

CeaseFirePA

Working to prevent gun violence in your community

CeaseFirePA Testimony before the House Judiciary Committee

Presented by: Joe Grace, Executive Director
August 10, 2010

Good morning Chairman Caltagirone, Chairman Marsico, Members of the Committee. I am executive director of CeaseFirePA, Pennsylvania's leading gun violence prevention organization. Thank you for the opportunity to testify on House Bill 2536, which closes a loophole in state law allowing Pennsylvania residents to obtain out-of-state permits to carry a concealed firearm in Pennsylvania – even when those residents were previously denied a permit to carry here by PA law enforcement, or had a PA permit revoked. CeaseFirePA believes this loophole and practice constitutes an end-run around the authority, discretion and judgment of Pennsylvania law enforcement, and we support HB 2536 as proposed by Rep. Bryan Lentz.

Identifying the Problem: Concealed Carry Permit Loophole in Pennsylvania

Under current law, a Pennsylvania resident whose permit to carry a concealed firearm is *denied* or *revoked* by Pennsylvania law enforcement, may instead obtain a permit from another state, often the state of Florida, circumventing the Pennsylvania law enforcement review process. State law allocates the authority to grant concealed carry permits to Pennsylvania sheriffs, and the duty to enforce that permit to all Pennsylvania law enforcement. (In Philadelphia, police handle the permit review process). Local law enforcement authorities are in the most effective position to review these applications. That authority is seriously undermined by this loophole.

A Solution: HB 2536

HB 2536 closes the loophole by preventing any Pennsylvania resident who is not eligible for a Pennsylvania permit to carry a concealed weapon, from using a concealed carry permit issued by another state, in Pennsylvania. The bill invalidates the use of any out-of-state concealed carry permit held by a Pennsylvania resident if the resident has had a Pennsylvania permit revoked, if the resident's application for a Pennsylvania permit has been denied, or if the resident fails to meet the requirements under PA law to be granted a Pennsylvania concealed carry permit.

The problems associated with PA residents doing an end-run around Pennsylvania law enforcement and obtaining out-of-state permits to carry concealed firearms in this state are real and well-documented. Here are just a few actual cases from the files of Pennsylvania police departments:

- Police responded to a radio call of a person screaming. Suspect was arguing over money with a woman when he punched her in the face, pulled her off the bed and while she was on the floor, kicked her in the back. The abuse victim was observed by police with a swollen eye and the bedroom in disarray. Suspect was arrested for domestic assault. Database check showed that suspect had applied for and obtained a concealed carry permit in Pennsylvania, which was later revoked. Suspect had a Florida permit to carry as well.

- A warrant was issued for suspect for a homicide. When detectives tried to serve the warrant he fled into a house. Police followed and found inside the house a stolen bullet proof vest from the police department, and two shotguns, one leaning against the wall by the door. Suspect had applied for a Pennsylvania permit and was disapproved due to his prior arrest history, including narcotics and homicide. Suspect appealed, and a Pennsylvania judge upheld the disapproval. Suspect had a Florida permit to carry.
- Suspect was stopped by police for investigation because his vehicle matched the description of a vehicle involved in a shooting. Suspect had in his possession a firearm *and a Florida permit to carry.* Suspect was known from prior arrests as an extremely dangerous individual. When asked why he had a permit to carry from Florida, suspect stated that he was turned down for a Pennsylvania permit.

These are just a few cases from the files of Pennsylvania police. There are many others. The common denominator of all the cases uncovered so far: A Pennsylvania resident, unable to obtain or keep a Pennsylvania permit to carry a concealed firearm, usually because of something in his or her background – a prior arrest, a prior incident of domestic abuse, information known to their local police department or county sheriff – mailed away to another state, usually the state of Florida, and obtained a permit to carry a concealed firearm here in Pennsylvania. This loophole not only erodes the ability of Pennsylvania law enforcement to do its job and exercise its judgment on whether an individual should receive a permit to carry a concealed gun in Pennsylvania, it also puts citizens of our state at risk by depriving them of the discretion and authority of their local Pennsylvania police department or county sheriff.

Do we really want the Florida Department of Agriculture – the licensing agency for concealed carry permits in that state – to be the decision-maker when it comes to deciding which Pennsylvania residents have the right to receive a permit to carry a concealed gun in Pennsylvania?

Do we really want to take that authority away from Pennsylvania law enforcement?

It's worth noting that a large number of Pennsylvania police chiefs and law enforcement officials have indicated to this committee that they support closing this loophole through passage of House Bill 2536.

The police chiefs of Philadelphia, Pittsburgh, Reading, Allentown, Lancaster, Erie, Scranton, York, Upper Darby (the committee's host municipality for this hearing) and nearly 100 other Pennsylvania police chiefs have signed onto a letter in support of HB 2536 delivered to this committee. A copy of that letter of support is attached to this testimony as Exhibit "A".

Pennsylvania State Police Commissioner Frank Pawlowski sent a letter to the committee supporting HB 2536 and the closure of this loophole. The Western Pennsylvania Chiefs of Police Association issued a letter in support of this legislation, as did the Allegheny County Chiefs of Police. So did the Pennsylvania Sheriffs Association. The International Association of Police Chiefs, whose president is a Pennsylvania police chief, supports HB 2536.

The Pennsylvania District Attorneys Association is on record with the committee supporting HB 2536 and closing this loophole.

The letter signed by nearly 100 Pennsylvania police chiefs and submitted to the committee explained why the clear weight of Pennsylvania law enforcement supports closing the concealed carry loophole through passage of this legislation.

“HB 2536 will close that loophole by confirming the authority of Pennsylvania law enforcement as the definitive permitting body for Pennsylvania residents,” the police chiefs’ letter states. “To be clear, we have no objections to visiting Floridians carrying a Florida permit in Pennsylvania, as per our reciprocity agreement with that state. Likewise, we appreciate the ability of Pennsylvanians to carry in Florida, and other states with which we share reciprocity. However, we firmly believe that within Pennsylvania, Pennsylvania residents should be subject to Pennsylvania law.”

CeaseFirePA agrees with that plain statement by a large number of Pennsylvania police chiefs. Within Pennsylvania, Pennsylvania residents should be subject to Pennsylvania law, and the judgment and discretion of our state’s police and law enforcement.

We support closure of this loophole through the passage of House Bill 2536, and respectfully urge this committee to support this bill and report it favorably out of committee for consideration by the House of Representatives.

Thank you for the opportunity to appear today before the committee.

EXHIBIT “A” – Pennsylvania Police Chiefs’ Letter in Support of House Bill 2536

See following page.