



## Pennsylvania Federation of Sportsmen & Conservationists

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### 2021-2022 Legislative Session Committee Reports

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#### Constitutional Carry

##### Senate Judiciary Committee

6/24/21, 9:00 a.m., Hearing Room 1, North Office

By Claire Ergood, Pennsylvania Legislative Services

The committee held a meeting to consider two bills and nominations.

**SB 565 Dush, Cris (F)** - (PN 610) Amends Title 18 (Crimes and Offenses), in firearms and other dangerous articles, repealing provisions relating to firearms not to be carried without a license, providing for license not required. This bill establishes that every person present in Pennsylvania shall have an affirmative right to keep and bear firearms, including the right to carry openly or concealed, carry loaded or unloaded, train with, transport, possess, use, acquire, purchase, transfer, inherit, buy, sell, give or otherwise dispose of or receive any firearm or self-defense device without a license. Provides for a sportsman's firearms permit, for places of application, changes from sheriff for issuance of a license to "proper issuing authority," and for a pre-issuance investigation. Establishes prohibitions of issuing a license to carry a firearm to individuals who have been involuntarily committed to a mental institution unless the commitment has been expunged or vacated. Provides that the license issuing authority shall issue or refuse to issue a license within 14 days. Effective in 60 days. - The bill was **reported as committed** with votes split along party lines and Democrats voting in the negative.

Sen. Cris Dush (R-Jefferson) explained this legislation will create a two tiered system regarding the concealed carry of fire arms for lawful purposes in Pennsylvania. He stated that the first level would no longer require law abiding citizens to obtain a permit to carry a firearm concealed in Pennsylvania as Pennsylvanians have a fundamental constitutional right to keep and bear arms. He stated that the second level provides citizens the ability to obtain an optional license to carry firearm permit that is valid throughout Pennsylvania and valid in other states. He noted that this bill does not get rid of background checks or change any of the statutes surrounding the law of purchase of firearms.

Chairman Santarsiero referenced how this bill will not change existing law of the purchase of firearms. He noted that he is concerned in section 6106.2, and how every person in the commonwealth has an affirmative right of concealed carry. He stated that he is concerned with the language of "every person" and asked if this would now include people who are currently prohibited from purchasing a firearm. Sen. Dush explained that there is nothing in this legislation that alters the current statute and is not intended to.

Sen. Haywood referenced a story by the president of the Women's Center in Pittsburgh who was stalked and harassed by her ex-husband with firearms. He explained that this woman was ultimately able to escape her ex-husband, however what she could not escape was the fear of being stalked by someone with a hidden firearm. He stated that this concealed carry legislation will further enable abusers who seek to use guns as means of coercion and harm. He explained how the current process of obtaining a concealed carry permit allows local sheriffs 45

days to investigate whether the holder will endanger public safety. He stated that weakening legal protections will only allow more people to intend on harming or harming other, uninterrupted by law enforcement. He referenced Act 79 which requires anyone with a protection from abuse (PFA) order issued against them to relinquish their fire arms. He noted that other states that have enacted legislation similar to this have seen increase in violence. He urged a no vote on this bill. Sen. Dush responded that having been in law enforcement they did have instances of domestic violence. He stated that from personal experience, he understands how abusers will often use other forms of physical abuse even before the use of a firearm. He referenced how abusers plot their attacks and the weapons of choice that is not the issue. He noted that he also served in London, where he learned that other weapons can have just the same affect. He stated that the tool or the weapon is not the issue but is the violent intent of the individual. He noted the studies mentioned and stated that they would need to look into if the gun laws were the cause and effect or if it has to do with other things such as the reduction in community policing. He stated that they also need to look at the times of when a person that is carrying a concealed weapon helps save someone or protect them instead of doing harm. He explained that when a lawful person is carrying a firearm, they can protect people by showing it and reconcealing has the ability to put a stop to possibly dangerous things.

Sen. Wayne Langerholc (R-Cambria) referenced the other provisions within Title 18, specifically persons not able to possess firearms and what excludes them from that. He clarified that this bill does not invalidate any other principals of law. Sen. Dush affirmed those statements.

Sen. Haywood asked if he could share the positions of law enforcement on legislation. Sen. Dush stated that he has not reached out but has not had any officer opposing it.

Sen. Haywood said that some officers believe they will be at further risk if this legislation is passed so he encouraged Sen. Dush to reach out to them before moving forward. He stated that he would not want to do anything that undermines law enforcement's ability to protect them or to put them at risk. Sen. Dush noted that he recently met with the Pennsylvania State Trooper's Association and the Municipal Police Officers Association and they did not express any concerns. Sen. Haywood stated that that would be good to have in writing for the General Assembly.

Sen. Haywood stated that guns are a tool in suicide and that the likelihood of losing your life to a gun is much higher than any other "tool." He stated that this is one that could more easily lead to a loss of life than other tools mentioned. Sen. Dush stated that having dealt with suicide professionally and as a family member, that it takes planning and that when one's true intent is ending their life they will take the steps necessary.

Sen. Haywood referenced the people mentioned that were able to save themselves from a crime because of a gun. He asked if he had any studies that showed that concealed weapons prevent crime. Sen. Dush explained that the Federal Bureau of Investigation (FBI) does not acquire those types of statistics, but there are news reports that keep track.

Sen. Haywood stated that it is his understanding that this legislation may preempt Philadelphia from particular gun regulations. Sen. Dush explained that the commonwealth laws and Constitution preempt the local ordinances as it stands.

Sen. Haywood asked if there is any training required by individuals in this legislation for those who have concealed carry. Sen. Dush stated that there is no additional training and that it is the responsibility of the person purchasing the firearm to learn how to own and use it.

Sen. Amanda Cappelletti (D-Montgomery) stated that this legislation is harmful and dangerous to public safety and that eliminating the need for a license for a concealed carry is unnecessary. She stated that firearm violence is a public health epidemic in the state increasing regularly. She noted that states that have weakened their firearm permitting systems have experienced 13 to 15 percent increases in violent crime rates. She stated that in less than one percent of crimes is a fire arm used in self-defense. She noted how this legislation will lower the age for concealed carry to 18 years old.