contempt for the law."

13 Bearing that in mind, I believe that the best
14 solution to the problem that exists is for the legislature
15 to amend the law and set down in clear and unmistakable
16 language what would be required of an individual--if an
17 individual chooses to obtain a license to carry a firearm
18 and the procedure to be followed.

19 This can be done to protect both the rights of
20 law abiding citizens to obtain a license and insure that
21 people who should not be allowed to carry a firearm are
22 barred from having one.

23 Allegheny County Sportsmen's League believes that
24 that solution is in House Bill 819. Representative Godshall
25 and I worked hard to bring this legislation together.

1 It is the results of years of work and really
2 not new law. This bill was modeled after similar laws in
3 Indiana and Georgia.

4 Both laws have been in existence since the mid
5 to latter seventies and both have proven to be effective in
6 serving both the interest of law enforcement and the
7 citizens of those states.

8 The bill also is identical to NRA's model
9 legislation on the subject. Under House Bill 819, the county
10 sheriff would be the only police official authorized to
11 issue a carry license.

12 In talking with some police chiefs, they don't even
13 want the responsibility of issuing a license. I believe that
14 the licensing official should be answerable to the electorate.

15 This bill will also specify in the law the
16 contents of the application in license form, and that these
17 forms will be provided by the Pennsylvania State Police.

18 Thus, all application and license forms would be
19 uniform throughout the State and no additional information
20 would be required on the application other than that which
21 is stated in the law.

22 The sheriff will conduct the investigation into
23 the background of the applicant and approve or disapprove the
24 application within thirty days.

25 If it appears to the sheriff, based on his

1 investigation, that the applicant is of good character
2 and reputation, and that the applicant is a person concerning
3 whom no good cause exists to deny the license, then he must
4 issue the license.

5 This does away with the very vague "suitable
6 person to be so licensed," in the current statute. Also,
7 under 819, disapproval of an application or revocation of a
8 license must be accompanied by a complete and specific
9 reason in writing.

10 Thus, if an applicant is denied a license, he
11 will know why and be able to decide whether to invoke his
12 right to appeal.

13 In case of appeal, the commission of the Pennsylvania
14 State Police shall specify the administrative appeals process
15 for suspensions, revocations of a license, and denials of
16 application.

17 Most importantly, the bill clearly sets in the
18 law, the only reasons why an applicant can be refused a
19 license.

20 In addition, the definition for a crime of
21 violence has been expanded. Anyone who has been committed to
22 an institution as a narcotic addict or mental patient by a
23 court, will not be permitted to obtain a license.

24 Last, but not least, in order to protect the
25 sheriff from being liable, just simply administering the law,

1 819 will provide the sheriff a grant of immunity from
2 liability against the misuse of a firearm by a licensee.

3 In counties like Allegheny County, 819 will not
4 change the licensing of an individual, but in other counties
5 it will change it radically.

6 There may be some police officials here today
7 who will speak out against this bill, but I urge them and the
8 Committee, to view this legislation in light of the
9 Constitution, the supreme law of this State.

10 Unless one is prepared to change the Constitution,
11 all are bound by it and that fact cannot change. We believe
12 that 819 is a fair compromise between the right of an
13 individual to bear arms for self-defense and preventing
14 criminal possession.

15 Not only is this bill supportive of the Allegheny
16 County Sportsmen's League, but also the ten member counties
17 of the Southwest Division of the Pennsylvania Federation of
18 Sportsmen's Clubs and the almost 7,000 members of the
19 Citizens Committee for the Right to Keep and Bear Arms.

20 We therefore urge the Committee to report 819 to
21 the floor of the House.

22 In regards to House Bill 372, the Allegheny County
23 Sportsmen's League strongly supports this legislation, also.
24 In 1974 when this section prohibiting local regulations of
25 fire arms was added to the Uniform Firearm's Act, the word

1 transfer was missing from the original bill.

2 Thus, municipalities could assume that they have
3 the authority to regulate or ban the sale of certain firearms.
4 Nothing can be further from the truth.

5 When the legislature created the Uniform Firearms
6 Act, they automatically invoked the legal doctrine of
7 preemption.

8 This doctrine prohibits local governments from
9 enacting ordinances where the State has occupied the (word
10 inaudible) regulation.

11 The Pennsylvania Supreme Court has upheld this
12 doctrine in several cases. For example, Commonwealth versus
13 Ashenfelder (phonetic) the Court stated, "Certainly no intent
14 is manifested or evident to grant power to second class
15 citizens to act in areas where the Commonwealth itself
16 through legislative enactment had provided regulation."

17 Now in creating the Home Rule Charters Act, the
18 legislature in specific language prohibited municipalities
19 incorporating under this act from restricting the transfer,
20 ownership, transportation or possession of firearms.

21 So on one hand you have certain municipalities
22 who are specifically prohibited from regulating the transfer
23 of firearms and on the other where no specific language
24 clearly states that.

25 But in both cases the courts have said that

1 all municipalities are preempted from regulating the transfer
2 of firearms.

3 The only way to correct the latter when municipalities
4 attempt to regulate the transfer of firearms, like a Pittsburgh
5 city councilman attempted to do in 1983, is to go to court.

6 It is a very costly and unnecessary action. All
7 that House Bill 372 does is place the word transfer in the
8 preemption act and add ammunition and ammunition components
9 and bring this act up to date to current laws as defined by
10 the Supreme Court.

11 This is common sense legislation and we urge the
12 Committee to report 372 to the floor of the House.

13 Another bill that represents common sense
14 legislation is House Bill 831. Under State law before anyone
15 can carry a firearm outside the home or place of business, they
16 must first obtain a license to carry.

17 If anyone wishes to carry a firearm while hunting
18 or fishing they must first register the firearm with the county
19 treasurer.

20 Under Pennsylvania's definition of a firearm, a
21 shotgun with a barrel less than twenty-four inches is
22 considered a handgun.

23 As a result a license is required to carry. The
24 definition of a firearm in Pennsylvania is different than under
25 Federal law.

1 Federal law defines a handgun as a shotgun with
2 a barrel less than eighteen inches, a rifle with a barrel
3 less than sixteen inches.

4 Under our definition it would be illegal to hunt
5 with some of the newer shotguns with some of barrels of
6 twenty-two inches that are legal in other states.

7 We don't believe that the licensing statute was
8 intended to prevent hunters from carrying shotguns without a
9 license.

10 Certainly, Federal law doesn't consider a shotgun
11 with a twenty-two inch barrel a handgun and neither should
12 Pennsylvania.

13 The definition of a firearm is simply out of date
14 and should change. House Bill 831 does the job. We urge the
15 Committee to report it to the floor of the House in order to
16 bring our laws into compliance with Federal law.

17 Of all the bills being considered here today,
18 House Bill 2415 means the difference between the growth or
19 death of the shooting sport.

20 Most of the shooting ranges today have been in
21 existence for maybe forty to fifty years. Sportsmen built
22 these ranges on tracts of land far out of the way from most
23 homes and large communities.

24 Over the years developers have knowingly slowly
25 built homes in new communities around these shooting ranges.

1 These shooting ranges are now faced with a problem they never
2 believed would occur, being shut down under very restrictive
3 noise ordinances.

4 Now, guns make noise and very little can be done
5 about that. Most people belong to the sportsmens clubs do
6 so so they can shoot, use the shooting ranges and participate
7 in shooting competition.

8 Trap and skeet shooting and other firing competitions
9 mean income for the club and most clubs make these shoots
10 available on a weekly basis.

11 Hunter safety courses and other firarm training
12 programs are an important function of most clubs. All these
13 functions require good, safe ranges.

14 Most of the ranges I have shot at are very good
15 and safe ranges and post no safety problems to the surrounding
16 areas.

17 In fact, the National Rifle Association offers
18 their member clubs free range inspections in order to keep
19 these ranges safe, but not much can be done with the noise.

20 Most of the clubs in Allegheny County that I know
21 of attempt to cooperate with their neighbors, but are growing
22 more concerned that these efforts may not always be enough.

23 Shooting ranges throughout the country are being
24 threatened with being shut down under very stiff and impossible
25 to comply with noise polution ordinances.

1 Several ranges in Pennsylvania have already come
2 under severe community pressure to shut down. One such
3 club, Factoryville Sportsmen's Club has already been shut
4 down and there may be others.

5 Most clubs have invested considerable sums of
6 money in their shooting ranges. If they lose them, the clubs
7 will go out of business.

8 Most legal experts that I have talked to agree
9 that because the ranges existed first, any attempt to close
10 them under noise pollution ordinance will not hold up in court.

11 That may be true, but a long court fight could be
12 enough to bankrupt a club. With the ever increasing costs of
13 liability insurance most clubs are barely staying in the black.

14 Now, some clubs have considered moving to more open
15 spaces. But what is to say that they will remain open. The
16 other problem with moving is that they may lose their
17 implied legal protection of prior existence.

18 The only solution to this very serious problem is
19 to provide our shooting ranges with protection against noise
20 ordinances designed to close the ranges.

21 We believe that House Bill 2415 provides the best
22 possible solution. House Bill 2415 protects the right of
23 existing ranges in this State to be immune from civil action
24 of criminal prosecution under a strict impossible to comply
25 with noise ordinance.

1 It also protects future range development by granting
2 the same protection to new ranges, provided, of course, that
3 such ranges are in compliance with any applicable noise
4 control law (word inaudible) at the time of construction the
5 range was initiated.

6 Allegheny County Sportsmen's League is solidly
7 behind this legislation because it protects the future of our
8 shooting sports.

9 We therefore urge the Committee to report 2415
10 to the floor of the House.

11 In conclusion, I want to again thank the Committee
12 for the opportunity to share with you the positions of the
13 Allegheny County Sportsmen's League on these very important
14 gun owner legislation.

15 I want to extend to the Committee my willingness
16 to work with you throughout the time necessary to successfully
17 report these bills to the floor of the House and their
18 eventual passage into law.

19 In the meantime, should you have any questions, I
20 would be very pleased to answer them.

21 CHAIRMAN DeWEESE: Thanks very much.

22 Questions for Mike Slavonic?

23 Dick Olasz.

24 REPRESENTATIVE OLASZ: Just in the way of advice
25 for the shooting clubs in Allegheny County, once again West

1 Mifflin Borough was involved in a noise pollution case.

2 I think that Allegheny County has noise levels
3 that (words inaudible) the various decibals. But the case
4 of fact, Richard Alesnik (phonetic) who is now a Judge of the
5 Court of Common Pleas was the borough solicitor in that case,
6 so if you have any problem with that, you can give me a call
7 and I can get the specifics on it for you.

8 MR. SLAVONIC: I did. I did talk to Judge Alesnik
9 on this. In fact, he is one of the individuals--one of the
10 legal experts that I refer to in my testimony,

11 He is of the opinion that most clubs currently are
12 grandfathered in, because of their prior existence. But that
13 doesn't stop--we are very much concerned with these legal
14 challenges.

15 Allegheny County Sportsmen's League just challenged
16 an anti-hunting ordinance in court. It cost us nearly
17 \$4,000.

18 I don't think any club, one club could possibly
19 come up with that type of money to defend themselves.
20 I think that is where the importance of 2415 comes in, is
21 that it specifically states in the law what authority a
22 municipality has in regards to noise ordinances.

23 CHAIRMAN DeWEESE: Terry?

24 REPRESENTATIVE McVERRY: I would just say to Mr.
25 Slavonic, I appreciate his presentation. It was very well

1 put together and very well presented.

2 MR. SLAVONIC: Thank you, Mr. McVerry.

3 CHAIRMAN DEWEESE: Paul?

4 MR. DUNKLEBERG: No, nothing.

5 CHAIRMAN DEWEESE: Mike, comments, questions?

6 MR. EDMISTON: No.

7 CHAIRMAN DEWEESE: Before you start, I would like
8 to welcome Representative Jerry Kosinski from Philadelphia.

9 Dave Mayernik?

10 REPRESENTATIVE MAYERNIK: Nothing.

11 CHAIRMAN DEWEESE: David Levdansky?

12 REPRESENTATIVE LEVDANSKY: Yes, I have a few
13 Mr. Slavonic.

14 You mentioned under House Bill 831, which deals
15 with the barrel lengths for different kinds of firearms.
16 You mentioned that there are, in fact, some of the new
17 shotguns have barrel lengths shorter than twenty-two inches
18 that are possibly used for hunting purposes.

19 Could you cite a few specific examples of models,
20 perhaps?

21 MR. SLAVONIC: The models, I don't have. But I
22 think Remington, Winchester do have some shorter barrels.
23 I know one particular instance, a fellow called me, he had
24 one of these shotguns and he was coming back from a range
25 and the--his truck broke down.

1 While he was trying to repair it along the side of
2 the road, a police officer came by to offer assistance. He
3 noticed the firearms in the back of the vehicle.

4 He inspected the firearms and noticed the barrel
5 on one of the shotguns appeared kind of short. He measured
6 it and found out it was twenty-two inches long and arrested
7 the individual for carrying--possession of a firearm without
8 a license.

9 REPRESENTATIVE LEVDANSKY: I just asked that
10 because I am a little unaware myself of--

11 MR. SLAVONIC: There are some shorter. There are
12 some shorter shotguns, shorter--definitely shorter than
13 the twenty-four inches that we prohibit possessing.

14 REPRESENTATIVE : I have one myself,
15 a Remington H72 with a folding stock. Chairman DeWeese has
16 been to my house and viewed that weapon.

17 CHAIRMAN DEWEESE: Among the rest of the arsenal.

18 REPRESENTATIVE : That would be an example.
19 It has an eighteen inch barrel length overall.

20 MR. SLAVONIC: Okay. I was pretty sure Remington
21 had that. I wasn't positive of the model or make of it
22 because I didn't have one.

23 REPRESENTATIVE : The overall length is
24 twenty-six and a half inches.

25 MR. SLAVONIC: Yes.

1 REPRESENTATIVE LEVDANSKY: On your comments on House
2 Bill 372, you note that possibly some municipalities could
3 assume that they have the authority to regulate or ban the
4 selling of certain firearms.

5 Could you point to some examples. Has that in
6 fact occurred or is this a theoretical possibility?

7 MR. SLAVONIC: Well, Pittsburgh attempted to do it,
8 for one thing. Councilman Robertson, city of Pittsburgh,
9 attempted to ban possession of (word inaudible) hand guns.

10 There is--haven't been too many attempts throughout
11 Pittsburgh. But there are even some ordinances that are on
12 the books right now that I would have to state are possibly
13 not in compliance with the law.

14 I think what we are trying to do here is to
15 protect ourselves. We know very well that the anti-gun
16 community in this country have attempted various states
17 ordinances which would ban the transfer of firearms.

18 They have said that their goals were to go into the
19 states because they were having such a difficult time at the
20 Federal level on banning handguns, to go into the various
21 states and attempt to do this at the local level.

22 Basically, what we are doing is, number one,
23 bringing our law up to date in compliance with what the
24 Supreme Court has said, and simply protecting ourselves from
25 any future attempt by the anti-gun groups in the country.

1 REPRESENTATIVE LEVDANSKY: Just perhaps another
2 additional question or two this time regarding, I believe,
3 House Bill 819.

4 Would you have any objection--I note that under
5 this bill the application is to include much information
6 about age, race, sex, date of birth, et cetera.

7 Would you be opposed to including a person's
8 social security number on the application?

9 MR. SLAVONIC: No. When we wrote this bill, we
10 tried to do the best job we possibly could. The Pennsylvania
11 State Police has reviewed the bill when it was first
12 introduced under Senate Bill 1417 by Senator Mike Fisher.

13 They made that suggestion. We had written back
14 to Senator Fisher and said we would not object to that type
15 of information.

16 In writing something like this, something as
17 important and--it is not always to get all the information
18 that would be necessary--but there are other points in the
19 bill that the State Police commented on that we wouldn't have
20 any problem with.

21 We have attempted to add these revisions to the
22 bill.

23 REPRESENTATIVE LEVDANSKY: You also note that
24 this--I see here in a summary of the bill that this license
25 would be valid indefinitely as opposed to the present five-year

1 limitation.

2 MR. SLAVONIC: (Words inaudible) when the bill was
3 written and of course, it was 1984. Mr. Godshall had just
4 reintroduced the bill in its original form.

5 Of course, House Bill 583, I believe it was, recently
6 passed the legislature. We would be in agreement to accept the
7 five-year term, although we believe that the indefinite period
8 is reasonable.

9 New York State has an indefinite license.
10 Everybody is aware of the fact that New York as being fairly
11 anti-gun.

12 They seem to have no problem with an indefinite
13 license. But to make it short, we feel that since 583 is
14 already law, we would accept that as far as validation.

15 REPRESENTATIVE LEVDANSKY: Okay. Another question
16 that I have, you note that under the proposal in House Bill
17 819, essentially the county sheriff would make a decision
18 whether or not to grant approval or disapproval for the
19 application.

20 I see perhaps a benefit to be gained by including
21 local police chiefs in the decisionmaking process. Often
22 they are more aware of the individual and perhaps even know
23 them personally in a small community and could offer some
24 significant input to the county sheriff in making his decision.

25 Would you be opposed to including the approval of

1 the local municipal law enforcement department?

2 MR. SLAVONIC: I don't believe that the bill
3 excludes them personally. I believe that the sheriff can
4 use whatever means that is at its disposal to investigate
5 the background.

6 If that means contacting and working with the
7 local police chief to in effect accomplish that investigation,
8 the bill doesn't exclude that.

9 In fact that is what Sheriff Koon does in this
10 county. He works with the police chiefs in order to--before
11 the license is issued.

12 What we are saying is that we feel that the issuing
13 and the administration of the licensing process should be
14 done from the sheriff.

15 Some sheriffs delegate this authority to their
16 police chiefs. For example, in New Castle; in New Castle,
17 the police chief does the investigation and does the
18 processing of the license, not the sheriff.

19 We ran into the problem with that police chief
20 up there expanding his authority where he didn't have to.
21 City council overruled him and in fact placed part of House
22 Bill 819 in the law up there in the sense that they want to
23 just comply with what they were saying, forcing the chief
24 to comply with State law.

25 We are not attempting to remove the chiefs from the

1 investigative process. We feel that the actual issuing
2 and the administration of it should be done through the county
3 sheriff.

4 REPRESENTATIVE LEVDANSKY: Would you then be
5 opposed to actually including the local police chief in on
6 the decision to approve or disapprove of the application?

7 MR. SLAVONIC: Yes. I think that the local chief
8 does not have the resources at its disposal in order to
9 make the decision.

10 The decision is based on whether or not the
11 individual's background check reveals that he is the type
12 of person that is not prohibited from acquiring a license.

13 Personally I feel that the chief of polices
14 do not have at their disposal this type of information. The
15 individual securing the license may be a member of the
16 community, but he may have been just a member of that
17 community for maybe six months or so.

18 There is no way the police chief can know his
19 background or have any records on the individual. The
20 sheriff does have access to this.

21 He can work closely with the Pennsylvania State
22 Police in doing a very good investigation, which I think
23 Sheriff Koon does.

24 REPRESENTATIVE LEVDANSKY: Thank you.

25 CHAIRMAN DeWEESE: David Mayernik?

1 REPRESENTATIVE MAYERNIK: Yes.

2 Mike, when I recently got in the General Assmebly
3 in the beginning of 1983 I contacted you regarding an article
4 that I read regarding the banning of firearms.

5 I know that you were involved in the fight and it
6 was just north of us. I believe it was Grove City.

7 MR. SLAVONIC: Yes. Grove City was attempting to
8 ban the possession of firearms. It was basically a hunting
9 type ordinance.

10 They were attempting to ban the possession of
11 firearms in their public grounds. What happened was that
12 they were not aware of the fact that they were in violation
13 of State law.

14 That is basically a carrying and possessing
15 situation.

16 REPRESENTATIVE MAYERNIK: That has been addressed
17 then?

18 MR. SLAVONIC: We went up and we resolved that
19 situation which everybody up in Grove City is in complete
20 accord with.

21 REPRESENTATIVE MAYERNIK: I just wanted the
22 Committee to hear that, some of the problems that do occur
23 throughout the Commonwealth that have to be addressed by the
24 sportsmen's club and the enforcement procedures.

25 CHAIRMAN DeWEESE: Anything else from members?

1 I have just a couple of general questions. This is
2 my first opportunity as Chairman in this area to speak
3 with people from the sportsmen's area.

4 Just a curiosity question. Allegheny County
5 you said leads the nation in the sale of hunting and fishing
6 licenses, the voice of 200,000 persons.

7 I am just curious as to why, from the Puget Sound
8 to Miami Beach, Allegheny County leads the nation and why is
9 that?

10 MR. SLAVONIC: Well, Pennsylvania leads the nation
11 in the sale of hunting and fishing licenses. From Allegheny
12 County there is approximately--we lead the State.

13 So as a result, we--

14 CHAIRMAN DeWEESE: Does it just happen that way?

15 MR. SLAVONIC: It happens that way because we--

16 CHAIRMAN DeWEESE: The blue color, ethnic background,
17 the coal miners, the steel workers.

18 MR. SLAVONIC: I think you will find out Chairman
19 DeWeese that there are probably more white collar workers
20 who hunt and fish in Allegheny County than maybe even blue
21 collar workers.

22 But Pennsylvania has always led the country in
23 the sale of these licenses and possibly has been the number one
24 hunting state in the nation.

25 For years--and even the recent statistics that have

1 come out, show Pennsylvania gain in the lead in these areas,
2 especially in hunting.

3 Allegheny County has always led the State.

4 CHAIRMAN DEWEESE: Well, I guess this is more of a
5 conversation for a dinner sometime. I have never been able
6 to figure out some of the dynamics, demographics and why.

7 MR. SLAVONIC: Well, I think the concentration
8 of people in this area, for one thing. The fact that
9 Allegheny County is a leading area in the State.

10 Philadelphia, for some reason, while it may be
11 greater in population, just simply has not had that many
12 hunters coming out of there.

13 Why, I don't know.

14 REPRESENTATIVE : I will tell you why.
15 We don't buy the licenses.

16 REPRESENTATIVE : I think another reason
17 for the high issuance here is probably attributable to
18 Chairman Letterman.

19 CHAIRMAN DEWEESE: Second question, 819, have you
20 had some conversations with Gene Koon?

21 MR. SLAVONIC: Yes, I did. We sat down in his
22 office and talked for about an hour on the bill. Sheriff
23 Koon is a very fair sheriff and very fair in issuing the
24 licenses in Allegheny County.

25 Basically he had no real difficulty with the bill.

1 In fact I remember one of his comments was, he said, it really
2 isn't going to change anything in Allegheny County.

3 He did have some problem with the indefinite
4 license period at that time, before 583 passed. But I even
5 think now probably--583 resolving one of his problems
6 probably would put him almost completely in accord with this
7 course.

8 We would have to talk with him to get his.

9 CHAIRMAN DeWEEST: Okay, Mike. The final question
10 I have, just for sixty seconds, can you tell me just a little
11 bit about, from an NRA or sportsman's perspective, liability
12 insurance.

13 You mention on page seven of your testimony as
14 being a potential problem. Could you talk to me for a minute
15 or two about that?

16 MR. SLAVONIC: Well, a recent meeting of the
17 Allegheny County Sportsmen's League the issue of liability
18 insurance again came up.

19 I think the whole issue of liability insurance
20 on any matter has been an issue no matter what is concerned.
21 Sportsmen are really feeling the pinch.

22 I know when I first joined my club, I think my
23 membership dues was ten dollars. That wasn't too long ago.
24 Right now my latest membership dues I paid was thirty dollars.

25 So it has increased considerably since I first

1 even joined my club. All that is due to the cost of liability
2 insurance.

3 These clubs have been trying their best to keep
4 membership dues down and provide the services that their
5 members want in regards to shooting ranges.

6 Everytime they turn around to renew their
7 policy, some clubs are actually even losing liability insurance
8 and having a hard time obtaining it because of the cost.

9 I think that what I was trying to refer to was
10 clubs moneys are just not there in trying to defend themselves
11 if a case would be brought against them under noise
12 pollution.

13 CHAIRMAN DeWEESE: Thank you very much for your
14 testimony this morning.

15 MR. SLAVONIC: Thank you.

16 CHAIRMAN DeWEESE: One second. Chief counsel
17 had two points he wanted to bring out. I am very sorry.

18 MR. EDMISTON: Mr. Slavonic, a point of
19 clarification for me. The investigation, 819 proposes that
20 that be performed by the sheriff and there have been
21 some discussions as to how that is done in Allegheny County.

22 Do you know how it is done elsewhere throughout
23 the State?

24 MR. SLAVONIC: No, no.

25 MR. EDMISTON: Okay. Additionally, on 372--I'm

1 sorry--on 831, the barrel length. When we were doing some
2 preparation for the hearing we took a look at the Federal
3 statute.

4 It is somewhat different from Pennsylvania in terms
5 of the weapons defined. There is a definition of a short
6 barrel shotgun.

7 There is a definition of a short barrel rifle.
8 Our definition of firearms do not include those terms or those
9 sub definitions.

10 Have you looked at that disparity and made
11 recommendations on that point over time? It is very clear
12 that you have been involved on these issues for a good while,
13 and rather extensively.

14 MR. SLAVONIC: There is a difference. Federal law
15 doesn't really define a hand gun. I think it is important
16 to point out that Federal law wasn't to be used--was to be
17 used basically as a guideline to the states, allow the states
18 to even develop their laws.

19 But it does clearly show that a--the difference
20 between a rifle and a shotgun. I think what we are doing
21 here with 831 is basically the barrel lengths.

22 I think if you go into Title 2 firearms on the
23 Federal law, there is even a better definition. It does
24 define hand guns.

25 It gets into hand guns, shot guns, short barrel

1 shotguns. So we in a sense will be bringing it up to
2 compliance with Federal laws involved with Title 2.

3 Title 2, I think goes into a better definition.

4 MR. EDMISTON: The last question I have is whether
5 you have an understanding of the utilization by some of the
6 ranges around Allegheny County and the availability of the
7 free range inspections that are referenced in your testimony.

8 MR. SLAVONIC: South Park Township--I'm sorry.
9 (Word inaudible) Sportsmen's Club in South Park Township had
10 a problem about a year or so ago in regards to community
11 residents around there, wanting to shut the club down.

12 They were looking at the range as being unsafe
13 and attempted to point out to the borough council that these
14 ranges down there at (word inaudible) Sportsmen's Club were
15 unsafe because there was apparently a stray bullet that had
16 entered a house.

17 There was a very careful investigation by a very
18 competent firm in Maryland who came up and conducted surveys
19 and that.

20 They found out that the trajectory and the angle
21 of penetration was impossible for the bullet to have been
22 fired from the ranges.

23 If you have ever seen (word inaudible) Sportsmen's
24 Club, it is probably one of the finest ranges that I have
25 ever seen as far as safety is concerned.

1 They have erected baffles down the range, both
2 their rifle and pistol ranges. The baffles have an opening
3 in it and from the house from where you are sitting and
4 shooting, you can only shoot through about a twelve inch
5 by about twenty-four inch wide opening.

6 That opening goes through these baffles all the
7 way down. So anybody pulling the rifle or even hand gun in
8 any direction up or down, there is going to be shooting into
9 these baffles that are about twelve inches thick full of
10 pea gravel and are high enough that there is no way that you
11 can get up or shoot up.

12 Well, during this whole discussion on the safety
13 of the ranges, the NRA did come in and inspect the ranges.
14 This is something that NRA does offer to the member clubs
15 and provide assurances to people around that (word inaudible)
16 was in fact a very safe range.

17 MR. EDMISTON: You don't have any information
18 though generally as to the use of that service by other
19 ranges?

20 MR. SLAVONIC: Some clubs that I am aware that
21 have contacted NRA people and asked them to come up and inspect
22 their ranges.

23 Most--NRA does put out very good information on
24 developing and building ranges. A lot of the clubs have
25 built these ranges in compliance with NRA standards, which

1 basically you would have to say are the industry standards
2 on the ranges.

3 NRA, while I was on the board, monitored the
4 construction of the olympic shooting ranges in the recent
5 olympic shooting that occurred out ir California.

6 So, yes, there have been clubs that have asked
7 for NRA's help on them. I don't know how many of them.

8 CHAIRMAN DeWEESE: Terry McVerry?

9 REPRESENTATIVE McVERRY: Mr. Slavonic, I am very
10 supportive of House Bill 819, as a matter of fact, I am a
11 co-sponsor of the legislation.

12 MR. SLAVONIC: Yes.

13 REPRESENTATIVE McVERRY: I do note, however, and
14 I am not opposed to this idea that there is a grant of
15 immunity to the sheriff for any conduct that the licensee
16 may engage in with a weapon.

17 I think that is totally appropriate. However,
18 I think that we may have to address that issue from the
19 perspective that provided the requirements of Section 8109,
20 Sub (d), are complied with.

21 That is the section that requires the investigation
22 and the follow through. Provided the sheriff has complied
23 with all of the previously set forth requirements that that
24 grant of immunity be appropriate.

25 Because theoretically the way this is worded right

1 now, I think, I could go into the sheriff with my wrist
2 band saying I just walked out of Mayview State Hospital where
3 I have been for the last twenty-nine years and ask for a
4 permit and the sheriff who knew my grandfather said, okay,
5 Terry, here it is and then I would go to McDonalds and open
6 up fire.

7 The sheriff in that instance should not be
8 immuned.

9 MR. SLAVONIC: Well, Mr. McVerry, that was the
10 intent of the provision that we had. That is why we placed
11 language in the law that the sheriff conduct the investigation.

12 Right now, that really doesn't say that in the
13 law. The sheriff doesn't even have to conduct an investigation
14 under law right now.

15 If I walk in and ask for a license, he can hand it
16 to me and I am gone. But I--in order to prevent politics
17 from getting involved in the issuing of licenses, which it
18 does in counties, we wanted to place that in the law to make
19 sure that the sheriff is also bound by the law in that
20 instance.

21 The granting of immunity came from the fact that
22 Sheriff Koon had told me that there are cases where he just
23 gets to an individual where he doesn't really have a grasp
24 on whether or not the--he knows the individual is a law abiding
25 individual and has every right under the law to possess that

1 firearm.

2 But there is just that question in his mind.
3 He says what he has to do and what he does in order to
4 protect him, is deny the license, force the individual to go
5 to court.

6 As a result, the court issues the license and
7 then automatically immunizes him from any liability. He does
8 that to protect himself.

9 I think by placing that in the law, what we are
10 going to do is prevent that burden being placed on the court
11 and also the burden being placed on the applicant to have to
12 pay lawyers fees and court fees and whatever to have to go
13 to court to acquire--so the sheriff can acquire that immunity.

14 MR. EDMISTON: Thanks very much.

15 CHAIRMAN DEWEESE: Very good. Thank you.

16 (Witness excused.)

17 CHAIRMAN DEWEESE: Dr. Alan Krug, Field Representative
18 for the National Rifle Association.

19 As Dr. Krug is making his way to the table, I
20 would like to make an announcement for the general public and
21 for the members.

22 Representative Michael Bortner has introduced
23 House Bill 2688. We have some extra copies after the meeting.
24 After Dr. Krug we have one more witness.

25 The meeting should be another half hour, forty-five

1 minutes. We have some extra copies for people. It deals
2 with retail theft and specifically, retail theft involving
3 firearm and making it a felony of the third degree.

4 It is a one-page bill. We would like for everyone
5 here to at least be aware of the introduction of this measure,
6 and to supply our Committee with some written testimony or any
7 observations you may have in the next several weeks, next
8 month.

9 Mr. Bortner could not be here today. But he did
10 want us to make this announcement on 2688. We would welcome
11 your views and observations on this bill.

12 Dr. Krug, welcome to the Judiciary Committee hearing.
13 Whereupon,

14 ALAN S. KRUG

15 having been called, testified as follows:

16 DIRECT TESTIMONY

17 DR. KRUG: Thank you, Mr. Chairman. I represent
18 the organizations listed on the mast head of the front page
19 of my statement there, the Pennsylvania Sportsmen's Coalition,
20 the NRA and six Statewide Pennsylvania sportsmen's groups,
21 and also today I have been asked to represent the Unified
22 Sportsmen of Pennsylvania.

23 The total membership of all those groups is
24 somewhat over 400,000 individuals. I am a consultant and
25 field representative for the National Rifle Association.

1 I would like to talk about House Bill 372, first of
2 here, for a minute. We strongly support House Bill 372. It
3 has two purposes.

4 The first is to add ammunition and ammunition
5 components to the State Firearm Preemption Statute. The
6 reason that we would like to have ammunition added to that
7 statute is simply to avoid costly litigation in the future.

8 This happened in Maryland recently when an
9 anti-gun group in a Washington, D. C. suburb succeeded in
10 having the local government there pass a law which said that
11 no one could purchase hand gun ammunition unless they had a
12 license to carry.

13 In other words, what they were doing was trying to
14 around the Maryland State Firearm Preemption Law by
15 restricting the availability of ammunition.

16 It is very simple. If you don't have any ammunition
17 you can't do any shooting. That is what they were after.
18 The sportsmen had to go to court.

19 That law was overturned by the Maryland courts.
20 The courts ruled that in effect in occupying the field of
21 firearm regulation the State had likewise occupied the field
22 with respect to ammunition.

23 So the ordinance was thrown out. But it cost
24 the sportsmen probably \$20,000 to accomplish that. We don't
25 want to have to go through the same thing here in Pennsylvania.

1 So to be prudent, we would like to add ammunition
2 and ammunition components to the statute so that it is in there
3 and we avoid that kind of situation.

4 The other part of the bill adds the word transfer
5 to the State Firearm Preemption Statute. As Mr. Slavonic
6 noted, it was just an oversight that that word was left out
7 of the original legislation.

8 It was in the bill when it was introduced, but
9 due to, believe it or not, a typographical error, in the
10 Senate Judiciary Committe when the bill came out of that
11 Committee the word transfer was somehow dropped and no one
12 caught it.

13 So the statute became effective without the word
14 transfer. The result of that was that the city of Philadelphia
15 claimed that the Philadelphia Gun Law was not unconstitutional
16 because it dealt with the transfer of firearms.

17 Again, the sportsmen had to go to court and after
18 very costly litigation, the Pennsylvania Supreme Court did
19 determine that in effect our State Firearm Preemption Law
20 does include transfer and the Philadelphia law was ruled
21 unconstitutional.

22 But we want to put that word transfer in there
23 just to make the law clear for any one who might read it.
24 Again, it is a prudent thing to do.

25 So it is really a perfecting amendment. We would

1 just be notifying what Pennsylvania courts have already said
2 is the case at the present time.

3 House Bill 831. You have heard some testimony
4 this morning about that, why the sportsmen want that bill.
5 It is a fact that many firearms, many shotguns carried by
6 sportsmen every fall are--do have barrel length--shotguns
7 with barrel lengths of less than twenty-four inches, some
8 twenty-two inches, some twenty inches.

9 For many years we have had a National Firearms
10 Act, since 1934, which designates legal barrel lengths for
11 rifle and shotguns of sixteen and eighteen inches respectively.

12 What we want to do is simply to make the barrel
13 lengths under our law the same as they are under Federal law.
14 The reason we want to do this is because we have had the
15 National Firearms Act since 1934, sportsmen are generally
16 familiar with the National Firearms Act.

17 That is the Federal law that covers automatic
18 firearms, machine guns and also sawed off rifles and sawed
19 off shotguns, the so-called gangster weapons.

20 It has been around since 1934. Everyone knows
21 about it. But nobody knows really, nobody knows that in
22 Pennsylvania a shotgun with a barrel length of less than
23 twenty-four inches is the same as a hand gun.

24 So, again, every fall we have hundreds, probably
25 thousands of law abiding sportsmen running around during the

1 hunting season transporting these shotguns in their automobile
2 in violation of the Uniform Firearms Act.

3 CHAIRMAN DeWEESE: How did that ever happen, just
4 to ask a question?

5 DR. KRUG: Well, in my statement you will see a
6 sentence in there that in my twenty-six years of doing
7 research in the firearm legislation issue, I have never been
8 able to ascertain how Pennsylvania got that twenty-four inch
9 barrel length.

10 We are the only state that has it. No other state
11 in the Union has anything like that. I don't, for the world,
12 know how they came up with that in the first place.

13 But it is also potentially harmful in the case of
14 the law abiding firearm dealer. Many dealers are not aware
15 that, under Pennsylvania law, a shotgun with a barrel length
16 of less than twenty-four inches is the same as a hand gun
17 and consequently subject to the application to purchase
18 procedure and the waiting period.

19 So many of these shotguns are sold by dealers
20 without going through that. That is a violation of the
21 Uniform Firearms Act.

22 They could be subject to really what would be
23 unwarranted arrest and prosecution, now, law abiding dealers.
24 So that is a second reason that we need to get rid of this.

25 It does nothing for law enforcement. It ought to

1 changed, made consistent with the Federal law.

2 House Bill 819 is an excellent bill and we support
3 the concepts embodied in that bill. You have heard something
4 this morning about the various abuses that have occurred around
5 the State in recent years with respect to the issuances of
6 license to carry.

7 There has been an increase in incidents in these
8 abuses. They become greater in number, more widespread
9 and more varied in their content.

10 Something does need to be done about it. The
11 Pennsylvania Sportsmen's Coalition has been developing
12 legislation very similar to House Bill 819 over the past several
13 years with the Pennsylvania State Police.

14 We haven't introduced that legislation as yet.
15 Hopefully we will soon be able to do so with bipartisan
16 support.

17 The reason that that bill has not been introduced
18 is that we have been struggling to settle on wording which
19 would allow some limited discretion on the part of the license
20 issuing agent so that in an obvious case where it would not be
21 in the public interest for a given individual to be granted
22 a license, the license could be denied.

23 But at the same time, that discretion would be
24 strictly limited so that law abiding citizens constitutional
25 rights to bear arms in defense of themselves would not be

1 compromised.

2 So we hope that eventually something can be
3 done about this. Again, it is a problem. There are all kinds
4 of obstacles that are being thrown up in the paths of
5 citizens who need a license.

6 We feel that carrying in defense of self is
7 a proper reason to be granted a license. Any citizen,
8 generally speaking, any citizen who does not suffer
9 diminished citizenship rights is entitled to that license.

10 By diminished citizenship rights, I mean someone
11 who is a convicted felon and an adjudicated mental defective
12 and adjudicated habitual drunkard, someone who has been
13 committed to a mental institution, someone who is absent
14 without leave from the U. S. Armed Forces, someone who is
15 in the country as an illegal alien and so forth.

16 Those people would certainly have diminished
17 citizenship rights and would not necessarily be entitled to
18 a license to carry.

19 We don't think that they should have it. But the
20 citizen with full citizenship rights, we believe is entitled
21 to have a license and again in carrying in defense of self
22 is a proper reason.

23 That is what the Uniform Firearms Act is all about.
24 It does not entitle a license issuing agent, for example, to
25 deny a person a license because they don't meet a certain

1 level of marksmanship.

2 That is not what is meant by a suitable person in
3 the Uniform Firearms Act. I would just like to touch upon
4 the constitutional convention of 1873 which Mr. Slavonic
5 mentioned this morning.

6 That is a very interesting exercise to look into
7 what happened there. There is some mention of it in my
8 statement, which you might want to read.

9 But what happened there was that an amendment was
10 offered by a delegate to insert the word openly after the
11 word arms in the constitutional provision on the right to
12 bear arms in Pennsylvania, so that henceforth the constitutional
13 right would be restricted to carrying openly.

14 However, that delegate when he introduced that
15 amendment, he said that it was not his purpose to prohibit
16 carrying concealed.

17 The purpose of restricting the right was only to
18 allow governmental regulation of carrying concealed. But even
19 that was beat down and defeated in the constitutional
20 convention.

21 They wouldn't even have that. So again you might
22 want to read the proceedings of that.

23 CHAIRMAN DEWEESE: That was even before Krug came
24 on the scene.

25 DR. KRUG: That is right. It is very interesting

1 in that the delegates at that convention in 1873 would not
2 even have anything to do with permitting State government to
3 even regulate carrying concealed firearms.

4 Now, when the Uniform Firearms Act was enacted in 1934,
5 it was then known as the Whitcomb Act. We got this wording
6 in there that the issuing agent may issue a license.

7 Well, I think that if we would have had a
8 representative of the organized sportsmen on the Hill in
9 Harrisburg at that time, that we never would have gotten that
10 wording, because, again, if you look at the history of the
11 right to bear arms in Pennsylvania in the Nineteenth Century,
12 you will see that that discretion is just not allowed under the
13 constitution.

14 You might ask, why don't we go to court and get
15 a decision on that. We are going to court. We have two cases
16 pending now in Montgomery County, which we are going to go
17 all the way to the Supreme Court with if necessary to try to
18 get a ruling on that particular question.

19 But, nevertheless, in the meantime, we need some
20 legislative relief and all of you gentlemen being intellectually
21 honest, I am sure that if you look at the history of that
22 constitutional provision, you will see that in effect that word
23 may in there does mean shall.

24 If it doesn't mean shall, then law abiding citizens
25 constitutional rights are being compromised when they are not

1 issued a license.

2 So we hope that you will, at some point, look
3 favorably on this kind of legislation and do something about
4 it.

5 We would be glad to work with you on it. Hopefully
6 we will come up with something that is agreeable to everyone.
7 One way that the problem of the discretionary power might be
8 addressed, at least in some part, is to establish a firearm
9 license appeals board, like the State of Connecticut has had
10 since 1967.

11 They have an appeals board there where an aggrieved
12 applicant for a license to carry an appeal to the board
13 without charge and without the necessity of hiring an attorney.

14 That appeals board can make a decision with
15 respect to the issuance of a license which is binding on the
16 issuing authority.

17 It is just the same thing as if the court ordered
18 it. That appeals board has received (word inaudible) from
19 sportsmen and law enforcement alike in Connecticut.

20 As I say, it has been in effect since 1967. It
21 worked beautifully. The coalition also has legislation which
22 would establish such a board in Pennsylvania and hopefully you
23 will soon be getting that for consideration.

24 Finally, I would like to go to the range noise
25 exemption bills, which we are badly in need of. The story on

1 that is the same all around the State.

2 That is that a group of sportsmen who like to
3 shoot get together, they form a club, they buy a piece of
4 land out in the boondocks, they construct a range and they
5 start shooting and having a lot of fun, but over the years
6 urbanization brings houses out near the range.

7 People who move out there, they know the range
8 is there, certainly they know that gun fire makes noise, but
9 they build their houses there anyway and then after they have
10 been there awhile, all at once, the residents of one or more
11 houses decides they don't like the range there any more, so
12 they institute some kind of legal action against the club.

13 Mostly these are nuisance suits that are
14 instituted. The reason for that is very simply. As a
15 shooting range consultant, I can tell you that noise levels
16 at shooting range property lines are way lower than you would
17 ever believe.

18 They are usually no more than the sound level of a
19 passing automobile. So that even where noise ordinances
20 are (word inaudible), it is always impossible if the noise
21 levels--or virtually always impossible if the noise levels
22 are mentioned scientifically, to close the range down on the
23 basis of a noise ordinance.

24 It is usually done on the basis of some kind of
25 nuisance complaint. But at any rate, the clubs do need

1 protection.

2 It is just not fair for a club to go out in the
3 boondocks, as I said, and buy a piece of land, put a lot of
4 money into a range and then have people come on after the
5 fact and build houses next to it and then try to close the
6 range.

7 Something needs to be done to protect those
8 ranges and also to protect ranges that might be built in the
9 future.

10 House Bill 2415 is one that I drafted earlier
11 to meet some of the objections that were raised to the original
12 bill, Senate Bill 1032, which is identical to 794, the
13 other bill that is with us today.

14 What 2415 simply says is that you must--if you build
15 a new range, you must comply with any noise ordinances or
16 zoning ordinances that are in effect in that area at the time
17 you start construction.

18 But once you get your money into that range, that
19 is it. Then nobody can come along after that and pass
20 some other ordinance just to put you out of business, because
21 again, that simply is not a fair situation.

22 As far as the question that was raised this
23 morning about the problem of maybe wanting to limit the
24 activities that would be exempt, we would have no problem with
25 that.

1 If Committee counsel could work with us and work
2 out some wording which would in effect say that these ranges
3 would be immune from prosecution and/or nuisance complaints,
4 as long as they were operating within reasonable limits
5 the normal kind of activities that you would expect at a
6 shooting range, that would be fine with us.

7 We would have no problem with that. With that,
8 I will answer any questions that anyone might have.

9 CHAIRMAN DeWEESE: Thank you, Dr. Krug.
10 Questions from members of the Committee?
11 Jerry Kosinski.

12 REPRESENTATIVE KOSINSKI: Yes.

13 Dr. Krug, are there any particular laws to
14 Philadelphia concerning gun control or any variances in
15 Philadelphia statutes, any local ordinances, simply with
16 hand guns?

17 DR. KRUG: No. Their laws are the same as the
18 Statewide law. They come under the Uniform Firearms Act.

19 REPRESENTATIVE KOSINSKI: But don't they have any
20 sort of restrictions, let's say, on Saturday night specials
21 or certain types of hand guns?

22 DR. KRUG: No. Under the State Firearm Preemption
23 Statute they would not be able to enact that kind of
24 legislation.

25 REPRESENTATIVE KOSINSKI: But sometimes the

1 authorities in Philadelphia may lead you to believe that they
2 do have certain restrictions other than the State.

3 I know about the State Preemption Statutes. I
4 am an attorney. But I am thinking in some particular gun
5 shops in Philadelphia.

6 Do you hear any reports of police harrassment
7 of gun dealers?

8 DR. KRUG: No. I can't say that I have, no. As
9 far as I know there hasn't been any of that, at least it
10 doesn't come to my attention.

11 The sportsmen have had a very good working
12 relationship with the Philadelphia Police Department over the
13 years, and particularly when Gregg Sandborne (phonetic) was
14 commissioner.

15 He was on the NRA board of directors for a number
16 of years.

17 REPRESENTATIVE KOSINSKI: Right. I am familiar
18 with Commissioner Sandborne. I am speaking of Commissioner
19 Tucker now.

20 DR. KRUG: Right. Well, I will show you a copy
21 of a letter that I wrote to him that you might be interested
22 in.

23 CHAIRMAN DeWEESE: Any other questions?

24 Staff?

25 MR. EDMISTON: Point of clarification. Mr. Krug,

1 Representative McVerry made some references earlier to
2 various immunity provisions in a couple of the legislative
3 proposals.

4 If I am understanding your observation correctly,
5 earlier, I have the understanding that the people that you
6 are working with and that you represent are prepared to
7 consider some suggestions that acknowledge a need for
8 immunity, but will consider some restraints as to its breath,
9 the breath of that immunity.

10 Is that a correct understanding?

11 DR. KRUG: Sure. That is correct. I mean, we
12 don't believe that anyone just ought to be able to go into
13 any area they want and put in a shooting range.

14 That just would not be reasonable. We firmly
15 believe that anyone who wants to build a shooting range should
16 conform with existing zoning law, existing noise control
17 ordinances and be reasonable in the operation of their range.

18 We see no problem with that. Again, I think you
19 heard in the--from the first gentleman who testified this
20 morning before you what is really a good example of the
21 attitudes sportsmen have.

22 They are reasonable people. They want to be good
23 citizens. They want to be good neighbors. They don't want to
24 do anything that causes their neighbors discomfort or
25 displeasure.

1 They want to be friends with their neighbors and do
2 what is reasonable. If I could, I would just like to mention
3 one other item.

4 We have another piece of legislation that is going
5 to be coming in, a bill that we developed, the Coalition,
6 with the Pennsylvania State Police and the Pennsylvania
7 Association of County Treasurers.

8 It is a bill that would provide for a sportsmen's
9 firearm permit which would take the place of the provisional
10 firearm registrations which county treasurers now issue.

11 As you know, county treasurers have to issue
12 these, what in effect are permits for hunting and for fishing.
13 They have to issue a different one for every firearm that a
14 sportsman wants to carry.

15 It is a tremendous amount of paperwork for them. It
16 is a tremendous amount of paperwork for the State Police.
17 Both the State Police and the county treasurers want to
18 simplify this paperwork and certainly the sportsmen would
19 like to, so we do have what I think is an excellent piece of
20 legislation that we all developed which would establish this
21 sportsmen's firearms permit.

22 It would be good for hunting, fishing and trapping.
23 It would be good for any gun. It would in effect be a permit
24 for the individual and not for the gun and is with the case
25 of the license to carry, it would be good for a term of five

1 years.

2 So that bill will soon be coming in and will have
3 the strong support of the State Police and the treasurers
4 association and, of course, of the sportsmen.

5 So you can be looking for that.

6 MR. EDMISTON: Dr. Krug, before I turn the chair
7 back over to the Chairman of the Committee. I am in general
8 agreement with your testimony on the bills.

9 I would like to take advantage of your being here
10 and ask you two questions that are rather topical in the
11 General Assembly.

12 I don't want to take too much time and you don't
13 even need to respond now, but you might want to correspond
14 with the Committee in the near future.

15 One is that several legislators in the Southeastern
16 part of the State in particular, have been concerned over
17 one or two isolated occurrences where mental health patients
18 ran rampant and some people were shot.

19 I just would like to apprise of the NRA's response
20 to how that should be dealt with. Secondly, there has been
21 an investigative committee in the State dealing with teen
22 suicide in the State which has risen rapidly.

23 There seems to be a correlation between alcohol
24 and weapons and teen suicide. At some point I would like to
25 know your response to how, if any way, the General Assembly

1 should deal with that.

2 DR. KRUG: All right. Well, I think first of all
3 that what you are talking about is the Springfield Shopping
4 Mall incident in Southeast Pennsylvania.

5 I would say that it is dangerous to legislate
6 on the basis of one isolated incident. I think that usually
7 you get bad legislation if it is the result of an isolated
8 incident.

9 But I think--I agree that it was a serious
10 incident and it did point out the question of mentally persons
11 obtaining firearms.

12 Certainly, we do not think that people who are
13 mentally ill should have firearms. The question then becomes
14 how do you prevent people who have mental problems from
15 obtaining firearms.

16 We would have no objection to having something in
17 the law that any person with a history of involuntary
18 commitment to a mental institution would be prohibited from
19 purchasing.

20 We would, of course, I think like some exemption
21 in there that after so many years that with a doctor's
22 certificate that person could get relief if they were again
23 well.

24 We would have no objection to having some kind of
25 procedure like that. The problem that you run into and the

1 problem that was (word inaudible) with the Springfield Mall
2 incident, is that first of all, we have people being released
3 today that probably shouldn't be released and I think that
4 is a separate issue that the legislature has to deal with.

5 In fact, it is my understanding that the courts
6 have ruled that these people have to be let out even though they
7 could be a danger, they still have to be let out.

8 So that needs to be dealt with. The other thing
9 is that under existing law, a law enforcement agency could not
10 even run a general check on an applicant to purchase for
11 mental illness because of the privacy statutes regarding that
12 kind of information.

13 Is is privileged information. I think that perhaps
14 some list under present law could be maintained with respect
15 to involuntary commitment by the courts, but I am not even
16 sure about that.

17 But I am pretty sure that that is as far as you could
18 go under present law. So if anything more than that were to
19 be done it would require another area of the law to be looked
20 at, again, the privacy statutes regarding that kind of
21 information.

22 The second item is?

23 MR. EDMISTON: Recently some psychiatrists of
24 (words inaudible).

25 DR. KRUG: Oh, the suicide thing. Okay.

1 MR. EDMISTON: They talked about the teen suicide
2 problem.

3 DR. KRUG: Well, I, in my years of research in the
4 firearm legislation issue, that has come to the surface many times.
5 I have not seen any studies which were scientifically valid
6 that indicated that the presence or absence of a firearm had
7 any bearing on whether or not someone committed suicide.

8 There are many ways a person could commit suicide
9 as you well know. I think that that would be as far as our
10 position would go at the present time.

11 We have not seen any kind of scientific evidence
12 that there is any cause and effect relationship there. So we
13 wouldn't feel that there would be any need for any kind of
14 specific legislation, firearm legislation, to deal with that
15 problem.

16 I am familiar with one so-called study that was
17 published in a public health journal which claimed that there
18 was a connection.

19 But if you would like to discuss that so-called
20 study some time, I would be glad to talk with you about it. It
21 really was not a study at all.

22 CHAIRMAN DeWEESE: Dr. Krug, thank you very much for
23 joining us today and allowing us to be the beneficiary of your
24 perspective.

25 At the conclusion of the meeting, I would like to

1 have about three or four minutes with you. Are you going to be
2 around?

3 DR. KRUG: Yes.

4 CHAIRMAN DeWEESE: Okay. Fine.

5 (Witness excused.)

6 CHAIRMAN DeWEESE: The last individual that will
7 testify before our committee this morning, Joe Craig,
8 Honorary President of the Pennsylvania Federation of Sportsmen's
9 Clubs.

10 Joe, you have been rather tolerant. It is
11 unusual for this committee, but we are running twelve minutes
12 behind.

13 Thank you for lingering and welcome to our
14 proceeding.

15 Whereupon,

16 JOSEPH CRAIG

17 having been called, testified as follows:

18 DIRECT TESTIMONY

19 MR. CRAIG: As the saying goes, you have heard from
20 the two experts, now you hear from the amateur.

21 I would like to thank the Committee Chairman and
22 members of the Committee for having given our Federation the
23 opportunity to appear at this hearing today.

24 Because of the limited time we had to prepare
25 for this hearing plus some other mitigating circumstances, we

1 were unable to provide the Committee with the required number
2 of copies of our testimony, which they had requested.

3 However, we will see that such is prepared and
4 sent to the Office of the Chairman of the Committee as early
5 as possible.

6 CHAIRMAN DEWEESE: Thank you. We have it on tape,
7 but thank you very much.

8 MR. CRAIG: As a way of introduction, I am Joseph
9 H. Craig from neighboring Beaver County and have been the
10 president of the Beaver County Conservation League for over
11 thirty years.

12 You may wonder why. They tell me I am the only
13 one who knows how to write a letter and use a typewriter.
14 I am also the honorary president of our State Federation
15 and as such President (word inaudible) has requested I
16 represent the Federation at this hearing.

17 A piece of information that might be of interest
18 to the members of the Committee is that we represent 67,952
19 individual organized sportsmen conservationists in 544
20 individual clubs in fifty-three counties within our Commonwealth.

21 If the members of the Pennsylvania Wildlife Federa-
22 tion, which is our educational arm, are taken into account
23 the figure would be conceivably much greater.

24 Although we are interested in all legislation
25 affecting our members, in the interest of brevity, we will

1 confine our remarks solely to House Bill 794, Printer's
2 Number 894.

3 We are extremely concerned about the ever increasing
4 problems that our clubs who have shooting facilities are
5 experiencing, which have caused them to greatly curtail
6 their shooting activities and in some cases, have had to
7 refrain from shooting all together.

8 There have been times when these clubs were taken
9 into court and have emerged with an unfavorable decision
10 rendered by the presiding judge.

11 In a recently conducted survey by our Federation,
12 the results indicated that approximately eighty percent of our
13 clubs have shooting facilities and that ten to fifteen percent
14 have problems of varying degrees.

15 You might ask the question, why did these clubs
16 build their facilities so close to civilization? The truth
17 of the matter is the greater majority of these facilities were
18 constructed years ago in relatively isolated rural areas.

19 The fact of the matter is they did not encroach
20 on the urban population, but rather the urban population
21 encroached on the clubs.

22 More times than not, with the full knowledge that
23 the shooting facilities existed nearby. Although the shooting
24 facilities of these clubs are used primarily by the club
25 members, they are also utilized by local and State police for

1 practice and qualification, conducting of hunter education
2 courses, for siting in days prior to hunting seasons, for
3 competitive shoots in leagues comprised of members of various
4 clubs, and are used by the general public for various social
5 functions.

6 It is my understanding that an amendment will be
7 introduced to House Bill 794 and as we read it, it appears
8 that it gives the same protection to sportsmen, conservation
9 clubs as House Bill 1625, Act No. 57 of this year did for
10 volunteer coaches in little league and instructors in hunter
11 education.

12 We subscribe to such legislation and support same.
13 Our Federation supports House Bill 794, Printer's No. 894,
14 as well as the subsequent bill 2415, Printer's No. 3370,
15 and are now supportive of the proposed amendment to House
16 Bill 794.

17 We ask that the Committee look favorable on this
18 amendment. That ends my testimony, gentlemen. Once again
19 I would like to thank you for extending us the opportunity
20 to be here today.

21 CHAIRMAN DEWEESE: Thank you very much, Joe.

22 Dave Mayernik, any comments, questions or
23 observations?

24 REPRESENTATIVE MAYERNIK: No questions.

25 CHAIRMAN DEWEESE: Dave Levdansky?

1 REPRESENTATIVE LEVDANSKY: No.

2 CHAIRMAN DeWEESE: Jerry? Paul? Mike?

3 MR. EDMISTON: I have a brief comment if I might.

4 MR. CRAIG: Yes, sir.

5 MR. EDMISTON: I had the good fortune to meet
6 with your president, Mr. (word inaudible), when Representative
7 Hasay was discussing with the Chairman moving this bill.

8 I am delighted that he was able to enlist your
9 presence today on his behalf, because as I understand it,
10 it is primarily the result of the aggressive interest from
11 your organization that the matter of the difficulties that
12 ranges are having have been brought to the attention of this
13 Committee.

14 I would like to thank you.

15 MR. CRAIG: They always manage to get into trouble
16 some how or other.

17 CHAIRMAN DeWEESE: I am somewhat unorthodox.
18 Thanks to your brevity, sir, we are one minute ahead of time.
19 The hearing was supposed to conclude at 12:00.

20 Does anyone in the audience have any questions or
21 observations they want to share with any members of the
22 General Assembly?

23 We are well paid and have good expense accounts
24 and we have a few more minutes if you want to--

25 MR. CRAIG: I can make a request of you, Mr.

1 DeWeese.

2 CHAIRMAN DeWEESE: Yes, sir.

3 MR. CRAIG: Greene County is not in our State
4 Federation.

5 CHAIRMAN DeWEESE: Okay. We will have to discuss
6 that. You will have to tell me who some of the potentates
7 down there are.

8 MR. CRAIG: Well, Melvin Lemley (phonetic) used to
9 be the head man. I can't tell you who it is now.

10 REPRESENTATIVE : I thought they were
11 affiliated with West Virginia.

12 (Witness excused.)

13 CHAIRMAN DeWEESE: Chief counsel studiously reminds
14 me that we will anticipate some written comments from several
15 sheriffs around the Commonwealth, the Sheriff's Association,
16 State Police Commissioner and through Dr. Krug and other
17 men and women who are in Harrisburg on a regular basis.

18 Obviously those papers and opinions will be made
19 available to the sportsmen's community and the men and women
20 here who are vitally concerned with the firearms legislation.

21 On time and after a very beneficial effort, at
22 least from our perspective, I will conclude this hearing.
23 Thank you ladies and gentlemen very much.

24 Meeting adjourned.

25 (Whereupon, the meeting was adjourned.)

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C E R T I F I C A T E

I hereby certify that after House of Representatives
personnel tape recorded these hearings, they were transcribed
by me, to the best of my ability.

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