



**TESTIMONY OF BRIAN GRADY
DEPUTY DISTRICT ATTORNEY FOR SPECIAL OPERATIONS
PHILADELPHIA DISTRICT ATTORNEY'S OFFICE**

**IN SUPPORT OF HB 2536
HOUSE JUDICIARY COMMITTEE
AUGUST 10, 2010**

Good morning Chairman Caltagirone and members of the House Judiciary Committee. My name is Brian Grady, and I am the Deputy District Attorney in charge of Special Operations for District Attorney Seth Williams. I am testifying this morning on his behalf. He is presently with his army reserve unit in Texas.

District Attorney Williams strongly supports HB 2536, sponsored by Representative Bryan Lentz. This important piece of legislation would close a loophole which has begun to eviscerate Pennsylvania laws related to the issuance of concealed carry permits. This is occurring because under current law and practice, Pennsylvanians whose concealed carry permits have been denied or revoked or who are otherwise ineligible to obtain permits in the first place have nonetheless received permits from other states and lawfully used them here in Pennsylvania.

This is not a theoretical loophole. Our state police reports that approximately 3,100 Pennsylvanians have exploited this loophole already, and they typically apply for a Florida permit. This does not make sense, both from a states' rights and public safety perspective.

Let's look at the states' rights argument first. Our state legislature has set forth the requirements for obtaining a Pennsylvania concealed carry permit. These requirements are contained in 18 Pa.C.S. § 6109. For example, a license may not be issued if the applicant would be likely to act in a manner dangerous to the public safety, is not of sound mind or who has ever been committed to a mental institution, is a habitual drunkard, is addicted to or is an unlawful user of marijuana or a stimulant, depressant or narcotic drug, or is an illegal alien. The local county sheriff is vested with the responsibility of determining whether the applicant has met the statutory criteria for obtaining a permit, except in Philadelphia, where the Philadelphia police make that determination. The law works well, and typically more than 90% of concealed carry permit applications are granted.

Why would we allow officials in Florida or Utah or Alaska or any other state for that matter decide which Pennsylvanians may carry a concealed weapon in Pennsylvania? Consider that in Florida it is officials from the Department of Agriculture who determine whether an out-of-state applicant may receive a concealed carry permit. We should not cede important law enforcement decisions that will have an impact on public safety to officials from other states – who do not know our Commonwealth, our towns and neighborhoods, or most important the individuals applying for a license.

Consider the following examples of individuals in Pennsylvania who should never have been allowed to carry a concealed firearm, but thanks to this loophole, received a permit from Florida:

- Defendant was convicted in 1997 of making terroristic threats and of carrying a gun without a license in 2004. Defendant was accordingly prohibited from possessing a firearm. In 2008, defendant obtained a permit to carry a concealed

firearm from Florida, notwithstanding his prohibition from possessing a firearm in the first place. In 2009, he was stopped by police for careless driving and refused to cooperate with police, who later determined he had a permit from Florida.

- Defendant was convicted in 1987 for selling marijuana and convicted in 1994 out-of-state for a felony for possessing a forged instrument license and aggravated unlicensed operator. Then in 2008, he was convicted in New York of DUI. In early 2010, he was arrested in Philadelphia for carrying a firearm on public streets but handed the police a valid Florida permit to carry, valid through 2015. Defendant also had an active temporary protection order from New York, issued against him, which would have expired in June, 2010.
- Warrant was issued for a homicide suspect. When detectives tried to serve the warrant, suspect fled. Police found a stolen bullet proof vest from the police department and two shotguns in the house. Suspect had applied for a Pennsylvania permit and was denied because of prior criminal arrest history. But the suspect had a valid Florida permit.

But don't take it from me. Listen to our law enforcement – our police who are on the streets every day, putting their lives on the line to protect you and me. This legislation is supported by the Pennsylvania State Police, Pennsylvania Sheriffs, International Association of Chiefs of Police, Western Pennsylvania Chiefs of Police, Allegheny County Chiefs of Police, and Pennsylvania Law Enforcement Gun Violence Police Group. The jobs of our law enforcement are difficult enough. We should close the loophole which permits dangerous offenders who are ineligible to carry concealed weapons to skirt Pennsylvania law.

Supporting this legislation represents a critical opportunity to stand with law enforcement. As elected officials, we have a fundamental duty to protect those that protect us. HB 2536 helps to protect law enforcement.

The District Attorney fully supports the right of law-abiding citizens to carry concealed weapons so long as they meet the statutory requirements. HB 2536 simply seeks to ensure that those who do not meet the Pennsylvania statutory requirements or whose permits have been denied or revoked are not permitted to carry concealed firearms in Pennsylvania. That is all this legislation seeks to do. It is common-sense and pro-public safety.